

SUPPORTING STATEMENT

Application for Suspension of Deportation or Special Rule Cancellation of Removal

(Pursuant to Section 203 of Public Law 105-100)

Form I-881

OMB No. 1615-0072

A. Justification.

1. The Form I-881, Application for Suspension of Deportation or Special Rule Cancellation of Removal was developed to address the special circumstances of persons who became eligible to apply for suspension of deportation or cancellation of removal as a result of the passage of Public Law 105-100, the Nicaraguan Adjustment and Central American Relief Act (NACARA). Section 203 of NACARA allows certain individuals from Guatemala, El Salvador, and former Soviet bloc countries to apply for suspension of deportation or cancellation of removal (“special rule cancellation of removal”) under eligibility standards that essentially mirror those in place prior to the passage of the section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA).

Section 204 of NACARA also exempts individuals granted relief under the provisions of section 203 from the annual numerical limitations placed on grants of suspension of deportation and cancellation of removal.

On October 28, 2000, the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA) Public Law 106-386, was signed into law. This law, in part, created two new categories of individuals who could apply for suspension of deportation or special rule cancellation of removal under section 203 of

- NACARA. One group of individuals can only apply for relief with the Executive Office for Immigration Review (EOIR) using Form I-881, while the other category of individuals must apply for relief with EOIR using EOIR Form-40 for suspension of deportation cases or, for cancellation of removal and adjustment of status for certain nonpermanent resident cases. A description of the new category of individuals who are now eligible to apply for NACARA relief is included in the instructions to the Form I-881 as well as the Form I-881 itself.
2. The data collected on the Form I-881 is used by USCIS asylum officers, and EOIR. The Form I-881 is used to determine eligibility for suspension of deportation or special rule cancellation of removal under Section 203 of NACARA. The form serves the purpose of standardizing requests for the benefits and ensuring that basic information required to assess eligibility is provided by the applicants.
 3. The use of the Form I-881 provides the most efficient means for collecting and processing the required data. USCIS does not employ the use of information technology in collecting and processing this type of information. This form has been designated for e-filing as part of the Business Transformation initiative.
 4. A review of USCIS forms presently available revealed no duplication of effort in using the Form I-881 and there is no other form that can be easily adapted for the purposes of determining eligibility for suspension of deportation or special rule cancellation of removal under Section 203 of NACARA for one of these categories of individuals.
 5. This collection of information does not have an impact on small businesses or other small entities.

6. The Form I-881 is the form currently used by almost all persons eligible to seek NACARA 203 relief, including the category of individuals eligible to apply for NACARA 203 relief pursuant to enactment of Section 1510(b) of the VTVPA. Without the Form I-881, these individuals seeking NACARA 203 relief and NACARA 203 relief pursuant to enactment of section 1510(b) of the VTVPA, would not have a mechanism for obtaining this benefit.
7. There are no special circumstances applicable to the Form I-881 collection of information in regards to the new category of applicants.
8. On December 23, 2010, USCIS published a 60-day notice in the Federal Register at 75 FR 80836. USCIS did not receive any comments on the 60-day notice. On March 7, 2011, USCIS published a 30-day notice in the Federal Register at 76 FR 12364. USCIS did not receive any comments on the 30-day notice.
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 Asylum Information and Pre-Screening System of Records. Published in the Federal Register on January 5, 2010, at FR 409. The associated privacy impact assessment is Refugees, Asylum, and Parole System and the Pre-Screening System.
11. Certain questions on the Form I-881 relate to topics of a sensitive nature such as the applicant's good moral character. Answers to these questions could indicate that the applicant does not have good moral character. (For example, commissions of or convictions for certain crimes could indicate a lack of good moral character.) Other questions ask for information that may normally be

considered private but relate to the applicant’s ability to establish extreme hardship if returned to his or her country. (For example a serious medical condition that can only be adequately treated in the United States could demonstrate that the applicant would suffer extreme hardship if returned to his or her country).

12. **Annual Reporting Burden:**

a.	Number of respondents	55,000
b.	Number of responses per each respondent	1
c.	Total annual responses	55,000
d.	Hours per response	12
e.	Total annual reporting burden	660,000

Total annual reporting burden hours is 660,000. This figure was derived by multiplying the number of respondents (55,000) x (1) frequency of response x 12 hours per response.

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 item

14. However, there is a \$285 fee charge associated with the filing of this application, and a biometrics fee of \$85.

14. **Annualized Costs Analysis:**

a.	Printing	\$ 69,300
b.	Collecting and Processing	\$ 20,280,700
c.	Total Cost to Program	\$ 20,350,000
d.	Fee Charge	\$ 20,350,000
e.	Total Cost to Government	\$ 0

Government Cost

The estimated cost of the program to the Government is calculated by using the estimated number of respondents (55,000) multiplied (x) by the suggested \$285 fee charge (which includes the suggested average hourly rate for clerical, officer, and managerial time with benefits, plus a percent for the estimated overhead cost for printing, stocking, distributing and processing of this form)); plus the number of respondents (55,000) x the \$85 biometric fee.

Total Public Cost

The estimated annual public cost is \$19,727,400. This estimate is based on the number of respondents (55,000) x (1) number of responses x 12 hours per response x 29.89 (average hourly rate).

The estimated annual fee cost is **\$20,350,000.** This is based on the number of respondents 55,000 x \$285 fee charge; plus the number of respondents 55,000 x \$85 biometric fee.

15. There has been no increase or decrease in the burden hours previously reported for this information collection. There is 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,
Chief,
Regulatory Products Division,
Office of the Executive Secretariat,
U.S. Citizenship and Immigration Services,
Department of Homeland Security.

Date