



TESTIMONY OF

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## **Introduction**

Chairwoman Miller, Ranking Member Vela, and distinguished Members of the Subcommittee. Thank you for the opportunity to discuss the integral role of international programs and initiatives as part of U.S. Customs and Border Protection's (CBP) multi-layered strategy to secure America's borders and facilitate legitimate travel.

On a typical day, CBP welcomes to the United States nearly a million travelers at our air, land, and sea ports of entry (POEs) with almost 300,000 of those arriving by air. The volume of international air travelers has increased by 22 percent from 2009 to 2014 and is projected to increase 4 to 5 percent each year for the next five years. As threats in the commercial air travel environment have evolved to include not only aircraft and travelers present in the United States, but also aircraft bound for the United States, we can no longer view our border as the first line of defense, but rather as a last line of defense.

CBP's multi-layered, intelligence-driven strategy are integrated into every aspect of our travel security operations at every stage along the international travel sequence – including when an individual applies for U.S. travel documents; reserves, books or purchases an airline ticket; checks-in at an airport; while en route; and upon arrival at a U.S. port of entry. Accordingly, an integral part of CBP's multi-layered strategy is CBP's pre-departure strategy. A critical objective of this pre-departure strategy is to work closely with our international partners in extending our zone of security to interdict threats as far from the homeland as possible.

In concert with our international partners, CBP strives to ensure that travelers who present a risk are appropriately interviewed or vetted before boarding a flight bound for the United States, and that any document deficiencies are addressed before traveling to the United States. CBP has placed officers in strategic airports overseas to work with carriers and host nation authorities, and has built strong partnerships with airline representatives to improve our ability to address threats as early as possible and effectively expand our security efforts beyond the physical borders of the United States.

CBP continually evaluates and supplements our layered security measures with enhancements that strengthen our ability to identify and prevent the international travel of those individuals or groups who wish to do us harm. The success of our security measures depends on the ability to gather, target, analyze, share and respond to information in a timely manner — using both strategic intelligence to identify existing and emerging threat streams, and tactical intelligence to perform link analysis and targeted responses.

These efforts seek to keep our international air transportation sectors safe and prevent threats from ever reaching the United States. These efforts also enhance efficiency and create savings for the U.S. Government and the private sector by preventing inadmissible travelers from traveling to the United States.

## **Extending the Zone of Security**

CBP's pre-departure strategy is a risk-based, layered approach to security that extends our border security efforts outward to detect, assess, and mitigate, at the earliest possible point, any risk posed by travelers before they reach the United States. Focused on identifying and addressing potential risks long before they reach our borders, CBP's pre-departure security efforts integrate multiple key capabilities and programs that together form a layered strategy for applying security capabilities at multiple points along the travel cycle. CBP's sophisticated targeting systems at the National Targeting Center (NTC) receive advance passenger information to identify potential risks and CBP's overseas enforcement programs — Preclearance, Immigration Advisory and Joint Security Programs (IAP/JSP), and Regional Carrier Liaison Groups (RCLGs) – provide the ability to address those risks or prevent the movement of identified threats toward the United States at the earliest possible point.

### *Targeting and Detecting Risk*

As part of CBP's pre-departure strategy and throughout the international travel cycle, the NTC continuously analyzes passenger information, including visas and Visa Waiver Program (VWP) travel authorizations. CBP devotes its resources to identifying the highest threats, including those who may not have been previously identified by law enforcement or the Intelligence Community.

As threats evolve, CBP works in close partnership with our foreign counterparts – including those in Europe, North Africa, and the Middle East – to develop greater situational awareness of emerging threats, leverage each other's capabilities to affect threat networks, and coordinate enforcement actions. These concerns are not limited to the United States and there is a growing international commitment to combating this shared threat to our security.

CBP works closely with other U.S. Department of Homeland Security (DHS) components, the Department of State (DOS), the Department of Defense, the Intelligence Community, and our foreign counterparts to leverage assets and resources to detect and address emerging terrorist threats and identify and address any and all potential security vulnerabilities. Staff from the NTC and CBP Office of Intelligence interact with our foreign counterparts – including those from Five Eyes countries,<sup>1</sup> and in the Middle East – on an almost daily basis to collaborate on efforts to meet our mutual needs.

We continually seek opportunities to foster these relationships as a means to build a network of partners that share information and react quickly to identify and mitigate constantly evolving threats to the homeland. This network approach enables CBP to proactively initiate engagement so that when a threat is identified, information flows quickly not only to those directly involved in a particular activity, but to all identified stakeholders.

Our networking efforts include leveraging CBP's own targeting capabilities to provide foreign country and partnering government officials with technical solutions for identifying risk, and

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<sup>1</sup> U.S., Canada, Australia, New Zealand, and the U.K.

provide a platform for CBP to work with foreign partners to build and enhance their own capabilities to use advance air passenger data to target for counterterrorism, law enforcement, and immigration purposes. This includes supporting law enforcement cooperation and information sharing particularly regarding foreign fighters transiting the region through enhanced traveler risk assessments. These efforts all work toward establishing a foreign partner's baseline capability of vetting and conducting risk assessments on advance information of commercial air travelers.

In order to enhance our relationship with partner nations and to support our mission to disrupt the movement of terrorists, criminals, instruments of terror and contraband, CBP has developed a program to place liaison officers with partner nation law enforcement agencies. Their principal duty will be to facilitate the flow of law enforcement information, specifically related to the travel of terrorists and the flow of goods that support terrorism. However, officers assigned as liaisons will also have the ability to exchange information related to counter trafficking, the use of fraudulent travel documents, criminal travel, and illicit currency smuggling.

Additionally, CBP positions Attachés and International Advisors in multiple countries around the world. Attachés are posted in U.S. Embassies and Consulates abroad and work in unison with the CBP component offices to secure the border from beyond by working closely with the host foreign government and overseas representatives of all the U.S. Government agencies represented at post to detect and deter transnational criminal activity. Attachés work closely with investigative personnel of U.S. and host nation law enforcement and intelligence agencies and advise the U.S. Ambassador or Consul General on CBP programs and capabilities. CBP Attachés support and oversee all CBP programs in their area of responsibility and educate stakeholders about CBP's international programs including travel security and various capacity building programs. International Advisors are usually embedded with the U.S. Department of Defense and/or host nation border agencies and serve as CBP international advisors, liaisons, and consultants on border management issues. The advisor represents CBP's views on international migration issues and activities including the safety, reliability and efficiency of transnational borders and provides expertise to foreign nations including infrastructure modernization, contraband detection, and interdiction.

Our interagency and international partnerships are critical elements of our pre-departure strategy and our international travel security operations. We work closely with our partners at multiple stages of the travel continuum to identify and, if necessary, address the potential threat at the earliest opportunity.

### *Visas and Travel Authorization Security*

From the moment of potential travel, an initial layer of defense in securing international air travel is preventing dangerous persons from obtaining visas, travel authorizations and boarding passes. Before boarding a flight destined for the United States, most foreign nationals must obtain a nonimmigrant visa (NIV) — issued by a U.S. embassy or consulate — or, if they are eligible to travel under the VWP, they must apply for a travel authorization through the Electronic System for Travel Authorization (ESTA).<sup>2</sup>

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<sup>2</sup> Exceptions would be citizens of countries under other visa exempt authority, such as Canada. Citizens of countries

Through ESTA, CBP conducts enhanced vetting of VWP applicants in advance of travel to the United States, in order to assess whether they are eligible to travel under the VWP, could pose a risk to the United States or the public at large. In response to increasing concerns regarding foreign fighters and other terrorist threats, DHS recently strengthened the security of VWP by implementing enhancements to ESTA. These enhancements include a series of additional questions VWP travelers must answer on the ESTA application, including other names or citizenships; parents' names; contact and employment information; and city of birth. These improvements are designed to provide an additional layer of security for the VWP and increase our ability to distinguish between lawful applicants and individuals of concern.

CBP also conducts vetting of non-immigrant visas. Although the visa application and adjudication processes rest with DOS, NTC conducts continuous vetting of U.S. nonimmigrant visas that have been recently issued, revoked and/or denied. This recurrent vetting ensures that changes in a traveler's visa status are identified in near real-time, allowing CBP to immediately determine whether to provide a "no board" recommendation to a carrier, recommend that DOS revoke the visa, or whether additional notification should take place for individuals determined to be within the United States.

To further enhance visa screening efforts, U.S. Immigration and Customs Enforcement (ICE), CBP, and DOS have implemented an automated visa application screening process that significantly expands DHS's ability to identify serious threats to national security and public safety at the point of inception in an individual's immigration life-cycle and revolutionizes the way the U.S. Government screens foreign nationals seeking entry to the United States. The program also results in synchronized reviews of information across these agencies and allows for a unified DHS response and recommendation regarding a visa applicant's eligibility to be issued a visa. This process also serves as a precursor to and works in conjunction with the current DOS Security Advisory Opinion (SAO) and Advisory Opinion (AO) programs. This collaborative program leverages the three agencies' expertise, authorities, and technologies, such as CBP's Automated Targeting System (ATS), to screen pre-adjudicated visa applications. These efforts significantly enhance the U.S. Government's anti-terrorism efforts, improving the existing process by extending our borders outward and denying high-risk applicants the ability to travel to the United States.

### *Pre-Departure Targeting*

Once travel is booked, CBP gathers information, assesses risk, and conducts pre-departure vetting for all international flights departing for the United States by commercial air. CBP leverages all available advance passenger data — including Passenger Name Record (PNR) and Advance Passenger Information System (APIS) data, previous crossing information, intelligence, and law enforcement information, as well as open source information in its anti-terrorism efforts at the NTC — to make risk-based operational decisions before a passenger boards an aircraft, continuing until the traveler enters the United States.

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under visa exempt authority entering the U.S. via air are subjected to CBP's vetting and inspection processes prior to departure. In the land environment, they are subjected to CBP processing upon arrival at a U.S. port of entry.

When a traveler purchases a ticket for travel to the United States, PNR is generated in the airline's reservation system, which includes information on itineraries, co-travelers, changes to the reservation, and payment information. CBP receives passenger data from commercial air carriers at operationally determined intervals up to 96 hours prior to departure and concluding at the scheduled departure time.

Further, APIS regulations require that commercial air carriers transmit all passenger and crew manifest information before departure, prior to securing the aircraft doors. CBP vets APIS information, which includes passenger biographic data and travel document information, on all international flights to and from the United States against the Terrorist Screening Database (TSDB), criminal history information, records of lost or stolen passports, public health records, and prior immigration or customs violations and visa refusals. CBP uses APIS and PNR data to identify known or suspected threats before they depart the foreign location.

The NTC vetting process for international passengers continues while the flight is en route to the United States in order to identify any travelers who, although not necessarily national security risks, may need a more thorough inspection at the port of entry upon arrival in the United States.

#### Early Enforcement Approaches

Supported by these targeting efforts, CBP leverages its overseas enforcement capabilities to prevent terrorists and other inadmissible aliens from boarding commercial aircraft bound for the United States through three programs that further support efforts to extend our zone of security: Preclearance; the Immigration Advisory Program and the Joint Security Program; and Regional Carrier Liaison Groups.

In Fiscal Year 2014, CBP's pre-departure programs identified over 20,000 passengers who would have been deemed inadmissible to the U.S. and prevented such passengers from boarding aircraft at foreign locations. This effort significantly increases security and reduces the cost to the U.S. Government for adverse action processing costs for travelers who would have been denied admission at U.S. ports of entry, approximately \$50 million, and the airlines who are required to return inadmissible travelers to their points of origin.

#### Preclearance Operations

Preclearance operations provide CBP's highest level of capability overseas and support CBP's extended border strategy by providing for the inspection and clearance of commercial passengers on foreign soil, prior to departure for the United States. At preclearance locations, CBP officers work in uniform, have the legal authorities to question travelers and inspect luggage, and complete the same immigration, customs, and agriculture inspections of passengers as at domestic ports of entry. Passengers at a preclearance facility found to be inadmissible to the United States are denied boarding to the airplane. All mission requirements are completed at the preclearance port prior to travel, which allows the aircraft to arrive at a domestic airport gate in the United States and travelers to proceed to their final destination without further CBP processing; a major efficiency for travelers, carriers, and airports.

Currently, CBP operates 15 air preclearance locations in 6 countries: Canada (Calgary, Edmonton, Halifax, Montreal, Ottawa, Toronto, Vancouver and Winnipeg), Ireland (Dublin and Shannon), The Bahamas (Freeport and Nassau), Aruba, Bermuda, and the United Arab Emirates (Abu Dhabi). In Fiscal Year (FY) 2014, CBP officers processed 17.4 million travelers for entry into the United States at international preclearance locations, which included 21 percent of all commercial aircraft and 16 percent of travelers arriving by air destined for the United States. CBP also conducts immigration pre-inspection on ferries in Victoria, Canada and on cruise vessels and trains in Vancouver, Canada.

At our preclearance location in the United Arab Emirates (UAE), CBP officers exercise broad authorities to help mitigate threats, both known and unknown, based on our analysis of current threats. The UAE receives flights from Yemen, North, West, and East Africa (Morocco, Nigeria, Kenya, Ethiopia, and Sudan), Saudi Arabia, Pakistan, Iraq, Iran, Lebanon, Bangladesh, and India, all high-risk pathways for terrorist travel. In the UAE, CBP officers are allowed a full complement of authorities to question and search individuals and baggage, access to the full complement of technology systems, and are authorized to have access to firearms and other law enforcement tools. Additionally, ICE's Homeland Security Investigations directorate has Attaché offices located overseas to follow up on any investigative leads generated from CBP preclearance operations.

Preclearance offers benefits for both travel security and facilitation, more comprehensive than those available with IAP/JSP and RCLGs. On a sliding scale, each provides more security coverage than the next — RCLGs are located stateside and provide recommendations through established relationships with commercial airlines; IAP and JSP provide on-site location, but function in an advisory capacity with voluntary compliance; Preclearance, however, provides for the complete security screening and formal determination of admissibility to the United States for all travelers before passengers ever board a U.S.-bound flight. Through preclearance, CBP is able to work with foreign law enforcement officials and commercial carriers to prevent the boarding of potentially high-risk travelers, leveraging its full legal authority, as opposed to a purely advisory role. Preclearance also provides unique facilitation benefits, allowing pre-cleared passengers to proceed to their final destination without further CBP processing, as if they had arrived on a domestic flight.

Reinforcing CBP's layered approach to security, CBP always retains the authority to conduct further inspection or engage in enforcement action of a pre-cleared flight upon its arrival in the United States. Preclearance affords the United States the highest level coverage and ability to intercept threats before they reach the United States. In light of the terrorist threat we face now and in the future, there will be locations where preclearance provides important security benefits available in no other way.

In October 2014, CBP announced a plan to evaluate and prioritize foreign airports for expansion of preclearance operations, and requested all interested airports to express their interest in writing prior to December 2014. Letters of interest were received from 25 airports, and DHS Technical Teams, consisting of CBP and Transportation Security Administration (TSA) representatives, completed onsite evaluations to determine the feasibility of preclearance operations at applicant airports. Based on the technical visits and information collected, CBP submitted a

comprehensive report outlining recommendations for preclearance expansion locations to the DHS Secretary. With the announcement of potential preclearance locations, CBP and TSA will work through an interactive process with each selected airport to develop a feasible preclearance model beneficial to both parties, including an examination of feasibility by CBP, TSA, and respective airport stakeholders.

#### Immigration Advisory Program (IAP) / Joint Security Program (JSP)

Compared to CBP's preclearance operations, IAP and JSP provide a more limited level of coverage at international locations. Through IAP, CBP officers in plain clothes are posted at major gateway airports in Western Europe, with a presence in Asia and the Middle East including: Amsterdam, Frankfurt, London Heathrow, London Gatwick, Manchester, Madrid, Paris, Tokyo, and Doha. Building on the IAP concept, CBP launched the JSP, partnering with host country law enforcement to identify air passengers linked to terrorism, narcotics, weapons, and currency smuggling. JSP officers are posted in Mexico City and Panama City.

Using advance information from the NTC, IAP officers work in partnership with host government authorities to identify possible terrorists and other high-risk passengers. When a threat is identified, IAP officers issue no-board recommendations to commercial air carriers, helping to prevent terrorists, high-risk and improperly-documented travelers from boarding commercial flights destined for the United States. In Mexico and Panama, JSP officers collaborate with host government law enforcement to jointly engage travelers arriving into and departing the host country (U.S. and foreign-to-foreign commercial flights). Using mobile technology, IAP and JSP officers conduct database queries and coordinate with the NTC to confirm whether a traveler is a watch-listed individual. IAP and JSP officers also evaluate the potential risks presented by non-watch-listed travelers.

The IAP and JSP programs are based on the cooperation of the airlines and the host government. IAP and JSP officers do not have the legal authority to compel air carrier or traveler compliance that CBP officers have at a port of entry in the United States or at a preclearance facility overseas. Nevertheless, an IAP or JSP officer's no-board recommendations to an air carrier regarding inadmissible travelers are generally accepted and followed by airlines.

#### Regional Carrier Liaison Groups

Finally, the RCLGs were developed to provide coverage of non-IAP airports and support Preclearance airports. Located in Honolulu, Miami and New York, RCLGs are staffed by CBP officers and utilize established relationships with the commercial airlines to prevent passengers who may pose a security threat, have fraudulent documents, or are otherwise inadmissible from boarding flights to the United States.

### **Arrival Processing and Trusted Travelers**

CBP's use of advance information, our pre-departure targeting operations, and our overseas footprint as part of CBP's pre-departure strategy, all comprise critical parts of CBP's multi-



layered security strategy to address concerns long before they reach the physical border of the United States. It is important to note that upon arrival in the United States, all persons are subject to inspection by CBP officers. CBP officers review entry documents, query CBP and other law enforcement databases, collect biometrics,<sup>3</sup> and interview each traveler to determine the purpose and intent of their travel, and whether any further inspection is necessary based on, among other things, national security, admissibility, customs, or agriculture concerns.

In addition, CBP officers remove from circulation all counterfeit, fraudulent, and altered travel documents, as well as lost or stolen travel documents presented for use by an individual other than the rightful holder, such as those presented by impostors. CBP's Fraudulent Document Analysis Unit (FDAU) serves as the central repository and point of analysis for all fraudulent travel documents interdicted or recovered by CBP personnel. FDAU analysis of fraudulent documents provides intelligence, alerts and training back to the field as well as serves as a mechanism to remove fraudulent documents from circulation to prevent their further use – a lesson learned from the 9/11 Commission Report. This cyclical process adds a layer of security to the homeland by removing an additional opportunity for misuse.

CBP's Carrier Liaison Program (CLP) is designed to enhance border security by increasing commercial carrier effectiveness in identifying improperly documented travelers destined to the United States and removing fraudulent documents from circulation. Specially-trained CBP officers provide interactive training to commercial air carrier participants to improve the air carrier's ability to detect and disrupt improperly documented passengers. The CLP is another key component of CBP's layered approach and enhances CBP's ability to thoroughly vet passengers based on their true identities. Since the program's inception in 2005, CLP has provided training to more than 34,800 airline industry personnel.

### *Trusted Traveler Programs*

Identifying and separating low-risk travelers from those who may require additional scrutiny is a key element in CBP's efforts to facilitate and secure international travel. CBP's trusted traveler programs, such as Global Entry, provide expedited processing upon arrival in the United States for pre-approved, low-risk participants through the use of secure and exclusive lanes and automated kiosks. At airports, program participants proceed to Global Entry kiosks, present their machine-readable passport or U.S. permanent resident card, place their fingertips on the scanner for fingerprint verification, and complete a customs declaration. The kiosk issues the traveler a transaction receipt and directs the traveler to baggage claim and the exit. Travelers must be pre-approved for the Global Entry program. All applicants undergo a rigorous background check and in-person interview before enrollment. While Global Entry's goal is to speed travelers through the process, members may still be selected for further examination when entering the United States. Any violation of the program's terms and conditions will result in appropriate enforcement action and revocation of the traveler's membership privileges.

## **Conclusion**

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<sup>3</sup> Biometrics are collected for most foreign nationals arriving at U.S. airports.

As terrorists change their methods and tactics and technologies continue to evolve, CBP will work with DHS, federal and international partners — as well as commercial carriers — to adapt and respond swiftly and effectively. We will continue to collaborate to strengthen ongoing efforts and facilitate the development of new innovative tools to secure international air travel against terrorists and others who threaten the safety of the traveling public and the security of our Nation.

Chairwoman Miller, Ranking Member Vela, and Members of the Subcommittee, thank you for the opportunity to testify today. I look forward to answering your questions.