

**SUPPORTING STATEMENT FOR
REQUEST FOR FEE WAIVER
REQUEST FOR FEE EXEMPTION
OMB Control No.: 1615-0116
COLLECTION INSTRUMENT(S): Waivers - I-912; Exemptions –No form**

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.**

The Immigration and Nationality Act (INA), as amended, provides for the collection of fees at a level that will ensure recovery of the full costs of providing adjudication and naturalization services, including services provided without charge to asylum applicants and certain other immigrant applicants, INA section 286(m), 8 U.S.C. § 1356(m). The INA provides that the fees may recover administrative costs as well. The fee revenue collected under INA section 286(m) remains available to the Department of Homeland Security (DHS) to provide immigration and naturalization benefits and ensures the collection, safeguarding, and accounting of fees by U.S. Citizenship and Immigration Services (USCIS), INA section 286(n), 8 U.S.C. § 1356(n).

The INA authorizes USCIS to provide some services for free at its discretion, allows USCIS to restrict fee waiver availability on benefits while requiring fee waiver consideration on some benefits, and requires USCIS to provide some services for free. For example, USCIS is precluded by law from collecting a fee from members of the military for an Application for Naturalization under INA sections 328 and 329, INA sections 328(b) and 329(b), 8 U.S.C. §§ 1439(b) and 1440(b). In addition, the INA requires DHS to permit aliens to apply for a waiver of any fees associated with filing an application for relief through final adjudication of the adjustment of status for relief by a Violence Against Women Act self-petitioner or under sections 101(a)(15)(T) (T visas); 101(a)(15)(U) (U visas); 106 (battered spouses of A, G, E-3, or H nonimmigrants); 240A(b)(2) (battered spouse or child of lawful permanent resident or U.S. citizen); and 244(a)(3) (Temporary Protected Status), as in effect on March 31, 1997, INA section 245(l)(7), 8 U.S.C. § 1255(l)(7). Therefore, USCIS has promulgated regulations at 8 CFR 103.7(c) to allow individuals who are filing immigration benefit requests to request that the fee for certain benefits be waived based on them being unable to pay.

Fee waivers: This information collection is necessary to document the applicant's inability to pay the fee and resultant eligibility for their fee to be waived. Waiving a fee transfers the cost of processing applications and petitions to others through higher fees. USCIS, however, recognizes that some individuals may not be able to pay the required

filing fee. USCIS relies on the information collected through Form I-912, Request for Fee Waiver, to determine whether an individual requesting certain immigration benefits is unable to pay the fee required to process the immigration benefit requested. USCIS implements its fee waiver policies in a manner to best ensure that fee waivers are applied in a fair and consistent manner, that aliens who are admitted into the United States will not become public charges, and that USCIS will not shift an unreasonable amount of costs to other fee paying applicants to recover funding lost due to fee waivers.

Director exceptions: The USCIS Director is also authorized to approve and revoke exemptions from fees, or provide that the fee may be waived for a case or class of cases that is not otherwise provided in 8 CFR 103.7(c). USCIS has not prescribed an information collection instrument to be submitted to the Director asking that a fee be waived for an individual benefit or that a group be exempt from fees. Fewer than 10 such requests are expected to be received in a given year. Nonetheless, to the extent ad hoc requests are prepared by the public and submitted to USCIS under the authority of 8 CFR 103.7(d), this supporting statement encompasses any associated information collection burden of such request.

Deferred Action for a Childhood Arrival (DACA)-related Application for Employment Authorization Document (Form I-765) fee exemptions: DHS has decided that the fee may not be waived for a DACA-related Form I-765 , but certain classes of individuals may be exempted based on specified criteria. USCIS has not prescribed that an information collection instrument (form) must be used and has instructed that a letter and evidence be submitted to the Director asking that an individual be exempt from these fees. This supporting statement encompasses the information collection burden of a DACA-related I-765 exemption request letter.

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 this form to verify that the applicant is unable to pay for the immigration benefit being requested. USCIS will consider waiving a fee for an application or petition when the applicant or petitioner clearly demonstrates that he or she is unable to pay the fee. The regulations do not require that requests for fee waivers be submitted on a particular form prescribed by DHS thus the applicant may request that the fee be waived by attaching a written request to the front of their immigration benefit request. Fee waivers may also be requested by completing and submitting Form I-912. Form I-912 standardizes the collection and analysis of statements and supporting documentation provided by the applicant with the fee waiver request. Form I-912 also streamlines and expedites the USCIS review, approval, or denial of the fee waiver request by clearly laying out the most salient data and evidence necessary for the determination of inability to pay. Officers evaluate all factors, circumstances, and evidence supplied in support of a fee waiver request when making a final determination. Each case is unique

and is considered on its own merits. If the fee waiver is granted, the application will be processed. If the fee waiver is not granted, USCIS will notify the applicant and instruct him or her to file a new application with the appropriate fee.

Director exceptions. Applicants with hardship cases may submit a request to their local office for a fee waiver or exemption under 8 CFR 103.7(d). The regulation requires the request to document that such action is in the public interest and consistent with other applicable law. The local USCIS office may decline to forward the exception request through his or her chain of command or may request additional information from the applicant if he or she thinks the applicant has not clearly demonstrated such action is in the public interest and consistent with other applicable law. It is up to the applicant to determine what evidence to submit, and at the local officer's discretion to recommend or deny the request.

DACA-related Form I-765 fee exemption: Individuals who are members of the following groups may be exempt from paying a fee for Form I-765, in connection with their request for consideration for deferred action.

- o The requestor is under 18 years of age and is homeless, in foster care, or otherwise lacks any parental or other familial financial support and his or her income is less than 150 percent of the U.S. poverty level;
- o The requestor cannot care for himself or herself because of a serious and chronic mental or physical disability and his or her income is less than 150 percent of the U.S. poverty level; or
- o The requestor has in the past 12 months incurred significant un-reimbursed medical expenses of at least \$10,000 in the care of himself or herself or an immediate family member and his or her income is less than 150 percent of the U.S. poverty level.

For evidence USCIS will accept:

- Affidavits from community-based, or religious organizations to establish a requestor's homelessness, or lack of parental, or other familiar financial support; or
- Copies of tax returns, or an affidavit from the applicant, or a responsible third party attesting that the applicant does not file tax returns, has no bank accounts, and/or has no income to prove income level.

If the requestor meets one of the above criteria, they may submit a written exemption request to USCIS in accordance with instructions provided at www.USCIS.gov for the filing location and suggested documentation for the fee exemption.

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.**

Requests that a fee be waived cannot be filed electronically at this time. The methods of collection described in this supporting statement provide the most efficient means for USCIS to collect and the public to provide the information necessary for USCIS to determine whether or not the request accurately documents the individual's inability to pay their immigration benefit request fee. Form I-912 provides the most efficient means for collecting and processing the required data and applicants are encouraged to utilize it in order to hasten the USCIS decision. Although 8 CFR 103.2(a)(1) requires every benefit request or other document submitted to DHS to be executed and filed in accordance with the form instructions, Form I-912 is not mandated for use by USCIS. Thus, requests that a fee be waived will be accepted when prepared and submitted using other forms of writing in accordance with USCIS Fee Waiver policy.

Form I-912 and its instructions reside on the USCIS website at <http://www.uscis.gov/i-912>. The form and the instructions can be downloaded, completed, and saved electronically, but the form, along with the required supporting documentation, must be mailed to USCIS. Director's exception and DACA-related Form I-765 fee exemption requests may be submitted via facsimile or as an attachment to an electronic mail message but otherwise cannot be submitted 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.

USCIS has investigated its internal processes, files, and data as well as those of other Federal agencies that may service the same population and we were unable to find any other means by which the information necessary for this process could be obtained except for the collection methods described in this request. No similar information is available that can be used for this purpose. USCIS will continue to examine ways in which information may be obtained from other sources and any identified duplications can be minimized or removed.

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 because fee waivers are not generally available for employment-based immigration benefit requests. There is an inherent inconsistency between sponsoring an alien for employment and being unable to pay the requisite fee for that sponsorship. USCIS expects that the situations when an employer would adequately demonstrate an inability to pay will be extremely limited. Additionally, the information that is required to facilitate a determination is kept to the minimal amount necessary.

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, it would significantly hinder the ability of USCIS to efficiently review and determine the propriety of a fee waiver request. Without this information, individuals seeking to waive immigration fees in connection with certain immigration benefits requests will not be able to demonstrate their inability to pay immigration fees.

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 March 17, 2015 USCIS published a 60-day notice in the Federal Register at 80 FR 13880. USCIS received comments from 60 members of the public after publishing that notice. An appendix, with a summary of all comments received to date, is submitted along with this supporting statement. In that document, USCIS also responds to these comments and indicates whether changes are being made to the form and its instructions.

On May 29, 2015, USCIS published a 30-day notice in the Federal Register at 80 FR 30698. USCIS has not received comments to the date in connection with that notice.

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

This information collection involves a request for immigration benefits from the Federal Government. It is not a survey or poll or a collection of the sort that may require an incentive for respondent participation, such as a gift or monetary remuneration. Therefore, USCIS pays respondents no money and provides no gifts for submitting the information collections being approved under this control number.

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. This information collection is covered under the USCIS Benefits Processing of Applicants other than Petitions for Naturalization, Refugee Status, and Asylum dated September 5, 2008, and the system of records notice titled, United States Citizenship and Immigration Services Benefits Information System published in the Federal Register on September 29, 2008, at 73 FR 56596.

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.

An applicant may be required to provide sensitive income, expense, and asset information to USCIS to document their inability to pay their immigration benefit request fee. In addition, the applicant may be required to provide information concerning household status and medical conditions. This information is required for USCIS to determine whether or not the applicant is unable to pay the immigration benefit request fee. Nonetheless, fee waiver requests are optional in lieu of the filing fee.

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.**

Collection Instrument, Form Name/Form Number	No. of Respondents	Responses per Respondent	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate (dollars) *	Total Annual Cost
Application for Fee Waiver, Form I-912	502,216	1	1.17 (1 hour and 10 minutes)	587,592.72	10.15	\$5,964,066.11
Non-form request for fee waiver	2,524	1	1.17	2,953	10.15	\$29,972.95
8 CFR 103.7(d) Director's exception request	60	1	1.17	70.2	10.15	\$712.53
DACA-related I-765 fee exemption request	200	1	1.17	234	10.15	\$2,375.10
	505,000			590,849.92		\$5,997,126.69

* The above Hourly Wage Rate is the Federal Minimum wage of \$7.25 times the wage rate benefit multiplier of 1.4 (to account for benefits provided) equaling \$10.15. This rate was chosen because the expected respondents are asserting that they cannot afford to pay their USCIS fee so they are expected to be from occupations having lower than normal income.”

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 no capital, start-up, operational, or maintenance cost associated with this collection of information. There is no fee cost to respondents for filing these requests. USCIS, however, estimates that respondents will incur an estimated cost of \$3.75 average postage cost for each respondent to submit the completed package, which includes the costs of mailing a group package in the case of families or multiple fee waiver requests, to USCIS.

Postage to mail completed package (505,000 x \$3.75 average postage) = \$1,893,750.

- 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:	\$ 12,000
b. Collecting and Processing:	\$ 23,622,000
c. Total Annual Cost to the Government:	\$ 23,634,000

Government Cost

The estimated cost to the Government is \$23,634,000 (which is funded by USCIS user fee collections). This figure is calculated by multiplying the estimated number of respondents (505,000) x (1) number of response x (1.17) 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. USCIS will analyze the accuracy of its cost estimate and, if determined necessary, will provide more details on the government costs for this program in its subsequent information collection request.

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
Form I-912				468,000	587,592.72	+119,592.72
Non-form request for fee waiver				2,340	2,953	+613
8 CFR 103.7(d) Director's exception request				12	70.2	+58.2
DACA-related I-765 fee exemption				234	234	+0
Total(s)				470,586	590,849.92	+120,263.92

USCIS has changed its estimate of the total burden hours associated with this collection. USCIS previously requested approval of 470,586 total burden hours while it is now requesting the approval of 590,849.92 burden hours. This change in burden estimate is caused by revised estimates regarding the total number of respondents that are likely to request fee waivers, exemptions, and exceptions. The estimated total number of respondents has increased from 402,210 to 505,000 respondents. USCIS estimates that approximately 102,790 new respondents will submit these types of requests. This change in estimates has not been prompted by a program change. Rather, it results from improved agency estimates.

Data collection Activity/Instrument	Program Change (cost currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (cost currently on OMB Inventory)	Adjustment (New)	Difference
Form I-912				0	\$1,883,310	\$1,883,310
Non-form request for fee waiver				0	\$9,465	\$9,465
8 CFR 103.7(d) Director's exception request				0	\$225	\$225
DACA-related I-765 fee exemption				0	\$750	\$750
Total(s)				0	\$1,893,750	\$1,893,750

USCIS is now reporting the estimated cost to respondents. Please see table above.

USCIS is revising this collection to increase clarity and understanding, and to streamline data collection and adjudication processes within the current policy as well as standard language/formatting updates.

- 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.

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