

103^D CONGRESS
2^D SESSION

H. R. 5041

To amend the Immigration and Nationality Act to continue the visa waiver pilot program and to authorize, under certain conditions, the creation of a probationary status for certain participants in the visa waiver pilot program.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 1994

Mr. MCCOLLUM (for himself, Mr. MACHTLEY, Mr. FRANK of Massachusetts, Mr. MCCLOSKEY, and Mr. SCHUMER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to continue the visa waiver pilot program and to authorize, under certain conditions, the creation of a probationary status for certain participants in the visa waiver pilot program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. EXTENSION OF VISA WAIVER PILOT PROGRAM.**

4 Section 217(f) of the Immigration and Nationality
5 Act (8 U.S.C. 1187(f)) is amended by striking “September
6 30, 1994” and inserting “September 30, 1996”.

1 **SEC. 2. CREATION OF PROBATIONARY STATUS FOR PARTIC-**
2 **IPANT COUNTRIES IN THE VISA WAIVER PRO-**
3 **GRAM.**

4 Section 217 of the Immigration and Nationality Act
5 (8 U.S.C. 1187) is amended—

6 (1) in subsection (a)(2)(B) by inserting before
7 the period “or is designated as a pilot program
8 country with probationary status under subsection
9 (g)”.

10 (2) by adding at the end the following new sub-
11 section:

12 “(g) PILOT PROGRAM COUNTRY WITH PROBATION-
13 ARY STATUS.—

14 “(1) IN GENERAL.—The Attorney General and
15 the Secretary of State acting jointly may designate
16 any country as a pilot program country with proba-
17 tionary status if it meets the requirements of para-
18 graph (2).

19 “(2) QUALIFICATIONS.—A country may not be
20 designated as a pilot program country with proba-
21 tionary status unless the following requirements are
22 met:

23 “(A) NONIMMIGRANT VISA REFUSAL RATE
24 FOR PREVIOUS 2-YEAR PERIOD.—The average
25 number of refusals of nonimmigrant visitor
26 visas for nationals of the country during the

1 two previous full fiscal years was less than 3.5
2 percent of the total number of nonimmigrant
3 visitor visas for nationals of that country which
4 were granted or refused during those years.

5 “(B) NONIMMIGRANT VISA REFUSAL RATE
6 FOR PREVIOUS YEAR.—The number of refusals
7 of nonimmigrant visitor visas for nationals of
8 the country during the previous full fiscal year
9 was less than 3 percent of the total number of
10 nonimmigrant visitor visas for nationals of that
11 country which were granted or refused during
12 that year.

13 “(C) LOW EXCLUSIONS AND VIOLATIONS
14 RATE FOR PREVIOUS YEAR.—The sum of—

15 “(i) the total number of nationals of
16 that country who were excluded from ad-
17 mission or withdrew their application for
18 admission during such previous fiscal year
19 as a nonimmigrant visitor, and

20 “(ii) the total number of nationals of
21 that country who were admitted as non-
22 immigrant visitors during such previous
23 fiscal year and who violated the terms of
24 such admission,

1 was less than 2.5 percent of the total number
2 of nationals of that country who applied for ad-
3 mission as nonimmigrant visitors during such
4 previous fiscal year.

5 “(D) MACHINE READABLE PASSPORT PRO-
6 GRAM.—The government of the country certifies
7 that it has or is in the process of developing a
8 program to issue machine-readable passports to
9 its citizens.

10 “(3) CONTINUING AND SUBSEQUENT QUALI-
11 FICATIONS FOR PILOT PROGRAM COUNTRIES WITH
12 PROBATIONARY STATUS.—The designation of a
13 country as a pilot program country with probation-
14 ary status shall terminate if either of the following
15 occurs:

16 “(A) The sum of—

17 “(i) the total number of nationals of
18 that country who were excluded from ad-
19 mission or withdrew their application for
20 admission during the preceding fiscal year
21 as a nonimmigrant visitor, and

22 “(ii) the total number of nationals of
23 that country who were admitted as visitors
24 during the preceding fiscal year and who
25 violated the terms of such admission,

1 is more than 2.0 percent of the total number of
2 nationals of that country who applied for ad-
3 mission as nonimmigrant visitors during such
4 preceding fiscal year.

5 “(B) The country is not designated as a
6 pilot program country under subsection (c)
7 within 3 fiscal years of its designation as a pilot
8 program country with probationary status
9 under this subsection.”.

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