

**SUPPORTING STATEMENT FOR
Secondary Inspections Tool
OMB Control No.: 1615-NEW
COLLECTION INSTRUMENT(S): M-1061**

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.**

Section 103(a) of the Immigration and Nationality Act (INA), 8 U.S.C. 1103(a), set forth the Secretary of Homeland Security's authority to administer and enforce the immigration and naturalization laws. In particular, under section 103(a)(3) of the INA, 8 U.S.C. 1103(a)(3), the Secretary of Homeland Security is authorized to prescribe forms, issue instructions, and perform other acts as deemed necessary to carry out her authority under the INA. DHS regulations at 8 CFR 103.16(a) provide that any individual may be required to submit biometric information if the regulations or form instructions require this information or if requested in accordance with 8 CFR 103.2(b)(9). Also, DHS is authorized under 8 CFR 103.16(a) to use the biometric information collected to conduct background and security checks, adjudicate immigration and naturalization benefits, and perform other functions related to administering and enforcing the immigration and naturalization laws. DHS regulations at 8 CFR 103.2(b)(9) provide that any applicant, petition or any other individual may be required to appear for fingerprinting or an interview. As described in 8 CFR 103.16(a), the more specific authority to conduct background checks through fingerprint and photograph collection is identified in regulations governing the particular benefit being requested, as well as the individual

USCIS collections in which fingerprints and photographs are requested. USCIS utilizes the stated authorities in each collection to process the information necessary to properly adjudicate a respondent's request for the desired action. Additionally, 8 CFR Part 103.2(b)(13)(ii) allows USCIS to deny the requested action from the respondent if said respondent does not submit for fingerprinting and/or photographing and fails to inform USCIS of the reasons for missing an appointment or fails to submit a request to reschedule.

Authority: INA § 103(a)(1), (3); 8 U.S.C. § 1103(a)(1), (3); INA § 235(d)(3), 8 U.S.C.

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1225(d)(3); 8 CFR 103.2(b)(9) and (b)(13); 8 CFR 103.16(a).

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.

Respondents subject to this information collection are comprised of all individuals who are appearing at a USCIS District/Field Office for a required interview in connection with their request for an immigration or naturalization benefit, or in order to receive evidence of an immigration benefit such as a temporary travel document, parole authorization, temporary extension of a I-90, or temporary I-551 stamp in a passport or on a Form I-94 evidencing lawful permanent residence. Respondents will be required to have their photograph and fingerprints taken at the USCIS District/Field Office to be inputted into the Secondary Inspections Tool (SIT). The only U.S. citizen respondents who would be subject to SIT would be petitioners filing orphan or adoption petitions (Forms I-600/600A) and U.S. citizen petitioners of family-based petitions required to appear at

an ASC for biometric capture for purposes of complying with the Adam Walsh Child Protection and Safety Act of 1996, Public Law 109-248.

SIT is an internet-based tool that processes, displays, and retrieves biometric and biographic data from the Automated Biometric Identification System (IDENT) within the US-Visitor and Immigrant Status Indicator Technology (US-VISIT) system. USCIS trained staff in USCIS District/ Field Offices will be instructed to use SIT at the time of a required interview in connection with an immigration or naturalization benefit request, or at the time of an individual's appearance at a USCIS District/Field Office to receive a document evidencing an immigration benefit, following a required appearance at an Application Support Center (ASC) for fingerprinting. On average, a respondent will be required to be subject to photographing and fingerprinting for SIT twice during the course of his or her interactions with USCIS through naturalization, depending on whether an interview is required in connection with the benefit request or the respondent has a need to obtain evidence of an immigration benefit directly from the USCIS District/Field Office. Requiring a respondent to submit to the SIT on a subsequent visit is to confirm that the information previously submitted is unique to the respondent and that the person present is the same individual previously presenting themselves to USCIS. Currently, identity verification is done using photographs in the file and observations by the USCIS officer handling the case, and cumbersome manual checks of DHS databases. Deployment of SIT would improve the adjudication process and minimize human error.

To use SIT, USCIS trained staff must take a photograph of the individual and two fingerprints and input the biometric information into SIT. Forms requiring SIT verification will be updated to notify an individual of this requirement. To provide fingerprints for SIT, the individual must first place his or her left index finger in the biometric machine, and then his or her right index finger. SIT compares the biometric data (fingerprint and photograph) and biographical information with biometrics and biographic information previously taken at an ASC using a 1:1 verification. USCIS will utilize SIT to verify an individual's identity, to determine if he or she has any other identities, A-numbers, or Department of State system warnings for Watch List hits, such as terrorists, active wants and warrants from the FBI, and other serious criminal immigration offenses.

discrepancies must be resolved prior to adjudication (approval or denial).USCIS conducted a CIV pilot in 2008 and the use of SIT produced adverse information on 1.82% of the 1,317 individuals verified. The methodology used to perform this study was not completed in a manner to ensure that design and collection provided statistically significant results. Rather, this study provided a basic ability to allow USCIS to gain knowledge of how implementing and deploying the SIT could benefit the agency in its mission to ensure only those respondents who meet all required criteria are granted the action(s) sought. For example, persons found to be suspected of being an imposter, it was determined that he/she would be referred to a Fraud Detection National Security Immigration Officer (FDNS-IO) via a Fraud Referral Sheet with the reason for referral (Identity or Imposter Fraud) articulated in the Articulate Reason for Referral section.

Use of SIT at required interviews or appearances to receive evidence of an immigration benefit (temporary travel documents, parole authorizations, temporary extensions of Form I-90, or temporary I-551 stamp in a passport or on a Form I-94 to evidence the individual's lawful permanent resident status) will apply to the following benefit applications and petitions:

I-90 (1615-0082)	Application to Replace Permanent Resident Card
I-130 (1615-00120)	Petition for Alien Relative
I-131 (1615-0013)	Application for Travel Document
I-485 (1615-0023)	Application to Register Permanent Residence or Adjust Status
I-600 (1615-0028)	Petition to Classify Orphan as an Immediate Relative
I-600A (1615-0028)	Application for Advance Processing of Orphan Petition
I-687 (1615-0090)	Application for Status as a Temporary Resident Under Section 245A of the Immigration and Nationality Act
I-698 (1615-0035)	Application to Adjust Status from Temporary to Permanent Resident (Under Section 245A of Public Law 99-603)
I-751 (1615-0038)	Petition to Remove the Conditions of Residence
I-821D (1615-0124)	Consideration of Deferred Action for Childhood Arrivals
I-829 (1615-0045)	Petition by Entrepreneur to Remove Conditions
N-400 (1615-0052)	Application for Naturalization
N-600K (1615-0087)	Application for Citizenship and Issuance of Certificate Under Section 322

The information provided by the individual for this benefit request may be shared with other Federal, State, local, and foreign government agencies and authorized

organizations following approved routine uses described in the associated published system of record notices as listed in Question 10 of this Supporting Statement.

- 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.**

This information collection currently provides the most efficient means for collecting and processing the required data. In this case USCIS will employ the use of information technology in collecting and processing information. As previously stated, SIT is an internet-based tool that processes, displays, and retrieves biometric and biographic data from the Automated Biometric Identification System (IDENT). The SIT notice informing respondents of the SIT requirement will be displayed at USCIS District/ Field Offices at the location where the biometrics is collected from the respondent.

- 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.**

This information is collected only by means of this process, there is no other tool that USCIS employs to collect the necessary detail. There is no information collected by USCIS elsewhere that can be used to obtain the same results.

- 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 collection of information 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 the information is not collected, USCIS would not be able to verify an individual's identity with the degree of certainty that using SIT provides or be fully informed of any additional derogatory information that would affect the adjudication.

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.**

This information collection is conducted in a manner consistent with the guidelines in 5

CFR 1320.5(d)(2).

- 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.**

On May 13, 2011 USCIS published a 60-day notice in the Federal Register at 76 FR 28057. USCIS did not receive comments after publishing that notice. On July 27, 2011, USCIS published a 30-day notice in the Federal Register at 76 FR 44945. USCIS received one (1) comment.

The commenter inquired if the Adjudicator's Field Manual (AFM), Chapter 10.3 will be updated to include Secondary Inspections Tool. USCIS' response affirms that there is a plan to revise the AFM to include information concerning Secondary Inspections Tool. USCIS received one comment on the Secondary Inspections Tool information form. The commenter pointed out that the last sentence in the second section of the notice was grammatically incorrect and confusing.

USCIS agrees with the commenter's assessment, and revises the sentence to read as follows: "This is the same information and process used when you entered the United States through a port of entry and were processed through US-VISIT."

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

USCIS does not provide payments or gifts to respondents related to this information collection.

- 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. The information requested, and the associated evidence, is collected under the Immigration and Nationality Act. The primary purposes for providing the requested information is to determine if the applicant or petitioner is eligible for the immigration or naturalization benefit being sought and to verify the identity of the individual appearing at a USCIS office for an interview or to obtain evidence of an immigration benefit. The information provided will be used in the adjudication of the benefit sought. The information provided is required. However, failure to provide the requested information, and any evidence, may delay a final decision or result in denial of the individual's benefit request. The information provided by the individual for this benefit request may be shared with other Federal, State, local, and foreign government agencies and authorized organizations following approved routine uses described in the associated published system of record notices [DHS-USCIS-007 - Benefits Information System, and DHS-USCIS-001 – Alien File (A-File) and Central Index System (CIS), which can be found at www.dhs.gov/privacy]. The information may also be made available, as appropriate, for law enforcement purposes or in the interest of national security.

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 collected.

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.**

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)	Avg. Hourly Wage Rate	Total Annual Respondent Cost
Individuals or households	Secondary Inspections Tool / M-1061	4,190,590	2	.083	695,637	\$30.44	\$10,587,609
Total		4,190,590			695,637		\$10,587,609

The above Average Hourly Wage Rate is calculated from the Bureau of Labor Statistics May 2011 average wage for “All Occupations” of \$21.74 times the wage rate benefit multiplier of 1.4 equaling \$30.44. This wage rate category is used to represent the fact that the collection of information does not target a specific sub-group of workers and that respondents can belong to any work category.

The total number of respondents is estimated to be 4,190,590 and this estimate is based upon FY12 completion total report for the forms listed.

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, start-up, operational or maintenance costs associated with this collection of information.

- 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.**

14. **Annualized Cost Analysis.**

a.	Printing Cost	\$	0
b.	Collecting and Processing	\$	16,601,399
c.	Total Cost to Federal Government	\$	16,601,399

Government Cost

The estimated cost of the program to the Government is calculated by multiplying the number of respondents 4,190,590 x (1) number of responses x .083 (5 minutes per response) x \$47.73. The \$47.73 figure is a comprehensive average hourly rate for field office personnel (includes wages and benefits). DHS believes that a comprehensive hourly rate is appropriate to use because personnel at varying GS levels and positions can collect the information from respondents. USCIS will provide a more detailed breakdown of the government costs for this program in a subsequent renewal submission for this collection which will be submitted to OMB and subject to notice and comment.

15. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.

Since this is a new information collection there is an increase of 347,818 annual burden hours to the OMB inventory.

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.

This information collection will not be published for statistical purposes.

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.

USCIS will display the OMB control number and expiration date on the SIT notice.

The notice will be displayed at USCIS District/Field Offices at the location where the biometrics is collected from the respondent.

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

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

B. Collections of Information Employing Statistical Methods.

There is no statistical methodology involved with this collection.