

SUPPORTING STATEMENT

Application by Refugee for Waiver of Grounds of Excludability

(Form I-602)

OMB No. 1615-0069

A. JUSTIFICATION:

1. This form facilitates compliance with sections 207 and 209 of the Immigration and Nationality Act (Act) which provides for the waiver of certain grounds of excludability. Section 207(c)(3) of the Act sets forth grounds of inadmissibility under section 212(a) of the Act which are not applicable to waivers and those which may be waived. The waiver applicant must submit an Application by Refugee for Waiver of Grounds of Excludability, Form I-602, to the U.S. Citizenship and Immigration Services (USCIS) officer processing his or her case, in accordance with 8 CFR 207.3. The burden is on the applicant to show that the waiver should be granted based on humanitarian grounds, family unity, or for the public interest. Additionally, the Act requires USCIS to report to Congress on the granting of such waivers to aliens applying for admission as refugees or adjusting status to that of a permanent resident.
2. The data collected on the Application by Refugee for Waiver of Grounds of Excludability, Form I-602, will be used by USCIS to determine eligibility for waivers, and to report to Congress the reasons for granting waivers.
3. The use of Application by Refugee for Waiver of Grounds of Excludability, Form I-602, provides the most efficient means for collecting and processing the

required data. In this case, USCIS does not employ the use of information technology in collecting and processing information. This form does reside on USCIS' Web site and can be completed and saved electronically. This form has been designated for e-filing under USCIS's business transformation initiative.

4. A review of the 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. Application by Refugee for Waiver of Grounds of Excludability, Form I-602, is necessary to establish eligibility for waiver of excludability based on humanitarian, family unity, or public interest. Additionally, if this information collection is not approved, USCIS would not be in compliance with the Act which mandates that USCIS report the number of waivers granted to Congress.
7. There are no special circumstances associated with this information collection.
8. By notice in the Federal Register on August 19, 2011, at 76 FR 51997, USCIS notified the public that it was extending this information collection, and allowed for a 60-day public comment period. USCIS received three comments from one individual regarding the request to extend the Application by Refugee for Waiver of Grounds of Excludability, Form I-602. Two comments simply urged the government to enforce U.S. immigration laws; one comment argued against the granting of waivers to any additional refugees. The comments did not argue for any changes to the I-602; rather, they suggested that USCIS stop adjudicating waivers. The comments did not argue for any changes to the Application by

Refugee for Waiver of Grounds of Excludability, Form I-602; rather, they suggested that USCIS stop adjudicating waivers. The public comments will not result in any changes to the Application by Refugee for Waiver of Grounds of Excludability, Form I-602. The Secretary may waive certain grounds of inadmissibility under Section 212(a) of the Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Five grounds may not be waived, however: 212(a)(2)(C) – drug trafficking; 212(a)(3)(A) – security grounds; 212(a)(3)(B) – terrorist activities; 212(a)(3)(C) – foreign policy considerations; 212(a)(3)(E) – Nazi persecution and genocide.

USCIS published a 30-day notice in the Federal Register on November 28, 2011, at 76 FR 72967, and USCIS received one public comment in response the 30-day notice. The comment did not argue for any changes to the information collection; rather it suggested that USCIS stop granting all waivers. This public comment will not result in any changes to the information collection for reasons described above.

9. USCIS does not provide payments or gifts to respondents in exchange for a benefit sought.
10. There is no assurance of confidentiality. The privacy impact assessment for this information collection will be covered by the Case and Activity Management for International Operations (CAMINO), currently under agency clearance. The system of record for this information collection will be determined when the privacy impact assessment has been completed.

11. There are some questions of a sensitive nature such as those relating to mental disorder and behavior associated with that disorder, which may pose a threat to the safety of others. However, answers to these questions are necessary in order for USCIS to make a determination on whether to provide a waiver of grounds of excludability.

12. **Annual Reporting Burden:**

a.	Number of Annual Respondents	2,500
b.	Number of Annual Responses per Respondent	1
c.	Total Annual Responses	2,500
d.	Hours per Response	0.25
e.	Total Annual Reporting Burden	625

Annual Reporting

The annual reporting burden is estimated to be 625. This estimate is derived by multiplying the number of respondents (2,500) x (1) frequency of response x (0.25 hours) (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 information collection are identified in Item 14. There is no fee associated with this information collection.

14. **Annualized Cost Analysis:**

a.	Printing Cost	\$	1,350
b.	Collection and Processing Cost	\$	8,300
c.	Total Cost to Program	\$	9,650
d.	Fee Charge	\$	0

e. Total Cost to Government \$ 9,650

Government Cost

The estimated cost of the program to the Government is \$9,650. This figure is calculated by multiplying the estimated number of respondents (2,500) x (.083 hours) (5 minutes) time required to collect and process information x \$40 (suggested average hourly rate for clerical, officer, and supervisory time with benefits), plus \$1,350 overhead cost for printing, stocking, distributing and processing of this form.

Public Cost

The estimated annual public cost is \$19,213. This is based on the number of respondents (2,500) x (0.25 hours) (15 minutes) per response x (1) frequency of response x \$30.74 (average hourly rate).

- 15. There has been no increase or decrease in the estimated burden hours previously reported and there are no 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. USCIS will display the expiration date of OMB approval for 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 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,
Office of the Executive Secretariat,
U.S. Citizenship and Immigration Services,
Department of Homeland Security.

Date