

**SUPPORTING STATEMENT FOR
REQUEST FOR FEE WAIVER
REQUEST FOR FEE EXEMPTION under 8 CFR 103.7 (d)
OMB Control No.: 1615-0116
COLLECTION INSTRUMENT(S): Form I-912; Exemptions under 8 CFR 103.7 (d) - No
form**

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.**

The Immigration and Nationality Act (INA), as amended, provides for the collection of fees at a level that will ensure recovery of the full costs of providing adjudication and naturalization services, including services provided without charge to asylum applicants and certain other immigrant applicants, INA section 286(m), 8 U.S.C. § 1356(m). The INA provides that the fees may recover administrative costs as well. The fee revenue collected under INA section 286(m) remains available to the Department of Homeland Security (DHS) to provide immigration and naturalization benefits and ensures the collection, safeguarding, and accounting of fees by U.S. Citizenship and Immigration Services (USCIS), INA section 286(n), 8 U.S.C. § 1356(n).

The INA authorizes USCIS to provide some services for free at its discretion, allows USCIS to restrict fee waiver availability on benefits while requiring fee waiver consideration on some benefits, and requires USCIS to provide some services for free. For example, USCIS is precluded by law from collecting a fee from members of the military for an Application for Naturalization under INA sections 328 and 329, INA sections 328(b) and 329(b), 8 U.S.C. §§ 1439(b) and 1440(b). In addition, the INA requires DHS to permit aliens to apply for a waiver of any fees associated with filing an application for relief through final adjudication of the adjustment of status by a Violence Against Women Act self-petitioner or under sections 101(a)(15)(T) (T visas); 101(a)(15)(U) (U visas); 106 (battered spouses of A, G, E-3, or H nonimmigrants); 240A(b)(2) (battered spouse or child of lawful permanent resident or U.S. citizen); and 244(a)(3) (Temporary Protected Status), as in effect on March 31, 1997, INA section 245(l)(7), 8 U.S.C. § 1255(l)(7). Therefore, USCIS has promulgated regulations at 8 CFR 103.7(c) to allow individuals who are filing certain immigration benefit requests to request that the fee for those benefits be waived based on an inability to pay.

Fee waivers: This information collection is necessary to document the applicant's inability to pay the fee and resultant eligibility for their fee to be waived. Waiving a fee transfers the cost of processing applications and petitions to others through higher fees. USCIS, however, recognizes that some individuals may not be able to pay the required

filing fee. USCIS relies on the information collected through Form I-912, Request for Fee Waiver, to determine whether an individual requesting certain immigration benefits is unable to pay the fee required to process the immigration benefit requested.

USCIS implements its fee waiver policies in a manner to best ensure that fee waivers are applied in a fair and consistent manner, that aliens who are admitted into the United States will not become public charges, and that USCIS will not shift an unreasonable amount of costs to other fee-paying applicants to recover funding lost due to fee waivers.

In addition, under 8 CFR 103.7 (d), the USCIS Director may approve a fee exemption if the Director determines that such action would be in the public interest and the action is consistent with other applicable law.

Deferred Action for a Childhood Arrival (DACA)-related Application for Employment Authorization Document (Form I-765) fee exemptions: DHS has decided that the fee may not be waived for a DACA-related Form I-765, but certain classes of individuals may be exempted based on specified criteria. USCIS has not prescribed that an information collection instrument (form) must be used and has instructed that a letter and evidence be submitted to the Director asking that an individual be exempt from these fees. This supporting statement encompasses the information collection burden of a DACA-related I-765 exemption request letter.

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.

USCIS uses the data collected on this form to verify that the applicant is unable to pay for the immigration benefit being requested. USCIS will consider waiving a fee for an application or petition when the applicant or petitioner clearly demonstrates that he or she is unable to pay the fee. Form I-912 standardizes the collection and analysis of statements and supporting documentation provided by the applicant with the fee waiver request. Form I-912 also streamlines and expedites USCIS's review, approval, or denial of the fee waiver request by clearly laying out the most salient data and evidence necessary for the determination of inability to pay. Officers evaluate all factors, circumstances, and evidence supplied in support of a fee waiver request when making a final determination. Each case is unique and is considered on its own merits. If the fee waiver is granted, the application will be processed. If the fee waiver is not granted, USCIS will notify the applicant and instruct him or her to file a new application with the appropriate fee.

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.

Fee waiver requests cannot be filed electronically at this time. The methods of collection described in this supporting statement provide the most efficient means for USCIS to collect and the public to provide the information necessary for USCIS to determine whether or not the request accurately documents the individual's inability to pay their immigration benefit request fee. Form I-912 provides the most efficient means for collecting and processing the required data.

Form I-912 and its instructions reside on the USCIS website at <http://www.uscis.gov/i-912>. The form and the instructions can be downloaded, completed, and saved electronically, but the form, along with the required supporting documentation, must be mailed to USCIS.

Generally, a person must submit a request for an exemption under 8 CFR 103.7(d) with the attached documentation to USCIS for the Director's consideration.

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 and we were unable to find any other means by which the information necessary for this process could be obtained except for the collection methods described in this request. No similar information is available that can be used for this purpose. 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 because fee waivers are not generally available for employment-based immigration benefit requests. There is an inherent inconsistency between sponsoring an alien for employment and being unable to pay the requisite fee for that sponsorship. USCIS expects that the situations when an employer would adequately demonstrate an inability to pay will be extremely limited. Additionally, the information that is required to facilitate a determination is kept to the minimum amount necessary.

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 the information is not collected, it would significantly hinder the ability of USCIS to efficiently review and determine the propriety of a fee waiver request. Without this information, individuals seeking to waive filing fees in connection with certain

immigration benefit requests will not be able to demonstrate their inability to pay the filing fees.

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 September 28, 2018, USCIS published a 60-day notice in the Federal Register at 83FR 49120. USCIS did receive 1,198 comments after publishing that notice. USCIS made changes to the form and instructions based on public comments received. USCIS's responses to the public comments can be found in the document titled "USCIS Responses to Public Comments on I-912 Revision 60-day Federal Register Notice."

On April 5, 2019, USCIS published a 30-day notice in the Federal Register at 84FR 13687. USCIS did receive 1,240 comments after publishing that notice. USCIS made changes to the form and instructions based on public comments received. USCIS's responses to the public comments can be found in the document titled "I-912 30-day(1) 84FR13687 Comment Responses".

On June 5, 2019, USCIS published a second 30-day notice in the Federal Register at 84FR 26137. USCIS did receive 617 comments after publishing that notice. USCIS did not make changes to the form and instructions based on public comments received. USCIS's responses to the public comments can be found in the document titled "I-912 30-day(2) 84FR26137 Comment Responses".

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.

There is no assurance of confidentiality. This information collection is covered under the following Privacy Impact Assessments (PIA):

- DHS/USCIS/PIA-003(a) Integrated Digitization Document Management Program (IDDMP);
- DHS/USCIS/PIA-015 Computer Linked Application Information Management System (CLAIMS 4);
- DHS/USCIS/PIA-016 Computer Linked Application Information Management System (CLAIMS 3); and
- DHS/USCIS/PIA-056 USCIS ELIS.

The applicable System of Records Notices (SORN) 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-007 Benefits Information System, October 19, 2016, 81 FR 72069.

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.

An applicant may be required to provide sensitive income, information to USCIS to document their inability to pay their immigration benefit request fee. In addition, the applicant may be required to provide information concerning household status. This information is required for USCIS to determine whether or not the applicant is unable to pay the immigration benefit request fee.

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 or Households	Fee Waiver Request/I-912	350,000	1	350,000	2.33	815,500	\$36.47	\$29,741,285
Individuals or Households	DACA-Related I-765 Fee Exemption Request	108	1	108	1.17	126	\$36.47	\$4,608
Individuals or Households	8 CFR 103.7(d) Director's Exemption	20	1	20	1.17	23	\$36.47	\$853
Total				350,128		815,650		\$29,746.747

* The above Average Hourly Wage Rate is the [May 2018 Bureau of Labor Statistics](#) average wage for All Occupations of \$24.98 times the wage rate benefit multiplier of 1.46 (to account for benefits provided) equaling \$36.47. 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 capital, start-up, operational, or maintenance costs associated with this collection of information. There is no fee cost to respondents for filing these requests. However, USCIS estimates that all respondents will incur a cost of \$3.75 average postage to mail the completed package to USCIS.

Postage to mail completed package (350,128 x \$3.75 average postage) = **\$1,312,980.**

- 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:	\$7,766
b. Collecting and Processing:	\$ 14,005,120
c. Total Annual Cost to the Government:	\$ 14,012,886

Government Cost

The estimated cost to the Government is \$. This figure is calculated by multiplying the total estimated number of respondents (350,128) x (1) hour (USCIS time required to collect and process information) x \$40.00 (suggested average hourly rate for clerical, officer, and supervisory time with benefits), which equals \$14,005,120. The estimated cost for collecting and processing is added to the estimated printing cost (\$7,766) for a total cost to the government of **\$14,012,886.**

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

In its discretion, USCIS has amended the reasons for which a fee waiver may be

requested. USCIS is no longer accepting the receipt of means-tested benefits as a reason for requesting a fee waiver. USCIS will only consider fee waiver requests made on the basis of the applicant, petitioner, or requester household income being at or below 150% of the Federal Poverty Guidelines or for financial hardship. The type of evidence that must be submitted is being further defined in order to ensure that USCIS has accurate information regarding the requestor’s financials. The I-912 Form and Instructions have been updated to reflect this change in USCIS’s fee waiver policy.

Due to these changes, USCIS has adjusted its estimate of the number of hours per respondent for filing the I-912 as part of this information collection. The estimated number of hours per respondent for Form I-912 increased from 1.17 hours to 2.33 hours, thus increasing the total hours for respondents from 704,958 to 815,650.

USCIS has also amended the policy to require that applicants use Form I-912 to request a fee waiver. Additionally, each individual party to an immigration benefit request must file his or her own Form I-912 to request a fee waiver, because the option to include family members on a single Form I-912 has been removed.

Due to these changes, USCIS has adjusted its estimate of the number of respondents for this information collection. The estimated number of respondents for Form I-912 decreased from 594,000 to 350,000; from 128 to 20 for Director’s exemption requests; and from 8,400 to zero for Non-form fee waiver requests, as all fee waiver requests must now be filed using Form I-912.

USCIS increased the estimated number of respondents for DACA-related I-765 Fee Exemption requests from zero to 108. DACA fee exemptions were removed from the previous information collection request for this control number because the program was terminated. However, DHS is now operating under two nationwide preliminary injunctions that require DHS to accept DACA requests from individuals who have not previously been granted DACA.

The total estimated number of responses decreased by 252,400, from 602,528 to 350,128.

Data collection Activity/Instrument	Program Change (hours currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (hours currently on OMB Inventory)	Adjustment (New)	Difference
Request for Fee Waiver, I-912	694,980	815,500	120,520			
Non-form	9,828	0	(9,828)			

request for fee waiver						
DACA-Related I-765 Fee Exemption Request				0	126	126
8 CFR 103.7(d) Director's exemption request				150	23	(126)
Total(s)	704,808	815,500	110,692	150	150	0

The increase in the estimated total annual hour burden for this collection of information is due to an increase in the time burden estimate for the form as a result of the elimination of the means-tested benefit filing option. Although USCIS is reporting an increase in the estimated hour burden for DACA-Related I-765 Fee Exemption Requests, the estimated hour burden for the other instruments in this information collection has decreased. The total estimated annual hour burden for this collection of information increased by 110,692 hours, from 704,958 to 815,650 hours, due to both programmatic changes and adjusted agency estimates.

Data collection Activity/Instrument	Program Change (cost currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (cost currently on OMB Inventory)	Adjustment (New)	Difference
Request for Fee Waiver, I-912	\$2,227,500	\$1,312,500	\$(915,000)			
Non-form request for fee waiver	\$31,500	\$0	\$(31,500)			
DACA-Related I-765 Fee Exemption Request				\$0	\$405	\$405
8 CFR 103.7(d) Director's Exemption Request				\$480	\$75	\$(405)
Total(s)	\$2,259,000	\$1,312,500	\$(946,500)	\$480	\$480	\$0

The decrease in the total estimated annual cost burden is due to a decrease in the

estimated number of respondents for this collection of information as a result of the elimination of the means-tested benefit filing option. The estimated annual cost burden decreased by \$946,500, from \$2,259,480 to \$1,312,980, due to both programmatic changes and adjusted agency estimates.

- 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.