



## DEPARTMENT OF HOMELAND SECURITY

### United States Immigration and Customs Enforcement

#### Agency Information Collection Activities: Extension, With Change, of an Existing Information Collection; Comment Request

**ACTION:** 60-Day Notice of Information collection for review; I-312 / I-312A; Designation of Attorney in Fact / Revocation of Attorney In Fact; OMB Control No. 1653-0041.

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The Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE), is submitting the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER.]**

Written comments and suggestions regarding items contained in this notice and especially with regard to the estimated public burden and associated response time should be directed to the Department of Homeland Security (DHS), Scott Elmore, Forms Management Office, U.S. Immigration and Customs Enforcement, 801 I Street NW, Mailstop 5800, Washington, DC 20536-5800.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

- 1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- 2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- 3) Enhance the quality, utility, and clarity of the information to be collected; and
- 4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

#### Overview of This Information Collection

- 1) *Type of Information Collection:* Extension, with change, of an existing information collection.
- 2) *Title of the Form/Collection:* Designation of Attorney in Fact / Revocation of

**Attorney in Fact.**

- 3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection: (I-312 / I-312A); U.S. Immigration and Customs Enforcement.*
- 4) *Affected public who will be asked or required to respond, as well as a brief abstract:*  
Primary: State, Local, or Tribal Government. Section § 103.6, the Immigration and Nationality Act (INA), provides for the posting of surety or cash bonds. All bonds posted in immigration cases shall be executed on Form I-352, Immigration Bond, and secured with some form of collateral by an Obligor. In the case of a cash bond, the Obligor will deposit with U.S. Immigration and Customs Enforcement (ICE) the face value of the bond. The Obligor can designate a third party as an Attorney in Fact to accept on their behalf the return of the collateral security deposited to secure the surety bond upon cancellation of the bond or performance of the Obligor. The Form I-312, Designation of Attorney in Fact, is the instrument used by the Obligor to officially designate their Attorney In Fact. Upon receipt of a properly executed Form I-312, ICE Financial Operations will remit to the Attorney in Fact the principal and interest on the security deposit in the event of a bond cancellation, or the interest on the security deposit in the event of a bond breach. Immigration bonds might remain in place for years, and Obligors might choose to appoint a new Attorney In Fact as circumstances change. To ensure that ICE Financial Operations properly executes its fiduciary duties to the Obligor under the Form I-352 bond contract, and exercises due diligence in ensuring that remittances are made to the proper person, ICE proposes to use Form I-312A as the document by which the Obligor could expressly indicate that a previously valid Form I-312 Attorney In Fact designation had been revoked.
- 5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 12,500 responses at 30 minutes (.50 hours) per response.*
- 6) *An estimate of the total public burden (in hours) associated with the collection: 6,250 annual burden hours*

Dated: March 30, 2015.

**Scott Elmore,**

*Program Manager, Forms Management Office, Office of the Chief Information Officer, U.S. Immigration and Customs Enforcement, Department of Homeland Security.*

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