

**SUPPORTING STATEMENT FOR
Request for a Certificate of Non-Existence
OMB Control No.: 1615-0156
COLLECTION INSTRUMENT(S): G-1566**

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.**

The statutory authority for USCIS to issue Certificates of Non-existence (CNEs) is established in 8 U.S.C. 1360 and further addressed in regulation at 8 CFR 103.7(f). 8 U.S.C. 1360(f) acknowledges that a Certificate of Non-existence “shall be admissible as evidence in any proceeding as evidence that the records of the Service contain no such record or entry and shall have the same effect as the testimony of a witness given in open court.” Therefore, USCIS has interpreted congressional intent for production of the CNE. 8 CFR 103.7(f) states that authority to certify records. The Director of USCIS, or such officials as he or she may designate, may certify records when authorized under 5 U.S.C. 552 or any other law to provide such records.”

Individuals request CNEs for various purposes, including for use in litigation as evidence as anticipated in 8 U.S.C. 1360. In addition, certain foreign governments require individuals to provide a CNE as part of the naturalization process in that country.

Form G-1566 standardizes the collection of information related to requests for a CNE. The form will ensure that requestors provide critical information required for USCIS to conduct accurate records searches. Ensuring initial requests contain sufficient information for USCIS to conduct an accurate search will save both the agency and individual requesters time and resources on follow-up requests for additional information.

- 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 will use the information collected on Form G-1566 to determine whether any immigration records about the subject of record listed on the form exist. If no records about the subject of record exist, USCIS will provide a CNE. If USCIS finds records related to the subject of record, a CNE will not be issued, but the requestor will be notified that records were found.

- 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 G-1566 is available via the USCIS website at www.uscis.gov/forms. The form can be filled out and saved electronically, but must be printed, signed, and mailed to USCIS. The form is not available for electronic completion and submission currently.

- 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.**

The information collected on Form G-1566 is unique to the CNE process.

- 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 impact small business 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 USCIS does not conduct this collection of information, the agency will not have sufficient information to conduct requested searches and requestors will not be able to obtain the CNE they need as evidence in other matters.

- 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 publications 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.

USCIS is submitting a non-substantive change to a currently approved collection request to OMB. Publication of Federal Register Notices is not required.

- 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 Privacy Act (5 U.S.C. 552a) applies to information collected on the form.

This collection is covered under the following Privacy Impact Assessments:

- DHS/USCIS/PIA-010 Person Centric Query Service;
- DHS/USCIS/PIA-079 Content Management Services (CMS);
- DHS/USCIS/PIA-017 Microfilm Digitization Application System (MiDAS);
- DHS/USCIS/PIA-009 Central Index System (CIS);
- DHS/USCIS/PIA-016 Computer Linked Application Information Management System (CLAIMS 3) and Associated Systems;
- DHS/USCIS/PIA-031 Citizenship and Immigration Data Repository;
- DHS/USCIS/PIA-056 USCIS ELIS;
- DHS/ICE/PIA-015 Enforcement Integrated Database (EID);
- DHS/USCIS/PIA-083 USCIS Enterprise Collaboration Network (ECN)

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;
- DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER) System of Records, October 19, 2016, 81 FR 72080;
- DHS/USCIS-012 Citizenship and Immigration Data Repository (CIDR), May 1, 2018, 83 FR 19082;
- STATE-26, Passport Records, March 24, 2015, 80 FR 15653;
- STATE-05, Overseas Citizens Services Records and Other Overseas Records, September 8, 2016, 81 FR 62235;
- STATE-39, Visa Records; June 15, 2018, 83 FR 28062;
- STATE -77, Country Clearance Records, October 3, 2011, 76 FR 61132.

- 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.

- 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 / Number	No. of Respondents	No. of Responses per Respondent	Total Number of Responses	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	*Avg. Hourly Wage Rate	Total Annual Respondent Cost (Q12)
Individuals or Households	G-1566 (paper)	1,000	1	1,000	0.50	500	\$43.45	\$21,725
Individuals or Households	G-1566 (online)	1,000	1	1,000	0.42	420	\$43.45	\$18,249
Total				2,000		920		\$39,973

* The above Average Hourly Wage Rate is [the May 2022 Bureau of Labor Statistics](#) average wage for All Occupations of \$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 is no capital, start-up, operational or maintenance costs associated with this collection of information. There is no filing fee for USCIS Form G-1566.

This information collection may impose some out-of-pocket costs on respondents in addition to the time burden for the paper 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. USCIS estimates that the average cost for these activities is \$122 and that approximately 50 percent of the total respondent population may incur this cost. The estimated out of pocket cost to respondents is 1,000 respondents multiplied by 50 percent of the population multiplied by the average cost per response of \$122, which equals **\$61,000**. The estimated cost per respondent is \$61,000 divided by 1,000, which equals \$61.

- 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.**

The estimated cost of the program to the Government is calculated by multiplying the estimated hour cost of 3 USCIS analysts at the GS-9 level ($3 \times \$29 = \87) by the estimated average time to complete the electronic and physical records searches (3 hours

x \$87 = \$261), and then multiplying that cost by the total estimated number of responses (2,000 x \$261 = \$522,000). The total cost to the Federal government is **\$522,000**.

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

There is an adjustment to the total respondents due to adding the electronic filing option to this information collection resulting in a time burden decrease of 71 hours and a cost burden decrease of \$61,000.

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.