

SUPPORTING STATEMENT
Petition for Alien Fiancé (e)
(Form I-129F)
OMB No. 1615-0001

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 214(d) of the Immigration and Nationality Act (the “Act”) prohibits the issuance of a nonimmigrant visa under section 101(a)(15)(K) of the Act until the consular officer abroad has received a petition filed in the United States by a U.S. citizen on behalf of his or her spouse or fiancé(e) and approved by the Secretary of Homeland Security. Likewise, 8 CFR 214.2(k) sets forth procedures which must be followed by a citizen of the United States who wishes to bring his or her spouse or fiancé(e) to the United States. This includes the requirement that a completed Form I-129F must be filed with U.S. Citizenship and Immigration Services (USCIS) in order to petition for an alien spouse, fiancé(e), and his or her children.

- 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.**

The data collected on Form I-129F will be used by USCIS to determine eligibility for the requested immigration benefit. The form serves the purpose of standardizing requests for the benefit and ensuring that basic information required to assess eligibility is provided by petitioners.

- 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-129F provides the most efficient means for collecting and processing the required data. In this case, USCIS does not employ the use of information technology in collecting and processing information. Currently, USCIS does not have the automated capability in place to accept electronic submission of petitions. However, this form is available on the USCIS website and can be completed and saved electronically. This form has been designated for e-filing under the Business

Transformation Project. Form I-129F is scheduled for Release B, which is slated for October 2013.

- 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 the 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.**

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 and presented to USCIS, there is no mechanism for USCIS to determine whether satisfactory evidence has been submitted by the U.S. citizen to establish that the parties are married, in the case of a citizen seeking to obtain a nonimmigrant visa for his or her spouse. In the case of a citizen seeking to obtain a nonimmigrant visa for his or her fiancé(e), if this information is not collected and presented to USCIS there is no mechanism for USCIS to determine whether satisfactory evidence has been submitted by the U.S. citizen to determine that the citizen and fiancé(e) have previously met in person within 2 years before the date of filing the petition, have a bona fide intention to marry, and are legally able and actually willing to conclude a valid marriage within 90 days after the fiancé(e) arrival in the United States.

- 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 associated with 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.**

On October 11, 2012 USCIS published a 60-day notice in the Federal Register at 77 FR 61776. USCIS did not receive comments in connection to the 60-day notice. On December 14, 2012, USCIS published a 30-day notice in the Federal Register at 77 FR 74487. USCIS received one comment in connection with the 30-day notice. Below is a summary of the comment and USCIS' response:

USCIS received a comment to the publication of the 30-day revision notice that indicated the subject's disapproval of the Form I-129F in its entirety. The subject expressed a desire to have the form removed as a filing option and eliminate the visa category of F-1 (Alien Fiancé(e)).

USCIS continues to support the Form I-129F (Petition for Alien Fiancé(e)). This petition was created to allow a U.S. citizen to bring his/her fiancé(e) into the U.S. for the purpose of marriage. In many countries, marriages between persons of different religions or ethnic groups might be prohibited or require the consent of others. Many individuals simply prefer to marry in the U.S. so their families may participate in the wedding celebration. USCIS endorses the Form I-129F as a means to allow U.S. citizens the option to marry the individual of their choice and to hold the ceremony in the location of their choice.

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 USCIS Benefits Information System. 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, 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 persons from whom the information is requested, and any steps to be taken to obtain their consent.

USCIS asks questions of a sensitive nature regarding past behavior and activities. These questions are necessary to adjudicate the petition. Sensitive questions are asked to determine: whether an individual might be inadmissible under INA 212 (a)(2)(A)(i)(I) – Conviction or Commission of a Crime Involving Moral Turpitude (CIMT) or INA 212(a)(2)(A)(i)(II), (B), or (C) – Controlled Substance Violations, and Multiple Criminal Convictions.

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	I-129F/ Petition for Alien Fiancé(e)	46,936	1	1.58	74,158	\$30.44	\$2,257,396
Total		46,936			74,158		\$2,257,396

**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).
- 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 information collection. For informational purposes, there is a \$340 fee charged in association with the filing of this information collection. The fee of \$340 times the number of respondents 46,936 equals a total of \$15,958,240 fee cost.

- 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	\$ 1,504
b. Collection and Processing Cost	\$ 15,956,736
c. Total Cost to Government	\$ 15,958,240

Government Cost

The estimated cost of the program to the government is calculated by multiplying the estimated number of respondents 46,936 x \$340 the suggested fee charge for the collection (which includes the suggested hourly rate for clerical, officer and managerial time with benefits, plus a percent for the estimated overhead cost for printing, stocking, and distributing and processing of 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 is a decrease in the estimated number of annual burden hours for this information collection. This is as a result of the decrease of 7,064 in the number of respondents

which is due to an agency adjustment of the estimated number of respondents. This has resulted in a reduction of 10,596 total annual burden hours, and \$346,843 reduction is the annual burden cost.

- 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. Collection of Information Employing Statistical Methods.**

There is no statistical methodology involved with this collection.