

SUPPORTING STATEMENT
Application to Pay Off or Discharge Alien Crewman
Form I-408
(OMB No. 1651-0106)

A. Justification.

1. Section 256 of the Immigration and Nationality Act (8 U.S.C. 1286) provides that it shall be unlawful for any person including the owner, agent, consignee, charterer, master or commanding officer of any vessel or aircraft, to pay off or discharge any alien crewman, except an alien lawfully admitted for permanent residence, employed on board a vessel or aircraft arriving in the United States without first having obtained the consent of the Attorney General. Title 8 CFR 252.1(h) contains the procedure for compliance with Section 256 of the Act.
2. This form is used as an application by the owner, agent, consignee, charterer, master or commanding officer of any vessel or aircraft, to obtain permission from the Attorney General based on CBP determination to pay off or discharge any alien crewman. The form is submitted to the CBP Inspector having jurisdiction over the area in which the vessel or aircraft is located at the time of application. Non-compliance with the Act would result without the use of the application.
3. The I-408 is used to discharge an alien crewmember. It is typically processed (filled out) on board the vessel during the inspection process. The CBPO uses this form to authorize the alien crewmember to sign off the vessel (as a D2) with a set itinerary for repatriation. The period of landing is restricted to 29 days statutorily. Automation of this process, at this point would be challenging since the form (in hard copy) is utilized on the vessel in locations that are not constantly automated. The I-408 the form requires the officer's signature and is filled in hard copy in conjunction with the manifest, due to this process being completed on a conveyance and/or at the border it would not be feasible to collect this information electronically.
4. There is no other similar information currently available that can be used for this purpose.
5. The collection of this information does not have an impact on small businesses or other small entities.
6. Under Section 256 of the INA it is unlawful for any person to pay off or discharge any alien crewman, except an alien lawfully admitted for permanent residence, employed on board a vessel or aircraft arriving in the U.S., without first having

obtained the consent of the Attorney General. This information collection ensures compliance with the statute and ensures lawful and expedient passage of vessel or aircraft.

7. The special circumstances contained in item 7 of the supporting statement are not applicable to this information collection.

8. Public comments were solicited through two Federal Register Notices on March 4, 2008 (Volume 73, Page 11658) and on May 6, 2008 (Volume 73, Page 25023). As of this date, no comments have been received.

9. CBP 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 sensitive questions.

12. Annual Reporting Burden:

a.	Number of Respondents	85,000	
b.	Number of Responses per each Respondent		1
c.	Total Annual Responses	85,000	
d.	Hours per Response	.416	
e.	Total Annual Reporting Burden	35,360	
f.	Public Cost	\$ 353,600	

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:	15 minutes
Assembling and Filing the Form:	5 minutes
Total Hours per Response:	25 minutes (.416)

Annual Reporting Burden

Total annual reporting burden hours are approximately 35,360. This figure was derived by multiplying number of respondents (85,000) x frequency of response (1) x 25 minutes (.416) hours per response.

Public Cost

The estimated annual public cost is \$ 353,600. This is based on the number of respondents (85,000) x 25 minutes (.416) per response x \$10 (average hourly rate for respondent).

13. There are no capital or start-up costs associated with this information collection. Any cost burdens to respondents as a result of this collection are identified in item ***Additionally, there is NO fee charge associated with the collection of this information***
 14. **Government Cost**
The estimated cost to the Government is \$1,237,600. This figure is calculated by using the estimated number of respondents 85,000 x 25 minutes (.416) (INS time required to collect and process information) x \$35 (hourly rate).
 15. There are no changes to this information collection.
 16. CBP does not intend to employ the use of statistics or the publication thereof for this collection of information.
 17. CBP is seeking approval to **not display** the expiration date for OMB approval of this information collection because large numbers of these forms are stocked at border locations.
 18. CBP does not request an exception to the certification of this information collection, except permission to not display the expiration date as requested above.
- B. Collection of Information Employing Statistical Methods.**
Not Applicable.