



Memorandum

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

THROUGH: Eric Hysen
DHS Chief Information Officer

FROM: Samantha Deshommes
USCIS Office of Policy and Strategy,
Chief Regulatory Officer

SUBJECT: Request for Emergency OMB Paperwork Reduction Act (PRA) Clearance – Form I-134A, Online Request to be a Supporter and Declaration of Financial Support; and USCIS Form I-134, Declaration of Financial Support

Purpose: USCIS is requesting emergency approval of the new USCIS Form I-134A, Online Request to be a Supporter and Declaration of Financial Support, which is a new collection of information. USCIS is also requesting emergency approval of a revision of USCIS Form I-134, Declaration of Financial Support, to remove the electronic collection of information, which is the basis for the new USCIS Form I-134A. USCIS is seeking approval for both collections of information under 5 CFR 1320.13.

Background: Section 212(d)(5) of the Immigration and Nationality Act (INA) (8 U.S.C. 1182(d)(5)) provides the Secretary of Homeland Security with the discretionary authority to parole noncitizens into the United States temporarily, under such reasonable conditions that the Secretary may prescribe, on a case-by-case basis for “urgent humanitarian reasons or significant public benefit.” *See* INA sec. 212(d)(5)(A), 8 U.S.C. 1182(d)(5)(A); see also 6 U.S.C. 202(4) (charging the Secretary with the responsibility for “[e]stablishing and administering rule...governing...parole”). To support DHS’s current efforts to curb a surge in migrants

crossing the Southwest Border (SWB) without authorization and immediately expand the avenues for lawful migration into the United States, DHS has created a streamlined process that allows certain citizens of designated countries and their immediate family members to come to the United States temporarily as parolees for urgent humanitarian reasons or significant public benefit. The process currently applies to Ukraine and Venezuela (with a numerical cap), but, with this emergency revision, it is being extended to Nicaragua, Cuba, and Haiti, and the numerical cap on Venezuela is being lifted. DHS will use Form I-134A to determine whether a U.S.-based individual has sufficient financial resources and access to those funds to support the beneficiary for the duration of their temporary stay in the United States. Form I-134A is used by a U.S. based individual (the supporter) to request to be considered as a supporter and to agree to provide financial support to the beneficiary named on the form during the beneficiary's period of stay in the United States.

USCIS is now splitting the two versions of the USCIS Form I-134 into separate OMB-controlled collections of information as the populations are different and the purposes for which the information collections are conducted are different enough to warrant their separation. As a result, USCIS will revert use of USCIS Form I-134 for its original purpose and will begin use of USCIS Form I-134A for the persons identified above as seeking parole into the United States. Other than expanding the eligible countries and associated instructions, the USCIS Form I-134A will match the previously approved online Form I-134 content. To facilitate the transition between versions, Form I-134 online requests that are saved and in process when the Form I-134A is deployed, will be automatically converted to Form I-134As upon submission and the receipt notices will reflect the new form number and name.

Discussion: OMB has previously approved a revision to USCIS Form I-134, *Declaration of Financial Support* (OMB control number 1615-0014) under the PRA's emergency processing procedures at 5 CFR 1320.13. To support the expanded efforts and make the collection more flexible, DHS has created a new information collection that will be the first step in these parole processes and will cease using the paper USCIS Form I-134 for this purpose. U.S.-based supporters will submit USCIS Form I-134A online on behalf of a beneficiary to demonstrate that they can support the beneficiary for the duration of their temporary stay in the United States.

DHS requests emergency approval because the delay associated with the normal information collection request clearance process would harm the public interest. The expansion of these processes to include Cubans, Haitians, and Nicaraguans and the expansion of the current process for Venezuelans will improve border security, limit irregular migration, and create additional safe and orderly processes for people fleeing humanitarian crises to come to the United States.

Each of these countries is experiencing significant political, economic, and humanitarian challenges. Cuba, Nicaragua, and Venezuela are under the control of repressive authoritarian regimes that routinely oppress dissenting voices. Haiti, the poorest country in our hemisphere, faces an extremely challenging security environment punctuated by extreme political instability, and its citizens are subject to endemic, indiscriminate violence imposed by the criminal organizations and gangs. These conditions are driving irregular migration throughout the hemisphere as well as to our border.

There has been a significant increase in unique encounters of Cuban, Haitian, Nicaraguan, and Venezuelan (CHNV) nationals, which jumped by more than 10-fold from an average of 15,557 in FY 2014 – FY 2019 to 169,436 in FY 2021. CHNV encounters increased further – and sharply – in fiscal year (FY) 2022. DHS encountered an estimated 605,000 unique CHNV nationals in FY 2022.

This process is directly responsive to requests from key foreign partners—including the Government of Mexico (GOM)—to provide a lawful process for Cuban, Haitian, Nicaraguan, and Venezuelan nationals to enter the United States. The United States will only implement the new parole process while able to return or remove to Mexico such nationals who enter without authorization across the SWB. The United States’ ability to execute this process is contingent on the GOM making an independent decision to accept the return or removal of individuals who bypass this process and enter the United States without authorization. Thus, initiating and managing this process will require careful, deliberate, and regular assessment of the GOM’s responses to this independent U.S. action and ongoing, sensitive diplomatic engagements.

Delaying the information collection approval would be contrary to the public interest because it would incentivize even more irregular migration of Cuban, Haitian, Nicaraguan, and Venezuelan nationals seeking to enter the United States. Thus, the urgent border and national security and humanitarian interests in reducing and diverting the flow of irregular migration would be exacerbated by a delay of the approval of this request.

USCIS seeks emergency processing of both the Form I-134 and I-134A information collection packages 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.