



**U.S. Customs and
Border Protection**

APR 27 2012

MEMORANDUM FOR: Directors, Field Operations
Office of Field Operations

Director, Preclearance
Operations (b) (6), (b) (7)(C)

FROM: Executive Director
Admissibility and P

SUBJECT: Visa Waiver Refusal Case Review

The Visa Waiver Program (VWP) enables nationals from designated countries to apply for admission to the United States for 90 days or less as non-immigrant visitors for business or pleasure without first obtaining a nonimmigrant visa. The guidelines for VWP travel are enumerated in 8 CFR 217. Any refusal of admission under VWP must be made in accordance with 8 CFR 217.4, which states in part, "An alien who applies for admission under the provisions of section 217 of the Act, who is determined by an immigration officer not to be eligible for admission under that section or to be inadmissible to the United States under one or more of the grounds of inadmissibility listed in section 212 of the Act (other than for lack of a visa), or who is in possession of and presents fraudulent or counterfeit travel documents, will be refused admission into the United States and removed. Such refusal and removal shall be made at the level of the port director or officer-in-charge, or an officer acting in that capacity, and shall be effected without referral of the alien to an immigration judge".

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Please ensure that this memorandum and muster are disseminated to all ports of entry within your jurisdiction.

If you have any questions or require additional information, please contact (b) (6), (b) (7)(C) ESTA Program Manager, Admissibility and Passenger Programs at (b) (6), (b) (7)(C)

Attachment

Muster

Date: April 6, 2012

Topic: Visa Waiver Refusal

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

Office: Electronic System for Travel Authorization

(b) (5), (b) (7)(E)