



U.S. Customs and  
Border Protection

SEP 1 2009

MEMORANDUM FOR: Directors, Field Operations  
Office of Field Operations

Director, Preclearance  
Operations

FROM:

Executive Director  
Admissibility and Passenger Programs

(b) (6), (b) (7)(C)

SUBJECT:

Electronic System for Travel Authorization -  
Processing Travelers with Denied Travel Authorizations

On January 12, 2009, the Electronic System for Travel Authorization (ESTA) requirement became mandatory for travelers seeking admission into the United States under the Visa Waiver Program (VWP) at air or sea ports of entry. See 8 CFR § 217.5 (a) Travel authorization required. Each nonimmigrant alien intending to travel by air or sea to the United States under the VWP *must*, within the time specified in paragraph (b) of this section, receive a positive travel authorization, which is a positive determination of eligibility to travel to the United States under the VWP via ESTA from United States Customs and Border Protection (CBP), prior to embarking for travel to the United States by air or sea.

Aliens with denied travel authorizations via ESTA have not met this requirement, and as such, do not meet the criteria for admission or eligibility to travel under the VWP. A denied travel authorization via ESTA is a determination by CBP that a person is ineligible to travel to the United States under the VWP.

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. A subsequent ESTA approval or denial is then issued.

An alien with a denied travel authorization via ESTA (b) (7)(E)

(b) (7)(E)

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(b) (7)(E) [REDACTED]  
[REDACTED] When an alien is inadmissible for reasons other than documentary deficiencies, (b) (7)(E) [REDACTED] information regarding the appropriate exercise of discretionary authority is available in CBP Directive (b) (7)(E) dated 09/03/2008, *The Exercise of Discretionary Authority*.

If, during the inspection process, it becomes apparent that the traveler has received a denied authorization due to unintentional error(s) answering the I-94W questions on his/her application, the port should notify the (b) (7)(E) [REDACTED] at (b) (6), (b) (7)(C). If the (b) (7)(E) [REDACTED] changes an applicant's status to (b) (7)(E) [REDACTED] the traveler may then be admitted as (b) (7)(E) [REDACTED] if otherwise admissible.

If an officer believes that an ESTA application has been denied in error based on other parameters, (b) (7)(E) [REDACTED] It should be taken into consideration that the public ESTA application website is currently available in 21 languages, representing the primary languages of the 35 VWP participant countries.

(b) (7)(E) [REDACTED]  
[REDACTED] In some cases, travelers are notified of their status change; however, missing or erroneous contact information and privacy restrictions can prevent notification.

The ESTA program is currently in an informed compliance phase, therefore, VWP applicants who have not applied for a travel authorization via ESTA (b) (7)(E) [REDACTED] if otherwise admissible under the VWP.

Questions or concerns regarding ESTA requirements may be directed to (b) (6), (b) (7)(C), Acting Director, ESTA at (b) (6), (b) (7)(C)

Attachment

**Muster**

**Date:** Immediate

**Topic:** Electronic System for Travel Authorization --  
Processing Travelers with Denied Travel Authorizations

**Headquarters POC:** (b) (6), (b) (7)(C), Program Manager (b) (6), (b) (7)(C)

**Office:** Admissibility and Passenger Programs  
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- Aliens denied travel authorizations via ESTA do not meet the criteria for admission or eligibility to travel under the VWP.
- A denied travel authorization via ESTA is a determination by CBP that a person is ineligible to travel to the United States under the VWP.
- Aliens can be automatically denied a travel authorization via ESTA:

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- The ESTA team can be reached at (b) (6), (b) (7)(C) to discuss the basis for other denials believed to be in error and determine whether the ESTA status will be “approved.”
- (b) (7)(E)