

SUPPORTING STATEMENT

Special Immigrant Visas for Fourth Preference Employment-Based Broadcasters

(File No. OMB-25)

OMB No. 1615-0064

A. Justification.

1. The Special Immigrant Status For Certain United States International Broadcasting Employees Act, Public Law 106-536 created a new category of fourth preference employment-based (EB-4) immigrant broadcasters. Public Law 106-536 authorized the allotment of 100 immigrant visas per fiscal year to the International Broadcasting Bureau of the U.S. Broadcasting Board of Governors (BBG) or a BBG grantee organization (namely Radio Free Asia, Inc., and Radio Free Europe/Radio Liberty, Inc.) to be used for international broadcasters. The spouse and children of the broadcaster can accompany the alien broadcaster.

The instruction was originally developed with a separate OMB Control Number in the interest of getting the additional burden approved as quickly as possible so as to not harm the public by delaying the collection of information. USCIS plans to revise Form I-360 (OMB No. 1615-0020) to incorporate this supplemental fact sheet, and the associated burden.

2. The Public Law 106-536 does not currently necessitate the creation of a new form or the editing of the existing I-360. U.S. Broadcasting Board of Governors (BBG) or a BBG grantee organization (namely Radio Free Asia, Inc., and Radio Free Europe/Radio Liberty, Inc., who will be the only entity completing this Form I-360 petition, will be able to use the “other” check box on Form I-360 and add the word “Broadcasters” in the

space provided. In addition, 8 CFR 204.13(d)(1)(ii) requires the BBG, as petitioner to submit a statement as an attachment to the I-360 that addresses the position the broadcaster will fill and the qualifications of the broadcaster. The U.S. Citizenship and Immigration Services (USCIS) will use the information collected via supplemental documentation to determine eligibility for the requested EB-4 classification.

3. The statement as an attachment to the I-360 cannot be e-filed. Since USCIS plans to discontinue this collection within the next year, USCIS has no plans to make this collection electronic.
4. USCIS has investigated its internal processes, files and data as well as those of other Federal agencies that may service the same population. USCIS was not able to find any other means by which the information necessary for this process could be obtained except for the use of the statement as an attachment to the I-360. USCIS will continue to examine ways in which information may be obtained from other sources and any identified duplications can be minimized or removed.
5. This collection of information has an impact on small businesses or other small entities. The only possible respondents are Broadcasting Board of Governors (BBG) or a grantee, and the grantees currently include only Radio Free Asia (RFA), Radio Free Europe/Radio Liberty (RFE/RL), and the Middle East Broadcasting Network (MBN). These entities are considered small businesses or small entities. However, these entities collect information on behalf of individuals, international broadcasters.
6. If the supplemental evidence is not collected, the USCIS will not be able to comply with Public Law 106-536. The submitted evidence must establish the eligibility of the beneficiary.

7. There are no special circumstances applicable to this information collection.
8. On October 28, 2011, USCIS published a 60-day notice in the Federal Register at 76 FR 66945. USCIS received one comment on the 60-day notice. The following is a summary of the comment and USCIS' response:

Comment:

The commenter pointed out that the form instruction for the Form I-360 indicated that Part 2, Box "g" should be checked when filing as International Broadcasters but Part 2, Box g is actually labeled for use by the "Special Immigrant International Organization Employee or family member".

Response:

USCIS thanks the commenter for pointing out the conflict and will change the Form instruction to indicate the correct box needed to be checked.

Comment:

The same commenter also suggested that the specific instructions on this visa category should also be addressed. He indicated that the attestation required for the EB-4 International Broadcaster has little required specific information outlined in the regulations and that the attestation could be most efficiently submitted on Official Letterhead of the qualified petitioner which would describe the position offered and qualifications needed/desired accompanied by a resume or *curriculum vitae* of the beneficiary.

Response:

As the Department and the commenter know, these petitions can only be submitted by the Broadcasting Board of Governors (BBG) or a grantee, and the grantees currently include

only Radio Free Asia (RFA), Radio Free Europe/Radio Liberty (RFE/RL), and the Middle East Broadcasting Network (MBN). The Department receives these petitions from only four different entities. As indicated in the comment, the Special Immigrant Religious Worker category, which the commenter is using for comparison, is filed by a much broader pool of petitioners, who may require more specific instruction regarding the form their attestations should take. The regulations are clear enough and/or the BBG and its grantees already have sufficient experience filing these petitions and are already submitting these petitions with a letter on letterhead describing in detail the position duties and the beneficiaries' qualifications and experience, and usually do include a resume.

On January 24, 2012, USCIS published a 30-day notice in the Federal Register at 77 FR 3486. USCIS has not received any comments to date on the 30-day notice.

9. USCIS does not provide payments or gifts to respondents related to this information collection. There is no assurance of confidentiality. The associated system of records notice for this information collection is United States Citizenship and Immigration Services Benefits Information System. Published in the Federal Register on September 29, 2008 at 73 FR 56596. The related Privacy Impact Assessment (PIA) is USCIS Benefits Processing of Applicants other than Petitions for Naturalization, Refugee Status, and Asylum. The PIA is dated September 5, 2008.

11. There are no questions of a sensitive nature.

12. **Annual Reporting Burden:**

| | |
|--|-----|
| a. Number of Respondents | 100 |
| b. Number of Responses per each Respondent | 1 |

| | |
|----------------------------------|-----|
| c. Total Annual Responses | 100 |
| d. Hours per Response | 2 |
| e. Total Annual Reporting Burden | 200 |

**The two hours that is estimated to read and complete Form I-360 is broken down into: The time for BBG to read and complete which is 1 hour and 50 minutes, and 10 minutes for the broadcaster to read the fact sheet online.*

Annual Reporting Burden

Total annual reporting burden hours is 200. This figure is calculated by multiplying the number of respondents (100) x the number of responses (1) x 2 hours pre response.

The estimated annual public cost is \$7,342. This figure is based on the number of respondents 100 x (1) number of responses x 2 hours per response x \$36.71 (mean hourly rate) for the broadcaster based on the July 2012 Bureau of Labor Statistics (BLS) for this labor category. The BLS does not provide a separate and specific wage rate for international broadcasters.

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

14. **Annualized Cost Analysis:**

| | |
|-----------------------------------|----------|
| a. Printing Cost | \$ 0 |
| b. Collection and Processing Cost | \$ 8,000 |
| c. Total Cost to Program | \$ 8,000 |
| d. Fee Charge | \$ 0 |
| e. Total Cost to Government | \$ 8,000 |

Government Cost

The estimated cost to the Government is \$8,000. This figure is calculated by multiplying the estimated number of respondents 100 x 2 hours (time required to collect and process information) x \$40 (suggested average hourly rate for the personnel who process the application. As discussed above, USCIS will discontinue this collection within the next year.

15. There is no increase or decrease in the annual burden hours previously reported for this information collection. There is no change in the information being collected.
16. USCIS does not intend to employ the use of statistics or the publication thereof for this collection of information.
17. USCIS will display the expiration date for this information collection on the fact sheet that resides at USCIS Web site at:

<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=724b83453d4a3210VgnVCM100000b92ca60aRCRD&vgnnextchannel=724b83453d4a3210VgnVCM100000b92ca60aRCRD>

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

B. Collection of Information Employing Statistical Methods.

There is no statistical methodology involved with this collection.