Visa Waiver Deadline Looming

By Dr. Chuck Kelley

(Dr. Richard Kelley is traveling. His column will return next week.)

An important deadline is coming up fast. If foreign countries that currently participate in the Visa Waiver Program don’t upgrade their passports by October 26, travelers from these countries will be forced to go through the traditional, slow process needed to obtain a visa if they want to visit the United States. This will severely impact tourist travel to Hawaii from our prime overseas markets and hurt our local economy. There are two ways to avoid this situation, one is for Congress to grant an extension of the deadline and the other is to simplify the technical requirements contained in the statute.

Twenty-seven countries that are friendly to the United States participate in the U.S. State Department’s Visa Waiver Program. This allows their citizens to visit the United States for 90 days or less without going through the time consuming and often difficult process of getting a visa. These countries include many of Hawaii’s most important sources of visitors including Japan, Australia, New Zealand, and the United Kingdom. The Visa Waiver Program has tremendously benefited the United States, particularly Hawaii, bringing in millions of high-spending tourists each year.

The Enhanced Border Security and Visa Entry Reform Act of 2002 was implemented in the wake of the September 11 attacks to strengthen security at our nation’s borders. While well intended, the new standards imposed by this law have proved impossible for many of the countries in the Visa Waiver Program to meet within the timeframe imposed. The law requires these countries to implement tamper-resistant, "machine-readable" and "biometric" passports.

Machine-readable passports contain biographic data arranged in a format easily computer-scanned by customs agents.

Biometric passports contain additional data about the passport holder’s biological or physical features. This allows customs agents to quickly computer-match travelers with digitally encoded photographs, fingerprints, or retinal scans. A highly technical and controversial way to create biometric passports is using Radio-Frequency Identification (RFID) computer chips embedded in travelers’ passports. The use of computer chips in passports has raised serious privacy concerns since data on the chips could be potentially picked up by an unauthorized scanner-reader without the knowledge of the person carrying the passport. It is unclear at this point if the United States will continue to insist that Visa Waiver Program countries develop RFID computer chip passports.

When the countries in the Visa Waiver Program fully comply with the new requirements, this will benefit the United States by strengthening the capability of border agents to keep undesirable aliens out. Unfortunately, implementing new international passport standards and putting in place the technology needed to meet those standards is expensive and time consuming. Most countries are finding it impossible to meet the October 26 deadline.

If a country misses the deadline for compliance, its participation in the Visa Waiver Program will expire. All its citizens who wish to travel to the United States will then need to go through the confusing and sometimes demeaning process of obtaining a visa before traveling to this country. The State Department and U.S. embassies around the world will predictably be unable to process and issue millions more non-immigrant visas on a timely basis. As a result, many travelers will either be unable to obtain visas before their trip and, therefore, have to cancel it, or they may simply decide to go elsewhere.
There are a lot of wonderful destinations in the world today. Few others, if any, present would-be visitors with such a difficult hurdle. Other nations will be very happy to receive America’s—and Hawaii’s—disappointed visitors.

This looming crisis is not new. We were in danger of missing the deadline at this same time last year. Rather than cause the disruption that would have followed the imposition of the deadline, last year Congress wisely choose to delay implementation of the new standards for one year. Now, almost a year later, it turns out that wasn’t enough time. We are again in the same situation. Many key countries, such as Japan and the United Kingdom, are still unable to meet the deadline.

While improving homeland security is of tremendous importance, we must be sure our friends can meet the requirements we impose. At this point, it makes good sense to delay the deadline for machine-readable biometric passports for another year, or back off on the requirement for embedded computer chips. Either way, Congress needs to act now to avert tremendous damage to our economy, not to mention to our good relations with America’s friends abroad.