



## EMAIL BULLETIN

### **U.S. DEPARTMENT OF HOMELAND SECURITY (DHS) PROPOSES RULE FOR EXPANSION OF THE U.S. VISIT PROGRAM**

#### **Expanded Program Would Include U.S. Lawful Permanent Residents and Most Employment-Authorized Canadians and Their Dependents**

*26 September 2006*

On July 27, 2006, the U.S. Department of Homeland Security proposed a new rule providing for the expansion of the existing DHS U.S. Visitor and Immigrant Status Indicator Technology (U.S. VISIT) Program. As reported in previous Tindall & Foster Email Bulletins, the U.S. VISIT Program provides for the registration and collection of biometric data of most foreign nationals arriving in the United States.

The biometric data collected, digital fingerprints and photographs, are used to confirm the identity of the foreign national and to ensure that a foreign national entering pursuant to a visa issued at a U.S. Consulate abroad is, indeed, the person who originally applied for the visa and appeared for interview at the consular post. Essentially, the system is designed to ensure that an individual presenting a document for entry into the United States is the same individual to whom the document was lawfully issued.

Under the present U.S. VISIT program, certain classifications of foreign nationals are exempt from the U.S. VISIT registration requirement. The expanded U.S. VISIT program would extend the registration requirement to some of these presently-exempt classifications, including the following:

- U.S. Lawful Permanent Residents
- Aliens Seeking Admission Pursuant to Immigrant Visas Issued at a U.S. Consulate or Embassy Abroad
- Refugees and Asylees
- Canadian Citizens Who Receive a Form I-94 Arrival/Departure Card upon Entry into the United States (Including Most Employment-Authorized Canadians and Their Dependents)
- Canadian Citizens Who Require a Waiver of Inadmissibility to Enter the United States
- Foreign Nationals Paroled into the United States (Including Most Applicants for Adjustment of Status to U.S. Lawful Permanent Resident)

- Foreign Nationals Seeking Admission Pursuant to the Guam Visa Waiver Program

The extension of the registration requirement to such a large number of foreign nationals seeking admission into the United States may cause travel delays during initial implementation. At present, this rule is a proposed rule, and must go through the required “notice and comment” phase of the federal rule-making process before it can go into effect. As always, Tindall & Foster, P.C. will continue to track the progression of this and other immigration-related rules through the rule-making process and will provide clients with updates as new information becomes available via future Email Bulletins and on the Tindall & Foster web site at **[www.tindallfoster.com](http://www.tindallfoster.com)**. If your company has specific questions regarding this proposed rule, or would like assistance in preparing an appropriate comment for consideration by the DHS in the formal rule-making process, please contact your Tindall & Foster immigration attorney.