

ISSUE BRIEF

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The Visa Waiver Program Is Still Great for America

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The Visa Waiver Program (VWP) is an important facilitator for safe travel and U.S. homeland security.¹ The Trump Administration should maintain and support the VWP and consider expanding the VWP to include other friendly countries such as Poland.

Misinterpreting “Immigration Benefits”

A week into office the Trump Administration demonstrated its determination to protect U.S. citizens from foreign terrorists by issuing Executive Order (EO) 13769.

In its original form, the order focused on visa and refugee vetting, but included a vaguely worded provision that could have threatened the VWP if interpreted broadly.² The provision would have created a uniform screening process and in-person interviews that would apply to anyone seeking “immigration benefits.” The VWP can be interpreted as such as it allows visitors to be admitted to the U.S. without a visa under immigration law. However, the addition of in-person interviews for VWP travelers would be a drain on U.S. resources and contribute nothing to U.S. homeland security.

The order has since been revised so that any uniform screening process does not directly apply to the

VWP. Regardless, a number of policymakers have long been skeptical of the VWP and seek to change it. Senator Chuck Schumer (D-NY) and Senator Dick Durbin (D-IL) wrongly assume that little or no vetting occurs for VWP members.³

The VWP Keeps the U.S. Secure

The VWP facilitates information sharing on terrorists, criminals, and lost or stolen passports between the U.S. and its 38 members. Nations such as the United Kingdom, Spain, and Japan had to demonstrate that their countries present no threat to the U.S. in order to become members.

The VWP has its own security screening. The VWP ensures the intelligence and information sharing required for good vetting. The VWP does not grant a security waiver. Individuals going through the program are vetted through the same intelligence databases and watch lists as other visa holders. In many ways, the term “visa waiver” is an unhelpful and misleading term.

Travelers from VWP countries to the U.S. must fill out an online application via the Electronic System for Travel Authorization. This information, along with already existing intelligence information, is cross-referenced with the Department of Homeland Security, FBI, and State Department databases. This process makes the U.S. safer.

The online form and database vetting lets travelers circumvent the same cumbersome process of obtaining a visa—the process of traveling to a U.S. embassy or consulate for an interview.

According to the Government Accountability Office, information provided through the VWP “has enhanced U.S. traveler-screening capabilities and

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improved U.S. agencies' ability to prevent known and suspected terrorists from traveling to the United States."⁴

Former Secretary of Homeland Security Jeh Johnson reiterated this point in his exit memo by stating information sharing through the VWP has denied thousands of individuals with potential terrorist connections visa-free travel to the U.S. and have "added thousands of known or suspected terrorist identities to the Terrorist Screening Database."⁵

None of the 94 Islamist-inspired terror plots and attacks that have occurred in the U.S. since September, 11, 2001, have been committed by a VWP traveler.⁶

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The Economic and Diplomatic Benefits of the VWP

The U.S. economy benefits from the VWP. Tourism contributes upwards of \$130 billion annually to the U.S. economy through a wide spectrum of leisure activities such as attending sporting events, staying in hotels, and gambling in casinos.⁷ Many of the jobs that directly and indirectly contribute to these activities will be at risk if significant changes are made to the VWP.

Almost 21 million people from VWP member states travelled to the U.S. in 2015.⁸ An increase in the hurdles foreign travelers must take to travel the U.S. will reduce the future number of travelers.

Sixty-seven U.S. embassies and consulates exist in VWP territories. If an in-person interview process were put in place, the State Department would have to train and staff enough employees to meet the increased demand for visa interviews. This would draw from already limited State Department resources on top of recent reports of a proposal to reduce the State Department budget by 37 percent.⁹ Travelers to the U.S. would have to temporarily delay or cancel their planned trips.

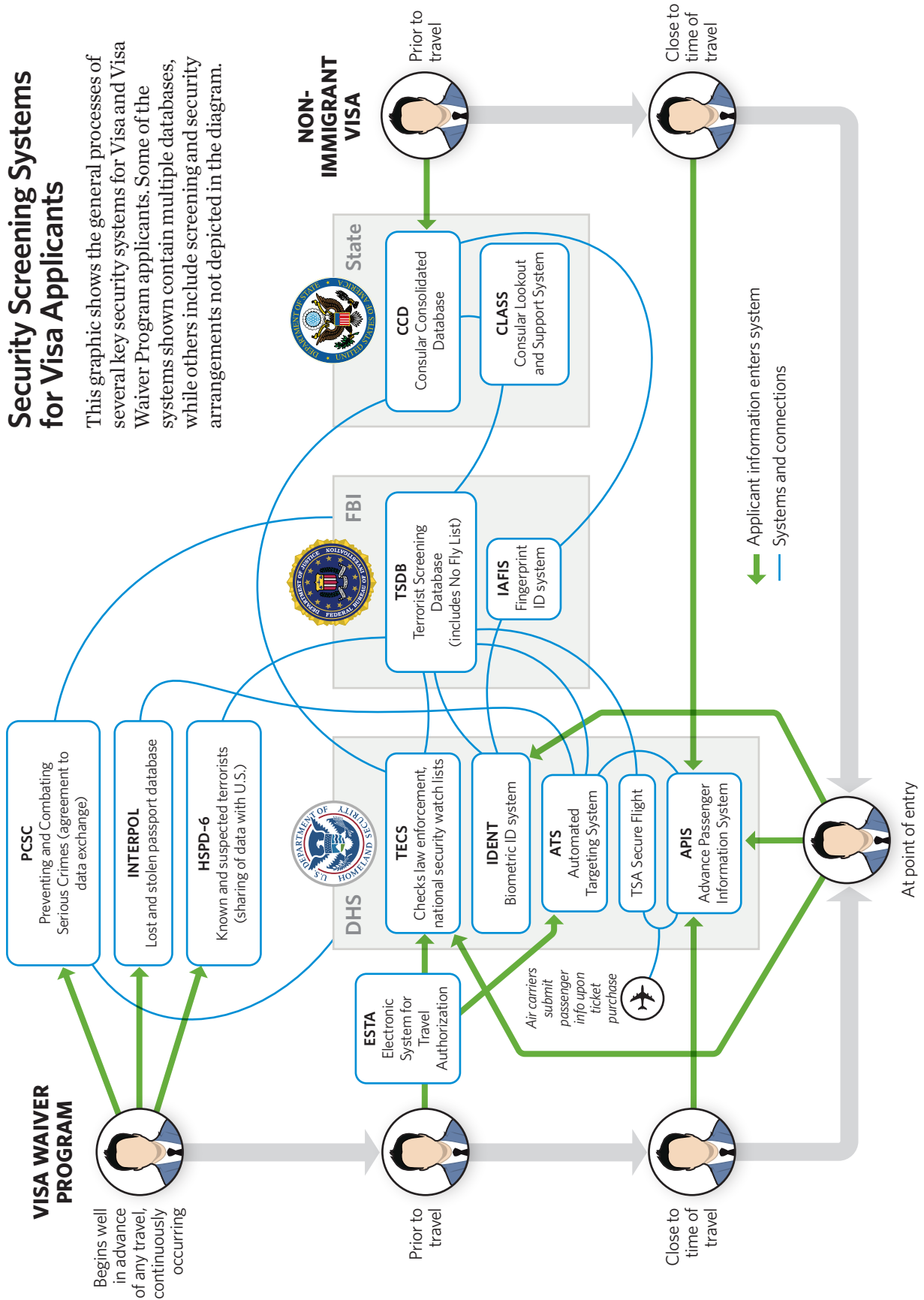
As a show of good faith, VWP members must also allow U.S. citizens to travel to their countries for up to 90 days without going through the visa in-person interview process. A policy that changes how VWP members travel to the U.S. could see reciprocal actions taken by VWP members. Reciprocal action means the almost 132 million Americans with a passport may no longer be able to travel to countries like France, South Korea, or Chile with ease.¹⁰ Congress and the Administration should espouse the security and economic benefits of the VWP by taking the following steps:

- **Maintain and support the VWP.** The VWP is an essential security and economic tool that not only keeps bad actors from traveling to the U.S. but also adds to the growth of the tourism business. A reduction of the program could see less information sharing as well as reciprocal action taken by VWP members.

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FIGURE 1
Security Screening Systems for Visa Applicants

This graphic shows the general processes of several key security systems for Visa and Visa Waiver Program applicants. Some of the systems shown contain multiple databases, while others include screening and security arrangements not depicted in the diagram.



- **Consider a pathway towards expanding the VWP to include other friendly countries such as Poland.** Poland had a total overstay rate of 1.5 percent in fiscal year 2015—far below the requirement needed to be a VWP member.¹¹ The VWP’s facilitation of information sharing is a benefit for the U.S.¹² Adding countries that more or less meet the general requirements for VWP membership will increase the information on and stopping of terrorists and criminals who may be trying to travel to the U.S. Secretary of Homeland Security John Kelly noted in his nomination proceedings his willingness to “work with aspirant countries that seek to join the program and comply with the requirements under law.”
- **Maintain essential counterterrorism tools.** The VWP is not the sole mechanism for collecting and sharing threat information. Databases such as the Terrorist Identities Datamart Environment (TIDE) and Terrorist Screening Database (TSDB) should continue to be used alongside the VWP. These tools should be properly managed with executive, judicial, and congressional oversight, and be respectful of individual liberties.

Further Incentives

Policymakers looking to decrease the visa overstay in the U.S. should look towards the VWP. Countries are aware of the security, economic, and diplomatic benefits from joining the VWP. These incentives make sure VWP members keep their visa overstay rates low. VWP members have the lowest visa overstay rates compared to non-VWP members. In 2015, VWP travelers had almost 75,000 fewer overstays.¹³ Countries will seek to further reduce their overstay rates if they have the potential to join the VWP.

U.S. security is strengthened by the important intelligence and information sharing facilitated by the VWP. These security benefits are closely linked with the VWP’s travel benefits. A reduction in travel benefits will mean a reduction in security benefits.

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