

## SUPPORTING STATEMENT

### Memorandum of Understanding to Participate in the Basic Pilot Employment Eligibility Program; Verify Employment Eligibility Status

*(No Agency Form Number; File OMB-18)*

OMB No. 1615-0092

#### A. Justification.

1. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA); Public Law. 104-208, dated September 30, 1996, provided for the establishment of a Basic Pilot Program to last 4 years. Subsequently Congress passed Public Laws 107-128, and 108-156 which extended the Basic Pilot Program until November 30, 2008.

The Basic Pilot Program allows employers to electronically verify the employment eligibility status of newly hired employees by matching information provided by employees on the Form I-9, Employment Eligibility Verification, against existing information contained in the Verification Information System (VIS), a database that hits against both Social Security Administration (SSA) and the Department of Homeland Security data.

2. Employers participating in the Basic Pilot Program must first read and agree to the Memorandum of Understanding (MOU) with the Department of Homeland Security (DHS) and the SSA. The Basic Pilot Program has two different methods by which employers can sign up to use the system: as users who intend to run queries themselves (Basic Pilot Program users) and as Designated Agents who intend to run queries on behalf of other employers who choose not to run the queries themselves. Each method requires completion of a separate MOU which provides the specific terms and conditions governing the rights and responsibilities of all parties involved, as well as specific information on the employer user. Additionally, employers signed up to use the system also have the option to have management oversight of system usage for their organization. This functionality currently requires the employers to additionally register as Corporate Administrators.

The regular Basic Pilot Program user registration process begins with an employer agreeing to the terms of the MOU, and once agreed to, the employer completes the process by providing company and relevant information into the system. (see attached screen shots). The Designated Agent user registration includes the respective agent agreeing to the terms of the MOU, and providing information about their company and about the company they intend to run basic pilot queries for.

3. The MOU is a signed agreement between the Department of Homeland Security, SSA, and the employer, and provides the most efficient means for collecting and processing the required data. The Department of Homeland Security allows for the automated access to its MOU, and allows for electronic registration through its website at: <https://www.vis-dhs.com/EmployerRegistration/StartPage.aspx?JS=YES&AccessMethod=>
4. A review of USCIS' Forms Inventory Report revealed no duplication of effort, and there is no other similar information currently available that can be used for this purpose.
5. This collection of information does not have a significant impact on small businesses or other small entities. This is a voluntary program for those employers wishing to participate. Although small businesses participate in this program, this program is voluntary and is intended to benefit these small entities by allowing them to quickly verify whether an alien is legally eligible to work, and therefore comply with 8 CFR part 274A.
6. If this information collection is not conducted or is conducted less frequently, the Department of Homeland Security and the SSA will not be able to comply with IIRIRA. Without approval for the collection of necessary data from employers, the program cannot proceed.
7. The special circumstances contained in item 7 of the supporting statement are not applicable to this information collection for the MOU. However, once the employer

participates in the Basic Pilot Program, the employer will be conducting queries each time a new employee is hired.

8. USCIS published a 60-day notice in the Federal Register on April 5, 2007 at 72 FR 16807. USCIS received one comment. USCIS responded, but will not be making any changes at this time.
9. The USCIS does not provide payments or gifts to respondents in exchange for a benefit sought.
10. There is no assurance of confidentiality. The system used to support the Basic Pilot Program is operated and maintained according to Department of Homeland Security and privacy requirements.
11. There are no questions of a sensitive nature.
12. In the Basic Pilot Program, the initial employment verification queries are performed by the VIS system, and require no human intervention. The incidence of cases needing USCIS manual secondary verification is 1% of all queries.

Annual Reporting Burden	MOU	Register Employer	Designated Agent Register	Employer Queries	Secondary Queries
a. No. of Respondents (Employers)	40,000	39,200	800	4,000,000	40,000
b. No. of Responses	1	1	1	1	1
c. Total Annual Responses	40,000	39,200	800	4,000,000	40,000
d. Hours per Response	2.333	.166	.166	.05	.333
e. Total Annual Reporting Burden	93,320	6,507	132	200,000	13,320

The projected hours per response for this collection of information were derived as follows:

- Reading the MOU and Query Training 140 Minutes
- Completing Registration Form 10 Minutes
- Employer Queries 3 Minutes
- Secondary Queries 20 Minutes

## Annual Reporting Burden

**Total annual reporting burden hours is 313,279.** This figure was derived by multiplying:

- the number of MOU respondents (40,000) x number of responses (1) x 2.333 (2 hrs. 20 minutes) per response; plus
- the number of Employers Registering (39,200) x number of responses (1) x .166 (10 minutes) per response; plus
- the number of Designating Agents Registering (800) x number of responses (1) x .166 (10 minutes) per response; plus
- the number of employer queries (4,000,000) x number of responses (1) x .05 (3 minutes) per response; plus
- the number of secondary queries (40,000) x number of responses (1) x .333 (20 minutes).

13. There are no capital or start-up costs associated with this information collection. There are no fee charges associated with this information collection. The equipment necessary to participate in the program include a personal computer with modem, which most employers already own for use in conducting their daily business. The Web-Access (Internet) method will eliminate the cost of the modem.

## 14. Government Cost

**The estimated cost to the Government is \$932,800.** This figure is calculated by:

- Multiplying the total estimated number of MOU respondents (including employers and designated agents) 40,000 x number of responses (1) x .083 (5 minutes) time required to collect and process information x \$40 (suggested average hourly rate for clerical, officer, and supervisory time with benefits); plus
- Multiplying the number of secondary queries 40,000 x .50 (30 minutes) time required to process secondary queries x \$40 (suggested average hourly rate for clerical, officer, and supervisory time with benefits).

The estimated cost to the public is **\$3,132,790.** This figure is calculated by:

- Multiplying the number of MOU respondents (40,000) x number of responses (1) x 2.333 (2 hrs. 20 minutes) per response x \$10; plus
- Multiplying the number of Employers Registering (39,200) x number of responses (1) x .166 (10 minutes) per response x \$10; plus
- Multiplying the number of Designating Agents Registering (800) x number of responses (1) x .166 (10 minutes) per response x \$10; plus
- Multiplying the number of employer queries (4,000,000) x number of responses (1) x .05 (3 minutes) per response x \$10; plus
- Multiplying the number of secondary queries (40,000) x number of responses (1) x .333 (20 minutes) x \$10.

15. There has been an increase of 306,629 burden hours previously reported for this information collection. This increase can be attributed to several of the following factors;

- There has been an increase in the number of employers participating in the Basic Pilot Program. Last year, Congress, OMB, and the Administration have been paying great attention to the Basic Pilot program. Congress is interested in making this program mandatory, requiring all U.S. employers to use the program, in advance of enacting such legislation, in FY 2007, Congress appropriated \$110 million in funds to help expand and grow the program. The USCIS is conducting outreach to help increase the number of employers using the program. Due to increased outreach and program improvements, the USCIS anticipates about 40,000 employer users by the end of FY 2007.
- As part of the MOU the employer needs at least 2 hours to train on how to perform queries. This training was never previously reported for this information collection.
- Before an employer can enroll in this program, the employer or designated agent must complete an on-line registration form. The time to complete the registration form was never included in USCIS previous submissions.
- To ensure that a new employee is eligible to work, the employer or designated agent must perform an initial automated query and in one percent of the cases a

secondary query. Once again USCIS never included this figure in its previous submissions.

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

17. USCIS will display the expiration date of OMB approval for 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**

Chief,

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U.S. Citizenship and Immigration Services.

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**Date**