

Looking Forward to International Visits from Friends and Family in 2016? Better Hope They're Not Dual Nationals of Certain Countries

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December is the time for decking the halls, hitting the malls, and celebrating the holiday season with family and friends — many of whom are flying in from all over the world.

Yet most Americans don't know that Congress is poised to pass a law that will make it harder for many Europeans, Asians, Australians, and others to visit the U.S. In response to the November terrorist attacks in Paris, Congress and the White House hastily cobbled together a bill to tighten controls in the visa waiver program (VWP) and assured its passage by tacking it onto the [must-pass government funding bill](#). What will be the net result of this rushed visa waiver bill, drafted on the heels of the terrorist attacks in Paris? A new law that enshrines discrimination against dual nationals of Iran, Iraq, Sudan, or Syria, who live in VWP countries.

Established decades ago, the VWP facilitates international tourism, trade, and business among 38 countries. In 2014, more than 20 million travelers arrived here through the VWP, including more than [13 million](#) from Europe. While here, these travelers [“generated \\$190 billion in economic output and supported nearly one million American jobs,”](#) according to the U.S. Travel Association.

Reciprocity is the hallmark of the VWP. Under the VWP, all citizens can travel, visa-free, to VWP countries. The VWP allows British tourists to come to the U.S. visa-free, and in turn, American college students can go to Europe visa-free. The VWP allows Japanese high-tech executives to travel to Silicon Valley, and American executives to fly to Tokyo — on short notice.

The visa waiver bill folded into the government spending bill, however, could fundamentally shake up international travel. Starting in 2016, citizens of VWP countries will lose their visa-free travel privileges if they are dual nationals of Iran, Iraq, Sudan, or Syria. This revocation of travel privileges will apply to many [dual nationals](#)— even if they have never set foot inside Iran, Iraq, Sudan, or Syria.

What will be the impact of the new visa waiver law? A German citizen, who has lived in Berlin her entire life, will lose her visa-free privileges if her father is an Iranian citizen — even if she herself has never been to Iran. Two-hundred-thousand people moved to Germany following the 1979 Iran revolution, including many who were exiled. They and their children became German citizens, but under Iranian law they will never lose their Iranian citizenship — thus making them dual nationals.

Starting in 2016, these German-Iranian dual nationals will need to apply for visitor visas, pay a [\\$160 fee](#), attend an interview at a U.S. consulate, and pass additional background checks before coming to the U.S. They will need to clear these extra hurdles if they're coming to the U.S. for any visitor purpose — whether to attend a family reunion, tour the Grand Canyon, or attend petroleum industry meetings in Texas.

As the German ambassador to the U.S. recently [said](#), “Is that the group you want to target? Do you want to target the people who were exiled by the mullahs and penalize them?”

Practically speaking, the new visa waiver law will create two tiers of travelers in VWP countries: (1) those who can continue to come here visa-free and (2) those who can't because they're dual nationals of Iran, Iraq, Sudan, or Syria. There is no justification for such differential treatment. That's rank discrimination based on nationality and parentage. And it's wrong and un-American.

The new law will also strip visa-free privileges from anyone who has been to Iran, Iraq, Sudan, or Syria since March 2011. This includes weapons inspectors examining Iran nuclear facilities, social workers interviewing Kurdish refugees in Iraq, physicians treating patients in Darfur, and human rights investigators documenting atrocities committed by ISIL.

In the wake of the terrorist attacks in Paris, it is understandable that Congress and the White House are beefing up VWP security. But this could be done without enshrining discrimination against people based on their nationality and parentage. The ACLU [calls upon](#) Congress and the White House to fix the discriminatory visa waiver travel restrictions, thereby safeguarding America's security without sacrificing civil liberties.