

**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 directly by undocumented noncitizens. Providing this information reduces the amount of data entered by CBP Officers (CBPOs) and the corresponding time required to process an undocumented noncitizen at the POE.

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, Marital Status, 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. In addition, the requirement for a live photo that contains latitude and longitude data points allows CBP to ensure the individual is physically present in close proximity to the U.S-Mexico border, which 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 or days, 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.

Where port infrastructure allows, noncitizens who submit their information in advance are 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).

### **Title 42 Exceptions Processing**

With the December 2022 approval of this information collection and beginning in January 2023, the new CBP One scheduling function allowed a limited number of noncitizens to schedule a time and place to schedule an appointment to present at a POE to seek an exception from the Title 42 public health order for humanitarian reasons based on an individualized assessment of vulnerability. These appointments, currently scheduled for 14 days out, are made available to the public via the app every morning at 11AM EST, and filled on a “first come, first served” (FCFS) basis. Based on current demand, each day’s appointments are generally filled within five minutes of becoming available. User experience and stakeholder feedback about this process has helped to inform the changes CBP describes below.

## This Revision

DHS has jointly published a final rule with the Department of Justice, entitled *Circumvention of Lawful Pathways* (“CLP rule”),<sup>1</sup> that will, for a temporary period of time, change the consequences for certain noncitizens who do not use CBP One to schedule an appointment to present themselves at a POE, and who arrive at the POE without documents sufficient for admission. Specifically, 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 excepted from or can rebut the presumption as described in the CLP rule.

Based on user and stakeholder feedback obtained during Executive Order 12866 regulatory review, the proposed rule’s public comment period, and through ongoing use of the CBP One app’s scheduling capability under Title 42 exemption processing, CBP is transitioning CBP One scheduling from a FCFS daily scheduling system to a daily appointment allocation process. This change is being made to mitigate certain bandwidth or technical difficulties that some users reported under the FCFS system. In particular, noncitizens with older model cellphones or who have low or poor Wi-Fi access reported difficulties with scheduling an appointment under the FCFS scheduling system, especially because of the limited amount of time those individuals had to complete the scheduling process before all appointments were taken.

With this process change, noncitizens will submit a daily request in the CBP One app, indicating that they would like an appointment within the next 14 days. Each day at 12:00 PM Eastern Time, available appointments will be allocated to those who requested an appointment. Individuals who are issued an appointment will then have a 23-hour period to complete the scheduling process (until 11:00 AM Eastern Time the following day), which includes confirming the appointment time and providing a live facial photograph. CBP intends that, by providing a longer period of time to complete the scheduling process and confirm the appointment (i.e., 23 hours versus a few minutes under FCFS scheduling), this change will mitigate certain bandwidth issues that may arise for some users as a result of a large volume of people submitting information during a short window of time. The requirements to complete the scheduling process remains the same. The CBP One app will validate the users is within central or northern Mexico, capture a live photo, and match that photo to the user’s registrations photo.

Finally, each day, unconfirmed appointments will be reallocated among the current pool of registrations. This change will reduce the burden on the noncitizen to have connectivity at the precise moment that appointments are released daily, as is

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<sup>1</sup> 88 FR 31314 (May 16, 2023).

currently the case. This process will also continue to enable noncitizens to request a preferred [POE](#) at which to schedule an appointment.

Individuals who use the CBP One app will be able to schedule an appointment to present themselves at the following ports of entry:

- Arizona: Nogales;
- Texas: Brownsville, Hidalgo, Laredo, Eagle Pass, and El Paso (Paso Del Norte); and
- California: Calexico and San Ysidro (Pedestrian West – El Chaparral).

Future and ongoing enhancements to the app are expected based on user and stakeholder feedback to ensure equity in the scheduling process. These enhancements may include expanding appointment slots to additional POEs.

**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 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 Central or Northern Mexico, when scheduling presentation at a Port of Entry. This information is collected upon requesting an appointment or confirming an appointment. 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 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 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 were 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. Based on user and stakeholder feedback obtained during the rulemaking process and through ongoing use of the CBP One app's scheduling capability, CBP is transitioning CBP One scheduling to a daily appointment allocation process to allow noncitizens additional time to complete the process. This process change will allow noncitizens to submit a request for an appointment, and, on a daily basis, available appointments will be allocated to those who made such a request. Individuals who are issued an appointment will have a 23-hour period to complete the scheduling process and confirm their appointment. Each day, unconfirmed appointments will be reallocated among the current pool of registrations. This change will reduce the burden on the noncitizen to have connectivity at the precise moment that appointments are released daily appointment release, as is currently the case. This process will also continue to enable noncitizens to request a preferred POE at which to schedule an appointment. Future and ongoing enhancements to the app are expected based on user and stakeholder feedback to ensure equity in the scheduling process.

**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 the DHS/CBP/PIA-076(a) Collection of Advance Information from Certain Undocumented Individuals on the Land Border: Post Title 42 and an updated PIA appendix to the DHS/CBP/PIA-068 CBP One™ Mobile Application to document post Title 42 processing of undocumented individuals. The collection is also covered by the: DHS/CBP/PIA-076 Collection of Advance Information from Certain Undocumented Individuals on the Land Border (published January 19, 2023), PIA Update to 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
<b>Advance Information on Undocumented Travelers - Registration</b>	100,000	500,000	1	500,000	12 minutes
<b>Daily Appointment Request</b>	250,000	500,000	30	15,000,000	1 minute
<b>Confirmation of Appointment</b>	22,813	456,250	1	456,250	3 minutes
<b>Total:</b>	372,813	1,456,250		15,956,250	

### **Public Cost**

The estimated cost to the respondents is \$7,605,385. This is based on the estimated burden hours (372,813) multiplied by the average hourly wage rate for all-purpose car travelers (\$20.40). CBP used the U.S. Department of Transportation's (DOT) recommended hourly values of travel time savings for intercity, all-purpose travel by surface modes, which are 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.<sup>2</sup> The estimate is subject to some degree of uncertainty regarding migration levels, use of the app, and available resources and priorities. The annual number of respondents registering and opting in each day for appointments is based on CBP's expectations of future registrations given the elimination of Title 42 and the existence of the additional pathways identified to lawfully travel to the United States, such as the DHS-authorized parole processes and recently-announced Regional Processing Centers. The annual range of respondents confirming appointments is based on an assumed 1,250 appointments per day. CBP is working to increase its capacity to process individuals through the CBP One app subject to the availability of personnel and resources.

CBP does not have adequate data to estimate, with a high degree of certainty, how many daily appointment requests may occur. Our estimate, based on subject matter expert input for purposes of calculating the burden, assumes an expected wait time of 30 days, on average, over the three year period. CBP expects that the wait time may be initially higher in year 1 as a large volume of applicants request appointments, and will decrease in future years as processing capacity increases and demand stabilizes.

All of these estimates are subject to substantial uncertainty depending on migration patterns, policy developments, and a range of other factors. During the three-year approval period, CBP will collect data to calculate the daily number of daily appointment requests and the daily appointment confirmations, per respondent, as well as other relevant data to better inform the collection's burden estimates. Through this notice, CBP also welcomes public comments on all of the burden table estimates.

**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**

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<sup>2</sup> 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 Surface Modes (except 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.

**have been incurred without this collection of information.**

The estimated annual cost to the Federal Government associated with the review of these records is \$1,687,860. This includes the time to validate the information with the respondent during the inspection process. This is based on the number of responses that must be reviewed (456,250) multiplied by the time burden to review and process each response (3 minutes) = 22,812 hours multiplied by the average hourly loaded rate for other CBP employees (\$73.99)<sup>3</sup> = \$1,687,860.

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

There has been an increase of 348,480 total annual burden hours, due to the change to CBP One advanced scheduling, as described in question 1 (This Revision) above.

**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.

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<sup>3</sup> CBP bases this wage on the FY 2022 salary and benefits of the national average of other CBP positions, which is equal to a GS-13, Step 1. Source: Email correspondence with CBP’s Office of Finance on June 27, 2022.