

**SUPPORTING STATEMENT FOR**  
**Application for Status as Temporary Resident under Section 245A of the INA**  
**OMB Control No.: 1615-0090**  
**COLLECTION INSTRUMENT(S): I-687; I-687WS**

**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.**

Pursuant to the terms of the settlement agreement in the legalization class action *Northwest Immigrant Rights Project, et al. v. U.S. Citizenship and Immigration Services, et al.*, CV 88-379R (NWIRP) (a.k.a. "LEAP") U.S. Citizenship and Immigration Services (USCIS) must provide aliens the opportunity to file Form I-687. The application period for the NWIRP settlement agreement closed on February 2, 2010. However, USCIS expects approximately 30 foreign CSS/Newman applicants to file Form I-687 during the year. Attorneys for the CSS/Newman plaintiffs objected that USCIS rejected foreign filers. The plaintiffs filed suit and the court ruled that USCIS must accept CSS/Newman applications from foreign filers rejected in 2004-05. Also, other federal judges around the country have ordered USCIS to accept late I-687 filings.

- 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.**

Form I-687 will be used to apply to USCIS for benefits pursuant to the terms and conditions of the NWIRP and CSS/Newman settlement agreements. If approved, applicants will be granted Temporary Resident status in the United States with the opportunity to file for permanent residency. The data collected on this form is used by USCIS to verify the applicant's status and determine his or her eligibility for the benefit. USCIS also collects biometric information from Form I-687 applicants to verify the applicant's identity and background information.

- 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 forms I-687 and I-687WS are available online at <http://www.uscis.gov/i-687>. The forms can be completed and saved electronically, but they must be printed and mailed to

USCIS for processing.

- 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.**

The information collected is unique to the requirements set for that provides authority for the collection, there is no duplication of information collection.

- 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.**

There is no impact to small business or other small entities with this collection.

- 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.**

The collection of information on Form I-687 is required to verify the applicant's eligibility for temporary status, and if the applicant is deemed eligible; without this collection USCIS would be unable to grant the benefit sought.

- 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 45829. USCIS received one comment in response to the 60-day notice.

The commenter expressed concern regarding immigration as a whole. USCIS appreciates the comment received, however the comment has no direct request for action on the collection as established and this information collection is conducted as required by statute.

On November 14, 2014, USCIS published a 30-day notice in the Federal Register at 79 FR 68283. USCIS did not receive 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 system of record notice associated with this information collection is USCIS Benefits Information System (DHS/USCIS-007), which was published in the Federal Register on September 29, 2008 at 78 FR 69864. The privacy impact assessment associated with this information collection is USCIS 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 sensitive nature. Questions on this form include standard questions on the applicant's criminal history, controlled substance use, and medical issues. USCIS must determine eligibility for the benefit and whether the applicant is admissible to the United States under section 212(a) of the Immigration and Nationality 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 or households	I-687 and I-687WS / Application for Status as Temporary Resident under Section 245A of INA	30	1	1.167	35	\$31.26	\$1,094
Individuals or households	Biometric Processing	30	1	1.167	35	\$31.26	\$1,094
Total		30			70		2,188

*\* The above Average Hourly Wage Rate is derived from the May 2013 Bureau of Labor Statistics Mean Hourly Wage for "All Occupations". The wage rate of \$31.26 is calculated from the base average wage rate of \$22.33 times the wage rate benefit multiplier of 1.4. The selection of "All Occupations" represents the possibility that 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 is a fee of \$1,130 required with the filing of the form and an \$85 biometric fee also required.

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, form preparation, legal services, translators, and document search and generation. USCIS estimates the average estimated cost 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 75% of the total respondent population may incur this cost. The total estimated cost to respondents would be calculated as follows: 30 respondents x 25% of the population x the average cost per response of \$490 = \$ 11,250.

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	\$ 50
b. Collection and Processing Cost	\$ 36,450
c. Total Annual Cost to Government	\$ 36,450

**Government Cost**

The estimated cost of the program to the Government is calculated by multiplying the

estimated number of respondents (30) x \$1,130 fee charge (which includes the hourly rate for clerical, officer and managerial time with benefits, including the estimated overhead cost for printing, stocking and distributing and processing this form); plus the number of respondents (30) x \$85 biometric fee.

**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-687 and I-687WS				35	35	0
Biometric Processing				35	35	0
<b>Total(s)</b>				<b>70</b>	<b>70</b>	<b>0</b>

There is no change in the estimated hour burden associated with this information collection. There is no change in 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-687 and I-687WS				0	\$14,700	\$14,700
Biometric Processing				0	0	0
<b>Total(s)</b>				<b>0</b>	<b>\$14,700</b>	<b>\$14,700</b>

There is an increase of \$14,700 in the estimated public cost burden associated with this information collection. This increase is a result of account for the out-of-pocket expenses described under item 13 of the supporting statement. There is no change in 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.