



August 22, 2024

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

THROUGH: Eric Hysen
Chief Information Officer
Department of Homeland Security

FROM: Judson Murdock Digitally signed by Judson Murdock
Date: 2024.08.22 18:02:07 -0400
Acting Deputy Executive Assistant Commissioner
Office of Field Operations
U.S. Customs and Border Protection
Department of Homeland Security

SUBJECT: Emergency Request under the Paperwork Reduction Act Regarding Adjusting the CBP One Geofence and Instituting an Appointment Validation Tool

This memorandum requests emergency approval, pursuant to the Paperwork Reduction Act (PRA), from the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), for revisions to the U.S. Customs and Border Protection (CBP) collection of information titled, *Collection of Advance Information from Certain Undocumented Individuals on the Land Border* (OMB control number 1651-0140). The Department of Homeland Security (DHS), in consultation with CBP, is seeking certain changes to the CBP One appointment scheduling process on an emergency basis because “public harm is reasonably likely to result if normal clearance procedures are followed.”¹

The changes outlined below seek to: adjust the geofence boundaries for the locations in Mexico where migrants must be located in order to request a CBP One appointment, and; implement an appointment validation tool for use by Government of Mexico (GoM) officials.

Geofencing and Appointment Validation

The current OMB 1651-0140 collection allows noncitizens to request an appointment to present at 1 of 8 ports of entry (POEs) along the Southwest Border if they are located in Central and Northern Mexico, north of the 19th parallel. There are 1,450 appointments allocated daily, with a portion of the appointments going to the oldest registrations. Based on CBP data since this

¹ DHS CBP is seeking emergency approval pursuant to OMB’s regulations implementing the PRA at 5 C.F.R. § 1320.13, *Emergency processing*

functionality was introduced in January 2023 through the end of May 2024, this process has been utilized by more than 636,600 individuals who have successfully scheduled appointments to present at POEs using CBP One.²

Geofencing was instituted in CBP One to facilitate the safe and orderly presentation of Mexican and non-Mexican migrants who have already arrived or are currently present in Central and Northern Mexico, by allowing migrants to remain in shelters and other support networks instead of congregating in unsafe conditions at the U.S.-Mexico border. CBP is coordinating with the GoM to adjust the geofence boundaries to respond and assist in GoM's efforts to humanely control the locations where non-Mexican migrants congregate in Mexico while they seek a CBP One appointment. The new geofence boundaries are described in further detail in the supporting documentation attached to this emergency memo request.

In addition, when migrants schedule an appointment using CBP One, they transit through Mexico to present at a POE at their appointment date and time. Due to the volume of individuals scheduling CBP One appointments, Mexican officials frequently encounter individuals, but currently lack a mechanism to confirm and validate whether they have a valid CBP One appointment. On June 4th, 2024 President Biden announced a Presidential Proclamation to temporarily suspend entry of noncitizens across the Southwest Border unless using a DHS Secretary-approved pathway like CBP One. The Presidential Proclamation and adjustment to the geofence parameters is expected to alter where GoM officials encounter migrants with CBP One appointments. CBP is seeking to expeditiously provide a mechanism to GoM to confirm if individuals who are encountered while transiting through Mexico have a valid CBP One appointment. The tool will require the Mexican government to enter an individual's CBP One confirmation number and date of birth. Once submitted, the tool will return confirmation of any valid CBP One appointment with the appointment date, time, and location with the total number of people in the group. Such a mechanism, as part of the urgent and ongoing efforts to manage migration within Mexico, will ensure only those migrants with valid appointments are traveling towards the U.S.-Mexican border.

Emergency Justification

1. Information is Essential to the Mission of the Agency

Mexico is a critical partner of CBP and its efforts to maintain orderly border security operations. The scheduling of a CBP One appointment occurs while a noncitizen is in Mexico, and thus it is critical for CBP to expeditiously coordinate with GoM to ensure the process does not hinder or negatively affect Mexican operations. Additionally, it is critical that the United States consider and respond to operational concerns raised by Mexico in the interest of cultivating this partnership.

² CBP Releases May 2024 *Monthly Operational Update*, <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-may-2024-monthly-update#:~:text=In%20May%202024%2C%20the%20U.S.%20Border%20Patrol%20recorded,in%20May%20decreased%20by%2011%25%20compared%20to%20April>. (June 20, 2024).

2. Public Harm Is Reasonably Likely to Result if Normal Clearance Procedures Are Followed

A large number of noncitizens in Central and Northern Mexico request and schedule appointments through the CBP One application every day. The appointment process seeks to deter individuals from crossing irregularly between POEs using dangerous alternatives like coyotes, and to encourage safe and orderly operations at the Southwest border. Migration continues to be a regional issue that requires careful collaboration and nimble coordination between governments to address. Any delay in implementing the geofencing and validation tool changes will impact GoM's operations and enforcement of their migration strategy, which is reasonably likely to result in public harm if the flow of migrants is not safely coordinated. It is critical that the United States acknowledge and, as appropriate, respond to concerns when raised by Mexico in the interest of safe and orderly regional migration.

3. Conclusion

Following the normal clearance procedures under the PRA would delay their implementation and harm diplomatic relations with the Government of Mexico. As discussed, CBP certifies that this request meets the requirements of 5 C.F.R. § 1320.13(a) and it is vital that this revised collection be implemented immediately because: (1) this information is essential to the mission of the Agency and (2) this information is necessary prior to the timeframes established under the PRA.

Thank you for your consideration.

Upon approval and after implementation of the information collection process, CBP will address public comments as necessary under the normal PRA approval process.

Please contact Executive Director, Jody Hardin at 202-531-8116 with any additional questions or concerns.