

GAO Highlights

Highlights of [GAO-16-498](#), a report to congressional requesters

Why GAO Did This Study

The Visa Waiver Program allows nationals from the 38 VWP countries to travel to the United States for tourism or business for up to 90 days without a visa. To help prevent terrorists and others who present a threat from travelling to the United States, DHS requires VWP countries to, among other things, enter into information-sharing agreements with the United States. In addition, U.S. law requires DHS to evaluate, at least once every 2 years, the effect of each VWP country's participation on U.S. law enforcement, security, and immigration enforcement interests; determine whether the country should continue in the program; and report on its determination to Congress.

GAO was asked to review the VWP. In this report, GAO examines the extent to which VWP countries have implemented the required agreements. GAO also examines the extent to which DHS evaluated VWP countries and reported to Congress as required. GAO reviewed documents related to the VWP, including a sample of DHS reports. In addition, GAO interviewed U.S. officials in Washington, D.C., and U.S. and foreign officials in four VWP countries selected on the basis of factors such as high estimated numbers of foreign terrorist fighters. This is a public version of a classified report GAO issued in January 2016.

What GAO Recommends

DHS should (1) specify time frames for working with VWP countries on the requirement to implement information-sharing agreements and (2) take steps to improve its timeliness in reporting to Congress on whether VWP countries should continue in the program. DHS concurred with the recommendations.

View [GAO-16-498](#). For more information, contact Michael J. Courts at (202) 512-8980 or courtsm@gao.gov

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VISA WAIVER PROGRAM

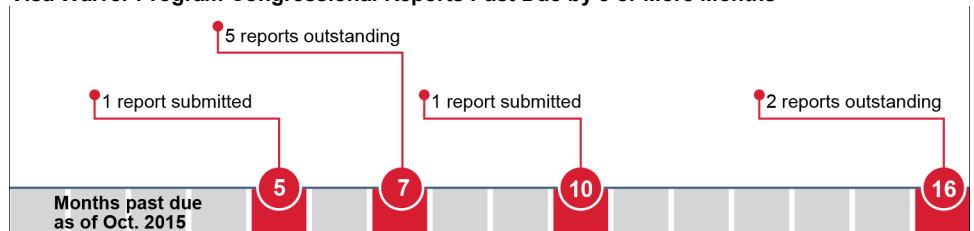
DHS Should Take Steps to Ensure Timeliness of Information Needed to Protect U.S. National Security

What GAO Found

All 38 countries participating in the Visa Waiver Program (VWP) have entered into required agreements, or their equivalents, to (1) report lost and stolen passports, (2) share identity information about known or suspected terrorists, and (3) share criminal history information. However, not all countries have shared information through the agreements. The Department of Homeland Security (DHS) reported that all VWP countries have reported passport information through the first agreement, but more than a third of VWP countries are not sharing terrorist identity information through the second agreement and more than a third of the countries have not yet shared criminal history information through the third agreement. While VWP countries may share information through other means, U.S. agency officials told GAO that information sharing through the agreements is essential for national security. In August 2015, DHS decided to require VWP countries to implement agreements to share terrorist identity and criminal history information; previously, VWP countries were required to enter into, but not to implement, these agreements. However, contrary to standard program management practices, DHS did not establish time frames for instituting the amended requirements. In December 2015, Congress passed a law requiring that VWP countries fully implement information-sharing agreements in order to participate in the program. Time frames for working with VWP countries to implement their agreements could help DHS enforce U.S. legal requirements and could strengthen DHS's ability to protect the United States and its citizens.

GAO's analysis of a nongeneralizable sample of 12 internal DHS reports, each evaluating one VWP country, found the reports assessed the effects of the countries' participation on U.S. law enforcement, security, and immigration enforcement interests, as required by U.S. law. Since 2011, when GAO last reviewed the VWP, DHS has improved its timeliness in reporting to Congress at least once every 2 years its determinations of whether countries should continue in the program. Nonetheless, as of October 31, 2015, GAO found that about a quarter of DHS's most recent VWP congressional reports were submitted, or remained outstanding, 5 or more months past the statutory deadlines (see figure). As a result, Congress may lack timely information needed to conduct oversight of the VWP and assess whether further modifications are necessary to prevent terrorists from exploiting the program.

Visa Waiver Program Congressional Reports Past Due by 5 or More Months



Source: GAO analysis of Department of Homeland Security data. | GAO-16-498