



# Homeland Security

August 31, 2007

The Honorable Franco Frattini  
Vice President  
European Commission  
B-1049 Brussels, Belgium

Dear Vice President Frattini:

Thank you for your June 29, 2007 letter from the Council and Presidency regarding the United States' efforts to modernize the Visa Waiver Program (VWP). Congress recently enacted and the President has signed legislation that will enhance the security of the VWP while enabling additional countries in Europe and elsewhere to be considered for membership. We look forward to continuing to work with individual Roadmap countries (including those in Europe) to implement the new security features and to discuss opportunities to join the program.

The seven new security measures – which initially will apply to VWP aspirants and will be extended to current members beginning in roughly two years – will bring the program out of the Cold War and into the 21<sup>st</sup> Century. We can no longer afford to assume that all citizens of VWP countries represent lesser security threats, and that all citizens of non-VWP countries represent greater threats. Instead, we need a program that screens for risks on a passenger-by-passenger basis. The new legislation will help accomplish just that.

The Department of Homeland Security (DHS) envisions that the Electronic Travel Authorization (ETA) system will collect basic biographic data about passengers who wish to travel to the United States, for example, information that visitors currently provide by completing Form I-94 while onboard United States-bound aircraft. After making a reservation with an airline, a passenger will, in effect, make a reservation with the United States. DHS then will use the data to determine whether travelers pose a security threat, such as by running names against watchlists of known and suspected terrorists.

Australia has operated an ETA system for years, including for passengers traveling to that country from certain European Union Member States. DHS would be encouraged to see the Member States of the EU update their own visa-free travel requirements by adopting an approach similar to the proposed ETA system. The collection, analysis, and exchange of passenger information is a vital counterterrorism tool, and the United States is eager to work together to develop compatible and complementary systems.

Sharing information about lost and stolen passports is another critical counterterrorism initiative. For this reason, the VWP legislation strengthens the existing reporting requirement

in several ways. In addition to reporting on *blank* travel documents that have gone missing, VWP members will be asked to share information about lost and stolen *issued* passports. We also will ask VWP countries to report this information to DHS expeditiously. Alternatively, we would be willing to explore with individual countries the possibility of receiving lost and stolen passport data through Interpol (should Interpol's database prove capable of permitting real-time screening of international travelers at ports of entry) or through other channels.

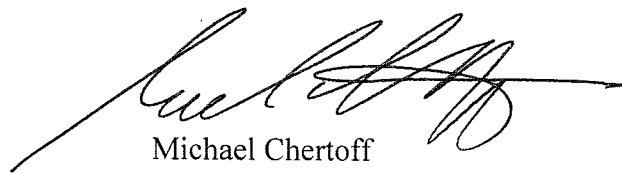
Concerning repatriation, the ease with which a citizen from a VWP country may travel to the United States implies a reciprocal obligation to depart when the term of his or her admission has expired. This is why the legislation asks VWP members to accept all nationals for repatriation soon after they are issued a final order of removal. Because the new statutory timeframe is not necessarily included in standing repatriation agreements, we envision that additional bilateral agreements may be necessary.

DHS is pleased to have already begun discussions of these new security measures with some of the Roadmap countries that will be eligible for admission under the modified program. We also look forward to discussions over the next two years with existing VWP members, many of which have already implemented security measures similar to the new VWP requirements which may ultimately be deemed to satisfy these obligations.

Finally, the new legislation provides that DHS must deploy an exit system before the VWP can be expanded. The exit system must be capable of verifying the departure of 97 percent of visitors who leave the United States by air. Initially, the system would be based on biographic data, such as travelers' names and passport numbers. By June 30, 2009, it would be based on biometric information, such as fingerprints. DHS expects that it will be able to achieve a 97 percent match rate using biographic information within six to twelve months. DHS also expects to meet the 2009 deadline for biometric exit.

We appreciate your letter. An expanded and more secure VWP will advance the common interests of the United States, individual program members, and aspirants alike. I look forward to continuing to work closely with countries that seek VWP designation (including Central and Eastern Europe) to make that vision a reality.

Sincerely,



Michael Chertoff