

SUPPORTING STATEMENT

Application for Waiver of Grounds of Inadmissibility

(Form I-601)

OMB No. 1615-0029

A. Justification.

1. Section 212(a) of the Immigration and Nationality Act (the Act) provides for the inadmissibility of certain classes of aliens from the United States. Grounds of inadmissibility include health-related, criminal, security, and miscellaneous grounds (such as unlawful voting or child abduction); grounds relating to public charge, ineligibility for U.S. citizenship, Labor Certification, and documentary requirements; and grounds relating to unlawful presence and previous deportation or removal. There are also several waiver provisions incorporated into section 212 of the Act, which allows the Secretary of Homeland Security to exercise discretion in waiving certain grounds of inadmissibility on a case by case basis. This collection of information is necessary to assess a waiver of inadmissibility.
2. The information collected on this form is used by U.S Citizenship and Immigration Services (USCIS) to determine whether the applicant is eligible for a waiver of inadmissibility under section 212 of the Act. This form is being revised (see table of changes).
3. The use of this form currently provides the most efficient means for collecting and processing the required data. This form resides on the USCIS 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 search of USCIS' automated forms tracking system was accomplished and revealed no duplication. There is no similar data collected.
5. This collection of information does not have an impact on small businesses or other small entities.
6. If this information is not collected, USCIS would not be able to properly assess the alien's eligibility for the requested waiver.
7. There are no special circumstances applicable to this information collection.
8. On December 9, 2010, USCIS published a 60-day Federal Register notice at 75 FR 7645 to allow the public to review and comment on the information collection. USCIS received one comment in response to the 60-day notice it published in the Federal Register in connection with this information collection. The commenter suggested that the form be recreated to ensure that it is free from defects. Specifically, the commenter requested that USCIS enable the "font-enlargement" option within the fields. USCIS determined that unlocking the page to allow the customer to modify the font size would enable the customers to manipulate the form, which would affect the processing of this type of form by USCIS facilities. In addition, the commenter asked USCIS to ensure that all fields propagate on the corresponding duplicate page. As a result, USCIS has revised this form to allow the duplication of information through out the form while completing it. The commenter also indicated that the large window in Part A, Item 10 is misleading because applicants tend to not submit a Form I-601 package when they enter

information in the field, or, because it is a redundant field. USCIS reminded the customer of the older versions of Form I-601, which neither provided applicants with a list of inadmissibility grounds for which the Form I-601 must be filed, nor had complete instructions. Instead, former Item 10 left it to the applicant to provide in a few lines the reason for the inadmissibility, without any further guidance. It was very difficult for applicants to navigate through this complicated area of law and to complete the form. It was equally difficult for adjudicators to assess the applicant's inadmissibility. This caused USCIS to make significant revisions to Form I-601 in 2008 and 2009. In its current version, the instructions do not only provide very detailed explanations but the Form itself contains also a list of grounds of inadmissibility that can be waived. This list is intended to assist individuals when completing the form. To assist our customers even further, USCIS chose to include the large window in Part A, Item 10 so that applicant can describe, in his or her own words, why he or she is inadmissible (See introduction to Part A, Item 10). This enables each applicant, irrespective of his or her legal knowledge, to accurately complete the Form I-601 to the best of their knowledge, and to provide the necessary information why a particular inadmissibility ground applies. The information also assists adjudicators to assess whether the form is indeed needed. The large window, true to its instructions on the form, is not intended to be used as a substitute for required evidence. Instead, the instructions direct the applicant, in detail, what type of evidence is required for each ground of inadmissibility, based on the benefits classification the individual is seeking. For the reasons stated above, USCIS believes that the large box is of value to USCIS customers, especially the ones that are not represented by counsel.

USCIS will retain this box on its form. On March 25, 2011, USCIS published a 30-day notice in connection with this information collection in the Federal Register at 76 FR 16800.

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 relating to an applicant's mental or physical condition. The Form I-601 is used to waive the medical grounds of inadmissibility under section 212(a) of the Act. It includes information concerning communicable diseases, drug abuse addiction, and mental disorders. This information is necessary to determine whether the grounds of inadmissibility, as set by Congress in section 212(a) of the Act, can be waived and Form I-601 approved.

12. Annual Reporting Burden:

a.	Number of Respondents	13,676
b.	Number of Responses per each request	1
c.	Total Annual Responses	13,676
d.	Hours per Response	1.5 hrs. (90 minutes)

e. Total Annual Reporting Burden 20,514

Annual Reporting Burden

Total annual reporting burden is 20,514. This figure was derived by multiplying the number of respondents (13,676) x (1) frequency of response x (1.5) 90 minutes 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. There is a fee charge of \$585 associated with the filing of this information collection.

14. Annualized Cost Analysis:

Printing Cost	\$ 5,000
Collecting and Processing	\$ 7,995,460
Total Cost to Program	\$ 8,000,460
Fee Charge	\$ 8,000,460
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 13,676 (x) \$585 the suggested fee charge (which includes the suggested average hourly rate for clerical, officer, and managerial time with benefits). In addition, this figure includes the estimated overhead cost of \$ 5,000 for printing, stocking, distributing and processing of this form.

Annual Public Cost

The estimated annual burden cost is \$ 613,163. This estimate is based on the number of respondents (13,676) x (1) frequency of response x (1.5) (90 minutes) hour per response x \$29.89 (average hourly rate)

The estimated annual public cost (fee) is \$8,000,460. This estimate is based on the number of respondents (13,676) x \$585 fee charge.

15. There has been no increase or decrease in the burden hours associated with this collection of information. There has been a minor change to the information being collected. However, the change will not increase the amount of time it will take to complete this information collection.
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.

Stephen Tarragon,

Date

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