

SUPPORTING STATEMENT

**Application to Register Permanent Residence or Adjust Status
Form I-485, Supplement A, and Instruction Booklet for Filing Form I-485
and Supplement A
OMB No. 1615 - 0023**

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 245 of the Immigration and Nationality Act (INA) is the primary law that provides for the adjustment of status of foreign nationals in the United States to that of a lawful permanent resident. INA Section 245A provides for the adjustment of status of “legalization” applicants. INA Section 209 provides for the adjustment of status of asylees and refugees. Special laws (cited below) provide for the adjustment of status of certain Afghan and Iraqi nationals. INA Section 249 provides for the “registry” of lawful permanent residence for persons residing continuously in the United States since before January 1, 1972.

Authority: INA Section 245 and 8 CFR 245.1 et seq.; INA Section 245A and 8 CFR 245(a).1 et seq.; INA Section 209 and 8 CFR 209.1 et seq.; Section 1059 of Public Law 109-163, as amended by Public Law 110-36; Section 1244 of Public Law 110-181, as amended by section 602(b)(9) of Public Law 111-8; Section 602(b) of Public Law 111-8; INA Section 249 and 8 CFR 249.1 et seq.

- 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.**

The data collected on these forms are used by U.S. Citizenship and Immigration Services (USCIS) to determine eligibility for the requested immigration benefit. The forms serve the purpose of standardizing requests for benefits and ensuring that applicants provide all essential information required for USCIS to assess eligibility and adjudicate the applications. Form I-485 is used by all applicants seeking to adjust status to permanent resident under INA 245. Supplement A to Form I-485 is used by a very small subset of applicants seeking to adjust status under INA section 245(i). The main Form I-485 instructions provide general guidance applicable to all applicants for adjustment of status; the remaining instructions provide category-specific instructions that contain a document

checklist applicants can reference to determine the particular evidence they must submit to prove their eligibility to adjust under their immigrant category.

USCIS has conducted a comprehensive revision of Form I-485. Form I-485, Supplement A, and related instructions are being incorporated under Office of Management and Budget (OMB) Control No 1615-0023. The additional filing instructions for I-485 applicants are broken down into following categories:

- Family Based Adjustment of Status;
- Employment Based Adjustment of Status;
- Special Immigrant Adjustment of Status;
- Human Trafficking and Crime Victim Adjustment of Status;
- Asylee or Refugee Adjustment of Status;
- Adjustment of Status for Special Programs Based on Certain Public Laws;
- Additional Options for Adjustment of Status; and
- 245(i) Adjustment of Status.

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 the Form I-485, Form I-485 Supplement A, and the Instruction Booklet for Filing Form I-485 and Supplement A (Instruction Booklet) provide the most efficient means of collecting and processing the information needed to determine eligibility for individuals to acquire permanent residence status through adjustment of status. The forms can be completed electronically but currently cannot be filed electronically.

USCIS has created an Instruction Booklet for Filing Form I-485 and Supplement A (Instruction Booklet) to help the respondents determine if they meet the requirements for filing a Form I-485. The entire Instruction Booklet is only available on the USCIS Web site at www.uscis.gov/I-485.

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.

USCIS has investigated its internal processes, files and data as well as those of other Federal agencies that may service the same population. The information collected via the I-485 and its associated instructions collect information necessary to adjudicate the applicant's request. Some pieces of the data collected here may be done so via instruments that other agencies utilize, but the bulk of the information necessary to adjudicate the application for adjustment of status must be up-to-date at the time of the request and decision. Because of the extensive

eligibility requirements for adjustment of status, attempting to gather information from other agencies that might have a few select parts of the required data and then verifying the authenticity and timeliness of the detail would require time beyond what currently is required to process the application. This would increase the cost for the applicant beyond the current fee charged due to the additional processing time that investigating, obtaining, and verifying the other agency's information would require.

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.

The 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.

If this information is not collected, it would hinder USCIS' ability to accept and analyze information submitted by applicants for permanent residence status.

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.**

There are no special circumstances applicable to this information collection. 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.**

On March 10, 2015, USCIS published a 60-day notice in the Federal Register at 80 FR 12647. USCIS received comments after publishing that notice. On June 26, 2015, USCIS published a 30-day notice in the Federal Register at 80 FR 36829. USCIS has not received comments to date on that notice.

USCIS has summarized the comments and responses to the comments on 60-day notice in the appendix attached to this supporting statement.

- 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 related to this information collection.

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

The Privacy Act of 1974 (Public Law 93-589) mandates that personal information solicited from individuals completing Federal records and forms be kept confidential. The respondent is informed prior to submission that USCIS may provide this information to other agencies.

The system of records notices associated with this information collection are:

- USCIS Benefits Information System, published at 73 FR 56596 on September 29, 2008.

- Electronic Immigration System-2 Account and Case Management System of Records, published at 78 FR 20673 on April 5, 2013.
- Alien File, Index, and National File Tracking System of Records, published at 78 FR 69863 on November 21, 2014.

The associated privacy impact assessment is USCIS Benefits Processing of Applicants other than Petitions for Naturalization, Refugee Status, and Asylum (CLAIMS 3), 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.**

USCIS asks questions of a sensitive nature regarding past behavior and activities. These questions are necessary to determine eligibility of the applicant for adjustment to permanent residence status as required by law. Sensitive questions are asked to determine: whether an individual might be inadmissible under INA 212 (a)(3) (A)-(F) – Security Grounds for Unlawful Activity, Control or Overthrow of the U.S. Government, Terrorist Activities, Adverse Foreign Policy Consequence, Communist or Totalitarian Affiliation; whether an individual might be inadmissible under INA 212 (a)(2)(A)(i)(I) – Conviction or Commission of a Crime Involving Moral Turpitude (CIMT) or INA 212(a)(2)(A)(i)(II), (B), or (C) – Controlled Substance Violations, Multiple Criminal Convictions, or Controlled Substance Traffickers; or whether an individual might be inadmissible under INA 212 (a)(2)(D)(i) and (ii) – coming to the United States solely, principally, or incidentally to engage in prostitution or an unlawful commercialized vice.

- 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 Projected 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	<u>Form I-485</u>	697,811	1	6.5	4,535,772	\$31.26	\$141,788,232
Individuals or households	<u>Form I-485A</u>	25,540	1	1	25,540	\$31.26	\$798,380
Individuals or households	<u>Biometrics Processing</u>	697,811	1	1.17	816,439	\$31.26	25,252,883
Total		697,811*			5,377,751		\$167,839,495

* The time burden includes the estimated time for reviewing the instructions, completing the petition, gathering the supporting documents, and submitting the petition.

** The above Average Hourly Wage Rate is the [May 2013 Bureau of Labor Statistics](#) average wage for “All Occupations” of \$22.33 times the wage rate benefit multiplier of 1.4 (to account for fringe benefits) equaling \$31.26. The selection of “All Occupations” (for example) was chosen as the expected respondents for this collection as the respondents to this collection of information could be expected to participate in any occupation listed in the BLS table.

*** Form I-485 number of respondents is representative of the total population of the categories of filers that file Form I-485. All I-485 respondents will be required to complete the biometric collection activities, and 25,540 of the total number of respondents will complete the I-485A.

- 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 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.

However, there is a fee charge of:

- \$985 for filing fee for Form I-485;
- \$85 biometric fee for filing Form I-485; and
- \$1,000 fee for filing Form I-485A.

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: | \$11,000 |
| b. Collecting and Processing: | \$772,185,835 |
| c. Total Annual Cost to the Government: | \$772,196,835 |
- (funded by USCIS user fee collections)

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 without a fee charge. 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-485 at \$985, I-485 Supplement A at \$1,000, and Biometrics Processing Fee at \$85.

The following calculations were used to determine the estimated cost to the Government:

Form I-485

- Estimated number of respondents (697,811) x (1) x the \$985 fee, equaling \$687,343,835.

Form I-485, Supplement A

- Estimated number of respondents (25,540) x (1) x the \$1,000 fee, equaling \$25,540,000.

Biometrics Processing Fee

- Estimated number of respondents (697,811) x (1) x the \$85 Biometrics Fee, equaling \$59,313,935.
- Form I-485 – Additional Instructions to complete Form I-485 based on type of adjustment sought:

No fee charged.

The total estimated cost to the Government is \$772,191,770. The total cost includes the suggested hourly rate for clerical, officer, and managerial time with benefits, plus a percent for the estimated overhead cost for printing, stocking, distributing, and processing of this form.

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-485				3,657,863	4,535,772	877,909
I-485A				0	25,540	25,540
Biometric Processing				0	816,439	816,439
Total(s)				3,657,863	5,377,751	1,719,888

USCIS has conducted a comprehensive revision of Form I-485. Form I-485/ I-485A and instructions are being incorporated under OMB Control No. 1615-0023. The filing instructions for I-485 applicants are broken down into the following categories:

- Family Based Adjustment of Status;
- Employment Based Adjustment of Status;
- Special Immigrant Adjustment of Status;
- Human Trafficking and Crime Victim Adjustment of Status;
- Asylee or Refugee Adjustment of Status;
- Adjustment of Status for Special Programs Based on Certain Public Laws;
- Additional Options for Adjustment of Status; and
- 245(i) Adjustment of Status.

There has been an increase of annual hour burden from 3,657,863 to 5,377,751, a total increase of 1,719,888. This is due to an increase of the agency's estimation of the number of respondents who will submit Form I-485.

Form I-485 was reorganized to improve the flow and organization of the questions to make the form more user-friendly. The revised form expands upon existing inadmissibility questions to enhance national security and benefit integrity and support the USCIS mission to grant immigration benefits only to those applicants that are eligible under the law. The revision eliminates the requirement to file a separate Form G-325A (1615-0008) by incorporating Form G-325A questions into the new form. These changes will result in an increase in burden completing the Form I-485, but will result in a decrease in the overall burden of seeking this benefit.

The application process is now streamlined to reduce inefficiencies: Form G-325A is no longer required to be submitted separately; the savings are recorded in that collection. This redesign of the form and instructions will also help applicants prepare a more complete and accurate Form I-485 in the first instance, reducing the need for USCIS to issue Requests for Evidence or Notices of Intent to Deny and the corresponding delays.

See attached Instructions Booklet for Filing Form I-485 and Supplement A.

- 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.**

USCIS does not intend to employ the use of statistics or the publication thereof for this collection of information.

- 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 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.