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FOR A HEARING ON
"Overstaying their Welcome: National Security Risks Posed by Visa Overstays"

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.

As recently as 13 years ago, the process of matching entry and exit data was extremely difficult. DHS legacy agencies relied on a mostly paper-based system to track arrivals and departures to and from the United States. There was no biometric collection, beyond photographs, by the Department of State (DOS) for visa applicants, nor for individuals seeking admission to the United States. Until 2008, myriad documents were accepted at land borders as evidence of identity and citizenship for admission or entry, and passenger information was provided voluntarily by air carriers. There was very limited pre-departure screening of passengers seeking to fly to the United States. Overall, these factors provided for only a limited ability to detect violations of immigration law based on overstaying a lawful admission period.

Over the last decade, with the support of Congress and our interagency and international partners, DHS — particularly through the combined efforts of the Science and Technology Directorate (S&T), National Protection and Program Directorate's Office of Biometric Identity Management (OBIM), Office of Policy (PLCY), U.S. Customs and Border Protection (CBP), and U.S. Immigration and Customs Enforcement (ICE) — has significantly enhanced its capability to record arrivals and departures from the United States, detect overstays, and interdict threats. DHS has dramatically reduced the number of documents that can be used for entry to the United States, which in turn strengthened DHS's ability to quickly and accurately collect biographic information on all admissions to the United States and check that data against criminal and terrorist watchlists, and other Government sources, such as immigration databases. This advancement has been particularly significant at land borders through the implementation of the Western Hemisphere Travel Initiative. In the air and sea environments, individuals undergo rigorous vetting before boarding an air or sea carrier for travel to the United States. Since 9/11, agencies have improved information sharing regarding known or suspected terrorists, including creation of the consolidated Terrorist Watchlist through the Terrorist Screening Database. We have also worked closely with our foreign partners to deepen bilateral and international information sharing to enhance the depth and quality of our information holdings.

Presently, we collect biometrics for most nonimmigrant foreign nationals[1] and check them against terrorist watchlists prior to the issuance of a visa or lawful entry to the United States.

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[1] 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); 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 US-VISIT. The Secretaries of State and Homeland Security, as well as the Director of the Central Intelligence Agency, also may exempt any individual from US-VISIT. 8 CFR 235.1(f)(1)(iv)(B).

Furthermore, we have 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, DHS is continuing to move forward in further developing a biometric exit system that can be integrated in the current architecture to enhance this capability.

In the past four years, substantial improvements to DHS travel and immigration data systems, coupled with targeted immigration enforcement efforts, have strengthened the security of our borders and enhanced our ability to identify, prioritize, and address foreign nationals who overstay their lawful period of admission. As a result of these improvements, DHS was able for the first time to publish the *Entry/Exit Overstay Report*, for fiscal year 2015, on January 19, 2016. We expect to expand this report in future years as data and analytic capabilities continue to improve. Enhanced data analysis and reporting capabilities, in conjunction with biographic overstay data from CBP, enables ICE to identify and initiate enforcement actions on overstay violators using a prioritization framework focused on individuals who may pose national security or public safety concerns. Both ICE and CBP are taking steps to further enhance visa overstay enforcement efforts.

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 document 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 (i.e., fingerprints, a facial image, or iris image).

How DHS Collects Arrival Information

For instances in which an individual requires a visa to enter the United States, biometric and biographic information is captured at the time his or her visa application is filed with DOS, along with supporting information developed during an interview with a consular officer. For certain visa categories, the individual will have already provided biographic information via a petition filed with U.S. Citizenship and Immigration Services (USCIS) as well. 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). [2] If the individual is authorized for travel with an ESTA following the required security checks, an individual is able to travel to the United States under the VWP. Biometric information will be captured at the U.S. port of entry (POE), 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.

As part of CBP's pre-departure strategy, and throughout the international travel cycle, CBP's National Targeting Center (NTC) continuously vets and analyzes passenger information, including visas and VWP ESTA authorizations. In addition to vetting achieved through DOS's visa application and adjudication processes, the NTC conducts continuous vetting of nonimmigrant U.S. visas and ESTA authorizations that have been issued, revoked, and/or denied. This continuous vetting ensures new information that impacts a traveler's admissibility is 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, revoke the ESTA authorization, or, for persons already within the United States, notify law enforcement agencies or other appropriate entities. CBP devotes its resources to identifying the highest threats, including those travelers who may not have been previously identified by law enforcement or the Intelligence Community due to the newness of the derogatory information.

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,[3] CBP collects and matches biometrics against previously collected data and stores this data within OBIM's 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. Carriers and operators are required to report biographic and travel document information

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[2] 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.

[3] See Footnote 1.

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 near 100 percent. DHS monitors APIS transmissions to ensure compliance and, if needed, issues fines for noncompliance on a monthly basis. CBP transfers this data (excluding data for U.S. citizens) to ADIS, which matches arrival and departure records to and from the United States.[4]

At the Northern land border, as part of the Beyond the Border Action Plan,[5] the United States and Canada are implementing a biographic exchange of traveler records that constitutes a partial land border exit system on our 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, which is expected to happen in late 2016.

Although the Southwest land border does not currently have the same capabilities and infrastructure as the Northern border, DHS obtains exit data along the Southwest border through "pulse and surge" operations,[6] which provide some outbound departure information on some travelers departing the United States and entering Mexico. The Department is seeking to work with Mexico to develop the best methods of obtaining data from travelers departing the United States through the Southwest land border.

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 immigration status adjustment 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 a visitor enters the United States through a land, air, or sea POE and up to the point at which that same visitor departs the United States.

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[4] 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.
[5] United States-Canada Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness, Action Plan, Dec. 2011. Accessible at http://www.whitehouse.gov/sites/default/files/us-canada_btb_action_plan3.pdf.
[6] "Pulse and Surge" operations are strategies whereby CBP officers and agents monitor outbound traffic on the U.S.-Mexico border.

CBP's ADIS identifies and transmits potential overstays to CBP's Automated Targeting System (ATS) on a daily basis, which screens them against derogatory information, prioritizes them, and sends them to ICE's lead management system, LeadTrac,[7] 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 nonimmigrant visa holders 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 four 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.

- 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,"[8] increasing the efficiency of data flow between OBIM[9] 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, closing information gaps between the two systems.

- Improved ability of ADIS to match U.S. Citizenship and Immigration Services' (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, creating one analyst platform for DHS.

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[7] 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.

[8] Hot lists are lists of individuals that are prioritized based on their level of risk.

[9] OBIM supports DHS components by providing storage and matching services using its IDENT system and returning any linked information when a match is made already encountered by DHS to identify known or suspected terrorists, national security threats, criminals, and those who have previously violated U.S. immigration laws.

- 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.

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 FY 2016.

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* provides 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., B2 and WT classifications) through air or sea POEs, and who were expected to depart in FY 2015 — a population which represents the vast majority of annual nonimmigrant admissions. In FY 2015, of these nearly 45 million nonimmigrant visitors, DHS calculated a total overstay rate of 1.17 percent, or 527,127 individuals. In other words, 98.83 percent of visitors had left the United States on time and abided by the terms of their admission.

The report breaks the overstay rates down further to provide a better picture of those overstays, for whom there is no evidence of a departure or transition to another immigration status. At the end of FY 2015, there were 482,781 Suspected In-Country Overstays, resulting in a Suspected In-Country Overstay rate of 1.07 percent.

Due to continuing departures by individuals in this population, by January 4, 2016, and described in the report, the number of Suspected In-Country Overstays for FY 2015 had dropped to 416,500, reducing the Suspected In-Country Overstay rate to 0.9 percent. In other words, as of January 4, 2016, DHS had been able to confirm the departures of more than 99 percent of nonimmigrant visitors scheduled to depart in FY 2015 via air and sea POEs, and that number continues to grow. Indeed, as of June 6, 2016, the number of Suspected In-Country Overstays for FY 2015 has further dropped to 355,338, further reducing the Suspected In-Country Overstay rate to 0.79 percent.

For Canada and Mexico, the FY 2015 Suspected In-Country Overstay rate as of the end of the Fiscal Year was 1.18 percent of the 7,875,054 expected departures and 1.45 percent of the 2,896,130 expected departures respectively. Consistent with the methodology for other

countries, this represents only travel through air and sea ports of entry and does not include data on land border crossings.

This report also separates VWP country overstay numbers from non-VWP country numbers. For VWP countries, the FY 2015 Suspected In-Country Overstay rate as of the end of the Fiscal Year was 0.65 percent of the 20,974,390 expected departures. For non-VWP countries, the FY 2015 Suspected In-Country Overstay rate at the end of the Fiscal Year was 1.60 percent of the 13,182,807 expected departures. DHS is in the process of evaluating whether and to what extent the data presented in this report will be used to make decisions on the VWP country designations.

As noted above, these FY 2015 In-Country overstay rates continue to decline due to continuing departures by individuals in these populations.

In partnership with other DHS components, CBP is continuing to improve ADIS so that additional overstay information can be included in future reports, including additional visa categories such as the foreign student and exchange visitor population (F, M and J nonimmigrant admission classes) and other nonimmigrant admission classes (such as H, O, P, Q nonimmigrant admission classes), and certain land-related overstay populations as determined by our data exchange with Canada.

Overstay Enforcement in the United States

ICE actively identifies and initiates enforcement action on overstay violators using a prioritization framework focused on individuals who may pose national security or public safety concerns, and consistent with the Department of Homeland Security's November 2014 Civil Enforcement Priorities. ICE's overstay mission is accomplished in close coordination with CBP, and both agencies are taking steps to further enhance the visa overstay enforcement efforts described below.

ICE's primary objective is to vet system-generated leads in order to identify true overstay violators, match any criminal conviction history or other priority basis, and take appropriate enforcement actions. Within ICE, Homeland Security Investigations (HSI) has dedicated special agents, analysts, and systems in place to address nonimmigrant overstays. Through investigative efforts, HSI is responsible for analyzing and determining which overstay leads may be suitable for further national security and public safety investigations.

ICE analyzes system-generated leads initially created by, or matched against the data feed for biographic entry and exit records stored in CBP's ADIS. ADIS supports the Department's ability to identify nonimmigrants who have remained in the United States beyond their authorized periods of admission or have violated the terms and conditions of their visas. Once the leads are received, ICE conducts both batch and manual vetting against government databases, social media, and public indices. This vetting helps determine if an individual who overstayed has departed the United States, changed status or extended a period of stay in the same status, or would be appropriate for an enforcement action.

As part of a tiered review, 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 risk. Each year, the CTCEU analyzes records of hundreds of thousands of potential status violators after preliminary analysis of data from the Student and Exchange Visitor Information System (SEVIS) and ADIS, along with other information. After this analysis, CTCEU establishes compliance or departure dates from the United States and/or determines potential violations that warrant field investigations.

The CTCEU proactively develops cases for investigation in furtherance of the overstay mission and monitors the latest threat reports and proactively addresses emergent issues. 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.

In order to ensure that those who may pose the greatest threats to national security 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), comprising subject matter experts from other law enforcement agencies and members of the Intelligence Community who assist the CTCEU in maintaining targeting methods in line with the most current threat information. The CEAP is convened on a quarterly basis to discuss recent intelligence developments and update the CTCEU's targeting framework in order to ensure that the nonimmigrant overstays and status violators who pose the greatest threats to national security are targeted.

Another source for overstay and status violation referrals is CTCEU's Visa Waiver Enforcement Program (VWEP). Visa-free travel to the United States, especially through the VWP, builds upon our close bilateral relationships and fosters commercial and individual ties among tourist and business travelers in the United States and abroad. VWP participants, the primary source of nonimmigrant visitors from countries other than Canada and Mexico, currently allows eligible nationals of 38 countries to travel to the United States without a visa and, if admitted, to remain in the country for a maximum period of 90 days for tourism or business purposes. Prior to the implementation of the VWEP in 2008, there was no national program dedicated to addressing overstays within this population. Today, CTCEU regularly scrutinizes a refined list of individuals who have been identified as potential overstays who entered the United States under the VWP. A primary goal of this program is to identify those subjects who attempt to circumvent the U.S. immigration system by seeking to exploit VWP travel.

Enforcement Prioritization

Every year, the CTCEU receives approximately one million leads on nonimmigrants that have potentially violated the terms of their admission, such as overstays and out-of-status non-immigrant students or exchange visitors. Over half of these leads are closed due to the vetting conducted by CTCEU analysts, which eliminates false matches and accounts for departures and pending immigration benefits. As noted above, to better manage investigative resources, the CTCEU relies on a prioritization framework established in consultation with interagency

partners within the national intelligence and federal law enforcement communities through CEAP. The CTCEU has also aligned its policy on sending leads to the field with the DHS's civil enforcement priorities, which focus enforcement and removal policies on individuals convicted of significant criminal offenses or who otherwise pose a threat to public safety, border security, or national security.

The CTCEU's prioritization framework is divided into 10 CTCEU priority levels to identify possible immigration violators who pose the greatest risks to our national security. The CTCEU Priority Level 1 is based on special projects and initiatives to address national security concerns, public safety, and apply certain targeting rules. These 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 FY 2015, CTCEU reviewed 971,305 compliance leads. Numerous leads that were referred to 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 9,968 leads were sent to HSI field offices for investigation – an average of 40 leads per working day. From the 9,968 leads sent to the field, 3,083 have been determined to be viable and are currently under investigation, 4,148 were closed as being in compliance (pending immigration benefit, granted asylum, approved adjustment of status application, or have departed the United States) and the remaining leads were returned to CTCEU for continuous monitoring and further investigation as appropriate. HSI Special Agents made 1,910 arrests, and secured 86 indictments and 80 convictions in FY 2015 from overstay leads.

ICE is taking steps to further enhance enforcement efforts with respect to non-immigrant visa overstays and violators, in conjunction with CBP.

Enhancing the Department's Comprehensive Entry/Exit System

Since FY 2013, 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. As previously described. Biographic information is, and will continue to be, the foundation of our comprehensive entry/exit system, because it constitutes the vast majority of our intelligence, law enforcement, and background information that informs CBP decisions regarding the admission of individuals into our country. CBP will continue to further these biographic capabilities, while also redoubling efforts to incorporate biometrics into the exit aspect of our system and to develop and deploy a biometric entry/exit system, as mandated by statute. CBP's plan for expanding implementation of a biometric entry/exit system, based on technological and operational lessons derived from past, ongoing, and planned pilots, and utilizing currently authorized funding, is described in the *Comprehensive Biometric Entry/Exit Plan* provided to Congress in April 2016. This plan includes Secretary Johnson's direction to begin implementing biometric exit solutions, starting at the highest volume airports, in 2018.

DHS continues to strengthen systems and processes in order to improve the accuracy of data provided to ADIS. These improvements will enable ADIS to more accurately match entry and exit records to determine overstay status, and whether that individual presents a national security

or public safety concern. Data that is entered into ADIS comes from a variety of sources in the Department including USCIS, CBP, and ICE. Additionally, DHS has identified mechanisms to ensure ICE investigators receive priority high-risk overstay cases for resolution in a timely fashion and to ensure other ADIS stakeholders (such as CBP, USCIS, and DOS) receive the best possible information with which to make immigration decisions. Furthermore, the *Department of Homeland Security Appropriations Act, 2015* (Pub. L. No. 114-4) provided $9 million for a new reporting environment for ADIS, enhancing DHS's ability to record and analyze the entry/exit data.

Incorporating Biometrics into the Exit System

In pursuing a biometric exit system, DHS is cognizant of limitations posed by existing infrastructure. The United States did not build its land border, aviation, and immigration infrastructure with exit processing in mind. In the land environment, there are often geographical features that prevent expansion of exit lanes to accommodate adding lanes or CBP-manned booths. Furthermore, U.S. airports do not have designated and secure exit areas for outgoing passengers to wait prior to departure, nor do they have specific checkpoints for these passengers to go through where their departure is recorded by an immigration officer. Instead, foreign nationals depart the United States without government exit immigration inspection and intermingle with domestic travelers. This challenge is further compounded at many airports where international and domestic flights share gate space for operations. Ultimately, CBP must develop a solution for this environment that ensures a passenger ticketed for a particular flight actually departed the United States in order for a biometric exit program to be credible and effective. Additionally, this solution must address airline carriers' and airports' concerns that a biometric exit process not create an environment in which an airport cannot afford to support an international flight because that space is so highly restricted.

Currently, federal law requires airports serving flights with arriving foreign nationals to provide space, at no cost, to DHS for processing of travelers *entering* the United States; however, there is no corresponding provision that requires airports to provide space for processing of *departing* foreign nationals.

In meeting these challenges, CBP has concluded that a viable biometric exit solution depends on leveraging emerging technologies to innovate ways of processing passengers biometrically. In reaching this conclusion, CBP considered and rejected broad non-cost effective options involving recapitalizing the infrastructure at land borders and airports, or the hiring of additional officers to manually verify all departing travelers. Recapitalization of all U.S. international airports and land borders would allow CBP to establish sterile physical areas, which, once entered, a foreign national cannot leave without inspection by an immigration officer. This recapitalization would require significant limitations in the number of gates that airlines could use for international departures, and result   in overall direct and indirect costs of billions of dollars. CBP does not consider this option viable.

Alternatively, CBP could pursue a solution within the constraints of existing infrastructure through the hiring of thousands of new officers that would be necessary to biometrically verify departing passengers. There are currently thousands of international departure gates at the top 30 airports in the United States, which handle over 97 percent of the departing international

passengers. Based on current and previous pilot programs, CBP estimates that it would need 7-9 officers to collect biometrics on departing foreign visitors for a large aircraft, which accounts for many international departing flights. CBP estimates that in order to inspect 95 percent of all "in-scope" travelers departing by air, a manual solution at the top 30 airports would require approximately 3,400 more officers at an average annual cost of $790 million, independent of any other costs, including considerable infrastructure costs, and cause significant delays.

For the land environment, such an approach to biometric exit would require building and staffing of hundreds of outbound lanes at land ports of entry, many of them operational 24-hours a day. It is estimated that the land solution would require CBP to dramatically increase the current Office of Field Operations workforce and budget, and those costs would recur annually.

Instead, DHS believes the most efficient and cost effective solution to a viable biometric exit program is to leverage emerging technology, in addition to process transformation. CBP is collaborating with S&T and is also partnering with private industry to develop the tools needed. CBP has already deployed several pilot programs in order to operationally test different technologies and operational processes, provide input to the cost-benefit analysis of a comprehensive biometric exit solution, and to inform decisions regarding the next steps in deploying a biometric exit program. These include:

- *1-to-1 Facial Comparison Project* – From March to June 2015, CBP conducted a 1-to-1 Facial Comparison project. This biometric experiment at Washington Dulles Airport (Dulles) used facial comparison on some returning U.S. citizens to confirm the identity and determine the viability of using facial recognition technology during entry inspections. Facial images of arriving travelers were compared to images stored in the U.S. ePassport chips. This project tested the viability of the technology in matching a traveler to their travel document and assessed the extent to which it may further strengthen our entry screening abilities. The success of this program led to deploying the project at JFK airport in New York in January and back to Dulles in February 2016. Lessons learned from this deployment are informing the use of facial biometric matching during departure.

- *Biometric Exit Mobile Air Test (BE-Mobile)* – Since July 2015, CBP has been experimenting with the collection of biometric exit data using mobile fingerprint collection devices on a random group of in-scope non-U.S. citizen travelers on selected flights departing from 10 U.S. international airports. BE-Mobile confirms traveler departures with certainty and identifies threats in real time using biometric technology. This test has provided a small amount of biometric departure data, supported ongoing auditing of biographic data provided through airline manifests, and provided a significant law enforcement benefit for existing outbound operations. The technology is currently being used in the Top 10 airports: Chicago/O'Hare, Atlanta/Hartsfield, New York/JFK, Newark, Los Angeles/LAX, San Francisco, Miami, Dallas/Ft. Worth, Washington/Dulles, and Houston/George Bush. While evaluating the data collected, CBP will continue to operate BE-Mobile at these airports and expand BE-Mobile to a number of small airports to see if BE-Mobile can fully support the biometric exit requirements of small ports.

- *Pedestrian Field Test* – From early December 2015 through early May 2016, CBP deployed a Pedestrian Field Test at the Otay Mesa POE in California, which involved the collection of biographic and biometric data from pedestrian travelers departing the United States. Biographic data was collected on all outbound travelers, including U.S. citizens, and biometric data (face and iris image capture) was collected on all inbound and outbound non-exempt, non-U.S. citizens. The field test explored the viability of this technology in an outdoor land environment. While the evaluation of this test is ongoing, this initiative enhanced CBP's ability to identify departures and successfully match biometric entry and exit records at the land border for the first time.

- *Departure Information System Test* – Starting June 13, 2016, CBP has begun to implement a test of how the integration of data sources and re-architecture of information systems can process new departure data at Hartsfield-Jackson Atlanta International Airport. CBP is testing the ability of its information systems to compare images of travelers departing the United States in real time against images previously provided to determine if they are in scope for biometric collection in an automated fashion. This effort builds upon previous CBP biometric efforts at Dulles International Airport and John F. Kennedy International Airport and will advance the innovation and transformation of the entry and exit process. This test has been designed to conform with airlines' existing standard operating procedures such that the incorporation of biometrics is agnostic to current boarding processes and will have minimal impact on airlines, airports, and the traveling public.

The results from these pilots will inform the future biometric exit solution by identifying how best to leverage our existing biographic capabilities, determining the overall accuracy of the biographic exit data that CBP receives today, and testing new business processes and emerging technologies. The Department and CBP will continue to apprise Congress of the results of these projects and their implication for the deployment of the biometric entry/exit system.

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 FY 2025.

CBP's plan for expanding implementation of a biometric entry/exit system, based on technological and operational lessons derived from past, ongoing, and planned pilots, and utilizing these authorized funds, in described in the *Comprehensive Biometric Entry/Exit Plan* submitted to Congress in April. CBP is further developing its expenditure plan for these funds, which could cover the initial biometric air exit engineering efforts, biometric scanning technology, data system integration, infrastructure upgrades, and CBP officer support that would be necessary to deploy to the top gateway airports. CBP is also preparing an acquisition plan which will address how and when CBP will 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 step in development of a biometric entry/exit system at the highest volume airports, full nationwide

deployment of a comprehensive entry-exit system at 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 evaluating emerging biometric technologies in existing operational environments and redoubling efforts to incorporate biometric exit capabilities into our comprehensive entry/exit system. We are working closely with our domestic and international stakeholders to find solutions that protect the integrity of our visa system, minimize disruptions to travel, prove to be cost-effective, and provide sufficient flexibility to address both current and future requirements. 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.