



One Hundred Eighteenth Congress  
Committee on Homeland Security  
U.S. House of Representatives  
Washington, DC 20515

June 1, 2023

The Honorable Alejandro Mayorkas  
Secretary  
Department of Homeland Security  
Washington, DC 20528

Dear Secretary Mayorkas:

The Committee on Homeland Security (Committee) is conducting oversight of the expanded use of the CBP One mobile application by the Department of Homeland Security (DHS) and U.S. Customs and Border Protection (CBP). What began as a streamlined system for customs inspections has turned into a scheduling system for illegal aliens at our Southwest border. This is unacceptable and undermines the integrity of our border.

CBP One launched on October 28, 2020, to streamline entry services and inspection for legal and legitimate trade and travel. These services include allowing brokers, carriers, and forwarders to make appointments for the inspection of perishable cargo and travelers with proper entry documents to apply for and manage their Form I-94.<sup>1</sup> While the Committee commends DHS for developing systems to expedite legitimate trade and travel, we are deeply troubled by DHS's continued expansion of the application. First, in 2021, DHS began allowing non-government organizations to use the application to confirm whether aliens waiting in Mexico under the Migrant Protection Protocols were eligible for processing back into the United States.<sup>2</sup> Then, in 2023, DHS began allowing any alien who attested that they met certain "vulnerability criteria," to schedule an interview at certain ports of entry.<sup>3</sup> In April 2023, in preparation for the

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<sup>1</sup> U.S. DEP'T OF HOMELAND SEC., PRIVACY IMPACT ASSESSMENT FOR CBP FOR CBP ONE™, (2021), *available at* <https://www.dhs.gov/sites/default/files/2023-01/privacy-pia-cbp068-cbpmobileapplication-jan2023.pdf>.

<sup>2</sup> U.S. DEP'T OF HOMELAND SEC., PRIVACY IMPACT ASSESSMENT FOR THE PROCESSING INDIVIDUALS SUBJECT TO MIGRANT PROTECTION PROTOCOLS (MPP) (2021), *available at* <https://www.dhs.gov/sites/default/files/publications/privacy-pia-cbp070-mpp-may2021.pdf?ref=dl-staging-website.ghost.io#:~:text=As%20announced%20by%20DHS%20on%20February%2019%2C%202021%2C,a%20technical%20and%20operational%20solution%20to%20safely%20and>.

<sup>3</sup> Press Release, U.S. Customs and Border Protection, DHS Scheduling System for Safe, Orderly and Humane Border Processing Goes Live on CBP One™ App (Jan. 12, 2023) (on file with author), *available at* <https://www.dhs.gov/news/2023/01/12/dhs-scheduling-system-safe-orderly-and-humane-border-processing-goes-live-cbp-onetm>.

end of Title 42, DHS removed the vulnerability requirement.<sup>4</sup> And in May 2023, DHS increased the number of daily appointments.<sup>5</sup>

DHS claims that the application's continued expansion will help provide a "safe, orderly, and lawful path" for aliens to access the U.S. legal system.<sup>6</sup> But the use of this application is anything but safe, orderly, and lawful. Indeed, to schedule a time to appear at a port of entry, a migrant must still make the dangerous journey to Mexico, where there is a high probability they will be assaulted, raped, or killed.<sup>7</sup> Also, the application only offers a limited number of appointments per day, creating a significant backlog of impatient migrants who are flooding into Mexico, hoping for an appointment.<sup>8</sup> In addition, this application only exacerbates the security risks already plaguing our Southwest border, expediting the process for aliens to be released into the country with little vetting.

After Title 42 ended, the CBP One application can now be used by any alien wishing to make an appointment, regardless of whether they are claiming asylum. The loopholes allowed by the CBP One application are compounded by the Circumvention of Lawful Pathways final rule. The rule lists out several exceptions to those who will be presumed ineligible for asylum.<sup>9</sup> These exceptions include establishing that it was not possible to access or use the application due to a language barrier, illiteracy, significant technical failure, or other ongoing and serious obstacles.<sup>10</sup> The Biden administration's disastrous border policies continue to place our homeland security in jeopardy – and the CBP One application is no exception.

To assist the Committee in its oversight of the CBP One application and to fully assess the impact of the disconcerting application expansion, please provide the following documents

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<sup>4</sup> CBP One™ Mobile Application, <https://www.cbp.gov/about/mobile-apps-directory/cbpone>, (last visited May 16, 2023).

<sup>5</sup> Press Release, U.S. Customs and Border Protection, CBP Makes Changes to CBP One™ App (May 5, 2023), (on file with author) *available at* <https://www.cbp.gov/newsroom/national-media-release/cbp-makes-changes-cbp-one-app>.

<sup>6</sup> Press Release, Dep't. of Homeland Security, DHS Continues to Prepare for End of Title 42; Announces New Border Enforcement Measures and Additional Safe and Orderly Processes (Jan. 5, 2023) (on file with author) *available at* <https://www.dhs.gov/news/2023/01/05/dhs-continues-prepare-end-title-42-announces-new-border-enforcement-measures-and>.

<sup>7</sup> DOCTORS WITHOUT BORDERS, FORCED TO FLEE CENTRAL AMERICAN'S NORTHERN TRIANGLE: A NEGLECTED HUMANITARIAN CRISIS 13-17 (2017) *available at* [https://www.doctorswithoutborders.ca/sites/default/files/msf\\_forced-to-flee-central-americas-northern-triangle\\_0.pdf](https://www.doctorswithoutborders.ca/sites/default/files/msf_forced-to-flee-central-americas-northern-triangle_0.pdf)

<sup>8</sup> Todd Bensman, *Mexico in Chaos after First Month of Biden's 'CBP One' Work Permit Giveaway Program*, CENTER FOR IMMIGRATION STUDIES, Feb. 7, 2023, <https://cis.org/Bensman/Mexico-Chaos-after-First-Month-Bidens-CBP-One-Work-Permit-Giveaway-Program>.

<sup>9</sup> Circumvention of Lawful Pathways, 8 C.F.R. § 208 (2023).

<sup>10</sup> Press Release, U.S. Dep't of Homeland Sec., Fact Sheet: Circumvention of Lawful Pathways Final Rule (May 11, 2023), (on file with author) *available at* <https://www.dhs.gov/news/2023/05/11/fact-sheet-circumvention-lawful-pathways-final-rule#:~:text=Under%20the%20final%20rule%2C%20noncitizens%20who%20cross%20the,for%20asylum%20unless%20they%20meet%20certain%20limited%20exceptions.>

and information as soon as possible, but no later than 5:00 p.m. on June 15, 2023:

1. The number of CBP One appointments scheduled at each port of entry from January 1, 2023, to the present.
2. Copies of any and all checklists or criteria that CBP officers or other DHS officials used or use to document parole decision-making for aliens who schedule appointments at the Southwest land ports of entry through the CBP One application.
3. The monthly number of aliens who scheduled an appointment at the Southwest land ports of entry through the CBP One application, categorized by nationality.
4. The monthly number of aliens who scheduled an appointment at the Southwest land ports of entry through the CBP One application, who did not appear for the appointment, categorized by nationality.
5. The monthly number of aliens approved for parole after scheduling an appointment at the Southwest land ports of entry through the CBP One application, categorized by nationality.
6. On the Circumvention of Lawful Pathways final rule, a significant number of exceptions are made for those who attempted to utilize the CBP One application. Please provide:
  - a. The monthly number of aliens who presented themselves at a port of entry without using the CBP One application, who claimed it was not possible to access or use the CBP One application.
  - b. The monthly number of aliens who were granted an exception based on not being able to access or use the CBP One application.
7. Documents between February 2021 to present to show cost of developing, expanding, and maintaining the CBP One application and any work that was contracted to third parties.
8. Documents sufficient to show what changes have been made to the CBP One application since Title 42 is no longer in place, including whether aliens using the CBP One application are required to state if they will claim asylum.

Secretary Mayorkas

May 31, 2023

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An attachment contains instructions for responding to this request. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Per House Rule X, the U.S. House of Representatives, the Committee on Homeland Security, is the principal committee of jurisdiction for overall homeland security policy and has special oversight of “all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security.”


Thank you for your prompt attention to this important matter.

Sincerely,



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MARK E. GREEN, MD  
Chairman



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CLAY HIGGINS  
Chairman  
Subcommittee on Border Security  
and Enforcement

Encl.

cc: The Honorable Bennie G. Thompson, Ranking Minority Member  
Committee on Homeland Security

The Honorable J. Luis Correa, Ranking Member  
Subcommittee on Border Security and Enforcement