

Immigration Advisory

From the Buchanan Ingersoll & Rooney Immigration Group

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DHS Announces Changes to Visa Waiver Program

By Frances P. Rayer and Christopher R. Thorn

Homeland Security Secretary Michael Chertoff announced today an interim rule that will require foreign nationals traveling to the U.S. under the Visa Waiver Program (VWP) to register online with the Department of Homeland Security's (DHS) Electronic System for Travel Authorization (ESTA) at least 72 hours before their visit. Once registered, travelers will be eligible to make multiple entries to the U.S. over a two-year period without registering further.

The Visa Waiver Program currently allows nationals of 27 countries to travel to the U.S. for business or tourism for stays of 90 days or less without obtaining a visa. The program was started in 1986 with the aim of removing unnecessary barriers to travel, stimulating the tourism industry and allowing consular posts to focus their resources in other areas. The 27 countries participating in the program include most of those in Western Europe, as well as Australia, Japan, New Zealand, Singapore and Brunei. DHS recently signed the VWP Memoranda of Understanding with Slovakia, Hungary, Lithuania, Estonia, Latvia, Czech Republic, Malta and Korea, but these countries are not yet admitted into the VWP, and citizens of these countries still require a visa for travel to the U.S. The recently signed agreements are only the first step in a series of steps that should culminate in their entrance into the program.

Passengers will be able to register for the program beginning in August through the ESTA website at <https://esta.cbp.dhs.gov>. The DHS is expected to publish a notice in the Federal Register by mid-November 2008, announcing implementation of mandatory ESTA requirements on January 12, 2009.

We will continue to monitor the status of this rule and keep you updated as new information becomes available.

For more information, email the author(s) at immigration@bipc.com.

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