

SUPPORTING STATEMENT
Application for Travel Document
Form I-131
(OMB No. 1615-0013)

A. JUSTIFICATION.

1. As provided sections 103, 208, 212, 223, and 244 of the Immigration and Nationality Act certain aliens, principally permanent or conditional residents, refugees or asylees, applicants for adjustment of status, aliens in Temporary Protected Status (TPS) and aliens abroad seeking humanitarian parole, need to apply for a travel document to lawfully enter or reenter the United States. The Form I-131 is used for these purposes.

2. The Form I-131 has multiple uses. A permanent or conditional resident may use the form to apply for a Reentry Permit for admission to the U.S. during the document's validity without having to obtain a returning resident visa from an American Consulate. For example, a Reentry Permit may be used for reentry by a permanent resident who has remained outside of the United States for up to two years. Refugees or asylees, or permanent residents who were formerly refugees or asylees, may use the form to apply for a refugee travel document. The bearer presents the document for readmission to the United States after temporary travel abroad. Aliens abroad who seek to travel to the U.S. temporarily for emergent business or personal reasons, may use the form to apply for an advance parole document to be paroled into the U.S. on humanitarian grounds. These cases will be handled on a case by case basis. Aliens granted TPS are also required to obtain an Advance Parole Document if they wish to leave the United States temporarily and return. The information collected on the form is used to verify the applicant's status and determine his or her eligibility for the benefit. The current Form I-131 does not provide for biometrics collection for purposes of criminal history and security checks and for identity verification. The alien beneficiary is subject to required identity, background and security checks before he or she may be issued a Refugee Travel Document or Reentry Permit. As part of the enhanced procedures for conducting these checks, biometrics collection requirements and instructions have been added to the Form I-131 for applicants applying for Reentry Permits and Refugee Travel Documents. At present,

USCIS conducts background, security and identity checks on applicants for Advance Parole without requiring biometrics collection due to the emergency nature of the requests from applicants for humanitarian and other advance parole circumstances. In addition, individuals seeking an Advance Parole Document who have TPS and those who have pending adjustment of status applications were required to submit biometrics in conjunction with their TPS and adjustment applications. USCIS does retain and use its authority to fingerprint individuals, on an as needed, case-by-case basis, who request an Advance Parole Document, including humanitarian parole. Other changes to the form are included in the table of changes.

3. The use of this form currently provides the most efficient means for collecting and processing the required data. In this case the USCIS does not employ the use of information technology in collecting and processing information. Currently, the USCIS does not have the automated capability in place to accept electronic submission of applications. However, this form has been designated for e-filing under the Business Transformation Project.
4. A search of the USCIS automated forms tracking system was accomplished and revealed no duplication. There is no similar data collected.
5. This collection of information does not have an impact on small businesses or other small entities.
6. The collection of this information is required to verify the status of permanent or conditional residents, refugees or asylees, individuals in TPS, applicants for adjustment of status, or aliens abroad who apply for either a Reentry Permit, Refugee Travel Document or an Advance Parole Document (including humanitarian parole), and if the applicant is deemed eligible, to grant him or her the benefit. Lacking such documentation, these aliens who travel abroad could not apply for readmission to the U.S., without obtaining visas from an American Consulate. Many aliens abroad seeking to enter the U.S. for legitimate humanitarian reasons would not be able to apply for and obtain permission to enter for such relief.

7. The special circumstances contained in Item 7 of the Supporting Statement are not applicable to this information collection.

8. USCIS published a 60-day notice in the Federal Register on August 14, 2007, at 72 FR 45440 requesting comments on the proposed revisions to this information collection. The comment period ended on October 15, 2007. One public comment was received during the 60-day public comment period, and another was received during the 30-day public comment period. First Commenter: The commenter suggested that the changes to this information collection for the collection of biometrics for Reentry Permits and Refugee Travel Documents is not authorized unless USCIS conducts a notice and comment rulemaking. USCIS appreciates the concerns of the commenter and agrees that an agency must meet the requirements of the Administrative Procedures Act and the Paperwork Reduction Act. However, USCIS has regulatory authority to require Form I-131 applicants to provide fingerprints, a principal form of biometrics that USCIS collects. First, 8 CFR 103.2(a)(1) states, “Every application, petition, appeal, motion, request, or other document submitted on the form prescribed by this chapter shall be executed and filed in accordance with the instructions on the form, such instructions (including where an application or petition should be filed) being hereby incorporated into the particular section of the regulations in this chapter requiring its submission.” Therefore, a requirement properly placed in USCIS form instructions becomes a regulatory requirement. Second, 8 CFR 103.2(b)(9) states, “An applicant, a petitioner, a sponsor, a beneficiary, or other individual residing in the United States at the time of filing an application or petition may be required to appear for fingerprinting or for an interview.” This provides USCIS with broad authority to request an applicant to appear for biometrics (fingerprinting is a type of biometrics). In addition, 8 CFR 103.2(e)(1) provides that USCIS regulations and instructions to applications and petitions require certain applicants, petitioners, beneficiaries, sponsors, and other individuals to be fingerprinted for the purpose of conducting criminal background checks. USCIS uses fingerprints to request criminal history and related record checks from the Federal Bureau of Investigation as well as for identify verification. Finally, Congress has mandated

that travel and entry documents (*e.g.*, Refugee Travel Document and Re-entry Permit) must be machine-readable, tamper resistant, and use biometric identifiers. (*codifying* § 303(b) of the *Enhanced Border Security and Visa Entry Reform Act of 2002, as amended*, P.L.107-173, Title III). USCIS has determined that the collection of biometrics for Reentry Permits and Refugee Travel Documents is appropriate in all cases, thus the agency is simply building the requirement into its form instructions for those cases rather than having to separately notify all of the people affected of the need to appear. Thus, collection of fingerprints from filers of Form I-131 does not constitute an APA violation. The draft revised form and its instructions are and were available for review from USCIS by contacting the information contact in the Paperwork Reduction Act notice, as was indicated in the notice. No changes were made in response to the comment.

Second Commenter: a. USCIS should allow walk-in biometrics for applicants with immediate travel plans and use biometric collection at the Application Support Centers instead of the paper submission of the single supporting document for reentry permits and refugee travel documents to make e-filing a meaningful means of efficient filing.

USCIS appreciates the commenter's desire to extend the convenience presented by e-filing to the collection of biometrics. However, USCIS is unable to adopt the commenter's suggestion at this time. Biometrics will be collected from applicants when applicable via the issuance of an appointment notice with a specific date for capturing biometrics. For those applicants with immediate travel plans, they may request expedited service with pre-paid mailers for overnight service for biometric appointment notice issuance and travel document delivery. USCIS will continue to explore ways to streamline and automate application and biometrics collection and usage procedures in the future.

b. The "in-person" appearance should be taken advantage of and paper submissions should be eliminated. Also, the commenter suggests that Form I-131

adjudication should be modeled after the Form I-90 in that applicants may bring current status and identity documents and receive on-the spot adjudication.

As suggested by the commenter, USCIS always takes the approach in designing its programs and procedures so as to minimize duplicate collections of information, travel time, trips to field offices and service centers, and paperwork submission. Thus, USCIS agrees that the opportunity to collect information should be maximized at each in-person appearance that applicants and petitioners are required to make. However, USCIS' current biometrics collection is paper based and the technology is not in place to eliminate paper submission submissions at this time. Further, the modifications required to convert the collections to an electronic format would be considerable and are not planned at this time. However, USCIS's long-term plan is to keep transforming its processes and the Form I-131 is planned for inclusion in future e-filing consolidation efforts.

c. The biometrics collection requirement for Form I-131 will require travelers to remain in the U.S. until biometrics are collected. In addition, applicants will be stuck in the U.S. waiting for an undetermined period for USCIS to send by mail a notice for scheduled biometric collection. This could delay travel for weeks or months.

USCIS understands that some travelers may need travel documents quickly. Therefore, USCIS is implementing a process for "urgent traveling applicants." These applicants may submit two pre-paid mailers to USCIS that the agency will use to send appointment notices and travel documents to them by overnight delivery. This will allow USCIS to review the application with the requisite scrutiny while providing expedited service when bona fide urgent traveling applicants provide pre-paid mailers.

- 9. USCIS does not provide payments or gifts to respondents in exchange for a benefit sought.
- 10. Refugees and asylees are protected by the confidentiality provisions of 8 CFR 208.6. Aliens in TPS status have the confidentiality protections described in 8 CFR 244.16. There are not any confidentiality assurances for other aliens applying for the benefit.
- 11. There are no questions of a sensitive nature.

12. Annual Reporting Burden:

a.	Number of Respondents	164,103
b.	Number of Responses per Respondent	1
c.	Total Annual Responses	164,103
d.	Hours per Response	1.9
e.	Total Annual Reporting Burden	311,796

Annual Reporting Burden

The annual reporting burden is 311,796. This figure was derived by multiplying the number of respondents (164,103) x frequency of response (1) x 1 hour and 55 minutes per response (1.9).

The projected hours per response for this collection of information were derived by dividing the process into three actions:

Learning about the law and the form:	10 Minutes
Completing the form:	70 Minutes
Assembling the form:	35 Minutes
<i>Total Burden Estimate:</i>	<i>115 Minutes</i>

- 13. There are no capital or start-up costs associated with this information collection. Any cost burden to respondents as a result of this information collection are identified in Item 14. *(There is a \$305 application fee charge for all applicants associated with this information collection and an additional \$80 biometric fee collection charge for*

applicants for Refugee Travel Documents and Reentry Permits who are age 14 through 79).

14. Annualized Cost Analysis:

a.	Printing Cost	\$ 36,000
b.	Collection and Processing Cost	\$ 50,015,415
c.	Total Cost to Program	\$ 50,051,415
d.	Fee Charge	\$ 50,051,415
e.	Total Cost to Government	\$ 0

Government Cost

The estimated cost of the program to the Government is calculated by using the estimated number of respondents (164,103) multiplied (x) by the suggested \$305 fee charge, (which includes the suggested average hourly rate for clerical, officer, and managerial time with benefits, plus a percent for the estimated cost of printing, stocking, distributing and processing this form); plus number of respondents 164,103 multiplied by \$80 biometric fee..

Public Cost

The estimated annual public cost is \$53,169,372. This estimate is based on the number of respondents 164,103 x 1 hour and 55 minutes (1.9) x \$10 (Average hourly rate); plus the number of respondents 164,103 x fee charge of \$305; plus 164,103 x \$80 biometric fee.

15. As a result of the revisions to the form there has been an increase of 164,104 in the estimated burden hours previously reported for this collection of information. This increase can be attributed to the new requirement to have USCIS obtain biometrics from the alien. It is estimated that obtaining biometrics will increase the burden on the applicant by one hour.

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

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.

Richard A. Sloan,
Chief,
Regulatory Management Division

Date