

**Supporting Statement
Collection of Advance Information from Certain
Undocumented Individuals on the Land Border
1651-0140**

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), has established a process to streamline the processing of undocumented noncitizens under Title 8 of the United States Code at certain ports of entry (POEs), as these individuals require secondary processing upon their arrival, which takes longer than when individuals arrive with sufficient travel documentation.

CBP is proposing extending and amending this data collection, which was established on an emergency basis on May 3, 2021. This data collection expands on the previous collection process for persons who may warrant an exception to the CDC's *Order Suspending the Right To Introduce Certain Persons from Countries Where a Quarantinable Communicable Disease Exists* ("CDC Order") (85 FR 65806), to include undocumented noncitizens who will be processed under Title 8 at the time they arrive at the POE after the CDC Order is rescinded, in whole or in part. The purpose is to continue to achieve efficiencies to process undocumented noncitizens under Title 8 upon their arrival at the POE, consistent with public health protocols, space limitations, and other restrictions.

CBP collects certain biographic and biometric information from undocumented noncitizens prior to their arrival at a POE, to streamline their processing at the POE. The requested information is that which CBP would otherwise collect from these individuals during primary and/or secondary processing. This information is voluntarily provided by undocumented noncitizens, directly or through non-governmental organizations (NGOs) and international organizations (IOs). Providing this information is not a prerequisite for processing under Title 8, but reduces the amount of data entered by CBP Officers (CBPOs) and the length of time an undocumented noncitizen remains in CBP custody.

The biographic and biometric information being collected in advance, that would otherwise be collected during primary and/or secondary processing at the POEs includes, but is not limited to, descriptive information such as: Name, Date of Birth, Country of Birth, City of Birth, Country of Residence, Contact Information, Addresses, Nationality, Employment history (optional), Travel history, Emergency

Contact (optional), U.S. and foreign addresses, Familial Information (optional), Marital Status (optional), Identity Document (not a Western Hemisphere Travel Initiative (WHTI) compliant document) (optional), Gender, Preferred Language, Height, Weight, Eye color and Photograph.

This information is submitted to CBP by undocumented noncitizens (directly or through NGOs and IOs) 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). Pursuant to these sections, DHS and CBP are generally charged with "[s]ecuring 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."

Proposed Changes:

This information collection is being changed to require the submission of the photograph – previously optional – for all who choose to provide advance information. The submission of a photograph in advance will provide CBPOs with a mechanism to match a noncitizen who arrives at the POE with the photograph submitted in advance, therefore identifying those individuals, and verifying their identity. The photograph is particularly important for identity verification once NGOs/IOs are no longer facilitating the presentation of all individuals for CBP processing (NGOs/IOs will be able to continue assisting for some individuals but others will be able to participate on their own).

CBP will also allow individuals to request to present themselves for processing at a specific POE on a specific day and time, although such a request does not guarantee that an individual will be processed at a given time. Individuals will have the opportunity to modify their requests within the CBP One™ application to an alternate day or time. In all cases, CBP will inspect, and process individuals based on available capacity at the POE. This new functionality does not require the collection of new Personal Identifiable Information (PII) data elements.

- 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.**

Individuals directly, or through IOs/NGOs, use the CBP One™ mobile or desktop application to voluntarily submit biographic information, as well as a photograph, prior to their arrival at a CBP POE for processing. Collecting this information in advance significantly streamlines processing of undocumented noncitizens upon their arrival at the POE.

Typically, once an undocumented noncitizen arrives at the POE, CBPOs spend significant time collecting and verifying basic biographic data about the noncitizen during the inspection process. One at a time, the CBPOs interview and collect information from these individuals during secondary inspection. The CBPOs manually enter the information into the Unified Secondary (USEC) system. To facilitate processing upon arrival and reduce the amount of manual data entry into secondary processing systems, CBP One™ data is used to populate the fields in secondary processing systems, which can then be verified by the CBPO.

Undocumented noncitizens, or IOs/NGOs on their behalf, submit the biographic information and a photograph to CBP via the CBP One™ Application prior to the individual's arrival at the POE. While no information is stored locally in the CBP One™ Application or on a user's device, this data is stored in a segregated backend database within the Automated Targeting System (ATS). The information is tagged as coming from CBP One™. CBP stores a templated copy of the photograph 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 is populated by the new backend dataset ingesting into ATS specifically for the undocumented noncitizen population. When photographs are submitted to ATS from CBP One™, the new TVS gallery will stage those photographs until the individual arrives at the POE.

Using Simplified Arrival, once an undocumented noncitizen arrives at the POE for processing, CBP takes a new photograph to search against the new gallery within TVS. If no match is made, CBPOs manually query ATS based on biographic data to populate Simplified Arrival for processing in primary or query by CBP One™ confirmation numbers, which are provided to the individual after they submit their advance information through CBP One™. As with any undocumented noncitizen who arrives at the POE, the CBPO uses Simplified Arrival to create a referral to secondary for further processing, which includes the confirmation number received from CBP One™. Once referred to secondary, CBPOs may import the information captured through the CBP One™ application into USEC, the secondary processing system. This reduces the time spent by CBPOs manually entering data in secondary. In secondary, the officers review the advanced data collected for accuracy, edit the data, and save the information in USEC.

The overall goal of the advance information collection is to achieve efficiencies to process undocumented noncitizens under Title 8, consistent with public health protocols, space limitations, and other restrictions. When data is collected in advance, it helps expedite secondary processing because it reduces manual data

entry into USEC. Such processing significantly reduces the time these individuals spend in congregate settings, which may contribute to the spread of communicable diseases such as 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.**

CBP collects this information through a mobile or computer application. CBP collects this information electronically, directly from individuals or 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 (<https://cbpone.cbp.dhs.gov/#/home>) 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.**

Not collecting information in advance would lead to longer processing times for undocumented individuals at POEs, as well as increase the time these individuals will remain in a congregate setting, increasing the risk of transmission of communicable diseases such as 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 were solicited through two Federal Register notices published on September 27, 2021 (Volume 86, Page 53667) on which CBP received comments from 3 organizations, and on December 27, 2021 (Volume 86, Page 73304) on which no comments have been received.

Summary of the submitted comments received during 60-day comment period and CBP response:

1. Comments received from multiple entities related to the need for clarity regarding the method by which the advance information would be submitted to CBP.

A: U.S. Customs and Border Protection (CBP) CBP is leveraging the publicly available CBP One™ desktop and mobile application as the tool for Non-Government Organizations (NGOs) or other designated entities to submit the advance information on behalf of certain undocumented noncitizens as outlined in this Paperwork Reduction Act Notice. The desktop or mobile application is using an intuitive, user-friendly interface and requires no training to utilize it properly.

2. Comments received from multiple entities related to the need for CBP One™ application utilized to submit the advance information be available in multiple languages.

A: The capability for NGOs to submit advance information through the CBP One™ application is currently available in both English and Spanish. Additional languages will be considered if the use of CBP One™, for this purpose, is expanded.

3. Comments received from multiple entities related to the need for training for International Organizations or Non-Government Organizations regarding the collection of the advance information.

A: The application is very user friendly and can be utilized without training. However, CBP provided multiple live demo sessions for the designated NGO users on the use of the CBP One™ application as well as provided a Quick Reference Guide. CBP also provided and continues to provide ad hoc assistance to troubleshoot technical issues as well as implemented system enhancements to improve the user experience. In addition to support for users, CBP conducted 9 informative live demonstrations of the CBP One™ capability for various NGOs and Non-Profit Organizations who were not users of the application but were engaged in various capacities related to the support of undocumented noncitizens.

4. Comments received from multiple entities related to the sharing of advance information submitted via the CBP One™ application with other state and federal agencies, as well as foreign governments.

A: All information identified as part of this information collection would otherwise be collected at the Port of Entry (POE) as part of the processing of an undocumented noncitizen. The CBP One™ application itself does not save any data other than anonymized data utilized for high level reporting. The information collected and submitted through CBP One™ is stored in the Automated Targeting System (ATS). CBP may share information collected through CBP One™ both inside and outside of DHS consistent with applicable law and policy. However, no sharing will come directly from CBP One™.

Once CBP receives the information collected via CBP One™ it is sent to and stored in a segregated database in ATS. This segregated database is a separate set of independently managed tables within ATS and will not be shared externally. However, upon arrival at a POE, Simplified Arrival may identify that an undocumented noncitizen has submitted advance information utilizing CBP One™ if operated in a certain processing mode. During secondary inspection, the CBP officer will import the data submitted via CBP One™ and input additional information to Unified Secondary as part of the creation of a Secondary Event. CBP shares Secondary Event information externally pursuant to the applicable System of Record Notice that governs that system and associated information sharing arrangements. Furthermore, once a Secondary Event is created, then the information can be queried from targeting or secondary systems to which external partners may have access. The data will not be accessible by external entities until the CBP officer imports the information into Unified Secondary following the arrival of the undocumented noncitizen at the POE.

5. Comments received from multiple entities related to privacy and data retention of the collection of advance information as well as the need for an updated Privacy Impact Assessment for the CBP One™ Application.

A: CBP issued a public-facing Privacy Impact Assessment (PIA) for CBP One™ entitled, [DHS/CBP/PIA-068 CBP One™ Mobile Application](#). CBP also issued a PIA Update to the [DHS/CBP/PIA-067\(a\) Unified Secondary: Advance Information from Certain Undocumented Individuals](#) in May 2021.

It is important to note that CBP One™ is a data collection tool that immediately passes information to the same CBP information systems that collect and make available information available for retrieval once the undocumented noncitizen arrives at a Port of Entry.

The advance information that is collected via CBP One™ is stored in a segregated database within the ATS for 1 year, and then purged thereafter. Upon arrival and once the advance information is imported into a Unified Secondary System event and verified, or an ATS event is created during pre-arrival vetting, it will be stored within ATS for 15 years consistent with the ATS System of Records Notice (SORN).¹ Additionally, the Unified Secondary event data will be transmitted and stored in other systems, where it is retained in accordance with the SORNS for those systems. For example, information that is sent to and stored in TECS is retained for 75 years in accordance with the TECS SORN.²

6. Multiple comments received regarding the efficiency of biometric technology in verifying the identify of individuals and generally related to concerns about CBP utilizing the photo collection to verify identity.

A: The photo is collected, and facial matching technology is used, in a very limited capacity for this collection. Once the photo is submitted through the CBP One™ application, CBP stores a templated copy of the picture to be stored temporarily in a standalone Traveler Verification Service (TVS) gallery to be matched against a photograph taken by a CBP Officer once the individual arrives at the POE using the primary inspection system. Once an undocumented noncitizen arrives at the POE, CBP takes a new photograph to search against the limited gallery in the TVS database of previously

¹ See DHS/CBP-006 Automated Targeting System, 77 Fed. Reg. 30297 (May 22, 2012), *available at* <https://www.dhs.gov/system-records-notices-sorns>.

² See DHS/CBP-011 U.S. Customs and Border Protection TECS, 73 Fed. Reg. 77778 (December 19, 2008), *available at* <https://www.dhs.gov/system-records-notices-sorns>.

submitted facial photos and associated advance information submitted through the CBP One™ app. This is the most streamlined and efficient method to accurately match an individual to their submission.

7. Multiple comments received regarding the purpose of making the photo mandatory and a request to exempt children under the age of 14 from providing the photo.

A: In addition to the discussion above regarding the use of the facial photo as the most efficient manner to retrieve the associated advance information submitted through the CBP One™ application, the photo will be captured as a part of the inspection process at the POE and serves as a method by which CBP can verify the individual presented at the POE is the individual associated with the information and the corresponding appointment for processing at the POE. Absent a photo verification, there is a significant risk of fraud where individuals may exploit the availability of appointments irrespective of whether the associated advance information pertains to a specific individual. In order to reduce this risk, CBP has determined the ability to reference a photo of individuals associated with a particular appointment to ensure participating undocumented noncitizens receive the expected benefit of submitting advance information through CBP One™. For all these same reasons, CBP is not exempting the photo requirement for children 14 and under who wish to use the CBP One™ application.

8. A comment was received from EPIC referencing CBP's ability to properly safeguard facial images based on the data breach in 2019 as well as a recommendation to immediately delete the images after being utilized for identification at the border.

A: CBP is committed to protecting all sensitive information in its possession, including mitigating to the extent possible the risk of data breaches from information systems containing personally identifiable information (PII). There are four primary safeguards to secure traveler data, including secure encryption during data storage and transfer, irreversible biometric templates, brief CBP retention periods, and secure storage. Privacy is implemented by design, ensuring data protection through the architecture and implementation of the biometric technology. In response to the 2019 cybersecurity incident, CBP has taken and continues to take robust measures to protect information systems containing PII. Among other measures, CBP:

- o conducted threat assessments to proactively identify vulnerabilities;
- o restricted removable media usage;
- o rolled out enhanced insider threat capabilities; and

- o updated all contractual, policy and security requirements.

9. Comments received from multiple entities related to CBP's plan to communicate directly with the public on how to utilize the CBP One™ application for the purpose of providing advance information on behalf of certain undocumented noncitizens on the border.

A: The capability to submit advance information through CBP One™ is restricted to designated NGOs or other approved third-party entities. Currently, only NGOs utilizing authenticated email domains to log into CBP One™ can access this feature. If access to this capability is expanded to individual users, CBP will provide various communication products to advise the public and provide adequate instructions on the utilization of the application.

10. Comments received from multiple entities related to whether the submission of the advance information by certain undocumented noncitizens on the border is voluntary and whether those individuals who do not provide advance information would be subject to delays. Comments of this nature were highlighted as it pertains to individuals in emergent circumstances.

A: The submission of advance information through the CBP One™ app is voluntary. While the use of CBP One™ to submit advance information is anticipated to streamline processing, in no instance will individuals be required to submit such information as a prerequisite to processing.

11. A request was received by multiple entities to exclude unaccompanied minors from utilizing the CBP One™ application to provide advance information.

A: The submission of advance information through the CBP One™ app is voluntary. While the use of CBP One™ to submit advance information is anticipated to streamline processing, in no instance will individuals be required to submit such information as a prerequisite to processing. An undocumented noncitizen cannot be identified as an unaccompanied noncitizen child found in Section 462(g) of the Homeland Security Act of 2002 (6 USC § 229(g)) until encountered by CBP at the POE.

12. Multiple comments received from NIJC regarding individual's access to resources to submit the advance information and whether the potential lack of access to these resources could expose individuals to exploitation.

A: The capability to submit advance information through CBP One™ is currently restricted to designated NGOs who have adequate access to resources. If CBP decides to expand access to this capability beyond NGOs or other third-party entities, a comprehensive communications strategy will be implemented to promote broad awareness of the application to minimize the risk of exploitation of this population.

13. Comments received from multiple entities related to the voluntary submission of advance information on behalf of certain undocumented noncitizens by IOs or NGO shifts responsibility of “initial processing” from CBP.

A: Advance submission of information is anticipated to streamline processing of undocumented noncitizens, specifically in the secondary inspection environment, but does not take the place of CBP inspection of arriving noncitizens. CBP officers will continue to be required to inspect, make an admissibility determination, and complete any additional required processing for any noncitizen applying for admission at a POE regardless of the noncitizen's utilization of the advance information submission functionality in CBP One™. CBP collects advance information from entities supporting individuals seeking to travel to the United States in many contexts, such as, for example, through the Electronic System for Travel Authorization, the Electronic Visa Update System, or information submitted to carriers in advance of travel. This voluntary submission of advance information would function similarly for those undocumented noncitizens who wish to utilize this process, and CBP Officers still make admissibility determinations at the POE.

14. Comments received from multiple entities related to requests regarding the expected benefits from the advance collection of information.

A: CBP Officers currently spend significant time collecting and verifying biographic information from undocumented noncitizens during the inspection process at the POE. The CBP Officers interview and collect information from individuals, one at a time, during secondary inspection. The CBP Officers manually enter the information into the Unified Secondary. CBP has estimated the importation of information collected in advance of arrival at the POE to result in a savings of 16 minutes for both the undocumented noncitizen and CBP Officer (approximately 1 hour for a family of four). To facilitate processing upon arrival, and significantly reduce the amount of

manual data entry into secondary processing systems, once an undocumented noncitizen is referred for secondary inspection, CBP will auto-populate information into Unified Secondary using the information captured through CBP One™. This will limit the amount of data that needs to be manually entered as part of either primary or secondary inspection and case processing. Officers will review the accuracy of the imported data, edit the data as necessary to ensure accuracy, and save the information as a part of the Unified Secondary event.

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.

CBP is publishing a new Privacy Impact Assessment (PIA) for this information collection entitled “Advance Information Collection from Undocumented Individuals,” and an updated PIA to the DHS/CBP/PIA-068 CBP One™ Mobile Application to provide transparency and describe the privacy risks and mitigations associated with the proposed changes to the collection of advance information. The collection is also generally covered by 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 (originally published December 2020); and c) and the PIA for the DHS/CBP/PIA-056 Traveler Verification Service (originally published November 2018).

The Systems of Records Notices (SORNs) that will be included in this ICR include the ATS SORN (DHS/CBP-006 Automated Targeting System, May 22, 2012, 77 FR 30297), which pertains to the collection of information in advance 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)³ 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/IO 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 \$389,452. This is based on the number of responses (91,250) multiplied by the time to review and process each response (3 minutes) = 4,563 hours multiplied by the average hourly rate (\$85.35) = \$389,452. The previous

³ [2016 Revised Value of Travel Time Guidance.pdf \(transportation.gov\)](https://www.transportation.gov/sites/dotgov/files/2016-05/2016-Revised-Value-of-Travel-Time-Guidance.pdf)

review time of 4 hours was adjusted to reflect the time spent on reviewing the CBP One data in primary and secondary processing systems only, 3 minutes. The 4-hour estimate included the entire case processing time.

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

This information collection is being extended beyond persons who may warrant an exception to the CDC order to undocumented noncitizens who will be processed under Title 8 at the time of arrival to a POE. Collection of this information will reduce the amount of data manually entered by CBPOs, which is expected to expedite secondary process and thus reduce the length of time an undocumented noncitizen remains in CBP custody. It is also being changed to incorporate a scheduling component. CBP is implementing the ability for individuals, directly or through NGOs/IOs, to request to present at a specific POE on a specific date and time. This will automate the manual process that is currently being utilized for those individuals who may warrant an exception to the CDC Order, which requires the exchange of numerous phone calls and emails. This will reduce the amount of time CBP, individuals, and NGOs/IOs spend on this activity. Providing undocumented noncitizens a prescribed process to request processing at a specific POE and day/time may reduce the number of individuals attempting to enter between the POEs. Finally, the collection is being changed to require those individuals who choose to submit advance information to submit photographs, rather than leaving them as optional. This will provide CBPOs with a mechanism to match a noncitizen who arrives at the port with the photograph submitted in advance, thereby facilitating identify verification and matching to data previously submitted.

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.