

Electronic System for Travel Authorization for Visa Waiver Program Now Available

September 8, 2008

The Department of Homeland Security (DHS) is now accepting Electronic System for Travel Authorization (ESTA) applications on a voluntary basis for visa waiver program (VWP) travelers. ESTA will become mandatory on January 12, 2009.

What Is ESTA?

ESTA is an automated system that will determine 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 will be valid for multiple entries for up to two years or until the traveler's passport expires, whichever is earlier. 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 visit http://www.cbp.gov/xp/cgov/travel/id_visa/esta/.

What Is the VWP?

The VWP allows nationals and citizens of certain 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, 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, must complete the ESTA application online at <https://esta.cbp.dhs.gov>. A third party, including a relative or a travel agent, is allowed to submit an application on the traveler's behalf. 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 their itineraries, through the ESTA website.

How This Affects You

We recommend that 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 obtain ESTA approval as soon as travel is expected. In addition, frequent business travelers may want to register now to avoid any possible delays in future travel.

Morgan, Lewis & Bockius will continue to monitor the situation and will update you with any new information. If you have any questions about any of the issues raised in this Morgan Lewis Immigration Alert, please contact:

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