

**SUPPORTING STATEMENT FOR
Declaration of Self-Sufficiency
OMB Control No.: 1615-NEW
COLLECTION INSTRUMENT(S): I-944**

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.**

INA 212(a)(4) states that any “alien who, in the opinion of the consular officer at the time of application for a visa, or in the opinion of the Attorney General at the time of application for admission or adjustment of status, is likely at any time to become a public charge is inadmissible.” Under INA 212(a)(4), when making a public charge inadmissibility determination, an officer must, at a minimum, consider an alien’s age, health, family status, assets, resources, financial status, education, and skills.

Under INA 291, the burden of proof is on the alien to demonstrate eligibility for admission and to demonstrate that he or she is not inadmissible. In order for an alien to overcome public charge inadmissibility, the alien must provide evidence to demonstrate that he or she is not likely to become a public charge. Form I-944 collects evidence relevant to all of the statutorily-required public charge factors. Any alien who is required to file Form I-944 is subject to public charge inadmissibility, including most applicants for adjustment of status under INA 245.

- 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-944 will be used by U.S. Citizenship and Immigration Services (USCIS) and the Executive Office of Immigration Review (EOIR) to determine the likelihood of a declarant becoming a public charge. The form serves the purpose of standardizing public charge evaluation metrics and ensures that declarants provide all essential information required for USCIS and EOIR to assess self-sufficiency and adjudicate the declaration. If USCIS or EOIR determines that a declarant is likely to become a public charge, the declarant may need to provide additional resources or evidence to overcome this determination.

- 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-944 will be available electronically at www.uscis.gov/I-944. Currently, the form can be completed electronically, but the form and supporting documentation cannot be filed electronically.

- 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.**

USCIS created this new form to gather information not collected elsewhere and is needed to determine if a declarant is likely to become a public charge.

- 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.**

The 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, it would hinder USCIS's ability to evaluate applicants' inadmissibility on the public charge ground and USCIS would not be able to determine if the respondent is eligible for the benefit sought.

- 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 October 10, 2018 USCIS published a Notice of Proposed Rulemaking in the Federal Register at 83 FR 51114. USCIS did receive comments on this information collection after publishing that notice of proposed rulemaking. DHS responds to these comments in the Public Charge Final Rulemaking.

On August 14, 2019, USCIS published a Final Rulemaking in the Federal Register at 84 FR 41292.

- 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 Privacy Act of 1974 (Public Law 93-589) mandates that personal information solicited from individuals completing federal records and forms be kept confidential. The respondent is informed prior to submission that USCIS may provide this information to other agencies.

The system of records notices (SORNS) associated with this information collection are:

- DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, September 18, 2007, 82 FR 43556, and
- DHS/USCIS-007 Benefits Information System, October 19, 2016, 81 FR 72069.

The associated privacy impact assessment (PIA) is DHS/PIA/USCIS-056 USCIS ELIS.

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 family status; assets, resource, and financial status; and education and skills. These questions are necessary to determine the likelihood of the declarant becoming a public charge. Sensitive questions are asked to determine whether an individual might be inadmissible under INA section 212(a)(4).

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	No. of Respondents*	No. of Responses per Respondent	Total Number 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-944, Declaration of Self-Sufficiency	382,264	1	382,264	4.5	1,720,188	\$34.84	\$59,931,350
Total				382,264		1,720,188		\$59,931,350

* Since Form I-944 is new and there is no historical information collection data, the Volume Projections Committee (VPC) does not produce projections for the Number of Respondents who will use this form. The number of respondents and the number of responses estimates are based on the NPRM economic analysis at E.O. 12866, the Volume Projection Committee’s January FY 2019 projections, and conversations with USCIS Service Center Operations and USCIS Field Operations Directorate.

** 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.**

In addition to the time burden to prepare Form I-944, USCIS believes that this information collection may impose out-of-pocket costs on some respondents, including expenses related to the form preparation, gathering evidence, and mailing.

Declarants who complete and file Form I-944 may incur expenses related to form preparation; legal services; translators; document search and generation; postage; and obtaining property appraisal, records of health, family status, finances, education and skills, and additional financial support. USCIS estimates that the average cost for these activities at \$490 per declarant. USCIS estimates the number of declarants at 363,151 (Calculated: 382,264 declarants x 95 percent of the population = 363,151 declarants). Therefore, USCIS estimates the total cost to respondents at \$177,943,892 (Calculated: 363,151 declarants x \$490 = \$177,943,892).

There is no fee for filing Form I-944.

- 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.**

Typically, USCIS uses the fee associated with an information collection as a reasonable measure of the collection's costs to USCIS. However, USCIS has established no fee for Form I-944 that we can use to estimate the cost to the government.

USCIS estimates the cost to the government based on the estimated number of declarants (382,264), the estimated average time burden to adjudication each response (2.83 hour), and the average hourly rate weighted for benefits of USCIS adjudicators (\$64.65***). USCIS adjudicators would spend 2.83 hour to review each I-944 form and interview each of the 382,264 declarants, which would cost USCIS 1,081,807 hours (Calculated: 382,264 declarants x 2.83 hours = 1,081,807 hours). USCIS would pay the adjudicators on average \$64.65 per hour, which would result in a total estimated cost to the government of \$69,937,532 (Calculated: 1,081,807 hours x \$64.65 per hour = \$69,937,532).

*** *The Average Hourly Wage Rate is the Office of Personnel Management 2018 General Schedule locality pay area Washington-Baltimore-Arlington, DC-MD-VA-WV-PA, GS-12, Step 5 of \$44.28 times the wage rate benefit multiplier of 1.46 (to account for benefits provided) equaling \$64.65.*

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

This is a new information collection there are no changes to report.

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.