



## **IMMIGRATION ALERT**

### **Changes in Requirements for Visa Waiver Program**

A deadline of October 26, 2004 has been set for two separate passport requirements regarding the Visa Waiver Program (“VWP”). The VWP allows citizens of certain countries to enter the U.S. in the B visa business/tourist visitor category without first obtaining a visa. Both passport requirements will impact VWP travelers. The first requirement affects machine-readable passports (“MRP”); the other concerns biometric passports.

#### I. Machine Readable Passports

By October 26, 2004, all VWP travelers must present an MRP for visa-free entry into the United States. The goal of the MRPs is to allow for more effective screening. MRPs will contain two strips of data at the bottom of the biographical information page. The data strips will read biographical data and then be fed into a database at the point of entry. VWP travelers should ensure that they have MRPs for travel to the United States by October 26, 2004. If the MRP cannot be obtained by that date, then it will be necessary for travelers to apply for a nonimmigrant B visa at a U.S. consular post.

The MRP requirement already applies to citizens of Andorra, Belgium, Brunei, Liechtenstein, and Slovenia.

The deadline for the MRP requirement was originally scheduled for October 1, 2007 under the Visa Waiver Permanent Program Act of October 30, 2000. Legislation passed subsequent to the terrorist acts of September 11, 2001 advanced the deadline to October 1, 2003. However, in September 2003, the Secretary of State delayed the deadline until October 26, 2004.



#### II. Biometric Passports

As a separate and independent requirement, VWP countries must certify that they have a biometric passport program by October 26, 2004. Additionally, passports issued on or after the October 26, 2004 deadline must be biometric capable--meaning that a biometric identifier (i.e. fingerprint,

facial recognition, iris scan) must be embedded into the passport as a readable chip. If these requirements are not met, the country's eligibility for the VWP will be suspended.

To remain eligible for the VWP, countries need only meet certain benchmarks by the deadline. However, any passports issued on or after October 26, 2004 must have biometric capability.



### III. Potential Delays & Implications

The MRP requirement has already been delayed by one year; the deadlines will most likely not be extended again. However, very few countries will meet the deadline for the biometric passport requirement because of technical challenges associated with interoperability. The Department of State and Department of Homeland Security have already requested a two year extension.

Under current legislation, there are no requirements for U.S. passports to be biometric capable. The U.S. is, however, developing a program and has met with the same difficulties as other countries.

### IV. US-VISIT

Finally, VWP travelers will be included in the US-VISIT program as of September 30, 2004. Currently, only nonimmigrant visa holders are included. For more information about US-VISIT, please see <http://www.immstar.com/NEWS/UPLOADS/US-VISIT.pdf>.



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