

**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.**

It is critical for DHS to obtain the most current information regarding an individual's travel to the United States prior to departure, since possible changes to biographic and eligibility data may impact admissibility. To that end, DHS developed the Electronic Visa Update System (EVUS) to assure robust screening of foreign nationals prior to travel to the United States.

EVUS provides for robust traveler screening and verification to better identify foreign nationals who may be inadmissible to the United States. This results in enhanced national security, improved public safety, and a reduced number of delays upon arrival in the United States, all while facilitating legitimate travel.

Initially, the program is limited to nonimmigrant aliens presenting passports issued by the People's Republic of China (PRC) containing unrestricted, maximum validity B-1 (business visitor), B-2 (visitor for pleasure), or combination B-1/B-2 visas, generally valid for 10 years. PRC membership in EVUS became possible on November 12, 2014, when, in a reciprocal agreement, the U.S. Department of State expanded the validity of U.S. visitor visas issued to PRC nationals from one to ten years.

The implementation of the EVUS system is based on the following authorities:

Visa Authorities

The Secretary of State has the duty to administer and enforce immigration laws related to "the powers, duties, and functions of diplomatic and consular officers of the United States." Immigration and Nationality Act (INA) § 104(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 authorizes the Department of State (DOS) to issue nonimmigrant visas to foreign nationals. Section 221(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 221(i) authority when information surfaces after visa issuance that calls into question the subject’s continued eligibility for a visa. 9 Foreign Affairs Manual (FAM) 403.11-5(B). Failure to comply with EVUS requirements do not render the subject ineligible for a visa. However, because DHS regulations require EVUS compliance as a condition of admission or entry established by DHS pursuant to INA § 214(a)(1) and 215(a)(1), when a nonimmigrant visa holder fails to comply with EVUS, DOS reasonably may exercise its visa revocation authority under INA § 222(i) in the form of an automatic provisional revocation. That automatic provisional revocation is reversed automatically when the visa holder complies with EVUS.

Entry and Admission Authorities

INA § 214(a)(1) specifically authorizes DHS to prescribe by regulation the conditions for an alien’s admission and additionally, aliens’ entry into the United States may be limited and conditioned by DHS under INA § 215(a)(1).

An applicant for admission has the burden to prove he or she is clearly and beyond doubt entitled to be admitted and is not inadmissible under INA § 212. INA §§ 240(c)(2), 291; 8 Code of Federal Regulations (CFR) § 235.1(f)(1). Immigration officers determine whether any grounds of inadmissibility apply at the time an alien is inspected. 8 CFR § 235.1(a),(f)(1). Moreover, an 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).

INA § 215(a)(1) states “[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.” INA § 215(a)(1) (emphasis added). Subsequently, the President assigned his functions under INA § 215 with respect to aliens to the Secretary of Homeland Security. Exec. Order No. 13323, 69 Fed. Reg. 241 (Dec. 30, 2003). INA § 215(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” by INA § 215. INA § 215(a)(1) provides a basis for denial of entry, provided that restrictions “meet the test of reasonableness.” Immigration Laws and Iranian Students, 4A Op. Off. Legal Counsel 133, 140 (1979). Together, INA § 215(a) and DOS visa revocation authorities under INA § 221(i) may permit the Government to require EVUS compliance in advance of travel.

North Korea was designated as a State Sponsor of Terrorism on November 27, 2017. DHS approved an emergency request to revise this information collection to include North Korea to the list of countries asked in the following existing question below:

- Have you traveled to, or been present in, Iraq, Syria, Iran, North Korea, Cuba, Yemen, Libya or Somalia on or after March 1, 2011?

Recent Changes:

On May 31, 2019, the Department of State updated its immigrant and nonimmigrant visa application forms to request additional information, specifically social media identifiers, from most U.S. visa applicants worldwide. As a result, DHS is changing the EVUS application social media data field from optional to mandatory. National security is the top priority when adjudicating EVUS applications, and every prospective traveler to the United States undergoes extensive security screening. CBP is continually working to find mechanisms to improve our screening processes to protect U.S. visitors while supporting legitimate travel to the United States. DHS already requests information on contacts, travel history, and family members from all EVUS applicants. Changing the social media field to mandatory in the EVUS application will enhance our vetting capabilities and assist in confirming applicants' identities. While the field is mandatory, applicants will still have the ability to select "none".

- 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 supports 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 to evaluate whether a covered alien's travel to the United States poses a law enforcement or security risk. 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 interoperates with secure U.S. government vetting and other systems, including visa application processes, that support inspections at U.S. ports of entry. EVUS also feeds live data to federal partners with whom DHS shares.

DHS is changing the EVUS application social media data field from optional to mandatory. National security is the top priority when adjudicating EVUS applications, and every prospective traveler to the United States undergoes extensive security screening. Changing the social media field to mandatory in the

EVUS application will enhance our vetting capabilities and assist in confirming applicants' identities.

- 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 an automated system that permits the submission of electronic responses.

- 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.**

This information has not previously been collected by CBP from nonimmigrant visa holders. The Department of State collects biographic and other information on the DS-160 as part of the visa application process. Each visa holder who is eligible must enroll in EVUS and is required to update biographic and other information every two years or when the visa holder's passport expires. When initial EVUS enrollment occurs within 90-days of visa issuance, required information that is also available on the DS-160 will auto-populate into EVUS, on those data elements that are the same, for ease of the customer use. Enrollments that occur 90 days past visa issuance will require enrollees to complete the entire EVUS form given that it is more likely that required information may have changed.

- 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 must receive all valid and up-to-date law enforcement data to best assess admissibility and identify potential law enforcement and national security threats. Without this new collection, CBP will not possess all possible data to fulfill its mission while facilitating lawful travel.

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

This information is collected in a manner consistent with DS-160 Nonimmigrant Visa Application

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 two Federal Register notices including a 60-day notice published on November 18, 2021 (86 FR 64507) for which no comments were received and a 30-day notice published on February 23, 2022 (87 FR 10225) for which no comments were received.

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.**

CBP previously issued a Privacy Impact Assessment (PIA) for the DHS/CBP/PIA-033 Electronic Visa Update System (EVUS), dated August 25, 2016, and a System of Records Notice (SORN) entitled, DHS/CBP-022 Electronic Visa Update System, dated September 1, 2016 (81 FR 60371). CBP is updating the DHS/CBP0922 EVUS SORN and plans to publish a new DHS/CBP/PIA-033 EVUS PIA Update to account for the mandatory social media question field. 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.**

The EVUS Application asks respondents if they have certain diseases (communicable diseases specified at Title 42 U.S. Code) that assists CBP in determining admissibility into the United States. All questions on the EVUS Application, directly address the grounds of inadmissibility for travel described in INA § 212 and are not public. There are no questions on the EVUS application relating to sexual behavior and attitudes, religious beliefs, or any other personal information that is considered private and is outside the scope of the INA.

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 (0.417 hours)

Public Cost

The estimated cost to the respondents is \$70,626,073. This is based on the estimated burden hours (1,499,492) multiplied by the average hourly wage rate for all-purpose air travelers (\$47.10). CBP used the U.S. Department of Transportation’s (DOT) recommended hourly value of travel time savings for intercity, all purpose travel by air and high speed rail, which is provided in 2015 U.S. dollars. CBP assumes an annual growth rate of 0 percent; the 2015 U.S. dollar value is equal to the 2021 U.S. dollar value.¹

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 \$26,681,072. This overall cost includes EVUS-related staffing, training, systems engineering, continuing 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

¹ Source: U.S. Department of Transportation, Office of Transportation Policy. *The Value of Travel Time Savings: Departmental Guidance for Conducting Economic Evaluations Revision 2 (2016 Update)*, “Table 4 (Revision 2 - 2016 Update): Recommended Hourly Values of Travel Time Savings for Intercity, All-Purpose Travel by Air and High-Speed Rail.” September 27, 2016. Available at <https://www.transportation.gov/sites/dot.gov/files/docs/2016%20Revised%20Value%20of%20Travel%20Time%20Guidance.pdf>. Accessed June 1, 2021.

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.