



EMAIL BULLETIN

VISA WAIVER PROGRAM TRAVELERS MUST PRESENT PASSPORTS WITH DIGITAL PHOTOGRAPHS

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As previously reported in Tindall & Foster Email Bulletins, as of October 26, 2005, Visa Waiver Program countries have been required to issue passports with digital photographs in order for their nationals to enter the U.S. by merely presenting their passports.

Travelers from qualifying countries presenting a passport issued prior to October 26, 2005 may continue to use the passport to enter the United States without a visa so long as the passport is machine-readable. Travelers with passports issued on or after October 26, 2005, however, must present passports with a digital photograph. Individuals with passports issued on or after October 26, 2005, and whose passports do not bear a digital photograph, will be required to obtain a visa for entry into the United States.

As a reminder, the following countries are currently eligible for continued participation in the Visa Waiver Program: 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, and the United Kingdom.

The Department of Homeland Security notes that most Visa Waiver Program countries currently issue passports with digital photographs in compliance with the new requirement. However, Austria does not expect to begin issuing passports with digital photographs until the summer of next year. Austrians traveling after October 26, 2005 should plan to obtain a visa for entry into the United States for business or leisure. Additionally, certain municipalities in France and Italy are expected to experience a delay in implementation of digital photograph capability, meaning that some passport applicants may receive passports issued on or after October 26, 2005 which do not bear a digital photograph. Holders of these "less secure" passports must apply for visas at the appropriate U.S. Consulate prior to entering the United States, even when traveling for business or leisure.

Should you have questions regarding an individual's qualification for continued visa-free travel following the implementation of the digital photograph requirement, please contact your Tindall & Foster immigration attorney. Your Tindall & Foster immigration attorney will also be able to assist you with assessment of the anticipated activities and their propriety for business visitor travel.