

## Immigration Alert: Visa Waiver Program Expanding to Include New Countries

10/21/2008

On October 17, 2008, President Bush announced that the Visa Waiver Program (VWP) will be expanding to include seven new countries, and that six additional countries are “on track” to be included in the near future. The VWP currently includes a list of 27 “friendly” countries whose nationals may travel to the United States for 90 days or less for business, pleasure, or transit without requiring a formal visa stamp. These countries extend the same courtesy to U.S. citizens traveling in the same manner. In approximately one month, this list will be officially expanded to include citizens of the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Slovakia, and South Korea. The six additional nations “on track” to be included at a future date are Bulgaria, Cyprus, Greece, Malta, Poland, and Romania. President Bush did not provide a specific date or timeline for these countries, though we will of course provide updates as they are available.

As we informed you in a [previous alert](#), beginning January 12, 2009, foreign nationals making a VWP entry into the United States will need to receive electronic travel authorization from U.S. Customs and Border Protection (CBP) *prior* to utilizing the VWP. This will be done via the Electronic System for Travel Authorization (ESTA), an automated system that will assist in determining eligibility to travel to the United States under the existing VWP, as well as determining whether such travel poses any law enforcement or security risk. The ESTA program asks applicants to [register online](#) in order to provide biographical data and assess Visa Waiver Program eligibility.

The ESTA program is a “pre-clearance” program covering those travelers seeking to enter the United States using the Visa Waiver Program *only*. Travelers holding valid travel visas of all types will not be required to register through ESTA. However, once the program becomes mandatory, those travelers who are simply transiting *through* the United States will be required to register with ESTA, a significant departure from previous U.S. transit practices.

For more information, see CBP’s “[Frequently Asked Questions about ESTA](#).”

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*If you would like more information on any immigration matter, please contact your immigration attorney at Mintz Levin or visit [www.mintz.com](http://www.mintz.com).*

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