

DEPARTMENT OF HOMELAND SECURITY
Office of Inspector General

**Implementation of the United States Visitor
and Immigrant Status Indicator Technology
Program at Land Border Ports of Entry**



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**Homeland
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Preface

The Department of Homeland Security (DHS) Office of Inspector General (OIG) was established by the Homeland Security Act of 2002 (*Public Law 107-296*) by amendment to the Inspector General Act of 1978. This is one of a series of audit, inspection, and special reports prepared by the OIG as part of its DHS oversight responsibilities to promote economy, effectiveness, and efficiency within the department.

This report assesses the status of the United States Visitor and Immigrant Status Indicator Technology (US-VISIT) program and highlights potential areas that could inhibit the program's effectiveness. It is based on interviews with employees and officials of relevant agencies and institutions, direct observations, and a review of applicable documents.

I express my appreciation to all of those who contributed to the preparation of this report.

A handwritten signature in black ink that reads "Richard L. Skinner".

Richard L. Skinner
Acting Inspector General

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Abbreviations

ADIS	Arrival Departure Information System
APIS	Advance Passenger Information System
BCC	Border Crossing Card
BSS	Biometric Support System
BTS	Border and Transportation Security
BVS	Biometric Verification System
CBP	Customs and Border Protection
CCD	Consolidated Consular Database
DHS	Department of Homeland Security
DMIA	Data Management Improvement Act of 2000
DOJ	Department of Justice
DOS	Department of State
FY	Fiscal Year
GIS	Global Information System
IAFIS	Integrated Automated Fingerprint Information System
IBIS	Interagency Border Inspection System
ICAO	International Civil Aviation Organization
ICE	Immigration and Customs Enforcement
IDENT	Automated Biometric Identification System
IIRIRA	Illegal Immigration Reform and Immigrant Responsibility Act of 1996
IPT	Integrated Project Team
NAILS	National Automated Immigration Lookout System
NATO	North Atlantic Treaty Organization
NCIC	National Crime Information Center
OIG	Office of Inspector General
POE	Port of Entry
RFID	Radio Frequency Identification
SENTRI	Secure Electronic Network for Travelers Rapid Inspection
SEVIS	Student and Exchange Visitor Information System
USCIS	United States Citizenship and Immigration Services
US-VISIT	United States Visitor and Immigrant Status Indicator Technology
VWP	Visa Waiver Program

Introduction

We reviewed the Department of Homeland Security's (DHS) efforts to implement the United States Visitor and Immigrant Status Indicator Technology (US-VISIT) program at the 50 highest volume land ports of entry (POEs) by December 31, 2004. We examined DHS' planning efforts in the context of whether DHS would meet legislative mandates for deploying US-VISIT to land POEs.

The US-VISIT program collects biographic and biometric information concerning foreign nationals traveling to the United States through designated POEs. Information collected is used by DHS to determine whether visitors should be prohibited from entering the United States; apprehended or detained for law enforcement action; allowed to receive, extend, or otherwise change immigration status; or provided special protection or attention. The US-VISIT program will establish the capability and capacity to electronically record the entry and exit of such visitors by reconciling entry and exit records so that determinations may be made whether visitors overstay the period of their admission to the United States.

Results in Brief

The US-VISIT program implemented on December 31, 2004, will initially enroll just a fraction, approximately 2.7%, of the foreign visitors entering the United States at land POEs. Additionally, the specifications for the automated exit component at land POEs remain undefined and, therefore, an exit component for travelers required to enroll in US-VISIT is not yet available.

We are not making recommendations in this report because the US-VISIT program is evolving rapidly. Therefore, the value of any recommendation to enhance implementation or operations likely would be short lived or premature. However, we have highlighted several areas that could inhibit the program's overall effectiveness if not addressed.

We are concerned about the large number of travelers who are exempt from enrollment in US-VISIT. This includes Mexican Border Crossing Card (BCC) holders. BCC holders, who accounted for approximately 43.8% of foreign national land border crossings in fiscal year (FY) 2002, are exempt from enrollment if they enter under BCC provisions. Furthermore, visa exempt Canadians, who accounted for approximately 22% of foreign national land border crossings in FY 2002, are excluded from enrollment. Visa exempt Canadians may be admitted to the United States with limited information to verify their identities. In addition, foreign nationals from Visa Waiver Program (VWP) countries accounted for approximately 0.8% of the foreign national land border crossings in FY 2002.¹ While we support the enrollment of VWP countries in US-VISIT and believe this practice enhances the integrity of the immigration process, as VWP countries become compliant with International Civil Aviation Organization (ICAO) standards,² the technology embedded in passports will be different from technology employed by US-VISIT. Until the two technologies for verifying a traveler's identity and admissibility are integrated, VWP countries should remain enrolled in US-VISIT.³

Finally, the time consuming process that the Customs and Border Protection (CBP) officers must use to query multiple database systems to verify travelers' identities and identify potential criminals and terrorists is particularly problematic at land POEs because of the limited time available to conduct the queries. As a result, travelers at land POEs are not inspected as intensively as those at air and sea POEs. The integration of the multiple database systems is needed to enable CBP officers at land POEs to validate the identity of visitors requesting admission.

¹ The VWP permits foreign nationals from designated countries to apply for admission to the United States for a maximum of 90 days as visitors for business or pleasure without first obtaining a non-immigrant visa. Participating countries are Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom.

² The ICAO coordinates the development of a code of international aviation law and functions to facilitate the adoption of common documents and to promote their general acceptance.

³ In our report, *An Evaluation of the Security Implications of the Visa Waiver Program*, OIG-04-26, we discuss the national security implications of the VWP. VWP travelers do not apply for a visa before traveling to the United States and thereby avoid the rigorous visa application process conducted by the Department of State consular officers. Therefore, when VWP travelers arrive in the United States, CBP officers have very little information about the travelers to verify identities and to make admissibility decisions. The VWP program presents a potential national security concern because terrorists and criminals may use passports from VWP countries to avoid the visa application process. Further, the significance of this national security problem is increased because of the large number of lost and stolen VWP passports potentially available to terrorists and criminals. This report is also available on our website at <http://www.dhs.gov.oig>.

We are cautiously optimistic that the deliberate approach to implementing US-VISIT and the extensive coordination with other governmental entities, interested groups, and the program's prime integrator, will eventually achieve the program's goals and the legislative mandates. However, defining and achieving the long term, comprehensive vision for an automated, integrated entry exit program will require a massive coordinated effort and will not be realized for at least five to ten years.

Background

Legislative Requirements

Legislative efforts to create an entry exit control system to record and match arrival and departure records for foreign nationals traveling to the United States began in 1996. Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA)⁴ required that the departure of every foreign national from the United States be recorded and then matched to the individual's arrival record. In 2000, the Immigration and Naturalization Service Data Management Improvement Act (DMIA)⁵ amended the IIRIRA and provided multiple implementation deadlines. The DMIA required an electronic system that would provide access to and integrate available foreign national arrival and departure data, match arrival records to departure records, allow online search procedures to identify foreign nationals who have overstayed their authorized period of admission, and use available data to produce a report of arriving and departing foreign nationals. DMIA required the implementation of the integrated entry exit system at airports and seaports by December 31, 2003; at the 50 highest volume land POEs by December 31, 2004; and at remaining POEs by December 31, 2005.⁶

⁴ P.L. 104-208.

⁵ P.L. 106-215.

⁶ The DIMA legislation (P.L. 106-215, section 2(c)(1)) states, "Nothing in this section shall be construed to permit the Attorney General or the Secretary of State to impose any new documentary or data collection requirements on any person in order to satisfy the requirements of this section..." US-VISIT program officials interpreted this section to mean that travelers who were not previously required to present identity or citizenship documents, or be enrolled in a U.S. traveler entry procedure when they entered the United States, would not be required to be part of US-VISIT enrollment procedures by these deadlines. Therefore, most Mexican and Canadian travelers were not included in the US-VISIT implementation that occurred at the land POEs in December 2004. Originally, this exclusion also included VWP travelers. However, in response to a security vulnerability we identified in our report, *An Evaluation of the Security Implications of the Visa Waiver Program*, OIG-04-26, April 2004, DHS decided to enroll VWP travelers in US-VISIT beginning in September 2004. This report is also available on our website at <http://www.dhs.gov.oig>.

Also in 2000, the Visa Waiver Permanent Program Act⁷ added a requirement for airports and seaports to have an automated entry exit control system in place for arrivals and departures of foreign nationals from VWP countries. The sense of Congress, as expressed in the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), is that the United States have an integrated entry exit system fully implemented “with all deliberate speed and as expeditiously as practicable.”⁸

Finally, the Enhanced Border Security and Visa Entry Reform Act of 2002 (Border Security Act)⁹ required the establishment of a database containing arrival and departure information from machine-readable visas, passports, and other entry documents, and that security databases relevant to making admissibility decisions be interoperable.

US-VISIT Program Organization

In July 2003, the Secretary of DHS created the US-VISIT Program Office (Program Office) within the Border and Transportation Security (BTS) directorate. The Program Office was positioned organizationally at a level comparable to BTS’ Bureaus of CBP and Immigration and Customs Enforcement (ICE). The Program Office is responsible for designing and implementing the automated, electronic entry exit control system as required by Congress. The purpose of US-VISIT is to identify visitors who may pose a threat to the security of the United States, who may have violated the terms of their admission to the United States, or who may be wanted for the commission of a crime in the United States or elsewhere, while simultaneously facilitating legitimate travel and trade.

US-VISIT Enrollment Process

US-VISIT collects and retains biographic, travel, and biometric information, such as photographs and fingerprints, of foreign nationals seeking entry into the United States. Information collected is checked against lookout databases to ensure that known or suspected terrorists, criminals, and previous U.S. immigration law violators are not admitted. The capability to link biometric information with travel documents will greatly reduce the possibility that visitors could

⁷ P.L. 106-396.

⁸ P.L. 107-56.

⁹ P.L. 107-173.

misrepresent their identities or later assume another identity to gain admission into the United States.

The US-VISIT enrollment process involves the electronic scanning of the foreign national's left and right index fingers and the taking of a digital photograph. Program officials said the biometric enhancements to the entry procedures add minimal time to the inspection process – an average of 15 to 23 seconds in most cases.

Initial US-VISIT Implementation

DHS implemented the first phase of the US-VISIT program, referred to as “Increment 1,” after publishing an interim rule in the Federal Register on January 5, 2004.¹⁰ This interim rule required foreign nationals with non-immigrant visas seeking admission to the United States to provide fingerprints, photographs, or other biometric identifiers upon arrival in or departure from the United States at air and sea POEs.

On January 5, 2004, DHS began enrolling foreign nationals in US-VISIT at 115 air and 14 sea POEs. In addition, two exit pilot tests were deployed, one at the Baltimore Washington International Airport and another at the Miami International Cruise Line Terminal. The exit information is collected through the use of self-serve “kiosks” that are located within the terminals at each location. In August and September 2004, US-VISIT deployed the exit pilot test program to an additional eleven airports and two seaports. Beginning on September 30, 2004, foreign nationals from VWP countries, initially exempt from US-VISIT enrollment, were required to enroll at air and sea POEs.

As of January 24, 2005, DHS has processed 18,069,639 visitors in US-VISIT. The biometric identification capability of US-VISIT has resulted in 2,290 matches or “hits” with law enforcement databases. The hits include 1,046 criminals and 1,244 immigration violators.¹¹

Differences Between Land POE Inspections and Air and Sea POE Inspections

Program officials said there is a marked difference in inspections conducted at airports and seaports compared to inspections conducted at land POEs. The

¹⁰ 69 FR 468.

¹¹ Data provided by the US-VISIT Program Office, January 26, 2005.

majority of foreign national visitors seeking admission at sea and air POEs receive a more comprehensive examination because of their varied status, divergent points of origin, unfamiliarity with admissibility requirements and regulations, and the potential security risks to the United States.¹²

Before airplanes or ships arrive at U.S. POEs, carriers are required to transmit passenger and crew manifest data to CBP. This data includes the last name, first name initial, date of birth, and passport number of each passenger. Prior to the arrival of the planes or ships in the United States, DHS analysts have time to check this data against identity and lookout information. The analysts conduct queries of multiple databases, such as the Federal Bureau of Investigation's National Crime Information Center (NCIC), the Interagency Border Inspection System (IBIS), the Student and Exchange Visitor Information System (SEVIS), and the Consolidated Consular Database (CCD). If the database queries indicate criminal or terrorist associations, or other information that may disqualify a passenger from admission, the passenger is referred to secondary inspections¹³ for more thorough examination. Unless otherwise exempt, non-immigrant passengers are issued Forms I-94 or I-94W Arrival/Departure Record¹⁴ and enrolled in US-VISIT during the primary inspections process at airports and seaports.

By way of contrast, at land POEs, CBP officers do not receive any advance traveler information and do not have the same opportunity to analyze advance manifest or other data prior to the travelers' arrival at the POEs' primary inspections area. During the primary inspections process at land POEs, travelers remain in their vehicles while CBP officers visually inspect travel documents. The only automated database check that is conducted is by digital license plate readers located in the vehicle lanes in primary inspections. As the vehicle passes by the license plate readers, the scanners read the vehicle's license plate and query the vehicle's license plate number in IBIS.¹⁵ Although the results are available

¹² Most visitors arriving in the United States via land POEs are citizens of Mexico or Canada. Visitors arriving at air POEs may arrive from embarkation ports almost anywhere in the world and may be citizens of any country including countries that sponsor or harbor terrorist activities. Therefore, the potential that a terrorist or criminal would attempt to enter the United States through an air POE is much greater and thus CBP officers must give these visitors greater scrutiny.

¹³ The secondary inspections area of a land POE is an area traditionally away from primary inspections lanes where CBP officers perform more intensive questioning of the traveler, verify admissibility documents by querying various databases, and inspect the vehicle if appropriate.

¹⁴ Foreign nationals traveling on non-immigrant visas are issued Form I-94 and foreign nationals traveling from VWP countries are issued Form I-94W. Forms I-94 and I-94W show the date of arrival, port of entry, and date the authorized period of admission expires.

¹⁵ IBIS is a shared database of lookout and enforcement data contributed from many federal agencies, including the Departments of State and Agriculture. The system objectives are to identify and intercept persons attempting illegal entry into the United States and to facilitate lawful travelers and enhance border enforcement. Immigration lookout

within seconds to the CBP officer for review, the value of the information is limited. The results will provide law enforcement and border crossing related information about only the vehicle, which may or may not pertain to the vehicle's occupants. The database search may not help to verify the travelers' identities or identify possible terrorist or criminal associations.

At land POEs, most secondary inspections referrals are for routine matters necessary to process immigrant and non-immigrant documents, such as Form I-94 or I-94W issuance, and not because of law enforcement concerns. Travelers referred to secondary inspections must park their vehicles and enter the secondary inspections area for processing. Travelers required to enroll in US-VISIT will be referred to secondary inspections for processing.

Generally, Forms I-94 issued at land POEs are issued for unlimited multiple entries until specified expiration dates or a specific number of entries has occurred. When issued Forms I-94, travelers will enroll in US-VISIT. However, travelers will not be required to enroll in US-VISIT on subsequent visits using the multiple entry Forms I-94. Travelers admitted under VWP provisions are issued Forms I-94W. In FY 2003, approximately 3.2 million I-94 Arrival/Departure Records were issued at all land border ports.

FY 2003 Form I-94 Issuance at All Land Border POEs¹⁶

	Northern	Southern	Total
I-94	282,325	2,631,778	2,914,103
I-94W	233,251	12,589	245,840
Total	515,576	2,644,367	3,159,943

Assuming that FY 2003 travel patterns remain unchanged, this data reflects the approximate number of travelers who will be processed through US-VISIT upon entry at land POEs.

information is provided through the National Automated Immigration Lookout database and downloaded to IBIS nightly. IBIS also provides access to the NCIC and allows users to interface with all 50 states via the National Law Enforcement Telecommunications Systems.

¹⁶ Data provided by the US-VISIT Program Office, Increment 2B Concept of Operations, page 7, May 28, 2004. Note: This data represents the number of Forms I-94 issued, not the total number of crossings (multiple entries on a Form I-94) in FY 2003.

Purpose, Scope, and Methodology

We reviewed efforts undertaken by the Program Office to develop, deploy, and implement US-VISIT at the 50 highest volume land POEs by December 31, 2004. The objective of the review was to determine whether the Program Office's planning process for the implementation of US-VISIT at land POEs addresses all of the legislative requirements for an entry exit system. Specifically, we examined the progress made by the Program Office to develop implementation plans, modify existing facilities, conduct or plan pilot testing of systems and new technology, integrate database systems, achieve program goals, and meet mandated timelines.

We analyzed documents provided by the US-VISIT Program Office including the Increment 2B Concept of Operations, Cost Benefit Analysis, and Expenditure, Communication, and Risk Management plans. We also reviewed relevant Federal Register notices, reports from the Government Accountability Office, internet websites, and news articles.

We interviewed Program Office officials and staff responsible for implementing US-VISIT at the 50 land ports and met with officials from the Government Accountability Office. We conducted telephone interviews with several interested groups including the Center for Immigration Studies and the American Immigration Lawyers Association. We met with representatives from the United States Chamber of Commerce and attended a conference on May 12, 2004, "Securing The Future of Travel And Tourism," sponsored by the United States Chamber of Commerce. We also attended a demonstration of the US-VISIT enrollment process and conducted a site visit at Baltimore Washington International Airport to observe the actual enrollment of foreign nationals in US-VISIT upon entry to the United States.

The review was conducted under the authority of the Inspector General Act of 1978, as amended, and according to the *Quality Standards for Inspections issued by the President's Council on Integrity and Efficiency*.

Findings

Status of US-VISIT Planning and Implementation at Land POEs

Initially, the Program Office focused its efforts on deploying US-VISIT capabilities, developing policy, and establishing procedures at air and sea POEs. Air and sea POEs offer an array of logistical and control features, such as scheduled arrival and departure times, accommodations for delayed travel, and advance passenger information, which are all conducive to facilitating a visitor entry exit system. Small increases in passenger processing time are more readily managed at such POEs than at land POEs.

Implementing US-VISIT at land POEs is more complex and challenging. Land POEs must be able to accommodate larger and constant volumes of foreign nationals. At land POEs, small increases in processing times translate more quickly into travel delays that impede border crossing, which can have deleterious economic costs and effects for both border nations. For example, in another report,¹⁷ we examined the impact of a 20 second increase in inspections time for 3.5 million vehicles. We calculated that it would take the approximate equivalent of 2.22 additional calendar years to inspect these additional vehicles. Although other variables could affect the equation, the increase of 2.22 years in inspections time could translate into significant resource implications for CBP, as well as significant increases in waiting time for travelers.

Planning

To facilitate planning and implementation efforts, the Program Office established the Integrated Project Team (IPT). The IPT consists of members from the different areas within the Program Office, such as Mission Operations, Facilities, Information Technology, and Outreach, as well as representatives from the Department of State (DOS), Department of Justice (DOJ), Department of Transportation, Transportation Security Administration, CBP, ICE, and United States Citizenship and Immigration Services. Weekly IPT meetings provide members an opportunity to discuss and address issues and risks regarding the implementation of US-VISIT at the 50 highest volume land ports.

¹⁷ *A Review of the Secure Electronic Network for Travelers Rapid Inspection Program*, OIG-04-14, June 2004. The report is also available on our website at <http://www.dhs.gov.oig>.

US-VISIT program officials said the 50 land POEs process approximately 92% of the foreign national visitors who enter and exit the United States through land ports. In addition, US-VISIT included two smaller land ports located near the 50 land ports in the initial deployment.¹⁸ These additional satellite POEs were selected to prevent travelers from bypassing US-VISIT enrollment requirements at the larger POEs.

Looking beyond the initial deployment at the 50 land POEs, the Program Office has conducted detailed “Space Utilization Surveys” of all 165 land POEs; this effort started in September 2003. By conducting the surveys at all land POEs now, program officials believe that they saved time and resources because planning and preparation can begin now to address potential deployment difficulties at remaining land POEs, some of which may need significant modifications.

DHS sought to assess how deployment of US-VISIT would affect wait times, infrastructure, staffing, and environmental concerns. To address these considerations, the Program Office conducted an analysis of each land port that included aerial Global Information System (GIS) photographs, algorithmic traffic modeling for increased wait times and emissions impact, facilities modification, and risk management and mitigation measures.

Program officials said that much of the physical modification for vehicle and pedestrian secondary inspections areas would be limited to changing the height, width, and length of counters to accommodate the CBP officer, the visitor, and the equipment supporting US-VISIT. Program officials also believe that the modifications necessary at one port could be replicated at many other ports.

In November 2004, the Program Office began the deployment of US-VISIT at the land ports of Douglas, Arizona; Laredo, Texas; and Port Huron – Blue Water Bridge, Michigan. Deployment to the remaining highest volume land POEs was completed on December 31, 2004. The initial application for entry enables the electronic recording of arrival data, e.g., biographic and class of admission, for foreign nationals who are issued Form I-94 and Form I-94W, electronic recording of two fingerprints and a photograph, electronic printing Form I-94 and Form I-94W, and permitting arrival data to be shared with other authorized users of the system.

¹⁸ Appendix A lists the ports included in the deployment of Increment 2B.

In addition, foreign national visitors participating in trusted traveler programs, such as the Secure Electronic Network for Travelers Rapid Inspection (SENTRI)¹⁹ and NEXUS,²⁰ will not be required to enroll in US-VISIT if they use the designated program inspection lanes to enter the United States.

Deployment

The Program Office planned the deployment of US-VISIT using four increments. Program officials believed this approach was the best way to meet program goals and legislative mandates while mitigating risk. The first three increments are interim or temporary solutions. They include interconnecting and upgrading existing system capabilities and deploying these capabilities to air, sea, and land ports. US-VISIT traveler information collected at one POE would be accessible at all POEs. Increment 4 is a still undefined long term, comprehensive goal that will encompass the totality of electronically tracking pre-entry, entry, status management, and exit of all classes of foreign national visitors seeking initial or continued admission to the United States.

On January 5, 2004, Increment 1 was completed with the deployment of US-VISIT to 115 air and 14 sea POEs. Increment 1 includes electronically collecting and matching biographic and biometric information at all major air and some sea POEs for certain categories of foreign national visitors with non-immigrant visas, checking admissibility against lookout databases using biographic and biometric data, and establishing exit pilots. Two exit pilot tests were deployed to record visitor exit information electronically through the use of self-serve “kiosks” located within the terminals at each location. In August and September 2004, US-VISIT deployed the exit pilot test program to an additional eleven airports and two seaports.

Increment 2 is divided into three parts – 2A, 2B, and 2C. Increment 2A includes the issuance of tamper-resistant, machine-readable, biometric passports by the United States and all VWP countries, and the deployment of the capability to read biometric travel documents at all U.S. air, sea, and land POEs. The Program

¹⁹ The SENTRI program permits pre-enrolled low risk travelers to enter the United States by personal vehicle or in designated pedestrian lanes from Mexico with minimal inspections by CBP officers. See our previous review of this program, cited at footnote 17.

²⁰ NEXUS is a CBP northern border program that streamlines border inspections for pre-approved low risk travelers by using a joint enrollment process and one card for expedited entry to both Canada and the United States.

Office planned the implementation of Increment 2A by October 26, 2004.²¹ However, biometric readers that will read ICAO standard passports have not been deployed to U.S. POEs. In addition, due to technical challenges facing VWP countries in issuing their nationals machine-readable, biometric passports in compliance with standards established by ICAO, DHS requested an extension of the October 26, 2004, deadline. DHS officials said a two-year extension was necessary to create a realistic chance of successfully meeting the deadline. In late July 2004, Congress passed legislation extending the deadline to October 26, 2005; the President signed this bill into law on August 9, 2004.²²

The Program Office said that for the most part, technical problems surrounding the biometric passports have been solved and passport production has begun in some nations. However, many countries, including the United States, are encountering problems related to contracting, budget, and acquisition cycles. The focus is now on resolving problems related to the production of biometric readers and the integration of these readers into the inspections process.

In December 2004, the deployment of Increment 2B expanded the current Increment 1 capabilities for electronically recording entry to the secondary inspections areas at the 50 highest volume land POEs. Originally, Increment 2B was also intended to record exits. However, plans to use radio frequency identification (RFID) technology to record exits electronically are not complete. Therefore, the Program Office created Increment 2C, which will include the capability to record exits electronically using RFID technology. The Program Office plans to start testing this technology by July 31, 2005.

By December 31, 2005, Increment 3 will expand US-VISIT to all remaining air, sea, and land ports. Increment 4 is in the process of being defined. It will be the long-term, comprehensive goal of the program, which will consist of multiple releases to increase program capability and operation. Capabilities will include pre-entry, entry, status management, exit, and analysis processes²³ associated with the program to achieve the “virtual border” solution.

²¹ In addition, the Border Security Act of 2002, mandates that any passport issued on or after October 26, 2004, must be an ICAO compliant travel document that uses biometrics, if the bearer applies for admission into the United States under the VWP.

²² P.L. 108-299.

²³ In its final form, US-VISIT program officials envision an integrated system that will cover the interactions of foreign nationals with United States officials prior to their entry, when they enter, while they are in the United States, and when they exit. Analysis will determine whether foreign nationals comply with their terms of admission and will monitor the system.

Challenges That Inhibit US-VISIT Effectiveness

Enrollment of the Land Border Crossing Population

Enrollment is a critical component of the US-VISIT program. US-VISIT enrollments will include only foreign nationals currently required to obtain a Form I-94 or I-94W, unless the foreign national is in a US-VISIT exempted group. Many foreign national visitors are exempt from US-VISIT based on longstanding protocols, reciprocal agreements, and treaties with other countries.²⁴

Of the 358.3 million total travelers entering at all land ports in FY 2002, approximately 1.8 million (0.5%) are non-immigrant foreign nationals from VWP countries, and approximately 4.5 million (1.3%) are non-immigrant visa holders. Those two categories represent the 6.3 million (1.8%) travelers from the total population of border crossers who will be required to enroll in US-VISIT at land POEs. When United States citizens are subtracted from the border crossing population and those required to enroll are compared with only the foreign national population, still only approximately 2.7% would be required to enroll in US-VISIT.

²⁴ Foreign visitors in visa classes that are not subject to US-VISIT are foreign nationals admitted on A-1 (Ambassador, public minister, career, diplomatic or consular officer, and members of immediate family), A-2 (Other foreign government official or employee, and members of immediate family), C-3 (Foreign government officials and their family members in transit), G-1 (Principal resident representative of recognized foreign member government to international organization, and members of immediate family), G-2 (Other representative of recognized foreign member government to international organization, and members of immediate family), G-3 (Representative of non-recognized or nonmember government to international organization, and members of immediate family), G-4 (International organization officer or employee, and members of immediate family), NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, or NATO-6 visas, unless the Secretary of DOS and the Secretary of DHS jointly determine that a class of such foreign nationals should be subject to the requirement; children under the age of 14; persons over the age of 79; classes of foreign nationals that the Secretaries of DHS and DOS jointly determine shall be exempt; and an individual foreign national whom the Secretary of DHS, the Secretary of DOS, or the Director of Central Intelligence determines shall be exempt.

**Total United States Citizen and Foreign National Travelers
Crossing at United States Land POEs in FY 2002²⁵**

TYPE OF TRAVELERS	LAND (millions)	Percentage of Total Land Crossings
United States Citizens	120.7	33.7
BCC (Mexicans)	104.1	29.0
Legal Permanent Residents	75.0	20.9
Visa Exempt (Canadians)	52.2	14.6
Foreign Nationals with Visa	4.5	1.3
Foreign Nationals (VWP)	1.8	0.5
TOTAL	358.3	100%

Program officials said the limited classes of visitors currently required to enroll would not significantly affect the primary inspections process at land POEs. In addition, implementing Increment 2B at land POEs is expected to have minimal effect on the overall inspection times for visitors in secondary inspections areas because those required to enroll are already referred from primary inspections lanes to secondary inspections areas for issuance of a Form I-94 or I-94W Arrival/Departure Record. Program officials anticipate that biometric enhancements to entry procedures at land borders will mirror what has been experienced at air and sea POEs. They predict that implementation of Increment 2B will add minimal time to the inspection process – an average of 15 to 23 seconds in most cases.

The Border Crossing Card

BCC holders accounted for approximately 43.8% of foreign national land border crossings in FY 2002. DHS estimates that approximately 6.8 million Mexican nationals use the BCC to make approximately 104 million border crossings per year. Prior to being issued a BCC, several background checks are conducted on Mexican travelers.²⁶

A BCC can be used as either a BCC or a B1/B2 visa.²⁷ When used as a BCC, a Mexican citizen may enter the United States for up to 72 hours and must stay within 25 miles of the border. A visitor intending to stay for longer than 72 hours or travel more than 25 miles from the border must declare this intention and apply

²⁵ Data provided by US-VISIT Program Office, FY 2004 Expenditure Plan, page 5, November 2003.

²⁶ The BCC is a travel document issued by DOS through its consular offices in Mexico.

²⁷ A B1 visa allows a non-immigrant to enter the United States temporarily for business. A B2 visa allows a non-immigrant to enter temporarily for pleasure (tourism).

for admission under B1/B2 visa provisions. In this case, the foreign national is referred to the secondary inspections area to obtain appropriate entry documents, such as a Form I-94. BCC holders are not required to enroll in US-VISIT unless they enter under the B1/B2 visa provisions.

All land POEs on the Mexican border have electronic card readers for scanning information contained within the BCC; however, at most of the POEs, the card readers are located in secondary inspections areas. Therefore, BCC holders entering through primary inspections under provisions of the BCC are unlikely to have their BCCs scanned. Instead, CBP primary inspections officers visually inspect BCCs before allowing visitors to enter the United States. As a result, the entry of BCC holders is not electronically recorded and their identity is not verified. In addition, with no exit component in place at land POEs, CBP officers have no practical means to determine when BCC holders have overstayed their authorized period of admission to the United States.

The absence of routine BCC scanning and the lack of exit tracking could provide a disincentive for BCC holders to declare their intent to travel more than 25 miles beyond the border or to stay in the United States longer than 72 hours. Travelers entering under the B1/B2 provisions must go to the secondary inspections area, leave their vehicles, wait in line to obtain Forms I-94, pay a fee, and enroll in US-VISIT. Travelers could avoid these processes by simply entering as a BCC holder, and they could do so with little fear of being detected because the BCCs are not scanned and entries are not recorded, making it nearly impossible to determine whether travelers violated the terms of the BCC.

On August 10, 2004, DHS increased the period of time a Mexican foreign national can stay in the United States as a tourist or on business using the BCC. Now, BCC holders are required to enter under B1/B2 provisions only if they intend to stay longer than 30 days or travel more than 25 miles from the border. This change means that even fewer BCC holders will be required to enroll in the US-VISIT program. This change in policy may be an attempt to address longstanding complaints that there has not been parity in U.S. immigration policy treatment of Mexican and Canadian visitors. However, this extension and subsequent exclusion of more BCC holders from US-VISIT enrollment moves away from achieving DHS' goal of enrolling all foreign nationals entering and departing the United States.

Exclusion of Visa Exempt Canadians

Visa exempt Canadians accounted for approximately 22% of foreign national land border crossings in FY 2002. In most cases, Canadian citizens are allowed to enter the United States without a visa or passport. Canadian “landed immigrants,” similar to legal permanent residents in the United States, are also visa exempt if they originally came from a VWP country. Visa exempt Canadians are not required to enroll.

Canadians entering the United States have few travel restrictions and may stay for up to six months. When crossing the border, a Canadian driver’s license is an acceptable form of identification to gain admission to the United States. We believe this is a potential vulnerability to the integrity of the immigration process because CBP officers cannot readily verify data on Canadian driver’s licenses to confirm the identity of the individual who presents one. Because this group of travelers is not enrolled in US-VISIT, this vulnerability will continue.

From January 2004 to late August 2004, 13 Canadian citizens were intercepted, at either United States airports or at United States pre-clearance facilities at Canadian airports, prior to entering the United States. Eight of the thirteen were suspected of terrorist activities. The interceptions were possible because inspectors were able to search databases or use advance passenger data to check against identity and lookout databases.²⁸ Because land POE inspectors do not have the same opportunity to check passenger manifests or advance arrival data against identity and lookout databases, and because visa exempt Canadians are not enrolled in US-VISIT, the likelihood of intercepting those same Canadian citizens at land POEs is small.

DHS officials plan to enroll in US-VISIT only Canadians who are required to obtain visas. The recently enacted Intelligence Reform and Terrorism Prevention Act of 2004²⁹ requires that, by January 1, 2008, all travelers must provide evidence to establish identity and citizenship when entering the United States. Specifically, it requires that DHS develop and implement, as expeditiously as possible, a plan that requires a passport or other document, or combination of documents that sufficiently denotes the identity and citizenship for all travelers entering the United States. This includes not only those categories of individuals for whom documentation requirements had been previously waived but also U.S.

²⁸ DHS BTS Daily Operations Reports, January 3, 2004, to August 23, 2004.

²⁹ P.L. 108-458.

citizens. We encourage DHS to expedite this requirement well before the deadline to improve the integrity of our immigration process.

Discontinuing Visa Waiver Program Enrollment

On April 2, 2004, DHS announced that foreign nationals from VWP countries would be required to enroll in US-VISIT, and on August 31, 2004, DHS published an interim rule in the Federal Register requiring enrollment for VWP countries. Enrollment at air and sea POEs began on September 30, 2004, and at the 50 land ports on December 31, 2004.³⁰ DHS said enrolling VWP foreign nationals in US-VISIT would improve public safety, national security, and the integrity of the immigration process because the United States does not have sufficient information to verify the identity of VWP travelers prior to their arrival at the POE.

Foreign nationals from VWP countries accounted for approximately 0.8% of foreign national land border crossings in FY 2002. Requiring US-VISIT enrollment of foreign nationals from designated VWP countries may be only a temporary solution because a deadline, established by the Border Security Act of 2002, would not be met. This law mandated that, by October 26, 2004, VWP countries have a program in place to issue tamper-resistant, machine readable, biometric passports that comply with biometric and document identifying standards established by the ICAO. In May 2003, the ICAO established facial recognition technology as the passport biometric standard, not fingerprints. Although VWP countries are committed to making this change, many encountered problems in introducing embedded biometrics into their passports. In August 2004, the deadline was extended until October 26, 2005.

As VWP countries become compliant with the Border Security Act and standards established by the ICAO, facial recognition technology embedded in passports will be different from the digital fingerprint technology employed by US-VISIT. The decision to include enrollment of VWP countries in the US-VISIT program is prudent, mutually beneficial to VWP countries and the United States as a guard against identity theft, and would foster significant enhancements to the integrity of the immigration process. Until the two technologies for verifying a traveler's identity and admissibility are integrated, we believe VWP countries

³⁰ In another report, *An Evaluation of the Security Implications of the Visa Waiver Program*, OIG-04-26, April 2004, we identified significant organizational issues where BTS needed to strengthen and improve the management of the VWP. We recommended that US-VISIT biometric processing be extended to VWP travelers; DHS adopted this program change on September 30, 2004. This report is also available on our website at <http://www.dhs.gov.oig>.

should continue to be required to enroll in US-VISIT, irrespective of the date they achieve compliance with the Border Security Act. According to Program Office officials, they plan to continue enrolling and processing VWP travelers through US-VISIT, even after the ICAO compliant biometric passports, and the readers to use them, are in place.

Lack of Exit Component at Land POEs

A US-VISIT exit component is not in place at land POEs. Without the exit component, US-VISIT cannot match entry and departure records and cannot identify those non-immigrants who may have overstayed the terms of their visas. Accordingly, the system deployed on December 31, 2004, was not the automated, integrated entry exit system specified by the DMIA legislation.

DMIA defines the “integrated entry and exit data system” as an electronic system that provides access to, and integrates, alien arrival and departure data; uses available data to produce reports on arriving and departing aliens; matches an alien’s available arrival data with the alien’s available departure data; and assists with identifying, through online search procedures, lawfully admitted non-immigrants who may have remained in the United States beyond the authorized period of admission.³¹ However, plans to record exits electronically have not been completed. By July 31, 2005, the Program Office plans to start testing RFID technology, and the testing phase is expected to continue through the spring of 2006.

System Integration

US-VISIT program officials envision an integrated system that will cover the interactions of foreign nationals with United States officials prior to their entry, when they enter, while they are in the United States, and when they exit. The integration of the various systems that will be needed to fully support US-VISIT will be a complicated and expensive effort. Not only must the Program Office merge multiple DHS systems, such as the United States Citizenship and Immigration Services (USCIS) case management systems and the upcoming integration with the USCIS Biometric Support System (BSS), to support US-VISIT requirements, but it must also integrate systems from other agencies such as DOJ and DOS. Our report is focused on the role of US-VISIT at the land

³¹ P.L. 106-215.

POEs but we recognize that, ultimately, US-VISIT could encompass much more than land border security operations.

The US-VISIT system is supported by multiple information technology systems and some of these systems rely on information obtained by other federal agencies as well as commercial airlines and sea carriers. These systems include TIPOFF (a terrorist lookout database), NCIC, the Arrival Departure Information System (ADIS), the Advance Passenger Information System (APIS), IBIS, the Automated Biometric Identification System (IDENT), the Biometric Verification System (BVS), CCD, the Integrated Automated Fingerprint Information System (IAFIS), the National Automated Immigration Lookout System (NAILS), and SEVIS. While some of these systems are able to interface with each other, they currently are not integrated within the US-VISIT system. Many are systems that employ old technology and cannot easily share information with other systems. Also, many of these systems are maintained by different agencies and support functions specific to those agencies, which may not be compatible with the needs of US-VISIT.

Currently, CBP officers must perform queries of multiple systems when trying to establish an individual's identity and determine admissibility. Integrating the multiple systems to compile a complete traveler identity profile based on biographic and biometric information without requiring queries of multiple systems by CBP officers will be a major challenge to achieving an automated, integrated entry exit system. Achieving system integration becomes particularly important at land POEs due to limited inspection time and the absence of advance passenger information. This integration must occur in order to provide CBP officers at land POEs with timely, complete, and accurate information to establish travelers' identities and admissibility and to identify potential national security risks. The full integration of all of these systems with US-VISIT has been deferred until Increment 4 is defined.

Achieving a Comprehensive Solution

The full implementation of US-VISIT, as currently envisioned, will be a complex, technologically challenging and risky, and expensive project. DHS envisions that the US-VISIT program will take five to ten years to implement a comprehensive solution of integrated systems, processes, and data for electronically tracking the pre-entry, entry, status management, and exit of all classes of foreign national visitors seeking admission or continued admission to the United States. Working in conjunction with the prime integrator, other governmental entities,

and interested groups, the comprehensive program is intended to be a complete solution to managing our borders. It will improve business processes across the federal government by employing better collection, dissemination, management, and analysis of information and data obtained.

To support US-VISIT in meeting its challenge, the Program Office awarded the prime integrator contract to Accenture LLP on June 1, 2004. The prime integrator will provide design, integration, and implementation of existing and new systems to achieve a comprehensive entry exit system to secure the nation's borders while facilitating legitimate travel. The initial five-year contract, with one-year options for extension of another five years, is worth a minimum of \$10 million and a maximum of \$10 billion.³²

Information and data acquired and generated by the US-VISIT program should prove increasingly useful. The information could be used to analyze resource and staffing needs; traffic, travel, and visitor patterns; and risks and threats. Analysis would allow the Program Office to adjust operations on a nationwide basis or to respond to the needs of specific ports.

Information could be used to assist with risk assessments that span the virtual border and support strategic planning for an integrated border management system. Tracking immigration benefits and supporting information, identifying visitors who have overstayed the terms of admission, and reporting such information will make it possible to take appropriate and timely action. Electronic recording of entry and exit records would be matched and visa compliance would be determined and maintained along with travel history.

The long-term, comprehensive goal for the US-VISIT program will require implementing standard business processes that work in concert with technology and information systems at all land, sea, and air POEs. Choosing the appropriate application of technology and business process reengineering to address the problems associated with limited space, infrastructure, and facilities will be a formidable challenge. When the program is fully operational, it will contribute substantially to overall border management goals and provide the United States with a more expeditious and secure entry-exit process.

³² Program office officials said that the prime integrator would not play a role in the implementation of US-VISIT at the 50 highest volume land POEs by December 31, 2004, and therefore, we did not meet with Accenture LLP as part of this review.

Appendix A
Deployment of the Highest Volume Land Ports of Entry

RANK	LAND PORT OF ENTRY	STATE
1	San Ysidro- San Diego	CA
2	Laredo-Lincoln –Juarez	TX
3	Calexico	CA
4	Hidalgo	TX
5	Paso Del Norte - El Paso	TX
6	Otay Mesa – San Diego	CA
7	Laredo AF – Convent Street	TX
8	Lewiston-Queenston Bridge Whirlpool Rapids	NY
9	Rainbow Bridge - Niagara Falls	NY
10	San Luis	AZ
11	Nogales East	AZ
12	Bridge of the Americas (BOTA) El Paso	TX
13	Ysleta - El Paso	TX
14	Douglas	AZ
15	Gateway – Brownsville	TX
16	Calexico East -Imperial Valley	CA
17	Detroit Ambassador Bridge	MI
18	Peace Bridge – Buffalo	NY
19	Detroit Tunnel	MI
20	Pharr	TX
21	Del Rio	TX
22	B&M – Brownsville	TX
23	Eagle Pass II	TX
24	Port Huron - Blue Water Bridge	MI
25	Los Tomates – Brownsville	TX
26	Progreso	TX
27	Eagle Pass	TX
28	Sault Ste. Marie	MI
29	Marisposa - Nogales West	AZ
30	Andrade	CA

Appendix A

Deployment of the Highest Volume Land Ports of Entry

31	Roma	TX
32	Pacific Highway – Blaine	WA
33	Peace Arch – Blaine	WA
34	Champlain	NY
35	Los Indios	TX
36	Tecate	CA
37	Rio Grande City	TX
38	Massena	NY
39	Calais - Ferry Point	ME
40	Alexandria Bay – Thousand Island	NY
41	International Falls	MN
42	Presidio	TX
43	Sumas	WA
44	Laredo – Columbia	TX
45	Lukeville	AZ
46	Derby Line	VT
47	Point Roberts	WA
48	Fabens	TX
49	World Trade Bridge – Laredo IV	TX
50	Santa Teresa	NM

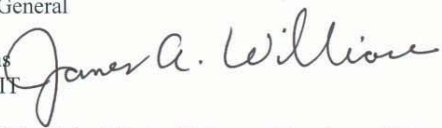
U.S. Department of Homeland Security
Washington, DC 20528



Homeland
Security

7 February 2005

MEMORANDUM FOR: Richard L. Skinner
Acting Inspector General

FROM: James A. Williams 
Director, US-VISIT

SUBJECT: *Implementation of the United States Visitor and Immigrant Status
Indicator Technology Program at Land Border Ports of Entry (ISP
Draft Report No. 33)*

Thank you for the opportunity to review the above draft report. Our comments on your findings are attached.

I believe it is important to note for the record that US-VISIT has been extremely successful in fulfilling its mission. It represents the greatest advancement in border technology in three decades.

Since its start on January 5, 2004, the US-VISIT program has demonstrated solid accomplishments against its four stated goals: Enhancing the security of our citizens and visitors; facilitating legitimate travel and trade; ensuring the integrity of our immigration system; and protecting the privacy of our visitors.

Our efforts to enhance the security of our citizens and visitors have produced tangible results. We have taken adverse action against more than 400 wanted criminals, smugglers, violent felons, immigration violators, and escaped prisoners attempting to enter the United States. With the use of biometric identifiers – specifically digital fingerscans and photographs – we are protecting our visitors by making it virtually impossible for anyone else to claim their identity should their travel documents be stolen or duplicated. And U.S. Customs and Border Protection Officers at inspection areas instantly search biographical and biometric databases of known criminals and known and suspected terrorists.

To facilitate legitimate travel and trade, we have so far enrolled over 16.9 million foreign visitors in US-VISIT. Visa Waiver Program travelers began participating in US-VISIT on September 30, 2004. The Visa Waiver Program allows foreign visitors from 27 countries to visit the United States for a temporary period not to exceed 90 days without having to first obtain a tourist or visitor visa. In FY 2003, over 13 million visitors to the United States entered using the Visa Waiver Program.

www.dhs.gov

The implementation of US-VISIT at the 50 busiest land ports of entry was completed on December 29, 2004, two days ahead of schedule. Initial feedback from the land ports of entry is that US-VISIT deployment is, in almost every case, expediting processing times for those visitors who are subject to US-VISIT procedures. Travelers have not been inconvenienced and, in fact, wait times have actually gone slightly down; and surveys from travelers show the vast majority do not mind this biometric procedure. US-VISIT has gained worldwide acceptance and has inspired the European Union to recently announce the inclusion of fingerprints into its biometric passport and visa issuance processes.

Our work has also enhanced the integrity of the United States' immigration system. US-VISIT compares arrival and departure biographical manifest data provided by the airlines and cruise lines to know when someone entered and exited the country. Pilot exit testing programs are now ongoing at international airports in Chicago, Baltimore-Washington, Dallas-Ft. Worth, and Denver, as well as the Miami seaport, with plans to expand pilots to 10 more sites. We will use the lessons learned during these pilots to deploy an exit solution to 80 airports by late 2005. We are also looking at incorporating biometrics into an international registered traveler program in the future.

Protecting the privacy of our visitors is a priority for US-VISIT. We ensured that travel data is securely stored and is made available only to authorized officials and selected law enforcement agencies on a need-to-know basis. Travel data will only be stored as long as necessary for law enforcement purposes. We published a Privacy Impact Assessment (PIA) and are now applying aspects of the Privacy Act to non-immigrants. The DHS Chief Privacy Officer and the US-VISIT Privacy Officer have met with numerous advocacy, privacy, and immigration groups to solicit input and hear concerns, which have been taken into account in the development of the program. The US-VISIT PIA has been hailed by many in the privacy community as an excellent model of transparency, including detailed information about the program, the technology, and the privacy protections. In addition, a US-VISIT privacy officer is always available to answer questions or resolve concerns. Through a successful US-VISIT outreach program reflecting the transparent privacy policies and principles of the US-VISIT system, we have received almost no serious privacy complaints raised with regard to US-VISIT.

Clearly, we are achieving our legislative mandate and meeting our goals. For all of our successes, though, I recognize that there is certainly room for improvement. I appreciate the guidance that reports such as this provide for that effort, and the work of your staff to prepare the report.

Please call me at (202) 298-5200 if you have any questions. Your staff may contact Tom Harner, audit liaison for US-VISIT, at (202) 298-5206.

Attachment

Comments on the Office of the Inspector General Report:
*Implementation of the United States Visitor and Immigrant Status Indicator Technology
Program at Land Border Ports of Entry* (ISP Draft Report No. 33)

- Page 14, paragraph beginning with "Increment 2 is divided..." The following statement appears: "Increment 2A includes the issuance of tamper-resistant, machine-readable, biometric passports by the United States and all VWP countries, and the deployment of the capability to read biometric travel documents at all U.S. air, sea, and POEs...Biometric readers have been deployed to all U.S. POEs."

Comment: The International Civil Aviation Organization (ICAO) selected contact-less integrated circuit chips and facial recognition as the global standards for biometric passport technology. Biometric readers that will read ICAO standard passports have not been deployed to U.S. POEs. For the most part, technical problems around the biometric passports themselves have been solved and passport production has begun in some nations. However, many countries, including the United States, are encountering problems related to contracting, budget, and acquisition cycles. The focus is now on resolving problems related to the production of biometric readers and the integration of these readers into the inspections process. International testing is ongoing, and included interoperability testing in Morgantown, West Virginia, in July 2004 and a simulated port-of-entry test at Baltimore-Washington International (BWI) Airport during the week of November 29, 2004. The BWI test demonstrated that there is still much work to be done to integrate biometric passport readers into the inspections process in a way that does not adversely affect the inspector's ability to do his/her job. To date, the readers that have been tested in the simulated port of entry environment do not yet meet the operational requirements of U.S. inspection systems.

- Page 18, paragraph beginning with "DHS officials told us they do not plan to enroll Canadians in US-VISIT."

Comment: Through US-VISIT, DHS has successfully created an electronic entry-exit system. This behind the scenes capability was in place on December 31, 2003, for air and sea ports of entry and uses electronic manifest information received from the carriers via the Advance Passenger Information System (APIS) to collect electronic arrival and departure records, which populates the Arrival and Departure Information System. Arrival, and departure data for Canadians is included in this process.

With regard to the land border environment, DMIA requires us to electronically collect entry data on aliens who are currently documented at entry. Only aliens who currently receive Forms I-94, Arrival and Departure Documents, have their entry and exit recorded; therefore, this population continues to be sent to secondary inspection, as appropriate, where their entry is electronically recorded and their fingerscans collected for enrollment and watchlist verification. Canadians who present visas, and who therefore receive Forms I-94 at entry, are enrolled in US-VISIT in air, land, and sea environments.

- Page 19, in the paragraph beginning with “As VWP countries become compliant with the Border Security Act and standards established by the ICAO...” there is a recommendation that DHS continue to enroll VWP travelers in US-VISIT even after biometric passports are issued.

Comment: We agree. The Department has stated that it will continue enrolling and processing VWP travelers through US-VISIT, even after the ICAO-compliant biometric passports and the readers to use them are in place. While biometric passports can verify that passports are genuine, they do not provide capability for biometric watchlist checks.

- On page 20, the paragraph beginning with “A US-VISIT exit component is not in place at land POEs.”

Comment: US-VISIT is exploring the use of radio frequency identification (RFID) technology as a tool that will better enable the program to fulfill its goals. RFID technology offers a potential solution for an entry-exit operation that better facilitates legitimate travel and trade. The technology will be tested at a simulated port this spring. By July 31, 2005, the testing will begin at the ports of Nogales East and Nogales West in Arizona; Alexandria Bay in New York; and Pacific Highway and Peace Arch in Washington. The testing or “proof of concept” phase is expected to continue through the spring of 2006.

The optimal technology will allow for a unique and automatic identifier to be issued to pedestrians and visitors crossing in vehicles. The benefits of deploying RFID technology at the land border allow for the automatic recording of visitors’ arrival and departure. The test of this technology is designed to occur in multiple ports that illustrate various weather and traffic conditions.

- On page 20, in the paragraph beginning with “A US-VISIT exit component...” the statement appears: “Accordingly, the system deployed on December 31, 2004, is not the automated, integrated entry exit system specified by the DMIA legislation”

Comment: The Data Management Improvement Act of 2000 (DMIA), the USA PATRIOT ACT, and the Enhanced Border Security and Visa Entry Reform Act all make provisions for an entry-exit system. At a minimum, DHS must implement an entry-exit system that integrates any data that is currently stored in an electronic format by either DHS¹ or the Department of State and record information on an alien’s entry or application for entry into the United States. DMIA focused on the integration of existing arrival and departure data. Unlike the prior entry-exit provision found in section 110 of the Illegal Immigration Reform and Immigration Responsibility Act (IIRIRA), DMIA does *not* require the collection of arrival and departure data for *every* alien who travels across our borders. Legislation does not require DHS or the Department of State to collect data on any population where entry information is not already being collected.

¹ The statute requires the integration of alien data held by the Department of Justice. Subsequently, immigration authorities were transferred to the Department of Homeland Security.

With regard to departure data, DMIA requires the entry-exit system to match the “alien’s available arrival data with the alien’s available departure data.”

While the Department has met the minimum statutory requirements for creating an entry-exit system, early on we recognized the need to do more than just match arrival and departure information. In April of 2003, Secretary Ridge challenged the US-VISIT program to create a border security system that incorporated biometrics. Biometrics are collected on entry, in addition to biographic information, for all individuals with nonimmigrant visas or applying for admission under the Visa Waiver Program, at air and sea ports of entry. Biometrics are collected on exit, in addition to the biographic information, at certain pilot locations. DHS fully intends to expand this capability to all air and sea ports nationwide as soon as practicable, given funding and facilities constraints. In addition, although DHS has met the DMIA statutory requirement regarding land borders, DHS recognizes the need to do more to secure our borders and fully intends to leverage new technology to capture information about arrivals and departures at land borders in the future.

- On page 20, the paragraph beginning with “US-VISIT program officials envision...” The USCIS case management systems should also be cited in this section, along with the upcoming integration with the USCIS Biometric Support System (BSS), in addition to the other listed systems.
- The chart in Appendix A describes "Proposed Deployment at the Highest Volume Land Border Ports of Entry."

Comment: These sites are no longer proposed since they were implemented in December 2004. This is also an old version of the list, which includes Stanton Street Bridge, Texas, and Milltown, Maine, POEs. These POEs were not included in the Increment 2B deployment because I-94s are not issued at there.

We evaluated the US-VISIT Program Office's written comments and have made changes to the report where we deemed appropriate. Below are a summary of the Program Office's written responses to the report and our analysis of the responses.

In response to the report, the Program Office noted the accomplishments and success it has demonstrated in enhancing the security of U.S. citizens and visitors, facilitating legitimate travel and trade, enhancing the integrity of the U.S. immigration system, and protecting the privacy of our visitors. At inspections areas, CBP Officers search biographical and biometric databases of known criminals and terrorists. Implementation of US-VISIT at the 50 highest volume land POEs has gone smoothly and appears to have reduced wait times for those required to enroll. Pilot exit testing programs are ongoing at four airports and one seaport. A Privacy Impact Assessment has been published applying aspects of the Privacy Act to non-immigrants. The Program Office also noted that they have met the minimum statutory requirements for an entry exit system specified by legislation.

We recognize the efforts and progress made by the Program Office to fulfill its mission and meet the goals of the US-VISIT program. However, as the development and implementation of the comprehensive vision for US-VISIT progresses, the Program Office faces many challenges. We have discussed some of these challenges in the report, including the lack of an exit component at land POEs. While the minimum statutory requirements may have been met for US-VISIT implementation at land POEs, only the bare minimum has been achieved. Matching entries with departures at land POEs, through the use of RFID or other technology, continues to be a necessary enhancement to the integrity of the immigration system.

US-VISIT Response: The Program Office responded to our statement, in the Deployment section that, "Biometric readers have been deployed to all U.S. POEs." Biometric readers that will read ICAO standard passports have not been deployed to U.S. POEs. For the most part, technical problems around the biometric passports themselves have been solved and passport production has begun in some nations. However, many countries, including the United States, are encountering problems related to contracting, budget, and acquisition cycles. The focus is now on resolving problems related to the production of biometric readers and the integration of these readers into the inspections process. To date, the readers that have been tested in the simulated POE environment do not yet meet the operational requirements of U.S. inspection systems.

OIG Evaluation: We made changes in the report to reflect that biometric readers that will read ICAO standard passports have not been deployed to U.S. POEs and that for the most part, technical problems surrounding the biometric passports have been solved.

US-VISIT Response: In the Exclusion of Visa Exempt Canadians section, the comment was made in reference to our statement that “DHS officials told us they do not plan to enroll Canadians in US-VISIT.” DMIA requires the electronic collection of entry data on aliens who are currently documented at entry. Only aliens who currently receive Forms I-94 have their entry and exit recorded; therefore, this population continues to be sent to secondary inspection, as appropriate, where their entry is electronically recorded and their fingerscans collected for enrollment and watchlist verification. Canadians who present visas, and who therefore receive Forms I-94 at entry, are enrolled in US-VISIT in air, land, and sea environments.

OIG Evaluation: We made changes in the report to reflect that DHS officials plan to enroll in US-VISIT only Canadians who are required to obtain visas.

US-VISIT Response: In reference to our statement, in the Discontinuing Visa Waiver Program Enrollment section, that “We believe VWP countries should continue to be required to enroll in US-VISIT, irrespective of the date they achieve compliance with the Border Security Act,” the Program Office agrees. In addition, the Program Office plans to continue enrolling and processing VWP travelers through US-VISIT, even after the ICAO compliant biometric passports, and the readers to use them, are in place.

OIG Evaluation: We have made changes in the report to reflect the statement that Program Office officials plan to continue enrolling VWP travelers in US-VISIT.

US-VISIT Response: In reference to our statement, in the Lack of Exit Component at Land POEs section, that “A US-VISIT exit component is not in place at land POEs,” the Program Office is exploring the use of radio frequency identification (RFID) technology as a tool that will better enable the program to fulfill its goals. Testing will begin at the ports of Nogales East and Nogales West in Arizona; Alexandria Bay in New York; and Pacific Highway and Peace Arch in Washington by July 31, 2005 and is expected to continue through the spring of 2006.

OIG Evaluation: We made changes in the report to reflect Program Office plans to start testing RFID technology by July 31, 2005, and that the testing phase is expected to continue through the spring of 2006.

US-VISIT Response: They questioned our statement, in the same section, that “Accordingly, the system deployed on December 31, 2004, was not the automated, integrated entry exit system specified by the DMIA legislation.” The Program Office responded that the legislation does not require DHS or the Department of State to collect data on any population where entry information is not already being collected. With regard to departure data, DMIA requires the entry-exit system to match the “alien’s available arrival data with the alien’s available departure data.”

DHS contends it has met the minimum statutory requirements for creating an entry exit system. In addition, although DHS has met the DMIA statutory requirement regarding land borders, it recognizes the need to do more to secure our borders and fully intends to leverage new technology to capture information about arrivals and departures at land borders in the future.

OIG Evaluation: While the minimum statutory requirements may have been met for US-VISIT implementation at land POEs, we believe the spirit of the law intended to have an automated, integrated exit component at land POEs. Matching entry records with departure records at land POEs, through the use of the RFID technology currently being developed and tested or other technology, will increase security and enhance the integrity of the immigration system.

US-VISIT Response: In the System Integration section, the Program Office wants the USCIS case management systems along with the upcoming integration with the USCIS BSS cited in addition to the other systems listed.

OIG Evaluation: We made changes in the report to reflect these systems.

US-VISIT Response: Appendix A should be modified to remove the word “proposed” and the POEs of Stanton Street Bridge, Texas, and Milltown, Maine, as these POEs were not included in the December 2004 deployment.

OIG Evaluation: We removed the word “proposed” and the two POEs from Appendix A in the report.

David M. Hiles, Chief Inspector, Department of Homeland Security, Office of Inspections, Evaluations, and Special Reviews

Marcia Moxey Hodges, Chief Inspector, Department of Homeland Security, Office of Inspections, Evaluations, and Special Reviews

Jennifer A. Lindsey, Inspector, Department of Homeland Security, Office of Inspections, Evaluations, and Special Reviews

Department of Homeland Security

The Honorable Michael Chertoff
Secretary

Admiral James Loy
Deputy Secretary

The Honorable Asa Hutchinson
Under Secretary
Border and Transportation Security

The Honorable Robert C. Bonner
Commissioner
Customs and Border Protection

Mr. Jim Williams
Director
US-VISIT Program Office

Mr. Duncan Campbell
Chief of Staff

Mr. Brian Besanceney
Acting Assistant Secretary
Public Affairs

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U.S. House of Representatives

Committee on Appropriations
U.S. House of Representatives

Committee on Government Reform
U.S. House of Representatives

Committee on the Judiciary
U.S. House of Representatives

Committee on Transportation and Infrastructure
U.S. House of Representatives

Committee on Commerce, Science and Transportation
United States Senate

Committee on the Judiciary
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