

SUPPORTING STATEMENT
Petition for Nonimmigrant Worker
(Form I-129)

OMB No. 1615-0009

A. Justification:

1. This form is necessary for an employer to petition for an alien to come to the U.S. temporarily to perform services or labor, or to receive training, in the following categories: as an H-1B, H-1C, H-2A, H-2B, H-3, L-1, O-1, O-2, P-1, P-2, P-3, Q-1 or R-1 nonimmigrant worker.

This form is also necessary for an employer to petition for an extension of stay or change of status for an alien as an E-1, E-2, E-3, or TN nonimmigrant. A petition is not required to apply for an E-1, or E-2 nonimmigrant visa or admission as a TN nonimmigrant. A petition is only required to apply for a change to one of these classifications.

Authority: 8 CFR 214.2(e)(1), (h)(2)(i)(A), (l)(2)(i), (o)(2)(i), (p)(2)(i), (q)(3)(i), and (r)(3).

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

applicants. This form is being revised (See table of changes).

3. The use of this form provides the most efficient means for collecting and processing the required data. Currently USCIS allows for e-filing of the Form I-129.
<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=f3fe194d3e88d010VgnVCM10000048f3d6a1RCRD&vgnextchannel=9059d9808bcb d010VgnVCM100000d1f1d6a1RCRD>
4. A review of the Forms Inventory Report revealed no duplication of effort, and there is no other similar information currently available that can be used for this purpose.
5. This collection of information does not have an impact on small businesses or other small entities.
6. If the information is not collected, the USCIS will not be able to determine the alien's eligibility for the benefit sought.
7. The special circumstances contained in item 7 of the supporting statement are not applicable to this information collection.
8. USCIS will address any comments in its second submission.
9. The USCIS does not provide payments or gifts to respondents in exchange for a benefit sought.

10. There is no assurance of confidentiality.

11. There are no questions of a sensitive nature.

12. Annual Reporting Burden: Form I-129 Religious
Workers

a. Number of Respondents	364,048	18,500
b. Number of Responses per Respondent	1	1
c. Total Annual Response	364,048	18,500
d. Hours per Response	2.75	3
e. Total Annual Reporting Burden	1,001,132	55,500

Annual Reporting Burden

Total annual reporting burden hours is 1,056,632. This figure was derived by multiplying the number of respondents (364,048) x frequency of response (1) x hours per response 2.75 hours (2 hrs. and 45 minutes) per response; plus the number of respondents for religious workers (18,500) x frequency of response (1) x 3 hours per response.

13. There are no capital or start-up costs associated with this information collection. However, there is a fee of \$320 for this information collection. Any cost burdens to respondents as a result of this collection are identified in question 14.

14. Annualized Cost Analysis:

Printing Cost	\$	1,287,607
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Collecting and Processing	\$	121,127,753
Total Cost to Program	\$	122,415,360
Fee Charge	\$	122,415,360
Total Annual Cost to Government	\$	0

Government Cost

The estimated cost of the program to the Government is calculated by multiplying the estimated number of respondents (382,548) x \$320 the suggested base fee charge.

Public Cost

The estimated annual public cost is \$ 132,981,680.

This estimate is based on the number of respondents (364,048) x number of responses (1) x 2.75 hours (2 hours and 45 minutes) per response x \$10 (average hourly rate); plus the number of respondents for religious workers (18,500) x number of responses (1) x 3 hours per response x \$10 (average hourly rate); plus the total number of respondents (382,548) x the fee (\$320).

15. There has been an increase of 11,510 in the number of respondents and an increase of 36,277 in the annual burden hours for this information collection. There is also an increase of \$3,683,200 in the annual burden cost. These increases can be attributed to the following two regulations:
 - a. Final Rule: “Temporary Agricultural Workers within the H-2A Nonimmigrant Classification; 1615-AB65.”
 - b. Final Rule: “Changes to Requirements Affecting H-2B Nonimmigrants and Their Employers; 1615-AB67.”

16. USCIS does not intend to employ the use of statistics or the publication thereof for this collection of information.
17. USCIS will not display the expiration date for this information collection on the automated system.
 - a. Displaying the expiration date serves no useful purpose for USCIS information collections, confuses the public, and requires USCIS to expend scarce fee revenue to re-program automated systems in order to change the expiration date.
 - b. At any given time there are numerous forms on the USCIS Web site that have dates on them that indicate that the form has “expired.”
 - c. The public, which is mostly unfamiliar with the Paperwork Reduction Act, does not know what that date means. Our experience indicates that much of the public interprets that date as meaning that the form has actually expired and thus there must be a current version available elsewhere.
 - d. USCIS call centers receive numerous unnecessary inquiries about the “new” form when the version on the Web site has “expired” while USCIS awaits OMB approval of a revision or extension of the currently approved information collection.
 - e. USCIS has recently posted a notice on its Web site informing the public that a form on that site that indicates that it has expired is still valid and accepted, which renders the expiration date meaningless.
 - f. In the case of a request for an extension of an approved information collection, many of which USCIS must provide annually, the only change on the form may

be the expiration date. In that case, the USCIS centralized Lockbox intake facility still must re-program its software to update it for the current version of the form at a cost of \$1,000. More extensive changes are more costly.

- g. Not displaying the expiration date on the form would allow USCIS to forego reprogramming costs in the case of a simple extension.

Accordingly, USCIS requests permission to not display the expiration date of this information collection because displaying the expiration date confuses the public, serves no purpose, and may require inefficient expenditure of fee revenue collected from those who have requested immigration benefits.

- 18. USCIS does not request an exception to the certification of this information collection.

B. Collection of Information Employing Statistical Methods.

Not applicable.

C. Certification and Signature

D. PAPERWORK CERTIFICATION

In submitting this request for OMB approval, I certify that the requirements of the Privacy Act and OMB directives have been complied with including paperwork regulations, statistical standards or directives, and any other information policy directives promulgated under 5 CFR 1320.

Sunday Aigbe,

Date:

Chief,

Regulatory Products Division,

U.S. Citizenship and Immigration Services.