

**SUPPORTING STATEMENT FOR
Affidavit of Support Under Section 213A of the Act
OMB Control No.: 1615-0075**

COLLECTION INSTRUMENT(S):

I-864, Affidavit of Support Under Section 213A of the Act; I-864A, Contract Between Sponsor and Household Member; I-864EZ, EZ Affidavit of Support under Section 213 of the Act; I-864W, Request for Exemption for Intending Immigrant's Affidavit of Support

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 213A of the Immigration and Nationality Act (INA) (8 USC 1183a) requires most family-based and certain employment-based immigrants to have the petitioning relative execute an Affidavit of Support on their behalf. The Affidavit of Support sponsor must maintain a household income of at least 125 percent of the Federal poverty guidelines. The Affidavit of Support is a legally binding document which may be enforced in Federal or State court, if the sponsored alien receives any means-tested public benefits. The information collection required on Form I-864, Affidavit of Support Under Section 213A of the Act (or Form I-864EZ, Affidavit of Support of Support Under Section 213A of the Act, if the applicant qualifies to use it) is necessary for adjudicator and consular officers to determine whether the sponsor can meet the minimum income requirements. In addition, the execution of the Affidavit of Support creates a contract between the sponsor and the sponsored alien and any entity that provides means-tested public benefits to the sponsored alien. The execution of Form I-864A, Contract Between Sponsor and Household Member, creates a similar contract that also includes the household member. The Department of Homeland Security (DHS), U.S Citizenship and Immigration Services (USCIS) must maintain Forms I-864, I-864EZ and I-864A in the event the obligation must be enforced by civil action. In addition, Form I-864EZ was created to be a quicker and easier form for certain sponsors to comply with section 213A requirements. This form will be much easier for those who qualify for its use, and much easier for USCIS to adjudicate. Finally, Form I-864W, Request for Exemption for Intending Immigrant's Affidavit of Support, is used by intending immigrants who are exempt from section 213A requirements to identify the reason for the exemption.

Section 213A(i) of the Immigration and Nationality Act requires that the U.S. social security number must be included on Form I-864. If the respondent does not have a U.S. social security number, they must obtain one before submitting Form I-864. If the respondent does not provide this information, USCIS cannot accept Form I-864, and the intending immigrant may not able to immigrate to the United States. The social security number may be used to verify, and if necessary, to enforce, the sponsor's obligations

under Form I-864.

- 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.**

Form I-864. USCIS uses the data collected on Form I-864 to determine whether the sponsor has the ability to support the sponsored alien under section 213A of the Immigration and Nationality Act. This form standardizes evaluation of a sponsor's ability to support the sponsored alien and ensures that basic information required to assess eligibility is provided by petitioners.

Form I-864A. Form I-864A is a contract between the sponsor and the sponsor's household members. It is only required if the sponsor used income of his or her household members to reach the required 125 percent of the Federal poverty guidelines. The contract holds these household members jointly and severally liable for the support of the sponsored immigrant. The information collection required on Form I-864A is necessary for public benefit agencies to enforce the Affidavit of Support in the event the sponsor used income of his or her household members to reach the required income level and the public benefit agencies are requesting reimbursement from the sponsor.

Form I-864EZ. USCIS uses Form I-864EZ in exactly the same way as Form I-864; however, USCIS collects less information from the sponsors as less information is needed from those who qualify in order to make a thorough adjudication.

Form I-864W. USCIS uses Form I-864W to determine whether the intending immigrant meets the criteria for exemption from section 213A requirements. This form collects the immigrant's basic information, such as name and address, the reason for the exemption, and accompanying documentation in support of the immigrant's claim that they are not subject to section 213A.

- 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.**

Forms I-864, I-864A, I-864EZ, and I-864W are all available electronically at <https://www.uscis.gov/forms>. The forms can be completed online but must be printed, signed and submitted via mail.

- 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 is not duplicated elsewhere and there is no other information available that can be used for this specific purpose.

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 impact 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, compliance with section 213A of the Act would not be met. Without Form I-864, and Form I-864EZ, USCIS will not be able to determine whether the sponsor could meet the 125 percent threshold of the Federal poverty guidelines. Without Form I-864A, Contract Between Sponsor and Household Member, the affidavit would not be enforceable against the sponsor's household members when their income is used to assist the sponsor in meeting the required income level. Without Form I-864W, intending immigrants who are exempt from section 213A requirements would have no way of clearly establishing those facts to an adjudicator.

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 5, 2021 USCIS published a 60-day notice in the Federal Register at 86 FR 17620. USCIS received one comment after publishing that notice.

On June 14, 2021, USCIS published a 30-day notice in the Federal Register at 86 FR 31516. USCIS did receive two comments. One comment expressed the commentors opinion on immigration matters generally. The other comment requested a definition of means-tested public benefits. USCIS will add relevant language to the I-864P, HHS Poverty Guidelines for Affidavit of Support, webpage in response to this comment.

- 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-016(a) Computer Linked Application Information Management System (CLAIMS 3) and Associated Systems

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, November 21, 2013, 78 FR 69864; and
- DHS/USCIS-007 Benefits Information System, October 19, 2016, 81 FR 72069

- 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. 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	# 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-864	453,345	1	453,345	6	2,720,070	\$39.52	\$107,497,166
Individuals or households	I-864A	215,800	1	215,800	1.75	377,650	\$39.52	\$14,924,728
Individuals or households	I-864EZ	100,000	1	100,000	2.5	250,000	\$39.52	\$9,880,000
Individuals or Households	I-864W	98,119	1	98,119	1	98,119	\$39.52	\$3,877,663
Total		651,464		867,264		3,445,839		\$136,179,557

* The above Average Hourly Wage Rate is the May 2020 Bureau of Labor Statistics average wage for All Occupations of \$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.

**Form I-864A, Contract Between Sponsor and Household Member, is an attachment to Form I-864 and must be filed with Form I-864 by some respondents. I-864A respondents are not included in the total number of respondents for this information collection because they are a subset of the number of I-864 respondents. Form I-864EZ is a shorter version of Form I-864 and is filed instead of Form I-864 by respondents who meet certain criteria. Form I-864W is filed by certain classes of immigrants that are exempt from the Form I-864 or Form I-864EZ requirement.

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.**

It is estimated that the respondents of this collection of information will incur an average cost of \$245. This estimate includes costs associated with collection of information including postage, obtaining documents necessary for submission, and attorney representation. Not all respondents will incur all expenses. USCIS estimates that the highest cost to a respondent would be \$980, while the average cost is estimated to be 25 percent of the high cost, or \$245. The total annual cost burden to respondents is the average cost (\$245) times the number of respondents (651,464), which equals **\$159,608,680**.

There are no fees associated with this collection of information.

- 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 calculated by multiplying the estimated number of responses (651,464) x (1) hour (USCIS time required to collect and process information) x \$42 (suggested average hourly rate for clerical, officer, and supervisory time with benefits), which equals **\$27,361,488**.

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

There are no changes to the currently reported annual hour burden or annual cost burden estimates.

- 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.