

# Global Immigration alert

December 2025

## United States

### CBP announces new data collection requirements for ESTA travelers

#### Executive summary

On 10 December 2025, US Customs and Border Protection (CBP) published a notice of information collection relating to the Arrival and Departure Record (Form I-94) and the Electronic System for Travel Authorization (ESTA). CBP is proposing to collect more information from foreign nationals to modernize and secure the process for travelers entering and exiting the United States, with a particular focus on improving identity verification, automating data collection, and enhancing national security. The proposed changes include the voluntary collection of biometric data from foreign nationals when they depart the United States as well as the mandatory collection of social media and other information from ESTA applicants, and a transition to mobile-only application platforms.

#### Background and analysis

The Visa Waiver Program (VWP) permits authorized foreign nationals from an approved list of countries to seek admission to the United States for business and/or pleasure for up to 90 days without first obtaining a visitor visa. Admission under the VWP requires that the traveler first submit an application on the ESTA website. If approved, the ESTA travel authorization is generally valid for up to two years.

The notice from CBP outlines several important information collection changes and expansions for ESTA applicants, including:

#### *Photo upload requirement for ESTA website and mobile application*

- Currently, ESTA applicants must submit a photo of their passport's biographical page. The requirement for a live facial photograph ("selfie") is only enforced for mobile

app users, while website applicants can bypass this step.

- CBP intends to require all ESTA applicants—whether applying via website or mobile app—to upload a live facial photograph in addition to the passport photo. Third-party submissions by a travel agent or family member must also include a photo of the applicant. This change standardizes identity verification across platforms and is intended to ensure that the person applying is the rightful holder of the travel document.

#### *ESTA website decommission*

- CBP intends to decommission the ESTA website (<https://esta.cbp.dhs.gov/>) as an application platform, making the mobile app the sole method for submitting new ESTA applications. The website will remain available for information and status checks, but not for new submissions.
- The mobile app offers enhanced security features, including liveness detection, facial recognition, and Near Field Communication-based passport scanning and electronic chip verification, which are not available on the website.

#### *Mandatory social media and additional data collection*

- Currently, ESTA applicants are asked to voluntarily provide social media information, and only basic biographic data is collected. There is no requirement for additional personal or biometric data beyond what is needed for travel authorization.
- CBP now intends to require ESTA applicants to provide social media information covering the past five years. Additional "high value" data fields will be collected, when feasible, including telephone numbers, email

**EY Law** <sup>LLP</sup>

Law firm member of the  
EY global network

**Mehlman Jacobs** <sup>LLP</sup>

addresses, IP addresses, family member details, and biometrics (face, fingerprint, DNA, iris). These expanded requirements are intended to strengthen security screening and support national security objectives.

In addition to the ESTA-related changes, CBP plans to introduce a new feature in its mobile application that allows travelers to report their departure. Although this would be voluntary, submitting a facial image would be mandatory for any travelers who wish to use this functionality. Doing so may assist travelers in the future in the event they are questioned by CBP or another US agency about whether they timely-departed in compliance with their I-94 period of authorized stay during previous stays in the US.

#### What this means

In the event CBP proceeds with the proposed information collection changes, travelers will encounter new requirements when applying for an ESTA, including mandatory live facial photographs and expanded personal data fields such as social media history and contact information. This development is consistent with the administration's focus on increased screening for national security purposes and expanding social media vetting of foreign nationals to identify "anti-American" activity or any other ideologies or activities that the administration considers a threat to national security or contrary to the national interest.

In the event a traveler's ESTA application is not approved, a visa interview appointment may be scheduled to apply for a B-1/B-2 visitor visa. Should the traveler's social media history raise concerns under the above-stated standards, they must be prepared to address those concerns during the visa interview in order to establish eligibility.

CBP is inviting public comments on these proposed changes until 9 February 2026. Submitted comments are requested to focus on whether the proposed collection of information is necessary for CBP to properly perform its functions and whether it is possible to minimize the collection of information while still achieving the stated objectives.

We will continue to monitor and share future developments. For additional information, or if you wish to discuss this further, please contact your EY Law LLP professional or Mehlman Jacobs LLP professional.

#### EY Law LLP

**Batia Stein, Partner**  
+1 416 943 3593  
batia.j.stein@ca.ey.com

**Marwah Serag, Partner**  
+1 416 943 2944  
marwah.serag@ca.ey.com

**Melanie Bradshaw, Partner**  
+1 416 943 5411  
melanie.bradshaw@ca.ey.com

**Mehlman Jacobs LLP**  
**Sharon Mehlman, Partner**  
+1 858 404 9350  
sharon.mehlman@mehlmanjacobs.com

**Dilnaz A. Saleem, Partner**  
+1 713 750 1068  
dilnaz.saleem@mehlmanjacobs.com

**Author: Name, Title**  
+1 phone #  
email address

**Roxanne Israel, Partner**  
+1 403 206 5086  
roxanne.n.israel@ca.ey.com

**Sheila Snyder, Partner**  
+1 604 899 3515  
sheila.snyder@ca.ey.com

**Stephanie Lipstein, Partner**  
+1 514 879 2725  
stephanie.lipstein@ca.ey.com

EY | Building a better working world

**EY is building a better working world by creating new value for clients, people, society and the planet, while building trust in capital markets.**

**Enabled by data, AI and advanced technology, EY teams help clients shape the future with confidence and develop answers for the most pressing issues of today and tomorrow.**

**EY teams work across a full spectrum of services in assurance, consulting, tax, strategy and transactions. Fueled by sector insights, a globally connected, multi-disciplinary network and diverse ecosystem partners, EY teams can provide services in more than 150 countries and territories.**

**All in to shape the future with confidence.**

Follow us on X @EYCanada

EY refers to the global organization, and may refer to one or more, of the member firms of Ernst & Young Global Limited, each of which is a separate legal entity. Ernst & Young Global Limited, a UK company limited by guarantee, does not provide services to clients. Information about how EY collects and uses personal data and a description of the rights individuals have under data protection legislation are available via [ey.com/privacy](https://ey.com/privacy). EY member firms do not practice law where prohibited by local laws. For more information about our organization, please visit [ey.com](https://ey.com).

#### About EY Law LLP

EY Law LLP is a Canadian law firm, affiliated with Ernst & Young LLP in Canada. Both EY Law LLP and Ernst & Young LLP are Ontario limited liability partnerships. EY Law LLP has no association or relationship with Ernst & Young LLP in the US, or any of its members. Ernst & Young LLP in the US does not practice law, nor does it provide immigration or legal services. For more information, please visit [EYLaw.ca](https://EYLaw.ca).

#### About Mehlman Jacobs LLP

Mehlman Jacobs LLP specializes in immigration law and provides legal and strategic advice to employers and their employees on all stages in the immigration process. Providing boutique, customized experience, the firm aims to provide transparency to an often complex and uncertain environment. Mehlman Jacobs, a California Limited Liability Partnership, limited to the practice of immigration law, is a member of Ernst & Young Global Limited and is independently owned and operated by US licensed lawyers.

© 2025 Ernst & Young LLP.

All Rights Reserved.

A member firm of Ernst & Young Global Limited.

EYG no. 010255-25Gbl

This publication contains information in summary form, current as of the date of publication, and is intended for general guidance only. It should not be regarded as comprehensive or a substitute for professional advice. Before taking any particular course of action, contact us or another professional advisor to discuss these matters in the context of your particular circumstances. We accept no responsibility for any loss or damage occasioned by your reliance on information contained in this publication.