

**SUPPORTING STATEMENT FOR
Application for Temporary Protected Status
Form I-821
OMB Control No.: 1615-0043**

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.**

The Secretary of Homeland Security (Secretary) may grant Temporary Protected Status (TPS) under [section 244 of the Immigration and Nationality Act \(INA\)](#) to nationals of a foreign state (or in the case of an alien having no nationality, who is a person who last habitually resided in such designated state), and who meets the requirements of [INA section 244\(c\)](#). During the TPS designation period, the alien can remain in the United States and engage in employment. The information required on the Form I-821 is necessary for U.S. Citizenship and Immigration Services (USCIS) to determine if an applicant meets the TPS eligibility requirements and conditions.

This information collection contains questions related to criminal and/or immigration violations and also asks for an applicant's social security number, which USCIS uses to verify the identity of applicants for immigration benefits, determine eligibility for the requested benefits, and ensure identification of any fraud, national security, or public safety concerns. USCIS's general legal authority to collect an applicant's criminal history, immigration violations, and social security number falls under [INA sections 101 et. seq.](#) (requires background checks be conducted for immigration benefits), [103\(a\)\(1\) and \(3\)](#) (generally charges the Secretary with the administration and enforcement of all laws relating to the immigration and naturalization of aliens and authorizes the Secretary to issue regulations, forms, and instructions and to perform such other acts as the Secretary deems necessary to exercise her INA authorities). In addition, INA section [264\(f\)](#) authorizes the Department of Homeland Security (DHS) to require any alien to provide the alien's social security number.

- 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 uses the information collected on initial applications to determine whether an applicant for TPS meets the eligibility requirements. Eligibility is determined by the alien proving identity, nationality, physical presence and residence in the United States, as well as meeting certain admissibility and other eligibility standards. USCIS uses the information collected from re-registration applications to determine whether a TPS

beneficiary continues to meet the eligibility requirements.

- 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 paper version of the Form I-821 is available online at: <http://www.uscis.gov/i-821>. The form may be completed and saved on the computer, printed and mailed.

USCIS is also deploying the I-821 into its electronic online immigration system (also known as USCIS ELIS). With the approval of this information collection request, after deployment, Form I-821 will be electronically fileable in ELIS, which will provide electronic filing of re-registration, initial and Late Initial Filing (LIF) applications. Currently, all initial applications and LIF submissions must use traditional paper-filed applications. Due to operational limitations, current USCIS e-Filing systems can only accept certain TPS re-registrations.

- 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 has examined its other programs and those administered by other Federal agencies and determined that the information USCIS requires to administer the TPS program is not otherwise provided by the affected individuals, collected, or available elsewhere. There is no duplication.

- 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 is limited to individuals and 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, USCIS will not be able to determine the eligibility of nationals of a foreign state designated for TPS under INA section 244. Persons seeking TPS status and benefits must establish eligibility during an initial registration period and also must establish continued eligibility in any subsequent re-registration periods. The Secretary can authorize TPS designations and extensions for a 6, 12 or 18-month period. Accordingly, the need to collect information from TPS applicants and beneficiaries is

based on the need to establish initial and continued TPS eligibility. Persons who do not establish eligibility for TPS might have to leave the United States and could face dangers due to civil conflicts, unsafe conditions from natural disasters or many other adverse actions if they are forced to return to a country that has been designated for TPS.

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) and does not require or result in any of the circumstances above.

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 July 8, 2013, USCIS published a 60-day notice in the Federal Register at 78 FR 40758. USCIS did not receive comments after publishing that notice. On October 23, 2013, USCIS published a 30-day notice in the Federal Register at 78 FR 62644. USCIS received one public comment submission.

The commenter noted “the fee for filing this document by an immigratn should be \$50,000. its clear that the us citizen taxpayers are being taxed that amount to provide this service for immigrants. in fact the us citizens are being ripped off by our own govt that gives breaks to immigrants and then rips the tax dollars right out of our wallets.its time for immigrants to pay their own way and to stop ripping off us citizens to pay for their needs. our govt is stupid and playing us all for saps on this. becaues of this rip off of american citizens to fund this program, i submit that it is time to stop issuing these forms and to give this special exemption to foreigners. its time to put america and american citizens first instead of ripping us all off for these foreigners, let them stay at their own country. america is overwhelmed anyway and the us state dept and immigration are operating as if this is still 1950 when america is overwhelmed with foreigners. theres harldy any american citizens lef there anymore. they are sneaking in from all over and our immigration is being stopped from picking them up and deportin gthem. i want the deportation program enlarged now. iw ant illegal sneaks who come here to break our laws deported.”

USCIS acknowledges receipt of the public comment. USCIS is tasked under INA section 244 (8 U.S.C. 1254a) to administer the TPS program. The Application for Temporary Protected Status (Form I-821) is the form required, under 8 Code of Federal Regulations section 244.7(a), for all TPS applications . This application was created to allow an eligible national from a TPS designated country, or an eligible stateless individual who last resided in the TPS designated country, to apply for TPS. The application also provides a means for current TPS beneficiaries to periodically re-register as required during any extension of TPS for his or her country. During the TPS designation period, the eligible alien can remain in the United States and engage in employment. The information required on the Form I-821 is necessary for USCIS to determine if an applicant meets the TPS eligibility requirements and conditions.

TPS is a humanitarian-based program. The Secretary of Homeland Security may designate a foreign country for TPS due to conditions in the country that temporarily prevent the country's nationals from returning safely, or in certain circumstances, where the country is unable to handle the return of its nationals adequately. In addition to demonstrating other eligibility criteria, only individuals already in the United States can apply for TPS.

The fees associated with TPS filings are set by statute. A registration fee of \$50 is

required on all initial TPS applications. This \$50 fee is the maximum amount allowed under INA 244 (c)(1)(B). All individuals 14 years of age or older who are filing an initial application or re-registration application must also include a required biometrics services fee, currently \$85.

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 benefits sought.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation or agency policy.

Information provided by TPS applicants on this information collection is governed by legal confidentiality provisions in 8 U.S.C. 1254a(c)(6) and 8 CFR 244.16.

The information collected via this instrument is covered by the Privacy Impact Assessments: [Benefits Processing of Applicants other than Petitions for Naturalization, Refugee Status, and Asylum \(CLAIMS 3\), September 5, 2008](#), and [Electronic Immigration System \(ELIS-2\) Account and Case Management, May 16, 2012](#).

The information is also covered in the System of Records Notices: [DHS/USCIS-001 - Alien File, Index, and National File Tracking System of Records June 13, 2011, 76 FR 34233](#), [DHS-USCIS-007 - Benefits Information System, September 29, 2008, 73 FR 56596](#), and [DHS/USCIS-015 - Electronic Immigration System-2 Account and Case Management System of Records, April 5, 2013, 78 FR 20673](#).

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 person's from whom the information is requested, and any steps to be taken to obtain their consent.

This information collection contains questions that may be considered of a sensitive nature, related to criminal and/or immigration violations. Respondents must provide information regarding previous immigration and criminal records related to grounds of inadmissibility under INA sections 212(a) and 208(b)(2)(A). These questions are necessary to determine whether respondents are eligible for TPS. In responding to eligibility questions, the respondent must fully disclose any prior criminal history, which would include providing information on any prior criminal sexual offenses, hate crimes or other offenses. Such information might include details that could be considered of a sensitive nature. Section 244 of the INA authorizes USCIS to collect the information and the associated evidence for this application.

Respondents also must provide social security numbers. This information is necessary as USCIS supports DHS's core missions to prevent terrorism and enhance security, secure and manage the borders, and enforce and administer the immigration laws. To ensure proper execution of these missions, USCIS officers must verify the identity of applicants for immigration benefits, determine eligibility for the requested benefits, and ensure identification of any fraud, national security, or public safety concerns. The social security number is one critical piece of information collected by USCIS to achieve these goals. Particularly for Form I-821, the social security number for the applicant may be used to verify information against DHS records and supporting documentation submitted to establish eligibility for TPS. Many applicants share similar names and dates of birth, and a social security number ensures USCIS will consider the correct individual's information from other record sources.

In addition, USCIS is adding a question to collect the race of applicants. USCIS collects race data to match the data the FBI collects on FBI Form FD-258, Fingerprint Card, for the purposes of conducting a background examination. It is important that USCIS collects and has this information to verify the applicant's identity. The question and use complies with the Office of Management and Budget Memorandum, "Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity." (October 30, 1997).

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-821 / Application for Temporary Protected Status (Paper-based submissions; including biographical and programmatic data)	115,535	1	**1.92 hours (1 hour 55 minutes)	221,827	\$30.81	\$6,834,478
Individuals or Households	I-821 / Application for Temporary Protected Status (USCIS ELIS submissions; programmatic fields only)	102,455	1	***1.75 (1 hour 45 minutes)	179,296	\$30.81	\$5,524,110
Individuals or Households	Biometrics Processing	217,990	1	****1.17 hours (1 hour and 10 minutes)	255,048	\$30.81	\$7,858,038
Total		217,990	2		656,172		\$20,216,650

NOTES ON HOUR BURDEN:

* *The above Average Hourly Wage Rate is derived from the [May 2012 Bureau of Labor Statistics](#) Mean Hourly Wage for “All Occupations”. The wage rate of \$30.81 is calculated from the base average wage rate of \$22.01 times the wage rate benefit multiplier of 1.4. The selection of “All Occupations” represent the possibility that a respondents can be employed in any type of work; the collection is not targeting any specific category of employment.*

** *USCIS has estimated average time required to complete the paper-based Form I-821 as 1.92 hours (1 hour, 55 minutes). This time includes*

- *Gathering required documentation and information – 35 minutes*
- *Reading the instructions – 25 minutes*
- *Completing the form/request to include preparation of statements, attaching necessary documentation, etc. – 55 minutes*

*** USCIS has estimated average time required to complete the programmatic portion of Form I-821 in USCIS ELIS as 1 hour and 45 minutes. This time includes:

- Gathering required documentation and information – 35 minutes
- Reading the instructions – 25 minutes
- Completing the form/request to include preparation of statements, attaching necessary documentation, etc. – 45 minutes

The time burden for the biographical questions (e.g., name, address, etc.) for USCIS ELIS electronic submissions will be reported under the USCIS ELIS information collection, OMB Control Number 1615-0122.

**** USCIS has estimated the average time required for biometrics to be approximately 1.17 hours (1 hour and 10 minutes) based on the time it takes to fingerprint and photograph the applicant and visit a USCIS Application Service Center.

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 is no capital, start-up, operational or maintenance cost associated with this collection of information. For informational purposes, there is an application fee of \$50 for Form I-821 for all initial and late-initial registrants and a fee of \$85 for the biometrics processing on all initial, late-initial and re-registration applications for individuals 14 years of age or older.

- 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 Total Cost to the Government	\$
39,030,010	

Most USCIS fees are established 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. USCIS, however, does not calculate its resource expenditure directly related to administration of the TPS program. The fee for TPS registration is capped by statute at \$50. INA section 244, 8 U.S.C. 1254a. In addition, given the statutory requirement that TPS status be periodically reviewed and the reasonable possibility of the termination of TPS designations for long-standing, high-volume countries, USCIS must build its budgets on the assumption that it cannot rely on fee revenue from such programs to fund ongoing activities. For planning purposes and without intending to forecast any particular policy assessments, USCIS has assumed that the TPS Program for re-registrants of certain nationalities will not continue. This assumption eliminates a limited source of fee receipts, but also reduces a larger amount of costs distributed across all other application fees because the statutory fee (\$50) does not recover the full cost of processing TPS applications.

USCIS normally uses the fee associated with an information collection as a reasonable measure of the collection's costs to USCIS. However, since the fee is not representative of the estimated Government cost incurred, USCIS provides the following independent estimate of the Government Cost based on collection and processing times.

Annualized Cost Analysis:

- a. Printing Cost \$ 9,800
- b. Collection and Processing Cost \$ 39,020,210
- c. Total Annual Cost to Government \$ 39,030,010

Government Cost

The estimated cost to the Government is \$ 39,030,010. This figure is calculated by multiplying the estimated number of respondents (217,990) x (1) number of responses x estimated cost per TPS application receipt (\$179.00), plus the printing costs.

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

Adjustment in Public Burden Hours						
Data collection Activity/ Instrument	Program Change (hours currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (hours currently on OMB Inventory)	Adjustment (New)	Difference
Form I-821 (Paper & USCIS ELIS program fields) and Biometric Processing				502,997	401,123	-101,874
Biometric Processing				0	255,048	255,048
Total(s)				502,997	656,171	153,174

There has been an increase of 153,174 total burden hours previously reported for this information collection from 502,999 to 656,171. The increase can be attributed to an increase in the estimated time burden to complete the paper-based Form I-821 from 1 hour 30 minutes (1.5 hours) to 1 hour 55 minutes (1.92 hours), and the USCIS ELIS Form I-821 estimated at 1 hour 45 minutes (1.75 hours). The increase in time burden was offset by a decrease in the estimated number of respondents from 335,333 respondents to 217,990 based on updated statistical projection data for fiscal year (FY) 2014, FY 2015, and FY 2016. The addition of the burden for biometric processing of 255,048 also adjusted the overall adjustment in agency estimates upward. In previous information collection requests, the burden for the collection of biometrics was not accounted for, but USCIS is accounting for that burden in this request.

The increase in time burden can be attributed to the additional data collection fields being incorporated and a better estimation of the activity required to gather all documentation, read the instructions, and for the paper filing, completing the paper form. USCIS is making the following changes to the information collection:

- Adding information necessary to incorporate Form I-821 into USCIS ELIS to efficiently process fingerprint checks (e.g., mobile phone number, e-mail address, biographic information, USCIS ELIS Account number), to clarify eligibility-related questions, and to update certification statements;
- Clarifying and updating eligibility-related questions and information throughout Form I-821;
- In support of U.S. Customs and Border Protection’s (CBP’s) automation of Arrival/Departure Records (Forms I-94) at airports and sea ports beginning April 30, 2013, adding passport and travel document data fields to facilitate verification of admission information collected and maintained by CBP;
- Including a 2D barcode to expedite data intake and transmission;
- Revising the instructions to correspond to the revised form and adding clarifying language concerning waivers for grounds of inadmissibility; and
- Updating applicant, interpreter and preparer certification statements in the instructions.

The 142,592 total burden hours reported for the filing of the program questions of USCIS ELIS Form I-821 is the estimated time that a respondent using USCIS ELIS will incur to complete the program questions for Form I-821. The remaining burden is reported in the USCIS ELIS information collection request to OMB via OMB Control Number 1615-0122.

Public Cost Burden Adjustments						
Data collection Activity/ Instrument	Program Change (cost currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (cost currently on OMB Inventory)	Adjustment (New)	Difference
Form I-821 (Paper)				\$29,141,055	0	-\$29,141,055
Form I-821 (USCIS ELIS program fields)				\$0	\$0	\$0
Biometrics				\$0	\$0	\$0

Total(s)				\$29,141,055	\$0	-\$29,141,055
-----------------	--	--	--	---------------------	------------	----------------------

The adjustment in public cost burden for the paper-based Form I-821 is based on a technical adjustment of excluding USCIS fees from public cost estimates because 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.