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## Revisiting US-VISIT

U.S. Immigration Processes,  
Concerns, and Consequences

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The research described in this report results from the RAND Corporation's continuing program of self-initiated research. Support for such research is provided, in part, by donors and by the independent research development provisions of RAND's contracts for the operation of its U.S. Department of Defense federally funded research and development centers. This research was conducted within RAND Infrastructure, Safety, and Environment (ISE), a unit of the RAND Corporation.

#### Library of Congress Cataloging-in-Publication Data

Revisiting US-VISIT : U.S. immigration processes, concerns, and consequences / David S. Ortiz ... [et al.].

p. cm. — (Occasional paper ; OP-140)

Includes bibliographical references.

ISBN 0-8330-3912-1 (pbk. : alk. paper)

1. United States—Emigration and immigration—Government policy. 2. France—Emigration and immigration—Government policy. 3. Visas—Government policy—United States. 4. Visas—Government policy—France. 5. Terrorism—United States—Prevention. 6. Terrorism—France—Prevention. I. Ortiz, David (David Santana) II. Series: Occasional paper (Rand Corporation) ; OP-140.

JV6483.R472 2006

325.73—dc22

2006001872

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Published 2006 by the RAND Corporation

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## Summary

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In January 2004, the U.S. Department of Homeland Security (DHS) inaugurated a new system for the tracking of foreign visitors at ports of entry to the United States: the United States Visitor and Immigrant Status Indicator Technology (US-VISIT) program. The rollout occurred at 115 air and 14 sea ports of entry. Visitors with nonimmigrant visas found that to gain entry to the United States, they needed to submit to a photograph and a fingerprint scan. DHS claims that the photograph and fingerprint add only a few seconds to the inspection time for each visitor but give DHS the opportunity to verify identity and to compare the applicant against text-based and biometric watch lists maintained by law enforcement agencies. Furthermore, the U.S. Department of State's new visa procedures require all visitors needing a visa to apply in person for the travel document, at which time a digital photograph and fingerprints are collected and incorporated into the US-VISIT system. The US-VISIT requirements were extended to visitors from the 27 Visa Waiver Program (VWP) countries in October 2004. To remain eligible to enter the United States under the VWP, travelers from these countries must possess a passport containing a digital photograph if that passport was issued after October 26, 2005. The system has also been implemented at the 50 busiest land ports of entry. Exit kiosks are being installed at ports so that visitors can record their exit from the United States.

Fundamentally, US-VISIT is an electronic system for verifying a traveler's identity and ensuring that the traveler is not sought by a law enforcement agency. Congress mandated that the U.S. Immigration and Naturalization Service develop a system for monitoring visitor access to the United States in 1996. Congress subsequently deferred the program's implementation from October 15, 1998, to March 30, 2001, fearing increased congestion at U.S. border crossings (U.S. Department of Homeland Security, 2005). However, the attacks of September 11, 2001, provided a motivation for development and implementation. Now, DHS entities U.S. Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), and U.S. Immigration and Customs Enforcement (ICE) maintain and operate the US-VISIT system. The US-VISIT system consists of user terminals, databases, and communication links that allow a CBP inspector to collect a visitor's biographic and biometric information and compare it against criminal watch lists, lists of foreign students, and accepted and rejected visa holders. US-VISIT is being implemented in four increments, with the first initiated in January 2004, and the final configuration of the system available near the end of the decade. Proper operation requires the coordination of the component databases, each of which is monitored

by a different government agency, and the maintenance of the communication links among the subsystems. Because US-VISIT data are personal and sensitive, care is required to maintain personal privacy and security.

In the mid-1980s, when France was the victim of a series of terrorist attacks, it tightened its immigration and visitor controls by means of the “Pasqua Laws.” Visa requirements were imposed on all visitors from countries other than those of the then–European Community, and Liechtenstein, Monaco, Andorra, and Switzerland. The European Community convened meetings on appropriate responses to terrorism, including increased airport security. Affected nations, including the United States, reacted negatively to the new requirements, processes, and procedures for obtaining a visa. Within France, there were complaints of program mismanagement and warnings of deleterious effects on travel and trade. There are many parallels between France’s actions in 1986 and U.S. actions today in response to terrorist attacks. Imposition of a visa requirement in France seems to have had no long-term negative economic impact on trade and tourism; the visa requirement led to an initial drop in immigration that persisted for several years. The international community seems to have understood that a trade-off can be made between free access and national security. Similar drops may be less desirable in the United States, particularly for seasonal workers and students. The effects of the French visa requirements were felt in the context of a larger, intentionally restrictive immigration policy; US-VISIT’s effects must be viewed in the same larger context, with reasoned consideration of what the United States would like to accomplish through regulation of immigration and border controls.

These lessons, coupled with a detailed view of the workings of US-VISIT, enable us to identify key policy questions that should be discussed as the system is implemented, and expanded throughout the decade. These questions include the following:

- How can database and communication links be made reliable and available?
- How can the user interface be designed to speed processing and minimize human error?
- How can the design of US-VISIT ensure privacy and incorporate fair information practices, including limitations on the government’s ability to collect and disclose data inappropriately, guarantees of security, and opportunities for stakeholders—including the foreign visitors themselves—to petition for redress and correction of the data?
- How can US-VISIT guarantee proper coordination among the disparate government agencies that control data used by US-VISIT to segregate legitimate travelers (such as students, tourists, and business visitors) from criminals?
- How can US-VISIT and related processes, such as Department of State consular services, be monitored so that the United States can minimize their effects on legitimate travel, trade, and tourism?

These policy issues in particular, and our analysis in general, suggest several targets of future inquiry.

1. US-VISIT is a complicated technological and interagency-implemented system that will affect all visitors to the United States. An independent analysis of US-VISIT com-

ponents and processes from a systems engineering standpoint would help to set standards for system operation and maintenance to ensure seamless coordination among databases and systems.

2. US-VISIT collects personal information from foreign travelers. Many countries, in particular those of the European Union, have far more stringent regulations regarding the collection and use of personal data. An analysis of the extent to which US-VISIT complies with these laws would aid the United States in promoting the system abroad. Additionally, cultural considerations regarding the collection of photographs and fingerprints should be addressed.
3. US-VISIT monitors only legal visitors to the United States. It is imperative that DHS quantify the costs and benefits of US-VISIT in the broader context of overall border control.
4. Proponents and critics of US-VISIT should be patient in evaluating the system. A lesson from France's immigration policy changes is that the initial shock of the policies had short-term effects, but tourism and trade recovered over time.