

Supporting Statement Form I-515A

SUPPORTING STATEMENT

Notice to Student or Exchange Visitor

(Form I-515A)

OMB No. 1653-0037

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.**

An academic nonimmigrant student (F-1), vocational nonimmigrant student (M-1), exchange visitor (J-1), or dependent (F-2, M-2 or J-2) seeking admission into the United States as a nonimmigrant under section 101(a)(15) of the Immigration and Nationality Act (Act) is required to present certain documentation at the port of entry. If the F, J or M nonimmigrant is missing any piece of this documentation, a Department of Homeland Security (DHS) Customs and Border Protection (CBP) officer at the port of entry has discretion to issue the F, J or M nonimmigrant a Form I-515A, Notice to Student or Exchange Visitor, which allows the nonimmigrant temporary entry into the United States for 30 days in order for the nonimmigrant to compile and submit the documentation. The Form I-515A provides a list of the documentation the F, J or M nonimmigrant will need to provide to DHS. The F, J or M nonimmigrant must send the documentation to the Student and Exchange Visitor Program (SEVP), an office of the DHS agency, U.S. Immigration and Customs Enforcement (ICE). SEVP must receive a complete response within 30 days of the F, J or M nonimmigrant's admission. Form I-515A collects information authorized by 8 U.S.C. 1101 and 1184 to confirm that the F, J or M nonimmigrant is eligible for admission into the United States. The Form I-515A enables CBP to avoid having to deny entry into the United States to an otherwise eligible F, J or M nonimmigrant.

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- 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.**

CBP initiates the Form I-515A to allow an academic nonimmigrant student (F-1), vocational nonimmigrant student (M-1), exchange visitor (J-1), or dependent (F-2, M-2 or J-2) who is without proper documentation to enter the United States temporarily for a 30-day period. To extend the authorized duration of the visit, the F, J or M nonimmigrant must obtain the required documents and, along with the Form I-515A, submit them to the SEVP office within 30-days of entry.

- 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.**

In the near future, the SEVP Student and Exchange Visitor Information System (SEVIS) database will interface with CBP systems to enable the admission process for academic nonimmigrant student (F-1), vocational nonimmigrant student (M-1), exchange visitor (J-1), or dependent (F-2, M-2 or J-2) to be paperless. Until that time, the Form I-515A provides the most efficient means for collecting required data. ICE manages and updates the Form I-515A. CBP officers issue the Form I-515A to F, J, or M nonimmigrants at a port of entry, as needed. CBP officers, as the first DHS personnel to have contact with potential alien entrants, must adjudicate admission expeditiously. In the time allowed to CBP to process new arrivals, use of the Form I-515A is essential. The Form I-515A explains to the F, J, or M nonimmigrant what documents to submit and the timeframe. There are no plans to automate this form as the pending interface implementation between ICE and CBP systems will overcome its need.

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4. **Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

This information is not duplicated elsewhere.

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.**

This information collection 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.**

An academic nonimmigrant student (F-1), vocational nonimmigrant student (M-1), exchange visitor (J-1), or dependent (F-2, M-2 or J-2) may, when issued a Form I-515 A, enter the United States, for a 30-day period to allow the individual to obtain and submit the proper documentation for an extension of stay. Without the use of this information collection, CBP would not be able to admit these F, J and M nonimmigrants into the United States upon arrival. This would seriously deter potential foreign applicants to U.S. academic institutions and exchange visitor programs, and would have significant negative economic consequences to those educational and exchange entities.

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;**

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- **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 requires the academic nonimmigrant student (F-1), vocational nonimmigrant student (M-1), exchange visitor (J-1), or dependent (F-2, M-2 or J-2) respondent to prepare and submit a response within 30 days of arrival in the United States. The use of the Form I-515A constitutes a benefit to the respondent and an acceptable risk to the United States. The alternative to this collection is denial of admission.

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

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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 54935](#) , soliciting public review and comment on the proposed extension of the approval of this information collection for a 60-day period. ICE received no comments during this period. On February 28, 2019, ICE published a follow-up notice in the **Federal Register** at [84 FR 6812](#) , soliciting public review and comment for an additional 30-day period on the proposed extension of the approval of this collection with instructions that any comments should be sent directly to the Office of Management and Budget. .

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

ICE does not provide payments or gifts to 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 provided to the respondents of this information collection. This collection is covered by DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, September 18, 2017, 82 FR 43556. The DHS/ICE/PIA-015 Enforcement Integrated Database (EID) and subsequent updates covers the use and potential sharing of information in this collection.

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 no questions in this collection of a sensitive nature.

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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.**

Annual Reporting Burden for Nonimmigrants and School/Program Respondents:

Number of Nonimmigrant Respondents ¹	4,744
Number of Responses per Nonimmigrant Respondent	1
Total Annual Nonimmigrant Responses	4,744
Hours Per Nonimmigrant Response	0.166 (10 min.)
Total Annual Nonimmigrant Reporting Burden (hours)	788

SEVP derived the projected hours per response for this collection of information by first breaking the process into three basic components:

Learning about the law and the form:	2 Minutes
Completing the form:	6 Minutes
Assembling and filing the form:	2 Minutes

¹ For calendar year (CY) 2017, the total number of Forms I-515A issued was 4,651. The SEVP subject matter expert projects a one-time 2% increase for the next three CYs covered by this Supporting Statement (i.e., 4,651 plus 2% of 4,651 totals 4,744 for CY 2018; the same amount is assumed for CY 2019 and CY 2020), Note: SEVIS by the Numbers data, posted on the Outreach page of the SEVP website, reflect a limited period of the year (a “snapshot” of that segment) rather than the entire calendar year, as given in this statement.

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Total hours per response:

10 Minutes

The average hourly loaded wage rate is based on job categories a typical student might pick (cashier, food preparation workers, waitress/waiter). See wages from Bureau of Labor Statistics (BLS) Occupational Employment and Wages, May 2017, for Food Preparation Workers 35-2021, <https://www.bls.gov/oes/2017/may/oes352021.htm>, \$11.49, for Combined Food Preparation and Serving Workers, Including Fast Food 35-3021, <https://www.bls.gov/oes/2017/may/oes353021.htm>, \$10.21, for Waiters and Waitresses 35-3031, <https://www.bls.gov/oes/2017/may/oes353031.htm>, \$12.15. The average hourly wage for these occupations is \$11.12 $((10.64 + 11.49 + 10.21 + 12.15) / 4)$. The average hourly loaded wage rate is calculated using the percentage of wages and salaries to total compensation, found in Bureau of Labor Statistics, Employer Costs for Employee Compensation, June 8, 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, September 2018, https://www.bls.gov/news.release/archives/ecec_12142018.htm. Wages and salaries are 69.7 percent of total compensation. $\$16 = \$11.12 / 0.697$.

Please note that these nonimmigrant students are not allowed to work except under special circumstances. See 8 CFR 214.2(f)(9) and 8 CFR 214.2(m)(13-14). SEVP does not charge for its administrative review of Form I-515A correction submissions.

Annual Reporting Burden for Nonimmigrants

The total annual reporting burden hours for nonimmigrants are 788. This figure was derived by multiplying the number of respondents (4,744) x frequency of response (1) x (0.166) hours per response.

Annual Cost Burden for Nonimmigrants

The estimated annual cost burden for nonimmigrants is \$12,608. This is based on the number of nonimmigrant respondents (4,744) x frequency of response (1) x hours per response (0.166) x average hourly loaded rate (\$16).

Wage rate was based on job categories a typical student might pick (cashier, food preparation workers, waitress/waiter). Please note that these nonimmigrant students are not allowed to work except under special circumstances. See 8 CFR 214.2(f)(9) and 8 CFR 214.2(m)(13-14).

Number of School/Program Respondents

4,744

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Number of Responses Per School/Program Respondent	1
Total Annual Responses Per School/Program Respondents	4,744
Hours Per School/Program Response (15 minutes)	0.25
Total Annual School/Program Reporting Burden (hours)_____	1,186

SEVP derived the projected hours per response for this collection of information by first breaking the process into four basic components:

Learning about the law and the form:	2 Minutes
Completing the form:	5 Minutes
Assembling and filing the form:	5 Minutes
Advising the nonimmigrant	3 Minutes
Total hours per response:	15 Minutes

The Total Annual Reporting Burden hours for school/program respondents are 1,186. This figure was derived by multiplying the number of respondents (4,744) x frequency of response (1) x (0.25) hours per response.

The Total Annual Reporting Cost for school/program respondents is \$47,440. This figure is based on the number of school/program respondents (4,744) x frequency of response (1) x hours per response (0.25) x average hourly loaded rate (\$40).

The average hourly loaded wage rate is based on wages from Bureau of Labor Statistics (BLS) Occupational Employment and Wages, May 2017, for Educational, Guidance, School, and Vocational Counselors 21-1012, <https://www.bls.gov/oes/2017/may/oes211012.htm>, \$28.18. The average hourly loaded wage rate is calculated using the percentage of wages and salaries to total compensation, found in 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: private industry workers, by major occupational group and bargaining unit status, September 2018, https://www.bls.gov/news.release/archives/ecec_12142018.htm. Wages and salaries are 69.7 percent of total compensation. $\$40 = \$28.18 / 0.697$.

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13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government or (4) as part of customary and usual business or private practices.**

There are no record keeping, capital, start-up or maintenance costs associated with 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.

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Government Cost

The estimated cost to the government is \$282,458. This figure is calculated by using the number of respondents (4,744) x frequency of processing (1) x average time 55 minutes (0.916) required to collect, validate and process information x (\$65) average hourly rate for clerical, office, and managerial time with benefits and overhead.

The average hourly loaded wage rate is based on the wages from the Office of Personnel and Management (OPM) 2018 General Schedule (S) Locality Pay Tables, https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/GS_h.pdf, GS 11 step 5 \$28.82 and GS 14 step 6 \$49.96. The average hourly loaded wage rate is calculated using the percentage of wages and salaries to total compensation, found in Bureau of Labor Statistics, Employer Costs for Employee Compensation, Table 1: Employer costs per hour worked for employee compensation and costs as a percent of total compensation: civilian industry workers, by major occupational group and industry group, September 2018, <https://www.bls.gov/news.release/ecec.t01.htm>. Wages and salaries are 68.3 percent of total compensation. $\$58 = ((\$28.82 + \$49.96)/2) / 0.683$. A fully loaded hourly wage with overhead is calculated using an estimate of 12 percent as reported in OMB Circular A76 https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A76/a76_incl_tech_correction.pdf, to estimate a fully loaded hourly wage of $\$65 = \$58 * 1.12$.

There is no net cost to the federal government for SEVP, to include execution of its 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

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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), proposed; 73 FR 55683 (September 26, 2008), final].

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), the Student and Exchange Visitor Program (SEVP) collects the fees.

At this time and for the foreseeable future, the use of the Form I-901/fmjFee.com site provides the most efficient means for collecting and processing the required data, and associated fee. SEVP also uses the Form I-901/fmjfee.com to provide payment verification (electronic receipt) to the F-visa, J-visa or M-visa nonimmigrant upon payment and to positively identify that a particular F, J or M nonimmigrant has paid the fee. The F and M nonimmigrants (managed by SEVP) and the J nonimmigrants (managed by the Department of State) need to produce proof of the I-901 fee payment (as well as provide other documents) at the consular interview in order to obtain the relevant F-visa, J-visa or M-visa.

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/FMJfee site activities, as well as fund other facets of SEVP including the Student and Exchange Visitor Information System (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.

Nonimmigrant Respondents: SEVP experienced a decrease of 5,957 (4,744 current supporting statement figure – 10,701 year 2015 supporting statement figure = -5,957)

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nonimmigrant respondents, and a decrease of 988 (788 current supporting statement figure – 1,776 year 2015 supporting statement figure = -988) burden hours for nonimmigrants from the amounts previously reported in the year 2015 for this collection of information. This respondent and burden hour decrease is due to a decrease in the total number of academic nonimmigrant students (F-1), vocational nonimmigrant students (M-1) and exchange visitors (J-1) coming to the United States to obtain an education or participate in exchange programs.

SEVP has addressed the root causes that lead to the issuance of Form I-515A by directing specific informational and educational materials to F, J and M nonimmigrants via its website Study in the States (<http://studyinthestates.dhs.gov/what-is-a-form-i-515a>) encouraging them to hand carry travel documents rather than place the documents in suitcases, which typically the F, J and M nonimmigrants can't access before reaching the CBP port of entry officer. SEVP issues an electronic Fact Sheet encouraging schools to include such information in their registration materials. SEVP believes that such efforts are the key in the mitigation of burden hours.

School / Program Respondents: SEVP incorporates, starting in this supporting statement, the School / Program respondents. The School / Program staffs assist the nonimmigrants to respond to the requirements identified in the Form I-515A. This new School / Program respondent and burden hour increase provides a more comprehensive reporting of the costs associated with the use of the Form I-515A. SEVP reports an initial 4,744 current supporting statement figure for respondents, and an initial 1,186 current supporting statement burden hour figure for this collection of information. The burden and costs are related to the academic nonimmigrant students (F-1), vocational nonimmigrant students (M-1) and exchange visitors (J-1) coming to the United States to obtain an education or participate in exchange programs.

- 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**

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ending dates of the collection of information, completion of report, publication dates, and other actions.

ICE does not intend to employ the use of statistics; publication will not occur.

- 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.**

ICE 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.**

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