

SUPPORTING STATEMENT FOR
Application for Regional Center Designation;
Application for Approval of an Investment in a Commercial Enterprise;
Regional Center Annual Statement;
Bona Fides of Persons Involved with Regional Center Program;
Registration for Direct and Third-Party Promoters
OMB Control No.: 1615-0159
COLLECTION INSTRUMENT(S): I-956; I-956F; I-956G; I-956H; I-956K

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.**

On March 15, 2022, President Biden signed the EB-5 Reform and Integrity Act of 2022 (2022 Act), Div. BB of the Consolidated Appropriations Act, 2022 (Pub. L. No. 117-103) into law, which revised Immigration and Nationality Act (INA) 203(b)(5).

INA 203(b)(5)(E), which became effective on May 14, 2022, substantially reformed the Regional Center Program previously authorized by section 610 of Public Law 102-395 until its expiration on June 30, 2021. U.S. Citizenship and Immigration Services (USCIS) will continue to provide similar services for the newly reformed Regional Center Program as it did under the former Regional Center Program (such as initial designations and petition adjudications), but the newly authorized Regional Center Program has a different legal framework and requirements from the previously authorized program. Consequently, the forms previously used to adjudicate eligibility under the Regional Center Program (Form I-924 and Form I-924A) did not sufficiently collect the necessary information required to make eligibility determinations under this new program.

To reduce confusion for the services provided under the newly authorized Regional Center Program, USCIS discontinued the Form I-924 and Form I-924A collection of information and is submitting this new information collection under a separate OMB Control Number. USCIS developed this information collection of five new forms to address the requirements in the 2022 Act and provide adjudications under the newly authorized Regional Center Program. The newly developed forms are:

- Form I-956, Application for Regional Center Designation;
 - Form I-956F, Application for Approval of an Investment in a Commercial Enterprise;
 - Form I-956G, Regional Center Annual Statement;
 - Form I-956H, Bona Fides of Persons Involved with Regional Center Program;
- and

- Form I-956K, Registration for Direct and Third-Party Promoters.

Form I-956

Any entity, public or private, in the United States that meets the requirements under section 203(b)(5)(E) of the INA may apply for designation as a regional center by submitting Form I-956 to USCIS. USCIS designates eligible entities as regional centers for participation in the Regional Center Program and publishes a list of designated regional centers on its website.

Form I-956 collects information about the entity applying for designation as a regional center, including the entity's organizational structure, the geographic area in which the regional center intends to operate, policies and procedures in place to monitor the regional center's commercial enterprises, and information about persons involved with the regional center..

Form I-956 may also be used to amend a regional center's designation, where there is a change to the regional center's name, ownership, organizational structure, or administration, or other arrangements that would result in individuals not previously subject to the requirements under section 203(b)(5)(H) of the INA becoming involved with the regional center, or changes to the geographic area of the regional center.

Form I-956F

Section 203(b)(5)(F) of the INA requires a designated regional center to submit an application for each particular investment offering through an associated new commercial enterprise (NCE) before any immigrant investor may file their EB-5 immigrant visa petition. USCIS uses Form I-956F to capture all the necessary information to make a determination on the regional center's particular investment offering. Each Form I-956F may only include one commercial enterprise.

Form I-956F may also be used to amend a previously approved Form I-956F.

Form I-956G

Section 203(b)(5)(G) of the INA requires a designated regional center to submit an annual statement to provide information about the regional center's ongoing operations and continued compliance with the requirements of section 203(b)(5) of the INA.

Form I-956G may also be used to submit an amendment to a prior Form I-956G filing.

Form I-956H

Section 203(b)(5)(H) of the INA prohibits certain persons from being involved with the regional center, new commercial enterprise, or job-creating entity (JCE). To ensure those

involved with any regional center, NCE, or JCE, are legally permitted to be involved with these entities, USCIS created Form I-956H to capture the relevant personally identifiable information of all persons involved and facilitate background checks of those persons.

Form I-956K

Section 203(b)(5)(K) of the INA requires any direct and third-party promoters (including migration agents) of a regional center, NCE, affiliated JCE, or issuer of securities to register with USCIS. USCIS created Form I-956K to capture all the necessary information for such registration, including the relevant personally identifiable information to facilitate background checks of the promoters, as well as identify any entities with which the promoter is associated.

USCIS conducts background checks on all applications and petitions for immigration benefits in government systems. Although the name and date of birth are primarily used to check the background of an individual for any underlying criminal, national security, or other derogatory information from a number of computer databases, these data points alone may return results for multiple individuals—e.g., where two or more individuals have the same common names and same/similar dates of birth.

The following statutes relate to USCIS' ability to enforce immigration laws, conduct background checks, and collect personally identifiable information from individuals, including Social Security numbers (SSN):

- INA § 101, 8 U.S.C. 1101, et seq., requires background checks be conducted for immigration benefits. The background check process is triggered as soon as the petitioner or applicant (hereafter collectively referred to as “applicants”) applies for a benefit.
- INA § 103(a)(1), (3), 8 U.S.C. 1103(a)(1), (3) generally charges the Secretary with the administration and enforcement of all laws relating to the immigration and naturalization of aliens and authorizes the Secretary to issue regulations, forms, and instructions and to perform such other acts as the Secretary deems necessary to exercise authorities under the INA.
- INA § 203(b)(5)(H)(iii)(I); 8 U.S.C. § 1153(b)(5)(H)(iii)(I), requires the collection of attestations and information, including the submission of fingerprints or other biometrics, as may be necessary to determine compliance with related provisions under the INA.
- INA § 264(f), 8 U.S.C. 1304(f) states that “[n]otwithstanding any other provision of law, the Attorney General is authorized to require any alien to provide the alien’s Social Security account number for purposes of inclusion in any record of the alien maintained by the Attorney General or the Service.”

USCIS' retention of SSNs is implied under INA § 290(c), 8 U.S.C. 1360(c), which establishes that the Social Security Administration (SSA) will produce reports for USCIS on SSNs and earnings of aliens not authorized to work. In addition to general authorities, INA § 213A(i), 8 U.S.C. 1183A(i) specifically requires that the sponsor of an affidavit of support provide an SSN.

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.

An entity seeking designation as a regional center must submit a proposal that includes:

- a. Reasonable predictions, supported by economically and statistically valid and transparent forecasting tools, concerning the amount of investment that will be pooled, the kinds of commercial enterprises that will receive such investments, details of the jobs that will be created directly or indirectly, as a result of such investments, and other positive economic effects such investments will have;
- b. A description of the policies and procedures in place reasonably designed to monitor NCEs and any associated JCE;
- c. Attestations and information confirming that all persons involved with the regional center meet the requirements of clauses (i) and (ii) of section 203(b)(5)(H) of the INA;
- d. A description of the policies and procedures in place that are reasonably designed to ensure program compliance; and
- e. The identities of all natural persons involved in the regional center.

Form I-956 is used to request USCIS designation as a regional center under INA section 203(b)(5)(E), or to request an amendment to an approved regional center designated under INA 203(b)(5)(E).

Form I-956F is used by a designated regional center to request approval of each particular investment offering through an associated NCE. Each Form I-956F may only include one commercial enterprise.

Form I-956G is used by a designated regional center to provide required information, certifications, and evidence to support their continued eligibility for regional center designation. Each designated regional center must file Form I-956G for each Federal fiscal year (October 1 through September 30) on or before December 29 of the calendar year in which the Federal fiscal year ended.

Form I-956H must be completed by each person involved with a regional center, NCE, or

affiliated JCE, and submitted as a supplement to Form I-956, Application for Regional Center Designation, or other forms where persons are required to attest to their eligibility to be involved with the EB-5 entity and compliance with INA section 203(b)(5)(H). Each person must complete a Form I-956H for each entity with which they are involved. Each individual completing an initial filing of Form I-956H must submit biometrics.

The Form I-956K must be completed by each person acting as a direct or third-party promoter (including migration agents) of a regional center, any NCE, an affiliated JCE, or an issuer of securities intended to be offered to alien investors in connection with a particular capital investment project.

The SSNs and biometrics collected from persons involved with a regional center, NCE, or affiliated JCE, will be used by USCIS to ascertain identity and to conduct standard and legally-mandated background checks on those individuals in order to assess public safety and national security risks. In addition, they will be used by USCIS to access and verify financial information and data in order to make a determination on whether to designate an economic unit, public or private, in the United States, in this case a regional center for purposes of participation in the Immigrant Investor Program.

- 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.**

The use of these forms will provide the most efficient means for collecting and processing the required data. The Form I-956, I-956F, I-956G, I-956H, and I-956K are currently available as a paper form and can be accessed electronically, completed online, and then printed and mailed to USCIS. These forms are located on the USCIS website at the following:

- I-956: www.uscis.gov/i-956
- I-956F: www.uscis.gov/i-956f
- I-956G: www.uscis.gov/i-956g
- I-956H: www.uscis.gov/i-956h
- I-956K: www.uscis.gov/i-956k

- 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.**

A review of the USCIS Forms Inventory Report revealed no duplication of effort, and there is no other similar information currently available that can be used for this purpose. In addition, USCIS has examined whether the information is collected by other Department of Homeland Security (DHS) components or Federal agencies from which USCIS could obtain the information, and no viable source was found.

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 use of this form affects small businesses. USCIS, however, has minimized the amount of information collected from the affected small businesses to reduce the burden.

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 the collection of information is not conducted, USCIS will not have a standardized means to collect information to be able to determine if eligibility requirements for regional center designation and involvement in the Regional Center Program have been or are continuing to be met.

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 July 2, 2026, USCIS published a Notice of Proposed Rulemaking for RIN 1615-AC94, *EB-5 Reform and Integrity Act of 2022; Ensuring the Integrity of the EB-5 Program; Automatic Revocation of Petitions for Immigrant Classification*, in the Federal Register at 91 FR 40676.

- 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.**

There is no assurance of confidentiality.

This collection is covered under the following Privacy Impact Assessment:

- DHS/USCIS/PIA-071 myUSCIS Account Experience, to cover the electronic filing of the forms, June 28, 2019; and
- Forthcoming EB-5 PIA, to cover the processing of forms associated with the EB-5 program.

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, which covers the collection, use, and storage of EB-5 applicant information, September 18, 2017, 82 FR 43556;
- DHS/USCIS-007 Benefits Information System, which covers the collection, use, and storage of EB-5 applicant information and decisional information not maintained in the A-File, October 10, 2019, 84 FR 54622; and
- DHS/ALL-037 E-Authentication Records System of Records, which covers information collected to create and authenticate an individual's identity for the purpose of obtaining a credential to electronically access a DHS program or application, August 11, 2014, 79 FR 46857.

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.

The proposed information collection includes questions of a sensitive nature. With the newly developed information collection, Form I-956H, USCIS will collect SSNs from persons involved with a regional center, NCE, or affiliated JCE wishing to participate in the Immigrant Investor Program.

Background and Legal Authority

USCIS supports the DHS core missions to prevent terrorism and enhance security, secure and manage the borders, and enforce and administer the immigration laws. To ensure proper execution of these missions, USCIS officers must verify the identity of applicants for immigration benefits, determine eligibility for the requested benefits, and ensure identification of any fraud, national security, or public safety concerns. The collection of SSNs and other identifying documents achieves these goals.

The EB-5 Immigrant Investor Program, commonly known as the regional center program, was created by section 610 of Public Law 102-395 in 1992. On March 15, 2022, President Biden signed the EB-5 Reform and Integrity Act of 2022 (2022 Act), Div. BB of the Consolidated Appropriations Act, 2022 (Pub. L. No. 117-103) into law, which revised Immigration and Nationality Act (INA) 203(b)(5). INA 203(b)(5)(E), which became effective on May 14, 2022, substantially reformed the Regional Center Program previously authorized by section 610 of Public Law 102-395 until its expiration on June 30, 2021. Among the reforms to the EB-5 Regional Center Program, Congress added new INA 203(b)(5)(H), which requires that DHS collect attestations and information from persons involved with a regional center, NCE, or JCE, and to run associated criminal records, background and other database checks on such persons in order to confirm compliance with INA 203(b)(5)(H)(i) (which restricts involvement by

persons who have been found to have committed or engaged in specified conduct) and INA 203(b)(5)(H)(ii) (which restricts involvement by certain foreign nationals and governments). Form I-956H, Bona Fides of Persons Involved with Regional Center Program, must be completed by each person involved with a regional center, NCE, or affiliated JCE to attest for their eligibility to be involved with an EB-5 entity. USCIS will be collecting SSNs from persons required to complete and submit a Form I-956H.

Additional Authorities

The following statutes relate to USCIS' ability to enforce immigration laws, conduct background checks, and collect SSNs.

- INA § 101, 8 U.S.C. 1101, et seq. requires background checks be conducted for immigration benefits. The background check process is triggered as soon as the petitioner or applicant (hereafter collectively referred to as "applicants") applies for a benefit.
- INA § 103(a)(1), (3), 8 U.S.C. 1103(a)(1), (3) generally charges the Secretary with the administration and enforcement of all laws relating to the immigration and naturalization of aliens and authorizes the Secretary to issue regulations, forms, and instructions and to perform such other acts as the Secretary deems necessary to exercise his/her INA authorities.
- INA § 264(f), 8 U.S.C. 1304(f) states that "[n]otwithstanding any other provision of law, the Attorney General is authorized to require any alien to provide the alien's social security account number for purposes of inclusion in any record of the alien maintained by the Attorney General or the Service."

USCIS' retention of SSNs is implied under INA § 290(c), 8 U.S.C. 1360(c), which establishes that SSA will produce reports for USCIS on SSNs and earnings of aliens not authorized to work. In addition to general authorities, INA § 213A(i), 8 U.S.C. 1183A(i) specifically requires that the sponsor of an affidavit of support provide an SSN.

Other Guidance

DHS and the SSA collaborated on Secretary Chertoff's Initiative 23 and produced the "Social Security Benefits Reform Joint Working Group Study," dated January 6, 2009. The study explored the technical and recordkeeping reforms necessary to guarantee that persons without work authorization do not earn credit in the Social Security system for wages earned while working illegally. The working group made the following recommendations:

- Enhance USCIS' collection of SSNs for noncitizens by increasing data sharing with SSA;
- Collect more SSNs on immigration applications;

- Verify with SSA the accuracy of SSNs in USCIS' systems;
- Design an efficient and effective automated means to share work authorization history between DHS and SSA, using SSN as the common identifier; and
- Define a dispute resolution process in which SSA would continue to be the initial point of contact for an applicant to file an appeal.

In September 2011, the SSA's Office of Inspector General audit report recommended a data match agreement between DHS and SSA to identify H-1B workers who used SSNs for purposes other than to work for an approved employer. See Social Security Administration, Office of Inspector General, H-1B Workers' Use of Social Security Numbers, A-08-11-11114 at 6 (Sep. 2011).

Most recently, however, GAO found that USCIS needed to improve its data collection and electronic systems in order to combat fraud. These data collection efforts would, in part, implement GAO's recommendations.¹

Use of SSNs by USCIS

Identity Verification

In order to adjudicate an application, USCIS officers must verify the identity of the applicant. Officers compare information provided by the applicant to public records and information within government databases. Data fields used for comparison commonly include name, date of birth, and address. However, USCIS officers frequently encounter common data among applicants. The SSN and other identifying information can be used in combination with other data points to distinguish the identity of the applicant and prevent the co-mingling of data of two otherwise unconnected people. This is especially important in cases where adjudications are performed without an interview of the applicant.

The current USCIS business model is form-specific rather than person-centric. USCIS officers adjudicate benefits based on the contents of the submitted form and in many cases do not have the opportunity to review the entirety of the applicant's past filings. As such, it is important that the applicant be able to confirm their identity with each filing. SSNs may change over time. Most notably, a person can request a new SSN if they have been a victim of domestic violence. USCIS follows applicants through many stages of their lives, including marriage, childbirth, divorce, and death of a spouse. The agency needs to collect SSNs at each change in a subject's life in order to ensure that the identity of the subjects remains the same at the time of each application.

Background Checks

¹Immigrant Investor Program – Additional Actions Needed to Better Assess Fraud Risks and Report Economic Benefits; GAO, August 2015, Conclusions, page 45. Report available at: <http://www.gao.gov/assets/680/671940.pdf>.

USCIS conducts background checks on all applications and petitions for immigration benefits in government systems. Although the name and date of birth are primarily used to check the background of an individual for any underlying criminal, national security, or other derogatory information from a number of computer databases, these data points alone may return results for multiple individuals, e.g., where two or more individuals have the same common names and same/similar dates of birth.

In a scenario where the search garners multiple results (up to 100 or more in some cases) that may or may not relate to a particular individual, the SSN serves as a unique identifier that is essential in the matching of results to a specific individual and also for eliminating false positive results. This is especially relevant and critical when search results reflect serious public safety or national security concerns and alternative means of distinguishing individuals from one another are not readily available. Some of these scenarios may require expedient identification of individuals given the potential seriousness of the public safety or national security concern in which case, the use of the SSN as a unique identifier would facilitate a timely and appropriate response.

In 2011, Secretary Napolitano requested USCIS analyze background security screening protocols for available immigration benefits and where appropriate and legally authorized, enhance security checks. These checks require that the applicant data be matched with data from other government databases based on specific data points. The Federal Bureau of Investigation (FBI) specifically requests a SSN be provided when conducting FBI name checks on USCIS applications. Other government agencies have also stressed the importance of the SSN in combination with other data points to distinguish the identity of the applicant and determine whether or not derogatory information exists.

The necessity of multiple data points to ensure correct background results was also acknowledged in a 2006 GAO study.² The SSNs of USCIS applicants and petitioners, along with names and dates of birth, were used to compare USCIS data with data on the National Sex Offender Registry to determine how many convicted sex offenders had filed family-based petitions.

Fraud Detection

SSNs are important tools in identifying and combatting fraud within the immigration system, which was discussed at length in the 2015 GAO study on Petitioners' Sex Offenses. Because of the oftentimes considerable sums of money involved in the EB-5 program, financial fraud is an ongoing concern. Given the routine use of SSNs and other identity documents in financial transactions, the collection of SSNs will substantively enhance fraud detection in the EB-5 Immigrant Investor Program.

²GAO, "Immigration Benefits: Circumstances under Which Petitioners' Sex Offenses May Be Disclosed to Beneficiaries," June 2006, at <http://www.gao.gov/assets/260/250443.pdf>, page 3 [accessed October 9, 2015].

Immigration officers conducting administrative benefit fraud investigations require the ability to access and confirm information from multiple sources and databases. The use of a suspect SSN, such as those of deceased persons or used by different people, may serve as an indicator of fraud within an application and/or identity fraud and indicate the need for further investigation. Without this information, the ability of officers to detect and combat fraud would be weakened.

Conclusion

SSNs are a crucial tool to execute the USCIS and DHS missions. SSNs aid USCIS officers in verifying the identity of applicants for immigration benefits, determining eligibility for the requested benefits, and ensuring identification of any fraud, national security, or public safety concerns. These concerns are especially acute with the EB-5 program, because of the nature of the program. USCIS recognizes the sensitivity of an individual's SSN and will continue to take actions to protect it from unauthorized use and/or disclosure.

- 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.**

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	I-956 / Application for Regional Center Designation	400	1	400	23.29	9,316	\$43.45	\$404,780
Individuals or Households	I-956F / Application for Approval of an Investment in a Commercial Enterprise	1,000	1	1,000	25	25,000	\$43.45	\$1,086,250
Individuals or Households	I-956G / Regional Center Annual Statement	643	1	643	16.18	10,404	\$43.45	\$452,043
Individuals or Households	Compliance Review / I-956G	40	1	40	24	960	\$43.45	\$41,712
Individuals or Households	Site Visit / I-956G	40	1	40	16	640	\$43.45	\$27,808
Individuals or Households	I-956H / Bona Fides of Persons Involved with Regional Center Program	3,643	1	3,643	1.47	5,355	\$43.45	\$232,684
Individuals or Households	Biometrics Submission / I-956H	3,643	1	3,643	1.17	4,262	\$43.45	\$185,197
Individuals or Households	I-956K / Registration for Direct and Third-Party Promoters	632	1	632	2.07	1,309	\$43.45	\$56,843
Total				10,041		57,246		\$2,487,317

* The above Average Hourly Wage Rate is the [May 2021 Bureau of Labor Statistics](#) average wage for All Occupations \$28.01 times the wage rate benefit multiplier of 1.46 (to account for benefits provided)

equaling \$40.89. 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.

The information collection may impose some out-of-pocket costs on respondents in addition to the time burden for the form’s preparation and responding to a compliance review and site visit. Many respondents may incur expenses to obtain legal documents confirming their establishment as a legal entity, state business license forms, or other records or corporate establishment records. Other costs may include, but are not limited to, 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, from as little as \$200 to

\$2,000 per respondent. For respondents filing the I-956, I-956F, and I-956G, using the midpoint of the range of such expenses, USCIS estimates that the average cost for these activities is \$1,100 and that 100 percent of the total respondent population may incur this cost. The estimated out of pocket costs to the total respondent population filing the I-956, I-956F, and I-956G is 2,043 respondents multiplied by 100 percent of the population multiplied by the average cost per response of \$1,100, which equals \$2,247,300.

For respondents filing the I-956H and I-956K, USCIS estimates that the average cost for these activities is \$515.00 and that 30 percent of the total respondent population may incur this cost. The estimated out of pocket costs to the total respondent population filing the I-956H is 3,643 respondents multiplied by 30 percent of the population multiplied by the average cost per response of \$515.00, which equals \$562,844. The estimated out of pocket costs to the total respondent population filing the I-956K is 632 respondents multiplied by 30 percent of the population multiplied by the average cost per response of \$515, which equals \$97,644. The total estimated average out of pocket costs for respondents filing the I-956H and I-956K is \$562,855 plus \$97,644, which equals \$660,488.

The estimated total out-of-pocket costs for the information collection is the average cost of \$2,247,300 for respondents filing the I-956, I-956F, and I-956G, plus the average cost of \$660,488 for respondents filing the I-956H and I-956K, which equals **\$2,907,788**.

For informational purposes, the filing fee for Form I-829 can be found in the G-1055, Fee Schedule, at www.uscis.gov/g-1055.

- 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 Federal government is calculated by using the estimated number of respondents multiplied by the filing fee charge. The following

calculations were used to determine the estimated cost to the Federal government:

Form I-956

- Estimated number of respondents (400) x the \$17,795 filing fee, equaling \$7,118,000.

Form I-956F

- Estimated number of respondents (1,000) x the \$17,795 fee, equaling \$17,795,000.

Form I-956G

- Estimated number of respondents (643) x the \$3,035 filing fee, equaling \$1,951,505.

Form I-956H

- Estimated number of respondents (3,643) x \$0, equaling \$0.

Form I-956K

- Estimated number of respondents (632) x \$0, equaling \$0.

The total estimated cost to the Federal government is **\$26,864,505.**

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

This information collection has been revised to reflect program changes stemming from the proposed rulemaking, *EB-5 Reform and Integrity Act of 2022; Ensuring the Integrity of the EB-5 Program; Automatic Revocation of Petitions for Immigrant Classification (RIN 1615-AC94)*.

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) [new minus current]	Difference
I-956	9,128	9,316	188			
I-956F	24,820	25,000	180			
I-956G	10,192	10,404	212			
Compliance Review/I-956G	960	960	0			
Site Visit/I-956G	640	640	0			
I-956H	5,355	5,355	0			

Biometrics Submission/I-956H	4,262	4,262	0			
I-956K	1,291	1,309	18			
Total(s)	56,648	57,246	598			

USCIS is reporting an increase in the estimated annual hour burden to respondents for this collection of information as a result of the proposed rulemaking. The increase is due to the comprehensive edits made to the form and instructions to implement the EB-5 Reform and Integrity Act of 2022 (RIA). The RIA substantially reforms and adds significant integrity provisions to the employment-based, fifth preference (EB-5) visa category for alien investors and the associated Regional Center Program. USCIS has provided a synopsis of the edits associated with the changes to the information collection within the paper filing instrument Table of Changes (TOC) for Form I-956, Form I-956F, Form I-956G, Form I-956H, and I-956K.

USCIS is reporting no change in the estimated annual cost burden to respondents for this collection of information as a result of the proposed rulemaking.

- 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.