

**SUPPORTING STATEMENT FOR
APPLICATION FOR REGIONAL CENTER UNDER THE IMMIGRANT INVESTOR
PILOT PROGRAM, AND SUPPLEMENT
OMB Control No.: 1615-0061
COLLECTION INSTRUMENT(S): I-924 and I-924A**

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 Immigrant Investor Program (commonly known as the “regional center program”) was created by section 610 of Public Law 102-395 in 1992. A regional center is defined as any economic unit, public or private, engaged in the promotion of economic growth, improved regional productivity, job creation, and increased domestic capital investment. Alien entrepreneurs (commonly referred to as “EB-5 investors”) admitted to the United States under section 203(b)(5) of the Immigration and Nationality Act (INA) may meet the job creation requirements under INA section 203(b)(5)(A)(ii) by creating jobs through capital investments made in commercial enterprises affiliated with regional centers designated for participation in the regional center program. Notably, an alien investing in a new commercial enterprise that is not affiliated with a regional center may only satisfy the job creation requirements through the creation of direct jobs. The requirements for obtaining the regional center designation for participation in the pilot program are in 8 CFR 204.6(m)(3).

Form I-924, Application for Regional Center Under the Immigrant Investor Pilot Program, is used to request designation of an economic unit, public or private, in the United States to be a regional center under the Immigrant Investor Pilot Program, as well as to request amendments to a previously designated regional center. Form I-924A, Supplement to Form I-924, is used to demonstrate a regional center's continued eligibility for the Regional Center designation.

Form I-924 currently collects information about the regional center, as well as certain personally identifying information about the principal of the regional center filing the application. This information currently includes the principal’s name, date of birth, address, etc.

U.S. Citizenship and Immigration Services (USCIS) is extending the use of the I-924 and its supplement, I-924A to maintain continued operations of the Immigrant Investor Program.

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.

Currently the information collected is contained in 8 CFR 204.6(m)(3) and a regional center wishing to participate in the regional center program must submit a proposal which:

- a. Clearly describes how the center focuses on a geographical region of the United States, and how it will promote economic growth through increased export sales, improved regional productivity, job creation, and increased domestic capital investment;
- b. Provides in verifiable detail how jobs will be created indirectly through increased exports;
- c. Provides a detailed statement regarding the amount and source of capital which has been committed to the regional center, as well as a description of the promotional efforts taken and planned by the sponsors of the regional center;
- d. Contains a detailed prediction regarding the manner in which the center will have a positive impact on the regional or national economy in general, as reflected by such factors as increased household earnings, greater demand for business services, utilities, maintenance and repair construction within the regional center; and
- e. Is supported by economically or statistically valid forecasting tools, including, but not limited to, feasibility studies, analyses of foreign and domestic markets for the goods or services to be exported, and/or multiplier tables.

USCIS created Form I-924, Application for Regional Center Under the Immigrant Investor Pilot Program, to collect the above referenced data. The Form I-924 is necessary to clarify requirements for a regional center, improve the quality of applications, better document eligibility for the regional center program, alleviate content inconsistencies among applicants' submissions, and support a more efficient process for the adjudication of applications. The data collected on Form I-924 is used by USCIS to determine eligibility for an economic unit, public or private, in the United States to be designated as a regional center under the Immigrant Investor Program. In addition, 8 CFR 204.6(m)(6) provides procedures for the termination of a regional center's designation under the regional center program if the regional center no longer demonstrates that it is continuing to serve the purpose of the program. As a result, a Form I-924A, Supplement to Application for Regional Center Under the Immigrant Investor Pilot Program, must be submitted to USCIS on an annual basis, on a cumulative basis, and/or as otherwise requested by USCIS for designated regional centers to provide updated information to

USCIS which demonstrates that the regional center continues to promote economic growth, improved regional productivity, job creation, and increased domestic capital investment within the geographic area of the regional center.

- 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 these forms will provide the most efficient means for collecting and processing the required data. Forms I-924 and I-924A are available on the USCIS Website at www.uscis.gov/forms. These forms can be completed electronically but cannot be e-filed at this time. Due to partial Government Paperwork Elimination Act compliance, USCIS respectfully requests a 2-year approval.

- 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. In addition, USCIS has examined whether the information is collected by other Department of Homeland Security (DHS) components or Federal agencies from which USCIS could obtain the information, and no viable source was found.

- 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.**

The use of this form affects small businesses. USCIS, however, has minimized the amount of information collected from the affected small businesses to reduce the burden.

- 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 collection of information is not conducted, USCIS will not have a standardized means to collect information to be able to determine if eligibility requirements for regional center designation under the Immigrant Investor Program have been or are continuing to be met.

- 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 December 18, 2015, USCIS published a 60-day notice in the Federal Register at 80 FR 79069. USCIS did receive comments after publishing that notice. USCIS will consider these comments in a revision to the form to be published in Spring 2016.

On March 1, 2016, USCIS published a 30-day notice in the Federal Register at 81 FR 10647. USCIS has not yet received 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 system of record notice associated with this information collection is [DHS/USCIS/ICE/CBP-001 – Alien File, Index, and National File Tracking System of Records, November 21, 2013, 78 FR 69864](#) and [DHS/USCIS-007 - Benefits Information System September 29, 2008 73 FR 56596](#). The privacy impact assessment associated with this information collection is iCLAIMS PIA currently under agency clearance.

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.

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
Private sector and state and local governments	Application for Regional Center Under the Immigrant Investor Program (Form I-924)	311	1	40	12,440	\$31.79	\$395,468
Private sector and state and local governments	Supplement to Form I-924 (Form I-924A)	380	1	3	1,140	\$31.79	\$36,241
Total		691			13,580		\$431,709

* 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 fringe benefits) equaling \$31.79. The selection of “All Occupations” (for example) was chosen as the expected respondents for this collection could be expected to be from any occupation.

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 or start-up costs associated with this information collection. There is a fee charge of \$6,230 associated with filing Form I-924. There is no fee for filing the Form I-924A.

This information collection may impose some out-of-pocket costs on respondents in addition to the time burden for the form's preparation. Many respondents may incur expenses to obtain legal documents confirming their establishment as a legal entity, state business license forms or other records or corporate establishment 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 \$200 to \$2,000 per respondent. USCIS estimates that the average cost for these activities is \$1,341 and that an average of 92 percent of the total respondent population may incur this cost. The total cost to respondents would be as follows: 691 respondents x

92 percent of the population = 636 respondents and 636 respondents x the average estimated cost per response of \$1,341 = **\$852,876**. This total includes the estimated annual costs for the submission of the related I-924A and associated amendment.

- 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	\$ 2,000
b. Collecting and Processing	\$ 1,937,530
c. Total Annual Cost to Government	\$ 1,939,530

Government Cost. The estimated cost of the program to the Government is calculated by multiplying the estimated number of Form I-924 initial and amendment respondents (311) x (\$ 6,230) fee charge which includes the suggested average hourly rate for clerical, officer, and supervisory time with benefits, plus 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
Form I-924				12,440	0	+12,440
Form I-924A				1,140	0	+1,140
Total(s)				13,580	0	+13,580

There has been no increase of annual burden hours since previously reported for this information collection.

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-924 (Initial Filings)				\$852,876	\$0	+\$852,876
Total(s)				\$852,876	\$0	+\$852,876

There is no changes in the estimated total annual cost burden associated with 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.**

USCIS intends to employ the use of statistics or the publication thereof for this information obtained on the Form I-924 supplement. USCIS will publish an aggregation of the data provided each year by all designated regional centers. Attributes of the regional center affiliated capital investments, such as the geographic areas and industry categories receiving investment capital, the volume of regional center affiliated capital invested, and the number of jobs created or maintained as a result of the capital investments will be summarized and published on the USCIS Website for each fiscal year. However, data that specifically identifies individual regional centers, commercial enterprises, or individuals involved in the pilot program will not be published.¹ USCIS plans to publish this summarized data in order to be responsive to requests for this information from a broad spectrum of USCIS’ external stakeholders, to include members of Congress, other Federal agencies, state agencies, and major media outlets.

- 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,**

¹ USCIS currently maintains a list of designated regional centers that includes regional center contact information on the USCIS Website at www.uscis.gov/eb-5centers. The source of this information is the information collected to make determinations of eligibility for regional center designation under the pilot program filed by applicants (Form I-924) and/or contact information provided by regional center principals to USCIS subsequent to the regional center’s designation for participation under the pilot program.

“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.