

Re: Public Comment Opposing Expansion of ESTA Requirements to Include DNA Collection and Enhanced Biometric Surveillance

To Whom It May Concern, I submit this formal grievance and public comment in opposition to proposed and emerging changes to the Electronic System for Travel Authorization (ESTA) and related entry-screening frameworks that expand biometric surveillance, mandate or normalize genetic data collection, or otherwise erode constitutional, statutory, and human rights protections under the guise of immigration or national security enforcement. This grievance specifically includes opposition to any collection, retention, or analysis of DNA or genetic material—whether directly, indirectly, or through third-party data sharing—as a condition of travel authorization, visa processing, entry, parole, or future adjustment of status. I. DNA Collection Is Uniquely Intrusive and Constitutionally Distinct

DNA is not equivalent to fingerprints, photographs, or travel metadata. Genetic material contains permanent, immutable, and deeply personal biological information, including familial relationships, health predispositions, ancestry markers, and intersex variations. Unlike other identifiers, DNA reveals information not only about the individual but about biologically related persons, none of whom have consented to data collection. The Supreme Court has recognized that bodily integrity and compelled biological extraction implicate heightened Fourth Amendment concerns. While *Maryland v. King* (2013) upheld limited DNA collection from individuals formally arrested for serious crimes, that holding was narrow, explicitly tied to criminal booking, and justified as a substitute for fingerprinting—not as a general identification tool for civil, administrative, or immigration purposes. Extending DNA collection to visa applicants, ESTA travelers, asylum seekers, or lawful permanent residents would represent a radical and unlawful expansion of state power beyond any existing constitutional justification. II. Civil and Immigration Contexts Do Not Justify Genetic Surveillance

Immigration and travel authorization processes are civil, not criminal, in nature. Compulsory DNA collection in this context would violate the Fourth Amendment's prohibition on unreasonable searches, undermine Fifth Amendment due process guarantees, and chill First Amendment rights by conditioning mobility and expression on biological surrender. III. Disproportionate Harm to Intersex and LGBTQIA+ Individuals

Genetic data collection poses particular risks to intersex individuals, whose chromosomal expressions are not binary and are not subject to voluntary control. DNA screening can expose intersex traits without consent, leading to misclassification, discrimination, or denial of entry. LGBTQIA+ individuals likewise face elevated risks if genetic data is misused, shared, or leaked. IV. Lack of Statutory Authorization

No statute governing ESTA or the Visa Waiver Program authorizes mass DNA collection from non-criminal populations. Such a regime would require explicit congressional authorization, not administrative expansion. V. International Human Rights Obligations

The United States is bound by international norms protecting privacy and bodily autonomy, including the International Covenant on Civil and Political Rights. Genetic mass-collection violates principles of necessity, proportionality, and data minimization. VI. Historical Warnings

History demonstrates that biological registries are consistently abused. DNA's permanence makes such abuses uniquely irreversible. VII. Slippery Slope to Citizen Surveillance

Surveillance tools introduced at the border historically migrate inward. Normalizing DNA collection for travelers risks future application to lawful residents and citizens. VIII. Conclusion

For these reasons, I formally object to any DNA or genetic data collection within ESTA or related immigration processes and request that such measures be withdrawn in full. Respectfully submitted,

[Name]

[City, State, Country]

[Date]

Where to Send This Grievance

Primary Federal Docket (Public Comment):

Regulations.gov – Electronic System for Travel Authorization (ESTA)

Submit via the active docket associated with ESTA, Visa Waiver Program, or biometric/identity verification rulemakings. Department of Homeland Security (DHS):

Office of Strategy, Policy, and Plans

U.S. Department of Homeland Security

2707 Martin Luther King Jr. Ave SE

Washington, DC 20528 Email (where accepted): publiccomments@dhs.gov

U.S. Customs and Border Protection (CBP):

Office of Trade and Regulatory Affairs / Privacy and Identity Management

U.S. Customs and Border Protection

1300 Pennsylvania Avenue NW

Washington, DC 20229 Office for Civil Rights and Civil Liberties (CRCL):

U.S. Department of Homeland Security

245 Murray Lane SW, Building 410
Washington, DC 20528 Email: crcl@dhs.gov