



Legislation Details (With Text)

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**Title:** Resolution opposing the US-VISIT program developed by the Bush Administration, which unfairly subjects certain foreign visitors to photographing and fingerprinting and exempts others.

**Sponsors:** Margarita Lopez, Miguel Martinez, Hiram Monserrate, Maria Baez, Charles Barron, Yvette D. Clarke, Bill Perkins, James Sanders, Jr., Robert Jackson

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Res. No. 150

Resolution opposing the US-VISIT program developed by the Bush Administration, which unfairly subjects certain foreign visitors to photographing and fingerprinting and exempts others.

By Council Members Lopez, Martinez, Monseratte, Baez, Barron, Clarke, Perkins, Sanders and Jackson

Whereas, According to the United States Immigration and Citizenship Services, more than 27.9 million people visited the United States in 2002, not including visitors from Canada and Mexico; and

Whereas, On January 5, 2004, the United States Visitor and Immigrant Status Indicator Technology (“US-VISIT”) program began at 115 airports and 14 major seaports across the country, including JFK airport in New York; and

Whereas, According to the Department of Homeland Security, data containing a passenger’s date of entry, nationality, classification and biometric identifiers will be used to verify the identity of the visitor and will be compared against watch lists used to reduce fraud, identity theft, and the risk that terrorists and criminals will enter the United States undetected; and

Whereas, Under the US-VISIT program border protection officers have the discretion, based on national security criteria and intelligence reports, to subject an individual from any country to a more detailed secondary inspection; and

Whereas, The US-VISIT program has been legislated through the Naturalization Service Data Management Improvement Act of 2000 (Public Law No. 106-215), the USA Patriot Act of 2001 (Public Law No. 107-56), and the Enhanced Border Security and Visa Entry Reform Act of 2002 (Public Law No. 107-173) and is enforced by the Department of Homeland Security; and

Whereas, The US-VISIT program received \$380 million in taxpayer money for Federal Fiscal Year 2003 and has received an appropriation of \$330 million for 2004, and will be implemented at the 50 busiest land ports of entry by December 31, 2004, and at all land ports by December 31, 2005; and

Whereas, Any individual subject to US-VISIT who refuses to provide biometrics is inadmissible to the United States and any individual who violates immigration laws by overstaying his or her period of admission may be subject to removal from the United States and may be barred from future entry or from receiving a new visa; and

Whereas, Countries whose citizens are exempt from US-VISIT include Andorra, Austria, Australia, Belgium, Brunei, Canada, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom; and

Whereas, The vast majority of countries exempt from US-VISIT are European, while all countries in Latin America, Africa and the Middle East participate in the program; and

Whereas, New procedures could delay travel, inaccurately target visitors, increase confusion at borders and continue to perpetuate racial profiling among Arab and Muslim visitors; and

Whereas, Visitors' records will be accessible to United States and foreign government officials for many years; and

Whereas, National security policy should protect our nation's borders and the basic rights and civil liberties of American citizens, residents and visitors; it should not discriminate on the basis of race or national origin; now, therefore, be it

Resolved, That the New York City Council opposes the US-VISIT program developed by the Bush Administration, which unfairly subjects certain foreign visitors to photographing and fingerprinting and exempts others.