



Homeland
Security

March 4, 2025

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

THROUGH: Randolph D. Alles
Deputy Under Secretary for Management,
U.S. Department of Homeland Security

FROM: Todd M. Lyons
Acting Executive Associate Director
Enforcement and Removal Operations,
U.S. Immigration and Customs Enforcement,
U.S. Department of Homeland Security

SUBJECT: Emergency Request under the Paperwork Reduction Act for New
Information Collection: Departure Record Notification, OMB No.
1653-NEW

This memorandum requests emergency approval, pursuant to the Paperwork Reduction Act (PRA), from the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), for the U.S. Immigration and Custom Enforcement (ICE) collection of information titled, Departure Record Notification, OMB No. 1653-NEW. The Department of Homeland Security (DHS), in consultation with ICE, is seeking a new data collection to allow aliens to voluntarily indicate their intent to depart the United States on an emergency basis because "public harm is reasonably likely to result if normal clearance procedures are followed."¹

(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

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

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.

The new information collection is needed to implement a new process to allow aliens confirmed through geolocation to be within the United States to voluntarily report their intended departure and provide biographic data and a facial image. Knowing which aliens intend to voluntarily depart the United States in compliance with U.S. law 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.

The information collection would be available through a mobile application, which would be accessible via mobile devices, i.e., mobile phones and tablets. This mobile application facilitates and expands accessibility. The 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 that the alien expressing intent to depart the United States is physically located within the United States at the time of submission, as well as, run "liveness detection" software to determine that the selfie photo is a live photo, as opposed to a previously uploaded photo. This information collection will assist in ICE completing its mission.

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*. 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 would accomplish the goals in the Executive Order and ICE's mission to protect America through enforcing immigration laws to preserve national security and public safety. Knowing that an alien has expressed their intent to voluntarily comply with U.S. laws to depart from the United States ensures that ICE can maintain accurate information about illegal aliens remaining in the country and focus limited resources on removing dangerous criminal aliens and those aliens who do not indicate an intent to comply with U.S. laws. This new collection will complement collection by other DHS components, such as alien registration and departure verification, resulting in a layered approach to allow aliens to voluntarily comply with U.S. laws to the fullest extent possible. 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. See 5 CFR 1320.13(a)(1)(i).

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

Executive Order 14159, *Protecting the American People Against Invasion*, states the following: “Over the last 4 years, the prior administration invited, administered, and oversaw an unprecedented flood of illegal immigration into the United States. Millions of illegal aliens crossed our borders or were permitted to fly directly into the United States on commercial flights and allowed to settle in American communities, in violation of longstanding Federal laws.” Many of these aliens unlawfully within the United States present significant threats to national security and public safety, committing vile and heinous acts against innocent Americans. Others are engaged in hostile activities, including espionage, economic espionage, and preparations for terror-related activities. Many have abused the generosity of the American people, and their presence in the United States has cost taxpayers billions of dollars at the Federal, State, and local levels.”

There are over 16.8 million aliens who are estimated to be in the United States illegally. In the interest of public safety and the integrity of our immigration system and to preserve the U.S. economy, it is vital that ICE collect this information so that resources are not 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 are potential terrorists, foreign spies, members of cartels, gangs, and violent transnational criminal organizations, and other hostile actors with malicious intent attempting to hide among the American public. Absent the collection of this information, public harm is reasonably likely to result. See 5 CFR 1320.13(a)(2)(i).

3. Unanticipated Event

Particularly for aliens that are not in ICE custody, circumstances could arise which would impede ICE’s ability to effectively track an alien’s potential departure. An example of this would be where an alien’s parole status is revoked and he or she is ordered to depart the United States. In this circumstance, ICE would have no way to anticipate how the non-detained alien will depart the United States. Immediate implementation of the intended departure record collection ensures an orderly and defined voluntary process for the vast majority of aliens to report their departure without the risk of interrupting ICE’s critical operations. See 5 CFR 1320.13(a)(2)(ii).

4. Conclusion

Following the normal clearance procedures under the PRA would harm the agency’s ability to

collect vital information in order to prevent expending of resources to find aliens who plan to leave the United States, reduce the ability of ICE to focus its resources on aliens who do not report, and prolong the potential harm on United States citizens. Because of these reasons and timing considerations, ICE forewent public consultation on this information collection.

As discussed, ICE certifies that this request meets the requirements of 5 C.F.R. § 1320.13(a) and it is vital that this new collection be implemented 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. ICE requests OMB OIRA approval or disapproval of the collection of information under 5 C.F.R. § 1320.13(b) by March 3, 2025.

Thank you for your consideration. If there is approval of this collection, ICE 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 Todd Lyons at 781-359-7152 with any additional questions or concerns.