

1300 Pennsylvania Avenue, NW
Washington, DC 20229



U.S. Customs and Border Protection

November 9, 2023

MEMORANDUM FOR: Richard Revesz, Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget

THROUGH: Eric Hysen
Chief Information Officer
Department of Homeland Security

FROM: Matthew S. Davies **DAVIES** Digitally signed by
MATTHEW S DAVIES
Date: 2023.11.09
12:52:21 -05'00'
Executive Director, Admissibility & Passenger Programs
U.S. Customs and Border Protection

SUBJECT: Emergency Approval Request for Expansion of Use of the
Advance Travel Authorization Capability for the Family
Reunification Parole Processes for Nationals of Ecuador 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. At the direction of the Department of Homeland Security (DHS), CBP plans to expand ATA capability to include the newly established Family Reunification Parole (FRP) process for certain Ecuadorian beneficiaries of approved Form I-130, Petition for Alien Relative. This information collection was established through an emergency approval, on October 18, 2022 under OMB Control Number 1651-0143, for collection of information from certain undocumented noncitizens from Venezuela. On January 4, 2023, another emergency request expanded this collection to include certain undocumented noncitizens from Nicaragua, Cuba, and Haiti, and to remove the previously approved numerical cap for noncitizens from Venezuela. On July 11, 2023, another emergency request expanded this collection to include certain undocumented noncitizens from Cuba, Haiti, Honduras, El Salvador, Colombia, and Guatemala as part of the newly established FRP processes.

This emergency approval will allow DHS to work with its interagency partners to allow certain noncitizens from Ecuador and, in some cases, certain qualifying immediate family members, 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 Ecuador who may apply for this process, however, participation will be limited to those individuals who meet certain DHS established criteria, including possession of a valid, unexpired passport or other authorized documentation, as well as having an approved U.S.-based supporter. Pending Office of Management and Budget (OMB) approval, this functionality may expand to the Ecuador FRP as early as October 18, 2023.

The information collected through this emergency request 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 and across the region. Importantly, the process will also advance the Administration's foreign policy goals by demonstrating U.S. partnership and commitment to the shared goals of addressing migration through the hemisphere, both of which are essential to maintaining strong relationships with key partners to manage migration collaboratively.

DHS is implementing this new FRP process for Ecuadorians consistent with the Collaborative Migration Management Strategy issued by the National Security Council (NSC).¹

Emergency Justification

DHS is requesting an emergency information collection revision under 5 CFR 1320.13, with the intention of carrying out all the regular requirements for publication and review after implementation. These processes and the related information collection changes are urgently needed to make available additional lawful pathways as an alternative to irregular migration to help relieve pressure at the Southwest Border (SWB) by providing a mechanism for which to make case-by-case decisions on granting parole based on urgent humanitarian needs or significant public benefit. This approach is consistent with the U.S. national interest and its foreign policy priorities.

DHS requests an emergency approval to expand the existing ATA data collection to allow CBP to collect certain biographic and biometric information from individuals from Ecuador to request an advance authorization to travel to the United States to seek a discretionary grant of parole under the FRP process. DHS will soon be publishing an accompanying *Federal Register* notice to announce and establish the FRP process for nationals of Ecuador to support this effort.

The agency cannot reasonably comply with the normal clearance procedures under the PRA because delayed implementation may further raise pressure on U.S. border operations and the

¹ National Security Council, *Collaborative Migration Management Strategy* (July 2021)
<https://www.whitehouse.gov/wp-content/uploads/2021/07/Collaborative-Migration-Management-Strategy.pdf>.

migration management conducted by our foreign partners and could jeopardize our relations with foreign partners.

The FRP processes represent one part of the United States' ongoing efforts to engage hemispheric partners to increase their efforts to collaboratively manage irregular migration. The expansion of lawful pathways for noncitizens to enter the United States is necessary to ensure partners' continued collaboration on migration issues, including the ability of the United States to meet other immigration-management priorities.

After implementation of the revised collection to expand the respondent group, CBP will undergo the normal PRA revision process, beginning with a 60-day notice for public comment as described at 5 CFR 1320.10, within 45 days of approval. After publication of the *Federal Register* notice required under the PRA, DHS will address comments and concerns as necessary and submit the information collection to OMB for three-year approval within the required timeframe.

Thank you for your consideration of this Emergency Request.