



**TESTIMONY OF**

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**BEFORE**

Committee on Homeland Security  
Subcommittee on Border Security and Enforcement  
and  
Subcommittee on Oversight, Investigations, and Accountability  
United States House of Representatives

**ON**

*“Examining CBP One: Functions, Features, Expansion, and Risks”*

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## Introduction

Chairman Higgins, Chairman Bishop, Ranking Member Correa and Ranking Member Ivey, and distinguished Members of the Subcommittees:

I appreciate the opportunity to appear before you today to discuss the Department of Homeland Security's (DHS or Department) efforts to carry out its statutory border security and enforcement mission, including by efficiently inspecting, vetting, and processing noncitizens who present for admission at Southwest Border ports of entry (POE).

I have served the Department as the Deputy Assistant Secretary for Immigration Policy since January 20, 2021. I am proud to work alongside the 260,000 employees who make up DHS, including those represented by leadership from U.S. Customs and Border Protection (CBP) and U.S. Citizenship and Immigration Services (USCIS) here today.

Under the Immigration and Nationality Act, as codified under Title 8 of the U.S. Code, the Department is required to inspect noncitizens who present at a POE within the United States seeking admission into the country. Those inspections, as well as the processing decisions that flow from them, are executed under Title 8 authorities. As a law enforcement agency, DHS follows the law.

In full recognition of the requirement to inspect and process individuals under Title 8, and in furtherance of its mission to secure the nation's borders, even as historically high migrant arrivals have overstretched DHS's limited resources, DHS has taken innovative steps to disincentivize irregular migration and minimize the risk of human smuggling. Core to these efforts is a two-part strategy to simultaneously (1) expand the availability of safe, orderly, and lawful pathways and processes to come to the United States, and (2) strictly enforce our nation's immigration laws by imposing consequences on individuals who do not avail themselves of safe, orderly, and lawful pathways and processes. These tandem efforts increase security and better utilize limited law enforcement resources.

## Global Trends

There are more people displaced throughout the world today than at any time since World War II. Violence, food insecurity, severe poverty, corruption, climate change, the fall-out of the COVID-19 pandemic, and dire economic conditions have all contributed to a significant increase in irregular migration around the globe. In the Western Hemisphere, failing authoritarian regimes in Venezuela, Cuba, and Nicaragua, along with an ongoing security and humanitarian crisis in Haiti, have driven millions of people from those countries to leave their homes; further, these countries' uncooperative governments or unstable reception conditions make it difficult to impose enforcement consequences on unlawful entry due to the severe restrictions we have on our ability to return their nationals.

Increased encounters at our border are a direct result of global trends that have been building for many years. Historically, encounters along the Southwest Border in the 1980s and 1990s consisted overwhelmingly of single adults from Mexico who were migrating for economic reasons and regularly crossed back and forth across the border. Until the early 2000s, encounters

routinely numbered more than one million a year. In the early 2010s, following three decades of bipartisan border security investments, encounters reached modern lows, averaging fewer than 400,000 per year from 2011 to 2017. However, even during this period, DHS faced significant situational surges in migration by, for example, unaccompanied children in 2014, and family units in 2016. Between 2017 and 2019 alone, encounters along the Southwest Border more than doubled, and—following a significant drop during the beginning of the COVID-19 pandemic, which shut down cross-border movements around the world and depressed global migration—encounters continued to increase in 2021, 2022, and 2023.

### DHS Efforts

In response to these global migration trends, DHS has taken a number of innovative steps that seek to change the calculus for intending migrants, including before they even begin an irregular migration journey. These measures include strengthened consequences for individuals who cross the border unlawfully, while significantly expanding lawful pathways to incentivize noncitizens to use safe and orderly processes to come to the United States without having to put their lives in the hands of smugglers for an arduous and dangerous irregular journey.

These efforts and others have collectively yielded results: since the expiration of the Centers for Disease Control and Prevention’s (CDC) public health Order under Title 42 on May 12, 2023, to March 6, 2024, DHS removed or returned nearly 600,000 individuals, the vast majority having recently crossed the Southwest Border. Nearly 100,000 of those removed or returned were traveling in family units. The majority of all individuals DHS encountered along the Southwest Border over the past three years were removed, returned, or expelled. In just the past ten months alone, DHS has exceeded the full-year total number of individuals removed and returned during each fiscal year since 2013.

The CBP One mobile application was deployed in October 2020 to serve as a single portal to a variety of CBP services, with early functionality supporting trade and cargo facilitation. As functionality has been added, the CBP One mobile application provides increased accessibility to some of CBP’s most utilized services. The CBP One mobile application has been key to supporting several of the Department’s efforts to incentivize use of lawful pathways and processes. However, the mobile application itself is not a lawful pathway; rather it is a technological tool that supports CBP processes.

The CBP One functionality used by noncitizens along the Southwest Border is limited to scheduling an appointment to present at one of eight designated POEs. Unlike the supporter-initiated parole processes, a noncitizen can schedule an appointment on their own, and seek to present oneself for inspection at a land POE. This scheduling function—announced as part of new border enforcement measures on January 5, 2023—is an important tool to maintain a safe and orderly process for managing the border and more efficiently processing those who present at a POE, consistent with CBP and the Department’s statutory responsibilities.

Prior to this, similar CBP One scheduling functionality was utilized for noncitizens seeking a humanitarian exception from the CDC’s public health Order under Title 42 of the U.S. Code.

Upon expiration of that public health Order, DHS resumed processing all noncitizens presenting for admission at a POE under Title 8 authorities. As noted earlier, Title 8 requires DHS personnel to inspect noncitizens who present at a POE within the United States seeking admission into the country. The scheduling function was expanded to provide a mechanism in which any noncitizen located in Central and Northern Mexico could seek to schedule an appointment to present at a POE at a pre-scheduled time. This allows migrants to avoid needing to congregate at or near POEs for hours or days on end, and allows DHS to more efficiently prepare for the orderly processing of arriving migrants.

Importantly, CBP One is used only as a scheduling tool. The application is not a tool to request parole. It is not a tool to claim asylum, nor is it used to screen, inspect, or process noncitizens for entry to the United States. The tool simply allows individuals of any nationality who are in Central or Northern Mexico to schedule an appointment to present themselves at a designated land POE. The advance biographic and biometric information individuals provide in CBP One to secure their appointment allows CBP to streamline its screening and vetting processes at the border. The efficiency gained by noncitizens' use of the CBP One scheduling function has allowed CBP to significantly expand its capacity to process noncitizens more efficiently at land POEs on the Southwest Border compared to pre-pandemic processing.

By allowing individuals to directly schedule an appointment, the CBP One app effectively cuts out the smugglers, decreases migrant exploitation, and improves safety and security in addition to making the process more efficient. The tool itself is available in English, Spanish, and Haitian Creole, and CBP has published reference guides in nine additional languages. Because CBP One is available across Central and Northern Mexico, it removes the need for noncitizens to congregate in and around border towns, where they can often be subject to manipulation by bad actors who seek to exploit them for profit. Transnational criminal organizations encourage and facilitate these migratory flows, spreading disinformation about what individuals will encounter along the route, at our border, and once in the United States, so they can exploit migrants as part of a billion-dollar criminal enterprise. The increasing role that drug cartels are playing in human smuggling throughout the region is particularly concerning given their complete disregard for human life, which has led to tragedies in the United States, Mexico, and many other countries.

Since the launch of its scheduling functionality on January 18, 2023, through the end February 2024, more than 501,000 noncitizens have successfully scheduled an appointment to present in a safe and orderly manner at a designated POE through the CBP One app. When a noncitizen presents at a POE within the United States seeking admission into the country, they are inspected and processed by a CBP Officer. During inspection, the CBP Officer determines an appropriate processing disposition, including but not limited to, initiating removal proceedings by issuing a Notice to Appear before an immigration judge, and considering, on a case-by-case basis, whether to grant parole for urgent humanitarian reasons or significant public benefit. When exercising such discretion, the CBP Officer considers a variety of factors, including, but not limited to, the nature of the noncitizen's inadmissibility, any humanitarian or public interest considerations relevant at the time of inspection, any previous apprehensions, previous grants of discretion, and the noncitizen's intended purpose for seeking entry into the United States. Noncitizens who are determined to pose a national security or public safety threat, or who otherwise do not warrant parole as a matter of officer discretion, will not be authorized a grant of parole and may be

detained pending further processing. Such factors are considered both for noncitizens presenting with CBP One appointments at a POE, and for those without a CBP One appointment. These factors and available processing dispositions under our longstanding Title 8 authorities also predate the use of CBP One.

CBP One is also used as a second step in the workflow of certain parole processes, like those available to nationals of Cuba, Haiti, Nicaragua, and Venezuela and their immediate family members. For the parole processes, only after a noncitizen's U.S.-based supporter has been confirmed by USCIS would the noncitizen beneficiary receive instructions to submit certain information through the CBP One application to be vetted and considered for travel authorization. If authorized, the beneficiary may travel to an air POE and seek a discretionary grant of parole by CBP on a case-by-case basis.

CBP One is just one tool in broader DHS efforts to incentivize migrants to use safe and orderly processes and disincentivize attempts at irregular or unlawful entry to the United States. In addition, DHS has continued to implement the Circumvention of Lawful Pathways rule. Its provisions incentivize migrants to use the lawful, safe and orderly processes that DHS has established and disincentivize dangerous border crossings by placing a commonsense condition on asylum eligibility for those individuals who fail to do so, and who do not otherwise qualify for an exception.

Under the rule, individuals who circumvent the expanded lawful, safe, and orderly pathways or processes into the United States—to include, but not limited to, the use of the CBP One mobile app to schedule a time and place to present at a POE—and also fail to seek protection in a country through which they traveled on their way to the United States, are subject to a rebuttable presumption of asylum ineligibility in the United States unless they meet specified exceptions. Individuals who cannot establish a valid claim to protection under the standards set out in the rule are subject to prompt removal under Title 8 authorities, which carries at least a five-year bar to admission to the United States and the potential to be criminally prosecuted for repeated unlawful entry.

### Conclusion

DHS remains vigilant and will continue to deliver the strengthened consequences that have been put in place at the border for noncitizens who do not establish a lawful basis to remain in the United States, while simultaneously offering safe and orderly processes for noncitizens at our POEs. However, we recognize that the underlying conditions prompting historic migration across the Western Hemisphere remain, and smugglers will continue to weaponize disinformation to put migrants' lives at risk for profit.

We have demonstrated our commitment to work innovatively within our statutory authorities, and using the resources made available by Congress, to address the challenges we are facing at our border and in the region. I strongly urge Congress to act on the bipartisan bill that was presented in the Senate. This bill, if passed into law, would be the toughest and fairest set of reforms to secure the border we've had in decades. It will make our country safer, make our border more secure, and treat people fairly and humanely while preserving legal immigration,

consistent with our values as a nation. It would deliver much-needed resources to support and expand the DHS workforce after decades of chronic underfunding and builds on this Administration's approach of applying strengthened consequences for those who cross the border unlawfully, while making available safe, and orderly pathways for those who qualify.

The Department remains eager to work with this Committee and other congressional leaders, on a bipartisan basis, to update the United States' immigration framework, including by modernizing the asylum system. Until Congress makes changes only Congress can make, DHS will continue to utilize every tool currently at its disposal and within DHS's authorities to secure the border and create a safe, orderly, and humane immigration system.

Thank you for the opportunity to testify. I look forward to your questions.