

SUPPORTING STATEMENT

Alien's Change of Address Form Form EOIR- 33/BIA (Board of Immigration Appeals) Form EOIR-33/IC (Immigration Court) (Revision of a Currently Approved Collection)

Part A. Justification

1. Necessity of Information Collection - Individuals in immigration proceedings are required by section 239(a)(1)(F)(i) of the Immigration and Nationality Act to report any change of address to the Attorney General. As the delegated representative of the Attorney General in immigration proceedings, the Executive Office for Immigration Review (EOIR) requires that the collection of such information regarding individuals in proceedings before the Immigration Court or the Board of Immigration Appeals (Board) be standardized and facilitated by the use of the Alien's Change of Address Form. The form exists in two versions: the Form EOIR-33/IC, to be used by individuals in proceedings before the Immigration Court to report a change of address; and Form EOIR-33/BIA, to be used by individuals in proceedings before the Board to report a change of address. The form collects an individual's old and new addresses so that the agency has the correct information necessary to determine where to send notices of the next administrative action or of any decisions in the individual's case. The form has been updated to alleviate frequent misunderstandings about the form and clarify the proof of service requirements.

EOIR made several changes to the EOIR-33/IC to clarify the requirements and purpose of the form. EOIR added the required OMB number to the top right hand corner of

the form, which was not included in the form's previous version. Although aliens are required to notify the immigration court within five (5) days of any change of address, aliens frequently fail to notify the immigration court of the change of address in a timely manner. See 8 C.F.R. § 1003.15(d)(2) (2007). Therefore, in order to underscore the importance of notifying the immigration court within five (5) days of any change in address, EOIR inserted language referring to the statutory justification for the five (5) day requirement, and clarified that the five (5) days are five (5) "working" days. In addition, EOIR made clear that an alien is required to notify the "Immigration Court" of the required change, rather than the "Executive Office for Immigration Review (EOIR)", which has several components other than the immigration courts. This change will clearly identify the Form EOIR-33/IC as the form required for the immigration courts, as distinct from the EOIR-33/BIA, the change of address form required for the Board.

EOIR made several changes to the form regarding references to the Department of Homeland Security (DHS). First, in the previous version of the form, the acronym "DHS" is used in the instructional part of the form, without a definition. EOIR inserted "Department of Homeland Security" to clarify that "DHS" refers to the Department of Homeland Security. Second, the DHS office that should be served with a copy of the form is the "Office of the Chief Counsel". Therefore, EOIR deleted references to the "Assistant Chief Counsel" and replaced them with "Office of the Chief Counsel".

EOIR also modified the EOIR-33/IC to highlight the importance of completing the "proof of service" requirement of the form, which is often left blank. First, EOIR moved the

statement “(You Must Complete This)” next to the statement “Proof of Service” in order to create more room for the person filling out the form to enter the address of the Office of the Chief Counsel where he or she sent a copy of the form. Second, EOIR added to the “mailing instructions” by inserting the following language regarding the proof of service requirement: copy the completed form and mail or deliver it to the Office of the Chief Counsel DHS-ICE address you inserted in the PROOF OF SERVICE. The PROOF OF SERVICE certifies that you provided a copy of the form to DHS. Third, in order to avoid confusion about where to mail the original form, rather than the copy of the form, EOIR added to the form’s mailing instructions to clearly state that the “original” form is to be mailed to the Immigration Court whose address is printed on the form.

Lastly, EOIR added a bold box around the “Name” and “Alien Number” fields of the EOIR-33/IC to clearly identify those fields as fields that must be completed along with information regarding an alien’s address.

EOIR also made several similar changes to the EOIR-33/BIA. EOIR deleted references to the “Assistant Chief Counsel” and replaced them with “Office of the Chief Counsel” and inserted “(DHS) (U.S. Immigration and Customs Enforcement- ICE)” for further clarification. Also, EOIR moved the statement “(You Must Complete This)” next to the statement “Proof of Service” in order to create more room for the person filling out the form to enter the address of the Office of the Chief Counsel where he or she sent a copy of the form. Finally, in the “how to use this form” section, item number four (4), EOIR added the zip code of the Board of Immigration Appeals to the address listed so that the

address listed is the complete address of the Board.

2. Needs and Uses - The information on the form, which is entered into EOIR's internal-use only computer database, is used by the Immigration Courts and the Board to ascertain where to send the notice of the next administrative action or notice of any decisions which have been rendered in an individual's case.

3. Use of Technology - The use of this form provides the most efficient means for collecting and processing the required data. The Form EOIR-33/IC and EOIR-33/BIA is available on EOIR's website for printing. Information can be typed into the online form which is then printed out for submission to the agency, or the individual has the option of printing the form in its entirety to complete by typing or printing legibly. Currently, EOIR does not have the automated capability in place to accept electronic submission of forms. However, EOIR continues to explore the implementation of a number of electronic document initiatives, including electronic submission of EOIR forms.

4. Efforts to Identify Duplication - The only method for informing the Immigration Courts or the Board of an individual's change of address is to file a Form EOIR-33/IC or EOIR-33/BIA. A review of EOIR's existing forms revealed no duplication of effort, and there is no similar information currently available which can be used for this purpose.

5. Methods to Minimize Burden on Small Businesses - This collection does not have an impact on small businesses or other small entities.

6. Consequences of Less Frequent Collection - Failure to collect the information will prevent an individual in immigration proceedings before the Immigration Courts or the Board from fulfilling the statutory requirement of reporting a change of address.

7. Special Circumstances Influencing Collection - An individual in immigration proceedings before the Board is required by regulation to provide written notice of a change of address on Form EOIR-33/BIA to the Board within five working days of any change of address. 8 C.F.R. § 1003.38(e). Similarly, an individual in immigration proceedings before the Immigration Court is required by regulation to provide written notice of a change of address on Form EOIR-33/IC to the Immigration Court within five days of any change of address. 8 C.F.R. § 1003.15(d)(2). There are no other special circumstances identified in OMB instruction number 7 that apply to this collection.

8. Reasons for Inconsistencies with 5 CFR 1320.6 - A 60-day notice covering this collection will be published in the Federal Register. A 30-day notice covering this collection will be published in the Federal Register. Copies of these notices are attached. If comments are received, they will be considered and incorporated where appropriate.

9. Payment or Gift to Claimants - EOIR does not provide any payment or gifts to respondents.

10. Assurance of Confidentiality - The original Alien's Change of Address Form is

maintained by EOIR in the official court record of proceeding (ROP) and is accessed by those EOIR employees processing the ROP. The confidentiality of the contents of an Alien's Change of Address Form is protected by EOIR, as are all the documents in the ROP, to the extent permitted by the law, including the Privacy Act and the Freedom of Information Act.

11. Justification for Sensitive Questions - There are no questions of a sensitive nature in the Form EOIR-33/IC, EOIR 33/BIA.

12. Estimate of Hour Burden

a. Number of Respondents	15,000
b. Number of Responses per Respondent	1
c. Total Annual responses	15,000
d. Hours per response	3 minutes
e. Total annual hourly reporting burden	750

The total annual reporting burden is derived by multiplying the number of respondents (15,000) by the frequency of response (1) by the number of hours per response (.05):
 $15,000 \text{ respondents} \times 1 \text{ response per respondent} \times .05 \text{ hour per respondent} = 750 \text{ burden hours.}$

13. Estimate of Cost Burden - There are no capital or start-up costs associated with this information collection. There is no filing fee for this collection.

The ROCIS system states that OMB previously approved the EOIR-33/IC and EOIR-33/BIA with an annual information collection cost burden of \$0. However, our records show that OMB approved the EOIR-33/IC and EOIR-33/BIA at an annual information collection cost burden of \$7,500. The agency calculated the total annual reporting burden by multiplying the number of respondents (15,000) by the frequency of response (1) by the number of hours per response (.05): 15,000 respondents x 1 response x .05 hour per respondent = 750 burden hours. Further, the agency estimated total annual public cost during the last information collection by multiplying burden hours of 750 by the individual's estimated cost of \$10/hr. to complete the form (the individual's time and supplies): 750 burden hours x \$10/hr. (individual's estimated cost) = \$7,500. The calculations for this extension of the approved EOIR-33/IC and EOIR-33/BIA reflects identical calculations and burden hours as the last IRC, despite ROCIS's indication that the total annual information cost burden has increased from \$0 to \$7,500.

14. Estimated Annualized Cost to the Federal Government - It is estimated that the annual government cost for printing, distributing, stocking, processing and maintaining the Form EOIR-33/IC, EOIR-33/BIA is \$3000 (derived by multiplying the 2 pages of the form by an estimated \$.10 per copy by the estimated 15,000 respondents per year).

15. Reasons for Change in Burden - There are no adjustments or program changes at this time. There is no difference in burden hours.

16. Plans for Publication - EOIR does not intend to employ the use of statistics or the publication thereof for this collection of information.

17. Expiration Date Approval - EOIR is seeking approval to not display the expiration date for OMB approval of this collection instrument. The display of the expiration date would require EOIR to pull and destroy current forms in its inventory (e.g., headquarters, field offices), which could still be used by the public except for outdated expiration dates. It will also be very costly to destroy useable forms and then reprint them. Therefore, EOIR requests that the display of the expiration date be waived.

18. Exceptions to the Certification Statement- EOIR does not request an exception to the certification of this information collection.

Section B. Collection of Information Employing Statistical Methods

Not applicable.

PAPERWORK CERTIFICATIONS

In submitting this request for OMB approval, I certify that the requirements of the Privacy Act and OMB directives have been complied with, including paperwork regulations, any applicable statistical standards or directives, and any other information policy directives promulgated under 5 C.F.R. § 1320.

John Blum

Acting General Counsel

Executive Office for Immigration Review

Date