

COUNTRY BRIEF

Immigration Alert

November 21, 2008

USA: If You are From a Visa Waiver Country (Such as EU Nationals), Entry Into the USA Now Requires Electronic Authorization BEFORE Entry

International travelers who are seeking to travel to the United States under the Visa Waiver Program are now subject to enhanced security requirements. All eligible travelers who wish to travel under the Visa Waiver Program must apply for authorization using an electronic travel authorization **BEFORE** entering the USA.

This means if you are a passport holder of the following list of countries, you **HAVE** to obtain Electronic Approval **BEFORE** you enter the USA: *Andorra, Austria, Australia, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom.*

When Does This go Into Effect:

- The Electronic System for Travel Authorization (ESTA) will take effect January 12, 2009; those who fail to obtain the proper authorization may be denied admission at a U.S. Port of Entry, boarding or undergo delayed processing.

Why Did the Department of Homeland Security Create This New Requirement:

- To enhance security measures and increase safety of the Visa Waiver Program

Visa Waiver Program:

- Permits foreign nationals from participating countries to enter the U.S. under certain conditions for 90 days or less without obtaining a visa

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Who Does the ESTA Affect:

- Any person traveling to the U.S. under the VWP.
 - Here are the affected countries: [VWP](#).

How Does the ESTA Affect Travelers:

- Before departing to the U.S., proven eligibility and biographical information is required;
- Approvals will be valid for two years;
- Authorizes a traveler to board an air or sea carrier to the U.S. under the VWP, but does not guarantee admission;
- Admissibility will be determined at the Port of Entry by U.S. Customs and Border Protection;
- If a traveler's passport expires during this two-year period, the ESTA will also expire; and,
- A valid ESTA will not be issued in excess of six months prior to the expiry of his/her passport if his/her home country has not entered into an agreement regarding passport validity.

Where Does a Traveler Go To Obtain Approval:

- The [ESTA](#), a web-based online application system; and,
- Requests the same information required on an I-94W Form.

When Should the ESTA Be Obtained:

- As the ESTA effective date is January 12, 2009, eligible VWP travelers should apply as soon as they plan a trip to the U.S.

Are Travelers Automatically Approved:

- Immediate authorization is typical;
- Other rare responses include Travel Not Authorized or Authorization Pending.

What if Travel is Unauthorized:

- The traveler will be sent to the [U.S. Department of State](#) for visa application information.

ACTION ITEMS:

- Travelers should apply as soon as a trip is planned to the U.S., as the ESTA effective date is January 12, 2009;

- Apply online at the [ESTA](#); and,
- Upon denial, the traveler can go to the [U.S. Department of State](#) for information on how to apply for a visa.

* * * *

Citation: *Please see the official [Department of Homeland Security ESTA website](#) for additional details.*

Thank you for affording us the opportunity to assist you with this critical and complex piece of the immigration process.

We trust that you find this Alert useful in the planning of your global immigration moves.

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