

**SUPPORTING STATEMENT FOR
Notice of Appeal of Decision Under Section 210 or 245A
OMB Control No.: 1615-0034
COLLECTION INSTRUMENT(S): Form I-694**

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.**

Sections 210 and 245A of the Immigration and Nationality Act (Act) contain specific language regarding the adjudication and appeal rights of section 210 and 245A applicants. Because of the continuing litigation regarding applicants that presumably fall within the above sections of the Act, U.S. Citizenship and Immigration Services (USCIS) must continue to accept applications for temporary resident status and related waiver applications until all decisions in court cases have been rendered and USCIS is not mandated to accept any more applications.

- 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 data collected on this form is used by USCIS in considering the appeal from a finding that an applicant is ineligible for legalization under section 210 and 245A of the Act or is ineligible for a related waiver of inadmissibility.

- 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.**

Form I-694 is available electronically at <http://www.uscis.gov/i-694>. This form can be downloaded, completed and saved electronically, but must be submitted to USCIS by mail.

- 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.**

The information collected on Form I-694 is unique to this adjudication type. There is no

other information collection that requests this set of data for this purpose.

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.

Without the use of this information collection (Notice of Appeal), an applicant whose request for temporary or permanent resident status has been denied or terminated by USCIS may also lose other immigration benefits, such as temporary U.S. residency, employment authorization, and/or the ability to travel abroad. An applicant files this information collection to appeal the grounds of denial or termination and to ensure the continuance of certain immigration benefits.

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 November 13, 2017 USCIS published a 60-day notice in the Federal Register at 82 FR 53515. USCIS did receive two comments after publishing that notice. The first commenter urged the government to deny all immigration appeals and suggested that the appeals be filed outside the United States. The second commenter expressed privacy concerns for U.S. Citizens who complete and file an Affidavit of Support Under Section 213A of the INA, Form I-864 in sponsoring a foreign national. USCIS has considered these public comments and these comments will not result in any changes to the Notice of Appeal of Decision Under Section 210 or 245A, Form I-694.

On February 22, 2018, USCIS published a 30-day notice in the Federal Register at 83 FR 7761. USCIS did receive three comments. The first commenter suggested adding a question to capture data related to alien smugglers; such information is out of scope for the adjudication of Form I-694 and therefore not appropriate to include. The second commenter questions fairness, but did not elaborate. The third commenter suggested ending "this program" because it is small and does not deserve taxpayer funding. USCIS appreciates these public comments and has considered these suggestions. At this time, these comments will not result in any changes to the Notice of Appeal of Decision Under Section 210 or 245A, Form I-694.

- 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, published on November 21, 2013, at 78 FR 69864, and DHS/USCIS-007 Benefits Information System, published on October 19, 2016, at 81 FR 72069. The privacy impact assessment associated with this information collection is DHS/PIA/USCIS-016(a) Computer Linked Application Information Management System (CLAIMS 3) and Associated Systems.

- 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	#. 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
Individuals or Households	I-694 Notice of Appeal of Decision	15	1	15	1.5	22.5	\$34.84	\$784
Total		15	-	15	-	22.5	-	\$784

* The above Average Hourly Wage Rate is the [May 2016 Bureau of Labor Statistics](#) average wage for “All Occupations” of \$23.86 times the wage rate benefit multiplier of 1.46 (to account for benefits provided) equaling \$34.84. The selection of “All Occupations” 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. For informational purposes, USCIS offers that there is an estimated annual fee cost of \$890 per application associated with the collection of this information.

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. Postage to mail completed package is estimated at \$56.25 (Calculation: 15 respondents x \$3.75 average postage = \$56.25).

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 25% of the total respondent population, or 4 respondents, may incur this cost. The total cost to respondents for these services would be approximately \$1,837.50 (Calculation: 15 respondents x .25 = 3.75 respondents; \$490 x 3.75 respondents = \$1,837.50).

As a result, the estimated total cost to respondents is approximately \$1,893.75 (Calculation: \$1,837.50 + \$56.25 = \$1,893.75). The cost per response is \$1,893.75/15 = \$126.25.

- 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 of the program to the Government is estimated at \$13,350 (Calculation: 15 respondents x \$890 fee charged = \$13,350).

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 [new minus current]
Notice of Appeal of Decision Under 210 or 245A, Form I-694				75	22.5	(52.5)
Total(s)				75	22.5	(52.5)

There has been a decrease in the total annual burden hours previously reported for this information collection due to a decrease in the estimated number of respondents.

Data collection Activity/Instrument	Program Change (cost currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (cost currently on OMB Inventory)	Adjustment (New)	Difference [new minus current]
Notice of Appeal of Decision Under 210 or 245A, Form I-694				\$6,313	\$1,893.75	(\$4,419.25)
Total(s)				\$6,313	\$1,893.75	(\$4,419.25)

There has been a decrease in the total annual cost previously reported for this information collection due to a decrease in the estimated number of respondents.

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.