



# No FEAR Act

Equal Employment Opportunity (EEO) Data  
*Fiscal Year 2022, Fourth Quarter*



U.S. Customs and  
Border Protection

*Office of the Commissioner*

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# EEO Data Posted Pursuant to the No Fear Act: CBP

For 4th Quarter 2022, for period ending Sep. 30, 2022

## 1. Complaint Activity

Total	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 9/30/22)
Number of Complaints Filed	268	422	355	371	364	572
Number of Complainants	262	404	338	352	344	544
Repeat Filers	5	18	16	16	17	26

## 2. Complaints by Basis

Note: Complaints can be filed alleging multiple bases. The sum of the bases may not be equal to the total complaints filed.

Basis	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 9/30/22)
Race	65	101	84	100	81	87
Color	17	27	16	31	15	31
Religion	10	17	19	15	17	184
Reprisal	128	181	186	198	185	188
Sex	88	119	108	119	110	145
PDA	6	3	4	2	4	7
National Origin	57	114	70	86	56	62
Equal Pay Act	2	0	1	1	0	0
Age	66	114	95	112	95	123
Disability	59	91	102	108	101	143
Genetics	1	1	1	2	2	7
Non-EEO	16	26	15	31	48	38

### 3. Complaints by Issue

Note: Complaints can be filed alleging multiple issues. The sum of the issues may not be equal to the total complaints filed.

Starting in FY 2022, issues marked with:

\* are reported under Other Terms and Conditions of Employment.

\*\* are reported under Discipline: Other.

Issue	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 9/30/22)
Appointment/Hire	15	26	27	23	14	15
Assignment of Duties*	46	122	68	91	124	-
Awards	8	10	10	16	9	15
Conversion to Full Time/Perm Status*	0	0	0	0	0	-
Discipline: Demotion	1	6	2	2	2	1
Discipline: Reprimand**	25	17	16	20	18	-
Discipline: Suspension	15	17	10	22	17	14
Discipline: Removal	3	2	11	5	12	11
Discipline: Other**	2	0	0	0	0	59
Duty Hours*	2	8	10	16	15	-
Perf. Eval. or Appraisal	10	6	11	17	16	15
Examination or Test	2	11	11	6	2	6
Harassment: Non-Sexual	125	169	166	194	175	192
Harassment: Sexual	13	14	22	14	11	18
Medical Examination	5	13	10	11	5	129
Pay Including Overtime	15	11	22	24	26	20
Promotion or Non-Selection	62	74	58	69	58	54
Reassignment: Denied	3	11	7	8	7	15
Reassignment: Directed	4	16	14	10	10	14
Reasonable Accommodation Disability	18	24	35	37	23	28
Reinstatement*	0	2	1	1	2	-
Religious Accommodation	2	4	2	5	3	14
Retirement*	0	0	4	3	3	-
Sex-Stereotyping	0	0	0	0	0	0
Telework	1	3	2	8	11	13
Termination	11	24	23	30	24	21
Terms and Conditions of Employment*	18	32	45	39	36	-
Time and Attendance	20	27	50	45	65	39
Training	14	12	16	19	10	35
Other Terms and Conditions of Employment*	-	-	-	-	-	246

#### 4. Processing Time

##### a. Complaints Pending During Fiscal Year

Processing Time	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 9/30/22)
Average Number of Days in Investigation	228.10	233.31	225.42	239.98	395.90	521.22
Average Number of Days in Final Action	99.28	106.44	90.36	162.90	181.86	96.41

##### b. Complaints Pending During Fiscal Year Where Hearing was Requested

Processing Time	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 9/30/22)
Average Number of Days in Investigation	223.08	232.26	230.93	228.24	370.53	487.84
Average Number of Days in Final Action	64.64	74.00	60.86	94.23	68.08	65.87

##### c. Complaints Pending During Fiscal Year Where Hearing was Not Requested

Processing Time	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 9/30/22)
Average Number of Days in Investigation	240.37	246.12	223.00	267.15	443.23	617.19
Average Number of Days in Final Action	146.24	150.15	175.19	361.70	368.42	168.71

## 5. Complaints Dismissed by the Agency

Complaints Dismissed by Agency	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 9/30/22)
Total Complaints Dismissed by Agency	19	55	41	18	14	27
Average Days Pending Prior to Dismissal	119	136	143	225	494	528

## 6. Complaints Withdrawn by Complainants

Complaints Withdrawn by Complainants	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 9/30/22)
Total Complaints Withdrawn by Complainants	27	46	50	50	48	48

## 7. Total Final Agency Actions Finding Discrimination

### a. Final Agency Actions Finding Discrimination: Breakdown by Number

Total Final Agency Actions Finding Discrimination	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 9/30/22)
Findings Without Hearing	3	0	3	8	2	7
Findings With Hearing	0	1	1	12	0	1
<b>Total Number of Findings</b>	<b>3</b>	<b>1</b>	<b>4</b>	<b>20</b>	<b>2</b>	<b>8</b>

### b. Final Agency Actions Finding Discrimination: Breakdown by Percentage

Total Final Agency Actions Finding Discrimination	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 9/30/22)
Findings Without Hearing	100%	0%	75%	40%	100%	87%
Findings With Hearing	0%	100%	25%	60%	0%	13%

## 8. Findings of Discrimination Rendered by Basis

Note: Complaints can be filed alleging multiple bases. The sum of the bases may not be equal to the total complaints filed.

### a. Total Number of Findings

#### i. Basis Breakdown by Number

Basis	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 9/30/22)
Race	1	0	0	4	0	0
Color	0	0	0	0	0	0
Religion	0	0	0	0	0	0
Reprisal	3	1	2	11	1	5
Sex	2	0	2	4	1	1
PDA	0	0	0	1	0	0
National Origin	1	0	0	4	0	2
Equal Pay Act	0	0	0	0	0	0
Age	2	0	1	5	0	1
Disability	0	0	1	10	0	5
Genetics	0	0	0	0	0	0
Non-EEO	0	0	0	2	0	0
<b>Total</b>	<b>3</b>	<b>1</b>	<b>4</b>	<b>20</b>	<b>2</b>	<b>8</b>

#### ii. Basis Breakdown by Percentage

Basis	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 9/30/22)
Race	33%	0%	0%	20%	0%	0%
Color	0%	0%	0%	0%	0%	0%
Religion	0%	0%	0%	0%	0%	0%
Reprisal	100%	100%	50%	55%	50%	63%
Sex	67%	0%	50%	20%	50%	13%
PDA	0%	0%	0%	5%	0%	0%
National Origin	33%	0%	0%	20%	0%	25%
Equal Pay Act	0%	0%	0%	0%	0%	0%
Age	67%	0%	25%	25%	0%	13%
Disability	0%	0%	25%	50%	0%	63%
Genetics	0%	0%	0%	0%	0%	0%
Non-EEO	0%	0%	0%	10%	0%	0%

**b. Findings After Hearing**

**i. Basis Breakdown by Number**

Basis	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 9/30/22)
Race	0	0	0	3	0	0
Color	0	0	0	0	0	0
Religion	0	0	0	0	0	0
Reprisal	0	1	1	8	0	1
Sex	0	0	1	1	0	1
PDA	0	0	0	1	0	0
National Origin	0	0	0	4	0	1
Equal Pay Act	0	0	0	0	0	0
Age	0	0	0	3	0	0
Disability	0	0	0	6	0	1
Genetics	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>12</b>	<b>0</b>	<b>1</b>

**ii. Basis Breakdown by Percentage**

Basis	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 9/30/22)
Race	0%	0%	0%	25%	0%	0%
Color	0%	0%	0%	0%	0%	0%
Religion	0%	0%	0%	0%	0%	0%
Reprisal	0%	100%	100%	67%	0%	100%
Sex	0%	0%	100%	8%	0%	100%
PDA	0%	0%	0%	8%	0%	0%
National Origin	0%	0%	0%	33%	0%	100%
Equal Pay Act	0%	0%	0%	0%	0%	0%
Age	0%	0%	0%	25%	0%	0%
Disability	0%	0%	0%	50%	0%	100%
Genetics	0%	0%	0%	0%	0%	0%
Non-EEO	0%	0%	0%	0%	0%	0%



**c. Findings Without Hearing**

**i. Basis Breakdown by Number**

Basis	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 9/30/22)
Race	1	0	0	1	0	0
Color	0	0	0	0	0	0
Religion	0	0	0	0	0	0
Reprisal	3	0	1	3	1	4
Sex	2	0	1	3	1	0
PDA	0	0	0	0	0	0
National Origin	1	0	0	0	0	1
Equal Pay Act	0	0	0	0	0	0
Age	2	0	1	2	0	1
Disability	0	0	1	4	0	4
Genetics	0	0	0	0	0	0
Non-EEO	0	0	0	2	0	0
<b>Total</b>	<b>3</b>	<b>0</b>	<b>3</b>	<b>8</b>	<b>2</b>	<b>7</b>

**ii. Basis Breakdown by Percentage**

Basis	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 9/30/22)
Race	33%	0%	0%	13%	0%	0%
Color	0%	0%	0%	0%	0%	0%
Religion	0%	0%	0%	0%	0%	0%
Reprisal	100%	0%	33%	38%	50%	57%
Sex	67%	0%	33%	38%	50%	0%
PDA	0%	0%	0%	0%	0%	0%
National Origin	33%	0%	0%	0%	0%	14%
Equal Pay Act	0%	0%	0%	0%	0%	0%
Age	67%	0%	33%	25%	0%	14%
Disability	0%	0%	33%	50%	0%	57%
Genetics	0%	0%	0%	0%	0%	0%
Non-EEO	0%	0%	0%	25%	0%	0%

## 9. Findings of Discrimination Rendered by Issue

### a. Total Number of Findings by Issue

#### i. Issue Breakdown by Number

Issue	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 9/30/22)
Appointment or Hire	0	0	0	2	0	0
Assignment of Duties*	2	0	1	2	0	-
Awards	0	0	1	1	0	0
Conversion to Full Time or Perm Status*	0	0	0	0	0	-
Discipline: Demotion	0	0	0	0	0	0
Discipline: Reprimand**	0	0	0	1	0	-
Discipline: Suspension	0	0	0	0	0	0
Discipline: Removal	0	0	0	0	0	1
Discipline: Other**	0	0	0	0	0	0
Duty Hours*	0	0	0	0	0	-
Perf. Eval. or Appraisal	0	0	1	1	0	0
Examination or Test	0	0	0	0	0	0
Harassment: Non-Sexual	1	0	1	10	2	3
Harassment: Sexual	0	0	0	3	0	0
Medical Examination	0	0	0	1	0	0
Pay Including Overtime	0	0	0	0	0	0
Promotion or Non-Selection	0	0	1	1	0	1
Reassignment: Denied	0	0	0	0	0	0
Reassignment: Directed	0	0	1	1	0	0
Reasonable Accommodation Disability	0	0	1	0	0	2
Reinstatement*	0	0	0	0	0	-
Religious Accommodation	0	0	0	0	0	0
Retirement*	0	0	0	0	0	-
Sex-Stereotyping	0	0	0	0	0	0
Telework	0	0	0	1	0	0
Termination	0	0	0	1	0	0
Terms and Conditions of Employment*	1	1	0	1	0	-
Time and Attendance	0	0	1	1	0	1
Training	0	0	0	0	0	0
Other Terms and Conditions of Employment*	-	-	-	-	-	2
<b>Total</b>	<b>3</b>	<b>1</b>	<b>4</b>	<b>20</b>	<b>2</b>	<b>8</b>

## ii. Issue Breakdown by Percentage

Issue	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 9/30/22)
Appointment or Hire	0%	0%	0%	10%	0%	0%
Assignment of Duties*	67%	0%	25%	10%	0%	-
Awards	0%	0%	25%	5%	0%	0%
Conversion to Full Time or Perm Status*	0%	0%	0%	0%	0%	-
Discipline: Demotion	0%	0%	0%	0%	0%	0%
Discipline: Reprimand**	0%	0%	0%	5%	0%	-
Discipline: Suspension	0%	0%	0%	0%	0%	0%
Discipline: Removal	0%	0%	0%	0%	0%	13%
Discipline: Other**	0%	0%	0%	0%	0%	0%
Duty Hours*	0%	0%	0%	0%	0%	-
Perf. Eval. or Appraisal	0%	0%	25%	5%	0%	0%
Examination or Test	0%	0%	0%	0%	0%	0%
Harassment: Non-Sexual	33%	0%	25%	50%	100%	38%
Harassment: Sexual	0%	0%	0%	15%	0%	0%
Medical Examination	0%	0%	0%	5%	0%	0%
Pay Including Overtime	0%	0%	0%	0%	0%	0%
Promotion or Non-Selection	0%	0%	25%	5%	0%	13%
Reassignment: Denied	0%	0%	0%	0%	0%	0%
Reassignment: Directed	0%	0%	25%	5%	0%	0%
Reasonable Accommodation Disability	0%	0%	25%	0%	0%	25%
Reinstatement*	0%	0%	0%	0%	0%	-
Religious Accommodation	0%	0%	0%	0%	0%	0%
Retirement*	0%	0%	0%	0%	0%	-
Sex-Stereotyping	0%	0%	0%	0%	0%	0%
Telework	0%	0%	0%	5%	0%	0%
Termination	0%	0%	0%	5%	0%	0%
Terms and Conditions of Employment*	33%	100%	0%	5%	0%	-
Time and Attendance	0%	0%	25%	5%	0%	13%
Training	0%	0%	0%	0%	0%	0%
Other Terms and Conditions of Employment*	-	-	-	-	-	25%

## b. Findings After Hearing

### i. Issue Breakdown by Number

Issue	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 9/30/22)
Appointment or Hire	0	0	0	2	0	0
Assignment of Duties*	0	0	1	1	0	-
Awards	0	0	1	1	0	0
Conversion to Full Time or Perm Status*	0	0	0	0	0	-
Discipline: Demotion	0	0	0	0	0	0
Discipline: Reprimand**	0	0	0	0	0	-
Discipline: Suspension	0	0	0	0	0	0
Discipline: Removal	0	0	0	0	0	0
Discipline: Other**						
Duty Hours*	0	0	0	0	0	-
Perf. Eval. or Appraisal	0	0	0	1	0	0
Examination or Test	0	0	0	0	0	0
Harassment: Non-Sexual	0	0	0	6	0	1
Harassment: Sexual	0	0	0	0	0	0
Medical Examination	0	0	0	1	0	0
Pay Including Overtime	0	0	0	0	0	0
Promotion or Non-Selection	0	0	1	1	0	0
Reassignment: Denied	0	0	0	0	0	0
Reassignment: Directed	0	0	0	1	0	0
Reasonable Accommodation Disability	0	0	0	0	0	0
Reinstatement*	0	0	0	0	0	-
Religious Accommodation	0	0	0	0	0	0
Retirement*	0	0	0	0	0	-
Sex-Stereotyping	0	0	0	0	0	0
Telework	0	0	0	0	0	0
Termination	0	0	0	0	0	0
Terms and Conditions of Employment*	0	1	0	0	0	-
Time and Attendance	0	0	1	0	0	0
Training	0	0	0	0	0	0
Other Terms and Conditions of Employment*	-	-	-	-	-	0
<b>Total</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>12</b>	<b>0</b>	<b>1</b>

## ii. Issue Breakdown by Percentage

Issue	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 9/30/22)
Appointment or Hire	0%	0%	0%	17%	0%	0%
Assignment of Duties*	0%	0%	100%	8%	0%	-
Awards	0%	0%	100%	8%	0%	0%
Conversion to Full Time/Perm Status*	0%	0%	0%	0%	0%	-
Discipline: Demotion	0%	0%	0%	0%	0%	0%
Discipline: Reprimand**	0%	0%	0%	0%	0%	-
Discipline: Suspension	0%	0%	0%	0%	0%	0%
Discipline: Removal	0%	0%	0%	0%	0%	0%
Discipline: Other**						
Duty Hours*	0%	0%	0%	0%	0%	-
Perf. Eval. or Appraisal	0%	0%	0%	8%	0%	0%
Examination or Test	0%	0%	0%	0%	0%	0%
Harassment: Non-Sexual	0%	0%	0%	50%	0%	100%
Harassment: Sexual	0%	0%	0%	0%	0%	0%
Medical Examination	0%	0%	0%	8%	0%	0%
Pay Including Overtime	0%	0%	0%	0%	0%	0%
Promotion or Non-Selection	0%	0%	100%	8%	0%	0%
Reassignment: Denied	0%	0%	0%	0%	0%	0%
Reassignment: Directed	0%	0%	0%	8%	0%	0%
Reasonable Accommodation Disability	0%	0%	0%	0%	0%	0%
Reinstatement*	0%	0%	0%	0%	0%	-
Religious Accommodation	0%	0%	0%	0%	0%	0%
Retirement*	0%	0%	0%	0%	0%	-
Sex-Stereotyping	0%	0%	0%	0%	0%	0%
Telework	0%	0%	0%	0%	0%	0%
Termination	0%	0%	0%	0%	0%	0%
Terms and Conditions of Employment*	0%	100%	0%	0%	0%	-
Time and Attendance	0%	0%	100%	0%	0%	0%
Training	0%	0%	0%	0%	0%	0%
Other Terms and Conditions of Employment*	-	-	-	-	-	0%

### c. Findings Without Hearing

#### i. Issue Breakdown by Number

Issue	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 9/30/22)
Appointment or Hire	0	0	0	0	0	0
Assignment of Duties*	2	0	0	1	0	-
Awards	0	0	0	0	0	0
Conversion to Full Time or Perm Status*	0	0	0	0	0	-
Discipline: Demotion	0	0	0	0	0	0
Discipline: Reprimand**	0	0	0	1	0	-
Discipline: Suspension	0	0	0	0	0	0
Discipline: Removal	0	0	0	0	0	1
Discipline: Other**	0	0	0	0	0	0
Duty Hours*	0	0	0	0	0	-
Perf. Eval. or Appraisal	0	0	1	0	0	0
Examination or Test	0	0	0	0	0	0
Harassment: Non-Sexual	1	0	1	4	2	2
Harassment: Sexual	0	0	0	3	0	0
Medical Examination	0	0	0	0	0	0
Pay Including Overtime	0	0	0	0	0	0
Promotion or Non-Selection	0	0	0	0	0	1
Reassignment: Denied	0	0	0	0	0	0
Reassignment: Directed	0	0	1	0	0	0
Reasonable Accommodation Disability	0	0	1	0	0	2
Reinstatement*	0	0	0	0	0	-
Religious Accommodation	0	0	0	0	0	0
Retirement*	0	0	0	0	0	-
Sex-Stereotyping	0	0	0	0	0	0
Telework	0	0	0	1	0	0
Termination	0	0	0	1	0	0
Terms and Conditions of Employment*	1	0	0	1	0	-
Time and Attendance	0	0	0	1	0	1
Training	0	0	0	0	0	0
Other Terms and Conditions of Employment*	-	-	-	-	-	2
<b>Total</b>	<b>3</b>	<b>0</b>	<b>3</b>	<b>8</b>	<b>2</b>	<b>7</b>

## ii. Issue Breakdown by Percentage

Issue	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 9/30/22)
Appointment or Hire	0%	0%	0%	0%	0%	0%
Assignment of Duties*	67%	0%	0%	13%	0%	-
Awards	0%	0%	0%	0%	0%	0%
Conversion to Full Time or Perm Status*	0%	0%	0%	0%	0%	-
Discipline: Demotion	0%	0%	0%	0%	0%	0%
Discipline: Reprimand**	0%	0%	0%	13%	0%	-
Discipline: Suspension	0%	0%	0%	0%	0%	0%
Discipline: Removal	0%	0%	0%	0%	0%	14%
Discipline: Other**	0%	0%	0%	0%	0%	0%
Duty Hours*	0%	0%	0%	0%	0%	-
Perf. Eval. or Appraisal	0%	0%	33%	0%	0%	0%
Examination or Test	0%	0%	0%	0%	0%	0%
Harassment: Non-Sexual	33%	0%	33%	50%	100%	29%
Harassment: Sexual	0%	0%	0%	38%	0%	0%
Medical Examination	0%	0%	0%	0%	0%	0%
Pay Including Overtime	0%	0%	0%	0%	0%	0%
Promotion or Non-Selection	0%	0%	0%	0%	0%	14%
Reassignment: Denied	0%	0%	0%	0%	0%	0%
Reassignment: Directed	0%	0%	33%	0%	0%	0%
Reasonable Accommodation Disability	0%	0%	33%	0%	0%	29%
Reinstatement*	0%	0%	0%	0%	0%	-
Religious Accommodation	0%	0%	0%	0%	0%	0%
Retirement*	0%	0%	0%	0%	0%	-
Sex-Stereotyping	0%	0%	0%	0%	0%	0%
Telework	0%	0%	0%	13%	0%	0%
Termination	0%	0%	0%	13%	0%	0%
Terms and Conditions of Employment*	33%	0%	0%	13%	0%	-
Time and Attendance	0%	0%	0%	13%	0%	14%
Training	0%	0%	0%	0%	0%	0%
Other Terms and Conditions of Employment*	-	-	-	-	-	29%

## 10. Pending Complaints Filed in Previous Fiscal Years by Status<sup>1</sup>

### a. Total Complaints and Complainants

Pending Complaints Filed in Previous Years by Status	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 9/30/22)
Total Complaints from Previous Fiscal Year	330	356	458	515	496	447
Total Complainants	295	317	416	465	437	405

### b. Number of Complaints Pending

Status	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 9/30/22)
Investigation	3	2	52	65	137	245
ROI Issued, Pending Complainant's Action	5	1	1	2	13	5
Hearing	296	316	331	334	256	180
Final Agency Action	19	32	71	96	88	18
Appeal with EEOC Office of Federal Operations <sup>2</sup>	84	118	152	178	189	216

## 11. Complaint Investigations

Complaint Investigation	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 9/30/22)
Pending Complaints Where Investigations Exceed Required Time Frames	8	3	9	59	188	321

<sup>1</sup> In accordance with 29 CFR §1614.703(f), CBP will publicly post the additional data required by 5 USC §2301.301(b)(9)(C) and §2301.301(b)(11) after the EEO Commission posts an updated NoFEAR reporting template on its website.

<sup>2</sup> Department of Homeland Security's Office of Civil Rights and Civil Liberties enters appeal-level events in DHS's iComplaints for CBP's cases. CBP has noted that CRCL has not yet entered the appeal closure events for many of CBP's completed cases.