

Message from Moderator: Welcome to the U.S. Embassy Chat Room! Please enter your question below and we will answer each question in the order they are received.

henley: G'day!Me and my husband got an ineligibility for a tourist visa due to a no fault of ours, when we got married we thought of having our honeymoon in the states but due to our ignorance and naiveness of the whole bureaucratic process of travelling abroad we had asked for the assistance of a travel agent, and that travel agent advised us of exaggerating our paperwork and they'd provided us with fake bank statements etc. the consular officer at that time recognized the shadiness on some of the papers the travel agent procured and rejected the application. But to our amazement the state dept. barred us from travelling the US, it's a bit unfair for us as we are not the one that faked all the documents, and totally haven't got any idea then on the process of travelling, no court had convicted us of fraud and no charges filed against us for any reason and totally have a clean sheet record, politically correct in short . then we had our interview again with a consulate officer and again we got rejected considering we own our house have money in the bank and got a few assets and an Australian citizen which is a friend and ally to America! how do we go about this we of course wanted to clear our name with the consulate or at least get that waiver of ineligibility!

Conoff 1: Hello Henley. All applicants for a nonimmigrant visa are required to establish strong ties to the country in which they are applying. It can be harder to prove your ties if you are not a permanent resident of the country in which you are applying. The decision on the issuance of a visa is made on the day of your application and is at the discretion of the consular officer, based on the information elicited during your interview. Unfortunately this decision cannot be appealed. Applicants have the right to re-apply, however an officer is unlikely to approve a visa unless your situation has changed significantly since your last application. For further information please email AMVISA@state.gov.

Betsy: What provisions have been made for Australians in remote communities without access to a home or work computer or to a public library with internet access to be able to comply with the ESTA?

Consular Officer.2: Hi Betsy, if you don't have computer access, you could always ask for assistance via a travel agent. 3rd party agents are authorized to assist in the ESTA process.

Betsy: Is the travel agent going to charge me extra for this service? Can I call the Embassy in Canberra instead?

Consular Officer.2: Hi Betsy, this would depend on the travel agent, you could research your options and make a decision accordingly. Should you need any assistance, you can always email AMVISA@state.gov for further assistance

Consular Officer.2: Beginning August 1, 2008, the Electronic System for Travel Authorization (ESTA) will be accessible via Internet for citizens and eligible nationals of Visa Waiver Program (VWP) countries to apply for advance authorization to travel to the United States under the VWP.

Joy: It says you don't need to print out the ESTA authorisation - so what do you hand in at entry

Conoff 1: Hello Joy. At present, during the voluntary period and until the ESTA procedures become mandatory on January 12, 2009, if you have obtained an ESTA approval you will still need to complete the I-94 when you travel. In the future the ESTA approval will eventually replace the I-94.

Joy: Thanks -but are they both the same thing

Conoff 1: Joy. The ESTA procedures will be a quicker and easier way to provide your I-94 information and will be introduced to enhance the security features of the existing VWP. Each approved ESTA application will be valid for a period of two years, such that a visitor may travel to the United States repeatedly within a two-year period without having to apply for another ESTA. Travelers whose ESTA applications are approved, but whose passports will expire in less than two years, will receive an ESTA valid until the passport's expiration date.

jennifer: I'm not sure if the ESTA rules apply to me, but I'd like to make sure because I'm heading to the US (by commercial airline) to buy a boat and will be sailing out of Hawaii through some South Pacific Islands. What do I have to do to make sure my travel goes smoothly?

Consular Officer.2: Hi Jennifer, ESTA is a web-based system. In order to apply for an ESTA authorization on or after Aug. 1, 2008, go to <https://esta.cbp.dhs.gov/>, follow the instructions to answer all the required questions, and submit an application for a travel authorization.

henley: can we apply directly to the USCIS for the I-192 instead of charading with the good discretion of a consular officer?

Consular Officer.2: Hi Henley, we would advise that you apply for a visa and discuss your situation with a Consular Officer at interview.

Betsy: So if my ESTA application is successful does this mean the US isn't actually going to keep track of my arrivals to and departures from the United States anymore? Do I have to update my ESTA details everytime I want to travel to the US within the two year period?

Consular Officer.2: Hi Betsy, Each approved ESTA application will be valid for a period of two years, such that a visitor may travel to the United States repeatedly within a two-year period without having to apply for another ESTA. Travelers whose ESTA applications are approved, but whose passports will expire in less than two years, will receive an ESTA valid until the passport's expiration date.

Conoff 1: Betsy. There is no limit to how many times you may travel to the U.S. with a current ESTA approval. An ESTA authorization is valid for two years or until the expiry of your passport, whichever comes first. You can also access and update your travel details on the ESTA form at: <https://esta.cbp.dhs.gov/>. Be sure to record your passport details and your authorization number after you have completed the online ESTA form.

henley: hi con2 we did that just recently we showed her everything house , money, employment whatelse do we need to do to get that waiver? do we go direct to the cbp/uscis and file that i-192 as obviously we are being ignored by the consulate staff

Consular Officer.2: Hi Henley, if you do decide to reapply, you must submit a new application form and photo and pay the visa application fee again. There can be no guarantee that you will receive a different decision. Only a new interview can determine that.

henley: doesn't it friends and allies meant to help each other? so why are we experiencing this restriction of our freedom to travel?

henley: hi conoff2, we know that we can apply anytime, can you answer my question, can we apply directly with uscis/cbp for the waiver of ineligibility? as we are a national that doesnt need a visa

Consular Officer.2: Hi Henley, in order to discuss a waiver, you must apply for a visa and discuss your situation with a Consular Officer. We would be more than happy to assist you here in Sydney. You can also email us directly on AMVISA@state.gov if you want to discuss your case further.

Betsy: If I apply this year 2008 will my ESTA be good for two years from the date I apply OR from January 12 2009 when the ESTA is mandatory?

Conoff 1: Betsy. Further to your question - entry to the U.S. is always at the discretion of the immigration officials at the port of entry. An ESTA approval means you can board a plane or carrier that is travelling to the U.S. A travel authorization via ESTA is not a guarantee of admission to the United States.

Conoff 1: General Message: ESTA applications may be submitted at any time prior to traveling to the United States under the VWP. VWP travelers are not required to have specific plans to travel to the United States before they apply for an ESTA; however, each approved ESTA application will be valid for a period of two years or until the applicant's passport expires, whichever comes first. As soon as VWP travelers begin to plan a trip to visit the United States, they are encouraged to apply for authorization through the ESTA website. If applicants' destination addresses or itineraries should change after their authorization has been

approved, they may easily update that information through the ESTA website.

Rob: Wouldn't a successful travel authorization have done the checks required for a successful admission into United States

Conoff 1: Hello Rob. An ESTA approval only authorizes a traveler to board a carrier for travel to the United States under the VWP. In the same way that a valid visa does not constitute a determination of admissibility, an approved ESTA is not a guarantee of admissibility to the United States at a port of entry. In all cases, U.S. Customs and Border Protection (CBP) officers make admissibility determinations at our ports of entry or pre-clearance facilities.

msunil: I am currently a Permanent Resident holder in Australlia from 2+ years. Would I still need to pay for VISA to travel my relatives in USA.

Conoff 1: Hello Msunil. To be eligible to travel on the Visa Waiver Program (VWP) you must be travelling on a passport from an eligible country. If you do not meet this requirement, you must apply for a visa. Eligible countries are: Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, the Netherlands, and the United Kingdom.

Betsy: So will the immigration officials turn back anyone without an ESTA after 12 January?

Conoff 1: Betsy. From January 12, 2009 all visitors travelling on the Visa Waiver Program will require an ESTA approval prior to boarding a carrier bound for the United States.

murphy: why why why this esta? especially if its details don't need updating for two years?? what is the point??

Consular Officer.2: Hi Murphy, "Rather than relying on paper-based procedures, this system will leverage 21st century electronic means to obtain basic information about who is traveling to the U.S. without a visa," said Homeland Security Secretary Michael Chertoff. "Getting this information in advance enables our frontline personnel to determine whether a visa-free traveler presents a threat, before boarding an aircraft or arriving on our shores. It is a relatively simple and effective way to strengthen our security, and that of international travelers, while helping to preserve an important program for key allies."

Betsy: So Qantas is going to ask for my ESTA documentation? Or will they have it already?

Conoff 1: Betsy. From January 12, 2009, all visitors travelling to the United States on the Visa Waiver Program will require an ESTA approval prior to boarding a carrier bound for the U.S.

Consular Officer.2: Hi Betsy, you will be able to take your confirmation with you that you'll be given from the website

henley: conoff2, still you haven't answer my question i'll repeat can we apply directly with uscis/cbp for i-192 as we are a national that doesn't require a visa! we've tried to go down with an interview with the consulate in melbourne but they didnt really looked on our case thoroughly

Consular Officer.2: Hi Henley, no, you cannot apply directly with USCIS, you must apply for a visa.

henley: conoff2! so why is it that i got an email from them and they said that i can forward to them directly the form i-192 with the \$545 payment, so does you reply constitute a violation of moral turptitude as what happened to us?

Consular Officer.2: Hi Henley, please forward all your correspondence with the Melbourne Consulate to us at AMVISA@state.gov. Once we can see exactly what is going on with your application, we will call contact you further.

Conoff 1: Rob. Many short term visitors to the United States are eligible

to travel visa free on the Visa Waiver Program (VWP). Currently, VWP travelers complete an I-94 record with their general biographic and travel information en route to the U.S. From Jan 12 2009, VWP travelers must obtain an ESTA approval (which is a similar electronic version of the I-94) prior to boarding a carrier to the U.S. Upon arrival, visitors are then processed at the point of entry by an immigration official, who determines their eligibility to be approved admission to the U.S. and the period of authorized stay.

murphy: so i guess this ONLY applies to visa-waiver country citizens? and if you've actually had to get a visa you don't need to worry about esta? is that it??

Conoff 1: Hello Murphy. Only VWP travelers require an ESTA. Those who are travelling on a valid visa do not require an ESTA.

murphy: groovy. i'm not going to worry any more.

josh: i have a korean friend living in australia how can she get a us tourist visa

Conoff 1: Josh. Please refer to our website for how to apply for a nonimmigrant visa: <http://sydney.usconsulate.gov/consular/niv.html>

henley: conoff2!so who really has the authority to interpret the 212(d)(3)(A) of the Immigration and Nationality Act (INA) is it you guys there at the consulate or them at the border protection? cause we've been so sick of trying to apply with the consulate with all the hassles and trauma we've encountered!

Consular Officer.2: Hi Henley, both Consular Officers and Immigration Officers interpret the INA. We look forward to receiving your email as per my request and looking into your case further.

Rob: What is the process on arrival in US after having completed the ESTA - we have never travelled to USA before.

Conoff 1: Rob. Travelers on the VWP must demonstrate they meet the requirements, see: <http://canberra.usembassy.gov/consular/visawaiver.html>. You must also demonstrate that you intend to depart the U.S. at the end of your temporary stay. A temporary visitor for business or tourism will need to supply documentation to establish that he or she: • Has a residence abroad which he or she does not intend to abandon

Dolly: Thank you for hosting this session!

Conoff 1: Rob(continued) A temporary visitor for business or tourism will need to supply documentation to establish that he or she: • Has a residence abroad which he or she does not intend to abandon , • Is coming to the U.S. for a definite temporary period , • Will depart upon the conclusion of the visit , • Has permission to enter a foreign area after his or her stay in the U.S., • Has access to sufficient funds to cover expenses of the visit and return passage

gregevans: I logged in late, is there a way i can see the previous questions?

Conoff 1: Gregevans. A transcript of this web chat will be published on our website shortly.

Rob: And they do all that in a short period of time - should we have bank documents etc handy

Rob: So if we have our itinerary which is only for 3 wks and shows our return flight dates plus a Esta Authorisation Approval we should have no trouble at entry

Conoff 1: Rob. You may wish to include a recent bank statement or proof of your ties to Australia - for example, lease agreement, proof of employment etc in case you are asked to provide this documentation.

Rob: ok thanks

henley: hi conoff2! do i need to attention it to anyone particular as i don't want receive another website reply from you dept.

Consular Officer.2: Hi Henley, you do not need to attention it to anyone in particular. We will reply to you as soon as possible.

msunil: Conoff 1, as you said that only some selected countries can apply for the Visa waiver program. So, there is no way for me to waive that fee even I am going to visit USA for 15 days??

Conoff 1: Musnil. If you are not a citizen of a counrty that is eligible for the Visa Waiver Program, you must aply for a visa to travel or transit the United States, regardless of your length of stay.

Consular Officer.2: This web chat is now closed. Thank you all for your time, we will publish a copy of this web chat on our site shortly. For further information on the ESTA and the Visa Waiver program, please visit http://www.cbp.gov/xp/cgov/travel/id_visa/esta/

Administrator: **If you have any further questions, you can email AMVISA@state.gov.**