

SUPPORTING STATEMENT

Application to Extend/Change Nonimmigrant Status

Form I-539

(OMB No. 1615-0003)

A. JUSTIFICATION.

1. The information collected is required by 8 CFR 214.1(c). This form will be used by nonimmigrants to apply for an extension of stay or for a change to another nonimmigrant classification.
2. The data collected on Form I-539 will be used by U.S. Citizenship and Immigration Services (USCIS) to determine eligibility for the requested immigration benefit; the form will serve as a standardized request for the benefit sought and will ensure that basic information required to assess eligibility is provided by all applicants.
3. The use of this form provides the most efficient means for collecting and processing the required data. Approximately 10% of Form I-539 submissions are submitted electronically by logging into USCIS's E-Filing system. The urls are <http://www.uscis.gov/portal/site/uscis>; <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=f3fe194d3e88d010VgnVCM10000048f3d6a1RCRD&vgnnextchannel=9059d9808bcbd010VgnVCM100000d1f1d6a1RCRD>; and <https://efiling.uscis.dhs.gov/efile/>

4. A review of the USCIS forms inventory report revealed no duplication of effort, and there is no other similar information currently available that can be used for this purpose.
5. This collection of information does not have an impact on small businesses or other small entities.
6. Without this information collection there would be no venue by which certain classes of nonimmigrants could apply for and receive an extension of stay or other nonimmigrant classification.
7. The special circumstances contained in item 7 of the supporting statement are not applicable to this information collection.
8. USCIS will address public comments prior to publishing the 30-day notice in the Federal Register.

On October 28, 2011, USCIS published a 60-day notice in the Federal Register at 76 FR 66946. USCIS has not received any comments to date on the 60-day notice.

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 in exchange for a benefit sought.

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. Published in the Federal Register on September 29, 2008 at 73 FR 56596. The associated privacy impact assessment is USCIS Benefits Processing of applications 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	195,000
b.	Number of Responses per each Respondent	1
c.	Total Annual Responses	195,000
d.	Hours per Response	.75
e.	Total Annual Reporting Burden	146,250

Annual Burden Hours

Total annual reporting burden hours is 146,250. This figure was derived by multiplying the number of respondents (195,000) x 1 frequency of response x .75 hours (45 minutes) per response.

The estimated annual public cost is \$5,994,300. This is based on the number of respondents 195,000 x (1) number of responses x .75 hours (45 minutes) per response x \$30.74 (average hourly rate).

13. There are no capital or start-up costs associated with this information collection. For informational purposes: *There is a fee charge of \$290 associated with the filing of this information collection and a biometrics fee of \$85.*

14. **Annualized Cost Analysis:**

Government Cost

The estimated cost to the Government is \$73,125,000. This figure is calculated by multiplying the estimated number of respondents 195,000 x \$290 processing cost for the form equaling \$56,550,000, and adding in the cost for processing the biometrics which is $195,000 \times \$85 = \$16,575,000$ for a total of \$73,125,000.

15. There is no increase or decrease in the annual burden associated with this collection of information. There is a decrease in the costs reported in Question 14 of the OMB Form 83-I, Annual Reporting and Recordkeeping cost burden from \$73,125,000 to \$0. This is because the fee costs associated with the collection of information were reported at the last submission. USCIS does not provide the cost for fees in the PRA submission, and the removal of this cost corrects this. 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 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.