

**Supporting Statement
Collection of Advance Information from Certain
Undocumented Individuals on the Land Border
1651-NEW**

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

The Department of Homeland Security (DHS), in consultation with U.S. Customs and Border Protection (CBP) and the Centers for Disease Control and Prevention (CDC), is working to establish a process to facilitate efficient processing of individuals who may be amenable to exception from the CDC Order *Suspending the Right To Introduce Certain Persons from Countries Where a Quarantinable Communicable Disease Exists* and amenable to processing under Title 8 through ports of entry (POEs).

To better carry out DHS's role in assisting with implementing Title 42 authority - including exercising the discretion to except for humanitarian reasons built into the Order, and efficient processing under Title 8, CBP is proposing this new data collection. The purpose is to achieve efficiencies to process these individuals with public health protocols, space limitations, and other restrictions given the current pandemic. To streamline processing at POEs, CBP plans to collect in advance of arrival at a POE, information CBP would otherwise collect from these individuals during primary and/or secondary processing. This information, to include biographic and biometric information, will be voluntarily provided by certain individuals, directly or through Non-Governmental Organizations (NGOs). This would in turn allow for streamlined in-person processing by reducing the amount of data entry by CBP officers and the length of time an individual remains in CBP custody, thus reducing the risk of exposure to COVID-19 for travelers and government officials.

The biographic and biometric information being collected that would otherwise be collected during primary and/or secondary processing includes, but is not limited to descriptive information such as: Name, Date of birth, Contact Information, Addresses, Nationality, Employment history, Travel history, Emergency Contact (optional), U.S. and foreign addresses, Familial Information (optional), Marital Status (optional), Identity Document (not a WHTI compliant document) (optional), Gender, Preferred Language, Height, Weight, Eye color and Photograph (optional).

This information will be collected on a voluntary basis, for the purpose of facilitating and implementing CBP's mission. This collection is consistent with DHS and CBP's authorities, including under 6 U.S.C. §§ 202 and 211(c). Under these, DHS and

CBP generally have the authority to maintain the security of the border, including “securing the borders, territorial waters, ports, terminals, waterways, and air, land, and sea transportation systems of the United States,” and “implement[ing] screening and targeting capabilities, including the screening, reviewing, identifying, and prioritizing of passengers and cargo across all international modes of transportation, both inbound and outbound.”

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

As an immediate solution lasting no more than 30 days, the Non-Government Organization will provide the information in a template excel spreadsheet. The spreadsheet will be emailed directly to the CBP Office of Information Technology. Within 30 days, individuals directly, or through International Organizations (IOs)/NGOs, will use CBP One, mobile or desktop application, to voluntarily submit biographic information, as well as a photograph (which is optional), prior to their arrival at a CBP port of entry (POE) for processing. Collecting the primary and secondary information in advance will significantly streamline processing of individuals at the POE. Typically, once an individual arrives to the POE, CBP Officers (CBPOs) spend significant time collecting and verifying basic biographic data about undocumented individuals during the inspection process. One at a time, the CBPOs interview and collect information from individuals during secondary inspection. The CBPOs manually enter the information into the Unified Secondary System (USEC). To facilitate processing upon arrival and reduce the amount of manual data entry into secondary processing systems, CBP One data will be available for importation into secondary processing events.

Undocumented individuals may provide this information to an NGO or IO, whose staff will then submit the biographic information and a photograph to CBP via the CBP One Mobile Application on the individual's behalf prior to that individual's arrival at the POE. While no information is stored locally in the CBP One Mobile Application or on a user's device, this data is stored in a segregated backend database within the Automated Targeting System (ATS). The information will be tagged as coming from CBP One. CBP will store a templated copy of the picture in a standalone Traveler Verification Service (TVS) gallery to be matched against a photograph taken by a CBPO once the individual arrives at the POE using Simplified Arrival. The TVS gallery will be built off the new backend dataset ingesting into ATS specifically for the non-MPP population. If any photos are submitted to ATS from CBP One, the new TVS gallery will stage those photos until the individual arrives at the POE.

Using Simplified Arrival, once an undocumented individual arrives at the POE, CBP will take a new photograph to search against the new non-MPP gallery within TVS. If no match is made, CBPOs will manually query ATS based on biographic data to populate Simplified Arrival for processing in primary or they can query by CBP One confirmation numbers. As with any individual who arrives at the POE without documentation, the CBPO will use Simplified Arrival to create a referral to secondary for further processing, to include the confirmation number received from CBP One. Once referred to secondary, CBP Officers may import the information captured through the CBP One application into a USEC event. This will reduce the time spent manually entering data in secondary. In secondary, the officers will review the advanced data collected for accuracy, edit the data and save the information in USEC event.

The overall goal of the information collection is to achieve efficiencies to process individuals both under Title 8 and those excepted under CDC's Title 42 expulsion authorities, consistent with public health protocols, space limitations, and other restrictions given the current pandemic. When data is collected in advance, it helps expedite the secondary processing because it will reduce manual data entry into the USEC event. Such processing will significantly reduce the need to process these individuals in congregate settings, which may contribute to the spread of SARS-CoV-2, the virus that causes COVID-19.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

Following an initial phase of using an electronically provided spreadsheet, emailed directly to CBP, CBP will begin collecting this information through a mobile or computer application. CBP will collect this information electronically, directly from individuals and from IOs/NGOs on behalf of these individuals, via the CBP One application. The CBP One™ application is currently available as a mobile app on both Google and Apple play stores, as well as a website accessible from any browser.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

This information is not duplicated for this population in any other place or any other

form.

5. If the collection of information impacts small businesses or other small entities describe any methods used to minimize burden.

This information collection does not have an impact on small businesses or other small entities.

6. Describe consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently.

Failure to collect this information would cause delays in processing all travelers at the Port of Entry, as well as increase the time these individuals will be in a congregate setting, increasing the risk of transmission of COVID-19 among these individuals and CBP employees.

7. Explain any special circumstances.

This information is collected in a manner consistent with the guidelines of 5 CFR 1320.5(d)(2).

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Public comments will be solicited, and this information collection request will go through a normal PRA approval process, including a response to all comments received from the public, no later than six months after the approval of this emergency request. This collection is only intended to last as long as CDC's Title 42 expulsion measures remain in place or as long as required to clear the residual backlog of undocumented travelers awaiting processing at a port of entry as a result of the CDC order.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

There is no offer of a monetary or material value for this information collection.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Updates to three existing Privacy Impact Assessments are forthcoming. CBP will publish an update to a) the PIA for the DHS/CBP/PIA-068 CBP One™ Mobile

Application (originally published February 2021); b) the PIA for the DHS/CBP/PIA-067 U.S. Customs and Border Protection Unified Secondary (published December 2020); and c) and an Appendix update to the existing PIA for the DHS/CBP/PIA-056 Traveler Verification Service, originally published November 2018.

The Systems of Records Notices that will be included in this ICR include the Automated Targeting System (ATS) SORN (DHS/CBP-006 Automated Targeting System, May 22, 2012, 77 FR 30297) which permits collection of information in anticipation of travel. All information collected at the time of inspection and processing is covered by the DHS/CBP-016 Nonimmigrant Information System (March 13, 2015, 80 FR 13398) and DHS/CBP-011 U.S. Customs and Border Protection TECS (December 19, 2008, 73 FR 77778) SORNs.

There are no assurances of confidentiality provided to the respondents of this information collection.

11. **Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

There are no questions of a sensitive nature.

12. **Provide estimates of the hour burden of the collection of information.**

INFORMATION COLLECTION	TOTAL ANNUAL BURDEN HOURS	NO. OF RESPONDENTS	NO. OF RESPONSES PER RESPONDENT	TOTAL RESPONSES	TIME PER RESPONSE
Advance Information on Undocumented Travelers	24,333	91,250	1	91,250	16 minutes

Public Cost

The estimated cost to the respondents is \$496,393. This is based on the estimated burden hours (24,333) multiplied by (\$20.40). CBP used the U.S. Department of Transportation's guidance on value of travel time for value of time estimates

(\$20.40)¹ for travel by land.

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information.

There are no record keeping, capital, start-up or maintenance costs associated with this information collection. Use of the CBP One app is free of charge. CBP assumes that basic internet access is a customary cost of doing business and will not additionally burden any NGO/IGO assisting individuals in submitting this form.

14. Provide estimates of annualized cost to the Federal Government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

The estimated annual cost to the Federal Government associated with the review of these records is \$23,914,800. This is based on the number of responses (91,250) multiplied by the time to review and process each response (4 hours) = 365,000 hours multiplied by the average hourly rate (\$65.52) = 23,914,800.

15. Explain the reasons for any program changes or adjustments reported in Items 12 or 13.

This is a new information collection.-

16. For collection of information whose results will be published, outline plans for tabulation, and publication.

This information collection will not be published for statistical purposes.

17. If seeking approval to not display the expiration date, explain the reasons that displaying the expiration date would be inappropriate.

CBP will display the expiration date for OMB approval of this information collection.

18. "Certification for Paperwork Reduction Act Submissions."

CBP does not request an exception to the certification of this information collection.

B. Collection of Information Employing Statistical Methods

No statistical methods were employed.

¹ [2016 Revised Value of Travel Time Guidance.pdf \(transportation.gov\)](#)