

# Mobility: Immigration alert

October 2023

## United States

U.S. Department of Homeland Security announces commencement of visa-free travel for Israelis

### Executive summary

On 19 October 2023, the U.S. Department of Homeland Security ("DHS") announced that Israeli citizens and nationals can now apply to travel to the United States without a visitor visa through the Electronic System for Travel Authorization ("ESTA"). This follows the announcement on 26 September that Israel had been designated into the U.S. Visa Waiver Program ("VWP"), joining 40 other countries whose citizens and nationals can travel to the United States for up to 90 days for business or tourism without first obtaining a B-1/B-2 nonimmigrant visa, once approved through ESTA.

### Background and analysis

The Secretaries of DHS and the Department of State ("DOS") issued a joint announcement last month that Israel had been designated for participation in the VWP. ESTA was originally scheduled to open to eligible Israeli citizens and nationals beginning on 30 November.

However, the U.S. Embassy in Jerusalem subsequently announced that visa services would be suspended both at the Embassy and the Embassy Branch Office in Tel Aviv. This development resulted in calls for the Biden Administration to hasten Israel's entry into the VWP, which is now in effect.

### What this means

Eligible citizens and nationals of Israel can apply for authorization to travel to the United States through ESTA. This requires that the traveler be in possession of a biometrically enabled passport book. Processing of ESTA applications may take up to 72 hours. Once approved, this authorization is generally valid for two years.

Even after obtaining ESTA approval, travelers must demonstrate to U.S. Customs and Border Protection officials that they intend to return to their home country at the end of their stay. Further, once in the U.S., VWP participants cannot seek an extension of their stay or a change to another nonimmigrant status, with very limited exceptions.

Israelis already in possession of valid B-1/B-2 visas may continue to use them as they have in the past. The B-1/B-2 permits a stay in the U.S. for up to six (6) months and may permit an extension or change of status thereafter, provided that the traveler can demonstrate eligibility and, in most cases, ties to their home country with an intent to return.

We will continue to monitor and review future developments. For additional information, or if you wish to discuss this further, please contact your EY Law LLP professional.



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EYG no. 009854-23GbI

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