

**SUPPORTING STATEMENT FOR
FREEDOM OF INFORMATION/PRIVACY ACT REQUEST
OMB Control No.: 1615-0102
COLLECTION INSTRUMENT(S): G-639**

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.**

Title 5 U.S.C. 552 allows requestors to have access to U.S. Citizenship and Immigration Service (USCIS) records under the Freedom of Information Act (FOIA), except those that have been exempted by FOIA. Title 5 U.S.C. 552a, with certain exceptions, allows individuals to gain access to information pertaining to themselves in USCIS records. 8 CFR 103.10 provides procedures for accessing USCIS records.

- 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.**

FOIA requests may be submitted in any written form. However, Form G-639 and the Freedom of Information Act Immigration Records System (FIRST) e-filing process are convenient tools for individuals to provide the data necessary for identification of a particular record requested under FOIA. Submitting a FOIA request via Form G-639 or FIRST ensure expeditious handling of this type of request.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

Form G-639 can be accessed as a fillable PDF via the USCIS website at www.uscis.gov/g-639. The fillable PDF must be printed and signed. It can be submitted by postal mail to the USCIS National Records Center (NRC). The form may also be submitted via email or fax. The address and e-mail address for the NRC are available in the form instructions and on the USCIS website.

The information from Form G-639 may also be submitted to USCIS electronically through the FIRST e-filing channel. The FIRST e-filing process can also be accessed from the USCIS website at www.uscis.gov/g-639. Respondents who wish to e-file a FOIA request must set up or sign in to their online account via

<https://myaccount.uscis.dhs.gov>. The burden for creating a USCIS online account is covered under the Identity, Credential, and Access Management (ICAM) information collection (OMB Control Number 1615-0122).

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.**

USCIS does not have any other information collections that 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 may have an impact on small businesses or other small entities. However, the information collected is the minimum amount necessary to allow USCIS to respond to the request.

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.**

This form was created to facilitate an accurate and timely response to an information request under FOIA. USCIS must respond to a FOIA request within 20 business days. If the information is not adequately collected, a response to a FOIA request may be unduly delayed.

7. **Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- **Requiring respondents to report information to the agency more often than quarterly;**
- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **Requiring respondents to submit more than an original and two copies of any document;**
- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **Requiring the use of a statistical data classification that has not been reviewed**

and approved by OMB;

- **That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

This information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

- 8. If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

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 December 11, 2018, USCIS published a 60-day notice in the Federal Register at 83 FR 63665. USCIS received two comments after publishing that notice. One commenter expressed an opinion about certification of the form, but did not provide any suggestions for changing the process. USCIS did not make any changes as a result of that comment. Another commenter asked whether non-U.S. identification documents could be used for notarized documents; indicated that limited information requests should be allowed; and that fingerprints should not be required for filing a FOIA request. USCIS notes that it does not control the type of identification documentation accepted by notaries public. It is not clear what the commenter means by "limited information requests," however, the type of documents being requested can be specified by the requestor. Fingerprinting is not required in connection with filing a FOIA request

On February 21, 2019, USCIS published a 30-day notice in the Federal Register at 84 FR

5459. USCIS did not receive comments.

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

USCIS does not provide any payment for benefit sought.

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

There is no assurance of confidentiality.

The system of record notices associated with this information collection are:

- DHS/ALL-001 FOIA and PA Record System, February 4, 2014, 79 FR 6609.

The PIA associated with this information collection are:

- DHS/USCIS/PIA-038(b) FOIA and PA Information Processing Systems (FIPS), and
- DHS/USCIS/PIA-077 FOIA Immigration Records System (FIRST).

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 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.**

		A	B	C (=AxB)	D	E (=CxD)	F	(=ExF)
Type of Respondent	Form Name / Form Number	#. of Respondents	#. of Responses per Respondent	# of Responses	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate*	Total Annual Respondent Cost
Individuals or Households	G-639 (Paper)	165,818	1	165,818	.67 hours	111,098.33	\$35.54	\$3,948,435
Individuals or Households	FIRST (E-file)	41,455	1	41,455	.50 hours	20,727.30	\$35.54	\$736,648
Total				207,273		131,825.63		\$4,685,083

* The above Average Hourly Wage Rate is the May 2017 Bureau of Labor Statistics average wage for All Occupations of \$24.34 times the wage rate benefit multiplier of 1.46 (to account for benefits provided) equaling \$35.54. The selection of "All Occupations" was chosen because respondents to this collection could be expected from any occupation.

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.**

For informational purposes, USCIS does not collect fees in association with Form G-639, except in very burdensome cases.

Respondents may incur a cost for notary services when filing Form G-639. The cost of notary services is estimated to range from \$2.00 to \$20.00, for an average cost of \$11.00. USCIS estimates that about 80 percent of the total number of respondents will incur this cost. The estimated cost of notary services is \$1,824,002.40 (= 207,273 x .80 x \$11.00).

Respondents who choose to file their request on the paper Form G-639 must submit their request by mail, and will incur a cost for postage. USCIS estimates that the average cost for postage is \$3.75 per submission. USCIS estimates that 165,818 respondents will submit a paper Form G-639, for a total estimated postage cost of \$ 621,819.00 (= 165,818 x \$3.75).

The total estimated cost to respondents to this collection of information is **\$2,445,821.40**, with a per-respondent estimated cost of \$11.80.

- 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 Federal Cost Analysis:

a.	Printing Cost	\$ 20,662.00
b.	Collection and Processing Cost	\$ 8,290,920.00
c.	Total Cost to Program	\$ 8,311,582.00

Government Cost

The estimated annual cost to the Government is \$8,311,582.00. This figure is

calculated by multiplying the estimated number of respondents (207,273) x 1 hour (time required to intake and process Form G-639) x \$40 (suggested average hourly rate for clerical, officer, and supervisory time with benefits), which equals \$8,290,920.00. In addition, this figure includes the estimated overhead cost for printing, stocking, and distributing the form, which is \$20,662.

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

Data collection Activity/Instrument	Program Change (hours currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (hours currently on OMB Inventory)	Adjustment (New)	Difference
G-639 (paper)	-	-	-	40,750	111,098	70,348
FIRST (e-file)	0	20,727.30	20,727.30	-	-	
Total(s)	0	20,727.30	20727.3	40,750	111,098.33	70,348

The estimated annual time burden to respondents for this collection of information has increased from 40,750 hours to 131,825. USCIS has made a programmatic change to include an e-filing instrument to this information collection, which added a new respondent population and a new estimated time burden for completing an e-filed response. Additionally, USCIS increased the estimated time burden per response and increased the estimated number of respondents for the G-639 paper filing instrument. Although USCIS did make revisions to the content of Form G-639, the increase in the estimated time burden per response was not as a result of those changes. Rather, the agency reevaluated its estimate of the time burden per response and concluded that the time burden should be increased from 30 minutes per response to 40 minutes per response.

Data collection Activity/Instrument	Program Change (cost currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (cost currently on OMB Inventory)	Adjustment (New)	Difference
G-639 (paper)	-	-	-	\$859,450.00	\$2,081,017.40	\$1,221,567.40
FIRST (e-file)	\$0	\$364,804.00	\$364,804.00	-	-	-
Total(s)	\$0	\$364,804.00	\$364,804.00	\$859,450.00	\$2,081,017.40	\$1,221,567.40

The estimated annual cost burden to respondents for this collection of information has increased. USCIS has revised its estimate of the average cost for notary services and the percentage of the respondent population that might pay that cost. Respondents may need to pay costs for notary services regardless of the information collection instrument they choose to use when submitting a FOIA/Privacy Act request.

- 16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

This information collection will not be published for statistical purposes.

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

USCIS will display the expiration date for OMB approval of this information collection.

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

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

B. Collections of Information Employing Statistical Methods.

There is no statistical methodology involved with this collection.