



EMAIL BULLETIN

DEPARTMENT OF HOMELAND SECURITY ANNOUNCES "U.S. VISIT" SYSTEM FOR TRACKING ENTRIES & EXITS OF FOREIGN NATIONALS IN THE UNITED STATES; INITIAL PHASES TO BE IMPLEMENTED BY YEAR END

20 May 2003

The Department of Homeland Security has recently announced the upcoming implementation of the U.S. Visitor and Immigrant Status Indicator Technology (VISIT) system for tracking the entries and exits of foreign nationals in the United States. U.S. VISIT will utilize multiple biometric identifiers to screen and record entries and determine whether a foreign national is excludable, ineligible for certain benefits, or has overstayed a period of authorized stay in the United States. Entry and exit data will be entered into the database accessible by immigration authorities charged with adjudicating benefits applications.

The U.S. VISIT System is designed to replace the existing NSEERS program while also incorporating the SEVIS program for tracking students and exchange visitors in the United States. The DHS touts U.S. VISIT as a comprehensive system capable of improving the flow of legitimate visitors into the United States while reducing the rate of entry by terrorists and others who may be ineligible for entry into the United States. In practical terms, U.S. VISIT means that more overstays and visa violations will be detected and held against applicants for future entry into the United States. At the very least, applicants with prior overstays and immigration violations can expect to be questioned more thoroughly regarding their intent upon entry as well as their prior overstays or immigration violations. Some applicants can expect to be denied entry in the future based on previous violations which have now been data-entered, even where such violations never surfaced at the port-of-entry in the past.

Applicants who may have overstays or visa violations recorded in their immigration records should contact their Tindall & Foster attorney regarding potential benefits eligibility and port-of-entry issues which may surface upon future entries into the United States.