

Supporting Statement A
ICE Mutual Agreement between Government and Employers
(IMAGE)
OMB No. 1653 - 0048

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.**

The Immigration and Customs Enforcement (ICE) Mutual Agreement between Government and Employers (IMAGE) program is the outreach and education component of the Homeland Security Investigations (HSI) Worksite Enforcement (WSE) program. IMAGE is designed to build cooperative relationships with the private sector to enhance compliance with the immigration laws and reduce the number of unauthorized aliens within the American workforce. Under this program, ICE will partner with businesses representing a broad cross-section of industries. A business will initially complete and prepare an IMAGE Application Form so that ICE can properly evaluate the company for inclusion into the IMAGE program. The information provided by the company plays a vital role in determining that company's admissibility into the program. While 8 U.S.C. §1324(a) makes it illegal to knowingly employ a person who is not in the U.S. legally, there is no requirement for any entity in the private sector to participate in the program and the information obtained from the company should also be available to the public.

- 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.**

Once a business has submitted a Membership Application form, ICE reviews the form and makes a determination as to the suitability of the business to become an IMAGE program participant. The reasons a company may not be suitable for participation in the IMAGE program includes, but is not limited to, an ongoing criminal investigation of the company or prior violations of law (administrative and/or criminal) with no good faith effort to correct the deficiencies. After ICE performs its evaluation and determines that a business is suitable to become an IMAGE participant, ICE enters into a formal written agreement with the business, pursuant to which the business is recognized as a participant, and receives

assistance from ICE in the area of immigration worksite enforcement.

- 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 information provided by the company can be collected through various means. The company can submit the information to ICE electronically (e-mail), by facsimile, or through standard mail. ICE provides these various methods in order to facilitate the easiest and most convenient avenue for a company to provide the information required on the IMAGE Application Form.

- 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.**

The information requested on the IMAGE Membership Application Form is designed and tailored specifically for the IMAGE program. The information received from the company may not be available in any ICE database and the form is designed specifically for the outreach program.

- 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.**

The impact on a small business or entity is negligible. The information collected on the form is voluntary, done on a one-time basis, and takes minimal time to complete.

- 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.**

ICE would not be able to evaluate the information required for IMAGE membership and ICE would not be able to determine the suitability of the business to become an IMAGE program participant. The information furnished by the private sector (company) is critical for the successful execution and implementation of the IMAGE program by ICE.

The reasons a company may not be suitable for participation in the IMAGE program include, but are not limited to, an on-going criminal investigation of the company or prior violations of law (administrative and/or criminal) with no good-faith effort to correct the

deficiencies. After ICE performs its evaluation and determines that a business is suitable to become an IMAGE participant, ICE enters into a formal written agreement with the business, pursuant to which the business is recognized as a participant and receives assistance from ICE in the area of immigration worksite enforcement.

The information obtained from the ICE Membership Application Form is not a recurring requirement. The documents are required to be completed only once when a company or entity expresses an interest in the IMAGE program.

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 January 27, 2020, ICE published a notice in the Federal Register at 85 FR 4675, soliciting public review and comment for a 60 day period. ICE received no comments. On March 30, 2020, ICE published a follow up notice in the Federal Register at 85 FR 17594, 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.**

There are no assurances of confidentiality provided to the respondents for this information collection.

- 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:	66
b. Number of Responses per each Respondent:	1
c. Total Annual Responses:	66
d. Hours per Response:	1.5 Hours (90 min.)
e. Total Annual Reporting Burden:	99

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:	15 Minutes
Completion of the form:	60 Minutes
Assembling and filing the form:	15 Minutes
Total Hours per Response:	90 Minutes

Annual Reporting Burden

Total annual reporting burden hours is 99 Hrs. This figure was derived by multiplying the number of respondents (66) x frequency of response (1) x 1.5 hours (90 min.) per response.

Annual Cost Burden

The estimated annual cost burden is \$2,940 (rounded to nearest dollar). This estimate is based on the number of respondents (66) x the number of responses (1) x the hours per response (1.5) x the average hourly rate (\$29.70). ICE assumed the equivalent of a Secretary or Administrative Assistant would prepare the IMAGE Membership Application Form. ICE retrieved the average hourly wage rate of \$20.34 for Secretaries and Administrative Assistants from the U.S. Department of Labor, Bureau of Labor

Statistics' data.¹ ICE applied a 1.46 multiplier to account for benefits, which resulted in a fully loaded wage rate of \$29.70.²

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, start-up or maintenance costs associated with this information collection

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.

Government Cost

The estimated burden of the program to the Government is calculated by multiplying the estimated number of respondents filing the ICE Mutual Agreement between Government

¹ U.S. Department of Labor, Bureau of Labor Statistics, Occupational Employment Statistics, May 2018 National Industry-Specific Occupational Employment and Wage Estimates, NAICS code 43-6010, Secretaries and Administrative Assistants, found at https://www.bls.gov/oes/2018/may/oes_nat.htm#43-0000.

² The benefits-to-wage multiplier is calculated by the BLS as (Total Employee Compensation per hour) / (Wages and Salaries per hour) = \$36.32 / \$24.91 = 1.458 (1.46 rounded) based on the average national wage for all occupations. See Economic News Release, Employer Cost for Employee Compensation (December 2018), U.S. Dept. of Labor, BLS, Table 1. Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Civilian workers, by major occupational and industry group, December 2018, available at: https://www.bls.gov/news.release/archives/ecec_03192019.pdf.

and Employers Membership Application (66) by the time required for the Government to collect and process the applications (0.50 hours). The total annual time burden to the Government is 33 hours. The collection and processing of the applications is done by personnel analogous to a government employee at the grade level of a General Schedule (GS) 9, Step 5 level. The base hourly wage rate for a GS-9, Step 5 government employee is \$30.54.³ Using a multiplier of 1.46, ICE estimated the loaded hourly wage is \$44.59 for a GS-9, Step 5 ICE employee (base hourly wage of \$30.54 x 1.46). ICE estimates the total government cost is \$1,471 (33 burden hours x \$44.59, rounded to nearest dollar).

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

ICE estimates an annual decrease of 34 responses (from 100 to 66) and a corresponding decrease of 51 burden hours (from 150 to 99). The changes reflected in this ICR are attributed to ICE using more up-to-date response data from fiscal years 2017-2019 to revise the estimate of the average annual responses.

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 information collection.

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.

³ The GS-9, Step 5 hourly wage is taken from the Office of Personnel Management (OPM) Salary Table 2018-DCB, for the locality pay area of Washington-Baltimore-Northern Virginia, Effective January 2018, found at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2018/DCB_h.pdf.