

Interpreter Releases Report and analysis of immigration and nationality law  
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**\*3137** 4. DHS Issues Final Rule Adding Seven Countries to List of VWP Participants

The Department of Homeland Security (DHS) has issued a final rule adding the Czech Republic, Estonia, Hungary, Latvia, Lithuania, the Republic of Korea (South Korea), and the Slovak Republic to the list of countries authorized to participate in the Visa Waiver Program (VWP) pursuant to which citizens and eligible nationals of participating countries may apply for admission at a U.S. port of entry for a period of 90 days or less without first obtaining a nonimmigrant visa provided that they are otherwise eligible for admission under the applicable statutes and regulations. [FN16] Each new member country has agreed that its citizens must obtain an approved travel authorization from U.S. Customs and Border Protection (CBP) via the Electronic System for Travel Authorization (ESTA) and must possess a valid electronic **\*3138** passport. The ESTA is an automated system designed to assist CBP in determining a person's eligibility to travel to the U.S. under the VWP and whether such travel poses any law enforcement or security risk.

Previously, DHS issued a notice indicating that, beginning January 12, 2009, all VWP travelers must provide electronically to CBP the information currently collected on Form I-94W, Nonimmigrant Alien Arrival/Departure, through the ESTA website, <https://esta.cbp.dhs.gov/>, and receive authorization to travel before embarking on an air or sea carrier for travel to the U.S. [FN17] In order to facilitate timely departures, DHS recommends that VWP travelers obtain travel authorizations as soon as they begin to plan a trip to the U.S.

The final rule, 73 Fed. Reg. 67711 (Nov. 17, 2008), is reproduced in Appendix III of this Release. DHS has also posted a VWP expansion fact sheet on its website, at [http://www.dhs.gov/xnews/releases/pr\\_1226931856715.shtm](http://www.dhs.gov/xnews/releases/pr_1226931856715.shtm).

[FN16]. The other 27 countries currently participating in the VWP are Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom. Six countries are working to meet VWP admission requirements: Bulgaria, Cyprus, Greece, Malta, Poland, and Romania.

[FN17]. See 85 Interpreter Releases 3075 (Nov. 17, 2008).

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