



U.S. Customs and
Border Protection

FEB 18 2016

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

FROM: Todd A. Hoffman (b) (6), (b) (7)(C)
Executive Director
Admissibility and Passenger Programs

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

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).

Effectively immediately, 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).

Travel to Libya, Somalia, or Yemen on or after March 1, 2011 may create an ineligibility for travel under the VWP. Official government or military travel on behalf of the VWP country is exempt from the new VWP requirements. VWP applicants determined to have traveled to the identified countries in an official government or military capacity can be admitted under the VWP

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(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.

Prior to any discretionary measure, the ports must contact the (b) (7)(E) to revoke the individual's ESTA (if applicable, i.e. land border no ESTA on file). If no derogatory information or admissibility issues exist, to include fraud or deception during the secondary inspection, an I-193, fee waived, should be approved with concurrence at the GS-14 level or higher. The individual should be admitted as B-1/B-2 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. However, ports of entry retain discretion to approve an additional I-193 if the sole purpose of entry is to join an international cruise. (b) (7)(E)

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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

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 202 (b) (6), (b) (7)(C)