

# ALERTS

## Changes to Visa Waiver Program Take Effect

01.2016

The US Department of State (DOS) has begun implementing changes under the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015. Signed into law on December 18, 2015, the Act establishes new criteria for travelers eligible to participate in the Visa Waiver Program (VWP).

Pursuant to the Act, the following travelers are no longer eligible to travel or be admitted to the US under the VWP:

- Nationals of VWP countries who have traveled to or been present in Iran, Iraq, Sudan, or Syria on or after March 1, 2011 (with limited exceptions for travel for diplomatic or military purposes in the service of a VWP country).
- Nationals of VWP countries who are also nationals of Iran, Iraq, Sudan, or Syria.

The VWP allows citizens of 38 countries to travel to the U.S. visa free for visits of less than 90 days for tourism and business purposes. All individuals seeking to travel via the VWP are required to enroll in the Electronic System Travel Authorization (ESTA) to undergo counterterrorism screening and must receive ESTA approval prior to their travel to the U.S.

As of January 21, 2016, travelers with valid ESTA approval and who have previously indicated holding dual nationality with one of the four countries listed above on their ESTA applications will have their current ESTAs revoked. Current ESTA holders are encouraged to check their ESTA status prior to travel.

Any traveler no longer eligible for the VWP is eligible to apply for a visa at a U.S. Embassy or Consulate, or travel to the U.S. with a currently valid nonimmigrant visa.

DOS has confirmed that an updated ESTA application with additional questions is scheduled to be released in late February 2016 to address exceptions for diplomatic- and military-related travel provided for in the Act.

Please contact an MVA Immigration Team Member if you have any questions about ESTA or other related inquiries.