

Comments on the Revision of Interim Rule of US-VISIT Program
by the GOVERNMENT OF JAPAN

The Government of Japan pays its respect to the Government of the United States for the efforts it has made in formulating and implementing the United States Visitors and Immigrants Status Indicator Technology (US-VISIT) Program, and welcomes the opportunity offered by the U.S. Government to file comments on the proposed revision of Interim Rule on the Program upon its publication again, which is accompanied by responses to filed comments on the initial Interim Final Rule published and implemented on January 5.

The Government of Japan has been exchanging views, in some fora such as the Japan-U.S. Regulatory Reform and Competition Policy Initiative, with the U.S. Government on issues as regards effective immigration control and counterterrorism measures as well as securing smooth distribution of goods and movement of natural persons. As a result, while the Government of Japan has deepened its understanding on the details and necessity of the U.S. homeland security measures, it also believes that the U.S. Government has understood the points made by Japan on how to attain the coexistence of counterterrorism measures and economic efficiency.

The Government of Japan has received a variety of comments on the US-VISIT Program from Japanese nationals who had actually experienced the Program. Communicating these comments to the U.S. Government will contribute to the further deepening of mutual understanding on counterterrorism measures between the two Governments.

Based upon this recognition, the Government of Japan files the following comments.

1. Measures to Address Congestion at Airports and Longer Time Required for Immigration Control

Since the beginning of the US-VISIT Program on January 5, some Japanese nationals have had complaints that they have missed connecting flights due to the longer time it takes for passengers to pass immigration control. It is reported that since the expansion of scope of the Program on September 30, it has been taking yet longer to pass immigration control at some airports, and in some cases passengers have to wait for more than two hours. Passengers from Japan to the U.S. are exhausted from the long flight and jet lag. If more cases where passengers have to wait for more than two hours to pass immigration control and then miss the connecting flight continue to happen, tourists may not choose the U.S. as their destination.

The U.S. Government officially announces that each visitor to whom the US-VISIT Program is applied needs an average of additional 15 seconds to pass immigration control, but this is only an ideal figure. In reality, it needs much longer due to some factors.

Congestion at airports arises from following factors.

(1) The reason for longer time required for immigration control per person

- (a) *Some immigration officers do not fully understand the operational details of the Program*, which has been making the operation of the Program confusing. For example, some Visa Waiver Program (VWP) visitors, whom the Program had not been applied until September 30, were occasionally required to have their fingerprints scanned and faces photographed.
- (b) *Scanners sometimes cannot read fingerprints well*. While in a number of cases it was difficult to scan fingerprints due to dry air in the plane, it is reported that many visitors were required to put their fingers on the scanner again and again because scanners could not read them on the first try.

(2) The reason for longer time for immigration control in total

There are not sufficient immigration officers and immigration booths. As a positive change, for example, Honolulu International Airport has succeeded to shorten the time incurred by finishing passport control for all passengers of one flight by positioning immigration officers to all 52 immigration booths after the expansion of the scope of the Program. This measure is welcomed by Japanese nationals living in or visiting Hawaii. In contrast, at Washington Dulles International Airport, an average of only eight or nine immigration booths open per day, as a result of which it takes about one hour to pass immigration control on average. The measures taken at Honolulu International Airport should be implemented at all airports where international flights arrive and depart.

The Government of Japan therefore requests the U.S. Government, for the alleviation of congestion at airports, to:

- **Examine strictly whether every immigration officer familiarizes himself or herself with the operation of the Program and thoroughly educate his or her operational ability of the Program again;**
- **Position immigration officers at currently vacant immigration booths, and change booths for U.S. nationals into for foreigners immediately upon the completion of the former's entry at each flight arrival;**
- **Seek improvement of the performance of scanner and black list search, and equip gel that facilitates the scanning of dried fingers due to low humidity in the plane, which is already used at some airports; and**
- **Investigate again whether the time of 15 seconds publicized as an additional time incurred by the operation of the US-VISIT Program per person reflects the actual situation of immigration control, announce the time which reflects the reality more correctly, and examine the entire time for passengers to pass immigration control including waiting time and seek to shorten the time, the information on which is indispensable for travelers and travel agencies when they schedule traveling.**

2. Control of personal information

Japanese nationals still have reluctance to have their fingerprints scanned and concerns about whether the U.S. Government controls their fingerprint data properly. It is prerequisite for smooth and effective operation of the Program to relieve them from these psychological burdens.

The Government of Japan appreciates that the U.S. Government published brochure about the purpose and details of the US-VISIT Program in Japanese in addition to English and Spanish, and

that the U.S. Embassy in Tokyo has provided some briefings to the Japanese tourism industry about the US-VISIT Program in response to the request by the Government of Japan, both of which have contributed to the alleviation of anxiety about the Program harbored by Japanese nationals. It is essential for smooth operation of the US-VISIT Program to make such efforts further from various aspects.

The Government of Japan therefore requests of the U.S. Government to:

- **Elaborate setups necessary for the protection of personal information and publicize their details to the largest extent possible to Japanese visitors entering the U.S. in Japanese; and**
- **Publicize the fact in Japanese that the US-VISIT Program has been functioning well, preventing criminals from entering the U.S. by collation of their biometric identifiers with those contained in black lists.**

3. Comments on expansion to the land border ports of entry

The U.S. Government will start to collect biometric information from foreign citizens at 50 most highly trafficked land border ports of entry on December 31, 2004. Some Japanese enterprises have concerns about longer time to pass immigration control at land ports of entry on U.S.-Canada and U.S.-Mexico borders and decline of their competitive power against the U.S. companies caused thereby. Japanese workers of companies located on the U.S.-Mexico border (the so-called “Maquiladora” companies), who live in the U.S., commute to Mexico and re-enter the U.S. when they return home, will have their fingerprints scanned and their facial information photographed every time they return home after the introduction of the Program at land ports of entry. As a result, it will take much longer time to pass immigration control at land ports of entry, which has already been requiring them to spend more than one hour waiting in lines for their turns, and thus their daily lives will be affected significantly in an adverse manner.

It is reported that some immigration officers raised doubt to “Maquiladora” workers at passport control about the consistency between their entry status designated on visa (L-1) and their actual working status (that is, residing in the U.S. and commuting to Mexico), along with the immigration control getting stricter after 9.11 terrorist attacks. As a result, they have had increasing concerns that it is ambiguous if their working status could be maintained, and have requested the Government of Japan to seek confirmation from the U.S. Government that “Maquiladora” workers continue to be eligible to work in both the U.S. and Mexico without any problem. It is essential for smooth operation of the US-VISIT Program on the U.S.-Mexico border to alleviate this anxiety before its expansion to land borders.

In light of these problems described above, the Government of Japan requests the U.S. Government, in order to shorten the time it takes for passengers to pass immigration control and to operate the Program more efficiently, to:

- **Introduce portable devices to scan fingerprints and take photographs in a “drive-through” manner;**
- **Provide sufficient lanes in which, for example, holders of certain types of visas are inspected prior to others; and**
- **Inform immigration officers on the U.S.-Mexico border of the lawfulness of “Maquiladora” working status thoroughly.**