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Submitted via e-mail at EOIR.PRA.Comments@usdoj.gov
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RE: ILRC Comment in Opposition to Agency Information Collection Activities – OMB No. 1125-0022, Change of Address/Contact Information Form

Dear Ms. Justine Fuga,

The Immigrant Legal Resource Center (ILRC) submits this comment in strong opposition to the Department of Justice ("DOJ") Executive Office for Immigration Review ("EOIR") Information Collection Activities proposing changes to the EOIR-33 form published on March 5, 2026. The ILRC opposes the changes to EOIR-33, as they are being weaponized to further this administration's enforcement agenda. The changes fail to acknowledge and outright ignore the harm they cause to the public, as well as the reliance of immigrants, their attorneys, and the immigration court system on the Form EOIR-33's "in care of" address field to receive notice.

The ILRC is a national non-profit organization that provides legal trainings, educational materials, and advocacy to advance immigrant rights. The ILRC's mission is to work with and educate immigrants, community organizations, and the legal sector to continue to build a democratic society that values diversity and the rights of all people. Since its inception in 1979, the ILRC has provided technical assistance on hundreds of thousands of immigration law issues, trained thousands of advocates and pro bono attorneys annually on immigration law and emerging issues, distributed thousands of practitioner guides, provided expertise to immigrant-led advocacy efforts across the country, and supported hundreds of immigration legal non-profit organizations supporting in building their capacity to support immigrants and their families.

The ILRC is also a leader in interpreting family-based immigration law as well as VAWA, U, and T immigration relief for survivors and immigration relief for immigrant youth, producing trusted legal resources including webinars, trainings, and manuals such as Families & Immigration: A Practical Guide; The VAWA Manual: Immigration Relief for Abused Immigrants; The U Visa: Obtaining Status for Immigrant Survivors of Crime; T Visas: A Critical Option for Survivors of Human Trafficking, and Special Immigrant Juvenile Status and Other Immigration Options for Children and Youth. Through our extensive network with service providers, immigration practitioners, and immigration benefits applicants, we have developed a profound understanding of the barriers faced by vulnerable immigrant and low-income communities of color – including children and young people, and survivors of domestic partner violence, sexual violence, human trafficking, or other forms of trauma. It is through this lens that we provide comment on the proposed changes to Form EOIR-33.

I. The Agency's Issuance of Form EOIR-33 Under Emergency Provisions is Improper.

The form at issue with this information collection is already in effect as of March 2026.[1] After the proposed information collection was published in the Federal Register, ILRC attorneys reached out to EOIR to obtain copies of the proposed form and were informed that the form was already in use at the agency. Emergency approval for information collections is limited to situations where normal notice and comment procedures cannot be met by an agency under specific circumstances. These circumstances are enumerated in the Code of Federal Regulations and specifically address situations where public harm is likely to result in waiting for normal procedures, where there is an unanticipated event or where normal procedures are likely to cause a statutory or court ordered deadline to be missed.[2] The information collection at issue here does not meet this standard and the agency should have followed standard notice and comment procedure before altering the form.

The Federal Register notice for the proposed information collection does not include any agency justification for seeking emergency approval. No emergency situation was proffered to justify the implementation of the new form, and no public harm was asserted such that notice and comment would not have been feasible. Further, there is no court deadline or statutory change that would have necessitated emergency approval. As such, the publication of this form under emergency measures is improper under the CFR.

The agency does assert possible public harms that require the alteration of the form, generally, which we address below.

a. The asserted "public harm" of the previous version of the form is unsupported and conclusory.

[1] Change of Address/Contact Information Form Board of Immigration Appeals (OMB# 1125-0022), Rev. Feb. 2026, https://www.justice.gov/eoir/media/1341901/dl?inline; 91 FR 10829.
[2] 5 CFR 1320.13(a)(2).

In its bare-bones abstract, the agency justifies removing the "in care of" address fields which allow respondents to designate a safe mailing address where communication from the agency can be received. The agency characterizes this ability as one where nefarious actors can intercept mail and interfere with agency proceedings. However, the ability to designate a third party who can receive mail is an important tool to ensure that vulnerable respondents are able to communicate with the court and partake fully in their cases. As we further describe in Part II of this Comment, often, those in removal proceedings are newcomers to the United States or those escaping domestic violence. These individuals may not have the benefit of long-term, stable housing with a reliable mailing address. The ability to designate a "in care of" address ensures for many that mail is received and that its presence is known to them as soon as possible. By removing this ability, the agency cuts off a lifeline for those who do not have stable housing or other reliable means of receiving communications from the agency.[3]

Rather than take the interest reliance of vulnerable respondents into account and make policy from there, the agency instead relies on unsupported claims that nefarious actors will keep respondents from their mail. The agency does not contemplate alternatives to removing the "in care of" address feature that would ensure that these respondents are able to designate a safe mailing address but has elected to simply remove the option without notice to the public.

b. The agency's justification for form modification is a smoke screen for enforcement.

The agency presents this change as one that will protect vulnerable respondents from nefarious actors seeking to do harm. However, the agency's true motivation is buried in the justifications listed in the notice. The Trump administration as a whole has been clear that it intends to find, detain and deport as many people as possible; often without regard for immigration status, pending applications for relief or ongoing court proceedings. The abstract clearly states that third party mailing addresses "allow certain [people] to obscure their true address from immigration officials."[4] Taken alone and at face value, the agency's assertion that a respondent failing to receive their mail obstructs court proceedings could have been worth considering. However, no action of a government engaged in such a clear pattern of anti-immigrant actions can be taken at face value.

The federal government has taken numerous steps[5] to ensure that it knows the physical, actual location of noncitizens in the United States so that it can carry out its mass deportation goals. This

[3] We note further that given the administration's recent moves to limit work authorization for asylum seekers (Dept. of Homeland Security, *Employment Authorization Reform for Asylum Applicants*, 91 FR 8616, (Feb. 23, 2026), and proposed, but not yet published limitations on discretionary work permits (Dept. of Homeland Security, *Clarification of Discretionary Employment Authorization for Certain Alien Populations*, RIN-1615-AC98) , the number of respondents without reliable addresses will increase as those without permanent status will lose the ability to work and pay for stable housing.

[4] 91 FR 10829.

[5] Some of these steps include but are not limited to inter-agency data sharing agreements, forced registration, and other U.S. Citizenship and Immigration Services (USCIS) form alterations. Further actions by the administration seek to ensure that removal orders become final without the benefit of appellate review by the Board of Immigration

move is no different; whatever lip service is being paid to protecting respondents from nefarious actors pales in comparison to the entity that can do the most damage to individuals – the agency itself. Taken with an eye toward the whole-of-government approach to mass deportations, there is little doubt about the government's true intention in removing a provision from this form that has previously allowed respondents to designate trusted parties with their important mail. As with most of the other moves made by this administration, this move is to ensure that as many people as possible are detained and deported by the United States government.

II. Immigrants, attorneys, and the immigration courts all rely on Form EOIR-33 as the primary means of maintaining accurate and functional address information.

The Administrative Procedure Act (APA) establishes the procedures by which federal agencies are held accountable to the public and subjects their actions to judicial review.[6] Under Supreme Court precedent, the agency is required to engage in "reasoned decision-making."[7] This obligation includes the consideration of longstanding policies which "may have 'engendered serious reliance interests.'"[8] Agency action that fails to account for such reliance interests is arbitrary and capricious and must be "set aside."[9]

The agency's proposed changes removing the "in care of" address field from Form EOIR-33 disregards a longstanding and critical policy that allows noncitizens to designate a trusted third-party address to ensure receipt of time-sensitive notices, filings, and court correspondence. [10] The proposed changes fail to account for the significant reliance interests built around this mechanism.

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appeals (*see* EOIR, *Appellate Procedures for the Board of Immigration Appeals*, 91 FR 5267, (Feb. 6, 2026)). Taken together, there is a clear pattern of identifying and removing noncitizens from the United States.

[6] *Dep't of Homeland Sec. v. Regents of the Univ. of California,* 140 S. Ct. 1891, 1905, 207 L. Ed. 2d 353 (2020).

[7] *Id* quoting *Michigan* v. *EPA*, 576 U.S. 743, 750, 135 S.Ct. 2699, 192 L.Ed.2d 674 (2015).

[8] *Encino Motorcars, LLC* v. *Navarro*, 579 U.S. ——, ——, 136 S.Ct. 2117, 2126, 195 L.Ed.2d 382 (2016) (quoting *Fox Television*, 556 U.S. at 515, 129 S.Ct. 1800).

[9] 5 U.S.C. § 706(2)(A).

[10] Form EOIR-33 included the "in care of" address option since pre-2005. *See* U.S. Dep't of Justice Executive Office for Immigration Review, *Change of Address Form Board of Immigration Appeals* (last visited April 23, 2026) https://www.ilw.com/forms/eoir33bia.pdf.

The "in care of" field is particularly vital for vulnerable populations, including youth,[11] survivors,[12] individuals with limited English proficiency (LEP),[13] and low-income folks who frequently experience housing instability. For many noncitizens, a stable personal mailing address is not available,[14] making third-party addresses essential to maintaining communication with the court. Noncitizens are acutely aware that updating their address is mandatory and that failure to receive notice—and thus failure to appear at a scheduled hearing—can result in severe consequences, including in absentia removal orders.[15]

By eliminating this option, EOIR fails to meaningfully consider how affected individuals navigate the immigration system and instead imposes a rigid requirement that does not reflect real-world conditions. Moreover, the proposal appears to underestimate the volume of individuals entering removal proceedings, including those in immigration court because of ramped up enforcement thereby compounding the risk that individuals will be unable to comply with address requirements and increasing their exposure to detention and removal.[16]

The consequences of this change are substantial and foreseeable. Without the ability to rely on a stable third-party address, many individuals will not receive critical hearing notices and correspondence, leading to missed hearings and an increase in in absentia removal orders. This, in turn, will generate additional litigation, including motions to reopen and motions to stay removal based on lack of notice,[17] thereby burdening both the courts and respondents. The impact will fall

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[11] Unaccompanied immigrant children are placed with sponsors in the United States by the government as required by federal law. Stephanie L. Canizales, *How Housing Insecurity Drives Latino Immigrant Children's Labor in California,* UCLA Latino Policy & Politics Institute, June 26, 2025 (last visited April 23, 2026) https://latino.ucla.edu/research/how-housing-insecurity-drives-latino-immigrant-childrens-labor-in-ca/. The families that sponsor the unaccompanied children are often "undocumented Latino immigrants…[who] frequently experience severe financial strain, housing insecurity, and labor exploitation themselves. *Id.*

[12] Alliance for Immigrant Survivors, *Fear and Silence: 2025 Insights from Advocates for Immigrant Survivors. Of Domestic Violence, Sexual Assault, and Human Trafficking,* Dec. 10, 2025 (last visited April 23, 2026) *available at* https://www.immigrantsurvivors.org/fear-and-silence-report (Advocates report a primary concern that their immigrant survivor clients are facing is housing instability.); *see also Santiago v. Att'y Gen. of U.S.,* 216 F. App'x 232, 235 (3d Cir. 2007).

[13] *See* Edward Golding, Laurie Goodman, and Sarah Strochak, *Is Limited English Proficiency a Barrier to Homeownership,* Urban Institute, Mar. 2018 (last visited April 23, 2026). https://www.urban.org/sites/default/files/publication/97436/is_limited_english_proficiency_a_barrier_to_homeownership_0.pdf.

[14] Juan Manuel Pedroza, *Housing Instability in an Era of Mass Deportations,* Popul Res. Policy Rev. 41, 2645-2681 (2022) (last visited April 23, 2026) https://link.springer.com/article/10.1007/s11113-022-09719-1#citeas.

[15] Ximena Bustillo, Rahul Mukherjee, *NPR analysis shows skyrocketing number of 'no-shows' in immigration court,* NPR, Dec. 22, 2025 (last visited April 23, 2026) https://www.npr.org/2025/12/22/nx-s1-5583971/trump-ice-immigration-arrests-deportation-no-shows#:~:text=KQED,Heard%20on%20Morning%20Edition ("Sometimes immigrants can move and addresses are not immediately updated with the court, or go to places like apartment buildings that have less consistent mail delivery…Notices can also be sent to completely incorrect addresses.").

[16] *Id.*

[17] The Immigration and Nationality Act provides that an alien may request rescission of a removal ordered in absentia in "a motion to reopen filed at any time if the alien demonstrates that the alien did not receive notice in accordance with" statutory requirements, including . 8 U.S.C. § 1229a(b)(5)(C)(ii). Once a case is reopened, an alien may then petition for substantive relief. *See* 8 C.F.R. § 1003.23(b)(3). *United States v. Arias-Ordonez*, 597 F.3d 972, 977 (9th Cir. 2010).

disproportionately on individuals experiencing housing instability and those who depend on third-party addresses for reliable communication, including youth and survivors.

Additionally, attorneys—often retained only after an adverse order has been issued—will face increased difficulty locating records and remedying procedural deficiencies caused by lack of notice. If unable to locate their clients' records, the attorneys must file a Freedom of Information Act (FOIA) and attorneys have reported to the ILRC that the processing times can last from months to over a year. These downstream effects underscore the agency's failure to engage in reasoned decision-making and to consider the real and significant reliance interests at stake.

III. The proposed changes to Form EOIR-33 raise a serious deprivation of due process rights.

Form EOIR-33 is central to ensuring that noncitizens receive adequate notice, a core requirement of due process under the Fifth Amendment of the U.S. Constitution. Because immigration proceedings can result in the deprivation of liberty and the right to remain in the United States, the government must provide notice that is "reasonably calculated" to reach the individual.[18] By eliminating the "in care of" address field, EOIR undermines a critical mechanism that many noncitizens rely on to receive such notice. The result is missed notices and hearings resulting in in absentia removal orders—all amounting to an erroneous deprivation of due process rights.

For all of these reasons, the DOJ should withdraw the proposed changes.

Respectfully submitted,

The Immigrant Legal Resource Center

[18] *Khan v. Ashcroft,* 374 F.3d 825, 829 (9th Cir. 2004); *Santiago,* 216 F. App'x at 235.