

**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) and its component U.S. Customs and Border Protection (CBP) have established a process to streamline the processing of undocumented noncitizens under Title 8 of the United States Code at ports of entry (POEs), as the processing of such individuals generally takes longer than when individuals arrive with sufficient travel documentation. This process involves the submission of certain biographic and biometric information to CBP, via the CBP One™ application, in advance of arrival at a POE. CBP is initially using this process at certain land ports of entry on the southwest border.

Under this collection, CBP collects certain biographic and biometric information from undocumented noncitizens via the CBP One™ application, 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 provided by undocumented noncitizens, directly or through Non-Governmental Organizations (NGOs) and International Organizations (IOs). Providing this information reduces the amount of data entered by CBP Officers (CBPOs) and the corresponding time required to process an undocumented noncitizen.

The biographic and biometric information being collected in advance, that would otherwise be collected during primary and/or secondary processing at the POEs, includes, 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), Name and contact information for someone who assisted the user (Optional), Gender, Preferred Language, Height, Weight, Eye color and Photograph.

Prior Revision

A revision to this collection was recently approved on December 18, 2022, for a

period of three years. As part of this approval, CBP revised the information collection to require the submission of a live facial photograph for all noncitizens who choose to provide advance information to CBP via CBP One™. The submission of a live photograph in advance provides 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 as well as conducting advance vetting. The live photograph is particularly important for identity verification if an NGO/IO is not assisting an individual in scheduling their presentation at a POE (NGOs/IOs are able to continue assistance for some individuals but other individuals are able to participate on their own). In addition, the requirement for a live photo that contains latitude and longitude data points allows CBP to ensure the individual is available to schedule their presentation at the Port of Entry. This supports efforts to prevent individuals outside of close proximity to the U.S. land border from scheduling their arrival and traveling to or through Mexico for the intended purpose of presenting themselves to CBP for inspection.

Finally, CBP allows 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 on a given date or at a given time. Individuals also have the opportunity to modify their requests within the CBP One™ application to an alternate day or time. The functionality to modify their request to an alternative date and time does not require the collection of new Personal Identification Information (PII) data elements.

Noncitizens who submit their information in advance may be able to wait in a line dedicated to those who submit their information through CBP One™ and schedule their arrival. This may result in reduced wait times for processing.

Noncitizens who use CBP One are also expected to be processed in a more streamlined manner at the POE, since their advance information is prepopulated into CBP systems, which reduces manual data entry during processing. Noncitizens who did not submit information through CBP One may need to wait to be processed in a separate line from those who utilized CBP One (reserved for those who submitted their advance information and scheduled a presentation date).

Proposed Changes:

DHS is publishing a Notice of Proposed Rulemaking that, if finalized, would change the consequences, for some noncitizens and for a temporary period of time, of not using CBP One to schedule an appointment to present themselves at a POE, as such noncitizens will be subject to a rebuttable presumption of asylum ineligibility, unless the noncitizen demonstrates by a preponderance of the evidence that it was not possible to access or use CBP One due to a language barrier, illiteracy, significant technical failure, or other ongoing and serious obstacle; or that the

noncitizen is otherwise not subject to the rebuttable presumption. There is no change to the information being collected under this collection or the use of the information by CBP, but this change would alter the consequences of not using the collection, and thus increases the estimated annual number of responses in the collection.

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 submit biographic information, as well as a photograph (required for the use of CBP One™), prior to their arrival at a CBP POE for processing. CBP will also collect the latitude and longitude data points to ensure individuals are in Mexico, within a proximity to the U.S. land border, when scheduling presentation at a Port of Entry. This information is collected upon submission of the live photo data submission, as well as at the time an individual reschedules their presentation date (as applicable). Collecting this information in advance 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. The CBPOs interview and manually enter information into the Unified Secondary (USEC) system from each of these individuals during secondary inspection. 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, may submit the biographic information and a photograph to CBP via the CBP One™ application prior to the individual's arrival at a 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 using Simplified Arrival once the individual arrives at the POE. The TVS gallery is populated by the new backend dataset ingested 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 considerations. This process also offers an orderly pathway for irregular migrants to present at a port of entry in a safe, secure and streamlined manner. When data is collected in advance, it helps expedite secondary processing because it enables advance vetting, proper resource allocation and reduces manual data entry into CBP primary and secondary systems. Such processing reduces the time that individuals remain in CBP custody.

- 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, given the need to manually enter identity information, which would increase the time these individuals may need to wait to be processed, increasing the risk of unsafe conditions at POEs. In addition, not offering a predictable orderly mechanism to access the United States for this population may result in individuals taking unnecessary risks to transverse between the ports of entry under dangerous conditions that could result in the loss of lives. Finally, not collecting this information would eliminate CBP's ability to gain insight into operational or security concerns of arriving individuals that may need the coordination of additional resources to properly address.

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 as part of the Notice of Proposed Rulemaking package for a period of thirty days. DHS CBP will then resubmit this package, concurrent with publication of the Final Rule, and seek an additional thirty days of comment under normal processing procedures at 5 CFR 1320.11.

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.

The collection is covered by a new PIA for the DHS/CBP/PIA-076 Collection of Advance Information from Certain Undocumented Individuals on the Land Border published January 19, 2023 to document post Title 42 processing of undocumented individuals and an updated PIA for the DHS/CBP/PIA-068 CBP One™ Mobile Application (updated January 2023) 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 covered by an updated PIA for the DHS/CBP/PIA-067 U.S. Customs and Border Protection Unified Secondary System: Advance Information from Certain Undocumented Individuals (update published May 2021); 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	97,333	365,000	1	365,000	16 minutes

Undocumented Travelers					
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Public Cost

The estimated cost to the respondents is \$1,985,593. This is based on the estimated burden hours (97,333) 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. This estimate accounts for CBP’s initial plan to process up to 1,000 noncitizens at ports of entry per day. The estimate is subject to some degree of uncertainty regarding migration levels, use of the app, potential extension or modification of the rule proposed in the NPRM should that rule be finalized, and available resources and priorities.

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 individuals, nor 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 \$1,557,638. This is based on the number of responses (365,000) multiplied by the time to review and process each response (3 minutes) = 18,250 hours multiplied by the average hourly rate (\$85.35) = \$1,557,638. The previous 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.

There has been an increase in the public burden estimate as a result of the proposed changes in the NPRM. The NPRM, if finalized, would alter the consequences of not using the collection, so CBP expects an increase in the

¹ [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)

number of respondents during the rule's effective period.

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.