

**SUPPORTING STATEMENT FOR
Petition for Qualifying Family Member of a U-1 Nonimmigrant
OMB Control No.: 1615-0106
COLLECTION INSTRUMENT(S): I-929**

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 245(m) of the Immigration and Nationality Act (INA), provides for the adjustment of status of a U nonimmigrant status holder to that of a person admitted for permanent residence. Upon the adjustment of status of the U-1 principal applicant, section 245(m)(3) of the INA allows U.S. Citizenship and Immigration Services (USCIS) to accord lawful permanent resident status to certain spouses, children, and parents based upon their relationship with the principal applicant. 8 CFR 245.24(h) provides for the use of the Petition for Qualifying Family Member of a U-1 Nonimmigrant (Form I-929) by applicants for such benefits.

- 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.**

8 CFR 245.24(g) sets up a two-stage application process for qualifying family members to obtain lawful permanent residence. First, the principal applicant must file an immigrant petition on behalf of the qualifying family member. Second, if the immigrant petition is approved, qualifying family members who are present in the United States may adjust their status to that of a lawful permanent resident, and qualifying family members outside the United States may go to a U.S. embassy or consulate to obtain their immigrant visa. The data collected on this form will be used by USCIS to determine eligibility for the requested immigration benefit. The form serves the purpose of standardizing requests for benefits and ensuring that basic information required to assess eligibility is provided by applicants.

- 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 I-929 is available electronically at <http://www.uscis.gov/files/form/i-929.pdf>

and the form can be completed and saved by the respondent to their computer. Because the forms require the submission of supporting documentation and fees, they cannot currently be submitted electronically. USCIS is 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. For the current submission of this PRA package, USCIS requests an exception to the one-year approval granted to collections without GPEA compliance.

- 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 review of USCIS’ Inventory Report revealed no duplication of effort, and there is no other similar information currently available which can be used for this 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 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’s would not be able to accept and analyze information submitted by applicants to adjust status of a U nonimmigrant status holder to that of a person admitted for permanent residence.

- 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 June 27, 2012, USCIS published a 60-day notice in the Federal Register at 77 FR 38308 and on July 6, 2012, at 77 FR 40077, USCIS published a corrected 60-day Federal Register notice to reflect the proper collection title. USCIS did not receive any comments on the 60-day notice.

On October 11 2012, USCIS published a 30-day notice in the Federal Register at 77 FR 61775. USCIS received one comment on the 30-day notice. The commenter provided a statement regarding the entry of immigrants into the United States.

USCIS response: USCIS acknowledges the public commenter's comments sent in response to the 30-day information collection notice. USCIS is required to provide these benefits based on statutory requirements and regulation provisions.

- 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 for this collection of information. USCIS is continuing its drafting of the draft Privacy Impact Assessment titled: “Humanitarian Adjudication for Victims Enterprise Nationwide (HAVEN). HAVEN serves as a centralized case tracking database. HAVEN:

- Is a Web-based application that supports the Vermont Service Center.
- Facilitates the processing of Victims of Trafficking and Violence Protection Action (VTVPA) petitions.
- Is a centralized repository of data for workflow management and production evaluation providing visibility into the processing of VTVPA cases. As a case management system, HAVEN streamlines workflow processing, notice generation and reporting for Adjudication Officers (AO) at the Vermont Service Center.
- Provides for the intake, receipting, and tracking of petitioner information through automated data processing.
- Allows the Adjudication Officers (AO) to efficiently adjudicate cases through a user-friendly interface

Two System of Records Notices provide detail regarding the approved routine uses of information collected; DHS-USCIS-001, Alien File, Index, and National File Tracking System of Records, and DHS-USCIS-007, Benefits Information System.

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	Petition for Qualifying Family Member of a U-1 Nonimmigrant / I-929	2,000	1	1	2,000	\$30.44	\$60,880
Total		2,000			2,000		\$60,880

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. The occupation “All Occupations” has been chosen as there is no single occupation of worker targeted by this collection of information; a respondent can be of any occupation.

NOTES ON BURDEN:

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.

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 emergency request.

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 start-up, capital, operational or maintenance costs associated with this collection of information.

There is a fee charge of \$215 per respondent for the processing of this form. The total fee cost is \$215 x 2,000 respondents equaling \$430,000.

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 (Government):

a. Printing Cost	\$	300
b. Collecting and Processing Cost	\$	429,700
c. Total Cost to Government	\$	430,000

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 estimated annual hours burden or estimated annual costs from Questions 13 and 14 of the OMB Form 83-I. There are no changes to the form or instructions.

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.