

SUPPORTING STATEMENT FOR
Petition for Alien Relative
OMB Control No.: 1615-0012
COLLECTION INSTRUMENT(S): Form I-130; Form I-130A

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 204 of the Immigration and Nationality Act (INA) allows a citizen or lawful permanent resident of the United States to petition on behalf of certain alien relatives who wish to immigrate to the United States.

- 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-130 will be used by U.S. Citizenship and Immigration Services (USCIS) to establish the existence of a relationship to certain alien relatives who wish to immigrate to the United States. A separate form is required to be completed for each eligible family member who wishes to immigrate except for certain instances as explained in the instructions for the I-130. The family member who is requesting the action for their alien relative will complete the form as the respondent (petitioner). The petitioning relative no longer must complete a separate Form G-325A, Biographic Information [Office of Management and Budget (OMB) Control Number 1615-0008], for themselves; the information is now collected within Form I-130.

Beneficiary spouses will now complete Form I-130A and are no longer required to submit information via Form G-325A. The information collected on this form will allow USCIS to verify the spousal relationship.

If respondents wish to receive an email confirmation that their application has been accepted, they must file USCIS Form G-1145, E-Notification of Application/Petition Acceptance, which is approved for use under OMB Control Number 1615-0109.

- 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-130 and I-130A are available online at <http://www.uscis.gov/files/form/i-130.pdf> and the respondent can complete the forms and save the electronically. Additionally, USCIS Form I-130 is now also available to 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.**

The information collected by Forms I-130 and I-130A is required for the purpose and must be the current information at the time of filing.

- 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.**

There is no impact to small business or other small entities by this collection of information.

- 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 requested on Forms I-130 and I-130A is not collected, USCIS will not have a mechanism for collecting the information necessary to adjudicate petitions for alien relatives. This would prevent alien relatives of qualifying family members from being able to enter the United States as allowed under the directing statute.

- 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 1, 2020 USCIS published a 60-day notice in the Federal Register at 85 FR 18255. USCIS received two comments after publishing that notice. One comment was out of scope. The second commenter expressed concern that concurrently filed Forms I-485 and I-130A results in duplicative information collection. USCIS recognizes the duplication of information collection between the Form I-130A and Form I-485. While most of the time the same officer will adjudicate both of those forms together, USCIS often adjudicates Form I-130, and Form I-130A separately from the Form I-485. Because we cannot guarantee that the forms will be processed together by the same officer now or in the near future, USCIS requires submission of Form I-130A in connection with the Form I-130 (Petition for an Alien Relative), even when the forms are filed concurrently with a Form I-485. We will look at streamlining the processing of the two forms and reducing the duplication in the next revision.

On July 20, 2020, USCIS published a 30-day notice in the Federal Register at 85 FR 43870. USCIS received 4 comments. Two of these were out of scope.

One commenter suggested that all fees for all immigration applications be incurred by the respondents and that those fees be set at a level to cover all of DHS overhead costs of implementing this program including overhead and administrative costs. USCIS appreciates this commenter's suggestion. Currently, fees that USCIS collects from respondents fund 97 percent of USCIS operating costs, which include processing of the Form I-130. DHS reviews USCIS fees every two years and adjust them as necessary to recover USCIS costs to administer its programs.

The final commenter suggested that the "Relative" questioning on the form (See Part 5 Items 7 and 9) may cause some confusion for how the respondent should answer. USCIS Service Centers have not seen petitioners or adjudicators experience any confusion with identifying relatives on the Form I-130. USCIS will not make changes to the Form I-130 at this time, but will consider further clarification in the form and instructions at the next update 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.

This collection is covered under the following Privacy Impact Assessment:

- DHS/USCIS/PIA-056(a) USCIS Electronic Immigration System (USCIS ELIS).

The collection is covered under the following System of Records Notices:

- DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records;
- DHS/USCIS-007 Benefits Information System; and
- DHS/USCIS-018 Immigration Biometric and Background Check System of Records.

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 such as those requiring evidence demonstrating the bona fides of a familial relationship. However, this information is required in order for a citizen or lawful permanent resident of the United States to petition on behalf of certain alien relatives under section 204 of the INA.

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	Petition for Alien Spouse / I-130	437,500	1	437,500	2	875,000	\$36.47	\$31,911,250
Individuals or households	Supplemental Information for Spouse Beneficiary / I-130A	40,775	1	40,775	0.833	33,966	\$36.47	\$1,238,725
Individuals or households	I-130 E-filing	437,500	1	437,500	1.5	656,250	\$36.47	\$23,933,438
Total				915,775		1,565,216		\$57,083,412

* The above Average Hourly Wage Rate is the [May 2018 Bureau of Labor Statistics](#) average wage for All Occupations of \$24.98 times the wage rate benefit multiplier of 1.46 (to account for benefits provided) equaling \$36.47. 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.**

USCIS estimates that respondents to Form I-130 (form I-130A is filed with I-130 and costs are estimated to cover both submissions. Respondents will incur costs including translation and preparation services, costs to acquire attorney representation, and costs to gather documentation and to mail the complete package to USCIS, although not all respondents will incur every cost. USCIS estimates the cost per respondent is \$400 multiplied by the total number of I-130 respondents of 875,000 equals a total cost of \$350,000,000.

There is a fee of \$535 for the submission of the Form I-130.

- 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 fee to the Federal government is calculated as the total fee of \$535 times the number of respondents, 875,000, equaling \$468,125,000.

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

	Program Change (hours currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (hours currently on OMB Inventory)	Adjustment (New)	Difference
Petition for Alien Spouse / I-130				978,500	875,000	-103,500
Supplemental Information for Spouse Beneficiary / I-130A				37,996	33,966	-4,030
I-130 E-filing				733,875	656,250	-77,625
Total(s)	0	0	0	1,750,371	1,565,216	-185,155

There was a decrease in the estimated annual hour burden that resulted from a decrease in the estimated number of respondents. There are 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-130				\$195,700,000	\$175,000,000	-\$20,700,000
I-130A				\$0	\$0	\$0
I-130 E-filing				\$195,700,000	\$175,000,000	-\$20,700,000

Total(s)	\$0	\$0	\$0	\$391,400,000	\$350,000,000	-\$41,400,000
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There was a decrease in the estimated annual cost burden that resulted from a decrease in the estimated number of respondents. There are 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.