

**Supporting Statement**  
**Application for Advance Permission to Enter as Nonimmigrant**  
**[Pursuant to Section 212(d)(3)(A)(ii) of the INA]**  
**Form I-192**  
**OMB Control No. 1615-0017**

**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 212(a) of the Immigration and Nationality Act (INA), defines certain classes of aliens who are ineligible to receive nonimmigrant visas and who are excluded from admission into the United States. Section 212(d)(3) of the INA and 8 CFR 212.4 allows the Secretary of Homeland Security to waive the applicability of section 212(a) for certain nonimmigrants and to admit the alien temporarily despite his or her inadmissibility. This form is provided by the U.S. Citizenship and Immigration Services (USCIS) as a means for certain inadmissible nonimmigrant aliens to apply for permission to enter the United States. This form is also used by U.S. Customs and Border Protection (CBP), to grant temporary permission to certain inadmissible nonimmigrants who wish to enter the United States through a port of entry pursuant to section 212(d)(3) of the INA and 8 CFR 212.4. USCIS also uses this form to address inadmissibility issues for T (Victims of Severe Forms of Trafficking in Persons) and U (Victims of Criminal Activity) petitioners. This is in accordance with 8 CFR 212.16, 8 CFR 212.17 and 8 CFR 214.14.

- 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 will be used by CBP and USCIS to determine whether the applicant is eligible to enter the United States temporarily under the provisions of section 212(d)(3), 212(d)(13), and 212(d)(14) of the INA. The respondents for this information collection are certain inadmissible nonimmigrant aliens who wish to apply for permission to enter the United States and petitioners for T and U nonimmigrant status.

- 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-192 provides the most efficient means for collecting and processing the required data. Form I-192 is available at <http://www.uscis.gov/i-192> and have partial Government Paperwork Elimination Act (GPEA) compliance as it can be accessed, completed and saved electronically. Currently, neither CBP nor USCIS has the automated capability in place to accept electronic submission of applications. USCIS is in the process of converting forms to be electronically accessed, completed and submitted by the respondent. At this time, there is no finalized timeframe for the form submissions to be converted to the electronic environment but USCIS will provide an update when the information becomes available.

**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 the USCIS's Forms 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 the information is not collected, under section 212(d)(3) of the INA, and additionally for T nonimmigrant applicants section 212(d)(13) and for U nonimmigrant petitioners section 212(d)(14), certain classes of aliens, who are ineligible to receive visas and to enter the United States, would remain ineligible with no opportunity for a waiver of inadmissibility.

**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 December 18, 2012 USCIS published a 60-day notice in the Federal Register at 77 FR 74861. USCIS received one public comment submission in response to the 60-day notice. One commenter indicated that the burden to be carried by U.S. taxpayers for costs associated with a foreign national's presence in the United States was far too great and that each nonimmigrant should be paying the additional sum of \$10,000. The commenter felt that the American people were being taken advantage of and that the U.S. government should recover the costs from foreign nationals coming to the United States. USCIS appreciates the comment. USCIS could not adopt the suggestion. The fee for immigrant petitions or applications are entirely borne by foreign nationals or petitioners (with the exception of certain humanitarian programs, such as the asylum or refugee programs). The basis for fees related to petitions or applications is in 8 CFR 103.7. The fee is determined according to USCIS's biennial fee review in accordance with principles contained in INA section 286. USCIS cannot alter the fee without publishing changes to the fee rule; it can also not charge additional fees to recover government expenses unrelated to the adjudication of petitions or applications. Therefore, USCIS did not adopt the suggestions.

On March 5, 2013, USCIS published a 30-day notice in the Federal Register at 77 FR 14585. USCIS has not received any public comment submissions to date.

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

Neither USCIS nor CBP provides 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 [DHS/USCIS-007 - Benefits Information System](#) (September 29, 2008 73 FR 56596) and [DHS/USCIS/ICE/CBP-001 - Alien File, Index, and National File Tracking System of Records](#) (June 13, 2011, 76 FR 34233). The privacy impact assessment associated with this information collection is [DHS/USCIS/PIA-016 - Benefits Processing of Applicants other than Petitions for Naturalization, Refugee Status, and Asylum \(CLAIMS 3\)](#).

**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.**

This information collection contains questions that are of a sensitive nature. The respondents must provide information on why they are inadmissible and the grounds of inadmissibility that apply to them. If a ground of inadmissibility is not provided but USCIS or CBP discovers the inadmissibility, USCIS or CBP will request a Form I-192 describing the inadmissibility issue and may request further documentation pertaining to them (i.e. court records, immigration documents, etc.).

This information is necessary for USCIS or CBP officers to make a determination on whether the nonimmigrant or the T applicant or U petitioner is eligible for the immigration relief being sought.

**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	Application for Advance Permission to Enter as Nonimmigrant [Pursuant to Section 212(d)(3)(A)(ii) of the INA] (Form I-192)	10,448	1	0.5 hours	5,224	\$30.44	\$159,018.56
<b>Total</b>		<b>10,448</b>			<b>5,224</b>		<b>\$159,018.56</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 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. Records. Respondents might need to provide additional information, including but not limited to, arrest records, court dispositions, and immigration paperwork to demonstrate eligibility. 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. There is a fee charge of \$585 associated with the collection of this information. However, under the TVPRA 2008, T nonimmigrant applicants and U nonimmigrant petitioners may request a fee waiver for the Form I-192 with USCIS.<sup>1</sup>

This information collection may impose some out-of-pocket costs on respondents in addition to the time burden for the form preparation. USCIS has sought public comments on these subjects in connection with other information collections and will provide estimates in future submissions to OMB based on the results of public comments received and information that can be found from other resources on these costs:

Translations. Respondents might incur expenses for translations of foreign documents or documents prepared or issued in foreign languages. USCIS is currently evaluating the estimated cost associated with this activity in connection with other information collections.

Preparers. Some respondents may hire third parties to assist in the request process and may incur costs to hire paid preparers for the preparation and submission of this form. USCIS is currently evaluating the estimated cost associated with this activity in connection with other information collections.

- 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	\$	1,246
b.	Collection and Processing	\$	6,110,834
c.	Total Cost to the Government	\$	6,112,080

**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 for free. 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-192 at \$585.

The total estimated cost of the program to USCIS is then calculated by multiplying the estimated number of respondents (10,448) by the fee charge (\$585), which is \$6,112,080. This total includes the suggested average hourly rate for clerical, officer and supervisory time with benefits and the estimated overhead cost for printing, stocking, and distributing this form (\$ 1,246).

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

Data collection Activity/ Instrument	Program Change (hours currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (hours currently on OMB Inventory)	Adjustment (New)	Difference
I-192				10,271	5,224	-5,047
<b>Total(s)</b>				10,271	5,224	-5,047

There has been a decrease of 5,047 in the burden hours previously reported for this information collection from 10,271 to 5,224. The decrease can be attributed to a fall in the number of respondents from 20,541 to 10,448, based on updated statistical projection data for FY2013, and the resulting adjustment in the agency estimates. There is no change in the information being collected.

Data collection Activity/ Instrument	Program Change (cost currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (cost currently on OMB Inventory)	Adjustment (New)	Difference
I-192				\$12,016,485	\$0	-\$12,016,485
<b>Total(s)</b>				\$12,016,485	\$0	-\$12,016,485

The adjustment in public cost burden is based on a technical adjustment of excluding the fees from the public cost.

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

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 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.

<sup>i</sup> Trafficking Victims Protection Reauthorization Act of 2008, § 201(d)(7).



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

There is no statistical methodology involved with this collection.