

## Visa Waiver Program Changes Now Being Implemented

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VWP nationals who have visited Iran, Iraq, Sudan, or Syria since March 1, 2011, or who hold dual nationality with one of the countries are no longer eligible for the VWP.

The United States on January 21, 2016, began to implement changes to the Visa Waiver Program (VWP) that were mandated under the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015 (the Act). Under the Act, which was included as an amendment to the December 18, 2015, omnibus spending bill (H.R. 2029), certain individuals are no longer eligible to travel or be admitted into the United States under the VWP. The affected are

- nationals of VWP countries who have traveled to or been present in Iran, Iraq, Sudan, or Syria on or after March 1, 2011 (with limited exceptions for travel for diplomatic or military purposes in the service of a VWP country) and
- nationals of VWP countries who are also nationals of Iran, Iraq, Sudan, or Syria.

Individuals who are ineligible for the VWP are still eligible to apply for a B-1/B-2 visitor visa at a US embassy or consulate. Individuals who need a US visa for urgent business, medical, or humanitarian travel to the United States may be eligible for expedited visa processing at a US embassy or consulate.

A waiver of these restrictions may be granted on a case-by-case basis by the secretary of homeland security if he determines that such a waiver is in the interests of US law enforcement or national security. Procedures for seeking a waiver are not currently available, but will presumably be published in the future. Waivers may be available for

- individuals who traveled to Iran, Iraq, Sudan, or Syria on behalf of international organizations, regional organizations, and subnational governments on official duty;
- individuals who traveled to Iran, Iraq, Sudan, or Syria on behalf of a humanitarian

nongovernmental organization on official duty;

- individuals who traveled to Iran, Iraq, Sudan, or Syria as a journalist for reporting purposes;
- individuals who traveled to Iran for legitimate business-related purposes following the conclusion of the Joint Comprehensive Plan of Action (July 14, 2015); and
- individuals who have traveled to Iraq for legitimate business-related purposes.

The VWP allows citizens of participating countries to travel to the United States without a visa for stays of 90 days or less. Travelers must be eligible to use the VWP and have a valid Electronic System for Travel Authorization (ESTA) approval prior to travel. ESTA approval is issued by US Customs and Border Protection through the [ESTA portal](#). ESTA will usually inform a traveler within one to two days whether his or her application has been approved, after which the traveler may purchase a plane ticket and travel to the United States.

Beginning January 21, 2016, travelers who currently have valid ESTAs and who have previously indicated that they hold dual nationality with one of the four countries listed above on their ESTA applications will have their current ESTAs revoked. However, it is unclear how government agencies will implement revocations for individuals who have traveled to any of the four countries since March 1, 2011.

Individuals whose ESTAs are being revoked should receive notification that they are no longer eligible to travel under the VWP; however, revocation can occur without notice. All individuals should confirm that their ESTAs remain valid prior to making final travel plans by checking the [US Customs and Border Protection ESTA website](#).

A person whose ESTA is revoked remains eligible to travel to the United States but will first need to obtain a valid nonimmigrant visa issued by a US embassy or consulate. Travelers affected by these new rules should apply for a US nonimmigrant visa well in advance of desired travel to minimize the chance of delays. The visa application process requires every individual traveler to complete an online visa application. Such travelers will be required to appear for an interview and obtain a visa in their passports at a US embassy or consulate before traveling to the United States. Individuals who will require a visa should check the [website of the US embassy](#) in their country of residence for instructions on how to apply for the visa. Visa processing times range from as little as one week to several weeks for an appointment, depending on the specific embassy or consular office.

Canadian citizens are visa exempt and are not participants in the VWP; thus, the new restrictions do not apply to Canadian citizens who have dual nationality in one of the specified countries.

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