



Memorandum

TO: Dominic Mancini
Deputy Administrator,
Office of Information and Regulatory Affairs,
Office of Management and Budget

THROUGH: Eric Hysen
DHS Chief Information Officer

FROM: Samantha Deshommnes
USCIS Office of Policy and Strategy,
Regulatory Coordination Division, Chief

SUBJECT: Request for Emergency OMB Paperwork Reduction Act (PRA) Clearance – Form I-134,
Declaration of Financial Support

Purpose: USCIS is requesting emergency approval of the revision of USCIS Form I-134, Declaration of Financial Support, which is an approved collection of information under 5 CFR 1320.13.

Background: The U.S. Department of Homeland Security (DHS) and consular officers of the U.S. Department of State use Form I-134 to determine whether, at the time of the beneficiary's application, petition, or request for certain immigration benefits, the beneficiary has sufficient financial support to pay for expenses for the duration of their temporary stay in the United States. U.S. Citizenship and Immigration Services (USCIS) is updating the online Form I-134, instructions, and respondent burden to account for the new population of noncitizens who will need to have a Form I-134 filed on their behalf and confirmed so that they can seek parole into the United States under section 212(d)(5)(A) of the Immigration and Nationality Act (INA). The updated Form I-134 (online) will be used by supporters filing that form on behalf of beneficiaries seeking parole under the *Uniting for Ukraine* (U4U) process and noncitizens (and their immediate family members) from Venezuela who will be seeking parole into the United States under special parole processes.

Following Russia's attack on Ukraine, DHS created a process for Ukrainian nationals and their immediate family members to request parole under section 212(d)(5)(A) of the INA. USCIS revised Form I-134 for

use in the U4U process. Information collected from the supporter on Form I-134 and subsequently the beneficiary is used by CBP to facilitate vetting prior to the beneficiary's travel to the United States. The U4U process is still ongoing.

In addition to U4U, DHS is now working with its interagency partners to allow certain noncitizens from Venezuela, and their qualifying immediate family members, who lack United States entry documents to submit information through the newly developed U.S. Customs and Border Protection (CBP) Advance Travel Authorization (ATA) capability within the CBP One™ application as part of the process to request an advance authorization to travel to the United States to seek parole. Participation will be limited to those individuals from Ukraine and Venezuela who meet certain DHS established criteria, including possession of a valid, unexpired passport, as well as having an approved U.S.-based supporter. Pending Office of Management and Budget (OMB) approval, this functionality may launch as early as October 18, 2022.

The changes to the online Form I-134 are essential to effectively support CBP in their efforts to adjudicate parole requests submitted by beneficiaries of the U4U process and other noncitizens and their immediate family members from Venezuela who are eligible to be considered for parole under certain special processes. USCIS cannot reasonably comply with the normal clearance procedures as it would delay the agency's ability to provide immediate support to CBP in the emerging and urgent humanitarian crisis.

Emergency Justification: The United States is currently encountering a large number of undocumented noncitizens at the Southwest Border (SWB) of the United States where, despite surging resources and personnel, CBP is facing unprecedented challenges processing such individuals in a timely manner.

The most recent rise in the numbers of encounters at the border have been driven in significant part by a surge in migration of Venezuelan nationals. Unique encounters of Venezuelan nationals increased throughout fiscal year (FY) 2021, totaling 47,328. They increased again by almost four-fold in FY 2022, to an estimated 186,000 unique encounters—comprising 11 percent of all unique encounters in FY 2022. Average monthly unique encounters of Venezuelan nationals at the land border totaled 15,494 in FY 2022, compared to a monthly average of 127 unique encounters from FY 2014–2019. Of note, unique encounters of Venezuelan nationals rose 293 percent between FY 2021 and FY 2022, while unique encounters of all other nationalities combined increased 45 percent.

In recent months, this surge in irregular migration of Venezuelan nationals has been accelerating. Nationals from Venezuela accounted for 25,130 unique encounters in August 2022, and the Office of Immigration Statistics (OIS) estimates that there were 33,500 unique encounters in September, more than Mexico and more than all three Northern Central American countries combined.

There are significant limits in DHS's ability to expel or return Venezuelans who enter the United States without authorization in between POEs. DHS is currently under a court-ordered obligation to implement the Centers for Disease Control and Prevention's (CDC) Title 42 public health Order, under which covered noncitizens may be prevented entry or expelled to prevent the spread of communicable disease. But Venezuela does not allow repatriations via charter flights, which significantly limits DHS's ability to return those subject to the Title 42 Order or who are ordered removed. To date, other countries, including Mexico, have generally failed to accept Venezuelans as well. As a result, DHS was only able to repatriate 22 Venezuelan nationals to Venezuela in FY 2022.

This crisis has culminated in a new parole process for eligible Venezuelans, as described in the Department's recently published Federal Register notice entitled *Implementation of a Parole Process for*

Venezuelans, and in conjunction with emergency approval of a new CBP collection entitled *Advance Travel Authorization*.

Accordingly, USCIS is revising the online Form I-134 information collection instrument to reflect additional information data points for vetting and processing individuals who agree to financially support the beneficiary from Ukraine or Venezuela named on Form I-134. The online information collection for Form I-134 that is currently used only for the U4U process and, upon approval of this emergency revision, will also be used for noncitizens from Venezuela and their immediate family members who are eligible to be considered for parole under special parole processes is separate from the paper information collection for Form I-134.

These revisions are necessary to increase the validity and integrity of the information provided by individuals who agree to financially support beneficiaries of U4U and Venezuela. Prior to confirmation of a prospective supporter's Form I-134, DHS conducts background checks and vetting of the supporter. DHS searches public and private sector databases that use sex as an identifier. Based on DHS's experience with the *Uniting for Ukraine* process, USCIS found multiple instances of predominantly male supporters submitting Form I-134 (online) to support much younger female and child beneficiaries – an indicator of potential trafficking or circumvention of the screening processes traditionally associated with immigrant and nonimmigrant visa categories related to fiancé/cee and spouses. The sex data element is critical for our efforts to make sure the parole processes that require the Form I-134 (online) are not used to facilitate human trafficking or circumvent some of the protections provided by statutes such as the Adam Walsh Act, Violence Against Women, and the International Marriage Broker Regulation Act of 2005. By adding the sex data element, DHS will be able to quickly identify, through systematic checks, trends and other indicators in the filings of Form I-134 supporters and proposed beneficiaries that may reveal patterns commonly associated with human trafficking and transnational criminal activity. This will provide DHS the necessary additional tool to identify potential cases that require further investigation prior to confirmation of a Form I-134 or for which DHS may initiate an interview with a prospective supporter to ascertain the bases for their agreement to financially support certain individuals. This data collection also will streamline and enhance account verification, reduce fraud, and ensure the safety of a vulnerable population, allowing DHS to respond to an emerging humanitarian crisis in a timely manner. Finally, the capture of the sex data element is also consistent with the U.S. recognition policy for certain passports and identity documents issued by those foreign countries that allow an individual to indicate a non-binary assignment or gender-neutral option.

USCIS must also capture the Social Security Number of U.S. Citizens and Lawful Permanent Residents who will be filing to support Ukrainian and Venezuelan persons who are eligible to enter the United States as a part of the efforts being undertaken by the Secretary of Homeland Security. Collecting this data for this specific population will ensure that USCIS can successfully run background checks on these persons. Some of this population may not have Alien File Numbers or other identifying data points that USCIS would already have on file to conduct a search of its databases in its vetting of these respondents. USCIS is requesting this information during this emergency submission to ensure that sponsors approved under this program are acting the beneficiary's best interests.

USCIS will seek comment on these two data elements being added to the information collection during the subsequent revision package that will be submitted within 6 months of approval of this emergency package. At the time of submission, USCIS will also provide OIRA with any evidence or data that supports the justification to continue collecting both new data elements.

This form has been thoroughly reviewed and vetted by USCIS.

USCIS seeks emergency processing of the Form I-134 information collection package in accordance with 5 CFR 1320.13. USCIS certifies that the requirements of 5 CFR 1320.13(a) are met and that:

- The collection of information is needed immediately and is essential to the mission of the agency.
- The use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information.
- Public harm is reasonably likely to result if normal clearance procedures are followed.

USCIS greatly appreciates the timely consideration of this request.

Recommendation: Please sign decision memo requesting emergency approval of this collection of information under 5 CFR 1320.13.