

## **SUPPORTING STATEMENT**

### **Immigration Bond**

**(Form I-352)**

**OMB No. 1653-0022**

#### **A. Justification.**

1. Sections 236 and 240B of the Immigration and Nationality Act, provide for the posting of bonds in order to assure either timely voluntary departure from the United States or to secure assurances that the individual, for whom the bond was posted, appears at all court appearances and when required by the Department of Homeland Security (DHS), Bureau of Immigration and Customs Enforcement (ICE). The information collection required on the Form I-352 is necessary for the DHS to insure that the conditions of the bond are met.
  
2. The data collected on this form is used by the ICE to ensure that the person or company posting the bond is aware of the duties and responsibilities associated with the bond. The form serves the purpose of instruction in the completion of the form, together with an explanation of the terms and conditions of the bond.
  
3. The use of this form provides the most efficient means for collecting and processing the required data. In this case ICE does not employ the used of information technology in collecting and processing information. Currently the ICE does not have the automated capability in place to accept electronic submission of applications.
  
4. A review of the Forms Inventory Report revealed no duplication of effort, and there is no other similar information currently available which can be used for this purpose.

5. This collection of information does not have an impact on small businesses or other small entities.
6. Sections 236 and 240B of the Immigration and Nationality Act (INA) provides for the acceptance of bonds in certain cases. The failure to provide the mechanism for the acceptance of bonds would be a violation of that section of law. The DHS has always taken the position that the use of bonds is an integral part of the detention strategy.
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 December 11, 2007 at 72 FR 70337-70338 requesting OMB review and approval by for this information collection. The notice also solicited public review and comment for a 60-day period. No public comments were received. (Temporary approval was granted by OMB to allow the DHS to accept bonds for the release of detainees utilizing Form I-352 until implementation of the Surrender Regulation that revises the current form). However, the Immigration and Customs Enforcement (ICE) has determined that the revised regulation does not require the use of a new or revised form. Further, the regulation must be approved by several governmental agencies, including the Department of Justice (DOJ). Additionally, because of transition-related issues, at this time it is uncertain when the Surrender Regulation will be cleared through the DOJ, DHS and OMB. Therefore, the ICE, DHS requests a three-year approval of the current Form I-352.
9. The ICE 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	25,000
b.	Number of Responses per each Respondent	1
c.	Total Annual Responses	25,000
d.	Hours per Response	.5
e.	Total Annual Reporting Burden	12,500
f.	Total Public Cost	\$ 125,000

**Annual Reporting Burden**

**The total annual reporting burden is 12,500.** This figure was derived by multiplying the number of respondents (25,000) by the frequency of response (1) multiplied by (.5) hours or 30 minutes per response. The estimate of the burden includes the time required to review instructions, gather and maintain data needed, complete, and file the collection of information.

**Public Cost**

**The estimated annual public cost is \$125,000.** This estimate is based on the number of respondents 25,000 x 30 minutes (.50 hours) per response x \$10.00 (average hourly rate).

13. There are no capital or start-up costs associated with this information collection. Any cost burdens to respondents are identified in Item 14.

14. **Annualized Cost Analysis:**

a.	Printing cost	\$	18,000
b.	Collecting and processing	\$	6,000,000
c.	Total cost to program	\$	6,018,000
d.	Fee charge, if any	\$	0
e.	Total annual cost to government	\$	6,018,000

**Government Cost**

**The estimated cost of the program to the Government is \$ 6,018,000.** This figure is calculated by using the estimated number of respondents (25,000) multiplied by 6 hours (Time required to collect and process information) x \$40 (Suggested average hourly rate for clerical, officer, and managerial time with benefits, plus a percent for the estimated overhead cost for printing, stocking, distributing and processing of this form).

15. There has been no increase or decrease in the burden associated with the collection of this information.

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

17. The ICE 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.