



## U.S. Department of Justice

Executive Office for Immigration Review

*Office of the Director*

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Director

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### MEMORANDUM

TO: Dominic Mancini  
Deputy Administrator  
Office of Information and Regulatory Affairs  
Office of Management and Budget

FROM: Daren K. Margolin  
Director

SUBJECT: Emergency Request under the Paperwork Reduction Act for an Existing Information Collection

The Executive Office for Immigration Review (EOIR) request emergency clearance for revisions to an existing collection of information: Form EOIR-33, *Change of Address/Contact Information* (OMB No. 1125-0022).

EOIR's primary mission is to adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation's immigration laws. Under delegated authority from the Attorney General, EOIR conducts immigration court (IC) proceedings, appellate review, and administrative hearings.

Subjects of immigration proceedings before the ICs or Board of Immigration Appeals (Board or BIA) are required to report in writing any change of address or contact information. *See* 8 U.S.C. § 1229(a)(1)(F)(ii); 8 C.F.R. § 1003.15(d)(2). Subjects report such changes using the Form EOIR-33. The subject must also serve a completed copy of the Form EOIR-33 on the Department of Homeland Security (DHS), which is the opposing party in EOIR immigration proceedings and the agency responsible for enforcing final orders of removal issued by EOIR adjudicators.

The EOIR-33 is essential to EOIR's mission. *See* 5 C.F.R. § 1320.13(a)(1)(ii). The form is required to implement and enforce statutory and regulatory requirements for subjects of EOIR immigration proceedings to report changes to their 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 subjects of immigration proceedings with administrative due process. EOIR and the opposing party use the address and contact information reported on the Form EOIR-33 to effectuate service of process in immigration proceedings. *See* 8 C.F.R. § 1003.32. Individuals

receive, at the address listed on the latest submitted Form EOIR-33, service copies of all immigration case documents in the official EOIR Record of Proceeding (ROP), including case filings, hearing notices, and final orders by immigration judges ordering that the subject be removed from the United States. Case filings in the ROP often include sensitive information about the subject, including photocopies of government-issued identification, tax return forms (which include social security numbers), marriage licenses, and birth certificates.

EOIR has identified two fields on the Form EOIR-33 that present significant sources of public harm. Currently, the Form EOIR-33 displays two collection fields for “in care of other person (if any).” These fields permit the subject of immigration proceedings to designate a third party to receive mail addressed from EOIR to the subject. Such designation assumes, without verification, that the third party is trustworthy. Rather, such designation presents potentially nefarious third parties with opportunities to: (1) intercept the subject’s mail and fail to complete delivery of IC records to the subject; and/or (2) acquire the subject’s personally identifiable information (PII) contained within the IC records. Additionally, the field allows certain aliens to obscure their true address from immigration officials (which is expressly contrary to the intent of the form) and to potentially obstruct the adjudicatory process by intentionally avoiding the mailed notice. Immigration proceedings are obstructed and compromised by such conduct.

Furthermore, if court documents are intercepted, the subject is not appropriately informed of the status of proceedings or how the subject must comply with immigration procedures and orders. The subject cannot participate in the proceedings as needed for EOIR to expeditiously resolve the immigration case. Moreover, third parties may use the subject’s IC records and PII for fraudulent and criminal purposes, such as harassment, identity theft, or document forgery. To address these public harms as well as the others referenced above, as soon as possible, EOIR requests emergency clearance to revise Form EOIR-33 to remove the “in care of” form fields.

Such public harms are reasonably likely to continue if normal clearance procedures are followed. *See* 5 C.F.R. § 1320.13(a)(2)(i). Under normal clearance procedures, the “in care of” fields will remain on the Form EOIR-33 for several additional months, affording greater opportunities for nefarious third parties to commit fraud and obstruct justice in immigration proceedings. To immediately prevent further perpetration of such crimes with serious adverse consequences, EOIR must cease collecting such information more quickly than the time to complete the normal clearance process would allow. *See* 5 C.F.R. § 1320.13(a)(1)(i).

EOIR has taken all practical steps to minimize the burden of the information collection. *See* 5 C.F.R. § 1320.13(c). EOIR has determined that the information collected by the “in care of” fields are unnecessary to fulfill the purposes of the Form EOIR-33. All necessary address information is already collected by the form and can be used to successfully fulfill service of process and properly address and enforce final orders of removal. The proposed revision will eliminate two form fields total, thereby reducing the quantity of information that the individual must provide and that the agency must process. EOIR anticipates such changes will reduce the costs and burdens on the individual to complete the form and on the agency to process the form.

In conclusion, EOIR respectfully requests that OMB conduct emergency clearance and approve the proposed revisions to Form EOIR-33 within 10 calendar days of receipt of this request.

Attachments:  
EOIR-33/BIA  
EOIR-33/IC