

**SUPPORTING STATEMENT FOR  
PETITION FOR U NONIMMIGRANT STATUS  
OMB Control No.: 1615-0104  
COLLECTION INSTRUMENT(S): Form I-918 and I-918 Supplement A and I-918  
Supplement B**

**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.*

An alien who has suffered direct and proximate harm as a result of the commission of qualify criminal activity (one or more of the following or any similar activities in violation of Federal, State or local criminal law of the United States: Rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes), or a qualifying family member, may file a petition to obtain u nonimmigrant status under 8 CFR 214.14.

The U nonimmigrant classification provides temporary immigration benefits, potentially leading to permanent resident status, to certain victims of criminal activity who: suffered substantial mental or physical abuse as a result of having been a victim of criminal activity; have information regarding the criminal activity; and assist government officials in investigating and prosecuting such criminal activity.

This information collection allows the victim and/or the qualifying relative to provide the information that would allow USCIS to assess whether or not the petitioner meets the eligibilities requirements stated under sections 214.14 212.17 of the 8 CFR.

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.*

This petition permits victims of certain qualifying criminal activity and their immediate family members to apply for temporary nonimmigrant classification. The petition is divided into three parts. The Form I-918, Petition for U Nonimmigrant Status, I-918 Supplement A, and I-918 Supplement B. The principal petitioner must complete the

Form I-918 to apply for temporary immigration status. The principal petitioner must complete Form I-918 Supplement A, to petition for derivative status for a qualifying immediate family member. A certifying official of a certifying agency (which must be a Federal, State, or local law enforcement agency, prosecutor, judge, or other authority, that has responsibility for the investigation or prosecution of a qualifying crime or criminal activity) must complete the Form I-918 Supplement B, at the petitioner's request, to attest to the petitioner's claim of being a victim of certain qualifying criminal activity and being helpful in the investigation or prosecution of the criminal activity. Section 214(p)(1) of the Immigration and Nationality Act (INA) requires the petitioner to submit such certification to USCIS. The information on all three parts of the form will be used to determine whether petitioners meet the eligibility requirements for benefits under 8 CFR 212.17, and 214.14.

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 these forms provides the most efficient means for collecting and processing the required data. The forms and its supplements, as well as the instructions, can be accessed electronically by visiting USCIS Web site at [www.uscis.gov](http://www.uscis.gov), specifically at <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=c70ab2036b0f4110VgnVCM1000004718190aRCRD&vgnnextchannel=db029c7755cb9010VgnVCM10000045f3d6a1RCRD>. The forms and the instructions can be downloaded, completed and saved electronically. The forms, along with the required supporting documentation, must be mailed to the USCIS office that has jurisdiction over the respondent. USCIS has designated these forms for e-filing under the Business Transformation Project. As such, due to the partial GPEA compliance of allowing for accessing, completing and saving the form electronically, USCIS respectfully requests at least 2-year approval as it continues 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 USCIS Forms Inventory Report revealed no duplication of efforts, and there is no other similar form 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 form is not approved, there is no other tool USCIS may use to determine whether the alien was a victim of certain criminal activity and otherwise qualifies for U nonimmigrant status.

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.*

The special circumstances contained in item seven of the supporting statement are not

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.*

On May 9, 2012, USCIS published a 60-day information collection notice in the Federal Register at 77 FR 27241. As a result of that publication, USCIS received a comment regarding immigration to the United States as a whole and the United States should not allow any more immigrants into the country. USCIS thanks the commenter for providing this comment. The commenter does not recommend changes to Form I-918; therefore, USCIS will not be making any revisions to this information collection as a result of this comment.

On July 25, 2012, USCIS published a 30-day information collection notice in the Federal Register at 77 FR 43607. USCIS has not received comments to the date in connection with that publication.

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.*

The Privacy Act of 1974 (Public Law 93-589) sets forth requirements for federal

agencies when they collect, maintain or disseminate information about individuals. The Act requires that federal agencies (a) collect minimal information necessary on individuals, (b) safeguard the information, and (c) allow individuals to inspect and correct erroneous information. Under 8 U.S.C. Section 1367 and 8 C.F.R. Section 214.14, the respondent is informed that the information provided in the petition package is confidential, and that it will only be used to determine eligibility and to enforce penalties for false statements. Further, the respondent is informed that the information will be released only as necessary to investigate the claim and to determine an applicant's eligibility for the requested benefit. A Privacy Threshold Analysis has been completed. A Privacy Impact Analysis is required and is in progress for the Humanitarian Adjudication for Victims Enterprise Nationwide (HAVEN) and a SORN determination will be made at that time.

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 from whom the information is requested, and any steps to be taken to obtain their consent.*

There are questions of sensitive nature. To be eligible for a U visa, a petitioner must be the victim of a qualifying criminal activity. Some of the qualifying criminal activities may be or are sexual in nature, such as rape, domestic violence, felonious assault, sexual assault, prostitution, among others. Questions on these forms include requesting information about the crime, victimization, and injuries suffered. The forms also ask standard questions on the petitioner's criminal history, drug use, and medical issues. These questions are necessary as they would help on reaching a determination as to whether the petitioner has met the eligibility requirements necessary to obtain U nonimmigrant status and if the petitioner is admissible to the U.S.

12. *Provide estimates of the hour burden of the collection of information. The statement should:*
  - *Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.*

- *If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.*
- *Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14*

Type of Respondent	Form Name / Form Number	No. of Respondents	No. of Responses per Respondent	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate	Total Annual Respondent Cost
Individuals or Households	Petition for U Nonimmigrant Status, Form I-918	16,768	1	5 hours	83,840	30.44*	\$2,552,090
Individuals or Households	I-918, Supplement A, Petition for Qualifying Family Member of U-1 Recipient	10,033	1	1.5 hours (1 hour and 30 minutes)	15,050	30.44	\$458,107
Federal, State, Local governments	I-918 Supplement B, U Nonimmigrant Status Certification	16,768	1	1hour	16,768	30.44	\$510,418
Individuals or Households	Biometrics Services	25,000	1	0.167 hours (10 minutes)	4,175	30.44	\$127,087
Total		26,801**			119,833		\$3,647,702

\* *The wage rate category of “All Occupations” has been used for this collection of information. The mean wage for this occupation category as listed by the Bureau of Labor Statistics is \$21.74 and adding the wage rate multiplier of 1.4 provides a total adjusted wage rate of \$30.44.*

\*\* *This figure is derived by adding the number of respondents that file the I-918 and also file Supplement A.*

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).*

- *The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.*
- *If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.*
- *Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government or (4) as part of customary and usual business or private practices.*

There is no cost burden to respondents for actually responding to this information collection- start-up, maintenance, and operating costs associated with completing the paperwork. There is no fee charge for this information collection. For informational

purposes only, there is an \$85 biometrics services fee charged to applicants that file form I-918.

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	\$ 8,314.12
b.	Collection and Processing Cost	\$ 6,751,300
c.	Total Cost to Government	\$ 6,759,614.12

**The estimated annual Government cost is \$6,759,614.12\*.** The estimated cost of the program to the Government is calculated by:

- I-918 respondents 16,768 x 5 hour (time required to collect and process information) x \$40 (Suggested average hourly rate for clerical, officer, and supervisory time with benefits) = \$3,353,600; PLUS
- I-918 Supplement A, respondents 10,033 x 1.5 hour (time required to collect and process information) x \$40 (Suggested average hourly rate for clerical, officer, and supervisory time with benefits) = \$601,980; PLUS
- I-918 Supplement B, respondents 16,768 x 1 hour (time required to collect and process information) x \$40 (Suggested average hourly rate for clerical, officer, and supervisory time with benefits) = \$670,720; PLUS
- I-918 respondents 25,000 x \$85 biometric fee = \$2,125,000; PLUS
- Cost for printing and distribution of the form = \$ 8,314.12

\* The overall cost to the Government is calculated by adding all of the above costs equating to \$6,759,614.12.

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 increase in the annual burden hours previously reported for form I-918 and Supplement B. This change was due to an increase in the number of respondents for form I-918 from 12,000 to 16,768. There has been, however, a decrease in the annual burden previously reported for Supplement A, as the number of respondents has



decreased from a previously reported 20,000 to a 10,033 being now reported. USCIS previously reported a cumulative figure for the total burden hours, equating to 108,000. However, the current request includes a breakdown of the burden hours per instrument, totaling to 119,833 burden hours. The time per response varies depending on the instrument. The table inserted in the response to Question 12 of this supporting statement contains the total burden hour breakdown per instrument. Moreover, USCIS discloses its estimated number of respondents for biometric services and indicates that it estimates .167 hours (10 minutes) per biometric collection. No changes have been made to the information USCIS collects through this form, with the exception to correcting some numbering issue in part 4 of Supplement A.

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.*

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

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.*

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