

SUPPORTING STATEMENT

Petition by Entrepreneur to Remove Conditions

Form I-829

OMB No. 1615-0045

A. Justification

1. Alien entrepreneurs admitted to the United States under section 203(b)(5) of the Immigration and Nationality Act (Act), are required to petition for removal of the conditional residence status imposed on them and their accompanying spouse and children, within a 90-day period before the second anniversary of their conditional residence (section 216A of the Act). Form I-829 provides a uniform petition that enables alien entrepreneurs to request the removal of the conditional basis of their lawful permanent resident status.
2. U.S. Citizenship and Immigration Services (USCIS) will use the data collected on Form I-829 to determine eligibility for the requested immigration benefit. The form standardizes requests for removal of conditions and ensures that applicants provide the basic information required to assess eligibility.
3. The use of this form currently provides the most efficient means for collecting and processing the required data. USCIS provides this application to the public via the USCIS Internet Web site. This form 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 the USCIS Forms Inventory Report revealed no duplication of effort, and there is no other similar information currently available that can be used for this purpose.
5. This collection of information does not have an impact on small businesses or other small entities.
6. If the collection of information is not conducted, USCIS would not be able to determine if eligibility requirements for removal of conditional residence status have been met.
7. There are no special circumstances applicable to this information collection.
8. On November 30, 2010, USCIS published a 60-day Federal Register notice at 75 FR 74070, to allow the public to review and comment on the information collection. On March 8, 2011, USCIS published a 30-day notice in the Federal Register at 76 FR 12750. USCIS received one comment in response to the 60-day Federal Register notice. With regard to the Supporting Statement that was published in connection with the 60-day notice, the commenter indicated that the Form I-829 standardizes requests for waivers and ensures that applicants provide the basic information required to assess eligibility and pointed out that the action being performed is the removal of conditions on the alien's resident status rather than the determination of eligibility for a waiver. As a result, USCIS amended Item 2 of the Supporting Statement to modify the language accordingly with the commenter's recommendation. In addition, the commenter suggested that on the form instructions, under General Instructions, Step 2. General Requirements, 5. Criminal History, there should be a second " 'NOTE' " as it "would be helpful to applicants and adjudicators by specifying what is relevant to the current adjudication and cut

down on submission of redundant paperwork in what is already a paper-heavy filing.’ ... ‘Just as the actual form, at the end of Part 1, makes it clear that new information is being sought, so too, the instructions should make it clear that only new and updated evidence is required.’” USCIS thanks the commenter for making this recommendation and has, as a result of this comment, revised this information collection to indicate that the information sought dates from the time the individuals became a conditional permanent resident.

9. USCIS does not provide payments or gifts to respondents in exchange for a benefit sought.

10. There is no assurance of confidentiality. The system of record notice associated with this information collection is United States Citizenship and Immigration Services Benefits Information System, which was published in the Federal Register on September 29, 2008 at 73 FR 56596. The privacy impact assessment associated with this information collection is USCIS Benefits Processing of Applicants other than Petitions for Naturalization, Refugee Status, and Asylum.

11. There are questions of a sensitive nature regarding past behavior and activity. However, without this information, USCIS cannot make a determination on a petitioner’s request to remove conditional residence status.

12. Annual Reporting Burden:

a.	Number of Respondents	441
b.	Number of Responses per each request	1
c.	Total Annual Responses	441

d.	Hours per Response	1.08
e.	Total Annual Reporting Burden	476

Total annual reporting burden is 476. This estimate was derived by multiplying the number of respondents (441) x (1) frequency of response x (1.08) 65 minutes.

13. There are no capital or start-up costs associated with this information collection. Any cost burdens to respondents as a result of this collection are identified in question 14. However, there is a fee charge of \$3,750 associated with this information collection. Plus a \$85 biometric fee.

14. Annualized Cost Analysis:

a.	Printing Cost	\$	140
b.	Collecting and Processing	\$	1,691,095
c.	Total Cost to Program	\$	1,691,235
d.	Fee Charge	\$	1,691,235
e.	Total Annual Cost to Government	\$	0

Government Cost

The estimated cost of the program to the Government is calculated by multiplying the estimated number of respondents 441 x \$3,750 the suggested fee charge (which includes the suggested average hourly rate for clerical, officer, and managerial time with benefits) plus the number of respondents 441 x \$85 biometrics fee. In addition, this figure includes the estimated overhead cost \$140 for printing, stocking, distributing and processing of this form.

Annual Public Cost

The estimated annual public burden cost is \$779,688.

This estimate is calculated by multiplying the number of respondents (441) x (1) number of responses x (1.08) 65 minutes per response x \$17.68 (average paralegal hourly rate per Bureau of Labor Statistics),

The estimated annual fee cost is \$1,691,235.

This estimate is calculated by multiplying the number of respondents (441) x \$3,750 fee charge, plus number of respondents (441) x (\$85) biometric fee.

15. There has been no increase or decrease in the estimated annual burden hours previously reported for this information collection. There is no change to the information being collected
16. The 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. The 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.