SUPPORTING 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 several non-substantive changes to the forms. These changes include updating the electronic filing fee information and formatting text to improve organization, clarity, and readability. EOIR also revised the Advice to Applicants, Instructions, and corresponding questions of the form to mirror as closely as possible the text of the Immigration and Nationality Act where the Advice, Instructions, and form to accurately reiterate legal standards set forth by the Act.

EOIR has made some substantive changes to the forms to remove unnecessary collections of information. On both forms, EOIR modified Part 3, Question 21 to account for various visa types that may have been used by the applicant to enter the United States. The question was generalized so as not to exclude other visa types. Within Part 7 on both forms (question 57 for the EOIR-42A, and question 62 for the EOIR-42B), EOIR removed form fields collecting information about the applicant that is irrelevant to the immigration judge's determination for these particular types of immigration relief. Finally, on both forms, EOIR modified Part 9 to collect the applicant's signature and affirmation at the time the form is filed (as opposed to after filing and during a subsequent hearing) to ensure the agency receives the most accurate and true information at the outset of the adjudication process for such applications. To make changes to their application

after initial filing, applicants may make subsequent changes on the record during an immigration hearing and/or sworn document submitted for the Record of Proceeding (ROP), consistent with EOIR's rules of procedure and Policy Manual.

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. Applicant's or their practitioner of record may also complete the form and file it 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 53897 (Aug. 20,

2026). EOIR received one non-substantive comment identifying a 1-hour discrepancy between the total annual burden hours reported for both forms and the actual sum of the annual burden hours calculated for the EOIR-42A and EOIR-42B. EOIR determined the discrepancy was due to rounding but that the annual burden hours calculated separately for each form was reported accurately. A 30-day notice covering this collection was published in the Federal Register. *See* 91 FR 67334 (Oct. 26, 2026). 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 ROP, including the contents of the Form EOIR-42A and Form EOIR-42B included therein, 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	1,457
b. Number of Responses per Respondent	1 each
c. Total Annual responses	1,457
d. Hours per response	5 hours, 50 minutes
e. Total annual hourly reporting burden	8,492

The total annual hourly reporting burden is derived by multiplying the number of respondents (1,457) by the frequency of response (1) by the number of hours per response (5 hours, 50 minutes or 5.83 hours):
1,457 respondents x 1 response per respondent x 5.83 hours per response = 8,492 burden hours.

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

a. Number of Respondents	13,787

b. Number of Responses per Respondent	1 each
c. Total Annual responses	13,787
d. Hours per response	5 hours, 50 minutes
e. Total annual hourly reporting burden	80,380

The total annual hourly reporting burden is derived by multiplying the number of respondents (13,787) by the frequency of response (1) by the number of hours per response (5 hours, 50 minutes or 5.83 hours):
13,787 respondents x 1 response per respondent x 5.83 hours per response = 80,380 burden hours.

13. Estimate of Cost Burden – The total maximum public cost burden estimate is $1,762,956 for the EOIR-42A and $29,509,956 for the EOIR-42B. There are no capital or start-up costs associated with this information collection. EOIR estimates there is a maximum printing cost of $0.70 per form for the EOIR-42A ($0.10 per page x 7 pages) and $0.80 per form for the EOIR-42B ($0.10 per page x 8 pages). EOIR estimates there is a maximum cost of $5 to mail the form using a U.S. Postal Service priority flat rate envelope. However, printing and postage costs may be avoided by completing and filing the form electronically. As of June 2026, there is a fee of $710 to file the Form EOIR-42A and a fee of $1,640 to file the Form EOIR-42B. These filing fees are likely to increase each fiscal year. If a practitioner is retained to assist with completing the form, EOIR estimates that the maximum labor cost to complete the form is $494.62 per form (derived by

multiplying the $84.84 per hour average wage for attorneys as estimated by the Bureau of Labor Statistics by the 5.83 hours estimated to complete the form). For those individuals who do not retain a practitioner to prepare the form, there is an estimated cost of $10 per hour for a respondent's own time and materials to complete the form. Therefore, the total maximum public cost burden for each form is estimated as follows:

Cost Item or Activity	EOIR-42A	EOIR-42B
Filing Fee	$710 per form	$1,640 per form
Printing	$0.70 per form	$0.80 per form
Mailing	$5 per form	$5 per form
Practitioner Assistance	$494.62 per form	$494.62 per form
TOTAL PER REPONSE	$1,210 per form	$2,140 per form

EOIR-42A: $1,210 maximum cost per form x 1,457 total annual responses = $1,762,956 maximum public cost burden estimate

EOIR-42B: $2,140 maximum cost per form x 13,787 total annual responses = $29,509,956 maximum public cost burden estimate

14. Estimated Cost to the Federal Government - EOIR estimates that the average annual government cost for printing, distributing, stocking, processing and maintaining the Forms EOIR-42A and EOIR-42B is $55,340. Approximately 5,197 forms will be printed by agency staff each year to maintain in paper case files. At $0.10 per page, average annual printing cost to the government is $163

for the EOIR-42A and $3,971 for the EOIR-42B, for a grant total of $4,134. EOIR estimates the total average annual cost for processing is $38,110 and for overhead is $13,096. Combining the total printing, processing, and overhead estimates, there is an estimated average annual government cost of $55,340 for both forms combined.

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

First, for both forms, there was an observed decrease in the average annual number of forms received by the agency. This decrease contributed to a decrease in the public cost burden estimate for the EOIR-42B but did not appear to impact the public cost burden estimate for the EOIR-42A. This decrease also contributed to an overall decrease in the cost to the federal government; because fewer forms were filed with the agency, EOIR spent less time and labor printing, distributing, stocking, processing, and maintaining the forms.

Second, for both forms, there was an increase in the filing fee as well as the average annual wage for attorneys as estimated by the Bureau of Labor Statistics. The increase in filing fee and practitioner wage contributed to an overall increase in the public cost burden estimate for the EOIR-42A but did not appear to contribute to any public cost burden estimate change for the EOIR-42B.

Third, to estimate the maximum public cost burden, EOIR included the cost to print and mail the form, which was not previously included in the public cost burden estimate. This contributed to an increase in the total maximum public cost burden estimate for the EOIR-42A but did not appear to impact such estimate for the EOIR-42B.

Fourth, for both forms, there is a decrease in the average estimated cost to the government due to improved accuracy in the printing cost estimate to the government. For estimated printing costs, EOIR only considered the number of forms associated with paper case files and excluded the forms associated with electronic case files. This is a more accurate measure of the average annual number of forms that would need to be printed for purposes of maintaining the form in the official paper case file and therefore serves as a more accurate basis for estimating printing costs to the 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 will display 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

Digitally signed by JUSTINE FUGA
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