

Fact Sheet: Electronic System for Travel Authorization (ESTA)

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The Department of Homeland Security (DHS) has announced the ESTA Interim Final Rule (IFR), which establishes a new online system that is part of the Visa Waiver Program (VWP) and is required by the Implementing Recommendations of the 9/11 Commission Act of 2007. Once ESTA is mandatory, all nationals or citizens of Visa Waiver Program (VWP) countries who plan to travel to the United States for temporary business or pleasure will require an approved ESTA prior to boarding a carrier to travel by air or sea to the United States under the VWP. The rule does not apply to U.S. citizens traveling overseas.

To apply for authorization to travel to the United States under the VWP, travelers will log on to the ESTA web-based system and complete an application online providing the biographical and eligibility information currently required on the paper I-94W form. The ESTA web-based system will be available for voluntary applications after Aug. 1, 2008.

ESTA will be implemented as a mandatory program 60 days after publication of a notice in the Federal Register. DHS anticipates that the Secretary of Homeland Security will issue that notice in November 2008, for implementation of the mandatory ESTA requirements on Jan. 12, 2009.

ESTA applications may be submitted at any time prior to travel to the United States, and VWP travelers are encouraged to apply for authorization as soon as they begin to plan a trip to the United States. If applicants' destination addresses or itineraries should change after their authorization has been approved, they may easily update that information through the ESTA website.

Once an ESTA application has been successfully completed and submitted online, the application will be queried against appropriate law enforcement databases. ESTA application data will remain active for the period of time that the ESTA authorization is valid. DHS will maintain this information for an additional year, and then will archive the information for twelve years to allow retrieval of the information for law enforcement and investigatory purposes.

In most cases, ESTA will provide an almost immediate determination of eligibility for travel under the VWP. Possible responses include: Authorization Approved, Travel Not Authorized, or Authorization Pending.

An approved ESTA travel authorization is:

- valid for up to two years or until the traveler's passport expires, whichever comes first;
- valid for multiple entries into the U.S.; and
- not a guarantee of admissibility to the United States at a port of entry. ESTA approval only authorizes a traveler to board a carrier for travel to the U.S. under the VWP. In all cases, CBP officers make admissibility determinations at our ports of entry. (For additional information, please visit "Know Before You Go" at www.cbp.gov/travel.)

Once ESTA is mandatory, all travelers from VWP countries will be required to obtain an ESTA approval prior to boarding a carrier to travel by air or sea to the United States under the VWP.

In the event that an ESTA applicant is denied authorization to travel to the United States under the VWP, he or she will be referred to www.travel.state.gov for information on how to apply for a visa to travel to the United States. This process is similar to the current practice, in which VWP travelers who arrive at a United States port of entry and are determined by U.S. Customs and Border Protection (CBP) to be ineligible for admission under the VWP may be returned to their country of origin to apply for a visa to enter the United States. It will be far more convenient for most travelers to receive this notification before commencing travel.

Accompanied and unaccompanied children, regardless of age, will be required to obtain an independent ESTA authorization and determination of eligibility. VWP travelers who fail to obtain an ESTA travel authorization after ESTA becomes mandatory may be denied boarding, experience delayed processing, or be denied admission at a U.S. port of entry.

ESTA implementation

On Aug. 1, 2008, DHS will begin to accept voluntary ESTA applications through the ESTA Web site: <https://esta.cbp.dhs.gov>. Initially, the website will be operational in English only, but additional languages will be available no later than Oct. 15, 2008.

Travelers are not required to have specific plans to travel to the United States under the VWP before they apply for an

ESTA authorization. DHS recommends that an ESTA approval be obtained as soon as a VWP traveler begins to plan a trip to the United States, and no later than 72 hours before departure. ESTA has, however, been designed to allow for the accommodation of last minute and emergency travelers.

Once ESTA becomes mandatory, all travelers from Visa Waiver countries, regardless of their point of embarkation, will be required to obtain an electronic travel authorization prior to boarding a carrier to travel by air or sea to the United States under the VWP. Travelers who have not received ESTA approval after ESTA becomes mandatory may be denied boarding, experience delayed processing, or be denied admission at a U.S. port of entry.

Preservation and Enhancement of the VWP through ESTA

The VWP is administered by DHS and enables eligible nationals of member countries to travel to the United States for tourism or business for stays of 90 days or less without obtaining a visa. The Visa Waiver Program was authorized as a pilot 1986 and country participation began with Japan and the United Kingdom in 1988. Additional information regarding the VWP is available at: http://www.customs.gov/xp/cgov/travel/id_visa/business_pleasure/vwp/vwp.xml.

More than 15 million visitors from VWP countries arrived in the U.S. during Fiscal Year 2007. By addressing security issues related to the VWP, ESTA will strengthen and preserve the program and allow for future expansion.

Under Section 711 of the "Implementing Recommendations of the 9/11 Commission Act of 2007" (9/11 Act), Roadmap countries must meet a number of security-related provisions prior to being admitted to the VWP. DHS will continue to coordinate closely with the Roadmap countries to ensure that all 9/11 Act security provisions are met that will enable their admission into the program.

Additionally, for those Roadmap countries with a non-immigrant visa refusal rate greater than 3 percent, the 9/11 Act enables the Secretary of Homeland Security, in consultation with the Secretary of State, to waive the three percent requirement of the VWP statute, up to a maximum of ten percent, provided the secretary of Homeland Security certifies that:

- An air exit system is in place that can verify the departure of at least 97 percent of foreign nationals who exit through U.S. airports; and
- An electronic travel authorization system is in place and is fully operational.

After the Roadmap countries have met the 9/11 Act security provision requirements, and DHS has made the appropriate certifications, the U.S. government will formally announce which countries have been added to the VWP together with guidelines for their nationals and citizens to comply with ESTA.

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