

**SUPPORTING STATEMENT FOR**  
**Petition by Entrepreneur to Remove Conditions on Permanent Resident Status**  
**OMB Control No.: 1615-0045**  
**COLLECTION INSTRUMENT(S): Form I-829**

**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.**

Alien entrepreneurs admitted to the United States under section 203(b)(5) of the Immigration and Nationality Act (INA) are required to petition for removal of the conditional residence status imposed on them and their accompanying spouse and children, within a 90-day period before the second anniversary of their conditional residence under section 216A of the INA. The Petition by Entrepreneur to Remove Conditions on Permanent Resident Status, Form I-829, provides a uniform petition that enables alien entrepreneurs to request the removal of the conditional basis of their lawful permanent resident status.

The collected social security number (SSN) will be used to establish the entrepreneur's eligibility in the context of compliance with the statutory requirement of job creation for qualifying employees and to address program concerns regarding the lawful source of investment funds and the sustainment of lawful business activities. The SSN may also be used for fraud detection and national security concerns.

General legal authority of U.S. Citizenship and Immigration Services (USCIS) to collect the SSN is under INA sections 101 et. seq. (requires background checks be conducted for immigration benefits), 103(a)(1) and (3) (generally charges the Secretary of Homeland Security [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 his authorities under the INA) and 264(f) (authorization to require any alien to provide the alien's SSN) .

- 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 will use the data collected on the Petition by Entrepreneur to Remove Conditions on Permanent Resident Status, Form I-829, to determine eligibility for the requested immigration benefit. The form standardizes requests for removal of conditions and ensures that petitioners provide the basic information required to assess eligibility.

- 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 this form currently provides the most efficient means for collecting and processing the required data. USCIS provides this petition to the public via the USCIS Internet Web site at [www.uscis.gov/i-829](http://www.uscis.gov/i-829). This form can be downloaded, completed and saved electronically but cannot be e-filed at this time, rendering this form partially compliant with the Government Paperwork Elimination Act. USCIS is currently working to develop full electronic submission capabilities.

- 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 that 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 collection of information is not conducted, USCIS would not be able to determine if eligibility requirements to remove conditions on permanent resident status have been met.

- 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 September 15, 2014, USCIS published a 60-day notice in the Federal Register at 79 FR 55008. USCIS received one comment submission after publishing that notice. USCIS's summary of the comment and responses to the issues raise can be found in the separate attachment, Supporting Statement Appendix.

On December 22, 2014, USCIS published a 30-day notice in the Federal Register at 79 FR 76345. USCIS has not received any 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 or gift to the respondent 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 [DHS/USCIS/ICE/CBP-001–Alien File, Index, and National File Tracking System of Records \(78 FR 69864, November 21, 2013\)](#), [DHS/USCIS-007–Benefits Information System \(73 FR 56596, September 29, 2008\)](#), and [DHS/USCIS-015–Electronic Immigration System-2 Account and Case Management System of Records \(78 FR 20673, April 5, 2013\)](#).

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.**

There are questions of a sensitive nature regarding past behavior and activity. However, without this information, USCIS cannot make a determination on a petitioner's request to remove conditional residence status.

Petitioners must also provide his/her SSN. The SSN is essential to process and adjudicate the Petition by Entrepreneur to Remove Conditions on Permanent Resident Status, Form I-829. The SSN is used to determine whether or not the alien entrepreneur has maintained his or her status in the United States. While removing the conditions on the status of an alien entrepreneur, financial issues are at the forefront of the adjudication and most of the evidence USCIS relies on to make a determination contain the SSN and it is used to verify the information provided.

USCIS officers must determine whether at least ten jobs have been created through the alien entrepreneur's capital investment for qualifying employees. INA section 203(b)(5) (A)(ii) states that the jobs cannot be created for the alien entrepreneur, and/or members of his or her family and 8 CFR 204.6(e) defines the term "qualifying employee," and excludes the alien entrepreneur, the alien entrepreneur's spouse, sons, or daughters, or any nonimmigrant alien.

Based on the statutory and regulatory requirements, USCIS officers must disallow jobs created for the alien entrepreneur and his family; therefore, collecting the SSNs of alien entrepreneurs is critical to identify such individuals on payroll documentation and the Internal Revenue Service Form W-2 to make sure that the alien entrepreneur is not being credited with creating jobs for persons that do not meet the statutory and regulatory requirements.

**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	Petition by Entrepreneur to Remove Conditions on Permanent Resident Status (Form I-829)	1,500	1	3 hours (180 minutes)	4,500	\$31.26	\$ 140,670
	Biometrics Collection	1,500	1	1.16 minutes (70 minutes)	1,740		\$ 54,392
<b>Total</b>		<b>1,500</b>			<b>6,240</b>		<b>\$ 195,062</b>

\* This time burden includes the time for reviewing instructions, gathering the required documentation and information, and completing and submitting the petition and necessary documentation.

\*\* 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 fringe benefits) equaling \$31.26. The selection of “All Occupations” (for example) 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.**

There are no capital or start-up costs associated with this information collection. For informational purposes, there are two fees involved with this collection; a fee charge of \$3,750 for processing, and an \$85 biometric services fee.

This information collection may impose some out-of-pocket costs on respondents in addition to the time burden for the form's preparation. Many respondents may incur expenses to obtain tax, financial, or business records. For form preparation, legal services, translators, and document search and generation, USCIS estimates the average cost of this information collection may vary widely, from as little as \$20 to \$1000 per respondent. USCIS estimates that the average cost for these activities is \$490 and that an average of 25% of the total respondent population may incur this cost. The total estimated cost to respondents would be calculated as follows: 1500 respondents x 25% of the population x the average cost per response of \$490 = **\$ 183,750.**

- 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	\$ 6,670
b. Collecting and Processing	\$ 5,752,500
<b>c. Total Annual Cost to Government</b>	<b>\$ 5,759,170</b>

**Government Cost**

The estimated cost of the program to the Government is calculated by multiplying the estimated number of respondents (1,500) x (\$3,750 + \$85) the suggested fee charge (which includes the suggested average hourly rate for clerical, officer, and managerial time with benefits). In addition, this figure includes the estimated overhead cost \$6,670 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
Form I-829				1,620	4,500	2,880
Biometrics Collection				0	1,740	1,740
<b>Total(s)</b>				<b>1,620</b>	<b>6,240</b>	<b>4,620</b>

There has been an increase in the total estimated annual burden hours previously reported for this information collection, from 1,620 to 6,240.

This change can be attributed to an increase in the estimated time burden from 1.08 hours (65 minutes) to 3 hours (180 minutes) based on an adjustment in agency estimates and the revisions made to this information collection. The time burden update accounts for an increase of 2,880 in the total annual burden hours.

The updated time burden has been adjusted by 65 minutes to properly account for estimated time to include the time to review the instructions, gather the required documentation and information, and complete and submit the petition and necessary documentation, based on an adjustment in agency estimates. Additionally, the time burden has increased by 50 minutes to account for the revisions being made to the form and instructions.

USCIS is revising this information collection to:

- Add fields in the form relating to information on any associated regional center, information about the new commercial enterprise and investments, and criminal history questions to apply to all conditional residents included in the petition rather than just the principal petitioner to enhance the adjudication process;
- Add fields in the form to provide the option for different mailing addresses for



each conditional permanent resident to enhance customer service and the adjudications process; and

- Clarify the instructions and update with standard formatting.

Furthermore, USCIS is adding the time burden for the collection of biometrics with this information collection request to properly account for the associated burden, which added a total of 1,740 hours to the estimated annual burden hours.

(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
Form I-829				0	\$183,750	\$183,750
Biometrics Processing				0	0	0
<b>Total(s)</b>				<b>0</b>	<b>\$183,750</b>	<b>\$183,750</b>

The increase in the public cost estimate is a result of accounting for the estimated out-of-pocket costs to be incurred by the respondents as outlined in Question 13 above.

- 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 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.