



IMMIGRATION ALERT!

FREQUENTLY ASKED QUESTIONS

What action was announced?

The DHS and the Department of State jointly issued an order that suspends the TWOV and ITI passenger programs

Who is affected by these actions?

This action affects passengers who are traveling from one point outside the U.S. to another point outside the U.S., with a stop for transit purposes within the U.S. Under the TWOV and ITI programs, such passengers were not required to have a visa to enter the U.S. for transit purposes. As a result of this action, however, such passengers will now be required to have a U.S. visa.

Are these programs being eliminated Entirely?

Though DHS suspended the programs, over the next 60 days it is soliciting input from airlines and the public to find possible ways to re-implement the programs on an airline-by-airline basis, contingent



Transit Without Visa and International-to-International Transit Programs Suspended

The U.S. Department of Homeland Security (“DHS”) and the U.S. Department of State have suspended two programs that allow certain international air passengers to travel through the United States for transit purposes without first obtaining a visa. The programs, known as the Transit Without Visa program (“TWOV”) and the International-to-International transit program (“ITI”), have been

upon implementation of additional security measures.

When does this action take place?

Immediately.

Why is this action necessary?

DHS received specific, credible intelligence, including intelligence from the FBI and CIA, that certain terrorist organizations, including Al-Qaeda, have identified the visa and passport exemptions of the TWOV and ITI programs as a means to gain access to aircraft en route to or from the U.S., to cause damage to infrastructure, injury, or loss of life in the U.S. or on board aircraft en route to or from the U.S.

Will I be able to obtain a U.S. visa in a country other than my home country?

Yes. U.S. Consulates have been informed of the suspension of these programs, and they are prepared to receive applications for visas from foreign nationals in countries other than the foreign national's home country.

How quickly can I obtain a visa to transit the U.S.?

U.S. Consulates are prepared to issue visas to qualified applicants on an expedited basis, for people who are currently traveling and would be required to reroute through a different country in order to return

suspended. The suspension is currently in effect. This action does not affect U.S. citizens, U.S. permanent residents, nonimmigrants holding valid visas (e.g. H-1B, L-1, E-1/E-2, TN, O, and P) or citizens from visa waiver countries.

DHS has issued instructions to all airlines to no longer allow passengers to utilize these transit programs. Any travelers with existing plans to transit through the U.S. must either immediately obtain an appropriate visa or re-route their flight plan.

The TWOV program has been in use in the U.S. since 1952. It applies to passengers who normally would be required to obtain a visa to travel to the United States. Under the TWOV program, passengers arriving in the U.S. from a foreign country are permitted to travel through the U.S. to another foreign destination without first obtaining a visa to stop and change planes in the U.S.

Passengers under the TWOV program go through the full border inspection process upon arrival in the U.S. Under the TWOV program, a passenger may stop at one or two U.S. airports en route to another foreign destination. If on a domestic flight to a second U.S. airport, the airline is responsible for ensuring that the passenger does not illegally enter the U.S. Airlines provide contract security escorts and are required to maintain control of the passenger's passport and other travel documents.

home under the new rules.

I am a citizen of a visa waiver country, so I normally do not need a visa to enter the United States. Am I now required to obtain a visa to transit the United States?

No. If you do not require a visa to enter the U.S. you do not require a visa to transit the U.S. Please note that as of October 1, 2003, you must have a machine-readable passport to enter the U.S. on the visa waiver program. For more information please refer to our Immigration Alert on [Machine Readable Passports](#).

How can I learn more about these programs and their suspension?

Information about the programs and their suspension can be obtained through the U.S. Department of Homeland Security's web page at <http://www.dhs.gov/> and the U.S. State Department's web page at <http://travel.state.gov/>.



The ITI program also allows passengers arriving from foreign countries to transit through the U.S. to another foreign destination without first obtaining a visa. Unlike the TWOV program, however, ITI passengers may only transit through one airport, and they may not leave the international transit lounge while connecting planes at that airport.

In 2002, the top five countries from which TWOV passengers arrived in the U.S. were Brazil, Mexico, Korea, the Philippines, and Peru. The greatest number of TWOV and ITI passengers transited the U.S. through airports in Los Angeles, Miami, New York, Dallas and Houston.

The DHS intends to reinstate the TWOV and ITI programs as soon as additional security measures can be implemented to safeguard the programs from terrorists who wish to gain access to the U.S. or U.S. airspace without going through the consular screening process. Recent intelligence indicates that terrorist groups have been planning to exploit these transit programs to gain access to the U.S. or U.S. airspace without going through the consular screening process.

Seyfarth Shaw's Business Immigration Group provides periodic information 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 visit our website, www.immstar.com, or contact either of our co-chairs: Jim King in Atlanta at jking@seyfarth.com or Russell Swapp in Boston at rswapp@seyfarth.com. If you would like to receive our Immigration Alerts, please contact Sarah Kuck via e-mail at skuck@seyfarth.com. Thank you.