

## **SUPPORTING STATEMENT**

### **Form I-983, Training Plan for STEM OPT Students**

**(OMB No. 1653-0054)**

#### **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.**

The specific authority for the collection of information for the Form I-983 was obtained through a rulemaking, “Improving and Expanding Training Opportunities for F-1 Nonimmigrant Students With STEM Degrees and Cap-Gap Relief for All Eligible F-1 Students,” published in the Federal Register at [80 FR 63375](#) (October 19, 2015; NPRM; Department of Homeland Security (DHS)) and [81 FR 13039](#) (March 11, 2016; Final Rule; DHS). This Supporting Statement fulfills the requirement for periodic update to that collection.

DHS implemented this information collection to better ensure that F-1 students with science, technology, engineering and mathematics (STEM) degrees who elect to extend their optional practical training (OPT) on a voluntary basis can do so in a manner that complies with the regulatory language. The employer of a STEM OPT student, as a condition of voluntary participation in the program, works with the student to design a customized training plan. Such training plans require specific goals for the training, as well as a description of how those goals will be achieved. The “Training Plan for STEM OPT Students” (Form I-983) ensures that STEM OPT students receive a more comprehensive understanding of their selected course of study and attain better functionality within that field.

Overall information collection by DHS under the Student and Exchange Visitor Program (SEVP), a program within U.S. Immigration and Customs Enforcement (ICE), is sought pursuant to 6 U.S.C. 202 and sections 101, 103, and 274a of the Immigration and Nationality Act of 1952 (INA), as amended (8 U.S.C. 1101, 1103, 1184, and 1324a, respectively). The Secretary of Homeland Security (Secretary) has broad authority pursuant to 6 U.S.C. 202, INA section 103, 8 U.S.C. 1103, to administer and enforce the nation’s immigration laws. Section

101(a)(15)(F)(i) of the INA establishes the F-1 nonimmigrant classification for individuals who wish to come to the United States temporarily to enroll in a full course of study at an academic or language training school certified by SEVP. 8 U.S.C. 1101(a)(15)(F)(i). The Secretary has broad authority to track F-1 nonimmigrants and better ensure their departure, see, e.g., 8 U.S.C. 1103, 1184, 1372, and to determine which non-U.S. citizens are “authorized” for employment in the United States. 8 U.S.C. 1103, 1184, and 1324a(h)(3). Federal agencies dealing with immigration, such as the legacy Immigration and Naturalization Service (INS) pursuant to 12 FR 5355, 5357 (Aug. 7, 1947), have long interpreted section 101(a)(15)(F)(i) of the INA and related authorities to encompass on-the-job training that supplements classroom training. DHS permits an F-1 student who has been enrolled on a full-time basis for at least one full academic year in a college, university, conservatory, or seminary certified by SEVP, and who has otherwise maintained his or her status, to apply for practical training to work for a U.S. employer in a job directly related to his or her major area of study. 8 CFR 214.2(f)(10). SEVP manages and oversees significant elements of the F visa process, including the certification of schools and institutions in the United States that enroll nonimmigrant students and provide them the ability to pursue practical training while in F status. In overseeing these schools and institutions, SEVP uses the Student and Exchange Visitor Information System (SEVIS) to track and monitor international students, and communicate with the schools that enroll them, while they are in the United States and participating in educational opportunities.

DHS derives the authority to manage the required and authorized programs, including tracking and monitoring aspects, from several sources, including, in addition to the authorities cited above:

- Section 641 of the *Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA)*, Public Law 104-208, Div. C (Sept. 30, 1996), which requires the creation of a program to collect information, on an ongoing basis, from school officials and exchange visitor program sponsors relating to F, M, and J nonimmigrants during the course of their stay in the United States, using electronic reporting technology to the fullest extent practicable. It further requires federal approval and authorization of schools and exchange visitor program sponsors participating in such enrollment. IIRIRA mandates collecting the identity, current U.S. address and the admission classification of the nonimmigrant, the date on which a

visa under the classification was issued or extended or the date on which a change to such classification was approved by DHS, the current academic status of the nonimmigrant, including whether the nonimmigrant is maintaining status as a full-time student, or whether an exchange visitor is satisfying the terms and conditions of his or her program, and any disciplinary action taken by the school or institution, or the exchange visitor program sponsor against the alien as a result of a conviction of a crime.

- *The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001*, Public Law 107-56 (October 26, 2001), which amended IIRIRA to add the requirement that information be collected on the F, M, and J nonimmigrants' date and port of entry into the United States.
- *Homeland Security Presidential Directive-2*, issued by the President on October 30, 2001, which requires DHS to conduct periodic and ongoing review of all schools certified to accept F and M nonimmigrant students.
- *The Enhanced Border Security and Visa Entry Reform Act of 2002 (EBSVERA)*, Public Law 107-173, 116 Stat. 543 (May 14, 2002), which requires DHS to recertify all schools approved for attendance by F and/or M students within two years of its passage. Further, EBSVERA mandates that DHS conduct an additional recertification of these schools every two years.
- *The Homeland Security Act of 2002*, Public Law 107-296, 116 Stat. 2135 (Nov. 25, 2002), pursuant to which, on March 1, 2003, the former INS transferred duties from the Department of Justice to DHS. The adjudication functions of INS transferred to U.S. Citizenship and Immigration Services (USCIS), and the SEVIS function transferred to the Bureau of Border Security, now ICE.

Data collection requirements for SEVP certification, oversight, and recertification of schools authorized to enroll F and/or M students required by these laws and directive are detailed by regulation in 8 CFR 214.2, 8 CFR 214.3, and 8 CFR 214.4. SEVP is a component of ICE

assigned by DHS to administer SEVIS and to carry out the responsibilities mandated by the above laws regarding F and M nonimmigrants.<sup>1</sup>

**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 information collected on the Form I-983 serves as a planning document for STEM OPT students, the SEVP-certified school, and the employer. The Training Plan for STEM OPT students also serves as an evidentiary document for SEVP to track the STEM OPT student's progress, setting forth the terms and conditions of the practical training, and documenting the obligations of the three parties that are involved – the F student,<sup>2</sup> the SEVP-certified school, and the employer.

The student and the employer must each complete and sign their portion of the Form I-983. The SEVP-certified school will incorporate the executed Form I-983, into the student's school file. The SEVP-certified school will make the student's Form I-983 available to DHS upon request.

DHS is taking steps to incorporate the submission of the Form I-983 into SEVIS through the new [SEVP Portal](#).<sup>3</sup> Until the process is automated, DHS will require the submission of the form to ICE or USCIS upon request (for any reason) or when the student seeks certain benefit requests from USCIS, such as an application for employment authorization.

At present, the SEVP Portal provides STEM OPT students with the ability to directly report address, telephone, and employer information to SEVP without relying upon their designated school official (DSO) to update their information. The SEVP Portal shares

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<sup>1</sup> The Bureau of Educational and Cultural Affairs Exchange Visitor Program, a component of the Department of State, is under the same mandate of IIRIRA as SEVP with respect to the Exchange Visitor Program, authorized under the J visa classification. The Exchange Visitor Program fulfills its requirements within SEVIS and addresses its data collection requirements to the Office of Management and Budget in a separate filing. This Supporting Statement does not include any annual costs or burden associated with the Exchange Visitor Program of the Department of State.

<sup>2</sup> This supporting statement only impacts F nonimmigrant students. For simplicity, all reference to "student(s)" for the remainder of this statement refers to F nonimmigrants.

<sup>3</sup> <https://sevp.ice.gov/opt/#/login>

information with SEVIS. The SEVP Portal does not eliminate the need for a STEM OPT student to communicate with his or her DSO. Instead, it reinforces the communication and does so without delays. As the portal becomes more functional and is further deployed, the reporting burden for DSOs on student information should further decline.

STEM OPT students are not able to add a new employer or change the start date with their employers through the portal, but can update other information about an employer already in the system. The Form I-983, “Training Plan for STEM OPT students,” requires DSOs to add new employer information directly into SEVIS for STEM OPT students, because DSOs must verify that the form has been completed and submitted. The SEVP Portal and SEVIS regularly share data. Data entered into the SEVP Portal is sent immediately to SEVIS to update the student’s record.

DHS officials responsible for the administrative oversight of SEVP will use the information collected specifically to monitor compliance of the DSOs, SEVP-certified schools, the students, and the employers with SEVP regulations (8 CFR 214.1–214.4).

- 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 to adopt this means of collection. Also describe any consideration of using information technology to reduce burden.**

Form I-983 is a fillable PDF available at the SEVP Portal website. Students may download and electronically fill out and save the form to make future updates. At a future date, SEVP will integrate the Form I-983 into SEVIS in a way that will be accessible for students. The SEVP-certified school is responsible for maintaining the Training Plan, including the evaluation, for SEVP access in electronic or hard copy form for three years.

- 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.**

Form I-983 does not duplicate other collections of information. This is a procedure directed in a rulemaking entitled “Improving and Expanding Training Opportunities for F-1 Nonimmigrant Students with STEM Degrees and Cap-Gap Relief for All Eligible F-1 Students,” which went into effect on May 10, 2016.

**5. If the collection of information impacts small businesses or other small entities disproportionately (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.**

DHS believes the Form I-983 collection of information does not disproportionately impact 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.**

Officials responsible for the administrative oversight of F-1 nonimmigrant students, including those who monitor compliance of DSOs, collect and use this data to assess whether all parties in the student’s STEM OPT extension process are complying with DHS regulations (8 CFR 214.1- 214.4). If this collection is not conducted or is scaled back, the academic experience of the STEM OPT extension may suffer, and program integrity measures may be lost.

**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.**

The special circumstances contained in item 7 of the supporting statement are not 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 November 1, 2018, ICE published a notice in the **Federal Register** at [83 FR 54934](#) soliciting public review and comment for a 60-day period on the proposed extension of the approval of this information collection. ICE received two comments during this 60-day period. On March 11, 2019, ICE published a follow-up notice in the **Federal Register** at [84 FR 8735](#), soliciting public review and comment for an additional 30-day period on the proposed extension of the approval of this information collection with instructions that any comments should be sent directly to the Office of Management and Budget. In response to comments received with the 60-day notice, ICE amended the text of the 30-day notice to provide clarification, as follows:

1. Section 1 of this Supporting Statement is amended to include a citation for the original authority for this specific information collection.
2. As noted above in this section, the 60-day notice requesting public comment on this Supporting Statement was published in the Federal Register on November 1, 2018. In soliciting this input, ICE was not clear in stipulating that comment may only be submitted through email to ICE at [icepra@ice.dhs.gov](mailto:icepra@ice.dhs.gov). This created confusion, since the normal submission of public comments is through the Federal Register docket. The misleading text of the 60-day notice was clarified in the 30-day notice.
3. In the 60-day notice, Overview, (1) “Type of information collection,” reference was made to “changes” in the approved information collection. The failure of that notice to cite the rulemaking that authorized the collection left no basis for the public to review the merits of the collection. Further, the proposed update to the Supporting Statement was not included as a supporting document to the 60-day notice. The public was not given the means to compare existing authority with proposed authority. As mentioned, Section 1 of the Supporting Statement has been amended to include the originating rulemaking. The draft of the Supporting Statement was added as a supporting document with the 30-day notice.



4. Reference to “changes” in the information collection made in the 60-day notice was in error. There is no change in the type of information collected, the frequency of the collection, or the process by which the information is collected; nothing has transpired or is proposed that would amend the burden to the public by this collection.

The numbers from the rulemaking to this update are quite different. This is no reflection on the substance of the information collection. It is simply the consequence of a significant underestimate on the number of F-1 students that would apply for the STEM OPT extension. The numbers in the updated Supporting Statement reflect a more accurate average of the volume of collection, based on actual experience, and factoring a slight increase in subsequent years to accommodate a projected increase in F-1 student enrollment.

Misleading text in this regard in the 60-day notice was corrected with the 30-day notice.

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

SEVP does not provide payment or gifts to respondents and will therefore not provide any offer of monetary or material value to respondents to the Form I-983.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

SEVIS, as the system of record, covers the use and potential sharing of information in this collection and is covered by the Privacy Act. ICE published notice of this system of record in the Federal Register on January 5, 2010, at 75 FR 412. The SEVIS Privacy Impact Assessment (PIA) covers the use and potential sharing of information in this collection. ICE published notice of this PIA on June 23, 2011; see [http://www.dhs.gov/xlibrary/assets/privacy/privacy\\_pia\\_sevis\\_update\\_nctc.pdf](http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_sevis_update_nctc.pdf). The ICE Office of Privacy conducted a Privacy Threshold Analysis on this form and determined that no additional PIA will need to be generated.

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

There are no questions in this collection 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.**

Respondents to the Form I-983 would include students participating in STEM OPT, DSOs from schools endorsing students on STEM OPT, and employers of STEM OPT students.

Annual Respondents: 499,218

- 166,406 STEM OPT students
- 166,406 School DSOs
- 166,406 Employers of STEM OPT students

Students would have an average annual burden of 2.17 hours per initial completion and submission of the form, and 1.50 hours for 12-month evaluations. DSOs would have an average burden of 1.33 hours for review of the form and for recordkeeping time per submission, both for 12-month and final evaluations. The employer official who will oversee the training would spend 3 hours per initial submission of the form, and a human resource specialist would also spend 1 hour per initial submission of the form. Employer costs for the 12-month evaluations would be 0.75 hours per submission. Table 1 provides a summary of the calculations for the annual reporting burden.

**Annual Reporting Burden: 1,843,779 hours**

**Table 1: Calculation of Annual Reporting Burden for Training Plan**

Function		Avg. Annual Responses	Time Per Response (Hours)	Avg. Annual Hour Burden
<b>Student Burden</b>				
Initial Completion of Training Plan		166,406	2.17	361,101
12-month Evaluation Requirements		166,406	1.50	249,609
<b>Sub-Total</b>				<b>610,710</b>
<b>DSO Burden</b>				
Initial Review of Training Plan & Recordkeeping		166,406	1.33	221,320
Review of Evaluation & Recordkeeping		166,406	1.33	221,320
<b>Sub-Total</b>				<b>442,640</b>

Function		Avg. Annual Responses	Time Per Response (Hours)	Avg. Annual Hour Burden
<b>Employer Burden</b>				
Initial completion of Training Plan		166,406	4.00	665,624
Evaluation Requirements		166,406	0.75	124,805
<b>Sub-Total</b>				<b>790,429</b>
<b><sup>4</sup>TOTAL Burden Hours</b>				<b>1,843,779</b>

1) Time per response as shown is rounded to the nearest hundredth.

2) Burden estimates for the DSO and Employer respondents include time for reviewing the responses provided by the Student respondents.

The following discussion includes the process by which DHS estimated the hourly opportunity cost for the time burdens previously described. Following the discussion on calculation of wages, used a proxy for hourly opportunity costs, DHS provides an estimate of the annual average costs for the Training Plan.

## **Wages**

### **Student Wages**

F-1 students on STEM OPT extensions have already obtained their degrees and have been authorized to work by USCIS. In addition, under the rule, “Improving and Expanding Training Opportunities for F-1 Nonimmigrant Students with STEM Degrees, and Cap-Gap Relief for All Eligible F-1 Students,” 81 FR 13039 (March 11, 2016; Final Rule; DHS), these students would be required to receive from their STEM OPT employers commensurate compensation with that of similarly situated U.S. workers in the area of employment. Therefore, as a proxy for opportunity cost for these students, DHS uses an estimate of their average hourly wages.

STEM students can fill a range of occupations to gain additional training in their course of study. For the purposes of estimating an average STEM wage, DHS uses 73 of 184

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<sup>4</sup> For Calendar Year (CY) 2017, the total number of F-1 STEM OPT applicants who used Form I-983 “Training Plan for STEM OPT Students” was 164,758. SEVP projects an increase of 1% for the next three CYs covered by this Supporting Statement (i.e., 164,758 plus 1% totals 166,406; the same amount for CY 2018, CY 2019 and CY 2020.

NOTE: The SEVP archive contains the following: [“2017 All Countries of Citizenship by Number of Students with Science, Technology, Engineering and Mathematics \(STEM\) Optional Practical Training \(OPT\) Authorization.”](#) It lists the net number of students that were approved for STEM OPT at 89,839.

The larger number in this Supporting Statement reflects the gross number of applicants and also encompasses students with multiple employers during the authorization period. Since each application reflects a separate burden “stream,” this number most accurately serves the purpose of this document.

occupations recommended by a working group formed by the Bureau of Labor Statistics Standard Occupational Classification (SOC) Policy Committee in 2012.<sup>5</sup> DHS also uses wage data collected under the Occupational Employment Statistics program for use in the Foreign Labor Certification process from the Foreign Labor Certification Data Center.<sup>6</sup> DHS uses an average of Level 1 wages for the 73 occupations DHS identified as most relevant to the STEM OPT extension across all geographic areas. Level 1 wages<sup>7</sup> are for entry level employees, such as a worker in training or an internship.<sup>8</sup> DHS then uses U.S. Department of Labor, Bureau of Labor Statistics (BLS) data on the total number of employees in each SOC (regardless of skill level or immigration status) to estimate a weighted average wage rate for STEM OPT students.<sup>9</sup> Following this process, DHS estimates a weighted average wage rate of \$28.47. When the costs for employee benefits, such as paid leave and health insurance, are included the loaded wage is \$40.85 per hour for students on STEM OPT extension.<sup>10</sup> The average hourly loaded wage rate is calculated using the percentage of wages and salaries to total compensation, found in BLS, Employer Costs for Employee Compensation, September 2018, Table 5: Employer costs per hour worked for employee compensation and costs as a percent of total compensation: private industry workers, by major occupational group and bargaining unit status, March 2018, <https://www.bls.gov/news.release/ecec.t05.htm>. Wages and salaries are 69.7 percent of total compensation.  $\$40.85 = \$28.47 / 0.697$ .

#### DSO wages

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<sup>5</sup> Bureau of Labor Statistics, Defining STEM Occupations under the 2010 SOC, Attachment C: Detailed SOC occupations included in STEM, available at: [http://www.bls.gov/soc/Attachment\\_C\\_STEM.xls](http://www.bls.gov/soc/Attachment_C_STEM.xls). Accessed February 13, 2019.

<sup>6</sup> Foreign Labor Certification Data Center, Online Wage Library, 7/2018-6/2019 FLC Wage Data, ALC\_Export File, available at: [http://www.flcdatcenter.com/download/OWL\\_2019\\_TEXT.zip](http://www.flcdatcenter.com/download/OWL_2019_TEXT.zip). Accessed February 13, 2019.

<sup>7</sup> Employment and Training Administration, Prevailing Wage Determination Policy Guidance, Nonagricultural Immigration Programs, Revised November 2009, page 7, available at: [http://www.flcdatcenter.com/download/NPWHC\\_Guidance\\_Revised\\_11\\_2009.pdf](http://www.flcdatcenter.com/download/NPWHC_Guidance_Revised_11_2009.pdf). Accessed February 13, 2019.

<sup>8</sup> This assumption is for purposes of this analysis only, and that DHS expects that STEM OPT extension applicants/participants with higher-level degrees would be compensated at a higher level.

<sup>9</sup> Bureau of Labor Statistics, Occupational Employment Statistics, May 2017 National Occupational Employment Wage Estimates, Total Employment by SOC, available at: <http://www.bls.gov/oes/special.requests/oesm17nat.zip>. Accessed February 13, 2019.

<sup>10</sup> Bureau of Labor Statistics, Employer Costs for Employee Compensation, Table 5. Employer costs per hour worked for employee compensation and costs as a percent of total compensation: civilian workers, by major occupational and industry group, September 2018. Available at [https://www.bls.gov/news.release/archives/ecec\\_12142018.htm](https://www.bls.gov/news.release/archives/ecec_12142018.htm). Accessed February 13, 2019.

DHS uses BLS occupation Educational, Guidance, School, and Vocational Counselors occupational code as a proxy for DSOs. The average wage rate for this occupation is estimated to be \$28.18 per hour.<sup>11</sup> When the costs for employee benefits such as paid leave and health insurance are included, using the percentage of wages and salaries to total compensation found in the BLS, Employer Costs for Employee Compensation, 0.697, the full cost for an hour of DSO time is estimated at  $\$40.43 = \$28.18 / 0.697$ .

#### Employer wages

The “Training Plan for STEM OPT Students” requirements necessitate action by an official representative of the student’s employer at the practical training site. DHS uses the average wage for all management occupations as a proxy for estimating the opportunity cost of the official representative of the employer. The average wage for this category of occupations is estimated to be \$57.65 per hour.<sup>12</sup> When the costs for employee benefits such as paid leave and health insurance are included, using the percentage of wages and salaries to total compensation, found in the BLS, Employer Costs for Employee Compensation, 0.697, the full cost for an hour of the employer’s time is estimated at  $\$82.71 = \$57.65 / 0.697$ .

The rule, “Improving and Expanding Training Opportunities for F-1 Nonimmigrant Students with STEM Degrees, and Cap-Gap Relief for All Eligible F-1 Students,” 81 FR 13039 (March 11, 2016; final; DHS), also requires action by a human resource specialist or equivalent level position from the employer of the student. DHS uses the average wage for human resource specialists as a proxy for estimating the opportunity cost of the employer’s time to address human resource related requirements. The average wage for this occupation is estimated to be \$31.84 per hour.<sup>13</sup> When the costs for employee benefits such as paid leave and health insurance are included, using the percentage of wages and salaries to total compensation, found in BLS, Employer Costs for Employee Compensation, 0.697, the full cost for an hour of DSO time is estimated at  $\$45.68 = \$31.84 / 0.697$ .

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<sup>11</sup> May 2017 Occupational Employment and Wage Estimates, National Cross-Industry Estimates, “21-1012 Educational, Guidance, School, and Vocational Counselors,” Hourly Mean “H-mean,” <http://www.bls.gov/oes/2017/may/oes211012.htm> (last modified Mar. 30, 2018). Accessed February 13, 2019.

<sup>12</sup> May 2017 Occupational Employment and Wage Estimates, National Cross-Industry Estimates, “11-0000 Management Occupations,” Hourly Mean “H-mean,” <http://www.bls.gov/oes/2017/may/oes110000.htm> (last modified Mar. 30, 2018). Accessed February 13, 2019.

<sup>13</sup> May 2017 Occupational Employment and Wage Estimates, National Cross-Industry Estimates, “13-1071 Human Resource Specialists, Detail,” Hourly Mean “H-mean,” <http://www.bls.gov/oes/2017/may/oes131071.htm> (last modified Mar. 30, 2018). Accessed February 13, 2019.

**Table 2** includes the calculation of costs based on the respective burden per respondent function on the “Training Plan for STEM OPT Students.” Costs for employers include burdens for two types of occupations, and the two-hour burden reflected in Table 1, is split into two parts so that respective wages could be applied for a cost calculation.

**Table 2: Calculation of Annual Reporting Cost for Training Plan**

<b>Function</b>	<b>Avg. Annual Responses</b>	<b>Time Per Response (Hours)*</b>	<b>Avg. Annual Hour Burden</b>	<b>Hourly Wage Rate</b>	<b>Avg. Annual Cost</b>
Initial Completion of Training Plan	166,406	2.17	361,101	\$40.85	\$14,749,223
12-month Evaluation Requirements	166,406	1.50	249,609		\$10,195,315
<b>Sub-Total</b>					<b>\$24,944,538</b>
Initial Review of Training Plan & Recordkeeping	166,406	1.33	221,320	\$40.43	\$8,948,059
Review of Evaluation & Recordkeeping	166,406	1.33	221,320		\$8,948,059
<b>Sub-Total</b>					<b>\$17,896,118</b>
Initial completion of Training Plan - official representative of the employer / Supervisor	166,406	3.00	499,218	\$82.71	\$41,291,131
Initial completion of Training Plan - HR Specialist	166,406	1.00	166,406	\$45.68	\$7,601,675
12-month Evaluation Requirements - official representative of the employer / Supervisor	166,406	0.75	124,805	\$82.71	\$10,332,824
<b>Sub-Total</b>					<b>\$59,215,630</b>
<b>Total</b>					<b>\$102,056,286</b>

1) Time per response as shown is rounded to the nearest hundredth. Totals may not add due to rounding.

2) Burden estimates for the DSO and Employer respondents include time for reviewing the responses provided by the Student respondents.

**Annual Public Burden: \$ 102,056,286**

- 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 consider 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 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 were no capital or start-up costs associated with this information collection. There are no costs to the respondents. No fee is charged in connection with this form. The respondents



are required to fill out the form, keep a copy for their files for a limited time, and provide copies to the SEVP-certified school and to USCIS, including as part of the Form I-765 submission upon request. Respondents have full capacity to complete, process, and send the form to applicants electronically as part of their current usual and customary business practices. It is anticipated that all material will be submitted electronically resulting at no cost for mailing. The Form I-983 must be provided to SEVP by the school upon request. (8 CFR 214.2 (f)(10)(ii)(C)(9)(iii); 8 CFR 214.3 (g)(1).

- 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 Government Cost Analysis:**

Enabling SEVIS to upload the Training Plan will require expenditures. Similar development and production to SEVIS, such as the updating SEVIS to enable the upload of the Department of State's Training Internship Placement Plan (T/IPP) form, required \$2.1 million of expenditures. ICE/SEVP spent a total of \$7.7 million for the SEVIS modernization from June 2013 to December 2014. The modernization included standardizing nonimmigrant names, validating U.S. addresses, collecting more detailed history on nonimmigrant activities, collecting detailed information on school accreditations and recognitions, and the development of the Department of State's T/IPP form. About 28 percent, or \$2.1 million, of the \$7.7 modernization budget was spent on the development of the T/IPP. This included development, information technology testing, and deployment of T/IPP into SEVIS. ICE estimates that these tasks are comparable to the tasks that will be completed to deploy the STEM OPT Training Plan form into SEVIS. Such costs to ICE that will enable SEVIS to upload the Training Plan are funded by fees collected from nonimmigrant students and exchange visitors.

For law enforcement reasons, ICE does not include an estimate of the number of site visits that may be conducted, during which the training plan may be requested and reviewed. ICE

is thus unable to provide a total annual estimated cost for such potential occurrences. USCIS may also request training plan documentation from students in connection with a Form I-765, Application for Employment. Form I-765 fees will be reviewed on a bi-annual basis to ensure fees are set to recover the cost of collecting and reviewing information associated with the Employment Authorization Document request, including the training plan.

There is no net cost to the federal government for SEVP, to include execution of this data collection and SEVP's other data collections SEVIS (OMB # 1653-0038), Form I-901/FMJfee.com (OMB# 1653-0034), and Form I-515A (OMB# 1653-0037). SEVP is mandated by law to be fully fee-funded. Section 286(m) of the Act, 8 U.S.C. 1356(m), provides that fees may be set at a level that will ensure the recovery of all costs of providing adjudication services. That section, together with Title V of the Independent Offices Appropriations Act of 1952, 31 U.S.C. 9701, and the OMB Circular No. A-25, Revised requires that a fee be set at an amount sufficient to recover the full cost to the federal government. Fees are developed at a level projected to cover the aggregate of SEVP operating costs. Expenditures are restricted from exceeding the actual amount of revenue received. For a detailed explanation of the cost to the federal government and the fees that compensate the government for this cost, see the following rule: *Adjusting Program Fees and Establishing Procedures for Out-of-Cycle Review and Recertification of Schools Certified by the Student and Exchange Visitor Program to Enroll F or M Nonimmigrant Students* [73 FR 21260 (April 21, 2008), NPRM; 73 FR 55683 (September 26, 2008), Final Rule].

#### **Background:**

Section 641 of IIRIRA, 8 U.S.C. §1372, directs DHS to collect information relating to academic nonimmigrant students (F-1 visa), vocational nonimmigrant students (M-1 visa), and exchange visitors (J-1 visa), as well as their dependents (F-2, M-2 or J-2), and provides for the collection of the required fee to defray the costs of this program. Through the **Form I-901, Fee Remittance for Certain F, J and M Nonimmigrants**, (OMB #1653-0034; see the fmjFee.com website), SEVP collects the fees.

The respondents to the Form I-901 are the F-visa, J-visa or M-visa nonimmigrants. The fees collected from these nonimmigrants support the Form I-901/FMJ fee site activities, as well as fund other facets of SEVP, including the SEVIS and the Form I-515A activities.

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

SEVP saw an annual increase of 124,314 in each respondent group: students, DSOs, and employers during this reporting cycle. This reflects an unanticipated industry growth. The STEM OPT extension draws STEM students to attend school in the United States.

SEVP predicts a one percent increase of STEM OPT applicants during the next three years.

SEVP anticipates a reduction in DSO burden during the next three years as technical improvements, such as the new Portal, are more fully deployed. Table 3 shows the differences between the current estimates and the previous supporting statement.

**Table 3: Summary of Current Estimates and Differences**

	<b>Nonimmigrant</b>	<b>DSO</b>	<b>Employer</b>	<b>Total</b>
<b>Responses</b>				
<b>Current</b>	166,406	166,406	166,406	499,218
<b>Last Supporting Statement</b>	42,092	42,092	42,092	126,276
<b>Difference</b>	124,314	124,314	124,314	372,942
<b>Burden Hours</b>				
<b>Current</b>	610,710	442,640	790,429	1,843,778
<b>Last Supporting Statement</b>	196,429	149,286	220,983	566,698
<b>Difference</b>	414,281	293,354	569,446	1,277,080

**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.**

There is no intent to employ the use of statistics or the publication thereof for this information collection.

**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.**

SEVP will display the OMB expiration date.

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

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

**B. Collection of Information Employing Statistical Methods.**

This collection does not employ statistical methods.