

The Secretary of State presents his compliments to Their Excellencies and Messieurs and Mesdames the Chiefs of Mission and wishes to inform them of certain changes related to the arrival into and departure from the United States by foreign nationals. These changes were implemented on January 5, 2004.

The Department of Homeland Security (DHS) has established the United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT) in accordance with a Congressional mandate requiring that it create an integrated, automated entry-exit system to record the arrival and departure of foreign nationals; that equipment be deployed at all ports of entry to allow for the verification of their identity and the authentication of their travel documents through comparison of biometric identifiers; and that the entry-exit system record arrival and departure information from these biometrically authenticated documents. As a result, such persons traveling to the United States are required to provide fingerprints, photographs or other biometric identifiers upon arrival in or departure from the country.

Biometric and other information will be checked against law enforcement and intelligence data to determine whether the individual is a

threat to national security or public safety, or is otherwise inadmissible.

Failure to comply may result in a finding that he or she is inadmissible to the United States, has violated the terms of his or her admission and maintenance of status, or is ineligible for future visas, admission, or discretionary immigration benefits. Due to heightened security concerns related to a continued threat of terrorist acts in the United States, DHS determined that immediate implementation of this rule was necessary.

DHS initially is applying this procedure only to foreign nationals seeking to be admitted pursuant to a nonimmigrant visa who travel through designated air and sea ports. The rule exempts: (i) persons admitted on the following visas: A-1, A-2, C-3 (except for attendants, servants or personal employees of accredited officials), G-1, G-2, G-3, G-4, NATO-1, NATO-2, NATO-3, NATO-4, NATO-5 or NATO-6, unless the Secretary of State and the Secretary of Homeland Security jointly determine that a class of such persons should be subject to the rule; (ii) children under the age of 14; (iii) persons over the age of 79; (iv) classes of persons the Secretary of Homeland Security and the Secretary of State jointly determine shall be exempt; and (v) an individual whom the Secretary of Homeland Security, the Secretary of State, or the Director of Central Intelligence determines shall be exempt. A notice was published in the *Federal Register* on January

5, 2004, identifying the air and sea ports where biometrics may be collected at time of entry and departure.

At this time, travelers who seek to enter under the Visa Waiver Program (VWP) are not affected by this rule. However, under current United States law, foreign nationals will not be admitted under the VWP on or after October 26, 2004, without a machine-readable, tamper-resistant passport that meets International Civil Aviation Organization (ICAO) biometric standards for photographs, unless the individual's passport is unexpired and was issued prior to that date.

Department of State,

Washington, January 23, 2004

A handwritten signature in black ink, appearing to read 'T. R. B. E.', located in the lower right quadrant of the page.