

Press Release

November 13, 2008
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**ESTA AUTHORIZATION REQUIRED FOR ALL VISA WAIVER PROGRAM
COUNTRIES BEGINNING JANUARY 12**
DHS to Designate Seven Additional Visa Waiver Countries

WASHINGTON – The U.S. Department of Homeland Security announced today that beginning Jan. 12, 2009, eligible citizens or nationals from all Visa Waiver Program (VWP) countries must obtain approval through the Electronic System for Travel Authorization (ESTA) prior to traveling to the United States under the VWP. On Monday, DHS will formally announce the addition of seven allies to the list of countries authorized to participate in the VWP. The seven countries are the Czech Republic, Estonia, Hungary, the Republic of Korea, Latvia, Lithuania, and Slovakia.

“We are especially pleased to welcome these allies into the Visa Waiver Program,” said Homeland Security Secretary Michael Chertoff. “Expanding the number of countries whose citizens can travel to the U.S. without a visa increases business and social ties between our countries and at the same time deepens cooperation on required security measures.”

The administration sought authority for years to reform the VWP. DHS received authorization through the issuance of the Implementing Recommendations of the 9/11 Commission Act of 2007. The VWP is administered by the department and enables eligible citizens or nationals of certain countries to travel to the United States for tourism or business for stays of 90 days or less without obtaining a visa. To be admitted to the VWP, a country must meet various statutory requirements, such as more enhanced law enforcement and security-related data sharing with the United States and timely reporting of both blank and issued lost and stolen passports. VWP members are also required to maintain high counterterrorism, law enforcement, border control, and document security standards.

The citizens or nationals of the following countries are currently eligible to travel to the United States under the VWP: Andorra, Australia, Austria, 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.

Beginning Nov. 17, eligible citizens or nationals from the new VWP countries may travel to the United States under the program provided they have an e-passport and an approved authorization via ESTA, a web-based system that determines the preliminary eligibility of visitors to travel

under the VWP prior to boarding a carrier to the United States.

Required authorization through ESTA will substantially strengthen the security of the VWP by providing the department with the capability to conduct advance screening of VWP travelers. ESTA is key to transforming the VWP from a program that evaluates security threats on a country-by-country basis to one that is capable of making traveler-by-traveler judgments. In addition to enhancing security, ESTA will provide for greater efficiencies in the screening of international travelers by reducing traveler delays at the ports of entry.

The department has submitted notices summarizing these changes to the Federal Register for publication. For more information on the Visa Waiver Program, please visit http://www.cbp.gov/xp/cgov/travel/id_visa/business_pleasure/vwp/. For additional information on ESTA, visit www.cbp.gov/esta.

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Frequently Asked Questions

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ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZATION (ESTA™)

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GENERAL INFORMATION ON THE VISA WAIVER PROGRAM

Q: What is the Visa Waiver Program?

A: The Visa Waiver Program (VWP) is administered by the Department of Homeland Security (DHS) and enables eligible citizens or nationals of certain countries to travel to the United States for tourism or business for stays of 90 days or less without obtaining a visa. Additional information regarding the VWP is available at http://www.customs.gov/xp/cgov/travel/id_visa/business_pleasure/vwp/vwp.xml.

Q: Which countries participate in the Visa Waiver Program?

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

Andorra
Australia
Austria
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
United Kingdom

On Nov. 17, 2008, the United States expanded the VWP to include the following countries:

Czech Republic
Estonia
Hungary
Republic of Korea

Latvia
Lithuania
Slovakia

Eligible citizens or nationals from these new VWP countries may now travel to the United States under the VWP provided they have an e-passport and an approved authorization via the Electronic System for Travel Authorization (ESTA™).

GENERAL INFORMATION ON ESTA™

Q: What is the Electronic System for Travel Authorization?

A: The Electronic System for Travel Authorization (ESTA™) is an automated system that assists in determining eligibility to travel to the United States under the VWP, and whether such travel poses any law enforcement or security risk. Upon completion of an ESTA™ application, a VWP traveler is notified of his or her eligibility to travel to the United States under the VWP.

Q: Why is authorization under ESTA™ required for U.S.-bound travel under the Visa Waiver Program?

A: The “Implementing Recommendations of the 9/11 Commission Act of 2007,” Pub. L. No. 110-53, amended Section 217 of the Immigration and Nationality Act (INA), requiring that DHS implement an electronic travel authorization system and other measures to enhance the security of the VWP. International travelers are already familiar with security measures that are necessary to protect travelers and crew. ESTA™ adds another layer of security that allows DHS to determine, in advance of travel, whether an individual is eligible to travel to the United States under the VWP and whether such travel poses a law enforcement or security risk.

Q: When will VWP travelers be required to obtain an ESTA™?

A: On Nov. 17, 2008, the United States expanded the VWP to include the Czech Republic, Estonia, Hungary, Republic of Korea, Latvia, Lithuania and Slovakia. Eligible citizens or nationals from these new VWP countries may now travel to the United States under the VWP provided they have an e-passport and an approved authorization via ESTA™.

Effective Jan. 12, 2009, citizens or nationals from all VWP countries will be required to obtain an approved travel authorization via ESTA™ in order to be eligible to travel to the United States under the VWP.

Q: Is an ESTA™ a visa?

A: No. An approved ESTA™ is not a visa. It does not meet the legal or regulatory requirements to serve in lieu of a U.S. visa when a visa is required under U.S. law. Individuals who possess a valid visa are still able to travel to the United States on that visa for the purpose for which it was issued. Individuals traveling on valid visas are not required to apply for an ESTA™. Obtaining ESTA™ approval, for most travelers, is simple and easy. The visa process has separate procedures, which generally require an appointment, travel to a U.S. Embassy/Consulate, an interview with a consular officer, processing time, and the payment of an application fee (currently \$131).

Q: What laws govern ESTA™?

A: ESTA™ is required pursuant to Section 217 of the INA, as amended by Section 711 of the “Implementing Recommendations of the 9/11 Commission Act of 2007,” Pub. L. No. 110-53. This legislation required DHS to develop and implement an automated system to determine, in advance of travel, the eligibility of visitors to travel to the United States under the VWP and whether such travel poses a law enforcement or security risk.

Q: How does ESTA™ mitigate VWP security risks?

A: ESTA™ supports the mitigation of VWP security risks by enabling DHS to evaluate whether an individual is eligible to travel to the United States under the VWP, and whether such travel poses any law enforcement or security risks prior to their boarding a U.S.-bound carrier. ESTA™ counterbalances vulnerabilities inherent in visa-free travel by establishing an additional layer of advance scrutiny that will enable DHS frontline personnel to focus more on the small population of potentially dangerous travelers.

Q: My English skills are not very good. Will the ESTA™ Web site be translated into different languages?

A: On Oct. 15, 2008, the ESTA™ Web site was expanded to 15 additional languages, including: Czech, Danish, Dutch, Estonian, Finnish, French, German, Icelandic, Italian, Japanese, Norwegian, Portuguese, Slovenian, Spanish, and Swedish. On Dec. 16, 2008, DHS will expand ESTA™ Web site language translations to include Hungarian, Korean,

Latvian, Lithuanian, and Slovak. NOTE: though the ESTA™ Web site is translated into different languages, just as the I-94W paper form must be completed in English, information for the ESTA™ application must also be completed in English.

Q: Are there any countries that have a similar system in place for in-bound travelers?

A: The Government of Australia has a program that is similar to ESTA™, called the Electronic Travel Authority. The Electronic Travel Authority is comparable to ESTA™ in that travelers planning to visit Australia may submit an application electronically through the Electronic Travel Authority Web site.

ESTA™ AND DATA PRIVACY

Q: How does the U.S. government protect the privacy of ESTA™ data and who has access to it?

A: Information submitted by applicants through the ESTA™ Web site is subject to the same strict privacy provisions and controls that have been established for similar traveler screening programs. Access to such information is limited to those with a professional need to know.

Q: How long will ESTA™ application data be stored?

A: ESTA™ application data will remain active for the period of time that the approved ESTA™ is valid, which is generally two years, or until the traveler's passport expires, whichever comes first. DHS will then maintain this information for an additional year after which it will be archived for twelve years to allow retrieval of the information for law enforcement, national security, or investigatory purposes. Once the information is archived, the number of officials with access to it will be further limited. This retention is consistent both with U.S. Customs and Border Protection's (CBP's) border search authority and with the border security mission mandated for CBP by Congress. Data linked to active law enforcement lookout records, CBP matches to enforcement activities, and/or investigations or cases, including applications for ESTA™ that are denied will remain accessible for the life of the law enforcement activities to which they may become related.

As DHS transitions to a paperless I-94W, the ESTA™ application data will replace the data that is collected via the paper I-94W. In those instances where ESTA™ application data is used in lieu of the information collected via the paper I-94W, the ESTA™ application data will be maintained in accordance with the retention schedule for the I-94W, which is 75 years.

Q: Will DHS share ESTA™ data with others?

A: The information collected by and maintained in ESTA™ may be used by other components of DHS on a need-to-know basis consistent with the component's mission.

Under current agreements between DHS and the Department of State (DOS), information submitted for an ESTA™ application may be shared with consular officers of DOS to assist them in determining whether a visa should be issued to an applicant after an ESTA™ application has been denied.

Information may be shared with appropriate federal, state, local, tribal, and foreign governmental agencies or multilateral governmental organizations responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order or license, or where DHS believes information would assist enforcement of civil or criminal laws. Additionally, information may be shared when DHS reasonably believes such use is to assist in anti-terrorism efforts or intelligence gathering related to national or international security or transnational crime. All sharing will remain consistent with the Privacy Act System of Records Notice, which was published in the Federal Register on June 10, 2008 and, is available on the DHS Web site.

While carriers will not receive the ESTA™ application information that travelers provide to DHS, they will receive confirmation of a passenger's ESTA™ status via the Advance Passenger Information System (APIS)/APIS Quick Query system indicating whether an ESTA™ is required and whether authorization has been granted.

Q: Will DHS use application data for any purpose other than determining eligibility for an ESTA™?

A: DHS will use the application data to screen the individual before granting authorization to travel to the United States under the VWP. As part of this screening process, information that identifies suspected or known violators of the law and other persons of concern will be provided to the appropriate law enforcement, national security, and/or counterterrorism agency.

Q: How is CBP ramping up to accommodate the influx of applications – can the system process 15 million applications? Is CBP hiring more staff?

A: The ESTA™ system is designed to accommodate applications from all VWP travelers. CBP will be staffed accordingly to process the applications.

WHO NEEDS TO APPLY FOR AN ESTA™

Q: Who is required to apply for an electronic travel authorization via ESTA™?

A: On Nov. 17, 2008, the United States expanded the VWP to include the Czech Republic, Estonia, Hungary, Republic of Korea, Latvia, Lithuania and Slovakia. Eligible citizens

or nationals from these new VWP countries may now travel to the United States under the VWP provided they have an e-passport and an approved authorization via ESTA™.

Effective Jan. 12, 2009, citizens or nationals from all VWP countries will be required to obtain an approved travel authorization via ESTA™ in order to be eligible to travel to the United States under the VWP. Accompanied and unaccompanied children, regardless of age, will be required to obtain an independent ESTA™ approval. Third parties, such as relatives, friends, or travel agents, are permitted to submit an ESTA™ application on behalf of a VWP traveler.

Q: Do nationals or citizens of countries that participate in the VWP require an ESTA™ if they are only transiting the United States en route to another country?

A: Yes. The United States no longer has a Transit Without Visa program, so eligible nationals or citizens of countries that participate in the VWP will require either an ESTA™ or a visa to transit the United States. If a traveler is only planning to transit through the United States en route to another country, when he or she completes the ESTA™ application, the traveler should enter the words "In Transit" and his or her final destination location in the address lines under the heading "Address While In The United States".

Q: Do citizens of Bermuda, Canada, the Marshall Islands, or Micronesia need to apply for an ESTA™?

A: No. ESTA™ will be required only for citizens or nationals of VWP countries.

Q: If a traveler from a VWP country already has a valid B1/B2 or other classification of visa, does he or she need to apply for travel authorization via ESTA™?

A: Individuals who already possess a valid B1/B2 or other classification of visa will still be able to travel to the United States on that visa for the purpose it was issued. Individuals traveling on valid visas will not be required to apply for an ESTA™.

ESTA™ IMPLEMENTATION TIMELINE

Q: When will travelers be required to obtain an ESTA™?

A: On Nov. 17, 2008, the United States expanded the VWP to include the Czech Republic, Estonia, Hungary, Republic of Korea, Latvia, Lithuania and Slovakia. Eligible citizens or nationals from these new VWP countries may now travel to the United States under the VWP provided they have an e-passport and an approved authorization via ESTA™.

Effective January 12, 2009, citizens or nationals from all VWP countries will be required to obtain an approved travel authorization via ESTA™ in order to be eligible to travel to the United States under the VWP.

On Oct. 15, 2008, the ESTA™ Web site was expanded to 15 additional languages, including: Czech, Danish, Dutch, Estonian, Finnish, French, German, Icelandic, Italian, Japanese, Norwegian, Portuguese, Slovenian, Spanish, and Swedish. On Dec. 16, 2008, DHS will expand ESTA™ Web site language translations to include Hungarian, Korean, Latvian, Lithuanian, and Slovak. NOTE: though the ESTA™ Web site is translated into different languages, just as the I-94W paper form must be completed in English, information for the ESTA™ application must also be completed in English.

Q: When can a traveler apply for travel authorization via ESTA™?

A: Any time, but preferably as soon as a VWP traveler begins to plan a trip to visit the United States. Travelers may file ESTA™ applications through the ESTA™ Web site at <https://esta.cbp.dhs.gov>.

Q: May a traveler, whose ESTA™ application is not approved, travel to the United States under the VWP?

A: VWP travelers who submit an ESTA™ application that is not approved, who then attempt to travel to the United States, may be denied boarding, experience delayed processing, or be denied admission at a U.S. port of entry. Therefore, it is recommended that all VWP travelers who are denied an ESTA™ apply for a U.S. visa.

Q: What happens if a VWP traveler flies to the United States after ESTA™ is mandatory, but somehow does not have an ESTA™?

A: Once ESTA™ is mandatory, all nationals or citizens of VWP countries who plan to travel to the United States for temporary business or pleasure under the VWP will require an approved ESTA™ prior to boarding a carrier to travel by air or sea to the United States under the VWP. Travelers who have not received ESTA™ approval by the mandatory compliance date (Nov. 17, 2008 for eligible citizens or nationals from the Czech Republic, Estonia, Hungary, Republic of Korea, Latvia, Lithuania and Slovakia; Jan. 12, 2009 for all VWP travelers) may be denied boarding, experience delayed processing, or be denied admission at a U.S. port of entry.

Q: Do VWP travelers arriving in the United States from a non-VWP country need an ESTA™?

A: Once ESTA™ is mandatory, all VWP travelers arriving by U.S.-bound airplane or vessel, regardless of their country of origination or port of embarkation, will require an approved travel authorization via ESTA™.

HOW TO APPLY FOR AN ESTA™

Q: How does a traveler apply for an ESTA™ to travel to the United States?

A: ESTA™ is a Web-based system. In order to apply for an ESTA™, go to <https://esta.cbp.dhs.gov/>, follow the instructions to answer all of the required questions, and submit an application for travel authorization. Travelers will not be able to submit ESTA™ applications at a U.S. port of entry or a U.S. embassy or consulate.

Q: Is this Web site secure and private?

A: Yes. The Web site is operated by the U.S. government and employs technology to prevent unauthorized access to the information entered and viewed. Information submitted by applicants through the ESTA™ Web site is subject to the same strict controls that have been established for similar traveler screening programs as governed by U.S. laws and regulations, including but not limited to the Federal Information Security Management Act. Access to such information is limited to those with a professional need to know.

Q: If a traveler is approved through ESTA™ to travel to the United States, does that mean that the traveler can enter the country?

A: Not necessarily. An ESTA™ approval only authorizes a traveler to board a carrier for travel to the United States under the VWP. An approved ESTA™ is not a guarantee of admissibility to the United States at a port of entry. In all cases, CBP officers make admissibility determinations at U.S. ports of entry or pre-clearance facilities.

Q: Can a VWP traveler with more than one passport travel to the United States on the passport that was not used when applying for an ESTA™?

A: No. Each VWP traveler must have an approved ESTA™ for the passport he or she plans to use for travel to the United States. If a traveler acquires a new passport, he or she must submit a new ESTA™ application for their new passport.

Q: How far in advance of a trip is it necessary to apply for travel authorization through ESTA™?

A: ESTA™ applications may be submitted at any time prior to traveling to the United States under the VWP, and in most cases, ESTA™ will provide an almost immediate determination of eligibility for travel under the VWP. However, DHS recommends that ESTA™ applications be submitted as soon as a VWP traveler begins to plan a trip to visit the United States. VWP travelers are not required to have specific plans to travel to the United States before they apply for an ESTA™. 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™ Web site. Though not required, applicants are encouraged to provide their destination addresses and itineraries.

Each approved ESTA™ application generally will be valid for a period of two years or until the applicant's passport expires, whichever comes first. A new travel authorization

is required if (1) the traveler is issued a new passport; (2) the traveler changes his or her name; (3) the traveler changes his or her gender; (4) the traveler's country of citizenship changes; or (5) the circumstances underlying the traveler's previous responses to any of the ESTA™ application questions requiring a "yes" or "no" response have changed.

Q: What happens when a traveler submits an application and how long does it take for ESTA™ to process an application?

A: In most cases, ESTA™ will provide an almost immediate determination of eligibility for travel under the VWP.

There are three types of responses to an ESTA™ application: Authorization Approved, Authorization Pending, and Travel Not Authorized. Those applicants who receive an approval are authorized to travel to the United States under the VWP. Applicants who receive an Authorization Pending response will need to check the Web site for updates within 72 hours to receive a final response. Applicants whose ESTA™ applications are denied will be referred to www.travel.state.gov for information on how to apply for a visa to travel to the United States.

Q: How long is a travel authorization via ESTA™ valid?

A: Each approved ESTA™ application generally will be valid for a period of two years and allows for multiple visits to the United States within that 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.

A new travel authorization is required if (1) the traveler is issued a new passport; (2) the traveler changes his or her name; (3) the traveler changes his or her gender; (4) the traveler's country of citizenship changes; or (5) the circumstances underlying the traveler's previous responses to any of the ESTA™ application questions requiring a "yes" or "no" response have changed.

Q: What is the cost to the traveler?

A: DHS is not currently collecting a fee for ESTA™ applications. If it is determined later that a fee will be charged, the fee would be implemented through the United States government's rulemaking process.

Q: There are Web sites that charge for information about ESTA™, or to apply for an ESTA™ on behalf of VWP travelers. Is there any benefit to utilizing one of these services?

A: No. The U.S. government maintains a Web site where visitors seeking to travel to the United States under the Visa Waiver Program (VWP) can apply directly for travel authorization via ESTA™ at no charge. [<https://esta.cbp.dhs.gov>]. The ESTA™

application Web site is available in 16 languages and includes a help section that provides additional information for VWP travelers to guide them through the application process.

Q: Can prospective travelers apply for an ESTA™ without specific travel plans if they want to be able to travel to the United States later on short notice?

A: Yes. VWP travelers are not required to have specific plans to travel to the United States before they apply for an ESTA™. VWP travelers are not required to complete the travel itinerary and destination details before submitting an ESTA™ application. If a traveler's destination address in the United States is unknown when he or she completes the ESTA™ application, the traveler may enter the name of the hotel or approximate location he or she intends to visit. Travelers may update this information when their plans are finalized, but they will not be required to update their destination addresses or itineraries should they change after their ESTA™ has been approved. DHS recommends that ESTA™ applications be submitted as early as possible, as soon as, or even before travel is planned. ESTA™ will accept applications from last minute and emergency travelers – those VWP travelers that arrive at the airport without an approved ESTA™.

Q: How can a traveler apply for an ESTA™ without access to the Internet?

A: A third party, such as a relative, friend, or travel agent, may submit an ESTA™ application on behalf of the traveler. The traveler is still responsible under the law for the answers submitted on his or her behalf.

Q: What information is needed in order to complete the ESTA™ application?

A: The traveler must provide (*in English*) biographical data including name, birth date, and passport information. The traveler will also be required to answer VWP eligibility questions regarding communicable diseases, arrests, and convictions for certain crimes, and past history of visa revocation or deportation, among others.

Q: Are answers required in English? What if the traveler's keyboard does not type in English?

A: Just as the I-94W paper form must be completed in English, information for the ESTA™ application must also be entered *in English*. The computer utilized to submit the ESTA™ application should, therefore, be configured to include the U.S. English language with a suitable English font set as a language selection for keyboard input.

If the computer's operating system is Microsoft Windows 95 or higher, please refer to the following Web site for computer configuration:

<http://www.conversationexchange.com/resources/keyboard-language.php#xp>

If the computer is using a non-Windows operating system, refer to the documentation or help information provided by the operating system vendor.

Q: Do VWP travelers need to bring a paper printout of their ESTA™ approval to the airport?

A: No. However, DHS recommends that travelers print out the ESTA™ application response in order to maintain a record of their ESTA™ application number and to have confirmation of their ESTA™ status.

UPDATING YOUR ESTA™

Q: Does a traveler ever need to reapply for travel authorization through ESTA™?

A: Yes, there are instances when a new travel authorization via ESTA™ would be required. A new travel authorization is required if (1) the traveler is issued a new passport; (2) the traveler changes his or her name; (3) the traveler changes his or her gender; (4) the traveler's country of citizenship changes; or (5) the circumstances underlying the traveler's previous responses to any of the ESTA™ application questions requiring a "yes" or "no" response have changed.

ESTA™ approvals will typically be granted for a period of two years or until the applicant's passport expires, whichever is sooner. ESTA™ will provide validity dates upon approval of the application. Therefore, a traveler must apply for a new ESTA™ as a result of the expiration of the prior ESTA™ approval or passport.

Q: What should a traveler do if the information in their passport has changed?

A: If a traveler obtains a new passport or there is a change to his or her passport information, the individual will be required to apply for a new travel authorization through ESTA™. A new travel authorization is required if (1) the traveler is issued a new passport; (2) the traveler changes his or her name; (3) the traveler changes his or her gender; (4) the traveler's country of citizenship changes; or (5) the circumstances underlying the traveler's previous responses to any of the ESTA™ application questions requiring a "yes" or "no" response have changed.

Q: How can an applicant correct a mistake when completing their ESTA™ application?

A: The ESTA™ Web site will prompt applicants to review the data submitted for the overall application prior to submission. In addition, the ESTA™ Web site will require the applicant to reaffirm the passport number prior to submission. If an applicant makes a mistake when filling out the passport information, identifying biographic information, or eligibility questions, and he or she realizes the mistake only after having submitted the ESTA™ application, he or she will need to submit a new ESTA™ application. Any other mistakes, including e-mail address, telephone number, carrier, flight number, city of embarkation, and address while in the United States may be corrected or updated by using the ESTA™ update function.

Q: How does a traveler get help with filling out the ESTA™ application?

A: The ESTA™ Web site has extensive guidance available through the online “Help” function. Additionally, a third party, such as a relative, friend, or travel agent, will be permitted to submit an ESTA™ application on behalf of a VWP traveler.

Q: Do travelers need to update their ESTA™ if it will expire before the traveler departs the U.S.?

A: If an ESTA™ expires before the traveler leaves the United States, the traveler is not required to apply for another ESTA™. However, the traveler will need to apply for a new ESTA™ for future travel.

ESTA™ AND THE I-94W

Q: If a VWP traveler has received ESTA™ approval, does he or she also need to fill out an I-94W?

A: The implementation of the ESTA™ program will allow DHS to eventually eliminate the requirement that VWP travelers complete a paper Form I-94W prior to being admitted to the United States.

After Jan. 12, 2009, a VWP traveler with a valid ESTA™ will not be required to complete the paper Form I-94W when arriving on a carrier that is capable of receiving and validating messages pertaining to the traveler’s ESTA™ status as part of the traveler’s boarding status. Travelers on carriers without this capability will still be required to complete the paper Form I-94W.

ESTA™ AND U.S. VISAS

Q: What if a traveler has a current, valid visa?

A: Individuals who possess a valid visa will still be able to travel to the United States on that visa for the purpose it was issued. Individuals traveling on valid visas will not be required to apply for an ESTA™.

ESTA™ DENIALS

Q: Does the U.S. anticipate that a large number of travelers who previously traveled under the VWP will now be refused an ESTA™?

A: The ESTA™ is designed to screen each traveler for law enforcement or security risks. The vast majority of travelers will receive an approved ESTA™.

Q: What should a traveler do if he or she is not approved for travel through ESTA™?

A: If an ESTA™ application is denied and the traveler wishes to continue with the trip, the traveler will be required to apply for a nonimmigrant visa at a U.S. Embassy or Consulate. For more about visa application procedures, please visit www.travel.state.gov.

Q: Should a traveler not approved for travel through ESTA™ reapply?

A: If an ESTA™ application is not approved (“Travel Not Authorized”), a traveler may reapply for an ESTA™ after a period of ten days, but unless the circumstances have changed, the traveler will not qualify for an ESTA™ and will need to apply for a nonimmigrant visa at a U.S. Embassy or Consulate. In addition, reapplying with false information for the purposes of qualifying for an ESTA™ could render an individual inadmissible, and therefore, ineligible for admission, to the U.S.

Q: How can a traveler find out the reason an ESTA™ application was denied?

A: DHS has carefully developed the ESTA™ program to ensure that only those individuals who are ineligible to travel to the United States under the VWP or those whose travel would pose a law enforcement or security risk are refused an ESTA™. While the ESTA™ Web site provides a link to the DHS Travel Redress Inquiry Program (TRIP) Web site, there are no guarantees that a request for redress through DHS TRIP will resolve the VWP ineligibility that caused an applicant’s ESTA™ application to be denied.

Please note that Embassies and Consulates are not able to provide details about ESTA™ denials or resolve the issue that caused the ESTA™ denial. Embassies and Consulates are able to process an application for a non-immigrant visa, which, if approved, will be the only way that a traveler whose ESTA™ application has been denied will be authorized to travel to the U.S.

Q: If a traveler was denied ESTA™ approval and needs to travel immediately, is it possible to get an emergency visa appointment at a U.S. Embassy or Consulate?

A: Unfortunately, the Department of State is unable to guarantee next-day appointments because of varying demand for visas. As a result, we encourage travelers to apply for an ESTA™ approval far in advance of the proposed travel. Information about the appointment process is available at the nearest consular section or at www.travel.state.gov.

VWP ELIGIBILITY QUESTIONS

Q. When would I check the box “yes” for the portion of question “A” that asks: “Do you have a communicable disease?”

A: Only answer yes if one of the following applies:

Communicable Diseases

- Chancroid
- Gonorrhea
- Granuloma inguinale
- Human immunodeficiency virus (HIV) infection
- Leprosy, infectious
- Lymphogranuloma venereum
- Syphilis, infectious stage
- Tuberculosis, active

Q. When would I check the box “yes” for the portion of question “A” that asks about a physical or mental disorder?

A: Answer “yes” if you:

- have a physical or mental disorder *and behavior associated with the disorder that may pose or has posed a threat to the property, safety or welfare of the individual or others*; or
- have had a physical or mental disorder *and a history or behavior associated with the disorder that has posed a threat to the property, safety or welfare of the individual or others and which behavior is likely to recur or lead to other harmful behavior*.

Answer “no” if:

- (a) You currently have no physical or mental disorders; or
- (b) You have or had a physical or mental disorder without associated behavior that may pose or has posed a threat to your property, safety or welfare or that of others; or
- (c) You currently have a physical or mental disorder with associated behavior, but that behavior has not posed, does not currently pose nor will pose a threat to your property, safety or welfare or that of others; or
- (d) You had a physical or mental disorder with associated behavior that posed a threat to your property, safety or welfare or that of others, but that behavior is unlikely to recur.

Q. When would I check the box “yes” for the portion of question “B” that asks: Have you ever been arrested or convicted for an offense or crime involving moral turpitude?

A. A crime involving moral turpitude is an offense that is inherently base, vile, or depraved and contrary to the accepted rules of society and the duties owed between persons or to society generally. Some examples of crimes involving moral turpitude include, but are not limited to, murder, rape, sexual offenses, crimes against children, prostitution, robbery, theft, fraud and crimes of violence.

Q: When would I check the box “yes” for question “G” that asks: Have you ever asserted immunity from prosecution?

A: Answer “Yes” to this question if:

- (a) while in the United States, you committed a felony, crime of violence, or reckless driving or driving while intoxicated or under the influence of drugs or alcohol involving personal injury to another person;
- (b) you received immunity from prosecution;
- (c) you departed the United States as a result of committing the offense and receiving immunity; and
- (d) you have not subsequently been prosecuted for that offense.

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