

SUPPORTING STATEMENT
Employment Eligibility Verification
(Form I-9)
OMB No. 1615-0047

A. Justification:

1. This form has been developed to facilitate compliance with section 274A of the Immigration and Nationality Act (the Act), as amended by the Immigration Reform and Control Act of 1986 (IRCA). Section 274A of the Act, as amended, prohibits the knowing employment of unauthorized aliens. The purpose of this information collection is to comply with section 274A of the Act.

2. The information will be collected on Form I-9 by employers or by recruiters and referrers for a fee (as defined in the Act) in the United States. Form I-9 is completed at the time an individual is hired for employment. Failure to collect and retain the information requested on the form will prevent the enforcement of provisions of immigration laws that are designed to control the employment of unauthorized aliens. The Act requires employers to maintain the form and make it available for inspection by officers of the Department of Homeland Security (DHS), the Special Counsel for Immigration-Related Unfair Employment Practices, or the Department of Labor as an enforcement mechanism. The statute also has penalty provisions for failure to collect data.

3. The use of this form provides the most efficient means of collecting and maintaining the required data. Since this form is maintained by employers and is not submitted to ICE, e-filing is not applicable to this information collection. However, by interim regulation “Electronic Signature and Storage of Form I-9, Employment Eligibility Verification” published by Immigration and Customs Enforcement on June 15, 2006 (Federal Register 71 FR 34510), this form can now be electronically stored by the employer.

4. A search of DHS automated forms tracking system was accomplished and revealed no duplication. There is no similar data collected.

5. The use of this form affects small businesses. However, DHS has made efforts in the design of the form to minimize the amount of data collected, the time required to complete the form, and the education level necessary to complete the form. In addition, DHS now allows the employer to store the form electronically.
6. The purpose of this information collection is to comply with section 274A of the Act. Failure to collect and retain the information requested on the collection will prevent the enforcement of provisions of immigration laws that are designed to control the employment of unauthorized aliens.
7. The special circumstances described in paragraph 7 do not apply to this form.
8. On November 13, 2006, DHS published a 60-Day Notice in the Federal Register at 71 FR 66183 requesting public comments. DHS did receive three comments concerning this information collection, and has provided a response to each commenter. However, DHS will not be making any changes to the Form I-9 at this time. (see comments and response on ROCIS).
9. USCIS does not provide payments or gifts to respondents in exchange for a benefit sought.
10. There is no assurance of confidentiality.
11. There are no questions of a sensitive nature.

12. Annual Reporting Burden:

a.	Number of Respondents	78,000,000
b.	Number of Responses per each Respondent	1
c.	Total Annual Responses	78,000,000
d.1	Hours per Response for Reporting Burden	11,700,000
d.2	Hours per Response for Record keeping	1,000,000
e.	Total Annual Reporting Burden	12,700,000

Annual Reporting Burden

The total annual reporting burden hours are 12,700,000. This figure was derived by multiplying the number of respondents (78,000,000) x frequency of response (1) x hour per response (9 minutes or 0.15 hours). The annual record keeping burden is added to the total annual reporting burden which is based on 20,000,000 record keepers at (3 minutes or .05 hours) per filing. These calculations are based on agency experiences since implementation of the law requiring the use of the Form I-9

13. There are no capital or start-up costs associated with this collection. Any cost burdens to respondents as a result of this collection are identified in item 14. *There is no fee charge associated with this information collection.*

14. Annualized Cost Analysis

Printing Cost	\$	2,000
Collection and Processing Cost	\$	3,280,000
Total Cost to Program	\$	3,282,000
Fee Charge	\$	0
Total Cost to Government	\$	3,282,000

Government Cost

Federal government cost is estimated at \$ 3,282,000. This figure is derived by calculating the actual costs to print and distribute the Form I-9 to the public. This figure also includes the cost to conduct on-site employer compliance reviews in accordance with section 274A of the Act provisions. The compliance review costs are calculated by multiplying the number of ICE Forensic Auditors (41) x \$80,000 (average annual salary with benefits).

Note: It should be noted that the Government printing costs have been reduced significantly from the printing costs previously reported for this information collection. This can be attributed to allowing employers to electronically download the Form I-9 from the USCIS website at: <http://www.uscis.gov/>

Annual Public Cost

The public cost is estimated at \$ 127,000,000. This figure is based on the number of respondents of 78,000,000 at (0.15) 9 minutes per response, times an average hourly labor rate of \$10.00 per hour; plus labor costs of verification and filing of each form by 20,000,000 record

keepers at (.05) 3 minutes per filing, times and average hourly rate of \$10.00 per hour

15. There has been an increase of 330,000 in the estimated burden hours as previously reported for this information collection. When the interim regulation “Electronic Signature and Storage of Form I-9, Employment Eligibility Verification” was published on June 15, 2006 at 71 FR 34510, under the Paperwork Reduction Act portion of the rule, it was estimated that by electronically allowing employers to retain the I-9 electronically, the estimated savings would be one minute (.016), equating to approximately 650,000 burden hour savings (39,000,000 number of employers retaining I-9 electronically) x one minute (.016). However, the interim regulation mistakenly listed the number of employers retaining the Form I-9 electronically as 39,000,000 and should have used the current figure of 20,000,000. Accordingly, the real savings would have been calculated at approximately 320,000 burden hours (20,000,000 number of employers retaining I-9 electronically) x one minute (.016), rather than the 650,000 burden hours recorded in the interim regulation. Accordingly, there is an increase of 330,000 burden hours (650,000 – 320,000).
16. DHS does not intend to employ the use of statistics or publication thereof for this collection of information.
17. DHS will display the expiration date for OMB approval of this information collection.
18. DHS 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.

Richard A. Sloan

Chief,
Regulatory Management Division,
U.S. Citizenship and Immigration Services,
Department of Homeland Security.

Date