

**SUPPORTING STATEMENT FOR
APPLICATION FOR PROVISIONAL UNLAWFUL PRESENCE WAIVER OF
INADMISSIBILITY
OMB Control No.: 1615-0123
COLLECTION INSTRUMENT(S): FORM I-601A**

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 212(a)(9)(B)(i)(I) and (II) of the Immigration and Nationality Act (INA or the Act) provides for the inadmissibility of certain individuals who have accrued unlawful presence in the United States. There is also a waiver provision incorporated into section 212(a)(9)(B)(v) of the Act, which allows the Secretary of Homeland Security to exercise discretion to waive the unlawful presence grounds of inadmissibility on a case by case basis.

On March 3, 2013, USCIS implemented the provisional unlawful presence waiver process codified at 8 CFR 212.7(e), which allows certain immediate relatives of U.S. citizens to obtain a provisional waiver of the unlawful presence ground of inadmissibility prior to departing the United States to attend the immigrant visa interview abroad. *See Provisional Unlawful Presence Waivers of Inadmissibility for Certain Immediate Relatives, Final Rule, January 3, 2013, 78 FR 536.* The information collected from an applicant on an Application for Provisional Unlawful Presence Waiver of Inadmissibility, Form I-601A, is necessary for U.S. Citizenship and Immigration Services (USCIS) to determine not only whether the applicant meets the requirements to participate in the streamlined waiver process provided by regulation, but also whether the applicant is eligible to receive the provisional unlawful presence waiver.

- 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.**

Form I-601A is used by certain immediate relatives of U.S. citizens to request a provisional waiver of the unlawful presence grounds of inadmissibility under section 212(a)(9)(B)(v) of the Act and 8 CFR 212.7(e). An applicant can request this waiver prior to departing the United States to appear at a U.S. Embassy or consulate for an immigrant visa interview. USCIS will use the data collected on this form to determine whether the applicant is eligible for a provisional waiver of the unlawful presence grounds of inadmissibility under section 212(a)(9)(B)(v) of the Act. The form serves the

purpose of standardizing the application; having the form also ensures that applicants provide the necessary information required for USCIS to assess their eligibility to participate in the new, streamlined waiver process and their eligibility for the waiver itself.

USCIS is submitting this revision request because DHS is proposing to expand the provisional unlawful presence waiver program to include all individuals who are statutorily eligible for an immigrant visa and who are relatives of U.S. citizens and LPRs regardless of the type of immigrant category upon which they seek to immigrate. DHS is also proposing to allow an applicant to show that his or her LPR spouses or parents, in addition to U.S. citizen spouses or parents, may suffer extreme hardship if an applicant were denied admission to the United States. Currently, the INA allows a showing of extreme hardship either to the applicant's U.S. citizen spouse or parent or to the LPR spouse or parent. See INA 212(a)(9)(B)(v).

- 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-601A provides the most efficient means currently available for collecting and processing the data required to determine whether the applicant qualifies for a provisional waiver of the unlawful presence grounds of inadmissibility under section 212(a)(9)(B)(v) of the Act. This form will reside on the USCIS Web site (www.uscis.gov) but the public will not be able to immediately submit it electronically at this time. The public, however, will be able to complete a fillable PDF version of the form and save it, but it still must be 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 USCIS Forms Inventory revealed no duplication of effort, and there is no other similar information currently available which can be used for this purpose.

- Filings: According to DHS' proposal, applicants can apply for a provisional unlawful presence waiver based on an approved immigrant visa petition (Form I-130, Form I-140, or I-360) or based on selection by the Department of State (DOS) to participate in the Diversity Visa (DV) Program. The rule would apply to the categories of aliens who may be eligible to obtain a provisional unlawful presence waiver. Applicants in removal proceedings continue to qualify if their cases have been administratively closed and not re-calendared before the filing of the Form I-601A. Applicants who withdraw a pending Form I-601A before final adjudication or for whom USCIS

denies the request for a provisional unlawful presence waiver can file a new Form I-601A based on the same immediate relative petition. However, applicants can only file a new Form I-601A after withdrawal or denial and only if their immigrant visa cases are still pending with DOS and they have notified DOS of their intent to file a new Form I-601A.

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.

The collection instrument submitted under this request is submitted on an “as needed” basis in connection with an immigration benefit request. The information provided must be current, thus previously submitted data cannot be used. If the information is not collected, USCIS will not be able to fulfill its core mission of providing immigration benefit and information services while ensuring the integrity of the immigration system. USCIS would not be able to properly assess the alien's eligibility for the requested provisional waiver of the unlawful presence grounds of inadmissibility under section 212(a)(9)(B) of the Act and, as a result, the applicant’s request will not be accurately adjudicated.

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 July 8, 2022, USCIS published a 60-day notice in the Federal Register at 87 FR 40856. USCIS received 3 comments after publishing that notice. Two of the comments received were not germane to the information collection. USCIS provided a response to one of the comments. No changes to the information collection were made in response to these comments. Public comments and USCIS's responses to those comments are included in *Appendix A: I-601A Public Comments and Responses Matrix*.

On October 24, 2022, USCIS published a 30-day notice in the Federal Register at 87 FR 64244. USCIS did receive 2 comments after publishing that notice. The comments received were not germane to the information collection. No changes to the information

collection were made in response to these comments.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

USCIS does not provide payments or gifts to respondents in exchange for an immigration benefit sought by the respondent.

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.

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

- o DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, September 18, 2017, 82 FR 43556.
- o DHS/USCIS-007 Benefits Information System, October 19, 2016 81 FR 72069.

The associated Privacy Impact Assessment is:

- o DHS/USCIS/PIA-016(a) Computer Linked Application Information Management System (CLAIMS 3) and Associated Systems.

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.

This information collection contains questions that are of a sensitive nature. Respondents must provide information regarding previous immigration and criminal history. The sensitive questions are necessary for USCIS to determine whether applicants are eligible for a provisional unlawful presence waiver as a matter of discretion. In order to grant the waiver as a matter of discretion, USCIS must weigh both positive and negative factors. USCIS will review affirmative answers for these questions and the applicants' descriptions of the events that led to the creation of an immigration or criminal history record to determine whether those factors are significant enough to negatively affect the applicant's eligibility for the provisional waiver. USCIS obtains the consent of applicants to this required information on page 5 of Form I-601A, which USCIS instructs applicants to read prior to signing the Form I-601A on the same page.

Below is a list of those specific sensitive questions and their needs:

27. Are you currently in removal, exclusion, or deportation proceedings in which there is no final order issued by the immigration judge, the Board of Immigration Appeals, a DHS officer, or a Federal court yet? (This includes proceedings under INA section 239, an exclusion or deportation proceeding initiated before April 1,1997, a Visa Waiver Program removal proceeding under INA section 217, expedited removal under INA 235, and a request for a judicial removal order under INA section 238(c))?

[] Yes / No

*If you answered “Yes” to **Item Number 27.**, go to **Item Number 29.a.** If you answered “Yes” to **Item Number 27.**, select the statement below (either **Item Number 28.a.** or **28.b.**) that most accurately describes your current situation.*

JUSTIFICATION: This question is needed to determine whether the individual qualifies for the provisional unlawful presence waiver. An individual who is in removal proceeding is generally not eligible to seek a provisional unlawful presence waiver unless he or she can demonstrate that his or her removal proceedings have been administratively closed and not re-calendared by the Executive Office for Immigration Review (EOIR) prior to filing of the Form I-601A.

***28.a.** I am in removal, exclusion, or deportation proceedings that are administratively closed and, at the time of filing my Form I-601A, have not been placed back on EOIR’s calendar to continue my removal, exclusion, or deportation proceedings.*

***Note:** You may be eligible for a provisional unlawful presence waiver. Provide a copy of the administrative closure order. Also, if U.S. Citizenship and Immigration Services (USCIS) approves your provisional unlawful presence waiver, you should seek termination or dismissal of your removal, exclusion, or deportation proceedings **before** you depart the United States for your immigrant visa interview.*

***28.b.** I am currently in removal, exclusion, or deportation proceedings that are not administratively closed, or in removal, exclusion, or deportation proceedings that were administratively closed, but EOIR has placed my proceedings back on its calendar in order to continue them.*

***Note:** You are ineligible for a provisional unlawful presence waiver unless your proceedings are administratively closed at the time you file your Form I-601A, and the proceedings have not been put back on EOIR’s calendar to continue your removal, exclusion, or deportation after having been previously administratively closed.*

JUSTIFICATION for Item Numbers 28.a. – 28.e.: These related questions are needed

to determine whether the individual qualifies for the provisional unlawful presence waiver. An individual who is in removal proceeding is generally not eligible to seek a provisional unlawful presence waiver unless he or she can demonstrate that his or her removal proceedings have been administratively closed and not recalendared by EOIR prior to filing of the Form I-601A.

29.a. *Are you currently subject to a final order of removal, exclusion or deportation? (This includes an order entered in proceedings under INA section 239, an exclusion or deportation order entered in proceedings initiated before April 1, 1997, a Visa Waiver Program removal order under INA section 217, an expedited removal order under INA section 235, and a judicial order under INA section 238(c))?*
 Yes / No

Note: *If you answered “Yes” to **Item Number 29.a.**, you are ineligible for a provisional unlawful presence waiver unless you applied for, and USCIS has already approved, an application for permission to reapply for admission under INA section 212(a)(9)(A)(iii) and 8 CFR 212.2 on Form I-212, Application for Permission to Reapply for Admission into the United States after Deportation or Removal. If you have already applied for and if USCIS has already granted you permission to reapply for admission, provide the relevant information in **Item Number 29.b.** If you answered “No” to **Item Number 29.a.**, go to **Item Number 31.***

29.b. *USCIS Receipt Number for Your Approved Form I-212: _____*

Note: *You may also provide a copy of the approval notice that USCIS sent to you when it approved your Form I-212.*

JUSTIFICATION for Item Numbers 29.a. – 29.b.: These related questions are needed to determine whether the individual who is subject to a final order of removal, exclusion or deportation is eligible for the provisional unlawful presence waiver. An individual subject to a final order of removal, exclusion, or deportation is ineligible for a provisional unlawful presence waiver unless the individual applies for, and USCIS has already granted an application for permission to reply for admission under INA 212(a)(9)(A)(iii).

30.a. *Has DHS served you with a DHS Form I-871, giving you notice that DHS intends to reinstate a prior deportation, exclusion, or removal order against you as permitted under INA section 241(a)(5)?*
 Yes / No

30.b. *If you answered “Yes” to **Item Number 30.a.**, has DHS served you with a final decision reinstating a prior deportation, exclusion, or removal order under INA section 241(a)(5)?*
 Yes / No

JUSTIFICATION for Item Numbers 30.a. – 30.b.: These related questions are needed to determine whether the individual who may be subject to reinstatement proceedings is eligible for a provisional waiver. An individual is ineligible for a provisional waiver if the prior order of deportation, exclusion, or removal is reinstated.

31. *Are you currently subject to a grant of voluntary departure that has not expired and that was granted to you by the immigration judge or the Board of Immigration Appeals during removal, exclusion, or deportation proceedings?*

Yes / No

Note: *If you answered “Yes” to **Item Number 31.**, you are ineligible for a provisional unlawful presence waiver.*

*If you were granted voluntary departure in the past, but then you withdrew your voluntary departure request or otherwise terminated voluntary departure, you should not select “Yes” to **Item Number 31.** In this case you may be in removal proceedings or you may be the subject of a final order of removal, deportation, or exclusion. You should select the statements that apply to you in **Item Numbers 27. – 28.b. or Item Numbers 29.a.** If you filed a motion to withdraw your voluntary departure request, please submit a copy with your Form I-601A.*

JUSTIFICATION for Item Number 31: This related question is needed to determine whether the individual is eligible for a provisional unlawful presence waiver because the individual is not currently the subject of an unexpired grant of voluntary departure from the immigration judge or the BIA. If an individual is subject to an unexpired grant of voluntary departure, the individual is not eligible for a provisional unlawful presence waiver. If the individual was granted voluntary departure but the departure period expired or the individual filed a motion, the individual may be subject to a final order of removal or in active removal proceedings. Depending on the scenario, the individual may be eligible for a provisional unlawful presence waiver.

*Answer **Item Numbers 32. – 38.** If you answer “Yes” to any question in **Item Numbers 32. – 38.**, you may be denied as a matter of discretion. For each “Yes” response for **Item Number 32. – 38.**, provide the location and date of the event and a brief description in **Part 9. Additional Information.** For **Item Number 34.** if you were not charged with any crime or offense, provide a statement or other documentation from the arresting authority or prosecutor’s office to show that you were not charged with any crime or offense. If you answer “Yes” to **Item Number 35.**, you must provide all related court dispositions.*

32 *Have you **EVER** knowingly and willfully given false or misleading information to a U.S. Government official while applying for an immigration benefit or to gain entry or*

admission into the United States?

JUSTIFICATION: This question is required because an affirmative answer may render an applicant ineligible for a provisional unlawful presence waiver and result in denial of the Form I-601A as a matter of discretion. Without this question, we would not be able to properly identify all applicants who fall into this category of aliens who may be ineligible for a provisional unlawful presence waiver.

33. *Have you ever been engaged in alien smuggling?*

JUSTIFICATION: This question is required because an affirmative answer may render an applicant ineligible for a provisional unlawful presence waiver and result in denial of the Form I-601A as a matter of discretion. Without this question, we would not be able to properly identify all applicants who fall into this category of aliens who may be ineligible for a provisional unlawful presence waiver.

34. *Have you **EVER been arrested, cited, or detained by a law enforcement officer (including immigration and military officers) in the United States, your home country, and/or any other country for any reason other than traffic violation?***

JUSTIFICATION: This question is required because an affirmative answer may render an applicant ineligible for a provisional unlawful presence waiver and result in denial of the Form I-601A as a matter of discretion. Without this question, we would not be able to properly identify all applicants who fall into this category of aliens who may be ineligible for a provisional unlawful presence waiver.

35. *Have you **EVER been charged, indicted, convicted, imprisoned or jailed in the United States, your home country, and/or any other country for any crime or offense?***

JUSTIFICATION: This question is required because an affirmative answer may render an applicant ineligible for a provisional unlawful presence waiver and result in denial of the Form I-601A as a matter of discretion. Without this question, we would not be able to properly identify all applicants who fall into this category of aliens who may be ineligible for a provisional unlawful presence waiver.

36. *Have you **EVER trafficked in or are you **NOW** trafficking in any controlled substance?***

JUSTIFICATION: This question is required because an affirmative answer may render an applicant ineligible for a provisional unlawful presence waiver and result in denial of the Form I-601A as a matter of discretion. Without this question, we would not be able to properly identify all applicants who fall into this category of aliens who may be ineligible for a provisional unlawful presence waiver.

37. *Are you **NOW or have you **EVER** knowingly assisted, abetted, conspired, or***

colluded with others in the unlawful trafficking of any controlled substance?

JUSTIFICATION: This question is required because an affirmative answer may render an applicant ineligible for a provisional unlawful presence waiver and result in denial of the Form I-601A as a matter of discretion. Without this question, we would not be able to properly identify all applicants who fall into this category of aliens who may be ineligible for a provisional unlawful presence waiver.

38. *Are you **NOW** or have you **EVER** been engaged in prostitution?*

JUSTIFICATION: This question is required because an affirmative answer may render an applicant ineligible for a provisional unlawful presence waiver and result in denial of the Form I-601A as a matter of discretion. Without this question, we would not be able to properly identify all applicants who fall into this category of aliens who may be ineligible for a provisional unlawful presence waiver.

*Answer **Item Numbers 39.a. – 45.** If you answer “Yes” to any question in **Item Numbers 39.a. – 45.**, you may be ineligible for a provisional unlawful presence waiver as a matter of discretion. For each “Yes” response for **Item Numbers 39.a. – 45.**, provide a complete explanation in **Part 9. Additional Information.***

*Have you **EVER** ordered, incited, called for, committed, assisted, helped with, or otherwise participated in any of the following:*

39.a. *Acts involving torture, genocide, or human trafficking?*

39.b. *Killing any person?*

39.c. *Intentionally and severely injuring any person?*

39.d. *Engaging in any kind of sexual contact or relations with any person who was being forced to participate or through use of threat?*

39.e. *Limiting or denying any person’s ability to exercise religious beliefs?*

JUSTIFICATION: These questions are required because an affirmative answer may render applicant ineligible for a provisional unlawful presence waiver and result in denial of the Form I-601A as a matter of discretion. Without this question, we would not be able to properly identify all applicants who fall into this category of aliens who may be ineligible for a provisional unlawful presence waiver.

*Have you **EVER**:*

40.a. *Served in, been a member of, assisted in, or participated in any military unit,*

paramilitary unit, police unit, self-defense unit, vigilante unit, rebel group, guerilla group, militia, or insurgent organization?

40.b. *Served in any prison, jail, prison camp, detention facility, labor camp, or any other situation that involves detaining persons?*

JUSTIFICATION: These questions are required because an affirmative answer may render applicant ineligible for a provisional unlawful presence waiver and result in denial of the Form I-601A as a matter of discretion. Without this question, we would not be able to properly identify all applicants who fall into this category of aliens who may be ineligible for a provisional unlawful presence waiver.

41. *Have you **EVER** been a member of, assisted in, or participated in any group, unit, or organization of any kind that used or threatened to use any type of weapon against any person?*

JUSTIFICATION: This question is required because an affirmative answer may render applicant ineligible for a provisional unlawful presence waiver and result in denial of the Form I-601A as a matter of discretion. Without this question, we would not be able to properly identify all applicants who fall into this category of aliens who may be ineligible for a provisional unlawful presence waiver.

42. *Have you **EVER** assisted or participated in selling, providing, or transporting weapons to any person who to your knowledge, used them against another person?*

JUSTIFICATION: This question is required because an affirmative answer may render applicant ineligible for a provisional unlawful presence waiver and result in denial of the Form I-601A as a matter of discretion. Without this question, we would not be able to properly identify all applicants who fall into this category of aliens who may be ineligible for a provisional unlawful presence waiver.

43. *Have you **EVER** received any type of military, paramilitary, or weapons training?*

JUSTIFICATION: This question is required because an affirmative answer may render applicant ineligible for a provisional unlawful presence waiver and result in denial of the Form I-601A as a matter of discretion. Without this question, we would not be able to properly identify all applicants who fall into this category of aliens who may be ineligible for a provisional unlawful presence waiver.

44. *Have you **EVER** recruited, enlisted, conscripted, or used any person under 15 years of age to serve in or help an armed force or group?*

JUSTIFICATION: This question is required because an affirmative answer may render applicant ineligible for a provisional unlawful presence waiver and result in denial of the

Form I-601A as a matter of discretion. Without this question, we would not be able to properly identify all applicants who fall into this category of aliens who may be ineligible for a provisional unlawful presence waiver.

*45. Have you **EVER** used any person under 15 years of age to take part in hostilities or to help or provide services to people in combat?*

JUSTIFICATION: This question is required because an affirmative answer may render applicant ineligible for a provisional unlawful presence waiver and result in denial of the Form I-601A as a matter of discretion. Without this question, we would not be able to properly identify all applicants who fall into this category of aliens who may be ineligible for a provisional unlawful presence waiver.

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.**

| 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 Provisional Waiver of Inadmissibility, Form I-601A | 63,000 | 1 | 63,000 | 1.5 | 94,500 | \$10.59 | \$1,000,755 |
| Individuals or Households | Biometrics Processing | 63,000 | 1 | 63,000 | 1.17 | 73,710 | \$10.59 | \$780,589 |
| Total | | | | 126,000 | | 168,210 | | \$1,781,344 |

* The above Average Hourly Wage Rate is derived from the current Federal minimum wage rate of \$7.25 per hour inflated by 1.46 to account for the full cost of employee benefits (such as paid leave, insurance, and retirement), which results in a time value of \$10.59 per hour. Sources: Federal minimum wage information gathered from the U.S. Department of Labor, Wage and Hour Division, available at <http://www.dol.gov/dol/topic/wages/minimumwage.htm> (last accessed December 18, 2017).

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 is no cost burden to respondents for responding to this information collection or for start-up, maintenance, and operating costs associated with completing the paperwork. For informational purposes, there is a \$630 application fee and an \$85 biometric services fee associated with this information collection.

This information collection may impose some out-of-pocket costs on respondents in addition to the time burden for the form's preparation

1. Translations. Respondents might incur burden for translations of documents that are in foreign languages. USCIS continues to evaluate the estimated costs associated with these services. USCIS continues to seek comments on the possible cost associated with this step of the process.
2. Preparers. Many respondents may hire third parties to complete this type of request so there may be a cost for a preparer to assist in the form completion process. USCIS estimates that approximately 31,500 Form I-601A respondents hire attorneys who assist with these requests. The cost associated with these services is estimated at \$3,177,562. This is derived from number of respondents (31,500) x 1.5 hours per response x \$67.25 (BLS National Mean Hourly Wage rate- <https://www.bls.gov/oes/current/oes231011.htm>).
3. Records. Many respondents may be required to provide, among other things, expert opinions, records attesting to employment or business ties, such as payroll records or tax statements; evidence of monthly expenditures such as mortgages, rental agreements, bills and invoices; financial and medical records; membership records; volunteering confirmations; evidence of cultural affiliations; birth, marriage, adoption certificates, etc., to establish extreme hardship.

USCIS estimates that respondents will incur an estimated minimum postage cost

of \$0.55 for each respondent to submit the completed package to USCIS. The total estimated postage cost associated with this collection is \$34,828.

The total estimated public cost associated with this type of request is \$3,212,390.

- 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.**

Annualized Cost Analysis:

| | | |
|----|-------------------------------------|----------------------|
| a. | Collecting and Processing | \$ 45,045,000 |
| b. | Total Cost to the Government | \$ 45,045,000 |

Government Cost

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 clerical, officer, and managerial time with benefits) and immigration benefits provided for free. As a consequence of USCIS immigration fees being based on resource expenditures related to the benefit in question, USCIS uses the fee associated with an information collection as a reasonable measure of the collection's costs to USCIS. USCIS has established the fee for Form I-601A at \$630. The estimated cost of the program to USCIS is then calculated by multiplying the estimated number of respondents by the fee and adding direct overhead costs for forms management. The number of respondents, 63,000, x \$630 fee and the \$85 biometric services fee charge is \$45,045,000 (total cost to the government).

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

There are no changes to the time burden reported for this collection. There are no changes to the form/instructions.

- 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.