

SUPPORTING STATEMENT
Guam-CNMI Visa Waiver Agreement
(Form I-760)
OMB No. 1651-0126

A. Justification.

1. Why is this information collection necessary?

Public Law 110-229, enacted on May 8, 2008, provides for certain aliens to be exempt from the nonimmigrant visa requirement if seeking entry into and stay on Guam and/ or the Commonwealth of the Northern Mariana Islands (CNMI) as a visitor for a maximum stay of forty-five days, provided that no potential threat exists to their welfare, safety, or security of the United States, its territories, and commonwealths. Applicants, under this provision, will not be subject to the routine screening process at the American Consulates. Previously, this Agreement applied only to nonimmigrant visa requirements for those seeking entry into Guam.

In addition to the obligations that this legislation imposes on the U.S. Customs and Border Protection (CBP), there is a concurrent responsibility placed upon the carriers as evidenced by the House Report on August 1, 1986, wherein it states, "...the program that it would establish necessarily impose responsibilities on the airlines who must cooperate with its controls, especially with regard to the pre-clearance." Accordingly, the carrier is liable for the establishment of prima facie eligibility, being subject to fine, pursuant to section 273 of the Immigration and Nationality Act, and 8 U.S.C. 212(a) for transporting any alien not in the possession of an unexpired visitor's visa as required, unless waived from the requirement thereof pursuant to this statute. Therefore, any transportation line bringing any alien to Guam and/ or the CNMI pursuant to this public law must enter into an agreement made by the Commissioner of the CBP on behalf of the Government via Form I-760.

2. For what purpose is the information collection to be used?

The agreement, executed by the Commissioner of the CBP and the transportation line, places the burden upon the carrier for ensuring that every alien transported to Guam and/or the CNMI pursuant to Public Law 99-396 meets all of the stipulated eligibility criteria prior to departure to Guam and/or the CNMI. It also outlines additional requirements to be satisfied by the carrier. Violations may result in the Commissioner's cancellation of the agreement upon five days' written notice via an agreement, the carriers would exercise greater diligence in transporting only eligible aliens. Repeated violations would warrant the termination of transportation privileges under the statute. This, in conjunction with the present \$3,300 fine, is much more punitive and therefore would offer further protection for the United States, its territories and commonwealths.

3. Does this collection of information involve the use of automation or technology?

This form is filled out on a conveyance or at a border location so it would not be feasible to submit this information electronically.

4. Describe efforts to identify duplication.

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. Describe efforts to minimize the impact of this information collection on small entities.

This collection of information does not have a significant impact on small businesses or other small entities.

6. What are the consequences if this information were collected less frequently?

This form allows some aliens to be exempt from the nonimmigrant visa requirement when seeking entry to Guam and/or CNMI for up to 15 days. The absence of this form would necessitate an increased burden in paperwork for both the Service and the public.

7. Explain any special circumstances.

There are no special circumstances applicable to this information collection.

8. Public comments.

CBP published two Federal Register notices to solicit comments from the public including on February 20, 2009 (Volume 74, Page 7910) and on May 4, 2009 (Volume 74, Page 20490). As of this submission, no comments have been received.

9. Payment or gifts.

The CBP does not provide payment or gifts to respondents in exchange for a benefit sought.

10. Assurance or confidentiality.

There is no assurance of confidentiality for other persons applying for this benefit.

11. Are there questions of a sensitive nature?

There are no questions of a sensitive nature.

12. Annual Reporting Burden:

Table A.12: Estimated Annualized Burden Hours and Costs

Type of Respondent	Form Name / Form Number	No. of Respondents	No. of Responses per Respondent	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)
Carriers	Guam/CNMI Waiver Agreement (1-760)	10	1	12 minutes (.2 hours)	2

Public Cost

The estimated cost to the respondents is \$150.00. This is based on the estimated burden hours (2) multiplied (x) hourly rate (\$75.00).

13. Start-Up costs. There are no capital or start-up costs associated with this information collection.

14. Government Cost

The estimated cost of the program to the Government is \$87.50. This figure is calculated by using the estimated number of respondents (10) multiplied by 15 minutes (.25) (Time required to collect and process information) x \$35 (the suggested average hourly rate).

15. Change in Burden Hours.

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

16. For collection of information whose results will be published, outline plans for tabulation, and publication.

This information collection will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be appropriate.

CBP is not seeking approval to not display the expiration date.

18. Explain each exception to the certification statement identified in Item 19, “Certification for Paperwork Reduction Act Submissions,” of OMB Form 83-I.

There are no exceptions to the certification statements identified in Item 19 on the 83-I, except our request not to display the expiration date on the form.

B. Collection of Information Employing Statistical Methods

No statistical methods were employed.