



*The Law Library of Congress*

# REPORT FOR CONGRESS

February 2011

---

Global Legal Research Center  
LL File No. 2011-005304

## VISA EXIT VERIFICATION IN G-20 COUNTRIES

---

The Library of Congress  
James Madison Memorial Building, 101 Independence Avenue, S.E., Room LM-240  
Washington, DC 20540-3200  
(202) 707-6462 (phone), (866) 550-0442 (fax), [law@loc.gov](mailto:law@loc.gov) (email)  
<http://www.loc.gov/law>

## TABLE OF CONTENTS

ARGENTINA .....	1
Graciela Rodriguez-Ferrand	
AUSTRALIA .....	2
Kelly Buchanan	
BRAZIL .....	3
Eduardo Soares	
CANADA .....	4
Stephen F. Clarke	
CHINA .....	4
Laney Zhang	
EUROPEAN UNION .....	5
Theresa Papademetriou	
FRANCE .....	7
Nicole G. Atwill	
GERMANY .....	9
Edith Palmer	
INDIA .....	10
Krishan S. Nehra	
INDONESIA .....	11
Kelly Buchanan	
ITALY .....	12
Constance A. Johnson	
JAPAN .....	12
Sayuri Umeda	
MEXICO .....	13
Gustavo Guerra	
RUSSIA .....	14
Peter Roudik	

SAUDI ARABIA .....	14
Issam M. Saliba	
SOUTH AFRICA.....	15
Hanibal M. Goitom	
SOUTH KOREA .....	16
Sayuri Umeda	
TURKEY .....	16
Constance A. Johnson	
UNITED KINGDOM .....	17
Tariq Ahmad	

## LAW LIBRARY OF CONGRESS

### VISA EXIT VERIFICATION IN G-20 COUNTRIES

This report discusses the visa exit verification systems of the G-20 countries, with reference to applicable laws and regulations.

#### ARGENTINA

Argentina's Law No. 25,871 on Migration (LM)<sup>1</sup> and its Regulation, Decree 616/2010 (RM),<sup>2</sup> provide for the entry, exit, and length of stay of individuals in the country.<sup>3</sup> The *Dirección Nacional de Migraciones* (National Directorate on Migrations, DNM) within the jurisdiction of the *Ministerio del Interior* (Ministry of Interior) is the enforcement authority in immigration matters.<sup>4</sup>

Foreigners are admitted and allowed to stay in the country under different visa categories, such as temporary or permanent resident, tourist, seasonal migrant worker, professional, medical treatment, or business.<sup>5</sup>

The RM provides for the procedure, requirements, and conditions for entry into the country.<sup>6</sup> The DNM determines, at the time of entry, the time allowed for the foreigner to stay in the country.<sup>7</sup> This information is documented on an entry/exit card (*Tarjeta de ingreso y egreso*) that the foreigner must carry and show whenever an authority so requests, and then return to the DNM at the time of departure from the country.<sup>8</sup>

The DNM enters all the information required by law in the National Registry of Entry and Exit of Individuals (*Registro Nacional de Ingreso y Egreso de Personas al Territorio Nacional*) created by Disposición de la DNM No. 15,442/2005.<sup>9</sup> The Registry is a comprehensive database of information about the entry and departure of individuals in the

---

<sup>1</sup> Ley 25.871 de Migraciones of Jan. 20, 2004 [LM], BOLETIN OFICIAL [BO], Jan. 21, 2004, <http://www.infoleg.gov.ar/infolegInternet/anexos/90000-94999/92016/texact.htm> (official site).

<sup>2</sup> Decreto 616/2010, Reglamentacion de la Ley de Migraciones N° 25.871 y sus Modificatorias [RM], of May 3, 2010, BO, May 6, 2010, <http://www.infoleg.gov.ar/infolegInternet/verNorma.do?id=167004> (official site).

<sup>3</sup> LM 25.871 art. 1.

<sup>4</sup> RM 616/2010 art. 6.

<sup>5</sup> LM 25.871 art. 24.

<sup>6</sup> LM 25.871 art. 26.

<sup>7</sup> RM 616/2010 art. 34d.

<sup>8</sup> RM 616/2010 art. 36.

<sup>9</sup> Disposición 15.442/2005 Dirección Nacional de Migraciones of Apr. 27, 2005, BO, May 2, 2005, <http://www.infoleg.gov.ar/infolegInternet/anexos/105000-109999/105939/norma.htm> (official site).

country, regardless of the means of transportation used.<sup>10</sup> The information entered must be kept for ten years and is updated through an internal communications network.<sup>11</sup> The Registry records, among other data, the date of entry, the visa type and number, the date of expiration, and the length of stay in the country.<sup>12</sup>

When a foreigner has overstayed his or her visa, the DNM requires regularization of status within thirty days or the foreigner will be subject to deportation.<sup>13</sup>

The DNM, through the Permanence Control Unit<sup>14</sup> (*Departamento de Control de Permanencia*, PCU) carries out inspections upon its own initiative or by request from judicial or administrative authorities.<sup>15</sup> The PCU has the authority to (1) verify and check the immigration status of an individual if there are objective circumstances that suggest the irregular status of the suspected foreigner;<sup>16</sup> (2) organize and conduct inspection operations to verify compliance with the immigration laws by employers and hotel owners;<sup>17</sup> (3) require documents, merchant books, and registries from the inspected facility and order the seizure of such documentation, which must be returned within three days;<sup>18</sup> and (4) request the intervention of the police when needed to carry out inspections.<sup>19</sup>

## AUSTRALIA

All noncitizens must obtain a visa to enter and remain in Australia.<sup>20</sup> The Migration Act 1958 (Cth) also provides for immigration checks to be conducted in relation to persons departing from Australia. Noncitizens are required to present evidence of identity and visa to a clearance officer prior to departure.<sup>21</sup> In terms of identification, the Act provides for a person to be required to present one or more “personal identifiers” (this could include a photograph,

---

<sup>10</sup> *Id.* 15442/2005 art. 2.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.* art. 4(k), (m), (n).

<sup>13</sup> RM 616/2010 art. 61.

<sup>14</sup> See Decisión Administrativa 250/2008 (on organization of the DNM) of June 25, 2008, BO, June 30, 2008, [http://www.migraciones.gov.ar/pdf\\_varios/gestion\\_publica/DA\\_250.pdf](http://www.migraciones.gov.ar/pdf_varios/gestion_publica/DA_250.pdf) (official site).

<sup>15</sup> DIRECCION NACIONAL DE MIGRACIONES, TERCERA CARTA COMPROMISO CON EL CIUDADANO 7, 25 (2007), [http://www.migraciones.gov.ar/pdf\\_varios/gestion\\_publica/Tercera\\_Carta\\_Compromiso\\_DNM.pdf](http://www.migraciones.gov.ar/pdf_varios/gestion_publica/Tercera_Carta_Compromiso_DNM.pdf) (official site).

<sup>16</sup> RM 616/2010 art. 20.1.

<sup>17</sup> RM 616/2010 art. 20.2.

<sup>18</sup> RM 616/2010 art. 20.3.

<sup>19</sup> RM 616/2010 art. 20(4), (5), (6).

<sup>20</sup> See *Migration Act 1958* (Cth) s 29, available at <http://www.comlaw.gov.au/Details/C2010C00738/Download> (last visited Feb. 8, 2011). The different subclasses of visas and the rules and requirements associated with them are set out in the *Migration Regulations 1994* (Cth) sch 2, available at <http://www.comlaw.gov.au/Details/F2011C00013/Download>.

<sup>21</sup> *Migration Act 1958* (Cth) s 175(1)(a)(ii).

signature, any other personal identifier contained in a passport or other travel document, or any other personal identifier that has been prescribed).<sup>22</sup>

Additional details regarding the implementation of the departure requirements are set out in the regulations.<sup>23</sup> In particular, all persons leaving Australia are required to fill out a passenger card (known as an “Outgoing Passenger Card”) in order to provide passenger identification and to serve as a record of a person’s departure from Australia.<sup>24</sup> The information required on this card includes the name, nationality, and passport number of the passenger, and the flight number or name of the ship.<sup>25</sup> “Movement records,” including the name, date of birth, passport number, flight details, visa information, and arrival and departure dates of persons who enter and leave Australia, are contained in a database that is maintained by the Department of Immigration and Citizenship.<sup>26</sup> A range of rules and arrangements apply in relation to government agencies accessing, using, and sharing the information contained in the database.<sup>27</sup>

## BRAZIL

According to the Brazilian Constitution,<sup>28</sup> the federal police are responsible, *inter alia*, for performing the functions of maritime, airport, and border police.<sup>29</sup>

Decree No. 86 of April 15, 1991, determines that an entry/exit card must be completed and submitted by aliens who enter or leave the country.<sup>30</sup> Article 50 of Law No. 6,815 of August

---

<sup>22</sup> *Id.* s 175(2A). “Personal identifier” is further defined in s 5A and includes biometric as well as biographic information. Currently, biometric information can only be required for persons entering Australia. See *Migration Regulations 1994* (Cth) reg 3.03A (Evidence of identity and visa for persons entering Australia – personal identifiers).

<sup>23</sup> For a detailed explanation of how the system operates in practice, see the record of the remarks of Jim Wilson of the Australian Embassy in CENTER FOR IMMIGRATION STUDIES, THE POLITICS AND PRACTICALITIES OF EXIT CONTROLS: REPORT FROM A CENTER FOR IMMIGRATION STUDIES SYMPOSIUM 7 (Memorandum, Aug. 2010), <http://www.cis.org/articles/2010/exit-panel.pdf>. See also Australian Customs Service, Practice Statement No. PS2008/35 (July 28, 2008), <http://www.customs.gov.au/webdata/resources/files/primaryClearance.pdf>.

<sup>24</sup> See *Migration Regulations 1994* (Cth) reg 3.01. See also *Managing Australia’s Borders: Passenger Cards*, DEPARTMENT OF IMMIGRATION AND CITIZENSHIP, <http://www.immi.gov.au/managing-australias-borders/border-security/travel/passenger-cards/> (last visited Feb. 8, 2011). It is an offense to fail to complete a passenger card. *Migration Regulations 1994* (Cth) reg 3.08.

<sup>25</sup> *Id.*

<sup>26</sup> See *Migration Regulations 1994* (Cth) reg 3.10 (Use of information). See also *Managing Australia’s Borders: Movement Records*, DEPARTMENT OF IMMIGRATION AND CITIZENSHIP, <http://www.immi.gov.au/managing-australias-borders/border-security/systems/movement-records.htm> (last visited Feb. 8, 2011).

<sup>27</sup> See, e.g., *Migration Regulations 1994 – Specification Under Regulation 3.10A – Access to Movement Records – October 2010* (Cth), <http://www.comlaw.gov.au/Details/F2010L02756> (last visited Feb. 8, 2011) (specifying the legislation, agencies, purposes, and employees in relation to access to the movement records).

<sup>28</sup> CONSTITUIÇÃO DA REPÚBLICA FEDERATIVA DO BRASIL, Brazilian Presidency website, [http://www.planalto.gov.br/ccivil\\_03/Constituicao/Constituicao.htm](http://www.planalto.gov.br/ccivil_03/Constituicao/Constituicao.htm) (last visited Feb. 8, 2011).

<sup>29</sup> *Id.* art. 144(§1)(IV).

<sup>30</sup> Decreto No. 86, 15 de Abril de 1991, [http://www.planalto.gov.br/ccivil\\_03/decreto/1990-1994/D0086.htm#art4](http://www.planalto.gov.br/ccivil_03/decreto/1990-1994/D0086.htm#art4).

19, 1980, which defines the legal situation of aliens in Brazil,<sup>31</sup> establishes that an alien who intends to leave the country is not required to have an exit visa.

Law No. 6,815 is regulated by Decree No. 86,715 of December 10, 1981.<sup>32</sup> Article 89 of this Decree requires that at the time of departure from the country, the alien must submit to the Federal Police the travel document and the entry/exit card. The Federal Police must register the date on which the alien leaves the country on these documents.<sup>33</sup>

## CANADA

Canada does not have a comprehensive exit verification system. Persons leaving Canada are not required to report their departure to authorities or to surrender visitor or business documents. Citizenship and Immigration Canada (CIC) does record the names of persons to whom visitor's or business visas have been issued and dates of entry. Persons who overstay their visa can be asked to leave the country.<sup>34</sup> CIC's relevant enforcement guideline, ENF 11, is devoted to verifying departure and covers the processing of those foreigners who have been given departure, removal, or deportation notices by the Canada Border Services Agency (CBSA).<sup>35</sup> However, there is no comprehensive exit verification system even for these persons. In 2008, the Auditor General found that the CBSA had lost track of over 40,000 persons who had been ordered deported.<sup>36</sup> How many of these persons may have left the country voluntarily was not known. A government spokesman responded that this was actually an improvement over the situation that existed several years earlier and that CBSA was improving its methods of keeping track of persons ordered to leave the country.<sup>37</sup>

## CHINA

China's Ministry of Public Security (MPS) has set up frontier inspection stations to conduct inspections of persons entering and exiting the country.<sup>38</sup> According to the Law on the Entry and Exit of Aliens and its implementation regulations, upon arrival at a Chinese port,

<sup>31</sup> Lei No. 6.815, de 19 de Agosto de 1980, [http://www.planalto.gov.br/ccivil\\_03/Leis/L6815.htm](http://www.planalto.gov.br/ccivil_03/Leis/L6815.htm).

<sup>32</sup> Decreto No. 86.715, de 10 de Dezembro de 1981, [http://www.planalto.gov.br/ccivil\\_03/decreto/Antigos/D86715.htm](http://www.planalto.gov.br/ccivil_03/decreto/Antigos/D86715.htm).

<sup>33</sup> *Id.* art. 89(§1).

<sup>34</sup> *Visiting Canada: Extending Your Stay*, CITIZENSHIP AND IMMIGRATION CANADA, <http://www.cic.gc.ca/english/visit/extend-stay.asp> (last modified Oct. 14, 2010).

<sup>35</sup> CITIZENSHIP AND IMMIGRATION CANADA, ENF 11: VERIFYING DEPARTURE (July 8, 2010), <http://www.cic.gc.ca/English/resources/manuals/enf/enf11-eng.pdf>.

<sup>36</sup> Richard Brennan, *41,000 Illegal Immigrants Gone Missing*, THE STAR (WINDSOR) (May 7, 2008), <http://www.thestar.com/article/422383>.

<sup>37</sup> *Id.*

<sup>38</sup> Regulations on Exit and Entry Frontier Inspection (State Council, Sept. 1, 1995), arts. 2, 3 & 4. Text in Chinese is available on the central government official website, [http://www.gov.cn/banshi/2005-08/31/content\\_27714.htm](http://www.gov.cn/banshi/2005-08/31/content_27714.htm); English translation provided by Asian Legal Information Institute (Asian LII), <http://www.asianlii.org/cn/legis/cen/laws/roeaefi515/>.

aliens must submit their valid passports, Chinese visas, or other certificates to the frontier inspection officers and fill out entry/exit cards.<sup>39</sup> The entry part of the card is collected by the frontier inspection officers at the port of entry, and the exit part is returned to the alien for his or her use upon exiting China.<sup>40</sup>

After entering China, aliens holding visitor or business visas may stay for the period prescribed in their visas.<sup>41</sup> Most other visa holders, however, must obtain residence permits from the public security bureau within thirty days of entry, on which their permitted stay is prescribed.<sup>42</sup> During their stay in China, aliens age sixteen and over must carry their residence permits or passports with them for possible examination by the police.<sup>43</sup>

Upon exiting China, aliens must submit for inspection their valid passports or other certificates, and the visas or residence permits permitting their stay in China.<sup>44</sup> Those who cannot present valid passports, certificates, or visas may be prevented from leaving the country.<sup>45</sup> Aliens who stay beyond the expiration of their visas or residence permits may be allowed to leave China, but only after they have paid a fine of RMB500 (about US\$76) per day for the period of the illegal stay in China, with the total sum of the fine not exceeding RMB5,000, according to the MPS.<sup>46</sup>

## EUROPEAN UNION

### A. Schengen Area

Within the European Union (EU), the Schengen area, initially established in 1985 based on an agreement with five EU members, was designed to create an area without borders, with a single external border and close cooperation between police and judicial authorities. The Schengen area has been expanded and currently includes twenty-five countries. Of those, twenty-two are EU member states: Austria, Belgium, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, the

---

<sup>39</sup> Implementation Regulations of the Law on the Entry and Exit of Aliens (approved by the State Council on Dec. 3, 1986, *last amended* Apr. 24, 2010) (Entry/Exit Regulations), art. 10, [http://www.gov.cn/zwggk/2010-04/27/content\\_1593708.htm](http://www.gov.cn/zwggk/2010-04/27/content_1593708.htm) (in Chinese).

<sup>40</sup> Detailed rules of the entry/exit cards are not specified by the Entry/Exit Regulations, which are decided by the MPS orders. *See, e.g., China Introduces New Foreigners' Entry/Exit Card*, CONSULATE-GENERAL OF THE PEOPLE'S REPUBLIC OF CHINA IN DUBAI (Sept. 30, 2007), <http://dubai.china-consulate.org/eng/xglj/t368514.htm>.

<sup>41</sup> Entry/Exit Regulations, art. 16 (4), [http://www.gov.cn/zwggk/2010-04/27/content\\_1593708.htm](http://www.gov.cn/zwggk/2010-04/27/content_1593708.htm) (in Chinese).

<sup>42</sup> *Id.* art. 16(1).

<sup>43</sup> *Id.* art. 25.

<sup>44</sup> *Id.* art. 13.

<sup>45</sup> *Id.* art. 12.

<sup>46</sup> Measures for Implementing Administrative Punishments in Exit and Entry Frontier Inspection (issued by the MPS on Apr. 28, 2002), *available at* the online Chinese law database, CHINALAWINFO.COM (Chinalawinfo Ref. No. 45307) (in Chinese).

Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, and Sweden. In addition, three associate countries are included: Norway, Iceland, and Switzerland. The Schengen area comprises 42.673 km of sea area and 7.721 km of land borders with more than 400 million citizens.<sup>47</sup>

The Schengen area is governed by certain rules, including the basic principle of free movement of persons and removal of checks within its internal borders. Additional regulations pertain to a common set of standards applying to people who cross the external borders of the EU member states; harmonized standards on conditions of entry and the rules of short-stay visas; increased police and judicial cooperation; and the operation of the Schengen Information System (SIS), which permits access by judicial authorities to information on persons and objects. EU members are connected to the system and provide data through their national networks.<sup>48</sup>

The external borders of the Schengen area are regulated through the Schengen Borders Code, which entered into force in 2006.<sup>49</sup>

## B. Tracking System

Currently, there is no system to track third-country nationals at the entry or exit of the external borders of the EU because the dates of movement of such persons are not recorded. Since 2008, due to security concerns and in order to be able to track down third-country nationals who overstay their visas, the European Commission<sup>50</sup> has been examining a variety of options, including the creation of a system to register the entry and exit of third-country nationals. The system, as envisaged by the Commission, would include these three elements:

- Automatic registration at the external borders of the time and place of entry and exit by third-country nationals, including those who must be in possession of a visa prior to entering and those who need not, in order to identify those who overstay;
- Issuance of an alert, once the visa of a third-country national has expired and there are no exit data, which would be sent to national authorities; and
- In addition to the recording of time and place, the recording within the system of other data, such as length of authorized stay and visa expiration date, as well as the date when the individual crosses the border.<sup>51</sup>

---

<sup>47</sup> European Commission, Home Affairs, *Schengen Area*, EUROPA, [http://ec.europa.eu/home-affairs/policies/borders/borders\\_schengen\\_en.htm](http://ec.europa.eu/home-affairs/policies/borders/borders_schengen_en.htm) (last updated July 30, 2010).

<sup>48</sup> *The Schengen Area and Cooperation*, EUROPA, [http://europa.eu/legislation\\_summaries/justice\\_free\\_dom\\_security/free\\_movement\\_of\\_persons\\_asylum\\_immigration/133020\\_en.htm](http://europa.eu/legislation_summaries/justice_free_dom_security/free_movement_of_persons_asylum_immigration/133020_en.htm) (last updated Aug. 3, 2009).

<sup>49</sup> Regulation (EC) No. 562/2006, 2006 O.J. (L 105) 1, [http://eur-lex.europa.eu/Result.do?T1=V2&T2=2006&T3=562&RechType=RECH\\_naturel&Submit=Search](http://eur-lex.europa.eu/Result.do?T1=V2&T2=2006&T3=562&RechType=RECH_naturel&Submit=Search).

<sup>50</sup> *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Preparing the Next Steps in Border Management in the European Union*, COM (2008) 69 final (Feb. 13, 2008), O.J. (L 23) 17, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0069:FIN:EN:PDF>.

<sup>51</sup> *Id.* at 7.

The proposed system would also obligate third-country nationals who are required to obtain a visa to provide their biometric data at the consular office of the EU member in order to be included in the Visa Information System (VIS). This system, which is governed by EC Regulation No. 767/2008,<sup>52</sup> is designed to establish a common identification system of data pertaining to visas and is composed of a central visa information system, an interface with each EU member state, and a communications infrastructure with the central database and the interfaces.<sup>53</sup> Because the VIS is not fully operational in all EU member states, the Commission has recommended delaying implementation of the system for tracking third-country nationals until the VIS is completed. Those individuals who do not need a visa must still undergo verification procedures upon their first entry at the borders, through the use of biometric equipment. The Commission is examining whether a separate system is needed to maintain entry-exit data and biometric data.<sup>54</sup>

The Commission anticipates that the proposed system would enable national authorities to identify those who overstay and allow them to take any necessary measures; act as a deterrent; and provide information on patterns of overstaying, country of origin, and migration flows.<sup>55</sup>

## FRANCE

France receives approximately 2.5 million short-stay visa applications each year and issues an average of 2.05 million visas per year.<sup>56</sup> It does not have a visa exit verification system *per se*, but was successful in limiting the number of individuals overstaying in the country through preventive measures, including requiring extensive supporting documentation for the issuance of visas, switching to biometric visas, and using the European Union (EU) Visa Information System. Studies have shown that a low percentage of France's illegal immigrants had previously received a visa.<sup>57</sup>

---

<sup>52</sup> Regulation (EC) No. 767/2008 of the European Parliament and of the Council of July 9, 2008, concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation), EUR-Lex, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008R0767:EN:NOT>.

<sup>53</sup> *Establishment of a Visa Information System (VIS) – Stage 1*, EUROPA, [http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/free\\_movement\\_of\\_persons\\_asylum\\_immigration/114516\\_en.htm](http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/114516_en.htm) (last updated Nov. 3, 2008).

<sup>54</sup> *Communication from the Commission*, *supra* note 50, at 8.

<sup>55</sup> *Id.*

<sup>56</sup> Secrétariat Général du Comité Interministériel de Contrôle de l'Immigration, *Rapport au Parlement* (Dec. 2009), at 21, <http://www.ladocumentationfrancaise.fr/rapports-publics/104000087/index.shtml>.

<sup>57</sup> *Id.*

### A. Issuance of Visas

Extensive supporting documentation must be provided to allow consular officials to better evaluate whether the visa applicant presents a risk of overstaying in France. Documents to be provided include:<sup>58</sup>

- A detailed itinerary that will be checked against supporting documentation, such as hotel reservations, proof of registration with an organized trip, or an official business invitation letter from a company in France.
- For private visits with family or friends in France, an attestation of accommodation, issued by the city hall of the town in which the host resides and requested by the host. A database that may be accessed by city halls and consulates has been established to better keep track of these visitors.
- Proof of medical insurance coverage for any medical and repatriation expenses during the stay of at least \$40,000.
- Proof of present and continuing employment after the period of travel and copies of the last three pay slips. Self-employed individuals must present the previous year's tax return plus their company's detailed bank statements for the last three months.
- Proof of funding for the trip and personal finances, including the last three months' bank statements and a list of all bank accounts owned—checking, savings, or money market—with detailed transactions histories and daily balances. Bank accounts are subject to a detailed review. Any incoming or outgoing transaction may be subject to inquiries and information.

In addition, before issuing a visa, consulates in “sensitive countries” in some cases request that the foreigner make a visit to the consulate upon returning from France.

### B. Biometric Visas

More than 50 percent of the visas issued at the end of 2009 were biometric, which provides a more effective tool for fighting identity fraud during border checks and verifying a person's identify on French soil or in other EU countries. France will continue to equip its consulates with the necessary equipment so that soon only biometric visas will be issued.<sup>59</sup>

---

<sup>58</sup> Consulat Général de France à Washington, *Le visa de court séjour (le visa Schengen), justificatifs exigés*, <http://www.consulfrance-washington.org/spip.php?article386#6-Justificatifs-exiges> (last visited Feb. 8, 2011).

<sup>59</sup> Secrétariat Général du Comité Interministériel de Contrôle de l'Immigration, *supra* note 56, at 30.

### C. EU Visa Information System

The EU Visa Information System, in which France is a participant, comprises a central database supported by the national databases of EU member states.<sup>60</sup> Information entered in the databases includes data on the applicant and visa requested, status of the visa (issued, refused, annulled, revoked, or extended), a photograph, fingerprints, and links to previous visa applications.<sup>61</sup> The system facilitates the examination of applications for short-stay visas and the fight against fraud, as well as the checks at external border-crossing points and within the EU member states, and prevents “visa shopping” in the various EU countries.<sup>62</sup>

#### GERMANY

Germany grants short-term visitor’s visas and entry to visitors from visa-waiver countries primarily in accordance with the European Union Directive 539/2001<sup>63</sup> and the Convention Implementing the Schengen Agreement.<sup>64</sup> This is provided in section 6 of the German Immigration Act.<sup>65</sup>

According to section 50, paragraph 1 of the German Immigration Act, aliens who no longer have a right to remain in Germany must leave the country and, according to article 50, paragraph 7 of the Act, the German police may use investigative methods to locate and arrest such individuals.

In doing so, data stored in the German Central Register of Aliens may be helpful. According to section 2, number 14 on the Act on the Central Register of Aliens,<sup>66</sup> data on visa holders and visa waiver entrants are recorded in the database and, according to section 3, number 6 of the Act, entry and exit of visa holders and entrants from visa waiver countries are also recorded.

In addition, the German police may avail themselves of the cross-border police cooperation of the Convention Implementing the Schengen Agreement. This includes obtaining data from other European countries through the Schengen Information System, which supplies to the member states data contained in the national databases of the other members, for various law

---

<sup>60</sup> See Regulation (EC) No. 767/2008 of the European Parliament and of the Council, *supra* note 52, and related text.

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> Council Regulation (EC) No. 539/2001, listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, Mar. 15, 2001, OFFICIAL JOURNAL OF THE EUROPEAN UNION [OJ] (L 81) 1.

<sup>64</sup> The Schengen acquis – Convention implementing the Schengen Agreement between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (Implementing Convention), June 14, 1985, 2000 OJ (239) 19.

<sup>65</sup> Aufenthaltsgesetz, July 30, 2004, BUNDESGESETZBLATT [BGBl] I 1950, *as amended*.

<sup>66</sup> Gesetz über das Ausländerzentralregister, Sept. 2, 1994, BGBl I 2265, *as amended*.

enforcement purposes.<sup>67</sup> Moreover, German authorities will have access to the data relating to visa holders that are stored in the Visa Information System<sup>68</sup> of the European Union as soon as this system becomes operational.<sup>69</sup>

## INDIA

The objective of India's Registration of Foreigners Act is to provide for the registration of foreigners entering, staying in, and departing from India.<sup>70</sup> A "foreigner" is a person who is not a citizen of India.<sup>71</sup> The Central Government has framed rules under the Act to regulate a foreigner's registration and exit.<sup>72</sup>

Every foreigner, upon entering India, must be registered after disembarkation.<sup>73</sup> The registration officer and any other officer designated by him control the foreigner's movements in India. The registration form includes complete information as to the foreigner's address in India, and he or she must report a departure, also to the Registration Officer. The Registration Officer, who is generally a police officer, may impose conditions upon him or her, requiring reporting on a daily basis at the police station.<sup>74</sup> Every hotel or any relative where the visitor stays must provide all information about the foreigner's residence to the designated police authority.<sup>75</sup> The foreigner is required to surrender his passport and/or certificate of registration within twenty-four hours of any demand by the registration officer for purposes of enforcing registration rules.<sup>76</sup>

A foreigner must inform the authorities immediately of any change in address during his or her stay.<sup>77</sup> Hotel keepers also must report the stay of any foreigner in their establishment.<sup>78</sup> Upon departure, a foreigner must surrender his or her certificate of registration either to a Registration Officer at the place of registration or intended departure, or to an Immigration Officer at the port/check-post of exit.<sup>79</sup>

---

<sup>67</sup> Implementing Convention arts. 92-130.

<sup>68</sup> See Regulation (EC) No. 767/2008, *supra* note 52, and related text.

<sup>69</sup> A starting date of June 2011 is contemplated. *Schengeninformationssystem verschlingt mehr Geld und kostet Zeit*, SDA BASISDIENST DEUTSCH (Oct. 7, 2010), available at LEXIS/libraryNews /fileAll English and German Language News (by subscription).

<sup>70</sup> The Registration of Foreigners Act, No. 16 of 1939, Preamble, in SETH'S LAW OF CITIZENSHIP, FOREIGNERS AND PASSPORTS 626 (S.I. Jafri et al. eds., 1st ed. 2002).

<sup>71</sup> *Id.* § 2(a).

<sup>72</sup> The Registration of Foreigners Rules, 1992, in SETH'S LAW OF CITIZENSHIP, *supra* note 70, at 632.

<sup>73</sup> *Id.*, Rules 4-7 & Form A.

<sup>74</sup> This observation is based upon the author's personal experience.

<sup>75</sup> The Registration of Foreigners Rules, Rule 14.

<sup>76</sup> *Id.*, Rules 9, 10.

<sup>77</sup> *Id.*, Rule 12.

<sup>78</sup> *Id.*, Rule 14.

<sup>79</sup> *Id.*, Rule 15.

Any person who contravenes or fails to comply with any provision or condition of his or her entry is subject to a punishment of up to one year of imprisonment or a fine of up to 1,000 rupees (about US\$25.00).<sup>80</sup>

## INDONESIA

Indonesian law requires that immigration checks of foreigners be conducted upon both entering and exiting the country. Law 9/1992 on Immigration states that “[a]ny person entering or leaving the Indonesian territory is obligated to possess a travel document”<sup>81</sup> and requires that all persons departing Indonesia go through an examination by an Immigration Officer.<sup>82</sup> An Immigration Officer then permits a person to embark on the relevant means of transportation.<sup>83</sup> In addition, the law provides that a person may only leave the country after obtaining a “departure mark.”<sup>84</sup>

Any foreigner who overstays his or her immigration permit for not more than sixty days is subject to a “surcharge” upon exiting the country.<sup>85</sup> Overstaying for more than sixty days may be penalized by up to five years’ imprisonment or a maximum fine of Rp 25 million (about US\$2,800).<sup>86</sup> Furthermore, exit prohibitions may be issued by specified ministers and senior officials for various reasons, and these are enforced by immigration officials at immigration checkpoints.<sup>87</sup>

The law contains provisions relating to the supervision or control of foreigners who enter, leave, or stay in Indonesia. Implementation of these provisions includes “collecting and processing of data on foreigners entering or leaving the Indonesian territory.”<sup>88</sup> Detailed provisions relating to the procedures, requirements, and enforcement of different visas and permits, exit prohibitions, the registration of foreigners, and the collection of information, are set out in various regulations. For example, Government Regulation 31/1994 on Alien Control and Immigration Administrative Enforcement requires that “any foreign national entering or leaving Indonesia shall provide information about his/her identity, particulars on arrival or departure, and

---

<sup>80</sup> The Registration of Foreigners Act § 5.

<sup>81</sup> Law No. 9 of 1992 on Immigration art. 3. Article 1(3) defines travel documents as “official documents, issued by the competent authorities of a country, containing the identity of its holder, and valid for conducting interstate travel.”

<sup>82</sup> *Id.* art. 5. The penalty for not undergoing an inspection at an immigration checkpoint is up to three years of imprisonment or a maximum fine of Rp 15 million (about US\$1,680). *Id.* art. 48.

<sup>83</sup> *Id.* art. 9(d).

<sup>84</sup> *Id.* art. 4(1). Article 1(10) defines a departure mark as “a certain mark, stamped by the Immigration Official at an Immigration Examination Site, in the Travel Document of any person who will leave the Indonesian territory.”

<sup>85</sup> *Id.* art. 45.

<sup>86</sup> *Id.* art. 52.

<sup>87</sup> *Id.* arts. 11-14.

<sup>88</sup> *Id.* art. 40(a).

any other information requested by the Immigration Officer on duty at an Immigration Checkpoint.”<sup>89</sup>

## ITALY<sup>90</sup>

Italy is one of the Schengen Agreement countries.<sup>91</sup> Travel across its borders to or from the other Schengen countries is therefore treated as internal, domestic transit and subject to few controls.<sup>92</sup> In addition to its Schengen Agreement partners, Italy allows nationals of a number of other countries, including the United States, to enter without a visa.<sup>93</sup> The Italian Border Police verify identity documents of individuals both on entry into and departure from the country.<sup>94</sup> No information was located on the Italian government’s method of storing data on individuals’ departures from Italy. As a Schengen country, Italy contributes data to the Schengen Information System. Under a 2008 package of Communications, additional systems will be developed to more fully track persons exiting the Schengen region.<sup>95</sup>

In 2009 a new law was adopted that criminalizes staying in Italy illegally. Persons caught doing so can be punished with a fine of €5,000-10,000 (about US\$6,870–13,750), brought before the Justice of the Peace, and repatriated.<sup>96</sup>

## JAPAN

When a foreigner visits Japan, he or she must fill out an entry card and submit it and a passport to an immigration officer at a port of entry.<sup>97</sup> The entry card is attached to a departure

---

<sup>89</sup> Government Regulation No. 31 of 1994 on Alien Control and Immigration Administrative Enforcement art. 8.

<sup>90</sup> As of February 2011, the Law Library does not have an Italian legal specialist on staff. The information in this section is provided based on available, English-language materials.

<sup>91</sup> See Convention implementing the Schengen Agreement, *supra* note 64, and related text.

<sup>92</sup> *Id.* For background on the 1985 Schengen Agreement, see *The Schengen Area and Cooperation*, EUROPA (Aug. 3, 2009), [http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/free\\_movement\\_of\\_persons\\_asylum\\_immigration/133020\\_en.htm](http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/133020_en.htm).

<sup>93</sup> *Entry Visa*, POLIZIA DI STATO [ITALIAN STATE POLICE] (May 14, 2008), <http://www.poliziadistato.it/articolo/10620/>.

<sup>94</sup> The various responsibilities of the Border Police are described in Lorenzo Segato & Michele Origgi, *Italy and Border Security in the Post-9/11 Era*, in *BORDER SECURITY IN THE AL-QAEDA ERA* 199, 231 (Winterdyk & Sundberg eds., 2010).

<sup>95</sup> *C. Post-2010 Outlook*, in Andreas-Renatus Hartmann, *Management of the External Borders*, EUROPEAN PARLIAMENT (July 2010), [http://www.europarl.europa.eu/parliament/expert/displayFtu.do?language=en&id=73&ftuId=FTU\\_4.12.4.html](http://www.europarl.europa.eu/parliament/expert/displayFtu.do?language=en&id=73&ftuId=FTU_4.12.4.html). See also European Union discussion, *supra*.

<sup>96</sup> Law No. 94, July 15, 2009, described in *Entering Italy*, POLIZIA DI STATO (Mar. 29, 2010), <http://www.poliziadistato.it/articolo/view/10618/>.

<sup>97</sup> Shutsunyukoku kanri oyobi nanmin nintei ho [Immigration Control and Refugee Recognition Act], Cabinet Order No. 319 of 1951, last amended by Act No. 79 of 2009, art. 6; Shutsunyukoku kanri oyobi nanmin nintei ho sehiko kisoku [Immigration Control and Refugee Recognition Act Enforcement Regulation], Ministry of Justice (MOJ) Ordinance No. 54 of 1981, last amended by MOJ Ordinance No. 29 of 2009, art. 5.

card.<sup>98</sup> The entry card is detached from the departure card and collected by the officer, and the departure card is returned to the foreigner. When the foreigner departs from Japan, he or she must fill out the departure card that was detached from the entry card at the time of the entry and submit it to an officer at the port of departure.<sup>99</sup> In this manner, Japan maintains records of foreigners' departures.

The information on how the entry and departure cards are used was not found in Japanese laws and regulations. However, according to Ministry of Justice contract information and a business report, Hitachi Ltd. has held a contract on “the alien entry and departure information system.”<sup>100</sup> Although the system may have been updated, Hitachi's patent offers basic information. Hitachi has a patent on a method to verify foreigners' departures for the immigration control system based on an application that was filed in 1997.<sup>101</sup> In the description of the patent, the application states that when a departure card is collected at the immigration booth at a port, it is matched with the entry card that was originally attached to the departure card. Hitachi had an invention to make the matching process easier. Therefore, it is assumed that Japan has a system to verify a foreigner's departure that involves matching entry cards and departure cards.

In addition, a foreigner who stays in Japan for more than ninety days must register with the authorities.<sup>102</sup> Such a foreigner must return his or her alien registration card to an immigration officer during the departure inspection at the port of departure,<sup>103</sup> thereby providing Japan with records of registered foreigners' departures. This information is also processed by the “the alien entry and departure information system.”<sup>104</sup>

## MEXICO

Mexico's General Law on Population Regulation provides that foreigners who wish to leave the country must present their migratory permit to immigration authorities at the point of exit, who will verify that the documents presented are current and, if so, will register the date of

---

<sup>98</sup> The legal basis for the attachment of an entry card and a departure card was not found.

<sup>99</sup> Immigration Control and Refugee Recognition Act art. 25; Immigration Control and Refugee Recognition Act Enforcement Regulation art. 27. The basis of the requirement that the departure card must be the one that was detached from the entry card that the foreigner submitted at the entry was not found in the Act or the Regulation.

<sup>100</sup> Administrative Business Review Sheet (MOJ), Business No. 0068, <http://www.moj.go.jp/content/000050331.pdf> (in Japanese; last visited Feb. 8, 2011); Notice of Successful Bidder (Dec. 1, 2010), <http://www.moj.go.jp/content/000058543.pdf> (in Japanese; last visited Feb. 9, 2011).

<sup>101</sup> Method of Departure for Immigration Control, Patent Publication No. 2010-275178 (Oct. 18, 1998), <http://www.patentjp.com/10/T/T100004/DA11899.html> (in Japanese).

<sup>102</sup> Alien Registration Act, Act No. 125 of 1952, *last amended by* Act No. 79 of 2009, art. 3.

<sup>103</sup> *Id.* art. 12.

<sup>104</sup> MOJ, Business No. 0068, *supra* note 100.

departure on such documents. If the departure is permanent, however, migratory documentation will be retained and submitted to immigration headquarters for cancellation.<sup>105</sup>

The website of Mexico's National Institute of Migration indicates that the Institute compiles statistical information on immigration flow.<sup>106</sup> However, no information could be located specifically on a visa exit verification system in Mexico.

## RUSSIA

According to the federal law of the Russian Federation<sup>107</sup> and implementing regulations issued by the Ministry of Internal Affairs and the Federal Migration Service,<sup>108</sup> all foreign nationals (except citizens from member states of the Commonwealth of Independent States), regardless of age, may enter and exit Russia only if they have valid visas obtained in advance, outside of Russia.

These documents establish that, upon arrival, all individuals must fill out a migration card (similar to a US I-94 card), which consists of two parts, one for entry and the other for exit. The entry information is collected by the authorities when an individual passes the passport control at the point of entry. The exit part of the card must be kept by the visitor during his entire stay in Russia and submitted to the authorities at exit passport control. A person will not be allowed to exit Russia if the validity of his visa has expired or the exit part of the migration card has been destroyed or lost. In such cases, a visitor must apply to local migration authorities at the place where he or she is registered for a new migration card and new exit visa. In some cases, an individual with an expired exit visa might be allowed to leave the country, but this violation of procedure might prevent him or her from receiving another entry visa in the future.

## SAUDI ARABIA

On June 4, 1952, Saudi Arabia issued a Royal Decree<sup>109</sup> that regulates the entry and exit of foreigners from its territories. These regulations, which have the force of law, contain a number of provisions that have a direct effect on how Saudi Arabia controls or verifies when a person holding a visitor or business visa has left the country. Based on this Decree, the measures

---

<sup>105</sup> Reglamento de la Ley General de Poblacion [General Law on Population Regulation], *as amended*, art. 105, DIARIO OFICIAL DE LA FEDERACIÓN [D.O.], Apr. 14, 2000, [http://www.diputados.gob.mx/LeyesBiblio/regley/Reg\\_LGP.pdf](http://www.diputados.gob.mx/LeyesBiblio/regley/Reg_LGP.pdf).

<sup>106</sup> *Conceptos y Marco de Referencia [Information on Immigration Statistics]*, INSTITUTO NACIONAL DE MIGRACION, [http://www.inm.gob.mx/index.php/page/Glosario\\_de\\_Terminos](http://www.inm.gob.mx/index.php/page/Glosario_de_Terminos).

<sup>107</sup> Law No. 114, Aug. 15, 1996, on Procedures for Entry Into and Exit From the Russian Federation, SOBRANIE ZAKONODATEL'STVA ROSSIISKOI FEDERATSII [SZ RF] [RUSSIAN FEDERATION COLLECTION OF LEGISLATION (official gazette)] 1996, No. 34, Item 4029.

<sup>108</sup> Decree of the Russian Federation President No. 314, Mar. 9, 2004, on Improvement of State Management in the Field of Migration, SZ RF 2004, No. 11, Item 945; Order of the Ministry of Internal Affairs, Ministry of Foreign Affairs, Ministry of Transportation, and State Customs Committee No. 1095/16531/143, Nov. 11, 2002, on Introduction of Migration Cards.

<sup>109</sup> Royal Decree No. 1337/25/2-17, available on the Saudi Ministry of Interior website, *at* <http://www.gdp.gov/sa/print/?id=2133> (in Arabic).

to control and verify that a person holding a visitor or business visa has left the country are as follows:

- (1) Pursuant to articles 14 and 16 of the Decree, every person, prior to leaving the country, must apply for an exit visa in which he specifies the period of time during which he intends to leave the country. If he does not leave during that time, assuming his visa or residency is still valid, he must reapply for a new exit visa.
- (2) Article 23 requires every person to inform the competent authorities within twenty-four hours of the names of any foreigners he receives in a home, hotel, tent, or similar place. He is also under an obligation to inform those authorities within six hours of any foreigner leaving his abode. This period shall not be more than three hours if the foreigner so informed him in advance.
- (3) Articles 26 and 58 prohibit every employer from employing a person who does not have the required residency or work permit and require them to inform the competent authorities when an employee has left employment or was absent for two days without justification.
- (4) Articles 31 and 56 put a heavy burden on those in charge of bringing pilgrims to the Kingdom to inform the competent authorities of the pilgrims under their supervision who did not leave the country on time.
- (5) Article 57 imposes penalties including imprisonment on the sponsors of foreigners who fail to locate these foreigners within a period not to exceed fifteen days.

It is possible that additional administrative measures are taken by the Ministry of Interior to ensure that foreigners who entered Saudi Arabia have left the country. However, a search of the Law Library's collection and the available online resources did not indicate that any such measures are published.

## SOUTH AFRICA

South Africa has in place a departure verification system for foreigners who enter the country on a temporary basis. A nonresident foreigner may enter South Africa only if issued a temporary residence permit.<sup>110</sup> The Immigration Act requires that no one, including a foreigner on a temporary permit, may leave South Africa unless their departure is recorded and they are examined by an immigration officer.<sup>111</sup>

---

<sup>110</sup> Immigration Act, No. 13 of 2002 (as amended by the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004 and the Immigration Amendment Act, No. 19 of 2004) § 9(4), 15 STATUTES OF THE REPUBLIC OF SOUTH AFRICA (Butterworths, last updated 2006) (official source). The permits include a visitor's permit, study permit, treaty permit, business permit, crew permit, medical treatment permit, relative's permit, work permit, retired permit, corporate permit, exchange permit, and asylum transit permit. *Id.* § 11-23.

<sup>111</sup> *Id.* § 9(3)(d), (e).

Further procedures on examination of persons departing South Africa are imposed by a regulation issued by the Minister of Home Affairs. Pursuant to that regulation, a person leaving South Africa must, among other things, submit proof to an immigration officer that he or she has settled outstanding administrative fines, if any, for overstaying his or her permit.<sup>112</sup> The immigration officer must verify that the person is not a fugitive from the law and that there is no court order preventing the departure.<sup>113</sup> If the immigration officer learns that the person is a fugitive from justice or that there is a court order telling the Department of Home Affairs to prevent that person from leaving, the officer must stop the person from leaving.

## SOUTH KOREA

When a foreigner undergoes an entry or a departure inspection at a port, he or she must present a passport and an arrival or departure card to the immigration control official and answer questions.<sup>114</sup> However, in accordance with the Korean government's instructions, the submission of a departure card has not been requested of any travelers since August 1, 2006.<sup>115</sup> It could not be confirmed whether Korea has a system to keep track of foreigners' departures.

Foreigners who stay more than ninety days in Korea must apply for alien registration at a local immigration office.<sup>116</sup> When such a registered foreigner leaves Korea, he or she must return the registration card to an immigration officer during the departure inspection at the port of departure.<sup>117</sup> Therefore, Korea has records of departures of foreigners who underwent alien registration.

## TURKEY<sup>118</sup>

According to the website of the Turkish Ministry of Foreign Affairs, a visa is required to enter the country. The Ministry advises applying for the visa one month in advance of planned travel to the country. Citizens of some countries, including the United States, can purchase a visa stamp good for multiple entries in a ninety-day period when they arrive at the border.<sup>119</sup>

---

<sup>112</sup> Immigration Regulations, No. R. 616, § 6, GOVERNMENT GAZETTE, No. 27725 (June 27, 2005), <http://www.info.gov.za/view/DownloadFileAction?id=62824> (official source).

<sup>113</sup> *Id.* § 9.

<sup>114</sup> Immigration Control Act, Act No. 4522, Dec. 8, 1992, *last amended by* Act No. 9142, Dec. 19, 2008, arts. 3, 6, 12, 28; Enforcement Decree of the Immigration Control Act, Presidential Decree No. 13872, Mar. 30, 1993, *last amended by* Presidential Decree No. 20456, Dec. 20, 2007, art. 1, para. 1.

<sup>115</sup> *Inchon International Airport Information*, JAL, [http://www.jal.co.jp/inter/airport/asia/icn/icn\\_00.html](http://www.jal.co.jp/inter/airport/asia/icn/icn_00.html) (in Japanese; last visited Feb. 8, 2011).

<sup>116</sup> Immigration Control Act, Act No. 4522, Dec. 8, 1992, *last amended by* Act No. 9142, Dec. 19, 2008, art. 31.

<sup>117</sup> *Id.* art. 37.

<sup>118</sup> As of February 2011, the Law Library does not have a Turkish legal specialist on staff. The information provided in this section is based on available, English-language materials.

<sup>119</sup> *Visa Information for Foreigners*, MINISTRY OF FOREIGN AFFAIRS, <http://www.mfa.gov.tr/visa-information-for-foreigners.en.mfa> (last visited Feb. 4, 2011).

All passengers departing from Turkey by air must show their passports at Passport Control in the airport after going through basic security but before boarding.<sup>120</sup> While it is clear that information on who is departing from Turkey is collected at the point of departure, no information was located indicating how long or in what manner that information is stored.

## UNITED KINGDOM

As of February 2011, there are no comprehensive exit controls in the United Kingdom that operate to check or verify that a visitor has left the country or overstayed his or her period of admission, but a new system is expected to be introduced in phases.

In 1994, the UK Government abandoned the use of exit controls at “ferry ports and small ports to destinations within the European Union.” In 1998, the remaining exit controls were also removed. The objective was to place greater emphasis on controlling individuals entering the country, as opposed to persons exiting. Commenting on embarking checks, a 2006 Home Affairs Committee report stated:

[I]t was decided that they were “an inefficient use of resources and that they contribute little to the integrity of the immigration control”, and that in any case “experience has shown that the use of intelligence and denunciatory information is the most effective tool against illegal immigration”. The aim was to replace them with a targeted, intelligence-led approach creating a more efficient and effective control.<sup>121</sup>

The present policy is to perform targeted embarkation checks on an “intelligence-led basis” on individuals who are assessed to be particularly high-risk. Carriers send details of passengers as they check in. Border Agency Immigration Officers “establish targeted embarkation checks in response to risk assessment against this data.”<sup>122</sup>

The Home Affairs Committee report notes that “there is no way of telling how many people have left the UK compared even with the numbers of arrivals, let alone compared with the number who should have left.”<sup>123</sup> Intermittently, however, temporary exit controls or embarkation checks have been introduced, notably after the July 7 and July 21, 2005, terrorist attacks. The Home Office, however, plans to implement permanent exit controls as part of its e-

---

<sup>120</sup> *Departure Procedures*, ICF AIRPORTS, <http://www.aytport.com/en/page.aspx?k=47> (last visited Feb. 4, 2011).

<sup>121</sup> Gabrielle Garton Grimwood, *E-Borders and Operation Semaphore*, SN/HA/3980 (House of Commons Library, Nov. 7, 2008), <http://www.parliament.uk/briefingpapers/commons/lib/research/briefings/snha-03980.pdf>.

<sup>122</sup> JULIE GILLIS, *E-BORDERS – CREATING AN INTEGRATED, SECURE BORDER FOR THE 21<sup>ST</sup> CENTURY* (Home Office Border & Immigration Agency, Dec. 4, 2007), available at [http://www.isnrlondon.com/files/ST6\\_EBorders\\_JG.pdf](http://www.isnrlondon.com/files/ST6_EBorders_JG.pdf).

<sup>123</sup> Grimwood, *supra* note 121.

Borders program that will make it “possible to match arrivals to departures and thus monitor visa compliance.”<sup>124</sup> The program “is introducing a new system of technology-based intelligence-led border controls,” which “will enable detailed information about individual travelers to be electronically collected before, during and after their passing through UK ports of entry/exit, checked against immigration, police and security ‘watch lists’, and shared between agencies.”<sup>125</sup> The plan is to implement the program in phases and it is expected to be completely operational by 2014.<sup>126</sup>

---

<sup>124</sup> JAMES HAMPSHIRE AND DENNIS BROEDERS, MIGRATION TO EUROPE IN THE DIGITAL AGE (MEDI A) REPORT ON WORK PACKAGE 2 (prepared for the MEDI A Meeting at Koc Univ., Istanbul, Apr. 9-10, 2010), [http://www.media-researchproject.eu/reports/Report2\\_Borders.pdf](http://www.media-researchproject.eu/reports/Report2_Borders.pdf).

<sup>125</sup> Melanie Gower, The E-Borders Programme, SN/HA/5771 (House of Commons Library, Nov. 23, 2010), <http://www.parliament.uk/briefingpapers/commons/lib/research/briefings/snha-05771.pdf>.

<sup>126</sup> *Id.* at 1.