

SUPPORTING STATEMENT FOR
Application for Action on an Approved Application or Petition
OMB Control No.: 1615-0044
COLLECTION INSTRUMENT(S): Form I-824

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 103 of the Immigration and Nationality Act (INA), 8 U.S.C 1103 (a) (1), gives the Secretary of Homeland Security (the Secretary) general authority to enforce and administer the immigration laws. Pursuant to that authority, U.S. Citizenship and Immigration Services (USCIS) is collecting the information in this form in accordance with the Secretary's direction, issued under the authority provided by INA § 103(a)(3), 8 U.S.C. 1103(a)(3), to prescribe forms and instructions necessary to carry out the authority provided in 8 U.S.C. 1103(a)(1).

The provisions under 8 CFR 103.9 authorizes applicants or petitioners to submit an Application for Action on an Approved Application or Petition, Form I-824, to request further action on a previously approved petition or application. The data collected through this form enables U.S. Citizenship and Immigration Services (USCIS) and U.S. Customs and Border Protection (CBP) to adjudicate this type of request. If the applicant fully demonstrates eligibility, the application will be approved, with USCIS or CBP issuing the duplicate notice or officially providing the requested notification to the consulate or office specified in the application.

- 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.**

A person, who has filed a petition or application that has been approved, may use Form I-824 during the validity of the approved petition or application to request a duplicate notice; request that another U.S. consulate be notified of the approval of the petition; or to request that a U.S. consulate be notified that his or her immigration status has been adjusted to U.S. permanent resident status so that his or her spouse and children can apply for an immigrant visa. Alternatively, a person who filed a family based petition for a relative while being a lawful U.S. permanent resident and has subsequently become a U.S. Citizen may use Form I-824 to request USCIS inform the U.S. Department of State (DOS) of his/her U.S. citizenship status.

- 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 efficient means for collecting and processing the required data. This form and instructions reside on USCIS Web site at <http://www.uscis.gov/i-824> and they can be downloaded, completed and saved electronically. The form, along with the required supporting documentation, must be mailed to the USCIS office that has jurisdiction over the respondent or to a designated CBP land border, CBP preclearance office, or CBP Admissibility Review Office. USCIS is in the process of converting forms to be electronically accessed, completed and submitted by the respondent. At this time, there is no finalized timeframe for the form being submitted to be converted to the electronic environment but USCIS will provide an update when the information becomes available.

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 automated forms tracking system was accomplished and revealed no duplication. There is no similar data collected. USCIS has investigated its internal processes, files and data as well as those of other Federal agencies that may service the same population. USCIS was not able to find any other means by which the information necessary for this process could be obtained except for the use of the form submitted for approval in this request.

USCIS has also reached out to CBP, a DHS component, which has been relaying on Form I-824 for the same purpose as USCIS (i.e. for applicants to file the form if they require a duplicate approval notice of a benefit issued by CBP).

USCIS will continue to examine ways in which information may be obtained from other sources and any identified duplications can be minimized or removed.

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.

Form I-824 allows a petitioner or applicant to request further action on a previously

approved petition or application. A U.S. citizen can use this form to notify the Department of State of his or her U.S. citizenship status. This form, for example, makes this notification process less difficult and burdensome for the petitioner or applicant to request a duplicate copy of a CBP or USCIS notice of action or attempt to inform a U.S. consulate of an action of a previously approved petition or application. Form I-824 facilitates this process for the applicant or petitioner in an official and timely manner.

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 April 26, 2019, USCIS published a 60-day notice in the Federal Register at 84 FR 17868. USCIS did not receive comments after publishing that notice.

On August 3, 2019, USCIS published a 30-day notice in the Federal Register at 84 FR 38037. USCIS did receive one comment. The commenter suggested that this information collection require a fee in the order of \$8,000 to \$12,000 per respondent. This information collection has a fee, which USCIS notes on the form instructions and on the form website, www.uscis.gov/i-824. Currently, the fee for this information collection is set at \$465. 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 suggested average hourly rate for clerical, officer, and managerial time with benefits) and immigration benefits provided for free. U.S. tax payers do not cover these costs. Other suggestions made by the commenter were out of scope of this information collection.

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 DHS Privacy Office has determined that the I-824 is privacy sensitive. The system of records notices associated with this information collection are:

- DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, November 21, 2013, 78 FR 69864

- DHS/USCIS-007 Benefits Information System, October 19, 2016, 81 FR 72069
- DHS/CBP-006 Automated Targeting System, May 22, 2012, 77 FR 30297
- DHS/CBP-011 U.S. Customs and Border Protection TECS, December 19, 2008, 73 FR 77778
- DHS/USCIS-018 Immigration Biometric and Background Check (IBBC) System of Records, July 31, 2018, 83 FR 36950

The associated privacy impact assessment are:

- DHS/USCIS/PIA-003(b) Integrated Digitization Document Management Program
- DHS/USCIS/PIA-016(a) Computer Linked Application Information Management System (CLAIMS 3) and Associated Systems;
- DHS/CBP/PIA-009 TECS System: CBP Primary and Secondary Processing;
- DHS/CBP/PIA-006(b) Automated Targeting System (ATS)

- 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 questions of a sensitive nature. USCIS collects the social security number (SSN) through this form. INA 264(f) (8 U.S.C. 1304(f)) provides the Secretary of Homeland Security with the specific authority to collect SSNs of those applying for immigration benefits. USCIS collects the SSN to facilitate and expedite the adjudication of the applicant's request for a Form I-824 Application for Action on an Approved Application or Petition. The SSN information is used to establish and corroborate the applicant's identity.

The SSN information collected within the Form I-824 application is also used to assist DHS in enforcing the immigration laws of the United States by providing timely and accurate information about persons who are subject to those laws. USCIS personnel conduct background security checks on applicants for the purpose of determining whether the applicant has established eligibility for the benefit requested. Because the I-824 is typically a non-interview, paper-based adjudication, the SSN is especially useful and provides significant information to verify an applicant's identity and his/her claim to eligibility: providing a critical tool for more accurate and appropriate adjudication determinations for USCIS and the applicant.

- 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	Application for Action on an Approved Application or Petition, I-824	11,500	1	11,500	0.420	4,830	\$35.78	\$172,816
Total				11,500		4,830		\$172,816

* 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 \$35.78. 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.**

This information collection may impose some out-of-pocket costs on respondents in addition to the time burden for the form's preparation. Costs may include payments for document translation and preparation services, attorney and legal fees, postage, 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 \$515.00 and that approximately 25 percent of the total respondent population may incur this cost. The estimated out of pocket cost to respondents is 11,500 respondents multiplied by 25 percent of the population multiplied by the average cost per response of \$515.00, which equals **\$1,480,625**. The estimated cost per respondent is \$1,480,625 divided by 11,500, which equals \$128.75.

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 estimated cost of the program to the Government is calculated by using the estimated number of respondents (11,500) x filing fee charge (\$465). The total cost to the Federal government is \$5,347,500.

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-824				4,573	4,830	257
Total(s)	0	0	0	4,573	4,830	257

There was an increase in the estimated annual burden hours that resulted from an increase in the estimated number of respondents. There were no program changes.

Data collection Activity/ Instrument	Program Change (cost currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (cost currently on OMB Inventory)	Adjustment (New)	Difference
I-824				\$1,333,780	\$1,480,625.00	\$146,845
Total(s)	\$0	\$0	\$0	\$1,333,780	\$1,480,625	\$146,845

There was an increase in the estimated annual cost burden the resulted from an increase in the estimated number of respondents. There were no program changes.

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.