

**SUPPORTING STATEMENT FOR
APPLICATION FOR ASYLUM AND FOR WITHHOLDING OF REMOVAL
OMB Control No.: 1615-0067
COLLECTION INSTRUMENT(S): FORM I-589**

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 information provided on this form is used by the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS), and the Department of Justice (DOJ), Executive Office for Immigration Review (EOIR), to determine whether an alien applying for asylum and for withholding of removal or deportation in the United States is classifiable as a refugee, and is eligible to remain in the United States. Section 208(b) of the Immigration and Nationality Act (INA), charges DHS and DOJ with establishing procedures whereby aliens may apply for asylum. The form is also used by aliens in removal proceedings before EOIR to apply for withholding of removal as provided by section 241(b)(3) of the Immigration and Nationality Act (INA) and for withholding of removal under the Convention Against Torture as provided by 8 CFR 208.16, 208.17, 208.18, 1208.16, 1208.17, and 1208.18. Under 8 CFR 208.1, 208.3, 208.4, 1208.1, 1208.3, and 1208.4, Form I-589, Application for Asylum and for Withholding of Removal, is used to standardize the collection of information relevant to asylum and withholding of removal determinations.

- 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 and EOIR use the data collected on the Form I-589 to determine eligibility of persons applying for asylum and for withholding of removal. Under section 208(a)(1) of the INA, any alien who is physically present in the United States, or at a land border or port of entry, may apply for asylum regardless of such alien's status. In the first instance, USCIS asylum officers adjudicate the applications from aliens who are not subject to removal proceedings, or who have not yet been placed in removal proceedings. EOIR immigration judges adjudicate asylum applications of individuals in removal proceedings. The form serves the purpose of standardizing the application and ensuring that applicants provide the required information necessary for assessing eligibility.

USCIS also uses the Form I-589 to serve as an alternate application for evidence of employment authorization for individuals granted asylum, eliminating their need to file a separate Form I-765, Application for Employment Authorization (OMB No. 1615-0040)

with USCIS if, after being granted asylum, they wish to receive an Employment Authorization Document (EAD) containing both evidence of employment authorization and identity. The Form I-589 collects the same biographic information as that collected by the Form I-765. In cases where asylum is granted, the biographic information contained on the Form I-589 can also be used to generate the EAD.

Dual use of the form also benefits asylees. They receive USCIS-issued evidence of identity and work authorization immediately after they obtain notice of a decision to grant asylum, thus enabling them to promptly work and access any public benefits to which they may be entitled.

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 use of Form I-589 provides the most efficient means for collecting and processing the required data. This form and its instructions reside on the USCIS website at <http://www.uscis.gov/i-589>. In addition, the EOIR Forms Web site page includes links to this form on the USCIS website. See <http://www.justice.gov/eoir/formslist.htm>.

When filed with USCIS, Form I-589 can be prepared and submitted in paper or electronic format. When filed with DOJ, Form I-589 must be prepared and submitted in paper format.

If filed in paper format, the form must be completed, printed, and signed, then mailed, along with the required supporting documentation, to the USCIS office that has jurisdiction over the respondent or, if the individual is in proceedings, filed with the immigration court that has jurisdiction over the case.

If filed online via a USCIS Online Account, the form can be completed, signed, and submitted online. The online version is available through the same USCIS website as the paper version. Under certain circumstances, an applicant should file on paper instead of online, otherwise the application may be rejected and/or the case delayed. The circumstances under which a paper application should be filed are clearly explained at the beginning of the online filing process. Applicants who indicate they meet any of the circumstances that require paper filing are notified that they should file on paper and not online or their case may be delayed or rejected. An applicant who submits Form I-589 online despite meeting the circumstances that require filing on paper and whose online-filed case is rejected will be notified via their USCIS online account and instructed to prepare a paper application to resubmit 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.

A review of the USCIS automated forms tracking system revealed no duplication of effort for this information collection. A review conducted by EOIR also revealed no duplication of effort for this information collection.

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.

The collection of information does not have an 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 information were not collected, DHS and DOJ would not be in compliance with sections 208(b) and 241(b)(3) of the INA or 8 CFR 1208.1, and 1208.16 that charge DHS and DOJ with the responsibility to establish procedures whereby aliens are able to apply for asylum and for withholding of removal under 241(b)(3) of the INA, or withholding of removal under the Convention Against Torture . This instrument facilitates the ability of aliens to apply for asylum as well as for withholding of removal under section 241(b)(3) of the INA and for withholding of removal under the Convention Against Torture under 8 CFR 208.16, 208.17, 208.18,1208.16, 1208.17, and 1208.18. The use of a form, rather than permitting a free narrative, focuses the applicant on the specific details that are legally relevant, and ensures that all necessary elements are addressed. If this information were not collected, the adjudicator would be unable to prepare for the interview or hearing by reviewing relevant law and country conditions, and there would be no sworn, written record of the applicant's claim. Because the applicant is required to come forward with his or her claim in a systematic and organized fashion, this form allows DHS and DOJ to address a greater volume of applications and to concentrate efforts on approving meritorious claims.

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.

USCIS did not publish a notice in the Federal Register. This submission is made under 5 CFR 1320.13.

- 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.

Confidentiality of an application for asylum or for withholding of removal is governed by 8 CFR parts 208.6 and 1208.6. The regulation provides that “information contained in or pertaining to any asylum application shall not be disclosed without the written consent of the applicant, except as permitted by this section or at the discretion of the Attorney General” as articulated at 8 CFR parts 208.6(a) and 1208.6(a). This discretion may also now be exercised by the Secretary of Homeland Security.

The privacy impact assessments associated with this information collection are:

- DHS/USCIS/PIA-027 Refugees, Asylum, and Parole System and the Asylum Pre-Screening System;
- DHS/USCIS/PIA-003 Integrated Digitization Document Management Program.

The system of record notices associated with this information collection are:

- DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, September 18, 2017, 82 FR 43556.
- DHS/USCIS-010 Asylum Information and Pre-Screening System of Records November 30, 2015, 80 FR 74781.
- DHS/USCIS-018 Immigration Biometric and Background Check (IBBC) System of Records, July 31, 2018, 83 FR 3695.

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.

Certain questions on Form I-589 relate to topics of a sensitive nature such as race, religion, nationality, membership in a particular social group, or a person’s political opinion. However, these questions are necessary to determine whether an applicant for asylum qualifies as a refugee, as that term is defined in section 101(a)(42) of the INA: a refugee is a person who is unable or unwilling to return to his or her country of nationality or last habitual residence, because of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. Aside from some general questions, these issues are explored only to the degree that they are raised by the applicant’s claim for protection as an asylee under section 208(a) of the INA, or for withholding of removal under section 241(b)(3) of the INA, or withholding of removal under the Convention Against Torture.

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 (=Cx D)	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	I-589 (paper filing)	85,500	1	85,500	12	1,026,000	\$40.89	\$41,953,140
Individuals or Households	I-589 (online filing)	28,500	1	28,500	11	313,500	\$40.89	\$12,819,015
Individuals or Households	Biometric* * Submission	110,000	1	110,000	1.17	128,700	\$40.89	\$5,262,543
Total		114,000		224,000		1,468,200		\$60,034,698

** The above Average Hourly Wage Rate is the May 2021 Bureau of Labor Statistics average wage for All Occupations of \$28.01 times the wage rate benefit multiplier of 1.46 (to account for benefits provided) equaling \$40.89. The selection of "All Occupations" was chosen because respondents to this collection could be expected from any occupation.*

*** Not all I-589 applicants provide biometrics. USCIS currently estimates that approximately 110,000 respondents will provide biometrics. Therefore, the total number of respondents and responses for OMB 1615-0067 remains 114,000. The numbers of respondents for biometrics is a subset of the total, general estimate.*

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 are no capital, start-up, operational or maintenance costs associated with this collection of information. There is no filing fee for Form I-589.

USCIS estimates that Form I-589 respondents will incur some out of pocket costs as a result of responding to this collection of information. Costs may include payments for document translation and preparation services, attorney and legal fees, postage, and costs associated with gathering documentation. USCIS estimates the average cost of this information collection may vary widely, from as little as \$20 to \$1,000 per respondent. USCIS estimates that the average cost for these activities is \$515 and that approximately

80 percent of the total respondent population may incur this cost. The estimated out of pocket cost to respondents is 114,000 multiplied by 80 percent multiplied by \$515, which equals \$46,968,000.

14.

Average Unit Cost	
Exam Activities (Including Direct Costs)	\$1,817
Management and Oversight	\$750
Inform the Public	\$16
Intake	\$11
Conduct TECS Check	\$50
Records Management	\$36
Fraud Detection and Prevention	\$60
Make Determination	\$863
Issue Document	\$15
Direct Costs	\$16

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.

Total Cost to the Government: \$207,138,000.

Below is an estimated unit cost for processing form I-589 (Application for Asylum and Withholding of Removal), which is a **non-fee-paying form**. The model output estimates the government unit cost as \$1,817 and is broken out by activity in the following chart:

The total estimated cost to the government for processing this type of application is **\$207,138,000 (\$1,817 x 114,000)**.

15. **Explain the reasons for any program changes or adjustments reporting in Items 13**

or 14 of the OMB Form 83-I.

On June 26, 2020, after going through notice and comment rulemaking, the Department of Homeland Security (DHS) issued the final rule Asylum Application, Interview, and Employment Authorization for Applicants, 85 FR 28532 (June 26, 2020) (RIN 1615-AC27). On February 7, 2022, in *Asylumworks et al. v. Mayorkas et al.*, the U.S. District Court for the District of Columbia vacated the Asylum Application, Interview, and Employment Authorization for Applicants rule. DHS did not appeal the decision and allowed the 60-day period in which to note an appeal expire. The ruling vacated the Asylum Application, Interview, and Employment Authorization for Applicants rule and any associated form changes. USCIS is submitting this revision action in association with the final rule titled *Asylumwork Vacatur* (RIN 1615-ACXX), which will publish in the Federal Register. USCIS is submitting the forms in advance of the rule publication to fully comply with the court's decision vacating the Asylum Application, Interview, and Employment Authorization for Applicants rule. The continued use of the form with the invalid requirements would confuse the regulated public regarding the information collection requirements for applications for employment authorization from asylum applicants.

As a result of final rule Asylum Application, Interview, and Employment Authorization for Applicants being vacated, I-589 instruction language informing the applicant of the consequences for employment authorization if they failed to file for asylum within 1 year of their last arrival in the United States was removed. Information about new requirements for the timing of submission of evidence relative to a scheduled asylum interview date was also removed. Additionally, with the vacatur of the Asylum Application, Interview, and Employment Authorization for Applicants final rule applicants for asylum must no longer wait 365 days to apply for employment authorization, and can now apply for employment authorization 150 days after filing their asylum application.

USCIS is reporting no change to the estimated annual time burden to respondents as a result of this rulemaking. USCIS is reporting no change to the estimated annual cost burden to respondents as a result of this rulemaking. USCIS is updating the instructions in accordance with the vacatur of the Asylum Application, Interview, and Employment Authorization for Applicants final rule.

- 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.