

SUPPORTING STATEMENT FOR
Application for Premium Processing Service
OMB Control No.: 1615-0048
COLLECTION INSTRUMENT(S): Form I-907

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 286(u) of the Immigration and Nationality Act (Act), USCIS can collect a “premium processing” fee to process certain employment-based requests within 15-calendar days. USCIS collects the premium processing fee in addition to the regular filing fee it collects to process the employment-based request. This information collection is necessary to ensure that employment-based petitioners can request premium processing in accordance with the Act.

- 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 through this form to process a request for premium processing. The form serves the purpose of standardizing requests for premium processing, and will ensure that basic information required to assess eligibility is provided by the employers/petitioners.

- 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. The USCIS is working on making this form electronic.

- 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 Forms Inventory Report revealed no duplication of effort, and there is no other similar information currently available that can be used for this purpose.

This collection of information is unique to USCIS and is not conducted elsewhere. Any information that is shared with other agencies, or any information collected by other agencies that is used by USCIS to adjudicate the benefit sought in this collection, is notated 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.

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.

If the information is not collected, USCIS will not be able to effectively process requests for premium processing.

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 July 22, 2014, USCIS published a 60-day notice in the *Federal Register* at 79 FR 42523. USCIS did receive comments after publishing that notice.

One commenter indicated that “Part 1 is confusing if being filed by a law firm.” The commenter is referring to Part 1 of the existing Form I-907, Request for Premium Processing Service, last revised in October, 2011. USCIS is proposing revisions to the Form I-907 and the proposed revised form no longer asks for “Name of Company Contact” in Part 1. USCIS is revising Part 1 of the Form I-907 and such revision includes a number of enhancements. For instance, the revised form explains more clearly that “company name and contact” refers only to the company or organization named in a related case; e.g., a petitioning employer. Another enhancement is the addition of a Part 5 *Name, Contact Information, Declaration, and Signature of the Person Preparing this Request, If Other Than the Requestor* which requests all relevant information regarding an attorney or other accredited representative who prepares a Form I-907 on behalf of the person filing the request. USCIS is confident these changes will improve the efficiency in filing and processing Form I-907.

Another commenter stated that USCIS should discontinue allowing people who can afford to pay an additional fee for expedited processing to do so and should wait for their regular processing time it takes USCIS to adjudicate a request. The commenter further indicates that if individuals are allowed to request premium processing, the fee should be increased to a minimum of \$5,000. USCIS appreciates the commenter’s comment regarding the proposed revisions to Form I-907, but indicates to the commenter that requests for changes regarding the fee associated with this form are outside the scope of this notice.

On October 28, 2014, USCIS published a 30-day notice in the *Federal Register* at 79 FR 64208. USCIS has not receive comments in response to this notice 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 payments or gifts to respondents in exchange for a benefit sought by respondents.

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 (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 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 asked.

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 Premium Processing Service Form I-907	201,732	1	** .50	100,866	\$31.26	\$3,153,071
Total		201,732			100,866		\$3,153,071

* 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.

**The projected hours per response for this collection of information were derived by first breaking the process into three basic components:

	<u>Filing by Mail</u>
Learning about the Law and the Form:	10 Minutes
Completing the Form:	5 Minutes
Filing the Form:	15 Minutes
Total Hours per response:	30 (.50) Minutes

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 a fee cost to respondents of \$1,225 per submission. In addition, USCIS estimates that respondents will incur an estimated cost of \$3.75 average postage cost to each respondent to submit the completed package to USCIS. Fee associated with submission (201,732 respondents x \$1,255) = \$253,173,660 (See response to Question 14.)

Postage to mail completed package (201,732 x \$3.75 average postage) = \$756,495__

This information collection may impose some additional out-of-pocket costs on respondents in addition to the time burden for the form's preparation. Many respondents may incur expenses to obtain, medical, military, education, or religious records. For form preparation, legal services, translators, and document search and generation, USCIS estimates the average cost of this information collection may vary widely, from as little as \$20 to \$1000 per respondent. USCIS estimates that the average cost for these activities is \$490 and that an average of 50% of the total respondent population may incur this cost. The total cost to respondents for these services would be approximately \$49,424,340 or paper-based filers.

As a result, the estimated total cost to respondents is of approximately \$50,180,835

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	\$	0
b.	Collecting and Processing	\$247,231,950	
c.	Total Cost to the Government	\$247,231,950	

Government Cost

USCIS establishes its fees using an activity-based costing model to assign costs to an adjudication based on its relative adjudication burden and use of USCIS resources. Fees are established at an amount that is necessary to recover these assigned costs, plus an amount to recover unassigned overhead (which includes the clerical, officer, and managerial time with benefits) and immigration benefits provided for free. As a consequence of USCIS immigration fees being based on resource expenditures related to the benefit in question, USCIS uses the fee associated with an information collection as a reasonable measure of the collection’s costs to USCIS. USCIS has established the fee for Form I-907 at \$1,225.

The estimated cost of the program to the Government is calculated by multiplying the estimated number of respondents (201,822) x \$1,225 the suggested fee charge (The processing fee is set by section 286(u) of the Act and is used to provide certain premium-processing services to business customers, and to make infrastructure improvements in the adjudications and customer-service processes). This fee also includes a percent of the estimated overhead cost for printing, stocking, 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
I-907 (Paper)				99,857	100,866	337
I-907 Electronic Filing				672	0	-672
Total(s)				100,529	100,866	-335

There has been no actual increase in the total burden hours. The burden hours have shifted from

electronic filing, previously 672, to all paper filing. This change to all paper filing can be attributed to the USCIS Legacy e-Filing system which is no longer available for electronic filing. The Legacy e-Filing system was decommissioned because its outdated platform could not be supported consistent with USCIS' security requirements for such systems. The system previously accommodated the electronic filing and associated fee collection for 10 USCIS forms since 2004: G-28, I-90, I-129, I-129S, I-131, I-140, I-539, I-765, I-821 and I-907 . Certain applicants requesting work authorization documents via form I-765 were allowed to file this type of application electronically. The decommission of the system has necessitated a return to paper filing and alternative methods of fee collection for all except one of the affected forms; the Form I-90 has been successfully migrated to USCIS' new electronic filing platform. To ensure an orderly transition from electronic filing, USCIS has informed its customers of new filing/fee payment procedures for the affected forms through its website.

- 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.