

SUPPORTING STATEMENT

Notice of Appeal of Decision

Under Section 210 or 245A of the Immigration and Nationality Act

(Form I-694)

OMB No. 1615-0034

A. JUSTIFICATION:

1. Sections 210 and 245A of the Immigration and Nationality Act (Act) contain specific language regarding the adjudication and appeal rights of section 210 and 245A applicants. Because of the continuing litigation regarding applicants that presumably fall within the above sections of the Act, U.S. Citizenship and Immigration Services (USCIS) must continue to accept applications for temporary resident status and related waiver applications until all decisions in court cases have been rendered and USCIS is not mandated to accept any more applications.
2. The data collected on this form is used by USCIS in considering the appeal from a finding that an applicant is ineligible for legalization under section 210 and 245A of the Act or is ineligible for a related waiver of inadmissibility.
3. The use of this form currently provides the most efficient means for collecting and processing the required data. In this case, this form resides on the USCIS Web site and can be completed electronically. However, this form cannot be e-filed.
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. Without the use of this information collection (Notice of Appeal) an applicant whose request for temporary or permanent resident status has been denied or terminated by USCIS may also lose other immigration benefits, such as temporary U.S. residency, employment authorization, and/or the ability to travel abroad. An applicant files this information collection to appeal the grounds of denial or termination and to ensure the continuance of certain immigration benefits.
7. There are no special circumstances applicable to this information collection.
8. By notice in the Federal Register on April 12, 2011, at 76 FR 20361, USCIS notified the public that it was extending this information collection. USCIS did not receive any comments on the 60-day notice. USCIS published a 30-day notice in the Federal Register on July 6, 2011, at 76 FR 39414. 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. 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 no questions of a sensitive nature.

12. **Annual Reporting Burden:**

a.	Number of Respondents	50
b.	Number of Responses per Respondent	1
c.	Total Annual Responses	50
d.	Hours per Response	0.5
e.	Total Annual Reporting Burden	25

Annual Burden Hours

Total annual reporting burden is 25. This number is calculated by multiplying the number of respondents (50) x (1) number of responses x (0.50 hours) (30 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 information collection are identified in Item 14. There is a fee charge of \$755 per application associated with the collection of this information.

14. **Annualized Cost Analysis:**

a.	Printing Cost	\$	100
b.	Collection and Processing Cost	\$	37,650
c.	Total Cost to Program	\$	37,750
d.	Fee Charge	\$	37,750
e.	Total Cost to Government	\$	0

Government Cost

The estimated cost of the program to the Government is calculated by multiplying estimated number of respondents (50) x \$755 fee charge (which includes suggested average hourly rate for clerical, officer, and supervisory time with benefits, plus a percent for printing, stocking, and distributing the form).

Public Cost

The estimated annual burden cost is \$747. This is based on the number of respondents (50) x (1) number of responses x (0.50 hours) (30 minutes) per response x \$29.89 (average hourly rate).

The estimated annual fee cost is \$37,750.

This is based on the number of respondents (50) x \$755 fee charge.

15. There has been no increase or decrease in the annual burden hours previously reported for this information collection. There has been no change in the data collection.
16. USCIS does not intend to employ the use of statistics or the publication thereof for this information collection.
17. Based on 5 CFR 1320.5(a)(1)(iii)(C), USCIS is seeking an exception from OMB to display an expiration date for this information collection. OMB reviews USCIS' immigration forms annually because they cannot be electronically-filed. USCIS has been including the expiration date of the annual approval on the forms, although the information being requested from the public does not usually change from year to year. USCIS' current practice has been that once OMB approves the annual extension for use of the form, the existing forms inventory is destroyed and additional forms and instructions with the new expiration date are printed and distributed. The current process

has caused our customers great confusion because often times the form they have on hand may have a stale expiration date. Even though the form and instructions did not change, they do not want to use the expired form in fear that their application will be rejected due to the stale expiration date. USCIS is proposing removing the expiration date from this form in an effort to avoid confusion for our customers and to save the costs associated with destroying and printing forms unnecessarily.

18. USCIS does not request an exception to the certification of this information collection.

B. Collection of Information Employing Statistical Methods. N/A

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,
U.S. Citizenship and Immigration Services,
Department of Homeland Security.

Date