

**SUPPORTING STATEMENT**  
**Petition for Amerasian, Widow(er), or Special Immigrant**  
**Form I-360**  
**(OMB No. 1615-0020)**

**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.**

Under section 204 of the Immigration and Nationality Act (INA), certain aliens seeking to immigrate to the United States may be classified the following specific categories: an Amerasian; a widow or widower; a battered or abused spouse or child of a U.S. citizen or lawful permanent resident; or a special immigrant (religious worker, Panama Canal company employee, Canal Zone government employee, U.S. government employee in the Canal Zone; physician, international organization employee or family member, juvenile court dependent; armed forces member; Afghanistan or Iraq national who supported the U.S. Armed Forces as a translator; Iraq national who worked for or on behalf of the U.S. Government in Iraq; or Afghanistan national who worked for or on behalf of the U.S. Government in Afghanistan). Form I-360 is used by these aliens who seek to be classified as eligible for the benefit.

- 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 Form I-360 may be used by an Amerasian; a widow or widower; a battered or abused spouse or child of a U.S. citizen or lawful permanent resident; or a special immigrant (religious worker, Panama Canal company employee, Canal Zone government employee, U.S. government employee in the Canal Zone; physician, international organization employee or family member, juvenile court dependent; armed forces member; Afghanistan or Iraq national who supported the U.S. Armed Forces as a translator; Iraq national who worked for the or on behalf of the U.S. Government in Iraq; or Afghan national who worked for or on behalf of the U.S. Government in Afghanistan) who intend to establish their eligibility to immigrate to the United States. The data collected on this form is reviewed by U.S. Citizenship and Immigration Services (USCIS) to determine if the petitioner may be qualified to obtain the benefit.

- 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.**

Form I-360 is available online at [www.uscis.gov/i-360](http://www.uscis.gov/i-360) has partial Government Paperwork Elimination Act (GPEA) compliance as they can be accessed, completed and saved electronically. Due to need for supporting documentation and fee payments, this form cannot currently be submitted electronically.

Only for the Afghanistan or Iraq national who supported the U.S. Armed Forces as a translator and petitioning as special immigrant there is an electronic submission method. For the purpose of secure communications with the USCIS Service Centers, the traditional mail service in Iraq and Afghanistan is not a secure method of communication and receiving mail from a U.S. address could endanger the life of the petitioner. The electronic process begins with the receiving of a scanned Form I-360, in pdf format, at the designated e-mail mailbox at the Nebraska Service Center (NSC). All other forms of correspondence, inquiries, Notices of Intent to Deny/Revoke, Denials, etc. will be sent through a separate e-mail mailbox. NSC will print and receipt the attached form. Upon receipt, a copy of the Form I-797, Notice of Receipt, will be encrypted and sent to the e-mail address written on the form. If there is no e-mail address submitted with the form, the Form I-797 will be encrypted and sent electronically to the e-mail address from which the petition was submitted. The officer will encrypt and e-mail the conditional approval notification to the petitioner with instructions to bring the signed original Form I-360 to the consular interview.

- 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.**

This collection of information is unique to USCIS and is not conducted elsewhere. A review of USCIS Forms Inventory Report revealed no duplication of effort, and there is no similar information currently available nor is the information is accessible from other databases 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 a significant 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.**

The collection of information is required to determine whether the petitioner may be classified as eligible for the immigration benefit. Without this specific form, these aliens would need to spend numerous hours studying the appropriate law and regulations to document their particular status in a detailed narrative or by other means.

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.**

On October 30, 2012 USCIS published a notice in the *Federal Register* at 77 FR 65706 allowing for a 60-day public comment period. USCIS received two public comment submissions in response to the 60-day notice.

One comment suggested that not all areas of Section 3 are applicable to a petitioner. USCIS agreed and clarified instructions and the form to indicate that the person completing the form may indicate “not applicable” as needed.

One comment suggested changing the instructions or form to make them consistent with one another in several areas of Section 3. USCIS agreed and made conforming edits for clarity.

A comment also suggested making explanatory edits to Section 7. Specifically, the commenter thought the form should clarify that self-petitioners should list more than one period of time that they lived with an abuser, and only the last address at which they last lived together. After consideration of these comments, USCIS believes that the instructions are sufficient as presented and do not require further edits.

One comment suggested making a clarifying edit to the signature block of the religious worker attestation. USCIS agreed and made an edit.

One comment suggested that instruction clarify that when listing children of a deceased spouse or abuser in Section 9, that this means all biological and adopted children and stepchildren. USCIS agreed and made this edit.

One comment suggested putting boxes around the signature blocks in Section 10. USCIS agreed and have added boxes around the data fields to enhance readability.

On January 23, 2013, USCIS published a 30-day notice in the Federal Register at 78 FR 65704. USCIS received one public comment submission in response to the 30-day notice. The comment voiced concerns about immigration in general and were not specific to the revisions proposed for Form I-360 in the notice. Therefore, the revisions will be implemented as proposed.

**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, 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 and was approved on 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.**

The category of self-petitioning spouse or child of an abusive U.S. citizen or lawful permanent resident must provide evidence of abuse suffered, which is considered sensitive information. These aliens must provide this information so that USCIS may decide their eligibility for this classification. These questions are not posed in an interrogating nature which could cause undue stress to the petitioner.

**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 Amerasian (Form I-360); <i>Non-Iraqi &amp; Non-Afghan Petitioners</i>	7,882	1	2.08 (2 hours 5 minutes)	16,395	\$30.44	\$499,064
Individuals or Households	Petition for Amerasian (Form I-360); <i>Iraqi &amp; Afghan Petitioners</i>	6,381	1	3.08 (3 hours 5 minutes)	19,653	\$30.44	\$598,237
Individuals or Households	Petition for Amerasian (Form I-360); <i>Religious Workers</i>	4,504	1	2.33 (2 hours 20 minutes)	10,494	\$30.44	\$319,437
<b>Total</b>		<b>18,767</b>			<b>46,542</b>		<b>\$1,416,738</b>

\* The above Average Hourly Wage Rate is the [May 2011 Bureau of Labor Statistics](#) average wage for “All Occupations” of \$21.74 times the wage rate benefit multiplier of 1.4 (to account for fringe benefits) equaling \$30.44. The selection of “All Occupations” (for example) was chosen as the expected respondents for this collection could be expected to be from any occupation.

NOTES ON HOUR BURDEN:

*USCIS has sought comments in conjunction with other information collection requests on how the burden of the following information collection requirements affects respondents. USCIS will revise its burden estimates based on the public comments received, its own expert analysis, and informational resources.*

- 1. Translations. Respondents might incur burden for translations of documents in foreign languages. USCIS will evaluate the burden associated with requiring translations of supporting documents.*
- 2. Preparers. Some respondents may hire third parties for form completion so there may be a burden for a preparer to assist in the form completion process.*
- 3. Records. Respondents will need to provide evidence to demonstrate eligibility, and the type of evidence will vary depending on which particular immigrant classification is being petitioned for. There may be a burden associated with having to gather the required documentation.*

- 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 or start-up costs associated with this information collection. Any cost burdens to respondents as a result of this information collection are identified in Item 14. There is a \$405 fee charge associated with this information collection, except there is no fee if filing for an Amerasian, a Special Immigrant Juvenile; as a self-petitioning battered or abused spouse or child of a U.S. citizen or lawful permanent resident, an Iraqi national who worked for or on behalf of the U.S. Government in Iraq, or an Afghan national who worked for or on behalf of the U.S. Government in Afghanistan.

- 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	\$	11,084
b.	Collecting and Processing	\$	7,589,551
c.	<b>Total Cost to the Government</b>	<b>\$</b>	<b>7,600,635</b>

**Government Cost**

USCIS establishes its fees using an activity-based costing model to assign costs to an adjudication based on its relative adjudication burden and use of USCIS resources. Fees are established at an amount that is necessary to recover these assigned costs, plus an amount to recover unassigned overhead (which includes the clerical, officer, and managerial time with benefits) and immigration benefits provided without a fee charge. As a consequence of USCIS immigration fees being based on resource expenditures related to the benefit in question, USCIS uses the fee associated with an information collection as a reasonable measure of the collection's costs to USCIS. USCIS has established the fee for Form I-360 at \$405. The estimated cost of the program to the USCIS is then calculated by multiplying the estimated number of respondents (18,767) by the fee (\$405), which totals to 7,600,635. This total includes the suggested average hourly rate for clerical, officer and supervisory time with benefits, and the estimated annual overhead cost for printing, stocking, and distributing this form (\$11,084).

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

There is an increase of 529 to the total estimated annual burden hours previously reported for this information collection. This increase can be attributed to the increase in the time burden to complete this form by 5 minutes. This increase in time burden is offset by the reduction in the number of respondents from 19,169 to 18,767 based on an adjustment in agency estimates.

USCIS is revising the form by adding information related to the Arrival/Departure Records (Form I-94), such as information related to the passport or travel document, to verify the petitioners' status in the United States. U.S. Customs and Border Protection (CBP) will discontinue issuing paper Form I-94s in the near future, except in limited circumstances, and CBP will instead create an electronic record. Form I-94 data will be available to entrants who have access to the Internet to obtain their admission number and electronic I-94 record from the CBP Web site, [www.cbp.gov](http://www.cbp.gov). The I-94 record information is used by USCIS to verify the petitioner status in the United States at the time a petition is filed. USCIS is also adding clarifying language in the instructions to Religious Denomination Certification, which is part of Form I-360, to establish the attesting organization and who will sign the Religious Denomination Certification.

USCIS is also adding fields for phone and fax numbers under the Signature sections of the form. (Note: This is a change from the version posted in connection with the 60-day notice).

- 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 of OMB approval for 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.**  
Not Applicable.