



TESTIMONY OF

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ON

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

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Introduction

Chairman Higgins, Ranking Member Correa, Chairman Bishop, Ranking Member Ivey, and Members of the Subcommittees, thank you for the opportunity to discuss U.S. Customs and Border Protection's (CBP) use of mobile technology to support and facilitate inspection and processing operations at U.S. ports of entry (POEs) as part of our critical mission to secure our borders and facilitate lawful trade and travel. I am honored to represent the dedicated men and women of CBP's Office of Field Operations (OFO) who operate on the frontlines to ensure our national and economic security.

OFO is responsible for securing the nation's borders while facilitating lawful trade and travel at POEs, which includes the inspection of all arriving noncitizens seeking admission into the United States.

The emergence of the COVID-19 pandemic and the March 2020 implementation of the Centers for Disease Control and Prevention's (CDC) public health Order,¹ commonly referred to as the Title 42 Order, transformed the Southwest Border (SWB) environment and significantly altered CBP's operations. From March 20, 2020, at 11:59 p.m. ET, until the order ended at 11:59 p.m. ET on May 11, 2023, with the expiration of the COVID-19 public health emergency, CBP expelled noncitizens subject to the Title 42 Order, which suspended the introduction into the United States of certain noncitizens arriving at land and adjacent coastal borders, to protect against the spread of COVID-19.

As a critical component of the whole-of-government planning effort led by the Department of Homeland Security (DHS) over 18 months,² CBP made numerous preparations for the end of the Title 42 Order. These measures included, but were not limited to, deployment and development of new technology to improve processing efficiencies and security, and coordination with our federal, state, local, international, and non-governmental partners.

After the end of the Title 42 Order, with new resources, technologies, and processes in place, CBP has resumed applying its full range of immigration authorities under Title 8 of the U.S. Code to process all noncitizens encountered at the border, as we have done throughout our agency's history. These authorities provide for meaningful consequences for inadmissible noncitizens, to include placing individuals in expedited removal or other immigration removal proceedings, as well as subjecting individuals to a minimum five-year bar on reapplying for admission and potential criminal prosecution if they subsequently re-enter without authorization.

¹ March 20, 2020, CDC Order under Sections 362 & 365 of the Public Health Service Act (42 U.S.C. §§ 265, 268): Order Suspending Introduction of Certain Persons from Countries Where a Communicable Disease Exists. https://www.cdc.gov/quarantine/pdf/CDC-Order-Prohibiting-Introduction-of-Persons_Final_3-20-20_3-p.pdf.

² This comprehensive approach was outlined in the DHS Plan for Southwest Border Security and Preparedness issued in April 2022 and updated in December 2022. See <https://www.dhs.gov/news/2023/05/01/fact-sheet-update-dhs-planning-southwest-border-security-measures-title-42-public>.

Since well before the COVID-19 pandemic, OFO had been advancing its use of technology to improve service delivery and customer experience. Prior to the incorporation of technology, many of OFO's inspection and facilitation processes required manually intensive procedures by CBP officers and stakeholders. Processes often required lengthy transaction times to allow officers to manually input data, such as biographical information, carrying an increased risk of data errors, and diverting officers from devoting their time and focus to critical security functions.

The development and deployment of innovative technology has always been a critical component of OFO's efforts to increase security, streamline processes, and improve stakeholder experience. CBP continues to invest in technology that standardizes, automates, and enhances manual processes and services by making them more efficient, accurate, and secure.

Since its deployment in October 2020, the CBP One mobile application has served as a single portal to a variety of CBP services.³ As part of CBP's comprehensive effort to strengthen the security of our nation's borders while enhancing legitimate trade, CBP One provides increased accessibility to some of CBP's most utilized services and is an important tool to help CBP provide a safe, orderly, and humane mechanism for managing the border.

For that reason, CBP operationalized technology, specifically the CBP One mobile application, to support its approach to providing certain noncitizens with lawful, safe, orderly options for presenting themselves for inspection at a POE.

CBP One as Part of CBP's Enforcement and Processing Operations

The CBP One application, a secure and flexible platform, enables OFO to effectively and efficiently incorporate multiple enforcement processes and services into our longstanding security and facilitation operations.

For example, in April 2022, the Administration announced a process known as Uniting for Ukraine (U4U) that provides a pathway for Ukrainian citizens and their immediate family members who are outside the United States to come to the United States through an airport POE and stay temporarily in a 2-year period of parole. Ukrainians participating in U4U must have an eligible and verified supporter in the United States who agrees to provide them with financial support for the duration of their stay in the United States. U4U beneficiaries then submit required information to CBP online through CBP One.

Building on the success of this process, in October 2022, DHS implemented a similar process to allow certain Venezuelan nationals and their immediate family members to request advance

³ <https://www.cbp.gov/about/mobile-apps-directory/cbpone>

authorization to travel to the United States through an airport POE to seek a discretionary grant of parole. Similar processes were initiated in January 2023 for nationals of Cuba, Nicaragua, and Haiti. These four processes together are commonly referred to as “CHNV.” The CHNV processes leverage CBP One to collect the required applicant information.

Separately from the parole processes described above, CBP One contains a functionality that provides noncitizens physically located in Central or Northern Mexico with the ability to schedule an appointment to present themselves at a land border POE for inspection and processing. This functionality was implemented in January 2023. Available in English, Spanish, and Haitian Creole (in addition to quick reference guides in a dozen languages), CBP One effectively cuts out smugglers, decreases migrant exploitation, and improves safety and security in addition to making the process more efficient. Without the advance information being provided through CBP One, processing at SWB land POEs would take additional time, thus diverting officers from other priorities. Since the CBP One scheduling feature was introduced, more than 530,000 noncitizens have successfully scheduled appointments to present themselves at a SWB land POE.⁴

Prior to the termination of the Title 42 order, the scheduling function was used by noncitizens to schedule an appointment to present at a SWB land POE to seek a humanitarian exception to the Title 42 Order. When the Title 42 Order ended and CBP returned to processing all noncitizens under its longstanding Title 8 authorities, the scheduling capability in the app enabled all noncitizens who have submitted the appropriate information and are within Central or Northern Mexico to request a date and time to present at a designated POE for processing. However, noncitizens are not required to use CBP One to present at a POE for processing, and CBP inspects and processes all noncitizens who arrive at a POE, regardless of whether they use the application to schedule an appointment or submit registration information.

Additionally, in May 2023, as part of the government-wide post-Title 42 strategy to address the anticipated increase in migrants seeking to enter the United States by way of the SWB, DHS and the Department of Justice (DOJ) published a Final Rule⁵ “Circumvention of Lawful Pathways,” establishing a rebuttable presumption of asylum ineligibility for certain noncitizens who fail to seek asylum or other protection in a country through which they travel and fail to take advantage of the existing and expanded lawful, safe, and orderly pathways and processes created by this administration, including the opportunity to schedule a time and place to present at a SWB land POE via the CBP One mobile application.

The CBP One application is used in different ways to support various POE processes for travelers and stakeholders. For example, while CBP One includes functionality for those seeking to schedule an appointment to present at a land POE along the SWB, it has a separate and distinct functionality used by those seeking to request advance authorization to travel as part of established DHS parole processes, such as the U4U and CHNV processes.

⁴ As of February 29, 2024.

⁵ 88 FR 31314 (published May 16, 2023).

Noncitizens who are seeking to travel to the United States through the U4U or CHNV processes are required to have a U.S.-based supporter in the United States, who must first submit an affidavit of support with U.S. Citizenship and Immigration Services (USCIS) and undergo required vetting. Following this review, if the supporter is verified, the intending beneficiary must submit certain information and documentation via CBP One to apply for an advance travel authorization. To be eligible to receive advance travel authorization under the U4U or CHNV processes, applicants must undergo rigorous biographic screening and security vetting and provide documentation verifying residency requirements; vaccination and other public health requirements; and possession of a valid, unexpired passport. Once authorization is granted, U4U or CHNV participants can then travel by air to an interior POE and be considered for a grant of parole, which is determined by CBP on a case-by-case basis.

Application Security

As with all CBP technology, ensuring the security and intended functionality of the CBP One platform is critical. To schedule an appointment at the land border using CBP One, users are required to submit biographic information, pass a geolocation check, and complete a live facial photo submission to schedule appointments. The geolocation check and live photo are key security measures to combat fraud by ensuring the person scheduling an appointment matches their registration, is a real person, and is located in Central or Northern Mexico.

CBP One utilizes more secure GPS location data, rather than Internet Protocol (IP) addresses, to establish a user is in the designated geolocated location before they may request or accept an appointment offer. This makes the use of a Virtual Private Network (VPN) ineffective. CBP One has also incorporated multiple additional security features such as the addition of CAPTCHA technology to authenticate human users, improved back-end system changes to combat bots and automation, and acting against accounts flagged for fraudulent activity. CBP continues to monitor CBP One and pursue additional functionality and security capabilities to combat against fraud and bad actors who prey on noncitizens.

Arrival at a Port of Entry

CBP One is a valuable tool for streamlining processes, but in no way does the technology replace or automate an individual's inspection by a CBP officer at a POE.

Noncitizens who schedule an appointment at a land border POE through CBP One are inspected upon arrival by CBP officers to determine their admissibility to the United States. Officers must verify the identity, nationality/citizenship, and stated intent for entry of each individual. This can be established through questioning and review of travel documents. An inspection will always include a review of law enforcement systems for prior immigration encounters or criminal history of the noncitizen. Officers will perform further questioning to determine if the individual is admissible or should be referred for a secondary inspection.

If an individual is deemed inadmissible for, as an example, not having the appropriate documentation for admission, they will be subject to appropriate immigration processes under Title 8. CBP officers retain discretion in determining the appropriate process for each noncitizen on a case-by-case basis and while considering the totality of the circumstances. As an example, a noncitizen may be issued a Notice to Appear (NTA) before an immigration judge or, depending on the charge of inadmissibility, may be issued an Order of Expedited Removal. Individuals processed for expedited removal proceedings who express a fear of persecution or torture, a fear of return to their country, or who express a desire to seek asylum, are referred to USCIS for a credible fear or reasonable fear interview. CBP officers do not determine the validity of any claims of fear. Individuals issued a NTA and placed in removal proceedings will have the opportunity to seek protection, including asylum, or other forms of relief before an immigration judge.

Additionally, noncitizens may be granted parole, on a case-by-case basis, for urgent humanitarian reasons or significant public benefit, at a POE. In some cases, parole may occur following the issuance of an NTA. The authority for CBP to grant such a parole is found in 8 U.S.C. 1182(d)(5) and 8 CFR 212.5. 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.

Conclusion

CBP One, used alongside other resources, technology, and personnel, is a critical tool for helping frontline officers manage increased flows of irregular migration while maintaining a persistent focus on our other missions, like the interdiction of fentanyl, precursors, and other dangerous drugs.

As we respond and adapt to evolving border dynamics, OFO will continue investing in innovative technology and fulfilling our border security mission by deploying resources, streamlining processes, and putting measures in place to prevent disruptions to our critical border security operations.

OFO remains committed, vigilant, and responsive to the full range of our responsibilities including interdicting illicit drugs, preventing dangerous people and goods from crossing into our borders, enforcing hundreds of trade laws, and ensuring the efficient flow of lawful trade and travel that is so important to our economy.

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