

Muster

Date: January 21, 2016

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

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

Office: Electronic System for Travel Authorization

- 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), revising §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.
- Designated countries are Iran, Iraq, Syria, and Sudan. This does not include S. Sudan.
- 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

• (b) (7) (E)

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- CBP Officers should advise travelers that the I-193 waiver is for a single entry and would not be valid for re-entry into the United States e.g. travel to Canada/Mexico.

• (b) (7) (E)

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