



U.S. Customs and  
Border Protection

JAN 21 2016

MEMORANDUM FOR: Directors, Field Operations  
Director, Field Operations Academy

FROM: Todd A. Hoffman (b) (6), (b) (7)(C)  
Executive Director  
Admissibility and Passenger Programs

SUBJECT: Legislative Changes to Section 217(a) of the INA

On December 18, 2015, the Consolidated Appropriations Act of 2016 passed the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015 (The Act), which revised §217(a) of the Immigration and Nationality Act (INA). The Act established new elements for eligibility for travel under the Visa Waiver Program (VWP) based on dual nationality with designated countries, or travel to designated countries after March 1, 2011. Air, Land and Sea Border Ports of Entry should expect to encounter individuals who fall under the new VWP requirements.

Effective immediately, applicants for admission under the VWP who CBP discovers have dual citizenship with Iran, Iraq, Syria, or Sudan are ineligible for admission under the VWP. CBP has modified the Electronic System for Travel Authorization (ESTA) to deny new ESTA applications and revoke existing ESTA holders who have self-disclosed dual citizenship with one of the four affected countries.

(b) (7)(E) [redacted] b) (7)(E) [redacted]  
(b) (7)(E) [redacted]

(b) (7)(E) [redacted] Official government  
or military travel on behalf of the VWP country is exempt from the new VWP requirements.

(b) (7)(E) [redacted]  
(b) (7)(E) [redacted] (b) (7)(E) [redacted]  
(b) (7)(E) [redacted]

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(b) (7)(E)

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Prior to any discretionary measure, the ports must contact (b) (7)(E) to revoke the individual's ESTA (if applicable, i.e. land border no ESTA on file). (b) (7)(E)

should be approved with concurrence at the GS-14 level or higher. (b) (7)(E) . (b) (7)(E)

(b) (7)(E)

If an individual is ineligible for entry under the VWP due to The Act, and no discretion is appropriate per the above, then the traveler must be processed as a Visa Waiver Refusal pursuant to §212(a)(7)(B)(i)(II) of the INA. (b) (5), (b) (7)(E)

Please ensure that this memorandum and muster is disseminated to all ports of entry within your jurisdiction. Should you have any questions or require additional information, please contact (b) (6), (b) (7)(C) Director, Electronic System for Travel Authorization at (b) (6), (b) (7)(C)

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