



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

JUN 28 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 (b) (6), (b) (7)(C)
Admissibility and Passenger Programs

SUBJECT: Visa Waiver Program: Military Dependents Arriving on U.S.
Military Planes

Effective immediately, U.S. military dependants who arrive on U.S. military or Department of Defense (DOD)-contracted commercial aircraft who are otherwise admissible may be admitted under the Visa Waiver Program (VWP). This policy should be adhered to whether or not the U.S. military principal accompanies the dependant and despite the fact that the aircraft is not technically signatory to the VWP.

Title 8 Code of Federal Regulations section 217.2(a) includes in the definition of round trip ticket: "...military travel orders which include military dependants for return to duty stations outside of the United States on U.S. military flights". CBP Chief Counsel has concurred that VWP eligibility extends to U.S. military dependants arriving on U.S. military aircraft.

A U.S. military dependant arriving on U.S. military or DOD-contracted commercial aircraft applying for admission under the VWP must have authorization for travel via the Electronic System for Travel Authorization (ESTA). In addition, he or she must present a valid dependant's military identification card and valid leave or temporary duty orders for the military principal in lieu of a round trip ticket. The orders must indicate that the dependant will be leaving the United States within 90 days and returning to a foreign destination.

This policy does not extend to VWP applicants arriving on foreign military aircraft. A VWP applicant arriving on foreign military aircraft is not admissible under the VWP.

Attachment

Muster

Date: June 28, 2010

Topic: U.S. Military Dependents Arriving on U.S. Military Aircraft

Reference Materials: Title 8 Code of Federal Regulations section 217.2(a)

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

Office: Admissibility and Passenger Programs/Electronic System for Travel Authorization

- Effective immediately, U.S. military dependants who arrive on U.S. military or Department of Defense (DOD)-contracted commercial aircraft who are otherwise admissible may be admitted under the Visa Waiver Program (VWP).
- This policy should be adhered to whether or not the U.S. military principal accompanies the dependant and despite the fact that the aircraft is not signatory to the VWP.
- Title 8 Code of Federal Regulations section 217.2(a) includes the following in the definition of a round trip ticket: "...military travel orders which include military dependants for return to duty stations outside of the United States on U.S. military flights".
- A U.S. military dependant arriving on U.S. military or DOD-contracted commercial aircraft applying for admission under the VWP must have authorization for travel via the Electronic System for Travel Authorization (ESTA).
- In addition, he or she must present a valid dependant's military identification card and valid leave or temporary duty orders for the military principal in lieu of a round trip ticket. The orders must indicate that the dependant will be leaving the United States within 90 days and returning to a foreign destination.
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