

**SUPPORTING STATEMENT FOR
Petition for Alien Fianc'e(e)
OMB Control No.: 1615-0001
COLLECTION INSTRUMENT(S): I-129F**

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.**

Title 8, United States Code (U.S.C.), section 1184(d) prohibits the issuance of a nonimmigrant visa under 8 U.S.C., section 1101(a)(15)(K) until the consular officer abroad has received a petition filed in the United States by a U.S. citizen on behalf of his or her spouse or fiancé(e) and approved by the Secretary of Homeland Security. Likewise, Title 8 Code of Federal Regulations (CFR), section 214.2(k) sets forth procedures which must be followed by a citizen of the United States who wishes to bring his or her spouse or fiancé(e) to the United States. This includes the requirement that a completed Form I-129F must be filed with U.S. Citizenship and Immigration Services (USCIS) in order to petition for an alien spouse, fiancé(e), and his or her children. Further, 8 U.S.C., section 1184(d) requires that an I-129F petitioner disclose, on the petition, certain criminal conviction information and permanent restraining order information, and 8 U.S.C., section 1375a(a) requires that USCIS conduct a background check on every I-129F petitioner, so that all criminal background information related to a petitioner may be disclosed to the alien beneficiary before he or she is issued a visa.

- 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 Form I-129F will be used by USCIS to determine eligibility for the requested immigration benefit. The form serves the purpose of standardizing requests for the benefit and ensuring that basic information required to assess eligibility is provided by 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 effective means for collecting and processing the required data.

The form and the instructions can be downloaded, completed and saved in PDF. Form I-129F is available electronically at:

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=a10e4154d7b3d010VgnVCM10000048f3d6a1RCRD&vgnextchannel=db029c7755cb9010VgnVCM10000045f3d6a1RCRD>

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 automated forms tracking system was accomplished and revealed no duplication. There is no similar data collected.

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 this information is not collected and presented to USCIS, there is no mechanism for USCIS to determine whether satisfactory evidence has been submitted by the U.S. citizen to establish that the parties are married, in the case of a citizen seeking to obtain a nonimmigrant visa for his or her spouse. In the case of a citizen seeking to obtain a nonimmigrant visa for his or her fiancé(e), if this information is not collected and presented to USCIS there is no mechanism for USCIS to determine whether satisfactory evidence has been submitted by the U.S. citizen to determine that the citizen and fiancé(e) have previously met in person within 2 years before the date of filing the petition, have a bona fide intention to marry, and are legally able and actually willing to conclude a valid marriage within 90 days after the fiancé(e) arrival in the United States.

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 January 31, 2018, USCIS published a 60-day notice in the Federal Register at 83 FR 4503. USCIS received one comment after publishing that notice. On May 4, 2018, USCIS published a 30-day notice in the Federal Register at 83 FR 19795. USCIS received two receive comments.

USCIS Response – 60-day FRN:

USCIS acknowledges receipt of comment. The purpose of the Form I-129F, Petition for Alien Fiance(e), is for U.S. citizens wishing to bring their fiancé(e) (K-1 visa) and that person's children (K-2 visa) to the U.S. for marriage to the petitioner or to bring their spouse and that person's children (K-3 and K-4 visas, respectively) to the United States to complete processing for permanent resident status. USCIS continuously works to deter and detect fraud by all who are seeking an immigration benefit, including those filing a Form I-129F. Determining whether individuals or organizations filing for immigration benefits pose a threat to national security, public safety, or the integrity of the nation's legal immigration system is a priority for USCIS.

USCIS Response – 30-day FRN:

Comment 1: USCIS acknowledges receipt of the comments and responds as follows: USCIS has received your comment. The purpose of the Form I-129F, Petition for Alien Fiance(e), is for U.S. citizens wishing to bring their fiancé(e) (K-1 visa) and that person's children (K-2 visa) to the U.S. for marriage to the petitioner or to bring their spouse and that person's children (K-3 and K-4 visas, respectively) to the United States to complete processing for permanent resident status. USCIS continuously works to deter and detect fraud by all who are seeking an immigration benefit, including those filing a Form I-129F. Determining whether individuals or organizations filing for immigration benefits pose a threat to national security, public safety, or the integrity of the nation's legal immigration system is a priority for USCIS.

Comment 2: USCIS acknowledges receipt of the comment that addresses suggested changes to Form I-129F. The purpose of the Form I-129F, Petition for Alien Fiance(e), is for U.S. citizens wishing to bring their fiancé(e) (K-1 visa) and that person's children (K-2 visa) to the U.S. for marriage to the petitioner or to bring their spouse and that person's children (K-3 and K-4 visas, respectively) to the United States to complete processing for permanent resident status. USCIS recognizes the importance of combating forced marriages, especially forced marriages involving minors. USCIS policy makers are actively analyzing the issue and will continue to works to deter and detect forced marriages, particularly involving minors, by all who are seeking an immigration benefit, including those filing a Form I-129F. We will closely examine the suggestions that Tahirih Justice Center has made as part of the analysis USCIS is conducting to deter forced marriage. Determining whether individuals filing for immigration benefits pose a threat to national security, public safety, or the integrity of the nation's legal immigration system is a priority for USCIS. USCIS thanks the commenter for submitting the

suggested changes to Form I-129F.

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 are: DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, September 18, 2017, 82 FR 43556 and DHS/USCIS-007 Benefits Information System, October 19, 2016 81 FR 72069.

The associated Privacy Impact Assessment is DHS/USCIS/PIA-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.

USCIS asks questions of a sensitive nature regarding past behavior and activities. These questions are necessary to adjudicate the petition. Sensitive questions are asked to determine: whether an individual might be inadmissible under the Immigration and Nationality Act (INA), section 212 (a)(2)(A)(i)(I) – Conviction or Commission of a Crime Involving Moral Turpitude (CIMT), or INA, section 212(a)(2)(A)(i)(II), (B), or (C) – Controlled Substance Violations, and Multiple Criminal Convictions.

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 (=Cx D)	F	(=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 households	I-129F/ Petition for Alien Fianc'e(e)	52,135	1	52,135	3 hrs. and 15 mins. (3.25 hrs.)	169,439	\$34.84	\$5,903,255
Individuals or households	Biometric processing	52,135	1	52,135	1 hour 10 mins. (1.17 hrs.)	60,998	\$34.84	\$2,125,170
Total		52,135				230,437		\$8,028,425

* 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, start-up, operational, or maintenance costs associated with this information collection. There is a fee of \$535 charged in association with the filing of this information collection, and the biometric services fee \$85.

In addition to the time burden for the form's preparation, an estimated 35 percent of respondents may incur expenses for third-party assistance to prepare the responses, legal services, translators, and document search and generation. USCIS estimates that the average cost for these activities is \$490 and that an average of 35 percent of the total respondent population may incur this cost. The total cost to respondents would generate as follows: 52,135 respondents x 35 percent of the population = 18,247 multiplied by the average cost per response of \$490 = \$8,941,152. This averages to \$171.50 per respondent (\$8,941,152/52,135).

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. Collection and Processing Cost \$ 32,323,700
- b. Total Cost to Government \$ 32,323,700

Government Cost

The estimated cost of the program to the Government is calculated by multiplying the estimated number of respondents 52,135 x \$535 the suggested fee charge for the collection (which includes the suggested hourly rate for clerical, officer, and managerial time with benefits, plus a percent for the estimated overhead cost for printing, stocking, and distributing and processing of this form). The number of respondents 52,135 x the fee \$535 = \$27,892,225. The biometrics services cost is also added, which is calculated by multiplying the number of respondents 52,135 x \$85 biometrics service fee = 4,431,475. Therefore the cost to the Government is \$32,323,700. This include the fee cost \$27,892,225 and biometrics services cost \$4,431,475.

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-129F				193,680	230,437	36,757
Biometric processing				51,268	60,998	9,730
Total(s)				244,948	291,435	46,487

There is a 46,487 increase in the time burden last reported for this information collection. This increase is due to an increase in the estimated number of respondents for Form I-129F. Changes to the form and instructions are listed in the separate Table of Changes and are related to updates in general instruction language.

Data collection Activity/Instrument	Program Change (cost currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (cost currently on OMB Inventory)	Adjustment (New) [new minus current]	Difference
I-129F				\$23,443,165	\$27,892,225	\$4,449,060
Total(s)				\$23,443,165	\$27,892,225	\$4,449,060

The cost burden reported for this information collection has increased to \$27,892,225. This increase is due to an increase in the estimated number of respondents for Form I-129F.

- 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.