

**SUPPORTING STATEMENT FOR
APPLICATION FOR REPLACEMENT/INITIAL NONIMMIGRANT ARRIVAL-
DEPARTURE DOCUMENT
OMB Control No.: 1615-0079
COLLECTION INSTRUMENT(S): Form No. I-102**

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.*

As provided in 8 CFR 264.6, any nonimmigrant alien whose arrival-departure document has been lost, mutilated or destroyed, or was not issued one at the last admission to the United States as a nonimmigrant, may immediately request its replacement. This information collection is used for such requests.

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.*

An alien temporarily residing in the United States can use this form to request a replacement of his or her lost, mutilated or destroyed arrival-departure document. USCIS uses the information provided by the requester to verify eligibility, as well as his or her status.

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 form currently provides the most efficient means for collecting and processing the data required to adjudicate this type of request. In this case, USCIS does not employ the use of information technology in collecting and processing information. This form can be accessed and completed electronically in USCIS Web site (www.uscis.gov). Although the form cannot be e-filed at the present moment, it has been however scheduled for e-filing under the Business Transformation Project.

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 search of USCIS' automated forms tracking system was accomplished and revealed no duplication. There is no similar data collected.

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 USCIS will be unable to determine or verify an alien's claim of eligibility for nonimmigrant status and the alien would not be able to replace a lost, stolen or destroyed Form I-94 (Arrival/Departure Record), Form I-94W (Visa Waiver Arrival/Departure Record) or Form I-95 (Crewmen's Landing Permit).

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.*

There are no special circumstances 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 February 28, 2012 USCIS published a 60-day information collection notice in the Federal Register at 77 FR 12070. No comments were received in connection with that publication. On June 8, 2012, USCIS published a 30-day information collection notice in the Federal Register at 77 FR 34052.

USCIS received a comment in connection with the 30-day notice. In summary, the commenter suggests that the form must have a picture of the person who pays for the form and the form prices should be increased by two thousand percent. The commenter further suggests that they form does not list who the person is and it does not make sure the person having the form leaves the country.

USCIS Response: A nonimmigrant can submit a Form I-102 to apply for an initial or a replacement Form I-94 or I-95 Nonimmigrant Arrival-Departure Document when the nonimmigrant legally entered the United States. Form I-94 provides proof of an alien's legal entry to the United States, and it is not an identification document. Moreover, it is not under USCIS' purview to decide adding alien's photo on each Form I-94, as this form is managed by another Department of Homeland Security component, U.S. Custom and Border Patrol.

The fee associated with Form I-102, \$330, is based on USCIS's actual operational costs to provide this service and adjudicate this benefit request to the applicant. USCIS establishes fees to recover the costs associated with providing its services. Without an actual cost analysis of Form I-102, USCIS cannot increase the fee associated with Form I-102 or any form.

USCIS is deeply committed to protecting our national security and to combat all immigration-related fraud. To actively and effectively pursue this goal, USCIS created the Fraud Detection and National Security (FDNS) Directorate in 2004. FDNS' primary mission is to combat immigration benefit fraud and to enhance the quality, integrity, and security of the U.S. legal immigration system. USCIS has no role in either deportation procedures or carries out any of the deportation orders issued by immigration judges or any U.S. court.

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 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. The system of records notice associated with this information collection is the U.S. 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 USCIS Benefits Processing of Applicants other than Petitions for Naturalization, Refugee Status, and Asylum dated September 5, 2008.

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 from whom the information is requested, and any steps to be taken to obtain their consent.*

There are no questions of a sensitive nature.

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
Primary: Individuals or Households	Application for Replacement/Initial Nonimmigrant Arrival-Departure Document, Form I-102	17,700	1	.416	7,363.2	*\$30.74	\$226,344.76
Total		17,700			7,363.2		\$226,344.76

*The wage rate category of “All Occupations” has been used for this collection of information. The mean wage for this occupation category as listed by the Bureau of Labor Statistics is \$21.94 and adding the wage rate multiplier of 1.4 provides a total adjusted wage rate of \$30.74.

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 is no cost burden to respondents for actually responding to this information collection- start-up, maintenance, and operating costs associated with completing the paperwork. There is, however, a \$330 fee charge associated with the filing of 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:

Printing Cost	\$	899.37
Collecting and Processing	\$	5,840,100.70
Total Annual Cost to Government	\$	5,841,000.00

Government Cost

The estimated cost of the program to the Government is calculated by multiplying the estimated number of respondents 17,700 x \$330 suggested fee charge, (which includes

the 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.*

There has been an increase in the annual burden hours by 223 burden hours. This change is due to an increase on the number of respondents from 17,165 to 17,700. The prior cost to respondent listed in ROCIS has been removed as it was erroneously included in the last submission. USCIS is proposing to revise this information collection instrument to improve the overall format of the form and instructions, which would simplify submission and input activities. The proposed revised format of the form would allow for a lower rejection rate and increase the ability to collect more accurate data to better assist customers while completing the form and submitting this type of request.

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.*

USCIS 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.*

USCIS will display the expiration date on this form in accordance with OMB's regulations.

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.