

## **How Do The New Restrictions on Visa Waiver Program (VWP) (Effective Date: December 18th, 2015) Impact Other Visa Applications at Consular Offices Abroad?**

The U.S. immigration and Nationality Law Staff at the NPZ Law Group would like to wish our readership a very happy new year and remind you that we strive to continue to provide cutting-edge information in the rapidly developing and changing U.S. immigration and nationality law arena.

Recently, on December 18th, 2015, the 2016 Consolidated Appropriations Act (H.R. 2029) was signed into law. In addition to funding the government through September 30th, 2016, the bill includes provisions that change the Visa Waiver Program (VWP) some of which take effect immediately. Though at this point it remains unclear how Customs and Border Protection (CBP) and other agencies will take steps to implement and enforce the new laws, it remains unclear at this juncture what impact this change will have on other visa processing. However, it is highly likely that this new law will impact those that are seeking Visitor (B-1/B-2) Visas (and other Visa types) at U.S. Consulate offices abroad.

The new Visa Waiver Program guidelines provide:

1. Individuals who have been present in Iraq, Syria, Iran, or Sudan (or other countries designated by DHS as supporting terrorism or "of concern") at any time on or after March 1, 2011, are not eligible to participate in the VWP. The new law exempts those performing military service in the armed forces of a VWP country or those carrying out official duties in a full-time capacity in the employment of a VWP country government. In addition, DHS may waive exclusion from the VWP program if it would be in the law enforcement or national security interests of the United States; and
2. The new law also excludes from the VWP individuals who are nationals of Iraq, Syria, Iran, or Sudan. Nationality typically depends on the laws of the designated country, so it is important to note that an individual may be a national of a particular country, even if he or she has never resided in that country and/or does not have a passport issued by that country.

To participate in the VWP an individual must possess, at the time of application for admission, an electronic passport that is machine-readable.

In addition to the restrictions imposed upon individuals, the new law also includes new conditions for participating countries such as passport security requirements, screening protocols, and information sharing. The new law also includes revocation provisions for countries failing to meet the new requirements. Some of these country requirements take effect immediately and others must be implemented within the next year.

It is anticipated that the shooting events in Paris (France) and in California are likely to raise new concerns about security and are likely to lead to more cases and more delays in connection with the 221(g) Administrative Processing of cases at U.S. Consular offices in India and throughout the world. The U.S. immigration and nationality lawyers at the Nachman Phulwani Zimovcak

(NPZ) Law Group continue to assist clients and potential clients with 221G holds and with Administrative Processing as well as with general immigration and nationality law issues and immigration law issues throughout the world. Please feel free to contact us at [info@vissaserve.com](mailto:info@vissaserve.com) or to call us at 201-670-0006 (x107) if you would like to speak to a member of our U.S. or Canadian immigration and nationality law staff.