

**Supporting Statement**  
**Application for Status as Temporary Resident under Section 245A of the INA**  
**Form I-687**  
**OMB No. 1615-0090**

**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.

Pursuant to the terms of the settlement agreement in the legalization class action *Northwest Immigrant Rights Project, et al. v. U.S. Citizenship and Immigration Services, et al.*, CV 88-379R (NWIRP) (a.k.a. "LEAP") U.S. Citizenship and Immigration Services (USCIS) must provide aliens the opportunity to file Form I-687. The application period for the NWIRP settlement agreement closed on February 2, 2010. However, USCIS expects approximately 30 foreign CSS/Newman applicants to file Form I-687 during the year. Attorneys for the CSS/Newman plaintiffs objected that USCIS rejected foreign filers. The plaintiffs filed suit and the court ruled that USCIS must accept CSS/Newman applications from foreign filers rejected in 2004-05. Also, other federal judges around the country have ordered USCIS to accept late I-687 filings.

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.

Form I-687 will be used to apply to USCIS for benefits pursuant to the terms and conditions of the NWIRP and CSS/Newman settlement agreements. If approved, applicants will be granted Temporary Resident status in the United States with the opportunity to file for permanent residency. The data collected on this form is used by USCIS to verify the applicant's status and determine his or her eligibility for the benefit.

USCIS also collects biometric information from Form I-687 applicants to verify the applicant's identity and background information.

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 Form I-687 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 at [www.uscis.gov/I-687](http://www.uscis.gov/I-687). This form can be downloaded, completed and saved electronically. The form, required supporting documentation, and filing fee are required to be mailed into the USCIS office prescribed in the form instructions. Due to the partial GPEA compliance of allowing for accessing, completing and saving the

form electronically, USCIS respectfully requests 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 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.

The 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.

The collection of information on Form I-687 is required to verify the applicant's eligibility for temporary status, and if the applicant is deemed eligible, to grant him or her the benefit sought. Lacking such form, the applicant could not seek the benefit provided pursuant to the settlements.

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 May 10, 2012, at 77 FR 27471, USCIS notified the public that it was extending this information collection. The notice allowed for a 60-day public comment period, and USCIS did not receive any comments. USCIS published a 30-day notice in the *Federal Register* on August 21, 2012 at 77 FR 50521, and USCIS has not received any comments to date.

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 by respondents.

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 USCIS Benefits Information System (DHS/USCIS-007), 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 (CLAIMS 3).

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 sensitive nature. Questions on this form include standard questions on the applicant's criminal history, controlled substance use, and medical issues. USCIS must determine eligibility for the benefit and whether the applicant is admissible to the United States under section 212(a) of the Immigration and Nationality Act.

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. Hrly Wage Rate	Total Annual Respondent Cost
Individuals	Application for	30	1	1.166	35	* 30.44	\$1,065

or households	Status as Temporary Resident under Section 245A of the INA (Form I-687 and Worksheet)			(1 hour and 10 minutes)			
Individuals or households	*Biometrics processing	30	1	** 1.166 (1 hour and 10 minutes)	35	***30.44	\$1,065
<b>Total</b>					<b>70</b>		<b>\$2,130</b>

\* As noted in the form instructions, all applicants between the ages of 14 and 79 years must be fingerprinted.

\*\* USCIS has estimated the average burden for biometrics to be approximately 1.166 hours (1 hour and 10 minutes) based upon the time it takes to fingerprint and photograph the applicant and visit the Application Service Center.

\*\*\* 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 collection are identified in Item 14. However, there is a \$1,130 filing fee and an \$85 biometric services 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 \$ 50
- b. Collection and Processing Cost \$ 36,450
- c. Total Annual Cost to Government \$ 36,450

**Government Cost**

The estimated cost of the program to the Government is calculated by multiplying the estimated number of respondents (30) x \$1,130 fee charge (which includes the hourly rate for clerical, officer and managerial time with benefits, including the estimated overhead cost for printing, stocking and distributing and processing this form); plus the number of respondents (30) x \$85 biometric fee.

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 a decrease of 23 annual burden hours previously reported for Form I-687, and the decrease can be attributed to a reduction in the number of respondents filing Form I-687 from 50 to 30. Since the filing period closed for the NWIRP class action lawsuit on February 2, 2010, the number of respondents filing this application has been reduced. However, USCIS expects that 30 foreign CSS/Newman applicants will file Form I-687s this year. In addition, USCIS has included biometrics processing burden estimates, which resulted in the addition of 35 total annual burden hours due to adjustment in agency estimates.

As a non-substantive change to the Form I-687 instructions, USCIS is adding clarifying language regarding the possible collection of biometric information to verify the petitioner's identify and update background information during an interview or other appearances at a USCIS office. This biometric information collection and the associated burden have been approved under the Secondary Inspection Tool (OMB Control No. 1615-0125).

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 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.

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

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

Not applicable.