

SUPPORTING STATEMENT

OMB No. 1125-0010

Notice of Appeal to the Board of Immigration Appeals from a Decision of a DHS Officer Form EOIR- 29

Part A. Justification

1. Necessity of Information Collection - A party affected by a decision of a Department of Homeland Security (DHS) Officer may appeal that decision to the Board of Immigration Appeals (Board), provided the Board has jurisdiction pursuant to 8 C.F.R. § 1003.1(b). An appeal from a DHS officer's decision is taken by completing the Form EOIR-29 and filing it with DHS directly. DHS then forwards the appeal to the Board. The Form EOIR-29 requests the appellant's name, mailing address, basic information about the case being appealed, including any name and alien (A) number of the beneficiary of a visa petition; all of this information is necessary to identify and process the appeal.

For clarity and ease of the practitioner completing the form, EOIR has made several non-substantive changes to the current Form EOIR-29. First, DHS was substituted for USCIS in several places to clarify that the "officers" were not just limited to the USCIS division of DHS. U.S. Customs and Border Protection (CBP) was added to the instructions where USCIS is identified as a DHS entity for service. Petitioner was added to the signature line to now read "Appellant/Petitioner" to clarify that the petitioner, and not the beneficiary, should sign the appeal form. Also, an example of the type of decision that may be appealed was added in a parenthetical to distinguish between the appeal types. Grammatical errors were corrected. In the fees paragraph of the

instructions, information was added regarding the ability to pay by credit card if the form is filed at a USCIS Lockbox facility. Lastly, the revision date of the form has been updated.

2. Needs and Uses - The form is filed and considered in the context of an administrative appeal. Accordingly, information contained in the form is considered only to the extent necessary to process the appeal. The form is inserted into EOIR's official file for the respondent/applicant/alien and certain information on the form is entered into EOIR's internal database. The form is reviewed by the Board in order to determine the sufficiency and merit of a party's appeal.

3. Use of Technology - The use of this form provides the most efficient means for collecting and processing the required data. The Form EOIR-29 is available on EOIR's website for printing. The information can be typed into the online form, which is then printed out for submission to the agency, or the form can be printed in its entirety and then completed by typing or printing legibly.

Currently, EOIR does not have the capability to accept electronic submission of the Form EOIR-29. However, EOIR has developed an eRegistry, which is part of a long-term agency initiative to create an electronic case access and filing system for the Immigration Court and the Board of Immigration Appeals. eRegistry allows attorneys and accredited representatives with full accreditation to create and maintain a personal profile in order to electronically submit forms and update existing forms. Electronic submission of the

Form EOIR-29 through eRegistry is part of EOIR's long-term electronic filing initiative.

4. Efforts to Identify Duplication - The only method for appealing a DHS Officer's decision to the Board is to file a Form EOIR-29. A review of EOIR's existing forms revealed no duplication of effort, and there is no similar information currently available which can be used for this purpose.

5. Impact on Small Businesses - This collection does not have an impact on small businesses or other small entities.

6. Consequences of Less Frequent Collection - Failure to collect and present the information regarding a party's reasons for appeal would deprive the party of a mechanism through which to preserve and exercise the regulatory right to appeal from a decision of a DHS Officer to the Board.

7. Special Circumstances Influencing Collection - A party affected by a DHS Officer's decision who wishes to appeal the decision to the Board must file the Form EOIR-29 within 30 days of the service of the decision being appealed. 8 C.F.R. § 1003.3(a)(2). None of the other eight special circumstances identified in OMB instruction number 7 apply to this collection.

8. Federal Register Publication and Consultation- A 60-day notice covering this collection will be published in the Federal Register. A 30-day notice covering this

collection will be published in the Federal Register. If comments are received, they will be considered and incorporated where appropriate.

9. Payment or Gift to Claimants - EOIR does not provide any payment or gifts to parties in immigration proceedings.

10. Assurance of Confidentiality - The original Notice of Appeal to the Board of Immigration Appeals from a Decision of a DHS Officer is maintained by EOIR in the official court record of proceeding (ROP) and is accessed by those EOIR employees processing the ROP. The confidentiality of the contents of a party's Form EOIR-29 is protected by EOIR, as are all the documents in the ROP, to the extent permitted by the law, including the Privacy Act and the Freedom of Information Act.

11. Justification for Sensitive Questions - There are no questions of a sensitive nature in the Form EOIR-29.

12. Estimate of Hour Burden

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| a. Number of Respondents | 5,501 |
| b. Number of Responses per Respondent | 1 |
| c. Total Annual responses | 5,501 |
| d. Hours per response | 30 minutes |
| e. Total annual hourly reporting burden | 2,750.5 |

The total annual reporting burden is derived by multiplying the number of respondents (5,501) by the frequency of response (1) by the number of hours per response (30 minutes or .50 hour): 5,501 respondents x 1 response per respondent x .51 hour per respondent = 2,750.5 burden hours.

13. Estimate of Cost Burden

There are no capital or start-up costs associated with this information collection. The estimated public cost is zero.

For informational purposes only, there may be additional costs to respondents. Respondents may incur a cost if they hire a private practitioner to assist them with completing the Form EOIR-29. The Bureau of Labor Statistics reports that the median hourly wage for lawyers is \$56.81. The estimated public cost is a maximum of \$156,255. This amount is reached by multiplying 2,750.5 burden hours by \$56.81 (the current median hourly wage for attorneys. For those respondents who proceed without a practitioner, there is an estimated cost of \$10 per hour for completing the form (the individuals' time and supplies) in lieu of the practitioner cost. Respondents may also incur a cost of \$110, which is the amount of the filing fee for this form.

14. Estimated Cost to Federal Government - It is estimated that the annual government cost for printing, distributing, stocking, processing and maintaining the Form EOIR-29 is \$102,348 for EOIR. EOIR acknowledges that DHS will also incur costs for printing, distributing, stocking, processing and maintaining the Form EOIR-29, as respondents

must file the Form EOIR-29 with DHS. EOIR estimates that the cost to DHS is \$41,933. When the costs to both federal agencies are combined, the total annual government costs are \$144,281.

15. Reason for Change in Burden - There is an increase in the burden due to a typographical error in calculation provided in prior 2014 burden statement. The burden reflected in this renewal request is similar to the historical burdens associated with this information collection.

16. Plans for Publication - EOIR does not intend to employ the use of statistics or the publication thereof for this collection of information.

17. Exceptions to Certification Statement - EOIR does not request an exception to the certification of this information collection.

Section B. Collection of Information Employing Statistical Methods

This collection does not employ statistical methods.

PAPERWORK CERTIFICATION

In submitting this request for OMB approval, I certify that the requirements of the Privacy Act and OMB directives have been complied with, including paperwork regulations, any applicable statistical standards or directives, and any other information policy directives promulgated under 5 C.F.R. § 1320.



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11/15/17
Date