

Fact Sheet: Electronic System for Travel Authorization (ESTA)

Release Date: June 3, 2008

The Department of Homeland Security (DHS) has announced the ESTA Interim Final Rule (IFR), which establishes a new online system that is part of the Visa Waiver Program (VWP) and is required by the Implementing Recommendations of the 9/11 Commission Act of 2007. Once ESTA is mandatory, all nationals or citizens of Visa Waiver Program (VWP) countries who plan to travel to the United States for temporary business or pleasure will require an approved ESTA prior to boarding a carrier to travel by air or sea to the United States under the VWP. The rule does not apply to U.S. citizens traveling overseas.

To apply for authorization to travel to the United States under the VWP, travelers will log on to the ESTA web-based system and complete an application online providing the biographical and eligibility information currently required on the paper I-94W form. The ESTA web-based system will be available for voluntary applications after Aug. 1, 2008.

ESTA will be implemented as a mandatory program 60 days after publication of a notice in the Federal Register. DHS anticipates that the Secretary of Homeland Security will issue that notice in November 2008, for implementation of the mandatory ESTA requirements on Jan. 12, 2009.

ESTA applications may be submitted at any time prior to travel to the United States, and VWP travelers are encouraged to apply for authorization as soon as they begin to plan a trip to the United States. If applicants' destination addresses or itineraries should change after their authorization has been approved, they may easily update that information through the ESTA website.

Once an ESTA application has been successfully completed and submitted online, the application will be queried against appropriate law enforcement databases. ESTA application data will remain active for the period of time that the ESTA authorization is valid. DHS will maintain this information for an additional year, and then will archive the information for twelve years to allow retrieval of the information for law enforcement and investigatory purposes.

In most cases, ESTA will provide an almost immediate determination of eligibility for travel under the VWP. Possible responses include: Authorization Approved, Travel Not Authorized, or Authorization Pending.

An approved ESTA travel authorization is:

- valid for up to two years or until the traveler's passport expires, whichever comes first;
- valid for multiple entries into the U.S.; and
- not a guarantee of admissibility to the United States at a port of entry. ESTA approval only authorizes a traveler to board a carrier for travel to the U.S. under the VWP. In all cases, CBP officers make admissibility determinations at our ports of entry. (For additional information, please visit "Know Before You Go" at www.cbp.gov/travel.)

Once ESTA is mandatory, all travelers from VWP countries will be required to obtain an ESTA approval prior to boarding a carrier to travel by air or sea to the United States under the VWP.

In the event that an ESTA applicant is denied authorization to travel to the United States under the VWP, he or she will be referred to www.travel.state.gov for information on how to apply for a visa to travel to the United States. This process is similar to the current practice, in which VWP travelers who arrive at a United States port of entry and are determined by U.S. Customs and Border Protection (CBP) to be ineligible for admission under the VWP may be returned to their country of origin to apply for a visa to enter the United States. It will be far more convenient for most travelers to receive this notification before commencing travel.

Accompanied and unaccompanied children, regardless of age, will be required to obtain an independent ESTA authorization and determination of eligibility. VWP travelers who fail to obtain an ESTA travel authorization after ESTA becomes mandatory may be denied boarding, experience delayed processing, or be denied admission at a U.S. port of entry.

ESTA implementation

On Aug. 1, 2008, DHS will begin to accept voluntary ESTA applications through the ESTA Web site: <https://esta.cbp.dhs.gov>. Initially, the website will be operational in English only, but additional languages will be available no later than Oct. 15, 2008.

Travelers are not required to have specific plans to travel to the United States under the VWP before they apply for an

ESTA authorization. DHS recommends that an ESTA approval be obtained as soon as a VWP traveler begins to plan a trip to the United States, and no later than 72 hours before departure. ESTA has, however, been designed to allow for the accommodation of last minute and emergency travelers.

Once ESTA becomes mandatory, all travelers from Visa Waiver countries, regardless of their point of embarkation, will be required to obtain an electronic travel authorization 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 after ESTA becomes mandatory may be denied boarding, experience delayed processing, or be denied admission at a U.S. port of entry.

Preservation and Enhancement of the VWP through ESTA

The VWP is administered by DHS and enables eligible nationals of member countries to travel to the United States for tourism or business for stays of 90 days or less without obtaining a visa. The Visa Waiver Program was authorized as a pilot 1986 and country participation began with Japan and the United Kingdom in 1988. Additional information regarding the VWP is available at: http://www.customs.gov/xp/cgov/travel/id_visa/business_pleasure/vwp/vwp.xml.

More than 15 million visitors from VWP countries arrived in the U.S. during Fiscal Year 2007. By addressing security issues related to the VWP, ESTA will strengthen and preserve the program and allow for future expansion.

Under Section 711 of the "Implementing Recommendations of the 9/11 Commission Act of 2007" (9/11 Act), Roadmap countries must meet a number of security-related provisions prior to being admitted to the VWP. DHS will continue to coordinate closely with the Roadmap countries to ensure that all 9/11 Act security provisions are met that will enable their admission into the program.

Additionally, for those Roadmap countries with a non-immigrant visa refusal rate greater than 3 percent, the 9/11 Act enables the Secretary of Homeland Security, in consultation with the Secretary of State, to waive the three percent requirement of the VWP statute, up to a maximum of ten percent, provided the secretary of Homeland Security certifies that:

- An air exit system is in place that can verify the departure of at least 97 percent of foreign nationals who exit through U.S. airports; and
- An electronic travel authorization system is in place and is fully operational.

After the Roadmap countries have met the 9/11 Act security provision requirements, and DHS has made the appropriate certifications, the U.S. government will formally announce which countries have been added to the VWP together with guidelines for their nationals and citizens to comply with ESTA.

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Frequently Asked Questions: Electronic System for Travel Authorization (ESTA)

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A: ESTA is an automated system used to determine the eligibility of visitors to travel to the United States under the Visa Waiver Program (VWP) and whether such travel poses any law enforcement or security risk.

Q: Who is required to submit an electronic travel authorization via ESTA?

A: ESTA will be implemented as a mandatory program 60 days after publication of a notice in the Federal Register. The Department of Homeland Security (DHS) anticipates that the Secretary of Homeland Security will issue that notice in November 2008, for implementation of the mandatory ESTA requirements on Jan. 12, 2009. 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 be required to receive an electronic travel authorization through ESTA prior to boarding a U.S.-bound airplane or vessel. Accompanied and unaccompanied children, regardless of age, will be required to obtain an independent ESTA approval. A third party, such as a relative or travel agent, will be permitted to submit an ESTA application on behalf of a VWP traveler.

Q: What is the Visa Waiver Program?

A: The VWP is administered by DHS and enables eligible 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
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
United Kingdom

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

A: Recently-passed U.S. legislation that amends Section 217(c) of the Immigration and Nationality Act (INA) mandates

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: Is an ESTA a visa?

A: No. The ESTA travel authorization 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 that 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. Obtaining ESTA approval, for most travelers, will be simple and easy. Obtaining a visa, however, typically requires an appointment, travel to a U.S. Embassy/Consulate, an interview with a consular officer, processing time, and the payment of a fee (currently \$131).

Q: What laws govern ESTA?

A: The ESTA program 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" (9/11 Act). This legislation requires DHS to develop and implement an automated system to determine, in advance of travel, the eligibility of visitors to travel to the U.S. under the VWP and whether such travel poses a law enforcement or security risk.

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

A: The system will initially be available in English only to process voluntary applications beginning on Aug. 1, 2008. The system will be available in a variety of different languages to facilitate the voluntary application process for the overwhelming majority of VWP travelers. These languages will be available by Oct. 15, 2008.

ESTA will be implemented as a mandatory program 60 days after publication of a notice in the Federal Register. DHS anticipates that the Secretary of Homeland Security will issue that notice in November 2008, for implementation of the mandatory ESTA requirements on Jan. 12, 2009. 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.

Q: If I am approved through ESTA to travel to the United States, does that mean I 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. 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.

Q: VWP Memoranda of Understanding were signed with the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Slovakia and South Korea. Do travelers who are citizens or nationals of these countries need a U.S. visa?

A: At this time, yes, citizens or nationals of these countries must obtain a visa prior to traveling to the United States. While DHS recently signed Memoranda of Understanding relating to the VWP with these countries, they have not yet been admitted to the VWP. Should these countries meet VWP requirements and become members of the VWP, their citizens will need to obtain an ESTA prior to traveling to the U.S. under the VWP.

Q: How do I apply for an ESTA authorization to travel to the United States?

A: 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.

Q: Is this Web site secure and private?

A: Yes. The website will be operated by the U.S. government and will employ technology to prevent unauthorized access to the information entered and viewed. Information submitted by applicants through the ESTA Web site will be 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: How far in advance of my trip do I need to apply for travel authorization through ESTA?

A: To facilitate the authorization process, DHS recommends that ESTA applications be submitted no less than 72 hours prior to travel. However, 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. After ESTA becomes mandatory, travelers who have not received ESTA approval may be denied boarding, experience delayed processing, or be denied admission at a U.S. port of entry.

Q: How much time does it take for ESTA to process my approval?

A: Once a traveler's ESTA application has been successfully completed and submitted online, the application will be queried against appropriate law enforcement databases. 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 then 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 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.

Q: What is the cost to the traveler?

A: DHS will not initially collect a fee for ESTA applications. When it is determined at a later time that a fee will be charged, the fee would be implemented through the United States government's rulemaking process.

Q: Can prospective travelers apply for an ESTA if they want to be able to travel to the United State on short notice?

A: VWP travelers are not required to have specific plans to travel to the United States before they apply for an ESTA authorization. DHS recommends that an ESTA approval be obtained as soon as a VWP traveler begins to plan a trip to visit the United States, and no later than 72 hours before departure to the United States. However, ESTA will accommodate last minute and emergency travelers.

Q: What information do I need in order to complete the ESTA application?

A: The traveler must provide (in English) biographical data including name, birth date, and passport information, as well as travel information such as the flight number and destination address in the United States. 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: When can I apply for a travel authorization via ESTA?

A: On August 1, 2008, DHS will begin to accept voluntary ESTA applications through the ESTA Web site at <https://esta.cbp.dhs.gov>. Initially, the site will be operational in English only, but additional languages will be available in October 2008.

Q: If people have received ESTA approval, do they also need to fill out an I-94W?

A: DHS has been coordinating with commercial air and vessel carriers on the development and implementation of messaging capabilities for passenger data transmissions that will enable DHS to provide the carriers with messages pertaining to a passenger's boarding status. A prospective VWP traveler's ESTA status is a component of a passenger's boarding status that has been introduced into the plans for implementing messaging capabilities between DHS and the carriers. The implementation of the ESTA program will allow DHS to eventually eliminate the requirement that VWP travelers complete an 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. Until ESTA is mandatory, however, all VWP travelers applying for admission at a U.S. port of entry, including those VWP travelers who possess a voluntary ESTA authorization, must still present the Form I-94W to U.S. Customs and Border Protection.

Q: Will I be required to write my answers in English? What if my keyboard doesn't type in English?

A: Just as the I-94W paper form must be completed in English, you will be required to enter the information required on your ESTA application in English. Your computer 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 your computer's operating system is Microsoft Windows 95 or higher and you are unsure as to the English language capabilities of your computer, refer to the following website for information on configuring your computer:

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

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

Q: Do I ever need to reapply for travel authorization through the ESTA?

A: Yes, there are instances when a new travel authorization via ESTA would be required. If you have acquired a new passport or have had a change in name or other identifying biographical information, a new application must be submitted.

In addition, if your destination address or itinerary should change after your authorization has been approved, you may easily update that information through the ESTA Web site. The ESTA application may be updated to reflect the itinerary for each trip.

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.

Q: What should I do if the information on my passport has changed?

A: If a traveler obtains a new passport or there is a change to the passport information, the individual will be required to apply for a new travel authorization through ESTA.

Q: What should I do if I am 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: If I am not approved for travel through ESTA, may I reapply?

A: You may reapply for an ESTA after a period of ten days, but please note that unless your circumstances have changed, you 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 make you permanently ineligible for travel to the U.S.

Q: How do I find out the reason for my ESTA denial?

A: DHS is carefully developing 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 will be refused an ESTA. While the ESTA Web site will provide a link to the DHS Travel Redress Inquiry Program (TRIP) website, 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 will not be able to provide information about ESTA denials or resolve the issue that caused the ESTA denial. Embassies and Consulates will be 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 would be authorized to travel to the U.S.

Q: I was denied an ESTA approval and need to travel tomorrow. Can I get an emergency appointment at the nearest U.S. Embassy or Consulate?

A: Unfortunately, we are unable to guarantee next-day appointments because of varying demand for visas. As a

result, we encourage you to apply for an ESTA authorization far in advance of your travel. You may learn more about the appointment process at your nearest consular section by visiting www.travel.state.gov.

Q: What about my current, valid visa?

A: Individuals that 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.

Q: Can I apply for an ESTA authorization if I was previously refused admission to the United States under the VWP?

A: Travelers who have been refused admission to the United States will not be eligible for an ESTA approval and must visit www.travel.state.gov for information on applying for a visa to travel to the United States.

Q: If I was previously denied a U.S. visa, can I apply for an ESTA authorization and travel under the VWP?

A: Travelers who have been denied a U.S. visa are not eligible for VWP travel to the United States and must visit www.travel.state.gov for information on applying for a visa to travel to the United States.

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 will be designed to accommodate applications from all VWP travelers. CBP will be staffed accordingly to process the applications.

Q: How does ESTA mitigate VWP security risks?

A: ESTA will support the mitigation of VWP security risks by enabling DHS to determine, prior to an individual boarding a carrier en route to the United States, whether that individual is eligible to travel to the United States under the VWP, and whether such travel poses any law enforcement or security risks. ESTA counterbalances known VWP vulnerabilities by establishing an additional layer of advance scrutiny that will help DHS frontline personnel to better identify dangerous travelers.

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

A: The Government of Australia has a program that is similar to ESTA, called the Electronic Travel Authority. Like ESTA, travelers to Australia may submit an application electronically through the Electronic Travel Authority website.

Q: How will the U.S. government protect the privacy of ESTA data and who will have access to it?

A: Information submitted by applicants through the ESTA website will be 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 ESTA authorization 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, and investigatory purposes. Once the information is archived the number of DHS officials with access to it will be even further limited. This retention is consistent both with 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.

The ESTA application data will over time replace the paper I-94W form. In those instances where an ESTA is then used in lieu of a paper I-94W, the ESTA will be maintained in accordance with the retention schedule for 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.

Information submitted during an ESTA application may be shared under a memorandum of understanding (MOU) with consular officers of the Department of State (DOS), to assist consular officers in determining whether a visa should be issued to the applicant after an ESTA application has been denied.

Carriers will also receive the information regarding the applicant's ESTA via the Advance Passenger Information System (APIS)/ APIS Quick Query system.

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 is available on the DHS Web site.

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

A: DHS will use the information to:

1. to create a system where foreign nationals of VWP countries may apply for and secure advance authorization to travel to the United States under the VWP; and
2. to afford DHS the opportunity to fully screen the applicant before granting the 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: When will new countries be admitted to the VWP?

A: Under Section 711 of the "Implementing Recommendations of the 9/11 Commission Act of 2007" (9/11 Act), Roadmap countries must meet a number of security-related provisions prior to being admitted to the VWP. DHS will continue to coordinate closely with the Roadmap countries to ensure that all 9/11 Act security provisions are met that will enable their admission into the program.

Additionally, for those Roadmap countries with a non-immigrant visa refusal rate greater than 3 percent, the 9/11 Act enables the Secretary of Homeland Security, in consultation with the Secretary of State, to waive the three percent requirement of the VWP statute, up to a maximum of ten percent, provided the secretary of Homeland Security certifies that:

- An air exit system is in place that can verify the departure of at least 97 percent of foreign nationals who exit through U.S. airports; and
- An electronic travel authorization system is in place and is fully operational.

After the Roadmap countries have met the 9/11 Act security provision requirements, and DHS has made the appropriate certifications, the U.S. government will formally announce which countries have been added to the VWP together with guidelines for their nationals and citizens to comply with ESTA.

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