

SUPPORTING STATEMENT
CNMI Employment Eligibility Verification
(Form I-9 CNMI)
OMB No. 1615-NEW

A. Justification:

1. This form has been developed to facilitate compliance with section 274A of the Immigration and Nationality Act (the Act). Section 274A of the Act, as amended, prohibits the knowing employment of unauthorized aliens. The purpose of this information collection is to comply with section 274A of the Act. Title VII of the Consolidated Natural Resources Act of 2008 (CNRA), extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI). As of November 28, 2009, employers, recruiters, and referrers for a fee (hereafter referred to as employers) in the CNMI must verify the identity and employment authorization of each employee they hire, regardless of the individual's citizenship. The current employment eligibility verification form (Form I-9) does not contain any employment authorization documents that certain aliens in the CNMI, who will continue to be authorized to work under CNMI law after November 28, 2009, can present. To allow CNMI employers to comply with section 274A of the Act as amended by the CNRA, we must provide a separate form, designated as the Form I-9 CNMI, Employment Eligibility Verification. The Form I-9 CNMI contains special instructions only for CNMI employers and employees, and lists the documents that certain alien workers may use to demonstrate employment authorization in the CNMI until November 27, 2011.

2. The information will be collected on Form I-9 CNMI by employers in the Commonwealth of the Northern Mariana Islands. Form I-9 CNMI is completed at the time an individual is hired for employment. Failure to collect and retain the information requested on the form will prevent the enforcement of provisions of immigration laws that are designed to control the employment of unauthorized aliens. The Act requires employers to maintain the form and make it available for inspection by officers of the Department of Homeland Security (DHS), the Special Counsel for Immigration-Related Unfair Employment Practices, or the Department of Labor as an

enforcement mechanism. The Act also has penalty provisions for failure to collect data.

3. The use of this form provides the most efficient means of collecting and maintaining the required data. Since this form is maintained by employers and is not submitted to ICE, e-filing is not applicable to this information collection. However, by Interim Final Rule: Electronic Signature and Storage of Form I-9, Employment Eligibility Verification, published by Immigration and Customs Enforcement on June 15, 2006 (Federal Register 71 FR 34510), this form can now be electronically stored by the employer.
4. A search of DHS automated forms tracking system was accomplished and revealed no duplication. There is no similar data collected.
5. The use of this form affects small businesses. However, DHS has made efforts in the design of the form to minimize the amount of data collected, the time required to complete the form, and the education level necessary to complete the form. In addition, DHS now allows the employer to store the form electronically.
6. The purpose of this information collection is to comply with section 274A of the Act. Failure to collect and retain the information requested on the collection will prevent the enforcement of provisions of immigration laws that are designed to control the employment of unauthorized aliens.
7. The special circumstances described in paragraph 7 do not apply to this form.
8. USCIS is publishing an emergency and 30-day notice in the interim rule: Application of Immigration Regulations to the Commonwealth of the Northern Mariana Islands (1615-AB-77). USCIS will address any public comments after the 30-day comment period closes.
9. DHS does not provide payments 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	1,700
b.	Number of Responses per each Respondent	1
c.	Total Annual Responses	1,700
d.1	Hours per Response for Reporting Burden	0.15 hours
d.2	Hours per Response for Record keeping	0.05 hours
e.	Total Annual Reporting Burden	340

Annual Reporting Burden

The total annual reporting burden hours are 340. This figure was derived by multiplying the number of respondents (1,700) x frequency of response (1) x .15 (9 minutes) per response. The annual record keeping burden is added to the total annual reporting burden which is based on 1,700 record keepers x .05 (3 minutes) per filing. These calculations are based on agency experiences since implementation of the law requiring the use of the Form I-9.

13. There are no capital or start-up costs associated with this collection. Any cost burdens to respondents as a result of this collection are identified in item 14. *There is no fee charge associated with this information collection.*

14. Annualized Cost Analysis

Printing Cost	\$	500
Collection and Processing Cost	\$	80,000
Total Cost to Program	\$	80,500
Fee Charge	\$	0
Total Cost to Government	\$	80,500

Government Cost

Federal government cost is estimated at \$80,500. This figure includes the cost to conduct on-site employer compliance reviews in accordance with section 274A of the Act provisions. The compliance review costs are calculated by multiplying the number of ICE Forensic Auditors that will be needed in the CNMI (1) x \$80,000 (average annual salary with benefits). This figure also includes the cost for printing and distributing the form.

Annual Public Cost

The public cost is estimated at \$3,400. This figure is based on the number of respondents 1,700 x 0.15 (9 minutes) per response, times x \$10 average hourly labor rate; plus record keepers 1,700 x .05 (3 minutes) per filing, times x \$10 (average hourly rate).

- 15. Since this is a new collection there is an increase of 340 burden hours.
- 16. DHS does not intend to employ the use of statistics or publication thereof for this collection of information.
- 17. DHS will display the expiration date for OMB approval of this information collection.
- 18. DHS 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.

Stephen Tarragon

Deputy Chief,
Regulatory Products Division,
U.S. Citizenship and Immigration Services,
Department of Homeland Security.

Date