



Homeland Security

U.S. Department of Homeland Security
Washington, DC 20528

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

THROUGH: Antoine McCord
Chief Information Officer
U.S. Department of Homeland Security

FROM: Eric Ruark
Assistant Secretary
Border Security and Immigration Policy
Office of Strategy, Policy, and Plans
U.S. Department of Homeland Security

SUBJECT: Emergency Request under the Paperwork Reduction Act for Immigration Bond (Visa) Form

This memorandum requests emergency approval of a new collection from the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA) for the Department of Homeland Security (DHS) collection of information titled Immigration Bond (Visa) Form, OMB No. 1601-NEW. DHS makes this request pursuant to the Paperwork Reduction Act (PRA).

Through this collection, DHS, through the Department of State (DoS), collects biographic and biometric data elements from alien applicants. Data obtained from this collection is critical to the posting, maintenance, cancellation, and breach determinations of immigration bonds (visa bonds), and associated financial management activities, including reimbursement of the bond principal.

DHS seeks this collection because “[a]n unanticipated event has occurred” and “[p]ublic harm is reasonably likely to result if normal clearance procedures are followed.”¹

¹ DHS is seeking emergency approval pursuant to OMB’s regulations implementing the PRA at 5 C.F.R. § 1320.13 *Emergency processing*.

Under federal law, DoS and DHS and its components² have comprehensive statutory and regulatory authority to collect biographic and biometric information from aliens. This form provides a means for alien nonimmigrant visa applicants to post a visa bond to serve as a condition for the approval and issuance of certain visas. The objective of establishing this requirement is to ensure that the alien knows and fulfills their obligations to the U.S. government. Additionally, the visa bond program advances U.S. government foreign policy priorities, encourages foreign governments to take immediate action to reduce the overstay rates of their nationals traveling to the United States for temporary visits, and encourages foreign governments to improve screening, vetting, and the security of travel and civil documents, including in the granting of citizenship. Further, this program allows the U.S. government to concentrate foreign policy efforts where desired, while preserving resources necessary for the apprehension, detention, and removal of illegal aliens.

Emergency Justification

1. Information is Essential to the Mission of the Agency (Required)

On January 20, 2025, the President issued Executive Order 14159, *Protecting the American People Against Invasion* (Executive Order 14159). Section 14 states: “The Secretary of Treasury shall take all appropriate action, in coordination with the Secretary of State and the Secretary of Homeland Security, to establish a system to facilitate the administration of all bonds that the Secretary of State or the Secretary of Homeland Security may lawfully require to administer the provisions of the INA.”

This collection is necessary to comply with the Executive Order and allows DHS to maintain accurate information about aliens seeking to enter the United States, and those that remain in the country in violation of the terms of their admission. This collection complements existing collections by DHS components, such as alien registration and departure verification, resulting in a layered approach to fully validate certain aliens’ compliance with U.S. immigration law. The information collected in these processes is essential to DHS’s mission to enforce immigration laws with accurate information. *See* 5 C.F.R. § 1320.13(a)(1)(i).

2. Public Harm Is Reasonably Likely to Result if Normal Clearance Procedures Are Followed

Consistent with E.O. 14159 and section 221(g)(3) of the INA, DHS, DoS and the Treasury are implementing the Visa Bond Program to encourage foreign governments to take immediate action to reduce nonimmigrant overstay rates by encouraging their nationals to comply with U.S. immigration laws, improve information sharing to address insufficient identity verification and criminal records, and to encourage countries to improve screening, vetting, and the security of travel and civil documents, including in the granting of citizenship.

² Including Immigration and Customs Enforcement, U.S. Customs and Border Protection, and U.S. Citizenship and Immigration Services.

This program is part of a key pillar of the President’s foreign policy to protect the United States from the clear national security threat posed by visa overstays and deficient screening and vetting. The Secretary of State determined in Public Notice 12682 that securing America's borders and protecting its citizens from external threats is the first and highest priority of the foreign affairs function of the United States.³ This effort requires the United States to marshal all available resources and authorities in support of securing the borders of the United States, including removing individual aliens who remain in the United States unlawfully. To illustrate the scale of the current problem, DHS produces annual reports containing nonimmigrant overstay data. In the DHS FY 2023 Overstay Report, DHS data indicated there were over 500,000 “Suspected In-Country Overstays.”⁴

As such, in the interest of public safety and to ensure the integrity of our immigration system, it is vital that DHS collect this information. Obtaining this information ensures that public resource needs are offset for the locating and removal of bonded nonimmigrant aliens who fail to abide by the terms of their admission.

This collection would help reduce visa misuse, overstays, and facilitate alien understanding by enabling a plain language, electronic mechanism for certain aliens to provide visa immigration bond information to DHS, DoS and the Treasury. It would also permit the uninterrupted continuation of visa bonds following the pilot program, thus addressing the national security and foreign policy priorities articulated in Executive Order 14159. As directed by the Executive Order 14159, DHS, DoS, and the Department of Treasury, implemented the visa bond pilot program on August 5, 2025.⁵ Under the program, aliens applying for visas as temporary visitors for business or pleasure (B-1/B-2) who meet specific qualifications could be required to submit a bond to ensure that the alien maintains his or her nonimmigrant status and departs as required. Aliens who may be subject of the pilot program are nationals of countries identified by DoS as having high visa overstay rates, where screening and vetting information is deemed deficient, or offering Citizenship by Investment, if the alien obtained citizenship with no residency requirement. Additionally, consular officers may require covered nonimmigrant visa applicants to post a bond of up to \$15,000 as a condition of visa issuance, as determined by the consular officers.

Inability for alien applicants to properly submit bonds may reduce or delay the issuance of U.S. nonimmigrant visas, and subsequent arrivals which would result in a detrimental effect on the U.S. economy. Absent the collection of this information, public harm is reasonably likely to result. *See* 5 C.F.R. § 1320.13(a)(2)(i).

3. Unanticipated Event

³ See Determination: Foreign Affairs Function of the United States, 90 FR 12200 (Mar. 14, 2025).

⁴ See DHS, Fiscal Year 2023 Entry/Exit Overstay Report, <https://www.dhs.gov/publication/entryexit-overstay-report>.

⁵ See Depart of State, Temporary final rule, *Visas: Visa Bond Pilot Program*, 90 FR 37378.

DHS has identified the immediate need to generate this collection on an emergency basis. The successful 12-month long visa bond pilot program is concluding and being made permanent by a Department of State final rule currently under Executive Order 12866 review. The DoS pilot program utilized an existing ICE form I-352, however, this form was designed for use by aliens present in the United States, either in detention or removal proceedings. The existing form I-352 indicates the ability to utilize a surety company, provide a certified check, cashier's check, or a money order; asks for information that is not applicable to foreign nonimmigrant visa applicants; indicates payment in cash equivalent will generate interest; and indicates Immigration and Customs Enforcement may refuse to accept any bond. Further, the existing I-352 indicates that a visa bond is a condition of the granting of a nonimmigrant visa and/or granting of admission to the United States. DoS has learned from its experience operating the pilot program that use of this form is creating confusion and delay for applicants, DoS consular officers, and DHS personnel reviewing bond compliance. Neither DoS nor DHS anticipated these issues and the agencies require emergency authorization to use a revised form to avoid the public harm described herein. DHS anticipates that confusion experienced in the pilot will only increase once the program becomes permanent.

This new collection requests only the information needed from alien visa applicants, and clearly and understandably outlines the terms and conditions of a nonimmigrant visa bond. The new collection is critical to permit continued acceptance and issuance of certain nonimmigrant visas by the U.S. Department of State, ensure national security of the U.S. from foreign actors, permit appropriate cancellation and remittance of compliant bonds, and avoid any harm to foreign trade and travel to the United States. This visa bond is a refundable financial guarantee designed to encourage travelers to comply with terms of their visa and admission, while imposing a significant financial penalty for those who fail to do so. Without the ability to utilize this new collection nonimmigrant visa applicants will spend an excess amount of time compiling information and completing the form, DoS consular officers will continue to spend additional resources on education and explanation, and DHS will suffer from reduced data points to determine bond compliance, breach, and ability to appropriately direct funds.

4. Conclusion

Following normal clearance procedures under the PRA would harm the U.S. government's ability to collect this vital information, facilitate the issuance of nonimmigrant visas and prevent the entry of certain potential nonimmigrant visa holders. This information is also necessary to offset the expenditure of resources to find and remove aliens who do not comply with the terms of their nonimmigrant visa admissions, permitting DHS and DoS to focus its resources on aliens who will not comply with U.S. law, threaten U.S. border security, and prevent harm to United States citizens. For these reasons, DHS did not undergo the normal PRA clearance procedure for this updated information collection.

As discussed, DHS certifies that this request meets the requirements of 5 C.F.R. §

1320.13(a) and that it is vital that DHS implement this collection immediately because: (1) this information is essential to the mission of the agency; (2) this information is necessary prior to the timeframes established under the PRA; and (3) it is reasonably likely to result in public harm if normal clearance procedures are followed.

DHS requests OIRA approval or disapproval of this collection of information under 5 C.F.R. § 1320.13(b) **as soon as possible, but not later than July 31, 2026.**

Thank you for your consideration. If this collection is allowed to commence, DHS will undergo the normal PRA process, including providing the opportunity for public comment, to renew the collection authority within six months or will discontinue the collection of this information.

Please contact Marcos Charles at 520-561-3647 with any additional questions or concerns.