



New Visa Class

or

You want a law, you write it

Rick St.Denis

Glasgow University

Fermilab User's Executive  
Committee



# What is the UEC?

The Users Executive Committee: a 12-member elected committee of Fermilab Users, each serving two year terms

We are the liaison between the lab directorate and the 2500 scientists in the user population

Issues include: Education and Outreach, Inreach, Quality of life, Users Meeting

Represent Users in Washington



# UEC Members





# Events in the Visa Saga

- August 15, 2001: Roy Rubinstein met with State and INS. Problem acknowledged; asked him to write the perfect visa.
- April 25, 2002: Peter Zimmerman asked for a draft law and a survey: sent perfect visa.
- June 10, 2002: SFRC head of staff ok's work.
- June 15, 2002: Roy Rubinstein talk elicits encouragement from OSTP(Marberger)
- June 25, 2002: Met with OSTP, Homeland Security
- June 28, 2002: Interagency Government meeting called by OSTP.



# Outline

- Meeting with Senate Foreign Relations Committee Chief Scientist
- The survey results
- Meeting with OSTP and Homeland Security: The current situation



## Meeting with SFRC

- Peter Zimmerman: FNAL, DESY postdoc, Nuclear physicist to 1985, SDI fellow, advisor to Clinton on nuclear arms, now Chief Scientist, Senate Foreign Relations Committee
- Rick St. Denis, Freya Bleckman, Eduardo Silva (SLAC) met 1.5 h Thursday, April 25.



# SFRC meeting

- Spent 1 hr on phone 1mo earlier: He took action
  - Brought up at Forum on Education, Physics and Society, APS steering board, and in talk at APS meeting in New Mexico
  - Agreed: there is a problem
  - Wanted DATA!



# SFRC meeting

- At first: maybe INS can help, Maybe need a law. Need right timing.
- Are others beyond physicists involved: would have a better chance with other scientists
- Sympathetic, but not much different in other countries
- Mentioned I was worried we could lose ground if we bring up this situation



## Write your own law

- Suggested we write the language: if we mess it up, it is our fault
- Lobbyist does this, they add the wherefore's and point out mistakes
- Time scale: 2 weeks
- We must also get the supporting case.



## Actions Taken

- Thurs @4: URA, Chrisman, Burke & Assoc; Burke gets “perfect visa”
- Fri @9: SLAC, BNL, JLAB notified, Burke & Assoc authorized to write bill; Burke & Assoc received summary of visit
- Monday: Sent draft survey and letter to Bruce Chrisman and Roy Rubinstein
- Tuesday: Draft of bill sent to Peter



# Actions Taken

- Waited for signal to collect
- Judy Jackson hired a web designer
- Thursday: Go given, CDF and D0 told
- Friday: General User Notification.
- Monday: Start analysis of results.
- Tuesday: Language ready for Senate Lawyers and Senator; Need Results
- Wednesday: Report sent to Lewis-Burke, executive summary sent to Pete
- Thursday: Lewis-Burke ok's for Pete

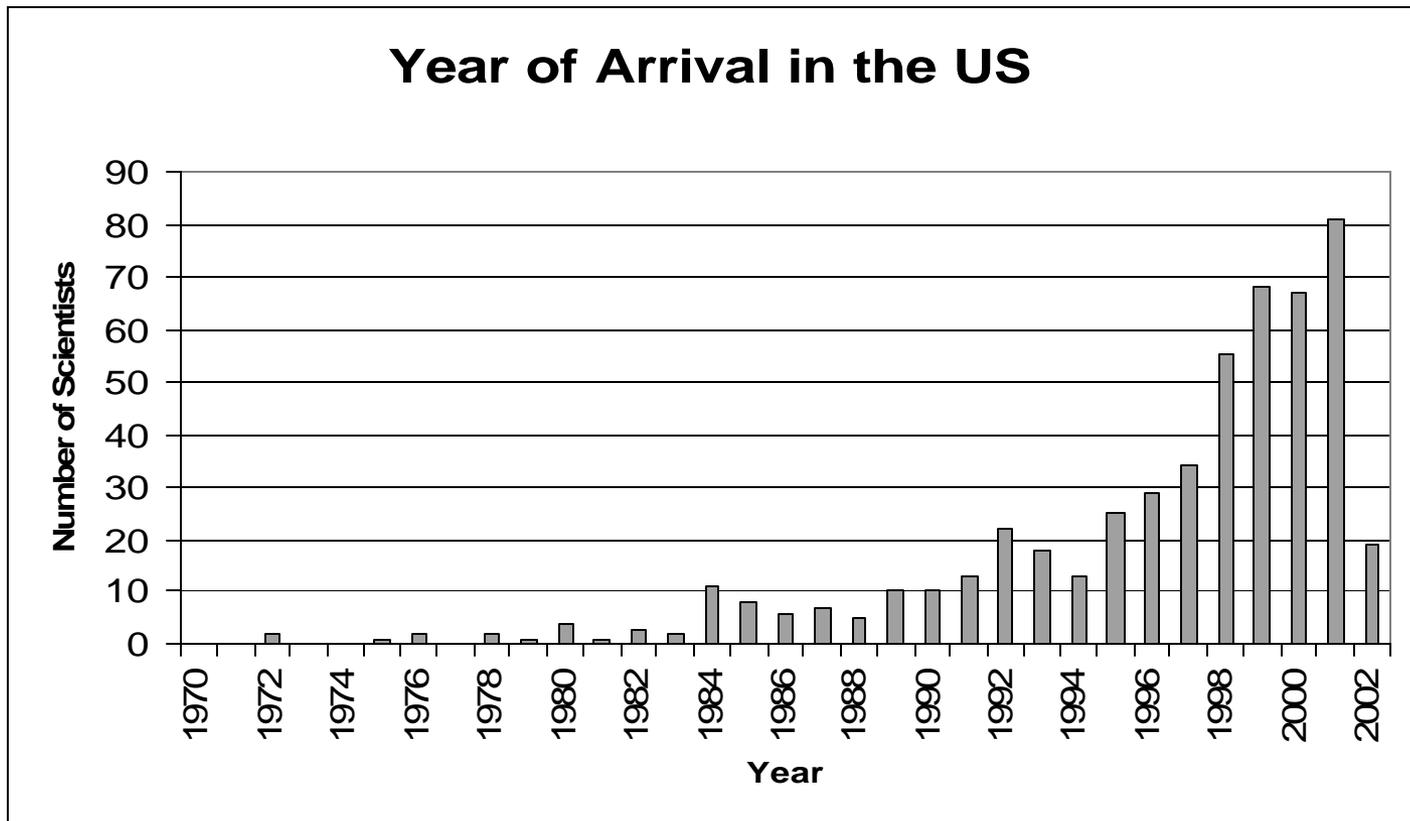


# Survey Response

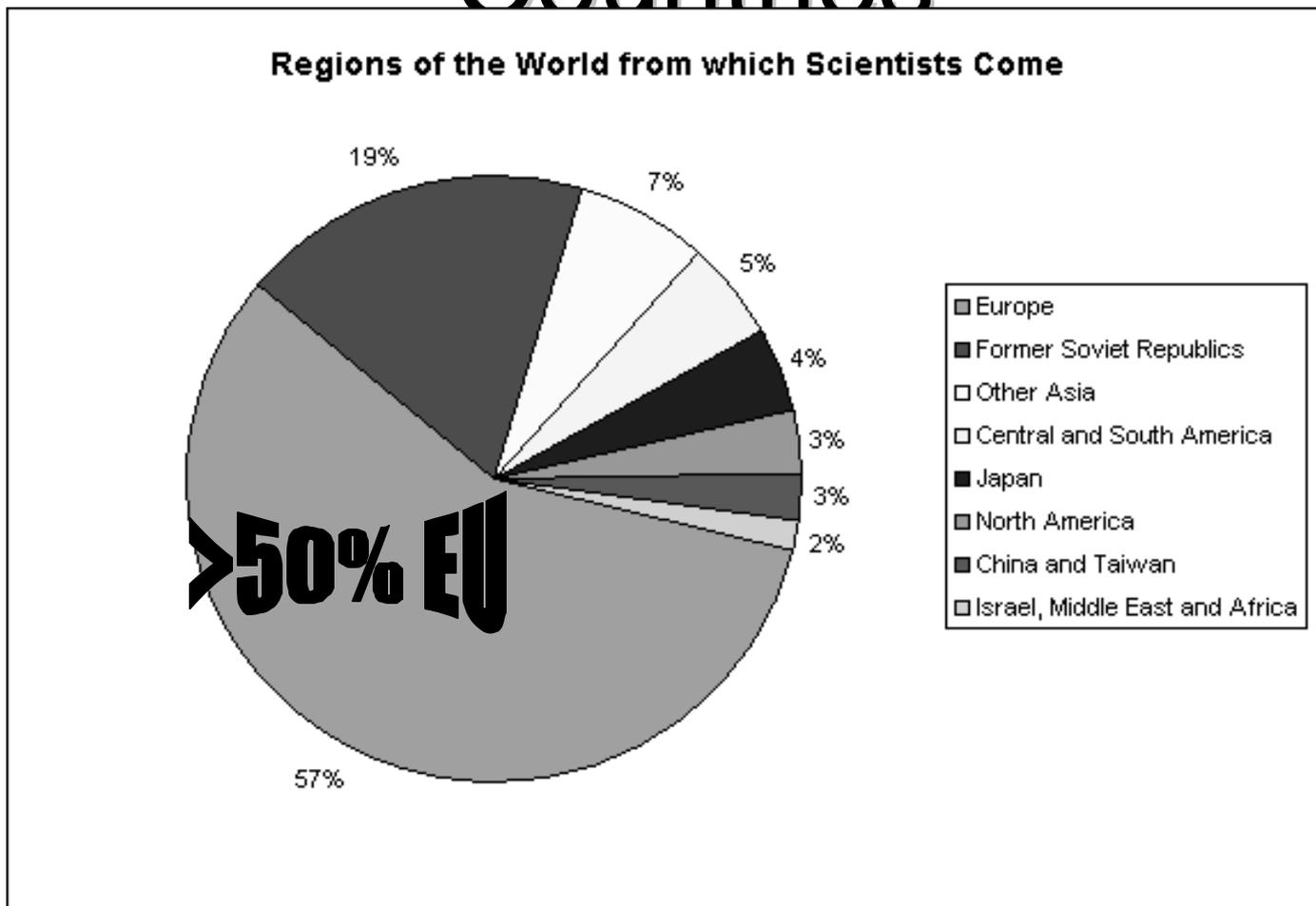
Lab	Type	1 <sup>st</sup>	3 hr	Now Avail.
BNL	Nuclear		28	71
JLAB	Nuclear		2	52
SLAC	Particle		48	69
FNAL	Particle		267	443
LBL	Mixed		-	15
ANL	Mixed		1	3
Total			346	653



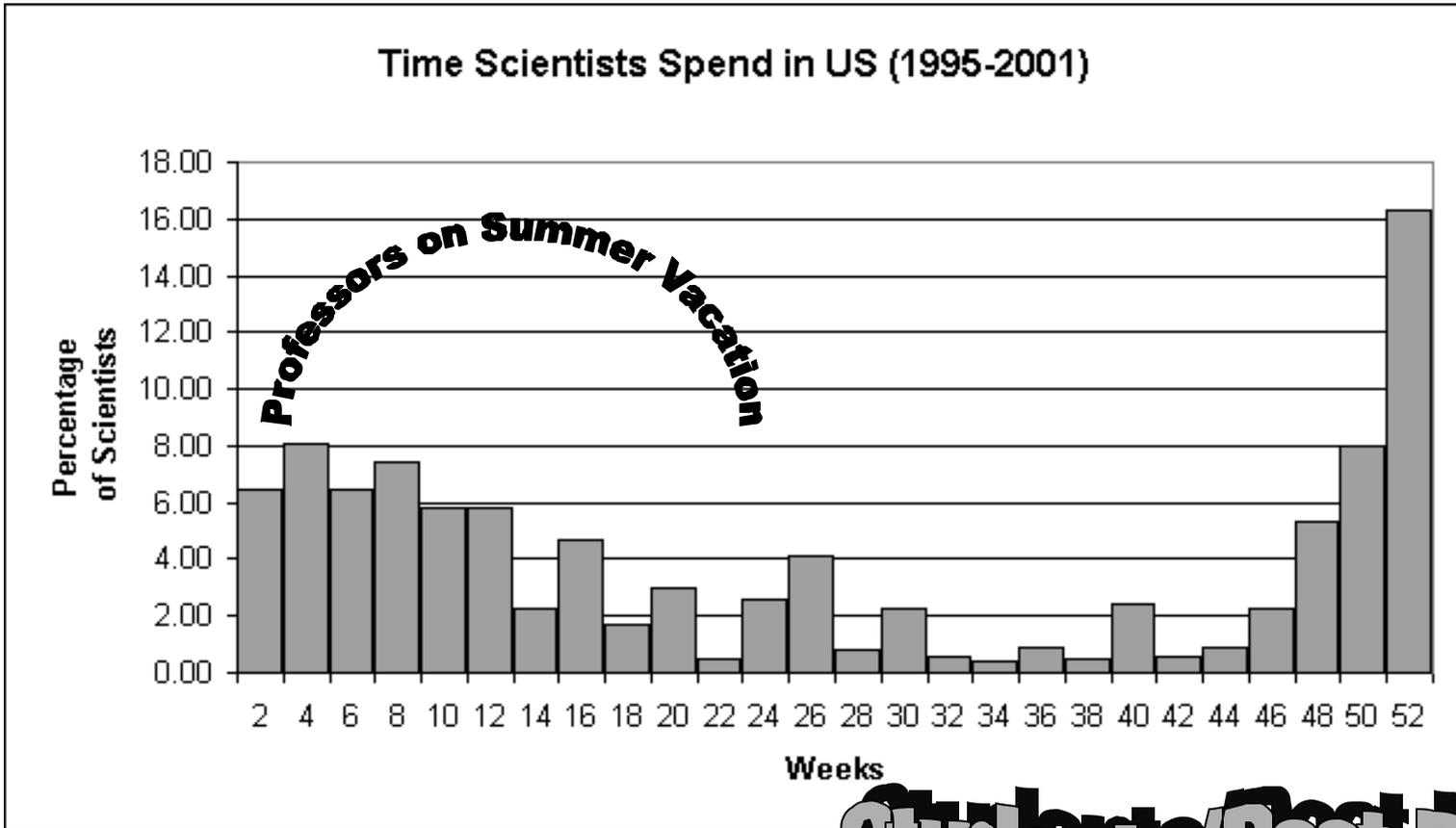
# Survey Response - Who **96% Experimentalists**



# Survey Response – 53 Countries



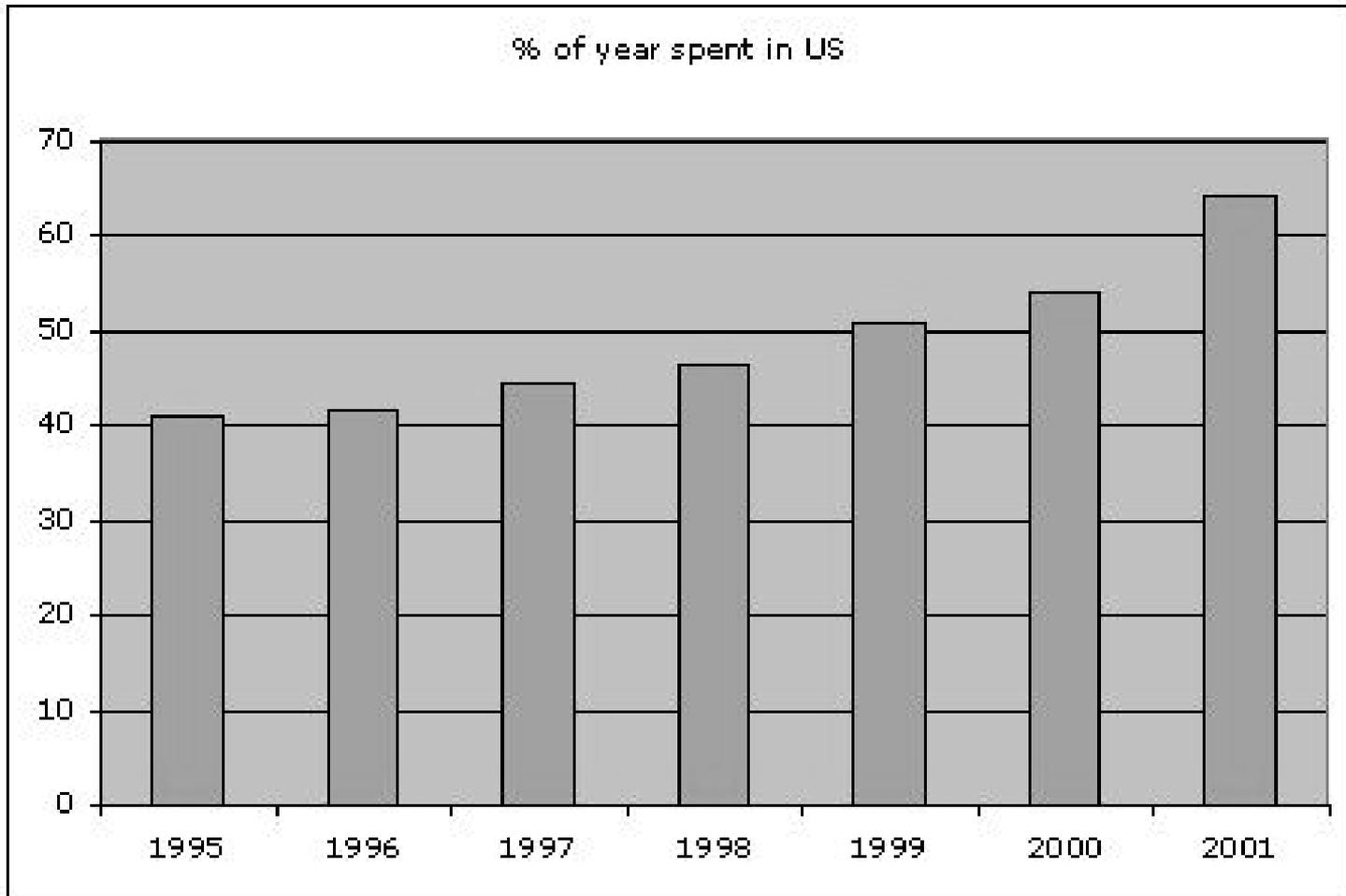
# Survey Response: Weeks per Year



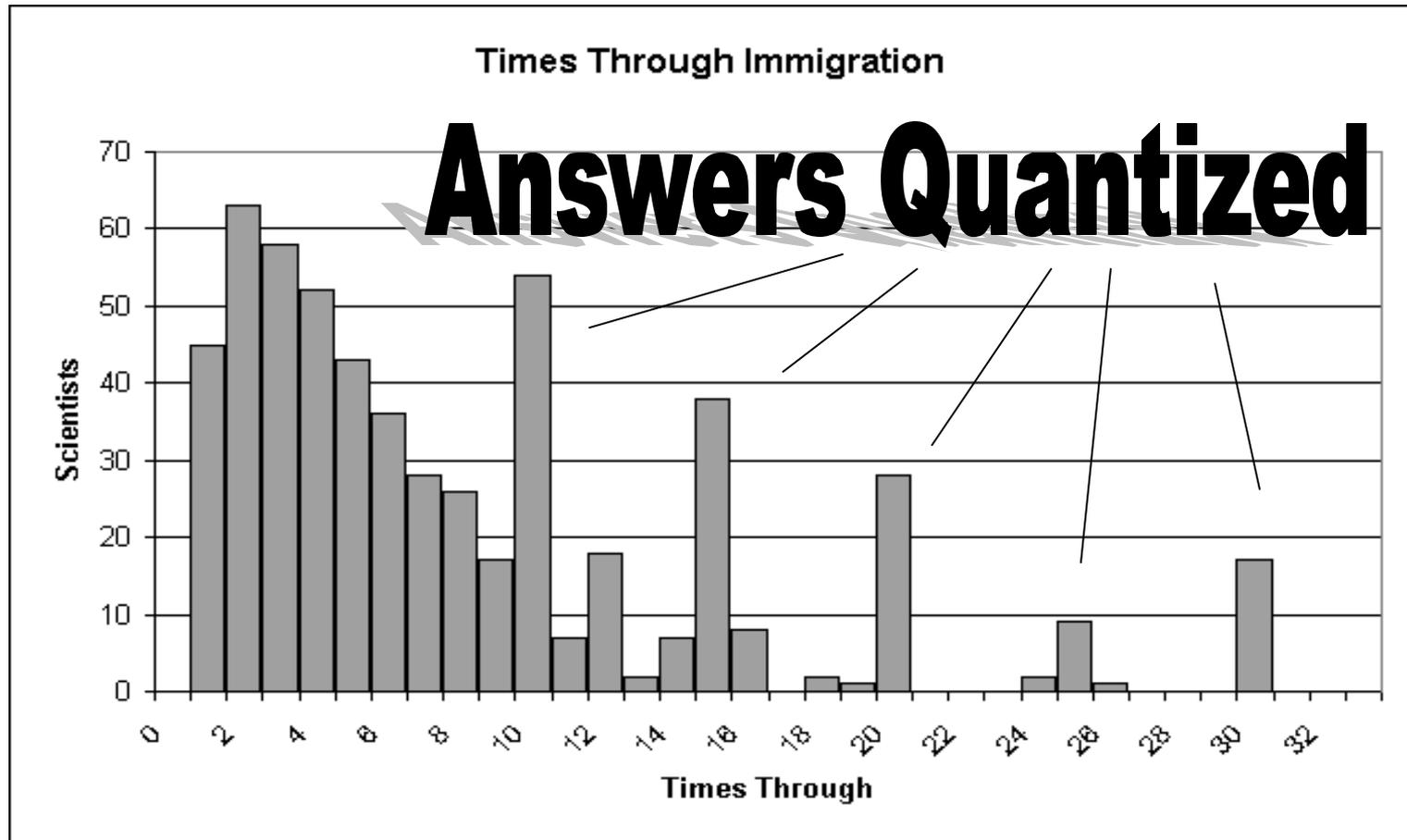
*Professors on Summer Vacation*

*Students/Post-Docs*

# Survey Response: Fraction of Year



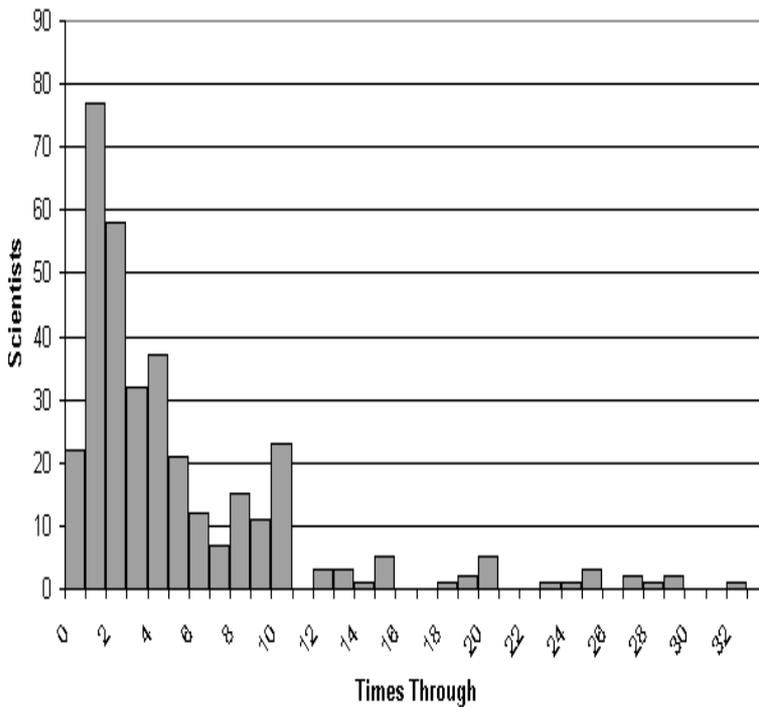
# Getting Across the Border: Total times through Immigration



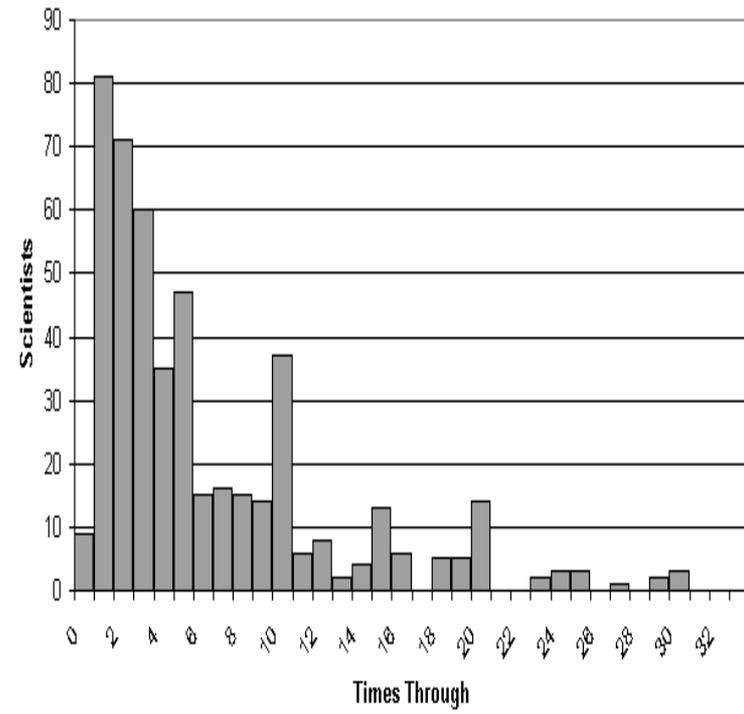


# Getting Across the Border: How often is it a Breeze

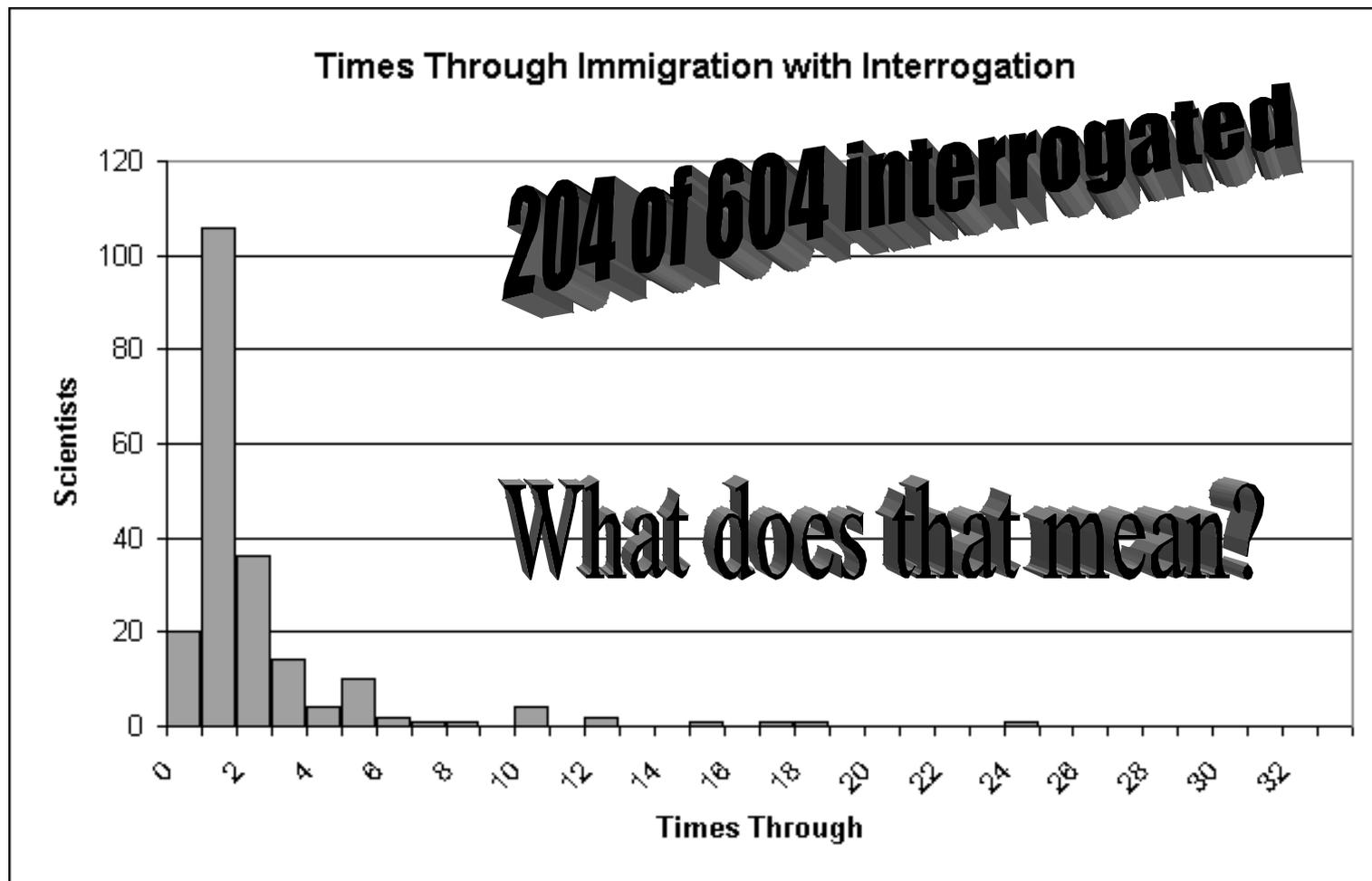
Time Through Immigration with No Questions



Times Through Immigration with Minimal Questions



# Getting Across the Border: Interrogation



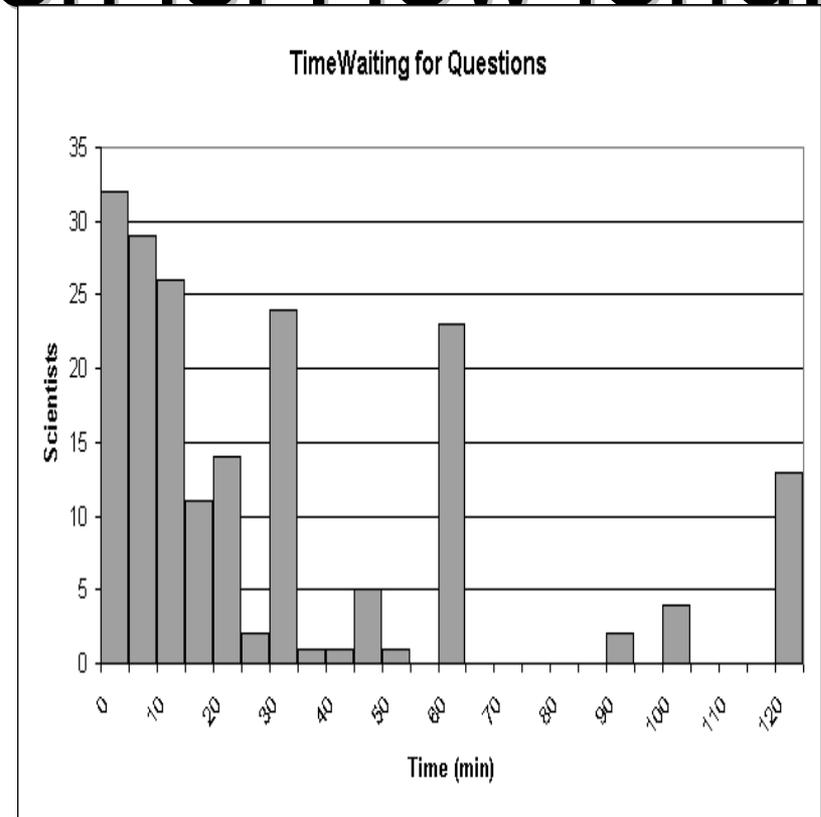
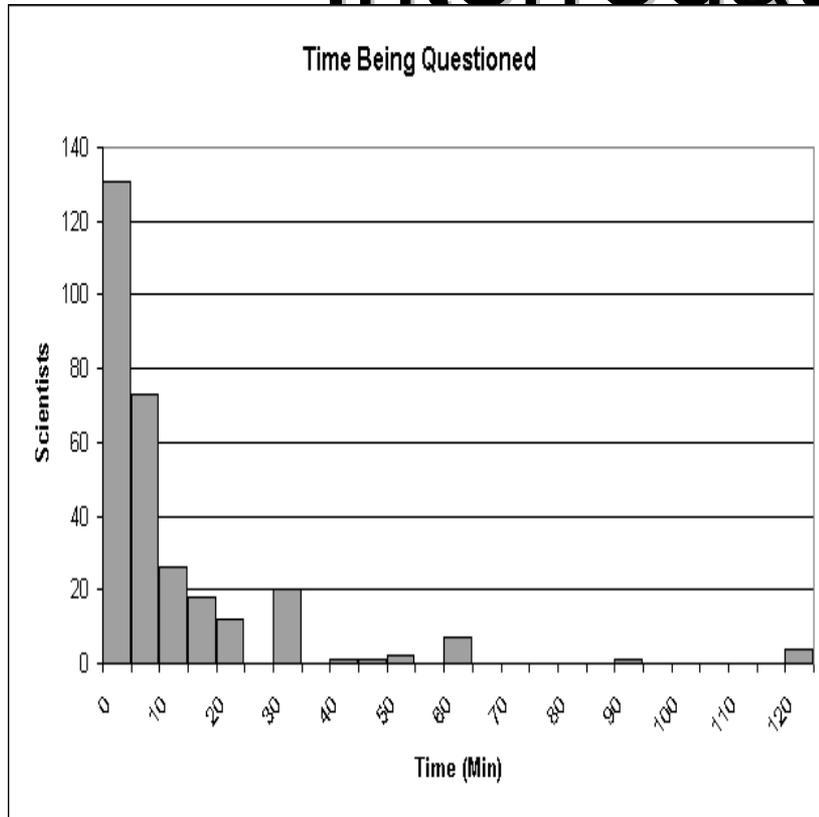
# Interrogation Question

- Possibilities:
  - no questions,
  - asked a question or two and told to go on,
  - taken to a room: interrogation
- Time interrogated
  - Was waived on (1 minute) or asked few questions and left waiting
- Time Waiting
  - Indication of confusion by INS



# Getting Across the Border: What

# Interrogation is: How long!



Over 100 had significant interrogation

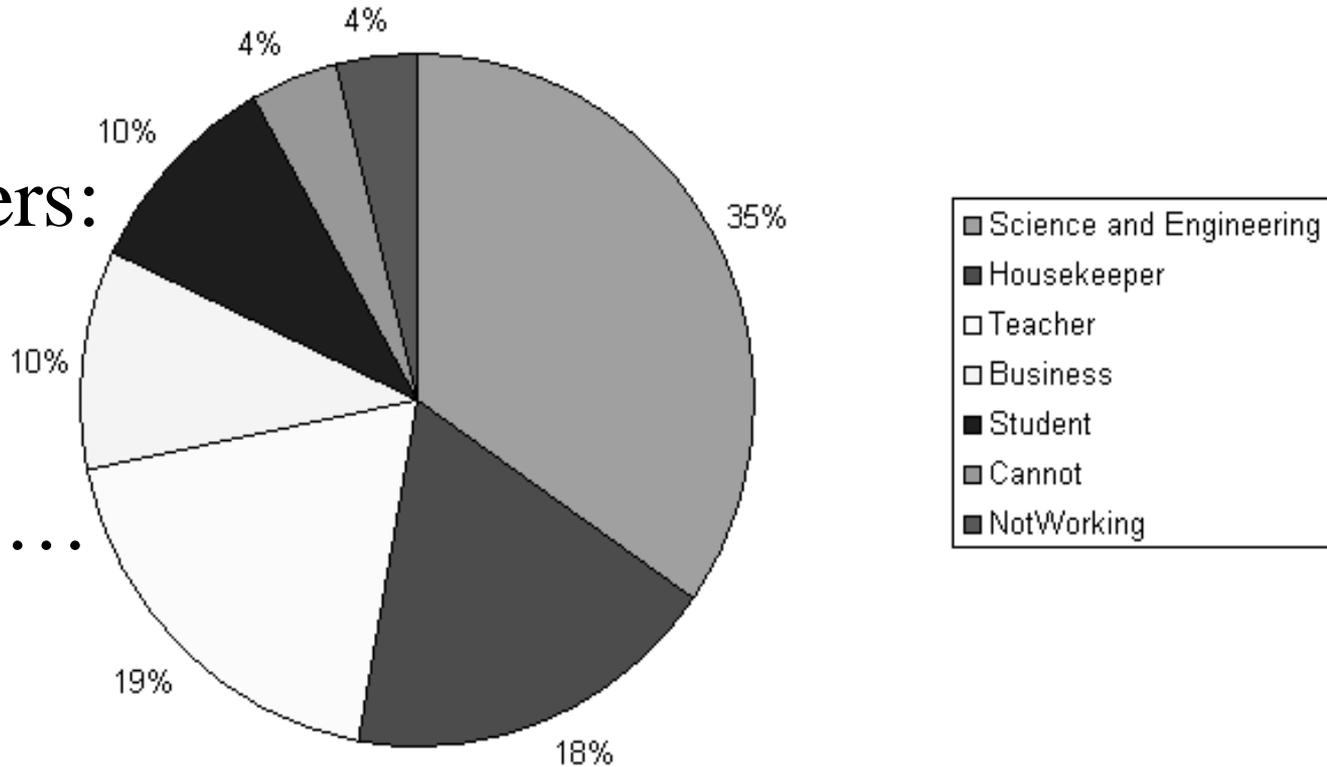
# Interrogation Questions

- What is the purpose of your stay?
- What are you doing here?
- What kind of work do you do?
- Why are you living in America?
- Do you intend to work here?

*Where is the Higgs?* **Edinburgh**

# Accompanying Spouses

Spouse's Occupation



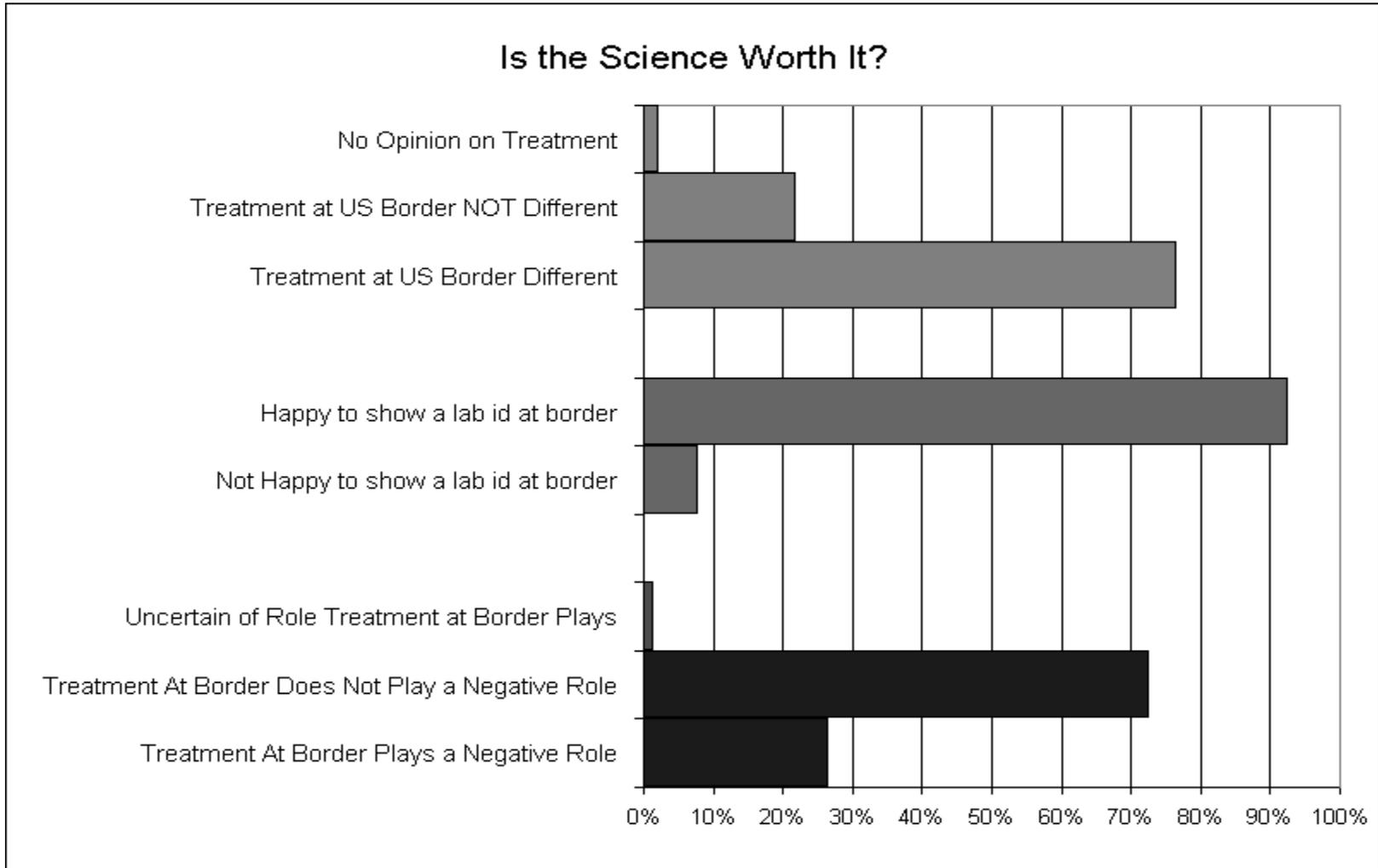
- 248 w/spouse
- >1/2 Carreers: Scientists, teachers, engineers ...



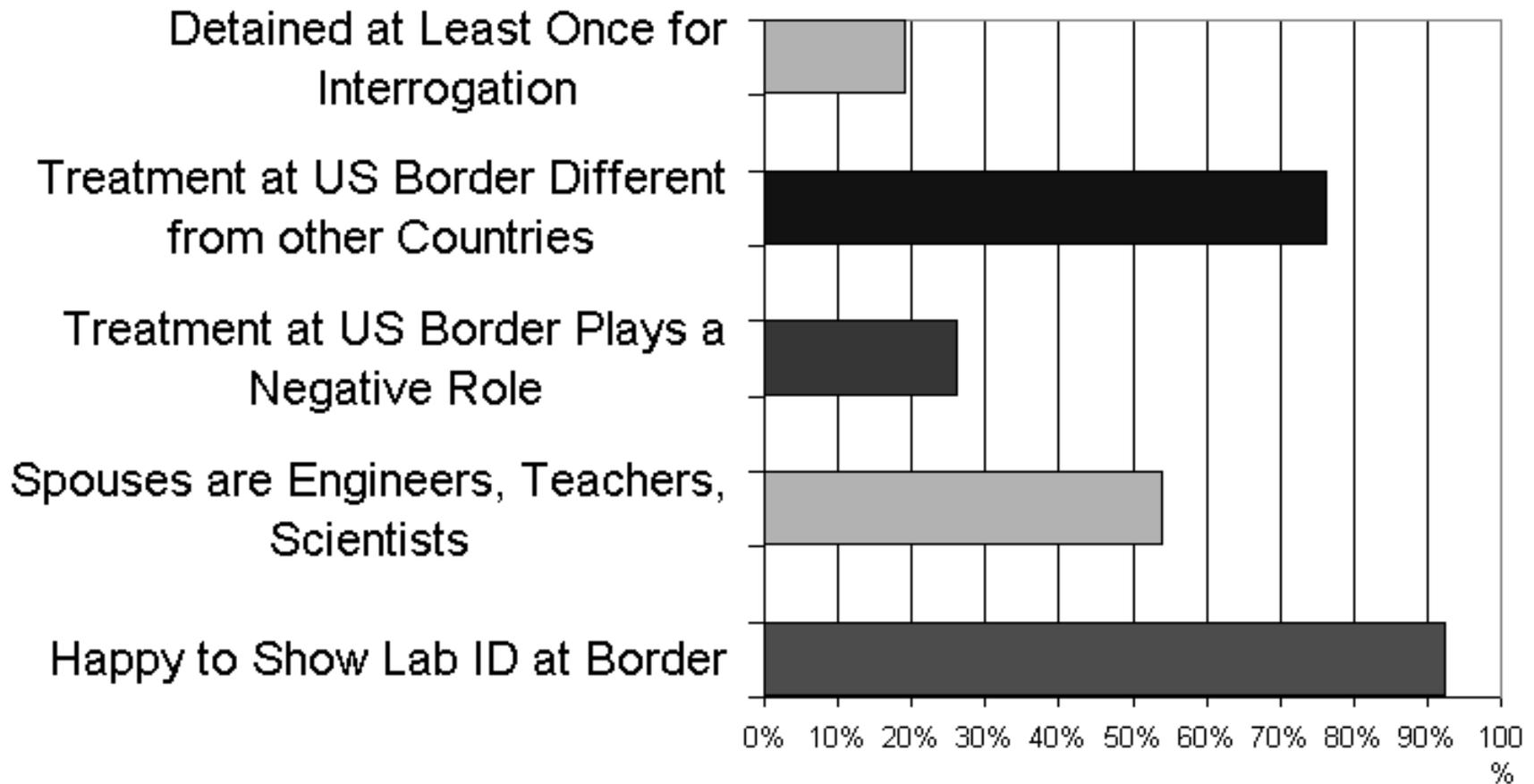
# Selected Comments

- Neutrinos, Higgs, Maxwell's equations
- Confusion over NAFTA rules (Can)
- Power to refuse entry for 5 years: would not have taken the risk(GB)
- US Embassy recommended wrong visa.(D)
- Wasn't J1 what terrorist use? (GB)
- That's USA (Ru)
- The USA offers best research structure and support (South African)
- Treated with courtesy
- Faster and more friendly (I)

# Is it Worth the Trouble?



## Concluding Points





# Conclusions from Survey

- 96% Experimentalists: Given the profile for arrival of scientists, they have entered a few times over a few years.
- From 53 Countries >50% EU
- Come 5-10 times over border (last 3 yr.)
- Over 30% had significant questioning. More than 25% indicated this plays a negative role in doing physics in the US.
- Questions and time spent waiting indicate confusion over what scientists do
- Scientists' spouses: >50% have careers; additional problem with visas



# OSTP/OHS Meeting

- Marberger had heard Roy talk and encouraged him to fight: Meeting with other agencies Today!
- They read the report and were thrilled.
- “fact base needed as they craft policy for INS/State”
- J1 will be in automated register.
- Discussion of B1 to one month. TN being worked on.
- Need to do for 10-12 labs



# Automated Tracking

- IPASS: Interagency Panel for Advanced Science and Security: Scientists review visas and work with intelligence agencies
- Established by Executive Order
- This will start with J, M, F (SEVIS system)
- Will expand
- Unifies INS/State
- Components: screen, track, not building weapons



# Recommendation

- Survey of existing visas in statute and regulation. Can we modify regulation (easy) or must we modify statute (hard). (Lewis-Burke working on this)
- Homeland Security/INS open to new class
- DOE Security: get into the automated tracking system.



## Actions Now

- FNAL experts on visas will do homework and get consultation from immigration lawyers that the lab does have at their disposal
- The issue of DOE security will be handled as best they can!

# Realities and the Legislature

- April Burke says we can slip it in or get it by grass roots. General problem in all science legislation.
- General feeling that the best thing is to close borders: Feinstein!
- Why should anyone take risks to let the next terrorist in?

# Realities and the Executive

- Being done by Executive order: regulations can be changed if they fit:

The end result is to make changes that not just do things smarter but better: fix, streamline, verify.

There is great interest here and they see it as a win for both sides. ... FNAL is cautious...

# Conclusions

- Survey was critical: The problems at the border are a reflection of the same problem at the root of allowing terrorists in: INS and State are not communicating.
- Executive branch interested. Legislative interested and anxious to help, but how in the current atmosphere!?
- The situation is changed. Visa laws are being rewritten. Options are Automated accountability or closing borders.
- We have to continue to work on this: See if we can modify the implementation of existing laws.