

SUPPORTING STATEMENT FOR
Application for Waiver of Grounds of Inadmissibility Under Sections 245A or 210 of the
Immigration and Nationality Act
OMB Control No.: 1615-0032
COLLECTION INSTRUMENT(S): Form I-690

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 applicant for adjustment of status to that of U.S. Lawful Permanent Resident under sections 210 and 245A of the Immigration and Nationality Act (INA) may request a waiver of certain grounds of inadmissibility under Section 212(a) of the INA, by completing and submitting a Form I-690, Application for Waiver of Grounds of Inadmissibility (Form I-690). The information provided with this form allows U.S. Citizenship and Immigration Services (USCIS) to determine whether to waive an applicant's 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.**

Applicants for lawful permanent residence under INA 210 or 245A who are inadmissible under certain grounds of inadmissibility at INA 212(a) would use Form I-690 to seek a waiver of inadmissibility.

USCIS uses the information provided through Form I-690 to adjudicate waiver requests from individuals who are inadmissible to the United States. Based upon the instructions provided, a respondent can gather and submit the required documentation to USCIS for consideration of an inadmissibility waiver.

- 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, along with its Supplement and instructions, is available electronically at USCIS' Website at: <https://www.uscis.gov/i-690>.

The form 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's primary benefits application.

- 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 Form 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 part of the doctor/small business function and no unnecessary burden is placed upon them as a result of the collection activities associated with this type of request.

- 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 under sections 210 and 245A of the INA, but are deemed inadmissible to the United States, may request a waiver of certain inadmissibility grounds. If this information collection activity did not occur, those individuals who might otherwise adjust status to lawful permanent resident may be unable to meet their burdens of proof to obtain a waiver of inadmissibility.

- 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 July 2, 2018, USCIS published a 60-day notice in the Federal Register at 83 FR 30949. USCIS received two comments after publishing that notice. One commenter asked for information about a pending case. USCIS does not respond to requests for information on individual cases via Federal Register Notices. The other commenter expressed an opinion regarding immigration policy generally. The comments did not address the information collection or request any changes to the form or instructions. USCIS did not make any changes to the information collection as a result of the comments.

On September 21, 2018, USCIS published a 30-day notice in the Federal Register at 83

FR 47933. USCIS did receive one comment. The comment did not address the information collection, so USCIS did not make any changes as a result of the comment.

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

USCIS does not provide any kind of payment or gifts to respondents submitting information through this form for the benefit sought.

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

The information provided on this form may only be used as provided in INA section 245A(c)(5) or INA 210(b)(5).

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;
- DHS/USCIS-007 – Benefits Information System October 19, 2016 81 FR 72069; and
- DHS/USCIS-018 – Immigration Biometric and Background Check (IBBC) System of Records, July 31, 2018, 83 FR 36950.

The privacy impact assessment associated with this information collection is:

- DHS/USCIS/PIA-016(a) Computer Linked Application Information Management System (CLAIMS 3) and Associated Systems.

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 questions of a sensitive nature related to the respondent's medical history. USCIS is explicitly authorized to collect this information under 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.

		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	Application for Waiver of Grounds of Inadmissibility Under Sections 245A or 210 of the Immigration and Nationality Act /Form I-690	30	1	30	3	90	\$35.54	\$3,199
Individuals or Households	Supplement 1, Applicants With a Class A Tuberculosis Condition (As Defined by	11	1	11	2	22	\$35.54	\$782

	Health and Human Services Regulations)							
Total			41		112			\$3,980

* 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.

NOTES ON BURDEN:

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 any form; and objects to vaccinations because of religious belief or moral convictions; and his or her beliefs are sincere. A third party may prepare the statement on behalf of the applicant and may require a payment for providing that service. USCIS does not receive a high volume of this type of application. As indicated above, USCIS most recent estimates anticipate the filing of approximately 30 applications annually. Not all applicants must provide this type of statement; only applicants requesting a waiver for vaccination requirement will have to submit such statement. USCIS continues to request public comments on the burden associated with the preparation of this type of statement. USCIS estimates that less than half of the applicants that request waivers under section 212(a)(1) of the INA would submit a waiver request which also requires a religious or moral objection statement.

- 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. For informational purposes only, there is a filing fee of \$715 for Form I-690.

In addition, USCIS estimates that respondents will incur an estimated out of pocket cost of \$3.75 average postage cost associated with the submission of the completed package to USCIS. Estimate of total annual postage costs for all respondents (30x \$3.75 average postage) = **\$112.50**

This information collection may impose some additional out-of-pocket costs on respondents in addition to the time burden for the form's preparation. Many respondents may incur expenses to obtain medical, educational, or religious records. 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 \$1,000 per respondent. USCIS estimates that the average cost for these activities is \$490 and that approximately 30% of the total respondent population may incur this cost. The total cost to respondents would generate as follows: 30 respondents x 30% of the population = 9 respondents, multiplied by the average cost per response of \$490 = **\$4,410**.

The estimated total cost to respondents is **\$4,522.50** (\$112.50 + \$4,410). The estimated cost per respondent is \$4,522.50 / 30 respondents = \$150.75.

- 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. Collection and Processing Cost \$ 21,450

b. **Total Cost to the Federal Government** \$ **21,450**

Government Cost

The estimated cost of the program to the Government is \$21,450. This figure is derived by multiplying 30 (the number of respondents) x \$715 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).

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

USCIS modified the title of Form I-690 to include references to the sections of the INA under which an applicant would be applying for a waiver. The title change is intended to prevent confusion with other waiver of inadmissibility forms. Form I-690 was revised to include a more detailed list of inadmissibility grounds for which a waiver may be filed using this form. The instructions were revised to provide more detailed information about the inadmissibility grounds listed on the form and clarify the type of evidence that should be submitted in support of the request.

Data collection Activity/Instrument	Program Change (hours currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (hours currently on OMB Inventory)	Adjustment (New)	Difference
Form I-690				66	90	24
Supplement 1, Applicants with a Class A Tuberculosis Condition (As defined by Health and Human Services Regulations)				22	22	0
Total(s)				88	112	24

The change in the total hour burden estimate is due to an increase in the estimated number of respondents for this collection of information from 22 to 30.

Data collection Activity/Instrument	Program Change (cost currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (cost currently on OMB Inventory)	Adjustment (New)	Difference
Form I-690				\$3,317	\$4,522.50	\$1,205.50
Supplement 1, Applicants with a Class A Tuberculosis Condition (As defined by Health and Human Services Regulations)				0	0	0
Total(s)				\$3,317	\$4,522.50	\$1,205.50

The change in the total cost burden estimate is due to the increase in the estimated number of respondents for this collection of information explained above.

- 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.