

## **SUPPORTING STATEMENT**

### **National Interest Waivers; Supplemental Evidence to I-140 and I-485**

**(File No. OMB-22)**

**OMB No. 1615-0063**

#### **A. Justification.**

1. Section 203(b)(2)(B) of the Immigration and Nationality Act, allows the Secretary of Homeland Security to issue national interest waivers on behalf of any alien physician who agrees to work full time as a physician in an area or areas designated by the Secretary of Health and Human Services as having a shortage of health care professionals or at a health care facility under the jurisdiction of the Secretary of Veterans Affairs; and a Federal agency or a department of public health in any State has previously determined that the alien physician's work in such an area or at such facility was in the public interest.

The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) regulations at 8 CFR 204.12 and 245.18 establish special rules for requests for national interest waivers that are filed with Form I-140, by or on behalf of physicians who are willing to work for either three or five years (depending on filing date) in areas of the United States that have a shortage of health care professionals, as determined by the Department of Health and Human Services (HHS) or at facilities operated by the Department of Veterans Affairs (VA). The Secretary of Homeland security, is not authorized to make a final adjudication on a Form I-485 application (a request for an adjustment of status), until a physician has had time to prove that he or she has practiced in an underserved area for the required time period, either 3 or 5 years. The regulations are only applicable to practicing physicians, not other health care professionals such as nurses, physical therapists, or doctor's assistants. The regulations do not necessitate the creation of a new form or the editing of the existing Form I-140 or I-485. Rather, the regulations require the submission of additional documentary evidence to support the requests for an immigrant visa number and adjustment of status.

2. The information that will be collected will be used by the Department of Homeland Security, USCIS, to determine eligibility for the requested national interest waiver and to finalize the request for adjustment to lawful permanent resident status.

3. Currently, the USCIS does not employ the use of information technology in collecting and processing information, nor does the USCIS have the automated capability to accept electronic submission of supplemental documents. However, these supplemental documents are submitted in conjunction with the Form I-140. The Form I-140 can be submitted electronically to USCIS.
4. A review of the USCIS Forms Inventory Report revealed no duplication of effort, and there is no other similar information currently available that can be used for this adjudication.
5. This collection of information does not have an impact on small businesses or other small entities.
6. If the supplemental evidence noted above is not collected, the USCIS will not be able to comply with section 203(b)(2)(B) of the Act.. National interest waivers for physicians agreeing to practice in shortage areas and the subsequent adjustment of status application will not be able to be accurately adjudicated.
7. There are no special circumstances applicable to this information collection.
8. USCIS will address any comments prior to submitting the ICR to OMB.
9. 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

a. Number of Respondents (est.)	8,000
b. Number of Responses per each Respondent	2
c. Total Annual Responses	16,000
d. Hours per Response	1
e. Total Annual Reporting Burden	16,000

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

Learning about the Law	20 Minutes
Obtaining the Necessary Documentation	35 Minutes
Supplementing the Form Package	5 Minutes
<i>Total Hours per Response</i>	<i>60 Minutes</i>

### **Annual Burden Hours**

**Total annual reporting burden hours is 16,000.** This figure is calculated by multiplying the number of respondents (8,000) x the number of responses (2) x hours per response (1 hr.)

**Note:** Information will be collected twice. Physicians with a 5-year service requirement must submit the required documentation within 120 days after the 2<sup>nd</sup> and 6<sup>th</sup> anniversaries of the I-140 approval.

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 item 14.

14. Annualized Government Cost

a.	Printing Cost	\$ 0
b.	Collection and Processing Cost	\$ 640,000
c.	Total Cost to Program	\$ 640,000
d.	Fee Charge	\$ 0
e.	Total Cost to Government	\$ 640,000

### **Government Cost**

The estimated cost to the Government is calculated by multiplying the number of respondents (8,000) x the number of responses (2) x 1 hour (time required to collect and process information) x \$40 (suggested average hourly rate for clerical, officer, and managerial time with benefits).

## **Public Cost**

**The estimated annual public cost is \$288,640.** This estimate is based on the number of respondents (8,000) x 2 x 1 hour per response x \$18.04 (average hourly rate).

15. There has been an increase of 8,000 annual burden hours associated with the collection of this information. In previous submissions USCIS incorrectly put the number of responses per respondent as one. USCIS should have recorded the number of responses as two since physicians with a 5-year service requirement must submit the required documentation within 120 days after the 2<sup>nd</sup> and 6<sup>th</sup> anniversaries of the Form I-140 approval. There has been a decrease of \$3,680,000 in the annual public cost burden. Since there is no fee for filing the supplemental documentation the cost burden on the public should be \$0.
16. USCIS does not intend to employ the use of statistics or the publication thereof for this collection of information.
17. Since this is supplemental information being submitted in letter format, USCIS is seeking a waiver to display the expiration date for this information collection.
18. The 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.**

## **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.

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Richard A. Sloan  
Chief  
Regulatory Management Division

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Date