

**SUPPORTING STATEMENT FOR  
Application to Preserve Residence for Naturalization  
OMB Control No.: 1615-0056  
COLLECTION INSTRUMENT(S): N-470**

**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.**

Persons wishing to leave the United States must, under 8 U.S.C. 1427, complete the form N-470. U.S. Citizenship and Immigration Services (USCIS) uses the information collected on Form N-470 to determine whether an alien, who intends to be absent from the United States for a continuous period of a year or more is eligible to preserve residence for naturalization purposes. Applications shall be filed either before or after the applicant's employment commences but before the applicant has been absent from the United States for a continuous period of one year (8 CFR 316.5(d)).

- 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.**

USCIS uses the data collected on this form to determine if the alien is eligible to preserve residence for naturalization purposes.

- 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 form N-470 is currently available online at <http://www.uscis.gov/files/form/n-470.pdf> and it can be downloaded and completed electronically. USCIS currently does not have the capability in place for the respondent to return the completed document electronically. USCIS is currently working over the coming years to convert all eligible forms to an electronic submission format. The N-470 will be considered for this conversion in the appropriate order among all USCIS 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.**

The information collected on this form is specifically tailored for the action and benefit being sought by the respondent. There is no other collection of information available to complete this process. There is no duplication of information being 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.**

There is no impact to small businesses or other small entities as the respondents are individuals.

**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.**

This form is used by persons wanting to leave the country for extended periods of time without jeopardizing their continuous residence requirement for naturalization. If this form were not available, certain individuals would not be able to leave the country without repercussions to their naturalization eligibility.

**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.**

On October 12, 2011 USCIS published a 60-day notice in the Federal Register at 76 FR 63321. USCIS did receive 2 comments after publishing that notice.

**Comment 1 of October 14, 2011 and Comment 2 of October 30, 2011** responses are combined as one series as they identify related issues in the Supporting Statement, Form and Instructions:

The commenter provides quite a bit of historical and explanatory information about Form N-470. USCIS is unable to respond to those comments because they are the commenter's opinions.

#### **Issue Number 1**

The commenter notes that USCIS' reference to "continuous presence requirement" in the Supporting Statement is inaccurate. It should be "continuous residence requirement" instead.

#### **USCIS Response**

USCIS will make that edit on the Supporting Statement.

#### **Issue Number 2**

The commenter would like to know if "...including the U.S. Armed Forces" pertains to civilian employees but excluding military service members.

USCIS has removed reference to "including the U.S. Armed Forces" from the form.

### **USCIS Response**

The comprehensive version includes reference excepting a member of the U.S. Armed Forces from filing Form N-470. This does not pertain to civilian employees.

### **Issue Number 3**

The commenter would like to know if requesting information from an applicant about “all trips of 24 hours or more” is acceptable.

### **USCIS Response**

Based upon INA section 317, the applicant must be physically present and residing in the United States for one uninterrupted period of at least one year. Therefore, USCIS requests that information from an applicant.

### **Issue Number 4**

The commenter would like to know if the phrase “without any absences whatsoever” is in conflict with Part 2, item # 13 that excludes trips under 24 hours.

### **USCIS Response**

Based upon further review, USCIS determined that the language is consistent with reference to “all trips of 24 or more”.

### **Issue Number 5**

The commenter would like to improve the instructions to state that an applicant “may also plan to accumulate the one uninterrupted year as an LPR prior to departure abroad and the N-470 will be invalidated (become null and void) if they don’t fulfill that requirement. The information that the commenter provides pertains to applicants after USCIS has approved his/her Form N-470. USCIS provides information in the instructions about applicants eligibilities for specific applications. USCIS instructions do not reference information after USCIS has approved an application.

### **USCIS Response**

USCIS finds no change is necessary.

### **Issue Number 6**

The commenter states that the note referencing “Qualifying spouses” is confusing and

needs to be clarified.

### **USCIS Response**

USCIS will include reference to “Qualifying spouses of U.S. citizens” to address the confusion.

### **Issue Number 7**

The commenter would like to remove reference to continuous residency requirements for Form N-400. Based upon stakeholders’ comments stating that the information is useful and important, USCIS will maintain that portion of the instructions.

### **USCIS Response**

Based upon further research with USCIS Subject Matter Experts, USCIS has concluded that the reference is correct and will be maintained.

### **Issue Number 8**

The commenter states that the exception for members of the U.S. Armed Forces is incorrect; that “time spent in the military service is already officially considered to be continuous residence and physical presence in the U.S. and any state or USCIS office jurisdiction by statute.”

### **USCIS Response**

USCIS has removed this instruction.

### **Issue Number 9**

The commenter states that USCIS can request applicants to provide information where an applicant has not met the one-year requirement inside the United States as an LPR. The commenter would like USCIS to ask for the applicant’s “intended departure after accumulating the mandatory one-year continuous presence as an LPR required prior to departure if applying under INA section 316 section (b).

### **USCIS Response**

This application pertains to more than one INA section of law. Therefore, to limit it by incorporating this verbiage would limit the capability of this application. So it will not be instituted.

### **Issue Number 10**

The commenter states that USCIS requirement that the interrupted year must be completed before an applicant can file.

### **USCIS Response**

This specifically reference INA section 317. However, Form N-470 pertains to more than section 317 therefore the form has been formatted to meet other requirements as needed to adjudicate the form.

**Comment Number 3, received on December 12, 2011**, was from the same person from comments 1 and 2 above, and included additional information regarding originally supplied comments as well as a new comment.

USCIS carefully reviewed the commenter's suggestions. The process to revise and update this form has been extensive and time consuming. During this time, USCIS actively reviewed and analyzed the supporting documentation and regulations. This included vigorously and continuously coordinating with USCIS legal representatives to ensure that USCIS provides the most comprehensive Form N-470 to the public.

At the same time, the instructions are not meant to subsume the regulations and statutes that guide USCIS adjudications. With that being said, the instructions cannot include every reference to statutes and regulations. None of USCIS naturalization and citizenship forms include reference to each and every statute and regulations supporting that specific naturalization or citizenship form. Customers continuously complain that the instructions are not user friendly and easy to understand. USCIS has endeavored to provide that service to the public.

USCIS engaged in a comprehensive revision of the Naturalization and Citizenship forms to be as consistent and standardized as each other. This includes Form N-470. USCIS welcomes the public commenter's feedback while also maintaining the integrity of Form N-470.

Within the comment, the writer identified 11 individual "Comments" (listed as "Issues" to prevent confusion between the entire letter as a comment) and the following responses are provided:

Issue 1 – Related to continued presence requirement, USCIS adjusted and writer confirmed answer.

Issue 2 – Related to Armed Forces reference, USCIS adjusted and writer confirmed answer.

Issue 3, 4 and 5 – These are related to the issue of length of absence; upon further review

USCIS has clarified the instructions to remove any confusion as to how the length of absence affects a respondent's submission.

Issue 6 – Related to Qualifying Spouses, USCIS clarified and writer confirmed answer

Issue 7 – Related to continued residency requirements, USCIS maintains its prior response

Issue 8 – Related to members of the Armed Forces and the filing requirement; USCIS has removed this section.

Issue 9 – Related to one-year requirement; USCIS has found the language to be appropriate for the issue and no further change is made.

Issue 10 – Related to the regulations covering the form, USCIS indicated the current form and instructions meet the intent of the regulations as well as the other requirements the form meets, USCIS maintains the previous answer remains valid.

Issue 11 – Related to future revisions and USCIS indicated it will continue to improve the N-470 and its instructions, the writer confirmed response

On December 19, 2011, USCIS published a 30-day notice in the Federal Register at 76 FR 78674. USCIS did not receive comments.

**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 associated system of records notice for this information collection is USCIS Benefits Information System. Published in the Federal Register on September 29, 2008 at 73 FR 56596. The related privacy impact assessment 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 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 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	N-470 / Application to Preserve Residence for Naturalization Purposes	525	1	.6	315	\$30.44	\$9,589
<b>Total</b>		<b>525</b>			<b>315</b>		<b>\$9,589</b>

*The above Average Hourly Wage Rate is calculated from the [May 2011 Bureau of Labor Statistics](#) average wage for “All Occupations”, chosen as a respondent could be of any occupation, of \$21.74 times the wage rate benefit multiplier of 1.4 equaling \$30.44.*



USCIS will study the estimated burden per response for this collection instrument and will engage the public in its comment period to make a determination as to if the current estimate requires any further adjustment.

**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 are no capital, start-up, operational, or maintenance costs associated with this collection of information.

*For informational purposes, there is a fee of \$330 required to be submitted by the respondent.*

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	\$	135
b.	Collection and Processing Cost	\$	<u>204,795</u>
c.	<b>Total Cost to Government</b>	<b>\$</b>	<b>204,930</b>

**Government Cost**

The estimated cost to the Government is estimated by multiplying the number of respondents (525) by the fee charge of \$330 (which includes the average hourly rate for clerical, officer, and managerial time with benefits, plus a percent for the estimated cost of stocking, distributing and processing this 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 a decrease of 47 in the burden hours as previously reported for this information collection. This is as a result of a decrease in the estimated number of respondents from 621 to 525, and a small increase in the estimated hour burden required to complete the Form N-470 from .583 to .6. There are changes made to the form and instructions, and the Table of Changes for both are 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.