

SUPPORTING STATEMENT FOR

**Form I-914 and Supplements A and B
Application for T Nonimmigrant Status;
Application for Family Member of T-1 Recipient; and
Declaration of Law Enforcement Officer for Victim of Trafficking in Persons
(OMB No. 1615-0099)**

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 application permits victims of severe forms of trafficking and their family members to demonstrate that they qualify for temporary nonimmigrant status pursuant to the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA), and to receive temporary immigration benefits. This nonimmigrant category was established by Public Law 106-386, sections 107(e) and 1513(c) and is intended to provide temporary immigration benefits to certain victims of crimes while providing a means of assistance for government officials who investigate and prosecute those crimes.

- 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.**

The application is divided into three parts. The Form I-914, I-914 Supplement A and I-914 Supplement B. The Principal Applicant will complete the Form I-914 to apply for temporary resident status. The Principal Applicant may complete Form I-914 Supplement A, to petition for derivative status for a qualifying family member. A Federal, State or local Law Enforcement Officer may complete the Form I-914 Supplement B, at the applicant's request, to attest to the applicant's claim of being a victim of a severe form of trafficking in persons. The information on all three parts of the form will be used to determine whether applicants meet the eligibility requirements for benefits. This application incorporates information pertinent to eligibility under the VTVPA and a request for employment.

Applicants may be required to submit biometric information if the regulations or form instructions require such information or if requested in accordance with 8 CFR 103.2(b) (9). DHS may collect and store for present or future use, by electronic or other means, the biometric information submitted by an individual. DHS may use this biometric information 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. See 8 CFR 103.16; 8 U.S.C. 1103.

- 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-914 and Supplement A and B provide the most efficient means for collecting and processing the required data. Currently, USCIS does not have the automated capability in place to accept electronic submission of these forms. Form I-914 and Supplements A and B are electronically fillable, but cannot be filed electronically.

Forms I-914, I-914A, and I-914B and are all available at <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=3f7f3796f8a5d010VgnVCM10000048f3d6a1RCRD&vgnnextchannel=db029c7755cb9010VgnVCM10000045f3d6a1RCRD> and have partial Government Paperwork Elimination Act (GPEA) compliance as they can be accessed, completed and saved electronically, but cannot be submitted electronically.

USCIS is in the process of converting forms to be electronically accessed, completed and submitted by the respondent. At this time, there is no finalized timeframe for the form being submitted to be converted to the electronic environment but USCIS will provide an update when the information becomes available.

- 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 collection of information is unique to USCIS and is not conducted elsewhere. Any information that is shared with other agencies, or any information collected by other agencies that is used by USCIS to adjudicate the benefit sought in this collection, is notated in Question 2 above.

- 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 noted above is not collected by the form and supplements, USCIS may not be able to comply with the requirements of the program as mandated by Public Law 106-386, and process the benefit sought.

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 February 3, 2014, USCIS published a 60-day notice in the Federal Register at 79 FR 6209. USCIS received one comment in connection to the 60-day notice. Below is a summary of the comment and USCIS' response:

The commenter expressed general opposition to USCIS granting temporary immigration benefits for victims of severe forms of trafficking and their family members and nonimmigrant status pursuant to the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA). USCIS acknowledges the receipt of the comment and notes that these immigration benefits are administered as required by the INA and other applicable laws. No changes are made in response to the comment.

USCIS published an interim rule with request for comments, "*Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for "T" Nonimmigrant Status*, RIN 1615-AA59 [Insert date of publication in the FEDERAL REGISTER].

USCIS will address any comments it receives on the interim rule when it publishes the final rule.

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 by respondents.

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 Record Notice associated with this information collection is USCIS Benefits Information System, published in the Federal Register on September 29, 2009 at 73 FR 56596, and U.S. Citizenship and Immigration Services, Immigration and Customs Enforcement, Customs and Border Protection--001 Alien File, Index, and National File Tracking System of Records, published in the Federal Register on June 13, 2011 at 76 FR 34233.

The associated Privacy Impact Assessment is USCIS Benefits Processing of Applicants other than Petitions for Naturalization, Refugee Status, and Asylum, approved 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 persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are questions of a sensitive nature. However, these questions are necessary in order for USCIS to make a determination on whether the applicant meets the eligibility requirements to receive benefits under the VTVPA. USCIS will take every step to safeguard this information appropriately.

Form I-914 collects sensitive data regarding applicants for T nonimmigrant status. Such data includes, but is not necessarily limited to, personally identifiable information as well as details about personal victimization resulting from severe forms of trafficking in persons. USCIS takes every step to safeguard this information, including the steps outlined in the Privacy Documents associated with the collection.

Additionally, USCIS conducts a “safe address” review on all I-914 applications and, in handling data collected from Form I-914, stringently follows the confidentiality provisions on the disclosure of information relating to T nonimmigrants found in 8 USC 1367.

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	Total No. of Responses	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate*	Total Annual Respondent Cost
Individual or Household	Application for T Nonimmigrant Status /I-914	926	1	926	2.25	2,083	\$31.69	\$66,026
Individual or Household	Application for Family Member of T-1 Recipient/I-914A	795	1	795	1	795	\$31.69	25,193
State, local or Tribal Government	Declaration of Law Enforcement Officer for Victim of trafficking in Persons (Law Enforcement Officer completion activity) / I-914B	200	1	200	3.5	700	\$39.56	\$27,692
Individual or household	Declaration of Law Enforcement Officer for Victim of trafficking in Persons (Contact by Respondent to Law Enforcement/ I-914B	200	1	200	.25	50	\$31.69	\$1,584
Individual or household	Biometric processing	926	1	926	1.17	1,083	\$31.69	34,333
Total		926		3,047		4,711		\$154,828

* The above Average Hourly Wage Rate is the [May 2012 Bureau of Labor Statistics](#) average wage for “All Occupations” of \$22.01 times the wage rate benefit multiplier of 1.44 (to account for fringe benefits) equaling \$31.69. The selection of “All Occupations” (for example) was chosen as the expected respondents for this collection could be expected to be from any occupation.

For form I-914B, the burden is separated by the time that the respondent takes to contact the law enforcement agency that investigated them as a result of a trafficking incident to obtain a report, and by the time that the law enforcement requires to gather all evidence collected during the investigation and then completing the form.

** The time burden reflected in ROCIS shows a small difference of two hours. This is attributable to ROCIS rounding the annual time burden hours for Form I-914, and Biometric processing.

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 capital, start-up, printing, operational or maintenance cost associated with this collection of information. Any cost burdens to respondents as a result of this information collection are identified in Item 14. There is no fee for the I-914. Biometric services may be required at no cost to the applicant.

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.

Government Cost

The estimated cost to the Government is \$143,000. This figure is calculated by multiplying the estimated number of respondents x (number of hours for government employee to process the I-914, the I-914A, the I-914B plus to conduct and process the biometric collection) x \$40.00 (Suggested average hourly rate for clerical, and supervisory time with benefits)

I-914: 926 forms received at 1 hour processing time = 926 hours
 I-914A: 795 forms received at .5 hour processing time = 397 hours
 I-914B: 200 forms received at 2 hour processing time = 400 hours
 Biometric processing: 926 biometrics conducted at 2 hours = 1,852 hours

Total Hours = 3,575 hours
 Total Cost = 3,575 x \$40 = \$143,000

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

Data collection Activity/Instrument	Program Change (hours currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (hours currently on OMB Inventory)	Adjustment (New)	Difference
I-914				1,125	2,083	958
I-914A				500	795	295
I-914B				100	700	600

I-914B (respondent)				0	50	50
Biometric Processing				0	1,083	1,852
Total(s)				1,725	4,711	3,755

The total estimated annual hour burden has increased from 1,725 hours to 4,711 hours. This increase is due to:

- a) an increase in the estimated number of respondents for the I-914 based on an adjustment in agency estimate;
- b) an increase in the estimated number of respondents for the I-914 Supplement A based on an adjustment in agency estimate;
- c) an increase in the estimated number of respondents for the I-914 Supplement B based on an adjustment in agency estimate;
- d) an increase in the estimated burden per response for the I-914 Supplement B, from 30 minutes and 3 hours and 30 minutes based on a program change due to agency discretion;
- e) and the inclusion of the biometric processing burden for this collection which was not captured at the time of the last submission.

There have been changes made to the forms and instructions. USICS is revising Form I-914 to make statutory changes required by the William Wilberforce Trafficking Victims Protection Act of 2008 (TVPRA 2008) and the Trafficking Victims Protection Act of 2013 (TVPRA 2013).

Changes to the Form I-914 include:

- Clarifying physical presence includes being allowed entry into the US to participate in investigative or judicial processes associated with an act or perpetrator of trafficking (TVPRA 2013)
- Implementing an exception from compliance with law enforcement requests for assistance due to physical or psychological trauma (TVPRA 2008)
- Implementing a new derivative category for the adult or minor children of a derivative of a principal who face a present danger of retaliation as a result of the principal's escape from trafficking or cooperation with law enforcement (TVPRA 2013)
- Clarifying minor procedural aspects of filing such as signing the form in a color other than black in order to verify original signature, the requirement of a personal statement, including A numbers, passports and travel documents only if the applicant has them, ensuring address changes are sent directly to the Vermont Service Center in compliance with the Safe Address procedure to protect victims, explain the principal does not need to file an I-765 for an Employment Authorization Document, and using the name as it

appears on the birth certificate (these are not new collections, merely describing what is needed in plain language), and

- Adding language to clarify the role of law enforcement in the process, in order to speak to their main concerns and questions in plain language

Please see the associated table of changes for each document submitted as separate items with the PRA submission.

- 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.