

SUPPORTING STATEMENT
Application to File Declaration of Intention
(Form N-300)
(OMB No. 1615-0078)

A. Justification:

1. Under section 334 of the Immigration and Nationality Act (Act), an applicant for naturalization who is residing in the United States as a lawful permanent resident, may file a declaration of intention with U.S. Citizenship and Immigration Services (USCIS) to become a United States citizen.
2. The Form N-300 is used by permanent residents to file a Declaration of Intention to become a United States citizen ("Declaration of Intention"). Although the Declaration of Intention is not required for naturalization, some permanent residents find it necessary to file Form N-300 to fulfill requirements of states that mandate specific documentation from resident aliens seeking to work in certain occupations or professions, or to obtain various licenses. The Form N-300 facilitates this process.
3. The use of this form provides the most efficient means for collecting and processing the required data. Currently, USCIS does not have the automated capability in place to accept electronic submission of this type of application. However, this form can be completed electronically and has been designated for e-filing under the Business Transformation initiative.
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 does not have an impact on small businesses or other small entities.
6. The collection of this information is mandated by section 334 of the Act. USCIS collects this information to verify the status of the permanent resident. If USCIS deems the applicant eligible, it will issue him or her a duplicate copy of the Declaration of Intention. Without such documentation, it may not be possible for some permanent residents to satisfy requirements of states that ask permanent residents to produce evidence of their intention to become U.S. citizens in order to engage in certain occupations or professions, or obtain various licenses.
7. There are no special circumstances applicable to this information collection.
8. On March 28, 2011 USCIS published a 60-day notice in connection with this information collection in the Federal Register at 76 FR 17144. USCIS received one comment in connection with this notice. Through this comment, the commenter raised questions and recommended changes to USCIS with regard to various aspects related to this information collection.

The commenter suggested that this information collection be eliminated or more widely advertised. As the commenter stated, the Declaration of Intention is statutory, as a result, USCIS cannot eliminate the form. An applicant can file a Declaration of Intention to become a U.S. citizen, which assists an applicant, as it may be required by some States, if he or she wishes to engage in certain occupations or professions, or obtain certain licenses.

The commenter additionally stated that this information collection is not appropriate for e-filing and should not be considered for this type of filing.

USCIS is not currently considering extending the option of e-filing for this type of request; however this form has been designated for e-filing under the business transformation initiative.

The commenter pointed out that the instructions address digital photos but such submission is impractical and should be removed from the instructions. USCIS considers the submission of digital photos an important aspect to maintaining the integrity of the immigration system. It is practical to submit photos along with this information collection when an applicant files a Declaration of Intention with USCIS. Submitting digital photos is a USCIS requirement that will remain.

Furthermore, the commenter suggested that “[t]he implementing regulations at 8 CFR 334.11 pertaining to this form, are inaccurate, *ultra vires* and out of date. The statute only calls for the Declaration to be made in duplicate, presumably, one file copy and one for the applicant. The regulations call for the Declaration to be made in triplicate. The regulations correctly instruct the USCIS Officer to file one copy within the office (but this is no longer done), retain a copy to be interfiled in the applicant’s A-file, and give one copy to the applicant.” USCIS is meeting the requirements established under 8 CFR 334.11, which states “If approved, the application for the declaration of intention, page 1 of Form N-300, shall be retained and filed in the applicant's Service file. The original of the declaration of intention, page 2 of Form N-300, shall be filed in chronological order in the official files of the Service office where the application was filed. The duplicate of the declaration of intention, page 3 of Form N-300, shall be delivered to the applicant.” Currently, Page 1 of the approved Form N-300 is

placed into the applicant's A-File (service file). Page 2 is filed in the applicant's A-File as well as it is the official file of USCIS. Page 3 of Form N-300 is delivered to the applicant. Therefore, USCIS is meeting the requirements in the regulations.

The commenter indicated that "[t]he regulations say that the form can be denied and a decision should be issued but most USCIS Officers would not know how to write one. There is no appeal from a denial and that is a good situation because a true determination of eligibility for naturalization is best adjudicated via the Form N-400 with a greater showing of evidence, background checks via fingerprinting, and more legal research than should be expended for a *prima facie* showing of eligibility for a *Declaration of Intention*." USCIS responds to this comment by pointing out that when USCIS denies a Form N-300, it mails the applicant a denial notice and the applicant can then file a Form I-290B, Notice of Appeal or Motion.

Lastly, the commenter states that "the filing a new Form N-300 application is less expensive than filing an appeal or motion (I-290B), so those should be strongly discouraged at this unnecessary preliminary stage." USCIS clarifies that it cannot provide legal advice to an applicant. The applicant must research, or seek guidance, and decide whether to file Form N-300 or I-290B, with USCIS.

USCIS will not be making any changes to this information collection as a result of receiving this comment.

9. USCIS does not provide payments or gifts to respondents in exchange for a benefit sought.

10. There is no assurance of confidentiality. Although, the Privacy Act of 1974 (Public Law 93-589) mandates that personal information solicited from individuals completing Federal records and forms shall be kept confidential, the respondent is informed prior to submission that we may provide this information to other government agencies. The system of record associated with this information collection is U.S. Citizenship and Immigration Benefits Information System, which was published on September 29, 2008, at 73 FR 56596. The related privacy impact assessment is USCIS Benefits Processing of Applicants other than Petitions for Naturalization, Refugee Status, and Asylum (Dated September 5, 2008).

11. There are no questions of a sensitive nature.

12. **Annual Reporting Burden:**

a. Number of Respondents	45
b. Number of Responses per Respondent	1
c. Total Annual Response	45
d. Hours per Response	.75
e. Total Annual Reporting Burden	34

Annual Reporting Burden

Total annual reporting burden hours are 34. This figure was derived by multiplying the number of respondents 45 x (1) frequency of response x .75 (45 minutes) per response.

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. There is a fee charge of \$250 associated with the collection of this information.

14. **Annualized Cost Analysis:**

Printing Cost	\$ 120
Collecting and Processing	\$ 11,130
Total Cost to Program	\$ 11,250
Fee Charge	\$ 11,250
Total Cost to Government	\$ 0

Government Cost

The cost of the program to the Government is calculated by multiplying the estimated number of respondents 45 x \$250 the suggested fee charge (which includes the suggested average hourly rate for clerical, officer, and managerial time with benefits). In addition, the cost includes estimated overhead cost for printing, stocking, distributing and processing of this form.

Public Cost

The estimated annual public burden cost is \$1,030. This is based on the number of respondents 45 x (1) response x .75 (45 minutes) per response x \$30.53 (average hourly rate);

The estimated annual public fee cost is \$11,250. This is based on the number of respondents 45 x \$250 fee charge.

15. There has been no increase or decrease in the estimated annual burden hours previously reported for this information collection. There is no change in the information being collected.
16. USCIS does not intend to employ the use of statistics or the publication thereof for this collection of information.
17. Based on 5 CFR 1320.5(a)(1)(iii)(C), USCIS is seeking an exception from OMB to display an expiration date for this information collection. OMB reviews USCIS' immigration forms annually because they cannot be electronically-filed. USCIS has been including the expiration date of the annual approval on the forms, although the information being requested from the public does not usually change from year to year. USCIS' current practice has been that once OMB approves the annual extension for use of the form, the existing forms inventory is destroyed and additional forms and instructions with the new expiration date are printed and distributed. The current process has caused our customers great confusion because often times the form they have on hand may have a stale expiration date. Even though the form and instructions did not change, they do not want to use the expired form in fear that their application will be rejected due to the stale expiration date. USCIS is proposing removing the expiration date from this form in an effort to avoid confusion for our customers and to save the costs associated with destroying and printing forms unnecessarily.
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.

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,

Office of the Executive Secretariat,

U.S. Citizenship and Immigration Services,

Department of Homeland Security.