

## **SUPPORTING STATEMENT**

### **Request for Hearing on a Decision**

#### **in Naturalization Proceedings (Under Section 336 of the INA)**

**Form N-336**

**OMB No. 1615-0050**

**A. Justification.**

1. Section 336 of the Immigration and Nationality Act (the Act) allows an applicant to request a hearing before an immigration officer if his or her application for naturalization was denied after an examination by U.S. Citizenship and Immigration Services (USCIS), under section 335 of the Act.
2. This form provides a method for applicants, whose applications for naturalization are denied, to request a new hearing by an Immigration Officer of the same or higher rank as the denying officer, within 30 days of the original decision. This form is being revised. See attached table of changes.
3. The use of this form provides the most efficient means for collecting and processing the required data. In this case USCIS does not employ the use of information technology in collecting and processing information. This form has been designated for e-filing under the business transformation initiative.
4. A search of 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 impact small businesses or other small entities.
6. Without Form N-336, an applicant would not be able to request a hearing before an

immigration officer if his or her application for naturalization was denied after an examination by USCIS, under section 335 of the Act.

7. The special circumstances contained in item 7 of the supporting statement are not applicable to this information collection.

8. On August 25, 2011, USCIS published a 60-day notice in the Federal Register at 76 FR 53144.

USCIS received two comments on the 60-day notice. The following is a summary of each comment and USCIS' response.

#### Public Comment

The commenter also commended USCIS for its due diligence in revising the form which the commenter considers more user friendly and plain language to assist applicants when completing Form N-336.

#### USCIS Response

USCIS thanks the commenter for the commenter's commendation of the comprehensive revision. The current version, which has been in circulation for sometime, requiring extensive review and drafting to best assist the public and USCIS customers. Therefore, USCIS appreciates the commenter's support of the time and energy engaged in this process.

#### Public Comment

Commenter states that the Business Transformation Rule, Increment I, 8 CFR, section 336.2(b) mentions that USCIS will schedule the hearing within 180 days. The Form N-336 Instructions state 120 days.

## USCIS Response

Due to the commenter's feedback, FOD adjusted information in the Form N-336 Instructions pertaining to the amount of days USCIS has to schedule a hearing. The previous version stated USCIS has up to 120 days to schedule a hearing. Per 8 CFR section 336.2(b), it is 180 days. Therefore, USCIS updated the Form N-336 Instructions. While conducting research to update the information based upon the public comment, USCIS FOD adjusted information in the Form N-336 Instructions pertaining to accommodations for individuals with disabilities and/or impairments to further provide clarification as the commenter has consistently requested. USCIS provide verbiage enabling applicants to understand that accommodations do not exclude an applicant from participating, and being denied, on the sole basis of the applicant's disability or impairment. The previous form does not provide this clarification which may cause confusion and inhibit perspective applicants from applying.

In addition, USCIS updated the systems of records notices in the privacy act section enabling the commenter to understand the various systems USCIS engages in regarding adjudications. The previous Form N-336 referred to Central Index System (CIS) which is incorrect and has been removed. The previous form also did not refer to Index and National File Tracking System of Records and has now been updated. The new verbiage reflects the correct information for public awareness.

USCIS published a 30-day notice in the Federal Register on November 8, 2011, at 76 FR 69276. USCIS received no comments on the 30-day notice.

9. USCIS does not provide payments or gifts to respondents for a benefit sought.
10. There is no assurance of confidentiality. The system of record notice associated with this information collection is the Alien File (A-File) and Central Index System (CIS), which was published in the Federal Register on January 17, 2007 at 72 FR 1755. The privacy impact assessment associated with this information collection is the Integrated Digitization Document Management Program (IDDMP).
11. There are no questions of a sensitive nature.

12. **Annual Reporting Burden:**

a.	Number of Annual Respondents	5,523
b.	Number of Annual Responses per each Respondent	1
c.	Total Annual Responses	5,523
d.	Hours per Response	2.75
e.	Total Annual Reporting Burden Hours	15,188

**Annual Reporting Burden**

**The total annual reporting burden hours for this information collection is 15,188.**

This figure was derived by multiplying the number of annual respondents (5,523) x (1) frequency of response x (2.75) (2 hours and 45 minutes) per response.

13. There are no capital or start-up costs associated with this information collection. For informational purposes, here is a \$650 fee charge for this information collection.

14. **Annualized Cost Analysis:**

a. Printing Cost	\$ 2,588
b. Collecting and Processing	\$ 3,587,362
c. Total Cost to Government	\$ 3,589,950

**Government Cost**

The estimated cost of the program to the Government is calculated by multiplying the estimated number of respondents (5,523) x \$650 fee charge (which includes the suggested average hourly rate for clerical, officer, and supervisory time with benefits). This figure includes the estimated overhead cost for printing, stocking, and distributing the form.

15. There is an increase of 3,790 in the burden hours previously reported for this collection of information. This change can be attributed an increase in the number of respondents from 4,145 respondents to 5,523. The increase in the number of respondents is based on updated FY 2010 statistical data and the resulting adjustment in agency estimates.

USCIS has made some clarifying modifications to the language of the form and the instructions to facilitate reading and completion of the form.

USCIS originally submitted a revision request for this collection; USCIS, however, has decided to extend the use of Form N-336 instead of revising the form.

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 OMB expiration date for this information collection.

18. The 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**

Chief,

Regulatory Products Division,

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Department of Homeland Security.

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**Date**