Joint Statement for the Record

Robert A. Mocny
Director
US-VISIT Program
United States Department of Homeland Security

And

Robert Jacksta
Executive Director
Traveler Security and Facilitation
Office of Field Operations
U.S. Customs and Border Protection
United States Department of Homeland Security

Before the

Subcommittee on Border, Maritime, and Global Counter Terrorism
Committee on Homeland Security
United States House of Representatives

On

US-VISIT Exit: Closing Gaps in Our Security

June 28, 2007

Madam Chairman Sanchez, Ranking Member Souder, Members of the Subcommittee – Good Morning. Thank you for the opportunity to appear before you to discuss US-VISIT's role in addressing the border security needs of our Nation.

Introduction

The Department of Homeland Security (DHS) plans to modernize and improve our immigration and border management system through integration, collaboration, and cooperation among all parts of the immigration and border management community. This community includes important stakeholders in the private sector, such as air and sea carriers. As a component of that overall vision, the Secretary of Homeland Security, Congress, and the 9/11 Commission have all identified exit control as a priority in order to secure our Nation's borders. In this testimony we will provide an overview of how we plan to implement biometric exit strategies through a phased approach at our air, sea, and land ports. The data obtained through biometric exit will allow DHS and the Department of State (DOS), as well as other federal agencies, to determine whether a foreign traveler has left the country and, if so, when; and whether such an individual is deserving of future benefits, such as visa renewal or re-admittance to the United States.

Presently, DHS captures biometric information on entry through the United States Visitor and Immigrant Status Indicator Technology (US-VISIT) Program. This includes the verification of biometrics of travelers with visas, who are fingerprinted abroad by the Department of State as part of the BioVisa Program. The use of biometric identifiers—specifically digital fingerprints and photographs—has made travel safer and more secure. DHS and DOS can now identify persons attempting to enter the United States using fraudulent identities and screen individuals to determine whether they constitute a risk to national security. These biometrics are used to lock the identity of an individual during his or her first encounter with the U.S. Government, to verify the identity of the individual upon subsequent encounters, and to run appropriate watch list checks on the individual if he or she is seeking immigration benefits or admission to the United States.

There are considerable law enforcement and intelligence benefits from being able to accurately document the entry and exit of foreign nationals and to conduct trend analysis on arrivals and departures. In addition, accurately identifying individuals who stay in the United States beyond their authorized period of admission ("overstays") will allow DHS to focus resources to address known (or confirmed) overstays and permit DHS and DOS to place greater emphasis on properly adjudicating travel and immigration benefits.

Development of biometric exit is under way. However, a significant challenge facing the deployment of biometric exit is that our air, sea, and land ports lack the infrastructure to conduct exit control. Unlike entry, there are currently no fixed inspection booths or other facilities to process international travelers as they leave the United States. Thus, DHS is left in the position of having to negotiate with air and sea port authorities for the space and/or for facilities needed to implement biometric exit. There are difficulties in creating the infrastructure, architecture, and operational processes for biometric exit screening. These difficulties not only impact space and equipment issues, but also impact the departure process of travelers.

Despite these challenges, DHS is committed to deploying biometric exit capabilities at our ports. To achieve the benefits noted and to better secure our border, DHS proposes an incremental deployment into the three departure environments—air, sea, and land—with an initial focus on air and the corresponding development of data analysis needed to produce highly reliable, actionable information.

Current Exit Process

DHS has come a long way in the exit process in a short period of time. Previously, the legacy Immigration and Naturalization Service (INS) relied solely on a paper-based system of Form I-94 documents to record a non-immigrant's entry and exit. Travelers manually completed Form I-94 prior to entry inspection and received a stub from the form, which would then be returned to the traveler for collection by the air carriers upon departure from the U.S. This non-automated system was deficient in a number of areas, including lack of timeliness, lost documents, poor data integrity, and carrier non-participation. These issues precluded legacy INS from having an accurate picture of who was still in the United States, and who had departed (without having their exit recorded). Consequently, scarce interior enforcement resources were sometimes used to investigate individuals who had already departed.

To address these issues, U.S. Customs and Border Protection (CBP) implemented the Automated Passenger Information System (APIS) to collect manifest data on arrival and departure in an automated manner. APIS not only improved the timeliness of the information, but also increased the number of departure records collected. Additionally, recent work with the carriers has increased compliance rates, which in turn has led to a subsequent, positive impact on matching exit to entry records.

Over the next six to twelve months, DHS anticipates that APIS reporting will continue to improve. CBP will continue to work with carriers to improve performance. US-VISIT will look to make improvements to matching algorithms as well.

A number of factors exist that prevent DHS from making a 100 percent match of entry and exit records, regardless of the technology used. These include: (1) the individual legally entered the U.S. prior to the full implementation of the Arrival and Departure Information System (ADIS) (the system was initially implemented in October 2002, with additional classes of admission in January 2004); (2) the quality of the data collected at departure was not sufficient to match against the arrival record or vice versa; (3) a traveler exited using a different document (i.e., dual nationals); and (4) an arrival record was not captured at the time the person entered the United States (for example, illegal entry, or the traveler arrived by land and departed by air or vice-versa).

However, DHS believes that there is still substantial room to improve entry and exit matching. Biometrics is one key means to achieve this goal.

The Potential for Biometrics at Exit

US-VISIT tracks and records entry and exit records to determine those who have overstayed their authorized period of admission. Individuals identified by entry/exit analysis who have overstayed the terms of their admission, or who are wanted or otherwise encountered by law enforcement, may be apprehended. This analysis of records has been conducted with both biographic information—such as name, date of birth, document numbers, etc.—and with biometric (fingerprint) information collected during visa applications or entry.

Based on US-VISIT analysis of biographic and biometric overstay information, U.S. Immigration and Customs Enforcement (ICE) has made 308 arrests between September 2004 and May 2007 (when biometric exit testing ended).

US-VISIT merges biographic and biometric data to achieve accurate matches of exit records to entry records. Information is drawn from APIS manifests, departure Form I-94 documents, and from the locations where biometric exit pilots were operated (from January 2004 to May 2007). This work is done through ADIS and validated by US-VISIT's Data Integrity Group (DIG). For the month of April, ADIS was able to achieve a match rate of 93.1 % of all non-U.S. Citizens, based upon APIS biographic information and biometric information from the 14 pilot locations.

Additionally, work done through IDENT, the Automated Biometric Identification System, improves the matching efforts of ADIS and includes conducting "recurrent checks" against all enrolled fingerprints. In other words, as new derogatory information is received (e.g., where a person for whom no information that would exclude eligibility for admission existed at the time he or she entered the United States later becomes the subject of a criminal arrest warrant), those prints are checked against the entire population of fingerprints on file. Files that are matched are then used by other DHS components and DOS to determine eligibility for subsequent immigration benefits, such as re-admittance into the U.S. or visa renewals.

Based upon the pilots, DHS plans to move forward with a full deployment of biometric exit to maximize the benefits biometrics can bring to entry-exit matching. In turn, this improved matching will bring many benefits to the immigration and border management enterprise. Under the initial phases of the implementation of our biometric exit program, data will be used for the following purposes:

- Overstay information will be analyzed by US-VISIT and forwarded to ICE for further follow-up and interior enforcement;
- Exit information will be used on an individual basis during subsequent applications for admission to the United States, visa issuance and renewal, or other immigration benefits; and
- Exit information will be analyzed in the aggregate to identify weak areas in our immigration and border management system where overstay is prevalent. This will require the development of new analytic capabilities within DHS and DOS.

While biographic information is being used to address these goals, it tends to be less accurate than biometric data and may not be automated, thus requiring more time and resources.

Biometric exit collection is key to assisting DHS and DOS in "closing the door" on those individuals that seek to exploit our immigration and border management enterprise. Comprehensive trend analysis will allow DHS and DOS to identify specific visa-issuing posts, visa categories, Visa Waiver Program (VWP) countries, or other criteria that may be common to an unacceptably high overstay rate. Subsequent visa applicants and travelers from those same posts, categories, and countries will then receive increased scrutiny.

Exit in the Air Environment

DHS has done significant planning and testing over the past three years looking at possible solutions for integrating US-VISIT biometric exit requirements into the international air departure process, considering deployment at airline ticket counters, TSA checkpoints, airline boarding gates, and in airport terminals. For more than two years, US-VISIT has run biometric exit pilots at 14 air and sea locations, involving the use of automated kiosks, and sometimes mobile devices, in port terminals. While the pilots demonstrated that the technology works, they also revealed low compliance by travelers. Given the analysis of the pilots and other potential options, DHS has determined that US-VISIT air exit should be incorporated into the airline check-in process.

Such deployment integrates into the current international departure process and minimizes the impact on legitimate travelers. It facilitates a consistent procedure regardless of the traveler's departure location and incorporates biometric exit requirements with existing data submission requirements from CBP and future requirements of TSA.

DHS's proposed solution requires significant outreach and partnership with the airline industry and we have begun that outreach with U.S. air carriers. DHS proposes to minimize carrier impacts by providing a single interface to air carriers with respect to U.S. Government passenger data requirements. With strong support through the DHS Screening Coordination Office, DHS has taken significant steps to integrate CBP's pre-departure APIS with TSA's plans for Secure Flight. US-VISIT has been brought into these discussions to ensure alignment of policies, operations, and investments among all three programs. Once operational, APIS pre-departure, biometric exit, and Secure Flight will utilize the same network interface between DHS and air carriers, as well as the same messaging formats.

Over the next year, DHS will take a number of steps toward full implementation of biometric exit in the air environment. DHS will refine the project plan and deployment options, as well as ensure technical alignment with the pre-departure APIS and Secure Flight, as proposed. DHS will engage in a more detailed conversation with the airline industry and make a subsequent public announcement on the Department's exit strategy.

DHS is considering acquisition strategies and how best to support air carriers in their role. This could include financial and technical assistance for the initial implementation, such as grants for equipment or the reuse of existing 1-print readers as US-VISIT and the Department of State deploy 10-Print readers to ports of entry and consular posts. US-VISIT will also consider issuing a Request for Information (RFI) for additional scanning devices that would combine the

collection of biometrics with a full page passport scanner. These options will be refined as DHS works with air carriers in assessing the costs of both initial deployment and continued operations and maintenance, as well as deploying air exit at pilot locations.

In developing the deployment schedule, US-VISIT will prioritize the departure airports based on volume and destinations of travelers departing the United States. A critical focus of counterterrorism efforts is recording the arrival of travelers from Countries of Interest (COIs), which is conducted by the National Counter Terrorism Center (NCTC), DHS, FBI, and DOS. Over 91 percent of all COI travelers arrive in the United States via air. Knowing which travelers from COIs complied with the terms of their admission, including whether they have overstayed their authorized period of admission, is essential to assessing risk and to enhancing the integrity of our immigration and border management system.

Additionally, it is expected that deployment of US-VISIT air exit will cover the vast majority of VWP travelers. These are travelers from mostly western European countries that enter the United States for business or pleasure without a visa for a period of 90 days or less. DHS is currently working to publish in FY 2007 the regulatory framework needed to support the new exit strategy.

Exit in the Sea Environment

The long-term exit solution will be deployed to commercial seaports to provide an integrated biometric exit capture for cruise line passengers. Biometrics will be captured and processed in a manner aligned with the protocol developed for air exit and allowing for optimal efficiency in traveler processing. However, the scope for biometric exit at sea will be considerably smaller than for air. US-VISIT biometric collection at entry is currently operational at 17 seaports. The biometric exit solution will be deployed to all seaport locations where cruise ships depart. Seaport deployment will occur after the air environment, so that lessons learned can be applied.

Exit in the Land Environment

The land ports have their own unique set of challenges. Implementing biometric confirmation of the departure of travelers via land ports of entry will be significantly more complicated and costly than for air and sea. The main reason for this is that there are significant space, infrastructure, and connectivity deficiencies at the land ports for exit.

Because of the immense scope and complexity of the land border, biometric exit information cannot be practically based on biometric validation in the short term. Instead, DHS will initially seek to match records using biographic information in instances where no current collection exists today.

In an effort to address biographic exit data collection capability along the land borders, US-VISIT will work with the DHS Secure Border Initiative (SBI) effort to meet the challenge of border security. DHS has not yet determined a timeframe or cost estimates for initiation of land exit, but continues to research possible options. No matter the course of action, DHS will move

in a deliberative manner on exit at the land ports to avoid negative repercussions on the economy, the environment, and traveler safety that could easily occur from precipitous action.

US-VISIT Program

DHS will rely on the proven track record of the US-VISIT Program, and its history of working with multiple federal agencies and private sector stakeholders to implement the envisioned exit solution.

DHS created the US-VISIT Program in July 2003 to meet statutory requirements and, more broadly, to achieve the following program goals:

- To enhance the security of our citizens and visitors;
- To facilitate legitimate travel and trade;
- To ensure the integrity of our immigration system; and
- To protect the privacy of our visitors.

The addition of biometrics, coupled with the integration of databases, has contributed to improved decision-making and information sharing across the immigration and border management community. In each of the incremental improvements that have been successfully deployed to date, all of the four goals listed above have been met.

DHS met its first statutory requirement by integrating existing arrival and departure biographic information on December 31, 2003. Subsequently, DHS:

- deployed US-VISIT biometric entry procedures at airports and seaports on January 5, 2004, for those individuals applying for admission with nonimmigrant visas;
- expanded biometric entry procedures to include those individuals applying for admission under the Visa Waiver Program (VWP) on September 30, 2004;
- supported the deployment of the DOS BioVisa Program, completed in October 2004;
- deployed biometric entry to the 50 busiest land ports before the legislative deadline of December 31, 2004;
- deployed biometric entry capabilities to the remaining 104 land border ports of entry before the Congressionally mandated deadline of December 31, 2005;
- deployed technology for biometrically enabled e-Passports to the 33 airports that cover 97 percent of all travel from VWP countries as of November 2006;
- tested radio frequency identification (RFID) at five test sites along the Northern and Southern land borders to capture entry/exit information, trigger updated watchlist checks, and provide the results of this information to the CBP officer at entry; and
- tested the collected biometrics during exit for travelers departing the U.S., from January 4, 2004 to May 5, 2007, at as many as 14 pilot locations.

One of the major initiatives that US-VISIT is presently implementing is the development of interoperability between the DHS biometric database—IDENT—and the FBI's fingerprint database, the Integrated Automated Fingerprint Identification System (IAFIS). This exchange of information allows DOS consular officers and DHS border and immigration officers to have

access to an additional number of FBI wants and warrants when making visa-issuing and admissibility decisions and when taking law enforcement actions. Likewise, the FBI and State and local law enforcement officials have the ability to query Category One visa refusals (e.g., generally one involving a permanent ground of inadmissibility) and all expedited removals. DHS and DOJ are working to increase the amount of data they exchange, thus improving the accuracy and usefulness of information available to border security officials and to State and local law enforcement. One of the benefits of US-VISIT's transition to ten-print enrollment is that it facilitates more efficient IAFIS and IDENT interoperability through the use of a common biometric template.

Conclusion

A comprehensive long-term traveler exit strategy for the United States is an exceedingly complex and costly challenge and is subject to constant change due to factors such as fluctuating terrorist threat levels, evolving supporting policies, and developing technologies. DHS must meet this challenge by using new technologies and modernized facilities, establishing new levels of inter- and intra-governmental cooperation, and identifying and committing significant investment.

Thank you for this opportunity to testify. We look forward to answering any questions you may have.