

**SUPPORTING STATEMENT FOR
Application for Premium Processing Service
OMB Control No.: 1615-0048
COLLECTION INSTRUMENT(S): Form I-907**

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 286(u) of the Immigration and Nationality Act (Act) allows USCIS to can collect a “premium processing” fee to process certain employment-based requests within an expedited timeframe. USCIS collects the premium processing fee in addition to the regular filing fee it collects to process those immigration benefit requests designated for premium processing by law and regulation. This information collection is necessary to ensure that requestors of premium processing for those immigration benefit requests designated for premium processing can request premium processing in accordance with the Act.

- 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 the data collected through this form to process a request for premium processing. The form serves the purpose of standardizing requests for premium processing and will ensure that basic information required to assess eligibility for premium processing is provided by the requestor.

- 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 this form provides the most efficient means for collecting and processing the required data. Form I-907 is available on the uscis.gov website. It can be completed electronically, but must be printed, signed, and mailed 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 Forms Inventory Report revealed no duplication of effort, and there is no other similar information currently available that can be used for this purpose. This collection of information is unique to USCIS and is not conducted elsewhere. Any information that is shared with other agencies, or any information collected by other agencies that is used by USCIS to adjudicate the benefit sought in this collection, is notated in Question 2 above.

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 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 is not collected, USCIS will not be able to effectively process requests for premium processing.

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 18227. This revision action being submitted in connection with the Implementation of the Emergency Stopgap USCIS Stabilization Act (RIN 1615-AC73) Final Rule, which published in the Federal Register on March 30, 2022, at 87 FR 18227. Per the instructions in the rule, Implementation of the Emergency Stopgap USCIS Stabilization Act, DHS instructed the public that it would only be accepting comments on the revised information collection described in the Paperwork Reduction Act Section J. USCIS received eight comments after publishing that notice, however, none of the comments addressed the I-907 revision described in the rule. USCIS did not make any changes to the information collection as a result of the comments.

On June 15, 2022, USCIS published a 30-day notice in the Federal Register at 87 FR 36141. USCIS did receive one comment in connection with this notice. USCIS did not make any changes to the information collection as a result of this comment, but a response is provided below.

Public Comment by Anthony Pawelski: By way of introduction, I am an immigration attorney and have represented recording artists, athletes, universities, academic medical centers, multi-national companies, and start-up business

ventures. I currently work at Mass General Brigham where I provide visa services in-house, am an ECFMG TPL, and also ARO for our J-1 program. I will keep my comment brief.

1. A decade ago the form was 2 pages. Reduce form length - the bulk of the data is on the I-129 or I-140.
2. Reduce duplicate fields.
3. Consider building the the I-907 request into existing forms. For example, the I-129 is built for different fee collections.
4. Minimize non-essential form updates to avoid unneeded software delays with immigration software that generates forms.

USCIS Response: Thank you for providing suggestions to improve the Form I-907. USCIS may take these suggestions into consideration during a future revision action.

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 (CLAIMS3) and Associated Systems; and,
- DHS/USCIS/PIA-003(b) Integrated Digitization Document Management Program.

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, September 18, 2017, 82 FR 43556;
- DHS/USCIS-007 Benefits Information Systems, October 19, 2016 81 FR 72069; and,
- DHS/USCIS-018 Immigration Biometric and Background Check (IBBC) System of Records, July 31, 2018, 83 FR 36950.

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 asked.

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	Application for Premium Processing Service	815,773	1	815,773	0.58	473,148	\$39.52	\$18,698,822
Total				815,773		473,148		\$18,698,822

* The above Average Hourly Wage Rate is the [May 2020 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.**

There are no capital, start-up, operational or maintenance costs associated with this collection of information. For informational purposes only, the filing fee for Form I-907 depends on the Form type and eligibility category for which premium processing service is being requested.

USCIS estimates that respondents will incur an estimated cost of \$3.75 average postage cost to each respondent to submit the completed package to USCIS. The postage cost to mail a completed package is calculated as: $(815,773 \times \$3.75 \text{ average postage}) = \$3,059,149$.

This information collection may impose some out-of-pocket costs on respondents in addition to the time burden for the form's preparation. 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 \$490 and that approximately 50 percent of the total respondent population may incur this cost. The estimated out of pocket cost to respondents is 815,773 respondents multiplied by 50 percent of the respondent population multiplied by the average cost per response of \$490, which equals \$199,864,385.

The total cost to the respondent population is the postage cost (\$3,059,149) added to the other out-of-pocket costs (\$199,864,385), which equals **\$202,923,534**. The average cost per respondent is \$249.

- 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.**

USCIS establishes its fees using an activity-based costing model to assign costs to an adjudication based on its relative adjudication burden and use of USCIS resources. Fees are established at an amount that is necessary to recover these assigned costs, plus an amount to recover unassigned overhead (which includes the suggested average hourly rate for clerical, officer, and managerial time with benefits) and immigration benefits provided for free. USCIS uses the fee associated with an information collection as a reasonable measure of the collection’s costs to USCIS, since these fees are based on resource expenditures related to the benefit in question. In addition, this figure includes the estimated overhead cost for printing, stocking, distributing and processing of this form.

The estimated cost of the program to the Government is calculated by multiplying the estimated number of respondents by the filing fee. The filing fee for Form I-907 varies depending on the Form type and, in some cases, on the eligibility category for which premium processing is being requested. The total cost to the Federal government is **\$1,635,840,250**, as detailed in the following table:

Form Type/ Eligibility Category	Respondents	Filing Fee	Total
I-129/H-2B or R-1	9,535	\$1,500	\$14,302,500
I-129/All Other	277,869	\$2,500	\$694,672,500
I-140	115,953	\$2,500	\$289,882,500
I-539	73,435	\$1,750	\$128,511,250
I-765	338,981	\$1,500	\$508,471,500
Total Gov. Cost			\$1,635,840,250

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

This revision action is being submitted in connection with the Implementation of the Emergency Stopgap USCIS Stabilization Act (RIN 1615-AC73) Final Rule, which published in the Federal Register on March 30, 2022, at 87 FR 18227. This rule increased the eligible immigration benefit requests eligible for premium processing by designating Form I-539 and Form I-765 for premium processing service, which resulted in an increase in the estimated respondent population for Form I-907. When USCIS makes Form I-539 and Form I-765 available for premium processing service, those applicants will make their requests using Form I-907.

USCIS made changes to the Form I-907 Instructions to reflect the designation of additional immigration benefit requests eligible for premium processing service, provide clear information about actions USCIS may take when a request is filed, and lay out the new processing times and fees. The full scope of edits is available in the Table of Changes documents submitted with this information collection request.

Data collection Activity/Instrument (in hours)	Program Change (hours currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (hours currently on OMB Inventory)	Adjustment (New) [new minus current]	Difference
I-907	185,195	473,148	287,954			
Total(s)	185,195	473,148	287,954			

USCIS is reporting an increase in the estimated annual hour burden to respondents for this collection of information as a program change. The rule increases the estimated number of respondents for Form I-907, which results in an increase in the estimated annual hour burden. There is no change to the estimated hour burden per response.

Data collection Activity/Instrument (in dollars)	Program Change (cost currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (cost currently on OMB Inventory)	Adjustment (New) [new minus current]	Difference
I-907	\$79,426,124	\$202,923,534	\$123,497,410			
Total(s)	\$79,426,124	\$202,923,534	\$123,497,410			

USCIS is reporting an increase in the estimated annual cost burden to respondents for this collection of information as a program change. The rule increases the estimated number of respondents for Form I-907, which results in an increase in the estimated annual cost burden. There is no change in the estimated average cost burden per response.

- 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.