



# U.S. Visa Waiver Program

The Visa Waiver Program (VWP), administered by the Department of Homeland Security (DHS) in consultation with the State Department, permits citizens of 38 countries<sup>[1] (#\_ftn1)</sup> to travel to the United States for business or tourism for stays of up to 90 days without a visa.

In return, those 38 countries must permit U.S. citizens and nationals to travel to their countries for a similar length of time without a visa for business or tourism purposes. Since its inception in 1986, the VWP has evolved into a comprehensive security partnership with many of America’s closest allies. The VWP utilizes a risk-based, multi-layered approach to detect and prevent terrorists, serious criminals, and other *mala fide* actors from traveling to the United States. This approach incorporates regular, national-level risk assessments concerning the impact of each program country’s participation in the VWP on U.S. national security and law enforcement interests. It also includes comprehensive vetting of individual VWP travelers prior to their departure for the United States, upon arrival at U.S. ports of entry, and during any subsequent air travel within the United States.

- [Visa Waiver Program Requirements \(/visa-waiver-program-requirements\)](/visa-waiver-program-requirements)
- [Electronic System for Travel Authorization \(ESTA\) \(/electronic-system-travel-authorization-esta\)](/electronic-system-travel-authorization-esta)

## Economic Benefits (#)

A strong and vibrant economy is essential to our national security. The United States welcomed approximately 20 million VWP travelers in FY 2014 who, according to the Department of Commerce, spent approximately \$84 billion on goods and services. VWP travelers injected nearly \$231 million a day into local economies across the country.

## Initial and Continuing Designation

## Requirements (#)

The eligibility requirements for a country's designation in the VWP are defined in *Section 217 of the Immigration and Nationality Act* as amended by the *Secure Travel and Counterterrorism Partnership Act of 2007*. Pursuant to existing statute, the Secretary of Homeland Security, in consultation with the Secretary of State, may designate into the VWP a country that:

1. Has an annual nonimmigrant visitor visa (i.e., B visa) refusal rate of less than three percent, or a lower average percentage over the previous two fiscal years;
2. Accepts the repatriation of its citizens, former citizens, and nationals ordered removed from the United States within three weeks of the final order of removal;
3. Enters into an agreement to report lost and stolen passport information to the United States via INTERPOL or other means designated by the Secretary;
4. Enters into an agreement with the United States to share terrorism and serious criminal information;
5. Issues electronic, machine-readable passports with biometric identifiers;
6. Undergoes a DHS-led evaluation of the effects of the country's VWP designation on the security, law enforcement, and immigration enforcement interests of the United States; and
7. Undergoes, in conjunction with the DHS-led evaluation, an independent intelligence assessment produced by the DHS Office of Intelligence and Analysis (on behalf of the Director of National Intelligence).

## National-Level Risk Assessments (#)

After designation in the VWP, countries must maintain high and consistent security standards. DHS, in consultation with the State Department, is statutorily required to conduct reviews of the effects of each VWP country's designation in the program on U.S. national security, law enforcement, and immigration interests at least once every two years. During the review process, DHS assesses VWP countries' counterterrorism, law enforcement, immigration enforcement, passport security, and border management capabilities. DHS collects information from the government of the VWP country under review, the U.S. diplomatic mission in that country, the Departments of State and Justice,



the U.S. Intelligence Community, and other sources. Many reviews also include operational site inspections of airports, seaports, land borders, and passport production and issuance facilities in VWP countries.

In addition to the biennial review process, DHS continuously monitors all VWP countries to ensure that their continued designation in the VWP will not adversely affect the security of the United States. Continuous monitoring allows DHS to react rapidly to evolving security threats. The Secretary of Homeland Security, in consultation with the Secretary of State, has statutory authority to immediately terminate or suspend a country's designation in the VWP without notice if there is a credible threat originating from that country which poses an imminent danger to the United States or its citizens.

Following the conclusion of every review, DHS, in consultation with the State Department, provides a report to Congress regarding the assessment results and designation determination.

## Comprehensive Traveler Vetting (#)

In addition to national-level risk assessments, DHS conducts targeted, individualized vetting of all VWP travelers at various points throughout the travel continuum. The Department requires all prospective VWP travelers to obtain pre-travel authorization via U.S. Customs and Border Protection's (CBP) Electronic System for Travel Authorization (ESTA) prior to boarding a plane or ship bound for the United States. DHS coordinates with the National Counterterrorism Center (NCTC) to vet ESTA applications to ensure that travel authorizations are not issued to individuals who pose a threat to national security. In November 2014, DHS began requiring ESTA applicants to provide additional information to further enhance its ability to identify applicants on the U.S. terrorist watchlist.

DHS automatically screens all ESTA information against numerous U.S. law enforcement and counterterrorism databases, as well as INTERPOL databases, while upholding strict privacy standards. DHS recurrently vets ESTA data on a daily basis to ensure that we are taking advantage of the latest law enforcement and intelligence information. CBP carefully evaluates any ESTA check that raises a counterterrorism concern. Since ESTA's inception in 2008, CBP has denied several thousand ESTA applications as a result of vetting against the U.S. Government's terrorist watchlist. The enhanced ESTA requirements implemented in November have already resulted in demonstrable security benefits.

In addition, U.S. law requires commercial air and sea carriers operating flights to, from, or

through the United States to provide Advance Passenger Information (API) and Passenger Name Records (PNR) to CBP. This information includes travelers' biographic and travel reservation information. CBP screens this data against U.S. and international law enforcement and counterterrorism databases to identify high-risk individuals before they depart for the United States and when they travel by air within the United States. All VWP travelers are subject to this vetting.

## Mutually-Reinforcing Security Criteria (#)

The statutory requirement that VWP countries sign information sharing agreements with the United States pertaining to known and suspected terrorists, serious criminals, and lost and stolen passports enhances our vetting of individual travelers. VWP countries have provided the United States with information on more than 6,000 known or suspected terrorists as a result of VWP information sharing arrangements. This information exchange augments the already strong information exchange between the United States and VWP countries' security services. Moreover, VWP countries have provided nearly 70 percent of the records in INTERPOL's Stolen and Lost Travel Document Database, which DHS utilizes in its daily vetting of ESTA applications and Advance Passenger Information/Passenger Name Record data.<sup>[2] (#\_ftn2)</sup> This information significantly bolsters DHS's ability to identify and disrupt the travel of terrorists, serious criminals, and other *mala fide* actors who pose a threat to U.S. security.

## Visa Waiver Program Enhancements (#)

DHS continuously adapts VWP to address current threats. In August 2015, DHS introduced a number of additional security enhancements to the VWP, including enhanced traveler vetting, information sharing, and other security requirements for VWP countries to address the threat posed by foreign terrorist fighters.


Specifically, the 2015 VWP enhancements include:

- Implementation of the Homeland Security Presidential Directive 6 (HSPD-6) and Preventing and Combating Serious Crime (PCSC) agreements that VWP countries have signed relating to the sharing of criminal and terrorist information;
- Use of e-passports for all VWP travelers, regardless of the passport's date of issuance and of the date of the country's designation in the VWP [NOTE: currently, citizens of



the 27 countries designated into the VWP before 2007 may use a machine-readable non-biometric passport if that passport was issued before October 26, 2006 and is still valid];

- For VWP countries with a last point of departure to the United States, the conclusion of a federal air marshal agreement;
- Collection and Analysis of Travel Data (API/PNR), consistent with UN Security Council Resolution 2178;
- Use of INTERPOL Lost and Stolen Passport Database to screen travelers crossing a VWP country's borders (or, for Schengen Member States, entering or exiting the Schengen area);
- Reporting of Foreign Fighters to multilateral security organizations such as INTERPOL or EUROPOL; and
- Cooperation with the United States in the screening of refugees and asylum seekers.

As of April 1, 2016, all travelers must have an e-passport to use the VWP. An e-Passport, denoted by the symbol , is an enhanced secure passport with an embedded electronic chip. E-Passports are issued by the proper passport issuing authority and must meet international standards for securing and storing information corresponding to the passport and bearer.

More information [can be found on CBP.gov \(https://www.cbp.gov/sites/default/files/documents/VWP%20Program%20Passport%20Compliance%20Update.pdf\)](https://www.cbp.gov/sites/default/files/documents/VWP%20Program%20Passport%20Compliance%20Update.pdf).

DHS and the Department of State are working with VWP countries to implement the new requirements, which will strengthen U.S. security and the security of our partners.

## Conclusion (#)

The Visa Waiver Program is a rigorous security partnership that promotes secure travel to the United States, while also facilitating Americans' travel to VWP partner nations. No other program enables the U.S. Government to conduct such broad and consequential assessments of foreign security standards and operations. DHS will continue to strengthen its efforts to ensure that VWP provides for the security and prosperity of the American people.

[1] ([#\\_ftnref1](#)) With respect to all references to “country” or “countries” in this document, the

Taiwan Relations Act of 1979, Pub. L. No. 96-8, Section 4(b)(1), provides that “[w]henever the laws of the United States refer or relate to foreign countries, nations, states, governments, or similar entities, such terms shall include and such laws shall apply with respect to Taiwan.” 22 U.S.C. § 3303(b)(1). Accordingly, all references to “country” or “countries” in the Visa Waiver Program authorizing legislation, Section 217 of the Immigration and Nationality Act, 8 U.S.C. 1187, are read to include Taiwan. This is consistent with the United States’ one-China policy, under which the United States has maintained unofficial relations with Taiwan since 1979.

[2] ([#\\_ftnref2](#)) INTERPOL ASF-SLTD Statistics, October 11, 2015

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