

**SUPPORTING STATEMENT FOR
Request for Reduced Fee
OMB Control No.: 1615-0133
COLLECTION INSTRUMENT(S): I-942**

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.**

The Immigration and Nationality Act (INA), as amended, provides for the collection of fees at a level that will ensure recovery of the full costs of providing adjudication and naturalization services, including services provided without charge to asylum applicants and certain other immigrant applicants, INA section 286(m), 8 U.S.C. § 1356(m). The INA provides that the fees may recover administrative costs as well. The INA also authorizes U.S. Citizenship and Immigration Services (USCIS) to provide some services for free at its discretion and allows USCIS to restrict fee waiver availability on benefits while providing for fee waiver consideration on some benefits.

USCIS regulations at 8 CFR 103.7(b)(1)(i)(AAA)(1) provide that the fee for an Application for Naturalization (Form N-400) for applicants whose documented income is greater than 150 percent and not more than 200 percent of the Federal poverty level is \$320. This information collection is necessary to document the applicant's income and eligibility to pay the reduced fee.

- 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 data collected on this form to verify that the applicant is eligible for a reduced fee for the immigration benefit being requested.

The regulations at 8 CFR 103.7(b)(1)(i)(AAA)(1) provide that the applicant must document their income to be eligible for the reduced fee. For evidence, USCIS will accept copies of Federal Income Tax returns, or copies of other documentation substantiating an applicant's income, such as pay stubs for a reasonable period or an IRS Form W-2.

- 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.

Requests to pay a reduced fee cannot be filed electronically at this time. The methods of collection described in this supporting statement provide the most efficient means for USCIS to collect and the public to provide the information necessary for USCIS to determine whether or not the request accurately documents the individual's eligibility for the reduced request fee. Form I-942 provides the most efficient means for collecting and processing the required data.

Form I-942 and its instructions will reside on the USCIS website at www.uscis.gov, keyword search "Form I-942." The form and the instructions can be downloaded, completed, and saved electronically, but the form, along with the required supporting documentation, must be mailed to USCIS.

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 investigated its internal processes, files, and data as well as those of other Federal agencies that may service the same population, and we were unable to find any other means by which the information necessary for this process could be obtained except for the collection methods described in this request. No similar information is available that can be used for this purpose. USCIS will continue to examine ways in which information may be obtained from other sources and any identified duplications can be minimized or removed.

If multiple members of the same family are simultaneously submitting their applications for which they are requesting a reduced fee in the same package, all family members may request the reduced fee on one Form I-942.

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 because reduced fees are not available for employment-based immigration benefit requests.

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 cannot determine eligibility for the reduced fee.

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 30, 2020 USCIS published a 60-day notice in the Federal Register at 85 FR 68909. USCIS received two comments after publishing that notice.

The first commenter expressed disagreement with allowing foreign nationals the ability to request a reduced fee but did not comment on the Form I-942 content.

The second commenter expressed support with allowing foreign nationals the ability to request a reduced fee especially for low-income immigrants. This commenter further expressed support for extending the use of the Form I-942 in light of the currently enjoined Department of Homeland Security Final Rule “U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements,” which if promulgated would discontinue the Form I-942 and thus foreign nationals’ ability to request a reduce fee. The commenter did not comment on the form content.

USCIS will not make changes to the Form I-942 at this time based on the comments. Any alternatives regarding fees and fee waivers may be considered as part of a future rule change.

On January 14, 2021, USCIS published a 30-day notice in the Federal Register at 86 FR 3171. USCIS received one comment, but it was out of scope.

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 information collection is designated as a privacy sensitive form with coverage under the following:

Privacy Impact Assessments (PIAs)

- DHS/USCIS/PIA-003(a) - Integrated Digitization Document Management Program (IDDMP), which covers the digitization of paper-based case files (A-Files and Receipt Files) and storing them in the Enterprise Document Management System (EDMS).

- DHS/USCIS/PIA-015 Computer Linked Application Information Management System (CLAIMS 4) (and subsequent updates), which covers the processing and adjudication of Form I-942.
- DHS/USCIS/PIA-056 USCIS Electronic Immigration System (USCIS ELIS), which covers the scanned image of the Form I-942 when accompanied by a Form N-400 filed in the Lockbox.

Please note that Form I-942 was added to Appendix A of the ELIS PIA as an associated form with the Application for Naturalization.

System of Records Notices (SORNs)

- DHS/USCIS/ICE/CBP-001 - Alien File, Index, and National File Tracking System of Records, which covers the physical and electronic immigration files, including AFiles and Receipt Files.
- DHS/USCIS-007 Benefits Information System, which covers the collection, use, and storage of data elements USCIS collects about benefit requestors, beneficiaries, legal representatives, interpreters, and preparers.

- 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.**

An applicant may be required to provide sensitive income, expense, and asset information to USCIS to document their eligibility for the immigration benefit reduced fee request. In addition, the applicant may be required to provide information concerning household status. This information is required for USCIS to determine whether or not the applicant qualifies for a reduced fee or must pay the full fee.

- 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 (=AxB)	D	E (=CxD)	F	(=ExF)
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	Request for Reduced Fee Form I-942	4,491	1	4,491	0.75	3,368	\$37.55	\$126,468
Total				4,491	0.75	3,368	\$37.55	\$126,468

* The above Average Hourly Wage Rate is the [May 2019 Bureau of Labor Statistics](#) average wage for All Occupations \$25.72 times the wage rate benefit multiplier of 1.46 (to account for benefits provided) equaling \$37.55. 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. There is no fee cost to respondents for filing these requests. USCIS, however, estimates that respondents will incur an estimated cost of \$4.25 average postage cost to each respondent to submit the completed package to USCIS.

Postage to mail completed package (4,491 x \$4.25 average postage) = \$19,087 (total annual cost burden to respondents).

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 to the Government is \$217,757. This figure is calculated by multiplying the estimated number of respondents (4,491) x (1) number of response x (0.75) hours (USCIS time required to collect and process information) x the average hourly rate weighted for benefits of USCIS adjudicators (\$64.65).

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 (in hours)	Program Change (hours currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (hours currently on OMB Inventory)	Adjustment (New) [new minus current]	Difference
I-942				3,368	3,368	0
Total(s)				3,368	3,368	0

There is no change in the estimated annual hour burden to respondents. There were no program changes.

Data collection Activity/Instrument (in dollars)	Program Change (cost currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (cost currently on OMB Inventory)	Adjustment (New) [new minus current]	Difference
I-942				\$19,087	\$19,087	\$0
Total(s)				\$19,087	\$19,087	\$0

There is no change in the estimated annual out-of-pocket cost burden to 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.