

SUPPORTING STATEMENT

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

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.**

Background

Entry and Departure Data Collection

The information collected on U.S. Customs and Border Protection (CBP) Forms I-94 (Arrival/Departure Record) are included in the manifest requirements imposed by 8 CFR 231 and 217. CBP previously required aliens to prepare these forms while enroute to the United States and present them upon arrival at a sea or airport of entry within the United States. Under the Immigration and Nationality Act (INA), it is the duty of the master or commanding officer, or authorized agent, owner, or consignee of the vessel or aircraft having any alien on board to deliver lists or manifests of the persons aboard such a vessel or aircraft to CBP officers at the port of arrival. Currently, CBP issues electronic I-94 forms to most aliens entering the United States at land, sea, and airports of entry. CBP is working to fully automate all I-94 processes. In addition, CBP has developed CBP GO as a mobile application that grants intending travelers access to a variety of services provided by CBP, including the ability to apply for a Provisional I-94 Entry. Travelers can access and print their electronic I-94 record via the CBP website <https://i94.cbp.dhs.gov/i94/#/home>.

Although CBP routinely collects biometric data from aliens entering the United States, there currently is no comprehensive system in place to collect biometrics from aliens departing the country. Collecting biometrics at both arrival and departure, consistent with the congressional mandate for DHS to implement a comprehensive biometric entry-exit system, will enable CBP and DHS to know with better accuracy whether aliens required to depart the country are doing so when required.¹ Further, collecting

¹ Numerous federal statutes require DHS to create an integrated, automated biometric entry and exit system that records the arrival and departure of aliens, compares the biometric data of aliens to verify their identity, and

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.

Currently, CBP does not routinely staff exit lanes at land border ports of entry, nor does CBP possess a single process for aliens subject to I-94 requirements to voluntarily report their departure. Aliens 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) or, if exiting by land on the northern U.S. border, by turning in a printed copy of their electronic I-94 form to the Canadian Border Services Agency (CBSA) when entering Canada (CBSA) will then return the form to CBP.

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 aliens 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 aliens do not report their departure when exiting at land border ports of entry. In those cases, CBP has no way to confirm that an alien has exited the United States at the time of departure. CBP often discovers that an alien has previously left the United States when that same alien later attempts to re-enter the United States.

Visa Waiver Program and ESTA

Pursuant to section 217 of the INA, 8 U.S.C. 1187, the Secretary, in consultation with the Secretary of State, may designate certain countries as VWP countries if certain requirements are met.² Once a country has met the requirements and been designated

authenticates travel documents presented by such aliens 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)).

² All references to "country" or "countries" in the laws authorizing the VWP are read to include Taiwan. See Taiwan Relations Act of 1979, Public Law 96-8, section 4(b)(1) (codified at 22 U.S.C. 3303(b)(1)) (providing that "[w]henver the laws of the United States refer or relate to foreign countries, nations, states, governments, or similar entities, such terms shall include and such laws shall apply with respect to Taiwan"). This is consistent with the

by the Secretary as a program country, eligible citizens and nationals of a program country may apply for admission to the United States at U.S. ports of entry as nonimmigrant visitors for a period of ninety days or less for business or pleasure without first obtaining a nonimmigrant visa, provided that they are otherwise eligible for admission under applicable statutory and regulatory requirements. In accordance with the new designation process for VWP countries as described in 89 FR105391 on January 10, 2025, the Secretary for the Department of Homeland Security (DHS) announced Romania's designation as the 43-member country of the VWP. The current list of designated countries can be found on the DHS VWP website, <https://www.dhs.gov/visa-waiver-program>.

Travelers seeking to enter the United States under the VWP by air, sea, or land, 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 aliens are eligible to travel to the United States under the VWP in the air, sea or land environments. Travelers who are not eligible to travel under VWP may apply for a visa at a U.S. Embassy or Consular Office.

Aliens traveling under the Visa Waiver Program (VWP) were previously required to present a completed and signed Alien Visa Waiver Arrival Departure Form I-94W as a condition of admission. Now, instead of completing a paper I-94W, VWP travelers must obtain travel authorization through ESTA (See 8 C.F.R. § 217.2(b)(1)). 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 alien to travel to the United States and whether such travel poses a law enforcement or security risk.

United States' one-China policy, under which the United States has maintained unofficial relations with Taiwan since 1979.

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. 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 alien is, at the time of applying for admission:

- Also a national of or has 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;³
- Or any other country or area of concern as designated by the Secretary of Homeland Security.⁴ INA § 217(a)(12)(A).

CBP requires applicants to upload a picture of their complete biographic passport page, including the Machine-Readable Zone (MRZ) and passport photograph. The addition of passport photos improves CBP’s ability to confirm an applicant’s identity and compare the photo against CBP and other government databases to determine if any derogatory information exists. 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 are 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 and not an inanimate object, or if it is a photo of someone other than the lawful passport holder.

The CBP ESTA Mobile Application provides an additional and more convenient option for intending VWP travelers to apply for a travel authorization via ESTA. 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. NFC allows users whose mobile devices have NFC capability to scan the passport e-Chip (embedded in the passport) to automatically extract traveler data. 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:

³ 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 1754(c) of the National Defense Authorization Act for Fiscal Year 2019 (50 U.S.C. 4813); 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).

⁴ 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).

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.

The Mobile Application will collect biometric data for confirmation of identity. This is another enhancement that will ensure using the app, instead of the normal process, does not create a loophole that would allow persons to travel to the United States under the VWP by fraud. The ESTA Mobile Application is accessible via mobile devices, i.e., mobile phones and tablets. This Mobile Application facilitates and expands accessibility for intending travelers seeking to submit an ESTA application, because an ESTA applicant is not limited to using a desktop computer where mobile devices are more widely available.

On both the website and the Mobile Application, CBP requests additional information from travelers, including the optional submission of social media identifiers. This information is requested from most applicants worldwide to enhance the 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.

In accordance with the new designation process for VWP countries as described in 89 FR105391 on January 10, 2025, the Secretary for the Department of Homeland Security (DHS) announced Romania’s designation as the 43-member country of the VWP. The current list of designated countries can be found on the DHS VWP website, <https://www.dhs.gov/visa-waiver-program>.

Proposed Emergency Changes:

The following changes listed below are being submitted to OMB for consideration of approval on an emergency clearance, with the justification of an unanticipated event and reasons to believe following the normal PRA process would result in public harm.

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

CBP is implementing a new functionality within the CBP GO mobile application, or any successor mobile application, to allow aliens who are subject to I-94 requirements and who are departing the United States, to voluntarily provide

biographic data from their passports or other travel documents, facial images, and geolocation to provide evidence of that departure. Note that while the use of this functionality is optional, submitting a facial image is a required part of this functionality. This collection of data is a part of CBP's critical efforts to fulfill DHS's statutory mandate to collect biometric information from departing aliens and CBP's plans to fully automate I-94 information collection. This capability will close the information gap on alien entries and exits by making it easier for aliens 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 aliens leaving the United States.

CBP will use geolocation services to confirm that the traveler reporting their departure 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 mobile application 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 confirmed departure in the Arrival and Departure Information System (ADIS) maintained by CBP. Aliens can 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 traveler desires. This is also beneficial for the alien, as having proof of an exit via a CBP mobile application provides travelers with evidence for Officers to consider in the event that the Officer is unsure whether a nonimmigrant complied with I-94 requirements during their previous entry.

2. Photo upload for ESTA website and mobile:

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. In addition, CBP intends to update the mobile application and require third party submission to include a "selfie" or photograph of the applicant's face. 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 an 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.

As noted previously, 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.

3. VWP Burden of Information Collection Increase:

CBP has calculated the estimated burden for this information collection to account for additional countries added into the VWP over the next three years. As an ESTA is required for any travel to the United States under the VWP, the collection is being updated to include travelers from current VWP designated countries and travelers from potentially added designated countries over the next three years.

Additionally, CBP recently revised the collection to add Qatar and Romania into the VWP. CBP invites the public to comment on the Visa Waiver Program Designation(VWP) changes.

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 an alien is eligible to travel to the United States under the VWP.

Information collected via the CBP GO app regarding a nonimmigrant's exit will help reconcile a traveler's exit with 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 aliens entering the United States, there currently is no comprehensive system in place to collect biometrics from aliens departing the country. Collecting biometrics at both arrival and departure will thus enable CBP and DHS to know with better accuracy whether aliens 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 aliens do not report their departure when exiting at land border ports of entry. In those cases, CBP has no way to confirm that an alien has exited the United States at the time of departure.⁵ CBP often discovers that an alien has previously left the United States at a later date, when that same alien attempts to re-enter the United States. Having proof of an exit via the CBP GO app would provide travelers some information for Officer's to

⁵ 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.

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 the CBP Form I-94 and on the ESTA applications provide information required to support DHS mission requirements as they relate to the advanced vetting of alien 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) alien 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 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, sea or land 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 GO application.

CBP modified the process by which a traveler arriving at the land border can apply for a provisional I-94 and pay the related fee seven days prior to arrival. Specifically, CBP enhanced the I-94 website and CBP GO 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 GO application also offers travelers the ability to provide proof of their departure in compliance with their I-94 requirements. If travelers used the CBP GO 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 must scan their passport, or other travel document, or provide their alien number 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 Form I-94 can be found at: <http://www.cbp.gov/document/forms/form-i-94-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.

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 GO 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 aliens, compares the biometric data of aliens to verify their identity, and authenticates travel documents

presented by such aliens through the comparison of biometrics.⁶ The inability to capture the biometric exit of travelers through the voluntary use of CBP GO, 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.

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.

This is an emergency submission, CBP will solicit public comments during the normal PRA renewal/revision submission process after emergency approval is granted.

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.

⁶ The federal statutes and orders requiring DHS to create a biometric entry and exit system to record the arrival and departure of aliens 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)).

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 GO Mobile Application to provide transparency on the use of the CBP GO 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 GO.

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/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. Furthermore, DHS/CBP-007 Border Crossing Information (BCI) governs the collection and use of the biographic and biometric information provided by the user to voluntarily self-report their exit from the United States.

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 the ESTA 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. The CBP GO 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 (0.1333 hours)	237,616
I-94 Website	91,411	1	91,411	4 minutes (0.06667 hours)	6,094
ESTA Mobile Application	2,172,611	1	2,172,611	22 minutes (0.3667 hours)	796,696
ESTA Website	12,311,462	1	12,311,462	18 minutes (0.3167hours)	3,899,040
ESTA fee* (subset of total ESTA respondents)	11,914,318 (subset of 14,484,073 above)		11,914,318 (subset of 14,484,073 above)	0.00 (already included in ESTA burden above)	0.00 (already included in ESTA burden above)
CBP GO	600,000	1	600,000	2 minutes	20,000
TOTAL	19,688,586		19,688,586		4,959,446

*Note: The 11,914,318 million respondents paying the \$21.00 fee (\$17 Travel Promotion Act charge plus \$4 ESTA fee) are a subset of the total 14,484,073 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	237,616	\$6,831,460	\$10,695,384	\$0	\$17,526,844
I-94 Website	91,411	6,094	\$400,315	\$548,466	\$0	\$948,781
ESTA Mobile	2,172,611	796,696	\$52,334,960		\$0	\$52,334,960
ESTA Website	12,311,462	3,899,040	\$256,127,938		\$0	\$256,127,938
CBP GO	600,000	20,000	1,313,800	N/A	N/A	1,313,800
ESTA fee	11,914,318	N/A	\$0		\$250,200,678	\$250,200,678
TOTAL	19,688,586	4,959,446		\$11,243,850	\$250,200,678	\$577,139,201

* 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 the ESTA website is 13 minutes, and 28 minutes for the ESTA mobile application. CBP uses the U.S. Department of Transportation's (DOT) recommended hourly values of travel time savings for intercity, all-purpose travel by air and sea (\$65.69), and land modes (\$28.75) by following DOT methodology.⁷⁸⁹

⁷ U.S. Department of Transportation, Office of Transportation Policy. *Benefit-Cost Analysis Guidance for Discretionary Grant Programs*, "Table A-2: Recommended Hourly Values of Travel Time Savings for Intercity, All-Purpose Travel by Surface." December 2022. Available at: <https://www.transportation.gov/sites/dot.gov/files/2023-12/Benefit%20Cost%20Analysis%20Guidance%202024%20Update.pdf>. Original DOT policy is available at <https://www.transportation.gov/sites/dot.gov/files/docs/2016%20Revised%20Value%20of%20Travel%20Time%20Guidance.pdf>. Accessed June 17, 2024.

All-purpose trips are calculated using weighted averages, using distributions of travel by trip purpose on various modes. Distribution for local travel by surface modes: 88.2% personal, 11.8% business. Distribution for intercity travel by conventional surface modes: 78.6% personal, 21.4% business. Distribution for intercity travel by air or high-speed rail: 59.4% personal, 40.6% business. This follows methodology from the U.S. Department of Transportation's "Benefit-Cost Analysis Guidance for Discretionary Grant Programs". Available at: <https://www.transportation.gov/sites/dot.gov/files/2023-12/Benefit%20Cost%20Analysis%20Guidance%202024%20Update.pdf>. Accessed: June 18, 2024

⁸ To adjust to 2024 dollars, multiply by the 2022 Q1 - 2024 Q1 percent change in the Bureau of Economic Analysis's Implicit Price Deflators for Gross Domestic Product (124.203/107.668-1). See "Table 1.1.9. Implicit Price Deflators for Gross Domestic Product," Line 1 Gross Domestic Product, quarterly. Bureau of Economic Analysis. Updated May 30, 2024. Available at https://apps.bea.gov/iTable/?reqid=19&step=2&isuri=1&categories=survey&_gl=1*175tbc1*_ga*MTEyNTU1Nzc4Ny4xNzE3NTEyMTUw*_ga_J4698JNNFT*MTcxOTQzMDIwNS4xLjEuMTcxOTQzMDIzMi4zMy4wLjA.#eyJhcHBpZCI6MTksInN0ZXBzIjpbMSwyLDNdLCJkYXRhIjpbWyJjYXRIZ29yaWVzIiwuU3VydmlV5Il0sWyJOSVBBX1RhYmxiX0xpc3QiLC1xMyJdXX0= Accessed June 4, 2024.

⁹ U.S. Department of Transportation, Office of Transportation Policy. *Benefit-Cost Analysis Guidance for Discretionary Grant Programs*, "Table A-2: Recommended Hourly Values of Travel Time Savings for Intercity, All-Purpose Travel by Surface."

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 \$107,228,862.

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 11,914,318 respondents is \$107,228,862. 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.

Form I-94 costs the Government \$6.00 to process multiplied by the number of applications filed (1,782,564) for a total of \$10,695,384. These costs are offset by the Forms I-94 application fees.¹⁰

December 2022. Available at: <https://www.transportation.gov/sites/dot.gov/files/2023-12/Benefit%20Cost%20Analysis%20Guidance%202024%20Update.pdf>. Original DOT policy is available at <https://www.transportation.gov/sites/dot.gov/files/docs/2016%20Revised%20Value%20of%20Travel%20Time%20Guidance.pdf>. Accessed June 17, 2024.

All-purpose trips are calculated using weighted averages, using distributions of travel by trip purpose on various modes. Distribution for local travel by surface modes: 88.2% personal, 11.8% business. Distribution for intercity travel by conventional surface modes: 78.6% personal, 21.4% business. Distribution for intercity travel by air or high-speed rail: 59.4% personal, 40.6% business. This follows methodology from the U.S. Department of Transportation's "Benefit-Cost Analysis Guidance for Discretionary Grant Programs". Available at: <https://www.transportation.gov/sites/dot.gov/files/2023-12/Benefit%20Cost%20Analysis%20Guidance%202024%20Update.pdf>. Accessed: June 18, 2024

Source for median household income: U.S. Census Bureau. *Income in the United States: 2022*, "Table A-1: Income Summary Measures by Selected Characteristics 2021 and 2022" September 12th, 2023. Annual median household income is divided by 2,080 hours per year to find hourly wage rate. Available at <https://www.census.gov/library/publications/2023/demo/p60-279.html>. Accessed June 18th, 2024.

Source of median wage rate: U.S. Bureau of Labor Statistics. Occupational Employment and Wage Statistics, "May 2023 National Occupational Employment and Wage Estimates United States." Updated April 3, 2024. Available at https://www.bls.gov/oes/2023/may/oes_nat.htm. Accessed June 4, 2024. The total compensation to wages and salaries ratio (1.451582) is equal to the total compensation cost per hour worked for all occupations (\$45.42) divided by the wages and salaries cost per hour worked for the same occupation category (\$31.29). See "Table 2. Employer Costs for Employee Compensation for civilian workers by occupational and industry group." Bureau of Labor Statistics, "Employer Costs for Employee Compensation – December 2023." Released March 13, 2024. Available at https://www.bls.gov/news.release/archives/ecec_03132024.pdf. Accessed June 4, 2024.

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. §

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 **904,865 hours**; an increase from 4,054,581 hours to 4,959,446 hours.

There has been an increase in the estimated annual burden hours previously reported for this information collection due to adding the CBP GO 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 this collection by 600,000, and the annual burden hours for this collection tool (20,000 hours) were incorporated into the total annual burden accordingly.

There has been an increase in the estimated annual burden hours previously reported for the ESTA mobile application, from 183,333 hours to 796,696 hours, an increase of 613,363 hours. This increase is due to the rise in the number of respondents and responses received annually, to reflect current usage and the anticipated burden for the next three years to accommodate additional respondents from VWP additions including the recent additions of Qatar and Romania, an increase from 500,000 to 2,172,611. There has been an increase in the estimated annual burden hours previously reported for the ESTA website, from 3,259,100 to 3,899,040, an increase of 639,940 hours. This increase is due to a revised estimate in the time burden for the collection based on system information on how long it takes to complete the application.

The annual burden for the I-94W collection has been removed, as the number of respondents using a paper I-94W yearly is lower than 10, resulting in a decrease of 368,438 hours for the 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.

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.