

**SUPPORTING STATEMENT FOR
Affidavit of Support Under Section 213A of the Act
OMB Control No.: 1615-0075**

COLLECTION INSTRUMENTS:

I-864, Affidavit of Support Under Section 213A of the Act; I-864A, Contract Between Sponsor and Household Member; I-864EZ, EZ Affidavit of Support under Section 213 of the Act; I-864W, Intending Immigrant's Affidavit of Support Exemption

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.**

Section 213A of the Immigration and Nationality Act (Act) requires most family-based and certain employment-based immigrants to have the petitioning relative execute an Affidavit of Support on their behalf. The Affidavit of Support sponsor must maintain a household income of at least 125 percent of the Federal poverty guidelines. The Affidavit of Support is a legally binding document which may be enforced in Federal or State court, if the sponsored alien receives any means-tested public benefits. The information collection required on Form I-864 (or Form I-864EZ, if the applicant qualifies to use it) is necessary for adjudicator and consular officers to determine whether the sponsor can meet the minimum income requirements. In addition, the execution of the Affidavit of Support creates a contract between the sponsor and the sponsored alien and any entity that provides means-tested public benefits to the sponsored alien. The execution of the Contract Between Sponsor and Household Member creates a similar contract that also includes the household member. The Department of Homeland Security (DHS), U.S Citizenship and Immigration Services (USCIS) must maintain Forms I-864, I-864EZ and I-864A in the event the obligation must be enforced by civil action. In addition, Form I-864EZ was created to be a quicker and easier form for certain sponsors to comply with the section 213A requirements. This form will be much easier for those who qualify for its use, and much easier for the DHS to adjudicate. Finally, the DHS Form I-864W, is a simple, one page form used for intending immigrants who are exempt from the section 213A requirements in which they can clearly identify the reason for the exemption for the adjudicator.

Section [213A\(i\)](#) of the Immigration and Nationality Act requires that the U.S. social security number must be included on this Form I-864. If the respondent does not have a U.S. social security number, they must obtain one before submitting this Form I-864. If the respondent does not provide this information, USCIS cannot accept this Form I-864, and the intending immigrant may not able to immigrate to the United States. The social security number may be used to verify, and if necessary, to enforce, your obligations under the Form I-864.

- 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-864. The data collected on Form I-864 will be used by the USCIS to determine whether the sponsor has the ability to support the sponsored alien under section 213A of the Immigration and Nationality Act. This form serves the purpose of standardizing the evaluations of the sponsor's ability to support the sponsored alien and ensures that basic information required to assess eligibility is provided by petitioners.

Form I-864A. The Form I-864A is a contract between the sponsor and the sponsor's household members. It is only required if the sponsor used income of his or her household members to reach the required 125 percent of the Federal poverty guideline. The contract holds these household members jointly and severally liable for the support of the sponsored immigrant. The information collection required on Form I-864A is necessary for public benefit agencies to enforce the Affidavit of Support in the event the sponsor used income of his or her household members to reach the required income level and the public benefit agencies are requesting reimbursement from the sponsor.

Form I-864EZ. The Form I-864EZ will be used by the USCIS in exactly the same way as Form I-864, however, the USCIS will collect less information from the sponsors as less information will be needed from those who qualify in order to make a thorough adjudication.

Form I-864W. The Form I-864W is a form that will be used by the USCIS to determine whether the intending immigrant meets the criteria for exemption of section 213A requirements. This form collects the immigrant's basic information, such as name and address, the reason for the exemption, and accompanying documentation in support of the immigrant's claim that they are not subject to section 213A.

- 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.**

Forms I-864, I-864A, I-864EZ and I-864W are all available electronically at <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnnextoid=db029c7755cb9010VgnVCM10000045f3d6a1RCRD&vgnnextchannel=db029c7755cb9010VgnVCM10000045f3d6a1RCRD>. Because the forms are required to be sent to the sponsored immigrant and require the submission of supporting documentation and/or fees, they cannot currently be submitted electronically. USCIS is currently working towards the conversion of electronic submission of forms, known as "Transformation", but the scope of work required and large number of forms impacted

will result in a graduated approach to implementation over the coming years. The I-864, along with its supporting forms, will be moved into the electronic medium at the appropriate time when ancillary forms and processes are available within the system. For the current submission, USCIS requests an exception to the one-year approval granted to collections without GPEA compliance. Due to USCIS' 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 GEPA 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.

The information collected is not duplicated elsewhere and there is no other information available that can be used for this specific 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 impact 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 information is not collected, compliance with section 213A of the Act would not be met. Without Form I-864, and Form I-864EZ, USCIS will not be able to determine whether the sponsor could meet the 125 percent threshold of the Federal poverty guidelines. Without Form I-864A, the Contract between Sponsor and Household Member, the affidavit would not be enforceable against the sponsor's household members when their income is used to assist the sponsor in meeting the required income level. Without Form I-864W, intending immigrants who were exempt from section 213A requirements would have no way of clearly establishing those facts to an adjudicator.

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.**

This information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

- 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 June 1, 2012, USCIS published a 60-day notice in the Federal Register at 77 FR 106. USCIS received one comment from this Notice.

USCIS received comments from one organization on this proposed form revisions. The first

comment is to add a new item to Part 4, Item 14, 14A, and cut in half, Item 15. The organization has suggested that USCIS add space to list a cell phone number, an e-mail address, and shorten the 'Country of Domicile' space, respectively. USCIS verifies that the Affidavit of Support (Form I-864) is sufficient, but does not enforce the Affidavit against the sponsor. The public benefit granting agency or the beneficiary of the Affidavit of Support may take action against the sponsor for failure to provide support. USCIS has reviewed the comment and believes that the current information collection concerning the sponsor is sufficient and has not made a change as a result of this comment.

The commenter also recommended that in Part 4, Item 19, USCIS require the petitioner to also submit proof of residency/citizenship along with the Affidavit of Support. USCIS already requires a petitioner to provide this evidence and proof of the qualifying relationship, along with the underlying petition. As a result, USCIS does not require submitting this information again with the I-864, thus a change to the form regarding this matter is unnecessary.

The commenter further suggested that the Affidavit of Support be called a contract, stating that the U.S. government requires the sponsor to support the beneficiary. The Affidavit of Support documents a legal obligation that the sponsor agrees to enter in to. The sponsor agrees to take on certain obligations and responsibilities. The government does not require the sponsor to enter into this obligation. The proposed changes in the comment may confuse the sponsor with their obligations and responsibilities. USCIS has not made any change as a result of this comment.

The commenter also suggests that the phrase 'may consider your income and assets' should be rewritten to state that the sponsor can be required to support the intending immigrant. The consideration of income and assets is not necessarily synonymous with the requirement to support the intending immigrant. Income and assets is also used to explain eligibility for certain public benefits.

On September 26, 2012, USCIS published a 30-day notice in the Federal Register at 77 FR 59204. USCIS has not received any comments to date on the 30-day notice.

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 related to this information collection.

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, and was published in the Federal Register on September 29, 2008 at 73 FR 56596. The associated privacy impact assessment is USCIS Benefits Processing of applications other than Petitions for naturalization, Refugee Status, and Asylum dated September 5, 2008.

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 no questions of a sensitive nature.

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 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	I-864	439,500	1	6	2,637,000	\$30.44	\$80,270,280
Individuals or households	I-864A	215,800	1	1.75	377,650	\$30.44	\$11,495,666
Individuals or households	I-864EZ	100,000	1	2.5	250,000	\$30.44	\$7,610,000

Individuals or households	I-864W	1,000	1	1	1,000	\$30.44	\$30,440
Total		756,300			3,265,650		\$99,406,386

According to the U.S. Department of Labor, Bureau of Labor Statistics website (www.bls.gov) the wage rate category for “all occupations” (for individual or household respondents, chosen because the respondent could be from any occupation) is estimated to be \$30.44 per hour (\$21.74 x 1.4 wage rate multiplier), therefore, the estimated burden hour cost to respondents “all occupations” is estimated to be \$99,406,386 annually based on 3,265,650 Annual Burden Hours.

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 capital, start-up, operation or maintenance cost associated with this collection of information. There are no fees associated with this collection of 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	\$	687,200
b.	Collection and Processing Cost	\$	31,023,426
c.	Total Cost to Government	\$	31,710,626

Cost for processing forms:

756,300 forms x 1 hour review per form x \$40 = \$31,023,426. This figure is calculated by multiplying the estimated number of respondents (756,300) x (1) number of response x (1) hour (USCIS time required to collect and process information) x \$40 (suggested average hourly rate for clerical, officer, and supervisory time with benefits). USCIS will provide a more detailed breakdown of the government costs for this program in its subsequent information collection request which will be submitted to OMB and subject to notice and comment.

Cost for printing

756,300 forms x \$.91 per form printing and storage costs = \$687,200

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

There are no changes to the numbers reported in Items 13 or 14 of the OMB Form 83-I. USCIS has made changes to the form I-864, and these changes are identified within the “Table of Changes” submitted under separate cover for OMB review.

- 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.**

This information collection will not be published for statistical purposes.

- 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. Collections of Information Employing Statistical Methods.

There is no statistical methodology involved with this collection.