**SUPPORTING STATEMENT FOR**

**Application for Waiver of Grounds of Inadmissibility Under Sections 245A or 210 of the Immigration and Nationality Act**

**OMB Control No.: 1615-0032**

**COLLECTION INSTRUMENT(S): Form I-690**

**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.**

An applicant for adjustment of status to that of U.S. Lawful Permanent Resident under sections 210 and 245A of the Immigration and Nationality Act (INA) may request a waiver of certain grounds of inadmissibility under Section 212(a) of the INA, by completing and submitting a Form I-690, Application for Waiver of Grounds of Inadmissibility (Form I-690). The information provided with this form allows U.S. Citizenship and Immigration Services (USCIS) to determine whether to waive an applicant’s inadmissibility.

**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.**

 Applicants for lawful permanent residence under INA 210 or 245A who are inadmissible under certain grounds of inadmissibility at INA 212(a) would use Form I-690 to seek a waiver of inadmissibility.

 USCIS uses the information provided through Form I-690 to adjudicate waiver requests from individuals who are inadmissible to the United States. Based upon the instructions provided, a respondent can gather and submit the required documentation to USCIS for consideration of an inadmissibility waiver.

**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.**

 Form I-690, along with its Supplement and instructions, is available electronically on the USCIS website at [**www.uscis.gov/i-690**](http://www.uscis.gov/i-690).

The form can be downloaded, completed, and saved electronically. The form, along with the required supporting documentation and filing fee, must be mailed to the USCIS office that has jurisdiction over the respondent’s primary benefits application.

**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.**

There are no other information collection activities that capture this data either inside or outside of USCIS.

**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.**

There is no impact to small businesses or other small entities for the completion of Form I-690. This form is completed by individuals seeking a waiver and, while they may engage the services of a doctor or other small business entity, those activities are part of the doctor/small business function and no unnecessary burden is placed upon them as a result of the collection activities associated with this type of request.

**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.**

Individuals who meet certain criteria under sections 210 and 245A of the INA, but are deemed inadmissible to the United States, may request a waiver of certain inadmissibility grounds. If this information collection activity did not occur, those individuals who might otherwise adjust status to lawful permanent resident may be unable to meet their burdens of proof to obtain a waiver of inadmissibility.

**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 9, 2023, USCIS published a 60-day notice in the Federal Register at 88 FR 14632. USCIS did not receive comments after publishing that notice.

On June 2, 2023, USCIS published a 30-day notice in the Federal Register at 88 FR 36326. USCIS received one comment. The commenter expressed an opinion on immigration matters generally, but did not provide comments on changes to the form itself. USCIS did not make changes to the information collection in response to the comment.

**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.**

The information provided on this form may only be used as provided in INA section 245A(c)(5) or INA 210(b)(5).

This collection is covered under the following Privacy Impact Assessment:

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

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 System October 10, 2019, 84 FR 54622; 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 questions of a sensitive nature related to the respondent’s medical history. USCIS is explicitly authorized to collect this information under 8 U.S.C. 1182.

**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.**

|  |
| --- |
| **Information Collection Hour Burden Estimate** |
|   | A | B | C = A x B | D | E = C x D | F  | G = E x F |
| **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 Waiver of Grounds of Inadmissibility Under Sections 245A or 210 of the Immigration and Nationality Act / Form I-690 | 30 | 1 | 30 | 2.88 | 86 | $43.45 | $3,737  |
| Individuals or Households | Supplement 1, Applicants With a Class A Tuberculosis Condition (As Defined by Health and Human Services Regulations) | 11 | 1 | 11 | 2 | 22 | $43.45 | $956 |
| **Total** |   |   |   | **41** |   | **108** |   | **$4,693**  |

**• 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.**

*\* The above Average Hourly Wage Rate is the* [*May 2022 Bureau of Labor Statistics*](https://www.bls.gov/oes/current/oes_nat.htm) *average wage for All Occupations $29.76 times the wage rate benefit multiplier of 1.46 (to account for benefits provided) equaling $43.45. 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.

In addition, USCIS estimates that respondents will incur an estimated out of pocket cost of $3.75 average postage cost associated with the submission of the completed package to USCIS. The total estimated annual postage costs for all respondents (30 x $3.75 average postage) = **$112.50.**

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, 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 30 percent of the total respondent population may incur this cost. The estimated out of pocket cost to respondents is 30 respondents multiplied by 30 percent of the population multiplied by the average cost per response of $490, which equals **$4,410**.

The estimated total out-of-pocket costs for the information collection is the average cost of $112.50 for out-of-pocket postage costs plus the average cost of $4,410 for respondents filing the I-690, which equals **$4,523**. The estimated cost per respondent is $4,523 divided by 30 respondents, which equals $151.

For informational purposes only, the filing fee for Form I-690 is $715.

**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 using the estimated number of respondents (30) x filing fee charge ($715). The total cost to the Federal government is **$21,450**.

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

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **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)** | **Difference** |
| I-690 | 90 | 86 | -4 |  |  |  |
| I-690 Supplement 1 | 22 | 22 | 0 |  |  |  |
| **Total(s)** | **112** | **108** | **-4** |  |  |  |

With this Revision, there was a decrease in the total estimated annual hour burden. This result stems from a decrease in the average burden per response from 3 hours, approved in 12/2021, to 2.88 hours due to the update including new condensed signature language in the Form and Instructions. There are no other program changes in this revision.

There are no changes to the annual cost burden to respondents for this information collection.

**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.

1. **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.