

**SUPPORTING STATEMENT FOR  
Application for Posthumous Citizenship  
OMB Control No.: 1615-0059  
COLLECTION INSTRUMENT(S): Form N-644**

**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 329A of the Immigration and Nationality Act (Act) provides an avenue for an alien or non-citizen national who served in an active duty status with the United States Armed Forces to be declared a citizen of the United States if that alien died as a result of injury or disease during specified periods of military hostilities. This is an honorary citizenship status and conveys no benefits under the Act to any surviving relative of the decedent.

**Authority:** 8 U.S.C. 1440.

- 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) uses the data collected on this form to: (a) determine the eligibility of a person who applies for posthumous citizenship on behalf of a deceased alien or non-citizen national service member, and (b) to determine the decedent's eligibility for a grant of posthumous citizenship. These determinations will be made through examination of the application and, where required, the evaluation of supporting documents. If the information is not collected and presented to USCIS, no mechanism will exist from which to conduct adjudication for the awarding of posthumous U.S. citizenship.

If the application is approved, a Certificate of Citizenship will be issued in the name of the deceased veteran. The certificate establishes that the decedent is considered a citizen of the U.S. as of the date of his or her death. Posthumous citizenship is an honorary status commemorating the bravery and sacrifices of the veteran. The certificate allows certain qualifying family members to apply for benefits under section 319(d) of the INA or remain classified as immediate relatives for obtaining lawful permanent residence.

- 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 N-644 provides the most efficient means for collecting and processing the data required for adjudicating this request. This form and its instructions reside on the USCIS Web site at <http://www.uscis.gov/n-644>. This form can be downloaded, completed and saved electronically. The form, 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. Due to 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.**

USCIS has investigated its internal processes, files and data as well as those of other Federal agencies that may service the same population. USCIS was not able to find any other means by which the information necessary for this process could be obtained except for the use of the forms submitted for approval in this request. USCIS will continue to examine ways in which information may be obtained from other sources and any identified duplications can be minimized or removed.

- 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 this information is not collected, USCIS would not be able to verify an alien's eligibility for posthumous citizenship under Section 239A of the INA and adjudicate this type of request. As explained above, should the application be approved, USCIS will

issue a Certificate of Citizenship which establishes that the decedent is considered a citizen of the U.S. as of the date of his or her death. The certificate allows certain qualifying family members to apply for benefits under section 319(d) of the INA or remain classified as immediate relatives for obtaining lawful permanent residence. Without that documentation, the immediate relatives will not be able to apply for those 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. 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 July 24, 2012, USCIS published a 60-day information collection notice in the Federal Register at 77 FR 43346. USCIS did not receive any comment in connection with the information with that publication. On September 26, 2012, USCIS published a 30-day information collection notice in the Federal Register at 77 FR 59205. No comments have been received 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

- 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 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. 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	Application for Posthumous Citizenship, Form N-644	50	1	1.833 Hours	92	\$30.44	\$2,800.48
Total		50			92		\$2,800.48

*\*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.*

#### **NOTES ON BURDEN:**

1. Affidavits. This information collection also provides that as evidence of authorization documents the requestor can submit, for example, affidavits by the decedent’s relatives authorizing the filing of this type of request. An affidavit may require research and preparation by a third party as well as payment for the third party’s effort. At this point, USCIS is developing an estimate of the number of affidavits that may be prepared and submitted and the time required to prepare and submit such affidavits. USCIS will ask for public input in its request for public comment on this subject and will include an estimate of the information collection burden for affidavits in its regular submission to follow this request.

2. Translations. Respondents might incur burden for translations of documents in foreign languages. USCIS is currently evaluating the estimated burden associated with this activity. USCIS will seek comments on how long this requires and provide estimates in its next submission to OMB based on the results of public comments it receives and information that can be found from other resources.

3. Preparers. Many respondents may hire third parties for form completion so there may be a burden for a preparer to assist in the form completion process. USCIS will request public comment on burden required for preparers on the preparation and submission of this form. USCIS will include the results of the public comments and its own analysis in the next submission following this request.

4. Records. Many respondents may have to obtain military records related to the deceased veteran. USCIS will evaluate the estimated burden associated with obtaining such records. USCIS will seek public comments on and provide estimates in its next submission to OMB based on the results of public comments it receives and information that can be found from other sources on these costs.

**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 associated with this form.

This information collection may impose some out-of-pocket costs on respondents in addition to the time burden for the form's preparation.

1. Affidavits. An affidavit may require payment for a third party's effort. At this point in the development of the deferred action initiative, USCIS is developing an estimate of the number of affidavits that may be prepared and the costs that may result to respondents. USCIS will ask for public input in its request for public comment on this subject and will include an estimate of costs associated with affidavits in its regular submission to follow this emergency approval.

2. Translations. Respondents might incur expenses for translations of foreign documents or documents prepared or issued in foreign languages. USCIS is currently evaluating the estimated cost associated with this activity. USCIS will seek public comments on and provide estimates in its next submission to OMB based on the results of public comments it receives and information that can be found from other resources on these costs.

3. Preparers. Many respondents may hire third parties to assist in the request process. USCIS will request public comment on the number of respondents who may hire preparers and the costs required to hire paid preparers for the preparation and submission of this form. USCIS will include the results of the public comments and its own analysis in the next submission following this emergency request.

4. Records. Many respondents may have to obtain military records associated with the deceased veteran. USCIS is currently evaluating the estimated cost, if any, associated with obtaining such records. USCIS will seek public comments on and provide estimates in its next submission to OMB based on the results of public comments it receives and information that can be found from other resources on these costs.

- 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:**

Printing Cost	\$	0
Collecting and Processing	\$	3,666
Total Cost to Government	\$	3,666

**Government Cost**

The estimated cost to the Government is \$ 3,666 (which is funded by USCIS user fee collections). This figure is calculated by multiplying the estimated number of respondents (50) x (1) number of response x (1.833) hours (USCIS time required to collect and process information) x \$40.00 (suggested average hourly rate for clerical, officer, and supervisory time with benefits). This \$40 cost per form includes overhead cost for printing, stocking, distributing and processing.

- 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 burden hours previously reported for this information collection. There has been no change in the data 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.**



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 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.