

**SUPPORTING STATEMENT FOR
Application for Family Unity Benefits
OMB Control No.: 1615-0005
COLLECTION INSTRUMENT: From I-817**

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.**

This application provides for an automatic stay of removal and employment authorization for the spouse or unmarried child of an alien who has been granted temporary or permanent residence status under section 245A of the Immigration and Nationality Act (Act). 8 CFR 236.14 and 245a.33 requires the submission of Form I-817.

INA 264(f) (8 U.S.C. 1304(f)) provides the Secretary of Homeland Security with the specific authority to collect SSNs of those applying for immigration benefits. USCIS collects the SSN to facilitate and expedite the adjudication of the applicant's request for a Form I-817, Application for Family Unity Benefits. The SSN information is used to establish and corroborate the applicant's identity.

The SSN information collected within Form I-817 is also used to assist DHS in enforcing the immigration laws of the United States by providing timely and accurate information about persons who are subject to those laws. USCIS personnel conduct background security checks on applicants for the purpose of determining whether the applicant has established eligibility for the benefit requested. Because the I-817 is typically a non-interview, paper-based adjudication, the SSN is especially useful and provides significant information to verify an applicant's identity and his/her claim to eligibility: providing a critical tool for more accurate and appropriate adjudication determinations for USCIS and the applicant.

- 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 to determine whether the applicant meets the eligibility requirements. If the applicant fully demonstrates eligibility, the application will be approved. Per 8 CFR §236.15(d), an alien under Family Unity Program is authorized to be employed in the United States and will receive an employment authorization

document after USCIS granted the benefits. Therefore, USCIS will issue an employment authorization document and approval notice to the applicant. The respondents for this information collection are foreign nationals who apply for Family Unity Benefits in the United States.

- 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.**

USCIS has the automated capability in place to accept electronic submission of application. Currently, this form can be completed electronically but cannot be submitted electronically. Form I-817 currently provides for partial 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.**

A review of the USCIS automated forms tracking system was accomplished and revealed no duplication. There is no similar data collected.

- 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 is not collected, USCIS adjudicating officer will be unable to determine whether the applicant is eligible for the benefits sought under 8 CFR 236.14 or 8 CFR 245a.33.

- 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 April 2, 2015 USCIS published a 60-day notice in the Federal Register at 80 FR 17765. USCIS received two comments after publishing the 60-day notice.

On June 11, 2015, USCIS published a 30-day notice in the Federal Register at 80 FR 33276. USCIS has not received any comments to date in connection with this notice.

Below is a summary of the comments and USCIS' responses.

One commenter advocates making waivers available to foreign nationals who are inadmissible due to past immigration violations, but who have families in the United States. Waivers or other relief from inadmissibility can be available to these foreign

nationals, but only on the grounds that Congress has established by statute. A Family Unity Program participant can apply for any other form of relief for which he or she is eligible, under the governing statute, by filing the appropriate application with USCIS.

USCIS acknowledges receipt of the comments from another commenter concerning the revisions to the Form I-817. Those applying for benefits under the Family Unit Program are required to file the Form I-817. If an individual feels as though they qualify for the benefits of the Family Unity Program they are required to apply by filing the Form I-817. USCIS to ensure the integrity of our immigration system and to grant immigration and citizenship benefits only to those individuals who qualify for the benefit.

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 associated system of records notice for this information collection is United States Citizenship and Immigration Services Benefits Information System. It was published in the Federal Register on September 29, 2008 at 73 FR 56596. The related privacy impact assessment is USCIS Benefits Processing of Applicants other than Petitions for Naturalization, Refugee Status, and Asylum (Dated 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.

USCIS asks questions of a sensitive nature. Sensitive questions are asked to determine: whether an individual might be inadmissible under INA 212 (a)(3) (A)-(F)– Security Grounds for Unlawful Activity, Control or Overthrow of the U.S. Government, Terrorist grounds, Adverse Foreign Policy Consequence, Communist or Totalitarian Affiliation; whether an individual might be inadmissible under INA 212 (a)(2)(A)(i)(I) – Conviction or Commission of a Crime Involving Moral Turpitude (CIMT) or INA 212(a)(2)(A)(i) (II), (B), or (C) – Controlled Substance Violations, Multiple Criminal Convictions, or Controlled Substance Traffickers.

Aliens currently reside in the U.S.as Entry Without Inspection when they file Form I-817

applications and apply for the benefits under Family Unity Program.

When an alien received the benefits under Family Unity Program, the alien will receive voluntary departure for 2 years and will receive an employment authorization document.

Due to security concern, USCIS asks questions related to sensitive nature to evaluate and determine the eligible for the benefits under Family Unity Program.

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	Application for Family Unity Benefits	2,557	1	2.0	5,114	\$31.26	\$159,863
Individuals or	Biometric Processing	2,557	1	1.17 (1 hr. 10)	2,992	\$31.26	\$93,520

households				mins.)			
Total		2,557		1	8,106		\$252,383

** The time burden includes the estimated time for reviewing the instructions, completing the petition, gathering the supporting documents and submitting the petition.*

*** 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.*

Many Form I-817 respondents obtain assistance in preparing their application form third parties. USCIS requires a preparer to sign the form as a preparer. USCIS has included no burden for the respondent to use a preparer to assist in the form completion. USCIS will request public comment on the time burden incurred by respondents for securing the services of preparers for the preparation and submission of this form. USCIS will include the results of the public comments and its own analysis in the next 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 estimates that respondents will incur some cost related to this collection of information such as postage, copies of documents to support answers, and fees related to assistance from attorneys. USCIS estimates that the average cost per respondent will be \$122.50, x the total number of respondents of 2,557 = \$313,233 total cost.

Fee. For informational purposes, there is a fee of \$435 per respondent required to be submitted with this form, and a biometrics services fee of \$85.

- 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	\$ 2,100
Collecting and Processing Cost	<u>\$ 1,329,640</u>
Total Cost to Government	\$1, 331,740

The estimated cost of the program to USCIS, which is recovered by the collection of fees, is calculated by multiplying the estimated number of respondents (2,557) multiplied (x) by the suggested \$435 fee charge, (which includes the suggested hourly rate for clerical, officer and managerial time with benefits, plus a percent for the estimated overhead cost for printing, stocking and distributing and processing of this form). In addition, there is a biometrics services fee of \$85 multiplied (x) 2,557 applicants who are required to pay the fee.

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.

Data collection Activity/ Instrument	Program Change (hours currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (hours currently on OMB Inventory)	Adjustment (hours in this request)	Difference
Form I-817 Application for Family Unity Benefits				4,768	5,114	346
Biometric Processing				0	2,992	2,992
Total(s)				4,768	8,106	3,338

There is an increase of annual hour burden from 4,768 to 8,106, a total increase of 3,338. This is due to an increase of the agency's estimation of the number of respondents for the form. See attached table of changes.

During the previous submission, the biometric processing time associated with Form I-539 was not calculated in the burden calculation. To comply with time burden reporting requirements the time burden is now reported as part of the time burden for this information 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.