

**Supporting Statement for  
Permanent Residence in the United States  
Under Color of Law (PRUCOL)  
20 CFR 416.1615 and 416.1618  
OMB No. 0960-0451**

**A. Justification**

**1. Introduction/Authoring Laws and Regulations**

Sections 1631(e)(1)(A) and (B) of the *Social Security Act (Act)* preclude the Commissioner of the Social Security Administration (SSA) from making determinations of eligibility for Supplemental Security Income (SSI) payments based solely on declarations. Section 1614(a)(1)(B) of the *Act* allows eligibility for SSI payments for aliens who are Permanent Residents in the United States Under Color of Law (PRUCOL), are lawfully admitted for permanent residence, and meet all other eligibility factors.

20 CFR 416.1615 of the *Code of Federal Regulations (CFR)* provides the criteria and documents that result in a finding of being lawfully admitted for permanent residence. In addition, *Berger v. Secretary, HHS (Second Circuit, August 26, 1985)*, which provides categories and criteria for determining PRUCOL, binds the agency. 20 CFR 416.1618 implements the Berger decision and provides the criteria, categories, and evidentiary requirements that result in a finding of PRUCOL.

Under *Public Law 104-193 (A)(401) and (402)*, a noncitizen must be a “qualified alien” and meet certain additional requirements to be eligible for SSI. This law also establishes an exception to the “qualified alien” requirement for nonqualified aliens who were receiving SSI as of August 22, 1996. (Nonqualified aliens are noncitizens who do not meet the definition of “qualified alien.”) Under this provision, nonqualified aliens who were receiving SSI on August 22, 1996, could remain eligible for SSI (if they met all other eligibility requirements) until September 30, 1997, at which time, SSA would suspend benefits if the nonqualified alien had not acquired qualified alien status. *Public Law 105-33, section 5301(c)*, extended the effective date of the suspensions for nonqualified aliens to September 30, 1998.

*Public Law 105-306, section 2*, enacted October 28, 1998, provides that nonqualified aliens who were receiving SSI on August 22, 1996, will remain eligible for SSI after September 30, 1998 as long as they met all other eligibility requirements. We determine SSI eligibility for this group of aliens – “grandfathered nonqualified aliens” – per the rules governing SSI eligibility for noncitizens in effect prior to August 22, 1996, i.e., the PRUCOL standard. PRUCOL aliens must present evidence of their status at application and periodically thereafter in accordance with the regulations at 20 CFR 416.1618.

**2. Description of Collection**

As mentioned above, SSA requires a claimant or recipient to submit evidence of their alien status. Without this information, SSA would not be able to determine whether the individuals are eligible for SSI payments. When SSA cannot verify evidence of alien status through the regular claimant interview process, SSA verifies the validity of the evidence of PRUCOL for grandfathered nonqualified aliens with the Department of Homeland Security (DHS) using the DHS Systematic Alien Verification for Entitlements (SAVE) program. Based on the DHS response, SSA determines whether the individual is PRUCOL. SSA does not maintain any forms or applications for respondents to use, rather, the regulations listed in *20 CFR 416.1615* and *416.1618* specify the information respondents need to submit to SSA to show evidence of PRUCOL. Respondents are qualified and unqualified aliens who apply for SSI payments under PRUCOL.

**3. Use of Information Technology to Collect the Information**

SSA collects the information via a personal interview during the claimant interview process. Using the SSI Claims System, SSA field office staff collect information from the individual during the interview that SSA uses to determine eligibility for SSI payments. During this information collection process, or through the DHS response, SSA verifies an individual's PRUCOL status. This collection does not currently have a fully public-facing Internet version, as we prioritized other information collections for full electronic conversions. As per our 4/3/20 conversation with OIRA, we welcome OIRA to join our conversations with OMB on IT Mods; however, as our IT Mod programming is an ongoing project, we cannot provide timelines for when we will be able to make any particular ICR available via the Internet. We will convert existing ICRs to full electronic versions depending on how they fall within our overall IT Mod schema, but this is unconnected to the PRA approval lifecycle.

**4. Why We Cannot Use Duplicate Information**

The nature of the information we collect and the manner in which we collect it preclude duplication. SSA does not use another collection instrument to obtain similar data.

**5. Minimizing Burden on Small Respondents**

This collection does not affect small businesses or other small entities.

**6. Consequence of Not Collecting Information or Collecting it Less Frequently**

If SSA did not collect this information, we would be unable determine whether a PRUCOL claimant is eligible for SSI payments. If SSA collected the information less frequently, it could delay a claimant's eligibility determination and might prevent needy individuals from receiving payment. There are no technical or legal obstacles to burden reduction.

**7. Special Circumstances**

There are no special circumstances that would cause SSA to conduct this information collection in a manner inconsistent with 5 *CFR* 1320.5.

**8. Solicitation of Public Comment and Other Consultations with the Public**

The 60-day advance Federal Register Notice published on July 2, 2021 at 86 FR 35371, and we received no public comments. The 30-day FRN published on September 2, 2021 at 86 FR 49403. If we receive any comments in response to this Notice, we will forward them to OMB.

**9. Payment or Gifts to Respondents**

SSA does not provide payments or gifts to the respondents.

**10. Assurances of Confidentiality**

SSA protects and holds confidential the information it collects in accordance with 42 *U.S.C.* 1306, 20 *CFR* 401 and 402, 5 *U.S.C.* 552 (Freedom of Information Act), 5 *U.S.C.* 552a (Privacy Act of 1974), and OMB Circular No. A-130.

**11. Justification for Sensitive Questions**

The information collection does not contain any questions of a sensitive nature.

**12. Estimates of Public Reporting Burden**

Modality of Completion	Number of Responses	Frequency of Response	Average Burden Per Response (minutes)	Estimated Total Annual Burden (hours)	Average Theoretical Hourly Cost Amount (dollars)*	Average wait time in field office or for teleservice centers (minutes)**	Total Annual Opportunity Cost (dollars) **
Personal Interview	1,049	1	5	87	\$27.07*	21**	\$12,290**

\* We based this figures on average U.S. citizen’s hourly salary, as reported by Bureau of Labor Statistics data ([https://www.bls.gov/oes/current/oes\\_nat.htm](https://www.bls.gov/oes/current/oes_nat.htm)).

\*\* We based this figure on the average FY 2021 wait times for field offices, based on SSA’s current management information data

\*\*\* This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. **There is no actual charge to respondents to complete the application.**

In addition, OMB’s Office of Information and Regulatory Affairs is requiring SSA to use a rough estimate of a 30-minute, one-way, drive time in our calculations of the time burden for this collection. OIRA based their estimation

on a spatial analysis of SSA’s current field office locations and the location of the average population centers based on census tract information, which likely represents a 13.97 mile driving distance for one-way travel. We depict this on the chart below:

<b>Total Number of Respondents Who Visit a Field Office</b>	<b>Frequency of Response</b>	<b>Average One-Way Travel Time to a Field Office (minutes)</b>	<b>Estimated Total Travel Time to a Field Office (hours)</b>	<b>Total Annual Opportunity Cost for Travel Time (dollars)***</b>
1,049	1	30	525	\$13,503***

\*\*\*We based this dollar amount on the Average Theoretical Hourly Cost Amount in dollars shown on the burden chart above.

Per OIRA, we include this travel time burden estimate under the 5 CFR 1320.8(a) (4), which requires us to provide “time, effort, or financial resources expended by persons [for]...transmitting, or otherwise disclosing the information,” as well as 5 CFR 1320.8(b)(3)(iii) which requires us to estimate “the average burden collection...to the extent practicable.” SSA notes that we do not obtain or maintain any data on travel times to a field office, nor do we have any data which shows that the average respondent drives to a field office, rather than using any other mode of transport. SSA also acknowledges that respondents’ mode of travel and, therefore, travel times vary widely dependent on region, mode of travel, and actual proximity to a field office.

NOTE: We included the total opportunity cost estimate from this chart in our calculations when showing the total time and opportunity cost estimates in the paragraph below.

The total burden for this ICR is **87** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$25,793**. SSA does not charge respondents to complete our applications. We base our burden estimates on current management information data, which includes data from actual interviews, as well as from years of conducting this information collection. Per our management information data, we believe that the 5 minutes accurately shows the average burden per response for the interview process (readin the instructions to the respondent, gathering the facts, and answering the questions). Based on our current management information data, the current burden information we provided is accurate.

**13. Annual Cost to the Respondents (Other)**

This collection does not impose a known cost burden on the respondents.

**14. Annual Cost To Federal Government**

The annual cost to the Federal Government is approximately **\$5,331**. This estimate accounts for costs from the following areas:

<b>Description of Cost Factor</b>	<b>Methodology for Estimating Cost</b>	<b>Cost in Dollars*</b>
Designing and Printing the Form	Design cost and uploading into inForms; Systems to store form in InForm and make it available on our website	\$0*
Distributing, Shipping, and Material Costs for the Form	Distribution + Shipping + Material Cost (we no longer distribute or ship this form)	\$0*
SSA Employee (e.g., field office, 800 number, DDS staff) Information Collection and Processing Time	Number of respondents x processing time in minutes ÷ by 60 x hourly rate for SSA employee processing form (GS-9 step 1)  1,049 x 5 minutes ÷ 60 x \$21.86 = \$1,911.	\$1,911
Full-Time Equivalent Costs	Out of pocket costs + Other expenses for providing this service	\$0*
Systems Development, Updating, and Maintenance	GS-9 employee x man hours for development, updating, maintenance	\$3,420
Quantifiable IT Costs	Any additional IT costs	\$0*
<b>Total</b>		<b>\$5,331</b>

\* We have inserted a \$0 amount for cost factors that do not apply to this collection.

SSA is unable to break down the costs to the Federal government further than we already have. First, it is difficult for us to break down the cost for processing a single form, as field office staff often help respondents fill out several forms at once, and the time it takes to do so can vary greatly per respondent. In addition, because so many employees have a hand in each aspect of our forms, we use an estimated average hourly wage, based on the wage of our average field office employee (GS-9) for these calculations. However, we have calculated these costs as accurately as possible based on the information we collect for creating, updating, and maintaining these information collections.

**15. Program Changes or Adjustments to the Information Collection Request**  
There are no changes to the public reporting burden. However, we updated the burden hours in ROCIS to include the 30-minute travel time to a field office, which increased the overall burden for this collection.

**16. Plans for Publication Information Collection Results**  
SSA will not publish the results of the information collection.

**17. Displaying the OMB Approval Expiration Date**  
SSA is not requesting an exception to the requirement to display an expiration date.

**18. Exceptions to Certification Statement**  
SSA is not requesting an exception to the certification requirements at 5 *CFR* 1320.9 and related provisions at 5 *CFR* 1320.8(b)(3).

**B. Collections of Information Employing Statistical Methods**

SSA does not use statistical methods for this information collection.