



U.S. Citizenship
and Immigration
Services

Memorandum

TO: Richard Revesz
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,
Chief, Regulatory Coordination Division

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

Purpose: U.S. Citizenship and Immigration Services (USCIS) is requesting emergency approval of a revision of Form I-134A, Online Request to be a Supporter and Declaration of Financial Support (OMB Control Number 1615-0157). USCIS is seeking approval for the collection 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 as the Secretary may prescribe, only on a case-by-case basis for “urgent humanitarian reasons or significant public benefit.” 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 rules...governing...parole”).

USCIS uses Form I-134A to determine whether certain U.S.-based individuals have sufficient financial resources and access to those funds to support the beneficiary named on the form for the duration of the beneficiary’s temporary stay in the United States, as well as to obtain information concerning whether the beneficiary merits a favorable exercise of discretion under the statutory parole standard. Form I-134A is filed by a U.S.-based individual (the potential 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 temporary period of stay in the United States. Currently, Form I-134A is used for the Uniting for Ukraine (U4U) process; the Processes for Cubans, Haitians, Nicaraguans, and Venezuelans; and the Cuban,

Colombian, Guatemalan, Haitian, Honduran, Ecuadorian, and Salvadoran Family Reunification Parole processes. In this emergency request, USCIS is amending the Form I-134A for potential supporters and co-supporters under the U4U process and the Processes for Cubans, Haitians, Nicaraguans, and Venezuelans to include (1) a requirement to submit biometrics, if necessary, (2) notice of the \$30.00 biometric services fee, (3) notice of a requirement for potential co-supporters to complete a Form I-134A, and (4) notice of a requirement for potential supporters to submit a copy of a government-issued photo identity document for themselves and a copy of the beneficiary's passport biographic data page. USCIS has also made updates to identification elements for organizations by requesting information about the organization's name, phone number, email address, taxpayer identification number, finances, and confirmation of the organization's support of the beneficiary.

Discussion: DHS published a notice in the *Federal Register* at 89 FR 71384 on September 03, 2024, to notify the public of the additional requirements necessary to complete the Form I-134A for those seeking to be a supporter of a beneficiary under the U4U process and the Processes for Cubans, Haitians, Nicaraguans, and Venezuelans.

The Form I-134A is used for the U4U process; the Processes for Cubans, Haitians, Nicaraguans, and Venezuelans; and the Cuban, Colombian, Guatemalan, Haitian, Honduran, Ecuadorian, and Salvadoran Family Reunification Parole processes. USCIS has monitored trends and will now require submission of biometrics, if necessary, and payment of the biometric services fee from potential supporters, which will be used for additional vetting of potential supporters to provide greater safeguards for beneficiaries. Emergency processing is justified under 5 CFR 1320.13(a)(2)(i) to minimize a possible surge of Cubans, Haitians, Nicaraguans, and Venezuelans at the southwest land border and ensure adequate support of U4U beneficiaries.

Prior to confirming a potential supporter's Form I-134A, DHS will use their biometrics to screen and vet the potential supporter. USCIS notes that adding a biometric vetting requirement of potential supporters is independent of the vetting conducted by U.S. Customs and Border Protection (CBP) of any potential beneficiary.

The potential supporters' biometrics will be used to perform security and background checks on these persons. The submission of biometrics by potential supporters in conjunction with information collected via the Form I-134A will allow DHS to identify cases that require further investigation prior to confirming or non-confirming a potential supporter's ability to provide sufficient financial support for the beneficiary. This information collection will enhance the integrity of the Form I-134A processes and provide additional safeguards for beneficiaries at the front end of these processes, while continuing to offer a safe, orderly, and lawful manner for individuals to arrive to the United States.

DHS is also revising the Form I-134A instructions to make clear that a supporter who is submitting the request on behalf of an organization may be required to submit biometrics, pay a biometrics services fee, and undergo additional biometrics-based background vetting. USCIS is generally authorized to require biometrics submission from petition signatories by 8 CFR 103.2(b)(9) on a per case basis at the discretion of USCIS when circumstances require additional vetting, or from certain populations using form instructions as provided by 8 CFR 103.16, and to charge a fee when biometric services are provided by 8 CFR 103.17. The new instructions will put organization representatives on clear notice that USCIS may at its discretion require all or certain organization representatives to undergo biometrics-based background vetting and pay a biometrics services fee to receive confirmation of their or their organization's Form I-134A as a supporter.

DHS has updated the processes to enhance the vetting of potential supporters and safeguard the beneficiaries of this process. USCIS requests authorization to collect additional information on the Form

I-134A through this emergency submission to better ensure that people seeking to support beneficiaries through these processes comply with all requirements and are acting in the beneficiary's best interests. Emergency processing is justified to minimize a possible surge of Cubans, Haitians, Nicaraguans, and Venezuelans at the southwest land border, and to protect the interest and ensure support of U4U beneficiaries. The implementation of these processes has been instrumental, along with other measures, in the reduction of irregular migration from these countries by more than 98 percent and therefore reducing the overall pressure placed on DHS at the southwest land border. Additionally, these processes have played a role in disincentivizing Cuban and Haitian migrants specifically from attempting a treacherous maritime journey to the United States, with potentially devastating consequences. Using the normal clearance process would delay the implementation of these enhanced vetting measures and could lead to a surge in irregular migration – which would adversely impact border security and further strain personnel and resources deployed to the border. The United States has consulted with the governments of Mexico and other international partners about the need to restart the CHNV processes to reduce the overall pressure placed on them by irregular migration to our southwest land border. DHS has consulted with the U.S. Departments of State and Justice, and USCIS has consulted the other immigration components of DHS about these proposed new information collections, policies, and practices.

USCIS seeks emergency processing of the Form I-134A in accordance with 5 C.F.R. § 1320.13. USCIS certifies that the requirements of 5 C.F.R. § 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 will delay the collection of the information necessary to enhance the integrity of the Form I-134A processes and provide additional safeguards for beneficiaries, such that public harm is reasonably likely to result if normal clearance procedures are followed.

USCIS requests OMB OIRA approval or disapproval of the collection of information under 5 C.F.R. § 1320.13(b) by September 20, 2024 as listed in the Federal Register Notice published to inform the public of this proposed revision at 89 FR 71384 on September 3, 2024.

Recommendation: DHS recommends the emergency approval of this collection of information under 5 C.F.R. § 1320.13.