

## SUPPORTING STATEMENT

### Departure Notification Record (DNR) OMB No. 1653-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.**

U.S. Immigration and Customs Enforcement (ICE) immigration officers have the authority to apprehend, detain, and remove aliens deemed deportable or inadmissible to the United States. Under section 287 the Immigration and Nationality Act (INA), immigration officers have the authority, including without a warrant, to interrogate and arrest any alien present in the United States in violation of any immigration law or regulation. Additionally, ICE immigration officers are permitted to detain removable aliens pending a decision on whether the alien is to be removed from the United States. Depending on the removal process engaged for the alien, detention is mandatory (e.g., aliens subject to Expedited Removal under INA § 235) or discretionary (e.g., detention of removable aliens under INA § 236(a) who are in removal proceedings under INA § 240). Additionally, DHS has broad authority to collect biographic and biometric information. For instance, under 8 C.F.R. § 103.16, DHS may collect and store for present or future use, by electronic or other means, an alien's biometric information. Pursuant to this regulation, "DHS may use this biometric information to conduct background and security checks, adjudicate immigration and naturalization benefits, and perform other functions related to administering and enforcing the immigration and naturalization laws." 8 C.F.R. § 103.16.

This new information collection is necessary to assist ICE in enforcement. By identifying aliens who intend to voluntarily depart the country in compliance with U.S. law, ICE can focus efforts on aliens remaining in the country unlawfully without the intent to comply with departure from the United States as required. This collection would provide a way for aliens to voluntarily report intended departure information to ICE.

- 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.**

ICE will use this information to identify those aliens geographically located in the United

States who want to voluntarily depart the United States. Specifically, those aliens will be able to report their intended departure dates, biographic data, and a facial image. This collection will enable ICE to focus its enforcement efforts on those who remain in the country unlawfully without the intent to comply with departure from the United States as required.

There are approximately 16.8 million aliens who are estimated to be in the United States illegally. Knowing that an alien intends to voluntarily depart from the United States ensures that ICE can maintain accurate information about aliens remaining in the country. Additionally, requiring a photographic submission as part of the application process is vital to strengthen the integrity of ICE data and to reduce fraud. The information collected in these processes is essential to the mission of the agency as ICE can more successfully enforce immigration laws with accurate information. In the interest of public safety and the integrity of our immigration system, it is vital that ICE collect this information so that resources are not inadvertently expended seeking to remove aliens who will soon depart the United States. Providing means for compliant aliens to voluntarily report their intended departure allows government resources to focus efforts on apprehending aliens who do not intend to depart.

The information will be collected through a mobile application, which will be accessible via mobile devices, i.e., mobile phones and tablets. The mobile application facilitates and expands accessibility. The mobile application will allow aliens to voluntarily provide biographic data and a facial image and indicate their intent to depart. The mobile application will compare the facial image submitted to facial images for that person already retained in U.S. government holdings. The application will use geolocation services to confirm the alien's location, as well as run "liveness detection" software to determine that the selfie photo is a live photo, as opposed to a previously uploaded photo.

- 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.**

DHS intends to use a mobile application to collect this information.

- 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 in any other place or any other form. The submission of departure record notification under this collection would not be evidence of registration. Possession of a document other than one of those detailed in 8 C.F.R. 264.1(b) is not evidence of registration.

**5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

This information collection does not have an impact on small businesses or other small entities.

**6. Describe consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

On January 20, 2025, the President issued Executive Order 14159, *Protecting the American People Against Invasion*. Section 12 states: “The Secretary of Homeland Security shall take all appropriate action, in coordination with the Secretary of State and the Attorney General, and subject to adequate safeguards, assurances, bonds, and any other lawful measure, to adopt policies and procedures to encourage aliens unlawfully in the United States to voluntarily depart as soon as possible, including through enhanced usage of the provisions of section 240B of the INA (8 U.S.C. 1229c), international agreements or assistance, or any other measures that encourage aliens unlawfully in the United States to depart as promptly as possible, including through removals of aliens as provided by section 250 of the INA (8 U.S.C. 1260).”

This new collection is necessary to comply with the Executive Order and ensure an orderly and defined voluntary process for aliens to report their intended departure. This collection will allow ICE to maintain accurate information about aliens remaining in the country with no intent to depart. This collection will allow ICE to facilitate the process of voluntary return and focus resources in completing its mission.

**7. Explain any special circumstances.**

This information is collected in a manner consistent with the guidelines of 5 C.F.R. 1320.6.

**8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 C.F.R. 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.**

ICE is seeking emergency approval under 5 C.F.R. 1320.13.

**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.**

There is no assurance of confidentiality provided to the respondents.

ICE will determine whether a Privacy Impact Assessment to document the risks and mitigations associated with departure reporting is necessary given the status of the aliens using the application.

**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, and the explanation to be given to persons from whom the information is requested.**

The mobile application will not collect sensitive information.

**12. Provide estimates of the hour burden of the collection of information.**

<b>Form/Collection</b>	<b>Number of Respondents</b>	<b>Number of Responses Per Respondent</b>	<b>Total Annual Responses</b>	<b>Time Per Respondent</b>	<b>Annual Reporting Burden Hours</b>
<b>Intended Departure Notification</b>	16,800,000	1	16,800,000	5 minutes (0.083hours)	1,394,400
<b>TOTAL</b>	<b>16,800,000</b>		<b>16,800,000</b>		<b>1,394,400</b>

The number of respondents is based on the number of aliens who are estimated to be in the United States illegally. This number is used as a maximum number of potential respondents, although the true population that may provide a response is unknown because this is a voluntary collection of information.

**13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information.**

**Cost to illegal aliens:**

The estimated annual cost to illegal aliens is calculated as follows:

<b>Form/ Collection</b>	<b>Number of</b>		<b>Value of</b>	<b>Total cost</b>
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	<b>Responses</b>	<b>Annual Reporting Burden Hours</b>	<b>time</b>	<b>w/wage rate</b>
Intended Departure Notification	16,800,000	1,394,440	\$24.71	\$34,455,624
<b>TOTAL</b>	<b>16,800,000</b>			<b>\$34,455,624</b>

The maximum estimated annual cost to illegal aliens is \$34,455,624. This estimate is based on the number of respondents (16,800,000) x 5 minutes per response (0.083 hours) x average hourly loaded wage for an unskilled labor and manufacturing workers (\$24.71). ICE uses 16,800,000 as a maximum estimate of the number of responses to this collection. Since this is a new collection, ICE does not have data on how many aliens will provide intended exit information. The actual costs to illegal aliens could be lower, and ICE will refine the estimates in future information collection renewals.

DHS uses the average of two wages as a proxy for the opportunity cost of time for illegal aliens to respond to this collection. The hourly wage rate 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,<sup>1</sup> \$11.15, estimated from the Consolidated Minimum Wage Table, January 1, 2025, <https://www.dol.gov/agencies/whd/minimum-wage/state>. The hourly wage rate for manufacturing labor is represented by the average hourly wage for production occupations, \$22.90 as reported in the May 2023 National Occupational Employment and Wage Estimates United States. The loaded wages for unskilled workers and manufacturing labor were calculated by dividing each with 68.9 percent, the ratio of reported wages and salaries to total compensation. This percentage was reported in the September 2024 BLS table on 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>. The fully loaded wage rate for unskilled workers and manufacturing labor were calculated as \$16.18 ( $\$11.15/0.689$ ) and \$33.24 ( $\$22.90/0.689$ ), respectively. The average wage rate was then calculated as \$24.71 ( $(\$16.18 + \$33.24) / 2$ ).

There are no record keeping, capital, start-up, or maintenance costs associated with this information collection.

**14. Provide estimates of annualized cost to the Federal Government.**

<sup>1</sup> Averaged across 50 states and Washington D.C.

The total estimated cost to the Federal government is \$894,133,000. Providing and administering the system costs the Federal government approximately \$37,000 for creation. The maximum estimated cost for ICE to process the information is \$894,096,000 per year. This is calculated using the maximum estimated number of responses (16,800,000) multiplied by 45 minutes (time required to process information) multiplied by \$70.96 (average hourly wage of government employee that will process information in the collection).

The average hourly rate is based on wages from the Office of Personnel and Management 2025 General Schedule (GS) Locality Pay Tables; [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/25Tables/html/GS\\_h.aspx](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/25Tables/html/GS_h.aspx), GS 13 step 5, \$48.89. The average hourly loaded wage rate is calculated using the percentage of wages and salaries to total compensation, found in Bureau of Labor Statistics, Employer Costs for Employee Compensation, Table 1: Employer costs per hour worked for employee compensation and costs as a percent of total compensation: civilian industry workers by major occupational group and industry group, September 2024, <https://www.bls.gov/news.release/ecec.t01.htm>. Wages and salaries are 69 percent of total compensation.  $\$70.96 = \$48.89/0.689$ .

While not required for this section of the supporting statement, ICE acknowledges this cost estimate does not account for the cost savings to the Federal Government that will result from removals under this collection of information. As this is a new collection, ICE does not have information at this time to estimate the cost savings.

**15. Explain the reasons for any program changes or adjustments reported in Items 12 or 13 of this Statement.**

N/A, this is a new collection of information.

**16. For collection of information whose results will be published, outline plans for tabulation, and publication.**

DHS does not intend to employ the use of statistics, or publication thereof for this information collection.

**17. If seeking approval to not display the expiration date, explain the reasons that displaying the expiration date would be inappropriate.**

N/A, this collection will display the expiration date.

**18. “Certification for Paperwork Reduction Act Submissions.”**

ICE does not request an exception to the certification of this information collection.

**B. Collection of Information Employing Statistical Methods**

No statistical methods were employed with this collection.