

1 PAPERWORK REDUCTION ACT SUBMISSION

Supporting Statement

Agency: U.S. Department of Justice
Civil Rights Division
Immigrant and Employee Rights Section

Title: Title 8 of the Immigration and Nationality Act, Section 1324b—Unfair Immigration-Related Employment Practices Charge Form

A. Justification

- 1. Circumstances of Information Collection:** Pursuant to the Immigration and Nationality Act's anti-discrimination provision, 8 U.S.C. § 1324b, and its implementing regulations at 28 C.F.R. part 44 *et seq.*, an individual may file a charge form with the Immigrant and Employee Rights Section (IER) alleging discrimination by an employer or recruiter or referrer for a fee on the basis of citizenship or immigration status, or on the basis of national origin; unfair documentary practices; or retaliation for asserting rights covered by the statute. IER investigates any charge received over which it has jurisdiction. If IER lacks jurisdiction but another federal, state or local agency may have jurisdiction over the claim, IER refers the charge.
- 2. Purpose and Use of Information:** The information to be collected in the form submitted for Office of Management and Budget (OMB) approval is necessary to enable the Department to process and investigate charges as required by statute. The use of this collection instrument will facilitate this process by assisting charging parties to identify and provide the information necessary to initiate an investigation.
- 3. Use of Information Technology:** Currently, the form is available on IER's website (<https://www.justice.gov/crt/filing-charge>) and respondents may file a charge online or download and print a form to submit by email, fax, or mail. The charge form is available in English, Spanish, Chinese, Vietnamese, Arabic, Haitian Creole, Korean, Russian, French, Portuguese, and Tagalog.
- 4. Efforts to Identify Duplication:** The form can be completed and submitted online or downloaded from IER's website in English and nine additional languages. The form is often distributed to potential charging parties at their request. All completed charge forms received are assigned a number and all pertinent tracking information is inputted into the Department's electronic docket tracking system. If the information provided by a charging party indicates that the charge should be investigated by another federal or state agency with which IER has a Memorandum of Understanding providing for cross referrals (IER has over

fifty MOU partners), the completed form will be forwarded to the appropriate agency, thus avoiding any duplicative requests for information. IER will also refer Respondents to non-MOU partner agencies where appropriate.

5. **Involvement of Small Entities:** This collection of information does not impact small businesses or other small entities.
6. **Consequences If Information Collection Is Not Conducted or Is Collected Less Frequently:** If this information were not obtained, the Department would be unable to process and investigate charges as required by its statutory mandate.
7. **Explanation of Special Circumstances:** None of the listed special circumstances is applicable to this information collection.
8. **Consultations Outside the Agency:** The Department published a notice in the Federal Register on June 28, 2019, at 84 Fed. Reg. 125, page 31107, allowing for a 60-day comment period. We received no comments. IER is not changing the collection.
9. **Payment to Respondents:** The Department does not provide payments or gifts to respondents in exchange for a benefit sought.
10. **Assurance of Confidentiality:** A separate paragraph entitled “Privacy Act Statement” describes how information provided to or obtained by the Department of Justice in the course of an investigation or complaint will be treated by the Department. This paragraph provides a brief overview of the Department of Justice’s Federal Register Notice published in the Federal Register at 68 Fed. Reg. 47611 (August 11, 2003).
11. **Questions of a Sensitive Nature:** The anti-discrimination provision of the Immigration and Nationality Act protects work-authorized individuals from discrimination, and only enumerated categories of non-U.S. citizens are protected from the anti-discrimination’s prohibition against discrimination in hiring and firing based on citizenship status. While unauthorized individuals may file a charge, there is no remedy under this statute for citizenship status or national origin discrimination against unauthorized workers. Accordingly, the proposed charge form requests citizenship/immigration status information to assist IER in determining whether IER has jurisdiction to investigate the claim and whether the charging party may be entitled to relief.
12. **Estimates of Hour Burden:** The following figures were derived from past experience in past investigations of allegations of discrimination.

a.	Number of respondents	340
b.	Number of responses per each respondent	1
c.	Total annual responses	340

- d. Number of hours per response 0.50 hours
- e. Total annual reporting burden 170 hours

13. Estimate of Annualized Cost Burden to Respondents: There is no capital or start-up cost associated with this information collection since it is currently in use. There is no fee charged to individuals who file a charge form. The cost to such individuals is \$0.
14. Estimate of Annualized Cost to the Federal Government: There is no capital or start-up cost associated with this information collection. The total cost to the federal government is based on the following:
 - a. Printing cost equals the number of respondents times cost per form:
 Printing cost = $340 \times \$0.60$ (6 pages @ \$0.10) = \$204
 - b. Collection and processing cost equals the number of respondents multiplied by the time for collection and processing multiplied by the average hourly rate for clerical and professional time (e.g., the average hourly rate is based on the 2019 GS Salary Table for GS8 step 1 to GS15, Step 10):
 Collection and processing cost = $340 \times 1 \times \$52.36 = \$17,802.40$
 - c. Total estimated cost to the Federal government = **\$18,006.40**
15. **Changes in Burden:** Revision of a currently approved collection. The estimated change in burden is due to the number of estimated number of respondents, which has been increased from the prior approval, and the increase in the average hourly rate applied to the collection and processing costs.
16. **Time Schedule, Publication and Analysis Plans:** The Department does not intend to use statistics or the publication thereof for this collection of information.
17. **Display of Expiration Date:** The Department is seeking approval to **not display** the expiration date for OMB approval of this information collection. OMB approved the Department's request not to display the expiration date the last time the Department renewed this information collection.
18. **Exceptions to Certification Statement:** The Department does not request an exception to the certification of this information collection.

B. Collection of Information Employing Statistical Methods

This section is not applicable.