

**SUPPORTING STATEMENT FOR
APPLICATION FOR PROVISIONAL UNLAWFUL PRESENCE WAIVER OF
INADMISSIBILITY
OMB Control No.: 1615-0123
COLLECTION INSTRUMENT(S): FORM I-601A**

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

Section 212(a)(9)(B)(i)(I) and (II) of the Immigration and Nationality Act (INA or the Act) provides for the inadmissibility of certain aliens who have accrued unlawful presence in the United States. There is also a waiver provision incorporated into section 212(a)(9)(B)(v) of the Act, which allows the Secretary of Homeland Security to exercise discretion to waive the unlawful presence grounds of inadmissibility on a case by case basis. *See Provisional Unlawful Presence Waivers of Inadmissibility for Certain Immediate Relatives, Final Rule*, January 3, 2013, 78 FR 536. The information collection required on an Application for Provisional Unlawful Presence Waiver of Inadmissibility, Form I-601A, is necessary for U.S. Citizenship and Immigration Services (USCIS) to determine whether the applicant meets not only the requirements to participate in the streamlined waiver process provided by regulation, but also whether the applicant is eligible to receive the provisional unlawful presence waiver.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

Form I-601A will be used by certain immediate relatives of U.S. citizens to request a provisional waiver of the unlawful presence grounds of inadmissibility under section 212(a)(9)(B)(v) of the Act, prior to departing the United States to appear at a U.S. Embassy or consulate for an immigrant visa interview. USCIS will use the data collected on this newly created form to determine whether the applicant is eligible for a provisional waiver of the unlawful presence grounds of inadmissibility under section 212(a)(9)(B)(v) of the Act. The new form serves the purpose of standardizing the application and will ensure that applicants provide the information required for USCIS to assess their eligibility to participate in the new streamlined waiver process as well as their eligibility for the waiver itself.

3. **Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

The use of Form I-601A provides the most efficient means currently available for collecting and processing the data required to determine whether the applicant qualifies for a provisional waiver of the unlawful presence grounds of inadmissibility under section 212(a)(9)(B)(v) of the Act. This form will reside on the USCIS Web site (www.uscis.gov) but the public will not be able to immediately submit it electronically. The public, however, will be able to complete and save the form electronically, but it will have to be mailed to USCIS.

4. **Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

A review of USCIS Forms Inventory revealed no duplication of effort, and there is no other similar information currently available which can be used for this purpose.

The eligibility for a provisional unlawful presence waiver is sufficiently distinct from a waiver for other grounds of inadmissibility to justify the development of a new information collection instrument to be approved under a new OMB control number. Creating a new Form I-601A, *Application for Provisional Unlawful Presence Waiver*, instead of modifying the existing Form I-601, *Application for Waiver of Grounds of Inadmissibility*, will minimize confusion of applicants when trying to determine which form to file. In addition, this new domestic process differs from the Form I-601 process because it begins in the United States instead of overseas. Finally, on June 4, 2012, USCIS centralized filing and processing of Form I-601 filed overseas at one office. The separate Form I-601A will alleviate a large part of the confusion to the public between the centralization and processing for the Form I-601 and the new provisional unlawful presence waiver process. Both requests relate to consular processing of immigration benefit requests, but are separate initiatives. Applicants outside of the United States are not eligible to apply for a provisional unlawful presence waiver. Simply revising the Form I-601 would have confused the public and had a negative impact on USCIS operations. An example of the additional complexity to USCIS operations would be the initial filing of the request. If the filings were on the same form, our contracted Lockbox operations would have a cumbersome task to discern which of the two separate types of filings (provisional vs. non-provisional) they had; determine the correct fees needed (additional biometrics fee on the provisional unlawful presence waiver filing); properly reject forms based on different eligibility criteria; collect the appropriate data; and

correctly assemble the file. This operational complexity will be significantly diminished by a separate Form I-601A, which will differentiate the filings and allow for two clear process streams.

The Form I-601, Application for Waiver of Grounds of Inadmissibility, addresses all grounds of inadmissibility that can be waived under the INA, as opposed to one ground of inadmissibility – unlawful presence. The provisional unlawful presence waiver process involves both USCIS and Department of State (DOS). USCIS has agreed to expeditiously adjudicate waiver requests, and DOS has agreed to schedule immigrant visa interviews for the related immigrant visa application within a two to three month timeframe. Simply modifying the Form I-601 would have undermined this agreement and resulted in a duplication of processes already followed by DOS (i.e., a full interview, a full admissibility assessment, and resolution of any criminal or immigration history).

Additional differences between the current Form I-601 process requirements and the proposed process/requirements for a provisional unlawful presence waiver are:

- **Biometrics:** The Form I-601 does not require biometrics because the waiver requests are all based on a pending request for an immigration benefit that already requires biometrics (i.e., I-485, I-821, DS-230). The Form I-601A requires that the individual provide his or her biometrics.
- **Fees:** The Form I-601 only requires a fee for filing the form. A Form I-601A, Application for a Provisional Unlawful Presence Waiver, however require the form filing and a biometric services fee. Form I-601 allows for a fee waiver in certain circumstances while applicants may not request a fee waiver for Form I-601A.
- **Filings:** Applicants can apply for a provisional unlawful presence waiver based on approved immediate relative petitions (Form I-130 or I-360) classifying them as immediate relatives of U.S. citizens. The final rule covers several categories of aliens who may be eligible to apply for a provisional unlawful presence waiver. For example, applicants in removal proceedings may qualify if their cases have been administratively closed and not recalendared before filing of the Form I-601A. Applicants who withdraw a pending Form I-601A before final adjudication or for whom USCIS denies their request for a provisional unlawful presence waiver can file a new Form I-601A based on the same immediate relative petition. However, applicants can only file a new Form I-601A after withdrawal or denial, if their immigrant visa cases are still pending with DOS and they have notified DOS of their intent to file a new Form I-601A.

It is imperative that USCIS be able to easily communicate to potential applicants the specific requirements for participation in the new waiver process and obtaining a provisional waiver of their unlawful presence in the United States. If USCIS used the

Form I-601, *Application for Waiver of Grounds of Inadmissibility*, it would be difficult to clearly outline which requirements apply to a particular category of applicants. It also would cause confusion for aliens in the United States and residing abroad as to which waiver application should be used for a particular ground of inadmissibility. The separate Form I-601A will allow USCIS to properly communicate the requirements of the provisional unlawful presence waiver filing.

- Immigrant visa petition: Form I-601 requires an underlying immigrant visa petition and either a Form I-485, *Application to Register Permanent Residence or Adjust Status*, or an immigrant visa application. Form I-601 applicants also must appear for an immigrant visa interview by the DOS officer before the Form I-601 can be filed. The Form I-601A only requires an approved immediate relative petition (Forms I-130 or I-360) and proof that the applicant has initiated the immigrant visa process.
- Pre-interview adjudication: Form I-601 can only be filed by DOS immigrant visa applicants after they have been interviewed by a DOS consular officer. A provisional unlawful presence waiver can be requested before the applicant is scheduled to appear for the immigrant visa interview during DOS pre-consular processing.
- Inadmissibility determination: Form I-601 can only be used by immigrant visa applicants if a DOS consular officer already found the applicant inadmissible. A provisional unlawful presence waiver allows an immigrant visa applicant to self-identify the unlawful presence ground of inadmissibility before departing the United States to attend his or her immigrant visa interview with a DOS consular officer.
- Grounds that may be waived: Form I-601 can be used to waive multiple grounds of inadmissibility. A provisional unlawful presence waiver only waives certain unlawful presence grounds.

In addition, USCIS has investigated its internal processes, files and data as well as those of other Federal agencies that may service the same population. USCIS was not able to find any other means by which the information necessary for this process could be obtained except for the use of the form submitted for approval in this request. USCIS will continue to examine ways in which information may be obtained from other sources and any identified duplications can be minimized or removed.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

This collection of information does not have an impact on small businesses or other small entities.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The collection instrument submitted under this request is submitted on an “as needed” basis in connection with an immigration benefit request. The information provided must be current, thus previously submitted data cannot be used. If the information is not collected, USCIS will not be able to fulfill its core mission of providing immigration benefit and information services while ensuring the integrity of the immigration system. USCIS would not be able to properly assess the alien's eligibility for the requested provisional waiver of the unlawful presence grounds of inadmissibility under section 212(a)(9)(B) of the Act and, as a result, the applicant's request will not be accurately adjudicated.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **Requiring respondents to report information to the agency more often than quarterly;**
- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **Requiring respondents to submit more than an original and two copies of any document;**
- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures**

to protect the information's confidentiality to the extent permitted by law.

This information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

8. **If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On June 27, 2014 USCIS published a 60-day notice in the Federal Register at 79 FR 36543. USCIS received comments after publishing that notice. The appendix attached to this supporting statement contains a summary of these comments as well as USCIS' responses.

On XXXXX XX, 20XX, USCIS published a 30-day notice in the Federal Register at XX FR XXXXX. USCIS did/did not receive comments.

Comment [LMV1]: To be completed after the 30-day notice is published.

9. **Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

USCIS does not provide payments or gifts to respondents in exchange for an immigration benefit sought by the respondent.

10. **Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation or agency policy.**

There is no assurance of confidentiality. The system of record notice associated with this information collection is *United States Citizenship and Immigration Services Benefits*

Information System, which was published in the Federal Register on September 29, 2008 at 73 FR 56596. The privacy impact assessment associated with this information collection is *USCIS Benefits Processing of Applicants other than Petitions for Naturalization, Refugee Status, and Asylum* dated September 5, 2008.

- 11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

This information collection contains questions that are of a sensitive nature. Respondents must provide information regarding previous immigration and criminal history. The sensitive questions are necessary because applicants are not eligible for a provisional unlawful presence waiver if USCIS has *reason to believe* that they are inadmissible for any ground provided in section 212(a) of the Act other than unlawful presence under section 212(a)(9)(B)(i) of the Act. USCIS will review affirmative answers for these questions and the applicants' description of the events that led to the creation of an immigration or criminal history record to section 212 of the Act to determine if the applicant may be inadmissible for a ground other than unlawful presence under section 212(a)(9)(B)(i) of the Act. USCIS obtains the consent of the applicant to this required information on page 5 of Form I-601A, which USCIS instructs the applicant to read prior to signing the Form I-601A on the same page.

Below is a list of those specific sensitive questions and their needs:

26. Are you currently in removal, exclusion, or deportation proceedings? This includes being subject to a final order of removal, exclusion, or deportation or a Department of Homeland Security (DHS) removal order that reinstates a prior removal, exclusion, or deportation order.

Note: *If your case has been administratively closed, you are still "in removal proceedings" until the Department of Justice's Executive Office for Immigration Review (EOIR) terminates or dismisses your case. However, you are eligible to apply for a provisional unlawful presence waiver if EOIR has not placed your removal proceedings back on EOIR's calendar in order to continue your removal proceedings.*

*If you answered "Yes" to **Item Number 26.**, select the statement below that most accurately describes your current situation.*

JUSTIFICATION: This question is needed to determine whether the individual qualifies

for the provisional unlawful presence waiver. An individual who is in removal proceeding is generally not eligible to seek a provisional unlawful presence waiver unless he or she can demonstrate that his or her removal proceedings have been administratively closed and not recalendered by EOIR prior to filing of the Form I-601A.

27.a. I am in removal, exclusion, or deportation proceedings that are administratively closed and, at the time of filing my Form I-601A, have not been placed back on EOIR's calendar to continue my removal, exclusion, or deportation proceedings.

Note: Provide a copy of the administrative closure order. Also, if U.S. Citizenship and Immigration Services (USCIS) approves your provisional unlawful presence waiver, you should seek termination or dismissal of your removal, exclusion, or deportation proceedings **before** you depart the United States for your immigrant visa interview.

27.b. I am subject to a final order of removal, exclusion, or deportation.

27.c. I am subject to a DHS order that reinstates a prior removal, exclusion, or deportation order seeking my removal, exclusion, or deportation from the United States.

27.d. I am currently in removal, exclusion, or deportation proceedings that are not administratively closed or in removal, exclusion, or deportation proceedings that were administratively closed, but EOIR has placed my proceedings back on its calendar in order to continue them.

27.e. I am subject to a judicial order of removal issued by a Federal court.

JUSTIFICATION for 27.a. – 27.e.: These related questions are needed to determine whether the individual qualifies for the provisional unlawful presence waiver. An individual who is in removal proceeding is generally not eligible to seek a provisional unlawful presence waiver unless he or she can demonstrate that his or her removal proceedings have been administratively closed and not recalendered by EOIR prior to filing of the Form I-601A.

Answer **Item Number 28. – 34.** If you answer “Yes” to any question in **Item Numbers 28. – 34.**, you may be ineligible for a provisional unlawful presence waiver if USCIS has reason to believe that you may be subject to grounds of inadmissibility, other than unlawful presence under INA section 212(a)(9)(B)(i)(I) or (II) at the time of your immigrant visa interview with a Department of State (DOS) consular officer. For each “Yes” response for **Item Number 28. – 34.**, provide the location and date of the event and a brief description in **Part 9. Additional Information**. For **Item Number 30.**, if you were not charged with any crime or offense, provide a statement or other documentation from the arresting authority or prosecutor's office to show that you were not charged

*with any crime or offense. If you answer “Yes” to **Item Number 31.**, you must provide all related court dispositions.*

*28. Have you **EVER** knowingly and willfully given false or misleading information to a U.S. Government official while applying for an immigration benefit or to gain entry or admission into the United States?*

JUSTIFICATION: This question is required because an affirmative answer may render applicant ineligible for a provisional unlawful presence waiver and result in denial of the Form I-601A under 8 CFR 212.7(e)(4)(i) for an inadmissibility other than unlawful presence. Without this question, we would not be able to properly identify all applicants who fall into this category of aliens who are ineligible for a provisional unlawful presence waiver.

*29. Have you **EVER** knowingly assisted or attempted to assist the entry of someone, even a family member, into the United States without the benefit of a valid travel document in violation of U.S. law?*

JUSTIFICATION: This question is required because an affirmative answer may render an applicant ineligible for a provisional unlawful presence waiver and result in denial of the Form I-601A under 8 CFR 212.7(e)(4)(i) for an inadmissibility other than unlawful presence. Without this question, we would not be able to properly identify all applicants who fall into this category of aliens who are ineligible for a provisional unlawful presence waiver.

*30. Have you **EVER** been arrested, cited, or detained by a law enforcement officer (including immigration and military officers) in the United States, your home country, and/or any other country for any reason other than traffic violation?*

JUSTIFICATION: This question is required because an affirmative answer may render an applicant ineligible for a provisional unlawful presence waiver and result in denial of the Form I-601A under 8 CFR 212.7(e)(4)(i) for an inadmissibility other than unlawful presence. Without this question, we would not be able to properly identify all applicants who fall into this category of aliens who are ineligible for a provisional unlawful presence waiver.

*31. Have you **EVER** been charged, indicted, convicted, imprisoned or jailed in the United States, your home country, and/or any other country for any crime or offense?*

JUSTIFICATION: This question is required because an affirmative answer may render an applicant ineligible for a provisional unlawful presence waiver and result in denial of the Form I-601A under 8 CFR 212.7(e)(4)(i) for an inadmissibility other than unlawful

presence. Without this question, we would not be able to properly identify all applicants who fall into this category of aliens who are ineligible for a provisional unlawful presence waiver.

32. Have you **EVER** trafficked in or are you **NOW** trafficking in any controlled substance?

JUSTIFICATION: This question is required because an affirmative answer may render an applicant ineligible for a provisional unlawful presence waiver and result in denial of the Form I-601A under 8 CFR 212.7(e)(4)(i) for an inadmissibility other than unlawful presence. Without this question, we would not be able to properly identify all applicants who fall into this category of aliens who are ineligible for a provisional unlawful presence waiver.

33. Are you **NOW** or have you **EVER** knowingly assisted, abetted, conspired, or colluded with others in the unlawful trafficking of any controlled substance?

JUSTIFICATION: This question is required because an affirmative answer may render an applicant ineligible for a provisional unlawful presence waiver and result in denial of the Form I-601A under 8 CFR 212.7(e)(4)(i) for an inadmissibility other than unlawful presence. Without this question, we would not be able to properly identify all applicants who fall into this category of aliens who are ineligible for a provisional unlawful presence waiver.

34. Are you **NOW** or have you **EVER** been engaged in prostitution?

JUSTIFICATION: This question is required because an affirmative answer may render an applicant ineligible for a provisional unlawful presence waiver and result in denial of the Form I-601A under 8 CFR 212.7(e)(4)(i) for an inadmissibility other than unlawful presence. Without this question, we would not be able to properly identify all applicants who fall into this category of aliens who are ineligible for a provisional unlawful presence waiver.

Answer Item Number 35.a. – 41. If you answer “Yes” to any question in **Item Numbers 35.a. – 41.**, you may be ineligible for a provisional unlawful presence waiver if USCIS has reason to believe that you may be subject to grounds of inadmissibility other than unlawful presence under INA section 212(a)(9)(B)(i)(I) or (II) at the time of your immigrant visa interview with a DOS consular officer. For each “Yes” response for **Item Numbers 35.a. – 41.**, provide a complete explanation in **Part 9. Additional Information**.

Have you **EVER** ordered, incited, called for, committed, assisted, helped with, or otherwise participated in any of the following:

35.a. Acts involving torture, genocide, or human trafficking?

35.b. Killing any person?

35.c. Intentionally and severely injuring any person?

35.d. Engaging in any kind of sexual contact or relations with any person who was being forced to participate or through use of threat?

35.e. Limiting or denying any person's ability to exercise religious beliefs?

JUSTIFICATION: These questions are required because an affirmative answer may render applicant ineligible for a provisional unlawful presence waiver and result in denial of the Form I-601A under 8 CFR 212.7(e)(4)(i) for an inadmissibility other than unlawful presence. Without this question, we would not be able to properly identify all applicants who fall into this category of aliens who are ineligible for a provisional unlawful presence waiver.

*Have you **EVER**:*

36.a. Served in, been a member of, assisted in, or participated in any military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, rebel group, guerilla group, militia, or insurgent organization?

36.b. Served in any prison, jail, prison camp, detention facility, labor camp, or any other situation that involves detaining persons?

JUSTIFICATION: These questions are required because an affirmative answer may render applicant ineligible for a provisional unlawful presence waiver and result in denial of the Form I-601A under 8 CFR 212.7(e)(4)(i) for an inadmissibility other than unlawful presence. Without this question, we would not be able to properly identify all applicants who fall into this category of aliens who are ineligible for a provisional unlawful presence waiver.

*37. Have you **EVER** been a member of, assisted in, or participated in any group, unit, or organization of any kind that used or threatened to use any type of weapon against any person?*

JUSTIFICATION: This question is required because an affirmative answer may render applicant ineligible for a provisional unlawful presence waiver and result in denial of the Form I-601A under 8 CFR 212.7(e)(4)(i) for an inadmissibility other than unlawful

presence. Without this question, we would not be able to properly identify all applicants who fall into this category of aliens who are ineligible for a provisional unlawful presence waiver.

*38. Have you **EVER** assisted or participated in selling, providing, or transporting weapons to any person who to your knowledge, used them against another person?*

JUSTIFICATION: This question is required because an affirmative answer may render applicant ineligible for a provisional unlawful presence waiver and result in denial of the Form I-601A under 8 CFR 212.7(e)(4)(i) for an inadmissibility other than unlawful presence. Without this question, we would not be able to properly identify all applicants who fall into this category of aliens who are ineligible for a provisional unlawful presence waiver.

*39. Have you **EVER** received any type of military, paramilitary, or weapons training?*

JUSTIFICATION: This question is required because an affirmative answer may render applicant ineligible for a provisional unlawful presence waiver and result in denial of the Form I-601A under 8 CFR 212.7(e)(4)(i) for an inadmissibility other than unlawful presence. Without this question, we would not be able to properly identify all applicants who fall into this category of aliens who are ineligible for a provisional unlawful presence waiver.

*40. Have you **EVER** recruited, enlisted, conscripted, or used any person under 15 years of age to serve in or help an armed force or group?*

JUSTIFICATION: This question is required because an affirmative answer may render applicant ineligible for a provisional unlawful presence waiver and result in denial of the Form I-601A under 8 CFR 212.7(e)(4)(i) for an inadmissibility other than unlawful presence. Without this question, we would not be able to properly identify all applicants who fall into this category of aliens who are ineligible for a provisional unlawful presence waiver.

*41. Have you **EVER** used any person under 15 years of age to take part in hostilities or to help or provide services to people in combat?*

JUSTIFICATION: This question is required because an affirmative answer may render applicant ineligible for a provisional unlawful presence waiver and result in denial of the Form I-601A under 8 CFR 212.7(e)(4)(i) for an inadmissibility other than unlawful presence. Without this question, we would not be able to properly identify all applicants who fall into this category of aliens who are ineligible for a provisional unlawful presence waiver.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

Type of Respondent	Form Name / Form Number	No. of Respondents	No. of Responses per Respondent	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate *	Total Annual Respondent Cost
Individuals or Households	Application for Provisional Waiver of Inadmissibility, Form I-601A.	35,000	1	1.5 hours	52,500	\$30.81	\$1,617,525
Individuals or Households	Biometrics	35,000	1	1.17 hours	40,950	\$30.81	\$1,261,670
Total		35,000			93,450		\$2,879,195

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** The above Average Hourly Wage Rate is derived from the [May 2013 Bureau of Labor Statistics](#) Mean Hourly Wage for “All Occupations”. The wage rate of \$30.81 is calculated from the base average wage rate of \$22.01 times the wage rate benefit multiplier of 1.4. The selection of “All Occupations” represents the possibility that a respondent can be employed in any type of work; the collection is not targeting any specific category of employment.*

- 13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).**
- The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
 - If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
 - Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995; (2) to achieve regulatory compliance with requirements not associated with the information collection; (3) for reasons other than to provide information or keep records for the government; or, (4) as part of customary and usual business or private practices.**

There is no cost burden to respondents for actually responding to this information collection- start-up, maintenance, and operating costs associated with completing the paperwork. For informational purposes, there is a \$585 application fee and an \$85 biometric services fee associated with this information collection.

This information collection may impose some out-of-pocket costs on respondents in addition to the time burden for the form's preparation. USCIS has requested public input on the following costs but no feedback has been received so far:

1. Translations. Respondents might incur burden for translations of documents in foreign languages. USCIS continues to evaluate the estimated costs associated with these services. USCIS continues to seek comments on the possible cost associated with this step of the process.
2. Preparers. Many respondents may hire third parties to complete this type of request so there may be a cost for a preparer to assist in the form completion process. USCIS has requested public comments on the number of respondents who may hire preparers and the costs required to hire paid preparers for the preparation and submission of this form. No comments were received in this regard. USCIS however estimates that approximately 14,700 I-601A respondents hire attorneys who assist with these requests. The cost associated with these services is estimated at \$1,387,607 (14,700 respondents x 1.5 hours per response x \$62.93([BLS National Mean Hourly Wage rate](#))).
3. Records. Many respondents may be required to provide, among other things, expert opinions, records attesting to employment or business ties, such as payroll records or tax statements; evidence of monthly expenditures such as mortgages, rental agreements, bills and invoices; financial and medical records; membership records; volunteering confirmations; evidence of cultural affiliations; birth, marriage, adoption certificates, etc., to establish extreme hardship. USCIS has sought and continues to seek public comments on the costs associated with obtaining these records. No public feedback has been received in this regard to the date.

14. **Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.**

Annualized Cost Analysis:

a.	Printing Cost	\$	2,804
b.	Collecting and Processing	\$	23,447,196
c.	Total Cost to the Government	\$	23,450,000

Government Cost

USCIS establishes its fees using an activity-based costing model to assign costs to an adjudication based on its relative adjudication burden and use of USCIS resources. Fees are established at an amount that is necessary to recover these assigned costs, plus an amount to recover unassigned overhead (which includes the clerical, officer, and managerial time with benefits) and immigration benefits provided for free. As a consequence of USCIS immigration fees being based on resource expenditures related to the benefit in question, USCIS uses the fee associated with an information collection as a reasonable measure of the collection's costs to USCIS. USCIS has established the fee for Form I-601A at \$585. The estimated cost of the program to USCIS is then calculated by multiplying the estimated number of respondents by the fee and adding direct overhead costs for forms management. The number of respondents, 35,000, x \$585 fee and the \$85 biometrics services fee charge is \$23,450,000 (total cost to the government). The estimated annual overhead cost for printing, stocking, and distributing this form, \$2,804.

15. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.

Data collection Activity/Instrument	Program Change (hours currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (hours currently on OMB Inventory)	Adjustment (New)	Difference
I-601A				93,522	52,500	-41,022
Biometrics				72,947	40,950	-31,997
Total(s)				166,469	93,450	-73,019

There has been a decrease (73,019 annual burden hours) in the annual burden hours previously reported for this information collection. USCIS previously reported 166,469 burden hours and it is now reporting 93,450 burden hours. This change can be attributed to a change in USCIS's estimate for the number of respondents by 27,346 less respondents (previously estimated 62,348 respondents while it is now estimates 35,000 respondents). USCIS refined our respondents estimate to 35,000 through receipt data collected since the March 4, 2013 issuance of the form. The new respondents estimate was multiplied by the average burden per respondents, of 1.5 and 1.17 respectively, to reach the adjustment amounts of 52,500 and 40,950 and the resultant 73,019 decrease in respondent hours. See table under question 12 for more information.

During this renewal cycle, USCIS is proposing changes to this collection. The inadmissibility section was expanded to include overseas military and paramilitary

service related questions. A new biographic information section was added to include ethnicity, race, height, weight, eye color and hair color. An Application Support Center (ASC) declaration called the Acknowledgement of Required Appointment was added. The interpreter's information was expanded requiring more detailed information including the organization they belong to and their contact information. The questions were refined for clarity throughout the document.

- 16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

This information collection will not be published for statistical purposes.

- 17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

USCIS will display the expiration date for OMB approval of this information collection.

- 18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB 83-I.**

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

- B. Collections of Information Employing Statistical Methods.**

There is no statistical methodology involved with this collection.