

Supporting Statement

National Security Entry-Exit Registration System

OMB No. 1653-0036

A. Justification

1. The final rule establishing the National Security Entry-Exit Registration System applies only to a small percentage of the more than 35 million nonimmigrant aliens who enter the United States each year: (1) nonimmigrant aliens from selected countries specified in notices published in the Federal Register, and (2) individual nonimmigrant aliens who are designated by a consular officer outside the United States or an inspection officer at the port of entry based on information that indicates the need for closer monitoring of the alien's compliance with the terms of his or her visa or admission because of the national security or law enforcement interests of the United States. This rule expands the existing special registration rule to require that these designated nonimmigrant aliens provide more detailed and frequent information to ensure that they comply with the conditions of their Visas and admissions, along with leaving the United States. The National Security Entry-Exit Registration System takes information directly from the specified aliens and enters it into the U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) ENFORCE system for further investigation.

ICE and the DHS adopt, as is fully repeated herein, the Supplementary Information in the Proposed, 67 FR 40581, and the Final Rule (INS No. 2216; RIN 1115-AG70), published at 67 FR 52584, submitted to the Office of Management and Budget as a part of this supporting statement. The information normally to be requested is included in that description; ICE and the DHS reserve the right to follow up any question that raises further concerns.

This program was developed out of need identified in senior management meetings by Homeland Security (formerly INS) officials. In the FY01, there were approximately 62,000 nonimmigrant aliens from the listed countries who would have been subject to special registration under paragraph (f)(2)(i) of the Rule. ICE and the DHS would expect that number to decline substantially in light of section 306 of Enhanced Border Security and Visa Entry Reform Act of 2002, Pub. L. No. 107-173, 116 Stat. 543 (2002). It is unclear to what extent the Secretary of State, after consultation with the DHS Secretary, ICE Assistant Secretary and other relevant officials, will make determinations that specific aliens do not pose a threat to the United States and grant a Visa under this provision. It is also unclear how many such Visa holders will actually seek admission and be admissible to the United States.

Applying the other qualifications of paragraphs (f)(2)(ii) and (iii) of the Rule to FY01 available information indicates that less than 80,000 other aliens would be qualified as nonimmigrant aliens subject to special registration under the Rule. For the same reason that ICE and the DHS believe that the number of (f)(2)(i) respondents will

decline, ICE and the DHS believe that the number of respondents under (ii) and (iii) will also decline. The DHS further notes that these data sets are not exclusive. Aliens under (f)(2)(i) frequently qualify under (f)(2)(ii).

However, for the purpose of this analysis, ICE will use an estimated total of 140,000 as the total number of respondents.

2. There are no paper forms in this information collection. The information gathered by border/immigration inspectors from qualified aliens will be entered directly into ICE's ENFORCE law enforcement investigative databank. The information will be used to investigate compliance with Visa and admission conditions, to complete administrative, civil and criminal enforcement activities, and to further other national security and law enforcement objectives.
3. ICE's ENFORCE system is being interconnected with the Federal Bureau of Investigations (FBI) IDENT and IAFIS systems. Violations of conditions of Visas or admissions, including violations of special registration, will be reported through the NCIC pursuant to the Attorney General's separate specific direction. The information collection under the final rule must be acquired after biometric confirmation of the identity of the specific alien and electronic submission by a respondent is not technologically possible at the present time.
4. The system is designed to minimize duplication. However, aliens with F, J, and M Visas must currently report changes of address on Form AR-11 (This is required of all aliens) and to their educational institution. Although SEVIS is currently implemented, it is too early to quantify significant change in reporting changes of address. By nonimmigrant aliens to their institutions. Nonimmigrant aliens subject to special registration will continue to be required to report changes of address to both ICE and the educational institution can ICE consolidate systems. Otherwise, ICE is aware of no duplications of effort by the alien.
5. This collection of information does not have an impact on small business or small entities.
6. If this data collection is not approved, there is no other vehicle that the ICE may employ that would satisfy the requirements of the program as mandated by the interagency decisions creating the program.
7. No special circumstances would appear under this rule. However, if a special circumstance occurs, it may be mitigated by a District Director under paragraph (f)(7) of the Rule.
8. The final rule was published on August 12, 2002 at 67 FR 52584. ICE, based on publication of the rule, has received no comments. ICE has forwarded to the Federal Register for publication a notice of information collection under review. The notice allows for a 30-day public review and comment period.

9. The ICE and the DHS do not provide any payment or gifts to respondents in exchange for a benefit sought.
10. No assurance of privacy other than statutory and regulatory can or will be provided to a respondent under this provision of information, other than specifically negotiated in the context of resolution of criminal, civil or administrative penalties.
11. Any questions to be asked under this section are necessary to implement the program and dissemination will be limited to those with a need to know such information to effectuate this collection and related national security and law enforcement programs.

12. Annual Reporting Burden:

a. Number of Respondents	140,000
b. Number of Responses pr Respondent	1
c. Total Annual Responses	140,000
d. Hours per Responses	.50
e. Total Annual Reporting Burden	70,000
f. Public Cost	700,000

First, breaking the process into three basic components derived the projected hours for response for this collection of information:

Learning about the law requirement	10 Minutes
30 Day Registration (entry interview)	15 Minutes
Exit Registration	5 Minutes
Total Hours per Response	30 Minutes

Note: ICE has authority to require any alien to appear for interview and provide information at any time. The authorizing statute further provides that the Assistant Secretary designate any class of aliens already in the United States to register specifically at any time, 8 U.S.C. 1303(a)(6).

Public Cost

The burden cost of doing this program is costs associated with a customary and usual business practice. The estimated annual public cost is \$700,000. This estimate is based on the number of respondents 140,000 x 30 minutes (.50 hours) per response x \$10 (average hourly rate).

13. There are no capital or start-up costs to respondents. Annualized costs to respondents cannot be estimated given the changes in the population and demographics of the registrant group, as discussed above. The cost of coming to the United States in independent of the National Security Entry-Exit Registration System. Cost of appearing before an inspector “30 day” registration and interview is speculative in that it depends on the actual locations of the specific aliens. As noted above, authority

to require such an interview and provide information already exists and associated costs are therefore a customary and usual business practice.

Capital, start-up and operating cost of the program has been appropriated as authorized under the U.S. PATRIOT Act and related legislation. The continuing operations costs do not significantly alter the requirements for appropriations under the Inspections and Examinations Fee Accounts.

14. Annualized Cost Analysis

a.	Printing Cost	\$ 0
b.	Collecting and Processing	\$ 2,800,000
c.	Total Cost to Program	\$ 2,800,000
d.	Fee Charge	\$ 0
e.	Total Annual Cost to Government	\$ 2,800,000

Government Cost

The estimated cost of the program to the Government is calculated by using the estimated number of respondents (140,000) multiplied by 30 minutes (.50 hours) (time required to collect and process information) x \$ 40 (suggested average hourly rate for clerical, officer, and supervisory time with benefits).

15. There have been no increase or decrease in the burden associated with this collection of information.
16. ICE does not intend to employ the use of statistics or the publication thereof for this information collection, except to the extent necessitated by the national security or law enforcement purposes.
17. ICE is seeking approval to not display the expiration date of OMB approval of this information collection, as this collection will exist only in ICE computers and related systems.
18. ICE does not request an exception to the certification of this information collection. See attached Item 19 of the Form OMB 83-1

B. Collection of Information Employing Statistical Methods.

Not applicable.

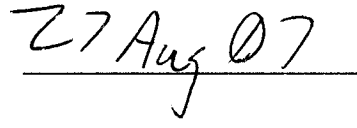
C. Certification and Signature.

PAPERWORK CERTIFICATION

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



Lee Shirkey
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Date