

## **SUPPORTING STATEMENT**

### **Application for T Nonimmigrant Status;**

### **Application for Immediate Family Member of T-1 Recipient; and**

### **Declaration of Law Enforcement Officer for Victim of Trafficking in Persons**

### **Forms I-914 and Supplements A and B**

**(OMB No. 1615-0099)**

#### **A. Justification.**

1. This application permits victims of severe forms of trafficking and their immediate family members to demonstrate that they qualify for temporary nonimmigrant status pursuant to the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA), and to receive temporary immigration benefits. This nonimmigrant category was established by Public Law 106-386, sections 107(e) and 1513(c) and is intended to provide temporary immigration benefits to certain victims of crimes while providing a means of assistance for government officials who investigate and prosecute those crimes.
2. The application is divided into three parts. The Form I-914, I-914 Supplement A and I-914 Supplement B. The Principal Applicant will complete the Form I-914 to apply for temporary resident status. The Principal Applicant may complete Form I-914 Supplement A, to petition for derivative status for a qualifying immediate family member. A federal Law Enforcement Officer may complete the Form I-914 Supplement

B, at the applicant's request, to attest to the applicant's claim of being a victim of a severe form of trafficking in persons. The information on all three parts of the form will be used to determine whether applicants meet the eligibility requirements for benefits. This application incorporates information pertinent to eligibility under the VTVPA and a request for employment.

USCIS has made a revision to the form to comply with the Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA), Public Law 108-193, which exempts T nonimmigrant status applicants from the ground of inadmissibility for being a public charge. Therefore, USCIS has removed that question.

In addition to the TVPRA, Congress enacted the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005), Public Law 109-162, which necessitated additional changes to Form I-914. See table of changes.

3. This form provides the most efficient means for collecting and processing the required data. In this case U.S. Citizenship and Immigration Services (USCIS) does not employ the use of information technology in collecting and processing information. Currently, USCIS does not have the automated capability in place to accept electronic submission of these forms. However, these forms are promoted on the USCIS website and are fillable/saveable. This form has been scheduled for e-filing as part of the Business Transformation Project. USCIS is embarking on an enterprise-wide "Transformation

Program” that will transition the agency from a fragmented, paper-based operational environment to a centralized and consolidated environment, utilizing electronic adjudication. The Program is a large-scale, complex undertaking that will form the foundation of USCIS-wide business processes and Information Technology (IT) enabled re-engineering. The new operational environment will employ the types of online customer accounts used in the private sector in order to facilitate transactions, track activities, and reduce identity fraud. The revised processes will also help the agency to meet customer expectations for on-demand information and immediate real-time electronic service over the Internet. Assumptions are defined as future situations beyond the control of the Transformation Program, whose outcomes affect the development and operation of the new or modified system. The TPO has identified the following assumptions:

- A. Congress will continue to support the agency in its transformation efforts.
- B. The Office of Management and Budget (OMB) will endorse the USCIS requirement for exclusive electronic filing and submission of documents. Otherwise, USCIS must provide for data entry, document imaging, and payment processing facilities, reducing functionality only possible with online transactions.
- C. Temporary Worker Program (TWP) legislation will pass within two years. The system is being designed to accommodate a TWP as another product line whose functions will be in keeping with the components of other processes.

- D. Statutory, regulatory, and procedural changes will continually be made to immigration benefits, such as changes being made for orphans, religious workers, and naturalization applicants, and new categories for trafficking victims.
- E. DHS will impose standards for enumeration and support for biometric verification under the Unique Identity Initiative.
- F. USCIS will have the network capacity and technology infrastructure to deploy a publicly accessible web-centric environment.
- G. USCIS will complete a web portal project, including a module by which an online customer can be directed to the appropriate customer transaction type. Once the customer has selected a transaction type, the Transformation web tools will then take the customer through the remaining process.
- H. Private entities are willing to make a business of facilitating, for USCIS customers, the gathering and uploading of customer electronic data, images and payment for upload to USCIS systems using publicized USCIS standards published.
- I. Services for the intake of biometrics, for the background checks, and for production and delivery of secure identity documents will be provided by other components of USCIS, whether directly, through contract, or through privatized arrangements. The new operational concept must accommodate existing and more privatized delivery systems for such services and must ensure that background checks and biometric enrollment are secure through validation and government involvement.

- J. Partner agencies will be able to access USCIS customer account data using web enabled tools as needed.

## **Constraints**

Constraints are defined as impositions on the future operational concept, because of conditions beyond the control of the Transformation Program. The TPO has identified the following constraints:

- A. Government regulations relating to the submission of information, Systems of Records Notice, Privacy Act, and Paperwork Reduction Act.
- B. Funding levels to support incremental development and deployment.
- C. Implementation of IT infrastructure upgrade and enhancements within USCIS.
- D. The volume beneficiaries under the TWP may require new channels of enrollment ranging from expansion of Application Support Centers, to the addition of privatized enrollment options or some combination.
- E. The solution must be able to interface with both internal and external systems including:
  - USCIS and DHS legacy systems, including:
    - o Computer Linked Application Information Management System 3 (CLAIMS 3)
    - o Computer Linked Application Information Management System 4 (CLAIMS 4)
    - o Central Index System (CIS)
    - o Reengineered Naturalization Application Casework System (RNACS)
    - o Service Request Management Tool (SRMT)

- o Fraud Detection National Security (FDNS)
- o Marriage Fraud Amendment System (MFAS)
- o Refugee Asylum Processing System (RAPS)
- o Deportable Alien Control System (DACCS)
- o Freedom of Information Processing System (FIPS)
- o Verification Information System
- o Treasury Enforcement Computer System (TECS)
- o Interagency Border Inspection System (IBIS)
- o Student and Exchange Visitor Information System (SEVIS)
- o Treasury Enforcement Computer System (TECS)
- Partner Agency Systems (DOJ, DOS, DOL, etc.)

4. A review of the USCIS Forms Inventory Report revealed no duplication of efforts, and there is no other similar form currently available which can be used for this purpose.
5. This collection of information does not have an impact on small businesses or other small entities.
6. If the form is not approved, there is no other vehicle USCIS may employ that would satisfy the requirements of the program as mandated by Public Law 106-386.

7. The special circumstances contained in item 7 of the supporting statement are not applicable to this information collection.
8. USCIS published a notice in the Federal Register on September 27, 2006 at 71 FR 56542. The notice allowed 60 days for public review and comment. USCIS received no public comments on this information collection.
9. USCIS does not provide payments or gifts to respondents in exchange for a benefit sought.
10. The Privacy Act of 1974 (Public Law 93-589) mandates that personal information solicited from individuals completing Federal records and forms be kept confidential. The respondent is informed that the information provided may be provided to law enforcement agencies or prosecutors investigating or prosecuting crimes in trafficking or related crimes. The respondent is also informed that the information may be provided to other federal, state, local, and foreign law enforcement agencies during the course of the USCIS investigation.
11. There are questions of a sensitive nature. However, these questions are necessary in order for USCIS to make a determination on whether the applicant meets the eligibility requirements to receive benefits under the VTVPA. USCIS will take every step to safeguard this information appropriately.

12.	<u>Annual Reporting Burden:</u>	<u>I-914</u>	<u>Supp. A</u>	<u>Supp.</u>
	<u>B</u>			
a.	Number of Respondents	500	500	200
b.	Number of Responses per Respondent	1	1	1
c.	Total Annual Responses	500	500	200
d.	Hours per Response	2.25	1	.5
e.	<b>Annual Reporting Burden</b>	<b>1,125</b>	<b>500</b>	<b>100</b>

**Annual Reporting Burden**

The estimated total annual reporting burden hours are 1,725. This figure was derived by:

- Multiplying the number of Form I-914 respondents (500) x frequency of response (1) x hours per response (2.25);
- Multiplying the number of Supplement A respondents (500) x frequency of response (1) x hours per response (1); and by
- Multiplying the number of Supplement B respondents (200) x frequency of response (1) x hours per response (.50).

The projected hours per response for these collections were derived by breaking down the process into three components:

I-914      Supp. A      Supp.

B



Learning about Law and the Form Min.	45 Min.	15 Min.	10
Completion of the Form Min.	30 Min.	15 Min.	15
Assembling and Filing the Form	60 Min.	30 Min.	5 Min.
<i>TOTAL Hours per Response</i> <i>Min.</i>	<i>135 Min.</i>	<i>60 Min.</i>	<i>30</i>

For the first two components, Learning about the Pertinent Law and Completion of the Form we used tests to determine completion times. People who were not conversant with immigration processes were used to determine average completion time. The third component of the process, “Assembling and Filing the Form”, was broken down into subtasks. For example, the form can be mailed to a USCIS office or filed in person. Thus, the time necessary to actually file the form can vary widely depending on the circumstances of the applicant.

13. There are no capital or start-up costs associated with this information collection. Any cost burdens to respondents as a result of this information collection are identified in Item 14. However, there is a fee charge of \$270 for filing Form I-914 and a \$120 fee charge for filing Supplement A. Additionally, the cost of biometric services is \$70 per respondent. There is no fee charge for submitting Supplement B.

14. Annualized Cost Analysis:

a.	Printing Cost	\$	510
b.	Collection and Processing Cost	\$	264,490
c.	Total Cost to Program	\$	265,000
d.	Fee Charge, if any	\$	265,000
e.	Total Cost to Government	\$	0

**Government Cost**

The estimated cost of the program to the Government is calculated by:

- Using the estimated number of I-914 respondents (500) x \$270 fee charge and the \$70 biometric services fee charge, plus
- The number of Supplement A respondents (500) x \$120 fee charge and the \$70 biometric services fee charge.

The fee charge includes suggested average hourly rate for clerical, officer, and supervisory time with benefits, plus a percent for the estimated overhead cost for printing, stocking, and distributing the form which is \$ 510.

**Public Cost**

**The estimated annual public cost is \$ 282,250.** This estimate is based on:

- The number of I-914 respondents (500) x number of responses (1) x hours per response (2.25) x \$10 (average hourly rate), plus

- The number of respondents (500) x fee charge of \$270, plus
- The number of respondents (500) x biometric services charge (\$70); plus
- The number of Supplement A respondents (500) x number of responses (1) x hours per response (1) x \$10 (average hourly rate), plus
- The number of respondents (500) x fee charge of \$120, plus
- The number of respondents (500) x biometric services charge (\$70); and
- The number of Supplement B respondents (200) x number of responses (1) x hours per response (.50) x \$10 (average hourly rate). .

15. There has been a decrease of 40,213 in the estimated burden hours previously reported for this collection of information. When this program started the Government Agency that provided the estimate of the number of victims of severe forms of trafficking to the former Immigration and Naturalization Service (former INS), significantly overestimated the number of victims. The current number of respondents (500 victims) and (500 family members) and (200 enforcement officers) accurately reflects the number of Forms I-914, and Supplements A and B filed in each calendar year. There has also been a decrease of \$3,522,000 in costs associated with this collection. This decrease is attributed to the decrease in the number of respondents.

16. USCIS does not intend to employ the use of statistics or the publication thereof for this information collection.

- 17. USCIS will display the expiration date of OMB approval of this information collection.
- 18. USCIS does not request an exception to the certification of this information collection.

**B. Collection of Information Employing Statistical Methods.**

Not Applicable.

**C. Certification and Signature.**

**PAPERWORK CERTIFICATION**

In submitting this request for OMB approval, I certify that the requirements of the Privacy Act and OMB directives have been complied with including paperwork regulations, statistical standards or directives, and any other information policy directives promulgated under 5 CFR 1320.

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**Richard A. Sloan**

**Director,**

Regulatory Management Division,

U.S. Citizenship and Immigration Services.

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**Date**