

SUPPORTING STATEMENT

Immigration Bond

ICE Form I-352

(OMB No. 1653-0022)

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 240B, 236, 241, and 214 of the Immigration and Nationality Act (INA), provide for the posting of bonds in order to assure timely voluntary departure from the United States; to secure assurances that the individual for whom the bond was posted will appear when required by a demand notice issued by U.S. Immigration and Customs Enforcement (ICE); to ensure compliance with the conditions of an Order Of Supervision, including surrender for removal; and to ensure that a nonimmigrant departs from the United States at the expiration of the time period for the nonimmigrant's admission or upon failure to maintain the status under which the nonimmigrant was admitted. The information collection required on the Form I-352 (Immigration Bond) is necessary for DHS to ensure that the conditions of the bond are met.

- 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 data collected on this form is used by ICE to ensure that the person or company posting the bond is aware of the duties and responsibilities associated with the bond. This form is a formal written guaranty by the obligor posted as a security for the bond that assures DHS that all the conditions of the bond are fulfilled by the obligor. The form provides instruction in the completion of the form, documents the contract between ICE and the obligor on the bond, and explains of the terms and conditions of the bond.

The I-352 Bond has not been substantively revised since 2008. Changes to the form are now necessary because U.S. Citizenship and Immigration Services

(USCIS) intends to issue a different form for public charge bonds and Form I-352 will no longer be used for that type of bond. Additionally, ICE is adding language to explain the terms and conditions of maintenance of status and departure bonds. Maintenance of status and departure bonds were previously accepted by the former Immigration and Naturalization Service (INS) on earlier versions of the Form I-352, and ICE may accept this type of bond when required for non-immigrants visiting the United States. The proposed revisions to the bond form also seek to clarify when a bond obligor's liability attaches and the events that trigger cancellation of a bond, and to notify the public that ICE will no longer issue receipts on Form I-305 for bonds secured by a cash deposit.

Cash Bond Deposit: ICE has revised the Instructions to state that it will accept a certified check, a cashier's check, or a money order (a "cash equivalent") as a deposit from a cash bond obligor.

eBONDS Power of Attorney: Based on the development of the eBONDS system, ICE has revised the Instructions to state that surety bonds issued using the eBONDS system may be accompanied by a power of attorney executed by a surety company for use in the eBONDS system.

General Terms and Conditions: Because certain jurisdictions do not honor ICE detainers, the General Terms and Conditions governing the bond will be revised to reflect that a bond will not be cancelled simply because ICE is on notice of the detention of the bonded alien for 30 or more days pursuant, or prior, to a conviction by local, state, or federal authorities. The revised General Terms and Conditions clarify that a delivery bond may not be breached when the bonded alien is in local, state, or federal custody on the date the obligor is scheduled to produce the alien. The bond will remain in effect in this situation unless ICE later takes the bonded alien into its custody directly from local, state, or federal authorities, in which case the bond will be cancelled.

Address to Use for Notice Purposes: Part A of Form I-352 will be revised to delete the boxes indicating the address to use for notice purposes.

Liability Attaches Upon Execution of the Bond: Part C of Form I-352 will be revised to reflect that the surety's liability attaches upon execution of the bond form. References to the alien becoming a public charge have been omitted and the revisions clarify that the face amount of the bond is forfeited or becomes due when the breach determination is administratively final.

Form I-352 No Longer Used for Public Charge Bonds: Previous Paragraph G(2) will be omitted from Form I-352 in anticipation of USCIS using a different form for issuance of public charge bonds.

Maintenance of Status and Departure Bonds: Paragraph G(4) will be added to explain the terms and conditions for Maintenance of Status and Departure Bonds. The former INS accepted maintenance of status and departure bonds using prior versions of Form I-352 when a bond was required for a non-immigrant traveling to the United States.

Deletion of Paragraphs H-J: Because U.S. bonds, notes and cash are no longer accepted as deposits to secure cash bonds, ICE has eliminated Paragraphs H-J of Form I-352 and any references to those paragraphs because they are no longer necessary.

Forms I-305 and I-395 No Longer Used in Conjunction with Cash Bonds: Before the advent of electronic signatures, ICE issued a receipt on Form I-305 to the cash bond obligor documenting the amount of the bond deposit. ICE required the obligor to submit the original of Form I-305 with the bond cancellation notice before obtaining a refund of the cash bond deposit. If the obligor lost the receipt, the obligor could submit an affidavit on Form I-395 in lieu of the receipt to claim the cash bond deposit. ICE has now determined that issuance of Form I-305 is unnecessary and is unduly burdensome. For bonds posted on the newly revised bond form, ICE will no longer require cash bond obligors to submit Form I-305 or Form I-395 after a bond has been cancelled and will issue refunds of bond deposits to the individual or entity identified in ICE records as the individual or entity entitled to receive the refund without requiring Form I-305 or Form I-395 to be submitted.

- 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. ICE uses information technology to collect and process immigration bond information through the eBONDS web-based system which provides the automated capability to accept electronic submission of Form I-352. Web-based submission of Form I-352 via eBONDS is only available to surety companies and their agents at this time for voluntary departure, delivery, and order of supervision bonds. For maintenance of status bonds and all bonds

secured by a cash deposit, the obligor must go to a local field office to electronically sign Form I-352.

- 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 collected in any other form, and therefore is not duplicated elsewhere.

- 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 214, 236, 240B, and 241 of the Immigration and Nationality Act (INA) provide for the acceptance of bonds in certain cases. The failure to provide the mechanism for the acceptance of bonds would result in the failure to accept bond pursuant to those statutory provisions. The acceptance of bonds is an integral part of DHS's operations.

- 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 August 27, 2019, ICE published a notice in the Federal Register at 84 FR 44913, soliciting public review and comment for a 60 day period. ICE received two comment. On October 31, 2019, a follow up 30 day notice was published in the Federal Register at 84 FR 58403 with instructions that any comments should be sent directly to the Office of Management and Budget. One comment was received during the 30 day public comment period. ICE's response to the commenter will be included as a supplemental document.

COMMENT 1: These bonds must be kept in full force and used as intended to protect American citizens from the use of our tax funds for illegal aliens. All Bonds and other rules that keep illegal aliens from becoming a burden on our resources is a must have for our country to stay prosperous and safe. Sanctuary cities that receive federal dollars is an unfair and unauthorized use of tax money.

COMMENT 2: Because of sanctuary cities and states these bonds should remain in full effect until the illegal alien is actually removed from the country, not just in possession of ICE. These bonds shouldn't be cancelled because it is presumed ICE has been put on notice. Please do whatever is necessary to get these illegal immigrants out of the country. Punish sanctuary cities and states however you deem necessary to get them to fall in line with federal law.

RESPONSE: The maintenance of status and departure bonds are intended to ensure that nonimmigrant visitors to the United States comply with the conditions of their admission to the United States, and leave the country once their authorized periods of visitation have expired.

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

ICE does not provide payment 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.

There are no assurances of confidentiality provided to the respondents of this information. Specific information regarding potential information sharing related to this information collection can be found in the associated System of Records Notice (SORN) which was published in the Federal Register on February 15, 2011 at 76 FR, 8761, and the Privacy Impact Assessment completed by the Department of Homeland Security, U.S. Immigration and Customs Enforcement on July 14, 2009 which can be located at http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_ice_ebonds.pdf.

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.

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	61,722
b.	Number of Responses per Respondent	1
c.	Total Annual Responses	61,722
d.	Hours per Response	.50
e.	Total Annual Reporting Burden	30,861
f.	Total Public Cost	\$743,670

Annual Reporting Burden

The total annual reporting burden is 30,861 hours. ICE calculated the number of estimated responses by adding together the number of bonds that were posted using Form I-352 in Fiscal Year 2018 (58,734) with the maximum number of maintenance of status and departure bonds that the Department of State expects may be required for non-immigrants in fiscal year 2020 (2,988). To calculate the annual reporting burden, ICE multiplied the number of expected responses (61,722) by the frequency of response (1) multiplied by (.50) hours or 30 minutes per response. The estimate of the burden includes the time required to review instructions, gather and maintain data needed, complete, and file the collection of information.

Public Cost

The estimated annual public cost is \$743,670. This estimate is composed of the 8,689 responses from surety companies and 53,033 aliens posting cash bonds resulting in a total of 61,722 responses times the burden for each response time of .50 hours. The burden to surety companies is \$206,711, estimated from the 8,689 responses x 30 minutes (.50 hours) per response x the average hourly loaded wage for an insurance sales agent (\$47.58). The burden to aliens posting cash bonds is estimated to be \$536,959, based on the 53,033 responses x 30 minutes (.50 hours) per response x average hourly loaded wage for unskilled labor and manufacturing workers (\$20.25). This figure was chosen as many aliens placed in removal proceedings are employed or seeking employment in these categories.

The hourly wage rate for an insurance sales agent is \$32.64 as reported by the Bureau of Labor Statistics (BLS) in the May 2018 National Occupational Employment and Wage Estimates United States, https://www.bls.gov/oes/current/oes_nat.htm#41-3021. The hourly wage rate for unskilled labor is represented by the national average of state minimum wage rates, \$8.94 estimated from the Consolidated Minimum Wage Table, June 1, 2019, <https://www.dol.gov/whd/minwage/mw-consolidated.htm>. The hourly wage rate for manufacturing labor is represented by the average hourly wage for production occupations, \$18.84 as reported in the May 2018 National Occupational Employment and Wage Estimates United States, https://www.bls.gov/oes/current/oes_nat.htm#51-0000. The loaded wages for unskilled workers and an insurance sales agent were calculated by dividing each with 68.6 percent, the ratio of reported wages and salaries to total compensation of. This percentage was reported in the BLS table on Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Civilian workers, by major occupational and industry group, All workers, <https://www.bls.gov/news.release/ecec.t01.htm>.

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 or start-up costs associated with this information collection. Any cost burdens to respondents are identified in Item 14.

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:

a.	Printing cost	\$46,292
b.	Collecting and processing	\$10,376,703
c.	Total annual cost to government	\$10,422,995

Government Cost

The estimated cost of the program to the Government is \$10,422,995. The printing cost, \$46,292, is estimated by multiplying the estimated number of responses (61,722) by a printing cost of \$0.75 per respondent. The form is printed twice for each cash bond and surety bond. One printed copy is filed, and one copy is given to the obligor.

The collection and processing estimated cost, \$10,376,703 is calculated by using the estimated number of respondents (61,722) multiplied by 6 hours (Time required to collect and process information) x \$28.02 (average hourly wage of the two government employees that may collect and process information on this form). The average hourly wage is based on an average of the two government employees that may collect and process the information on this form. The hourly rate is an average of a General Schedule Grade 7 Step 5, and a Grade 9 Step 1, plus the average national locality adjustment of 21.48 percent.

<https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/saltbl.pdf>. An overhead rate of 12 percent was added to reflect the indirect expenses as reported in OMB Circular A76, https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A76/a76_incl_tech_correction.pdf.

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

The number of respondents has been updated to reflect the number of respondents from FY 2018, combined with the anticipated number of respondents attributable to the addition of maintenance of status and departure bonds to this form.

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 on the 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.