



How Immigration Reform Can Attract Increased Tourism Revenue

The U.S. immigration system often is not conducive to short visits for tourism, making the U.S. a less than attractive vacation destination for international travelers. The State Department, which administers the processes for getting visitor access to the U.S., must balance concern for national security and visa fraud (*i.e., using visitor visas to access the U.S. with no intention of leaving*) against the desire to make the process faster and less expensive. The Jobs Originated through Launching Travel Act, or JOLT Act, represents Congress's attempt to alleviate some of the difficulties associated with obtaining visitor visas for the sake of attracting more foreign visitors (and their money) to the U.S.

HOW THE PROCESS WORKS NOW

Surprisingly, one of the toughest obstacles to getting a visitor visa is not background screenings or national security watch-lists; instead, it is the ability to satisfy the State Department official reviewing a visitor visa application that the applicant will return to his/her home country once the visa expires. Section 214(b) of the Immigration and Nationality Act requires State Department officials to presume that an applicant intends to immigrate permanently to the U.S. until the applicant provides enough evidence to the contrary, usually through providing evidence of his/her ties to the home country such as employment, ownership of property, involvement in religious or civic organizations, family members in need of care, etc. Not only must an applicant collect all of this documentation in advance of the application process, he/she must appear at a U.S. Consulate for an in-person interview to make the case to defeat this presumption, a requirement that can mean hours of travel time and expense depending on the country in question. Interview appointments are limited, making the wait seem interminable during peak seasons.

Not surprisingly, the unintended by-product of this process, according to many tourism and hospitality associations, is a loss in tourism revenues due to the conclusion reached by many international travelers: "Maybe I'll just go to Baden-Baden again this year instead of Las Vegas;" or "I'd love to go to my cousin's beach wedding in Miami, but I can't get a visa appointment in time."

SOLUTIONS PROPOSED BY JOLT

While national security and fraud detection cannot be sacrificed for the sake of convenience, members of Congress have proposed some common-sense solutions that stand to better balance these competing concerns:

- Develops a "premium processing" service for visitor visas that gets potential visitors expedited processing for an additional fee, allowing visitors an option to by-pass long wait times for appointments to keep travel plans intact;

- Allows more countries access to the Visa Waiver Program, which allows nationals of a limited number of U.S. ally countries to enter the U.S. just using their passports instead of applying for a visa ahead of time;
- Requires the State Department to develop and test a remote videoconferencing system for visa interviews in countries where travel to U.S. consulates deters visa applications;
- Requires the State Department to improve its processes and resources toward the goal of processing all visa applications within 10 days of submission, including the interview;
- Expands the U.S. Customs and Border Protection's Global Entry program, which is a pre-clearance process allowing low-risk international travelers to by-pass formal inspection by a U.S. Customs officer.

JOLT also includes special provisions for Canadian nationals over the age of 50, who often make extended trips to the U.S. to take advantage of warmer climates. JOLT increases the amount of time Canadian nationals can stay in the U.S. without violating immigration law, provided they can prove ownership or rental of residence in the U.S. for the duration of their stays.

WILL THE U.S. ECONOMY GET A JOLT?

JOLT has been introduced in Congress for the second time this year after stalling out in committee last year. It remains pending in the House and Senate Judiciary Committees presently with no votes scheduled. Given that the House continues its efforts to develop a Comprehensive Immigration Reform bill, JOLT proposals may be revived and included in comprehensive measures.

For assistance regarding the JOLT ACT or for more information on how this can affect you, please contact:

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