

DHS to Institute Fee for Electronic System for Travel Authorization (ESTA) for Visa Waiver Program

August 23, 2010

Under the Travel Promotion Act of 2009 (TPA), the U.S. Department of Homeland Security (DHS) will require travelers from Visa Waiver Program (VWP) countries to pay operational and travel promotion fees when applying for ESTA beginning September 8, 2010. The total fee will be \$14.00, \$4.00 of which will be used to recover the cost of administering the ESTA system; the remaining \$10.00 is mandated in the TPA. This is the first time that a fee has been required for applications to ESTA.

What Is ESTA?

ESTA is an automated system that determines the eligibility of nationals and citizens from a VWP country to board a carrier for travel by air or sea to the United States. If approved, the authorization is valid for multiple entries for up to two years or until the traveler's passport expires, whichever is shorter. ESTA does not guarantee admission to the United States. Customs and Border Protection officers will still make a determination of admissibility at the U.S. port of entry. For detailed information regarding ESTA, please go online to <http://www.cbp.gov/xp/cgov/travel/id visa/esta/>.

What Is the VWP?

The VWP allows nationals and citizens of VWP countries to travel to the United States as visitors for business or pleasure for a temporary period of 90 days or less without first obtaining a B-1/B-2 visa stamp from a U.S. consulate.

Eligible VWP countries are as follows: Andorra, Australia, Austria, Belgium, Brunei, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, The Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovakia, Slovenia, South Korea, Spain, Sweden, Switzerland, and the United Kingdom.

How to Apply for ESTA Authorization

Nationals and citizens of a VWP country, regardless of age, must complete the ESTA application online at <https://esta.cbp.dhs.gov>. Should the application be denied, the traveler will need to apply for a visa at a U.S. consulate.

DHS recommends that ESTA approval be obtained as soon as travel plans are begun and no later than 72 hours prior to departure. Accommodation for emergency and last-minute travelers may be possible. Travelers may update their information, including itineraries, through the ESTA website.

It is important to note that there are websites masquerading as the ESTA website, which charge additional fees and may not submit your application. Therefore, **please check the web address carefully** to ensure that you are accessing the government ESTA website.

How to Pay the Fee

Payment can be made using any of the following credit cards: MasterCard, Visa, American Express, and Discover. Payments can also be made with a debit card that holds the Visa or MasterCard symbol. DHS is continuing to explore other payment measures. The ESTA registration form provides instructions regarding the payment process.

We will continue to monitor this situation and update you with any new information. For more information, or if you have any questions regarding the issues discussed in this Immigration Alert, please contact any of the following attorneys:

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Now Available: *AILA's Focus on Immigration Practice Under AC21*

Written by Eleanor Pelta and A. James Vázquez-Azpiri, *AILA's Focus on Immigration Practice Under AC21* provides invaluable insight on the effect AC21 has had on the H-1B visa category. For more information, please visit www.ailapubs.org/ac21.html or call 1.800.982.2939 to order a copy.

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