

**SUPPORTING STATEMENT FOR
OFFICE OF THE IMMIGRATION DETENTION OMBUDSMAN
INTAKE FORM
OMB Control No.: XXXX-XXXX
COLLECTION INSTRUMENT(S): INTAKE FORM**

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 Department of Homeland Security's (DHS) Office of the Immigration Detention Ombudsman (OIDO) is an independent office tasked with resolving individual complaints from or about individuals in immigration detention regarding the potential violation of immigration detention standards or other potential misconduct. OIDO was established by Congress ([Sec. 106 of the Consolidated Appropriations Act, 2020, Public Law 116-93](#)). Its intake form is intended for use by individuals wishing to submit a complaint to OIDO. Information collected will provide the office with details about the allegations the submitter seeks to have OIDO address.

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.

The information collected on this form will allow OIDO to identify: (1) the individual submitting the complaint and their contact information; (2) the detained individual who is the subject of the complaint; (3) the government-owned or contracted facility where the individual is or was detained and for how long; and (4) relevant details about the complaint. All of this information will be used by OIDO to investigate, resolve, and if appropriate, provide redress.

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 use of this form is the most efficient means for collecting and processing the required data. Initially, collection will be via a paper form, which may be obtained from OIDO staff conducting routine visits in detention facilities. The form will also be available for download from the OIDO website. The PDF form will be able to be completed online, printed out, and submitted to OIDO by email, mail, or fax, or handed to a staff member in a detention facility.

After approval of the form described in this supporting statement, an electronic version will be developed so that submitters may complete and file via the OIDO website. The paper version will continue to be available; it will be noted on the form that using the paper method may result in processing delays for OIDO to complete data entry.

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.

There is no other similar information currently available that can be used for this purpose. To the extent that ICE and CBP have information about a particular detainee and possibly about conditions described in a complaint, this form is still necessary as it offers the detainee the means to consent to OIDO's investigation of the complaint and disclosure of findings to his or her designated legal representative or family member. Furthermore, as an Ombudsman's office whose mission is to be an impartial party to the complaints and investigations previously outlined, having a dedicated intake form that is separate from other forms of intake used by ICE and CBP is imperative.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-1), 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, OIDO will not be able to accomplish its Congressional mandate to provide assistance to individuals who may be affected by misconduct, excessive force, or other violations of law or detention standards.

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 described above 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.

OIDO will publish 30- and 60-day notices requesting comments from the public in the Federal Register, per Office of Management and Budget's (OMB) requirements.

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

OIDO will not provide payments or gifts to respondents.

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

The assurance of confidentiality provided to the respondents for this information collection is based on the forthcoming Privacy Impact Assessment for the Immigration Detention Ombudsman Case Management System (ID-CMS) (Summer 2021). Additionally, the information collected is covered by DHS/ALL-020 Department of Homeland Security Internal Affairs, April 28, 2014, 79 FR 23361 and DHS/ALL-025 Law Enforcement Authority in Support of the Protection of Property Owned, Occupied, or Secured by the Department of Homeland Security System of Records, June 14, 2017, 82 FR 27274.

This information collection was constructed in compliance with regulations and authorities under the purview of the DHS Privacy Office, DHS OCIO, DHS Records Management, and OMB regulations regarding data collection, use, sharing, storage, information security, and retrieval of information.

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.

The information collection includes broad complaint categories for submitters to select from, including medical, abuse and assault, and quality of life/living conditions in immigration detention. It does not specifically ask for sensitive details. However, a free text field is available for submitters to further describe their allegations and concerns, which may be of a very sensitive nature. Details about matters commonly considered to be private, including, for example, about an individual's religion or sexual orientation, may be required to investigate a complaint alleging discrimination. The information may be shared with the facility named in the complaint, with ICE or CBP headquarters, or with other DHS entities, including the Office of Inspector General and Office for Civil Rights and Civil Liberties. The detainee's consent will be indicated by their signature on the form.

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.

The following is an estimate of the hour burden of the collection of information:

Type of Respondent	Form Name / Form Number	No. of Respondents	No. of Responses per Respondent	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate	Total Annual Respondent Cost
Detainee	OIDO Intake Form (Formal name and number TBD)	20,000	1	1	20,000	28.36	567,200
Legal Rep.	OIDO Intake Form (Formal name and number TBD)	5,000	1	1	5,000	28.36	141,800
Family member	OIDO Intake Form (Formal name and number TBD)	5,000	1	1	5,000	28.36	141,800
Total		30,000	30,000	1	30,000	28.36	850,800

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| a. | Number of Respondents | 30,000 |
| b. | Number of Responses per Respondent | 1 |
| c. | Total Annual Responses | 30,000 |
| d. | Hours per Response | 1 |
| e. | Total Annual Reporting Burden | 30,000 |

The projected hours per response for this collection of information were derived by first breaking the process into three basic components:

Form Instruction Review: 10 Minutes

Completion of the Form: 40 Minutes
Form Assembly and Filing : 10 Minutes

Total Hours per Response: 1 Hour

This figure was derived by multiplying the number of respondents (30,000) x frequency of response (1) x hours per response (1 hour). This figure may increase as additional modes of accessing the form become available and as office outreach activities inform and educate the public about the form.

Public Cost

The estimated annual public cost is \$850,800. This figure is calculated by multiplying the number of respondents 30,000 x 1.0 hour (1.0) (time required to collect and process information) per response x \$28.36/hour (suggested hourly wage rate based on GS-7, step 5 median hourly pay rate (from the 2020 OPM Federal GS Salary Table [Pay & Leave : Salaries & Wages - OPM.gov](#) of \$20.26 per hour for clerical, officer, and supervisory time. The government pay rates are not fully loaded for benefits and overhead. Benefits for a fully-loaded wage rate = \$28.36 [\$20.26 (median hourly rate) x 1.4 benefit multiplier = \$28.36/hour].¹ .

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

¹ Bureau of Labor Statistics. May 2017. http://www.bls.gov/oes/current/oes_nat.htm#39-0000

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.

OThe cost incurred for respondents who comply with this collection of information is the cost of postage for those respondent who opt to mail in a Case Intake Form. Assuming a baseline of 10 percent of respondents (3,000) will opt to mail in a Case Intake Form via standard postage stamp (\$0.55), the total cost incurred equals \$1,650.00

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.

a. Quantification of Hours	\$ 0
b. Operational Expenses	\$ 2,000,000
c. Total Cost to Program	\$ 2,000,000
d. Fee Charge	\$ 0
e. Total Annual Cost to Government	\$ 2,000,000

Government Cost

The estimated cost to the Government is \$2M. This figure is based on the cost of the creation of a case management system that will be leveraged, in part, to input and house data from this form.

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

This is a new collection.

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.

OIDO does not intend to publish any specific data collected. OIDO may use data to inform internal analysis and may publish general statistics related to the data.

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.

OIDO will display the expiration date of OMB's approval of the information collection on the form.

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

OIDO claims no exceptions.