

**SUPPORTING STATEMENT FOR
Application for Advance Permission to Return to Unrelinquished Domicile
OMB Control No.: 1615-0016
COLLECTION INSTRUMENT(S): I-191**

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.**

To comply with section 212(c) of the Immigration and Nationality Act (INA), and 8 CFR 212.3, Form I-191 is used to determine whether U. S. Citizenship and Immigration Services (USCIS) or the Department of Justice, Executive Office for Immigration Review (EOIR) can grant or deny an application for advance permission to return to an unrelinquished domicile in the United States, for an alien lawfully admitted for lawful permanent residence who voluntarily (not under an order of deportation) proceeded abroad and seeks to return to a lawful, unrelinquished domicile of 7 consecutive years.

- 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.**

USCIS and EOIR uses the information on the form to properly assess and determine whether the applicant is eligible for a waiver under section 212(c) of INA.

- 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-191 is currently available on the USCIS Forms website at <http://www.uscis.gov/i-191> and has partial Government Paperwork Elimination Act (GPEA) compliance as they can be accessed, completed and saved electronically but cannot be submitted electronically at this time. USCIS is in the process of converting forms to be electronically accessed, completed, and submitted by respondents. At this time, there is no finalized timeframe for the form being submitted 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.

USCIS uses the information collected on Form I-191 to grant or deny a request by a U.S. legal permanent resident for advance permission to return to an unrelinquished domicile in the United States. There is no other collection of information that has the necessary information to adjudicate this issue. There is no duplication of information collection via another form.

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 would not be able to properly assess the alien's eligibility for advance permission to return to an unrelinquished domicile 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.**

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 March 15, 2013, USCIS published a 60-day notice in the Federal Register at 78 FR 16519. USCIS received one public comment submission in response to that notice. The commenter stated that the filing fee for this form should be raised to \$2585. The commenter reasoned that the current filing fee does not cover the costs an applicant's actions caused the U.S. government. USCIS appreciates the comment but is unable to raise the fee at this time.

USCIS adjudication service fees are statutorily regulated in INA section 286. USCIS must also publish a fee schedule at 8 CFR 103.7. INA section 286 outlines that adjudication fees are set at a level that ensures recovery of the full costs associated with providing adjudication services. USCIS assesses the cost associated with adjudicating the various forms in its biennial fee study. Based on the results of the study, USCIS must publish any fee adjustments via the *Federal Register* announcement to amend 8 CFR 103.7. USCIS is, therefore, statutorily precluded from imposing an adjudication fee that is based on the cost incurred by the U.S. Government due to an applicant's actions that are unrelated to the adjudication of Form I-191. Even if USCIS were able to raise the fee as part of the renewal process for this information collection, it would still have to do so through the *Federal Register* process described above. For these reasons, USCIS cannot accept the commenter's suggestion.

On May 22, 2013, USCIS published a 30-day notice in the Federal Register at 78 FR 30320. USCIS has not received any comments to date.

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

USCIS does not provide any payment for 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 privacy impact assessment associated with this information collection is [Benefits Processing of Applicants other than Petitions for Naturalization, Refugee Status, and Asylum \(CLAIMS 3\), September 5, 2008](#). The associated system of records notice is [DHS/USCIS-007 - Benefits Information System, September 29, 2008, 73 FR 56596](#).

- 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.**

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	Application for Advance Permission to Return to Unrelinquished Domicile (Form I-191)	300	1	** 1 hour	300	\$30.44	\$9,132
Total		300			300		\$9,132

* 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.

** The estimated average burden of 1 hour includes:

- Gathering required documentation and information - 15 minutes (Applicant gathers information in the United States.)
- Reading the instructions – 10 minutes
- Completing the form/request to include preparation of statements, attaching documentation, sending the form, etc – 35 minutes

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. Records. Respondents might need to gather record information related to criminal convictions and sentences or disability to demonstrate eligibility. The estimated time burden associated with gathering the required documentation has been accounted for in the time burden.

- 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. For informational purposes, there is a fee of \$585 associated with this collection.

NOTES ON COST BURDEN:

This information collection may impose some out-of-pocket costs on respondents in addition to the time burden for the form's 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 Government Costs (collection and processing costs): \$175,500

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-191 at \$585.

The total estimated cost of the program to USCIS is then is calculated by multiplying the estimated number of respondents (300) by the fee (\$585), which equals \$175,500. 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 (\$700).

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-191				75	300	225
Total(s)				75	300	225

There has been an increase of 225 burden hours previously reported for this information collection. This change can be attributed to an increase in the time burden from 15 minutes (0.25 hours) to 60 minutes (1 hours). The previous estimated time burden was re-evaluated to better account for the time it would take an average respondent to review

the instructions, gather necessary documentation and information, and complete the form and any statements, based on an adjustment in agency estimates. There are no changes to 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-191				175,500	0	-175,500
Total(s)				175,500	0	-175,500

The adjustment in public cost burden is based on a technical adjustment of excluding the fees from the public cost, as USCIS fees are more properly classified as transfers.

- 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.