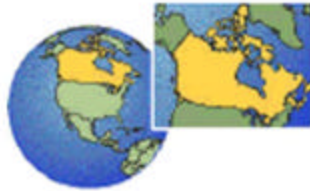




## IMMIGRATION ALERT!



### VISA EXEMPTION FOR CANADIAN LANDED IMMIGRANTS ELIMINATED

**As of March 17, 2003, any Canadian landed immigrant who is a national of a British Commonwealth country or of Ireland will be required to present a valid passport and a nonimmigrant visa when applying for admission to the United States.**

Traditionally, individuals who were:

- (1) permanent residents of Canada (also known as *landed immigrants*) or of Bermuda; and
- (2) who were citizens of a British Commonwealth country or the Republic of Ireland, were not required to possess a passport or a visa in order to enter the United States. **However, effective March 17, 2003 this waiver will be eliminated, and such individuals will in fact be required to present passports and nonimmigrant visas in order to enter the United States.**

On January 31, 2003, the Department of State and the Immigration and Naturalization Service (INS) published companion interim rules, both titled "Removal of Visa and Passport Waiver for Certain Permanent Residents of Canada and Bermuda." The elimination of this waiver is designed to enhance national security in the wake of the terrorist attacks of September 11, 2001.

#### British Commonwealth countries include:

Antigua and Barbuda  
Australia  
Bangladesh  
Barbados  
Belize  
Botswana  
Brunei  
Darussalam  
Cameroon  
Cyprus  
Dominica  
Fiji Islands  
Ghana  
Grenada  
Guyana  
India  
Jamaica  
Kenya  
Kiribati  
Lesotho  
Malawi  
Malaysia  
Maldives  
Malta  
Mauritius  
Mozambique  
Namibia  
Nauru  
New Zealand  
Nigeria  
Pakistan  
Papua New Guinea  
Samoa  
Seychelles  
Sierra Leone  
Singapore  
Solomon Islands  
South Africa  
Sri Lanka  
St. Kitts and Nevis  
St. Lucia  
St. Vincent and the Grenadines  
Swaziland  
The Bahamas  
The Gambia  
Tonga  
Trinidad and Tobago  
Tuvalu  
Uganda  
United Kingdom  
United Republic of Tanzania  
Vanuatu  
Zambia  
Zimbabwe

Please note that this rule change does not affect the B-1/B-2 visa waiver currently enjoyed by nationals of a number of countries under the so-called *Visa Waiver Program* who enter the United States for purposes of business or pleasure. Thus, landed immigrants in Canada who are nationals of a designated "Visa Waiver" country who present a valid passport issued by that country may continue to be admitted to the United States without a visa if entering the U.S. for less than 90 days for business or pleasure.

**Visa Waiver countries include:** 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, the United Kingdom, and Uruguay.

**United Kingdom refers only to British citizens who have the unrestricted right of permanent abode in the United Kingdom:** England, Scotland, Wales, Northern Ireland, the Channel Islands and the Isle of Man. The term does not refer to British overseas citizens, British dependent territories' citizens, or citizens of British Commonwealth countries. Also, please note that of the 54 British Commonwealth countries, only six—Australia, Brunei, Ireland, New Zealand, Singapore and the United Kingdom—are eligible for the Visa Waiver Program.

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Seyfarth Shaw's Business Immigration Group provides periodic Immigration Alerts about noteworthy developments in the business immigration field. The information that we provide is of a general nature and should not be interpreted as legal advice applicable to a specific factual situation. If you have questions about the information contained in this Immigration Alert or would like to know more about Seyfarth Shaw's Business Immigration Group and our inbound and outbound visa processing capabilities, please contact either of our co-chairs: Jim King in Atlanta at [jking@seyfarth.com](mailto:jking@seyfarth.com) or Russell Swapp in Boston at [rswapp@seyfarth.com](mailto:rswapp@seyfarth.com). If you would like to receive notice about future Immigration Alerts, please go to the navigation bar and click "Subscribe" under the Immigration Updates section.