



CORPORATE IMMIGRATION  
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## UPDATE ON TRAVEL TO THE UNITED STATES

### Western Hemisphere Travel Initiative (WHTI)

As we previously reported, the Western Hemisphere Travel Initiative (“WHTI”) is a United States (“U.S.”) law first introduced in 2005, that requires all travellers, including U.S. and Canadian citizens, to present a valid passport or another secure document when entering the U.S. from within the western hemisphere. After some delays, the WHTI will be fully implemented in two stages by June 1, 2009:

1. For air travel to the U.S., the law came into effect on January 23, 2007. Since then, Canadian citizens flying to, through or from the United States have been required to present a valid Canadian passport or valid NEXUS card (at participating airports) to gain entry to the U.S. by air;
2. Canadian citizens entering the U.S. by land or water currently do not require a valid passport. However as of January 31, 2008, oral declarations are no longer accepted to prove identity and citizenship. Canadian citizens must now present government-issued photo identification together with proof of citizenship (such as a birth certificate) to enter the U.S. by land or water.

By **June 1, 2009**, the second stage of the WHTI will be fully implemented, and from that point on, Canadian citizens will be required to present:

- o a valid passport;
- o a NEXUS card (offered to low-risk, pre-approved travellers into Canada and the United States by air, land and water);
- o a FAST card (offered to pre-approved commercial importers, carriers and registered drivers); or
- o other acceptable documents such as an Enhanced Driver’s Licence (EDL) or Enhanced Identification Card (EIC) for entry to the U.S. by land or water.

On January 21, 2008, the government of British Columbia launched Canada’s first EDL program. The provinces of Manitoba, Ontario, Saskatchewan and Nova Scotia have since also taken steps towards developing EDLs, EICs and other passport alternatives for U.S. land border crossings.

While other secure documents such as EDLs and EICs may be acceptable for entry to the United States by land or water when the WHTI is fully implemented, Canadians are nevertheless encouraged to secure a passport to travel internationally, including to the United States.

### Electronic System for Travel Authorization (ESTA)

Just a reminder that by **January 12, 2009**, Visa Waiver Program (“VWP”) travelers will be required to obtain a travel authorization via the Electronic System for Travel Authorization (“ESTA”) prior to boarding a carrier to travel by air or sea to the U.S. under the VWP.

The VWP is administered by the Department of Homeland Security and it enables eligible citizens or nationals of certain countries to travel to the U.S. for tourism or business for stays of 90 days or less without obtaining a visa.

Citizens or nationals of the following 27 countries are currently eligible to travel to the United States under the VWP: 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.

On November 17, 2008, the U.S. expanded the VWP to include the following 7 countries: Czech Republic, Estonia, Hungary, Republic of Korea, Latvia, Lithuania, Slovakia.

Prior to traveling to the U.S., eligible citizens (or their representatives) must apply for a travel authorization online at: [http://cbp.gov/xp/cgov/travel/id\\_visa/esta/](http://cbp.gov/xp/cgov/travel/id_visa/esta/) Here are a few highlights about the ESTA application process:

- As of November 17, 2008, travelers from the 7 VWP expansion countries are required to obtain a travel authorization via ESTA to travel to the U.S.;
- As of January 12, 2009, all other travelers from the established 27 VWP countries will be required to obtain a travel authorization via ESTA to travel to the U.S.;
- There is no fee to obtain the travel authorization;
- Applications can be submitted at any time prior to travel;
- The traveler must provide biographical data including name, birth date, and passport and travel information, as well as answers to questions regarding travel eligibility under the VWP.
- Travel authorizations are valid for 2 years, or until a traveler’s passport expires, whichever comes first;
- Eligibility for travel can be determined on an almost immediate basis;
- Approval only authorizes a traveler to board a plane or ship for travel to the U.S. without a visa, but U.S. Customs and Border Protection officers make admissibility determinations at ports of entry or pre-clearance facilities;
- If an application for travel is denied and the traveler still wishes to continue with their trip, the traveler may apply for a visa at a U.S.

Embassy or Consulate; and

- Travelers who already possess a valid visa will be able to travel to the U.S with that visa for the duration of its validity and they do not need to submit a travel authorization via ESTA.



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