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FOLLOW-UP AUDIT OF THE IMMIGRATION AND NATURALIZATION SERVICE'S AIRPORT INSPECTION FACILITIES

EXECUTIVE SUMMARY

According to Immigration and Naturalization Service (INS) records, during fiscal year 2001 the INS processed 43.1 million alien passengers through Federal Inspection Services (inspection) areas at 159 airports. The INS designates which airports may receive international passengers, based on whether individual airlines and airport authorities furnish suitable landing stations in accordance with the Immigration and Nationality Act of 1952 (Act). The INS is authorized to withdraw such designations if circumstances warrant.

The INS, along with other federal inspection agencies, approves the design of inspection areas. At the INS's request, we conducted an audit of inspection areas at international airports during 1999. We conducted on-site reviews at 12 airports and received surveys from INS staff at 30 additional airports. Our audit found deficiencies at all 42 airports reviewed. Inspection areas were poorly designed and had numerous monitoring, surveillance, and communication deficiencies. Hold rooms were too small and did not permit separate confinement of male, females, and juvenile detainees. As a result, airports were vulnerable to illegal entry, escapes, injuries, and the hiding or disposing of contraband and documents. We recommended that the INS take steps to correct the deficiencies and improve the condition of its inspection facilities.

We initiated this follow-up audit because of the severity and number of deficiencies found during the 1999 audit, and because of the INS's difficulty in taking effective corrective action. The increased importance of the INS's mission regarding the security of our borders added to the urgency of performing this audit. Our prior audit recommendations and the actions the INS took in response to them are detailed in the Findings and Recommendations section of this report.

In May 2002, we began our follow-up audit work at INS headquarters, where we interviewed officials to determine what actions the INS took to implement the recommendations outlined in the prior audit report. We also performed on-site follow-up reviews at 12 international airports. The 12 airports we reviewed (Appendix I, page 20) account for about [SENSITIVE INFORMATION DELETED] percent of the international passengers processed through secondary inspection areas during 2001. The secondary inspection

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area is where passengers may be referred for additional interviews, further examination of documents, processing of additional documents, or placement into hold rooms.

We found that the INS took insufficient action to implement the prior audit recommendations. It had not communicated needed improvements to airlines and airport authorities, and it had not developed a program to review existing facilities. Nor did we find that the INS successfully applied sanctions¹ against airlines for failing to provide suitable facilities. Further, the INS did not develop performance measures related to the improvement of airport inspection area facilities. Moreover, we found that the INS had not even advised its own airport staff of the results of the prior audit.

Thus, we found that all 12 airports reviewed in this follow-up audit had both repeat deficiencies and deficiencies based on the new requirements. For example, airports did not have emergency exits with both a local alarm and an alarm generated at a central location, had no intercoms between access control points and the command center, had no way for primary inspectors to contact the command center, and had hold room doors that could not be easily unlocked by INS staff during an emergency. We found evidence of escapes and injuries that occurred because these deficiencies had not been corrected.

We also found additional deficiencies not previously identified.² For example, secondary inspection areas did not have adequate camera coverage, interview rooms did not have a system to video record interviews, and not all gates leading in and out of the in-transit lounge had camera coverage. Further, security systems and equipment were ineffective. [SENSITIVE INFORMATION DELETED] of 12 airports we reviewed during the current audit either did not test security and communications systems or testing was not adequate. We found inoperable alarms and cameras, and security features that had been turned off, were not monitored, or had not been installed.

We concluded that the underlying causes for these deficiencies were rooted in perceptions held by INS officials regarding airport facilities. They considered that airport security is not a primary responsibility of the INS. Thus, INS staff were unaware that exits were unsecured, and locks, alarms,

¹ Sanctions could range from prohibiting an airline from using a particular gate, to prohibiting the airline from deplaning passengers anywhere at the airport.

² The construction requirements INS published in February 2002 cover areas not addressed in its earlier publications or reviewed during the prior audit.

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and cameras were inoperable. However, according to the ATR, the INS has the responsibility to ensure that there are adequate countermeasures in place within the physical security system of the Federal Inspection Services area to maintain border integrity. Also, INS officials believed that the airline lobby was so powerful that the INS would be unable to exert its authority to impose sanctions when airlines or airport authorities did not furnish adequate facilities. And finally, INS officials did not think that poor facilities were related to serious consequences. INS staff did not believe that escapes, assaults, or injuries resulted from inadequacies in facilities.

By not addressing the risks associated with poor facilities and exercising its authority to impose sanctions where necessary, the INS continued to undermine its ability to influence airlines and airport authorities to meet standards. As a result, airports continue to be vulnerable to illegal entry, escapes, injuries, and smuggling of aliens and contraband into the United States.

The details of our work are contained in the Finding and Recommendations section of the report.³ Our audit objectives, scope, and methodology are contained in Appendix I. A glossary of terms used in the report is contained in Appendix II, and the locations where specific deficiencies were noted are contained in Appendix III.

³ As part of our audit process, we asked INS headquarters to furnish us with a signed management representation letter containing assurances that our staff were provided with all necessary documents and that no irregularities exist that we were not informed about. As of the date of issuance of this report, the INS has declined to sign the letter. Therefore, our findings are qualified to the extent that we may not have been provided with all relevant information by INS management.

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INTRODUCTION

Background

According to Immigration and Naturalization Service (INS) records, during fiscal year 2001 it admitted 43.1 million alien passengers into the inspection areas at 159 airports. Section 233 of the Immigration and Nationality Act of 1952 (Act) requires every transportation line carrying aliens to the United States to provide and maintain, at their expense, suitable landing stations approved by the Attorney General. As stated in 8 CFR Part 234, the INS Commissioner is authorized to designate which airports may receive aliens and thus serve as international ports of entry. Airports so designated must provide adequate facilities for the proper inspection and disposition of aliens, including office space and temporary detention facilities. The Commissioner is also authorized to withdraw an airport's designation as a landing station if, in the Commissioner's judgment, there is just cause for such action.

Federal inspection agencies operating at airports include the INS, U.S. Customs Service (Treasury), Public Health Service (Health and Human Services), Animal and Plant Health Inspection Service (Agriculture), and the U.S. Fish and Wildlife Service (Interior). The inspection agencies specify what facilities must be provided, which include offices, inspection booths, conveyors, x-ray systems, and other equipment necessary to monitor, control, and operate inspection facilities. The space provided is called the Federal Inspection Services (FIS) area. Although it has no authority over airport construction, the INS, along with the other inspection agencies, approves the design of inspection facilities. Accordingly, inspection areas under the INS's control must have security policies and



Primary Inspection Area, [SENSITIVE INFORMATION DELETED]

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procedures that prevent arriving passengers from circumventing the inspection process.

INS inspectors must determine an alien's eligibility to enter the United States. If an alien's eligibility is questionable, inspectors are to refer them to a secondary processing area where inspectors conduct interviews and further examine the alien's travel documents. If needed, inspectors should detain the alien in a hold room – a secure confinement room where persons are held temporarily pending further investigation or transfer to another facility. All ports of entry must have inspection areas, interview rooms, and hold rooms of adequate size, design, and construction.

Prior to February 2002, the most important design, construction and security requirements were contained in the following Federal Aviation Administration (FAA) and INS publications and policy memoranda:

- *Federal Aviation Administration's Planning and Design Guidelines for Airport Terminal Facilities, 1988 Edition (FAA 1988 Guidelines).*
- *Hold Room Design Standards. Published in January 1993.*
- *Federal Aviation Administration's Planning and Design Guidelines for Airport Terminal Facilities, 1994 Edition (FAA 1994 Guidelines).*
- *Airport Federal Inspection Facilities Guidelines, 1994 Edition (1994 Guidelines).*
- *Secondary Detention Procedures at Ports-of-Entry. A policy memorandum issued by the INS in August 1996.*
- *Things to Look For in the Design of Inspection Facilities at Airports, Seaports, and Ferryports. Published by the INS in February 1999.*
- *Federal Inspection Services' Airport Facility Guidelines, 2000 Edition (2000 Guidelines).*
- *Airport Border Integrity Antiterrorism Program Overview (Overview). Published in 1999 by the INS.*

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In February 2002 the INS published the Air Ports-of-Entry Technical Requirements (ATR) with technical assistance from the INS's Offices of Inspections, Facilities and Engineering, Operations, Information Resource Management, and Security. These requirements were published to assist architects, engineers, and planners in designing, building and renovating INS inspection facilities at international airports. The ATR includes requirements found in earlier publications as well as newly promulgated requirements for the secondary inspection area, interview rooms, search rooms, Joint Agency Coordination Center (JACC)/INS Coordination Center (ICC), and in-transit lounges (ITL). In February 2002, the INS provided the finalized ATR to the Air Transport Association, American Association of Airport Executives, and Airports Council International.

At our exit conference with the INS, a headquarters Office of Facilities and Engineering official commented that the ATR is used as a yardstick to measure airport compliance with standards. An INS headquarters official also commented that the INS is responsible for border integrity not airport security. However, according to the ATR, the INS has the responsibility to ensure that there are adequate countermeasures in place within the physical security system of the FIS area to maintain border integrity.

Prior Audit Results

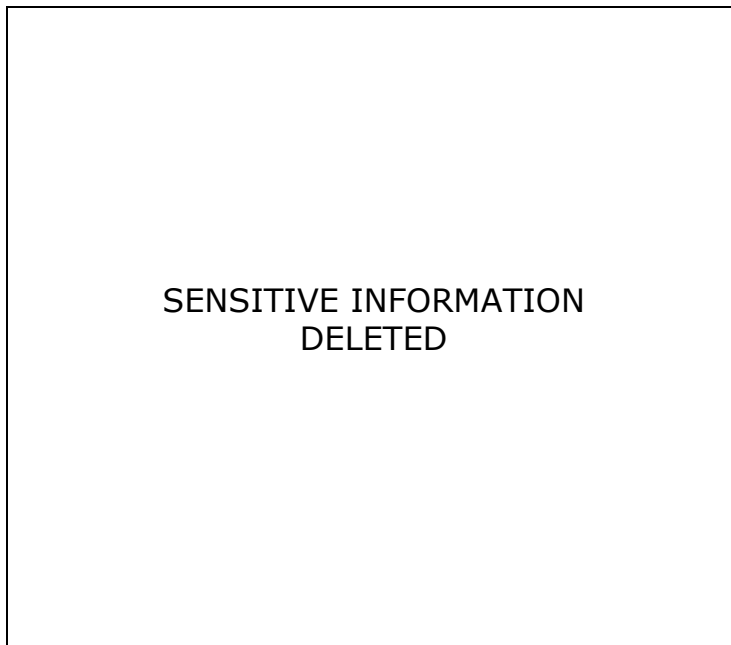
In 1999, at the INS's request we conducted an audit of airport inspection and detention facilities (Immigration and Naturalization Service's Airport Inspection Facilities, Report No. 01-03, December 2000). The audit found that inspection areas at 42 international airports were poorly designed and constructed, and had numerous monitoring, surveillance, and communication deficiencies. Hold rooms were too small and did not permit separate confinement of male, female, and juvenile detainees. As a result, airports were vulnerable to illegal entry, escapes, injuries, health hazards, and the hiding or disposing of contraband or documents.

These conditions existed primarily because the INS had not dealt effectively with airlines and airport authorities by enforcing provisions of the Immigration and Nationality Act when inspection facilities were unacceptable. We found that the INS had not pursued a program to require upgrading of older inspection facilities, construction took place without the INS's oversight or approval, and the INS's system of on-

site reviews needed improvement. In addition, the INS did not have performance measures under the Government Performance and Results Act to measure the adequacy of inspection facilities. Also, by not exercising its authority to impose sanctions where necessary, including restriction of landing station designations, the INS undermined its ability to influence airlines and airport authorities to meet standards.

Our Follow-up Audit

We initiated this follow-up audit because of the significance and number of deficiencies found during the prior audit and the INS's lack of progress in taking corrective action. Also, the increased importance of the INS's mission regarding the integrity of our borders added to



the urgency of performing this audit. Our audit objectives were to determine whether: (1) the INS took timely action to implement the recommendations from the December 2000 report, and (2) actions taken resulted in improvements at the airports we identified as having the most serious deficiencies.

In May 2002, we began our follow-up audit work at the INS headquarters, where we interviewed officials to determine what actions the INS took to implement the recommendations outlined in the prior audit report. We reviewed the INS's latest design and construction standards contained in its recently published ATR. We incorporated, as appropriate, elements from the ATR into a review checklist used to conduct our audit. Examples of features we reviewed are: (1) audible and visual alarms at emergency exits; (2) closed circuit television between access portals and the Joint Agency Coordination Center (JACC); (3) absence of hiding places in corridors; (4) arrival gates configured to ensure

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that passengers and crew cannot circumvent the inspection process; (5) hold rooms with secure walls and ceilings, (6) interview rooms with emergency call buttons and equipment to record the results of interviews; and (7) command centers with up-to-date communications equipment to monitor and respond to alarms within the FIS area; and (8) in-transit lounges with cameras, locks, and alarms to prevent aliens from escaping.

We performed on-site follow-up reviews at 12 international airports to determine the extent of any modifications resulting from our prior audit. The 12 airports we reviewed (Appendix I, page 20) account for [SENSITIVE INFORMATION DELETED] percent of the international passengers processed through secondary inspection areas during 2001.

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FINDING AND RECOMMENDATIONS

THE INS HAS MADE LITTLE PROGRESS IN IMPROVING INSPECTION FACILITIES

Although construction and renovation projects have improved some facilities, we found repeat and new deficiencies at all 12 airports reviewed. Further, at [SENSITIVE INFORMATION DELETED] airports we found [SENSITIVE INFORMATION DELETED]. We found that testing of security systems and equipment was inadequate. INS staff at some airports said they did not conduct monitoring and surveillance activities because they were understaffed. Consequently, airports were still vulnerable to illegal entry, escapes, injuries, and hiding or disposing of contraband or documents. In our judgment, these conditions existed because INS headquarters did not notify airlines, airport authorities, or INS airport staff of the deficiencies noted in the prior audit. INS officials believed that the power of the airline lobby kept the INS from using its authority to enforce available sanctions, that security was not the INS's responsibility, and that the failure of facilities to meet standards was unrelated to serious consequences. INS staff did not believe that escapes, assaults, or injuries resulted from inadequacies in facilities.

Title 8 Part 234, Section 4 of the Code of Federal Regulations (CFR) states in part,

"International airports for the entry of aliens shall be those airports designated as such by the Commissioner...An airport shall not be so designated...unless adequate facilities have been or will be provided at such airport without cost to the Federal government for the proper inspection and disposition of aliens, including office space and such temporary detention quarters as may be found necessary. The designation of an airport as an international airport for the entry of aliens may be withdrawn whenever, in the judgment of the Commissioner, there appears just cause for such action."

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Our prior audit found that inspection areas were designed and constructed improperly and lacked important surveillance and communication equipment. The INS had not pursued a program to require upgrading of older facilities. In addition, the INS did not enforce provisions of the Act against airlines when facilities were not acceptable. The INS did not develop performance indicators, under the Government Performance and Results Act (GPRA), to fully address the adequacy of facilities.

Actions Taken on Prior Audit Recommendations

Our prior audit recommended that the INS: (1) ensure airport authorities and airlines understand design and construction standards, and what improvements were needed, (2) develop a comprehensive program to review and upgrade existing⁴ facilities, (3) apply sanctions to airlines failing to provide suitable facilities, and (4) develop performance indicators related to improvement of airport inspection facilities. In this follow-up audit, we determined whether the INS took action to implement the specific recommendations we made and whether those actions resulted in improved airport inspection facilities.

Recommendation No. 1 – “Communicate clearly with airport authorities and airlines on all matters relating to airport facilities to ensure they understand: (a) design and construction standards, (b) what improvements are needed, and (c) the need for the INS to be apprised of any proposed construction or renovation.”

Officials at INS headquarters indicated they had not communicated deficiencies from the prior audit to airlines or airport authorities. INS headquarters also did not advise INS airport staff of the prior audit results. One headquarters official said the deficiencies identified in the prior audit still existed because the INS wanted to develop its own checklist to review facilities. Yet, our prior audit had already identified serious deficiencies at 42 airports. The INS could have used the results of our prior audit to communicate needed improvements to airlines and airport officials. Instead, the INS chose to duplicate our prior work and conduct another review of facilities. Some INS airport staff told us they could have taken actions to correct some deficiencies had they been apprised of the prior audit results.

⁴ “Existing” inspection facilities are those not undergoing or scheduled to undergo renovation or replacement.

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The INS did, however, publish and provide a comprehensive set of design and construction requirements and furnished them to airlines and airport authorities. In February 2002, the INS published *INS Air Ports-of-Entry Technical Requirements (ATR)*⁵ with technical assistance from various INS offices. Requirements include those found in earlier publications as well as newly promulgated requirements for the secondary inspection area, interview rooms, search rooms, Joint Agency Coordination Center (JACC)/INS Coordination Center (ICC), and in-transit lounges (ITL). The INS sent copies of the *ATR* to the Air Transportation Association, American Association of Airport Executives, and Airports Council International on February 15, 2002.

Recommendation No. 2 – “Work with other Federal inspection agencies to implement a program for upgrading existing facilities, including: (a) comprehensive reviews of facilities at all international airports of entry, (b) complete documentation of review results, (c) recommendations to airlines and airport authorities for necessary modifications, and (d) plans to monitor actions taken.”

INS staff conducted reviews of facilities undergoing construction or renovation, and security reviews of two other airports but had done little to develop a program to upgrade existing facilities.

The INS has a program to review airport facilities undergoing construction and renovation. During each phase of the construction project, staff conduct walk-through inspections to identify deficiencies in design and construction requirements. We obtained copies of inspection reports for construction projects at [SENSITIVE INFORMATION DELETED] The most recent inspection reports show some deficiencies identified during the walk-through inspections had not been corrected. At [SENSITIVE INFORMATION DELETED]

The INS also conducted security reviews at two airports to ensure facilities met the INS’s Airport Border Integrity Anti-terrorism Program (ABIAP⁶) requirements. Such reviews are designed to identify security vulnerabilities and conditions conducive to the smuggling of aliens, criminals, terrorists, drugs, or other contraband

⁵ *INS Air Ports-of-Entry Technical Requirements* are also posted on the internet at: www.airportnet.org/depts/Regulatory/INS/INSATRFEB.pdf

⁶ The Airport Border Integrity Antiterrorism Program (ABIAP) is a methodology for identifying security vulnerabilities at airports and providing recommendations for improvements.

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into the U.S. The INS Office of Security staff last conducted security reviews in May 2001 at the [SENSITIVE INFORMATION DELETED] airports and found serious weaknesses in security at both locations. Both reviews outlined recommendations airlines and airports should take to correct the deficiencies. However, the INS Office of Security, Border Integrity Project Manager, said the INS had not communicated the needed security related improvements to airlines and airport authorities. The official said the primary purpose of the assessments was to finalize a database of the findings of similar reviews.

Thus, although the INS conducts reviews of individual facilities under construction and limited security reviews of other facilities, it had done little to develop a comprehensive program to review existing facilities. One official said the INS was in the process of developing a comprehensive facilities review form. The INS official said the detailed review form would take additional time to develop. The INS said its review results would be sent to the airports in June or July 2002. However, as of May 20, 2002, the INS had not yet begun and INS staff could provide only a general outline of what the review would entail.

Recommendation No. 3 – “Apply sanctions permitted by the Act, as appropriate, to airports and airlines failing to provide suitable facilities. The scope of sanctions applied should conform to the magnitude of the deficiency. This could range from a lesser sanction, such as prohibiting an airline from using a particular gate, to prohibiting the airline from deplaning passengers anywhere at the airport. The latter action would require coordination and consultation with other federal agencies such as the State Department and the Department of Transportation.”

The Act permits the INS to withdraw an airport’s designation as a landing station when airlines fail to provide suitable facilities. However, the INS had not exercised its authority even when the INS found that conditions warranted it. For example, two days before a newly built terminal at the [SENSITIVE INFORMATION DELETED] airport was scheduled to open, the INS told [SENSITIVE INFORMATION DELETED] it would not permit the facility to open because it did not meet the INS’s requirements, such as, [SENSITIVE INFORMATION DELETED]. However, the INS occupied the facility by the opening date even though the facility did not meet with the INS’s requirements.

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Recommendation No. 4 – “Develop performance indicators related to the improvement of airport inspection area facilities.”

The INS had not developed performance indicators related to its efforts to improve airport inspection facilities. In a May 7, 2002, written response to our prior audit, INS officials said they had reviewed this recommendation in light of the requirements of GPRA and the Government Paperwork Elimination Act (GPEA) and concluded neither were applicable because the INS does not have financial investment in airport facilities. The response stated the INS would conduct periodic reviews of airport facilities to determine whether deficiencies had been corrected. In our judgment, the INS is responsible for the condition of facilities to the extent that it can require airlines and airport authorities to make needed improvements. Our prior audit recommendation was broad enough to permit the INS to measure its “efforts” to improve facilities. For example, such measures could include the number of improvements recommended and implemented by airport authorities. At the exit conference, however, an INS headquarters official commented that performance measures are not applicable because the INS has no financial interest in inspection facilities.

Conditions Noted During the Current Audit

Deficiencies identified during the prior audit had still not been corrected. The table on the following page shows some of the repeat deficiencies we found. A complete list of repeat deficiencies by location is contained in Appendix III.

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Condition	Number Deficient⁷	Percent Deficient
Sterile Corridor Area		
	SENSITIVE INFORMATION DELETED	SENSITIVE INFORMATION DELETED
	DELETED	DELETED
Hold Rooms		
	SENSITIVE INFORMATION DELETED	SENSITIVE INFORMATION DELETED
	DELETED	DELETED

Source: Appendix III

We also found evidence that detainees had escaped or injured themselves because prior deficiencies had not been corrected:

- INS officials at [SENSITIVE INFORMATION DELETED] airport said a detainee escaped from a hold room by [SENSITIVE INFORMATION DELETED].
- At the [SENSITIVE INFORMATION DELETED] airport, two detainees slashed their wrists with [SENSITIVE INFORMATION DELETED]. INS design criteria requires that [SENSITIVE INFORMATION DELETED].

We found additional deficiencies not previously identified. In February 2002, the INS provided airport authorities with a comprehensive set of design requirements covering areas of the facility not addressed in other publications. The table on the following page shows examples of deficiencies in the INS’s latest design and construction standards. A complete list of new deficiencies by location is contained in Appendix III.

⁷ We reviewed 28 terminals at 12 airports. If only one terminal at the airport had a deficiency, we reported that the airport had that deficiency.

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Condition	Number Deficient	Percent Deficient
Secondary Inspection Area		
SENSITIVE INFORMATION DELETED	SENSITIVE INFORMATION DELETED	SENSITIVE INFORMATION DELETED
Interview Rooms		
SENSITIVE INFORMATION DELETED	SENSITIVE INFORMATION DELETED	SENSITIVE INFORMATION DELETED
Coordination Center		
SENSITIVE INFORMATION DELETED	SENSITIVE INFORMATION DELETED	SENSITIVE INFORMATION DELETED
SENSITIVE INFORMATION DELETED	SENSITIVE INFORMATION DELETED	SENSITIVE INFORMATION DELETED

Source: Appendix III

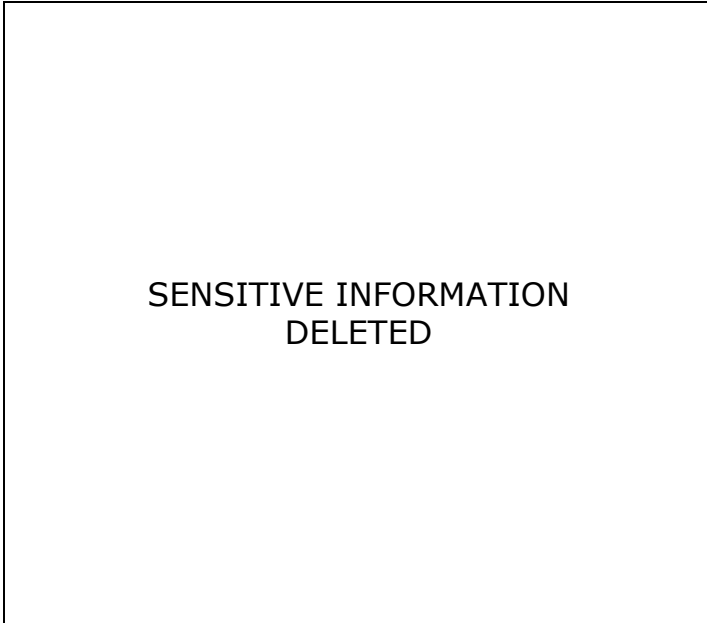
These newly identified deficiencies occurred because the INS had not implemented a program to review facilities and communicate needed improvements to airlines and airports. For example, at two airports the secondary inspection area was located in an open area without walls. At [SENSITIVE INFORMATION DELETED], this resulted in an alien absconding from the secondary inspection area before completing his inspection. A secondary inspection area at [SENSITIVE INFORMATION DELETED] is of similar design.

Security systems and equipment were ineffective. In view of increased emphasis on airport security, we conducted random tests of doors and alarms within the FIS area to determine whether: (1) doors were locked, (2) emergency exits sounded an alarm when opened, (3) alarm events were reported at a central location, and (4) security staff responded timely to alarm events. We also interviewed INS inspectors and conducted tests in some INS command centers to determine whether cameras were operable.

Our audit found that [SENSITIVE INFORMATION DELETED] airports either did not test security and communications systems or testing was not adequate. At [SENSITIVE INFORMATION DELETED] airports officials said they did not do regular testing [SENSITIVE INFORMATION DELETED] or there were no testing procedures [SENSITIVE INFORMATION DELETED]. At [SENSITIVE INFORMATION DELETED] other airports where the INS or the security contractor said they conducted testing [SENSITIVE INFORMATION DELETED].

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We noted inspectors have frequent periods of inactivity when such testing could be conducted. [SENSITIVE INFORMATION DELETED] and [SENSITIVE INFORMATION DELETED] at [SENSITIVE INFORMATION DELETED].

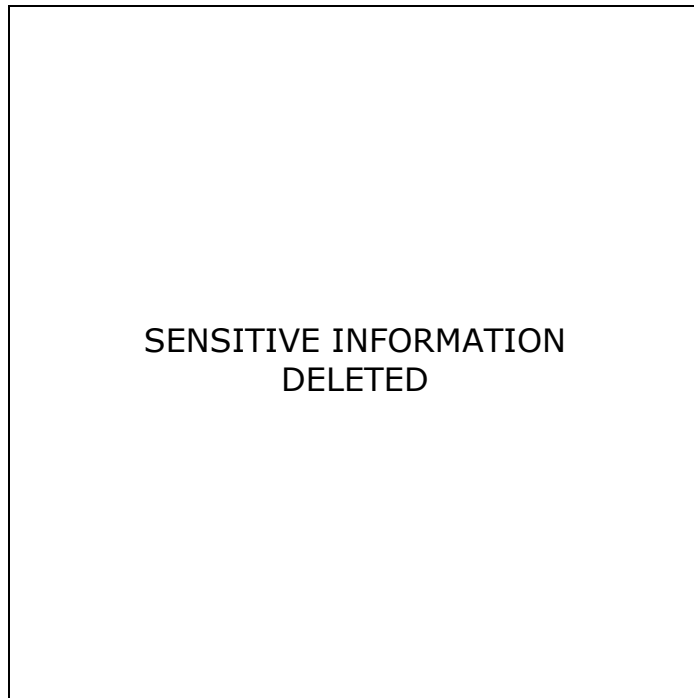


At [SENSITIVE INFORMATION DELETED].

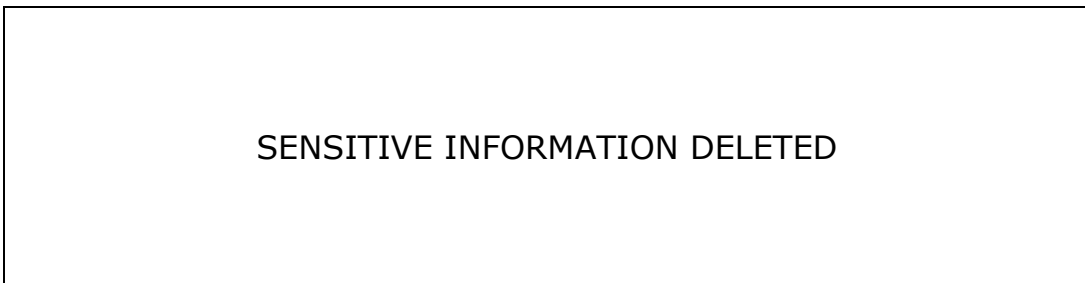
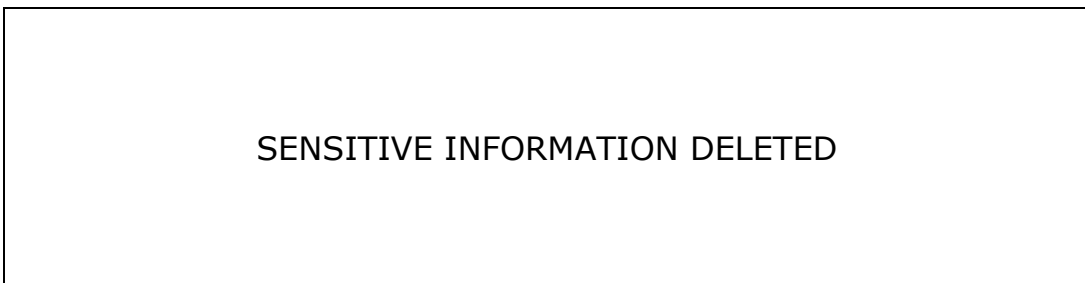
At [SENSITIVE INFORMATION DELETED], security contractors are responsible for responding to alarms at each terminal. We tested response time at one terminal by activating an alarm. Security failed to respond, and after 20 minutes airline staff turned the alarm off. [SENSITIVE INFORMATION DELETED]. An airport official said a \$600,000 project to upgrade 60 cameras in the FIS area was abandoned because the airport authority could not get the INS or Customs to approve the project.

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[SENSITIVE INFORMATION DELETED].



We found other examples of deficiencies in the design and construction of the facilities, and inoperable security and communications equipment:



SENSITIVE INFORMATION DELETED

As noted above, the principal reasons for the deficiencies noted were that the INS did not implement our prior recommendations or even notify its airport staff of our prior audit findings. In addition, we found other underlying causes for why the INS did not implement our recommendations.

INS officials at headquarters and at airports believed that the risk of serious consequences is low for facilities that do not meet the INS's standards. INS staff did not believe that escapes, assaults, or injuries resulted from inadequacies in facilities. For example, a headquarters official asked repeatedly whether we had found evidence to show that such events were related to poor facilities. INS officials at airports also said they were not aware of any instances of escapes, assaults, or injuries that were caused by inadequate facilities. However, this audit and the prior audit noted seven instances of escapes, abscondings, injuries, and death resulting from such inadequacies.

INS headquarters staff perceived that the power of the airline lobby keeps the INS from using its authority to enforce available sanctions. The Assistant Chief Inspector, Office of Inspections, said the INS was reluctant to use its authority. The official cited the political and economic ramifications of closing down airports or gates because airlines or airport officials were unwilling to address deficiencies. The official said corrective actions in response to our prior audit recommendations are at a standstill because the airlines' powerful lobby and recent financial situation has made it difficult to force them to comply. INS officials at some airports concurred with those comments.

INS headquarters and airport staff felt that security was not the INS's responsibility. An INS official at one airport said INS headquarters should have provided the airport with staff who were trained in security related matters. Other INS airport officials said the airport authority or the airport security contractor was responsible for security. Further, we found responsibilities for monitoring and responding to alarms are not clearly defined. A headquarters official said responsibility is different at each airport. Usually there is only a verbal agreement between the INS and Customs as to who is to

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respond to alarms. As noted earlier, however, the ATR states that the INS has the responsibility to ensure there are adequate countermeasures within the physical security system of the FIS area to maintain border integrity.

Attrition rates for INS inspectors were high. At one airport, an INS official said some security systems were turned off because the INS did not have adequate staff to monitor and respond to alarms. INS officials said the INS lost about 17 percent of its inspectors during fiscal year 2002. Officials cited very high losses at some airports. For example, [SENSITIVE INFORMATION DELETED] airport lost 41 percent and [SENSITIVE INFORMATION DELETED] airport lost 21 percent of its inspectors.

Conclusion

We found that the INS had not implemented our prior audit recommendations to: (1) communicate needed improvements to airlines and airport authorities, (2) develop a program to review existing facilities, (3) apply sanctions made available by the Act when airlines fail to provide suitable landing facilities, and (4) develop performance measures required by GPRA to assess the INS's efforts to obtain suitable facilities. Consequently, airports were still vulnerable to illegal entry, escapes, injuries, and hiding or disposing of contraband or documents. In our judgment, the condition of security systems and equipment has resulted in increased risk that aliens can avoid the inspection process. There have been escapes, injuries, and further weakening of the INS's ability to perform its mission.

At the exit conference, INS staff indicated they felt that issuing the ATR sufficiently addressed the need to communicate needed improvements. They also felt they were making progress with their program to review existing facilities, and said they had some success in enforcing compliance with facilities standards.

In our view, the beliefs among INS staff hindered their ability to implement these recommendations. Officials should establish a comprehensive plan to review existing facilities and performance measures to judge the progress of upgrading airport facilities. Once the INS does this, it will be able to evaluate its efforts to obtain suitable facilities. When efforts fail, INS officials should hold airlines accountable by exercising its authority to impose sanctions. Unless these measures are taken, we believe that INS airport facilities remain

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vulnerable to illegal entry, escapes, and smuggling of aliens and contraband into the United States, which compromises the security of our borders.

Recommendations:

We recommend the Commissioner, INS:

1. Communicate immediately the deficiencies identified in this audit to airlines, airport authorities and INS airport staff.
2. Establish a timetable for completing reviews of inspection facilities at all international airports.
3. Require INS airport staff to conduct special reviews of security systems at INS inspection areas immediately, including: locks, alarms, and cameras and whether alarm events are reported at a central location.
4. Report the findings of the special security reviews to airlines and airport authorities for immediate corrective action.
5. Establish a program for periodic reviews and testing of security systems including: (a) tests of locks, alarms, and cameras, (b) documentation of review results, (c) recommendations to airlines and airport authorities for needed repairs, and (d) plans to monitor actions taken.
6. Ensure that the INS communicates the results of its border integrity security reviews to airlines and airport authorities and establishes a program to monitor actions taken.
7. Establish written agreements with other agencies or organizations that clearly define responsibilities for monitoring and responding to alarm events within the FIS area.

STATEMENT ON MANAGEMENT CONTROLS

In planning and performing our audit of INS Airport Inspection Facilities, we considered the INS's management controls for the purpose of determining our auditing procedures. This evaluation was not made for the purpose of providing assurance on the INS's management controls as a whole.

Internal control standards published by the General Accounting Office (GAO) provide that agencies should have management controls to ensure they evaluate risks, communicate information to those who need it in a timely manner, and promptly resolve the results of audits.

We evaluated the INS's actions to assess risks associated with airport inspection facilities, ensure needed improvements were communicated to those responsible for taking corrective actions, and implement our prior audit recommendations.

As discussed in the Finding and Recommendations section of this report, we found the INS had not reviewed its facilities to assess the risks of escapes, abscondings, assaults, injuries, and smuggling of aliens and contraband into the U.S. Further, the INS had not communicated deficiencies in design and construction to persons responsible for taking corrective actions, nor had it implemented the prior audit recommendations.

Because we are not expressing an opinion of the INS's management controls as a whole, this statement is intended solely for the information and use of the INS in managing airport inspection facilities and security practices. This restriction is not intended to limit the distribution of this report, which is a matter of public record.

STATEMENT ON COMPLIANCE WITH LAWS AND REGULATIONS

We have audited the adequacy of the INS's actions to implement the recommendations outlined in the prior audit report (Immigration and Naturalization Service's Airport Inspection Facilities, Report No. 01-03). The period covered by this audit was October 2000 through August 2002 and included a review of selected airports, activities, records, and transactions.

In connection with the audit and as required by the standards, we reviewed facilities, activities, records, and transactions to obtain reasonable assurance about the INS's compliance with laws and regulations that, if not complied with, we believe could have a material effect on program operations. Compliance with laws and regulations applicable to airport inspection is the responsibility of INS management.

Our audit included examining, on a test basis, evidence about laws and regulations. The specific laws and regulation for which we conducted tests are contained in:

- Immigration and Nationality Act of 1952, which authorizes the Attorney General to designate ports of entry into the United States, to inspect arriving aliens, and to detain questionable aliens;
- Government Performance and Results Act of 1993; and 8 CFR Part 234.

Except for instances of non-compliance identified in the Finding and Recommendations section of this report, our tests indicated that, for those items reviewed, the INS complied with the laws and regulation cited above. With respect to those transactions not tested, nothing came to our attention that caused us to believe that INS management was not in compliance with referenced laws.

OBJECTIVES, SCOPE, AND METHODOLOGY

The objectives of the audit were to assess whether: (1) the INS took timely action to implement the recommendations from the December 2000 report and (2) actions taken have resulted in improvements at the airports we identified as having the most serious deficiencies. We performed our audit in accordance with Government Auditing Standards issued by the Comptroller General of the United States and, accordingly, included procedures that we considered necessary. The audit focused on the actions the INS took and the causes for the INS's failure to implement the four recommendations outlined in the prior audit report. We interviewed officials, examined internal and external reports covering the period October 1, 2000 through August 31, 2002, and conducted reviews in June 2002 at selected airports.

We interviewed INS headquarters and airport staff to determine what actions they had taken to implement the prior audit recommendations and the reasons for the INS's failure to take corrective actions. We reviewed the INS's internal G-22 activity report, significant incident reports, and obtained testimonial evidence about incidents caused by the condition of facilities.

We also obtained the INS's latest design and construction requirements and incorporated them, where appropriate, into the inspection facilities review checklist we used to conduct our audit. In February 2002, the INS published its latest requirements for the design and construction of inspection facilities at air ports-of-entry.⁸

To determine the extent of corrective actions the INS took to improve facilities, we conducted on-site follow-up reviews in June 2002 at the following 12 airports:

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⁸ We compared them to previously published requirements and found they had not changed.

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We selected 10 of these airports (all but [SENSITIVE INFORMATION DELETED]) based on: (1) the high number of aliens referred for secondary inspection during FY 2001, and (2) the high number of deficiencies identified during our prior audit. Aliens are referred to secondary inspection for additional interviews and further examination of their travel documents. In our judgment, aliens referred for secondary inspection pose a greater risk. We used the number of deficiencies identified during our prior audit as a measure of the likelihood of an undesirable event such as an escape, absconding, or injury to the alien or others. We then combined both of these factors to select the 10 airports we believe pose the greatest risk.

In addition, we reviewed [SENSITIVE INFORMATION DELETED] because of security concerns resulting from the September 11, 2001, attacks. The 12 airports we reviewed account for [SENSITIVE INFORMATION DELETED] percent of all aliens referred to secondary inspection during FY 2001.

During our reviews of the facilities we also conducted tests to determine whether key security systems and equipment were operable. We randomly tested doors to determine whether they were locked, equipped with alarms, and sounded the alarm when the door was opened. We also determined whether sounded alarms were reported to a central location such as the command center or airport security. In addition, we determined whether cameras were operable, properly located, and monitored.

As part of our audit process, we routinely ask management of the organization audited to furnish us with a signed management representation letter. In this letter, INS management would certify to us that: (1) they provided us with all standards, internal reports, memoranda, and other documentation associated with the design and construction of inspection facilities at airports; and (2) there are no relevant management and internal control matters, compliance matters, contingencies, irregularities, or subsequent events of which our staff has not been made aware. As of the date of issuance of this report, the INS Executive Associate Commissioner for Management declined to sign the letter. Therefore, our findings are qualified to the extent that we may not have been provided with all relevant information by INS management.

However, the latest publication also included more specific requirements for the secondary processing area, interview rooms, command center, and in-transit lounges.

GLOSSARY

Absconding. The deliberate exit of an individual from the inspection area prior to completion of inspection, or the escape of an individual from carrier custody either before or after inspection.

Contraband. Smuggled goods.

Detainee. An individual in INS custody.

Escape. The deliberate exit of an individual who is in custody.

Hold Room. A secure confinement room located in the INS secondary inspection area, used to hold aliens temporarily pending further action, i.e., investigation, interrogation, expeditious removal, or withdrawal, or deportation.

Inspection Area. The sterile, international area, including all gates, corridors, mobile lounges, and other connectors between the aircraft and the exit to the public. Inspections of incoming passengers are performed in this area by the following federal agencies:

- Animal and Plant Health Inspection Service (Agriculture)
- Customs Service (Treasury)
- Fish and Wildlife Service (Interior)
- INS (Justice)
- Public Health Service (Health and Human Services)

Jetway. A corridor connecting the aircraft to the terminal building. For international flights arriving the U.S., the jetway generally connects to a "sterile" corridor leading to the inspections area.

Joint Agency Coordination Center (JACC). A station located centrally within the inspection area, where federal inspection staff can directly view the INS's primary inspection area and view remote areas via closed circuit television. The JACC may also facilitate communication among INS staff and other federal agencies that occupy the inspection area, and direct federal inspection agency response to incidents within the area.

Juvenile. An alien under 18 years old.

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Landing Station. Synonymous with Inspection Area. Therefore, an airport can have more than one landing station.

Modesty Panel. A solid vertical panel in the toilet area of a hold room for providing privacy to detainees. Modesty panels lessen the agitation of detainees and their desire to escape.

Primary Inspection Area. The first location within the inspection area where arriving passengers undergo formal inspection. This area is operated by INS inspectors, who examine visas, passports, and other documentation to determine whether passengers may be admitted into the United States.

Recessed rings. Steel rings to which hold room occupants are secured. Rings recessed into the seating are less breakable.

Recesses for toilet paper rolls. Recesses in hold room walls for holding rolls of toilet paper. Unlike conventional holders, recesses cannot be broken or used as weapons.

Secondary Inspection Area. The location within the INS portion of the inspection area where incoming passengers may be referred for questioning, closer examination of documents, processing of additional documents, or placement into hold rooms.

Sterile Corridor System. The area within the inspection area through which incoming passengers move from the aircraft to the primary inspection area. Access into and from the sterile corridor system should be controlled. Unauthorized persons should neither enter nor exit without setting off an alarm.

Description and Location of New and Repeat Deficiencies

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**OFFICE OF THE INSPECTOR GENERAL, AUDIT DIVISION,
ANALYSIS AND SUMMARY OF
ACTIONS NECESSARY TO CLOSE THE REPORT**

The INS did not respond to the draft report. Therefore, the status of each of the recommendations is unresolved. The actions needed to close the report are summarized below:

Recommendation Number:

1. **Unresolved.** This recommendation can be closed when we receive documentation showing the INS has communicated the deficiencies identified in this audit report to airlines, airport authorities and INS airport staff.
2. **Unresolved.** This recommendation can be closed when we receive documentation showing the INS has established a timetable for completing reviews of inspection facilities at all international airports.
3. **Unresolved.** This recommendation can be closed when we receive documentation showing INS airport staff have conducted special reviews of security systems at INS inspection areas including: locks, alarms, and cameras and whether alarm events are reported at a central location.
4. **Unresolved.** This recommendation can be closed when we receive documentation showing the INS has reported the findings of the special security reviews and has recommended corrective actions to airlines and airport authorities.
5. **Unresolved.** This recommendation can be closed when we receive documentation showing the INS has established a program for periodic reviews and testing of security systems including: (a) tests of locks, alarms, and cameras, (b) documentation of review results, (c) recommendations to airlines and airport authorities for needed repairs, and (d) plans to monitor actions taken.
6. **Unresolved.** This recommendation can be closed when we receive documentation showing the INS has communicated the

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results of its border integrity security reviews to airlines and airport authorities and has established a program to monitor actions taken.

7. **Unresolved.** This recommendation can be closed when we receive documentation showing the INS has established written agreements with other agencies or organizations that clearly define responsibilities for monitoring and responding to alarm events within the FIS area.