



U.S. Customs and
Border Protection

IPP:BZ

October 21, 2004

MEMORANDUM FOR: DIRECTORS, FIELD OPERATIONS
DIRECTOR, PRECLEARANCE

FROM: Acting Executive Director
Immigration Policy and Programs

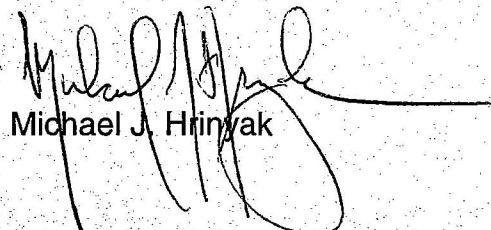
SUBJECT: Machine-Readable Passport Requirement for Visa Waiver
Program Applicants for Admission

On or after October 26, 2004, applicants for admission to the United States under the Visa Waiver Program (VWP) will be required to present a machine-readable passport (MRP), or have a nonimmigrant visa in their passport. Travelers who cannot comply with this requirement will be considered, on a case-by-case basis, for a one-time parole into the United States for a period of up to 90 days.

Section 217(g) of the Immigration and Nationality Act (INA) states that if an alien is deemed to be inadmissible under the VWP, he or she will be required to have a nonimmigrant visa before returning to the United States.

Under normal circumstances, an alien who is found to be inadmissible under the VWP would be ineligible as a VWP applicant in the future. However, an alien who arrives on or after October 26, 2004, and applies for admission under the VWP without an MRP *the first time* and is granted a one-time parole, will not be considered to have violated the terms of the VWP under 217(g) INA. If the alien returns to the United States with an MRP, he or she will be considered admissible under the VWP if otherwise admissible. This policy is consistent with recent guidance relating to the expansive exercise of discretion for aliens who do not pose a terrorist threat, criminal threat, or a threat of contributing to the illegal population of the United States.

Should you have any questions or require additional information, please contact Michael Hrinjak, Acting Executive Director, Immigration Policy and Programs or Beverly Zaslow, Program Officer, Customs and Border Protection, at (202) 344-1220.


Michael J. Hrinjak