

SUPPORTING STATEMENT FOR
Application by Refugee for Waiver of Grounds of Excludability
OMB Control No.: 1615-0069
COLLECTION INSTRUMENT: Form I-602

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.**

This information collection facilitates compliance with sections 207 and 209 of the Immigration and Nationality Act (Act) which provides for the waiver of certain grounds of excludability. Section 207(c)(3) of the Act sets forth grounds of inadmissibility under section 212(a) of the Act which are not applicable to waivers and those which may be waived. The waiver applicant must submit an Application by Refugee for Waiver of Grounds of Excludability, Form I-602, to the U.S. Citizenship and Immigration Services (USCIS) officer processing his or her case, in accordance with 8 CFR 207.3. The burden is on the applicant to show that the waiver should be granted based on humanitarian grounds, family unity, or for the public interest. Additionally, the Act requires USCIS to report to Congress on the granting of such waivers to aliens applying for admission as refugees or adjusting status to that of a permanent resident.

- 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 on the Application by Refugee for Waiver of Grounds of Excludability, Form I-602, will be used by USCIS to determine eligibility for waivers, and to report to Congress the reasons for granting waivers.

- 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 Application by Refugee for Waiver of Grounds of Excludability, Form I-602, provides the most efficient means for collecting and processing the required data. In this case, USCIS does not employ the use of information technology in collecting and processing information. This form does reside on USCIS' Web site and can be

completed and saved electronically. This form has been designated for e-filing under USCIS's business transformation initiative for a future release to be determined.

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.

A review of the USCIS automated forms tracking system was accomplished and revealed no duplication. There is no similar data collected.

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.

Application by Refugee for Waiver of Grounds of Excludability, Form I-602, is necessary to establish eligibility for waiver of excludability based on humanitarian, family unity, or public interest. Additionally, if this information collection is not approved, USCIS would not be in compliance with the Act which mandates that USCIS report the number of waivers granted to Congress.

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.**

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On January 30, 2014, USCIS published a 60-day notice in the Federal Register at 79 FR 4952. USCIS received one public comment in response to that notice.

A comment from the public dated February 5, 2014 asserted that no waivers should be granted to refugees because immigrants cost U.S. citizens too much money. The commenter also wrote that immigrants are lawbreakers who fabricate stories to gain entry to the United States. Notwithstanding these concerns, section 209(c) of the Immigration and Naturalization Act and 8 U.S.C. § 1159(c) does confer discretionary authority on the Attorney General and Secretary of Homeland Security to waive certain grounds of inadmissibility for the following reasons: for humanitarian purposes; to assure family unity; or when it is otherwise in the public interest.

On April 11, 2014, USCIS published a 30-day notice in the Federal Register at 79 FR 20218. USCIS has not received any public 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.

Refugees are protected by the confidentiality provisions of 8 CFR 208.6; 8 U.S.C. § 1103. The privacy impact assessment for this information collection will be covered by the Case and Activity Management for International Operations (CAMINO), currently under agency clearance. The system of record notices associated with this information collection are: the [USCIS Benefits Information System, which was published in the Federal Register on September 29, 2008 at 73 FR 56596](#); the [Alien File, Index, and National File Tracking System of Records published in the Federal Register on November 21, 2013 at 78 FR 69864](#); and the [Inter-country Adoptions Security System of Records published in the Federal Register on June 5, 2007 at 72 FR 31086](#).

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 some questions of a sensitive nature such as those relating to mental disorder and behavior associated with that disorder, which may pose a threat to the safety of others. However, answers to these questions are necessary in order for USCIS to make a determination on whether to provide a waiver of grounds of excludability under section 212(a)(1)(A) (medical grounds of inadmissibility) of the Act.

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 and Households	I-602, Application by Refugee for Waiver of Grounds of Excludability	2,500	1	0.25 hours (15 minutes)	625	\$30.81	\$19,256
Total		2,500	1	0.25 hours (15 minutes)	625	\$30.81	\$19,256

* 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.

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 no fee associated with this information collection.

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	\$	250
b.	Collection and Processing Cost	\$	1,610,000
c.	Total Cost to Program	\$	1,610,250
d.	Fee Charge	\$	0
e.	Total Cost to Government	\$	1,610,250

Government Cost

The estimated cost of the program to the Government is \$1,610,250. This figure is calculated by multiplying the estimated number of respondents (2,500) x the estimated

average unit cost per receipt workload (\$644), plus \$250 overhead cost for printing, stocking, distributing and processing of this form.

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

(From Question 12 above)

Information Collection Instrument	Program Change			Adjustment		
	Current OMB-Approved Hours Burden	New Hours Burden	Difference	Current OMB-Approved Burden Hours	New Hours Burden	Difference
				625	625	0
Total(s)				625	625	0

There has been no increase or decrease in the estimated burden hours previously reported and there are no changes to the information being collected.

(From Question 13 above)

Information Collection Instrument	Program Change			Adjustment		
	Current OMB-Approved Burden Cost	New Cost Burden	Difference	Current OMB-Approved Burden Cost	New Cost Burden	Difference
				0	0	0
Total(s)				0	0	0

There has been no increase or decrease in the estimated cost burden previously reported and there are no changes to the information being collected.

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.