



OCTOBER 16, 2008 BULLETIN TO ALL IMMIGRATION CLIENTS

Electronic System for Travel Authorization (ESTA) Now Accessible via Internet

Since August 1, 2008, the U.S. Department of Homeland Security's Electronic System for Travel Authorization (ESTA) has been accessible via Internet for citizens and eligible nationals of Visa Waiver Program (VWP)¹ countries to apply for advance authorization to travel to the United States under the VWP. **Effective January 12, 2009, all VWP travelers must obtain an electronic travel authorization from ESTA before boarding a carrier to travel to the United States by air or sea.** The rule does not apply to U.S. citizens traveling overseas.

To access ESTA, users must visit <https://esta.cbp.dhs.gov> and complete an on-line application in English (other languages will be added soon) which prompts users to answer basic biographical and eligibility questions typically requested on a paper Form I-94W (Arrival/Departure Record). Accompanied and unaccompanied children, regardless of age, must obtain an independent ESTA authorization and determination of VWP eligibility.

Applications may be submitted at any time before travel, but we strongly recommend travelers to apply early and never less than 72 hours before travel (though there is a process to accommodate last minute and emergency travelers). Also, travelers are not required to have specific plans to travel to the United States under the VWP before they apply for an ESTA authorization.

In most cases, a user will receive one of the following responses within seconds:

1. Authorization Approved: Travel authorized.
2. Travel Not Authorized: Traveler must obtain a nonimmigrant visa at a U.S. Embassy or Consulate before traveling to the United States.
3. Authorization Pending: Traveler must check the ESTA website for updates within 72 hours to receive a final response.

An approved travel authorization via ESTA is:

- Valid, unless revoked, for up to two years or until the traveler's passport expires, whichever occurs first;
- Valid for multiple entries into the United States. As future trips are planned, or if an applicant's destination addresses or itineraries change after her/his authorization has been approved, s/he may easily update that information through the ESTA Web site; 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 United States under the VWP.

ESTA is intended to enhance the security of the VWP and enable the United States to maintain and expand participation in the program. After January 12, 2009, VWP travelers who do not apply for and receive travel authorization via ESTA prior to travel may be denied boarding, experience delayed processing, or be denied admission at a U.S. port of entry.

Please contact any member of the Cohen & Grigsby Immigration Department if you have any questions regarding the above at 412.297.4900. To receive future bulletins by e-mail, please send an e-mail to info@cohenlaw.com.

¹ The VWP enables 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. VWP eligible travelers may apply for a visa, if they prefer to do so. Not all countries participate in the VWP, and not all travelers from VWP countries are eligible to use the program. Currently, only the following 27 countries participate in the VWP: Australia, Andorra, 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.