



Travel and Tourism

An Initial Take on the Senate's Comprehensive Immigration Reform Bill

The bill includes a subtitle entitled the “Jobs Originated through Launching Travel Act of 2013” or the “JOLT Act of 2013.”

Premium Processing

- This provision would allow the State Department to create a fee-based premium processing pilot program at certain consular posts to expedite interview appointments. Utilizing the premium processing service for an expedited interview appointment does not establish the applicant's eligibility for a visa.

Encouraging Canadian Tourism to the United States

- Allowing Canadian retirees to visit the U.S. for up to 240 days on a B visa (B-2 for pleasure), if the alien demonstrates that they are:
 - (1) a citizen of Canada;
 - (2) older than 55;
 - (3) owns a residence in the U.S. or has signed a rental agreement for accommodations in the U.S. for the duration of their stay;
 - (4) is not inadmissible;
 - (5) is not deportable;
 - (6) will not work while in the U.S.; and
 - (7) will not seek any form of assistance or benefit under section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
- Spouses may be admitted under the same terms.

Retiree Visa

- This section creates a non-immigrant visa, renewable every 3 years, for an individual (and their spouse and minor child), who, after the date of enactment, expends at least \$500,000 in cash to purchase single-family homes in the United States. In order to obtain this visa, the foreign national must purchase a home for use as a primary residence whose purchase price is at least \$250,000. The foreign national can satisfy the visa requirement by either purchasing 1 primary residence whose purchase price is greater than \$500,000, or by purchasing 1 primary residence for at least \$250,000 and by purchasing additional residential property for an amount whose total sum exceeds \$500,000.
- In order to qualify for this visa, the purchase must be made completely in cash, no mortgage is permitted. In addition, the sale price for these homes must be more than 100 percent of the most recent appraised value of the property as determined by the property assessor of the locality where the residence is located. Additionally, the petitioner must be at least 55 years of age; possess health insurance coverage; and is not inadmissible under section 212.
- To maintain this visa status, the foreign national must live in the United States for more than 180 days per year and must not be otherwise inadmissible. This visa does not permit work authorization, with the exception that the foreign national may receive income from renting any

property purchased pursuant to this program that is not being used as the qualifying primary residence.

- Visa renewal criteria is continued residence in the property (or an equivalent new property that also meets the criteria) for more than 180 days per year, and continued ownership of at least \$500,000 of housing stock.

Incentives for Foreign Visitors Visiting U.S. During Low Peak Seasons

- The State Department must make publically available, on a monthly basis, historical data, for the previous 2 years, regarding the availability of visa appointments for each visa processing post, to allow applicants to identify periods of low demand, when wait times tend to be lower.

Visa Waiver Program Enhanced Security and Reform

- Expanding the Visa Waiver Program (VWP). DHS may admit countries with an overstay rate and visa refusal rate of not more than 3 percent if country meets other law enforcement criteria. The visa refusal rate requirement may be waived by the DHS Secretary if it does not exceed 10 percent and the country meets all other requirements. The bill also establishes a probationary period for non-compliant countries and requires a Comptroller review of overstay tracking methodology used by DHS.
- The bill changes the current methodology for calculating visa refusal rates from number of applications to number of actual applicants. This is important because under the current calculations a bad actor could apply for a visa multiple times and get denied – this in turn makes the visa refusal rate higher for a particular country.
- The bill also calls for an evaluation of ESTA including an evaluation of the security risks of aliens who enter the United States without an approved Electronic System for Travel Authorization verification.

Expediting Entry for Priority Visitors

- DHS may expand the enrollment across registered traveler programs to include eligible individuals employed by international organizations, selected by the Secretary, which maintain strong working relationships with the United States, and do not pose a security threat.
- An individual may not be enrolled in a registered traveler program unless they are sponsored by an approved international organization and the government issuing their passport has entered into a Trusted Traveler Arrangement to participate in a registered traveler program with DHS.
- The global entry program is an example of a registered traveler program run by U.S. Customs and Border Protection (CBP) that allows expedited clearance for pre-approved, low-risk travelers upon arrival in the United States. Though intended for frequent international travelers, there is no minimum number of trips necessary to qualify for the program. Participants may enter the United States by using automated kiosks located at select airports.

Visa Processing

- This provision sets a goal of interviewing 80 percent of all nonimmigrant visa applicants, worldwide, within 3 weeks of receipt of application, subject to security related conditions;
- And allows DOS to explore expanding visa processing capacity in China and Brazil, with the goal of maintaining interview wait times under 15 work days on a consistent, year-round basis.

