

**Supporting Statement  
Electronic Visa Update System (EVUS)  
1651-0139**

**A. Justification**

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

DHS has developed the Electronic Visa Update System (EVUS), which provides a mechanism through which information updates are obtained from nonimmigrant aliens who hold a passport issued by an identified country containing a U.S. nonimmigrant visa of a designated category. EVUS provides for greater efficiencies in the screening of international travelers by allowing DHS to identify nonimmigrant aliens who may be inadmissible before they depart for the United States, thereby increasing security and reducing traveler delays upon arrival at U.S. ports of entry. EVUS aids DHS in facilitating legitimate travel while also enhancing public safety and national security.

Currently, the program is limited to nonimmigrant aliens who hold unrestricted, maximum validity B-1 (business visitor), B-2 (visitor for pleasure), or combination B-1/B-2 visas, which are generally valid for 10 years, contained within a passport issued by the People's Republic of China (PRC). The PRC's inclusion in this program was noted in the arrangement that allowed the November 12, 2014 increase in reciprocity in these visa categories from one to ten years. The Secretary of Homeland Security, in the Secretary's discretion and in consultation with the Secretary of State, may identify additional countries whose passport holders would be subject to the EVUS regulations for any travel to the United States, and designate applicable visa categories. The public would be notified of any future designation through a notification published in the Federal Register.

CBP has implemented EVUS capabilities in a manner that relies on statutory authorities of the Secretary of Homeland Security and the Secretary of State and under the Immigration and Nationality Act (INA) related to visa revocation and conditions of admission and entry for nonimmigrant aliens seeking admission to the United States. The EVUS framework rests on the following authorities:

**Visa Authorities**

The Secretary of State is charged with administering and enforcing immigration laws related to "the powers, duties, and functions of diplomatic and consular officers of the United States." INA § 104(a), 8 U.S.C. § 1104(a). In carrying out these duties, the Secretary of State, in concert with the Secretary of Homeland Security, is authorized to establish regulations, prescribe forms and reports, and perform necessary acts. Id.; see also 6 U.S.C. § 236(b)(1) ("Notwithstanding section 104(a) of the Immigration and Nationality Act (8 U.S.C. § 1104(a)) or any other provision of

law, and except as provided in subsection (c) of this section, the Secretary [of Homeland Security] (1) shall be vested exclusively with all authorities to issue regulations with respect to, administer, and enforce the provisions of such Act, and of all other immigration and nationality laws, relating to the functions of consular officers of the United States in connection with the granting or refusal of visas...”).

Section 221(a)(1)(B) of the INA, 8 U.S.C. § 1201(a)(1)(B), authorizes the Department of State (DOS) to issue nonimmigrant visas to foreign nationals. Section 221(c), 8 U.S.C. § 1201(c), provides that “[a] nonimmigrant visa shall be valid for such periods as shall be by regulations prescribed,” and section 221(i) authorizes the Secretary of State to revoke visas at any time, in his or her discretion. DOS has exercised the section 221(i) authority when information surfaces after visa issuance that calls into question the subject’s continued eligibility for a visa. See 9 Foreign Affairs Manual (FAM) 403.11-5(B).

Failure to comply with EVUS requirements does not render a subject ineligible for a visa. However, because compliance with EVUS regulatory requirements is a condition of admission pursuant to INA §§ 214(a)(1) and 215(a)(1), 8 U.S.C. §§ 1184(a)(1) and 215(a)(1); see also 8 C.F.R. § 215.24, when a nonimmigrant visa holder fails to comply with EVUS, DOS will exercise its visa revocation authority under Section 222(i) of the INA in the form of an automatic provisional revocation. See 8 C.F.R. § 215.24(g)(1); 22 C.F.R. § 41.122(b)(3). That automatic provisional revocation is reversed automatically when the visa holder complies with EVUS. See 22 C.F.R. § 41.122(b)(3).

### **Entry and Admission Authorities**

Section 103(a) of the INA, 8 U.S.C. § 1103(a), charges the Secretary of Homeland Security with the administration and enforcement of the INA and other laws relating to the immigration and naturalization of aliens, and authorizes the Secretary to establish such regulations as she deems necessary for carrying out her authority. In addition, section 402(4) of the Homeland Security Act of 2002 (HSA), 6 U.S.C. § 202(4), makes the Secretary of Homeland Security responsible for establishing and administering rules governing the granting of visas or other forms of permission to enter the United States to individuals who are not citizens or aliens lawfully admitted for permanent residence in the United States. Further, section 428(b) of the HSA, 6 U.S.C. § 236(b), confers upon the Secretary of Homeland Security the authority “to issue regulations with respect to, administer, and enforce the provisions of [the INA], and of all other immigration and nationality laws, relating to the functions of consular officers of the United States in connection with the granting or refusal of visas.”

Section 214(a)(1) of the INA, 8 U.S.C. § 1184(a)(1), authorizes DHS to prescribe by regulation the conditions for admission of an alien as a nonimmigrant: “The admission to the United States of any alien as a nonimmigrant shall be for such time and under such conditions as the [Secretary of Homeland Security]<sup>1</sup> may by

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<sup>1</sup> As of March 1, 2003, in accordance with section 1517 of Title XV of the Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2135, any reference to the Attorney General in a provision of the Immigration and Nationality Act describing functions which were transferred from the Attorney General or other

regulations prescribe....”

An applicant for admission to the United States has the burden to prove he or she is clearly and beyond doubt entitled to be admitted and is not inadmissible under section 212 of the INA. INA §§ 235(b)(2)(A), 240(c)(2), 291; 8 U.S.C. §§ 1225(b)(2)(A), 1229a(c)(2), 1361; 8 C.F.R. § 235.1(f)(1). Immigration officers determine whether any grounds of inadmissibility apply at the time an alien is inspected. 8 C.F.R. § 235.1(a), (f)(1). Moreover, an immigration officer has the authority to require an alien to state under oath any information sought by an immigration officer regarding the purposes and intentions of the alien in seeking admission, including the alien’s intended length of stay, intent to remain permanently, and potential grounds of inadmissibility. INA § 235(a)(5), 8 U.S.C. § 1225(a)(5); see also INA § 235(d)(3), 8 U.S.C. § 1225(d)(3) (conferring on the Secretary and “any immigration officer” the “power . . . to take and consider evidence of or from any person touching the privilege of any alien . . . to enter, reenter, transit through, or reside in the United States or concerning any matter which is material or relevant to the enforcement of [the INA] and the administration of [DHS]”); INA § 287(b), 8 U.S.C. § 1357(b) (same).

Additionally, aliens’ authorization to travel to and seek admission to the United States may be limited and conditioned by DHS under INA § 215(a)(1), 8 U.S.C. § 1185(a)(1), which states that “[u]nless otherwise ordered by the President, it shall be unlawful for any alien to depart from or enter or attempt to depart from or enter the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President may prescribe.” The President assigned his functions under INA § 215 with respect to aliens to the Secretary of Homeland Security, acting with the concurrence of the Secretary of State. Exec. Order No. 13,323, 69 Fed. Reg. 241 (Dec. 30, 2003). Section 215(a)(2) of the INA, 8 U.S.C. § 1185(a)(2), prohibits the transport from or into the United States of individuals for which there is “knowledge or reasonable cause to believe that the departure or entry of such other person is forbidden” under section 215(a)(1) of the INA.

The foregoing authorities permit the Government to require EVUS compliance in advance of travel to the United States.

**2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection .**

The data collected through EVUS provides information to support DHS mission requirements as they relate to the screening of alien visitors to the United States. The information required for EVUS enrollment is information that DHS, in consultation with DOS, has deemed necessary for purposes of evaluating whether a covered alien’s travel to the United States poses a law enforcement or security risk.

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Department of Justice official to the Department of Homeland Security by the HSA “shall be deemed to refer to the Secretary” of Homeland Security. See 6 U.S.C. § 557 (2003) (codifying HSA, Title XV, § 1517); 6 U.S.C. 542 note; 8 U.S.C. § 1551 note.

The timely and accurate capture of updated traveler information helps ensure that DHS has the most recent and accurate information for such an evaluation.

EVUS must interoperate with secure government vetting systems, visa application processes, and systems that support inspections at ports of entry. EVUS must also provide live data sharing feeds to other federal partners.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden .**

The collection of data in EVUS is 100% electronic via a website. The website is [www.EVUS.gov](http://www.EVUS.gov).

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

There is no duplication as this information has not been collected by DHS's U.S. Customs and Border Protection (CBP) prior to this collection. The Department of State collects a visa holder's biographic and other information on the DS-160 as part of the visa application process. EVUS currently allows visa holders in designated visa categories from designated countries to enroll and then update biographic and other information, found originally on the DS-160, every two years, when the visa holder's passport or nonimmigrant visa subject to EVUS expires, or upon certain delineated triggering events (e.g., name change, new passport).

- 5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

This information collection does not have an impact on small businesses or other small entities.

- 6. Describe consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

CBP would be less able to ensure that it has current, valid biographical information available to determine eligibility for citizens and nationals of designated countries traveling in designated visa categories to the United States, which would hinder CBP's ability to assess admissibility, as well as potential law enforcement and national security risks.

- 7. Explain any special circumstances related to this collection of information.**

This information is collected in a manner consistent with the guidelines of 5 C.F.R.

§ 1320.5(d)(2).

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

Public comments were solicited through a 60-day Federal Register notice published on February 21 2017 (Volume 82, Page 11237) on which 12 comments were received, and a 30-day Federal Register notice published on April 27, 2017 (Volume 82, Page 19380) on which 26 comments were received. Many of the comments were similar in content and have been consolidated and addressed below. Many of these comments are related to the DHS's intent to add an optional question to collect social media handles on the EVUS form. However, DHS has determined that this question will not be included at this time.

- 1. Comment: The rule will be ineffective for its stated purpose and will gather no useful data.**

Submitted by: John & Siming Macpherson, Grant Godfrey, Michael Davidson, 30+ Organizations, Edwin Wang, Center for Democracy & Technology

Overview of comment: This comment was critical of the social media collection proposal. The public expressed concern that the rule will be ineffective for its stated purpose, will gather no useful data, and is unlikely to be a helpful tool for finding any nefarious activity.

**CBP response:** DHS has determined that the optional social media question will not be added to EVUS at this time. As a result, this comment is no longer relevant to the collection.

- 2. Comment: Concerned that there are different social media platforms utilized in China than the USA. How would CBP overcome this issue?**

Submitted by: John & Siming Macpherson

Overview of comment: The public expressed concern that there are different social media platforms utilized in China than the USA. How would CBP overcome this issue?

**CBP response:** DHS has determined that the optional social media question will not be added to EVUS at this time. As a result, this comment is no longer relevant to the collection.

- 3. Comment: Concerned CBP will not analyze the information effectively, as they will not be fluent in Chinese or multiple dialects of the language.**

Submitted by: John & Siming Macpherson, William Barratt, Michael Davidson, Center for Democracy & Technology

Overview of comment: The public expressed concern CBP will not analyze the information effectively, as they will not be fluent in Chinese or multiple dialects of the language.

**CBP Response:** CBP employs highly trained officers along with contractors to aide us in the translation of Electronic Visa Update System questionnaires. These contractors are at minimum bilingual, may possess additional language skills and understand multiple dialects, and can, as a result, effectively communicate the information contained in the application

**4. Comment: The rule will negatively impact applicants who fail to provide, do not possess, or decline to answer the social media question.**

Submitted by: John & Siming Macpherson, AmCham China, Ying Qing, 30+ Organizations, Center for Democracy & Technology, Electronic Privacy Information Center

Overview of Comment: The public expressed concern that the rule will negatively impact applicants who fail to provide, do not possess, or decline to answer the social media question.

**CBP response:** DHS has determined that the optional social media question will not be added to EVUS at this time. As a result, this comment is no longer relevant to the collection.

**5. Comment: Asking for passwords or additional information requests from social media companies**

Submitted by: Austin Dempewolf, AmCham China, Ying Qing, Electronic Privacy Information Center

Overview of comment: The public has expressed concern with requests for passwords along with their social media handles.

**CBP Response:** CBP will not request any password information as part of the Electronic Visa Update System (EVUS) questionnaire and will not use it even if provided. DHS has determined that the optional social media question will not be added to EVUS at this time.

**6. Comment: How will DHS define “online presence” and “social media”?**

Submitted by: Grant Godfrey, Ying Qing, Center for Democracy & Technology

Overview of Comment: The public expressed concern about how DHS will define “online presence” and “social media.”

**CBP response:** DHS has determined that the optional social media question will not be added to EVUS at this time. As a result, this comment is no longer relevant to the collection.

**7. Comment: How are applicants vetted when they provide their social media information? Is more weight placed on the individuals they communicate with or their personal views? Who will view the information gathered from the social media question?**

Submitted by: Ying Qing, Electronic Privacy Information Center

Overview of comment: The public expressed concern over who would analyze or be privy to the intelligence gathered through the social media question. How are applicants vetted when they provide their social media information? Is more weight placed on the individuals they communicate with or their personal views?

**CBP Response:** DHS has determined that the optional social media question will not be added to EVUS at this time. As a result, portions of this comment regarding analysis of social media information are no longer relevant to the collection. The response addresses how DHS vets, shares and protects traveler information,

CBP trains its officers in the appropriate method for reviewing traveler data for Electronic Visa Update System (EVUS) applicants. Enrollment requests will be independently reviewed, and case-by-case determinations will be made based on the totality of the circumstances. EVUS information may be shared with other agencies that have a need to know the information to carry out their national security, law enforcement, immigration, or other homeland security functions. Information sharing with agencies outside DHS may only occur consistent with applicable statutory and regulatory requirements and in compliance with existing memoranda of understanding between governmental agencies.

DHS takes the protection and security of all Personally Identifiable Information (PII) very seriously and strictly adheres to Federal privacy laws and guidance and Departmental policies and procedures for protecting PII. DHS handles all information collected through EVUS as documented in the EVUS System of Records Notice (SORN) and Privacy Impact Assessment (PIA), available on the DHS website ([www.dhs.gov/privacy](http://www.dhs.gov/privacy)). CBP takes precautions to maintain the security, confidentiality, and integrity of the information collected. Safeguards include access controls that limit access to the information to only authorized users and the use of advanced security technologies to protect the information stored from unauthorized access.

**8. Comment: How will CBP guarantee the privacy of the respondents? How will the data be retained, used, and stored? Invasion of privacy.**

Submitted by: Ying Qing, AmCham China, 30+ Organizations, Electronic Privacy Information Center

Overview of Comment: The public expressed concerns over how CBP will guarantee the privacy of the respondents and that the Chinese perceive CBP's proposed social media questions as an invasion of personal privacy, which will be an incentive not to travel to the United States. The public also expressed concern over how the data will be retained,

used, and stored. The public has also expressed concern that the inclusion of the social media questions will violate their freedom of speech/expression and may express biases towards individuals who hold different opinions than the majority of the population.

**CBP Response:** DHS has determined that the optional social media question will not be added to EVUS at this time. As a result, this comment is no longer relevant to the collection.

**9. Comment: The Federal Register estimated the “Number of Respondents” as 3,595,904. How did CBP derive to this number?**

Submitted by: Ying Qing

Overview of Comment: The public wanted to know how CBP derived the figure 3,595,904 for “Number of Respondents” printed in the Federal Register.

**CBP Response:** CBP based this Probabilistic Risk Assessment on the number of covered aliens required to submit an EVUS enrollment request on historical data, for nationals of the People’s Republic of China (PRC), concerning B-1, B-2, and B-1/B-2 visa issuances, admissions, and denied applications for admission to the United States, as well as those anticipated with the EVUS rule’s implementation in FY 2017. For more information on this estimate, please see the “Projected Covered Alien Population with Rule (i.e., Population Affected by Rule)” section of the Regulatory Impact Analysis of the Establishment of the Electronic Visa Update System (EVUS) Final Rule in the public docket for the EVUS rulemaking at [www.regulations.gov](http://www.regulations.gov).

**10. Comment: Applicants will feel compelled to comply with the social media question.**

Submitted by: Jess Jinn, Postcard (1), William Barratt, Ying Qing

Overview of Comment: The public states applicants will feel compelled to answer the social media question, even though the question is optional.

**CBP Response:** DHS has determined that the optional social media question will not be added to EVUS at this time. As a result, this comment is no longer relevant to the collection.

**11. Comment: Social media data gathering will inappropriately target and discriminate against Chinese citizens who would like to visit the United States.**

Submitted by: Jess Jinn, Postcard (1), 30+ Organizations, Electronic Privacy Information Center

Overview of Comment: The public expressed concern that social media data gathering will inappropriately target and discriminate against Chinese citizens who would like to visit the United States.

**CBP Response:** DHS has determined that the optional social media question will not be added to EVUS at this time. As a result, this comment is no longer relevant to the collection.

**12. Comment: This policy would reinforce the idea that China is an enemy to the US, which would lead to increased anti- Chinese sentiment in the United States**

Submitted by: Jess Jinn, Postcard (1), Electronic Privacy Information Center

Overview of Comment: The public expressed concern that this policy would reinforce the idea that China is an enemy to the US, leading to increased anti-Chinese sentiment in the United States.

**CBP Response:** In November 2014, the Governments of the United States and the People’s Republic of China entered into a reciprocal agreement to issue visitor and business travel visas (B1/B2, B1 and B2) with 10-year validity. That same agreement recognized that travelers would be required to complete an online form before travel to the United States and to update their information periodically. The Electronic Visa Update System (EVUS) was created in accordance with this agreement between the two countries. The U.S. Government anticipates that additional countries may be added to EVUS in the future. Further, there are currently 38 countries participating in the Visa Waiver Program whose citizens are required to complete an Electronic System for Travel Authorization (ESTA) application.

**13. Comment: The press release from CBP implementing EVUS (as well as the CBP’s current FAQ on the program) states that most foreign nationals will receive a response “within minutes.” Query how this timeframe will be possible if the application is subjected to human review, which is what the Federal Register states will happen?**

Submitted by: Grant Godfrey

Overview of comment: The press release from CBP implementing Electronic Visa Update System (EVUS) (as well as the CBP’s current frequently asked questions on the program) states that most foreign nationals will receive a response “within minutes.” Query how this timeframe will be possible if the application is subjected to human review, which is what the Federal Register states will happen?

**CBP Response:** The majority of EVUS enrollees will receive a response within minutes. Only a small fraction, for whom additional information is needed to validate legitimate travel, adjudicate admissibility issues, and identify potential threats, may be referred for additional adjudication by highly trained CBP personnel. Applicants will be independently reviewed, and a case-by-case determination will be made based on the totality of the circumstances.

**14. Comment: Concern that CBP officers may not be able to distinguish between individuals with similar characteristics, such as similar names. Commenters also stated there is no official cross-checking to ensure information entered into social media platforms is accurate. This may lead to an innocent individual being unnecessarily targeted for additional screening.**

Submitted by: Grant Godfrey, 30+ Organizations

Overview of comment: The public expressed concern that CBP officers may not be able to distinguish between individuals with similar characteristics, such as similar names. They also stated there is no official cross-checking to ensure information entered into social media platforms is accurate. This may lead to an innocent individual being unnecessarily targeted for additional screening.

**CBP Response:** DHS has determined that the optional social media question will not be added to EVUS at this time. As a result, no response is needed with respect to the identity of individuals or cross-checking procedures concerning social media information. With respect to the accuracy of information in general, while there may be the potential for an applicant to provide false or inaccurate information, CBP verifies identity through a variety of mechanisms. In addition to checking against government information, CBP officers may use sources of publicly available information as part of the existing vetting process to screen the applicant.

**15. Comment: The rule will subject U.S. citizen-travelers to retaliation and reciprocity rules**

Submitted by: Grant Godfrey, Austin Dempewolff, William Barratt, AmCham China, Michael Davidson, 30+ Organizations, Edwin Wang, Center for Democracy & Technology

Overview of comment: The public expressed concern that implementing these questions will subject U.S. citizen-travelers to retaliation from China, such as additional rules and regulations to abide by prior to traveling to their countries.

**CBP Response:** In November 2014, the Governments of the United States and the People's Republic of China entered into a reciprocal agreement to issue visitor and business travel visas (B1/B2, B1, and B2) with 10-year validity. That same agreement recognized that travelers would be required periodically to complete an online form updating their information.

All sovereign countries have inherent authority to impose travel regulations and entry requirements. DHS does not dictate the rules and regulations of other countries. Furthermore, DHS has added additional and similar fields to the Electronic System for Travel Authorization (ESTA) application (similar to the Electronic Visa Update System (EVUS) questionnaire) over the last two years and has not seen other countries reciprocate in the questions that they ask of U.S. visitors.

**16. Comment: Role of U.S. Customs and Border Protection**

Submitted by: Grant Godfrey

Overview of comment: The public expressed the opinion that other agencies should be sifting through social media for bad actors and not CBP.

**CBP response:** DHS has determined that the optional social media question will not be added to EVUS at this time. As a result, this comment is no longer relevant to the collection. Comments about the Department of State were deemed outside the scope of the Information Collection Request.

**17. Comment: Concerned whether an applicant who wanted to add to or modify their social media accounts would be able to update this information on the EVUS application**

Submitted by: Grant Godfrey

Overview of comments: The public expressed concern whether an applicant who wanted to add or modify their social media accounts would be able to update this information on the Electronic Visa Update System (EVUS) questionnaire.

**CBP response:** DHS has determined that the optional social media question will not be added to EVUS at this time. As a result, this comment is no longer relevant to the collection.

**18. Comment: Unsupportive, unrelated or insubstantial comments**

Submitted by: Grant Godfrey, BK1492@AOL.COM

Overview of comments: The public submitted responses that did not address the social media proposal or were unsupportive of the proposal, but did not provide substantive commentary.

**CBP Response:** These comments were deemed outside the scope of the Information Collection Request.

**19. Comment: Rule will lead to excessive government oversight and unrestricted power will be granted to Customs and Border Protection**

Submitted by: Austin Dempewolf

Overview of comments: The public expressed concern this rule is a deliberate step towards excessive government oversight and giving unrestricted power to Customs and Border Protection.

**CBP Response:** EVUS provides information that helps CBP fulfill its border security responsibilities. Further, EVUS is respectful of individual privacy and strictly adheres to Federal privacy laws and guidance and Departmental privacy policies and procedures. Regarding any particular concerns that the social media information would lead to

excessive government oversight, DHS has determined that the optional social media question will not be added to EVUS at this time. As a result, this concern is no longer relevant to the collection.

**20. Comment: Increases the risk of identity theft and vulnerability to “hacking” one’s personal information**

Submitted by: Austin Dempewolff, Electronic Privacy Information Center

Overview of Comment: The public expressed concerns that collecting social media identifiers is an unnecessary invasion of privacy and may increase the risk of identity theft and vulnerability to “hacking” one’s personal information.

**CBP Response:** DHS has determined that the optional social media question will not be added to EVUS at this time. As a result, this comment is no longer relevant to the collection.

**21. Comment: CBP does not mention that a person may be denied admission to the country based solely on the information CBP finds in their social media account. In addition, failure to comply with the request is a basis for CBP to deny a foreign visitor’s admission to the United States.**

Submitted by: AmCham China

Overview of Comment: The public expressed concerns that a person may be denied admission to the country based solely on the information CBP finds in their social media account. In addition, the public expressed concern that failure to comply with the request would be a basis for CBP to deny a foreign visitor’s admission to the United States.

**CBP response:** DHS has determined that the optional social media question will not be added to EVUS at this time. As a result, this comment is no longer relevant to the collection.

**22. Comment: Personal views, “friends” list, family members and any additional social network associations may cause denial of entry into the United States**

Submitted by: AmCham China, 30+ Organizations, Electronic Privacy Information Center

Overview of Comment: Individuals have expressed concern that their personal views or subjects on their “friends” list will be the ultimate reason why a subject is denied entry into the United States.

**CBP Response:** DHS has determined that the optional social media question will not be added to EVUS at this time. As a result, this comment is no longer relevant to the collection.

**23. Comment: If the intention is to collect information on common social media platforms used by P.R.C. citizens, the diversity and large volume of these**

**platforms make the estimated budget calculation of 25 minutes per response to be a gross underestimate.**

Submitted by: Michael Davidson, 30+ Organizations

Overview of comment: The public expressed concern that the diversity and large volume of these platforms make the estimated budget calculation of 25 minutes per response to be a gross underestimate.

**CBP Response:** DHS has determined that the optional social media question will not be added to EVUS at this time. As a result, this comment is no longer relevant to the collection.

**24. Comment: The proposal is likely to hurt the US tourism industry and the US economy in general.**

Submitted by: Edwin Wang

Overview of comment: The public expressed concern that the social media proposal is likely to hurt the United States (US) tourism industry and the US economy in general.

**CBP Response:** DHS has determined that the optional social media question will not be added to EVUS at this time. As a result, this comment is no longer relevant to the collection.

**25. Comment: It is not clear whether information posted by third parties (“friends” or “followers”) on a person’s social media feeds will be considered relevant to the determination of admissibility. This is particularly problematic because there is no clear point in the review process when applicants are given an opportunity to provide an explanation for information associated with their online profiles or challenge a potentially inappropriate denial of travel.**

Submitted by: Center for Democracy & Technology, Electronic Privacy Information Center, 30+ Organizations

Overview of Comment: The public expressed concern, that it is not clear whether information posted by third parties (“friends” or “followers”) on a person’s social media feeds will be considered relevant to the determination of admissibility. The public believes this will be particularly problematic because there is no clear point in the review process when applicants are given an opportunity to provide an explanation for information associated with their online profiles or challenge a potentially inappropriate denial of travel.

**CBP Response:** DHS has determined that the optional social media question will not be added to EVUS at this time. As a result, this comment is no longer relevant to the collection.

**26. Comment: If a Chinese citizen operates under a pseudonym on one of the platforms listed on the EVUS, they may risk disclosing activity that is prohibited by the Chinese government and linking their offline identity to this online activity. Concerns about breach of CBP records and the potential for information-sharing among governments are thus heightened for Chinese travelers.**

Submitted by: Center for Democracy & Technology

Overview of comment: The public expressed concern that a Chinese citizen who operate under a pseudonym on one of the platforms listed on the EVUS may risk disclosing activity that is prohibited by the Chinese government and linking their offline identity to this online activity. Concerns about breach of CBP records and the potential for information-sharing among governments are thus heightened for Chinese travelers.

**CBP Response:** DHS has determined that the optional social media question will not be added to EVUS at this time. As a result, this comment is no longer relevant to the collection.

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

There is no offer of a monetary or material value for this information collection.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

No assurances of confidentiality are provided to respondents.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

Under INA 212(a)(1)(A), 8 U.S.C. § 1182(a)(1)(A), an alien is inadmissible, among other reasons, if he or she is determined to: (1) have a communicable disease of public health significance; (2) have a physical or mental disorder and behavior associated with the disorder that may pose, or has posed, a threat to the property, safety, or welfare of the alien or others; or (3) be a drug abuser or addict.

“Communicable disease of public health significance” is defined at 42 C.F.R. § 34.2(b) and currently includes the following: tuberculosis, active; syphilis, infectious; gonorrhea; Hansen’s disease, infectious; quarantinable diseases designated by Presidential Executive Order (currently cholera, diphtheria, infectious tuberculosis, plague, smallpox, yellow fever, viral hemorrhagic fevers, severe acute respiratory syndromes, influenza caused by novel or re-emergent influenza (pandemic flu), see

Exec. Order No. 13,295 (Apr. 4, 2003), as amended by Exec. Order No. 13,375 (Apr. 1, 2005) and Exec. Order No. 13,674 (July 31, 2014); and certain other communicable diseases designated by the Centers for Disease Control and Prevention (CDC). In light of these authorities, CBP proposes to ask question #1 on the yes/no questions of the EVUS application:

Do you have a physical or mental disorder; or are you a drug abuser or addict; or do you currently have any of the following diseases (communicable diseases are specified pursuant to section 361(b) of the Public Health Service Act):

- Cholera
- Diphtheria
- Tuberculosis, infectious
- Plague
- Smallpox
- Yellow Fever
- Viral Hemorrhagic Fevers, including Ebola, Lassa, Marburg, Crimean-Congo
- Severe acute respiratory illnesses capable of transmission to other persons and likely to cause mortality.

The information is not public, it is only to be used for admissibility, security, and law enforcement purposes, but is vital for determining whether or not a person can travel to the United States and/or be admitted to the United States.

**12. Provide estimates of the hour burden of the collection of information.**

INFORMATION COLLECTION	TOTAL ANNUAL BURDEN HOURS	NO. OF RESPONDENTS	NO. OF RESPONSES PER RESPONDENT	TOTAL RESPONSES	TIME PER RESPONSE
EVUS	1,499,492	3,595,904	1	3,595,904	25 minutes (.4167)

**Public Cost**

The estimated cost to the respondents is \$69,126,581. This is based on the estimated burden hours (1,499,492) multiplied by (x) the average hourly wage rate for all-purpose air travelers (\$46.10). CBP calculated this wage rate by adjusting the U.S. Department of Transportation’s recommended hourly values of travel time savings for intercity, all-purpose travel by air and high-speed rail (\$44.30 in 2013 dollars) to 2017 dollars using DOT’s recommended annual growth rate of 1.0 percent.<sup>2</sup>

<sup>2</sup> Source: U.S. Department of Transportation, Office of Transportation Policy. The Value of Travel Time Savings: Departmental Guidance for Conducting Economic Evaluations Revision 2 (2015 Update), “Table 4 (Revision 2-corrected): Recommended Hourly Values of Travel Time Savings for Intercity, All-Purpose Travel by Air and High-Speed Rail.” April 29, 2015. Available at <http://www.transportation.gov/sites/dot.gov/files/docs/Revised%20Departmental%20Guidance%20on%20Valuation%20of%20Travel%20Time%20in%20Economic%20Analysis.pdf>. Accessed June 15, 2015.

- 13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information.**

The recordkeeping burden and costs are described in Item #12 of this Statement. There are no capitalization costs associated with this collection.

- 14. Provide estimates of annualized cost to the Federal Government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.**

According to CBP's Electronic Visa Update System (EVUS) Fee Study, the estimated annual cost to the Federal Government associated with this collection of information is \$25,905,933. This overall cost includes EVUS-related staffing, training, systems engineering and operation, and other non-labor expenses.

- 15. Explain the reasons for any program changes or adjustments reported in Items 12 or 13.**

There has been no increase or decrease in the estimated annual burden hours previously reported for this information collection.

- 16. For collection of information whose results will be published, outline plans for tabulation, and publication.**

This information collection will not be published for statistical purposes.

- 17. If seeking approval to not display the expiration date, explain the reasons that displaying the expiration date would be inappropriate.**

CBP will display the expiration date for OMB approval of this information collection.

- 18. "Certification for Paperwork Reduction Act Submissions."**

CBP does not request an exception to the certification of this information collection.

**B. Collection of Information Employing Statistical Methods**

No statistical methods were employed.