

**SUPPORTING STATEMENT FOR
Biographic Information (for Deferred Action)
OMB Control No.: 1615-0008
COLLECTION INSTRUMENT(S): G-325A**

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 103(a)(1) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1103(a)(1), gives the Secretary of Homeland Security general authority to enforce and administer the immigration laws. Section 103(a)(3) of the INA, 8 U.S.C. § 1103(a)(3), authorizes issuance of forms, instructions, and guidance necessary to carry out the authority provided in section 103(a)(1) of the INA, 8 U.S.C. § 1103(a)(1).

Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. For individuals requesting military deferred action for certain military service members and their family members, as set forth in the USCIS Policy Manual Volume 3 Part G, and for individuals requesting non-military deferred action (other than deferred action based on DACA, Violence Against Women Act, A-3, G-5, and T and V nonimmigrant visas), a written request for deferred action, along with supporting evidence, is submitted to USCIS. The requestor must demonstrate that he or she warrants a favorable exercise of discretion, which includes providing the biographic information collected on this form.

- 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 Form G-325A to collect biographic information from individuals requesting either military deferred action or non-military deferred action (other than deferred action based on DACA, Violence Against Women Act, A-3, G-5, and T and V nonimmigrant visas). Both requests for military deferred action and requests for non-military deferred action (other than deferred action based on DACA, Violence Against Women Act, A-3, G-5, and T and V nonimmigrant visas) are submitted to USCIS by letter rather than primary form. As USCIS does not have a primary form for these types of deferred action requests, USCIS uses the Form G-325A to collect biographic information normally provided on a primary form. USCIS uses the biographical information collected on Form G-325A when determining whether to grant deferred action on a case-by-case basis in the exercise of discretion.

Currently, spouses, parents, sons, and daughters of individuals serving on active duty in the U.S. armed forces, serving in the Selected Reserve of the Ready Reserve, or who previously served on active duty or in the Selected Reserve of the Ready Reserve (who were not dishonorably discharged), whether they are living or deceased, submit Form G-325A as part of their request for military deferred action. Additionally, enlistees in the Delayed Entry Program (DEP) submit Form G-325A as part of their military deferred action request.

Non-military deferred action requests (other than deferred action based on DACA, Violence Against Women Act, A-3, G-5, and T and V nonimmigrant visas) are submitted by noncitizens who are unlawfully present in the United States who seek to remain in the United States. Individuals requesting non-military deferred action (other than deferred action based on DACA, Violence Against Women Act, A-3, G-5, and T and V nonimmigrant visas) will also submit Form G-325A as part of their deferred action request.

- 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.**

The process would require a respondent to submit a letter and necessary documentation in response to this collection of information. The requirements will be available online at www.uscis.gov, but the submission will need to be mailed in or hand delivered to a USCIS office, which can be found on the website and at this link: <https://www.uscis.gov/about-us/find-uscis-office/field-offices>.

- 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.**

There is no current collection of information that obtains the information necessary to make a determination for this process.

- 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 on 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 collection is not approved, USCIS will not have all of the information needed to assess whether individuals requesting military deferred action and individuals requesting non-military deferred action (other than deferred action based on DACA, Violence Against Women Act, A-3, G-5, and T and V nonimmigrant visas) warrant deferred action on a case-by-case basis in the exercise of discretion.

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 March 30, 2022 USCIS published a 60-day notice in the Federal Register at 87 FR 18378. USCIS did not receive comments after publishing that notice.

On June 15, 2022, USCIS published a 30-day notice in the Federal Register at 87 FR 36140. USCIS did not receive comments after publishing that notice.

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 provided to respondents. The collection of information is covered by DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, September 18, 2017, 82 FR 43556; DHS/USCIS-007 Benefits Information System, October 19, 2016, 81 FR 72069, and by the Privacy Impact Assessment DHS/USCIS/PIA-061 Benefit Request Intake Process.

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.**

		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	G-325A	1,550	1	1,550	2.15	3,333	\$39.52	\$131,700
Total				1,550		3,333		\$131,700

* The above Average Hourly Wage Rate is the May 2021 Bureau of Labor Statistics average wage for All Occupations of \$27.07 times the wage rate benefit multiplier of 1.46 (to account for benefits provided) equaling \$39.52. 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 this collection of information may incur costs such as obtaining copies of documents to support the request and costs for postage. USCIS estimates these costs as \$25 per respondent, for a total of \$38,750.

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 cost to the Federal government to process these requests is estimated based on the 2022 OPM General Schedule (Base) of a GS 13 Step 4 program analyst spending approximately 2,000 hours a year reviewing and making determinations. The hourly wage, adjusted for benefits, is $\$42.81 \times 1.46 = \62.50 . The total cost to the Federal government is estimated at \$125,005. (Calculated: $\$62.50 \times 2,000 = \$125,005$.)

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

Data collection	Program	Progra	Differenc	Adjustmen	Adjustmen	Differenc
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Activity/Instrument	Change (hours currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (hours currently on OMB Inventory)	Adjustment (New) [new minus current]	Difference
G-325A				3,333	3,333	0
Total(s)				3,333	3,333	0

There is no change in the annual hour burden with this update. Although USCIS is now allowing both military and non-military deferred action respondents to use this information collection, USCIS does not anticipate a change in the number of respondents since USCIS anticipates that the previously impacted population has decreased, while the newly impacted population offsets that decrease. This update brings the information collection in line with how it is being used. Other changes include adding a note about when Biometric Processing may occur; however, this process will not be associated with this information collection, but instead with concurrently filed collections. Finally, USCIS made formatting edits to align this form with the style of all other USCIS forms. These latter two changes did not result in changes to the estimated number of respondents or the estimated hour burden. There are no program changes to this information collection.

Data collection Activity/Instrument	Program Change (cost currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (cost currently on OMB Inventory)	Adjustment (New) [new minus current]	Difference
G-325A				116,250	38,750	-77,500
Total(s)				116,250	38,750	-77,500

The decrease in the annual cost burden is a result of the decrease in the estimated out of pocket cost to each respondent. Respondents do not need to provide a passport style photo with this information collection. USCIS has removed the estimated cost of obtaining a passport style photo from this analysis.

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.