

Background

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Including South Korea in the U.S. Visa Waiver Program

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Most Americans would be surprised to learn that one of the most troublesome issues for South Korean citizens with the United States is not growing tensions about North Korea's illicit nuclear weapons program, but that the Republic of Korea (ROK) is not included in the U.S. Visa Waiver Program (VWP). The VWP allows nationals from member countries to enter the United States as temporary visitors without first obtaining visas at a U.S. Embassy or consulate. The ROK is currently ineligible for the VWP because the refusal rate for nonimmigrant visas for its citizens exceeds the 3 percent maximum allowed under the VWP. The ROK's refusal rate currently hovers just below 4 percent.¹ Because South Korea is not a VWP member, South Koreans must endure a complicated and protracted process to obtain a tourist or business visa, which has unfortunately contributed to growing animosity towards the United States.

Even when a country meets the criteria for VWP membership, inclusion is not automatic. In the interests of both the United States and South Korea, the Bush Administration should prioritize the inclusion of South Korea in the VWP as soon as it meets the requirements.

The Visa Issue

Ever since September 11, 2001, the United States has faced two daunting tasks: bolstering border security and placating disgruntled visa applicants around the world. Because the ROK is not a VWP participant, tightened visa regulations have adversely affected

Talking Points

- An important area of tension in U.S.–South Korean relations is the requirement that South Korean citizens must obtain visas to visit America.
- Visa requirements, although a security necessity for the United States, contribute to negative South Korean sentiments towards the United States.
- Although the United States should not make exceptions or bend the rules, it should recognize that including South Korea in the U.S. Visa Waiver Program is a priority issue for improving bilateral relations. To this end, the U.S. should support South Korea's inclusion in the VWP as soon as it meets the necessary requirements.

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South Korean nationals who want to visit the United States. Each of the hundreds of thousands of South Koreans that visit the United States annually must apply for a visa in person at the U.S. Embassy in downtown Seoul,² pay a fee, be interviewed, and (since August 2004) be fingerprinted. These requirements have made the U.S. consular section in Seoul the largest U.S. nonimmigrant visa processing post in the world—processing an average of nearly 2,000 visas per day and straining the embassy's financial and human resources.

These unwieldy visa regulations are a stark contrast to the strong U.S.–ROK military alliance and trade relationship. The ROK has proven itself a staunch ally of the United States by deploying 3,600 troops to Iraq, the second largest non-U.S. coalition presence after Great Britain. South Korea is also the United States' seventh-largest trading partner, accounting for more than \$70 billion in total bilateral trade in 2004.

The visa requirements, while arguably necessary due to heightened security concerns in the post-9/11 world, have regrettably discouraged Koreans from visiting the United States. Although the total number of Korean tourists traveling abroad in 2004 increased by 27 percent from the previous year, the number of South Korean visitors to the United States decreased by 5 percent, and the number of South Koreans applying for nonimmigrant visas to the United States dropped from 420,000 in 2003 to 360,000 in 2004.

The onerous process of obtaining a visa has also inadvertently aggravated anti-American sentiments, thwarting Washington's public diplomacy efforts in South Korea. One highly publicized incident involved the denial of a U.S. visa for a member of the ROK National Assembly, who had been invited to the United States to deliver a speech at an American university.³ Such incidents only encourage Korean misperceptions about the United States, and the arduous process of obtaining a U.S. visa reinforces mistaken notions that Americans have little consideration and respect for South Koreans. The fact that Japan, a historic rival, is a member of the VWP only exacerbates the situation.

The Visa Waiver Program

The VWP constitutes one of the few exceptions under the Immigration and Nationality Act (INA) in which foreign nationals can enter the United States without a visa. Citizens of the 27 participating VWP countries are permitted to enter the United States and stay for up to 90 days.⁴ By eliminating the visa requirement, the VWP facilitates international travel and commerce and eases consular office workloads abroad by eliminating the time-consuming process of reviewing hundreds of thousands of individual applications.⁵ To qualify for the VWP, the INA specifies that a country must:

- Offer reciprocal privileges to U.S. citizens;

1. The nonimmigrant visitor (visa categories B-1 and B-2) refusal rate for nationals of a country who have applied at a U.S. Embassy or Consulate is based on the percentage of visa applications within this category that are denied. Although a visa can be denied for many reasons, the most common reason is the applicant's potential to overstay his/her visit to the United States.
2. The only U.S. Consulate in South Korea is located at the U.S. Embassy in Seoul.
3. Often, a visa is refused due to an ineligibility that would prohibit the traveler from entering the United States even through the VWP, but the publicity generated by this particular case actually contributed to further misconceptions about the VWP and U.S. visa policy.
4. Foreign visitors entering the United States for employment or formal study must obtain a visa. As of April 2003, the 27 participating countries in the VWP are: Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom. Argentina was removed from the VWP in February 2002, and Uruguay was removed in April 2003.
5. For a detailed analysis of the VWP, see James Jay Carafano, Ph.D., and Richard Weitz, "Building the Alliance for Freedom: An Agenda for Improving and Expanding the Visa Waiver Program," Heritage Foundation *Background* No. 1850, May 6, 2005, at www.heritage.org/Research/NationalSecurity/bg1850.cfm.

- Have had a nonimmigrant refusal rate of less than 3 percent;⁶
- Certify that it issues, or will issue, machine-readable and biometric passports;⁷ and
- Not compromise law enforcement or U.S. security interests by its inclusion in the program. Countries can be terminated from the VWP if an emergency occurs that threatens U.S. security interests.

Although South Korea is currently ineligible to participate in the VWP, it is clearly in the interests of both countries for the United States to encourage South Korea's inclusion in the program. This would benefit both countries by:

- Easing the overwhelming costs and burden on U.S. Consular officials in Seoul, allowing those resources to be transferred to higher-risk countries;
- Promoting goodwill among South Korean visitors and business travelers and increasing the number of visitors and tourists to the United States;
- Speeding up South Korea's conversion to a biometric and machine-readable passport system, thereby increasing information-sharing between the two countries; and
- Eliminating one of the thorniest bilateral issues between the two governments

U.S. Consular officials in Seoul have acknowledged their dismay that the number of South Koreans traveling to the United States fell in 2004, while the total number of South Koreans traveling abroad increased. The American Chamber of Commerce in Korea asserts that the United States is losing valuable tourist dollars and business because of the troublesome visa approval process.

Recognizing the importance of this issue, Assistant Secretary of State for East Asian and Pacific

Affairs Christopher Hill pledged in September 2004—when he was the U.S. Ambassador to the ROK—to make working with South Korea to meet the necessary requirements of the program a priority. To this end, the U.S. Embassy and the ROK Ministry of Foreign Affairs have held a series of quarterly bilateral Visa Issues Working Group Meetings since 2004 to discuss strategies and procedures to facilitate South Korea's participation in the VWP. In the short term, the meetings have produced a number of procedures to make the visa application process more efficient and user friendly for eligible Korean travelers—but the best outcome for both countries would be South Korea's inclusion in the VWP.

What the Administration Should Do

It is in the interests of the United States to work with the ROK government to assist it in meeting the VWP requirements and, when it does, to admit South Korea as a participating country as expeditiously as possible. As such, the Bush Administration should:

- **Continue to jointly study ways to lower the visa refusal rate.** Until South Korea meets the VWP visa refusal requirement, the U.S. Embassy in Seoul should continue to explore ways to improve the existing visa process through better staff training and more active public diplomacy to explain the rules and the necessity of the process. Doing so increases the overall issuance rate, which has the net effect of lowering the refusal rate without compromising existing standards for visa denials. The embassy should be commended for making great progress in recent months to simplify the visa application process and address common complaints—such as lengthy wait times, translation problems, and easing fee payment methods.

6. For details about how the refusal rate is calculated, see U.S. Department of State, Bureau of Consular Affairs, "Visa Waiver Program—How a Country Qualifies," May 2005, at travel.state.gov/visa/temp/without/without_1255.html (July 20, 2005).

7. The USA PATRIOT Act includes a requirement that by October 1, 2003, all aliens applying for admission under the VWP must have machine-readable passports. In addition, the Enhanced Border Security and Visa Reform Act of 2002 requires that by October 26, 2004, all countries participating in the VWP must issue their nationals machine-readable passports that incorporate biometric identifiers. However, this deadline was extended until October 26, 2005. Alison Siskin, "Visa Waiver Program," Congressional Research Service *Report for Congress*, updated January 21, 2005.

- **Recommend to Congress that it consider designating the ROK as a priority country under the visa waiver program** when it meets all of the necessary requirements. A resolution has already been introduced in Congress that urges the inclusion of Poland into the VWP.
- **Provide assurances to the ROK government that it will be granted membership in the program when it meets the VWP requirements.** Without such leadership assurances of political will, South Korea will have less incentive to prioritize meeting the VWP requirements.

Conclusion

Ever since the events of September 11, 2001, America has understandably been concerned about immigration and border security. However, the United States should prudently weigh the benefits and costs of strict visa processes, such as those that hamper cross-Pacific business cooperation. In

December 2004, China lifted visa requirements for eligible South Korean businessmen, encouraging greater Korean economic cooperation with China, perhaps at the expense of American businesses. At the very least, such Chinese diplomacy makes headway in South Korea at the expense of increasing anti-American sentiments.

As the United States works to improve its alliance with South Korea, it should demonstrate that America is committed to working with its partner to develop a mature relationship by paying attention to issues such as visas that, although seemingly minor from the U.S. perspective, affect South Korean pride and sensibility. South Korea's inclusion in the VWP will go far in improving relations with one of America's most important allies.

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