

Supporting Statement, A
Affidavit In Lieu of Lost Receipt of United States Immigration and Customs
Enforcement for Collateral Accepted as Security
(Form I-395)
OMB No. 1653-0045

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.**

Sections 236 and 240B of the Immigration and Nationality Act, provide for the posting of bonds in order to assure either timely voluntary departure from the United States or to secure assurances that the individual, for whom the bond was posted, appears at all court appearances and when required by the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE). The individual post the Immigration bond in the form of cash (U.S. dollars only); cashier check, certified check, or money order. When the Government receives these funds, the Government issues the public a Receipt of Immigration Officer-U.S. Bonds or Cash, Accepted as Security on Immigration Bond (Form I-305). When all of the bond conditions have been met, the immigration bond will be cancelled. The individual is required to surrender the original receipt before the security is returned. When the I-305 that was issued by ICE has been lost, the individual is permitted to complete the I-395 by stating the reason for the loss of original I-305. The individual shall have the affidavit notarized by a notary public or authorized DHS official. The required information collected on the Form I-395 is necessary for the public to complete an Affidavit in lieu of Lost Receipt of United States ICE for Collateral Accepted as Security.

- 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.**

When an obligor loses the original Receipt of Immigration Officer-United States Bonds, Notes, or Cash, Accepted as Security on an Immigration Bond, or I-305, the obligor must submit form I-395 to claim the principal and earned interest due for cancelled or mitigated bonds. Financial Operations – Burlington (FinOps) uses the information provided by the Obligor on the I-395 to verify this is the same person who posted the bond and signed the I-305 and bond contract (I-352). The FinOps Bond Accounting Technician compares the signature of the newly submitted I-395 document, to the scanned copies of the I-305 and I-352 documents. The submitted I-395 form is also used to confirm the current address of the obligor to ensure timely delivery of payment.

Once accepted, the date the I-395 was received at FinOps Burlington is entered into the Bonds Management Information System (BMIS). By entering the date, a

notation of the documents receipt is made to the BMIS Bonds History Screen and the bond is now eligible to have the principal and earned interest amounts released to the obligor.

- 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.**

The use of this form provides the most efficient means for collecting and processing the required data. Furthermore, it is an ICE requirement for the return of bond funds that the obligor submit either the original I-305 or a notarized, original I-395 to FinOps Burlington, Bonds Section This is best method to determine the authenticity of an individual's claim to the funds.

When mail is delivered to Financial Operations - Burlington, two employees are present to open and sort the mail. The items pertaining to immigration bonds are then delivered to the Bonds Section the same day they were received. Since all bond transactions contain PII, the Bonds section is partitioned off from the other sections by two locked doors. Access to the Bonds Section at Financial Operations – Burlington is limited to bonds section employees, FinOps supervisors, and the Supply/Mailroom Technician.

While the initial collection of this document is not performed electronically, a scanned copy of the submitted I-395 is retained within the Bonds Management and Information System (BMIS). This scanned document is attached to the electronic bond record within BMIS. To retrieve this document, authorized personnel may query within BMIS using either the bond number, alien identification number of the alien for whom the bond was posted, or the obligor's social security number.

The original hard copy of the I-395 is retained with the payment support documentation within the secure, limited access Bonds Section at Financial Operations - Burlington. After six-months, the document is shredded since a scanned copy of the submitted I-395 is available for reference within the BMIS Document Library. Once the appropriate bond record is located, a pdf copy of the I-395 document may be selected for review from within the BMIS Document Library.

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

A review of the Forms Inventory Report revealed no duplication of effort, and there is no other similar information currently available which can be used for this purpose.

- 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.**

Sections 236 and 240B of the Immigration and Nationality Act (INA) provides for the acceptance of bonds in certain cases. The failure to provide the mechanism for the cancellation of bonds would be a violation of that section of law. The DHS has always taken the position that the use of bonds is an integral part of the detention strategy.

- 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 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 February 28, 2019, USICE published a notice in the Federal Register at 84 FR 6811, soliciting public review and comment for a 60-day period on the proposed extension of this information collection. USICE received no comments during this period. On April 29, 2019, ICE published a follow up notice in the Federal Register at 84 FR 18073, soliciting public review and comment for an additional 30-day period.

- 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 in exchange for a benefit sought.

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

This form is used to support the Immigration Bond process at ICE. The SORN that covers this and related records is the DHS/ICE-004 Bond Management Information System (BMIS) SORN. That SORN can be found here: <https://www.gpo.gov/fdsys/pkg/FR-2011-02-15/html/2011-3448.htm>. There is also a PIA for the IT system that ICE operates to support the immigration bond issuance process. That PIA is DHS/ICE/PIA-005(b) Bond Management Information System-Web (BMIS-Web) PIA. The PIA can be found at this location: <https://www.dhs.gov/privacy-documents-ice> .

- 11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to person's form whom the information is requested, and any steps to be taken to obtain their consent.**

There are no questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private included in this collection.

- 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:

a. Number of Respondents:	3,500
b. Number of Responses per each Respondent:	1
c. Total Annual Responses:	3,500
d. Hours per Response:	.5
e. Total Annual Reporting Burden:	1,750

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

Learning about the Law and the Form:	3 Minutes
Completion of the Form:	5 Minutes
Obtaining Notary Seal :	20 Minutes
Assembling and filing the form:	2 Minutes
Total Hours per Response:	30 Minutes

Annual Reporting Burden

Total annual reporting burden hours is 1,750. This figure was derived by multiplying the number of respondents (3,500) x frequency of response (1) x (0.50) hours per response.

Annual Cost Burden

The estimated annual cost burden is \$27,930. This estimate is based on the number of respondents (3,500) x number of responses (1) x hours per response (0.50) x (\$15.96) average hourly rate;

The wage rate, which includes a benefit multiplier, was based on job categories a typical worker might pick (cashier, food preparation workers, and waitress/waiter) and was based on information found on the Bureau of Labor Statistics website as shown below.

Job Code	Job Name	Average Hourly Rate	Source
41-2011	Cashier	\$10.64	https://www.bls.gov/oes/2017/may/oes412011.htm
35-2021	Food Prep	\$11.49	https://www.bls.gov/oes/2017/may/oes352021.htm
35-3021	Food Prep/fast food	\$10.21	https://www.bls.gov/oes/2017/may/oes353021.htm
35-3031	Waitress/Waiter	\$12.15	https://www.bls.gov/oes/2017/may/oes353031.htm
Average		\$11.12	

When the costs for employee benefits such as paid leave and health insurance are included, the loaded wage is \$15.96 per hour. 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, 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. $\$15.96 = \$11.12 / 0.697$.

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 capital or start-up costs associated with this information collection.

The figure of \$8.25 as the maximum national average cost of obtaining a notary seal was derived in this fashion. First, the four states in which the largest number of illegal aliens have cash immigration bonds executed on their behalf are California, Texas, New York and Florida. For each of these states, the maximum fee that was allowed by statute for a notary seal was identified. California has a maximum fee of \$15¹; Florida allows a fee of up to \$10, Texas allows a fee of up to \$6, and New York, \$2. The maximum average cost across these four states is \$8.25. Importantly, these are maximum costs. Many financial institutions perform these services for their customers for free, and many notaries set their fees below the allowed maximums.

The Maximum national average cost of obtaining a notary seal (\$8.25) x number of responses (3,500) = \$28,875

- 14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.**

Annualized Cost Analysis: \$499,240

Government Cost

The estimated cost is \$499,240. This figure is calculated by using the number of respondents (3,500) x frequency of processing (1) x average time 120 minutes (2.0) required to collect, validate and process information x (\$71.32)² average hourly rate for a managerial officer, with benefits.

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

¹ See National Notary Association, Notary Fee by State <https://www.nationalnotary.org/knowledge-center/about-notaries/notary-fees-by-state> Accessed February 22, 2019.

² Hourly wage rate for a federal employee GS-013 step 07, \$43.49, https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/GS_h.pdf
The average hourly loaded wage rate is calculated as \$63.67, using the percentage of wages and salaries to total compensation for civilian workers (0.683), as reported by the Bureau of Labor Statistics, Employer Costs for Employee Compensation, released September 18, 2018 for June 2018, <https://www.bls.gov/news.release/ecec.t01.htm>. \$63.67 = \$43.49 / 0.683.
Overhead rate of 12 percent was added to the loaded wage to arrive at an hourly rate of \$71.32; the 12 percent overhead reflects indirect expenses as reported in OMB Circular A76, https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A76/a76_incl_tech_correction.pdf

OMB Form 83-I.

There is a decrease in the burden hours previously reported for this information collection due to recent data reflecting the number of respondents. The collection also now accounts for the updated notary fees as an annual cost burden to respondents.

- 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.**

ICE does not intend to employ the use of statistics or the publication thereof for this collection of information.

- 17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

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.