SUPPORTING STATEMENT

USCIS Electronic Immigration System (USCIS ELIS)

OMB No. 1615-NEW

A.   Justification.

1.   The Government Paperwork Elimination Act (GPEA), Public Law 105-277, 44 U.S.C.

3504 note (1998) requires federal agencies to use and accept electronic signatures, where

practicable, when conducting official business with the public. In addition, Congress

passed the E-Government Act of 2002, Public Law 107-347, 44 U.S.C. §§ 101, 3501,

3541, and 3601 notes (2002), to promote the use of the Internet and emerging

technologies within and across Government agencies, provide citizen-centric

Government information and services, reduce costs and burdens for businesses and other

Government entities, promote access to high quality Government information and

services across multiple channels, and transform agency operations by utilizing, where

appropriate, best practices from public and private sector organizations.

As part of its ongoing effort to comply with GPEA and the E-Government Act of 2002,

USCIS is transforming its business processes. This supporting statement is for part of the

business transformation initiative called USCIS Electronic Immigration System (USCIS

ELIS). USCIS ELIS will collect information electronically and allow entities and

individuals to electronically submit applications and petitions to USCIS. This supporting

statement is for the information collection request (ICR) covering the first phase of

USCIS ELIS. The specific respondents to whom this ICR applies are outlined below.

This ICR will be revised as USCIS deploys additional phases and releases of benefit request types in USCIS ELIS.

2. **<u>Business Transformation Initiative</u>**.

USCIS has evaluated its data collection practices to improve the consistency and timeliness of its adjudications, as well as to support identity management, evaluate benefit eligibility, promote customer service, and manage national security and benefit risk. After analyzing its forms and filing processes, USCIS has identified the data that must be captured in order to adjudicate cases electronically. By collecting a minimal set of identical data elements from all respondents, USCIS can enhance the consistency of data collected from respondents which adjudicators can use when deciding a case. The standard data elements generally fall into four major categories: (1) Identity Management, (2) Benefit Eligibility Evaluation, (3) Improved Customer Service, and (4) Risk Analysis. The rationale for collecting a specific data element differs in each business purpose. For example, collecting an applicant's date of birth can provide USCIS with information needed for more than one category. The standard data USCIS will collect are described in the table below. The data elements are segregated into 8 different parts in order to streamline the removal and substitution of benefit-specific parts for future standard data template form usage.

Part 1	Basic biographic information about the individual applying for the benefit.	*Standard* for immigration benefit requests.
Part 2	Information to determine/confirm the specific benefit being requested.	*Varies* by benefit request type.
Part 3	Information specific to the eligibility of the benefit being requested.	*Varies* by benefit request type.
Part 4	Information about other persons being included in the benefit request.	*Standard* for immigration benefit requests that allow for derivative[1] beneficiaries.

Part 5	Signatures and attestations.	*Standard* for immigration benefit requests.
Part 6	Information about preparers, attorneys and accredited representatives.	*Standard* for immigration benefit requests.
Part 7	Additional information about an individual's claim to the benefit.	*Standard* when more space is required on the benefit request, this addendum is provided so the information can be collected in a structured manner.
Part 8	Structured response addendum.	*Standard* asks questions associated with determining potential conditions of inadmissibility when an affirmative answer is provided.

The following sections provide greater detail of the data collection for each business purpose:

Identity Management

Before granting a benefit request, USCIS must determine, with a high degree of certainty, the actual identity of the person seeking a benefit. Once the applicant's identity is established, USCIS can conduct background checks by querying databases, watch lists, and various criminal record systems managed by the U.S. Departments of State (DOS), Justice (DOJ), and Homeland Security (DHS). The identity verification process also includes a review of the applicant's biographic information, past government interactions, and any additional information that may exist about the applicant.

USCIS ELIS uses a biographical data template that provides USCIS with the greatest level of identity assurance and the highest potential for uncovering derogatory or validating information about an applicant. The template also contains sufficient

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1   Derivative means that the alien's immigration status arises from the status of the principal applicant based on either a family or employment-based relationship. An alien becomes a "beneficiary" of the status awarded to the principal alien when the principal's benefit request is approved.

information to verify the applicant's identity, identify government transactions involving the applicant, and identify those who may have tried to mask their identity or commit fraud. Finally, the identity elements allow USCIS to accurately establish benefit eligibility and validate qualifying derivative relationships.

Benefit Eligibility Evaluation

The information collected in the standard data template through business eligibility rules (based on the Immigration and Nationality Act (Act) and governing regulations), will enable USCIS ELIS's automated business process to screen and analyze a customer's benefit request. This initial pre-adjudication review will ensure that USCIS decisions for immigration benefits continue to be complete, accurate and consistent.

Improved Customer Service

A key objective of USCIS's business transformation is the improvement of customer service. Collection of standardized and modern contact information will help USCIS effectively communicate with its customer base and provide timely, accurate and up-to-date information.

Risk Analysis

USCIS's business transformation initiative will enhance the ability of adjudicators and fraud detection officers to assess and detect national security and public safety risks. USCIS ELIS improves the current background check process by centralizing automated background check responses from other federal agencies in USCIS ELIS. Adjudicators will no longer need to log in to multiple systems to retrieve background and security check responses. The standardized data also enhances USCIS's Risk Analysis System by automatically checking data elements that may reveal fraud or national security and

public safety risks. For example, USCIS ELIS compares information submitted by the applicant, such as a name and address, with information the applicant may have provided previously to other federal and state agencies, such as the Social Security Administration, Department of State, and the various State Motor Vehicle Association. In the paper-based environment, USCIS does not have this enhanced capability and most risk analysis is conducted manually. USCIS's business eligibility rules for benefit types will alert adjudicators, prior to decision, of any data elements and anomalies that may point to potential fraud or security risks. Adjudicators will automatically receive information that they must consider when determining an applicant's eligibility for a particular benefit.

3. **Electronic Submission of an Application to Extend/Change Nonimmigrant Status (Form I-539)**

The first benefit type available in USCIS ELIS will be the Application to Extend/Change Nonimmigrant Status (Form I-539). While USCIS believes that USCIS ELIS eventually will be the preferred method for filing the Application to Extend/Change Nonimmigrant Status, USCIS will continue to allow paper submissions of this benefit request type.

Data Entry

Data entry will be guided by wizard technology. Responses to a predetermined set of required questions will cue the applicant to proceed to the appropriate next steps. Use of this technology increases the quality and completeness of the benefit request by informing applicants about required information and evidence needed to decide their case. As the applicant enters data, the wizard will indicate to the applicant whether that data conflicts with eligibility criteria for the benefit request. For example, if a benefit type requires that the applicant be over 21 years of age to qualify, but the data input

reflects that the applicant is only 18 years of age, USCIS ELIS will highlight the discrepancy and provide a warning of potential ineligibility for the benefit sought. In the initial phases of deployment, USCIS ELIS will not prevent anyone from submitting an incomplete benefit request. However, as USCIS moves toward an entirely electronic filing environment for benefit request, USCIS ELIS will begin automatic system rejection in cases where the applicant clearly has not met eligibility requirements for the benefit requested. USCIS strongly encourages applicants who will be using USCIS ELIS to make sure they thoroughly review their benefit request before submission and ensure that all required documentation has been scanned and uploaded. If more time is needed to review the benefit request or to collect required documentation, USCIS ELIS will allow applicants, or their attorneys or accredited representatives, to save a draft of the benefit request and return to it at a later time to add or modify existing data. When the benefit request is finally submitted to USCIS, the system will automatically generate and issue a fee receipt notice and associated case tracking number.

Release Plan

USCIS plans to deploy USCIS ELIS incrementally, in periodic releases, with each release covering different immigration benefits or adding enhanced functionality.. The first release of the system is currently in the post-development testing phase.

- The first benefit type available in USCIS ELIS will be a Form I-539, Application to Extend/Change Nonimmigrant Status.
- USCIS has developed and made available for public review, digital images of the online application that will appear in USCIS ELIS when completing a benefit

request in the system. The public can view these digital images at
www.regulations.gov.

- USCIS also is making available the decision process map that USCIS ELIS will use in adjudicating Applications to Extend/Change Nonimmigrant Status (Form I-539). This decision map shows the sequence of questions that the wizard will follow throughout the process and can be viewed at www.regulations.gov.

- USCIS will permit the continued use of the current paper Application to Extend/Change Nonimmigrant Status (Form I-539) (OMB Control No. 1615-0003).

- The digital images and decision process map associated with the Application to Extend/Change Nonimmigrant Status (Form I-539), will be available for public comment under 5 CFR 1320.8.

4. A search of USCIS's automated forms tracking system was performed 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 that rises above the impact that this data collection will have on all respondents.

6. If this information is not collected, USCIS will be unable to comply with the GPEA and unable to provide the public the ability to electronically to submit benefit requests in USCIS ELIS.

7. There are no special circumstances applicable to this information collection.

8. On March 28, 2011, USCIS published a 60-day notice in the Federal Register at 76 FR 17145. USCIS received comments from three commenters. The following is a discussion of those comments and USCIS's response.

Comment: A commenter asked how documents would be submitted in USCIS ELIS.

Response: Benefit requests are generally accompanied by supporting evidence. To submit supporting evidence in USCIS ELIS, applicants will have to scan and upload documents to the system. Once uploaded, the supporting evidence will be attached to the applicant's benefit request. At this time, USCIS will not accept videos, CDs, or other electronic media for electronic submissions in USCIS ELIS. Applicants may provide such information at their interviews or in response to a request for evidence (RFE). USCIS adjudicators will issue RFEs for additional evidence when they determine that such information is relevant and necessary for adjudication of the benefit request. If USCIS issues an RFE that asks for an original document, the applicant must physically mail the original document to USCIS.

Comment: A commenter asked if USCIS will issue Requests For Evidence (RFEs) electronically.

Response: USCIS will allow customers, as a part of the account creation process, to choose how they wish USCIS to correspond with them. Customers will have the option to receive USCIS notices via paper or e-mail. If the customer chooses paper, he or she will receive a paper RFE notice in the mail just like today. If the customer chooses e-mail, he or she will be notified by USCIS via e-mail that action has occurred on his or her benefit request and that the customer should log in to his or her USCIS ELIS account to see the updated information. USCIS also will send text messages to customers when notices have been posted to their accounts if the customer chooses certain electronic notifications.

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Comment: A commenter asked if USCIS will request less documentation when the I-539 benefit type is submitted electronically.

Response: There is no current plan for USCIS to reduce the evidentiary requirements associated with any benefit requests. In certain instances, however, USCIS may be able to acquire required information via interfaces with systems of partner agencies. This automated information sharing could potentially reduce the need for customers to submit corroborative documentation.

Comment: A commenter asked if the USCIS ELIS accounts and SEVIS I accounts will be synchronized between USCIS and U.S. Immigration and Customs Enforcement's (ICE) Student and Exchange Visitor Program (SEVP) for students and scholars in F and J status?

Response: USCIS has been working with the ICE SEVIS Program to develop information sharing between USCIS ELIS and SEVIS I. Currently USCIS ELIS contains some information from SEVIS I which adjudicators can review for benefit requests from F students or J foreign exchange visitors.

User Accounts

Comment: One commenter asked whether user accounts are linked to the individual user or to various benefit types.

Response: User accounts are linked to an individual. An applicant will only have one User Account and will be able to submit multiple benefit requests from this one account. In the first release (Release A1), applicants will be able to create a user account. Attorneys and accredited representatives also will be able to create accounts to file benefit requests on behalf of their clients.

Comment: A commenter asked if USCIS will allow multiple users to access the same account.

Response: To safeguard personally identifiable information (PII), each account should be used only by one user. In addition, benefit requests can only be submitted by the person named in the User Account, although the applicant can include his or her beneficiaries in the request. USCIS currently is developing functionality to preclude filings that are not associated with a specific user account. Attorneys or accredited representatives may use their own accounts to submit electronic benefit requests on behalf of their clients and check the status of those requests. Completion of a paper Form G-28, Entry as Attorney or Accredited Representative, however, is required before a benefit request can be submitted on behalf of a client. In a future USCIS ELIS release, attorneys or accredited representatives will be able to provide G-28 data electronically. Attorneys and accredited representatives will have access to their client's data and the status of their client's benefit request, but they will not have access to their client's personal user account.

Comment: A commenter asked if attorney, accredited representative, petitioner and beneficiary accounts will be interconnected and whether each party must re-enter data.

Response: USCIS ELIS will link the accounts of attorneys/accredited representatives, applicants/petitioners and beneficiaries, as appropriate. If an application is submitted by an attorney or accredited representative on behalf of a client, the client will have the ability to see information associated with that case. In the future, after an applicant files a benefit request, USCIS ELIS will automatically pre-populate certain previously submitted data to any new benefit request.

Comment: A commenter asked whether one user account will allow access to multiple

petitioners and/or beneficiaries.

Response: In Release A1, the beneficiary will not have access to the primary applicant's account information. The extent to which a beneficiary can access the primary applicant's account information is under development. Also individual users will not have access to multiple petitioners or beneficiaries unless they are an attorney or accredited representative with a valid G-28. Attorneys or accredited representatives who have access to USCIS ELIS will be able to view all benefit requests that they have submitted on behalf of their clients.

Comment: A commenter asked whether dependents of beneficiaries have to establish separate accounts or whether dependent accounts will connect to the beneficiary.

Response: When a benefit request is submitted that potentially grants a status to a dependent of an applicant or petitioner, the new system will automatically generate an internal account for each dependent based on his or her relationship to the applicant or petitioner. These automatically generated internal accounts are called "inferred accounts." They are not accessible by the attorney, accredited representative, applicant, beneficiary, or dependent. Once a dependent files a separate benefit request, the inferred account will be converted to an active user account. The dependent will be prompted to create a user account and will obtain a unique account number.   Dependents must create or activate a user account in order to review information about their particular case.

Comment: A commenter asked what happens to a user account when there is a change in employer, attorney, and/or accredited representative.

Response: When there is a change in representation, access to a user account by a former attorney or accredited representative will be limited to the information that attorney or

accredited representative submitted on behalf of the client. The new attorney or

accredited representative, if any, will be required to establish representation of a client by

filing a Form G-28. When there is a change in employers, USCIS ELIS will permit

employers to notify USCIS of changes electronically. This function, however, will not be

available in Release A1. USCIS currently is developing the employer/employee

functionality and will deploy electronic notification of a change in employers in a future

release.

Comment: A commenter asked whether USCIS intends to incorporate outside

authentication questions such as those used in E-Verify Self-Check.

Response: At this time, USCIS has no plans to use outside authentication questions from

E-Verify Self-Check.

Comment: A commenter asked how USCIS plans to authenticate user accounts.

Response: To initiate account creation, new users will be required to submit an e-mail

address in USCIS ELIS. USCIS will then send a confirmation e-mail to the user that

includes a link to authenticate his or her e-mail address and prompt to continue with the

registration process. The new user must create a password and then select between two

validation methods. The validation method the user chooses must be followed every time

the user accesses his or her account. The first validation method is for the user to select

and answer challenge questions from a drop-down list. The second validation method is

for the user to receive electronically a PIN number via e-mail, voicemail, or SMS text

messaging. Once received, the user must enter the PIN number each time to log into the

system. This PIN number is only valid for a ten-minute period and a new PIN number

must be requested each time the user wishes to log into the system.

Comment: A commenter asked what happens to an account if a user has not applied for a benefit within 30 days of account creation.

Response: If a user has not applied for a benefit within 30 days after creating his or her new user account, the account will expire and any information provided to establish the account will be discarded permanently. After expiration of an account, a customer must create a new user account before he or she can file a new benefit request.

Comment: A commenter recommended that USCIS coordinate with the Department of Labor (DOL) to emulate the USCIS ELIS account creation protocols.

Response: USCIS consulted, and will continue to consult with, multiple federal agencies, including the DOL, in the design of the USCIS ELIS account creation process.

Data Storage and Use

Comment: A commenter asked how long USCIS will store data in USCIS ELIS.

Response: USCIS is working with the National Archives and Records Administration to establish retention schedules for the records contained in USCIS ELIS and will take privacy and business needs into account. Further evaluation of data retention issues will be provided in the upcoming Privacy Impact Assessments (PIA) and Systems of Records Notices (SORN) related to USCIS ELIS.

Comment: A commenter asked how data entry errors will be corrected after the data is submitted for a benefit.

Response: When USCIS discovers data entry errors, USCIS will first verify the information and then either correct the error or issue an RFE to the applicant for any additional evidence that may be needed to resolve the error. USCIS adjudicators also can correct data entry errors during the interview process (when interviews are required).

Further evaluation of methods for data entry correction will be provided in the Privacy Impact Assessment (PIA) and System of Record Notices (SORNs) related to USCIS ELIS.

Comment: A commenter asked which federal agencies and/or commercial users USCIS intends to share information with about applicants who have filed benefit requests in USCIS ELIS.

Response: No commercial users will have access to the data submitted for a benefit request. USCIS is in the process of negotiating Memoranda of Understanding and/or Agreement with other federal agencies that outline the need for data sharing and what specific data will be shared. No data will be shared without a proper need-to-know as required by the Privacy Act and other laws. Further discussion of data sharing will be provided in the PIA and SORNs related to USCIS ELIS.

Comment: A commenter asked if, for verification purposes, USCIS ELIS compares data from other sources with data that is entered into USCIS ELIS.

Response: Data entered into USCIS ELIS will be compared with information from internal USCIS sources and other DHS components or federal partner databases. Further discussion of data sharing will be provided in the PIAs and SORNs related to USCIS ELIS.

Comment: A commenter asked if a change in the applicant's employer and/or attorney or accredited representative will affect access to data in USCIS ELIS.

Response: An attorney or accredited representative who has terminated the relationship with a client (or who the client has dismissed or replaced with a new representative) will not be able to access information about the client's case once he or she is no longer listed

as a valid G-28 representative in USCIS ELIS. Future notifications or updates related to

a former client's benefit request will not be visible to the previous attorney or accredited

representative. This same process and limit on access will apply when an employer no

longer employs an alien who was the beneficiary of the employer's request for a

nonimmigrant worker. The functionality for updating USCIS ELIS to reflect a change in

employment will not be available in the first release. Further discussion of access to data

and user roles will be provided in the PIAs and SORNs related to USCIS ELIS.

Comment: A commenter asked how USCIS plans to ensure that the data entered into

USCIS ELIS is maintained and stored in a secure manner.

Response: In accordance with National Institute of Standards and Technology (NIST)

controls and OMB requirements, staff and/or administrators of USCIS ELIS will conduct

a self-assessment of privacy policies and security controls, at least annually, to determine

the extent to which policies and controls are implemented correctly, operating as

intended, and producing the desired outcome with respect to meeting the privacy and

security requirements for the operating environment. Further discussion of system

security and privacy controls will be provided in the PIAs and SORNs related to USCIS

ELIS.

Wizard Tool & Decision Tree

Comment: A commenter asked what policy conclusions and/or assumptions USCIS

embedded into the wizard tool.

Response: The wizard tool closely tracks the current paper Form I-539 instructions and

questions. USCIS will continue following existing immigration or immigration-related

statutes, regulations, and USCIS operating procedures that set forth and establish

eligibility criteria for all available benefits.

Comment: A commenter asked whether there will be instructions provided to assist with the response to each question.

Response: USCIS will incorporate the instructions for the Form I-539 into the wizard as well as provide an accessible link to the instructions which applicants and representatives can view as they complete the form online. Instructions also will appear in the form of tips and help screens in the wizard and at www.uscis.gov. USCIS ELIS will display guidelines to remind the user that he or she should have certain documents available as a reference to answer specific questions. In addition, USCIS ELIS will prompt the user to enter a written explanation for any information related to eligibility for the benefit requested.

Comment: A commenter asked whether USCIS ELIS will possess a "hover and click" feature in order to access the relevant instructions.

Response: A "hover and click" feature will not be available in Release A1. USCIS, however, will provide an accessible link in the I-539 wizard that applicants and representatives can access to view instructions for each question.

Comment: A commenter asked how USCIS will correct user errors such as typographical mistakes that are discovered after the form has been submitted online.

Response: In an effort to minimize errors prior to submission, USCIS ELIS will prompt users to carefully review their responses at the submission stage. This user review will eliminate most of the common errors made by applicants. USCIS ELIS also will permit, or in cases submitted by an attorney or accredited representative require, the printing and review of the benefit request with the applicant prior to submission. After submission,

users can update certain biographic information and their contact information in the Account Update screen at any time when the system is available. Any changes made will be limited to the information stored in the user account and such changes will not affect applications already submitted to USCIS. If the user is required to appear for an interview, USCIS may update information at the interview, after confirming with the applicant under oath that the information is true and correct. Following submission of a benefit request, USCIS will process the case with the information initially provided as well as any additional information obtained through RFEs or at interview (if applicable).

Comment: A commenter asked how USCIS ELIS can check the data against eligibility requirements but still allow submission of incomplete information.

Response: USCIS ELIS will ask the user to verify the information prior to submission of the benefit request. To assist this process, USCIS ELIS will detect missing information and warn the user of this fact. If the applicant elects to submit the deficient application despite a warning in USCIS ELIS, USCIS will allow the applicant to submit the incomplete application. USCIS ELIS contains a tip indicating that such a case may be denied if it is incomplete or fails to provide sufficient evidence to establish the applicant's eligibility for the benefit sought.

Integration with Commercial Case Management Systems

Comment: A commenter asked how USCIS is working with commercial case management systems to allow integration with USCIS ELIS.

Response: The initial release of USCIS ELIS will not permit interoperability with commercial external data interface standards (EDIS). USCIS, however, does plan to allow immigration practitioners who use commercial case management systems to

integrate their systems with USCIS to securely submit benefit requests. This interface

will allow immigration practitioners to submit multiple benefit requests simultaneously

and make payments to USCIS for processing and adjudication of their client's cases.

Beta Testing with Users

Comment: A commenter asked what "properly tested" means.

Response: The term "properly tested" refers to the internal process USCIS will use to

ensure system preparedness before launching USCIS ELIS. To determine whether the

system is ready, USCIS will systemically undergo a multi-leveled testing mechanism that

will evaluate the system's ability to integrate with other data systems. In addition, the

system will be verified for optimal performance, security and compliance with Section

508 of the Rehabilitation Act. USCIS will conduct end user testing and other tests to

ensure system performance and user accessibility.

Comment: A commenter asked who will be involved in the testing of USCIS ELIS.

Response: Testing for the first release will be performed by USCIS employees and

government contract employees.

Comment: Several commenters asked for the opportunity to participate in the beta

testing of USCIS ELIS and an opportunity to comment on the USCIS ELIS proposed

rule.

Response: USCIS plans to deploy USCIS ELIS in phases with incremental releases.

Each new release will deliver increased functionality. This phased approach over several

years not only will allow for meaningful collaboration with internal and external

stakeholders. To date, USCIS has been actively seeking feedback from its stakeholders

on how to improve the immigration services experience. This feedback has been

essential to developing USCIS ELIS. During the development phase, USCIS will

continue stakeholder engagement and will solicit comments from various stakeholders.

Post deployment, USCIS will welcome feedback from the public and stakeholders

regarding the usability of the new system through its regularly established feedback

channels. The public can visit www.uscis.gov/transformation and click on "Stakeholder

Collaboration" for more information.

Continued Use of Paper and Current E-filing and Subsequent Upgrades

Comment: A commenter asked how USCIS will notify stakeholders when certain benefit

types are migrated to USCIS ELIS.

Response: USCIS will publish a notice in the Federal Register to notify stakeholders of

future releases and form types that will be available through USCIS ELIS. USCIS also

will conduct extensive public outreach and public engagement events with external

stakeholders, where they can provide feedback on the process. Interested stakeholders

can find the schedule for such public outreach events online at www.uscis.gov/outreach.

In addition, as new benefit types are added to USCIS ELIS, USCIS will post relevant

information at www.uscis.gov and issue press materials. Local USCIS offices also will

disseminate information during regular external stakeholder meetings.

Comment: A commenter asked if USCIS will continue the currently available e-filing

process along with filing through USCIS ELIS.

Response: USCIS intends on phasing out the current e-filing process as USCIS migrates

new benefit types to USCIS ELIS.

Comment: A commenter asked how users will be informed of, and given the opportunity

to, comment on future changes or upgrades.

Response: The public will have the opportunity to comment on any changes that require notice in the Federal Register. In addition, changes and upgrades will be discussed, as appropriate, during USCIS stakeholder events. These events may include customer listening sessions and local and national meetings with stakeholder groups. Information on public engagement events and feedback opportunities will be available at our website at www.uscis.gov/transformation, Stakeholder Collaboration.

USCIS ELIS's   Form I-539

Comment: A commenter asked how Form I-539 will integrate with the Petition for a Nonimmigrant Worker (Form I-129), in USCIS ELIS.

Response: The new system is designed to replicate and improve, where possible, the current processes for I-129 and I-539 filings. USCIS anticipates combining the I-539 questions with the I-129 benefit request to eliminate the need to submit two separate forms. However, USCIS does not plan to deploy e-filing of the I-129 until a later release. Until the I-129 becomes available in the new system, Forms I-539 related to Form 1-129 benefit requests must be submitted through the existing paper process.

Comment: A commenter asked how the USCIS ELIS process will work for dependents. The commenter pointed out that Part 3 of the decision tree seems to require dependents to input information about the principal while Part 4 of the decision tree indicates that the petitioner should input the dependents' information.

Response: If a benefit request allows a principal alien to include family members in his or her request then the principal alien will complete the information for the dependents. When the principal alien's benefit request is approved, the dependents will derive status

from the approval. USCIS ELIS will automatically create account numbers for the family members. These accounts, known as "inferred accounts" are not accessible to the principal alien or the dependents. The inferred accounts only become available when a dependent independently files a benefit request. The dependent will be prompted to create an account and USCIS ELIS will automatically convert the inferred account to an active account with a unique account number for the dependent. Once the account is created, the dependent will have full access to USCIS ELIS to manage his or her case.

Comment: A commenter asked who will be responsible for completing Part 6, information about the attorney or accredited representative.

Response: The attorney or accredited representative is responsible for completing Part 6. Once completed, USCIS ELIS directs the attorney or accredited representative to the I-539 wizard screens to begin filing the request on behalf of his or her client.

Comment: A commenter asked whether multiple registered users such as the employer, employee, dependents or outside counsel will have access to an application.

Response: Only the authorized individual will have access to the application. The attorney or accredited representative will be able to review their client's application and any submitted evidence. A dependent only will be able to review those portions of the application that relate specifically to him or her. Features relating to employers and employees are still under review and will be incorporated in future releases.

Comment: A commenter requested clarification of the e-signature process.

Response: A customer must electronically sign (e-sign) their benefit request before submission. After filling out the request online, the user will be prompted to read the Attestation and Privacy Act statements and affirm that he or she has read and understood

them. USCIS will then ask the user to type in his or her full legal name and USCIS ELIS

password and then click "Submit". Once the benefit request is submitted, the user's copy

will reflect that the document was electronically signed and the date and time that USCIS

ELIS captured the e-signature. If a user is represented by an attorney or accredited

representative, the attorney and the user will have to e-sign the benefit request before

submission. The e-signature for represented users will not be available in Release A1.

However, in the interim, those attorneys and accredited representatives who chose to file

electronically in USCIS ELIS can print out the completed application, have their clients

physically sign the document, and then upload the signed application into USCIS ELIS.

USCIS also captures and records information such as the Internet Protocol address of the

computer and browser. USCIS intends to add more automation around the

attorney/representative functionality in a later release.

On October 14, 2011, USCIS published a 30-day notice in the Federal Register at 76 FR

63941. 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. The information requested, and the associated evidence, is collected under the
Immigration and Nationality Act. The primary purpose for providing the requested
information is to determine if the applicant has established eligibility for the immigration
benefit sought. The information provided will be used to grant or deny the benefit
sought. The information provided is voluntary. Failure to provide the requested
information and any evidence, however, may delay a final decision or result in denial of
the applicant's benefit request. The information provided by the applicant for this benefit

request may be shared with other Federal, State, local, and foreign government agencies and authorized organizations following approved routine uses described in the associated published system of record notices [DHS-USCIS-007 - Benefits Information System, and DHS-USCIS-001 – Alien File (A-File) and Central Index System (CIS), which can be found at www.dhs.gov/privacy]. USCIS also may disclose information, as appropriate, to law enforcement entities for investigations or prosecutions or in the interest of national security.

11.   There are no questions of a sensitive nature.

12.   **Annual Reporting Burden**:

Release A1:

a.	Number of Respondents	58,500
b.	Number of Responses per each request	1
c.	Total Annual Responses	58,500
d.	Hours per Response	2.25
e.	Total Annual Reporting Burden	131,625

Annual Burden Hours

Total annual reporting burden is 131,625. This number is calculated by multiplying the number of respondents (58,500) x (1) number of responses x (2.25) 2 hours and 15 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 an application fee of $290 and an $85 biometric fee associated with the filing of this information collection. A breakdown of the fee costs are identified in item 14.

14. **Annualized Cost Analysis**:

Printing Cost	$	0
Collecting and Processing	$	21,937,500
Total Cost to Program	$	21,937,500
Fee Charge	$	21,937,500
Total Annual Cost to Government	$	0

Government Cost

The estimated cost of the program to the Government is calculated multiplying the number of respondents (58,500) x $290 fee (which includes the suggested average hourly rate for clerical, officer, and managerial time with benefits); plus the number of respondents (58,500) x $85 biometric fee.

Annual Public Cost

The estimated annual public fee cost is $21,937,500.

This is calculated by multiplying the number of respondents (58,500) x $290 fee (which includes the suggested average hourly rate for clerical, officer, and managerial time with benefits) plus the number of respondents (58,500) x $85 biometric fee.

The estimated annual burden cost is $3,934,271.

This is calculated by multiplying the number of respondents (58,500) x (1) number of responses x (2.25) 2 hours and 15 minutes per response x $29.89 (average hourly rate).

15. Since this is a new information collection, there is an increase of 131,625 annual burden hours over that currently contained in the OMB inventory. There also is an increase of $21,937,500 in annual burden costs. These figures, however, are temporary because, once USCIS ELIS has been properly tested and is fully operational for the Form I-539,

Application to Extend/Change Nonimmigrant Status, USCIS anticipates that our customers will start to migrate from submitting paper Form I-539s to using the automated system. Accordingly, the number of respondents, burden hours, and annual cost burden will decrease for the paper Form I-539. Once OMB approves this information collection, USCIS will submit a revision request for the approved OMB control number for the paper Form I-539 to reduce the number of respondents, annual burden hours, and annual costs.

16. USCIS does not intend to employ the use of statistics or the publication thereof for this collection of information.

17. USCIS also will continue to display the expiration date for existing paper forms in accordance with OMB direction.

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,   **Date**

Chief,

Regulatory Products Division,

U.S. Citizenship and Immigration Services,

Office of the Executive Secretariat,

Department of Homeland Security.