

September 23, 2010

MEMORANDUM FOR: Directors, Field Operations  
Office of Field Operations

Director, Pre Clearance Operations

Director, Field Operations Academy  
Office of Training and Development

FROM: Acting Executive Director /s/  
Admissibility and Passenger Programs

SUBJECT: Visa Waiver Program Applicants Arriving by Sea

This is to inform U.S. Customs and Border Protection officers that, until further notice, fines pursuant to section 273 of the Immigration and Nationality Act should not be assessed against a carrier for transporting by sea to the United States a Visa Waiver Program (VWP) applicant who does not have, or has been denied, a travel authorization via the Electronic System for Travel Authorization (ESTA).

ESTA is a requirement for all VWP applicants arriving by air or sea. However, carriers transporting VWP applicants to the United States by sea are not liable for ESTA status verification because (b) (7)(E)

Questions or concerns should be directed to (b) (6), (b) (7)(C) Program Manager, ESTA, at (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C)