

## Muster

**Date:** February 18, 2016

**Topic:** Additional Countries Ineligible for Travel under the VWP Improvement and Terrorist Travel Prevention Act of 2015

**Headquarters POC:** (b) (6), (b) (7)(C) 202) (b) (6), (b) (7)(C)

**Office:** Enforcement Programs Division

Effective immediately the Secretary of Homeland Security, in consultation with the Director of National Intelligence and the Secretary of State has added **Libya, Somalia and Yemen** to the statutory list of countries considered under the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015 (the Act).

Under the Act, travelers in the following category are no longer eligible to travel or be admitted to the United States under the Visa Waiver Program (VWP):

- Nationals of VWP countries who have traveled to or been present in Libya, Somalia, or Yemen on or after March 1, 2011 (with limited exceptions for travel for official government or military purposes in the service of a VWP country).

VWP applicants determined to have traveled to Libya, Somalia, or Yemen on or after March 1, 2011 in an official government or military capacity can be admitted under the VWP (b) (7)(E)  
(b) (7)(E)

VWP applicants with any travel to Libya, Somalia and Yemen outside the government/military travel exception are ineligible for admission under the VWP. This exception does not include humanitarian travel.

Ports of Entry retain discretionary authority to issue Form I-193, Waiver of Documents with approval at the GS-14 level or above to admit an effected VWP traveler under a B1 or B2 Class of Admission as appropriate.

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, without first obtaining the appropriate valid U.S. visa.

Ports of Entry retain the discretion to approve an additional Form I-193 if the sole purpose of entry is to join an international cruise.

If discretion for a waiver is granted, ports shall advise the (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) (7)(E)

travelers who are affected by these VWP modifications.