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## Implementation of ESTA requirement for Visa Waiver Program travelers

On April 1, 2022, the Department of Homeland Security announced a [new rule in the Federal Register](#) amending its regulations regarding Visa Waiver Program travelers. Effective May 2, 2022, noncitizens from VWP countries must receive a travel authorization from Customs and Border Protection (CBP) via the Electronic System for Travel Authorization (ESTA) prior to applying for admission at U.S. land ports of entry.

Under section 217 of the Immigration and Nationality Act (INA), citizens or nationals of [VWP designated countries](#) are eligible to travel to the United States for up to 90 days under tourism or business purposes without obtaining a visa. Previously, VWP travelers completed a paper I-94W Nonimmigrant Visa Waiver Arrival/Departure Record ([Form I-94W](#)) when applying for admission at U.S. land ports of entry. Under the new rule, this biographical and travel information must be provided to CBP electronically via the ESTA.

The ESTA is a measure of national security and CBP efficiency, as it expedites entry processing by providing pre-approval for foreign nationals from VWP countries to enter the United States. Since 2008, ESTA has been required for VWP travelers entering the U.S. via air or sea. Travel authorization via the ESTA is generally valid for a period of two years and allows for multiple entries within those two years. The [ESTA application process](#) takes an average time of 23 minutes to complete and costs \$14.00. In the Federal Register, the new rule states that most determinations for ESTA applications will be made by CBP in approximately two hours, but DHS recommends applying for travel authorization 72 hours or more before approaching the port of entry to avoid processing delays.

*By Colby Feigenbaum, Legal Intern*