SUPPORTING STATEMENT FOR
Nonimmigrant Petition Based on Blanket L Petition
OMB Control No.: 1615-0010
COLLECTION INSTRUMENT(S): I-129S

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.

Sections 214(c)(2) and 101(a)(15)(L) of the Immigration and Nationality Act (INA) establishes a blanket petition process to allow certain businesses with significant past records of employing nonimmigrant intra-company transferees, to file a blanket L petition to address many of the issues surrounding eligibility and expedite the process when they identify an individual worker later. Under 8 CFR 214.2(l)(5)(ii)(C), when a qualifying organization seeks to transfer an alien to the United States against a blanket petition, the qualifying organization completes the Form I-129S. The alien must provide the consular officer with a completed Form I-129S on behalf of the petitioner, or certain visa-exempt aliens may present Form I-129S to U.S. Customs and Border Protection (CBP). Alternatively, the petitioner may file Form I-129S with U.S. Citizenship and Immigration Services (USCIS).

Authority: 8 U.S.C. § 1184(c).

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.

Employers seeking to classify employees outside the United States as executives, managers, or specialized knowledge professionals, as nonimmigrant intra-company transferees pursuant to a previously approved blanket petition under sections 214(c)(2) and 101(a)(15)(L) of the Act, may file this form. USCIS uses the information provided through this form to assess whether the employee meets the requirements for L-1 classification under blanket L petition approval. Submitting this information to USCIS is voluntary. USCIS may provide the information provided through this form to other Federal, State, local, and foreign government agencies and authorized organizations, and may also be made available, as appropriate, for law enforcement purposes or in the interest of national security.

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 I-129S is available on USCIS forms webpage at **www.uscis.gov/i-129s**, and can be viewed and filled out electronically. The form must be printed, signed, and submitted to USCIS by mail.

Form I-129S can also be downloaded, filled out, and saved electronically, and submitted using PDF Intake Process (PDFi) through a USCIS online account at **https://myaccount.uscis.gov**. The applicant would upload the completed Form I-129S and any supporting documentation, pay any required fee, and file their application as a .pdf online. The burden for setting up a USCIS online account is covered under the USCIS Online Account Access information collection (OMB control number 1615-0122).

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 collection of information is unique to USCIS and is not conducted elsewhere. Any information that is shared with other agencies, or any information collected by other agencies that is used by USCIS to adjudicate the benefit sought in this collection, is notated in Question 2 above.

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 Form I-129S is filed only by an employer with an approved blanket L-1 petition. The current requirements for an initial blanket L-1 petition do not preclude a business from being approved for a blanket petition if that organization is considered small according to the Small Business Administration's Table of Small Business Size Standards. Nonetheless, the requirements for an initial blanket petition are such that it is likely that a majority of businesses with an approved blanket petition would not be considered small. In the event, however, that this collection has an impact on small businesses or other small entities, USCIS endeavors to create methods to minimize the burdens placed on these businesses.

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.

Without this information collection, foreign-based businesses would be unable to establish businesses or transfer employees to related businesses the United States. This information collection is used by employers to classify employees outside the United

States as executives, managers, or specialized knowledge professionals as nonimmigrant intra-company transferees pursuant to a previously approved blanket petition in accordance with sections 214(c)(2) and 101(a)(15)(L) of the Act.

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.

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

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.

The system of records notices associated with this information collection are:

- 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 19, 2016, 81 FR 72069; and
- DHS/CBP-007 Border Crossing Information (BCI), December 13, 2016, 81 FR 89957.

The privacy impact assessments associated with this information collection are:

- DHS/USCIS/PIA-016a Computer Linked Application Information Management System (CLAIMS 3) June 30, 2020; and
- Associated Systems DHS/CBP/PIA-004(e) Procedures for Processing Travel Documents at the Border. July 2, 2008.

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 asked.

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
Business or other for-profit	Nonimmigrant Petition Based on Blanket L Petition / Form I-129S (paper)	1,500	1	1,500	2.687	4,030	$56.63	$228,218.90
Business or other for-profit	Nonimmigrant Petition Based on Blanket L Petition / Form I-129S (PDFi)	73,500	1	73,500	2.687	197,495	$56.63	$11,184,142
Total				**75,000**		**201,525**		**$11,412,332**

** The above Average Hourly Wage Rate is the May 2020 Bureau of Labor Statistics average wage for Business and Financial Operations Occupations of $38.79 times the wage rate benefit multiplier of 1.46 (to account for benefits provided) equaling $56.63.*

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 or start-up costs associated with this information collection. For informational purposes, there is a $500 fraud prevention and detection fee associated with the collection of this information. Additionally, Public Law (Pub. L.) 114-113 requires that the petitioner pay a $4,500 fee for certain L-1 petitions when certain conditions apply to the filing.

This information collection may impose some out-of-pocket costs on respondents in addition to the time burden for the form's preparation. Many I-129S respondents may incur expenses to obtain certain records. For form preparation, legal services, translators, and document search and generation, USCIS estimates that the average cost for these

activities is $490 and that each respondent will incur this cost. The total cost to respondents would generate as follows: 75,000 respondents (1500 paper respondents + 73,500 PDFi respondents) x the average cost per response of $490 = **$36,750,000**.

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.

Annualized Cost Analysis:

Collecting and Processing	$ 40,875,000
Total Cost to the Government	**$ 40,875,000**

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 clerical, officer, and managerial time with benefits) and immigration benefits provided for free. As a consequence of USCIS immigration fees being based on resource expenditures related to the benefit in question, USCIS uses the fee associated with an information collection as a reasonable measure of the collection's costs to USCIS. USCIS has established the fraud prevention and detection fee for Form I-129S at $500. Public Law (Pub. L.) 114-113 requires that the petitioner pay a $4,500 fee for certain L-1 petitions.

The total estimated cost of the program to USCIS is **$40,875,000**. This is calculated by first multiplying the estimated number of respondents (75,000) by the fee ($500), which equals $37,500,000. This number is added to the estimated number of respondents required to pay the $4,500 Public Law 114-113 fee, which is about 1% of the total respondent population (75,000 x .01 = 750 x $4,500 = **$3,375,000**). This total includes the estimated annual overhead cost for printing, stocking, and distributing this form.

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

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)	Difference
Nonimmigrant				201,525	4,030	-197,495

Petition Based on Blanket L Petition (paper)						
Nonimmigrant Petition Based on Blanket L Petition (PDFi)				0	197,495	197,495
Total(s)				**201,525**	**201,525**	**0**

USCIS is reporting no change to the estimated annual hour burden and annual cost burden to respondents for this collection of information as a result of this action. This action is to include the electronic filing option of PDFi for Form I-129S, which allows the petitioner to upload a completed Form I-129S .pdf of their petition and any supporting documentation, pay any required fee, and file the petition as a .pdf online. This process reduces the amount of time and money associated with printing, copying and mailing their petition.

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.