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Immigration **ALERT**



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## ESTA Deadline, Visa Waiver Expansion and Extension of NAFTA Professionals Admission Period

### ESTA

This is a reminder that the Electronic System for Travel Authorization (ESTA) Program will become mandatory on January 12, 2009. The ESTA Program is an automated system to determine the eligibility of visitors traveling to the United States under the Visa Waiver Program (VWP) and whether such travel poses any law enforcement or security risk. Travelers to the United States under the VWP will need to apply for authorization prior to their journey. DHS has recently published [instructions](#) for ESTA in Danish, Dutch, Finnish, French, German, Icelandic, Italian, Japanese, Norwegian, Portuguese, Slovene, Spanish and Swedish. For additional analysis regarding ESTA see our previous [Alert](#).

### Expansion of Visa Waiver Program

In a related development, President Bush announced on October 17, 2008 that the VWP is being expanded to include visiting nationals from the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Slovakia and South Korea. At this time, a regulation has yet to be published but the President announced that the changes should take effect in approximately one month. The President also mentioned the "visa waiver road map" process whereby Bulgaria, Cyprus, Greece, Malta, Poland and Romania are working towards VWP participation in the future.

The VWP currently enables eligible nationals of VWP countries to travel to the United States for business or pleasure for 90 days or fewer without obtaining a visa. The following countries currently participate in the VWP:

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### **Period of Admission Extended for NAFTA Professionals from Canada and Mexico**

US Citizenship and Immigration Services (USCIS) has issued a rule increasing the maximum period of time a Trade-NAFTA (TN) professional worker from Canada or Mexico may remain in the United States before seeking readmission or obtaining an extension of stay. **This final rule changes the initial period of admission for TN workers from one to three years.** Eligible TN nonimmigrants may now be allowed to receive extensions of stay in increments of up to three years instead of the prior maximum period of stay of one year.

TN classification is available to qualified citizens of Canada and Mexico who seek temporary admission to the United States to engage in professional employment in specific occupations set forth in NAFTA. The spouses and unmarried children of TN nonimmigrants may be granted TD nonimmigrant status, but are not permitted to work in the United States. There is no specific limit on the number of admissions or extensions of stay a TN nonimmigrant may request provided they continue to engage in TN business activities and properly maintain their nonimmigrant status.

For more information regarding the above, please contact your principal Squire Sanders lawyer or one of the individuals listed in the Alert.

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The contents of this update are not intended to serve as legal advice related to individual situations or as legal opinions concerning such situations. Counsel should be consulted for legal planning and advice.

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