

U.S. Visa Policy: Securing Borders and Opening Doors

The U.S. Department of State's Bureau of Consular Affairs is responsible for protecting the lives and interests of U.S. citizens overseas and for making lawful and conscientious judgments about applications for passports for U.S. citizens as well as visa applications for visitors and immigrants. Unquestionably, it is the department's responsibility to decide whether or not to grant immigrant and nonimmigrant visas that places it squarely at the forefront of the global war on terror.

Although the department's role in protecting U.S. border security is most directly and tangibly illustrated through its visa and passport responsibilities, its other functions also contribute directly to U.S. national security. First and foremost, the department is dedicated to serving U.S. citizens overseas and does so by providing what are essentially "cradle to grave" services, from certifying births to assisting family members after a loved one's death and offering U.S. citizens support in times of trouble or tragedy, natural disaster, and political unrest. The department also helps unite Americans with their family members from other nations and link U.S. employers with qualified employees. In 2004 the department welcomed almost 600,000 legal immigrants to the United States through family- and employment-based immigration programs and the Diversity Visa Immigrant Program. This figure includes 23,000 foreign-born children who were adopted by U.S. families with the department's assistance.

The United States, and indeed the world, changed irrevocably on September 11 when citizens from more than 90 countries lost their lives. The openness to visitors on which the United States was founded was tested as never before, but the department never lost sight of the importance of maintaining a balanced border security program. Initially, the department's focus

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was understandably on creating, as quickly as possible, the most formidable shield it could against external security threats. Over the past 18 months, however, the department has devoted increased attention to countering misperceptions that some of the procedures designed to heighten security for U.S. citizens and visitors alike are impediments to legitimate travelers. The department has turned a corner and is now providing visa services in an efficient and predictable manner. Additional time and experience have also allowed the department further to evaluate some of the visa procedures put in place in the immediate aftermath of September 11 and to pursue refinements as necessary.

The First Line of Defense

Approximately 7,800 consular employees work in 211 embassies and consulates overseas, as well as domestically in the State Department, 16 passport agencies, and 2 regional visa processing centers. They often perform their responsibilities in the face of hardship or even peril—as the December 6, 2004, terrorist attack at the U.S. consulate in Jeddah, Saudi Arabia, that killed five consulate employees illustrated so painfully. What sustains these public servants under difficult conditions is the goal of defending the United States far beyond its physical borders by preventing terrorists, transnational criminals, or others who would do the country harm from reaching the United States.

In fact, following the first attack on the World Trade Center in 1993, the department developed additional safeguards to the visa process to protect against this growing threat to our homeland. The technology to produce tamper-resistant, machine-readable visas was deployed to every embassy and consulate that processes visa applications. The department created the Consular Lookout and Support System (CLASS), which is used by passport agencies, embassies, consulates, and border inspection officials to perform name checks of visa and passport applicants in support of the adjudication and border entry processes. In addition, the department developed the U.S. government's only terrorist information system, which was subsequently used as the foundation of our government's current terrorist watch list.

From September 11 to the present, the department has undertaken a comprehensive review of all consular procedures. It has reviewed passport adjudication requirements to ensure that U.S. passports are kept out of the wrong hands. A U.S. passport, among the most valuable documents on the planet, can be sold on the black market for \$10,000–\$20,000 or even more. During the last fiscal year, the department issued 8.8 million passports. By improving its security features and the adjudicatory process to determine

who is entitled to possess a U.S. passport, the department safeguards the use of the world's premier travel and identity document. To this end, the department recently completed a total redesign of the passport to include biometric technology and other augmented security features that will make it even more difficult to produce a counterfeit or for imposters to use.

Nowhere has the Bureau of Consular Affairs been more vigilant than with regard to visas. The list of changes and improvements to visa procedures alone runs some 11 pages long. Among the many steps taken, the department strengthened internal controls and disseminated to the field more than 75 standard operating procedures that ensure that embassies and consulates worldwide implement procedures consistently. The department developed and deployed a new, tamper-resistant "Lincoln" visa that is more secure than ever before. System changes allow for more efficient exchange of information with law enforcement and other officials. Consular officials now collect much more information about each visa applicant, and the bureau's visa information database also automatically cross checks new, derogatory information against records of previously issued visas.

Legislation passed in the wake of the September 11 attacks has also had a tremendous impact on consular operations. The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorists Act of 2001, better known as the USA PATRIOT Act, included a number of provisions that relate directly to consular affairs, including significantly enhanced information sharing among U.S. government agencies. The State Department relies on access to information developed by intelligence and law enforcement officials about suspected terrorists and others of ill intent in order to make decisions about who is eligible to receive a U.S. visa. The Enhanced Border Security and Visa Entry Reform Act (May 2002) requires, for example, that applicants from countries designated as state sponsors of terrorism be subject to an interagency review and a determination be made that the applicant does not represent a threat to U.S. national security before a visa can be issued. This legislation also tightens documentary requirements for participation in the Visa Waiver Program, which allows citizens of 27 nations to visit the United States for up to 90 days without first obtaining a visa. The Homeland Security Act (November 2002) established a new framework for the formation and implementation of visa policy and has fostered enhanced cooperation between the State Department and the Department of Homeland Security. The department also

Security must always be the first priority, but legitimate access should not be impeded.

worked closely with the 9/11 Commission and takes seriously the recommendations included in the commission's report as well as the subsequent staff monograph that focuses on travel by terrorists.¹

Secure Borders and Open Doors

The United States is a country of immigrants and has always welcomed visitors from all nations. In September 2004, Secretary of State Colin L. Powell stated that "[w]e touch every nation and in return we are touched by every nation in the world. We are a country that has embraced foreign visitors since our earliest days. This openness has enriched our democracy, our culture, and our economy. At the same time, we must take effective measures to secure our borders and protect our citizens and our visitors."² Although security must always be the first priority, the Bureau of Consular Affairs works every day to see that access to the country is not impeded for those whose presence is encouraged and valued.

It is the State Department's fundamental commitment to protecting the openness of the United States that provides the foundation of its approach to border security and immigration. In fact, the opening language of a memorandum of understanding between the State Department and the Department of Homeland Security not only describes how these two agencies intend to collaborate on visa matters but also clearly illustrates appreciation of U.S. national security interests in the broadest sense: "The Secretary of State and the Secretary of Homeland Security will work cooperatively to create and maintain an effective, efficient visa process that secures America's borders from external threats and ensures that our borders remain open to legitimate travel to the United States. Such travel is important to our international, economic, and national values and interests."³

Safeguarding national security and keeping borders open are mutually reinforcing endeavors. For one thing, the economic benefits to the United States generated by international tourism are impressive. Travel and tourism contribute \$88 billion annually to the U.S. economy, and one out of every eight civilian employees in the United States is directly or indirectly engaged in this industry. International students attending U.S. colleges and universities account for an additional \$13 billion in annual revenues.

Beyond the economic advantages, the United States is also enriched by the people who visit, study in colleges and universities, work in the dynamic business sector, and conduct research at leading medical and scientific institutions. As the statement in figure 1 shows, international exchange programs sponsored by the State Department, including Fulbright scholarships and International Visitor grants, offer a compelling illustration of the impact

Figure I: State Department Support of International Education

Since the Fulbright Program's inception, more than 255,000 people, some 96,400 from the United States and 153,600 from other countries, have participated in Fulbright exchanges.

The Department of State's International Visitor Program promotes mutual understanding and closer ties among countries and people by bringing current and future leaders of other nations to the United States for targeted education opportunities. More than 110,000 international visitors have participated in this program. More than 200 have gone on to become heads of government, including:

Anwar Sadat, Egypt
 Indira Gandhi, India
 Hamid Karzai, Afghanistan
 Margaret Thatcher, UK
 Tony Blair, UK
 Kim Dae-jung, South Korea
 Oscar Arias Sanchez, Costa Rica
 Ricardo Lagos, Chile
 Mikhail Saakashvili, Georgia

of academic exchanges, in particular.⁴ More than 200 alumni of these programs have gone on to become heads of state or government. Openness also fosters greater understanding among U.S. citizens of the rest of the world, and the goodwill visitors generate when they return to their home countries is impossible to quantify.

In a nutshell, we get it. The United States is preeminent in business, academia, and scientific research because of the ability to attract talented people from the far reaches of the globe. In 2004 the U.S. ambassador to Pakistan relayed that her British colleagues had experienced an incredible increase in student visa applications in one year, from 2,000 to 6,000. This instance shows that the United States will not have the opportunity to host and educate 4,000 Pakistani students—an unconscionable loss. Indeed, if even one qualified student chooses to attend university elsewhere, it is one too many. When a student goes elsewhere, the loss is compounded when their parents devote their interest and resources to supporting that student in another country. Younger siblings are likely to follow in their footsteps. Most importantly, however, the United States loses the chance for a student to experience the United States through his or her own eyes, rather than

through the prism of a foreign news media outlet. When that student grows up and becomes a social, civic, political, or perhaps religious leader at home, it would be beneficial to the United States if this individual had experienced life on a U.S. college or university campus. A young person's positive experience in the United States strengthens and enriches the nation today and in the future.

Turning the Corner

During the last three years of unprecedented change in visa procedures, the State Department has kept that one student in mind. The department is aware of the criticisms aimed at the changes it and other government agencies have implemented since the September 11 attacks. Among them, there have been claims that some changes discourage foreign students, exchange visitors, and business travelers from coming to the United States. The department has made a concerted effort to undertake the most sweeping changes in a way that mitigates their impact. For example, the department implemented new requirements increasing the number of visa applicants who must appear in person for an interview well in advance of a congressional deadline to collect biometrics from all visa applicants by October 26, 2004. In this case, the biometric data consist of an electronic scan of the applicant's two index fingers that, coupled with a digitized photograph of the applicant, helps confirm identity and definitively matches the bearer of the visa with that document. The changes to the interview requirements were made in August 2003 so that visa processing posts overseas could adopt procedures to manage the new workflow caused by many more people requiring personal interviews and to ensure a smooth transition.

Initially, and particularly in the spring and summer of 2002, both policy and procedural changes resulted in processing delays, especially for student visa applications. It has never been an option for department personnel simply to shrug their shoulders, cite border security, and accept the status quo. The department has a history of innovation and recognized early on that resources would need to be marshaled to achieve the dual objectives of augmented border security and continued openness to legitimate travelers. Leveraging the available technology, the department is finding more effective uses for the newly developed consolidated visa information database and has also invested \$1 million in automating the interagency clearance process to reduce the time required to process visa applications and eliminate the possibility of a visa case getting lost in a paper-based rabbit hole. In addition, despite a significant drop in the number of visa applications received over the last two years, the department has augmented the resources

dedicated to processing visas. Since September 2001, 527 new consular positions have been created. The training that new officers receive has been completely overhauled and now includes briefings on state-of-the-art techniques used for interviewing, as well as counterterrorism and the critical importance of international education exchange.

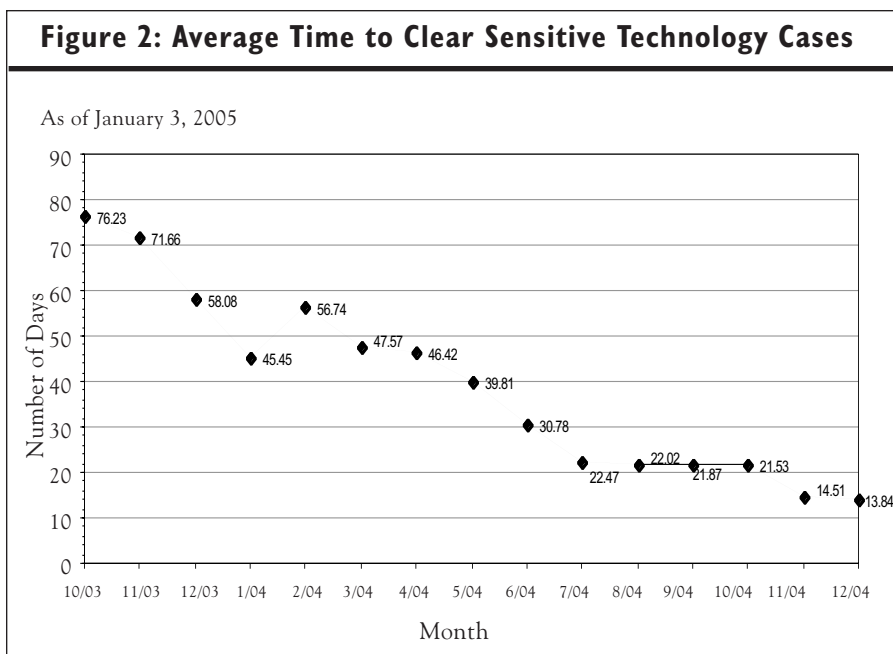
The State Department's effort and investments in systems and staffing are producing real results. The department has demonstrably increased the transparency, efficiency, and predictability of the process for issuing nonimmigrant visas—those that allow tourists, business travelers, and students to visit the United States. The department's overhaul of the consular affairs Web site (www.travel.state.gov) has made it more user friendly and provides visa applicants with more information. Among the additional resource materials available are continuously updated waiting times for visa appointments and processing times for visa applications. Having more information about the process helps visa applicants prepare for their interview.

Processing delays, especially for student visa applications, were worst in early 2002.

The increased level of data sharing among the State Department and other federal agencies not only has served to enhance border security but also actually works to facilitate legitimate visitors' travel. The department joined with federal law enforcement and intelligence agencies in creating the Terrorist Screening Center to provide a systematic approach to maintaining terrorist watch lists of individuals who may pose a threat to the United States. Customs and border protection officers at ports of entry now have access to this information, which allows them to resolve immediately any questions they might have about a person's identity or possible fraud.

Several specific initiatives merit special attention. Recognizing the critical importance of international students starting their programs on time, two years ago the State Department began instructing all overseas posts to give priority to students and exchange visitors. In fact, they have been very successful in setting student applicants' interview appointments within days and processing their applications in a timely manner. Now, the vast majority of visa applicants—97 percent—who are deemed qualified for student visas consistently receive them in one or two days.

Visa applications submitted by those involved in sensitive technology fields require further review by U.S. government agencies, but these cases account for only about 2 percent of all visa applications. A year ago, many of these cases were taking far too long to resolve—weeks and, in many

Figure 2: Average Time to Clear Sensitive Technology Cases

cases, months. That situation was untenable, and the department resolved to correct it. As a result, as figure 2 shows, the average processing time for each case decreased in one year from 75 days to fewer than 14 days.⁵ Furthermore, the validity of the clearances granted to certain groups of scientists and scholars who participate in joint research programs has been increased from as short as six months to one year. Travelers who need to make repeated visits outside the United States within a given year may now do so without requiring consular officers to seek a clearance from Washington for each reentry if the travelers are in these categories. Discussions with interagency partners about expanding this program are currently underway.

The department's focus on students, however, has not worked to the detriment of other visitors. On the contrary, many of the changes implemented have universal benefits. For example, additional information about wait times for interviews and processing times allows business travelers to plan their trips better. Increased data sharing among the State Department and other federal agencies has not only served to enhance border security but actually works to facilitate the travel of legitimate visitors. U.S. embassies and consulates have also been instructed to establish mechanisms to expedite appointments for legitimate business travelers with urgent needs as well as applicants seeking emergency medical care in the United States.

Consular sections worldwide are working diligently and imaginatively to facilitate business and tourist travel to the United States. In surveying visa processing posts' efforts to facilitate business travel, the emphasis has been

on the continuing importance of business travelers to the U.S. economy. Many embassies and consulates have established formal facilitation programs that enroll major companies and then permit their employees to obtain expedited appointments or expedited visa processing on the day of the interview.

For example, the department is piloting a new initiative in China called the Business Visa Center, in partnership with the U.S. embassy and consulates in the country. Using personnel dedicated specifically to applications from China, the bureau is liaising with U.S. companies and convention organizers interested in inviting Chinese employees of U.S. firms, as well as Chinese partners and customers, to the United States. The Business Visa Center will contact the U.S. embassy and consulates in China to expedite visa interview appointments as appropriate and follow up on specific cases after the interview has taken place. In another initiative targeting business travelers, more than 400 member companies of the U.S. Chamber of Commerce in China have been accepted into the Business Visa Program at the embassy in Beijing. Member companies' employees may apply for a visa at the embassy any day of the week and bypass the standard waiting period for a visa interview. In 2004, the first year of the program, more than 6,200 applications for business visas were processed through this channel.

Of those deemed qualified for student visas, 97 percent now receive them in 1–2 days.

Other embassy and consulate programs expedite appointments for business groups or schedule group appointments and establish specific time blocks when business groups may appear for a visa interview. A number of consular posts have established business facilitation units, in which officers and staff are assigned to serve as a point of contact for the business community in an effort to address questions and provide information on the visa process. In India, in addition to conducting outreach activities with business organizations, the U.S. embassy and consulates operate a successful Business Executive Program, designed to facilitate legitimate business travel to the United States, develop relationships with businesses that have strong U.S. ties, and help visa officers make better informed decisions. Separate lines for screening and interviews are reserved for employees of the hundreds of companies in India that are registered in this tightly managed program.

The State Department has turned a corner in its ability to provide prompt and effective visa services while maintaining new security standards.

Consular officers receive regular training that addresses a given country's economic conditions, provides information on the structure of its business community, and describes effective interviewing techniques. The training usually involves assistance from staff in other sections of the embassy, including members of the economic and commercial sections who have expertise in these matters.

Looking Forward

Recent positive indicators point to a resurgence in international travel to the United States. The Department of Commerce announced that, between January and June in 2004, the number of international visitors increased 16 percent over the number who arrived during the same period in 2003. In December 2004, the Commerce Department announced that "3.2 million international visitors traveled to the United States in September 2004, an increase of seven percent over September 2003. Arrivals for the first nine months of 2004 totaled 29.1 million, an increase of nearly 13 percent from the same period last year. The U.S. has experienced growth in visitation for 12 consecutive months."⁶ The State Department's visa statistics for fiscal year 2004 show that the overall number of visa applications increased by 1.5 percent and that the number of visas issued increased by 3.4 percent over the previous fiscal year. The number of student visas granted is also up for the first time since 2001.⁷

Visa procedures should not continue to be perceived as a barrier to travel to or study in the United States. Although it may take some time for news about improvements to the process to spread, the State Department will continue to be innovative and proactive to make sure the world knows that the welcome mat is out. Yet, the department cannot stand alone in this effort. To succeed in making the United States safer while staying true to a heritage of welcoming international visitors, a solid partnership must be developed among government, business, academia, and nongovernmental organizations. The department has worked closely with the academic and scientific communities to take into account their concerns, while urging them to acknowledge publicly the improvements the department has made in processing visas in a timely manner. Demystifying the visa process will go a long way in encouraging visitors, and the private sector can assist in this endeavor. Overall, the United States will benefit from a concerted public diplomacy effort that reassures international visitors that they continue to be welcome.

Consular officers serving on the front lines at U.S. embassies and consulates overseas deserve the best information, training, and technology that

the government can provide. Therefore, the department will continue to pursue expanded data sharing and other collaborative programs with inter-agency colleagues and additional means to support initiatives to facilitate student and business travel to the United States. Where efficiencies can be gleaned in overseas operations, they will be pursued. Where more resources are needed, they will be dedicated.

Technology will continue to play an even greater role in the department's operations. The U.S. government has taken the lead in encouraging nations around the world to create more secure travel documents, to report instances of lost and stolen passports more consistently, and to share information on terrorists and transnational criminals. Although congressional legislation requires the implementation of a biometric passport program for travel using the Visa Waiver Program, there was no requirement for the use of biometrics in U.S. passports. The State Department nevertheless chose to play a leading role and made these improvements regardless. A new, biometrically enhanced version of the U.S. passport will be issued in the early months of 2005. A comprehensive U.S. biometric passport program will be rolled out by the end of the year. As the department expands the use of biometric technologies, it must work with the International Civil Aviation Organization as well as other governments to ensure that the technology used by the United States is interoperable. These efforts will not only enhance the security of U.S. borders but will also facilitate international travel.

The State Department's Bureau of Consular Affairs welcomes the opportunity to demonstrate that it is living up to its commitment to help secure U.S. borders from those who would do harm and continue the dialogue with its stakeholders in the academic and business communities on how to forge more effective and efficient visa processing guidelines and procedures. It is possible to strike the appropriate balance inherent in the department's policy of maintaining secure borders and open doors. The State Department is working fervently to institute a predictable, transparent process that accomplishes both objectives.

Recent indicators point to a resurgence in international travel to the United States

Notes

1. *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States* (New York: W.W. Norton, 2004); Thomas R. Eldridge et al., "9/11 and Terrorist Travel: Staff Report of the National Commission on Terrorist Attacks Upon the United States," Washington, D.C., August 21, 2004.

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4. Bureau of Educational and Cultural Affairs, U.S. Department of State, Washington, D.C., November 9, 2004.
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6. Office of Travel and Tourism Industries, U.S. Department of Commerce, Washington, D.C., December 16, 2004, <http://tinnet.ita.doc.gov> (accessed January 6, 2005).
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