

**SUPPORTING STATEMENT FOR
APPLICATION FOR EMPLOYMENT AUTHORIZATION
OMB Control No.: 1615-0040
COLLECTION INSTRUMENT(S): Form No. I-765**

A. Justification

1. *Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.*

Certain aliens authorized to work in the United States must file Form-I-765 to request an Employment Authorization Document (EAD). 8 CFR 274a.13. Employers are required to verify a person's right to work in the United States and the employee is required to furnish evidence of his or her authorization to work in the United States. This evidence, to be verified by the employer and furnished by the employee, shall establish identity and employability.

2. *Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.*

U.S. Citizenship and Immigration Services (USCIS) will use the information collected to determine the applicant's statutory eligibility for the benefit sought. An applicant may file Form I-765 for issuance of an EAD; to renew or replace an EAD; or to apply for the document on an interim basis. Aliens who are authorized to work in the United States without restrictions may use the form to apply for a document evidencing such work authorization.

3. *Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.*

The use of this form provides the most efficient means for collecting and processing the required data. This form resides on the USCIS Web site and can be completed and filed electronically. The url is <http://www.uscis.gov/e-filing>

4. *Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2*

above.

A review of the USCIS Forms Inventory Report revealed no duplication of efforts, and there is no other similar information currently available which can be used for this purpose.

5. *If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.*

This collection of information does not have an impact on small businesses or other small entities.

6. *Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.*

If the information is not collected, the adjudicating officer will be unable to determine whether the applicant is eligible for employment authorization.

7. *Explain any special circumstances that would cause an information collection to be conducted in a manner:*

- *Requiring respondents to report information to the agency more often than quarterly;*
- *requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;*
- *requiring respondents to submit more than an original and two copies of any document;*
- *requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;*
- *In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;*
- *requiring the use of a statistical data classification that has not been reviewed and approved by OMB;*
- *that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or*

- *requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.*

The special circumstances contained in item 7 of the supporting statement are not applicable to this information collection.

8. *If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.*

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On April 19, 2011 USCIS published a 60-day notice in connection with this information collection in the Federal Register at 76 FR 21912. USCIS received two comments relating to this notice. One commenter recommended changes to the instructions to the form to clarify the information under certain eligibility categories; stylist changes to the form and that question 15 be clarified, or in the alternative, a sub-question be added. Another commenter made recommendations, among others, for regulatory changes regarding employment authorization documents for L and E non-immigrant spouses and further indicates that page one of the instructions should mention the spouse or child of an asylum seeker (applicant) to clarify that they also are able to request an employment authorization document.

On July 20, 2011, USCIS published a 30-day notice in connection with this information collection in the Federal Register at 76 FR 43335. USCIS received four comments with regard to that notice. In summary, the commenters made the following recommendations:

- To add an "in care of" option for the address. There is not enough room on line 3 for both a c/o name and address.

- Have Apt. autoprint on the form if the alien types in an apartment number.
- For the fillable PDF, have date of birth print lower on the form so it is readable when printed. The dates overlap the field name 6. Date of Birth.
- To consider separating, on Field 10, Alien Registration Number and I-94 Number into two separate lines.
- To keep all [three parts] of number 11 together in either the first or second column.
- To clarify the type of information requested under “Date(s)” on Question 11.
- To adjust the fillable date field on Question 11 to print lower on the line so it is readable.
- To change the notation on the electronic version of Form I-765 for the (c)(25) eligibility criteria to 'T Dependents'.
- To move question #11, regarding dates of previous OPT employment, to the left to give students more room to enter dates.
- To place a small down arrow next to "signature" line, and then maybe next to "telephone number" and "date" to prevent students from signing and completing other info above the line.
- Marking section "I am applying for:..." as Question 1 so it's not overlooked.
- Standardize the language of form I-765 in its descriptions of “Items,” “Questions,” “Blocks,” AND/OR “Boxes.”
- To provide examples clarifying the type of information requested questions 14 and 15.

USCIS thanks the commenters for recommending these changes to Form I-765; however, to make the changes the commenters suggested, USCIS’s business rules and form templates will need to be updated to be able to capture additional data. Making these changes to the form at the present moment is not feasible due to time constraints. Specifically, multiple intake systems will need to be updated, which requires proper planning, to include testing and roll-out. USCIS is currently planning on updating this information collection and has begun to consolidate changes to the form and instructions to incorporate comments. USCIS anticipates completing revisions to the form by May of 2012.

9. *Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.*

USCIS does not provide payments or gifts to respondents in exchange for a benefit sought.

10. *Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.*

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. *Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to person's from whom the information is requested, and any steps to be taken to obtain their consent.*

There are no questions of a sensitive nature.

12. *Provide estimates of the hour burden of the collection of information. The statement should:*
 - *Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.*
 - *If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.*
 - *Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14*

Type of Respondent	Form Name / Form Number	No. of Respondents	No. of Responses per Respondent	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate	Total Annual Respondent Cost
	Application for Employment Authorization, Form I-765	720,000	1	3.416	2,459,520	30.74	
Total		720,000			2,459,520		\$75,605,644

Total annual reporting burden hours is 2,459,520. This figure was derived by multiplying the number of respondents 720,000 x (1) frequency of response x 3.416 hours (3 hours and 25 minutes) per response.

13. *Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).*

- *The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.*
- *If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.*
- *Generally, estimates should not include purchases of equipment or services, or*

portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government or (4) as part of customary and usual business or private practices.

There is no cost burden to respondents for actually responding to this information collection- start-up, maintenance, and operating costs associated with completing the paperwork. There is a \$380 fee associated with the collection of this information collection.

14. *Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.*

Annualized Cost Analysis:

a.	Printing Cost	\$ 30,000
b.	Collection and Process Cost	\$ 273,570,000
c.	Total Annual Cost to Government	\$ 273,600,000

Government Cost

The estimated cost of the program to the government is calculated by multiplying the estimated number of respondents 720,000 x \$380 the suggested fee charge, (which includes the suggested hourly rate for clerical, officer and managerial time with benefits, plus a percent for the estimated overhead cost for printing, stocking and distributing and processing of this form).

15. *Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.*

There has been a small increase of 720 annual burden hours previously reported for this information collection. This can be attributed to a mathematical error in USCIS's last submission associated with the time it takes an applicant to complete the form. USCIS has made some changes based on the comments it received as a result of the 60-day information collection notice.

16. *For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.*

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

17. *If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.*

USCIS will display the expiration date in this form in accordance with OMB regulations.

18. *Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB 83-I.*

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