



Warning - New Restrictions on Visa Waiver Travel

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A Consolidated Appropriations Bill of 2016 is expected to be passed, signed by the President when it reaches his desk, and become law on Friday, December 18, 2015. This 2000 page budget bill contains important changes to the Visa Waiver program.

The new changes ***will restrict use of the Visa Waiver program by persons who have visited Iran, Iraq, Syria, or the Sudan at any time after March 1, 2011.*** Additional “countries of concern” may be added to this list.

People who will be traveling to the United States will no longer be able to use the Visa Waiver program if they have visited one of these countries and will be required to obtain a B1/B2 visa stamp as appropriate. The nationality of the traveler is not an issue.

ESTA: We do not yet know if people with unexpired ESTA authorization will be required to obtain B1/B2 visas to travel to the United States if they traveled to Iran, Iraq, Syria or Sudan on or after March 1, 2011.

What to consider now – assuming the President will sign this bill in its current form:

- Plan on applying for a B-1/B-2 visa before any planned travel to the United States if you have been using the visa waiver program and have visited Iraq, Syria, Iran or the Sudan on or after March 1, 2011;
- Applications should be made well in advance of planned travel – visa workload should be increasing at U.S. consulates;
- Expect additional security delays between visa applications and visa issuance for applicants who have traveled to any of these countries;
- All visa applicants may experience delays in obtaining appointments;
- Contact your AGG Immigration/Migration specialist if you have any questions or need assistance.

FAQs

What is the Visa Waiver Program:

The Visa Waiver Program (VWP) allows citizens of 38 participating countries to travel to the United States without a visa for stays of 90 days or less, when they meet certain requirements. The list of eligible countries and requirements is [here](#)¹.

When will this become law?

This bill becomes law as soon as it is signed by the President. The changes to the Visa Waiver program appear to become immediately effective.

¹ <http://travel.state.gov/content/visas/en/visit/visa-waiver-program.html>

I am a citizen of (Ireland), (Italy), (Switzerland). Will this apply to me?

Yes. If you have traveled to any of the named countries, you will not be able to use the Visa Waiver program – no matter what passport you have.

I have a visa stamp in my passport. Does this affect me?

Not directly. If you have a visa in the appropriate category (for instance, B-1 for a business visitor), you may seek to enter the United States on that stamp, even if you have traveled to Iran or another named country. However, given current security concerns, you can expect delays and additional questions if you have traveled to any country where there are security concerns. We have already had reports from clients that their social media accounts are being reviewed by CBP.

My ESTA is still valid. Can I use the ESTA instead of a visa the next time I visit the United States?

ESTA registration has allowed an applicant for admission to take advantage of the Visa Waiver program – but it is not a visa nor a guarantee of admission. At this time we do not know if the ESTA may continue to be used for those who have engaged in triggering travel. We will be posting an alert on our website when this issue is clarified. Even if travel on ESTA is still available, you should expect additional scrutiny and delays at the border if you have traveled to any of the restricted countries, or other countries where there are security concerns.

I am a U.S. citizen or Lawful Permanent Resident (“green card”). Do I need a visa if I traveled to Iran?

No. U.S. citizens do not require visas to enter the U.S. Lawful Permanent Residents return on their “green cards” and passports if they have been outside the U.S. for less than one year and are otherwise admissible.

For Additional Information

Check the AGG Immigration and Global Migration Practice [News and Resources](#)² page for updated information as it becomes available. Additionally, AGG attorneys are always available to meet all your immigration needs.

Downloads and Links

- [Consolidated Appropriations Bill of 2016](#)³ (See page 1871 for changes to Visa Waiver eligibility)
- [Visa waiver information](#)⁴
- [AGG Immigration and Global Migration News and Resources Page](#)⁵

² <http://www.cbp.gov/travel/international-visitors/esta>

³ <http://docs.house.gov/billsthisweek/20151214/CPRT-114-HPRT-RU00-SAHR2029-AMNT1final.pdf> (See page 1871 for changes to Visa Waiver eligibility)

⁴ <http://travel.state.gov/content/visas/en/visit/visa-waiver-program.html>

⁵ <http://www.agg.com/newsandresources/>

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