

SUPPORTING STATEMENT FOR
Application for Temporary Protected Status
OMB Control No.: 1615-0043
COLLECTION INSTRUMENT(S): Form I-821

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.**

Following consultation with other appropriate federal agencies, the Secretary of Homeland Security (Secretary) may designate a foreign state, or part of a foreign state, for Temporary Protected Status (TPS) based on one or more of the following as described in section 244(b) of the Immigration and Nationality Act (INA):

- ongoing armed conflict in the foreign country that poses a serious threat to the personal safety of the country's nationals if they were returned from the United States;
- an environmental disaster or epidemic in the country where the Secretary also finds that the country cannot adequately handle the return of its nationals, and where there has been an official request by the country for a TPS designation; or
- extraordinary and temporary conditions in the foreign country that prevent its nationals from returning in safety, unless the Secretary finds that permitting them to remain in the United States is contrary to the U.S. national interest.

After a designation, the Secretary may grant TPS to nationals of the designated foreign state (or to aliens having no nationality who last habitually resided in such designated state), and who meet the eligibility requirements of INA section 244(c). During the TPS designation period, the alien can remain in the United States and engage in employment. The information required on Form I-821 is necessary for U.S. Citizenship and Immigration Services (USCIS) to determine if an applicant meets the TPS eligibility requirements and conditions. The information on Form I-821 is also necessary for USCIS to determine during periodic re-registrations whether an alien who has TPS is eligible to maintain TPS.

This information collection contains questions related to criminal and/or immigration violations and also asks for an applicant's social security number, which USCIS uses to verify the identity of applicants for immigration benefits, determine eligibility for the requested benefits, and ensure identification of any fraud, national security, or public safety concerns. USCIS's general legal authority to collect information regarding an applicant's identity, nationality, social security number, criminal history, immigration violations, certain family relationships, and other matters that relate to his or her

eligibility for TPS and to the administration of U.S. immigration laws is contained in INA sections 101 (general immigration provisions, including definitions), 103(a)(1) and (3) (generally charging the Secretary with the administration and enforcement of all laws relating to the immigration and naturalization of aliens and authorizes the Secretary to issue regulations, forms, and instructions and to perform such other acts as the Secretary deems necessary to exercise his or her INA authorities), 208(b)(2)(A)(i-v)(mandatory bars that are incorporated into the TPS grounds of ineligibility in INA, section 244(c)(2)(B)(ii)), 212(a) (grounds of inadmissibility, including criminal, national security, terrorism, and other grounds), 237 (grounds of deportability), 244 (TPS eligibility requirements), and 264(f) (authorizing the Department of Homeland Security (DHS) to require any alien to provide the alien's social security number). DHS regulations implementing the TPS program also support the collection of the information requested of applicants on the Form I-821 and supporting documents. See 8 C.F.R. Part 244.

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.

USCIS uses the information collected on initial TPS applications to determine whether an applicant meets the TPS eligibility requirements. Eligibility is determined by the alien meeting his or her burden to establish identity, nationality of a TPS designated country (or that the applicant has no nationality and last habitually resided in the designated country), continuous physical presence and continuous residence in the United States since certain dates established by the Secretary, as well as meeting certain admissibility, registration, and other eligibility standards. USCIS uses the information collected from re-registration applications to determine whether a TPS beneficiary continues to meet the eligibility requirements.

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.

Currently, as USCIS finalizes and begins implementing the Electronic Immigration System (ELIS), respondents may obtain the paper version of the Form I-821 online at: <http://www.uscis.gov/i-821>. The form may be completed and saved on the computer, printed and mailed.

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 has examined its other programs and those administered by other Federal agencies and determined that the information USCIS requires to administer the TPS

program is not otherwise provided by the affected individuals, collected, or available elsewhere. There is no duplication.

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 is limited to individuals and 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 the information is not collected, USCIS will not be able to determine the eligibility of applicants for TPS under INA section 244. Persons seeking TPS and related benefits must establish eligibility during an initial registration period and also must establish continued eligibility in any subsequent re-registration periods.

The Secretary, following appropriate Federal interagency consultation, may initially designate a foreign state for a minimum of six months to a maximum of eighteen months. If the Secretary, after interagency consultation, determines that the conditions that led to the TPS designation continue, the Secretary may extend the initial designation for a 6, 12 or 18-month period. At least sixty days before a designation or extension expires, the Secretary reviews country conditions and makes a decision on whether to extend or terminate a country's TPS designation. Accordingly, the need to collect information from TPS applicants and beneficiaries is based on the need to establish initial and continued TPS eligibility if the relevant country designation is extended. Persons who do not establish eligibility for TPS might have to leave the United States and could face dangers due to civil conflicts, unsafe conditions from natural disasters or many other adverse actions if they are forced to return to a country that has been designated for TPS.

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 November 14, 2019, USCIS published a Notice of Proposed Rulemaking in the Federal Register at 84 FR 62280.

- 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.

Information provided by TPS applicants on this information collection is governed by legal confidentiality provisions in 8 U.S.C. 1254a(c)(6) and 8 CFR 244.16. By policy, DHS also extends coverage of the Privacy Act of 1974, *as amended*, 5 U.S.C. § 552a, to applicants for TPS and TPS beneficiaries.

Information provided by TPS applicants on this information collection is governed by legal confidentiality provisions in 8 U.S.C. 1254a(c)(6) and 8 CFR 244.16. By policy, DHS also extends coverage of the Privacy Act of 1974, *as amended*, 5 U.S.C. § 552a, to applicants for TPS and TPS beneficiaries.

The information collected via this instrument is covered by the Privacy Impact Assessments:

- DHS/USCIS/PIA-056 ELIS (December 3, 2018).

The information is also covered in the System of Records Notices:

- DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, September 18, 2017, 82 FR 43556;
- DHS/USCIS-007 Benefits Information System October 19, 2016 81 FR 72069;
- DHS/USCIS-018 Immigration Biometric and Background Check (IBBC) System of Records, July 31, 2018, 83 FR 36950

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.

This information collection contains questions that may be considered of a sensitive nature, related to criminal and/or immigration violations. Respondents must provide information regarding previous immigration and criminal records related to grounds of inadmissibility under INA sections 212(a) and 208(b)(2)(A). These questions are necessary to determine whether respondents are eligible for TPS. In responding to eligibility questions, the respondent must fully disclose any prior criminal history, which would include providing information on any prior criminal sexual offenses, hate crimes or other offenses. Such information might include details that could be considered of a sensitive nature. Section 244 of the INA authorizes USCIS to collect the information and the associated evidence for this application.

Respondents also must provide social security numbers. This information is necessary as USCIS supports DHS’s core missions to prevent terrorism and enhance security, secure and manage the borders, and enforce and administer the immigration laws. To ensure proper execution of these missions, USCIS officers must verify the identity of applicants for immigration benefits, determine eligibility for the requested benefits, and ensure identification of any fraud, national security, or public safety concerns. The social security number is one critical piece of information collected by USCIS to achieve these goals. Particularly for Form I-821, the social security number for the applicant may be used to verify information against DHS records and supporting documentation submitted to establish eligibility for TPS. Many applicants share similar names and dates of birth, and a social security number ensures USCIS will consider the correct individual’s information from other record sources.

In addition, USCIS also collects information regarding the race of applicants. USCIS collects race data to match the data the FBI collects on FBI Form FD-258, Fingerprint Card, for the purposes of conducting a background examination. It is important that USCIS collects and has this information to verify the applicant’s identity. The question and use complies with the Office of Management and Budget Memorandum, “Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity.” (October 30, 1997).

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	D	E	F	(=ExF)
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				(=AxB)		(=CxD)		
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	I-821 / Application for Temporary Protected Status	4,000	1	4,000	2.41	9,640	\$35.54	\$342,606
Individuals or Households	Biometrics Processing	4,000	1	4,000	1.17	4,680	\$35.54	\$166,327
Total				8,000		14,320		\$508,933

* The above Average Hourly Wage Rate is the May 2017 Bureau of Labor Statistics average wage for All Occupation of \$24.34 times the wage rate benefit multiplier of 1.46 (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 is no capital, start-up, operational or maintenance cost associated with this collection of information. For informational purposes, there is an application fee of \$50 for Form I-821 for all initial and late-initial registrants and a fee of \$30 for the biometrics processing on all initial, late-initial and re-registration applications.

This information collection may impose some additional out-of-pocket costs on respondents in addition to the time burden for the form's preparation. Many respondents may incur expenses to obtain medical, military, education, or religious records. For form preparation, legal services, translators, and document search and generation, USCIS estimates the average cost of this information collection may vary widely, from as little as \$20 to \$1000 per respondent. USCIS estimates that the average cost for these activities is \$490 and that 25 percent of the total respondent population may incur this cost [4,000 respondents x 25 percent anticipated respondents requiring services x \$490 average cost per respondent = \$490,000]. The total cost to respondents for these services would be approximately **\$490,000**.

- 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.**

Most USCIS fees are established 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. USCIS, however, does not calculate its resource expenditure directly related to administration of the TPS program. The fee for TPS registration is capped by statute at \$50. INA section 244, 8 U.S.C. 1254a. In addition, given the statutory requirement that TPS status be periodically reviewed and the reasonable possibility of the termination of TPS designations for long-standing, high-volume countries, USCIS must build its budgets on the assumption that it cannot rely on fee revenue from such programs to fund ongoing activities. For planning purposes and without intending to forecast any particular policy assessments, USCIS has assumed that the TPS Program for re-registrants of certain

nationalities will not continue. This assumption eliminates a limited source of fee receipts, but also reduces a larger amount of costs distributed across all other application fees because the statutory fee (\$50) does not recover the full cost of processing TPS applications.

USCIS normally uses the fee associated with an information collection as a reasonable measure of the collection’s costs to USCIS. However, since the fee is not representative of the estimated Government cost incurred, USCIS provides the following independent estimate of the Government Cost based on collection and processing times.

The estimated cost to the Government is \$716,000. This figure is calculated by multiplying the estimated number of respondents (4,000) x (1) number of responses x estimated cost per TPS application receipt (\$179.00), plus the printing costs.

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) [new minus current]	Difference
Form I-821				9,640	9,640	0
Biometrics Processing				4,680	4,680	0
Total(s)				14,320	14,320	0

There is no change to the estimated annual time burden to respondents for this collection of information.

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
Form I-821				\$490,000	\$490,000	\$0
Biometrics Processing				\$0	\$0	\$0
Total(s)				\$490,000	\$490,000	\$0

USCIS corrected the cost burden for this information collection to accurately reflect the estimated cost.

- 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.