

SUPPORTING STATEMENT FOR
Discretionary Options for Designated Spouses, Parents, and Sons and Daughters of
Certain Military Personnel, Veterans, and Enlistees
OMB Control No.: 1615-0008
COLLECTION INSTRUMENT(S): G-325A

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(a)(1) of the Immigration and Nationality Act (INA), 8 U.S.C § 1103(a)(1), gives the Secretary of Homeland Security general authority to enforce and administer the immigration laws. On November 15, 2013, pursuant to the authority conferred upon the Secretary by INA § 212(d)(5)(A), 8 U.S.C. § 1182(d)(5)(A), U.S. Citizenship and Immigration Services (USCIS) issued a Policy Memorandum (PM) guiding the exercise of discretion with respect to applications for parole by designated family members of certain U.S. military personnel and veterans. On November 20, 2014, the Secretary directed USCIS to expand on these policies, including by issuing new policies on the use of both parole and deferred action for certain family members of military personnel, veterans, and Department of Defense (DOD) Delayed Entry Program (DEP) enlistees. In accordance with the Secretary's direction, USCIS issued a subsequent PM on November 23, 2016, under the authority provided by INA § 103(a)(3), 8 U.S.C. § 1103(a)(3), to provide the guidance necessary to carry out the authority provided in INA § 103(a)(1), 8 U.S.C. § 1103(a)(1).

- 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.**

The information to be collected under the PM will be used by USCIS to determine eligibility of discretionary deferred action on a case-by-case basis, for certain family members of military personnel who currently serve on active duty or in the Selected Reserve of the Ready Reserve, military personnel who previously served on active duty or in the Selected Reserve of the Ready Reserve (who were not dishonorably discharged) whether they are living or deceased, and DEP enlistees (as well as DEP enlistees themselves). Because covered military personnel and veterans generally will be U.S. citizens or lawful permanent residents, deferred action would, therefore, serve as a temporary bridge for certain family members while they apply for and await adjudication of their applications for lawful permanent resident status.

To request deferred action, one must submit the following to the director of the USCIS office with jurisdiction over the requestor's place of residence:

- Letter stating basis for the deferred action request [See AFM 21.1(c)(2)(A) and (c)(2)(B)];
- Evidence supporting a favorable exercise of discretion in the form of deferred action as elaborated in AFM 21.1(c)(2)(A) and (c)(2)(B) – (e.g., evidence of family member's current or previous military service, or alien's or family member's enlistment in the DEP; note that in the case of family members of veterans, whether still living or deceased, the service member must not have received a dishonorable discharge upon separation from the military);
- Proof of family relationship, if applying based on family relationship to military member, veteran, or enlistee (this may include proof of filing a petition in certain cases - see section below);
- In the case of surviving family members, proof of residence in the United States at the time of the service member's death;
- Proof of identity and nationality (including a birth certificate, a passport and/or identification card, driver's license, notarized affidavit(s), etc.);
- If applicable, any document the alien used to lawfully enter the United States (including, but not limited to, Form I-94, Arrival/Departure Record, passport with visa and/or admission stamp, and any other documents issued by other components of DHS or legacy INS);
- Form G-325A, Biographic Information;
- Two identical, color, passport style photographs; and
- Evidence of any additional discretionary factors that the requestor would like USCIS to consider.

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 process would require a respondent to submit a letter and necessary documentation in response to this collection of information. The requirements will be available online at www.uscis.gov but the submission will need to be mailed in or hand delivered to a USCIS office.

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.**

There is no current collection of information that obtains the information necessary to make a determination for this process.

5. **If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.**

There is no impact 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.**

The PM will assist military personnel, veterans, DEP enlistees, and their families in navigating our immigration system, facilitate military morale and readiness, support DOD recruitment policy, and ensure that all possible options are afforded to those serving in the military, veterans, and their families.

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.

USCIS is seeking emergency review and approval of this collection of information under 5 CFR 1320.13. Based on the sacrifice that those serving, or in the past served, in the military and the duty that the nation has to provide for the well-being of their families, USCIS believes that this action provides the peace of mind necessary for military personnel to properly perform their duties within their respective service. USCIS believes that it is in the public's best interest to forgo public notice and comment before implementation of these forms. If OMB approves this emergency request, USCIS will seek public comment and publish 60 and 30 day notices in the *Federal Register* as required under 5 CFR 1320. USCIS will respond fully to all public comments in its subsequent information collection request.

- 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 provided to respondents. The collection of information is covered by DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, November 21, 2013, 78 FR 69864; DHS/USCIS-007 Benefits Information System, October 19, 2016, 81 FR 72069, and by the Privacy Impact Assessment DHS/USCIS/PIA-061 Benefit Request Intake Process.

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.**

		A	B	C (=AxB)	D	E (=CxD)	F	G
Type of Respondent	Form Name / Form Number	#. of Respondents	#. of Responses per Respondent	# of Responses	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate*	Total Res
Individuals	No Form	250	1	250	1.9	475	\$31.79	\$1

or households	(Policy Memorandum)							
Individuals or households	G-325A	250	1	250	.25	62.5	\$31.79	\$
Total		250		500		537.5		\$

- **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.**

** The above Average Hourly Wage Rate is calculated from the [May 2015 Bureau of Labor Statistics](#) average wage for “All Occupations” of \$22.71 times the wage rate benefit multiplier of 1.4 equaling \$31.79.*

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995; (2) to achieve regulatory**

compliance with requirements not associated with the information collection; (3) for reasons other than to provide information or keep records for the government; or, (4) as part of customary and usual business or private practices.

USCIS estimates that respondents to this collection of information may incur costs such as obtaining copies of documents to support the request, costs for postage, and costs involved in obtaining passport-style photographs. USCIS estimates these costs as \$75 per respondent, for a total of \$18,750.

- 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.**

The cost to the Federal government to process these requests is estimated based on 1 GS 13 Step 4 program analyst spending approximately 2000 hours a year reviewing and making determinations. The hourly wage, adjusted for benefits, is $\$48.57 \times 1.4 = \68.00 $\$77.71 \times 2,000 = \$135,996$

- 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
No Form (Policy Memorandum)				0	475	475
G-325A				141,295	62.5	(141,232.5)
G-325C				25,000	0	(25,000)
Total(s)				166,295	537.5	(165,757.5)

The reduction in hour burden is due to the elimination of the requirement for respondents to various forms to submit a variant of the G-325 to USCIS along with the main form. USCIS now requests approval for the G-325A to be filed when consideration for discretionary action. There are no changes to the form G-325A.

Data collection Activity/Instrument	Program Change (cost currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (cost currently on OMB Inventory)	Adjustment (New)	Difference
No Form (Policy Memorandum)				0	\$18,750	\$18,750
Total(s)				0	\$18,750	\$18,750

The change in cost burden represents the costs associated with obtaining the necessary documentation to support consideration of discretionary action.

- 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.