

**Supporting Statement
Advance Travel Authorization (ATA)
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) is working with its interagency partners to allow certain noncitizens from Venezuela and their qualifying immediate family members¹ who lack United States entry documents to submit information through the newly developed CBP Advance Travel Authorization (ATA) capability within the CBP One™ application as part of the process to request an advance authorization to travel to the United States to seek a discretionary grant of parole. Implementation of ATA will require the collection of a facial photograph via CBP One™ from those eligible noncitizens who voluntarily elect to participate in the process. Participation will be limited to those individuals who meet certain DHS established criteria, including possession of a valid, unexpired passport, as well as having an approved U.S.-based supporter. Pending Office of Management and Budget (OMB) approval, this functionality will be available as early as October 12, 2022.

Background:

The United States is currently encountering a large number of undocumented noncitizens at the Southwest Border (SWB) of the United States where, despite surging resources and personnel, CBP is facing unprecedented challenges processing such individuals in a timely manner.

The most recent rise in the numbers of encounters at the border have been driven in significant part by a surge in migration of Venezuelan nationals. Unique encounters of Venezuelan nationals increased throughout fiscal year (FY) 2021, totaling 47,328. They increased again by almost four-fold in FY 2022, to an estimated 186,000 unique encounters—comprising 11 percent of all unique encounters in FY 2022. Average monthly unique encounters of Venezuelan nationals at the land border totaled 15,494 in FY 2022, compared to a monthly average of 127 unique encounters from FY 2014–2019.² Of note, unique encounters of Venezuelan nationals rose 293 percent between FY 2021 and FY 2022, while unique encounters of all other nationalities combined increased 45 percent.

¹ Immediate family members include spouse and unmarried children under the age of 21. Eligible family members must travel with the principal noncitizen to be processed under an ATA program upon arrival in the United States. Unaccompanied children are not eligible for this process.

² OIS analysis of OIS Persist Dataset based on data through August 31, 2022 and OIS analysis of U.S. Customs and Border Protection (CBP) data from Unified Immigration Portal (UIP) as of October 6, 2022. Unique encounters include encounters of persons at the Southwest Border who were not previously encountered in the prior 12 months. Throughout this memo unique encounter data are defined to also include OFO parolees and other OFO administrative encounters.

In recent months, this surge in irregular migration of Venezuelan nationals has been accelerating. Nationals from Venezuela accounted for 25,130 unique encounters in August 2022, and the Office of Immigration Statistics (OIS) estimates that there were 33,500 unique encounters in September, more than Mexico and more than all three Northern Central American countries combined.³

There are significant limits in DHS's ability to expel or return Venezuelans who enter the United States without authorization in between POEs. DHS is currently under a court-ordered obligation to implement the Centers for Disease Control and Prevention's (CDC) Title 42 public health Order, under which covered noncitizens may be prevented entry or expelled to prevent the spread of communicable disease.⁴ But Venezuela does not allow repatriations via charter flights, which significantly limits DHS's ability to return those subject to the Title 42 Order or who are ordered removed. To date, other countries, including Mexico, have generally failed to accept Venezuelans as well. As a result, DHS was only able to repatriate 22 Venezuelan nationals to Venezuela in FY 2022.

CBP's Office of Field Operations (OFO) is developing the ATA capability, a new functionality in CBP One™, which will collect biographic information and a facial photograph from a noncitizen who is submitting information to request an advance authorization to travel to the United States to seek a discretionary grant of parole. This information will be provided to CBP.

Advance Travel Authorization (ATA):

The facial photograph collected from the noncitizens will be linked to biographic information provided by the individual to U.S. Citizenship and Immigration Services (USCIS). CBP will conduct vetting of noncitizens using the biographic information provided to CBP by USCIS and the facial photograph collected by CBP via CBP One™. This information collection will facilitate the vetting of noncitizens seeking to obtain advance authorization to travel and give air carriers that participate in CBP's document validation program the ability to validate an approved travel authorization, facilitating generation of a noncitizen's boarding pass without having to use other manual validation processes.

CBP One™ allows the user to capture their image and confirm submission after viewing the captured image. If the user is not satisfied with the image captured, the user can retake the image. A user can retake the image up to three times. If after three attempts CBP One™ cannot successfully capture the user's image, CBP One™ will provide the user an error message notifying them that their submission was unable to be completed and that they can access the capability and try again. If the user continues to experience technical difficulties, the CBP One™ application provides a help desk email to provide assistance. In the event that the user is not authorized to travel under this process, they may still seek entry through another process, including by filing a request for consideration of parole with USCIS or

³ OIS Persist Dataset based on data through August 31, 2022 and OIS analysis of CBP UIP data as of October 6, 2022.

⁴ *Louisiana v. CDC*, -- F. Supp. 3d --, 2022 WL 1604901 (W.D. La. May 20, 2022).

applying with the Department of State (DOS) to obtain a visa.

Once submitted, CBP will vet available biographic information and the facial photograph against selected security and law enforcement databases at DHS and other federal agencies, for national security, border security, public health, and safety. DHS will limit use and sharing of the photograph to what is strictly necessary to perform this vetting. Any potential travel authorization denials resulting from facial photograph matches against these databases or mismatches to confirm identity will be verified by a CBP officer before the travel authorization is denied. DHS will retain the facial photograph for the duration of the travel authorization validity but no more than 180 days and ensure that it is deleted from all DHS and other agency databases after that time unless the photograph matches against national security or law enforcement databases, as verified by CBP personnel. CBP conducts this vetting to determine whether the individual poses a security risk to the United States, and to determine whether the individual is eligible to receive advance authorization to travel to the United States to seek a discretionary grant of parole at the POE.

If the travel authorization is denied, the individual will not be authorized to travel to the United States to seek parole under this process. If approved, the approval establishes that the individual has obtained advance authorization to travel to the United States to seek parole, consistent with 8 C.F.R. 212.5(f), but does not guarantee boarding or a specific processing disposition at a POE. Upon arrival to a United States POE, the traveler will be subject to inspection by a CBP officer, who will make a case-by-case processing disposition determination.

This collection of information is authorized by 8 U.S.C. 1182(d)(5), 8 C.F.R. 212.5(f). The Department has also published a notice in the *Federal Register* announcing the policy and accompanying collection.

CBP One™ collects the following information from the individual submitting a request for an advance authorization to travel to the United States to seek parole:

1. Facial Photograph
2. Photo obtained from the passport or Chip on ePassport, where available
3. Alien Registration Number
4. First and Last Name
5. Date of Birth
6. Passport Number

Data will be collected on the efficacy of this process in achieving the desired outcomes, to include reduction in SWB encounters, identifying derogatory information before individuals travel, increased arrivals to final destination and grants of parole, and access to employment authorization, as well as assessment of the efficacy of automated facial matching, including by demographic group, in order to assess whether this emergency measure has been effective.

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.**

This information is used by CBP to vet against selected security and law enforcement databases available to DHS and other federal agencies, for national security, border security, public health and safety. CBP conducts this vetting to determine whether the individual poses a security risk to the United States, and to determine whether the individual is eligible to receive advance authorization to travel to the United States to seek parole. DHS will limit use and sharing of the photograph to what is strictly necessary to perform this vetting. Any potential travel authorization denials resulting from facial photograph matches against these databases or mismatches to confirm identity will be verified by a CBP officer before the travel authorization is denied. DHS will retain the facial photograph for the duration of the travel authorization validity but no more than 180 days and ensure that it is deleted from all DHS and other agency databases after that time unless the photograph matches against national security or law enforcement databases, as verified by CBP personnel.

- 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.**

The information is submitted to CBP via the CBP One™ mobile application, which the individual can access to provide basic biographic information. This biographic information is provided solely to verify that the individual accessing the specific functionality within CBP One™ has a USCIS-approved U.S.-based supporter, has verified their biographic information, and has attested to DHS required attestations related to process eligibility criteria.

- 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 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 prevent CBP from having access to information needed to conduct vetting to ascertain security and safety risks posed by individuals requesting advance authorization to travel to the United States to seek parole.

- 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 Paperwork Reduction Act (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.

- 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 drafting a new Privacy Impact Assessment (PIA) for the ATA capability and updating the CBP One™ PIA, which are expected to publish concurrent with OMB approval of this information collection. The System of Record Notice (SORN) that permits this information collection is the ATS SORN (DHS/CBP-006 Automated Targeting System, May 22, 2012, 77 FR 30297), which permits collection of information from persons, including operators, crew, and passengers, who seek to, or do in fact, enter, exit, or transit through the United States or through other locations where CBP maintains an enforcement or operational presence by land, air, or sea. Information submitted by noncitizens seeking advance authorization to travel to the United States to seek parole is broadly covered by the ATS SORN. CBP uses the advance information to compare it against law enforcement and intelligence databases to identify individuals and cargo requiring additional scrutiny, which aligns to the border security mission of DHS. DHS will limit use and sharing of the photograph to what is strictly necessary to perform this vetting. Any potential travel authorization denials resulting from facial photograph matches against these databases or mismatches to confirm identity will be verified by a CBP officer before the travel authorization is denied. DHS will retain the facial photograph for the duration of the travel authorization validity but no more than 180 days and ensure that it is deleted from any DHS or other agency databases after that time unless the photograph matches against national security or law enforcement databases, as verified by CBP personnel.

- 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
ATA Process	4,008	24,000	1	24,000	10 minutes (0.167 hours)

The new Venezuela parole process is capped at 24,000 beneficiaries. After this cap is reached, the program will sunset absent a decision by the DHS Secretary to continue the process, based on the Secretary’s sole discretion. The Secretary also retains the sole, unreviewable discretion to terminate the process at any point.

Under this emergency information collection request, CBP will only process applications until the 24,000 cap is reached. If the cap is increased above 24,000 or if the Secretary, at his sole discretion, otherwise expands eligibility for this process, CBP will seek a revision to the collection under normal PRA processes at 5 CFR 1320.12.

Public Cost

The estimated cost to the respondents is \$188,777. This is based on the estimated burden hours (4,008) multiplied by the average hourly wage rate for all-purpose air travelers (\$47.10). CBP used the U.S. Department of Transportation’s (DOT) recommended hourly value of travel time savings for intercity, all-purpose travel by air and high-speed rail, which is provided in 2015 U.S. dollars. CBP assumes an annual growth rate of 0 percent; the 2015 U.S. dollar value is equal to the 2022 U.S. dollar value.⁵

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.

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

⁵ Source: U.S. Department of Transportation, Office of Transportation Policy. *The Value of Travel Time Savings: Departmental Guidance for Conducting Economic Evaluations Revision 2 (2016 Update)*, “Table 4 (Revision 2 - 2016 Update): Recommended Hourly Values of Travel Time Savings for Intercity, All-Purpose Travel by Air and High-Speed Rail.” September 27, 2016. Available at <https://www.transportation.gov/sites/dot.gov/files/docs/2016%20Revised%20Value%20of%20Travel%20Time%20Guidance.pdf>. Accessed May 25, 2022.

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.

It is estimated that 70% of submissions received will be approved automatically by the system, and 30% of the submissions will be reviewed manually by a CBP Officer.

The estimated annual cost to the Federal Government associated with the review of these submissions is \$1,258,761. This is based on the number of responses that must be reviewed manually (56,160) multiplied by the time burden to review and process each response (0.33 hours) = 18,533 hours multiplied by the average hourly loaded rate for a CBP officer (\$67.92)⁶ = \$1,258,761.

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.

19. Collection of Information Employing Statistical Methods

No statistical methods were employed.

⁶ CBP bases this wage on the FY 2022 salary and benefits of the national average of CBP Officer Positions, which is equal to a GS-11, Step 10. Source: Email correspondence with CBP’s Office of Finance on June 27, 2022.