



EMAIL BULLETIN

## **U.S. CONSULATES BEGIN IMPLEMENTING CHANGES IN THE VISA APPLICATION AND ISSUANCE PROCESS**

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At the same time the DHS is working to fully implement the U.S. VISIT system in the United States, U.S. Consulates around the globe are beginning to implement changes in the visa application and issuance process designed to further reduce fraud and bolster the integrity of the visa issuance process.

### **Biometric Identifiers Captured on Visas**

In testimony before the Senate Foreign Relations Committee on October 23, 2003, Deputy Assistant Secretary of State for Consular Affairs Janice L. Jacobs confirmed that, by October 26, 2004, all U.S. visas must capture biometric identifiers. U.S. visa applicants will, therefore, be required to provide fingerprints and a digital photograph when applying for their U.S. visa. Both the photograph and fingerprints, in addition to other forms of data in the future, will be captured on a new more secure and counterfeit resistant visa format, called the "Lincoln" visa. This new "Lincoln" visa format will allow for scanning by Customs & Border Protection (CBP) inspectors at the U.S. port of entry, where additional fingerprints and a new photograph will be taken and compared against those captured in the previously issued visa.

In such manner, the CBP inspector will know for certain that he or she is admitting the actual person approved for and issued the visa by a U.S. consular officer abroad. Further, when the visitor departs and "checks out" via the U.S. VISIT system, the system can confirm that the visitor departing is the same visitor who entered pursuant to the visa issued by the consular officer abroad. The system should detect and reduce fraud and identity theft and can also be expected to detect more violations of nonimmigrant status.

The following U.S. consular posts already issue visas which capture biometric data: San Salvador, Guatemala City, Frankfurt, Brussels, Ottawa and Montreal. Other posts will follow during the coming months in order for all posts to meet the October 26, 2004 deadline.

As reported in previous Tindall & Foster Email Bulletins, citizens of Visa Waiver Program countries will soon be required to have machine-readable passports capable of capturing biometric data in order to enter the United States under the Visa Waiver Program. Without a machine readable passport to capture biometric data, a citizen of a

Visa Waiver Country must apply for a U.S. visa. In the not-too-distant future, therefore, visitors to the United States must present some form of travel document, whether a visa or only a passport under the Visa Waiver Program, which has captured biometric identifiers. The data captured on the travel document can then be used to "match" the data captured from visitors upon entry and exit.

### **Electronic Filing of Nonimmigrant Visa Applications Coming Soon**

Some U.S. Consulates have begun to accept and, in some cases, express a preference for, electronically-filed nonimmigrant visa applications. Applicants or their attorneys may submit an application electronically through the consular post's web site in advance of the applicant's interview appointment. Such a procedure should reduce the time required for data entry and adjudication by the consular officers and is consistent with the government's post 9/11 trend toward delegating data entry functions to applicants, common carriers or other third parties. Some U.S. Consulates are already exerting pressure on applicants to file their applications electronically with potentially misleading inferences of delay for paper submissions. As of yet there is no requirement that an applicant file applications electronically.

Tindall & Foster, P.C. is at the forefront of technological developments in immigration case management systems and we are prepared for the advent of electronic filing of U.S. government documents. We are able to integrate new electronic forms into the immigration application procedures at Tindall & Foster with our data management software systems in order to provide seamless completion and submission of immigration applications. Tindall & Foster is committed to keeping up with the technology proposed and implemented by the U.S. Government in order to provide our clients the most efficient and reliable immigration service available.