

**SUPPORTING STATEMENT FOR
Request to Enforce Affidavit of Financial Support and Intent to Petition for Custody for
Public Law 97-359 Amerasian
OMB Control No.: 1615-0022
COLLECTION INSTRUMENT(S): I-363**

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 use of this information collection is mandated by Public Law 97-359, Preferential Treatment in the Admission of Certain Children of United States Citizens, relating to immigration benefits for certain Amerasian aliens. This form will be used to determine whether the Affidavit of Financial Support and Intent to Petition for Legal Custody for Public Law 97-359 Amerasian, Form I-361 (OMB Control Number 1615-0021), executed by the beneficiary's sponsor requires enforcement.

- 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.**

Public Law 97-359 provides that the affidavit of financial support may be enforced with respect to an alien against the alien's sponsor in a civil suit. The information on this form provides USCIS with information to determine if such enforcement is necessary.

- 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.**

This form is available electronically at <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=e85548ac882dc110VgnVCM1000004718190aRCRD&vgnnextchannel=db029c7755cb9010VgnVCM10000045f3d6a1RCRD> and the respondent can access, complete and save the document electronically. The form cannot currently be submitted electronically.

- 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 Forms Inventory Report revealed no duplication of effort, and there is no other similar information currently available which can be used for this purpose. Because of the unique nature of the form and its intent, no other Federal agency would collect the same information.

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.

This information collection is used to ensure the financial support of an Amerasian child of a U.S. citizen. Without the use of this information collection, USCIS is not able to ensure the child does not become a public charge. This collection is the vehicle by which a beneficiary requires enforcement of the guarantee of financial support and intent to petition for legal custody executed by the beneficiary's sponsor.

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 August 6, 2014 USCIS published a 60-day notice in the Federal Register at 79 FR 45828. USCIS did receive one comment after publishing that notice. The commenter provided feedback on the program and suggests that “no [Form I-363] should be required” because, if the sponsor is not providing support, the sponsored immigrant should be removed. The commenter also believes the need for the Form I-363 means “there must be a lot of non support” [sic]. USCIS appreciates the comment; however the commenter misunderstands the purpose of the Form I-363. INA section 204(f)(4)(B) authorizes the Attorney General to sue the sponsor to enforce the support obligation. The Form exists precisely so that the sponsored immigrant can inform USCIS that the sponsor is not complying with the support obligation.

On December 9, 2014, USCIS published a 30-day notice in the Federal Register at 79 FR 73094. USCIS did not receive comments.

- 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 system of record notice associated with this information collection is the Department of Homeland Security Freedom of Information Act and Privacy Act Records System, which was published in the Federal Register on October 29, 2009, at 74 FR 55572.

- 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	I-363	50	1	.5	25	\$31.26	\$782
Total		50			25		\$782

* The above Average Hourly Wage Rate is the [May 2013 Bureau of Labor Statistics](#) average wage for All Occupations of \$22.33 times the wage rate benefit multiplier of 1.4 (to account for benefits provided) equaling \$31.26. When "All Occupations" is selected, include the following language: "The selection of "All Occupations" was chosen as the expected respondents for this collection could be expected to be from any occupation."

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.

\$490 x .25 x 50 = \$6,125 is the estimated cost to respondent in response to this collection of information. This cost includes items such as postage, attorney fees, etc.

- 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	\$	10
b.	Collection and Processing Cost	\$	2,116
c.	Total Cost to Program	\$	2,126

Government Cost

The estimated cost of the program to the Government is \$2,126. This figure is calculated by multiplying the estimated number of respondents (50) x (1) number of response x (1) hour (USCIS time required to collect and process information) x \$42.32 (suggested average hourly rate for GS 11 clerical, officer, and supervisory time with benefits). In addition, this figure includes the estimated overhead cost for printing, stocking, distributing and processing of this form which is \$10.

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

There are no changes to the information collected on the form. The cost to the respondents now includes an estimated value for this collection.

- 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.