

## **SUPPORTING STATEMENT**

### **Petition for Alien Fiance(e)**

**(Form I-129F)**

**OMB No. 1615-0001**

#### **A. Justification.**

1. Section 214(d) of the Immigration and Nationality Act (Act) prohibits the issuance of a nonimmigrant visa under section 101(a)(15)(K) of the Act until the consular officer abroad has received a petition filed in the United States by a U.S. citizen on behalf of his/her spouse or fiance(e) and approved by the Secretary of Homeland Security. Likewise, 8 CFR 214.2(k) sets forth procedures which must be followed by a citizen of the United States who wishes to bring his/her spouse or fiance(e) to the United States. This includes the requirement that a completed Form I-129F must be filed with the U.S. Citizenship and Immigration Services (USCIS) in order to petition for an alien spouse, fiance(e), or child.
2. The data collected on Form I-129F will be used by USCIS to determine eligibility for the requested immigration benefit. The form serves the purpose of standardizing requests for the benefit, and ensuring that basic information required to assess eligibility is provided by petitioners.
3. The use of Form I-129F 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. Currently, the USCIS does not

have the automated capability in place to accept electronic submission of applications. However, this form does reside on the USCIS' Web site and can be completed and saved electronically. This form has been designated for e-filing under the Business Transformation Project. Form I-129F is scheduled for Release B, which is slated for October 2013.

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. If this information is not collected and presented to the USCIS there is no mechanism for the USCIS to determine whether satisfactory evidence has been submitted by the U.S. citizen to establish that the parties are married, in the case of a citizen seeking to obtain a nonimmigrant visa for his or her spouse. In the case of a citizen seeking to obtain a nonimmigrant visa for his or her fiance(e), if this information is not collected and presented to the USCIS there is no mechanism for the USCIS to determine whether satisfactory evidence has been submitted by the U.S. citizen to determine that the citizen and fiance(e) have previously met in person within 2 years before the date of filing the petition, have a bona fide intention to marry, and are legally able and actually willing to conclude a valid marriage within 90 days after the fiance(e) arrival in the United States.
7. There are no special circumstances associated with this information collection.
8. USCIS will address 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 66944. USCIS received one comment on the 60-day notice. The following is a summary of the comment and USCIS response:

**Public Comment**

The commenter suggested that USCIS add the following question to B18 or B19 of the form I-129F instructions: "which party to the intended marriage paid the broker, and how much in U.S. dollars?"

**USCIS Response:**

USCIS will not accept the first recommendation because that would lead to a duplication of information.

**Public Comment**

The commenter's second comment refers to questions A7 and B7 on Form I-129F and suggests that the term "maiden name" is sexist and should be replaced with a more neutral term such as "birth name" or "name of birth".

**USCIS Response:**

The second recommendation about the term "maiden name" being sexist will not be taken because the term is actually universal and widely accepted.

On January 24, 2012, USCIS published a 30-day notice in the Federal Register at 77 FR 3485. USCIS has not received any comments 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. (Dated September 5, 2008).

11. There are no questions of a sensitive nature.

12. **Annual Reporting Burden:**

a.	Number of Respondents	54,000
b.	Number of Responses per each request	1
c.	Total Annual Responses	54,000
d.	Hours per Response	1.50
e.	Total Annual Reporting Burden	81,000

**Annual Reporting**

**Total annual reporting burden is 81,000.** This figure was derived by multiplying the number of respondents (54,000) x frequency of response (1) x 1.5 hours (90 minutes) per response.

**Public Cost**

**The total annual burden hour cost for respondents is \$ 1,659,960.** This is based on the number of respondents 54,000 x 1 number of responses x 1.25 hours (1 hour and 15 minutes) per response x \$30.74 (average hourly rate).

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

*For informational purposes, there is a \$340 fee charged in association with the filing of this information collection, times 54,000 respondents equals a total of \$18,360,000.*

14. **Annualized Cost Analysis:**

Printing Cost	\$ 48,000
Collecting and Processing	<u>\$ 18,312,000</u>
<b>Total Cost to the Government</b>	<b>\$ 18,360,000</b>

**Government Cost**

The estimated cost of the program to the Government is calculated by using the estimated number of respondents (54,000) multiplied (x) by the suggested \$340 fee charge (which includes the average hourly rate for clerical, officer, and managerial time with benefits). In addition, this figure includes the estimated overhead cost \$48,000 for printing, stocking, distributing and processing of this form.

15. There has been no increase or decrease in the estimated number of annual burden hours for this information collection. There is no change in the information being collected. The annual cost burden previously included in ROCIS has been removed as it was previously included erroneously.
16. The USCIS does not intend to employ the use of statistics or the publication thereof for this collection of information.
17. DHS will display the expiration date for this information collection on the form.

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

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

Not Applicable.