

SUPPORTING STATEMENT
Fee Remittance Form for Certain F, J and M Nonimmigrant
Form I-901
(OMB No. 1653-0034)

A. — Justification.

1. On March 1, 2003, the former Immigration and Naturalization Service (Service) transferred from the Department of Justice to the Department of Homeland Security (DHS), pursuant to the Homeland Security Act of 2002 (HSA), Public Law 107-296, 116 Stat. 2135 (Nov. 25, 2002). The Service's adjudication functions transferred to the Bureau of Citizenship and Immigration Services (CIS), and the Service's Student and Exchange Visitor Information System (SEVIS) function transferred to the Bureau of Border Security, now the Bureau of Immigration and Customs Enforcement (ICE). For the sake of simplicity, any reference to the Service has been changed to DHS, even when referencing events that proceeded March 1, 2003. As such, all references to the Service are changed to DHS.

Public Law 104-208, Subtitle D, Section 641 directs the Attorney General, in consultation with the Secretary of State and the Secretary of Education, to develop and conduct a program to collect information on nonimmigrant foreign students and exchange visitors from approved institutions of higher education, as defined in section 101(a) of the Higher Education Act of 1965, as amended or in a program of study at any other DHS-approved academic or language-training institution, to include approved private elementary and secondary schools and public secondary schools, and from approved exchange visitor program sponsors designated by the Department of State (DOS). It also authorized a fee, not to exceed \$100, to be collected from these students and exchange visitors to support this information collection program.

DHS has implemented the Student and Exchange Visitor Information System (SEVIS) to carry out this statutory requirement. The substantive requirements and procedures for SEVIS have been promulgated in separate rulemaking proceedings. See 67 FR 34862 (May 16, 2002) (proposed rule implementing SEVIS); 67 FR 44343 (July 1, 2002) (interim rule for schools to apply for preliminary enrollment in SEVIS); 67 FR 60107 (September 25, 2002) (interim rule for certification of schools applying for enrollment in SEVIS); 67 FR 76256 (December 11, 2002) (DHS' final rule implementing SEVIS); 67 FR 76307 (December 12, 2002) (DOS interim rule implementing SEVIS). On December 21, 1999, the publication of a Federal Register document at 64 FR 71323 proposed to amend 8 CFR 103.7; 214.2(f), (j), and (m); and 8 CFR 299.1 to provide for this fee as required in the law.

Section 641(e) of IIRIRA, as amended, 8 U.S.C. 1372(e), directs that this information collection system be self-funded by aliens in those visa classifications. Aliens subject to the fee will pay the fee prior to being granted certain F, J, and M nonimmigrant visa status.

2. This information collection is necessary to implement section 641 of IIRIRA, 8 U.S.C. 1372, directing the program to collect information relating to nonimmigrant foreign students and other exchange program participants and providing for the collection of the required fee to defray the costs of this program. Section 641 of IIRIRA requires DHS to collect current information, on an ongoing basis, from schools and exchange visitor program sponsors relating to nonimmigrant foreign students and exchange visitors during the course of their stay in the United States, using electronic reporting technology to the fullest extent practicable. DHS has implemented SEVIS to carry out this statutory requirement. The Form I-901 is used by DHS to send a receipt to the student or exchange visitor upon payment and to positively identify that a particular student or exchange visitor has paid the fee.
3. The use of this form provides the most efficient means for collecting and processing the required data. The DHS will employ information technology in collecting and processing this information and is developing the automated capability to accept electronic submission of this form. This decision was made in order to minimize the cost and error rate of manual data entry of paper forms. The use of information technology will be

implemented using a phased approach, with paper processing ultimately phased out in favor of complete electronic submission of responses. The DHS estimates that 80% of the forms will be completed electronically.

4. The information supplied can also be obtained from existing documents. Student and school information is obtained from Form I-20 (Certificate of Eligibility for Nonimmigrant Student), which is issued to the student upon acceptance to the school. Exchange Visitor/Sponsor information is obtained from Form DS-2019 (Certificate of Eligibility for Exchange Visitor), which is issued to the exchange visitor by the sponsor upon acceptance to the program. The fee, on the other hand, must be paid prior to issuance of the nonimmigrant visa or change of nonimmigrant classification.

The Form I-901 electronic system supported by the Department of Treasury (FMS), and utilized by DHS, aggregates fee data from the Internet, and other potential electronic payment systems and the manual paper-based system (“lockbox”), but is a separate system from the Student and Exchange Visitor Information System (SEVIS) which addresses the Forms I-20 and DS-2019, and most other student and school processes. Therefore, the Form I-901 requires a valid SEVIS ID#, as well as some basic biographical information that should also be contained on the Form I-20 or Form DS-2019. DHS is working with FMS to establish a data share interface whereby the Form I-901 system provides SEVIS with payment information. DHS also intends to continue working closely with the Department of State to integrate such payment information from SEVIS into the existing data share arrangement providing Forms I-20 and DS-2019 data to the consulates for use during the visa screening process. The ability to locate and match records to confirm payment of the fee is critical, because the failure to pay the fee will result in the denial of visa issuance or in a violation of status. As such, this data matching enables DHS and DOS to credit the alien with payment of the required fee.

Therefore, while students and exchange visitors must provide a minimum amount of Form I-20 or DS-2019 information on Form I-901, the information repeated is minimal and the purpose is to benefit the student or exchange visitor by ensuring that they are properly credited with having paid the fee in order to maintain their status as a nonimmigrant student or exchange visitor.

Credit card and bank account information is requested for those paying the fee over the Internet. This option is being offered to provide as many means as possible for the student or exchange visitor to pay the fee. Information on the form is required by banks in order to process the payment. This information is not stored in the SEVIS database or retained by the FMS system beyond the time it takes to settle the transaction. The Internet site has been implemented in partnership with the Department of Treasury and developed with appropriate security measures in place to safeguard the applicant's information.

Additionally, the phone number is required only in the case where the student or exchange visitor requests an expedited receipt. The phone number is required by the mail carrier service in order to ensure an expedited delivery. Again, this information is not retained by the DHS and is only needed by the mail carrier service in rare instances where delivery is difficult.

5. This collection of information does not have an impact on small businesses or other small entities.
6. If the information is not collected, DHS cannot send receipts to students and exchange visitors to serve as proof of payment of the fee. In addition, DHS will be unable to positively identify those students and exchange visitors who have paid the fee. Therefore, DHS ability to ensure compliance with the law and enforce fee collection will be severely limited without this information.
7. The special circumstances contained in item 7 of the supporting statement are not applicable to this information collection.
8. The ICE published a notice in the Federal Register on March 30, 2007 at 72 FR 15144-15145 requesting OMB review and approval by for this information collection. The notice also solicited public review and comment for a 60-day period.
9. DHS does not provide payment 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	600,000
b.	Number of Responses per each Respondent	1
c.	Total Annual Responses	600,000
d.	Hours per Response	.32
e.	Total Annual Reporting Burden	192,000
f.	Total Public Cost	\$ 60,192,000

The projected hours per response for this collection of information were derived by first breaking the process into three basic components:

Learning about the Law and the Form	5 Minutes
Completion of the Form	9 Minutes
Assembling and Filing the Form	5 Minutes
<i>TOTAL Hours per Response</i>	<i>19 Minutes</i>

For all components, we used tests to determine completion times. People who were not conversant with immigration processes were used to determine average completion times. As the automated capability has not yet been developed, all testing was done using paper forms.

Annual Reporting Burden

Total annual reporting burden hours are 192,000. This figure was derived by multiplying the number of respondents (600,000) x frequency of response (1) x 19 minutes or (.32 hours) per response.

Annual Public Cost

The estimated annual public cost is \$61,920,000. This figure is based on the number of respondents 600,000 multiplied by 19 minutes (.32), multiplied by \$10 (average hourly rate); plus the number of respondents (600,000) x fee of \$100.

13. There are no capital or start-up costs associated with this information collection. However, there is a fee charge of \$100 associated with the collection of this information.

14. Annualized Cost Analysis:

a.	Printing Cost	\$	162,000
b.	Collection and Processing Cost	\$	59,838,000
c.	Total Cost to Program	\$	60,000,000
d.	Fee Charge	\$	60,000,000
e.	Total Annual Cost to Government	\$	0

Government Cost

The estimated cost of the program to the Government is calculated by using the estimated number of respondents (600,000) multiplied (x) by the suggested \$100 fee charge, (which includes the suggested hourly rate for clerical, officer, technical, and managerial time with benefits, plus a percent for the estimated overhead cost for printing, stocking and distributing and processing of this form).

*These calculations are based upon the \$100 fee charge. This fee is not applicable to those J-1 nonimmigrant who are who are participating in a program sponsored by the Federal government. The section of IIRIRA mandating the SEVIS fee, IIRIRA section 641, provides that an alien seeking J-1 status to participate in an exchange visitor program that is sponsored by the Federal government is exempt from paying a fee. Accordingly, J-1 exchange visitors exempt from the fee as participants in a Federal government sponsored exchange visitor program are those participating in an exchange visitor program with a program identification designator prefix of G-1, G-2, or G-3. Additionally, a reduced fee is required for those J-1 nonimmigrant sponsored by Au Pair programs, summer/work/travel programs, and camp counselor programs.

15. There has been no increase or decrease in the estimated annual burden hours previously reported for this information collection.

- 16. The DHS does not intend to employ the use of statistics or the publication thereof for this collection of information.
- 17. DHS ICE is not seeking a waiver to display the expiration date of OMB approval of this information collection.
- 18. The DHS does not request an exception to the certification of this information collection. See attached Item 19 of Form OMB 83-I.

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.

Ricardo Lemus
Records Branch Chief, Office of Asset Management
Immigration and Customs Enforcement

Date