

SUPPORTING STATEMENT
Notice of Appeal of Decision Under Section 210 or 245A
Form I-694
OMB No. 1615-0034

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.**

Sections 210 and 245A of the Immigration and Nationality Act (Act) contain specific language regarding the adjudication and appeal rights of section 210 and 245A applicants. Because of the continuing litigation regarding applicants that presumably fall within the above sections of the Act, U.S. Citizenship and Immigration Services (USCIS) must continue to accept applications for temporary resident status and related waiver applications until all decisions in court cases have been rendered and USCIS is not mandated to accept any more applications.

- 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.**

The data collected on this form is used by USCIS in considering the appeal from a finding that an applicant is ineligible for legalization under section 210 and 245A of the Act or is ineligible for a related waiver of inadmissibility.

- 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.**

Form I-694 is available electronically at <http://www.uscis.gov/i-696>. This form can be downloaded, completed and saved electronically, but cannot be e-filed at this time. USCIS is working to accept electronic submissions under a business transformation initiative, but the scope of work required and large number of forms impacted will result in a graduated approach to implementation. For the current submission, USCIS requests an exception to the 1-year approval granted to collections without Government Paperwork Elimination Act (GPEA) compliance. Due to USCIS's efforts to allow respondents to access, complete, and save the forms electronically, we respectfully request a 2-year approval while moving forward with our efforts to fully comply with GPEA across all of our information collections.

- 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 search of USCIS' automated forms tracking system was accomplished and revealed no duplication. There is no similar data collected.

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.**

Without the use of this information collection (Notice of Appeal) an applicant whose request for temporary or permanent resident status has been denied or terminated by USCIS may also lose other immigration benefits, such as temporary U.S. residency, employment authorization, and/or the ability to travel abroad. An applicant files this information collection to appeal the grounds of denial or termination and to ensure the continuance of certain immigration benefits.

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.

On April 9, 2012, USCIS published a 60-day notice in the *Federal Register* at 77 FR 21104. USCIS received one comment in response to the 60-day notice. The commenter simply urged the government to deny all immigration appeals and suggested that the appeals be filed outside the United States. The comment did not argue for any changes to the Form I-694; rather, they suggested that USCIS deny all appeals. USCIS has considered the public comment and the comment will not result in any changes to the Notice of Appeal of Decision Under Section 210 or 245A, Form I-694.

On July 16, 2012, USCIS published a 30-day notice in the *Federal Register* at 77 FR 41797. USCIS has received one comment in response to the 30-day notice to date. The commenter asked USCIS to substantially raise the fee for the form in order to offset the costs the commenter believes is costing taxpayers. The fee will not be changed at this time, but the comment will be forwarded to the appropriate office that reviews USCIS fees.

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 (CLAIMS3).

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

There are no questions of a sensitive nature.

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

Type of Respondent	Form Name & 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	Notice of Appeal of Decision Under 210 or 245A, Form I-694	50	1	0.5	25	*\$30.44	\$761.00
Total		50			25		\$761.00

* The above Average Hourly Wage Rate is calculated from the [May 2011 Bureau of Labor Statistics](#) average wage for "All Occupations" of \$21.74 times the wage rate benefit multiplier of 1.4 equaling \$30.44.

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. Any cost burdens to respondents as a result of this information collection are identified in Item 14. There is a fee charge of \$755 per application associated with the collection of this information.

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	\$	319
b.	Collection and Processing Cost	\$	37,431
c.	Total Cost to the Government	\$	37,750

Government Cost

The estimated cost of the program to the Government is calculated by multiplying estimated number of respondents (50) x (\$755) fee charge which includes suggested average hourly rate for clerical, officer, and supervisory time with benefits, plus a percent for printing, stocking, and distributing the 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 no increase or decrease in the annual burden hours previously reported for this information collection. There is no change in the data collection.

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 OMB approval of 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.

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

N/A