

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, a nonimmigrant alien whose Arrival-Departure Record has been lost, stolen, or mutilated or was not issued one pursuant 8 CFR 235.1(h)(1)(i), (iii), (iv), (v) or (vi) at the last admission to the United States as a nonimmigrant, may request its replacement or a new arrival departure record. This information collection, Application for Replacement/Initial Nonimmigrant Arrival Departure Document, Form I-102, allows a nonimmigrant alien to file such request.

Authority: 8 CFR 1.4, 8 CFR 264.1, 8 CFR 264.6; 8 CFR 103.7(b)(1); 8 U.S.C. 1103, 1201, 1303-1305; *See also* Interim Final Rule, *Definition of Form I-94 to Include Electronic Format* at 78 FR 18457, March 27, 2013.

- 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, stolen, or mutilated arrival-departure record, or he or she may also request a new arrival-departure record, if one was not issued when he or she was last admitted as a nonimmigrant, and has not since been issued such record but is in need of one. U.S. Citizenship and Immigration Services (USCIS) uses the information provided by the requester to verify eligibility, as well as his or her status, process the request and issue a new or replacement arrival-departure record.

If the application is approved, USCIS will issue an Arrival-Departure Record.

On March 27, 2013, the Department of Homeland Security (DHS) published an Interim Final Rule, *Definition of Form I-94 to Include Electronic Format* (Interim Final Rule), in the Federal Register at 78 FR 18457. Through that rule, DHS added a new definition of the term “Form I-94” that includes the collection of arrival/departure and admission or parole information by DHS, whether in paper or electronic format. The Interim Final

Rule is part of an initiative by U.S. Customs and Border Protection (CBP), a component of the Department of Homeland Security, to automate Form I-94 Arrival/Departure Records (Forms I-94) to streamline passenger processing, and issue electronic Forms I-94 for most air and sea nonimmigrant travelers to the United States in place of paper Forms I-94. For nonimmigrants aliens issued an electronic Form I-94, they can obtain a paper Form I-94, including replacements if lost, stolen, or mutilated, by printing out their electronic Form I-94 from the CBP website.

The instructions to Form I-102 were revised to reflect changes introduced by the Interim Final Rule. The revised instructions clarified that certain individuals, who prior to the publication of the Interim Final Rule had to complete and submit form I-102 and pay a fee of \$330, no longer will have to do so because they, as of the effective day of the Interim Final Rule, will be able to visit CBP's new web site and print a copy of the arrival/departure record.

Travelers arriving in the United States at a land or border crossing, however, will continue to receive paper Forms I-94. USCIS also issues paper Forms I-94 to many classes of aliens upon granting immigration benefits. To obtain a replacement Form I-94, these aliens will still need to file Form I-102 with USCIS. In addition, those aliens who arrived in the United States by air or sea prior to Form I-94 automation will continue to need to file the Form I-102 with USCIS to obtain a Form I-94 if they need one. Finally, those aliens who arrived in the United States by air or sea after Form I-94 automation may still file Form I-102 to obtain Form I-94 in case they are unable to obtain the form from the CBP website.

- 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.**

Form I-102 currently provides the most efficient means for collecting and processing the data required to adjudicate this type of request. In this case, USCIS will start to employ the use of information technology in collecting and processing information.

This form can be accessed and completed electronically in USCIS website at <http://www.USCIS.gov/i-102>.

During this revision cycle, USCIS is including this type of request into USCIS's Electronic Immigration System (USCIS ELIS) so the respondents can not only electronically access and complete the form but also submit it to USCIS. Making this request available in USCIS ELIS and allowing for its electronic filing establishes USCIS compliance with GPEA mandates.

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's automated forms tracking system was accomplished and revealed some duplication. CBP will collect similar information when servicing aliens using their website to obtain a paper print-out of their electronic Form I-94. In addition, USCIS collects similar information in connection with requests for immigration benefits.

USCIS has investigated its internal processes, files and data as well as those of other Federal agencies that may service the same population. USCIS was not able to find any other means by which the information necessary for this process could be obtained except for the use of the form submitted for approval in this request. The CBP website does not currently service aliens who received their Form I-94 via USCIS. With respect to immigration benefit requests adjudicated by USCIS, the requestor may need to include the paper Form I-94 (Arrival/Departure Record) that was issued upon arrival to the United States as documentary evidence to establish eligibility for the requested immigration benefit. Moreover, aliens may need a paper Form I-94 for reasons other than requesting immigration benefits. Aliens may need to request a paper Form I-94 in order to obtain a driver's license or social security card, open up a bank account, obtain employment, or obtain evidence of alien registration; therefore, USCIS must maintain Form I-102 as a stand-alone means for aliens to request paper Forms I-94.

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, certain aliens will not have a means to receive paper Forms I-94, which may be necessary to request other immigration benefits, obtain employment, receive a driver's license or social security card, or receive other state or federal services for which the paper form is required. In addition, without this information collection, USCIS's adjudication processes may be less efficient because it will be more difficult for USCIS to determine or verify nonimmigrant status, leading to delays in processing and even denials.

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 March 27, 2013, DHS published an Interim Final Rule, *Definition of Form I-94 to Include Electronic Format*, in the Federal Register at 78 FR 18457. Through that rule,

DHS requested comments from the public regarding the changes USCIS made to Form I-102 in connection with the I-94 automation-related changes. No comments were received in connection with the form as a result of that publication.

On September 12, 2013, USCIS published a 60-day notice in the Federal Register at 78 FR 56240. USCIS received a comment after publishing that notice.

Public comment summary:

The commenter suggests that USCIS should increase I-102 application fee to \$5,000 for duplicated document (Form I-94) and avoid that either U.S. government or U.S. taxpayers pays the processing cost.

Response:

An alien filed Form I-102 application with fee for an initial or replacement of Form I-94 due to his or her lost, stolen, or mutilated I-94. The application fee that the alien paid covers the I-102 adjudication processing cost, plus the cost of issuing an initial or replacement Form I-94.

The current Form I-102 application fee was determined by the cost analysis of Form I-102 adjudications' process. Therefore, USCIS may not charge more or less fees on Form I-102 without any further cost analysis.

On December 20, 2013, USCIS published a 30-day notice in the Federal Register at 78 FR 77139. USCIS has not received comments on this notice to the date.

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 the 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. This collection is further covered under the Electronic Immigrant System (ELIS-2) Account and Case

Management dated May 16, 2012 and the Electronic Immigration System-2 Account and Case Management System of Records that was published in the Federal Register on April 5, 2013 at 78 FR 20673.

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

There are questions of a sensitive nature. USCIS requests that the applicant provides his or her social security number (SSN), alien registration number, passport number, and travel document number. USCIS requests this information from the applicant for verification purposes and to make sure the applicant's assertions regarding his or her current immigration status, manner and other important information related to his or her last entry to the United States is accurate and can be verified against the information available in tracking systems.

Specifically, USCIS collects the SSN to facilitate and expedite the adjudication of the applicant's request for a Form I-102 replacement arrival departure record. The SSN information is used to establish and corroborate the applicant's identity. The SSN information collected within the Form I-102 application is also used to assist DHS in enforcing the immigration laws of the United States by providing timely and accurate information about persons who are subject to those laws. USCIS personnel conduct background security checks on applicants for the purpose of determining whether the applicant has established eligibility for the benefit requested. Because the I-102 is typically a non-interview, paper-based adjudication, the SSN is especially useful and provides significant information to verify an applicant's identity and his or her claim to eligibility – providing a critical tool for more accurate and appropriate adjudication determinations for USCIS and the applicant.

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	Application for Replacement/Initial Nonimmigrant Arrival-Departure Document; Form I-102	3,987**	1	.750 hours***	2,990.25	\$30.81	\$92,130
Individuals or Households	Electronic Submission via USCIS ELIS	2,795	1	.58 hours~	1,621.1	\$30.81	\$49,946.09
Total		6,782			4,611.35		\$142,076.09

* The above Average Hourly Wage Rate is derived from the [May 2012 Bureau of Labor Statistics Mean Hourly Wage](#) for “All Occupations”. The wage rate of \$30.81 is calculated from the base average wage rate of \$22.01 times the wage rate benefit multiplier of 1.4. The selection of “All Occupations represent the possibility that a respondents can be employed in any type of work; the collection is not targeting any specific category of employment.

** This figure is based on an estimated 66% reduction of the volume after implementation of the interim final rule above referenced and a reduction based on a newly estimated figure that accounts for estimated number of respondents that will choose to file this request electronically.

*** The estimated average burden of .750 hours (45 minutes) includes:

- Gathering required documentation and information – 5 minutes
- Reading the instructions – 10 minutes
- Completing the form/request to include preparation of statements,

attaching necessary documentation, etc. – 30 minutes

- *USCIS current time estimate for electronic filing is 35 minutes.*

USCIS has requested comments in connection with the time burden associated with this collection.

NOTES ON BURDEN:

Records. Respondents are required to provide initial evidence and supporting documentation, such as copies of the biographical data page of their passports, copies of the original I-94, I-94W or I-95, or a copy of the police report, in the event that the document was stolen, to establish eligibility. USCIS continues to evaluate the estimated burden associated with obtaining such records and seek public comment on this subject.

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. For informational purposes, there is a \$330 fee charge associated with the filing of this information collection.

This information collection may impose some out-of-pocket costs on respondents in addition to the time burden for the form's preparation.

For form preparation, legal services, translators, and document search and generation, USCIS estimates the average cost of this information collection may vary widely, from as little as \$20 to \$1000 per respondent. USCIS estimates that the average cost for these activities is \$490 and approximately 56% of the total respondent population may incur this cost. The total cost to respondents would generate as follows: 6,782 respondents x 95% of the population = 3,798 multiplied by the average cost per response of \$490 = \$1,860,980.8.

- 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	\$	2,238,060.00
Total Annual Cost to Government	\$	2,238,959.30

Government Cost

USCIS establishes its fees using an activity-based costing model to assign costs to an adjudication based on its relative adjudication burden and use of USCIS resources. Fees are established at an amount that is necessary to recover these assigned costs, plus an amount to recover unassigned overhead (which includes the clerical, officer, and managerial time with benefits) and immigration benefits provided for free. As a consequence of USCIS immigration fees being based on resource expenditures related to the benefit in question, USCIS uses the fee associated with an information collection as a reasonable measure of the collection's costs to USCIS. USCIS has established the fee for Form I-102 at \$330. The estimated cost of the program to USCIS is then calculated by

multiplying the estimated number of respondents by the fee and adding direct overhead costs for forms management. The number of respondents 6,782 x \$330 fee is \$2,238,060. The estimated annual overhead cost for printing, stocking, and distributing this form, \$899.37. The total cost to the government is \$2,238,959.30.

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

	Previous submission	Current submission	Difference
Respondents	6,782	6,782	0
Burden Hours	2,821.31	4,611.35	+1,790.04

There has been an increase in the estimated annual burden hours previously reported. The increase is due to the agency's newest estimate regarding the time burden associated with this collection. USCIS previously reported 2,821.31 burden hours but it is now seeking approval of 4,611.35 burden hours. USCIS has made some revisions to the form and instructions. Additional data collection fields are being incorporated into the form to enable verification of status in the United States based upon passport or travel document information captured by CBP at the port of entry, which also may be used to search TECS and ADIS. This additional information is deemed necessary to ensure timely verification in cases where the individual does not have his or her Form I-94 admission information, particularly as a result of CBP's automation of the Form I-94 process. In addition, the Applicant's and Preparer's sections have been revised, and an Interpreter's section has been added to the form and instructions. USCIS now estimates that it takes an applicant 30 minutes to prepare and submit this request using a paper form.

Finally, the ELIS Account Number data collection has been added to the form. The changes being proposed will be made to the most recent edition of the form approved by OMB, dated 2/17/13 N, which was approved by OMB upon USCIS request to approve changes to this collection based on DHS's Interim Final Rule, *Definition of Form I-94 to Include Electronic Format*, at 78 FR 18457, March 27, 2013. USCIS initially estimates that filing this request electronically will take 25 minutes.

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 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.**

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.