

**SUPPORTING STATEMENT FOR
Waiver of Rights, Privileges, Exemptions and Immunities
OMB Control No.: 1615-0025
COLLECTION INSTRUMENT(S): Form I-508; I-508F**

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 247 of the Immigration and Nationality Act (INA or the Act), U.S. Citizenship and Immigration Services (USCIS) must adjust the status of an alien lawfully admitted for permanent residence to that of a nonimmigrant under paragraph (15)(A), (15)(E), or (15)(G) of section [101\(a\) of the Act](#), if such alien had at the time of admission or has since obtained an occupational status which would, if he were seeking admission to the United States, entitle him to a nonimmigrant status under such sections. The alien, however, may retain his or her status as a lawful permanent resident (LPR) if he or she submits to USCIS a written waiver of all rights, privileges, exemptions, and immunities associated with such occupational status. *See also*, 8 CFR part 247.

Similarly, 8 CFR 223.2 provides that an alien lawfully admitted for permanent residence with an occupational status that would entitle him or her to nonimmigrant status under section 101(a)(15)(A), (E), or (G) of the Act may not obtain a reentry permit unless he or she waives all rights privileges, exemptions, and immunities associated with such nonimmigrant status.

Finally, 8 CFR 245.1 provides that an alien with nonimmigrant status under section 101(a)(15)(A), (E), or (G) of the Act may not adjust status to that of an alien lawfully admitted for permanent residence unless he or she waives all rights, privileges, exemptions, and immunities associated with such nonimmigrant status.

Form I-508 is the document that an applicant must execute in order to waive all rights, privileges, exemptions, and immunities that may otherwise accrue to him or her in connection with an application or request to retain his or her status as an LPR, adjust status to LPR, or obtain a reentry permit. Form I-508F is used to comply with Section 247(b) of the Act, and the Convention between the United States of America and the Republic of France with respect to taxes on income and property. French nationals who derive a salary from the Republic of France use Form I-508F in addition to filing Form I-508.

- 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 Form I-508 to determine whether or not a nonimmigrant under section 101(a)(15)(A), (E), or (G) of the Act is eligible to retain his or her status as an immigrant, adjust status to an LPR, or obtain a reentry permit. Data from Form I-508F is used to process French Nationals' seeking to waive or retain their U.S. tax exemption under the Convention between the United States of America and the French Republic regarding taxes on income and property.

- 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.**

These forms reside on the USCIS Web site and can be completed electronically, but the applicant must submit the original copy of the paper form and cannot submit electronically at this time.

- 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 Forms Inventory Report revealed no duplication of effort, and there is no other similar information currently available that can be used for this purpose. The I-508F was created specifically to comply with the special convention between France and the United States for French nationals and is only filed by those affected persons.

- 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 a significant 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 be unable to adjust the status of a nonimmigrant under section 101(a)(15)(A), (E), or (G) of the Act to lawful permanent resident or issue a reentry permit, because 8 CFR 245.1 provides that such an applicant

may not adjust status to that of an alien lawfully admitted for permanent residence unless he or she waives all rights, privileges, exemptions, and immunities associated with such nonimmigrant status. In addition, the United States would be unable to comply with the Convention between the United States of America and the French Republic regarding taxes on income and property. If the information is not collected, USCIS will have no way to make such determinations and, consequently, the applicant will not be able to obtain the requested immigration benefit.

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 21, 2016 USCIS published a 60-day notice in the Federal Register at 81 FR 93695. USCIS did receive two comments after publishing that notice. The first commenter questioned the burden reported for completing the forms. USCIS has reviewed the forms and instructions and has revised the estimates. The second comment was about immigration in general and no action was taken as a result of the comment.

On March 10, 2017, USCIS published a 30-day notice in the Federal Register at 82 FR 13358. USCIS has not yet received 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 or gift for benefits 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 records notice associated with this information collection is the DHS/USCIS-001 – Alien File, Index, and National File Tracking System of Records, November 21, 2013, 78 FR 69864.

The privacy impact assessment associated with this information collection is Integrated Digitization Document Management Program, September 24, 2013.

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.**

		A	B	C (=AxB)	D	E (=CxD)	F	G(=ExF)
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 Annual Respondent Cost
Individual or Household	I-508	1,728	1	1,728	.75	1,296	\$32.52	\$42,145.92
Individual or Household	I-508F	200	1	200	.5	100	\$32.52	\$3,252.00
Total		1,728		1,928		1,396		\$45,397.92

** The above Average Hourly Wage Rate is derived from the May 2015 Bureau of Labor Statistics Mean Hourly Wage for “All Occupations”. The wage rate of \$32.52 is calculated from the base average wage rate of \$23.23 times the wage rate benefit multiplier of 1.4. The selection of “All*

Occupations” represents the possibility that a respondent can be employed in any type of work; the collection is not targeting any specific category of employment.

- 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 will incur a cost of \$8.00 per response to mail the completed form(s). USCIS does not estimate that any costs associated with attorney fees or other activities will be incurred. Supporting documents are not required to be submitted with the form(s). There is no fee charged for this form.

The total estimated cost to respondents is \$13,824 (cost of postage to mail completed form(s) \$8.00 x number of respondents 1,728 = \$13,824 total cost to respondents).

- 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.

Forms I-508 and I-508F are submitted in support of the USCIS Form I-485 (OMB Control Number 1615-0023) and any cost to the Federal government to review these forms is captured in the I-485 Information Collection.

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-508, I-508F				636	1,396	760
Total(s)				636	1,396	760

USCIS has updated the average burden per response to more accurately reflect the estimated time required for a respondent to provide a response to 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
I-508, I-508F				\$7,230	\$13,824	\$6,594
Total(s)				\$7,230	\$13,824	\$6,594

Due to increases in United States Postal Service charges for mail of all types, USCIS has increased the estimated cost a respondent incurs when providing a response to 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.

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.