

## **SUPPORTING STATEMENT**

### **Application to Preserve Residence for Naturalization**

#### **Form N-470**

**(OMB No. 1615-0056)**

**A. Justification.**

1. U.C. Citizenship and Immigration Services (USCIS) uses the information collected on Form N-470 to determine whether an alien, who intends to be absent from the United States for a continuous period of a year or more is eligible to preserve residence for naturalization purposes. Applications shall be filed either before or after the applicant's employment commences but before the applicant has been absent from the United States for a continuous period of one year (8 CFR 316.5(d)).
2. USCIS uses the data collected on this form to determine if the alien is eligible to preserve residence for naturalization purposes.
3. The use of this form currently provides the most efficient means for collecting and processing the required data. In this case the USCIS does not employ the use of information technology in collecting and processing information. However, this form has been designated for e-filing under the Business Transformation Project.
4. A search of the 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. This form is used by persons wanting to leave the country for extended periods of time without jeopardizing their continuous residence requirement for naturalization. If this form were not available, certain individuals would not be able to leave the country without repercussions to their naturalization eligibility.
7. The special circumstances contained in Item 7 are not applicable to this information collection.
8. On October 12, 2011, USCIS published a 60-day notice in the Federal Register at 76 FR 63321. USCIS received comments from two commenters on the 60-day notice. The following is a summary of each comment and USCIS' response.

Comment 1

The commenter notes that USCIS' reference to "continuous presence requirement" in the Supporting Statement is inaccurate. It should be "continuous residence requirement" instead.

USCIS Response

USCIS will make that edit on the Supporting Statement.

Comment 2

The commenter would like to know if "...including the U.S. Armed Forces" pertains to civilian employees but excluding military service members.

USCIS has removed reference to "including the U.S. Armed Forces" from the form.

USCIS Response

The comprehensive version includes reference excepting a member of the U.S. Armed Forces from filing Form N-470. This does not pertain to civilian employees.

#### Comment 3

The commenter would like to know if requesting information from an applicant about “all trips of 24 hours or more” is acceptable.

#### USCIS Response

Based upon INA section 317, the applicant must be physically present and residing in the United States for one uninterrupted period of at least one year. Therefore, USCIS requests that information from an applicant.

#### Comment 4

The commenter would like to know if the phrase “without any absences whatsoever” is in conflict with Part 2, item # 13 that excludes trips under 24 hours.

#### USCIS Response

Based upon further review, USCIS determined that the language is consistent with reference to “all trips of 24 or more”.

#### Comment 5

The commenter would like to improve the instructions to state that an applicant “may also plan to accumulate the one uninterrupted year as an LPR prior to departure abroad and the N-470 will be invalidated (become null and void) if they don’t fulfill that requirement. The information that the commenter provides pertains to applicants after USCIS has approved his/her Form N-470. USCIS

provides information in the instructions about applicants eligibilities for specific applications. USCIS instructions do not reference information after USCIS has approved an application.

#### Comment 6

The commenter states that the note referencing “Qualifying spouses” is confusing and needs to be clarified.

#### USCIS Response

USCIS will include reference to “Qualifying spouses of U.S. citizens” to address the confusion.

#### Comment 7

The commenter would like to remove reference to continuous residency requirements for Form N-400. Based upon stakeholders’ comments stating that the information is useful and important, USCIS will maintain that portion of the instructions.

#### Comment 8

The commenter states that the exception for members of the U.S. Armed Forces is incorrect; that “time spent in the military service is already officially considered to be continuous residence and physical presence in the U.S. and any state or USCIS office jurisdiction by statute.”

#### USCIS Response

Based upon further research with USCIS Subject Matter Experts, USCIS has concluded that the reference is correct and will be maintained.

#### Comment 9

The commenter states that USCIS can request applicants to provide information where an applicant has not met the one-year requirement inside the United States as an LPR. The commenter would like USCIS to ask for the applicant's "intended departure after accumulating the mandatory one-year continuous presence as an LPR required prior to departure if applying under INA section 316 section (b).

#### USCIS Response

This application pertains to more than one INA section of law. Therefore, to limit it by incorporating this verbiage would limit the capability of this application. So it will not be instituted.

#### Comment 10

The commenter states that USCIS requirement that the interrupted year must be completed before an applicant can file.

#### USCIS Response

This specifically reference INA section 317. However, Form N-470 pertains to more than section 317 therefore the form has been formatted to meet other requirements as needed to adjudicate the form.

Below is USCIS response to the second commenter's comment:

#### Comment

The public commenter provided extensive comments about revising the regulations supporting Form N-470. This includes referencing Advance Notice, CIA Exception, Religious Vocation, U.S. Government Civilian Employees.

## USCIS Response

USCIS appreciates the public commenters due diligence in providing suggestions and comments to improve the regulations supporting Form N-470. USCIS has reviewed the comments and suggestions in depth. However, while USCIS is currently undergoing a comprehensive review of the form, USCIS is not currently engaged in a comprehensive review of the regulations that support Form N-470. In the future, when USCIS does undertake a comprehensive review of the regulations supporting Form N-470, USCIS will review the public commenter's comments and suggestions.

On December 19, 2011, USCIS published a 30-day notice in the Federal Register at 76 FR 78674. USCIS received one comment on the 60-day notice. The following is a summary of the comment and USCIS response:

### Comment

USCIS could not clearly understand all of the comments the public commenter made. Based upon what USCIS understands and interprets, the public commenter stated that USCIS declines to include warnings about post-approval consequences of disqualifying act as improper. The commenter also states that the N-470 should notify members of the U.S. Armed Forces that they do not have to complete a Form N-470.

## USCIS Response

USCIS carefully reviewed the commenter's suggestions. The process to revise and update this form has been extensive and time consuming. During this time, USCIS actively reviewed and analyzed the supporting documentation and regulations. This included vigorously and continuously coordinating with USCIS legal representatives to ensure that USCIS provides the most comprehensive Form N-470 to the public.

At the same time, the instructions are not meant to subsume the regulations and statutes that guide USCIS adjudications. With that being said, the instructions cannot include every reference to statutes and regulations. None of USCIS naturalization and citizenship forms includes reference to each and every statute and regulations supporting that specific naturalization or citizenship form. Customers continuously complain that the instructions are not user friendly and easy to understand. USCIS has endeavored to provide that service to the public.

USCIS engaged in a comprehensive revision of the Naturalization and Citizenship forms to be as consistent and standardized as each other. This includes Form N-470. USCIS welcomes the public commenter's feedback while also maintaining the integrity of Form N-470.

9. USCIS does not provide payments or gifts to respondents in exchange for a benefit sought.
10. There is no assurance of confidentiality. The associated system of records notice for this information collection is USCIS Benefits Information System. Published in the Federal Register on September 29, 2008 at 73 FR 56596. The related privacy impact assessment 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	525
b.	Number of Responses per Respondent	1
c.	Total Annual Responses	525
d.	Hours per Response	.6
e.	Total Annual Reporting Burden	315

**Annual Reporting Burden**

**The annual reporting burden hours is 315.** This figure was derived by multiplying the number of respondents (525) x frequency of response (1) x.6 (36 minutes) per response. The estimated annual cost burden is \$16,139, based on the average hourly wage for all occupations times the 1.4 multiplier equaling \$30.74 multiplied by the number of respondents of 525.

13. There are no capital or start-up costs associated with this information collection.

For informational purposes, there is a fee charge of \$330 associated with this information collection times the number of respondents of 525 totals \$173,250.

14. **Annualized Cost Analysis:**

a.	Printing Cost	\$	135
b.	Collection and Processing Cost	\$	<u>204,795</u>
c.	<b>Total Cost to Government</b>	\$	<b>204,930</b>

**Government Cost**

The estimated cost to the Government is estimated by multiplying the number of respondents (525) by the fee charge of \$330 (which includes the average hourly rate for clerical, officer, and managerial time with benefits, plus a percent for the estimated cost of printing, stocking, distributing and processing this form).

15. There has been a decrease of 47 in the burden hours as previously reported for this information collection. This is as a result of a decrease in the number of respondents from 621 to 525, and a small increase in the time taken to complete Form N-470 from .583 to .6. USCIS has removed the cost burden from the ROCIS entry as this value was incorrectly entered at the time of the last submission.

USCIS revised Form N-470 to provide the applicant with a friendlier, easier to read form, please see the separate document “Table of Changes”. USCIS has revised this form in order to obtain additional contact information for the applicant. USCIS has also updated the instructions for the form N-470, also detailed in the separate document “Table of Changes” for the instruction.

Additionally, USCIS is collecting new information that will facilitate the adjudication of the applicant's request to preserve residence for naturalization purposes. This include:

1. Expanded the realm of phone numbers from the existing request of "Daytime Phone Number" to include work, evening, and mobile phone numbers to be able to contact the applicant if needed.
2. Expanded the information request for applicants who list absences from the United States to obtain a clearer understanding about the applicants travel.
  - a. If the trip that the applicant wrote lasted more than 6 months or more.
  - b. Countries that applicant traveled to.
  - c. Total days applicant spent outside the United States.
3. Expanded Information request about family members who reside with the applicant overseas to obtain a clearer understanding about who will be the applicant's beneficiary if USCIS approves an applicant's Form N-470.
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.

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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.

