



U.S. Customs and Border Protection

December 14, 2022

TO: Dominic Mancini, Deputy Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget

THROUGH: Eric Hysen
Chief Information Officer
Department of Homeland Security

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SUBJECT: Emergency Approval Request for Advance Travel Authorization Capability under
the Paperwork Reduction Act

This memorandum requests an emergency approval to revise the existing collection of information under the Paperwork Reduction Act (PRA) for U.S. Customs and Border Protection's (CBP) Advance Travel Authorization (ATA) capability to collect certain information, including photographs, in advance of travel. This information collection was approved on an emergency basis on October 18, 2022 under Office of Management and Budget (OMB) Control Number 1651-0143. This information collection was approved for use by certain undocumented noncitizens from Venezuela. At the direction of the Department of Homeland Security (DHS), CBP plans to expand this to include certain undocumented noncitizens from Nicaragua, Cuba, and Haiti, and to remove the previously approved numerical cap for noncitizens from Venezuela. CBP currently collects photographs of individuals from these four countries as part of the inspection process at the time of encounter.

DHS is working with its interagency partners to allow certain noncitizens from Venezuela, Nicaragua, Cuba, and Haiti, and their qualifying immediate family members¹, to submit information through the recently developed CBP 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. There is no numerical cap on the number of noncitizens from these four countries who may apply. Implementation of ATA requires the

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.

collection of a facial photograph via CBP One™. 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 OMB approval, this functionality may launch as early as December 20, 2022.

It is expected that DHS will establish eligibility criteria to identify individuals from certain countries, as identified by the Secretary of DHS, who are able to request advance authorization to travel to the United States to seek a discretionary grant of parole, on a case-by-case basis. It is expected that the identified eligible population includes nationals of countries suffering under repressive authoritarian regimes that are experiencing significant political, economic, and humanitarian crises. Additionally, 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 significant and unprecedented challenges processing such individuals in a timely manner.

CBP's Office of Field Operations (OFO) developed the ATA capability, a new functionality in CBP One™, which collects a facial photograph and biographic information 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 on a case-by-case basis.

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 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 parole. 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 port of entry (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.

DHS requests an emergency approval to revise the existing ATA data collection (OMB Control Number 1651-0143) to allow CBP to collect a facial photograph in advance to permit individuals from Venezuela, Nicaragua, Cuba, and Haiti to obtain advance authorization to travel to the United States to seek a discretionary grant of parole. To support this effort, DHS will soon be publishing accompanying Federal Register notices to announce and establish the parole processes for Venezuela, Nicaragua, Cuba, and Haiti nationals.

The information collected through this emergency will allow DHS to vet noncitizens who may otherwise present themselves for inspection at a southwest land border POE, or enter the United States between POEs, without any prior vetting. The advance vetting affords the noncitizen the opportunity to book international travel to arrive near their intended United States destination address and, as a result, is expected to reduce the strain on CBP resources at the southwest land border. Data will be collected on the efficacy of this process in achieving the desired outcomes, to include reduction in southwest land border 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 usability of the CBP One™ application and efficacy of automated facial matching, including by demographic group, in order to assess whether this emergency measure has been effective.

Development and deployment of this ATA capability has been expedited to facilitate DHS' ability to respond to the current U.S. Government (USG) resource strain along the SWB, and to enable certain individuals, based on urgent humanitarian reasons or significant public benefit, to travel to the United States to seek a discretionary grant of parole at the POE. This process may also ease the burden on certain locations outside the United States that are unable to continue to support the influx of these migrants because of already overburdened humanitarian relief mechanisms.

DHS is requesting an emergency information collection under 5 CFR 1320.13, with the intention of carrying out all the regular requirements for publication and review after implementation. This collection of information is needed prior to the expiration of time periods established under the normal PRA notice and comment process and is essential to the mission of the agency. Further, the agency cannot reasonably comply with the normal clearance procedures under this part because delayed implementation and awareness of DHS' intent would likely have unpredictable impact on the movement and may further raise pressure on U.S. border operations and the migration management conducted by our foreign partners and could jeopardize our relations with foreign partners.

After implementation of the revised collection, CBP will undergo the normal PRA renewal process. After publication of the two Federal Register Notices (FRNs) required under the PRA, DHS will address comments and concerns as necessary under the PRA and submit the ICR to OMB for renewal within the required timeframe.

Thank you for your consideration of this Emergency Request.