

SUPPORTING STATEMENT FOR
Application for Waiver of Grounds of Inadmissibility
OMB Control No.: 1615-0032
COLLECTION INSTRUMENT(S): I-690, Application for Waiver on Grounds of
Inadmissibility

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.**

An individual seeking to adjust status to that of U.S. Permanent Resident under Sections 210 and 245A of the Immigration and Nationality Act (the Act) may request a waiver of ground of inadmissibility of one or more of the medical grounds stated under Section 212(a) of the Act, by completing and submitting a Form I-690, Application for Waiver of Grounds of Inadmissibility. The information provided through this form allows U.S. Citizenship and Immigration Services (USCIS) to determine an applicant's eligibility for a waiver of grounds of inadmissibility.

- 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.**

Respondents that would provide information through Form I-690 to seek a waiver of health-related inadmissibility grounds under Section 212 of the Act, include applicants who are otherwise inadmissible or who are deemed inadmissible into the United States as they have been diagnosed with Tuberculosis; are requesting waiving vaccination requirements under INA 212(a)(1)(A)(ii) due to a religious or moral objection; have a physical or mental disorder associated with harmful behavior; or have a substance abuse condition or drug addiction.

USCIS uses the information provided through Form I-690 to grant waivers to individuals who would have otherwise not been allowed to enter the United States. Based upon the instructions provided for each occurrence, a respondent can gather and submit the required documentation to USCIS for consideration of a waiver to a finding of "inadmissible" based on one of the previously mentioned four instances. Upon receiving the request, USCIS will review all of the information provided to determine if the specific requirements under Section 212 of the Act have been met. USCIS will also use the information provided to determine that the issue that requires a waiver will be properly addressed by the respondent after admission to the United States to ensure, when applicable, that the condition that required the waiver does not change to the point where

the waiver would no longer deemed valid.

- 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.**

Form I-690 form and its instructions are available electronically at USCIS' Website at <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=1b22dc89b365d010VgnVCM10000048f3d6a1RCRD&vgnnextchannel=db029c7755cb9010VgnVCM10000045f3d6a1RCRD> and they can be downloaded, completed and saved electronically. The form, along with the required supporting documentation and filing fee must be mailed to the USCIS office that has jurisdiction over the respondent. USCIS is currently in the process of reviewing all information collection activities via its "Transformation" initiative. Under this initiative, USCIS is considering allowing for full electronic submission capabilities. . Although USCIS has not been able to make this form fully electronic since its last submission, it is committed to making the electronic submission of this request, and other requests, possible through USCIS Electronic Immigration System (ELIS) in the future.

- 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.**

There are no other information collection activities that capture this data either inside or outside of USCIS.

- 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.**

There is no impact to small businesses or other small entities for the completion of the I-690. This form is completed by individuals seeking a waiver and, while they may engage the services of a doctor or other small business entity, those activities are a normal part of the doctor/small business function and no unnecessary burden is placed upon them due to the collection activities associated with this form.

- 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.**

Individuals who meet certain criteria as indicated in Sections 210 and 245A of the Immigration and Naturalization Act, but otherwise be inadmissible to the United States, can petition for a waiver so that they may enter the country. If this information collection

activity did not occur, those individuals who otherwise qualify of a waiver of health-related inadmissibility grounds would not be able to legally enter the United States.

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). The circumstances described in question seven of this supporting statement do not apply to the information collection in question.

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 August 19, 2011, USCIS published a 60-day Federal Register notice at 76 FR 51996 to allow the public to review and comment on the information collection. USCIS did not receive comments in response to the 60-day notice it published in the Federal Register. On December 5, 2011, USCIS published a 30-day notice in the Federal Register at 76 FR 75892. To the date, no comments have been received in connection with that publication.

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.

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 person's from whom the information is requested, and any steps to be taken to obtain their consent.

There are questions of a sensitive nature related to the respondent's medical history. USCIS is explicitly authorized to collect this information per 8 U.S.C. 1182.

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 Waiver on Grounds of Inadmissibility / I-690 | 74 | 1 | Approx. 3 hours | 222 | \$30.44 | \$6,758 |
| Total | | 74 | | | 222 | | \$6,758 |

The wage rate category of “All Occupations” has been used for this collection of information. The mean wage for this occupation category as listed by the Bureau of Labor Statistics is \$21.94 and adding the wage rate multiplier of 1.4 provides a total adjusted wage rate of \$30.44. USCIS chose “All Occupations” as the appropriate wage category for this collection because in principle, anyone in need of this type of waiver can file this request and the spectrum of potential applicants is very wide.

* Time burden breakdown estimates:

1. Form Completion – approximately 1 hour
2. Reading the Instructions – approximately ½ hour
3. Gathering/Obtaining additional documentation/personal statements/additional sheets – approximately ½ hour
4. Time for the Physicians, Health Officials or Local/State officers to complete the form – approximately 1 hour

NOTE: These estimates only represent approximate estimates. As stated within this document, USCIS will request public comments on the time burden associated with this information collection and consult

other sources to provide updated estimates to OMB as part of the next submission.

NOTES ON BURDEN:

1. Personal statements. This information collection also provides that if the waiver application is based on religious or moral objections to vaccinations, the applicant must submit a personal statement through which the applicant must establish that he or she: objects to vaccinations in an form; and objects vaccinations because of religious believe or moral convictions; and his or her believes are sincere. A statement may require preparation by a third party as well as payment for the third party's effort. USCIS does not receive a high volume of this type of application. As indicated above, USCIS most recent estimates anticipate the filing of approximately 74 applications. Not all applicants must provide this type of statement, only requesting a waiver for vaccination requirement will have to submit such statement. USCIS will request public comments on the burden associated with the preparation of this type of statement and will also provide an estimate as to how many applicants submit this specific waiver request for which they must submit a statement.

2. Translations. Respondents might incur burden for translations of documents in foreign languages. USCIS is currently evaluating the estimated burden associated with this activity. USCIS will seek comments on how long this requires and provide estimates in its next submission to OMB based on the results of public comments it receives and information that can be found from other resources.

3. Preparers. Some respondents may hire third parties for form completion and to assist with the preparation of personal statements, so there may be a burden for a preparer to assist in the application process. USCIS will request public comment on burden required for preparers on the preparation and submission of this application. USCIS will include the results of the public comments it might receive and its own analysis in the next submission.

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, capital, operational or maintenance costs associated with this collection of information.

For informational purposes, there is a fee of \$200 per respondent charged to process this information collection. The estimated total annual fees collected equals $74 \times \$200 = \$14,800$.

This information collection may impose some out-of-pocket costs on respondents in addition to the time burden for the form's preparation. USCIS previously reported a total of 19 burden time burden hours. USCIS is reporting updated time burden estimates that describe the overall time burden associated with this information collection. USCIS is now reporting 222 burden hours, as the burden time has increased from .25 hours to approximately 3 hours, which caused the burden hours to increase by 203 burden hours. See the burden hours' estimates breakdown and explanation provided in the response to Question 12.

1. Personal statements. This information collection also provides that if the waiver application is based on religious or moral objections to vaccinations, the applicant must submit a personal statement through which the applicant must establish that he or she: objects to vaccinations in an form; and objects vaccinations because of religious believe or moral convictions; and his or her believes are sincere.. A personal statement may require payment for a third party's effort. USCIS will provide estimates of the number of personal statements that may be prepared and submitted in support of this type of waiver application and the costs that may result to respondents. USCIS will ask for public input in its request for public comment on this subject and will include an estimate of costs

associated with personal statements in its next submission.

2. Translations. Respondents might incur expenses for translations of foreign documents or documents prepared or issued in foreign languages. USCIS is currently evaluating the estimated cost associated with this activity. USCIS will seek public comments on and provide estimates in its next submission to OMB based on the results of public comments it receives and information that can be found from other resources on these costs.

3. Preparers. Some respondents may hire third parties to assist in the request process. USCIS will request public comment 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. USCIS will include the results of the public comments and its own analysis in the next submission following this emergency request.

4. Records. Some respondents may incur expenses to obtain medical, , or religious records. USCIS is currently evaluating the estimated cost associated with obtaining such records. USCIS will seek public comments on and provide estimates in its next submission to OMB based on the results of public comments it receives and information that can be found from other resources on these costs.

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 | \$ | 40 |
| b. | Collection and Processing Cost | \$ | 14,760 |
| c. | Total Cost to the Federal Government | \$ | 14,800 |

Government Cost

The estimated cost of the program to the Government is \$14,800. This figure is derived by multiplying 74, the number of respondents, x \$200 the suggested fee charge (which includes the suggested average hourly rate for clerical, officer, and supervisory time with benefits, plus a percent for the estimated overhead cost for printing, stocking, distributing and processing of this form). USCIS will provide a more detailed breakdown of the government costs for this program in its subsequent information collection request which will be submitted to OMB and subject to notice and comment.

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

There have been changes to the annual reporting or recordkeeping hour burden and to the annual reporting and recordkeeping cost burden since USCIS is providing new estimates regarding the time burden associated with this information collection. USCIS previously reported a total of 19 burden time burden hours. USCIS is reporting updated time burden estimates that describe the overall time burden associated with this information collection. USCIS is now reporting 222 burden hours, as the burden time has increased from .25 hours to approximately 3 hours, which caused the burden hours to increase by 203 burden hours. See the burden hours' estimates breakdown and explanation provided in the response to Question 12.

There have been changes made to the form and instructions that are non-substantial in that they do not impact the burden to complete it, and these changes are documented in the "Table of Changes" provided under separate cover for both the I-690 and the Instructions for the I-690. The section requesting a social security number (SSN) from the applicant has now been made optional due to privacy reasons. If provided, a SSN could facilitate USCIS' search for information on an applicant who has provided a wrong A-Number or misspelled his or her name or about whom information cannot be found by other means, and could also result in a faster adjudication of the request as no requests for further evidence would have to be issued in order for the officer to complete its review of the application. .

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.