**SUPPORTING STATEMENT FOR**
**Request for Certification of Military or Naval Service**
**OMB Control No.: 1615-0053**
**COLLECTION INSTRUMENT(S): Form N-426**

## 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.**

Under Sections 328 and 329 of the Immigration and Nationality Act (Act) (8 U.S.C. 1439 and 1440 respectively) and codified at 8 CFR Part 328 and 329 respectively, certain noncitizens can apply to become naturalized United States citizens on the basis of honorable service in the U.S. Armed Forces.

**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.**

The Form N-426 is used by naturalization applicants to document honorable service in the U.S. Armed Forces. The form is filed with U.S. Citizenship and Immigration Services (USCIS) when the respondent applies for naturalization with USCIS Form N-400, Application for Naturalization (OMB Control Number 1615-0052). The Department of Defense (DOD) verifies and certifies the applicant's military or naval service information provided on Form N-426. USCIS reviews the form as part of the process to determine the applicant's eligibility for naturalization.

**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 N-426 is available via the Internet at http://www.uscis.gov/files/form/n-426.pdf and it can be completed and saved electronically. The form is filed with USCIS when the respondent applies for naturalization with USCIS Form N-400, Application for Naturalization (OMB Control Number 1615-0052). The N-400 can be filed electronically, and the N-426 is uploaded as supporting documentation. The N-400 can also be mailed, and the N-426 is included in the package.

Following the publication of the 2023 Form N-426 revision, USCIS has reduced

Requests for Evidence (RFE) rates by over 17%. Additionally in 2023, USCIS increased engagement and improved the applicant experience through revising the official USCIS YouTube page Form N-426, Request for Certification of Military or Naval Service 'How To" video and it has received 4900 views to date. However, due to the removal of the social security number (SSN) in the 2023 revision, when the applicant's DOD ID number is unavailable, USCIS must conduct more research and applicant engagement to complete adjudications, increasing the adjudication time and applicant burden.

USCIS uses various tools to collect feedback from end users of USCIS information collections. These tools include surveys or focus groups designed to collect general information, as well as public feedback submitted to USCIS either in response to an official solicitation of public comments from Federal Register publications or submitted proactively through USCIS' robust external outreach activities with stakeholders (see, e.g. www.uscis.dhs.gov/outreach). USCIS also performed usability testing on USCIS Forms I-765, N-400, and I-485 (the three highest-filing forms) with the goal of studying cross-cutting issues that impact the responding public across the entirety of the USCIS collections of information USCIS.

In addition to feedback from external stakeholders, our analysis considers consultation with internal agency stakeholders regarding such activities including, but not limited to, document submission, evidentiary requirements, and like activities. USCIS extensively engages with various program, policy, and intake teams for feedback on the information collections. USCIS analyzes the results of all of these efforts to identify necessary modifications to the collection tools approved for use under the Paperwork Reduction Act. Such modifications could include clarifying edits, potential question removal, and instructional updates, all intended to further support the respondent's experience in complying with a collection of information. The collection of information proposed in this current submission is the cumulative result of all of this analysis and studies conducted.

**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.**

This information is collected specifically to document qualifying honorable military service and comply with INA 328 and 329. The data elements are collected via this form to ensure eligibility for naturalization and are not collected elsewhere. There is no duplication.

**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.**

The collection of information is from individuals that have current or past military experience; there is no impact to 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.**

Form N-426 facilitates USCIS's ability to determine an applicant's eligibility for naturalization. If this information is not collected, USCIS will be unable to verify the applicant's record of honorable military or naval service to satisfy the statutory requirements for naturalization. Without this form, there would be no standardized mechanism for the Department of Defense to certify an applicant's qualifying military service for naturalization purposes under INA 328 and 329, leaving the applicant little to no recourse for ensuring expeditious naturalization processing, potentially placing the applicant's livelihood in jeopardy.

**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 June13, 2024, USCIS published a 60-day notice in the Federal Register at 89 FR 50366. USCIS did receive one comment after publishing that notice. USCIS did not make changes to the information collection as a result of the comment received. USCIS requires the N-426 for communication between DOD and DHS in the applicant's military status and USCIS does expedite military cases.

On September 17, 2024, USCIS published a 30-day notice in the Federal Register at 89 FR 76127. USCIS did not receive comments after publishing that notice.

**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.**

USCIS provides assurance of confidentiality for protected classes of immigrants consistent with 8 C.F.R. § 208.6 and 8 U.S.C. § 1367. Additional assurances are derived from the Privacy Act of 1974, 5 U.S.C. 552a and the E-Government Act of 2002.

This collection is covered under the following Privacy Impact Assessment:

- DHS/USCIS/PIA-016(d) Computer Linked Application Information Management

System (CLAIMS 3) and Associated Systems, updated June 30, 2022;
- DHS/USCIS/PIA-056(c) USCIS Electronic Immigration System (USCIS ELIS), updated July 31,2024; and,
- DHS/USCIS/PIA-064 myUSCIS, updated June 15, 2019.

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; and,
- DHS/USCIS-007 Benefits Information System October 10, 2019, 84 FR 54622.

**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.**

INA 328 and INA 329 require that in order to naturalize through military service, the applicant must have "served honorably" in the armed forces. If separated from military service, an eligible applicant for purposes of INA 328 is one who "was never separated except under honorable conditions" and was not "separated from such service on account of alienage…" and an eligible applicant for purposes of INA 329 is one who "was separated under honorable conditions" and was not "separated from such service on account of alienage…"

As stated in INA 328, the applicant is required to furnish to USCIS "a certified statement from the proper executive department for each period of his service upon which he relies for the benefits of this section, clearly showing that such service was honorable and that no discharges from service, including periods of service not relied upon by him for the benefits of this section, were other than honorable."

As stated in INA 329, "service in the military, air, or naval forces of the United States shall be proved by a duly authenticated certification from the executive department under which the applicant served or is serving, which shall state whether the applicant served honorably…"

**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.**

| | | A | B | C (=AxB) | D | E (=CxD) | F | (=ExF) |
|---|---|---|---|---|---|---|---|---|
| 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 | Request for Certification of Military or Naval Service / N-426 | 10,000 | 1 | 10,000 | 0.50 | 5,000 | $40.89 | $204,450 |
| Total | | | | **10,000** | | **5,000** | | **$204,450** |

* *The above Average Hourly Wage Rate is the May 2021 Bureau of Labor Statistics average wage for All Occupations of $28.01 times the wage rate benefit multiplier of 1.46 (to account for benefits provided) equaling $40.89. "All Occupations" was selected 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.**

USCIS estimates that the total annual cost to respondents is $245,000. The estimate is based on the costs to gather documentation and postage to mail the request to USCIS. The estimated cost per respondent to cover the cost of obtaining document copies and postage charges is $24.50 x 10,000 respondents = $245,000.

**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.**

**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 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 (10,000) x the cost for 5 adjudication officers at $119,049 (GS 12 Step 3 = $85,035 x 1.4 wage rate multiplier = $119,049) = $595,245; plus, estimated printing costs of $2,000 totals $597,245.

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

This revision action is necessary for USCIS to add the Social Security Number (SSN) field back to the Form N-426 information collection. The SSN is required for USCIS to conduct background checks and confirm eligibility for military member applicants for naturalization. As the SSN field is an optional field on the Form N-400, the applicant may only enter their SSN on the Form N-400 if they would like their immigration status updated with Social Security Administration. As such, unless this field is also added to the N-426, the SSN may not always be available to be pulled from the underlying benefit application and thus is being collected on this form.

There are no changes to the estimated number of respondents, the total estimated annual hour burden, and the total estimated annual cost burden.

**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.