

**SUPPORTING STATEMENT FOR
Migrant Protection Protocols (MPP) Disenrollment Request System
OMB Control No.: 1601-NEW**

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 (DHS) Headquarters (HQ) Migrant Protection Protocols (MPP) program is a U.S. Government program, initiated in January 2019 pursuant to Section 235(b)(2)(C) of the Immigration and Nationality Act (INA). Under MPP, the United States returns to Mexico certain citizens and nationals of countries in the Western Hemisphere other than Mexico while their U.S. removal proceedings are pending.

On June 1, 2021, the Secretary of Homeland Security determined that MPP should be terminated and issued a memorandum to that effect. On August 13, 2021, however, the U.S. District Court for the Northern District of Texas determined in *Texas v. Biden* that the June 1, 2021 memo was not issued in compliance with the Administrative Procedure Act and INA and ordered DHS to “enforce and implement MPP in good faith.” *See Texas v. Biden*, No. 2:21-cv-067, 2021 WL 3603341 (N.D. Tex. Aug. 13, 2021).

On October 29, 2021, after an extensive and comprehensive review, the Secretary of Homeland Security issued a new memorandum terminating MPP, which DHS will implement as soon as practicable after issuance of a final judicial decision to vacate the Texas injunction. Until that time, the Department continues to comply with the Texas injunction requiring good-faith implementation and enforcement of MPP. To carry out the court order requiring good-faith implementation and enforcement of MPP, the Department is proposing a new data collection. To achieve efficiencies and ensure consistency with MPP guidance, DHS seeks to create a public-facing MPP Disenrollment Request website.

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.

All information entered by individuals into the MPP Disenrollment Request System will be used by DHS employees and staff to determine whether, consistent with DHS MPP guidance, an individual should be disenrolled from MPP. Decisions whether to

enroll or disenroll individuals from MPP are at DHS’s discretion, and the disenrollment request process does not create any obligation or private right of action enforceable in administrative or judicial proceedings. Information submitted will be used to ensure that enrollments are consistent with DHS MPP guidance.

DHS anticipates individual review requests will primarily fall into the following categories:

1. An MPP enrollee believes they meet one of the criteria that should counsel in favor of their exemption and therefore should not have been placed in the program.
2. An MPP enrollee was not given access to a *non-refoulement* interview and wished to have one.
3. An MPP enrollee has experienced a materially changed circumstance such that they now may meet one of the criteria that should counsel in favor of their exception from MPP or may now be able to establish a reasonable possibility of persecution or torture if they were to receive a *non-refoulement* interview.

The purpose of the public facing MPP Disenrollment Request website is to provide an avenue for individuals to initiate a request for disenrollment from MPP should they believe they should not be included in the MPP program. The website will also provide additional information to the users as well. Once an individual has provided information, the government will have the ability to determine whether an individual is incorrectly placed in MPP processing. The information to be collected for self-disclosure is listed below.

Submission Information:

Attorney or Representative E-mail
Attorney or Representative Name
Attorney or Representative Phone Number
Attorney or Representative Country Code
A #Number
Best Phone Number
E-mail Address
First, Middle, and Last Name

Date of Birth
Country of Birth
County of Citizen Citizenship
Where are you (MPP enrolled person) located now? (Country, City, State)
Preferred Language
Reason for MPP review
Preparer Name
Preparer Phone Number
Preparer Email
Preparer Relationship to Enrollee

- 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.

DHS will launch a public-facing website on DHS.gov for MPP enrollees or representatives acting on their behalf to submit requests. The information on the application will include instructions for submission. Information about the portal will be made available via a tear sheet given to enrollees at the time they are enrolled in MPP. The MPP Disenrollment Request system URL (engage.dhs.gov/mpp) will also be searchable on the DHS.gov website.

The public-facing website, which is being developed with assistance from the Department of Homeland Security Office of the Chief Information Officer (OCIO), will employ various cloud-based services (e.g., ServiceNow¹⁵ and Akamai¹⁶ for cloud security and content delivery) to effectively and efficiently manage the receipt, creation, assignment, tracking, and storage of the self-disclosure of the necessary information to start the MPP Disenrollment Request process. The website is hosted in the Federal Risk and Authorization Management Program (FedRAMP)-certified cloud and provides

accessibility and functionality restrictions to define specific user roles through its ServiceNow infrastructure. Each user role has defined and limited access authority to view and edit data sets by Office of the Chief Information Officer master administrators.

While the MPP Disenrollment Request system is under development, enrollees may submit their request for review via email at MPPRequest@hq.dhs. With the roll out of the MPP Disenrollment Request application, the email request process will be closed.

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 duplicated for this population in any other place or any other form.

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.

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.

The lack of a public-facing platform to initiate requests for disenrollment from MPP could adversely impact DHS's ability to ensure that enrollments in MPP are consistent with DHS guidance and to timely respond to individual requests for disenrollment from MPP. In addition, the lack of a public-facing platform would reduce DHS's ability to systematically track and monitor these requests.

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.

Not applicable.

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.

DHS submitted a 5-Day notice and request for comments. The notice was published on April 21, 2022; Federal Register citation 87 FR 23879. DHS received seven comments. DHS is seeking an emergency approval for this request. Upon approval, DHS will follow the normal clearance process and seek public comments through a 60-Day Federal Register Notice followed by a 30-Day Federal Register Notice.

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

There is no offer of a monetary or material value for this information collection.

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

A new Privacy Impact Assessment is in process titled "Migrant Protection Protocols

(MPP) Case Request System.” Upon submission of the full 3-year approval, the PIA will be completed. The system is covered by an existing SORN: DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records; and DHS/USCIS-007 Benefits Information System.

11. 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.

INFORMATION COLLECTION	TOTAL ANNUAL BURDEN HOURS	NO. OF RESPONDENTS	NO. OF RESPONSES PER RESPONDENT	TOTAL RESPONSES	TIME PER RESPONSE
MPP Public Facing website	1,667 Hours	5,000	1	5,000	20 Minutes

Public Cost

The estimated cost to the respondents is \$45,125.69. This is based on the estimated burden hours (1,667) multiplied by (\$27.07). DHS used the U.S. Department of Labor’s guidance on wage

rates for all occupants.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).

There are no record keeping, capital, start-up or maintenance costs associated with this information collection. DHS assumes that basic internet access is a customary cost of doing business and will not additionally burden any NGO/IGO assisting individuals in submitting this form.

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.

This collection of information does not impose any additional significant costs on the Federal government because the website application will be maintained by DHS HQ. Any information validated through existing Federal systems would be covered by OMB Control Numbers associated with those systems. The estimate represents IT system costs and program management. This assumes the program will run for 12 months.

MPP
Annual Cost to the Federal Government
DHS HQ Costs Only

Item	Cost (\$)
Contract Costs	
Infrastructure	\$40,471
Labor Support	\$81,939
Federal Staff Salaries	
Federal Staff (2 FTEs: Grade 14 (\$147,272) + .75 FTE: Grade 15 (\$173,232))	\$424,468
Facilities [cost for renting, overhead, etc. for data collection activity]	\$ -
Computer Hardware and Software [cost of equipment annual lifecycle]	\$ -
Equipment Maintenance [cost of annual maintenance/service agreements for equipment]	\$ -
Printing	\$ -
Postage	\$ -
Travel	\$ -

¹ Bureau of Labor Statistics, Occupational Employment and Wage Statistics, available at: [List of SOC Occupations \(bls.gov\)](https://www.bls.gov).

Total	\$ 546,878
--------------	-------------------

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 information 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.

This information collection will not be published for statistical purposes.

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.

DHS is not seeking such approval.

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

DHS is not seeking any exceptions.