

SUPPORTING STATEMENT

U.S. VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY (US-VISIT) PROGRAM

OMB CONTROL NO. 1600-0006

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.**

The United States Visitor and Immigrant Status Indicator Technology (US-VISIT) is a program established by the Department of Homeland Security (DHS) to meet specific legislative mandates intended to strengthen border security, address critical needs in terms of providing decisionmakers with critical information, and demonstrate progress toward performance goals for national security, facilitation of trade and travel, and supporting immigration system improvements.

Throughout the 1990s and culminating in the terrorist attacks of September 11, 2001, there was a growing concern, both in Congress and across the border management community, that the border management community lacked the necessary information and technology to manage the entry/exit process and enforce the relevant laws as effectively as possible. Congressional concerns included visa overstays, the number of illegal foreign nationals in the country, overall border security issues, and a need to expedite legitimate trade and travel. As a result, Congress passed a number of laws aimed at addressing many of these and other border-related issues, including requiring the border management community to develop an electronic entry and exit system capable of improving the information resources available to immigration and border management decisionmakers.

Copies of statutes and regulations associated with the collection were submitted with the initial submission.

- 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.**

US-VISIT collects and disseminates to the immigration and border management community biographic, travel history, travel document, and biometric information (photographs and fingerscans) pertaining to covered individuals. No personally identifiable information is collected other than that which is necessary and relevant for the purposes of US-VISIT.

Individuals subject to US-VISIT requirements and processes (“covered individuals”) are those who are not U.S. citizens at the time of entry or exit or, in rare instances, are U.S.

citizens who have not identified themselves as such at the time of entry or exit. Non-U.S. citizens who later become U.S. citizens will no longer be covered by US-VISIT, but the information about them collected by US-VISIT while they were noncitizens will be retained, as will information collected about citizens who did not identify themselves as such.

US-VISIT's mission is to collect, maintain, and share information, including biometric identifiers, on foreign nationals to assist U.S. Government officials in determining whether individuals (1) should be prohibited from entering the United States; (2) can receive, extend, change, or adjust immigration status; (3) have overstayed or otherwise violated the terms of their admission; (4) should be apprehended or detained for law enforcement action; or (5) need special protection/attention (e.g., refugees).

Personal information collected by US-VISIT will be used only for the purposes for which it was collected, unless other uses are specifically authorized or mandated by law. This collected information is principally accessed by Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), U.S. Citizenship and Immigration Services (USCIS), Transportation Security Officers of the Department of Homeland Security, and Consular Officers of the Department of State. Also, appropriate Federal, state, local, or foreign government agencies may use this information when needed to carry out their law enforcement responsibilities.

All information collected will be kept secure and confidential, and will not be discussed with, nor disclosed to, anyone within or outside US-VISIT, other than authorized by law and only in conjunction with their official duties. The DHS Chief Privacy Officer will review pertinent aspects and information audits to ensure that proper safeguards are in place and being adhered to appropriately, and that counsel and guidance concerning privacy information management and accessibility are provided.

- 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 to reduce burden.**

US-VISIT is designed to accurately collect the necessary information as quickly as possible. To achieve these goals of speed and accuracy, US-VISIT relies heavily on automated, electronic, and other technological collection techniques.

US-VISIT has deployed equipment and software so that CBP Officers can biometrically compare and authenticate travel documents issued to aliens by the Departments of State and Homeland Security. This has greatly improved CBP's ability to detect document fraud during the inspection process and has prevented over 1,100 known criminals and immigration law violators from entering the U.S. since the US-VISIT procedures were deployed on January 5, 2004.

- 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.

Immigration and border security management is provided by a number of entities within the Departments of Homeland Security, State, Justice, and Transportation. The border management agencies created an Integrated Project Team (IPT) to ensure that various agencies were not duplicating information collection from foreign nationals during the entry or exit processes.

US-VISIT's functionality is currently supported by more than 16 different information technology systems, including those managed by the Department of State, CBP, ICE, USCIS, the Federal Bureau of Investigation (FBI), the Department of Defense, and INTERPOL. The ability to exchange real-time, transaction-level data in a secure fashion represents an increasing need across the immigration and border management community. US-VISIT has prepared the foundation for the next challenging portion of the program, which calls for replacing existing "stove-piped" systems with integrated systems designed to support a reengineered border management process with the latest technology available.

5. If the collection of information involves small businesses or other small entities, (Item 5 of the OMB Form 83-I), describe any methods used to minimize burden.

The collection of information does not have an impact on small businesses or other small entities.

6. Describe consequences to Federal program or policy activities if the collection is not conducted or conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Access to timely, accurate, and common information about individuals who should be denied entry to the United States, including terrorists, criminals, and immigration law violators, is crucial to border decisionmakers and law enforcement officials. US-VISIT works with other DHS components, the Department of Justice, and the intelligence community to collect and share this critical information. Reduction of the information collection requirements for US-VISIT cannot occur without depriving immigration and border security decisionmakers of valuable and timely information. Additionally, any such reductions would also contradict existing statutory requirements.

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

- requiring respondents to report to the agency more often than quarterly;

Respondents submit information (biometric fingerscans and visa/passport information) each time they apply for immigration benefits or seek entry into (and eventually exit from) the U.S. Frequent travel to and from the U.S. may cause respondents to submit information more often than quarterly. Information is updated as needed.

- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;

The collection of information from respondents is through electronic devices. No written responses are collected.

- requiring respondents to submit more than an original and two copies of any document;

The collection of information from respondents is through electronic devices.

- requiring respondents to retain records other than health, medical, government contract, grant-in-aid, or tax records for more than three years;

Respondents are not required to retain records in connection with this information collection.

- 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;

There are no statistical aspects to this information collection.

- requiring the use of statistical data classification that has not been reviewed and approved by OMB;

There are no statistical aspects to this information collection.

- 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

No such requirement has been imposed.

- 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.

No such requirement has been imposed.

- 8. If applicable, provide a copy and identify the date 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 burdens.**

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.

A 60-day Federal Register notice (see attached) will be published requesting public comments. The notice directs the public to submit comments on the information collection to the Privacy Officer, US-VISIT, Border and Transportation Security, Department of Homeland Security.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

DHS does not provide payment or gifts to respondents in exchange for a benefit sought.

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

The Privacy Act of 1974 (Public Law 93-589) mandates that personal information solicited from the individual completing federal records and forms shall be kept confidential. The respondent is informed that the response is mandatory and that only authorized agency officials will have access to the border and crossing history information.

US-VISIT is being implemented in phased deployments based on legislative mandates and functional capabilities. On January 4, 2004, the first US-VISIT Privacy Impact Assessment (PIA) was published, in conjunction with the initial deployment of US-VISIT. As successive functionality has been deployed, the original PIA has been updated. The PIA was updated on September 14, 2004, to reflect inclusion of Visa Waiver Program (VWP) travelers in US-VISIT, expansion of US-VISIT to the 50 busiest land border ports of entry (POEs), and changes in the business processes used by DHS to share information with Federal law enforcement agencies. On June 15, 2005, the PIA was updated to include the Live Test to read International Civil Aviation Organization (ICAO)-compliant, biometrically enabled travel documents. On July 7, 2005, the PIA was updated to include the initial planning on the proof of concept for the use of radio frequency identification (RFID) technology and the completion of the exit pilot for sea and air POEs. On January 24, 2006 and again on March 15, 2006, the PIA was updated to roll-out phases 2 and 3 (respectively) of the Live Test to read ICAO-compliant, biometrically enabled travel documents. On July 27, 2006, the PIA was updated expanding the US-VISIT authority to process all aliens not explicitly exempted with the exception of those Canadian citizens applying for admission as B-1/B-2 visitors for business or pleasure. On August 18, 2006, the PIA was updated to address the changes to the POE process resulting from the deployment of the capability to biometrically compare and authenticate RFID chip-enabled, ICAO-compliant passports (e-Passports).

The PIA ensures that personal information is used appropriately, protected from misuse and improper disclosure, and destroyed when no longer needed. Personal data is securely stored and made available only to authorized officials and selected law enforcement agencies on a

need-to-know basis to help protect the nation against those who intend harm to U.S. citizens or visitors and to ensure integrity in our immigration system.

11. Provide additional justification for any questions of sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly consider 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 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.

See Attachment A for incremental implementation of US-VISIT Program.

Annual Reporting Burden:

| | |
|--|-------------|
| a. Number of Respondents | 156,732,422 |
| b. Number of Responses per each Respondent | 1 |
| c. Total annual Reponses | 156,732,422 |
| d. Hours for Response | .0042 |
| e. Total Annual Reporting Burden | 658,276 |
| f. Total Public Cost | 6,582,762 |

Total annual reporting burden hours are 658,276. This estimate is calculated by multiplying the number of respondents 156,732,422 by the frequency of response 1, by the hours per response (15 seconds). The 15 seconds is based upon the Atlanta Pilot.

- 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.

There are no forms associated with this collection.

- Provide estimates of annualized cost to respondents for the hour burdens for collection 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.

Annual Public Cost

Total public cost is \$6,582,762. This estimate is based on the number of respondents 156,732,422 multiplied by 15 seconds (.0042 hours) per response, multiplied by \$10 (average hourly rate) plus the number of responses (1).

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

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 item 14.

14. Provide estimates of annualized cost to the Federal Government.

Cost Analysis:

| | |
|--------------------------------|---------------|
| Printing Cost | \$ 0.00 |
| Collecting and Processing Cost | \$ 26,331,047 |
| Total Cost to Program | \$ 26,331,047 |
| Fee Charge | \$ 0.00 |
| Total Cost to Government | \$ 26,331,047 |

Government Cost

The estimated cost of the program to the Government is \$26,331,047. This figure is calculated by using the estimated number of respondents (156,732,422) multiplied by 15 seconds (.0042), the time it takes the agency to collect and process the information, multiplied by \$40 (suggested average hourly rate for clerical, officer, and supervisory time with benefits).

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

There are no annual respondents or annual hour burden increases or decreases for this collection. However, the previously reported annual cost burden (\$1, 008,000) was adjusted due to a change in agency estimate because there are no longer any start-up costs or maintenance for this ICR.

16. For collections whose results will be published, outline the plans for tabulation and publication.

DHS does not intend to employ the use of statistics or the publication thereof for this collection of information except in the mandated reports to Congress, as in reporting of overstays.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

No specific form is utilized in the information collection process.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

DHS does not request an exception to the certification of this information collection.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.