

## **How the Terrorist Attacks in Paris Have Affected International Travel, and What is to Come**

Article By:

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Many witnessed increased security over the holidays at airports, train stations and public venues. The planner of the Paris attacks boasted about the freedom of travel through Europe, and the attackers held nationalities of countries that participate in the Visa Waiver Program (VWP). Under the almost 30 year old VWP, citizens of 38 countries may travel to the U.S. without a visa, accounting for 20 million visitors per year and greatly facilitating international commerce.

A prospective traveler holding a VWP nationality undergoes a screening through the Electronic System for Travel Authorization (ESTA) by the US Department of Homeland Security (DHS) before he or she can enter the U.S. As a result of the Paris attacks, the Flake-Feinstein Bill, to be called the Visa Waiver Program Security Enhancement Act (Act), was passed 407 to 19 on 12/8/2015.

### **The Act will:**

1. Deny entry to the US to citizens of countries participating in the VWP if they have traveled to Iran, Syria, Iraq and Sudan in the past 5 years. (An estimated 5,000 VWP citizens from Europe alone have traveled to Syria and Iraq to fight, over 1,500 of whom are French.)
2. All VWP countries must submit any lost or stolen passport information to INTERPOL. (Senator Feinstein has said there are 45 million lost and stolen passports on the black market.)
3. All VWP countries will have to check its citizens against INTERPOL databases to determine any criminal activity.
4. All VWP countries must fully implement information-sharing agreements to continue to participate in the VWP, through increased contribution to and screening against INTERPOL's list of lost and stolen passports. The DHS will review a VWP country's ability to collect, analyze and share passenger data, improve biometric information sharing about and screening of refugees and asylum seekers, and has the authority to eliminate non-complying countries.
5. E-passports with built-in chips carrying biometric data will be required within 90 days of enactment, terminating the previously allowed phase-in of this requirement over several years which permitted an older passport without a chip to remain valid.
6. Security enhancements in the VWP will be paid for by increasing the VWP traveler fee, which is currently only \$14. (By way of contrast, the fee for a visitor visa is \$160.) Apparently, only

\$4 of the \$14 supports visa waiver program security.

7. VWP countries must have signed federal air marshal agreements in place which provide legal protection to air marshals when they need to take action.

The Director of the FBI is to provide a report to the President within 60 days to identify options to correct deficiencies in information sharing. The DHS will seek to increase fines up to \$50,000 against air carriers that fail to verify a passenger's passport data.

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