

**SUPPORTING STATEMENT FOR**  
**Application for Action on an Approved Application or Petition**  
**OMB Control No.: 1615-0044**  
**COLLECTION INSTRUMENT(S): Form I-824**

**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 103 of the Immigration and Nationality Act (INA), 8 U.S.C 1103 (a) (1), gives the Secretary of Homeland Security (the Secretary) general authority to enforce and administer the immigration laws. Pursuant to that authority, U.S. Citizenship and Immigration Services (USCIS) is collecting the information in this form in accordance with the Secretary's direction, issued under the authority provided by INA § 103(a)(3), 8 U.S.C. 1103(a)(3), to prescribe forms and instructions necessary to carry out the authority provided in 8 U.S.C. 1103(a)(1).

The provisions under 8 CFR 103.9 authorizes applicants or petitioners to submit an Application for Action on an Approved Application or Petition, Form I-824, to request further action on a previously approved petition or application. The data collected through this form enables U.S. Citizenship and Immigration Services (USCIS) and U.S. Customs and Border Protection (CBP) to adjudicate this type of request. If the applicant fully demonstrates eligibility, the application will be approved, with USCIS or CBP issuing the duplicate notice or officially providing the requested notification to the consulate or office specified in the application.

- 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.**

A person, who has filed a petition or application that has been approved, may use Form I-824 during the validity of the approved petition or application to request a duplicate notice; request that another U.S. consulate be notified of the approval of the petition; or to request that a U.S. consulate be notified that his or her immigration status has been adjusted to U.S. permanent resident status so that his or her spouse and children can apply for an immigrant visa. Alternatively, a person who filed a family based petition for a relative while being a lawful U.S. permanent resident and has subsequently become a U.S. Citizen may use Form I-824 to request USCIS inform the U.S. Department of State (DOS) of his/her U.S. citizenship status.

- 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 this form provides the most efficient means for collecting and processing the required data. This form and instructions reside on USCIS Web site at <http://www.uscis.gov/i-824> and they can be downloaded, completed and saved electronically. The form, along with the required supporting documentation, must be mailed to the USCIS office that has jurisdiction over the respondent or to a designated CBP land border, CBP preclearance office, or CBP Admissibility Review Office. USCIS is in the process of converting forms to be electronically accessed, completed and submitted by the respondent. At this time, there is no finalized timeframe for the form being submitted to be converted to the electronic environment but USCIS will provide an update when the information becomes available.

- 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 search of USCIS automated forms tracking system was accomplished and revealed no duplication. There is no similar data collected. USCIS has investigated its internal processes, files and data as well as those of other Federal agencies that may service the same population. USCIS was not able to find any other means by which the information necessary for this process could be obtained except for the use of the form submitted for approval in this request.

USCIS has also reached out to CBP, a DHS component, which has been relaying on Form I-824 for the same purpose as USCIS (i.e. for applicants to file the form if they require a duplicate approval notice of a benefit issued by CBP).

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.

**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.**

Form I-824 allows a petitioner or applicant to request further action on a previously approved petition or application. A U.S. citizen can use this form to notify the Department of State of his or her U.S. citizenship status. This form, for example, makes this notification process less difficult and burdensome for the petitioner or applicant to request a duplicate copy of a CBP or USCIS notice of action or attempt to inform a U.S. consulate of an action of a previously approved petition or application. Form I-824 facilitates this process for the applicant or petitioner in an official and timely manner.

**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 June 19, 2015 USCIS published a 60-day notice in the Federal Register at 80 FR 35388. USCIS did receive comments after publishing that notice.

The first commenter expressed their concern for “granting citizenship to any immigrants” particularly to those who enter the country illegally.

**USCIS Response:**

USCIS acknowledges receipt of the comment regarding proposed changes to the Form I-824 during the 60-day Federal Register public comment period. After a careful review of the comment provided, it was determined that the comment did not provide suggestions for improving the form or instructions, so no action was taken.

The second commenter included a compiled list of concerns on behalf of the American Immigration Lawyers Association (AILA). AILA first expressed concerns about “the number and length of the various certifications and acknowledgements on its forms without adequately explaining their purpose. These certifications and acknowledgements are lengthy and repetitive and contribute to the ballooning size of the forms. In addition, the attestations are confusing to applicants and petitioners, and appear to be overreaching and unnecessary. We ask USCIS to halt the current practice of adding these lengthy certifications and acknowledgements to all new proposed forms and reevaluate their

utility. In particular, USCIS should examine whether the intended goals of the certifications can be met with existing regulations or more concise attestations that are less burdensome, easier to understand, and within the scope of USCIS’s authority.” AILA also provided the following recommendations for the certification sections of the I-824:

**Page 20, Part 12—Preparer’s Certification**

AILA remains concerned with the expanded language of the preparer’s certification. The proposed language reads:

*By my signature, I certify, swear, or affirm, under penalty of perjury, that I prepared this application on behalf of, at the request of, and with the express consent of the applicant. I completed this application based only on responses the applicant provided to me. After completing the application, I reviewed it and all of the applicant's responses with the applicant, who agreed with every answer on the application. If the applicant supplied additional information concerning a question on the application, I recorded it on the application.*

AILA requested that USCIS adopt the language provided in the August 17, 2015 edition of Form I-129 and amend the I-824 Preparer’s Certification on Page 6 to read:

*By my signature, I certify, swear, or affirm, under penalty of perjury, that I prepared this form on behalf of, at the request of, and with the express consent of the applicant. The applicant has reviewed this completed application as prepared by me and informed me that all the information in the form and in the supporting documents is complete, true, and correct.*

**Page 4: Part 4, Applicant’s Certification**

AILA suggested amending the last paragraph of the “Applicant’s Certification” on Page

4

to:

*I certify, under penalty of perjury, that I have reviewed this application and that all of the information continued on the application, including all responses to specific questions, and in the supporting documents, is complete, true, and correct.*

**USCIS Response:**

As more USCIS forms are available to be filed in an electronic, paperless environment we are adding language to combat immigration fraud as requested by federal law enforcement agencies. USCIS is also utilizing the attestation process to meet its identity-proofing and attribution requirements established for electronic remote authentication under federal law. USCIS does not believe the language is overly long, repetitive or that it adds excessive burden on respondents. The language does not exceed USCIS’ authority to make requests necessary to complete case processing. If any person other

than the applicant completes the form, including an attorney, he or she is required to complete and sign the preparer's section. The certification does not require an attorney to swear to his or her knowledge and truth of all information in the application, and does not encumber the attorney/client relationship. Rather, by completing the certification, the attorney or preparer is certifying that he or she "completed the form based only on responses the applicant provided to" him or her and "reviewed it and all of the applicant's responses with the applicant, who agreed with every answer. The preparer certification language clarifies that the signatories are assuring DHS as to the source and completeness of the information on the form. The AILA suggested language only documents the applicant-preparer agreement and it does not address the veracity of the information on the form.

On September 10, 2015, USCIS published a 30-day notice in the Federal Register at 80 FR 54576. USCIS did not receive any comments.

**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 DHS Privacy Office has determined that the I-824 is privacy sensitive. Furthermore, the form is covered by DHS/USCIS/PIA-016 USCIS Benefits Processing of Applicants other than Petitions for Naturalization, Refugee Status, and Asylum (CLAIMS 3), September 5, 2008 which covers the collection of information from individuals who seek immigration benefits and the DHS-USCIS-007 - Benefits Information System September 29, 2008 73 FR 56596 and DHS/USCIS-001 - Alien File, Index, and National File Tracking System of Records June 13, 2011, 76 FR 34233 SORNs which permit the collection of information from individuals seeking immigration benefits including the data elements collected by this form. Form I-824 is also collected and/or processed by CBP. The I-824 is covered by DHS/CBP-006 - Automated Targeting System May 22, 2012, (78 FR 12337); DHS/CBP-011 - U.S. Customs and Border Protection TECS December 19, 2008 (73 FR 77778); and DHS/USCIS/ICE/CBP-001 - Alien File, Index, and National File Tracking System of Records June 13, 2011, (76 FR 34233) SORNs. This form is covered under the DHS/CBP/PIA-006(b) - Automated Targeting System (ATS) Update (June 1, 2012); and DHS/CBP/PIA-009 TECS System: CBP Primary and Secondary Processing (December 22, 2010) PIAs.

- 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 a sensitive nature. USCIS collects the social security number (SSN) through this form. 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-824 Application for Action on an Approved Application or Petition. The SSN information is used to establish and corroborate the applicant's identity.

The SSN information collected within the Form I-824 application 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-824 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.

- 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
Primary: Individuals or Households	Application for Action on an Approved Application or Petition, Form I-824	12,609**	1	.417 (25 min)	5,258	\$31.79*	\$167,151.82
<b>Total</b>		<b>12,609</b>			<b>5,258</b>		<b>\$167,151.82</b>

\* The above Average Hourly Wage Rate is the [May 2014 Bureau of Labor Statistics](#) average wage for “All Occupations” of \$22.71 times the wage rate benefit multiplier of 1.4 (to account for benefits provided) equaling \$31.79. The selection of “All Occupations” was chosen as the expected respondents for this collection could be expected to be from any occupation.

\*\*This total represents the number of responses USCIS’ estimates it will receive, 12,555, in addition to those requests CBP expects to process, 54.

**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 are no capital, start-up, operational or maintenance cost associated with this collection of information. There is a fee cost to respondents of \$405 per submission. In addition, USCIS estimates that there is a total annual cost to the respondents of \$1,544,602.50 which represents approximately 25% of respondents incurring cost to obtain the information necessary to complete the form x \$490 estimated cost. The estimated cost per respondent is  $\$1,544,602.50/12,609=\$122.50$ . These cost include the postage for mailing of the form and any supporting documentation, and any cost to obtain copies.

- 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	\$ 2,958
Collecting and Processing	\$ 5,106,645
Total Cost to Program	\$ 5,109,603

**Government Cost**

The estimated cost of the program to the government is calculated by multiplying the estimated number of respondents 12,609 x \$405 the suggested 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).

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-824				4,882	5,258	+376
<b>Total(s)</b>				<b>4,882</b>	<b>5,258</b>	<b>+376</b>

The estimated annual burden hours increased by 376; this increase can be attributed to an increase in the number of respondents from 11,707 to 12,609. USCIS estimates that approximately 902 new respondents will submit Form I-824; the change in estimates has not been prompted by a program change; it is rather resulting from better agency estimates.

Additionally, USCIS is revising this information collection by making changes to the instructions and form to improve the overall organization of its content, provide clarity and makes the form and instructions easier to read. The reformatting makes both the form and instructions longer. Standardized language has also been added, which adds pages to the form, to conform to USCIS forms' general common language; one page is provided for the respondent to add additional information. Standard language edits added an additional one half page to the instructions. The changes made to the form and instructions are identified in the separate tables of changes; USCIS does not anticipate that the proposed changes to the form and instructions will add increase burden time to the respondent.

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-824				0	\$1,544,602.50	+\$1,544,602.50

<b>Total(s)</b>				<b>0</b>	<b>\$1,544,602.50</b> <b>0</b>	<b>+\$1,544,602.50</b>
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The increase in the public cost estimate is a result of accounting for the estimated out-of-pocket costs to be incurred by the respondents as outlined in Question 13 above. This does not reflect an actual change in the estimate public cost, but is based on a technical and procedural change in newly estimating this cost for all USCIS ICRs.

- 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.