

Lusting for the US
Despite economic hardships, tough immigration laws, the world still...

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Commentators have long eulogised the death of the United States of America, mourning or celebrating what they see as the lone superpower's waning global influence.

But wait! The world is still lusting after the US. There is a crack cocaine-like addiction to the country afflicting people from virtually every country on earth, people ready to die to get there.

So much so that despite September 11, a financial meltdown, militant anti-immigration views, and the emergence of other countries as economic powerhouses, people are still going there.

Emigres jumping or tunnelling under the border fences on the south, crossing the snow covered boundary on the north, coming as cargo ship stowaways, airplane wheel well daredevils, on rickety boats, inflated inner tubes, arranged marriage spouses, and every version of asylum story.

And while there are sharp ideological differences between the Democratic and Republican party policy makers, it appears that, there has been consensus on this major issue keep those lying, cheating, illegal aliens out of the US.

A three week investigation out of the Washington Post in Washington DC, has revealed that the increase in the number of non immigrant visa refusals to Trinidadians and citizens of other countries, over the past couple years are linked to the US Congress' decades long concern over an ever increasing number of visa overstays.

This in defiance of the Immigration and Nationality Act which is used to control the entry and exit of non US citizens making persons who breach the terms of their visa ineligible for re-admission to the US.

"In the early 1990s, policy makers became especially concerned about what was perceived to be a growing number of non-immigrant overstays. At that time, nearly 2.7 million aliens had established legal status through the provisions of the Immigration Reform and Control Act, a law which also significantly strengthened border and interior immigration enforcement provisions. Nonetheless, demographers at the former immigration and Naturalisation Service (INS) estimated that 3.5 million unauthorised people were residing in the United States in 1990. By 1996, the estimated number of

unauthorised residents was 5.8 million, with about 2.1 million (41 percent) estimated to have overstayed their non-immigrant visas. The remaining 59 percent were assumed to have entered the United States illegally.

Under Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA), those who overstay a visa by more than six months and then depart are barred for three years from returning to the United States. Those who overstay by a year or more are barred for ten years."

Documents laid, and statements made before the US Congress and the US House of Representatives Committee on Homeland Security show that the increase in visa refusals is deeply embedded in the US government's attempt to get a handle on the NIV overstay problem plaguing the country for years.

Overstays in the US have been described as "a fundamental problem" and as recent as January concerns were expressed with regards to "the capacity" of the Department of Homeland Security to identify and remove people who overstayed their NIVs.

The March supplement of the Current Population Survey (CPS) which contains the most recent estimates, puts overstays at 11.9 million for 2008. The figure is contained in the Congress Research Service dated January 15 of this year, prepared by specialist in immigration policy Ruth Ellen Wasem.

But after ten years of tweaking legislation the US now has an entire system in place that is making inroads on the overstay problem.

In March Rand Beers, Under Secretary National Protection and Programs Directorate Department of Homeland Security delivered a statement before the United States House of Representatives Committee on Homeland Security on the overstay problem where he spoke of the Arrival and Departure Information System's (ADIS) role in eliminating the problem.

"Over the past several years, DHS has made significant strides in its ability to identify foreign nationals who have overstayed their authorized periods of admission.

"DHS currently has programmes in place that use airline manifest information; border crossing records; travel document information enabled by the Western Hemisphere Travel Initiative (WHTI); and information collected under the US-VISIT programme that allow us to record who enters and exits the country for the vast majority of individuals," he said.

Beers also noted that the US-VISIT's Data Integrity Group (DIG) also uses a system that includes automated data searches, manual data searches, and manual verification by human analysts to identify people who overstay their US visas.

"The process of identifying visa overstays begins with the Arrival and Departure Information System (ADIS) which matches biographic data on arrivals, departures,

extensions, and changes or adjustments of status to identify individuals who have overstayed their authorised terms of admission."

"If an alien has remained beyond his or her authorised period of admission, the ADIS system provides an overstay status indicator. The overstay status indicator shows whether a person is believed to be inside or outside the United States."

Beers said "out-of-country overstays" were people who have left the US, but who overstayed their time in the US at some point.

"Out-of-Country Overstay Identification and Enforcement Process US-VISIT manually reviews records for aliens identified by ADIS as out-of-country visa overstays. Manually vetting these records enables US-VISIT to eliminate false system-identified overstays. After manual review, biographic and biometric lookouts are created for confirmed out-of-country overstays who are no longer eligible to enter the United States," Beers said.

According to Edward Alden, a Bernard L. Schwartz Senior Fellow Council on Foreign Relations, the system is working.

Last year nearly two million out of 7.7 million visa applicants were refused, most because the consular officer, who has as one of his primary duties to prevent overstays, suspected they would overstay their visa.

A US federal official explained that many of the people who have been refused NIV's were refused on the fact that there were problems with their visas when they travelled to the US previously that consular officers can only now pick up on when they attempt to re-enter.

The effects have started rippling across the Caribbean Sea.

In Trinidad and Tobago, there has been bitter debate over US visa policy for the issuance of NIVs.

Scores of irate Trinidadians refused NIVs began to be publicly air their concerns after a 2009 report from an internal inspection done by the US State Department's Office of the Inspector General officers, was published.

The report stated that up to February of 2009 consular officers working out of the US embassy in Port of Spain, were being trained to refuse visas to certain groups of applicants.

Among those who had virtually no chance of getting a visa were pregnant women, women who already had a child in the US, and locals going to America for job training.

There were those who had travelled before and were refused individually while there were families who believed they were of good standing who had their visas revoked collectively.

The newly-appointed US Ambassador to Trinidad Barbara Welters, chosen by US President Barack Obama's administration, in August of this year responded.

She said the US embassy in Port of Spain was applying standard immigration laws in the issuance of NIVs.

"We take the letter of the law very seriously, and thus all of our processes are according to US legal norms, especially those enshrined in the Immigration and Naturalisation Act of 1952."

Welters said many US officials were in fact impressed with consular operations at the Port of Spain embassy because they efficiently processed approximately 36,000 annually.

"So far in 2010, our consular section has processed over 20,000 visa applications, approving 71 per cent for visa issuance."

Alden who also presented a prepared statement before the Committee on Homeland Security in the US Congress in March of this year said, "Over the past year all State Department consular officers have acquired access to the ADIS database, which allows them to do a special query to determine if the visa applicant has been identified by DHS as a visa overstayer."

Alden also said "The State Department will soon be able to deploy ADIS so that the overstay information automatically appears on the screen of each consular officer during the visa adjudication process."

He believes that as travellers become aware of this it will be a deterrent for many potential visa overstayers.