

**SUPPORTING STATEMENT FOR
Waiver of Rights, Privileges, Exemptions and Immunities
OMB Control No.: 1615-0025
COLLECTION INSTRUMENT(S): Form I-508; I-508F**

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.**

Under section 247 of the Immigration and Nationality Act (INA or the Act), U.S. Citizenship and Immigration Services (USCIS) must adjust the status of an alien lawfully admitted for permanent residence to that of a nonimmigrant under paragraph (15)(A), (15)(E), or (15)(G) of section 101(a) of the Act, if such alien had at the time of admission or has since obtained an occupational status which would, if he were seeking admission to the United States, entitle him to a nonimmigrant status under such sections. The alien, however, may retain his or her status as a lawful permanent resident (LPR) if he or she submits to USCIS a written waiver of all rights, privileges, exemptions, and immunities associated with such occupational status. *See also*, 8 CFR part 247.

Similarly, 8 CFR 223.2 provides that an alien lawfully admitted for permanent residence with an occupational status that would entitle him or her to nonimmigrant status under section 101(a)(15)(A), (E), or (G) of the Act may not obtain a reentry permit unless he or she waives all rights privileges, exemptions, and immunities associated with such nonimmigrant status.

Finally, 8 CFR 245.1 provides that an alien with nonimmigrant status under section 101(a)(15)(A), (E), or (G) of the Act may not adjust status to that of an alien lawfully admitted for permanent residence unless he or she waives all rights, privileges, exemptions, and immunities associated with such nonimmigrant status.

Form 508 is the document that an alien must execute in order to waive all rights, privileges, exemptions, and immunities that may otherwise accrue to him or her in connection with an application or request to retain his or her status as an LPR, adjust status to an alien lawfully admitted for permanent residence, or obtain a reentry permit. Form I-508F is used to comply with Section 247(b) of the Act, and the Convention between the United States of America and the Republic of France with respect to taxes on income and property. French nationals who derive a salary from the Republic of France use Form I-508F.

- 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 data collected on Form I-508 and Form I-508F to determine whether or not an alien whose occupational status would entitle him or her to nonimmigrant status under section 101(a)(15)(A), (E), or (G) of the Act, is eligible to retain his or her status as an immigrant, adjust status to an alien lawfully admitted for permanent residence, or obtain a reentry permit and process French Nationals' filings of Form I-508F seeking to waive or retain their U.S. tax exemption under the Convention between the United States of America and the French Republic regarding taxes on income and property.

- 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 these forms currently provides the most efficient means for collecting and processing the required data. These forms reside on the USCIS Web site and can be completed 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 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 a significant 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.**

The information collected on these forms is necessary to determine whether or not an alien whose occupational status would entitle him or her to nonimmigrant status under section 101(a)(15)(A), (E), or (G) of the Act, is eligible to retain his or her status as an immigrant, adjust status to an alien lawfully admitted for permanent residence, or obtain a reentry permit, as well as determining whether the alien is waiving or retaining his or

her U.S. tax exemption under the Convention between the United States of America and the French Republic regarding taxes on income and property. If the information is not collected, USCIS will have no way to make such determinations and, consequently, the alien will not be able to obtain significant immigration benefits.

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 November 6, 2014 USCIS published a 60-day notice in the Federal Register at 79 FR 65979. USCIS did receive a comment after publishing that notice.

The commenter submitted general comments on immigration and the United States. USCIS will not making changes to the Forms I-508 and I-508F based on these general immigration comments.

On January 22, 2015, USCIS published a 30-day notice in the Federal Register at 80 FR 3245. USCIS has not received comments to the 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 records notice associated with this information collection is the U.S. Citizenship and Immigration Services Benefits Information System, which was published in the *Federal Register* on September 29, 2008, at 73 FR 56596. The privacy impact assessment associated with this information collection is USCIS Benefits Processing of Applicants other than Petitions for Naturalization, Refugee Status, and Asylum.

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
Individual or Household	I-508	1,728	1	.33 Hours (20 minutes)	570.24	\$31.26	\$17,825.70
Individual or Household	I-508F	200	1	.33 Hours	66	\$31.26	\$2,063.16
Total		1,928			636.24		\$19,888.86

* The above Average Hourly Wage Rate is the May 2013 Bureau of Labor Statistics average wage for (Insert Category from BLS Table) of \$(Insert Mean Wage Rate from BLS Table) times the wage rate benefit multiplier of 1.4 (to account for benefits provided) equaling \$(Enter Product Here). 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.**

This information collection may impose some out-of-pocket costs on respondents in addition to the time burden for the form's preparation. For form preparation, legal services, translators, and document search and generation, USCIS estimates that the average cost for these activities is \$490. USCIS is unable to determine at the present moment what percentage of these requestors relied on these services since this form is commonly filed in connection with main requests for immigration benefits. USCIS continues to request public feedback in this regard and will provide better estimates during the next submission to OMB.

There is, however, a cost associated with the postage to mail completed package (1,928 x \$3.75 average postage) = \$7,230.

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:

\$ 324 (Printing Cost)
 \$ 24,325 (Collection and Processing Costs)
 \$ 24,649 Total Estimated Government Cost

Government Cost \$24,649:

The estimated cost to the Government is \$ (which is funded by USCIS user fee collections). This figure is calculated by multiplying the estimated number of I-508 respondents (1,728) x (1) number of response x (.33) hours, (USCIS time required to collect and process information) x \$40.00 (suggested average hourly rate for clerical, officer, and supervisory time with benefits); plus, by multiplying the estimated number of I-508 F respondents (200) x (1) number of response x (.33) hours, (USCIS time required to collect and process information) x \$40.00 (suggested average hourly rate for clerical, officer, and supervisory time with benefits). This \$40 cost per form includes overhead cost for printing, stocking, distributing and processing of \$10 per request to be received under this request. There is no fee charged for Forms I-508 and I-508F.

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-508				166	570.24	+404.24
I-508F				0	66	+66
Total(s)				166	636.24	470.24

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-508				0	6,480	6,480
I-508F				0	750	750
Total(s)				0	7,230	7,230

There has been a decreased in the total number of respondents from 2,000 to 1,928 respondents. This change is due to updated estimates regarding the new number of projected filers for these forms. USCIS has made some revisions to this collection; mainly, it has revised the forms' name; added new signature language and standard data collection fields. USCIS is also updating its estimates regarding the time burden hours associated with this collection. There has been an increase in the total estimated burden hours from 166 to 636.24.

- 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.