

The economic downturn has undoubtedly caused tightening up of immigration policies by the Department of Homeland Security (DHS) and a crackdown on illegal immigration. This article discusses two of the major changes that have come into effect in 2009 with respect to non-US citizens entering or departing from the United States. The first major change is the expansion of the United States Visitor and Immigrant Status Indicator Technology (US-Visit) Program, which can require foreign citizens to provide biometrics, which typically include, finger scans, photographs, or other such biometric identifiers upon arrival in, or departure from, the United States at air or sea ports of entry. T

The new rule that came into effect in January this year expands the categories of non-U.S. citizens required to provide biometrics to nearly all foreign citizens, including:

US lawful permanent residents (LPRs) --- popularly known as "green-card" holders;

Foreign Citizens seeking admission on immigrant visas, (this includes all family based immigration and EB-1 to EB-5 categories)

Refugees and Asylees;

Foreign Citizens paroled into the United States;

Certain Canadian citizens who receive a Form I-94 at inspection or who require a waiver of inadmissibility.

The expansion of the US-Visit program to include lawful permanent residents is shocking as they not only go through an extensive background check to become permanent residents including a criminal background check using the applicant's fingerprints, but United States Citizenship and Immigration Services (USCIS) conducts an extensive investigation prior to granting adjustment of status to that of an LPR, and the US Department of State, as well, undertakes significant investigation of a foreign citizen applying for an immigrant visa.

This means that if you are a lawful permanent resident you could be asked to provide finger scans, photographs, or other biometric identifiers upon arrival in, or departure from, the United States at air or sea ports of entry. If you are entering through land ports of entry, such as driving across the border from Canada, you can be required to provide fingerprints only if you are referred to a secondary inspection.

Another major change in 2009 concerns international visitors from Visa Waiver Program (VWP) countries, such as United Kingdom, Australia, Singapore, etc., who plan to travel to the U.S. for temporary business or pleasure for 90 days or less. International visitors from VWP countries are now required to pre-register online at Electronic System for Travel Authorization (ESTA) and to obtain an online travel authorization or a "pre-clearance" no later than 72 hours before departure and travel to the United States.

ESTA requires the same information as the I-94W form that VWP visitors fill out en route to the US. Typically, the traveler must provide biographical data including name, birth date, and passport information, as well as answers to questions regarding eligibility to travel under the VWP.

The expansion of the US-Visit program and introduction of ESTA, has caused anxiety, confusion, and travel delay among foreign citizens and international visitors, alike. It is, therefore, recommended that foreign citizens should leave ample extra time at departure for possible biometrics particularly during busy travel times and/or during the holiday season.

Hanishi Ali is an immigration attorney at Mithras Law Group, a greater Boston based immigration and international business law firm, which focuses on US and UK based Immigration law. Hanishi can be reached at 617-500-3233 or at www.mithraslaw.com. Firm Blog at:

<http://immigrationinfo.wordpress.com/>

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