

REALIZING THE RICE-CHERTOFF VISION: A NATIONAL-INTEREST-BASED VISA POLICY FOR THE UNITED STATES

Our nation's ability to build and sustain strong diplomatic, academic, business, and cultural ties with other countries—ties critical to our leadership, security, and competitiveness—relies heavily on people's ability to travel to the United States. Without a system in place to ensure this essential flow, the United States risks losing its status as the destination of choice for the best and brightest in academia, business, and science. Yet, despite improvements in the visa process, travel to the United States remains unnecessarily challenging. The time has come for more fundamental reforms—reforms that address legitimate security concerns *and* keep our nation a welcoming nation. The United States needs a visa policy that keeps us safe, prosperous, and free. Our organizations have come together to urge Congress and the Executive Branch to take the following actions:

CONGRESS MUST:

Restore to the Secretary of State the authority to grant U.S. consulates discretion to waive the personal interview requirement based on risk assessment.

In 2004, Congress unwisely wrote into law temporary State Department guidance requiring consular posts to conduct personal interviews of virtually all nonimmigrant visa applicants. In most cases these interviews add little security, and actually make us less safe as officers rush to complete interviews and are not focusing their time and efforts on truly suspicious travelers. The expense, inconvenience, and long wait times for

personal interviews are among the most frequently cited factors that make travel to the United States unpopular, particularly in large, high-demand countries. Available technology and sophisticated risk-assessment techniques make interviews unnecessary in many cases. Congress should restore to the Secretary of State the authority to grant U.S. consulates discretion to waive the personal interview requirement, subject to State-DHS guidance, and according to plans submitted by each consulate for State Department approval.

Strengthen and expand the Visa Waiver Program.

The Visa Waiver Program allows most visitors from 27 countries who carry a valid passport to enter the United States without a visa for up to 90 days. Participating countries must meet strict eligibility standards based on U.S. diplomatic, immigration-enforcement, and national security interests. In recent years, about one-half of all nonimmigrant admissions to the United States have been VWP travelers. VWP has become a vital mechanism for facilitating legitimate travel, establishing strong diplomatic ties, sustaining economic growth, and enhancing our nation's security. This successful program should be strengthened and expanded in a manner that enhances security and increases opportunities for travel between the United States and its friends and allies.

Exercise vigorous oversight of Executive Branch implementation of the Rice-Chertoff vision, especially the recommendations listed in the following section.

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THE EXECUTIVE BRANCH MUST:

Articulate a clear, operational visa policy that fully realizes the Rice-Chertoff vision.

Despite the 2003 State-DHS memorandum of understanding on visa processing, and the 2006 joint-vision statement by Secretaries Rice and Chertoff, relationships between the two departments remain plagued by serious disconnects, which severely affect travel. More important, the very positive vision articulated by the secretaries—truly balancing security and openness—has not been achieved at the operational level, where that balance must be forged. In this operational policy vacuum, law enforcement authorities have an effective veto, and the essential balance is lost. The agencies must:

- Develop and implement a comprehensive human capital workforce plan for the appropriate selection, training, and supervision of all those whose contact with the public impacts America's image abroad, including consular, immigration, and customs officers.
- Implement plans to elevate DHS's assistant secretary for policy to an undersecretary, and fully staff the Office of Policy, to provide strong leadership to the former Immigration and Naturalization Service.
- Issue strong operational guidance to all consular posts to eliminate inconsistencies in visa processing, and hold posts accountable through regular reviews.
- Recognize that the conduct of visa policy and the treatment of international visitors at ports of entry *is* public diplomacy, and ensure that these procedures support our public diplomacy goals.

Improve efficiency, transparency, and reliability in the visa process.

We give the State Department credit for adding 570 new consular officers since 9/11, increasing the use of electronic visa processing, improving consular training, enhancing the information available to visa applicants, creatively adjusting its procedures to cope with an enormous workload, and cutting down the time required for security clearances for scientists. Yet more can and should be done, specifically:

- Establish a "Trusted Traveler" program to expedite approval for all frequent travelers willing to submit to extensive background checks in advance, and who have a prior history of visa approval.
- Implement a fully electronic ("paperless") application process to allow consulates to undertake necessary additional screening prior to the interview.
- Further improve the security clearance process for scientists to reduce the overall visa processing time to no more than 30 days. Establish a special review process to resolve applications that take longer than 45 days to process.
- Enhance consular resources to respond better to shifts in visa demand.
- Restore domestic visa-revalidation procedures that were available to non-immigrants with employment-based visas before 2004.
- Develop an efficient system for providing social security numbers at the port of entry for those visitors eligible to work, as is already done for immigrants.