

## SUPPORTING STATEMENT

OMB No. 1125-0010

### Notice of Appeal to the Board of Immigration Appeals from a Decision of a DHS Officer Form EOIR- 29

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#### Part A. Justification

1. Necessity of Information Collection - A party affected by a decision of a Department of Homeland Security (DHS) Officer may appeal that decision to the Board of Immigration Appeals (Board), provided the Board has jurisdiction pursuant to 8 C.F.R. § 1003.1(b). An appeal from a DHS officer's decision is taken by completing the Form EOIR-29 and filing it with DHS directly. DHS then forwards the appeal to the Board. The Form EOIR-29 requests the appellant's name, mailing address, basic information about the case being appealed, including any name and alien (A) number of the beneficiary of a visa petition; all of this information is necessary to identify and process the appeal.

The Form EOIR-29 has been updated in several ways. First, EOIR suggests terminology changes to reflect that the Form EOIR-29 is also used to appeal decisions from other DHS agencies, such as the Customs and Border Patrol (CBP). Consequently, the title of the Form EOIR-29 was changed to denote that it is an appeal from a DHS officer. At the request of USCIS for the purpose of assisting with its processing of the forms, EOIR has amended the Form EOIR-29 to request the respondent to provide specific information about the DHS decision that is being appealed. Second, the Form EOIR-29 and its instructions have been updated to provide further clarity to respondents about how, where, and when to file the Form EOIR-29 and any briefs in support of an

appeal. Third, the instructions have been updated to provide current information on how the fee can be paid. Finally, the Form EOIR-29 has also been updated to include a Privacy Act Notice in order to comply with that Act's requirements.

2. Needs and Uses - The form is filed and considered in the context of an administrative appeal. Accordingly, information contained in the form is considered only to the extent necessary to process the appeal. The form is inserted into EOIR's official file for the respondent/applicant/alien and certain information on the form is entered into EOIR's internal database. The form is reviewed by the Board in order to determine the sufficiency and merit of a party's appeal.

3. Use of Technology - The use of this form provides the most efficient means for collecting and processing the required data. The Form EOIR-29 is available on EOIR's website for printing. Information can be typed into the online form which is then printed out for submission to DHS, or the individual has the option of printing the form in its entirety to complete by typing or printing legibly. Currently, EOIR does not have the automated capability in place to accept electronic submission of forms. However, EOIR continues to explore the implementation of a number of electronic document initiatives, including electronic submission of EOIR forms.

4. Efforts to Identify Duplication - The only method for appealing a DHS Officer's decision to the Board is to file a Form EOIR-29. A review of EOIR's existing forms revealed no duplication of effort, and there is no similar information currently available

which can be used for this purpose.

5. Impact on Small Businesses - This collection does not have an impact on small businesses or other small entities.

6. Consequences of Less Frequent Collection - Failure to collect and present the information regarding a party's reasons for appeal would deprive the party of a mechanism through which to preserve and exercise the regulatory right to appeal from a decision of a DHS Officer to the Board.

7. Special Circumstances Influencing Collection - A party affected by a DHS Officer's decision who wishes to appeal the decision to the Board must file the Form EOIR-29 within 30 days of the service of the decision being appealed. 8 C.F.R. § 1003.3(a)(2). None of the other eight special circumstances identified in OMB instruction number 7 apply to this collection.

8. Federal Register Publication and Consultation- A 60-day notice covering this collection will be published in the Federal Register. A 30-day notice covering this collection will be published in the Federal Register. If comments are received, they will be considered and incorporated where appropriate.

9. Payment or Gift to Claimants - EOIR does not provide any payment or gifts to parties in immigration proceedings.

10. Assurance of Confidentiality - The original Notice of Appeal to the Board of Immigration Appeals from a Decision of a DHS Officer is maintained by EOIR in the official court record of proceeding (ROP) and is accessed by those EOIR employees processing the ROP. The confidentiality of the contents of a party's Form EOIR-29 is protected by EOIR, as are all the documents in the ROP, to the extent permitted by the law, including the Privacy Act and the Freedom of Information Act.

11. Justification for Sensitive Questions - There are no questions of a sensitive nature in the Form EOIR-29.

12. Estimate of Hour Burden

a. Number of Respondents	7,215
b. Number of Responses per Respondent	1
c. Total Annual responses	7,215
d. Hours per response	30 minutes
e. Total annual hourly reporting burden	3,607.5

The total annual reporting burden is derived by multiplying the number of respondents (7,215) by the frequency of response (1) by the number of hours per response (30 minutes or .5 hour):

7,215 respondents x 1 response per respondent x .5 hour per respondent = 3,607.5 burden hours.

13. Estimate of Cost Burden

There are no capital or start-up costs associated with this information collection. The estimated public cost is zero.

For informational purposes only, there may be additional costs to respondents.

Respondents may incur a cost if they hire a private practitioner to assist them with completing the Form EOIR-29. The Bureau of Labor Statistics reports that the median hourly wage for lawyers is \$54.21. For those respondents who proceed without a practitioner, there is an estimated cost of \$10 per hour for completing the form (the individuals' time and supplies) in lieu of the practitioner cost. Respondents may also incur a cost of \$110, which is the amount of the filing fee for this form.

14. Estimated Cost to Federal Government - It is estimated that the annual government cost for printing, distributing, stocking, processing and maintaining the Form EOIR-29 is \$26,502.43 for EOIR. EOIR acknowledges that DHS will also incur costs for printing distributing, stocking, processing and maintaining the Form EOIR-29, as respondents must file the Form EOIR-29 with DHS. EOIR estimates that the cost to DHS is \$154,276.08. When the costs to both federal agencies are combined, the total annual government costs are \$180,778.51.

15. Reason for Change in Burden - There is an increase in the burden due to an increase in the number of Form EOIR-29s received by EOIR.

16. Plans for Publication - The EOIR does not intend to employ the use of statistics or the publication thereof for this collection of information.

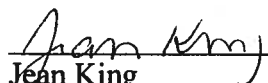
17. Exceptions to Certification Statement - The EOIR does not request an exception to the certification of this information collection.

**Section B. Collection of Information Employing Statistical Methods**

This collection does not employ statistical methods.

## PAPERWORK CERTIFICATION

In submitting this request for OMB approval, I certify that the requirements of the Privacy Act and OMB directives have been complied with, including paperwork regulations, any applicable statistical standards or directives, and any other information policy directives promulgated under 5 C.F.R. § 1320.

  
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Jean King  
Acting General Counsel  
Executive Office for Immigration Review

6-21-2012  
Date