

**SUPPORTING STATEMENT FOR
Petition for Alien Relative
OMB Control No.: 1615-0012
COLLECTION INSTRUMENT(S): I-130, Petition for Alien Relative**

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.**

Section 204 of the Immigration and Nationality Act (INA), allows a citizen or lawful permanent resident of the United States to petition on behalf of certain alien relatives who wish to immigrate to the United States. 8 CFR 204.1(a)(1) provides for the use of the Form I-130 by petitioners to establish their relationship to certain alien relatives.

- 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 Form I-130 will be used by U.S. Citizenship and Immigration Services (USCIS) to establish the existence of a relationship to certain alien relatives who wish to immigrate to the United States. A separate form is required to be completed for each eligible family member who wishes to immigrate except for certain instances as explained in the instructions for the I-130. The family member who is requesting the action for their alien relative will complete the form as the respondent (petitioner).

Respondents to the I-130 may have to provide biographic information to prove family relationship. This information is collected via USCIS form G-325A which is approved for use under OMB Control Number 1615-0008. If respondents wish to receive an e-mail confirmation that their application has been accepted, they must file USCIS form G-1145, which is approved for use under OMB Control Number 1615-0109.

- 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 Form I-130 is available online at <http://www.uscis.gov/files/form/i-130.pdf> and the respondent can complete the form and save it electronically. The form I-130 currently provides for partial GPEA compliance. USCIS has not taken any steps in the past year to allow for full GPEA compliance.

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 by Form I-130 is not collected elsewhere; the information required to complete the process that is available from other sources is taken from the forms indicated in Question 2 above.

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 by this collection of information.

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 information requested on Form I-130 is not collected, USCIS would not have a mechanism for collecting the information necessary to adjudicate petitions for alien relatives. This would prevent alien relatives of qualifying family members from being able to enter the United States as allowed under the directing statute.

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.**

On September 30, 2011 USCIS published a 60-day notice in the Federal Register at 76 FR 60852. USCIS receive no comments on that notice. On December 9, 2011, USCIS published a 30-day notice in the Federal Register at 76 FR 76982 and also received no comment.

- 9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

USCIS does not provide payments or gifts to respondents related to this information collection.

- 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 United States 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 (September 5, 2008).

- 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 person’s form whom the information is requested, and any steps to be taken to obtain their consent.

There are questions of a sensitive nature such as requiring evidence demonstrating the bona fides of a familial relationship. However, this information is required in order for a citizen or lawful permanent resident of the United States to petition on behalf of certain alien relatives under section 204 of the INA.

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 households	I-130 / Petition for Alien Relative	818,175	1	1.5	1,227,263	\$30.44	\$37,357,886
Total		818,175			1,227,263		\$37,357,886

The above Average Hourly Wage Rate is calculated from the [May 2011 Bureau of Labor Statistics](#) average wage for “All Occupations” of \$21.74 times the wage rate benefit multiplier

of 1.4 equaling \$30.44. The occupation "All Occupations" has been chosen as there is no single occupation of worker targeted by this collection of information; a respondent can be of any occupation.

USCIS requires that every document submitted to DHS must be executed and filed in accordance with the form instructions and regulations which may require respondents to provide certified English translations of documents that are not in English. Respondents may also obtain the services of a preparer to assist in the completion of the form. The time burden to obtain the services of a translator or preparer have not previously been calculated or reported in the "Average Burden per Response". USCIS is currently evaluating the estimated time burden associated with these activities. USCIS will seek comments on the time burden associated with these activities, perform a study on these issues, and/or seek out any information from other resources regarding these issues. USCIS will provide the results of this work in a future submission.

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.

USCIS has, for previous submissions, reported no cost burden for respondents to comply with this collection of information. At the request of OMB, USCIS has begun studying the following two areas to make a determination if a cost burden to respondents should be included in a future submission:

Translations: Respondents might incur expenses for translations of foreign documents or documents prepared or issued in foreign languages. USCIS is currently evaluating the estimated cost associated with this activity. USCIS will seek comments on the cost burden associated with this activity, perform a study on this issue, and/or seek out any information from other resources regarding this issue. USCIS will provide the results of this work in a future submission.

Preparers: USCIS recognizes that some Form I-130 respondents may obtain the services of a third party to assist with form completion. USCIS is currently evaluating the estimated cost associated with this activity. USCIS will seek comments on the cost burden associated with this activity, perform a study on this issue, and/or seek out any information from other resources regarding this issue. USCIS will provide the results of this work in a future submission.

Fee: A fee of \$420 per respondent is required with each Form I-130.

- 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:

Printing Cost	\$ 98,838
Collecting and Processing Cost	<u>\$ 343,633,500</u>
Total Cost to Government	\$ 343,732,338

The estimated cost of the program to USCIS, which is recovered by the collection of fees, is calculated by using the estimated number of respondents (818,175) multiplied (x) by the \$420 fee (which includes the suggested average hourly rate for clerical, officer, and managerial time with benefits, plus a percent for the estimated overhead cost for stocking, distributing and processing of this form). USCIS will provide a more detailed breakdown of the government costs for this program in its subsequent information collection request which will be submitted to OMB and subject to notice and comment.

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

There has been an increase in the total annual hour burden for this collection, increasing from 1,035,780 hours to 1,227,263 hours. This increase is the result of a more accurate estimation of the number of responses expected for the form I-130. There has been an increase in the total annual hour burden of 191,483 due to an increase in the agency estimate of the total number of respondents expected per year. The total annual cost burden previously reported as \$290,018,400 has been removed as this was incorrectly entered at the time of the last submission; this figure was derived from the fee charged, which is not reported. There have been no changes made to the form I-130.

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.

USCIS provides results of its receipts of the Form I-130 at irregular intervals and are found at <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=d67819e0b1001310VgnVCM100000082ca60aRCRD&vgnnextchannel=d67819e0b1001310VgnVCM100000082ca60aRCRD> These results are only raw data for field office receipts only and are not provided for any purpose other for informational. There are no analytical tools applied to this data.

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 in accordance with OMB regulations.

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.