

SUPPORTING STATEMENT FOR
Application for Replacement/Initial Nonimmigrant Arrival-Departure Document
OMB Control No.: 1615-0079
COLLECTION INSTRUMENT(S): Form I-102

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.**

8 U.S.C 1304 requires the registration of aliens present in the United States. As provided in 8 CFR 264.6, a nonimmigrant alien whose Arrival-Departure Record has been lost, stolen, or mutilated or was not issued one pursuant to 8 CFR 235.1(h)(1)(i), (iii), (iv), or (v) at the last admission to the United States as a nonimmigrant, may request its replacement or a new arrival departure record. This information collection, Application for Replacement/Initial Nonimmigrant Arrival Departure Document, Form I-102, allows a nonimmigrant alien to file such request.

- 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.**

Nonimmigrants temporarily residing in the United States can use this form to request a replacement of a lost, stolen, or mutilated arrival-departure record, or to request a new arrival-departure record, if one was not issued when the nonimmigrant was last admitted but is now in need of such a record. U.S. Citizenship and Immigration Services (USCIS) uses the information provided by the requester to verify eligibility, as well as his or her status, process the request, and issue a new or replacement arrival-departure record.

If the application is approved, USCIS will issue an Arrival-Departure Record.

In 2013, U.S. Customs and Border Protection (CBP) automated Form I-94 Arrival/Departure Records to streamline passenger processing. CBP began issuing electronic Forms I-94 to most air and sea nonimmigrant travelers to the United States in place of paper Forms I-94. Nonimmigrant aliens who were issued an electronic Form I-94 by may obtain a paper Form I-94, including replacements if the I-94 is lost, stolen, or mutilated, by printing a copy from the CBP website. Form I-102 instructs applicants that they may be able to visit the CBP website and print a copy of their arrival/departure record instead of submitting Form I-102 and paying the associated fee.

Travelers arriving in the United States at a land or border crossing, however, will continue to receive paper Forms I-94. USCIS also issues paper Forms I-94 to many

classes of aliens upon granting immigration benefits. To obtain a replacement Form I-94, these respondents will still need to file Form I-102 with USCIS. In addition, those aliens who arrived in the United States by air or sea prior to Form I-94 automation will continue to need to file the Form I-102 with USCIS to obtain a Form I-94 if they need one. Finally, those aliens who arrived in the United States by air or sea after Form I-94 automation may still file Form I-102 to obtain Form I-94 in case they are unable to obtain the form from the CBP website.

- 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 I-102 currently provides the most efficient means for collecting and processing the data required to adjudicate this type of request. This form can be accessed, completed, and saved electronically via the USCIS website at <http://www.USCIS.gov>. The form cannot currently be filed electronically and USCIS has not developed a schedule for when this form may be accepted electronically.

- 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 search of USCIS's automated forms tracking system revealed some duplication. CBP will collect similar information from respondents who use the CBP website to obtain a paper print-out of their electronic Form I-94. In addition, USCIS collects similar information in connection with requests for immigration benefits.

USCIS has investigated its internal processes, files and data as well as those of other Federal agencies that may service the same population of respondents. USCIS was not able to find any other means by which the information necessary for this process could be obtained except for use of the Form I-102. The category of respondents who received a Form I-94 from USCIS cannot use the CBP website to replace their Form I-94, and must therefore be able to file Form I-102. With respect to immigration benefit requests adjudicated by USCIS, the respondent may need to include the paper Form I-94 (Arrival/Departure Record) that was issued upon arrival to the United States as documentary evidence to establish eligibility for the requested immigration benefit. Moreover, respondents may need a paper Form I-94 for reasons other than requesting immigration benefits. Respondents may need to request a paper Form I-94 in order to obtain a driver's license or social security card, open up a bank account, obtain employment, or obtain evidence of alien registration; therefore, USCIS must maintain Form I-102 as a stand-alone means for respondents to request a replacement Form I-94.

- 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 information collection 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.

If this information is not collected, certain respondents will not have a means to receive a replacement Form I-94, which may be necessary to request other immigration benefits, obtain employment, receive a driver's license or social security card, or receive other state or federal services for which the paper form is required. In addition, without this information collection, USCIS's adjudication processes may be less efficient because it will be more difficult for USCIS to determine or verify nonimmigrant status, leading to delays in processing and even denials.

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 June 6, 2019 USCIS published a 60-day notice in the Federal Register at 84 FR 26422. USCIS did receive two comments after publishing that notice. One commenter recommended that USCIS revised some of the form and instruction language. USCIS has reviewed the language and believes it is clear as is. The second commenter expressed an opinion on immigration issues generally. USCIS is making no changes to the form or instructions as a result of these comments.

On September 6, 2019, USCIS published a 30-day notice in the Federal Register at 84 FR 46961. 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 records notices associated with this information collection are:

- DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System

- of Records, published November 21, 2013 at 78 FR 69864;
- DHS/USCIS-007 Benefits Information System, published in the Federal Register on October 19, 2016 at 81 FR 72069; and,
 - DHS/USCIS-018 Immigration Biometric and Background Check (IBBC) System of Records, July 31, 2018, 83 FR 36950.

The privacy impact assessments associated with this information collection are:

- DHS/USCIS/PIA-003(b) Integrated Digitization Document Management Program, dated February 28, 2017, and
- DHS/USCIS/PIA-016(a) Computer Linked Application Information Management System (CLAIMS 3) and Associated Systems, dated March 25, 2016.

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.

This information collection does ask questions of a sensitive nature. USCIS requests that the respondent provides his or her social security number (SSN), alien registration number, passport number, and travel document number. USCIS requests this information from the applicant for verification purposes and to make sure the applicant's assertions regarding his or her current immigration status, manner and other important information related to his or her last entry to the United States is accurate and can be verified against the information available in tracking systems.

Specifically, USCIS collects the SSN to facilitate and expedite the adjudication of the applicant's request for a Form I-102 replacement arrival departure record. The SSN information is used to establish and corroborate the applicant's identity. The SSN information collected within the Form I-102 application is also used to assist DHS in enforcing the immigration laws of the United States by providing timely and accurate information about persons who are subject to those laws. USCIS personnel conduct background security checks on applicants for the purpose of determining whether the applicant has established eligibility for the benefit requested. Because Form I-102 is typically a non-interview, paper-based adjudication, the SSN is especially useful and provides significant information to verify an applicant's identity and his or her claim to eligibility – providing a critical tool for more accurate and appropriate adjudication determinations for USCIS and the applicant.

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	Application for Replacement/Initial Nonimmigrant Arrival-Departure Document; Form I-102	4,100	1	4,100	.75	3,075	\$36.47	\$112,145
Total				4,100		3,075		\$112,145

* The above Average Hourly Wage Rate is the May 2018 Bureau of Labor Statistics average wage for All Occupations of \$24.98 times the wage rate benefit multiplier of 1.46 (to account for benefits provided) equaling \$36.47. 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.**

There is no cost burden to respondents for start-up, maintenance, and operating costs associated with responding to this information collection. For informational purposes, there is a \$445 fee charge associated with the filing of this information collection.

This information collection may impose some out-of-pocket costs on respondents in addition to the time burden for form preparation. USCIS estimates that the average cost for form preparation, legal services, translators, and document search and generation is \$515 and that approximately 56% of the total respondent population may incur this cost. The total cost to respondents is therefore as follows: 4,100 respondents x 56% of the population = 2,296 multiplied by the average cost per response of \$515 = **\$1,182,440**.

- 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.**

USCIS establishes its fees using an activity-based costing model to assign costs to an adjudication based on its relative adjudication burden and use of USCIS resources. Fees are established at an amount that is necessary to recover these assigned costs, plus an amount to recover unassigned overhead (which includes the clerical, officer, and

managerial time with benefits) and immigration benefits provided for free. USCIS uses the fee associated with an information collection as a reasonable measure of the collection's costs to USCIS, since these fees are based on resource expenditures related to the benefit in question. USCIS has established the fee for Form I-102 at \$445. The estimated cost of the program to USCIS is calculated by multiplying the estimated number of respondents by the fee and adding direct overhead costs for forms management. The number of respondents 4,100 x \$445 fee is \$1,824,500. The total cost to the government is **\$1,824,500**.

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

USCIS revised Form I-102 to collect additional information about any other names the respondent may have used, additional information about port of entry and class of admission, and updated standard language. The Instructions were updated to provide corresponding language for new data elements and for standard language. All changes to this collection of information can be viewed in the Tables of Changes.

Data collection Activity/Instrument	Program Change (hours currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (hours currently on OMB Inventory)	Adjustment (New)	Difference
Application for Replacement/Initial Nonimmigrant Arrival-Departure Document				5,174	3,075	(2,099)
Total(s)				5,174	3,075	(2,099)

The decrease in the estimated total annual hour burden for this collection of information is due to a decrease in the estimated number of respondents. USCIS did not change the previously reported estimated time burden per response for this collection of information.

Data collection Activity/Instrument	Program Change (cost currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (cost currently on OMB Inventory)	Adjustment (New)	Difference
Application for				\$1,892,870	\$1,182,440	(\$710,430.0)

Replacement/Initial Nonimmigrant Arrival-Departure Document						0)
Total(s)				\$1,892,870	\$1,182,440	(\$710,430.00)

While USCIS increased its estimate of out-of-pocket costs per respondent, the estimated total annual cost burden for this collection of information has decreased due to a decrease in the estimated number of 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.**

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.