

**SUPPORTING STATEMENT FOR
APPLICATION FOR PERMISSION TO REAPPLY FOR ADMISSION INTO THE
UNITED STATES AFTER DEPORTATION OR REMOVAL**

OMB Control No.: 1615-0018

COLLECTION INSTRUMENT(S): Form I-212

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.*

Sections 212(a)(9)(A) and 212(a)(9)(C) of the Immigration and Nationality Act (Act) render an alien inadmissible to the United States unless he or she obtains the consent to reapply for admission to the United States. The information collection required on Form I-212 is necessary to make a determination regarding the alien's eligibility to receive consent to reapply. For example, all documents must be reviewed that relate to the alien's exclusion, deportation, or removal proceedings, the alien's record of immigration violations, and the alien's criminal record, if applicable. Moreover, if the alien is inadmissible under section 212(a)(9)(C)(i) of the Act, evidence must be submitted to demonstrate that the alien has remained outside the United States for a period of at least 10 years since the date of his or her last departure. If the Form I-212 is approved, the alien will be permitted to apply for admission to the United States, after being granted a visa with the Department of State (DOS) as either an immigrant or a nonimmigrant.

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 Form I-212 is used to determine whether an alien is eligible for and should be granted the benefit of consent to reapply for admission into the United States. This form serves the purpose of standardizing requests for consent to reapply. The Form I-212 data collection requirements ensure that the basic information required to assess eligibility for consent to reapply is provided by the alien when filing the application.

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-212 provides the most efficient means for collecting and processing the required data. Currently, none of the agencies employ the use of information technology in collecting and processing information provided on Form I-212. However, this form can currently be completed electronically on the USCIS Web site at www.uscis.gov, but cannot be e-filed.

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

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 information collection 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 the information is not collected, we will be unable to adjudicate requests by aliens who require consent to reapply for admission to the United States. Aliens subject to section 212(a)(9)(A) or (C) of the Act would be temporarily or permanently barred from entering the United States with no available remedy. The information collected on Form I-212 will allow for the effective adjudication of requests by aliens for consent to reapply.

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

There are no special circumstances applicable to this information collection.

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 1, 2012, USCIS published a 60-day information collection notice in the Federal Register at 77 FR 25722. USCIS received a comment in connection with that publication.

Comment: The commenter indicated that the form should not be used at all because the commenter believes that anyone who was deported from the United States should have no ability to return to the United States for at least 10 or 15 years.

USCIS Response: Congress passed legislation that allows individuals to request consent to reapply for admission to the United States if the individual is inadmissible because of a previous removal. USCIS will not amend the form or instructions based on this comment.

On July 24, 2012, USCIS published a 30-day information collection notice in the Federal Register at 77 FR 43346. USCIS has not received any comments in connection with that publication to the date.

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

Payments or gifts to respondents in exchange for a benefit sought are not provided.

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 no questions of a sensitive nature.

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 Permission to Reapply for Admission into the United States after Deportation or Removal. Form I-212	1,877	1	2	3,754	\$30.44*	

Total		1,877			3,754		\$114,271.76
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**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.*

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 of \$585 associated with this information collection.

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	\$	8,832
b. Collection and Processing Cost	\$	1,098,045
c. Total Cost to Government	\$	1,106,877

Government Cost

The estimated cost of the program to the Government is \$1,106,877. The estimated cost of the program to the Government is calculated by multiplying the estimated number of respondents 1,877 x \$585 suggested fee charge, (which includes the suggested average 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.*

There has been a decreased in the annual burden hours previously reported for this information collection. USCIS previously reported 6,544 burden hours and it is now reporting 3,754 burden hours due to a drop in the number of respondents by 1,395 less respondents (previously estimated 3,272 while it is now estimates 1,877 respondents). The annual information collection cost burden has been removed as that information is not required. No changes have been made to the information collected through this form. USCIS has however updated the PRA portion of the instructions to update the contact information.

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 in accordance with OMB regulations.

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.