

SUPPORTING STATEMENT

Freedom of Information/Privacy Act Request

(Form G-639)

OMB No. 1615-0102

A. JUSTIFICATION:

1. Title 5 U.S.C. 552 allows requestors to have access to U.S. Citizenship and Immigration Service (USCIS) records under the Freedom of Information Act (FOIA), except those that have been exempted by FOIA. Title 5 U.S.C. 552a, with certain exceptions, allows individuals to gain access to information pertaining to themselves in USCIS records. 8 CFR 103.10 provides procedures for accessing USCIS records.
2. FOIA requests may be submitted in any written form. However, Form G-639 is a convenient tool for individuals to provide the data necessary for identification of a particular record requested under FOIA and ensures expeditious handling of this type of request.
3. The use of this form provides the most efficient means for collecting and processing the required data. This form resides on the USCIS Web site and can be mailed or submitted electronically, via email, to the National Records Center (NRC). The address and e-mail address for the NRC are available in the form instructions. However, this form cannot be e-filed.

4. A review of the USCIS Forms Inventory Report revealed no duplication of efforts. There is no similar information currently available that can be used for this purpose.
5. This collection of information does not have an impact on small businesses or other small entities.
6. This form was created to facilitate an accurate and timely response to an information request under FOIA. USCIS must respond to a FOIA request within 20 business days. If the information is not adequately collected, a response to a FOIA request may be unduly delayed.
7. The special circumstances contained in item 7 of the supporting statement are not applicable to this information collection.
8. On May 3, 2011, USCIS published a 60-day notice in the Federal Register at 76 FR 24908 indicating that it would be submitting a request to extend this information collection to OMB. In that notice, USCIS indicated that, during the 60-day commenting period, it would evaluate whether to revise the form and that it would advise the public in the event that it decided to do so when publishing the 30-day notice in the Federal Register in accordance with the Paperwork Reduction Act. USCIS received a comment in connection with that notice. USCIS thanks the commenter for submitting its comment.

The commenter recommended the following:

- In the “Type of Request” section of the form, requesters should be provided a list that describes their search (for instance, “I am a U.S. citizen and I request my own records,” “I am not a U.S. citizen and I request my own records,” “I

am making a request for records about something other than myself,” or “I wish to amend my own records.”). Many requesters do not know the difference between a FOIA or PA request and this will provide clarification.

USCIS’ Response: USCIS has determined to revise the form to reflect this recommendation. That section of the form now allows the customer to describe the type of search that is being requested.

- Adding space for the requester’s e-mail address in the “Requester Information” section of the form, particularly since USCIS accepts requests via e-mail.

USCIS’ Response: USCIS has revised the form. A space has been added so an e-mail address can be provided.

- That the instructions referred to at the top of the form have the contact information for submitting requests.

USCIS’ Response: USCIS thanks the commenter for its recommendation. Placing the address at the top of the form is not allowed due to the standardized format of the instrument. As an alternative, however, changes were made to the form instructions to clarify that all FOIA and Privacy Act requests should now be made to the National Records Center(NRC), as the NRC serves as the centralized FOIA processing operation unit for all USCIS requests. The NRC address was added to the instructions as well.

On August 30, 2011, USCIS published a 30-day notice in the Federal Register at 76 FR 53929. USCIS has not received any comment in connection to the 30-day notice to the date.

9. USCIS does not provide payments or gifts to respondents in exchange for a benefit sought.
10. There is no assurance of confidentiality. The system of record notice associated with this information collection is United States Citizenship and Immigration Services Benefits Information System, which was published in the Federal Register on September 29, 2008 at 73 FR 56596. The privacy impact assessment associated with this information collection is Department Freedom of Information Act and Privacy Act Records Program.
11. There are no questions of a sensitive nature.
12. Annual Reporting Burden:

a.	Number of Respondents	100,000
b.	Number of Responses per Respondent	1
c.	Total Annual Responses	100,000
d.	Hours per Response	.25
e.	Total Annual Reporting Burden	25,000

Annual Reporting Burden

The total annual reporting burden hours are 25,000. This figure was derived by multiplying the number of respondents 100,000 x (1) frequency of response x .25 hours (15 minutes) per response.

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

14. Annualized Federal Cost Analysis:

a.	Printing Cost	\$	18,000
b.	Collection and Processing Cost		4,000,000
c.	Total Cost to Program		4,018,000
d.	Fee Charge		0
e.	Total Cost to Government	\$	4,018,000

Government Cost

The estimated annual cost to the Government is \$4,018,000. This figure is calculated by multiplying the estimated number of respondents 100,000 x 1 hour (Time required to collect and process information) x \$40 (suggested average hourly rate for clerical, officer, and supervisory time with benefits). In addition, this figure includes the estimated overhead cost for printing, stocking, and distributing the form, which is \$18,000.

Public Cost

The estimated annual public burden cost is \$747,250. This figure is calculated by multiplying the number of respondents 100,000 x (1) number of responses x .25 hours (15 minutes) per response x \$29.89 (average hourly rate).

15. There has been no increase or decrease in the number of burden hours previously reported for this information collection. There is no additional data being collected for this information collection.

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

17. USCIS will display the expiration date in the form in accordance with OMB regulations.

18. USCIS 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.

Sunday Aigbe,
Chief,
Regulatory Products Division,
Office of the Executive Secretariat,
U.S. Citizenship and Immigration Services,
Department of Homeland Security.

Date