



Japan Machinery Center for Trade and Investment

Kikaishinko Bldg. 3-5-8 Shibakoen, Minato-ku, Tokyo 105-0011 JAPAN
Tel: +81-3-3431-9507 Fax: +81-3-3436-6455 Website: www.jmcti.org

June 30, 2011

The Honorable Patrick F. Kennedy
Under Secretary for Management
U.S. Department of State
2201 C Street NW
Washington, DC 20520 U.S.A.

Re: Reissuance of Nonimmigrant Visas in the United States

Dear Mr. Under Secretary for Management:

Japan Machinery Center for Trade and Investment (JMC) appreciates the opportunity to provide comments on the Department of State's "Regulatory Review under E.O. 13563 - Department of State Preliminary Plan" (DOS-2011-0079) published on May 9, 2011.

JMC is a non-profit organization that consists of 264 member companies, including Japan's major electronics and machinery manufacturers, trading companies and engineering companies. JMC's activities emphasize multilateral trade and investment rules, bilateral free trade agreements, environmental protection regulations, national industrial policies, trade related security measures, and trade insurance.

As of July 16, 2004, the DOS mandated visa renewals to be made outside the US. Thus, visas mostly used by Japanese expatriates such as ; "L" visa (initial 3-years plus 2-years), and "E" visa (initial 5-years plus 5-years) are subjected to be renewed outside of the US such as the US Consulate Generals in Mexico, Canada or Japan. Normally, most expatriates will stay for more than 3-years and must get their visas renewed during their stay. Enterprises incur considerable expenses mainly for traveling (a few thousand dollars per Japanese expatriate) since expatriates and all their family members must travel to any of the three countries for visa renewal. The loss of working hours for visa renewal (4 days in Mexico, and 1-3 weeks in Japan) seriously impacts enterprises. Moreover, it makes a serious effects on education to children who accompany their expatriates to the US due to be absent from their school for a long term in the case of visa reissuance for the family. It means that enterprises bear not only excessive monetary expenditures but also unwilling temporary leave.

According to the DOS's Public Notice 4747 "Discontinuation of Reissuance of Certain Nonimmigrant Visas in the United States" (69 Federal Register 35121), the reason the DOT ceased visa renewals inside the US is that "it is not feasible for the Department to collect the biometric identifiers in the United States" as a result of Enhanced Security and Visa Entry Reform Act of 2002 (Pub. L. 107-173). So far as we are

aware, however, biometric identifications are now available at the USCIS Application Support Centers across the US, which information is currently collected in Consulate Generals outside the US. Also, 22 CFR 41.111(b) shows that the DOS still has the authority to issue visas for qualified expatriates inside the US. The latest facilities at USCIS Application Support Centers could enable the DOS to conduct visa renewal in the US in complying with the request of Enhanced Security and Visa Entry Reform Act.

We welcome the DOS has started reviewing the rule and advocate visa renewal will be allowed inside the US. As Executive Order 13563 points out, regulations should be reviewed along with technological innovation and its diffusion, which will generally bring many benefits with lower costs. We are confident that visa renewal inside the US will reduce regulatory burden and will contribute to more economic prosperity in the US.

We greatly appreciate your consideration.

<Related regulations and documents>

Regulatory Review under E.O. 13563 - Department of State Preliminary Plan

<http://www.regulations.gov#!docketDetail;dct=O+SR+PR+N+FR;rpp=10;po=0;D=DOS-2011-0079>

Federal Register/Vol. 69, No. 120/Wednesday, June 23, 2004/Notices

<http://edocket.access.gpo.gov/2004/pdf/04-14245.pdf>

Pub. L. 107-173 Enhanced Security and Visa Entry Reform Act of 2002

<http://www.uscis.gov/ilink/docView/PUBLAW/HTML/PUBLAW/0-0-0-24919.html>

22 CFR 41.111(b) - Authority to issue visa

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=c3aa434e4677740a1375a024737ca738&rgn=div8&view=text&node=22:1.0.1.5.27.11.1.1&idno=22>

Sincerely yours,

Takehiko Inoue
Chairperson of International Trade and Investment Committee
Japan Machinery Center for Trade and Investment (JMC)

Please see attached member list