

**Supporting Statement A**  
**287(g) Program Candidate Questionnaire**  
**OMB No. 1653 - NEW**

**A. Justification:**

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

This information must be collected because it is information that is not documented or required in the SF-85P. This information pertains to identifying any disciplinary actions, affiliations with bargaining units, abuse of alcohol, spouses, etc. that would endanger or prevent the officer from effectively performing their 287(g) officer duties. Section 287(g) of the Immigration and Nationality Act (INA), codified at 8 U.S.C. § 1357(g) (1996), as amended by the Homeland Security Act of 2002, Public Law 107-296, authorizes the Secretary of DHS, acting through the Assistant Secretary of ICE, to enter into written agreements with a State or any political subdivision of a State so that qualified personnel can perform certain functions of an immigration officer.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

This information is used for the purposes of determining whether or not a state or local law enforcement officer will be granted Federal immigration enforcement authority under the 287(g) program. This information is used by program managers and trainers in the 287(g) program to make a positive or negative decision for a potential candidate to be admitted into the program.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of**

**responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

The questionnaire is sent from the ICE Special Agent in Charge/Field Office Director via email directly to the local law enforcement point of contact (i.e. Sheriff, supervisor, etc). In turn, the paperwork must be printed in order to obtain actual signatures from the candidates, attesting that the information provided in the document is true.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

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. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.**

This information collection does not have an impact on small businesses or other small entities.

- 6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

If this information is not collected there would not be a complete evaluation of the candidate's suitability to perform the duties and assignments of a Federal immigration officer. There is information that is collected that refers to the candidates' performance and personal history as an officer, including allegations of excessive force or discriminatory action.

- 7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- **Requiring respondents to report information to the agency more often than**

quarterly;

- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- requiring respondents to submit more than an original and two copies of any document;
- requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
- In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

The special circumstances contained in item 7 are not applicable to this information collection.

8. **If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

**Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

**Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

On November 5, 2009, USICE published a notice in the Federal Register at 74 FR 57326,

soliciting public review and comment on the proposed new information collection for a 60 day period. USICE received no public comments. On January 19, 2010, USICE published a follow up notice in the Federal Register at 75 FR 2882, soliciting public review and comment on the proposed new information collection for an additional 30 day period. USICE received no public comments during this additional period.

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

USICE does not provide payments or gifts to respondents in exchange for a benefit sought.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

There is no assurance of confidentiality.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to person's form whom the information is requested, and any steps to be taken to obtain their consent.**

There are no questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private included in this collection.

**12. Provide estimates of the hour burden of the collection of information. The statement should:**

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**

- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

**Annual Reporting Burden**

a. Number of Respondents:	300
b. Number of Responses per each Respondent:	1
c. Total Annual Responses:	300
d. Hours per Response:	.416 Hours (25 min.)
e. Total Annual Reporting Burden:	124.8

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

**Annual Reporting Burden**

**Total annual reporting burden hours are 124.8 Hrs.** This figure was derived by multiplying the number of respondents (300) x frequency of response (1) x (.416 hours) per response.

**Annual Cost Burden**

**The estimated annual cost burden is \$ 1,248.** This estimate is based on the number of respondents (300) multiplied by the frequency of responses (1) multiplied by .416 hours (25 minutes) per response multiplied by the (\$10) average hourly rate;

13. **Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any**

hour burden shown in Items 12 and 14).

- The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government or (4) as part of customary and usual business or private practices.

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

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

**Annualized Cost Analysis:**

a. Printing Cost:	\$0
b. Collecting and Processing:	\$2004.00
c. Total Cost to Program:	\$2004.00

d. Fee Charge:	\$0
e. Total Annual Cost to Government	\$2004.00

**Government Cost**

The estimated cost of the program to the Government is calculated by subtracting the Total Cost of Program from the Fee Charge. Total Cost of Program is calculated by using the estimated number of respondents filing the 298(g) Program Candidate Questionnaire (300) x .167 hour (10 min.) (time required to collect and process) 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. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.**

This is a new collection; therefore there is no increase or decrease in the estimated annual burden hours previously reported for this information collection.

**16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

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

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

USICE will display the expiration date for OMB approval of this information collection.

**18. Explain each exception to the certification statement identified in Item 19,**

**"Certification for Paperwork Reduction Act Submission," of OMB 83-I.**

USICE does not request an exception to the certification of this information collection.