

SUPPORTING STATEMENT FOR
Application by Refugee for Waiver of Inadmissibility Grounds
OMB Control No.: 1615-0069
COLLECTION INSTRUMENT(S): I-602

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.**

This information collection facilitates compliance with sections 207 and 209 of the Immigration and Nationality Act (INA) which provides for the waiver of certain grounds of inadmissibility. Section 207(c)(3) of the INA sets forth grounds of inadmissibility under section 212(a) of the INA that are not applicable to aliens seeking admission under section 207(c) and those that may be waived. The waiver applicant may submit an Application by Refugee for Waiver of Inadmissibility Grounds, Form I-602, to the U.S. Citizenship and Immigration Services (USCIS) officer processing his or her case, in accordance with 8 CFR 207.3. The burden is on the applicant to show that the waiver should be granted for humanitarian purposes, to assure family unity, or is otherwise in the public interest. Additionally, INA section 207(c)(3) requires USCIS to report to Congress on the granting of such waivers to aliens who are applying for admission as refugees.

- 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 the Application by Refugee for Waiver of Inadmissibility Grounds, Form I-602, will be used by USCIS to determine eligibility for waivers, and to report to Congress the number of waivers granted annually as well as the reasons for granting those waivers.

- 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 this form provides the most efficient means for collecting and processing the required data. The form is available as a fillable PDF via the USCIS website. It can be filled out electronically, but must be printed and mailed to USCIS. This form is not currently available for electronic filing.

- 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.**

No other collection of information gathers the data needed to adjudicate this type of waiver. There is no duplication of information collection via another form.

- 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.**

Form I-602, Application by Refugee for Waiver of Inadmissibility Grounds, is necessary to establish eligibility for waiver of inadmissibility for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Additionally, if this information collection is not approved, USCIS would not be in compliance with the INA which mandates that USCIS provide a report to Congress on the number of Form I-602 waivers granted.

- 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 May 31, 2018, USCIS published a 60-day notice in the Federal Register at 83 FR 25026. USCIS received two comments after publishing that notice. USCIS's responses to public comments can be found in the *Appendix: I-602 Public Comments_Responses Matrix*.

On September 21, 2018, USCIS published a 30-day notice in the Federal Register at 83 FR 47932. USCIS did not receive any comments.

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

USCIS does not provide any payment for benefit sought.

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

Refugees are protected by the confidentiality provisions of 8 CFR 208.6; 8 U.S.C. § 1103.

The privacy impact assessment associated with this information collection is:

- DHS-USCIS-PIA-051 Case and Activity Management for International Operations (CAMINO)

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

- DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, September 18, 2017, 82 FR 43556; and
- DHS/USCIS-017 Refugee Case Processing and Security Screening Information System of Records, October 19, 2016, 81 FR 72075.

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.

There are some questions of a sensitive nature. This form asks about physical or mental disorders, and any behaviors associated with those disorders that may pose a threat to the safety of others. However, answers to these questions are necessary in order for USCIS to determine whether or not a Waiver of Inadmissibility Grounds under section 212(a)(1)(A) (medical grounds of inadmissibility) of the INA can be granted.

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.**

| | | A | B | C (=AxB) | D | E (=CxD) | F | (=ExF) |
|----------------------------|--|-------------------|--------------------------------|----------------|-------------------------------------|--------------------------------|------------------------|------------------------------|
| Type of Respondent | Form Name / Form Number | #. of Respondents | #. of Responses per Respondent | # of Responses | Avg. Burden per Response (in hours) | Total Annual Burden (in hours) | Avg. Hourly Wage Rate* | Total Annual Respondent Cost |
| Individuals and Households | Form I-602, Application by Refugee for Waiver of Inadmissibility Grounds | 190 | 1 | 190 | 8 | 1,520 | \$35.54 | 54,021 |
| Total | | | | 190 | | 1,520 | | 54,021 |

* The above Average Hourly Wage Rate is the May 2017 Bureau of Labor Statistics average wage for All Occupations of \$24.34 times the wage rate benefit multiplier of 1.46 (to account for benefits provided) equaling \$35.54. The selection of "All Occupations" was chosen as the expected respondents for this collection could be expected to be from any occupation.

- 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 start-up, maintenance, and operating costs associated with this collection of information. For informational purposes, there is no fee charge associated with the filing of 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.

For form preparation, legal services, translators, and document search and generation, USCIS estimates the average cost of this information collection may vary widely, from as little as \$20 to \$1000 per respondent. USCIS estimates that the average cost for these activities is \$490 and approximately 25% of the total respondent population may incur this cost. The total cost to respondents would generate as follows: 190 respondents x 25% of the population = 48 multiplied by the average cost per response of \$490 = \$23,520. The estimated cost per respondent is \$123.80.

- 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 | \$ | 314 |
| b. | Collection and Processing Cost | \$ | 7,600 |
| c. | Total Cost to Government | \$ | 7,914 |

Government Cost

The estimated cost to the Government is calculated by multiplying the estimated number of respondents (190) x (1) hour (USCIS time required to collect and process information)

x \$40 (suggested average hourly rate for clerical, officer, and supervisory time with benefits), which equals \$7,600.

Cost for printing

USCIS’s estimated printing cost for this collection of information is \$314.

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

USCIS is changing the title of this information collection from “Application by Refugee for Waiver of Grounds of Excludability” to “Application by Refugee for Waiver of Inadmissibility Grounds.” This title more accurately reflects the action the applicant is requesting by filing this form with USCIS.

| 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-602 | | | | 625 | 1,520 | 895 |
| | | | | | | |
| Total(s) | | | | 625 | 1,520 | 895 |

The estimated number of respondents for this collection of information changed from 2,500 to 190. This respondent estimate more accurately reflects the number of filings USCIS receives for this form type. Also, USCIS has revised the estimated hour burden per response for this information collection from 15 minutes to eight hours. The increase in the estimated hour burden per response is due to the extensive revisions USCIS has made to this information collection, as well as consideration of information provided by the public during the 60-day Federal Register Notice public comment period to make the estimate more accurate. The revisions include formatting and standard language updates, as well as the collection of more specific information from applicants about their current immigration status; the reason they are inadmissible; and any relevant physical, mental, or medical issues that may require the request for a waiver of inadmissibility. A separate instructions document providing more detailed information about this waiver and how to fill out the form was also created.

| Data collection Activity/Instrument | Program Change (cost currently on OMB Inventory) | Program Change (New) | Difference | Adjustment (cost currently on OMB Inventory) | Adjustment (New) | Difference |
|--|---|-----------------------------|-------------------|---|-------------------------|-------------------|
| I-602 | | | | 0 | \$23,520 | \$23,520 |
| | | | | | | |
| Total(s) | | | | 0 | \$23,520 | \$23,520 |

The estimated cost to respondents for this collection of information has increased. USCIS has reconsidered the actual costs that a respondent may incur when responding to this information collection. The cost analysis is described in Question 13.

- 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.