

DHS Announces Electronic System for Travel Authorization for Visa Waiver Program

June 6, 2008

The Department of Homeland Security (DHS) announced that it will begin to accept Electronic System for Travel Authorization (ESTA) applications on a voluntary basis beginning August 1, 2008. The ESTA program is expected to become mandatory for visa waiver program (VWP) travelers in January 2009.

What Is ESTA?

ESTA is an automated system that will determine the eligibility of nationals and citizens from a VWP country to travel to the United States. If approved, the authorization will be valid for multiple entries for up to two years or until the traveler's passport expires, whichever period is shorter. Please note that Customs and Border Protection officers will still make a determination of admissibility at the U.S. port of entry, and will grant each entry only for a maximum of 90 days. ESTA approval will only grant authorization to board a carrier for travel; it will not guarantee admission into the United States.

What Is the VWP?

The VWP allows nationals and citizens of the following 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: 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.

How to Apply for ESTA Authorization

Nationals and citizens of a VWP country, regardless of age, will need to complete the ESTA application online at <https://esta.cbp.dhs.gov>. A third party, including a relative or a travel agent, will be allowed to submit an application on a traveler's behalf. Biographical and eligibility information about the traveler is required. Decisions are issued immediately. Should the application be denied, the traveler would 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.

How This Affects You

Only nationals and citizens of VWP countries who wish to travel to the United States as visitors for business or pleasure for a temporary period of 90 days or less and without a B-1/B-2 visa stamp are required to obtain ESTA approval.

Morgan Lewis will continue to monitor this process and will update you with any new information as soon as it becomes available. If you have any questions about any of the issues raised in this Morgan Lewis Immigration Alert, please contact:

San Francisco

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|-------------------------|--------------|--|
| A. James Vázquez-Azpiri | 415.442.1343 | ajvazquez@morganlewis.com |
| Lance Nagel | 415.442.1345 | lnagel@morganlewis.com |

Washington, D.C.

| | | |
|---------------|--------------|--|
| Eleanor Pelta | 202.739.5050 | epelta@morganlewis.com |
| Eric S. Bord | 202.739.6040 | ebord@morganlewis.com |

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