

SUPPORTING STATEMENT

Change of Address/Contact Information Forms Form EOIR-33/IC (Immigration Court) Form EOIR-33/BIA (Board of Immigration Appeals)

Part A. Justification

1. Necessity of Information –

Background. Individuals in immigration proceedings are required by 8 U.S.C. § 1229(a)(1)(F)(ii) to report in writing any change of address or telephone number to the Attorney General. Pursuant to 8 C.F.R § 1003.15(d)(2), as the delegated representative of the Attorney General, the Executive Office for Immigration Review (EOIR) requires individuals in immigration proceedings before the immigration courts and Board of Immigration Appeals (BIA) to submit the EOIR-33, Change of Address/Contact Information Form to report changes to the individual's address and contact information. The information collected by the EOIR-33 is mandatory for an individual in immigration proceedings to fulfill statutory requirements of 8 U.S.C. § 1229(a)(1)(F)(ii) and further articulated in 8 C.F.R § 1003.15(d)(2). Pursuant to these authorities, an individual in EOIR immigration proceedings must provide the Immigration Court or BIA with written notice of an address and telephone number at which the individual can be contacted when: 1) the individual's address is not provided on an Order to Show Cause or Notice to Appear instituting immigration proceedings; 2) if an incorrect address is listed on the Order to Show Cause or Notice to Appear; or 3) within five days of any change of address. An individual must serve a completed copy of the Form EOIR-33 on the Department of Homeland Security

(DHS), as the opposing party in EOIR immigration proceedings. 8 C.F.R. § 1003.32.

Information Collection. EOIR created two versions of the Form EOIR-33, one tailored for submission to the immigration court (EOIR-33/IC) and one tailored for submission to the BIA (EOIR-33/BIA). Both forms are available in seven languages: English, Spanish, Chinese, Haitian Creole, Portuguese, Punjabi, and Russian. The form prompts the individual to provide their full name, alien registration number (A-number), former contact information (address, phone number, and e-mail address), and current contact information (address, phone number, and e-mail address). The form requires a signature and informs the individual that they must serve a copy of the form to DHS, either electronically through the EOIR Case and Appeal System (ECAS) or by mail or personal delivery to the appropriate DHS field office. Upon selection by the respondent, the electronic .pdf format of the EOIR-33 also automatically addresses the form to the appropriate immigration court location or BIA office to assist the individual in preparing the form for submission to the agency.

2. Needs and Uses – The EOIR-33 is required to implement and enforce statutory and regulatory requirements for individuals in EOIR immigration proceedings to report changes to an individual’s address and contact information. *See* 8 U.S.C. § 1229(a)(1)(F)(ii); 8 C.F.R § 1003.15(d)(2). The information collected by Form EOIR-33 is necessary to provide individuals in immigration proceedings with due process and ensure individuals receive official communications from EOIR and the opposing party about the individual’s immigration proceedings.

3. Use of Technology - The use of this form will provide the most efficient means for collecting and processing the required data. The Form EOIR-33 will be available as a fillable, fileable, and signable .pdf document on EOIR's website. Information can be typed into the online form and submitted digitally through the ECAS Respondent Access Portal or the form may be printed out for submission to EOIR either by electronic or physical mail, where appropriate. In addition, an applicant may print the form in its entirety for completion by typing or printing legibly.

4. Efforts to Identify Duplication – There is no other EOIR form for individuals who are subjects of immigration proceedings before the immigration courts and BIA to change or update their mailing address and contact information. Other existing EOIR forms ask respondents to provide contact information (address, phone number, and/or email) but do not permit respondents to only report changes in contact information; existing forms that collect such information do so as one part of a larger application for immigration relief. Therefore, there are no other similar information collections currently available that can be used for the specific purpose of reporting address and contact information changes only in accordance with 8 U.S.C. § 1229(a)(1)(F)(ii) and 8 C.F.R. § 1003.15(d)(2). To save the public and the government the time and cost burdens of submitting and processing entire applications for immigration relief with each change of address or contact information, EOIR developed the Form EOIR-33.

5. Impact 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 this information would deprive or hinder an individual in receiving communications and notices from EOIR and the opposing party pertaining to the individual's immigration proceedings.

7. Special Circumstances Influencing Collection - None of the eight special circumstances identified in OMB instruction number 7 apply to this collection.

8. Federal Register Publication and Consultation – A 60-day notice covering this collection was published in the Federal Register on July 3, 2024, at 89 FR 55279. EOIR did not receive any comments in response to the 60-day notice. A 30-day notice covering this collection was published in the Federal Register on September 16, 2024, at 89 FR 75586. Copies of these notices are attached. If comments are received in response to the 30-day notice, they will be considered and incorporated where appropriate.

9. Payment or Gift to Claimants - EOIR does not provide any payment or gifts to parties to cases or immigration proceedings, attorneys, accredited representatives, qualified organizations, or other third parties.

10. Assurance of Confidentiality – EOIR maintains each Form EOIR-33 as part of the submitting individual's immigration case file, the Record of Proceeding (ROP), which is

maintained in a Privacy Act system of records. EOIR staff at the immigration courts and BIA process the form and maintain the form in accordance with the Privacy Act as well as the confidentiality protections afforded by 8 U.S.C. § 1367 and 8 C.F.R. § 1208.6, where applicable, for particularly vulnerable individuals. EOIR protects the confidentiality of the contents of the ROP, including the Form EOIR-33, to the extent permitted by law, including the Privacy Act and the FOIA.

11. Justification for Sensitive Questions - There are no questions of a sensitive nature.

12. Estimate of Hour Burden

a. Number of Respondents	321,457
b. Number of Responses per Respondent	1 each
c. Total Annual Responses	321,457
d. Hours per Response	5 minutes (0.083 hours)
e. Total Annual Hourly Reporting Burden	26,681 hours

321,457 respondents x 1 response per respondent x 5 minutes per response = 26,681 burden hours.

13. Estimate of Cost Burden - There are no capital or start-up costs associated with this information collection. The estimated public cost is zero. Respondents may incur a cost if they hire an attorney to assist them with completing the Form EOIR-33. The Bureau of

Labor Statistics reports that the national average hourly wage for lawyers is \$78.74. For those respondents who proceed without an attorney, there is an estimated cost of \$10 per hour for completing the form (the individuals' time and supplies) in lieu of the practitioner cost. There are also no fees associated with filing the Form EOIR-33. Finally, there are no required printing costs associated with the filing of the Form EOIR-33. Respondents may file and serve the form in electronic formats. Respondents that choose to print the form for filing and service on the opposing party would incur printing costs of approximately \$.10 per form.

14. Estimated Cost to the Federal Government – It is estimated that the total annual government cost for distributing, stocking, processing, and maintaining the Form EOIR-33 will be \$1,199,997. The total estimated cost to the federal government includes the estimated printing cost of \$158,776, which is derived by multiplying the 2 pages of the Form EOIR-33 by an estimated \$.10 per copy by the 793,879 current pending immigration cases with paper ROPs. The total estimated annual cost to the federal government also includes maintenance costs of \$1,041,221, which is derived by calculating the personnel and overhead costs to EOIR for processing the form.

15. Plans for Publication – The information collected by the Form EOIR-33 will not be published. The information from this collection will be used internally by EOIR and by the opposing party to EOIR immigration proceedings to communicate with individuals about their immigration proceedings.

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

Part B. Collection of Information Employing Statistical Methods

This collection does not employ statistical methods.

PAPERWORK CERTIFICATION

In submitting this request for Office of Management and Budget (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.

Alexander Hartman
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Executive Office for Immigration Review

Date