

Web Memo



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Visa Waiver Initiative in Senate Immigration Bill Falls Short

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The Visa Waiver Program (VWP) allows most visitors from participating countries to enter the United States for up to 90 days without a visa if they have valid passports from their countries. The program can be an effective way of both facilitating travel and frustrating the efforts of terrorists seeking to enter the United States. Since 9/11, however, nothing has been done to expand the use of this tool. An amendment to “The Comprehensive Immigration Reform Act of 2006” (S.2611) attempted to address this failure but falls short.

A Tool for Our Times

Countries participating in VWP agree to common passport standards, such as machine readability (which allows passports to be checked more easily and accurately) and imprinting biometric identifiers to identify individuals more accurately and reduce fraud. The Department of Homeland Security (DHS) conducts audits to ensure compliance.

Adding countries to the program increases security in two ways. First, participating nations must maintain the same security standards as the United States. Second, increased participation in VWP allows the Department of State and DHS to focus their assets on travelers from nations of greater concern. In addition, adding countries

strengthens economic, cultural, and security ties between the U.S. and countries that are helping fight terrorism.

A Proposal with Problems

An amendment to S.2611 that was adopted by voice vote calls for granting “a two-year probationary participation in the Visa Waiver Program to certain countries who are allies in the war on terror.” Additional amendments require that “the country is a member of the European Union” and “providing material support to Afghanistan or Iraq.” With these restrictions, Poland is the only country eligible for probationary participation in VWP.

This policy falls short. There are number of important allies in Eastern Europe and Asia beyond Poland that deserve to be considered for VWP status. Another problem is the type of standards that amendments contain.

This paper, in its entirety, can be found at:
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Granting probationary waivers without ensuring that security and immigration concerns are adequately addressed will only weaken the utility of VWP as a travel facilitation tool.

A Better Way

DHS and the State Department should have the authority to grant probationary participation to any country that meets these standards:

- Represents a significant geostrategic importance to U.S. security and economic interests;
- Proposes measures to assist the United States in combating terrorist and transnational criminal travel;
- Demonstrates a good-faith effort to reduce overstays by its nationals in the United States; and
- Works with regional partners and the United States on international travel security and immigration issues.

Countries joining VWP should agree to several security provisions:

- Measures for reporting lost and stolen passports;
- Robust agreements for the sharing of information on travelers, without restrictions on the use of shared information for legitimate anti-terrorism purposes;
- Committing to cooperate in investigations and return of immigration law violators; and
- Acceptance of U.S. “safe harbor” privacy principles as the basis for sharing counterterrorism-related information with law enforcement and intelligence agencies.

As it stands, S.2661 is not an adequate answer to enhancing the Visa Waiver Program. Moreover, allowing one country to “move to the head of the line” could create diplomatic problems with America’s other allies.

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