



Council of the  
European Union

Brussels, 24 September 2024  
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13732/24

LIMITE

VISA 142  
USA 40  
AVIATION 120  
COMIX 391

**NOTE**

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From: General Secretariat of the Council  
To: Delegations  
Subject: US visa requirement for flight crew members  
- Reply by DHS

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Delegations will find in the [Annex](#) a letter by the US Department of Homeland Security sent in reply to the letter of 13 May 2024 by the Council Presidency and the Commission on the issue of the US visa requirement for flight crew members (9364/24).

U.S. Department of Homeland Security  
Washington, DC 20528



**Homeland  
Security**

September 22, 2024

Maja Bakran  
Deputy Director-General of DG MOVE  
European Commission  
Rue J.- A. Demot, 24-28  
Brussels, Belgium

Olivier Onidi  
Deputy Director-General of DG HOME  
European Commission  
Rue du Luxembourg 46 / Luxemburgstraat 46  
Brussels, Belgium

Bálint Ódor  
Chair of the Permanent Representatives Committee  
Council of the EU  
Rue de la Loi/Wetstraat 175  
Brussels, Belgium

Dear Ms. Bakran, Mr. Onidi, and Mr. Ódor:

Thank you for your patience regarding your letter of May 13, 2024, highlighting concerns about the requirement for crewmembers from EU Member States to obtain a visa to work on carriers traveling to the United States. I am responding on behalf of Mr. Paschall, who is in a new role, and including Mr. Ódor vice Mr. van de Voorde to represent the EU Council under the Hungarian Presidency.

DHS understands this is an important issue for the European Union and your air carriers, and we take your concerns seriously. We also appreciate that the volume and ease of transatlantic passenger travel is of great value and benefit to the United States and the European Union.

Following the March 2024 U.S.-EU Justice and Home Affairs Senior Officials meeting, when this issue came to DHS's attention, we worked with the Department of State to understand the reciprocity concerns, and our limitations. DHS also participated in the May 2024 U.S.-EU Joint Committee Meeting, where we explained that the Visa Waiver Program (VWP) did not provide a solution and that existing U.S. exemptions for similarly situated crewmembers from places such as Canada and Bermuda did not apply in the EU context. The issue was also raised during the U.S.-EU Justice and Home Affairs Ministerial in June 2024 where DHS agreed to take a closer look and explore whether DHS authorities and programs, with emphasis on the VWP, could be a vehicle toward a solution.

We have reviewed the matter in earnest but must reaffirm what was prior signaled and note that the VWP does not offer a viable path forward under current law.

- By law, the VWP only covers travel to the United States by visitors for business or pleasure for less than 90 days, i.e., it only covers travelers who would have otherwise applied for B-1 or B-2 visas; the VWP does not waive the visa requirement for other visa classifications. Our laws require crewmembers to apply for visas in the C-1/D classification. Therefore, DHS does not have the authority to permit flight crews to enter under the VWP.
- Further, Canadian and Bermudan crewmembers generally are exempt from the visa requirement, pursuant to a U.S. law separate from the VWP statute that authorizes waiver of the visa requirement for nationals of a foreign contiguous territory or adjacent island. This separate U.S. law does not allow for such a waiver for EU crewmembers.

While DHS authorities do not present a solution to address the core reciprocity concern, I would be remiss not to note that we have separately worked with the Department of State to reduce certain burdens in visa processes, and expect EU crewmembers to benefit from such efforts. For example, since late 2023, EU crewmembers do not generally need to appear for a visa interview or biometrics capture upon renewal of their C-1/D visa. Once EU crewmembers have obtained their first C-1/D nonimmigrant visa, the Department of State may now waive appearances for renewals of the same visa or other classifications for these individuals.

We will continue to consider options in coordination with U.S. interagency counterparts.

Sincerely,

**ADAM M HUNTER**

Digitally signed by ADAM M  
HUNTER  
Date: 2024.09.22 22:11:29 -04'00'

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