

## **SUPPORTING STATEMENT**

### **Waiver of Rights, Privileges, Exemptions and Immunities**

**(Form I-508 and I-508F)**

**OMB No. 1615-0025**

1. Under section 247 of the Immigration and Nationality Act (Act), U.S. Citizenship and Immigration Services (USCIS) must adjust the status of an alien lawfully admitted for permanent residence to that of a nonimmigrant under paragraph (15)(A), (15)(E), or (15)(G) of section 101(a) of the Act, if such alien had at the time of admission or has since obtained an occupational status which would, if he were seeking admission to the United States, entitle him to a nonimmigrant status under such sections.. The alien, however, may retain his or her status as a lawful permanent resident (LPR) if he or she submits to USCIS a written waiver of all rights, privileges, exemptions, and immunities associated with such occupational status. See also, 8 CFR part 247.

Similarly, 8 CFR 223.2 provides that an alien lawfully admitted for permanent residence with an occupational status that would entitle him or her to nonimmigrant status under section 101(a)(15)(A), (E), or (G) of the Act may not obtain a reentry permit unless he or she waives all rights privileges, exemptions, and immunities associated with such nonimmigrant status.

Finally, 8 CFR 245.1 provides that an alien with nonimmigrant status under section 101(a)(15)(A), (E), or (G) of the Act may not adjust status to that of an alien lawfully

admitted for permanent residence unless he or she waives all rights, privileges, exemptions, and immunities associated with such nonimmigrant status.

Form 508 is the document that an alien must execute in order to waive all rights, privileges, exemptions, and immunities that may otherwise accrue to him or her in connection with an application or request to retain his or her status as an LPR, adjust status to an alien lawfully admitted for permanent residence, or obtain a reentry permit.

Form I-508F is used to comply with Section 247(b) of the Act, and the Convention between the United States of America and the Republic of France with respect to taxes on income and property. French nationals who derive a salary from the Republic of France use Form I-508F.

2. USCIS uses the data collected on Form I-508 and Form I-508F to determine whether or not an alien whose occupational status would entitle him or her to nonimmigrant status under section 101(a)(15)(A), (E), or (G) of the Act, is eligible to retain his or her status as an immigrant, adjust status to an alien lawfully admitted for permanent residence, or obtain a reentry permit and process French Nationals' filings of Form I-508F seeking to waive or retain their U.S. tax exemption under the Convention between the United States of America and the French Republic regarding taxes on income and property.
3. The use of these forms currently provides the most efficient means for collecting and processing the required data. These forms reside on the USCIS Web site and can be completed electronically. Although these forms cannot be e-filed they have been designated for e-filing under the Business Transformation initiative.

4. A review of the 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. This collection of information does not have a significant impact on small businesses or other small entities.
6. The information collected on these forms is necessary to determine whether or not an alien whose occupational status would entitle him or her to nonimmigrant status under section 101(a)(15)(A), (E), or (G) of the Act, is eligible to retain his or her status as an immigrant, adjust status to an alien lawfully admitted for permanent residence, or obtain a reentry permit, as well as determining whether the alien is waiving or retaining his or her U.S. tax exemption under the Convention between the United States of America and the French Republic regarding taxes on income and property. If the information is not collected, USCIS will have no way to make such determinations and, consequently, the alien will not be able to obtain significant immigration benefits.
7. The special circumstances contained in item 7 of the supporting statement are not applicable to this information collection.
8. On June 2, 2011 USCIS published a 60-day notice in connection with this information collection in the Federal Register at 76 FR 31972. USCIS did not receive any comments in connection with the 60-day notice. On August 25, 2011, USCIS published a 30-day notice in the Federal Register at 76 FR 53144. USCIS has not received any comments on the 30-day notice to the 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 records notice associated with this information collection is the U.S. 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.	<u>Annual Reporting Burden:</u>	<u>I-508</u>	<u>I-508F</u>
a.	Number of Respondents	1,800	200
b.	Number of Responses per Respondent	1	1
c.	Total Annual Responses	1,800	200
d.	Hours per Response	.083	.083
e.	Total Annual Reporting Burden	149	17

**Total Annual Reporting Burden**

**The annual reporting burden hours are 166 hours.** This figure was derived by multiplying the number of respondents filing Form I-508, 1,800, x (1) frequency of response x .083 hours (5 minutes) per response; plus multiplying the number of respondents filing Form I-508F, 200, x (1) frequency of response x .083 hours (5 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 no fee associated with this information collection.

14. Annualized Cost Analysis:

a.	Printing Cost	\$	324
b.	Collection and Processing Cost	\$	80,000
c.	Total Cost to Program	\$	80,324
d.	Fee Charge	\$	0
e.	Total Cost to Government	\$	80,324

**Government Cost**

**The estimated cost of the program to the Government is \$80,324.** This figure was calculated by multiplying the estimated number of respondents filing Form I-508, 1,800 x 1 hour (time required to collect and process information) x \$40 (suggested average hourly rate for clerical, officer, and managerial time with benefits); plus multiplying the estimated number of respondents filing Form I-508F, 200, x 1 hour (time required to collect and process information) x \$40 (suggested average hourly rate for clerical, officer, and managerial time with benefits). In addition, this figure includes the estimated overhead cost for printing, stocking, and distributing this form, which is \$324.

**Public Cost**

**The estimated annual public cost is \$4,639.** This figure was calculated by multiplying the number of respondents filing Form I-508, 1,800, x .083 hours (5 minutes) per response x \$30.53 (average hourly rate); plus multiplying the number of respondents filing Form I-508F, 200, x .083 hours (5 minutes) per response x \$30.53 (average hourly rate).

15. There has been no increase or decrease in the estimated burden hours previously reported for this information collection. There are not changes to the information being collected.

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:**

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.

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**Sunday Aigbe,**

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**Date**

Chief,

Regulatory Products Division,

Office of the Executive Secretariat,

U.S. Citizenship and Immigration Services,

Department of Homeland Security.