

**SUPPORTING STATEMENT FOR
Request for Hearing on a Decision in Naturalization Proceedings under Section 336
OMB Control No.: 1615-0050
COLLECTION INSTRUMENT(S): N-336**

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 336 (8 U.S.C. 1447) of the Immigration and Nationality Act (the Act) allows an applicant to request a hearing before an immigration services officer if his or her application for naturalization was denied after an examination by U.S. Citizenship and Immigration Services (USCIS), under section 335 of the Act.

- 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.**

Form N-336 is used by an individual whose Form N-400, Application for Naturalization, was denied to request a hearing before an immigration officer on the denial of the N-400. USCIS uses the information submitted on Form N-336 to locate the requestor's file and schedule a hearing in the correct jurisdiction. It allows USCIS to determine if there is an underlying Form N-400, Application for Naturalization, that was denied to warrant the filing of Form N-336. The information collected also allows USCIS to determine if a member of the U.S. armed forces has filed the appeal.

- 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 N-336 is available for both paper and electronic filing.

The paper version of Form N-336 is available on the USCIS website at www.uscis.gov as a fillable PDF. The form can be completed and saved electronically, but it must be printed, signed, and submitted to USCIS via mail.

Form N-336 can also be completed, signed, and submitted electronically via <https://myaccount.uscis.dhs.gov>. A link to this website is available on the USCIS forms page. Respondents who wish to complete and submit Form N-336 electronically must set

up or sign into their USCIS online account before being able to access the electronic version of the form. The burden for setting up a USCIS online account is covered under the USCIS Identity, Credential, and Access Management (ICAM) information collection (OMB control number 1615-0122).

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 search of 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.

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 impact 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 Form N-336, an individual would not be able to request a hearing before an immigration services officer if his or her application for naturalization was denied after an examination by USCIS under section 335 of the Act.

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 February 1, 2019 USCIS published a 60-day notice in the Federal Register at 84 FR 1195. USCIS did not receive comments after publishing that notice.

On April 26, 2019, USCIS published a 30-day notice in the Federal Register at 84 FR 17868. USCIS did not receive 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-007 Benefits Information System October 19, 2016 81 FR 72069;
- DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, September 18, 2017, 82 FR 43556; and
- DHS/USCIS-018 Immigration Biometric and Background Check (IBBC) System of Records, July 31, 2018, 83 FR 36950

The privacy impact assessment associated with this information collection is:

- DHS/USCIS/PIA-056 USCIS ELIS; and
- DHS/USCIS/PIA-071 MyUSCIS Account Experience

- 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	(=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
Individuals or Households	N-336 Request for Hearing on a Decision in Naturalization Proceedings (Under Section 336 of the INA) – Paper file	4,500	1	4,500	2.75	12,375.00	\$35.78	\$442,775
Individuals or Households	N-336 Request for Hearing on a Decision in Naturalization Proceedings (Under Section 336 of the INA) – E-file	500	1	500	2.5	1,250.00	\$35.78	\$44,725
Total				5,000		13,625		\$487,500

* The above Average Hourly Wage Rate is the May 2017 Bureau of Labor Statistics average wage for All Occupations of \$24.34 times the wage rate benefit multiplier of 1.47 (to account for benefits provided) equaling \$35.54. The selection of “All Occupations” was chosen because respondents to this collection could be expected 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 collection of information. For informational purposes only, the filing fee for Form N-336 is \$700.

USCIS estimates that Form N-336 respondents will incur some out of pocket costs as a result of responding to this collection of information. Costs may include payments for postage, document translation and preparation services, attorney and legal fees, and costs associated with gathering documentation. USCIS estimates the average cost of this information collection may vary widely, from as little as \$20 to \$1,000 per respondent. USCIS estimates that the average cost for these activities is \$515 and that approximately 90 percent of the total respondent population may incur this cost. The estimated out of pocket cost to respondents is 5,000 multiplied by 90 percent multiplied by \$515, which equals \$2,317,500.00.

- 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.**

USCIS establishes its fees using an activity-based costing model to assign costs to an adjudication based on its relative adjudication burden and use of USCIS resources. Fees are established at an amount that is necessary to recover these assigned costs, plus an amount to recover unassigned overhead (which includes the clerical, officer, and managerial time with benefits) and immigration benefits provided for free. As a consequence of USCIS immigration fees being based on resource expenditures related to the benefit in question, USCIS uses the fee associated with an information collection as a reasonable measure of the collection's costs to the agency. The filing fee for Form N-336

is \$700. The total estimated cost to the Federal government is calculated by multiplying \$700 by the estimated total number of respondents (5,000), which equals **\$3,500,000.00**.

15. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.

USCIS made changes to the N-336 form and instructions. The N-336 instructions were revised to include updates to instructions language used across most USCIS forms, including information about validity of signatures, notification regarding how USCIS may treat original documents that are submitted when not specifically requested by USCIS, removal of language about disability accommodations requests that will now be requested via other notification, information about paying the filing fee by credit card, updates to information about how to contact USCIS for information, and updates to the DHS Privacy Notice. Form N-336 was updated for language used across most USCIS forms, to remove language about disability accommodation requests that will now be requested via other notification, and to add a question asking whether the underlying Form N-400 was being filed on the basis of military service.

Data collection Activity/Instrument	Program Change (hours currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (hours currently on OMB Inventory)	Adjustment (New) [new minus current]	Difference
N-336 – Paper				14,446	12,375	(2,071)
N-336 – E-file				0	1,250	1,250
Total(s)				14,446	13,625.00	(821)

The estimated annual time burden for this collection of information has decreased. USCIS adjusted its estimate of the number of respondents from 5,253 to 5,000, and reduced the estimated time burden per response for respondents filing electronically from 2.75 hours to 2.5 hours. As a result, the total estimated annual time burden decreased. USCIS is also updating Question 12 and Question 15 to report the estimated annual time burdens for N-336 paper filings and N-336 e-filings separately.

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
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N-336 – All				\$1,313,250. 00	\$2,317,500. 00	\$1,004,250. 00
Total(s)				\$1,313,250. 00	\$2,317,500. 00	\$1,004,250. 00

The estimated annual cost burden for this collection of information has increased. USCIS has revised its estimate of the average cost burden respondents to this collection of information may incur. As a result, the estimated annual cost burden increased. USCIS estimates the cost burden across the entire respondent population, irrespective of whether the N-336 is filed on paper or electronically.

- 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.