

**Supporting Statement
Application for Waiver of Passport and/or Visa (DHS Form I-193)
1651-0107**

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 data collected on DHS Form I-193, Application for Waiver of Passport and/or Visa, allows CBP to determine an applicant's identity, alienage, claim to legal status in the United States, and eligibility to enter the United States under 8 CFR 211.1(b)(3) and 212.1(g). DHS Form I-193 is an application submitted by a nonimmigrant alien seeking admission to the United States requesting a waiver of passport and/or visa requirements due to an unforeseen emergency. It is also an application submitted by an immigration alien returning to an unrelinquished lawful permanent residence in the United States after a temporary absence aboard requesting a waiver of documentary requirements for good cause. The waiver of the documentary requirements and the information collected on DHS Form I-193 is authorized by Sections 212(a)(7), 212(d)(4), and 212(k) of the Immigration and Nationality Act, as amended, and 8 CFR 211.1(b)(3) and 212.1(g). This form is accessible at <https://www.uscis.gov/i-193>.

- 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 this form will be used by CBP to determine an applicant's identity, alienage, an alien's claim to legal status in the United States and eligibility to enter the United States under 8 CFR 211.1(b)(3) and 212.1(g) INA.

- 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.**

CBP Officers may complete this form at a Port of Entry during the inspection of the applicant for admission and the applicant for admission is applying for the waiver of the documentary requirements. The form is completed with the waiver recipient present. The recipient then signs the form certifying that the information on the form is true and correct. CBP does not submit this form electronically.

The applicant for admission may also prepare the form from the USCIS.gov website and either present the form in conjunction with an application for admission or an application for adjustment of status by U.S. Citizenship and Immigration Services (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.**

This information is not duplicated in any other place or any other form.

- 5. If the collection of information impacts small businesses or other small entities describe any methods used to minimize burden.**

This information collection does not have an impact on small businesses or other small entities.

- 6. Describe consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

If the information was not collected or collected less frequently, it would hinder CBP's ability to determine an applicant's eligibility for a waiver of documentary requirements under 8 CFR parts 211.1(b)(3) and 212.1(g). This would result in causing delays for aliens traveling under emergency circumstances.

- 7. Explain any special circumstances.**

This information is collected in a manner consistent with the guidelines of 5 CFR 1320.6.

- 8. If applicable, provide a copy and identify the date 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.**

Public comments were solicited through two Federal Register notices, including a 60-day FRN published on November 30, 2020 (85 FR 76594) on which one comment was received that expressed general disapproval of the collection but did not make specific recommendations. As well as, a 30-day notice published on March 11, 2021 (86 FR 13909) on which no comments have been received.

- 9. Explain any decision to provide any payment or gift to respondents, other**

than remuneration of contractors or grantees.

There is no offer of a monetary or material value for this information collection.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

A SORN for the Immigration Services Benefits Information System was published on October 19, 2016 (Volume 81, Page 72069) and a PIA entitled “USCIS Benefits Processing of Applicants other than Petitions for Naturalization, Refugee Status, and Asylum” dated September 5, 2008 will be submitted with this ICR. There are no assurances of confidentiality provided to respondents.

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 no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

INFORMATION COLLECTION	TOTAL ANNUAL BURDEN HOURS	NO. OF RESPONDENTS	NO. OF RESPONSES PER RESPONDENT	TOTAL RESPONSES	TIME PER RESPONSE
I-193	4,150	25,000	1	25,000	10 minutes (.166 hours)

Public Cost

The estimated cost to the respondents is \$84,660. This is based on the estimated burden hours (4,150) multiplied by the average hourly wage rate for all-purpose car travelers (\$20.40). CBP used the U.S. Department of Transportation’s (DOT) recommended hourly values of travel time savings for intercity, all-purpose travel by surface modes, which are provided in 2015 U.S. dollars. CBP assumes an annual growth rate of 0 percent; the 2015 U.S. dollar value is equal to the 2020 U.S. dollar value.¹

¹ Source: U.S. Department of Transportation, Office of Transportation Policy. *The Value of Travel Time Savings: Departmental Guidance for Conducting Economic Evaluations Revision 2 (2016 Update)*, “Table 4 (Revision 2 - 2016 Update): Recommended Hourly Values of Travel Time Savings for Intercity, All Purpose Travel by Surface Modes (except High-Speed Rail).” September 27, 2016. Available at <https://www.transportation.gov/sites/dot.gov/files/docs/2016%20Revised%20Value%20of%20Travel%20Time%20Guidance.pdf>. Accessed June 12, 2020.

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information.

The capital cost to the respondents for this collection of information is $\$585 \times 25,000 = \$14,625,000$. The cost to respondents reflects a \$585 fee that must be submitted with this form.²

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.

There is no cost to the Government associated with this information collection because the costs are offset by the fee listed in 8 CFR 103.7(c)/8 CFR 106.2.

15. Explain the reasons for any program changes or adjustments reported in Items 12 or 13.

There are no increases or decreases to the burden associated with this information collection, and there are no changes to the information collected.

16. For collection of information whose results will be published, outline plans for tabulation, and publication.

This information collection will not be published for statistical purposes.

17. If seeking approval to not display the expiration date, explain the reasons that displaying the expiration date would be inappropriate.

CBP will display the expiration date for OMB approval of this information collection.

18. “Certification for Paperwork Reduction Act Submissions.”

CBP does not request an exception to the certification of this information collection.

B. Collection of Information Employing Statistical Methods

No statistical methods were employed.

² In August 2020, USCIS published a final rule increasing the \$585 fee for Form I-193: Application for Waiver of Passport and/or Visa to \$2,790 (see 85 FR 46788). However, this fee change is on hold as of September 2020 because the U.S. District Court for the Northern District of California preliminarily enjoined the rule in *Immigration Legal Resource Center et al., v. Wolf, et al., 20-cv-05883-JWS*. According to the USCIS Filing Fees webpage, USCIS will continue to accept USCIS forms with the current editions and current fees, including the \$585 Form I-193 fee, while the rule is preliminarily enjoined (see <https://www.uscis.gov/forms/filing-fees>). If the \$2,790 Form I-193 fee takes effect, the capital cost to the respondents for this collection of information would be $\$2,790 \times 25,000 = \$69,750,000$.