

governmental action.¹ The Department of Homeland Security is issuing this ratification out of an abundance of caution, and this ratification is not a statement that the fines covered by this ratification would have been invalid absent this ratification.

III. Ratification

The Secretary of Homeland Security hereby ratifies all final civil penalty decisions, as defined in 8 CFR 281.1(f)(3), issued pursuant to the procedures codified at 8 CFR part 281 from June 27, 2025, through October 13, 2026, except for those that have been reversed on appeal, are currently pending appeal, or have otherwise been reopened and rescinded pursuant to 8 CFR 281.1(f)(1). Any respondent alien who asserts that he or she has been prejudiced by the interim regulations may raise that claim to ICE to evaluate whether such prejudice has been shown and what remedy, if any, is appropriate. This process is not an additional appeal mechanism; rather, it is limited to claims of prejudice for civil penalties issued under the interim regulations.

To raise a claim, please email IFRCivilFinesReview@ice.dhs.gov. In the subject line of the email, please provide the respondent alien's full name, date of birth, and alien registration number. This claim must also contain the respondent alien's current address and current phone number, the penalty tracking number of the respondent alien's applicable civil penalty, and an invoice number (if applicable). ICE will not review claims that fail to include the above-listed required information. All claims must be received by ICE on or before November 16, 2026.

Markwayne Mullin,

Secretary, U.S. Department of Homeland Security.

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DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

[Docket Number ICEB-2026-0166]

Agency Information Collection

Activities: ICE FOIA Request Form, I-902

AGENCY: U.S. Immigration and Customs Enforcement, Department of Homeland Security.

ACTION: 60-Day notice and request for comments, new collection, 1653-NEW.

SUMMARY: The Department of Homeland Security will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted until December 28, 2026. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: You may submit comments, identified by docket number Docket #ICEB-2026-0166, at:

○ *Federal eRulemaking Portal:* <http://www.regulations.gov>. Please follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number Docket #ICEB-2026-0166. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

SUPPLEMENTARY INFORMATION: The Freedom of Information Act (FOIA), 5 U.S.C. 552, and the Privacy Act of 1974 (PA), 5 U.S.C. 552a, provide individuals the right to request access to federal agency records, subject to certain exemptions and exclusions. Department of Homeland Security (DHS) regulations at 6 CFR part 5 implement these statutes for DHS components, including U.S. Immigration and Customs Enforcement (ICE).

ICE Form I-902, Freedom of Information Act Request Form, is used to collect the minimum information necessary for ICE to:

- Identify the subject of the requested records;
- Locate, retrieve, and review potentially responsive records;
- Verify the identity of the requester and, when applicable, confirm the requester's authority to receive records about another individual; and
- Process requests under FOIA and/or the Privacy Act in accordance with statutory and regulatory requirements.

This collection is necessary for ICE to fulfill its statutory obligations to process FOIA and Privacy Act requests, document requesters' identities and consents, and maintain accurate records of requests and disclosures. Failure to collect this information would impede ICE's ability to comply with FOIA and the Privacy Act, and with DHS FOIA implementing regulations.

Indicate How, by Whom, and for What Purpose the Information Is To Be Used

The information collected on ICE Form I-902 is used by:

- ICE FOIA Office personnel;
- FOIA and Privacy Act staff within relevant ICE program offices (e.g., Enforcement and Removal Operations and Homeland Security Investigations (HSI)); and
- Other DHS or federal personnel as needed for coordination and consultation.

The information is used to:

- Positively identify the subject of the records and the requester;
- Determine the scope and type of records being requested (e.g., ERO apprehension/detention records, SEVP records, other ICE records);
- Locate and retrieve responsive records in ICE systems and files;
- Verify consent and authority to access records relating to a third party (Part 3);
- Satisfy identity verification requirements under FOIA/PA and DHS regulations (Part 4—declaration under penalty of perjury or notarized affidavit);
- Document the request in ICE's FOIA case tracking systems for processing, quality control, and reporting; and
- Support required FOIA program reporting and audit activities.

This is a new collection specific to ICE Form I-902. Previously, similar information has been collected through freeform written FOIA/PA requests submitted via mail or other electronic means. The form standardizes and structures the necessary data elements to improve completeness, accuracy, and processing efficiency.

ICE Form I-902 is made available to requesters in electronic format (fillable PDF) via the ICE public website. Requesters may complete the form electronically, print, and submit it via the methods permitted by ICE FOIA (e.g., upload through the online FOIA portal or mail), consistent with current ICE FOIA procedures.

The information from the completed form is entered into, or ingested by, ICE's FOIA case tracking and document management systems (e.g., SharePoint-based matter tracking systems and other FOIA case management tools) as described in DHS/ALL-001 and DHS/ALL-004 and associated Privacy Impact Assessments. ICE uses these systems to:

- Log and track FOIA/PA requests;
- Assign requests for processing;
- Record processing milestones and determinations; and
- Maintain an electronic record of correspondence and responsive documents.

¹ *Guedes v. Bureau of Alcohol, Tobacco, Firearms & Explosives*, 920 F.3d 1, 13 (D.C. Cir. 2019).

The form is designed to:

- Be fillable electronically to reduce handwriting errors and incomplete submissions;
- Align data elements with FOIA tracking system fields to minimize rekeying and reduce data entry burden; and
- Facilitate electronic storage, retrieval, and reporting.

ICE has considered and implemented the use of information technology to the extent practicable to reduce burden on both requesters and the government, consistent with FOIA requirements for multiple submission channels (mail, electronic, etc.) and the need for original signatures for identity verification.

This collection primarily affects individuals who are requesting access to records about themselves or another individual. In limited circumstances, small businesses or other small entities (such as law firms or non-profit organizations) may submit requests on behalf of clients or as organizational requesters.

The burden on such entities is minimal because:

- The form is short, straightforward, and limited to information necessary to identify the requester/subject and locate records;
- The form is available in a fillable PDF format that can be reused as a template by organizations that regularly submit requests; and
- Only one form is required per request, and no specialized equipment or software is needed beyond standard office tools.

Therefore, this information collection does not have a significant impact on small businesses or other small entities.

If ICE did not collect this information, or collected it less frequently:

- ICE would be unable to reliably verify the identity of requesters and the subjects of records, increasing the risk of unauthorized disclosures and violations of the Privacy Act and FOIA;
- ICE would experience difficulty locating and retrieving responsive records in a timely and accurate manner, leading to delays, increased backlogs, and potential non-compliance with FOIA statutory response time requirements;
- ICE's ability to document consent for third-party disclosures would be compromised, creating legal risk and privacy concerns; and
- ICE would lack sufficient standardized data to manage and report on FOIA/PA operations as required by DHS policy and oversight bodies.

Because FOIA/PA requests are initiated by individuals at their discretion, ICE cannot reduce the

“frequency” of the collection; it occurs only when an individual chooses to submit a request. The form is designed to collect the minimum information needed to process each request, so further reduction of the information requested would impair ICE's ability to comply with FOIA and the Privacy Act.

There are no technical or legal obstacles to reducing burden beyond this point; the collection is already limited to the essential data elements required for proper identification, search, processing, and documentation of FOIA/PA requests.

ICE does not provide a special or absolute assurance of confidentiality to respondents for information submitted on ICE Form I-902. The information provided on this form is protected and used in accordance with:

- The Freedom of Information Act (FOIA), 5 U.S.C. 552;
- The Privacy Act of 1974 (PA), 5 U.S.C. 552a;
- DHS FOIA and Privacy Act implementing regulations at 6 CFR part 5; and
- Applicable DHS System of Records Notices (SORNs), including:
 - DHS/ALL-001 Department of Homeland Security (DHS) Freedom of Information Act (FOIA) and Privacy Act (PA) Record System; and
 - DHS/ALL-004 General Information Technology Access Account Records System (GI-TAARS).

Under these authorities and associated DHS privacy and security policies, ICE:

- Collects only the information needed to process FOIA and Privacy Act requests;
- Restricts access to the information to personnel with a need to know for official purposes;
- Maintains the information in secure systems described in the published SORNs and Privacy Impact Assessments (e.g., DHS/ICE/PIA-043 SharePoint Matter Tracking Systems and DHS/ALL/PIA-028 DHS FOIA and Privacy Act Records Program Update); and
- May share information with other federal, state, local, and foreign government agencies and authorized organizations consistent with the routine uses listed in the applicable SORNs, or as otherwise authorized or required by law (including for law enforcement or national security purposes).

Because FOIA is a disclosure statute, information submitted on this form may itself be subject to FOIA requests. Any such requests are processed in accordance with FOIA and the Privacy Act, including consideration of applicable exemptions and exclusions

that protect personal privacy and other protected interests. No additional, non-statutory assurances of confidentiality are provided.

This is a new collection of information.

The Office of Management and Budget is particularly interested in comments which:

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 agency's 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 submissions of responses.

Analysis

Agency: U.S. Immigration and Customs Enforcement, Department of Homeland Security.

Title: ICE FOIA Request Form, I-902.

OMB Number: 1653-NEW.

Frequency: On Occasion.

Affected Public: Individuals or Households, Business or Other For-Profit, Not-For-Profit Institutions, State, Local, or Tribal Governments.

Number of Respondents: 58,748.

Estimated Time per Respondent: 0.5 hours.

Total Burden Hours: 29,374 annual burden hours.

Dated: October 21, 2026.

Ashley Pearce,
Deputy Chief Data Officer.

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