

## **Day One of the US-VISIT Program**

January 6, 2004

On Tuesday, January 06, 2004, the Migration Policy Institute welcomed **James Williams**, Director of US-VISIT, **Robert Mocny**, Deputy Director of US-VISIT and **Richard Webster**, Director of Government Affairs for the Travel Industry Association of America (TIA) for a breakfast briefing to mark the implementation of the US's new electronic entry/exit system for foreign visitors, titled the United States Visitor and Immigrant Status Indicator Technology (US-VISIT). **Doris Meissner**, Senior Fellow at MPI and Former Commissioner of the INS, chaired the event.

US-VISIT, originally mandated as a non-biometric entry-exit system under the 1996 Illegal Immigration Reform and Immigrant Responsibility Act, was announced by Department of Homeland Security (DHS) Secretary Ridge in April 2003 as a nationwide border security and enforcement tool integrating biographical and biometric information into a comprehensive electronic database. The acronym was chosen to demonstrate the US's desire to remain a welcoming nation. The program is to be implemented in a series of phases, the first of which became operational on January 5<sup>th</sup>, 2004 at 115 airports and 14 seaports. Initially, it is expected to affect 24 million foreign visitors traveling to the US. As part of the regular customs and immigration inspection, foreign travelers entering the country with a visa are required to have two inkless fingerprints and a digital photograph taken, adding an average of 15 seconds to the process. The information gathered is then checked against federal watchlists of known and suspected terrorists and others convicted of violent offenses. Visitors from the 27 Visa Waiver Countries, Canadian citizens, US citizens, and lawful permanent residents are not affected by the new requirements.

### **James Williams, Director of US-VISIT**

[Click here to see Williams and Mocny's slide presentation](#)

Williams began by outlining the four goals of the new US-VISIT program: 1) to enhance national security; 2) to enhance economic security by expediting legitimate travel and trade; 3) to ensure the integrity of the US immigration system; and 4) to safeguard the personal privacy of visitors to the US. He praised the first phase of implementation, stating that DHS has effectively integrated available watchlist data and made it available to the relevant officials at ports of entry. Williams acknowledged that although on schedule with entry requirements, DHS has yet to establish exit controls. Pilot programs for exit controls are currently taking place in the Miami, Florida seaport and Baltimore-Washington international airport via automated, self-service finger-scanning kiosks. DHS continues to track biographical exit information using the conventional I-94 form and intends, after sampling several systems throughout 2004, to more systematically track biometric exit information as well.

Williams discussed the idea of a virtual border, stressing that by October 2004 visa applicants at all 211 consulates will be required to provide biometric information that would be verified upon entry at a US port of entry. This system will allow for multiple

checks for each individual and will help US consulates make visa issuance decisions. Biometric information will be gathered each time an individual enters the US and verified upon departure. During the pilot program at the Atlanta airport, 21 individuals on the government's watchlist were intercepted as a result of the biometric information gathered from US-VISIT.

**Robert Mocny, Deputy Director of US-VISIT**

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Mocny opened his comments by describing US-VISIT as a comprehensive government program led by DHS and incorporating intelligence, personnel and cooperation from various government agencies such as the Department of State, the Department of Justice and the Department of Commerce, as well as from the intelligence community, the US Coast Guard, state and local law enforcement officials, foreign governments, and many other partners.

He continued by highlighting the subsequent phases of US-VISIT.

- By October 26, 2004, all new passports issued by visa waiver countries, must be machine-readable and contain biometric identifiers.
- By December 31, 2004, US-VISIT will be extended to the 50 highest-volume land ports of entry;
- By December 31, 2005, US-VISIT will be extended to all remaining land ports of entry.
- The final objective of the program is the integration of all port-of-entry passenger information into one interoperable system.

Mocny acknowledged the significant challenges involved in implementing US-VISIT at land ports, but stressed the program's desire to enhance security in accordance with congressional mandate while maintaining and strengthening the facilitation of legitimate travel and trade. Mocny described the department's tentative plan to implement US-VISIT at secondary inspection, rather than at the primary lanes, in order to address concerns regarding backlogs at the border. He pointed out that DHS has worked in partnership with private sector stakeholders and that the agency is soliciting ideas from industry to help develop a long-term vision for tracking foreign visitors. DHS will then "sell" the vision to Congress to gain the resources necessary to comprehensively reform US ports of entry, particularly concentrating on creating "smarter" borders.

According to Mocny, the attacks of September 11 served as an impetus for border management reform. However, foreign visitor entry/exit control has long been on the government's agenda. It is the belief of DHS that US-VISIT will serve as one of a series of critical pieces to help the department achieve a truly comprehensive anti-terrorism system.

**Richard Webster, Director of Government Affairs for the Travel Industry Association of America (TIA)**

Webster noted that he was speaking as a representative of the travel industry, a key stakeholder in the US-VISIT program. He focused his comments on both the advantages of US-VISIT and areas of concern. With regard to positive outcomes of the program, Webster stressed the importance of knowing, for security purposes, who is entering the US. He added that biometrics is the “future” for information gathering and a necessary move for advancing government intelligence systems. Finally, Webster echoed Mocny’s view that US-VISIT, if properly executed, can serve as one of the many ways the US government can protect the country from terrorist threats, though US-VISIT alone cannot protect us from terrorism.

While congratulating the program directors on a relatively smooth first day and expressing general support for the program, he also highlighted some of the challenges ahead, such as inadequately trained inspectors, noting that most such training, at least so far, has been done on-the-job. Although not a new concern, he noted the potential for long delays and inconveniences that will come as a result of the new program, especially during peak travel times. Webster also voiced concern about what he believed to be inadequate outreach to the international traveling community, and noted a lack of clarity on the government’s part about how noncompliance for cultural, religious, or related reasons will be dealt with. Other apprehensions included the current lack of a systematic exit control process, limited resources to deal with interior enforcement of visa overstayers and structural, staffing and financial limitations for implementing US-VISIT at land ports of entry. Webster concluded by stating that the October 26, 2004 deadline for machine-readable and biometrically competent passports from visa waiver countries is not feasible under current conditions and will ultimately act as a barrier for foreign business and travelers. He added that perceived barriers (on the part of the traveling public) were as important as real barriers in terms of making decisions about whether or not to travel to the US since 2/3 of overseas travel to the US is from visa-waiver countries. Average annual visitor spending in the US has declined by \$15 billion per year since September 2001.

### **Question/Answer Session**

In response to several questions related to visitors from visa waiver countries and the seemingly unattainable October deadline for more secure documents from those countries, Mocny stressed that today was only the first of several steps the department is taking to implement US-VISIT. He recognized that many challenges lie ahead regarding the requirements for countries in the visa waiver program and stated that there is currently an inter-agency group looking at the details and possible outcomes of these new regulations, so as to minimize the effects of those countries unable to comply. He alluded to the possibility of requesting provisions for waivers under the law (currently not present) and the reevaluation of certain countries’ visa waiver determination. Mocny asserted that being a visa waiver country implies a certain level of trust both for citizens to uphold the law and for governments to comply with security requests. In the effort to document all visitors entering and exiting the US, those entering from non-visa waiver countries is the most imminent priority.

Another question referred to Brazil's response to US-VISIT by requesting similar biometric identification of American travelers. Williams indicated that many countries are enhancing document security and foreign entry information in an effort to strengthen national security. He expressed his hope that Brazil's actions are proactive and not in retaliation for US requirements. In addition, participants expressed concerns regarding the lack of an exit process in most locations and proof regarding use of a kiosk to prevent against the impacts of technological problems.

One participant questioned the integrity of the data used by immigration officials from the various watchlists, voicing the fear that foreign travelers could be falsely identified as terrorists as a result of misspellings or incorrect biographical information. Williams asserted that data accuracy is significantly increased with the use of biometric identifiers. A one percent false positives rate is US-VISIT's operational goal. The department aims to have a consolidated biographical watchlist by May 2004.

Another question was raised about what might happen if a terrorist on whom there was no prior intelligence were to enter through US-VISIT. It was acknowledged that US-VISIT could not accommodate this situation, but rather that the government's goal is for US-VISIT to be only one part of a comprehensive, multi-faceted national security system aimed at reducing the threat of terrorism.

In concluding remarks, the panelists stressed that the US government will continue to work with the private sector, international actors and the traveling public to develop and refine US-VISIT's capability as both an immigration enforcement tool and as an anti-terrorism tool. It was stressed, however, that intelligence issues and immigration issues are not one and the same and should not be treated as such. It is the hope that through US-VISIT, the US government will create a comprehensive and adaptive border management process that is proactive rather than reactive.