

## SUPPORTING STATEMENT

### Form I-983, Training Plan for STEM OPT Students

(OMB No. 1653-0054)

#### Justification.

#### 1. Explain the circumstances that make the collection of information necessary.

The Student and Exchange Visitor Program (SEVP) authority for the collection of information for the Form I-983, “Training Plan for STEM OPT Students,” is from a rulemaking, “Improving and Expanding Training Opportunities for F-1 Nonimmigrant Students With STEM Degrees and Cap-Gap Relief for All Eligible F-1 Students,” published in the Federal Register at [80 FR 63375](#) (Oct. 19, 2015; NPRM; U.S. Department of Homeland Security (DHS)) and [81 FR 13039](#) (March 11, 2016; final rule; DHS). This supporting statement fulfills the requirement for the periodic update to that collection.<sup>2</sup> DHS derives authority to manage SEVP, including tracking and monitoring aspects, from the following:

- Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Public Law 104208, Div. C (Sept. 30, 1996), which requires the creation of a program to collect information, on an ongoing basis, from SEVP-certified schools and exchange visitor program sponsors relating to F, M, and J nonimmigrants during the course of their stay in the United States, using electronic reporting technology to the fullest extent practicable. It further requires

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Numbers may not add up due to rounding.

<sup>2</sup> OMB Control Number History at <https://www.reginfo.gov/public/do/PRAOMBHistory?ombControlNumber=1653-0054>.

federal approval and authorization of schools and exchange visitor program sponsors participating in such enrollment. IIRIRA mandates collecting the identity, current U.S address, and the admission classification of the nonimmigrant; the date on which a visa under the classification was issued or extended or the date on which a change to such classification was approved by DHS; the current program status (academic or vocational) of the nonimmigrant, including whether the nonimmigrant is maintaining status as a full-time student or whether an exchange visitor is satisfying the terms and conditions of his or her program; and any disciplinary action taken by the school or the exchange visitor program sponsor against the nonimmigrant as a result of a conviction of a crime.

- The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Public Law 107-56 (Oct. 26, 2001), which amended IIRIRA to add the requirement that information be collected on the F, M, and J nonimmigrants' date and port of entry into the United States.
- Homeland Security Presidential Directive-2, issued on October 30, 2001, which requires DHS to conduct periodic and ongoing review of all schools certified to enroll F-1 and M-1 students.
- The Enhanced Border Security and Visa Entry Reform Act of 2002 (EBSVERA), Public Law 107-173, 116 Stat. 543 (May 14, 2002), which requires DHS to recertify all schools approved to enroll F-1 and/or M-1 students within 2 years of its passage. Further, EBSVERA mandates that DHS conduct an additional recertification of these schools every 2 years.

DHS implemented the Form I-983 information collection to provide F-1 students with science, technology, engineering, and mathematics (STEM) degrees who are approved to extend their optional practical training (OPT)<sup>3</sup> with a prescribed reporting document and methodology that complies with regulations. The employer of a STEM OPT student, as a condition of voluntary participation in the program, works with the student to design a customized training plan. These training plans require specific training goals as well as a description of how those goals will be achieved. The reporting required by the Form I-983 better ensures that STEM OPT students receive a comprehensive understanding of their selected course of study by obtaining greater experiential training within that field.

Overall information collection by DHS through SEVP, a component of U.S. Immigration and Customs Enforcement (ICE), is sought pursuant to 6 U.S.C. 202 and sections 101, 103, and 274a of the Immigration and Nationality Act of 1952 (INA), as amended (8 U.S.C. 1101, 1103, 1184, and 1324a, respectively). The Secretary of Homeland Security (Secretary) has broad authority pursuant (6 U.S.C. 202, INA section 103, 8 U.S.C. 1103), to administer and enforce the nation's immigration laws. Section 101(a)(15)(F)(i) of the INA establishes the F-1 nonimmigrant student classification for individuals who wish to come to the United States temporarily to enroll in a full course of study at an academic or language training school certified by SEVP. 8 U.S.C. 1101(a)(15)(F)(i).

The Secretary has broad authority to track F-1 students and ensure their timely departure, *see, e.g.*, 8 U.S.C. 1103, 1184, and 1372, and to determine which noncitizens

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<sup>3</sup>Authority for the STEM extension of OPT is derived from “Extending Period of Optional Practical Training by 17 Months for F-1 Nonimmigrant Students With STEM Degrees and Expanding Cap-Gap Relief for All F-1 Students With Pending H-1B Petitions” ([73 FR 18944](#) (April 8, 2008), interim final).

are “authorized” for employment in the United States. 8 U.S.C. 1103, 1184, and 1324a(h) (3).

Federal agencies that oversee immigration, such as the legacy Immigration and Naturalization Service (INS), pursuant to 12 FR 5355 and 5357 (Aug. 7, 1947), have long interpreted section 101(a)(15)(F)(i) of the INA and related authorities to encompass on-the-job training that supplements classroom training. DHS permits an F-1 student who has been enrolled on a full-time basis for at least one full academic year in a college, university, conservatory, or seminary certified by SEVP, and who has otherwise maintained status, to apply for practical training to work for a U.S. employer in a job directly related to the student’s major area of study. (8 CFR 214.2(f)(10)).

SEVP manages and oversees significant elements of the F visa process, including the certification of schools in the United States that enroll F-1 and/or M-1 students, and provides students the ability to pursue practical training while in that status. As part of this oversight, SEVP uses the Student and Exchange Visitor Information System (SEVIS) to track and monitor F-1 and M-1 students and communicate with the schools that enroll them while they are in the United States and participating in educational opportunities.

Data collection requirements for SEVP certification, oversight, and recertification of schools authorized to enroll F and/or M students are detailed by regulation in 8 CFR 214.2, 8 CFR 214.3, and 8 CFR 214.4. SEVP is assigned by DHS to administer SEVIS and to carry out the responsibilities mandated by the above laws regarding F and M nonimmigrants.<sup>4</sup>

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<sup>4</sup> The Bureau of Educational and Cultural Affairs Exchange Visitor Program, a component of the U.S. Department of State, is under the same IIRIRA mandate as SEVP with respect to the Exchange Visitor Program, authorized under the J visa classification. The Exchange Visitor Program fulfills its requirements using SEVIS and addresses its data collection requirements to the Office of Management and Budget in a separate filing. This supporting statement does not include any annual costs or burden associated with the Exchange Visitor Program.

## 2. Purpose of the collection.

The information collected on the Form I-983 serves as a planning document for STEM OPT students, the SEVP-certified school, and the employer. SEVP uses the form as an evidentiary document to track the STEM OPT student's progress, identifying the terms and conditions of the practical training and documenting the obligations of the three parties that are involved—the F-1 student,<sup>5</sup> SEVP-certified school, and employer.

The student and the employer must each complete and sign their portion of the Form I-983. The SEVP-certified school adds the executed Form I-983 to the student's school file. The school must make the student's Form I-983 available to DHS upon request.

DHS is taking steps to incorporate the submission of the Form I-983 through the new online [SEVP portal](#).<sup>6</sup> Until the process is automated, DHS will require the submission of the form to ICE and to U.S. Citizenship and Immigration Services (USCIS) upon request or when the student seeks certain benefits from USCIS, such as an application for employment authorization.

Currently, only STEM OPT students are required to use the SEVP portal to directly report address, telephone, and employer information to SEVP instead of relying on their designated school official (DSO) to update their information. The SEVP portal shares the reported information with SEVIS. The SEVP portal does not eliminate the need for a STEM OPT student to communicate with his or her DSO; instead, it reinforces the communication and eliminates delays in reporting. As the portal becomes more

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<sup>5</sup> This supporting statement only impacts F-1 students. All references to "student(s)" used in the remainder of this statement refer to F-1 students.

<sup>6</sup> See <https://studyinthestates.dhs.gov/sevp-portal-help> and <https://sevp.ice.gov/opt/#/login>.

functional and is further deployed, the student information reporting burden for DSOs should further decline.

SEVP limits what can be reported using the portal. STEM OPT students are not able to add a new employer or change the start date with their employers through the portal but can update other information about an employer already in the system. DSOs are required to add new employer information directly in SEVIS for STEM OPT students because they must verify that the student's Form I-983 has been completed and submitted. When data is entered into the SEVP portal, it is sent immediately to SEVIS to update the student's record.

DHS officials responsible for the administrative oversight of SEVP use the information collected from the Form I-983 to monitor the compliance of DSOs, SEVP-certified schools, students, and employers with SEVP regulations related to STEM OPT at 8 CFR 214.1 through 214.4.

### **3. Use of information technology.**

The Form I-983 is a fillable PDF available at the SEVP portal website (see SEVP Study in the States at <https://studyinthestates.dhs.gov/sevp-portal-help>). Students may download and electronically complete, update, and save the form. At a future date, SEVP will enhance the accessibility of this student reporting channel by integrating the Form I-983 into SEVIS and expanding its use to all students engaged in practical training. SEVP-certified schools are responsible for retaining the Form I-983, including the evaluation portion of it, in electronic or hard-copy form for at least 3 years.

### **4. Duplication of collection.**

The Form I-983 does not duplicate other collections of information.

**5. Impact on small business or any other small entities.**

DHS believes the Form I-983 collection of information does not disproportionately impact small businesses or other small entities. Further, DHS did not receive comments from the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule authorizing this collection or the subsequent periodic review of the collection.<sup>7</sup>

**6. Consequence to federal program or policy activities if the collection is not conducted or is conducted less frequently.**

Officials responsible for the administrative oversight of F-1 students, including those who monitor compliance of DSOs, collect and use this data to assess whether all parties in the student's STEM OPT extension process are complying with DHS regulations (8 CFR 214.1 through 214.4). If this collection is not conducted or is scaled back, the academic benefit realized from the STEM OPT extension may suffer, and program integrity measures may be lost.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with OMB guidelines.**

The special circumstances contained in details of Item 7 of the supporting statement are not applicable to this information collection.

**8. Solicitation of public comments.**

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<sup>7</sup> [81 FR 13039](#) (March 11, 2016; final rule; DHS).

On, April 5, 2021, ICE published a notice in the Federal Register at 86 FR 17619, soliciting public review and comment for a 60-day period on the proposed extension of this information collection. ICE received two comments. On July 30, 2021 ICE published a follow up notice in the Federal Register at 86 FR 41076, soliciting public review and comment for an additional 30-day period

From 60-day notice SEVIS supporting statement, overview ([Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Training Plan for Science, Technology, Engineering, and Mathematics \(STEM\) Optional Practical Training \(OPT\) Students](#))

Comment ICEB-2018-003-0005 (<https://www.regulations.gov/comment/ICEB-2018-0003-0005>) submitted by Jean Pubileee

**Summary of *Unrelated Comment*:** Commenter believes that this is a fake form disguised to facilitate a program that does not employ students but rather foreign employees who are paid “slave wages” and take jobs from the American people.

**DHS Response:** The Department of Homeland Security respectfully disagrees that this is a fake form that facilitates a program that does not employ students but rather foreign employees who are paid less, thus disadvantaging the American people. The Form I-983 documents the obligations of the F-1 student participating in science, technology, engineering, and mathematics (STEM) optional practical training (OPT), their employer, and their Student and Exchange Visitor Program-certified school and ensures that the training remains an experiential learning opportunity for the F-1 student. DHS maintains

that the educational and cultural exchange and focus on STEM education and innovation provided by the STEM OPT program contribute positively to the U.S. economy.

Comment ICEB-2018-0003-0006 (<https://www.regulations.gov/comment/ICEB-2018-0003-0006>) submitted by Lynne Vanahall

Summary of Comment: Commenter suggested minor revisions to the Form I-983, “Training Plan for STEM OPT Students.” The suggestions include enlarging field spaces to accommodate required information and separating the collection of program information into two fields. In addition, the commenter suggested providing more instructions or greater clarity to ensure both students and their employers accurately define students’ role and responsibilities, goals and objectives, and evaluation measures and assessments during their training period. Overall, the commenter believes that the “training plan seems to be working,” with “slight room for improvement.”

DHS Response: Thank you for providing the suggested revisions and detailing the clarifications that may assist F-1 students and their employers when completing the Form I-983. The Student and Exchange Visitor Program (SEVP) reviewed these suggestions and believes that the design of the current Form I-983 is sufficient to collect the information needed for Department of Homeland Security (DHS) purposes. Students and employers may review guidance on the DHS Study in the States website (<https://studyinthestates.dhs.gov/stem-opt-hub/additional-resources/form-i-983-overview>) for details about the information required for each form field and how to best describe roles and

responsibilities, goals and objectives, and evaluation measures and assessments during the training period.

**9. Explanation of payment or gifts to respondents.**

SEVP does not provide payment or gifts to respondents for this information collection.

**10. Assurance of confidentiality.**

SEVIS, as the SEVP system of record, addresses the use and potential sharing of information in this collection as governed by the Privacy Act. ICE published notice of this system of record in the *Federal Register* on January 5, 2010, 75 FR 412 at <https://www.govinfo.gov/content/pkg/FR-2010-01-05/pdf/E9-31268.pdf>. The SEVIS Privacy Impact Assessment (PIA) covers the use and potential sharing of information in this collection. ICE published notice of this PIA on February 20, 2020; see <https://www.dhs.gov/publication/dhsicepia-001-student-exchange-visitor-information-system-sevis>. The ICE Office of Privacy conducted a Privacy Threshold Analysis of this form and determined that no additional PIA is needed.

**11. Justification of questions of a sensitive nature.**

There are no questions in this collection of a sensitive nature.

**12. Onetime and annual public reporting burden and public cost.**

Respondents to the Form I-983 include students participating in STEM OPT,<sup>8</sup> DSOs from schools endorsing students who are engaged in STEM OPT, and employers of STEM OPT students.

Annual Respondents: 199,695

- 66,565 STEM OPT students.
- 66,565 School DSOs.
- 66,565 Employers of STEM OPT students.

Students would have an estimated average annual burden of 2.17 hours per initial completion and submission of the form and 1.50 hours for the required 12-month evaluations. DSOs would have an estimated average burden of 1.33 hours for time spent on the initial 12-month review of the training plan, including associated recordkeeping per submission. They will then spend another 1.33 hours per submission on the final evaluation and associated recordkeeping. The employer official who will oversee the student's training would spend an estimated 3 hours per initial submission of the form, and a human resource specialist at the employer would spend an additional 1 hour per initial submission of the form. Employer burden for the 12-month evaluations would be an estimated 0.75 hours per submission.

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<sup>8</sup> For November 2020, as reported in SEVIS by the Numbers, the total number of F-1 students approved for STEM OPT was 66,565. SEVP projects the same amount for the next three calendar years (CYs) covered by this supporting statement (i.e., CY 2020, CY 2021, and CY 2022).

**TABLE 1—Calculation of Annual Reporting Burden for Training Plan**

<b>Function</b>		<b>Avg. Annual Responses</b>	<b>Time Per Response (Hours)</b>	<b>Avg. Annual Hour Burden<sup>9</sup></b>
<b>Student Burden</b>				
Initial Completion of Training Plan		66,565	2.17	144,446
12-month Evaluation Requirements		66,565	1.50	99,848
<b>Subtotal</b>				<b>244,294</b>
<b>DSO Burden</b>				
Initial Review of Training Plan & Recordkeeping		66,565	1.33	88,531
Review of Evaluation & Recordkeeping		66,565	1.33	88,531
<b>Subtotal</b>				<b>177,062</b>
<b>Employer Burden</b>				
Initial Completion of Training Plan		66,565	4.00	266,260
Evaluation Requirements		66,565	0.75	49,924
<b>Subtotal</b>				<b>316,184</b>
<b>Total Burden Hours</b>				<b>737,540</b>

(1) Time per response as shown is rounded to the nearest hundredth.

(2) Burden estimates for the DSO and employer respondents include time for reviewing the responses provided by the student respondents.

The following discussion describes the process by which DHS estimated the hourly opportunity cost for the time burdens previously estimated and describes the estimation of wages. It uses a proxy for hourly opportunity costs to provide the estimate of annual average costs for the Training Plan.

### **Wages**

#### *Student Wages*

F-1 students on STEM OPT extensions have already obtained their degrees and have been authorized to work by USCIS. Under [81 FR 13039](#) (March 11, 2016), these students would be required to receive compensation from their STEM OPT employers commensurate with that of similarly situated U.S. workers in the area of employment.

<sup>9</sup> Numbers may not add up due to rounding.

Therefore, as a proxy for opportunity cost for these students, DHS uses an estimate of their average hourly wages.

STEM students can fill a range of occupations to gain additional training in their course of study. For the purposes of estimating an average STEM wage, DHS uses 73 of 184 occupations recommended by a working group formed by the Bureau of Labor Statistics Standard Occupational Classification (SOC) Policy Committee in 2012.<sup>10</sup> DHS also uses wage data collected under the Occupational Employment Statistics program for use in the Foreign Labor Certification process from the Foreign Labor Certification Data Center.<sup>11</sup> DHS uses an average of Level 1 wages for the 73 occupations the department identified as most relevant to the STEM OPT extension across all geographic areas. Level 1 wages<sup>12</sup> are for entry-level employees, such as a worker in training or an internship.<sup>13</sup> DHS then uses U.S. Department of Labor, Bureau of Labor Statistics (BLS) data on the total number of employees in each SOC (regardless of skill level or immigration status) to estimate a weighted average wage rate of \$28.47 for STEM OPT students \$29.67 in 2019 dollars.<sup>14</sup> When the costs for employee benefits such as paid leave and health

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<sup>10</sup> U.S. Bureau of Labor Statistics, Defining STEM Occupations under the 2010 SOC, Attachment C: Detailed SOC occupations included in STEM, available at: [https://www.bls.gov/soc/attachment\\_c\\_stem.pdf](https://www.bls.gov/soc/attachment_c_stem.pdf)

<sup>11</sup> Foreign Labor Certification Data Center, Online Wage Library, 7/2018–6/2019 FLC Wage Data, ALC\_Export File, available at: [http://www.flcdatacenter.com/download/OWL\\_2019\\_TEXT.zip](http://www.flcdatacenter.com/download/OWL_2019_TEXT.zip). Accessed Feb.13, 2019.

<sup>12</sup> Employment and Training Administration, Prevailing Wage Determination Policy Guidance, Nonagricultural Immigration Programs, Revised November 2009, p.7, available at: [http://www.flcdatacenter.com/download/NPWHC\\_Guidance\\_Revised\\_11\\_2009.pdf](http://www.flcdatacenter.com/download/NPWHC_Guidance_Revised_11_2009.pdf). Accessed Feb.13, 2019.

<sup>13</sup> This assumption is for purposes of this analysis only, and DHS expects that STEM OPT extension participants with higher-level degrees would be compensated at a higher level.

<sup>14</sup> U.S. Bureau of Labor Statistics, Occupational Employment Statistics, Occupational Employment and Wages, May 2017, Total Employment by SOC, available at <http://www.bls.gov/oes/special.requests/oesm17nat.zip>. Accessed Feb.13, 2019. Revision to 2019 dollars based on multiplying the 2017 average salary by the ratio of June 2019 wages of civilian workers to June 2017 wages of civilian workers (29.67/24.10) using data from Table 1, page 2, of BLS “Employer Costs for Employee Compensation Historical Tables – September 2020,” <https://www.bls.gov/web/ecec/ececqrtn.pdf>, Accessed March 16, 2021.

insurance are included, the loaded wage is \$42.58 per hour for students participating in the STEM OPT extension.<sup>15</sup> The average hourly loaded wage rate is calculated using the percentage of wages and salaries to total compensation.<sup>16</sup> Wages and salaries are 69.7 percent of total compensation:  $\$42.58 = \$29.67 / 0.697$ .

#### *DSO wages*

DHS uses BLS occupation Educational, Guidance, School, and Vocational Counselors occupational code as a proxy for DSOs. The average wage rate for this occupation is estimated to be \$29.33 in 2019 dollars<sup>17</sup> When the costs for employee benefits such as paid leave and health insurance are included, using the percentage of wages and salaries to total compensation found in the BLS, Employer Costs for Employee Compensation, 0.697, the full cost for an hour of DSO time is estimated at  $\$42.08 = \$29.33 / 0.697$ ).

#### *Employer wages*

The Training Plan for STEM OPT Students requirements necessitate action by an official representative of the student's employer at the practical training site. DHS uses the average wage for all management occupations as a proxy for estimating the opportunity cost of the official representative of the employer. The average wage for this

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<sup>15</sup> U.S. Bureau of Labor Statistics, Employer Costs for Employee Compensation, Table 5, Employer costs per hour worked for employee compensation and costs as a percent of total compensation: civilian workers, by major occupational and industry group, September 2018. Available at [https://www.bls.gov/news.release/archives/ecec\\_12142018.htm](https://www.bls.gov/news.release/archives/ecec_12142018.htm). Accessed Feb. 13, 2019.

<sup>16</sup> BLS, Employer Costs for Employee Compensation, September 2018, Table 5: Employer costs per hour worked for employee compensation and costs as a percent of total compensation: private industry workers, by major occupational group and bargaining unit status, March 2018, available at <https://www.bls.gov/news.release/ecec.t05.htm>

<sup>17</sup> Occupational Employment and Wage Estimates, National Cross-Industry Estimates, "21-1012 Educational, Guidance, School, and Vocational Counselors," Hourly Mean "H-mean," <https://www.bls.gov/oes/2019/may/oes211012.htm> (last modified July 6, 2020). Accessed March 16, 2021.

category of occupations is estimated to be \$ 58.88 per hour in 2019 dollars.<sup>18</sup> When the costs for employee benefits such as paid leave and health insurance are included, using the percentage of wages and salaries to total compensation, identified as 0.697 in the BLS, Employer Costs for Employee Compensation, the full cost for an hour of the employer's time is estimated at  $\$84.48 = \$58.88 / 0.697$ .

The rule, [81 FR 13039](#) (March 11, 2016), also requires action by a human resource specialist or equivalent level position from the employer of the student. DHS uses the average wage for human resource specialists as a proxy for estimating the opportunity cost of the employer's time to address human resource-related requirements. The average wage for this occupation is estimated to be \$ \$32.58 in 2019 dollars.<sup>19</sup> When the costs for employee benefits (such as paid leave and health insurance) are included, using the percentage of wages and salaries to total compensation (identified as 0.697 in BLS, Employer Costs for Employee Compensation), the full cost for an hour of DSO time is estimated at  $\$46.74 = \$32.58 / 0.697$ .

**TABLE 2** is based on the respective burden per respondent function on the Training Plan for STEM OPT Students. Costs for employers include burdens for two types of occupations, and the 2-hour burden reflected in TABLE 1 is split into two parts so that respective wages could be applied for a cost calculation.

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<sup>18</sup>U.S. Bureau of Labor Statistics, Occupational Employment Statistics, Occupational Employment and Wages, May 2019, National Cross-Industry Estimates, 11-0000 Management Occupations, Hourly mean wage, <http://www.bls.gov/oes/2019/may/oes110000.htm> (last modified July 6, 2020). Accessed March 16, 2021.

<sup>19</sup> U.S. Bureau of Labor Statistics, Occupational Employment Statistics, Occupational Employment and Wages, May 2019, National Cross-Industry Estimates, 13-1071 Human Resource Specialists, Hourly mean wage, <http://www.bls.gov/oes/2019/may/oes131071.htm> (last modified July 6, 2020). Accessed March 16, 2021.

TABLE 2—Calculation of Annual Reporting Cost for Training Plan (2019 Dollars)

<b>Function</b>	<b>Avg. Annual Responses</b>	<b>Time Per Response (Hours)*</b>	<b>Avg. Annual Hour Burden</b>	<b>Hourly Wage Rate (2019 Dollars)</b>	<b>Avg. Annual Reporting Cost<sup>20</sup> (2019 Dollars)</b>
Student Initial Completion of Training Plan	66,565	2.17	144,446	\$42.58	\$6,149,826
Student 12-month Evaluation Requirements	66,565	1.50	99,846		\$4,250,969
<b>Subtotal</b>					\$10,400,795
DSO Initial Review of Training Plan & Recordkeeping	66,565	1.33	88,531	\$42.08	\$3,725,415
DSO Review of Evaluation & Recordkeeping	66,565	1.33	88,531		\$3,725,415
<b>Subtotal</b>					\$7,450,830
Initial Completion of Training Plan - Official Representative of the Employer/ Supervisor	66,565	3.00	199,695	\$84.48	\$16,869,500
Initial Completion of Training Plan - HR Specialist	66,565	1.00	66,565	\$46.74	\$3,111,460
12-month Evaluation Requirements - Official Representative of the Employer/ Supervisor	66,565	0.75	49,924	\$84.48	\$4,217,396
<b>Subtotal</b>					<b>\$24,198,356</b>
<b>Total</b>					<b>\$42,049,981</b>

<sup>20</sup> Numbers may not add up due to rounding.

(1) Time per response as shown is rounded to the nearest hundredth. Numbers may not add up due to rounding.

(2) Burden estimates for the DSO and employer respondents include time for reviewing the responses provided by the student respondents.

**13. Capital startup and ongoing equipment costs. 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).**

There were no capital or start-up costs associated with this information collection. There are no costs to the respondents. No fee is charged in connection with this form. Students are required to fill out the form, keep a copy for their files for a limited time, and provide copies to the SEVP-certified school upon request and to USCIS, as part of the Form I-765, "Application for Employment Authorization," submission. Respondents are fully capable of completing, processing, and submitting the form electronically as part of their current usual and customary business practices. It is anticipated that all material will be submitted electronically, with no cost for mailing. The Form I-983 must be provided to SEVP by the school upon request. (8 CFR 214.2 (f)(10)(ii)(C)(9)(iii); 8 CFR 214.3 (g)(1)).

**14. Annual government burden and cost.**

Enabling the completion of the Form I-983 through SEVIS will require expenditures. Similar development and production of SEVIS, such as updating SEVIS to enable upload of the U.S. Department of State's Form DS-7002, "Training/Internship Placement Plan (T/IPP)," required \$2.1 million of expenditures. ICE/SEVP spent a total of \$7.7 million for the SEVIS modernization from June 2013 to December 2014. The

modernization included standardizing nonimmigrant names, validating U.S. addresses, collecting more detailed history on nonimmigrant activities, collecting detailed information on school accreditations and recognitions, and developing the U.S. Department of State's Form DS-7002. About 28 percent, or \$2.1 million, of the \$7.7 million modernization budget was spent on the development of the T/IPP upload. This included development, information technology testing, and deployment of the T/IPP into SEVIS. ICE estimates that these tasks are comparable to the tasks that will need to be completed to deploy the Form I-983 into SEVIS. Such costs to ICE that will enable the form to be uploaded through SEVIS are funded by fees collected from nonimmigrant students and exchange visitors.

For law enforcement reasons, ICE does not include an estimate of the number of site visits that may be conducted, during which the Form I-983 may be requested and reviewed. ICE is thus unable to provide a total annual estimated cost for such potential occurrences. USCIS may also request training plan documentation from students in connection with a Form I-765. Form I-765 fees will be reviewed on a bi-annual basis to ensure fees are set to recover the cost of collecting and reviewing information associated with the Form I-765, including the training plan.

There is no net cost to the federal government for this data collection and SEVP's other data collections: SEVIS (OMB No. 1653-0038); Form I-901, "Fee Remittance for Certain F, J and M Nonimmigrants," (OMB No. 1653-0034); and Form I-515A, "Notice to Student or Exchange Visitor," (OMB No. 1653-0037). SEVP is mandated by law to be fully fee-funded. Section 286(m) of the INA, 8 U.S.C. 1356(m), provides that fees may be set at a level that will ensure the recovery of all costs of providing adjudication

services. That section, together with Title V of the Independent Offices Appropriations Act of 1952, 31 U.S.C. 9701, and OMB Circular No. A-25 (Revised), requires that a fee be set at an amount sufficient to recover the full cost to the federal government. Fees are developed at a level projected to cover the aggregate of SEVP operating costs.

Expenditures are restricted from exceeding the actual amount of revenue received. For a detailed explanation of the cost to the federal government and the fees that compensate the government for this cost, see the following rule: “Adjusting Program Fees and Establishing Procedures for Out-of-Cycle Review and Recertification of Schools Certified by the Student and Exchange Visitor Program to Enroll F or M Nonimmigrant Students” (73 FR 21260 (April 21, 2008), NPRM; 73 FR 55683 (Sept. 26, 2008), Final Rule).

### **Background**

Section 641 of IIRIRA, 8 U.S.C. 1372, directs DHS to collect information relating to academic nonimmigrant students (F-1 visa), vocational nonimmigrant students (M-1 visa), and exchange visitors (J-1 visa), as well as their dependents (F-2, M-2, or J-2 visas), and provides for the collection of the required fee to defray the costs of this program. Through the Form I-901 (OMB No. 1653-0034; see the fmjFee.com website), SEVP collects the fees.

The respondents to the Form I-901 are the F visa, J visa, or M visa nonimmigrants. The fees collected from these nonimmigrants support the Form I-901 and FMJ fee site activities, as well as fund other facets of SEVP, including the SEVIS and Form I-515A activities.

### **15. Change in burden hours and cost.**

Regarding the public burden associated with the Form I-983, SEVP saw an average decrease of 99,841 in each respondent group: students, DSOs, and employers during this reporting cycle. This reflects the effects of the COVID-19 pandemic. SEVP predicts no increase of STEM OPT applicants during the next 3 years. SEVP anticipates a reduction in DSO burden during the next 3 years as the new SEVP portal is more fully deployed. The following table identifies the delta from previous estimates to future estimates.

**TABLE 3—Summary of Current Estimates, Previous Totals, and Differences**

	<b>Student</b>	<b>DSO</b>	<b>Employer</b>	<b>Total<sup>1</sup></b>
<b>Responses</b>				
<b>Current</b>	66,565	66,565	66,565	199,695
<b>Last Supporting Statement</b>	166,406	166,406	166,406	499,218
<b>Difference</b>	(-99,841)	(-99,841)	(-99,841)	(-299,523)
<b>Burden Hours</b>				
<b>Current</b>	244,294	177,062	316,184	737,540
<b>Last Supporting Statement</b>	610,710	442,640	790,429	1,843,779
<b>Difference</b>	(-366,416)	(-265,578)	(-474,245)	(-1,106,239)

**16. Published results.**

There is no intent to employ the use of statistics or the publication thereof for this information collection.

**17. Waiver of display of expiration date.**

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

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<sup>1</sup> Numbers may not add up due to rounding.

**18. Exception to the certification statement.**

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