

SUPPORTING STATEMENT

Arrival and Departure Record (Forms I-94, I-94W) and Electronic System for Travel Authorization (ESTA) OMB No. 1651-0111

A. Justification

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.

Background

Travelers seeking to enter under the Visa Waiver Program (VWP) by air or sea, are required to receive a travel authorization through the Electronic System for Travel Authorization (ESTA) prior to travel to the United States. ESTA is a mobile and web-based application and screening system used to determine whether certain noncitizens are eligible to travel to the United States under the VWP in the air and sea environments. Travelers who are not eligible to travel under VWP may apply for a visa at a U.S. Embassy or Consular Office.

ESTA was provided for by Section 711 of the Secure Travel and Counterterrorism Partnership Act of 2007 (part of the Implementing Recommendations of the 9/11 Commission Act of 2007, also known as the "9/11 Act," Public Law 110-53) which requires that the Secretary of Homeland Security, in consultation with the Secretary of State, develop and implement an electronic system which shall collect such biographical and other information as the Secretary of Homeland Security determines necessary to determine, in advance of travel, the eligibility of the noncitizen to travel to the United States and whether such travel poses a law enforcement or security risk.

U.S. Customs and Border Protection (CBP) Forms I-94 (Arrival/Departure Record) and I-94W (Nonimmigrant Visa Waiver Arrival/Departure Record) are included in the manifest requirements imposed by Section 231 of the Immigration and Nationality Act (INA), and are required to be prepared by noncitizens while enroute to the United States and presented upon arrival at a sea or air port of entry within the United States. Under the INA, it is the duty of the master or commanding officer, or authorized agent, owner, or consignee of the vessel or aircraft, having any noncitizen on board, to deliver lists or manifests of the persons on board such vessel or aircraft to CBP officers at the port of

arrival. However, now CBP now gathers I-94 data from existing automated sources such as the Advance Passenger Information System (APIS) in lieu of requiring passengers arriving by air or sea to submit a paper I-94 upon arrival. Travelers entering the United States at a land border may apply for a provisional electronic I-94 via the I-94 public website. Travelers can access and print their electronic I-94 record via the website <https://i94.cbp.dhs.gov/i94/#/home>.

Noncitizens traveling under the VWP are required to present a completed and signed Nonimmigrant Visa Waiver Arrival Departure Form I-94W as a condition of admission. However, so long as these noncitizens have a travel authorization obtained through ESTA, they may forgo completing the paper Form I-94W. See 8 C.F.R. § 217.2(b)(1).

On December 18, 2015, the President signed into law the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015 (“VWP Improvement Act”) as part of the Consolidated Appropriations Act, 2016. To meet the requirements of this new Act, the Department of Homeland Security (DHS, or the Department) strengthened the security of the VWP through enhancements to the ESTA application and to the Form I-94W.¹ Many of the provisions of the new law became effective on the date of enactment of the VWP Improvement Act. The Act generally makes certain nationals of VWP countries ineligible (with some exceptions) to travel to the United States under the VWP, specifically, if the noncitizen is also a national of at the time of applying for admission, or has not been present at any time on or after March 1, 2011-- in Iraq or Syria, in a country that is designated a state sponsor of terrorism,² or any other country or area of concern as designated by the Secretary of Homeland Security.³ INA § 217(a)(12)(A).

Cuba was designated as a State Sponsor of Terrorism on January 12, 2021 and has been added to the list of countries in the questions about a noncitizen’s travel, and about a noncitizen’s citizenship or country of birth.

CBP requires applicants to upload a picture of their complete biographic passport page, including the MRZ and passport photograph. The addition of passport photos increases CBP’s capability to confirm an applicant’s identity and compare the photo against CBP and other government holdings to locate any derogatory information. Photos collected as part of the ESTA applications may also be used to match travelers at entry or exit.

CBP collects biometric data for identity confirmation on ESTA applications. ESTA applicants will be prompted to take a selfie or “live” photo to conduct a “liveness” test to determine if the ESTA application is interfacing with a physically present human being

¹ Note that the Form I-94 is not affected by this change.

² Countries determined by the Secretary of State to have repeatedly provided support for acts of international terrorism are generally designated pursuant to three laws: section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 2405); section 40 of the Arms Export Control Act (22 U.S.C. 2780); and section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

³ The Act contains exceptions for individuals determined by the Secretary of Homeland Security to have been present in these countries, “(i) in order to perform military service in the armed forces of a [VWP] program country; or (ii) in order to carry out official duties as a full time employee of the government of a [VWP] program country.” INA § 217(a)(12)(B).

and not an inanimate object, or if it is a photo of someone other than the lawful passport holder. Respondents will be able to scan their passport biographic page, in order to submit biographic information, including passport photograph.

CBP ESTA Mobile Application provides an additional and more convenient option for intending VWP travelers to apply for a travel authorization via ESTA. The Mobile App will collect biometric data for confirmation of identity. Another enhancement that assists in preventing persons intending to travel to the United States under the VWP by fraud.

This will be accessible via mobile devices, i.e., mobile phones and tablets. The portability of mobile devices will facilitate applying for an ESTA application, because an ESTA applicant will not be limited to applying on a desktop computer.

The ESTA Mobile Application is similar to the already established ESTA application website at <https://esta.cbp.dhs.gov>, but with Near Field Communication (NFC). NFC is a short-range wireless technology that enables communication between two electronic devices over short distances.

The NFC:

- Allows users to scan the passport e-Chip (embedded in the passport) to automatically extract traveler data.
- A Mobile Device with NFC capability is required to scan the Passport e-Chip when applying for a new application using the ESTA Mobile Application.
- Data on the e-Chip enables the NFC Scan.
- If the mobile device does not have NFC capability, the user can submit an ESTA application via the established website.

After determining if the mobile device has NFC capability:

1. The applicant takes a selfie or “live” photo (another person may also take a photo of the applicant).
2. The ESTA Mobile Application will do a “liveness” test to determine that it is interfacing with a physically present human being and not an inanimate object, or if it is a photo of someone other than the lawful passport holder.
3. If the applicant’s passport photo does not match the “liveness” photo submitted, a “Third Party Acknowledgement” option is available. A prompt on the screen will display, which requires confirmation.
4. The applicant proceeds by completing the data fields the same as with the established ESTA application.
5. After completing the application, the applicant can review their responses before submission.

Additionally, CBP requests additional information from travelers, including the optional submission of social media identifiers, from most applicants worldwide to enhance

vetting and identity verification process, and to align with the Department of State's immigrant and nonimmigrant visa application forms.

The payment process will be the same as the established ESTA application, and the cost of each ESTA application will be 21 USD, except in the case of a denial, the fee is 4 USD.

A final rule was approved designating Israel for the Visa Waiver Program (VWP). As an ESTA is required for any travel to the United States under the VWP, the collection was updated to include travelers from Israel.

New Change:

1. Voluntary Self-Reported Exit (VSRE) Pilot and I-94 Automation:

CBP is implementing a new capability within CBP One™ to allow nonimmigrants who are subject to I-94 requirements, and who are departing the United States, to voluntarily provide biographic data, facial images, and geolocation to provide evidence of that departure. This collection is a part of CBP's critical efforts in fulfilling DHS's mandate to collect biometric information from departing noncitizens and CBP's plans to fully automate I-94 information collection.⁴ This capability will close the information gap on noncitizen entries and exits by making it easier for noncitizens subject to I-94 requirements to report their exit to CBP after their departure from the United States. It will also create a biometrically confirmed, and thereby more accurate, exit record for such noncitizens leaving the United States.

Certain nonimmigrants subject to I-94 requirements may voluntarily submit their facial images using the CBP One™ mobile application (the app) to submit their facial images in order to report their exit from the United States.

⁴ Numerous federal statutes require DHS to create an integrated, automated biometric entry and exit system that records the arrival and departure of noncitizens, compares the biometric data of noncitizens to verify their identity, and authenticates travel documents presented by such noncitizens through the comparison of biometrics. These include: section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. 104-828, 110 Stat. 3009-546, 3009-558; section 2(a) of the Immigration and Naturalization Service Data Management Improvement Act of 2000 (DMIA), Pub. L. 106-215, 114 Stat. 337, 338; section 205 of the Visa Waiver Permanent Program Act of 2000, Pub. L. 106-396, 114 Stat. 1637, 1641; section 414 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), Pub. L. 107-56, 115 Stat. 272, 353; section 302 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Border Security Act), Pub. L. 107-173, 116 Stat. 543, 552; section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), Pub. L. 108-458, 118 Stat. 3638, 3817; section 711 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Implementing Recommendations of the 9/11 Commission Act), Pub. L. 110-53, 121 Stat. 266, 338; and section 802 of the Trade Facilitation and Trade Enforcement Act of 2015, Pub. L. 114-125, 130 Stat. 122, 199 (6 U.S.C. 211(c)(10)).

Noncitizens may use the app to voluntarily submit their biographic information from their passports, or other traveler documents after they have exited the United States.

Noncitizens will then use the app to take a “selfie” picture. CBP will use geolocation services to confirm that the traveler is outside the United States, as well as, run “liveness detection” software to determine that the selfie photo is a live photo, as opposed to a previously uploaded photo. The app will then compare the facial image submitted to facial images for that person already retained by CBP to confirm the exit biometrically.

CBP will use this information to help reconcile a traveler’s exit with that traveler’s last arrival. The report of exit will be recorded as a biometrically confirmed departure in the Arrival and Departure Information System (ADIS) maintained by CBP. Nonimmigrants will use this information as proof of departure which is most relevant in the land border environment, but may be used for departures via air and sea if a travelers desires.

As it pertains to the land environment, there is no requirement for nonimmigrants leaving the United States to report their departure to CBP. However, as described further below, CBP encourages nonimmigrants to report their departure to CBP when they exit, so that CBP can record their exit from the United States.

Although CBP routinely collects biometric data from noncitizens entering the United States, there currently is no comprehensive system in place to collect biometrics from noncitizens departing the country. Collecting biometrics at both arrival and departure will thus enable CBP and DHS to know with better accuracy whether noncitizens are departing the country when they are required to depart. Further, collecting biometric data will help to reduce visa or travel document fraud and improve CBP’s ability to identify criminals and known or suspected terrorists. CBP has been testing various options to collect biometrics at departure in the land and air environments since 2004.

At the same time, CBP is also now working to fully automate all I-94 processes.⁵ Currently CBP issues electronic I-94 forms to most nonimmigrants entering the United States at land border ports of entry.

Currently CBP does not routinely staff exit lanes at land border ports of entry, nor does CBP possess a single process for noncitizens subject to I-94 requirements to voluntarily report their departure. Noncitizens can currently report their departure by any one of the following means: (1) stopping at a land border port of entry and presenting a printed copy of their electronic I-94 form to a CBP officer; (2) stopping at a land border port of entry and placing a printed copy of their electronic I-94 form in a drop box provided by the port where available; (3) if exiting by land on the northern U.S. border, by turning in a paper copy of their electronic I-94 form to the Canadian Border Services Agency

⁵ CBP has already automated the I-94 process for air and sea travel. CBP is in the process of automating the I-94 process at land border ports of entry. For noncitizens traveling with a commercial carrier (such as airline or cruise ship), CBP obtains the I-94 entry and exit information from the carrier and automatically records that entry and exit information in CBP systems.

(CBSA) when entering Canada (CBSA will then return the form to CBP); or (4) mailing a copy of their electronic I-94 form and other proof of departure to CBP.⁶

The current options are burdensome and, in many cases, impractical or inconvenient due to the location and design of the ports. They also lead to haphazard record keeping and inaccurate data collection with respect to the nonimmigrants leaving the country. Most land border ports of entry provide limited access to the port for vehicles exiting the United States and have minimal parking available to the public. For this reason, most noncitizens do not report their departure when exiting at land border ports of entry. In those cases, CBP has no way to confirm that a noncitizen has exited the United States at the time of departure.⁷ CBP often discovers that a noncitizen has previously left the United States at a later date, when that same noncitizen attempts to re-enter the United States. Having proof of an exit via the CBP One™ app would provide travelers some information for Officer's to consider in the event the Officer is unsure whether a nonimmigrant complied with the I-94 requirements provided upon their previous entry.

2. Photo upload for ESTA website:

CBP intends to update the ESTA application website to require applicants to provide a photograph of their face, or "selfie", in addition to the photo of the passport biographical page. These photos would be used to better ensure that the applicant is the rightful possessor of the document being used to obtain an ESTA authorization.

Currently, applicants are allowed to have a third party apply for ESTA on their behalf. While this update would not remove that option, third parties, such as travel agents or family members, would be required to provide a photograph of the ESTA applicant.

The ESTA Mobile application currently requires applicants to take a live photograph of their face, which is compared to the passport photo collected during the ESTA Mobile application process. This change will better align the application processes and requirements of ESTA website and ESTA Mobile applicants.

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.**

Information collected via the ESTA application helps DHS determine whether a noncitizen is eligible to travel to the United States under the VWP.

⁶ For additional information, please see CBP's I-94 website at <https://i94.cbp.dhs.gov/I94/#/home>

⁷ CBP may receive proof of departure information at a later date in some cases such as through records provided by CBSA or through mailed forms sent in by the traveler. However, even in these cases, the information can be delayed or inaccurate and CBP has no way to verify the information.

Information collected via the CBP One™ app regarding a nonimmigrants exit will help reconcile a traveler's exit with the that traveler's last arrival. The report of exit will be recorded as a departure in the ADIS maintained by CBP.

Although CBP routinely collects biometric data from noncitizens entering the United States, there currently is no comprehensive system in place to collect biometrics from noncitizens departing the country. Collecting biometrics at both arrival and departure will thus enable CBP and DHS to know with better accuracy whether noncitizens are departing the country when they are required to depart. Further, collecting biometric data will help to reduce visa or travel document fraud and improve CBP's ability to identify criminals and known or suspected terrorists. CBP has been testing various options to collect biometrics at departure in the land and air environments since 2004.

The current options are burdensome and, in many cases, impractical or inconvenient due to the location and design of the ports. They also lead to haphazard record keeping and inaccurate data collection with respect to the nonimmigrants leaving the country. Most land border ports of entry provide limited access to the port for vehicles exiting the United States and have minimal parking available to the public. For this reason, most noncitizens do not report their departure when exiting at land border ports of entry. In those cases, CBP has no way to confirm that a noncitizen has exited the United States at the time of departure.⁸ CBP often discovers that a noncitizen has previously left the United States at a later date, when that same noncitizen attempts to re-enter the United States. Having proof of an exit via the CBP One™ app would provide travelers some information for Officer's to consider in the event the Officer is unsure whether a nonimmigrant complied with the I-94 requirements provided upon their previous entry.

DHS was mandated by Congress to undertake additional national security measures to increase the collection of information on VWP travelers before such travelers embark on a carrier destined for the United States. As the rationale for mandating the implementation of ESTA, Congress noted that VWP travelers are not subject to the same degree of advance vetting as those travelers who must first obtain a visa before departing for the United States. Therefore, the data collected via ESTA is to enhance the security of the VWP.

The data collected on CBP Forms I-94/I-94W and on the ESTA applications provide information required to support DHS mission requirements as they relate to the advanced vetting of noncitizen visitors to the United States. Specifically, the information collected is used to assess 1) potential law enforcement, national security and illegal immigration risks, and 2) noncitizen compliance with U.S. immigration law based on collected arrival and departure record data.

3. Describe whether, and to what extent, the collection of information involves the

⁸ CBP may receive proof of departure information at a later date in some cases such as through records provided by CBSA or through mailed forms sent in by the traveler. However, even in these cases, the information can be delayed or inaccurate and CBP has no way to verify the information.

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.

Previously, paper Forms I-94 and I-94W required arrival/departure data upon arrival, but are no longer used for air and sea travel, because CBP automated the collection of that data. Automating this process reduced the time required for manual data entry into CBP systems and reduced data entry errors. Information about these forms can be found at: <https://www.cbp.gov/travel/international-visitors/i-94> and <http://www.cbp.gov/travel/international-visitors/visa-waiver-program>.

CBP captures Form I-94 data for travelers arriving by air or sea from APIS in lieu of travelers submitting a paper Form I-94. Travelers can access and print their electronic Form I-94 via <https://i94.cbp.dhs.gov/i94/or> via the CBP One™ application. This supplements the existing process whereby travelers who want a copy of their Form I-94 would need to file a Form I-102. Travelers may still file a Form I-102 for this purpose if desired. _

CBP modified the process by which a traveler arriving at the land border can provide Form I-94 information and pay the related fee by adding an electronic option. Specifically, CBP enhanced the I-94 website and [CBP One™](#) application to enable travelers arriving at a land port of entry to submit the Form I-94 information to CBP and pay the required fee prior to arrival.

In addition to the above, the CBP One™ application also offers nonimmigrants the ability to provide proof of their departure in compliance with their I-94 requirements. If travelers used the [CBP One™](#) application to submit I-94 and payment prior to arrival, their information will already be available for submission without an additional information collection. If the traveler is utilizing the application for the first time, they have the option of scanning their passport in order to pre-populate all biographic and document information.

ESTA is a web and mobile based system that was created in response to a mandate by the 9/11 Act to create an automated system to enable DHS to determine whether the individual is eligible to travel to the United States under the VWP prior to travel to the United States. ESTA can be accessed at: <https://esta.cbp.dhs.gov>. Samples of Forms I-94 and I-94W can be found at: <http://www.cbp.gov/document/forms/form-i-94-arrivaldeparture-record> and <http://www.cbp.gov/document/forms/form-i-94w-visa-waiver-arrivaldeparture-record>.

The ESTA Mobile Application has been designed with newer automated capabilities that provides intending VWP travelers with a more convenient way to apply for authorization for U.S. travel. CBP is continually working to find mechanisms to improve our advanced

vetting processes, while supporting legitimate travel to the United States. CBP already requests certain contact information, travel history, and family member information from all ESTA applicants.

Usability Testing:

Usability testing of the ESTA feature was completed on April 15, 2024. Four individuals participated in the test including a member of the general public. The other three individuals were CBP employees/contractors. All users went through the steps involved with the process of performing the new functions and all users rated the tasks on a scale of 1-5 with one being very hard and 5 being very easy a “5” or very easy. Some recommendations to further enhance communication to the end user were offered during the testing including (1) providing clearer language around photo requirements and (2) making the “photo successfully captured” message larger and more apparent on the results screen.

CBP conducted usability testing on the I-94 Capabilities for CBP One for the VSMRE pilot. CBP receives frequent feedback from users and advocacy groups regarding the usability of the app. Users can access the app and use it with minimal problems. There are two major technology features within the VSMRE capability that impact the user experience: the use of a mobile device to scan a passport, if the user does not have an existing profile, and the requirement to take a photo that uses liveness detection software. The use of the device to scan a passport within CBP One has been successfully completed over a million times without user difficulty. A few users reported difficulty related to certain passports issued by countries with unique features. The app was modified to accommodate those issues. The use of the photo feature with liveness is also used more than 50,000 times a month. CBP has received feedback on the usability of this feature and has made several adjustments to increase the user experience. The bandwidth to process these requests was increased and CBP enhanced the application to send detailed error messages to inform the user of specific reasons a photo was unable to be validated. CBP will continue to monitor user feedback on this capability post implementation and make necessary adjustments to ensure users can voluntarily report their exit utilizing CBP One without difficulty.

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 is not duplicated in any other place or any other form. In the instance of exit and where a record already exists, the information collection occurs upon the request of the traveler through their voluntary use of the mobile application. For example, in certain environments such as commercial air, biographic and document information may also be provided by the airline/carrier in compliance with Advance Passenger Information System requirements. However, a traveler may voluntarily use

the mobile app and provide the same information, so they have specific proof of compliance with I-94 requirements within their possession and is not relying a third-party to provide that for them. If there are any issues or concerns upon a traveler's re-entry into the United States, the traveler can provide their submission information through CBP One to assist CBP Officers confirming their exit.

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.

Numerous federal statutes require DHS to create an integrated, automated biometric entry and exit system that records the arrival and departure of noncitizens, compares the biometric data of noncitizens to verify their identity, and authenticates travel documents presented by such noncitizens through the comparison of biometrics.⁹ The inability to capture the biometric exit of travelers through the voluntary use of CBP One™, particularly on the land border, would hamper efforts to fully comply with these mandates.

The data elements collected from VWP travelers allow DHS to remain compliant with its legal requirements and identify those who may not be eligible to travel to the United States under the VWP, those who may seek to exploit the VWP, do harm to the United States, or those who would ultimately be determined inadmissible. Research by DHS and our interagency partners has determined that obtaining this data increases the ability of the Department to identify these travelers before they attempt to travel to the United States. Because law enforcement violations and threats of harm to national security may occur at any time, DHS must receive continual updates to criminal and national security information to affect a timely response.

7. Explain any special circumstances.

⁹ The federal statutes and orders requiring DHS to create a biometric entry and exit system to record the arrival and departure of noncitizens include, but are not limited to: Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104-208, 110 Stat. 3009-546; Section 2(a) of the Immigration and Naturalization Service Data Management Improvement Act of 2000 (DMIA), Public Law 106-215, 114 Stat. 337; Section 205 of the Visa Waiver Permanent Program Act of 2000, Public Law 106-396, 114 Stat. 1637, 1641; Section 414 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), Public Law 107-56, 115 Stat. 272, 353; Section 302 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Border Security Act), Pub. L. No. 107-173, 116 Stat. 543, 552; Section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), Public Law 108-458, 118 Stat. 3638, 3817; Section 711 of the Implementing Recommendations of the 9/11 Commission Act of 2007, Public Law 110-52, 121 Stat. 266; and Section 802 of the Trade Facilitation and Trade Enforcement Act of 2015, Public Law 114-125, 130 Stat. 122, 199 (6 U.S.C. 211(c)(10)).

This information is collected in a manner consistent with the guidelines of 5 C.F.R. § 1320.6.

- 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 February 26, 2024 (89 FR 14083) on which one letter of support was received, and a 30-day notice published on March 30, 2024 (89 FR 34262) on 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.**

There is no assurance of confidentiality provided to the respondents.

CBP will issue a PIA Appendix update to the DHS/CBP/PIA-068 CBP One Mobile Application to provide transparency on the use of the CBP One mobile application to self-report a departure from the United States. CBP will also issue a standalone new PIA to document the risks and mitigations associated with Voluntary Self-Reported Exit using CBP One.

CBP has issued a series of Privacy Impact Assessments related to the I-94 website and ADIS available on <https://www.dhs.gov/privacy-documents-us-customs-and-border-protection>. The I-94 PIA series is entitled "DHS/CBP/PIA-016 I-94 website" and the ADIS PIA series is entitled "DHS/CBP/PIA-024 Arrival and Departure Information System. The ADIS SORN, "DHS/CBP-021 Arrival and Departure Information System (ADIS)," 80 FR 72081 last updated on November 18, 2015 provides coverage for the collection of arrival and departure information.

CBP issued a series Privacy Impact Assessments related to ESTA available on <https://www.dhs.gov/privacy-documents-us-customs-and-border-protection>. The ESTA PIA series is entitled: DHS/PIA/CBP-007 Electronic System for Travel Authorization. CBP published a SORN entitled "DHS/CBP-009 Electronic System for Travel Authorization," last updated on July 12, 2022, 87 FR 41338.

- 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, and the explanation to be given to persons from whom the information is requested.

The ESTA application and I-94W forms ask respondents if they have certain diseases. This information assists CBP in determining admissibility into the United States under U.S. immigration law. All questions directly address the grounds of inadmissibility and criteria for VWP travel eligibility described in sections 212(a) and 217(a), respectively, of the INA. Otherwise, no information is requested on either the ESTA application or Form I-94W 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. The CBP One™ Application does not collect sensitive information.

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

Form/ Collection	Number of Respondents	Number of Responses Per Respondent	Total Annual Responses	Time Per Respondent	Annual Reporting Burden Hours
Paper I-94	1,782,564	1	1,782,564	8 minutes (0.13333333 hours)	237,675
I-94 Website	91,411	1	91,411	4 minutes (0.06666667 hours)	6,094
I-94W	1,381,644	1	1,381,644	16 minutes (0.26666667 hours)	368,438
ESTA Mobile Application	500,000	1	500,000	22 minutes (0.36666667 hours)	183,333
ESTA Website	15,000,000	1	15,000,000	13 minutes (0.31666667 hours)	3,250,000
ESTA fee* (subset of total ESTA respondents)	12,750,000 (subset of 15,500,000 above)		12,750 (subset of 15,500,000 above)	0.00 (already included in ESTA burden above)	0.00 (already included in ESTA burden above)

CBP One™ Mobile Application	600,000	1	600,000	2 minutes	20,000
TOTAL	25,287,623		25,287,623		4,596,603

*Note: The 12,750 million respondents paying the \$21.00 fee (\$17 Travel Promotion Act charge plus \$4 ESTA fee) are a subset of the total 15,500,000 million ESTA mobile and ESTA website respondents. They should not be added to the total respondents (or else they would be double counted).

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

Public Cost:

The estimated annual public cost is calculated as follows:

Form/ Collection	Number of Responses	Annual Reporting Burden Hours	Value of time*	Fee charge (\$6.00 per respondent)	ESTA fee (\$21.00 per respondent)	Total public cost w/wage rate
I-94	1,782,564	237,675.7	\$4,632,286	\$10,695,382	\$0	\$15,327,668
I-94 Website	91,411	6,094	\$194,399 1	\$548,466	\$0	\$742,865
I-94W	1,381,644	368,438	\$7,180,857	\$8,289,866	\$0	\$15,470,723
ESTA Mobile	500,000	233,333	\$7,443,323		\$0	\$7,443,323
ESTA Website	15,000,000	3,250,000	\$103,675,000		\$0	\$103,675,000
ESTA fee	12,750,000	N/A	\$0		\$267,750,000	\$267,750,000
TOTAL	24,687,623	4,576,603		\$31,973,046	\$267,750,000	432,149,201

* Recall from the previous table that the burden for Form I-94 is 8 minutes; the burden for the I-94 website is 4 minutes; the burden for Form 94W is 16 minutes; the burden for the ESTA website is 13 minutes, and 28 minutes for the ESTA mobile application. DHS uses the Department of Transportation's guidance on value of travel time for its value of time estimates http://www.dot.gov/sites/dot.dev/files/docs/vot_guidance_092811c.pdf \$19.49 for travel by land (this applies to I-94 and I-94W) and \$31.90 for travel by air and sea (this applies to ESTA and I-94 website).

There are no record keeping, capital, start-up, or maintenance costs associated with this information collection.

14. Provide estimates of annualized cost to the Federal Government.

The total estimated cost to the Federal government is \$233,473,046.

Providing and administering the ESTA system costs the Federal government approximately \$13 per application. These costs are offset by the ESTA administration user fee of \$4, which constitutes a transfer from the ESTA applicant to the government. CBP's estimated total collections of the administrative ESTA fee from 15,500,000 respondents is \$62,000,000. Any excess collections over the cost to the Federal government represent a transfer from the applicant to the government and are recorded as a cost to the public. CBP is considering updating the regulation to increase ESTA user fee to reflect the cost of the ESTA program.

Note: \$17.00 of the \$21.00 ESTA fee is a Travel Promotion Act fee that is not related to the costs of ESTA. In fact, this fee is deposited into an account where it is not available to CBP/DHS. CBP is required to collect this fee, alongside the \$4 ESTA fee, by the Travel Promotion Act, as amended. The \$17 fee is a transfer from the traveler to the government and is counted as a cost to the public for the purpose of this collection.

Forms I-94 and I-94W cost the Government \$6.00 to process multiplied by the number of applications filed (5,328,841) for a total of \$31,973,046. These costs are offset by the Forms I-94 and I-94W application fees.¹⁰

15. Explain the reasons for any program changes or adjustments reported in Items 12 or 13 of this Statement.

The total increase in annual burden hours to this previously approved collection is **13,500 hours**; an increase from 4,583,103 to 4,596,603.

There has been an increase in the estimated annual burden hours previously reported for this information collection due to adding the CBP One application as part of the VSRE pilot, an additional collection tool respondents can voluntarily use to report their biometrically confirmed exit. The number of respondents has increased for this collection by 600, the annual burden hours were adjusted accordingly.

Additionally, the associated burdens have been updated to reflect current usage.

The response per submission for the ESTA mobile Application was reduced to 22 minutes from 28 minutes; This was not due to a change in program, the time was

¹⁰ Federal statute requires CBP to deposit these two fee collections into the Land Border Inspection Fee Account, where they are then available only for certain statutorily-enumerated purposes. See 8 U.S.C. § 1356(q)(2)-(3).

updated to reflect current submission times to the public. The burden was subsequently lowered by 50,000 hours, from 233,333 to 183,333.

The burden for I-94 has decreased due to a decrease in the number of respondents per year, from 4,387,550 to 1,782,563, a decrease of 2,604,987 respondents. The annual burden hours decrease as a result from 585,007 to 237,675, a total reduction of 347,332 annual hours.

The I-94 website IC burden also decreased due to a decrease in the number of respondents/responses received annually, going from 3,858,782 to 91,411 a total decrease of 3,767,371. The annual burden hours were adjusted accordingly, decreasing from 257,252 to 6,094 annual hour, a total decrease of 251,158 hours.

The burden for the I-94W has increased due to the number of respondents/responses received increasing; from 941,291 to 1,381,644 a total increase of 440,353. Resulting in an increase in annual burden, from 251,011 to 368,438 for a total annual burden increase by 117,427 hours.

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

This information collection will not be published.

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

CBP requests not to display the expiration date on these two paper forms because large quantities are stocked at CBP ports and by airlines in 22 languages. However, the expiration date is displayed on the ESTA Application website, Mobile Application and on the I-94 website.

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.