

1SUPPORTING STATEMENT

OMB Control No. 1125-0001

Application for Cancellation of Removal for Certain Permanent Residents (EOIR-42A) and Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents (EOIR-42B)

Part A. Justification

1. Necessity of Information - Effective April 1, 1997, an individual who is removable from the United States may, pursuant to section 240A of the Immigration and Nationality Act (Act) (8 U.S.C. § 1229b(a)), request that the Attorney General cancel their removal. To be granted such relief from removal, the applicant must prove that they meet all of the statutory prerequisites for such relief and that they are entitled to a favorable exercise of discretion. There are two application forms available for cancellation of removal: Form EOIR-42A, Application for Cancellation of Removal for Certain Permanent Residents; and Form EOIR-42B, Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents. In turn, Form EOIR-42B may be used for two separate forms of relief: (1) cancellation of removal for nonpermanent residents; and (2) a form of relief called Special Rule for Battered Spouse or Child (“special rule cancellation”) as provided per the Violence Against Women Act.

Each applicant for cancellation of removal will file one application based on the individual facts and circumstances in their case. The form contains information, such as identifying characteristics, residence and employment history, and family

information, which is necessary for the Attorney General, through his delegate, to decide whether to permit the applicant to remain in the United States.

EOIR has made non-substantive changes to the forms. These changes include: updating the filing fee information to refer individuals to the agency website for the most current filing fee information, in an effort to implement fee changes required under the One Big Beautiful Bill Act, Pub. L. 119-21 (Jul. 4, 2025); adding a Privacy Act Notice; including the expiration date for OMB approval on each page of the forms; and formatting text to improve organization, clarity, and readability.

2. Needs and Uses - The applications for cancellation of removal (Form EOIR-42A or Form EOIR-42B) are filed and considered in the context of an immigration proceeding. Accordingly, information contained in the application is considered only to the extent necessary to process the application. The application is accepted into the official record of the immigration proceeding and is considered by an Immigration Judge or, if the case is on appeal, the Board of Immigration Appeals, in determining whether to grant or deny the applicant's request for cancellation of removal.

3. Use of Technology - The use of this form provides the most efficient means for collecting and processing the required data. The forms are available as fillable pdfs on EOIR's website. An individual may either type the requested information into the fillable form online and then print the completed form for submission to the agency,

or an individual may print the blank form in its entirety and complete it by typing or printing legibly. If represented by counsel, applicant's attorney or accredited representative may complete and file the form electronically through the agency's electronic case filing system, EOIR's Courts & Appeals System (ECAS), available at <https://www.justice.gov/eoir/ECAS>.

4. Efforts to Identify Duplication - The only method for applying for cancellation of removal in immigration proceedings is for the applicant to file the Form EOIR-42A or Form EOIR-42B, as applicable. A review of EOIR's forms revealed no duplication of effort, and there is no other similar information currently available which can be used for this purpose.

5. Impact on Small Businesses - This collection does not have an impact on small businesses or other small entities.

6. Consequences of Less Frequent Collection - Failure to collect this information would deprive the individual of establishing their eligibility for cancellation of removal.

7. Special Circumstances Influencing Collection - None of the eight special circumstances identified in OMB instruction number 7 apply to this collection. The Immigration Judge presiding over the applicant's immigration proceedings has the discretion to set the period of time the applicant is given to respond to this collection. However, an applicant may request from the Immigration Judge an

extension of time in which to file the collection and may appeal the decision of the Immigration Judge to the Board of Immigration Appeals.

8. Federal Register Publication and Consultation - A 60-day notice covering this collection was published in the Federal Register. *See* 90 FR 37564 (Aug. 5, 2025). No comments were received during the 60-day period. A 30-day notice covering this collection was published in the Federal Register. *See* 90 FR 52708 (Nov. 21, 2025). If any additional comments are received, they will be considered and incorporated where appropriate.

9. Payment or Gift to Claimants - EOIR does not provide any payment or gifts to parties in immigration proceedings.

10. Assurance of Confidentiality - The original application is maintained by EOIR in the official record of proceedings (ROP), along with all other documents filed in the proceeding. EOIR staff members and adjudicators who process, review, and adjudicate the case may access the form in the ROP. EOIR protects the confidentiality of the contents of the Form EOIR-42A and Form EOIR-42B to the extent permitted by law. EOIR releases information in accordance with the Freedom of Information Act, the Privacy Act (including applicable System of Records Notices (SORNs)), and other laws that may impose confidentiality restrictions on immigration-related information. *See, e.g.*, 8 U.S.C. § 1367; 8 C.F.R. § 1208.6.

11. Justification for Sensitive Questions - Any question soliciting sensitive information is necessary for the Immigration Judge to consider an applicant's statutory and discretionary eligibility for cancellation of removal and to determine the applicant's legal right to remain in the United States. See number 10 immediately above.

12. Estimate of Hour Burden

EOIR-42A, Cancellation of Removal for Certain Permanent Residents

a. Number of Respondents	1,519
b. Number of Responses per Respondent	1 each
c. Total Annual responses	1,519
d. Hours per response	5 hours, 50 minutes
e. Total annual hourly reporting burden	8,855.77

The total annual hourly reporting burden is derived by multiplying the number of respondents (1,519) by the frequency of response (1) by the number of hours per response (5 hours, 50 minutes or 5.83 hours):

1,519 respondents x 1 response per respondent x 5.83 hours per respondent =
8,855.77 burden hours.

**EOIR-42B, Cancellation of Removal and Adjustment of Status for
Certain Nonpermanent Residents**

a. Number of Respondents	15,757
b. Number of Responses per Respondent	1 each
c. Total Annual responses	15,757
d. Hours per response	5 hours, 50 minutes
e. Total annual hourly reporting burden	91,865.25

The total annual hourly reporting burden is derived by multiplying the number of respondents (15,757) by the frequency of response (1) by the number of hours per response (5 hours, 50 minutes or 5.83 hours):

15,757 respondents x 1 response per respondent x 5.83 hours per respondent = 91,863.31 burden hours.

13. Estimate of Cost Burden - There are no capital or start-up costs associated with this information collection. Printing and postage costs associated with filing these forms may be avoided because all forms may be submitted electronically. There is a fee of \$700 to file the Form EOIR-42A and a fee of \$1,600 to file the Form EOIR-42B. It is estimated that the cost to retain a practitioner to assist with preparing each form is \$408 per response (derived by multiplying the \$70.08 per hour average wage for attorneys as estimated by the Bureau of Labor Statistics by the 5.83 hours estimated to complete the form). The total public cost burden for each form is:

EOIR-42A: (\$408 practitioner cost + \$700 filing fee) x 1,519 total annual responses = \$1,683,052

EOIR-42B: (\$408 practitioner cost + \$1,600 filing fee) x 15,757 total annual responses = \$31,640,056

14. Estimated Cost to the Federal Government - EOIR estimates that the annual government cost for printing, distributing, stocking, processing and maintaining the Forms EOIR-42A and EOIR-42B is \$78,909.96.

15. Reasons for Change in Burden - The difference in burden is due to several agency adjustments.

First, the burden hours decreased due to an observed decrease in the average annual number of respondents. Previously, EOIR estimated 131,788 total respondents annually for both forms. At present, there are approximately 17,276 total respondents annually for both forms. As the number of hours per response remained the same (5 hours, 50 minutes or 5.83 hours), the total burden hours decreased from 185,430 to 100,721 burden hours, for a difference of 84,709 burden hours.

Second, the public cost burden primarily increased due to an increase in filing fee amounts, as required by the One Big Beautiful Bill Act, as well as an increase in the Bureau of Labor Statistics' average estimated hourly wage for attorneys. Previously, the filing fee for each form was \$100 per response, and the hourly wage estimate used for practitioner labor costs was \$61.54 per hour. At present,

the filing fee for Form EOIR-42A is \$700 per response and the filing fee for Form EOIR-42B is \$1,600 per response, and the hourly wage estimate used for practitioner labor costs is \$70.08 per hour. Due to these increases in filing fee amounts and estimated practitioner labor costs, the total maximum estimated public cost burden for both forms increased from \$14,590,162 to \$33,323,108.

Third, the estimated cost to the federal government decreased due to the observed decrease in the total annual number of forms received. Because fewer forms were filed with the agency, EOIR spent less time and labor printing, distributing, stocking, processing, and maintaining Forms EOIR-42A and EOIR-42B, resulting in an overall decrease in the estimated cost to the federal government.

16. Plans for Publication - EOIR does not intend to employ the use of statistics or the publication thereof for this collection of information.

17. Display of Expiration Date - EOIR plans to include the expiration date for OMB approval of the information collection.

18. Exceptions to the Certification Statement- EOIR does not request an exception to the certification of this information collection.

Section B. Collection of Information Employing Statistical Methods

This collection does not employ statistical methods.

PAPERWORK CERTIFICATION

In submitting this request for Office of Management and Budget (OMB) approval, I certify that the requirements of the Privacy Act and OMB directives have been complied with, including paperwork regulations, any applicable statistical standards or directives, and any other information policy directives promulgated under 5 C.F.R. § 1320.

Justine Fuga
Associate General Counsel
Office of the General Counsel
Executive Office for Immigration Review