

NEWS from U.S. Congressman

★ **Pete Sessions** ★

32nd District of Texas

National Security * Economic Security * Homeland Security



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**PETE SESSIONS (R-TX) AND LINCOLN DAVIS (D-TN)
INTRODUCE H.R. 3452, THE “VISA Act”, ON
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Visitor Information And Security Accountability (VISA) Act, H.R.3452

The Visitor Information and Security Accountability (VISA) Act, seeks to bridge what we perceive as present gaps in homeland security policy by incorporating the following objectives:

Improved DHS Management Of Who And What Enters Our Homeland

The VISA Act addresses the US-VISIT program based on the August GAO report #03-1083, and the Homeland Security Appropriations Conference Report language concerning the implementation and development of this large scale and very important homeland security initiative. It also addresses the latest trends by some States and foreign governments to issue less-than-secure identification documents contrary to the lessons learned on 9-11, and requires the Secretary of Homeland Security to report to the Select Committee on Homeland Security and the Appropriations Committee his staffing needs for the Customs and Border Protection Agency so that we may make objective decisions about how much more manpower we need to secure the homeland.

Action against those violate terms of entry

Establishing a working process of finding and deporting those who overstay their visas sends a clear message of competence and resolve. The VISA Act’s “Maintenance of Status/Departure Bonds” and Delivery Bonds section authorize the private sector to act as a force multiplier in assisting the Department of Homeland Security in preventing visa overstays through a federally regulated bonding process, and remove aliens who have been ordered deported. Only when we can establish a working process for preventing and discouraging visa overstays can we begin to responsibly administer both immigrant and non-immigrant visa programs without unnecessarily compromising homeland security.

VISA Act Questions and Answers:
Maintenance of Status/Departure Bonds and Delivery Bonds

Q: What is a “Maintenance of Status/Departure (MS/D) Bond”?

A: The MS/D bond is a written undertaking between an alien and a surety that guarantees a visiting alien from a non-Visa Waiver Program country complies with the terms of his B1, B2, or F1 non-immigrant visa. It binds all parties to its certain terms and conditions and provides obligations for both the alien and the surety while under the bond. It also provides for penalties to be paid by both the alien and the surety for not complying with the terms of the visa and the bond. If the alien complies with the terms of his visa and the bond, the money on deposit and in escrow with the surety used to post the bond is returned to the alien upon return to his home country. If he does not comply, the federally regulated surety must surrender the alien to DHS for removal or pay a penalty to the federal government. The surety will draw on the bond funds to locate and surrender the alien. Any funds remaining after the alien’s surrender to DHS would be returned to the alien upon his return to his home country. Today, financial responsibility for removing overstays is placed on U.S. taxpayers and is based solely on the alien’s promise to honor the visa. It’s not working. This solution will work with no additional cost to taxpayers.

Q: How many visa overstays are there annually?

A: Experts agree overstays represent a significant proportion of the unauthorized migrants currently in the United States. Experts have estimated the number of long-term unauthorized migrants who overstay their visas at about 2.5 to 3 million. An additional 125,000-150,000 migrants are added to that population annually¹.

Q: What is a Visa Waiver country?

A: The Visa Waiver Program (VWP) enables citizens of certain countries to travel to the United States for *tourism or business* for 90 days or less without obtaining a visa. Not all countries participate in the VWP. The waiver program has been extended to include nationals of twenty-eight countries. These countries are: Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, the United Kingdom and Uruguay. Travelers may also use the waiver to make their initial entry into the United States from Canada or Mexico by land².

Q: Are delivery bonds currently in use?

A: Yes. Authority to use delivery bonds already exists in law. Currently, for those aliens not subjected to mandatory detention, the option of posting a delivery bond is available. The face amount of delivery bonds must be raised to an amount sufficient to encourage compliance by the alien posting the bond, and procedures and conditions for surrendering aliens ordered deported by DHS must be clarified. The VISA Act addresses both of those concerns.

¹ Testimony of Mrs. Susan Martin, Institute for the Study of International Migration. Subcommittee on Immigration, Border Security, and Claims. Oct. 16, 2003.

² U.S. Department of State, Bureau of Consular Affairs Visa Services.