

SUPPORTING STATEMENT

**Immigration Bond
ICE Form I-352
(OMB No. 1653-0022)**

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.**

Sections 240B, 236 and 241 of the Immigration and Nationality Act, provides for the posting of bonds in order to assure timely voluntary departure from the United States; to secure assurances that the individual, for whom the bond was posted, appears at all court appearances and when required by the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE); and to ensure compliance with the conditions of an Order Of Supervision, including surrender for removal. The information collection required on the Form I-352 (Immigration Bond) is necessary for DHS to insure that the conditions of the bond are met.

- 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 data collected on this form is used by ICE to ensure that the person or company posting the bond is aware of the duties and responsibilities associated with the bond. This form is a formal written guaranty by the obligor posted as a security for the amount of the bond that assures DHS that all of the conditions of the bond are fulfilled by the obligor as a guarantee. The form serves the purpose of instruction in the completion of the form, together with an explanation of the terms and conditions of the bond.

- 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 provides the most efficient means for collecting and processing the required data. ICE has employed the use of information technology in collecting and processing immigration bond information by deploying the e-BONDS web-based systems which provides the automated capability to accept electronic submission of the I-

352. Web based submission of the I-352 via eBONDS is only available to Surety companies at this time. ICE is expanding eBONDS so that all I-352's will be electronically completed within eBONDS, to include those posted by the general public. Unlike Surety companies, the general public must still come into a local field office to electronically sign the I-352.

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.**

This information is not collected in any form, and therefore is not duplicated elsewhere.

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 collection of information 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.**

Sections 236 and 240B of the Immigration and Nationality Act (INA) provides for the acceptance of bonds in certain cases. The failure to provide the mechanism for the acceptance of bonds would be a violation of that section of law. DHS has always taken the position that the use of bonds is an integral part of the detention strategy.

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 June 26, 2017, ICE published a notice in the Federal Register at 82 FR 28874, soliciting public review and comment for a 60 day period. ICE received no comments during this 60 day period. On September 6, 2017, ICE published a follow up notice in the Federal Register at 82 FR 42105, soliciting public review and comment for an additional 30 day period on the proposed extension of the approval of this information collection with instructions that any comments should be sent directly to the Office of Management and Budget.

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

ICE does not provide payment 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 of this information. Specific information regarding potential information sharing related to this information collection can be found in the associated System of Records Notice (SORN) which was published in the Federal Register on February 15, 2011 at 76 FR, 8761, and the Privacy Impact Assessment completed by the Department of Homeland Security, U.S. Immigration and Customs Enforcement on July 14, 2009 which can be located at http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_ice_ebonds.pdf.

- 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	47,222
b.	Number of Responses per Respondent	1
c.	Total Annual Responses	47,222
d.	Hours per Response	0.50
e.	Total Annual Reporting Burden	23,611
f.	Total Public Cost	\$453,331.20

Annual Reporting Burden

The total annual reporting burden is 23,611 hours. This figure was derived by multiplying the average annual number of respondents from FY 2012 to FY2016 (47,222) by the frequency of response (1) multiplied by (.50) hours or 30 minutes per response. The estimate of the burden includes the time required to review instructions, gather and maintain data needed, complete, and file the collection of information.

Public Cost

The estimated annual public cost is \$453,331.20. This estimate is based on the number of respondents 47,222 x 30 minutes (.50 hours) per response x average hourly loaded wage for unskilled labor and manufacturing workers (\$19.20). This figure was chosen as many aliens placed in removal proceedings are employed or seeking employment in these categories.

The hourly wage rate for unskilled labor is represented by the national average of state minimum wage rates, \$8.38. See Minimum Wage Laws in the States, January 1, 2017 <https://www.dol.gov/whd/minwage/america.htm>. The fully loaded wage rate, \$12.25, is calculated using the percentage of wages and salaries to total compensation, found in Bureau of Labor Statistics, Employer Costs for Employee Compensation, December 2016, 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, All workers, <https://www.bls.gov/news.release/ecec.t01.htm>. Wages and salaries are 68.4 percent of total compensation. $\$12.25 = \$8.38 / 0.684$.

The hourly wage rate for manufacturing labor is represented by the average hourly wage for production occupations, \$17.88. See All Production Occupations, May 2016 National Occupational Employment and Wage Estimates United States, https://www.bls.gov/oes/current/oes_nat.htm#51-0000. The fully loaded wage rate is calculated using the percentage of wages and salaries to total compensation for all workers as referenced above, 68.4 percent. $\$26.14 = \$17.88 / 0.684$.

The average of the hourly loaded wage rate for unskilled labor and manufacturing is \$19.20 $((\$12.25 + \$26.14) / 2)$.

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 or start-up costs associated with this information collection. Any cost burdens to respondents are identified in Item 14.

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.

Annualized Cost Analysis:

a.	Printing cost	\$	35,416.50
b.	Collecting and processing	\$	6,867,967.68
c.	Total annual cost to government	\$	6,903,384.18

Government Cost

The estimated cost of the program to the Government is \$6,903,384.18. The printing cost, \$35,416.50, is estimated by multiplying the estimated number of respondents (47,222) by a printing cost of \$0.75 per respondent. The form is printed twice for each cash bond and surety bond. One printed copy is filed and one copy is given to the obligor.

The collection and processing estimated cost, \$6,867,967.68 is calculated by using the estimated number of respondents (47,222) multiplied by 6 hours (Time required to collect and process information) x \$24.24 (Average hourly wage rate of a General Schedule Grade 7 Step 5 Job Series 1801, General Inspection, Investigation, Enforcement, and Compliance Series and 1802, Compliance Inspection and Support).

The average hourly wage is based on an average of the two government employees that may collect and process the information on this form. A General Schedule Grade 7 Step 5, national locality, annual salary is \$48,490.75 (\$40,075 x (1+ 21 percent average national locality)). A General Schedule Grade 9 Step 1, national locality, annual salary is \$52,333.71 (\$43,251 x (1+ 21 percent average national locality)). The average of these salaries is \$50,412.23 $(\$48,490.75 + \$52,333.71) / 2$). The average hourly wage rate is \$24.24 $(\$50,412.23 / 2,080 \text{ hours worked per year})$.

The 2017 General Schedule Salary Table can be found at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/17Tables/html/GS.aspx>.

The employees that collect and process this information are located across the country at ICE field offices. A national locality pay rate of 21 percent was calculated by averaging each of 47 the locality payments published by the Office of Personnel Management in the Salary Table 2017 at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2017/saltbl.pdf>.

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

The number of respondents has been updated to reflect the average annual number of respondents from FY 2012 to FY 2016.

- 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 collection of information.

- 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 on the 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.