SUPPORTING STATEMENT FOR
Immigrant Petition for Alien Workers
OMB Control No.: 1615-0015
COLLECTION INSTRUMENT(S): I-140

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.

This form is used to petition to classify an alien under sections 203(b)(1), 203(b)(2) or 203(b)(3) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1153(b)(1), (b)(2), and (b)(3). *See* INA §§ 204(a)(1)(E)-(F) (8 U.S.C. 1154(a)(1)(E)-(F)); 8 C.F.R. § 204.5(a). A U.S. employer may file this petition to employ: (1) an outstanding professor or researcher who is recognized internationally as outstanding in the academic field; (2) a multinational executive or manager employed for at least 1 year by a firm, corporation, or other legal entity who seeks to enter the United States to continue to render services to the same employer or to a subsidiary or affiliate thereof in a managerial or executive capacity; (3) a member of the professions holding an advanced degree or its equivalent or a person who, because of his or her exceptional ability in the sciences, arts, or businesses, will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States; (4) a skilled worker to perform labor, not of a temporary or seasonal nature, for which qualified United States workers are not available; (5) a member of the professions with a baccalaureate degree; or (6) a worker to perform unskilled labor, not of a temporary or seasonal nature, for which qualified United States workers are not available. In addition, any employer, person, or third party may file this petition: for an alien of extraordinary ability in the sciences, arts, education, business, or athletics which is demonstrated by sustained national or international acclaim; or to obtain a national interest waiver for an alien who is a member of the professions holding an advanced degree or who is an alien with exceptional ability in the sciences, arts, or business.

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 data on this form is used by U.S. Citizenship and Immigration Services (USCIS) to determine eligibility for the requested immigration benefit. The form serves the purpose of standardizing requests for the benefit, and ensuring that basic information required to determine eligibility is provided by petitioners.

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-140 is available online at **www.uscis.gov/i-140**. The paper form can be downloaded, filled out, saved electronically, and then printed signed, and submitted to USCIS via mail.

Form I-140 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-140 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. A review of USCIS Forms Inventory Report revealed no duplication of effort, and there is no other similar information currently available nor is the information accessible from other databases which can be used for this purpose.

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.

This information collection impacts small businesses or other small entities. USCIS estimates that approximately 53 percent would be considered small entities. USCIS has minimized the amount of information collected from small entities by only requesting the information necessary to determine eligibility for the benefit requested. USCIS has also provided for electronic submission of the information as indicated in Question 3 above.

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.

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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.

This collection is covered under the following Privacy Impact Assessments:

- DHS/USCIS/PIA-016(a) Computer Linked Application Information Management System (CLAIMS3) and Associated Systems, June 30, 2020;;
- DHS/USCIS/PIA-003 Integrated Digitization Document Management Program, February 28, 2017; and
- DHS/USCIS/PIA-044 Validation Instrument for Business Enterprises (VIBE), December 14, 2021.

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;
- DHS/USCIS-007 Benefits Information System, October 10, 2019, 84 FR 54622; and
- DHS/USCIS-018 Immigration Biometric and Background Check (IBBC) System of Records, July 31, 2018, 83 FR 36950.

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.

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
Respondent Type	**Form Name/ Number**	**No. Respondents**	**No. Responses per Respondent**	**Total No. Responses**	**Avg. Burden per Response, in hours**	**Total Annual Burden, in hours**	**Avg. Hourly Wage Rate, in dollars**	**Total Annual Respondent Cost, in dollars**
Business or other for-profit	Immigrant Petition for Alien Workers, I-140 (paper)	2,860	1	2,860	0.981	2,806	$48.97	$137,393.17
Business or other for-profit	Immigrant Petition for Alien Workers, I-140 (PDFi)	140,140	1	140,140	0.981	137,477	$48.97	$6,732,265.34
Total				**143,000**		**140,283**		**$6,869,659**

* *The above Average Hourly Wage Rate is the May 2025 Bureau of Labor Statistics average wage for All Occupations $33.54 times the wage rate benefit multiplier of 1.46 (to account for benefits provided) equaling $48.97. 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.

This information collection may impose some out-of-pocket costs on respondents in addition to the time burden for the form's preparation. Many respondents may incur expenses to obtain tax, financial, or business records, and/or other evidentiary documentation depending on the specific employment-based immigrant visa classification requested on the form. For form preparation, legal services, translators, and document search and generation, USCIS estimates that the average cost for these activities is $515. The estimated out of pocket costs to respondents is calculated as follows: 143,000 annual respondents multiplied by the average cost per response of $515, which equal a total annual cost of **$73,645,000**.

For informational purposes, the filing fee for Form I-140 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 Government is calculated by adding the filing fee charge ($715) and Asylum Program Fee ($600), which equals $1,315 multiplied by the estimated number of respondents (143,000) for a total cost to the Federal government of **$188,045,000**.

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
Immigrant Petition for Alien Workers / I-140 (paper)				140,283	2,806	-137,477
Immigrant Petition for Alien Workers / I-140 (PDFi)				0	137,477	137,477
Total(s)				**140,283**	**140,283**	**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-140, which allows the

petitioner to upload a completed Form I-140 .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.