

SUPPORTING STATEMENT

Notice of Appeal to the Office of

Administrative Appeals (AAO)

Form No. I-290B

OMB No. 1615 - 0095

A. JUSTIFICATION.

1. When certain non-immigrant or immigrant visa petitions or applications are denied or revoked by USCIS, an affected party may appeal that decision to the Administrative Appeals Office (AAO), or move to reopen or reconsider the service center denial to the service center or district office. Additionally, an affected party may move to reopen or reconsider an adverse decision issued by the AAO subsequent to the service center or district office decision. The information collection required on the Form I-290B is necessary in order for USCIS to make a determination that the appeal or motion to reopen or reconsider meets eligibility requirements, and for the AAO to adjudicate the merits of the appeal or motion to reopen or reconsider.
2. The data collected on Form I-290B is used by USCIS and the AAO to determine eligibility for the requested immigration benefit. The form serves the purpose of standardizing requests for the benefit, and ensuring that basic information required to assess eligibility is provided by petitioners, applicants, or beneficiaries, or their attorneys or representatives.

Authority: 8 CFR 103.5

3. The use of Form I-290B provides the most efficient means for collecting and processing the required data. Currently this form resides on the USCIS Internet Web site and can be completed electronically but cannot be e-filed. However, this form has been designated for e-filing under the Business Transformation Project.
4. A review of USCIS' Forms Inventory Report revealed no duplication of effort, and there is no other similar information currently available which can be used for this purpose.
5. The collection of information does not have an impact on small businesses or other small entities.
6. If the information is not collected on Form I-290B USCIS will not be able to establish whether the person filing the appeal or motion meets the requirements set forth in the regulation.
7. There are no special circumstances associated with this information collection.
8. On November 16, 2010, USCIS published a 60-day notice in the Federal Register at 75 FR 70016. On February 25, 2011, USCIS published a 30-day notice in the Federal Register at 76 FR 10609. USCIS received comments from one commenter in connection with the 60-day notice. The following is a discussion of the comments and USCIS' response. The commenter noted that while most appeals and motions are time barred pursuant to the regulations at 8 CFR 103.3 and 103.5, in the case of forms N-600 and N-600K, the regulation at 8 CFR 341.6 states that after application for a Certificate of

Citizenship has been denied and the appeal time has run, a second application submitted by the same individual shall be rejected and the applicant instructed to submit a motion for reopening or reconsideration in accordance with 8 CFR 103.5. Given the timeframe between denial of the first application, the filing and rejection of a second petition, and a subsequent motion, it is very likely that the motion would be submitted beyond the 30-day limitation noted in 8 CFR 103.5 and therefore considered as untimely. Accordingly, the commenter suggested that the instructions to the Form I-290B be altered to list a specific exception for Applications for a Certificate of Citizenship. Although USCIS did not make the specific change suggested, the Form I-290B has been amended to indicate that late motions “may” be rejected, rather than “will” be rejected.

USCIS also amended the filing instructions as a result of the recent Perez-Olano settlement agreement. Additionally, USCIS also added language to the filing instructions provide clarity to the VAWA, U and T filers in regards to safe addresses and return mail.

9. USCIS does not provide payments or gifts to petitioners or applicants in exchange for a benefit sought.
10. There is no assurance of confidentiality.
11. There are no questions of a sensitive nature.
12. **Annual Reporting Burden:**

a.	Number of Appeals	28,734
b.	Number of Responses	1
c.	Hours per Response	1.5
d.	Total Annual Reporting Burden	43,101

Annual Reporting

Total annual reporting burden hours is 43,101. This figure was derived by multiplying the number of respondents (28,734) x (1) frequency of response x 1.5 hours (90 minutes) per response.

13. There is no capital or start up costs associated with this information collection. However, there is a fee charge of \$630.

14. **Annualized Cost Analysis:**

a.	Printing Cost	\$ 16,200
b.	Collection and Processing Cost	\$ 18,086,220
c.	Total Cost to Program	\$ 18,102,420
d.	Fee Charge	\$ 18,102,420
e.	Total Cost to Government	\$ 0

Government Cost

The estimated cost of the program to the Government is calculated by multiplying the estimated number of respondents (28,734) (x) \$630 fee charge. In addition this figure includes the estimated overhead cost of \$16,200 for printing, stocking, distributing and processing of this form.

Public Cost

The estimated annual public fee cost is \$18,102,420. The estimated cost of the program to the public is calculated by multiplying the estimated number of respondents (28,734) x \$630 fee charge.

The estimated annual public burden cost is \$1,288,288. This estimate is calculated by multiplying the number of respondents 28,734, x (1) number of responses x 1.5 hours (90 minutes) per response x \$29.89 (average rate).

- 15. There is no increase or decrease in the annual burden hours previously reported for this information collection. There has been no change in the information being collected.
- 16. USCIS does not intend to employ the use of statistics or the publication thereof for this collection of information.
- 17. USCIS will display the expiration date for this information collection.
- 18. USCIS does not request an exception to the certification of this information collection.

B. Collection of Information Employing Statistical Methods.

Not Applicable.

C. Certification and Signature.

PAPERWORK CERTIFICATION

In submitting this request for OMB approval, I certify that the requirements of the Privacy Act and OMB directives have been complied with including paperwork

regulations, statistical standards or directives, and any other information policy directives promulgated under 5 CFR 1320.

Sunday Aigbe,

Date

Chief,

Regulatory Products Division,

Office of the Executive Secretariat,

U.S. Citizenship and Immigration Services,

Department of Homeland Security.