

SUPPORTING STATEMENT

Request a Fee Waiver

(Form I-912)

OMB No. 1615-New

A. Justification:

1. Regulations at 8 CFR103.7(c) allow for applicants of immigration benefits to request a fee waiver for certain benefits on the basis of an inability to pay. The information collection required on Form I-912, Request for Fee Waiver, is necessary in order for U.S. Citizenship and Immigration Services (USCIS) to make a determination that the applicant is unable to pay the application fee for the immigration benefit requested.
2. The data collected on this form is used by USCIS to verify that the applicant is unable to pay for the immigration benefit being requested. Form I-912 serves the purpose of standardizing the collection and analysis of statements and supporting documentation provided by the applicant with the fee waiver request.
3. The use of this form provides the most efficient means for collecting and processing the required data. In this case USCIS does not employ the use of information technology in collecting and processing information. Currently USCIS does not have the automated capability in place to accept electronic submission of fee waiver requests and supporting documentation. However, the form can be completed electronically, but cannot be e-filed.

4. A review of USCIS Forms Inventory Report revealed no duplication of effort, and there is no other similar information currently available which 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, USCIS could not ensure consistency and fairness in the application of its guidance to all fee waiver requests. Form I-912 standardizes the collection of required supporting information and supports a consistent methodology for analyzing that information.
7. There are no special circumstances applicable with this information collection.
8. USCIS has consulted with and received valuable input from various stakeholders and community based organizations in developing the Form I-912 and the accompanying form instructions. On July 14, 2010, USCIS published a 60-day notice in the Federal Register at 75 FR 40846 requesting comment on the new form. USCIS received comments from 30 commenters. The following is a discussion of the comments and USCIS' response.

All but one of the commenters supported the use of a form for requesting fee waivers based on an inability to pay.

Fourteen of the commenters requested simpler language associated with accepting documentation for means-tested benefits. They felt that if an applicant provided documentation showing that they were currently receiving a means-tested benefit

that USCIS should state that it would approve the fee waiver request. USCIS incorporated these suggestions. Twelve of the commenters requested the test against the Federal Poverty Guidelines should be at or under 150% of the guidelines instead of 100% of the guidelines. They noted that this is a standard measure for determining if an individual qualified for a meant-tested benefit. USCIS incorporated this suggestion.

Eleven of the commenters asked that an affidavit be used as support for income, assets and expenses. They felt that the requirements for documentation could prove to be too difficult for some applicants to obtain. USCIS simplified the requirements for supporting documentation, but still maintained the requirements that supporting documentation be provided.

Eleven commenters felt that the guidance for individuals separated from their spouses was too complex and that there was no need to request evidence of legal separation. USCIS simplified the guidance and eliminated the need to provide a copy of a document supporting the legal separation.

Twelve of the commenters felt that USCIS should not be asking victims of domestic violence to provide income from the abusive spouse. USCIS agrees and has removed this requirement.

Two commenters provided edits to clarify guidance associated with Special Immigrant Juveniles. USCIS incorporated these changes.

Ten commenters felt that if USCIS required additional information to support their fee waiver request USCIS should provide the applicant with 30 days to submit the additional evidence or fee. If the applicant provided the additional evidence or the fee within 30 days of the request the original filing date would be retained. Such a procedure would be contrary to 8 CFR 103.2(a)(7)(i) which provides that an application received shall be regarded as properly filed if it is signed and executed and the required filing fee is attached or a waiver of the filing fee is granted. There is no provision for USCIS to follow up with the applicant to obtain additional evidence to support a fee waiver request or to provide the applicant with additional time to submit a fee.

Six commenters requested that fees for additional immigration forms be waived if the applicant provides support for an inability to pay. Each fee waiver request is benefit specific and must be consistent with the benefit being sought as required by 8 CFR 103.7(c)(1).

9. USCIS does not provide payments or gifts to respondents in exchange for a benefit sought.
10. There is no assurance of confidentiality.
11. Form I-912 requires the applicant to provide sensitive income, expense and asset information to USCIS. In addition, the applicant, depending on the

circumstances, may be required to provide information concerning household status and medical conditions. This information is absolutely essential in order for USCIS to make a determination as to whether the applicant is unable to pay the immigration benefit fees.

12. **Annual Reporting Burden:**

a.	Number of Respondents	85,000
b.	Number of Responses per each Respondent	1
c.	Total Annual Responses	85,000
d.	Hours per Response	1.166
e.	Total Annual Reporting Burden	99,110

Annual Burden Hours

Total annual reporting burden is 99,110. This figure was derived by multiplying number of respondents (85,000) x (1) frequency of response x (1.166) (1 hour and 10 minutes) per response.

The projected hours per response for this collection of information were derived by first breaking the process into three basic components:

Learning about the Law and the Form:	10 Minutes
Gathering Support Information	30 Minutes
Completion of the Form:	10 Minutes
Assembling and Filing the Form:	<u>20 Minutes</u>
Total Hours per Response	70 Minutes (1.166)

13. There are no capital or start-up costs associated with this information collection.
- Any cost burdens to respondents as a result of this collection are identified in

question 14. There are no fee charges.

14. **Annualized Cost Analysis:**

a.	Printing Cost	\$ 20,000
b.	Collecting and Processing	\$ 1,680,000
c.	Total Cost to Program	\$ 1,700,000
d.	Fee Charge	\$ 0
e.	Total Annual Cost to Government	\$ 1,700,000

Government Cost

The estimated cost to the Government is \$1,700,000. This figure is calculated by multiplying the estimated number of total respondents 85,000 x .50 (30 minutes) (time required to collect and process information) x \$40 (suggested average hourly rate for clerical, officer, and supervisory time with benefits). In addition, this figure includes the estimated overhead cost for printing, stocking, and distributing the form which is \$20,000.

Public Cost

The estimated annual public cost for this information collection is \$2,962,397.

This is based on the number of respondents 85,000 x 1.166 hours (1 hour and 10 minutes) per response x \$29.89 (average hourly rate).

15. Since this is a new information collection there is an increase of 99,110 annual burden hours to the OMB inventory.
16. USCIS does not intend to employ the use of statistics or the publication thereof for this collection of information.

17. DHS will not display the expiration date for this information collection on the form.

- 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 Signatures

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.