

SUPPORTING STATEMENT
Petition by Entrepreneur to Remove Conditions
Form I-829
OMB No. 1615-0045

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

Alien entrepreneurs admitted to the United States under section 203(b)(5) of the Immigration and Nationality Act (Act), are required to petition for removal of the conditional residence status imposed on them and their accompanying spouse and children, within a 90-day period before the second anniversary of their conditional residence (section 216A of the Act). The Petition by Entrepreneur to Remove Conditions, Form I-829, provides a uniform petition that enables alien entrepreneurs to request the removal of the conditional basis of their lawful permanent resident status.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

U.S. Citizenship and Immigration Services (USCIS) will use the data collected on the Petition by Entrepreneur to Remove Conditions, Form I-829, to determine eligibility for the requested immigration benefit. The form standardizes requests for removal of conditions and ensures that applicants provide the basic information required to assess eligibility.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

The use of this form currently provides the most efficient means for collecting and processing the required data. USCIS provides this application to the public via the USCIS Internet Web site. This form can be downloaded, completed and saved electronically, but cannot be e-filed at this time. USCIS is currently in the process of reviewing all information collection activities via our business transformation initiative and working to allow for full electronic submission capabilities. Due to the large number of information collection activities and the limited resources available to apply to this process, there is currently no scheduled date for the conversion of this information collection process to be converted. As such, due to the partial GPEA compliance of allowing for accessing, completing and saving the form electronically, USCIS respectfully requests a minimum of a 2-year approval as we continue to move towards full GPEA compliance for all forms.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

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. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

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

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If the collection of information is not conducted, USCIS would not be able to determine if eligibility requirements for removal of conditional residence status have been met.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner: requiring respondents to report information to the agency more often than quarterly; requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; requiring respondents to submit more than an original and two copies of any document; requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years; in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study; requiring the use of a statistical data classification that has not been reviewed and approved by OMB; that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

There are no special circumstances applicable to this information collection.

8. If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

By notice in the *Federal Register* on March 13, 2012, at 77 FR 14817, USCIS notified the public that it was extending this information collection. The notice allowed for a 60-day public comment period, and USCIS received distinct comments from three commenters.

USCIS received comments focusing on the evidentiary requirements of the Form I-829, on security and integrity concerns about the program, and the apparent inability of the form to address certain situations where there might be an investment in a new commercial enterprise associated with a regional center designated under the Immigrant Investor Pilot Program, which is distinct from the earlier investment plan. USCIS is presently working on substantive revisions to the Application for Regional Center under the Immigrant Investor Pilot Program, Form I-924, which may influence the specific changes that are needed in Form I-829. USCIS plans to effect substantive changes to Form I-829 after considering public comments to the revised Form I-924. USCIS recognizes that certain form changes requested in the comments may involve policy issues that are under active consideration, but are as of yet, not finalized. Lastly, the technical correction comments presented by the commenters will be retained by USCIS and will be given full consideration during the substantive revision of Form I-829.

USCIS published a 30-day notice in the *Federal Register* on June 15, 2012, at 77 FR 35991, and USCIS has received two submissions from two commenters to date. The comments also relate to the general integrity of the program. USCIS's response above addresses these comments.

(Note: On June 7, 2012, USCIS erroneously published in the *Federal Register* a second 60-day notice at 77 FR 33758 due to an incorrect submission. On June 15, 2012, this erroneous 60-day notice was corrected and superseded by publishing the correcting 30-day notice in the *Federal Register* at 77 FR 35991.)

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

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

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

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.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to person's form whom the information is requested, and any steps to be taken to obtain their consent.

There are questions of a sensitive nature regarding past behavior and activity. However, without this information, USCIS cannot make a determination on a petitioner's request to remove conditional residence status.

12. Provide estimates of the hour burden of the collection of information.

Annual Reporting Burden:

a.	Number of Respondents	1,500
b.	Number of Responses per each request	1
c.	Total Annual Responses	1,500
d.	Hours per Response	1.08
e.	Total Annual Reporting Burden	1,620

Total annual reporting burden is 1,620. This estimate was derived by multiplying the number of respondents (1,500) x (1) frequency of response x (1.08 hours) 65 minutes.

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

There are no capital or start-up costs associated with this information collection. For informational purposes, there are two fees involved with this collection; a fee charge of \$3,750 for processing, and an \$85 biometric fee.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that

would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

Annualized Cost Analysis:

a.	Printing Cost	\$	1,520
b.	Collecting and Processing	\$	5,623,480
c.	Total Annual Cost to Government	\$	5,625,000

Government Cost

The estimated cost of the program to the Government is calculated by multiplying the estimated number of respondents (1,500) x (\$3,750) the suggested fee charge (which includes the suggested average hourly rate for clerical, officer, and managerial time with benefits). In addition, this figure includes the estimated overhead cost \$140 for printing, stocking, distributing and processing of this form.

15. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.

There has been an increase of 1,144 burden hours previously reported for this information collection. This change can be attributed to an increase in the number of respondents from 441

respondents to 1,500 based on an adjustment in agency estimates. Please note that the previously reported cost for the instrument of \$1,691,235 has been removed as this figure did not belong here. The cost was based upon a fee charge, which is now noted for informational purposes in question 13 above. There is no change to the information being collected.

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

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

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

USCIS will display the expiration date for this information collection.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB 83-I.

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

- B. Collection of Information Employing Statistical Methods.**
Not Applicable.