

## **SUPPORTING STATEMENT**

### **Petition for Qualifying Family Member of a U-1 Nonimmigrant**

#### **Form I-929**

**OMB No. 1615 – 0106**

#### **A. JUSTIFICATION**

1. Section 245(m) of the Immigration and Nationality Act (INA), provides for the adjustment of status of a U nonimmigrant status holder to that of a person admitted for permanent residence. Upon the adjustment of status of the U-1 principal applicant, section 245(m)(3) of the INA allows U.S. Citizenship and Immigration Services (USCIS) to accord lawful permanent resident status to certain spouses, children, and parents based upon their relationship with the principal applicant. 8 CFR 245.24(h) provides for the use of the Petition for Qualifying Family Member of a U-1 Nonimmigrant (Form I-929) by applicants for such benefits.
2. 8 CFR 245.24(g) sets up a two-stage application process for qualifying family members to obtain lawful permanent residence. First, the principal applicant must file an immigrant petition on behalf of the qualifying family member. Second, if the immigrant petition is approved, qualifying family members who are present in the United States may adjust their status to that of a lawful permanent resident, and qualifying family members outside the United States may go to a U.S. embassy or consulate to obtain their immigrant visa. The data collected on this form will be used by USCIS to determine eligibility for the requested immigration benefit. The form serves the purpose of standardizing requests for benefits and ensuring that basic information required to assess eligibility is provided by applicants.
3. The use of the Form I-929 provides the most efficient means of collecting and processing the information needed to determine eligibility for individuals to acquire permanent residence status. This form can be completed electronically but does not allow for e-filing. However, this form has been designated for e-filing as part of the Business Transformation initiative.

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. The collection of information does not have an impact on small businesses or other small entities.
6. If this information is not collected, it would hinder USCIS's ability to accept and analyze information submitted by applicants to adjust status of a U nonimmigrant status holder to that of a person admitted for permanent residence.
7. There are no special circumstances associated with this information collection.
8. By notice in the Federal Register on February 24, 2011, at 76 FR 10387, USCIS notified the public that it was extending this information collection. The notice allowed for a 60-day public comment period, and USCIS did not receive any comments. USCIS published a 30-day notice in the Federal Register on May 3, 2011, at 76 FR 24909, and USCIS has not received any comments to date.
9. USCIS does not provide payments or gifts to respondents in exchange for a benefit sought.
10. The Privacy Act of 1974 (Public Law 93-589) mandates that personal information solicited from individuals completing Federal records and forms be kept confidential. Form I-929 instructions inform the respondent that USCIS may provide information collected to other federal, state, and foreign law enforcement and regulatory agencies. USCIS has developed a draft Privacy Impact Assessment titled: "Humanitarian Adjudication for Victims Enterprise Nationwide (HAVEN). HAVEN serves as a centralized case tracking database. HAVEN:
  - Is a Web-based application that supports the Vermont Service Center.
  - Facilitates the processing of Victims of Trafficking and Violence Protection Action (VTVPA) petitions.
  - Is a centralized repository of data for workflow management and production evaluation providing visibility into the processing of VTVPA cases. As a case management system,

HAVEN streamlines workflow processing, notice generation and reporting for Adjudication Officers (AO) at the Vermont Service Center.

- Provides for the intake, receipting, and tracking of petitioner information through automated data processing.
- Allows the Adjudication Officers (AO) to efficiently adjudicate cases through a user-friendly interface.

The PIA is being conducted because HAVEN uses Personally Identifiable Information (PII).

11. There are no questions of a sensitive nature.

12. **Annual Reporting Burden:**

a. Number of Respondents		2,000
b. Number of Responses per each Respondent	1	
c. Total Annual Responses	2,000	
d. Hours per Response	1	
e. Total Annual Reporting Burden	2,000	

**Annual Reporting Burden**

**The estimated total annual reporting burden hours are 2,000.** This figure is calculated by multiplying the number of estimated respondents (2,000) x (1) frequency of response x (1 hour) per response.

13. There are no capital or start-up costs associated with this information collection. The cost burden to respondents as a result of this collection are identified in item 14. However, there is fee charge of \$215 for filing Form I-929.

14. **Annualized Cost Analysis (Government):**

a. Printing Cost	\$	300
b. Collecting and Processing Cost	\$	429,700
c. Total Cost to Program	\$	430,000
d. Fee Charge, if any	\$	430,000
e. Total Cost to Government	\$	0

### **Government Cost**

The annual cost of the program to the Government is calculated by multiplying the estimated number of respondents (2,000) x (1) number of responses x \$215 suggested fee charge. The fee charge includes suggested average hourly rates for clerical, officer, and supervisory time with benefits, plus a percent for the estimated overhead cost for printing, stocking and distributing the form which is \$300. As USCIS collects the fee charge to recoup the costs, the cost to the Government amounts to \$0.

### **Public Cost**

**The estimated annual public burden cost is \$59,780.** This figure is calculated by multiplying the number of respondents (2,000) x (1) the number of responses x (1 hour) (the amount of time to complete the form) x \$29.89 (average hourly rate).

**The estimated annual public fee cost is \$430,000.** This figure is calculated by multiplying the number of respondents (2,000) x (1) the number of responses x (\$215 fee).

15. This is no increase or decrease in the annual burden hours previously reported for this information collection. There is no increase or decrease in the annual cost 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 OMB approval of 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 Signatures**

**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.

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**Sunday Aigbe**

**Date**

Chief

Regulatory Products Division,  
Office of the Executive Secretariat,  
U.S. Citizenship and Immigration Services,  
Department of Homeland Security.