

## 2013 JOLT Legislation Section-by-Section

### **Premium Visa Processing**

Currently, many spontaneous travelers are not able to travel to the United States because of wait times for visa interviews, but under some circumstances the State Department will try to accommodate them within existing interview schedules. However, this expedited service is provided without any extra fee. Just as the State Department charges an extra fee to expedite the processing of a U.S. passport and USCIS charges an extra fee to expedite the processing of an immigration application, the State Department should consider charging an extra fee to expedite the processing of a nonimmigrant visa. This section would require the Secretary of State to develop a pilot program for “premium processing” of travel visas. Under premium processing, a traveler’s application for a visa will be reviewed and processed utilizing the same approval criteria but on an expedited basis unless compelling security concerns exist. This section would authorize the State Department to charge a fee sufficient to recover the costs of premium processing and to recover costs of increasing the number of consulates in locations advantageous to foreign policy objectives or in highly populated locales. (S.3199/H.R.5741 Sec. 2, 112<sup>th</sup> Congress)

### **Encouraging Canadian Tourism to the United States**

Under current law Canadian citizens are not permitted to remain in the United States for longer than 180 days without going through the arduous visa process. If they could stay legally, many Canadians would remain in the U.S. for a longer period of time to take advantage of the warmer climate and for other reasons. In addition, Canadians who currently return to Canada after spending 180 days within a 12-month period in the U.S. are unable to take day-trips across the border to northern-border-states in America.

This section would allow Canadians to stay in the U.S. for at most 240 days per year who: (1) are over age 50 (with derivative benefits to a spouse); (2) can show that they own a residence in the United States or have purchased rental or hotel accommodations in the United States for the duration of their stay; and (3) are not otherwise inadmissible. These Canadians would not be permitted to have work authorization or access to any government benefits. This provision would spur Canadian consumption and investment in the United States. (S.3199/H.R.5741 Sec. 3, 112<sup>th</sup> Congress)

### **Visa Wait Time Information**

Travel to the United States varies by season, and visa interview wait times are typically longer during the summer months and shorter during the winter months. For people that may wish to visit the U.S., longer wait times during the busy season often are cited as a reason for choosing a different destination. This potential loss of vacation or business travel dollars hurts the American economy and job creation derived from travel. In an effort to encourage applicants to apply for visas when demand is at its lowest, this provision directs the Secretary of State to make publicly available the visa appointment availability during low peak periods. This information would allow applicants, or those facilitating visa applications, to identify periods of low demand to submit their applications. (S.3199/H.R.5741 Sec. 4, 112<sup>th</sup> Congress)

### **Visa Waiver Program Enhanced Security and Reform**

Currently, a number of close U.S. allies and partners—including Poland, Israel, Chile, and Brazil—are not members of the U.S. Visa Waiver Program (VWP). The VWP enables citizens of participating countries to securely travel to the U.S. for short-term business or tourism purposes without having to go through the lengthy and complicated visa application process. There are powerful security and economic rationales for expanding the VWP to qualified countries.

This section would amend the Immigration and Nationality Act regarding the VWP to: (1) update eligibility criteria to require applicant countries to have both a visa overstay rate and a visa refusal rate of not more than 3%; (2) reinstate the Secretary of Homeland Security's authority to waive the 3% visa refusal rate requirement, up to a maximum of 10%, if a country meets all other VWP requirements; (3) revise probation and termination provisions; and (4) direct the Comptroller General to review the Secretary of Homeland Security's methods for tracking aliens entering and exiting the United States and for detecting visa overstays.

These revisions would provide a more objective and standardized basis for adding countries to the VWP—which will help spur foreign travel and create jobs without compromising security. However, this section does not guarantee any country the right to enter the VWP. An applicant country must demonstrate compliance with a host of security and other measures including secure travel documents, watchlist sharing, accepting repatriated aliens, and law enforcement cooperation. (S.3199/H.R.5741 Sec. 5, 112<sup>th</sup> Congress and H.R. 490/S.223, 113<sup>th</sup> Congress)

### **Oversight of Visa Processing**

This section would set goals for visa processing that state that, upon enactment, 90 percent of all visa interviews should be conducted within 10 business days of requesting an appointment. There are exceptions to these processing time goals for security reasons and for national emergencies. With a statutory commitment to faster visa processing worldwide, a climate of certainty would be created for future personal and business travelers, thus ensuring increased and sustained demand for travel to the United States. Meeting this requirement would represent small but meaningful improvements by State versus their current processing standards. In addition, the State Department would be required to submit annual reports to Congress that detail their strategic plans to meet visa demand in high growth countries. (Modified Language S.3199/H.R.5741 Sec. 7, 112<sup>th</sup> Congress)

### **Visa Interviews**

Due to the lack of access to a U.S. consulate in geographically-larger countries, the in-person interview requirement remains a major hurdle for many potential visitors in high demand markets. In order to reduce deterrents for potential visitors, the U.S. should use technology to minimize the burden of traveling to obtain an in-person interview. This section would amend the definition of an in-person interview and require State to complete a 2 year pilot program to conduct visa interviews via secure videoconferencing. (New Language)

### **Global Entry Expansion**

U.S. Customs and Border Protection's (CBP) Global Entry program is a voluntary expedited clearance program that allows pre-approved, low-risk international travelers the ability to bypass the traditional CBP inspection process and utilize automated kiosks upon entry. Taking "trusted travelers" out of the normal customs inspection lines reduces wait times and allows CBP to focus their limited resources on the unknown individuals. In order to fully realize the benefits of Global Entry, the program will need to continue both domestic and international expansion. To encourage further growth, this section encourages State and DHS to coordinate the visa and Global Entry application and interview processes for eligible travelers. (New Language)