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USA To Implement Electronic System For Travel Authorization (ESTA)

There are currently 27 countries authorized to participate in the Visa Waiver Program (VWP) allowing their citizens to enter the United States for tourism or business stays of 90 days or less without first obtaining a visa. This program began in 1986 as a pilot with the first two countries to participate in the program, Japan and the United Kingdom, beginning in 1988. Last year, more than 15 million visitors entered the United States under the VWP. As a result of implementing the recommendations of the 911 Commission Act of 2007 all this will change.

Neither Canada nor Mexico are VWP member countries and therefore ESTA does not apply to Canadians or Mexican nationals.

Mandatory Changes As of January 12, 2009: The ESTA will be implemented on a voluntary basis beginning August 1, 2008 and on a mandatory basis as of the current target date of January 12, 2009. Under the ESTA all VWP applicants will be required to register electronically online and obtain an ESTA approval before being allowed to board a plane or ship destined to the United States. VWP travelers entering the United States at land borders will continue to be processed as they are today without the need for an ESTA.

Apply Online For ESTA Authorization As You Make Travel Plans: Tourists and business visitors from VWP countries will be encouraged to apply online for ESTA authorization as soon as they begin to make plans to travel to the United States and in any event not less than 72 hours before travel. Furthermore, until the program becomes mandatory, even those who voluntarily participate after August 1, 2008 will be required to complete the paper I-94W form which includes biographical and eligibility information before being admitted to the United States. The Department of Homeland Security (DHS) says there will be a way to register at the last minute if necessary but does not explain the process.

No Guarantee of Admission: An approved authorization under the ESTA program will not guarantee admission to the United States as the final decision with respect to entry will be with the Customs and Border Protection Officers at the port-of-entry.

DHS Archives The Information: The ESTA will allow the United States to collect information about who is traveling to the United States without a visa and to compare that information with appropriate law enforcement databases. ESTA application data will remain active for the validity period of the ESTA authorization, however, the DHS will maintain the information for an additional 1 year period and then will archive the information for 12 years to allow retrieval of the information for law enforcement and investigative purposes.

Update Your Information Each Trip If Your Destination or Destination Address Changes: The ESTA authorization will be valid for up to 2 years or until the traveler's passport expires and it will be valid for multiple entries. Having said that, however, notification from the DHS with respect to the ESTA also comments that for those whose itineraries or destination addresses change after their authorization has been approved they may update that information through the ESTA website. The implication seems to be that even though the ESTA is valid for 2 years and multiple entries, unless the traveler is destined to the same address for the same purpose each time they enter, they will be required to update that information through the website prior to travel. In spite of these comments by the DHS, they also indicate that travelers are not required to have specific plans to travel to the United States before applying for ESTA authorization.

Denied Authorization: If an applicant is denied authorization they must then apply for a visa to travel to the United States. Under the current system, if a traveler from a VWP country is denied entry to the United States at the port-of-entry they may be returned to their country of origin to apply for a visa. Under the new system, of course, the traveler will be advised prior to boarding the aircraft that they are not eligible for entry and must therefore apply for a visa in their home country.

All Travelers From VWP Countries: The ESTA will be required by all travelers from VWP countries including accompanied and unaccompanied children regardless of age and the failure of the traveler to obtain an ESTA authorization could result in them being denied boarding privileges to an aircraft or ship, experiencing delayed processing, or being denied admission at a US port-of-entry.

DHS Say That This Will Strengthen Security: The DHS is implementing the ESTA to give front line officers an opportunity to determine in advance if a visa free traveler represents a threat in terms of any law enforcement or security risks prior to boarding an aircraft and arriving in the United States. They say that this will strengthen the security of the United States and that of international travelers while at the same time helping to preserve important programs for key allies by addressing these security related issues. They say that ESTA will strengthen and preserve the VWP program and allow for future expansion of the program.

Australia Has Used An Electronic Visa System For Many Years: Such an electronic advanced registration system is not new. Australia has used an electronic visa system for many years. Neither Canada nor Mexico are VWP member countries and therefore ESTA does not apply to Canadians or Mexican nationals. ESTA will only be required by visitors traveling under the VWP to the United States by air or sea. VWP travelers entering the United States at land borders will continue to be processed as they are today without the need for an ESTA.

ESTA website - http://www.cbp.gov/xp/cgov/travel/id_visa/esta/



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