

SUPPORTING STATEMENT

Immigrant Petition by Alien Entrepreneur

Form I-526

OMB No. 1615-0026

A. JUSTIFICATION:

1. Section 203(b)(5) of the Immigration Nationality Act, allows qualified immigrants seeking to enter the United States for the purpose of engaging in a commercial enterprise to invest to be provided with an immigrant visa. The requestor must petition the U.S. Citizenship and Immigration Services (USCIS) by filing Form I-526, Immigrant Petition by Alien Entrepreneur in accordance with 8 CFR 103.7.
2. The data collected on this form will be used by the USCIS to determine eligibility for qualified aliens to enter the United States for entrepreneurial enterprises. The form serves the purpose of standardizing requests for the benefit, and ensuring that basic information required to determine eligibility is provided by applicants.
3. The use of Form I-526 provides the most efficient means for collecting and processing the required data. Currently, USCIS does not have the automated capability in place to accept electronic submission of application. This form can be completed electronically but cannot be submitted electronically. However, this form has been designated for e-filing under the Business Transformation Project.
4. A review of the USCIS's Forms Inventory Report revealed no duplication of effort, and there is no other similar information currently available which can be used for this purpose.

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

3 6. Without the use of this information collection, an alien may not apply and
the USCIS may not determine an alien’s eligibility for special immigrant status.

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

8. On August 12, 2011, USCIS published a 60-day notice in the Federal Register at 76 FR
50238. USCIS received two comments on the 60-day notice. The following is a
discussion of the comments and USCIS’ response.

USCIS appreciates one commenter’s concern regarding the potential impacts of
legislative changes in the EB-5 program that may require the revision of the Form I-526,
and his desire for USCIS to wait until such changes take effect prior to making changes
to the Form I-526. USCIS notes that only Congress may make legislative changes to
current EB-5 law. USCIS will carefully consider the procedural impacts of any changes
in the EB-5 law, and will determine if the changes require the revision of the Form I-526,
should such legislation be enacted.

Another commenter suggested the following changes to the Form I-526.

1) Change Part 2 of Form I-526.

USCIS response: The suggestion for modification of Part 2 is being considered and will
likely be incorporated at least in part into next form revision.

2) Change Part 3 of Form I-526

USCIS response: The suggestions are noted and USCIS does intend to incorporate
regional center specific information collections into Form I-526 in the next form revision.

3) Suggestions to have “bulk” filing of documentation to support multiple filings.

USCIS response: This suggestion has merit but due to system constraints will be saved for consideration as part of USCIS’s Transformation initiative.

4) Changes to Part 4 of Form I-526

USCIS response: The suggestion for modification of Part 4 is being considered and will likely be incorporated at least in part into next form revision.

On November 15, 2011, USCIS published a 30-day notice in the Federal Register at 76 FR 70747. USCIS did not receive any comments on the 30-day notice.

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

6 10. 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

7 11. There are no questions of a sensitive nature.

8 12. **Annual Reporting Burden:**

0	a. Number of Respondents	3,742
1	b. Number of Responses per Respondent	1
2	c. Total Annual Responses	3,742
3	d. Hours per Response	1.25

4 e. Total Annual Reporting Burden 4,678

The total annual reporting burden for this information collection is 4,678. This figure was derived by multiplying the number of respondents (3,742) x frequency of response (1) x 1.25 hours (1 hour and 15 minutes) per response.

Public Cost

The total annual burden hour cost for respondents is \$ 143,802. This is based on the number of respondents 3,742 x 1 number of responses x 1.25 hours (1 hour and 15 minutes) per response x \$30.74 (average hourly rate).

1 13. There is no capital, start-up, maintenance or operational cost associated
2 with this information collection.

3 *For informational purposes, there is a fee charge of \$1,500 associated
with the filing of this information collection per respondent, times the number of
4 respondents (3,742) equals \$1,871,000.*

4 14. **Annualized Cost Analysis:**

a. Printing Cost	\$ 8,512
b. Collection and Processing Cost	\$ 5,604,488
c. Total Cost to the Government	\$ 5,613,000

Government Cost

The estimated cost of the program to the Government is calculated by multiplying the estimated number of respondents (3,742) multiplied (x) by the suggested \$1,500 fee charge (which includes the suggested average hourly rate for clerical, officer, and managerial time with benefits); plus a percent for the estimated overhead cost for printing, stocking, distributing and processing of this form.

The total annual fee burden cost for respondents is \$5,613,000. This figure is calculated by multiplying the number of respondents 3,742 x \$1,500 fee.

15. There has been an increase of 2,930 in the burden hours previously reported for this information collection. There is an increase of 2,343 in the number of respondents which is due to an agency adjustment of the estimated number of respondents. There is no change in the information being collected. The prior cost to respondent listed in ROCIS has been removed as it was erroneously included in the last submission.

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

2 17. The USCIS will display of the expiration date of the OMB approval for this information collection.

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

4 **B. Collection of Information Employing Statistical Methods.**

Not Applicable.

C. Certification and Signatures.

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,

Office of the Executive Secretariat,

U.S. Citizenship and Immigration Service,

Department of Homeland Security.