

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

FROM: Todd A. Hoffman
Executive Director
Admissibility and Passenger Programs
Office of Field Operations

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

This is an update to field memo and muster dated January 21, 2016, *Legislative Changes to Section 217(a) of the INA* (attached) announcing changes for travel under the Visa Waiver Program (VWP) resulting from the enactment of the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015 (The Act). All guidance contained in the referenced memo and muster remains in effect.

As of June 16, 2016, the application for the Electronic System for Travel Authorization (ESTA) and CBP Form I-94W will be modified as follows:

Libya, Somalia and Yemen will be added to the list of designated countries to which travel after March 11, 2011 may result in ineligibility for VWP travel to the United States. Note that this restriction is only for travel to these countries. **Dual citizenship will not affect VWP eligibility.** In addition, the rules for official government or military travel on behalf of a VWP country applies to these newly-added countries, and exempts an individual from the new VWP requirements.

Applicants for admission under the VWP are ineligible if they self-certify:

- 1.
- 2.
- 3.

A large black rectangular redaction box covers the content of the list items. The text "(b) (7) (E)" is printed in white, bold, sans-serif font across the center of the redaction.

However, CBP at ports of entry retain discretionary authority to issue an I-193, Waiver of Documents as outlined in memo dated January 21, 2016, *Legislative Changes to Section 217(a) of the INA*.

Officers should note that “waivers” for the purpose of eligibility for VWP travel are obtained only through the ESTA application process, not upon arrival at a port of entry.

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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)

Attachments

Muster

Date: June 15, 2016

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

Headquarters POC: (b) (6), (b) (7)(C)

Office: Electronic System for Travel Authorization

- This is an update to previous field memo and muster, dated January 21, 2016, *Legislative Changes to Section 217(a) of the INA* (attached) announcing changes for travel under the Visa Waiver Program (VWP) resulting from the enactment of the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015 (The Act).
- All guidance contained in the above referenced memo and muster remains in effect for the current time. There may be changes in the future.
- On June 16, 2016, The application for the Electronic System for Travel Authorization (ESTA) will be modified to reflect the following changes:
 - Libya, Somalia and Yemen will be added to the list of designated countries to which travel after March 11, 2011 may result in ineligibility for VWP travel to the United States. (b) (7)(E)
 - (b) (7)(E)
 - In addition, the rules for official government or military travel on behalf of a VWP country applies to the newly-added countries and exempts an individual from the new VWP requirements.
 - Applicants for admission under the VWP are ineligible if they self-certify:
 1. (b) (7)(E)
 2. (b) (7)(E)
 3. (b) (7)(E)
- Officers should note that “waivers” for the purpose of eligibility for VWP travel are obtained only through the ESTA application process, not upon arrival at a port of entry.

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