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United States General Accounting Office
Washington, DC 20548

August 18, 2003

The Honorable Robert C. Bonner
Commissioner, Bureau of Customs and Border Protection
Department of Homeland Security

Subject: *Land Border Ports of Entry: Vulnerabilities and Inefficiencies in the Inspections Process*

Dear Mr. Bonner:

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 mandates that we track, monitor, and evaluate the Attorney General's strategy to deter illegal entry and report our findings to Congress.¹ In response, we have evaluated immigration-related inspections at land border POEs and made recommendations regarding (1) the integrity of the inspections process; (2) the efficiency and effectiveness of inspections-related port operations; and (3) the collection, analysis, and use of intelligence information. Due to your Bureau's concern that the public release of our detailed findings could compromise law enforcement operations, our report is restricted to Limited Official Use.

This letter is intended to summarize our overall findings and confirm your agreement to take action to address vulnerabilities and inefficiencies in the inspections process. Most of our work was conducted before the Department of Justice's Immigration and Naturalization Service (INS) and the Department of the Treasury's Customs Service were merged into the newly created Bureau of Customs and Border Protection (CBP) in the Department of Homeland Security (DHS). However, the issues we address remain relevant as DHS merges the functions previously performed by the two agencies and implements major changes to its border inspections process.

In performing our review, we visited 15 land border POEs—6 along the southern border and 9 along the northern border. At these ports we met with INS and Customs Port Directors, INS intelligence officers, and INS training officers. We interviewed INS inspectors in groups, involving a total of 82 inspectors. We also observed more than 100 INS and Customs inspectors conduct inspections. In addition, we met with INS District Office and Customs Management Center officials. At headquarters, we met with INS officials responsible for the inspections program, field operations, and intelligence; Customs officials responsible for passenger programs; and DHS officials when making contacts after March 1, 2003. We also spoke with officials from CBP, the Immigration Officer Academy, and the Forensic Document Laboratory about issues related to immigration inspector training. We reviewed INS and Customs

¹P. L. 104-208, div. C, § 110, 8 U.S.C. 1103 note.

Inspections Program policies and procedures, and memoranda issued after September 11, 2001; related studies and reports; and relevant laws and regulations. We conducted our work between July 2002 and May 2003 in accordance with generally accepted government auditing standards.

Results in Brief

Our observations and interviews at 15 land border POEs identified several vulnerabilities in the integrity of the inspections process, which raise the risk of unlawful entry. For example, inspectors can experience difficulties in verifying the identity of travelers, traveler inspections were not always done consistently and according to policy, and inspectors did not always receive the training they needed.

Inspections-related port operations were hampered by inefficiencies related to technology and equipment. Inspectors faced cumbersome procedures in order to access data systems, and the lack of automation for routine data collection cost time and resources. Furthermore, inspectors lacked a standard issue of equipment, which could create operational inefficiencies. On a positive note, planned expansion of dedicated commuter lanes for travelers determined to be low risk will increase efficiency and give inspectors more time to focus on travelers whose risk is unknown.

Regarding the collection, analysis, and use of intelligence information, lack of time and training impedes intelligence development and use. In addition, there was no structure in place to support the analysis and use of intelligence information in the field, despite the fact that INS and others have long recognized this as a need. Given the threat of terrorism confronting the country, having and using intelligence information effectively at land border POEs has never been more important.

We recommended actions to improve inspector training and equipment and develop a program to facilitate the collection, analysis, and use of intelligence information in the field. CBP officials generally concurred with our findings and described actions that it planned to take to address both our findings and recommendations.

Background

Most travelers enter the United States through the nation's 166 land border POEs. According to INS data, of the estimated 453 million inspections that occurred in 2002, about 363 million, or 80 percent, occurred at land border POEs.² About two-thirds of these inspections involved aliens and about one-third involved returning U.S. citizens. The vast majority of travelers who cross at land POEs arrive by vehicle, although a small percentage arrive on foot or by bus, mainly through southern border ports.

The purpose of the immigration-related portion of the inspections process is to determine if the person is a U.S. citizen or alien, and if an alien, whether the alien is entitled to enter the United States.³ The great majority of persons arriving at land

²INS Performance and Analysis System. We did not assess the reliability of the data since the information is presented for background purposes.

³While our work focused on how inspectors determined the admissibility of persons, inspectors are also responsible for determining whether travelers could be violating criminal laws (such as the

POEs are residents of the border area who cross frequently and are familiar with U.S. entry requirements. Consequently, a screening procedure called primary inspection has been established to rapidly inspect travelers and identify those who are readily admissible. In general, inspectors are to question travelers about their nationality and purpose of their visit and review any travel documents the traveler may be required to present. Typically, primary inspections are conducted in less than 1 minute. Of the about 363 million persons inspected at land border POEs in 2002, about 354 million (98 percent) were admitted after a primary inspection.

Travelers whose admissibility cannot be readily determined, about 9 million in 2002, are referred for a more intensive, or secondary, inspection. A secondary inspection consists of a more detailed review of travel documents and belongings; in-depth questioning by an inspector; and multiple computer checks to verify specific corroborating information, such as the traveler's stated identity. Depending on the results of the secondary inspection, the traveler could, among other outcomes, be admitted for entry, denied admission, allowed to return to the country of origin voluntarily, or detained while admissibility is determined in formal proceedings.

Because of the large volume of traffic at POEs, INS established dedicated commuter lanes to expedite the inspection of low-risk travelers. As of February 2003, dedicated commuter lanes had a total enrollment of about 80,000 persons. Along the southern border, commuter lanes are at 3 POEs--San Ysidro and Otay Mesa in California and Stanton Street Bridge in El Paso, Texas. Along the northern border, commuter lanes are located at 7 POEs--Pacific Highway, Point Roberts, and Peace Arch Crossing in Washington; Blue Water Bridge, Detroit Tunnel, and the Ambassador Bridge in Michigan; and Peace Bridge in New York. Travelers enrolled in these commuter lane programs have been prescreened through background checks and determined to pose a low risk to border security.

The inspections process at the nation's land borders will likely undergo significant changes in the near future. A series of laws enacted between 1996 and 2002 required the Attorney General to develop an automated entry and exit system that would create a record for every alien arriving in the United States and match it with a record when the alien departs. The system is to be in place at all air and sea ports by December 31, 2003, at the 50 busiest land border ports by the end of 2004, and at all land border ports by the end of 2005. On April 29, 2003, the Secretary of Homeland Security announced plans for the new U.S. Visitor and Immigrant Status Indicator Technology (US-VISIT) system. The system is to use biometric identifiers, such as photographs, fingerprints, or iris scans, to build an electronic check in/check out system for people coming to the United States to work, study, or visit. The US-VISIT system is intended to address the congressional requirements of the automated entry and exit system.

DHS Needs to Address Vulnerabilities and Inefficiencies in the Inspections Process

Our visits to various ports, conducted in the months leading up to the establishment of DHS, identified issues affecting the integrity of the inspections process, deficiencies and inefficiencies in technology and equipment, and deficiencies in field

smuggling of narcotics) and are in compliance with other laws related to importing products and animals.

level operations to collect, analyze, and use intelligence information. Persons seeking to illegally enter the United States may exploit weaknesses in any of these areas. Given the threat of terrorism against the country, it is particularly important that inspectors at land border POEs have the support they need to collect, analyze, and use intelligence information.

Officials we interviewed and studies we reviewed offered various options for addressing some of the vulnerabilities discussed in our report. DHS has work groups in place to examine many of these vulnerabilities, but it must take swift action to address them, given the threats to the nation. As a newly established department, DHS is tasked with expeditiously integrating multiple agencies and units into a cohesive and effective organization. The challenges before it are many, but resolving the issues we raised should help place DHS in a better position to protect the nation from the entry of unlawful travelers at land border POEs.

In addition to the Department of Homeland Security, we are sending copies of this report to the Senate and House Committees on the Judiciary, the House Select Committee on Homeland Security, the Department of State, and other interested parties. We will also make copies available to others upon request. In addition, the report will be available at no charge on GAO's Web site at <http://www.gao.gov>. If you or your staff have any questions about this report, please call me at (202) 512-8777 or Michael P. Dino, Assistant Director, at (213) 830-1150.

Sincerely yours,



Richard M. Stana
Director, Homeland Security and Justice Issues

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