



Senators Feinstein, Kyl Urge Stricter Control of Temporary Visas  
May 18, 2005

*Washington, DC – U.S. Senators Dianne Feinstein (D-Calif.) and Jon Kyl (R-Ariz.), the Ranking Member and Chairman of the Judiciary Subcommittee on Terrorism, Technology and Homeland Security, today called on Homeland Security Secretary Michael Chertoff to change the current immigration practice of automatically awarding tourists to the United States (B-1/B-2 travellers) a six-month stay.*

*Following is the text of a letter sent to Secretary Chertoff:*

**Secretary Michael Chertoff  
U.S. Department of Homeland Security  
Nebraska Avenue Center, N.W.  
Washington, D.C. 20528**

**Dear Secretary Chertoff:**

**We have become increasingly concerned with current visa regulations relating to tourists entering the United States as visitors for business (B-1) or pleasure (B-2). It appears to us that the amount of time granted to these travelers is unnecessarily generous, and when granted to the wrong person, could be detrimental to our national security.**

**We know that in the past, terrorists have studied our immigration system so as to exploit vulnerabilities and weaknesses. One such vulnerability in our current system is the automatic granting of six month periods of stay for B-2 tourists for pleasure to the United States, regardless of their stated vacation plans. Six months seems plenty of time for a terrorist in this country to case prospective sites, coordinate and network with others, and even carry out an attack.**

**As set out in 8 C.F.R. § 214.2(b), while immigration officers have discretion in granting length of stay for business travelers (B-1) up to a year, there is no discretion in granting length of stay for tourist visas (B-2). Regardless of how long a tourist plans on staying in the United States, if deemed admissible, they are generally admitted into the country for six months. By the same token, tourists participating in the Visa Waiver Program are only permitted at maximum a three-month stay.**

**It is incongruous that visitors from countries considered to be of low risk are granted half the time as those from countries outside the Visa Waiver Program. Furthermore, those traveling from a Visa Waiver Program country are required to**

produce a return ticket upon arrival in the United States, whereas B1/B2 visa holders are not.

To that end, we would ask that you consider the following changes to current practice as stated in 8 C.F.R. § 214.2(b):

- **First, standardizing the current length of stay for B1/B2 travelers to a maximum of six months from one year, and allowing for the default amount of time given at entry to be reduced from six months to three months – similar to the Visa Waiver Program.**
- **Second, allowing immigration officers the discretion to tailor each admission into the United States according to the itinerary presented by the travelers. By eliminating the current regulation which states that all B-2 visitors for pleasure will be admitted for a minimum period of six months, regardless of whether less time is requested.**
- **Third, eliminating the ability of first time B1/B2 visitors to the United States to apply for an extension of their stay. Rather, this privilege should be a reward granted to subsequent visitors who can demonstrate that they abided by their previous return dates in the same visa category.**
- **Fourth, requiring B1/B2 visitors to demonstrate possession of a round-trip ticket.**

Ultimately we feel that these changes are a necessary step toward standardizing the entry of short-term tourists and business people to the United States. In addition, we believe that they will close the current loopholes that make this non-immigrant visa category ripe for abuse and bring us another step closer toward better securing our borders.

We trust that we share these concerns regarding B1/B2 visitors and are hopeful that you will consider revising the Department of Homeland Security's regulations in this area.

We appreciate your consideration of these concerns and look forward to working with you on this matter and to your reply.

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