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FOR A HEARING ON  
“Visa Overstays: A Gap in the Nation’s Border Security”

BEFORE THE

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Committee on Homeland Security, Subcommittee on Border and Maritime Security

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## Introduction

Chairwoman McSally, Ranking Member Vela, and distinguished Members of the Subcommittee, thank you for the opportunity to appear today to discuss the progress the Department of Homeland Security (DHS) is making to incorporate biometrics into our comprehensive entry/exit system and to identify, report, and address overstays in support of our border security and immigration enforcement missions.

Presently, DHS, in conjunction with the Department of State, collects biometrics for most nonimmigrant foreign nationals<sup>1</sup> and checks them against criminal and terrorist watchlists prior to the issuance of a visa or lawful entry to the United States. Furthermore, the Department has developed new capabilities and enhanced existing systems, such as the Automated Targeting System (ATS), to help identify possible terrorists and others who seek to travel to the United States to do harm.

Today, DHS manages an entry/exit system in the air and sea environments that incorporates both biometric and biographic components. Applying a risk-based approach, the Department is now able, on a daily basis, to identify and target for enforcement action those individuals who represent a public safety and/or national security threat among visitors who have overstayed the validity period of their admission. Moreover, with the recent support of Congress in the *Consolidated Appropriations Act, 2016* (Pub. L. No. 114-113), and as described in the *Comprehensive Biometric Entry/Exit Plan* provided to Congress in April 2016—combined with the clear commitment and direction of the President in section 8 of Executive Order 13780, *Protecting the Nation from Foreign Terrorist Entry into the United States*—CBP is making significant progress toward implementation of a biometric exit system. The Department has also released the Fiscal Year (FY) 2016 Entry/Exit Overstay Report, which contains significant additional data not available in the FY15 version, which itself was the first report issued in over 20 years.

## Existing DHS Entry and Exit Data Collection

A *biographic*-based entry/exit system is one that matches the personally identifying information on an individual's passport or other travel documents presented when he or she arrives to and departs from the United States. The biographic data contained in the traveler's passport includes name, date of birth, document information, and country of citizenship. By comparison, a *biometric* entry/exit system matches a biometric attribute unique to an individual (e.g., fingerprints, a facial image, or iris image).

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<sup>1</sup> The following categories of aliens currently are expressly exempt from biometric requirements by DHS regulations: Aliens admitted on an A-1, A-2, C-3 (except for attendants, servants, or personal employees of accredited officials), G-1, G-2, G-3, G-4, NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, or NATO-6 visa; children under the age of 14; persons over the age of 79; Taiwan officials admitted on an E-1 visa and members of their immediate families admitted on E-1 visas. 8 CFR 235.1(f)(1)(iv)(A)-(B); and certain Canadian citizens seeking admission as B nonimmigrants per 8 CFR 235.1(f)(1)(ii). In addition, the Secretary of State and Secretary of Homeland Security may jointly exempt classes of aliens from biometric collection requirements and the Secretaries of State and Homeland Security, as well as the Director of the Central Intelligence Agency, may exempt individuals from biometric collection requirements. 8 CFR 235.1(f)(1)(iv)(C)-(D).

### *How DHS Collects Arrival Information*

For instances in which an individual requires a visa to enter the United States, biometric and biographic information captured at the time his or her visa application is filed with the Department of State (DOS), along with supporting information developed during an interview with a consular officer. Additionally, for certain visa categories, the individual will have already provided biographic information via a petition filed with U.S. Citizenship and Immigration Services (USCIS). For individuals seeking to travel to the United States under the Visa Waiver Program (VWP), biographic information is captured from an intending traveler when they apply for an Electronic System for Travel Authorization (ESTA).<sup>2</sup> If the individual is authorized for travel with an ESTA following the required security checks, the individual is able to travel to the United States under the VWP. Biometric information is captured at the U.S. port of entry (POE) for VWP travelers, where the traveler will also be interviewed by a CBP officer.

In the air and sea environment, DHS receives passenger manifests submitted by commercial and private aircraft operators and commercial sea carriers, which include every individual who actually boarded the plane or ship bound for the United States. This information is collected in DHS's Advance Passenger Information System (APIS) and all non-U.S. citizen data is then sent to the Arrival and Departure Information System (ADIS), where it is stored for matching against departure records.

For individuals who apply for a visa at posts supported by ICE's Visa Security Program (VSP), biographic information is captured prior to DOS review to facilitate the screening and vetting of 100 percent of nonimmigrant visa applicants at those posts prior to DOS Consular Affairs visa adjudication. As part of VSP operations, additional information may be developed by the investigative efforts of internationally deployed ICE Special Agents conducting interviews and working with domestic based intelligence analysts.

When a nonimmigrant arrives at a U.S. POE and applies for admission to the United States, a CBP officer interviews the traveler regarding the purpose and intent of travel, reviews his or her documentation, and runs law enforcement checks. If applicable,<sup>3</sup> CBP collects and matches biometrics against previously collected data and stores this data within the Office of Biometric Identity Management's (OBIM) Automated Biometric Information System (IDENT). If admission is granted, the CBP officer will stamp the traveler's passport with a date indicating the traveler's authorized period of admission. Based on electronic information already in DHS's systems, CBP electronically generates a Form I-94, Arrival/Departure Record that the traveler can print remotely to provide evidence of legal entry or status in the United States. The form also indicates how long the individual is authorized to stay in the United States.

### *How DHS Collects Departure Information*

The United States has a fully functioning *biographic* exit system in the air and sea environments. Similar to the entry process, DHS also collects APIS passenger manifests submitted by commercial and private aircraft operators and commercial sea carriers departing the United States.

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<sup>2</sup> ESTA collects biographic data and screens passengers against various law enforcement and intelligence databases. ESTA has digitized the Form I-94 (Arrival/Departure Record) for authorized travelers from participating VWP countries.

<sup>3</sup> *Supra* note 1.

Carriers and operators are required by regulations promulgated under the Trade Act of 2002 (Pub. L. No. 107–210) to report biographic and travel document information to DHS for those individuals who are physically present on the aircraft or sea vessel at the time of departure from the United States and not simply for those who have made a reservation or are scheduled to be on board. Since 2005, collection of this information has been mandatory, and compliance by carriers is nearly 100 percent. DHS monitors APIS transmissions to ensure compliance and, if needed, issues fines for noncompliance. CBP transfers this data (excluding data for U.S. citizens) to ADIS, which matches arrival and departure records to and from the United States.<sup>4</sup>

### **Addressing Overstays**

This integrated approach to collecting entry and exit data supports the Nation’s ability to identify and address overstays. CBP identifies two types of overstays – those individuals who appear to have remained in the United States beyond their period of admission (Suspected In-Country Overstay), and those individuals whose departure was recorded after their lawful admission period expired (Out-of-Country Overstay). The overstay identification process is conducted by consolidating arrival, departure, and change or adjustment to immigration status information to generate a complete picture of individuals traveling to the United States. This process extends beyond our physical borders to include a number of steps that may occur well before an individual enters the United States through a land, air, or sea POE and up to the point at which that same individual departs the United States.

CBP’s ADIS identifies and transmits potential overstays to CBP’s ATS on a daily basis, which screens them against derogatory information, prioritizes them, and sends them to ICE’s lead management system, LeadTrac,<sup>5</sup> which retains them for review and vetting by analysts.

Through specific intelligence and the use of sophisticated data systems, ICE identifies and tracks available information on millions of international students, tourists, and other individuals admitted as nonimmigrants who are present in the United States at any given time. Visa overstays and other forms of nonimmigrant status violations bring together two critical areas of ICE’s mission—national security and immigration enforcement.

### *Enhancing Capabilities*

In the past few years, DHS has made substantial improvements to enhance our ability to identify, prioritize, and address confirmed overstays. DHS system enhancements that have strengthened our immigration enforcement efforts include:

- Improved ADIS and ATS-Passenger (ATS-P) data flow and processing quality and efficiency, increasing protection of privacy through secure electronic data transfer.

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<sup>4</sup> DHS uses this information for a variety of immigration and law enforcement reasons, including to determine which travelers have potentially stayed past their authorized period of admission (i.e., overstayed) in the United States.

<sup>5</sup> LeadTrac is an ICE system designed to receive overstay leads to compare against other DHS systems and classified datasets to uncover potential national security or public safety concerns for referral to ICE field offices for investigation. The system employs a case management tracking mechanism to assist with analysis, quality control reviews, lead status and field tracking.

- Extended leverage of existing ATS-P matching algorithms, improving the accuracy of the overstay list. Additional ADIS matching improvements are underway to further improve match confidence.
- Developed an operational dashboard for ICE agents that automatically updates and prioritizes overstay “Hot Lists,”<sup>6</sup> increasing the efficiency of data flow between OBIM<sup>7</sup> and ICE.
- Implemented an ADIS-to-IDENT interface reducing the number of records on the overstay list by providing additional and better quality data to ADIS, and closing information gaps between the two systems.
- Improved ability of ADIS to match USCIS Computer Linked Adjudication Information Management System (CLAIMS 3) data for aliens who have extended or changed their status lawfully, and therefore have not overstayed even though their initial period of authorized admission has expired.
- Created a Unified Overstay Case Management process establishing a data exchange interface between ADIS, ATS-P, and ICE’s LeadTrac system, establishing one analyst platform for DHS.
- Enhanced ADIS and Transportation Security Administration (TSA) Alien Flight Student Program (AFSP) data exchange to increase identification, efficiency and prioritization of TSA AFSP overstays within the ADIS overstay population.
- Enhanced Overstay “Hot List,” consolidating immigration data from multiple systems to enable ICE employees to more quickly and easily identify current and relevant information related to the overstay subject.
- Established User Defined Rules enabling ICE agents to create new or update existing rule sets within ATS-P as threats evolve, so that overstays are prioritized for review and action based on the most up-to-date threat criteria.
- Enhanced the Student and Exchange Visitor Information System and ADIS interface, in order to automatically calculate the last date of F, M, or J status and more accurately capture a nonimmigrant’s immigration status. This improved data will reduce fraud and increase awareness by providing government officials actionable intelligence with which to make decisions and initiate investigations.

These measures and system enhancements have proven to be valuable in identifying and addressing overstays. The DHS steps described above have strengthened data requirements through computer enhancements, identified national security overstays through increased collaboration with the Intelligence Community, and automated manual efforts through additional data exchange interfaces. DHS is continuing this progress in FY17.

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<sup>6</sup> “Hot lists” are lists of individuals that are prioritized based on their level of risk.

<sup>7</sup> OBIM supports DHS Components by providing biometric storage and matching services using its IDENT system to identify known or suspected terrorists, national security threats, criminals, and those who have previously violated U.S. immigration laws.

### *Reporting Overstay Data*

On January 19, 2016, DHS released the first Entry/Exit Overstay Report. This report represents a culmination of the aforementioned efforts to enhance data collection and address issues precluding production of the report in prior years. The *Entry/Exit Overstay Report for Fiscal Year 2015* provided data on departures and overstays, by country, for foreign visitors to the United States who were lawfully admitted for business (i.e., B-1 and WB classifications) or pleasure (i.e., B-2 and WT classifications) through air or sea POEs, and who were expected to depart in FY15 — a population which represents the vast majority of annual nonimmigrant admissions.

Recently, the Department released the *Fiscal Year 2016 Entry/Exit Overstay Report*. In partnership with other DHS Components, CBP is continuing to improve data provided by ADIS allowing for the FY16 report to include a significantly expanded classes of admission, compared with the FY15 report.

While the focus of last year's report was on individuals visiting the United States for business or pleasure, and those traveling under the VWP, this year's report expands the report population to include foreign student and exchange visitors (F, M and J admission classes) and other in-scope nonimmigrant admission classes (such as H, O, P, Q admission classes). With the expansion of the report population, the FY16 report accounts for 96.02 percent of all *air* and *sea* nonimmigrant admissions to the United States in FY16. This represents all in-scope classes of admission (i.e. classes of admission that can produce enforceable overstays), and is expected to be used as the baseline population for reporting annually going forward. However, it does *not* include vehicular or pedestrian admissions at land ports of entry.

In FY16 there were 50,437,278 in-scope nonimmigrant admissions to the United States through air or sea POEs who were expected to depart in FY16, which represents the majority of annual nonimmigrant admissions. Of this number, DHS calculated a total overstay rate of 1.47 percent, or 739,478 individuals. In other words, 98.53 percent of the in-scope nonimmigrant visitors departed the United States on time and abided by the terms of their admission.

This report breaks down the overstay rates further to provide a better picture of those overstays who remain in the United States beyond their period of admission and for whom there is no identifiable evidence of a departure, an extension of period of admission, or transition to another immigration status. At the end of FY16, there were 628,799 Suspected In-Country Overstays. The overall Suspected In-Country Overstay rate for this scope of travelers is 1.25 percent of the expected departures.

Due to continuing departures and changes in nonimmigrant status or adjustment of status to lawful permanent residence by individuals in this population, by January 10, 2017, the number of Suspected In-Country Overstays for FY16 decreased to 544,676, rendering the Suspected In-Country Overstay rate as 1.07 percent. In other words, as of January 10, 2017, DHS has been able to confirm departures, changes to, or adjustment of status of more than 98.90 percent of nonimmigrant visitors scheduled to depart in FY16 via air and sea POEs, and that number continues to grow.

This report separates VWP country overstay numbers from non-VWP country numbers. For VWP countries, the FY16 Suspected In-Country Overstay rate is 0.60 percent of the 21,616,034

expected departures. For non-VWP countries, the FY16 Suspected In-Country Overstay rate is 1.90 percent of the 13,848,480 expected departures.

As mentioned previously, part of the nonimmigrant population in this year's report now includes visitors who entered on a student or exchange visitor visa, F, M, or J visa, respectively. DHS has determined there were 1,457,556 students and exchange visitors scheduled to complete their program in the United States. However, 5.48 percent stayed beyond their authorized window for departure at the end of their program.

For Canada, the FY16 Suspected In-Country Overstay rate is 1.33 percent of 9,008,496 expected departures. For Mexico, the FY16 Suspected In-Country Overstay rate is 1.52 percent of 3,079,524 expected departures. Consistent with the methodology for other countries, this represents only travel through air and sea POEs and does not include data on land border crossings. Currently, it is unclear if these numbers are inflated as Canadian and Mexican nationals can depart across the land border. CBP is pursuing a variety of methods to obtain this land border departure data, which will be discussed in greater detail below.

Identifying overstays is important for national security, public safety, immigration enforcement, and processing applications for immigration benefits and is one of the many drivers for DHS as it continues to develop and test the entry and exit system during FY17, both biometric and biographic, which will improve the ability of CBP to report this data accurately.

### **Overstay Enforcement in the United States**

With regard to overstay enforcement, ICE focuses its efforts on identifying and prioritizing, for enforcement action, foreign nationals who overstayed their period of admission or otherwise violated the terms or conditions of their admission to the United States. ICE receives nonimmigrant compliance information from various investigative databases and DHS entry/exit registration systems. The information identifies nonimmigrants who have entered the United States through an established immigration entry process and may have failed to comply with immigration regulations. As part of a tiered review, ICE Homeland Security Investigations (HSI) prioritizes nonimmigrant overstay cases through risk-based analysis. HSI's Counterterrorism and Criminal Exploitation Unit (CTCEU) oversees the national program dedicated to the investigation of nonimmigrant visa violators who may pose a national security or public safety risk.

Using a comprehensive prioritization scheme, ICE identifies nonimmigrant overstays, conducts in-depth analysis, locates targets, and initiates field investigations by referring high priority information to ICE HSI field offices nationwide. In order to ensure that those who may pose the greatest threats to national security and public safety are given top priority, ICE uses intelligence-based criteria developed in close consultation with the intelligence and law enforcement communities. ICE chairs the Compliance Enforcement Advisory Panel (CEAP), comprised of subject matter experts from other law enforcement agencies and members of the Intelligence Community, who assist in maintaining targeting methods in line with the most current threat information. This practice, which is designed to detect and identify individuals exhibiting specific risk factors based on intelligence reporting, travel patterns, and in-depth criminal research and analysis, has contributed to DHS's counterterrorism mission by initiating and supporting high-priority national security initiatives based on specific intelligence.

Each year, ICE HSI CTCEU analyzes records of hundreds of thousands of potential status violators after preliminary analysis of data from the Student and Exchange Visitor Information System and CBP's ADIS, along with other information. Once the leads are received, ICE conducts both batch and manual vetting against government databases, social media, and public indices. This vetting establishes compliance or departure from the United States and/or determines potential violations that warrant field investigations. Overstays who do not meet ICE HSI CTCEU's national security and public safety threat criteria are referred to ICE Enforcement and Removal Operations (ERO) for action.

As part of its vetting process, ICE HSI CTCEU also instituted the Visa Waiver Enforcement Program (VWEP). ICE HSI CTCEU scrutinizes individuals identified as potential VWP violators, to identify those subjects who attempt to circumvent the U.S. immigration system by seeking to exploit VWP travel. Other significant projects and initiatives include: the Recurrent Student Vetting Program; DHS's Overstay Projects; Absent Without Leave (AWOL) Program; INTERPOL Leads; and individuals who have been watchlisted.

In FY16, ICE HSI CTCEU reviewed 1,282,018 compliance leads. Numerous leads that were referred to ICE HSI CTCEU were closed through an automated vetting process. The most common reasons for closure were subsequent departure from the United States or pending immigration benefits. A total of 4,116 leads were sent to HSI field offices for investigation. From the 4,116 leads sent to the field, 1,884 are currently under investigation, 1,126 were closed as being in compliance (pending immigration benefit, granted asylum, approved adjustment of status application, or departed the United States) and the remaining leads were returned to ICE HSI CTCEU for continuous monitoring and further investigation. HSI Special Agents made 1,261 arrests, secured 97 indictments, and 55 convictions in FY16.

#### *Improvements in Information Sharing, Data Integrity, and Use of Biometrics*

ICE executes risk-based overstay enforcement activities as part of an integrated strategy to combat transnational crime in coordination with our domestic and foreign partnering agencies, targeting the illegal movement of people, merchandise and monetary instruments into, within, and out of the United States. In addition to developing viable leads for field investigation, ICE's in-depth vetting efforts serve to continually improve DHS's overall data holdings, and the information it can bring to protecting the Homeland. That validated information is used to update the various DHS systems, including ADIS.

ICE has been an integral partner supporting the creation of a DHS Unified Overstay Case Management process that established a data exchange interface between ADIS, ATS-P, and ICE's LeadTrac systems. That effort has helped reduce the timeline required for vetting national security-related and public safety overstay leads.

#### *Improvements in Overstay Enforcement and OIG Recommendations*

ICE is committed to improving and evolving our overstay enforcement efforts, including through advancing our information technology capabilities. In 2014, ICE HSI CTCEU established the Open Source Team (OST) to conduct social media analysis to help resolve unable-to-locate cases.



OST applies in-depth knowledge of a broad range of publicly available information to locate specific targeted individuals, identify trends and patterns, and identify subtle relationships. This initiative enhances investigative leads that are currently being sent to HSI field offices for investigation. In August 2016, ICE HSI CTCEU's Overstay Lifecycle and Domestic Mantis Pilot Programs were launched. These pilot programs will help to better capture information on visa violators as part of an overarching visa lifecycle and identify foreign students who have access to sensitive technology. The Overstay Lifecycle pilot program tracks nonimmigrant visitors from the time they file a visa application to the time they depart from the United States, or until such time as they become an overstay or otherwise fail to comply with their terms of admission. The Domestic Mantis pilot program identifies nonimmigrant students who enter the United States to study in a non-sensitive academic field and subsequently transfer to a sensitive academic field, or attempt to work in areas posing a national security or public safety threat. It is anticipated that these pilot programs will provide another layer of security and tool for overstay enforcement in the United States.

Finally, we are working with DHS to address the recommendation in the recent report released by the DHS Office of Inspector General (OIG). The report included two recommendations for ICE and ICE is working to identify training gaps for visa-related IT systems used by ICE personnel and to notify the ICE user community of available training options. ICE is also working towards compiling a comprehensive list of all visa-related systems across the Department, to include system owners and training points of contacts. By addressing these two concerns and ensuring that ICE users have the opportunity to receive official, hands-on training in visa IT systems and documented guidance on potential uses of each system, the efficiency and adeptness of the visa overstay tracking system will be enhanced. In the immediate term, ICE HSI has sent guidance to all HSI field offices providing further instruction on how to conduct HSI CTCEU investigations.

The DHS Office of Chief Information Officer (OCIO) is currently building an enterprise information-sharing platform that, in the future, can provide a solution to mitigate the issues raised and gaps identified in the OIG report. The vision of the Data Framework is to deliver an information-sharing platform in which intelligence analysts and mission operators have controlled, near real-time access to consolidated homeland security data in classified and unclassified environments in a manner consistent with applicable law and policy and while protecting individuals' privacy, civil rights, and liberties.

OCIO has been building the platform for the classified environment. In FY17, the OCIO is beginning to focus on the unclassified environment portion of the Data Framework. This would afford the components the ability to timely access within articulated constraints, the relevant and necessary homeland security information they need to successfully perform their duties, identifying overstays and reporting on overstay numbers, being two such duties. The goal of the Data Framework is to provide a mission user with the ability to access, search, manipulate and analyze, as appropriate, different data sets extracted from multiple DHS systems for a specific purpose; retrieve accurate and timely information; and view the information in a clear and accessible format.

## **CBP Comprehensive Biometric Entry/Exit System**

Since FY13, CBP has led the entry/exit mission, including research and development of biometric exit programs. A comprehensive entry/exit system that leverages both biographic and biometric data is key to supporting DHS's mission. CBP developed and implemented a series of biometric exit pilot programs in the air and land environments between 2014 and 2016, and we testified regarding those efforts in June 2016.

### *Biometric Exit in the Air Environment*

The earlier trials allowed CBP to develop a realistic and achievable biometric exit plan. CBP's vision for implementing biometric exit is to "pre-stage" biometric data throughout the travel process and allow that data to be used by each traveler as they follow the typical process for boarding an aircraft departing the United States. CBP will perform the matching function and use biometrics to streamline the passenger process throughout the air travel process, not just at departure. CBP's process for matching "pre-stage" biometric data to biometric data captured at departure is described in greater detail below.

Adding biometrics provides greater assurance of the information already collected by CBP and will allow for future facilitated processing upon both entry and exit. CBP will use a traveler's face as the primary way of identifying the traveler to facilitate entry and exit from the United States, while simultaneously leveraging fingerprints for watchlist checks. This innovative structure will make it possible to confirm the identity of travelers at any point in their travel, while at the same time establishing a comprehensive biometric air exit system.

CBP is dedicated to protecting the privacy of all travelers, and will ensure that all legal and privacy requirements are met as we continue to implement biometric exit.

CBP's plan is to complete the technical matching service by 2018, but this summer CBP will roll out biometric air exit technical demonstrations at a number of airports to continue biometric exit implementation. These demonstrations will occur at select flights in each of the airports.

### *CBP Traveler Verification Service (TVS)*

The technical demonstrations are based on a concept that CBP has been testing since June 2016 at Atlanta Hartsfield International Airport. The Atlanta airport demonstration tested a solution under five guiding principles: 1) avoid adding any new process to minimize time and impact; 2) utilize existing infrastructure to avoid large capital costs and enable a near-term deployment; 3) leverage existing stakeholder systems, processes, and business models to reduce costs and avoid large changes for all stakeholders; 4) leverage passenger behaviors and expectations to promote ease of use for travelers; and 5) use existing traveler data and existing government IT infrastructure to reduce costs and avoid stove-piped systems.

The Atlanta test was designed using existing CBP systems, leveraging data already provided to the U.S. Government by the traveler and airlines. CBP created a pre-positioned "gallery" of face images from DHS holdings based on a flight departure manifest provided by the airline. These photographs can come from passport applications, visa applications, or interactions with CBP at a

prior border encounter where a photograph is typically taken. Essentially, CBP creates a gallery of all the passengers it expects to see boarding an aircraft, based on the manifest provided by the airline.

CBP then compares a live photograph of the traveler captured at the departure gate to the flight's gallery of face images to confirm the traveler's departure, providing a biometric record of departure for passengers on that flight. This process allows CBP to increase security by using a facial biometric to match the traveler to their advanced passenger information and biographic vetting results while simultaneously checking the fingerprints on file against the watch list.

U.S. Citizens are not exempted from this process for two reasons: first, it is not feasible to require airlines to have two separate boarding processes for U.S. citizens and non-U.S. citizens, and second, to ensure U.S. citizen travelers are the true bearer of the passport they are presenting for travel.

If the photograph captured at boarding is matched to a U.S. citizen passport, the photograph is discarded after a short period of time.

In essence, for U.S. citizens the document check has been transformed from a manual process by airline personnel or CBP officers into an automated process using a machine. . It is important to note that CBP is committed to privacy and has engaged our privacy office at every step in the process to add biometrics to the departure process from the United States.

CBP has processed approximately 28,000 travelers through the Atlanta demonstration. For travelers who have an existing photograph in DHS systems- about 96 percent of travelers- the system matched at a 90 percent rate or higher.<sup>8</sup> Today, CBP continues to process biometric exit records for a limited number of daily international flights in Atlanta.

#### *Summer 2017 Technical Demonstrations*

Based on the success of the Atlanta demonstration, CBP will demonstrate the initial implementation of the TVS through the expansion of air exit capabilities to eight airports during the summer of 2017. The capability will utilize the TVS to biometrically identify departing travelers, and demonstrate to airlines and airports how biometrics can be integrated into current boarding processes.

#### *Stakeholder Outreach*

In addition to CBP demonstrations, CBP is executing a proactive engagement strategy with partners within the travel industry to execute public/private partnerships. The goal of these engagements is to demonstrate an integrated, comprehensive approach to identity verification that provides a seamless travel experience.

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<sup>8</sup> Two of the most common reasons for not having a photo within DHS systems is flying as a U.S. citizen under military orders or as an alien who entered the United States without inspection.

To this end, CBP has introduced the Biometric Entry/Exit vision to the air travel industry including international airports, U.S. airline carriers, and travel organizations.<sup>9</sup> By involving all of the stakeholders, CBP is able to discuss and refine the solution and verify potential benefits for all stakeholders.

CBP is now collaborating with U.S. carriers and planning demonstration pilots. For these pilots, airlines will procure the biometric facial cameras and integrate with CBP's provided TVS. CBP has also begun discussions with numerous international carriers on the biometric exit vision. Under this approach, CBP will learn best practices for operations and integration into existing airline boarding processes as these processes vary among airlines and airports.

CBP is working closely with stakeholders to ensure successful implementation of biometric exit and transform the entry process. Biometric technology has the potential to transform how travelers interact with airports, airlines, and CBP, which has the potential to create a seamless travel process, improving both convenience and security.

### *Biometric Exit in the Land Environment*

In pursuing a biometric exit system, DHS is cognizant of limitations posed by existing infrastructure. In the land environment, there are often geographical features that prevent expansion of exit lanes to accommodate adding lanes or CBP-manned booths. CBP has developed a biometric exit land strategy that focuses on implementing an interim exit capability while simultaneously investigating innovative technologies needed to reach our long-term vision of a comprehensive biometric exit land solution. Recording exits and biometrically verifying travelers who depart at the land border will close a gap of information necessary to complete a nonimmigrant traveler's record in ADIS, and will allow CBP an additional means to determine when travelers who depart the United States via land have overstayed their admission period.

### *Land Phased Approach*

Given the limitations outlined above and DHS's desire to implement this program without negatively impacting cross-border commerce, a phased approach to land implementation will be undertaken. The initial implementation of the land exit strategy will require certain third country nationals to self-report their departure from the United States. Third country nationals are defined as those who are neither American, Mexican, nor Canadian, and for this initial phase, will be limited to nonimmigrant visa holders, types B-1 or B-2 or VWP travelers.

In addition, facial recognition technology, similar to what will be used in the air environment will be deployed at two ports on the Southwest border in both pedestrian entry and exit locations. Facial recognition technology will be implemented for frequent travelers and cameras will be located within the vicinity of primary processing booths. At pedestrian departure, cameras will also record facial images upon departure and once the camera system identifies a "match" (confirms the identity of the traveler), the system will record a biometrically confirmed exit for the traveler.

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<sup>9</sup> Including the A4A, ACI-NA, AAAE, and IATA.

### *Biographic Exit Exchange Partnerships with Canada and Mexico*

At the Northern land border, as part of the Beyond the Border Action Plan with Canada, the United States and Canada are implementing a biographic exchange of traveler records that constitutes a biographic exit system on the shared border. Today, traveler records for all lawful permanent residents and non-citizens of the United States and Canada who enter either country through land POEs on the Northern border are exchanged in such a manner that land entries into one country serve as exit records from the other. The current match rate of Canadian records for travelers leaving the United States for Canada against U.S. entry records for nonimmigrants is over 98 percent. In April 2016, Canada reaffirmed its commitment to the United States to complete the program to include all travelers who cross the Northern border. Canada will need to complete passage of additional legislation to facilitate this final phase.

Engagement with Mexico on establishing a similar collection and exchange of entry/exit information is underway, and both countries plan to implement a biographic data exchange at the San Ysidro port of entry early in FY18, using reading of radio-frequency ID documents (RFID) which are very common among southern border crossers.

### *Biometric Vehicle Capture “At Speed”*

In 2016, CBP conducted a field of “at speed” facial biometric capture technology on vehicle outbound travelers. The results from the feasibility analysis of the field test will be used to conduct market research to identify and evaluate production ready solutions available in the market. Technical specifications established by the field test will be used to conduct a controlled test facilities to determine equipment placement and number of cameras necessary to capture photographs beyond the driver, and to establish the performance metrics baseline. In addition, comparative analysis will be performed on facial recognition matching algorithms being developed by academia and industry on images captured during the field test. These two tests will culminate in an operational experiment of cameras, camera placement, algorithm matching accuracy, and performance results at an outbound port with optimal conditions.

### **Fee Collections for Exit Activities**

In the *Consolidated Appropriations Act, 2016* (Pub. L. No. 114-113), Congress provided CBP with a fee-funded account for biometric entry/exit activities, which may collect up to \$1 billion by FY25.

CBP has completed a spend plan and acquisition plan to account for the execution of these funds and these are currently being evaluated as part of the DHS Acquisition Review Board. As mentioned, CBP plans to partner with private industry in order to achieve our goal of development of a biometric exit system. Of note, while the funds provided through the *Consolidated Appropriations Act, 2016* will enable CBP to take the next major steps in development of a biometric entry/exit system at the highest volume airports, full nationwide deployment of a comprehensive entry-exit system at all ports of entry will require additional resources not available from the authorized surcharges.

## **Conclusion**

While implementation of a robust and efficient biometric exit solution will take time, and significant challenges remain, DHS is aggressively moving forward in development of a comprehensive biometric exit system, in the land, air and sea environments. We are proud of our progress. We look forward to the technical demonstrations in major airports coming this summer, and will continue to share our ongoing findings with this Subcommittee. Through these and related efforts, we will continue to build on the progress we have made in our ability to identify, report, and take appropriate action against those who overstay or violate the terms of their admission to the United States.

Chairwoman McSally, Ranking Member Vela, and distinguished Members of the Subcommittee, thank you for this opportunity to testify today on this important issue. We look forward to answering your questions.