



Testimony

Before the Task Force on Denying  
Terrorists Entry into the United States,  
Committee on Homeland Security,  
House of Representatives

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## BORDER SECURITY

# Progress and Challenges in DHS's Efforts to Address High-Risk Travelers and Strengthen Visa Security

Statement of Rebecca Gambler, Director,  
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# GAO Highlights

Highlights of [GAO-17-599T](#), a testimony before the Task Force on Denying Terrorists Entry into the United States, Committee on Homeland Security, House of Representatives

## Why GAO Did This Study

DHS seeks to identify and interdict travelers who are potential security threats to the United States, such as foreign fighters and potential terrorists, human traffickers, drug smugglers and otherwise inadmissible persons, at the earliest possible point in time. DHS also adjudicates petitions for certain visa categories and has certain responsibilities for strengthening the security of the visa process, including oversight of VSP and VWP. State manages the visa adjudication process for foreign nationals seeking admission to the United States.

This statement addresses (1) CBP programs aimed at preventing high-risk travelers from boarding U.S.-bound flights; (2) ICE's management of VSP; and (3) DHS's oversight of VWP. This statement is based on prior products GAO issued from March 2011 through January 2017, along with selected updates conducted in April 2017 to obtain information from DHS on actions it has taken to address prior GAO recommendations.

## What GAO Recommends

GAO previously made recommendations to improve evaluation of CBP's predeparture programs' performance and strengthen DHS's oversight of VSP and VWP. DHS agreed with GAO's recommendations related to CBP's predeparture programs and VWP. DHS did not agree with some of GAO's recommendations related to VSP. GAO has ongoing work related to, among other things, DHS's management and oversight of VSP and plans to report later this year on the results of this work.

View [GAO-17-599T](#). For more information, contact Rebecca Gambler at (202) 512-8777 or [gambler@gao.gov](mailto:gambler@gao.gov).

May 3, 2017

## BORDER SECURITY

### Progress and Challenges in DHS's Efforts to Address High-Risk Travelers and Strengthen Visa Security

## What GAO Found

In January 2017, GAO reported that the Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) operates predeparture programs to help identify and interdict high-risk travelers before they board U.S.-bound flights. CBP officers inspect all U.S.-bound travelers on precleared flights at the 15 Preclearance locations and, if deemed inadmissible, a traveler will not be permitted to board the aircraft. CBP also operates nine Immigration Advisory Program and two Joint Security Program locations, as well as three Regional Carrier Liaison Groups, through which CBP may recommend that air carriers not permit identified high-risk travelers to board U.S.-bound flights. CBP data showed that it identified and interdicted over 22,000 high-risk air travelers through these programs in fiscal year 2015 (the most recent data available at the time of GAO's report). However, CBP had not fully evaluated the overall effectiveness of these programs using performance measures and baselines. CBP tracked some data, such as the number of travelers deemed inadmissible, but had not set baselines to determine if predeparture programs are achieving goals, consistent with best practices for performance measurement. GAO recommended that CBP develop and implement a system of performance measures and baselines to better position CBP to assess if the programs are achieving their goals. CBP concurred and has established a working group to develop such measures and baselines.

In March 2011, GAO reported on the Visa Security Program (VSP) through which DHS's U.S. Immigration and Customs Enforcement (ICE) deploys personnel to certain U.S. overseas posts to review visa applications. Among other things, GAO found that ICE did not collect comprehensive data on all VSP performance measures or track the time officials spent on visa security activities. DHS did not concur with GAO's recommendations to address these limitations, stating that ICE collected data on all the required performance measures and tracked VSP case investigation hours. However, GAO continues to believe DHS needs to address these limitations. GAO has ongoing work assessing U.S. agencies' efforts to strengthen the security of the visa process, including oversight of VSP, in which GAO plans to follow up on the findings and recommendations from its March 2011 report related to ICE's efforts to enhance VSP performance measurement.

In May 2016, GAO reported on DHS's oversight of the Visa Waiver Program (VWP), which allows nationals from 38 countries to travel visa-free to the United States for business or pleasure for 90 days or less. GAO reported, among other things, that all 38 countries entered into required agreements, or their equivalents, to (1) report lost and stolen passports, (2) share identity information about known or suspected terrorists, and (3) share criminal history information. However, not all countries shared such information. In August 2015, DHS established a new requirement for VWP countries to implement the latter two agreements; however, DHS did not establish time frames for instituting the amended requirements. GAO recommended that DHS work with VWP countries to implement these agreements and DHS concurred. As of April 2017, DHS reported that officials are continuing to work with VWP countries on time frames for implementing program requirements.

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May 3, 2017

Chairman Gallagher, Ranking Member Watson Coleman, and Members of the Task Force:

I am pleased to be here today to discuss GAO's body of work on U.S. government programs and activities related to screening foreign nationals seeking to travel to the United States on a temporary basis—either with a nonimmigrant visa, or in some cases, without a visa.<sup>1</sup> Each year, millions of such temporary visitors legally enter the United States. From fiscal year 2010 through fiscal year 2015, the Department of State (State) issued more than 52 million visas for business travel, pleasure, or for foreign and cultural exchange student programs, among other things. In addition, from fiscal year 2010 through fiscal year 2015, more than 116 million visitors were admitted to the United States under the Visa Waiver Program (VWP), which allows nationals from 38 countries to apply for admission to the country as temporary visitors for business or pleasure without first obtaining a visa from a U.S. embassy or consulate abroad.<sup>2</sup>

The Department of Homeland Security (DHS) seeks to identify and interdict travelers who are potential security threats to the United States, such as foreign fighters and potential terrorists, human traffickers, drug smugglers, and otherwise inadmissible persons, at the earliest possible

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<sup>1</sup>Throughout this statement we generally use the term “foreign national” to refer to an “alien,” which is defined under U.S. immigration law as any person who is not a U.S. citizen or national. See 8 U.S.C. § 1101(a)(3). In addition, temporary visitors are foreign nationals present in the United States on a temporary basis pursuant to a specific nonimmigrant category (see 8 U.S.C. § 1101(a)(15); see also 8 C.F.R. § 214.1(a)(1)-(2)), including those who are allowed to seek admission without a visa, such as Mexican nationals and citizens of Canada and the British Overseas Territory of Bermuda (and certain residents of other adjacent islands, such as the Bahamas) under certain circumstances, as well as Visa Waiver Program (VWP) participants. See 8 C.F.R. §§ 212.1, 214.6(d); 22 C.F.R. §§ 41.0 to 41.3. Foreign nationals seeking permanent status in the United States must generally obtain an immigrant visa, which provides a path to lawful permanent residency. For the purposes of this statement, we use the term “visa” in reference to a nonimmigrant visa.

<sup>2</sup>See 8 U.S.C. § 1187. The VWP was established in 1986 as a pilot program, under which the nationals of up to eight designated countries which extended reciprocal privileges to U.S. citizens and nationals and fulfilled certain other program criteria, would not need a visa for admission to the United States as temporary visitors during the pilot program period. See Immigration Reform and Control Act of 1986, Pub. L. No. 99-603, tit. III, pt. B, § 313, 100 Stat. 3359, 3435-39. VWP became a permanent program in October 2000. See Visa Waiver Permanent Program Act, Pub. L. No. 106-396, tit. I, § 101, 114 Stat. 1637 (2000).

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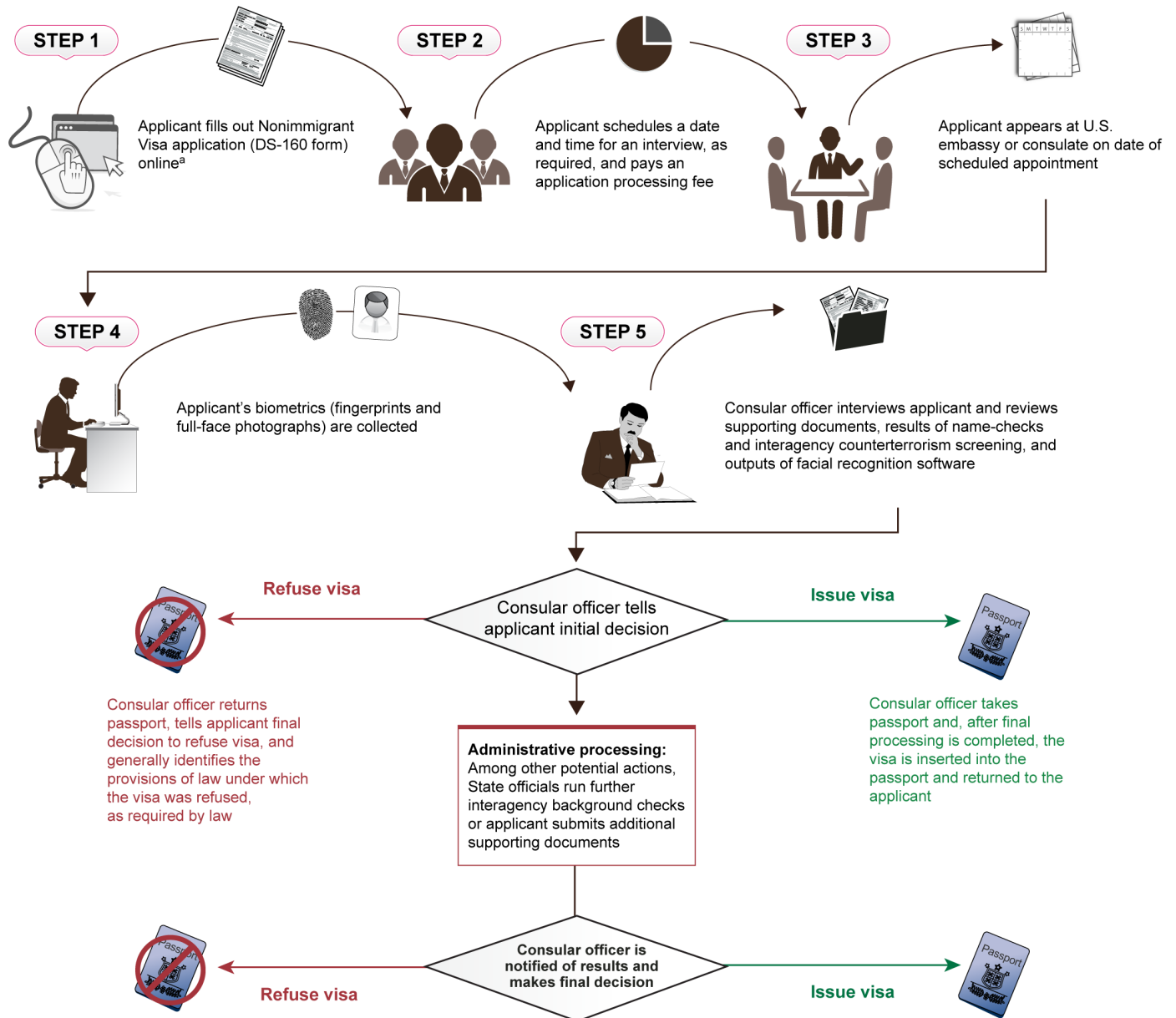
point in the travel lifecycle to make the nation's physical borders the last, not the first, line of defense.<sup>3</sup> DHS adjudicates petitions for certain visa categories, and also has certain responsibilities for strengthening the security of the visa process, including establishing visa policy and managing the VWP. In particular, DHS's U.S. Customs and Border Protection (CBP) is tasked with, among other duties, securing U.S. borders and processing all travelers on U.S.-bound flights; inspecting all people entering or applying for admission to the United States; and screening VWP applicants to determine their eligibility to travel to the United States under the program. In addition, DHS's U.S. Immigration and Customs Enforcement (ICE) oversees the Visa Security Program (VSP) under which it deploys officials to certain U.S. embassies and consulates to strengthen the visa process by working with State officials in reviewing visa applications. State is responsible for visa adjudication and issuance for foreign nationals seeking admission to the United States and is responsible for managing the consular officer corps and its functions at over 220 visa-issuing posts overseas.

Foreign nationals who wish to come to the United States on a temporary basis and are not citizens or nationals of countries that participate in the VWP must generally obtain a visa authorizing their travel. U.S. law provides for the temporary admission of various categories of nonimmigrants, such as tourists, foreign students, diplomats, and temporary workers, who are admitted for an authorized period of stay, consistent with any time limitation and other terms of admission. The process for determining who will be issued or refused a visa contains several steps, including document reviews; collection of biometrics (fingerprints and full-face photographs); cross-referencing an applicant's name and biometrics against multiple databases maintained by the U.S. government; and in-person interviews. Personal interviews with consular officers are required by law for most foreign nationals seeking visas. For an overview of the visa process, see figure 1.

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<sup>3</sup>Foreign fighters are individuals who leave home, travel abroad to terrorist safe havens, and join or assist violent extremist groups.

**Figure 1: Nonimmigrant Visa Application and Adjudication Process**



Sources: GAO (analysis); Department of State (data); Art Explosion (clipart). | GAO-17-599T

<sup>a</sup>Prior to this step, some nonimmigrant visas require petitioners to file a petition on behalf of the beneficiary, or on their own behalf, as appropriate, with the Department of Homeland Security (DHS). DHS is responsible for approving or denying the petition, notifying the petitioner, and sending the approved petition to the Department of State.

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The VWP was established in 1986 to facilitate the legitimate travel of visitors for business or pleasure to the United States. Qualifying nationals from the 38 countries participating in the VWP—for example, France, Germany, and Hungary—may travel without a visa to the United States for business or pleasure stays of up to 90 days.<sup>4</sup> In 2007, Congress passed the Implementing Recommendations of the 9/11 Commission Act of 2007, which mandated several changes to modernize the program through enhanced bilateral cooperation on critical counterterrorism and information-sharing initiatives, support and expansion of tourism and business opportunities to enhance long-term competitiveness, and strengthening of bilateral relationships.<sup>5</sup> In particular, the U.S. government began requiring each VWP country to enter into a

- Lost and Stolen Passport (LASP) agreement to report information about the theft or loss of passports,
- Homeland Security Presidential Directive 6 (HSPD-6) arrangement to share watch list information about known or suspected terrorists,<sup>6</sup> and
- Preventing and Combating Serious Crime (PCSC) agreement to establish frameworks for enhanced law enforcement cooperation, including sharing of criminal history information.

The Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015, which became law in December of that year, amended

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<sup>4</sup>The 38 VWP countries include Taiwan. Although the United States does not have diplomatic relations with Taiwan, the Taiwan Relations Act provides that “[w]henever the laws of the United States refer or relate to foreign countries, nations, states, governments, or similar entities, such terms shall include and such laws shall apply with respect to Taiwan.” Pub. L. No. 96-8, § 4(b), 93 Stat. 14, 15 (1979) (classified at 22 U.S.C. § 3303).

<sup>5</sup>Pub. L. No. 110-53, tit. VII, subtit. B, § 711, 121 Stat. 266, 338-45.

<sup>6</sup>Among other things, Homeland Security Presidential Directive/HSPD-6—*Integration and Use of Screening Information*, issued on September 16, 2003, directed the Secretary of State to develop a proposal for enhancing cooperation with certain foreign governments, beginning with those countries for which the U.S. has waived visa requirements, to establish appropriate access to terrorism screening information of the participating governments.

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certain requirements to provide enhanced security measures for the program, among other purposes.<sup>7</sup>

My testimony discusses: (1) CBP programs aimed at preventing high-risk travelers from boarding U.S.-bound flights, (2) ICE's management of the VSP, and (3) DHS's oversight of the VWP. This testimony is based on our prior reports, in particular, those published in March 2011, May 2016, and January 2017.<sup>8</sup> For these reports, we examined program documentation, such as standard operating procedures and agencies' policies and guidance, as well as agency data on program performance. We also interviewed DHS and State officials, among others, in headquarters and at U.S embassies and consulates. Additional details on the scope and methodology are available in our published reports. In addition, this statement contains updates to selected information from these reports. For the updates, we collected information from DHS on actions it has taken to address findings and recommendations made in prior reports on which this statement is based. All of our work was conducted in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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<sup>7</sup>Pub. L. No. 114-113, Div. O, tit. II, 129 Stat. 2242, 2988-95. The law now prohibits individuals who are nationals of VWP countries who have been present in Iran, Iraq, Syria, Sudan, Libya, Somalia or Yemen on or after March 1, 2011, from traveling or being admitted to the United States through the VWP, with certain exceptions. According to CBP, these new eligibility requirements do not bar travel to the United States; instead, a national of a VWP country who does not meet the requirements must obtain a visa for travel to the United States. The law also now requires that countries fully implement passenger information exchange agreements in order to participate in the VWP. Additional requirements have been added regarding machine-readable, electronic passports for individuals; country certifications of a mechanism to validate passports; termination of designation for countries that fail to share information or fail to screen individuals admitted to, or departing, the country for unlawful activity; designation of high-risk program countries that may be suspended from the program; and other enhancements to the electronic system for travel authorization.

<sup>8</sup>GAO, *Border Security: CPB Aims to Prevent High-Risk Travelers from Boarding U.S.-Bound Flights, but Needs to Evaluate Program Performance*, [GAO-17-216](#) (Washington, D.C.: Jan. 24, 2017); *Visa Waiver Program: DHS Should Take Steps to Ensure Timeliness of Information Needed to Protect U.S. National Security*, [GAO-16-498](#) (Washington, D.C.: May 5, 2016); and, *Border Security: DHS's Visa Security Program Needs to Improve Performance Evaluation and Better Address Visa Risk Worldwide*, [GAO-11-315](#) (Washington, D.C.: Mar. 31, 2011).

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## CBP's Air Predeparture Programs Interdict High-Risk Air Travelers, but CBP Has Not Fully Assessed the Programs' Performance

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### CBP Identifies and Interdicts High-Risk Travelers before They Board U.S-Bound Flights

As we reported in January 2017, CBP electronically vets all travelers before they board U.S.-bound flights and continues to do so until they land at a U.S. port of entry.<sup>9</sup> Through these vetting efforts, CBP seeks to identify high-risk travelers from the millions of individuals who travel to the United States each year. As we reported in January 2017, CBP's vetting and targeting efforts are primarily conducted by its National Targeting Center (NTC) and entail (1) traveler data matching and analysis, (2) rules-based targeting, and (3) recurrent vetting. Specifically:

- CBP's primary method of identifying high-risk individuals is through the comparison of travelers' information (such as name, date of birth, and gender)<sup>10</sup> against records extracted from U.S. government databases, including the Terrorist Screening Database (TSDB)—the

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<sup>9</sup>GAO-17-216. Ports of entry are facilities that provide for the controlled entry into or departure from the United States. Specifically, a port of entry is any officially designated location (seaport, airport, or land border location) where DHS officers inspect persons entering or applying for admission into, or departing the United States pursuant to U.S. immigration law.

<sup>10</sup>According to CBP officials, information from both the Advance Passenger Information System, which includes biographical information such as full name, date of birth, gender, flight number, date of arrival and departure, citizenship, and passport/alien registration card number, among others, and the Passenger Name Record, which refers to reservation information contained in an air carrier's electronic reservation system and/or departure control system that sets forth the identity and travel plans of each traveler or group of travelers included under the same reservation record, are utilized in the targeting and vetting of individuals attempting to travel to the United States. See 49 U.S.C. § 44909; 19 C.F.R. §§ 122.49a, 122.49d.



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U.S. government's consolidated terrorist watch list.<sup>11</sup> Traveler data matching focuses on identifying known high-risk individuals—that is, individuals who may be inadmissible to the United States under U.S. immigration law or who may otherwise pose a threat to homeland or national security. CBP's primary tool for vetting and targeting travelers is the Automated Targeting System (ATS), which is a computer-based enforcement and support system that compares traveler information against intelligence and law enforcement data to identify high-risk travelers. Traveler data matching occurs throughout the travel process and, upon a positive or possible match, CBP officers can select these individuals for further vetting, interviewing, and inspection.

- CBP's rules-based targeting efforts seek to identify unknown high-risk travelers—that is, travelers for whom U.S. government entities do not have available derogatory information directly linking them to terrorist activities or any other actions that would make them potentially inadmissible to the United States but who may present a threat and thus warrant additional scrutiny. CBP identifies unknown high-risk individuals by comparing their information against a set of targeting rules based on intelligence, law enforcement, and other information. NTC officials stated that these rules have identified potential high-risk travelers, including potential foreign fighters. Rules-based targeting evaluates travelers during the travel process and, in some cases, in advance of the travel process. If a traveler is a rule "hit," this individual can be selected for further vetting, interviewing, and inspection.<sup>12</sup>
- CBP supports its traveler data matching and rules-based targeting efforts through the use of recurrent vetting. NTC's vetting, targeting, and traveler data matching activities in ATS run 24 hours a day and seven days a week and automatically scan updated traveler information, when available. This process is to ensure that new information that affects a traveler's admissibility is identified in near real time. Recurrent vetting occurs throughout the travel process and continues until a traveler arrives at a domestic port of entry. For

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<sup>11</sup>Information in the TSDB comes from two sources: the National Counterterrorism Center, which provides information on known or suspected international terrorists, and the Federal Bureau of Investigation, which provides information about known or suspected domestic terrorists. For more information about the process by which the U.S. government manages this watchlist, see GAO, *Terrorist Watchlist: Routinely Assessing Impacts of Agency Actions since the December 29, 2009, Attempted Attack Could Help Inform Future Efforts*, [GAO-12-476](#) (Washington, D.C.: May 31, 2012).

<sup>12</sup>In general, when a traveler is identified through rules-based targeting, the traveler is considered to have hit a rule.

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example, after checking into a foreign airport, a traveler may have his or her visa revoked for a security or immigration-related violation. Due to recurrent vetting, CBP would be alerted to this through ATS and could take action, as appropriate.

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### CBP's Air Predeparture Programs Interdict High-Risk Travelers on U.S.-Bound Flights, but CBP Has Not Evaluated Overall Effectiveness of Air Predeparture Programs

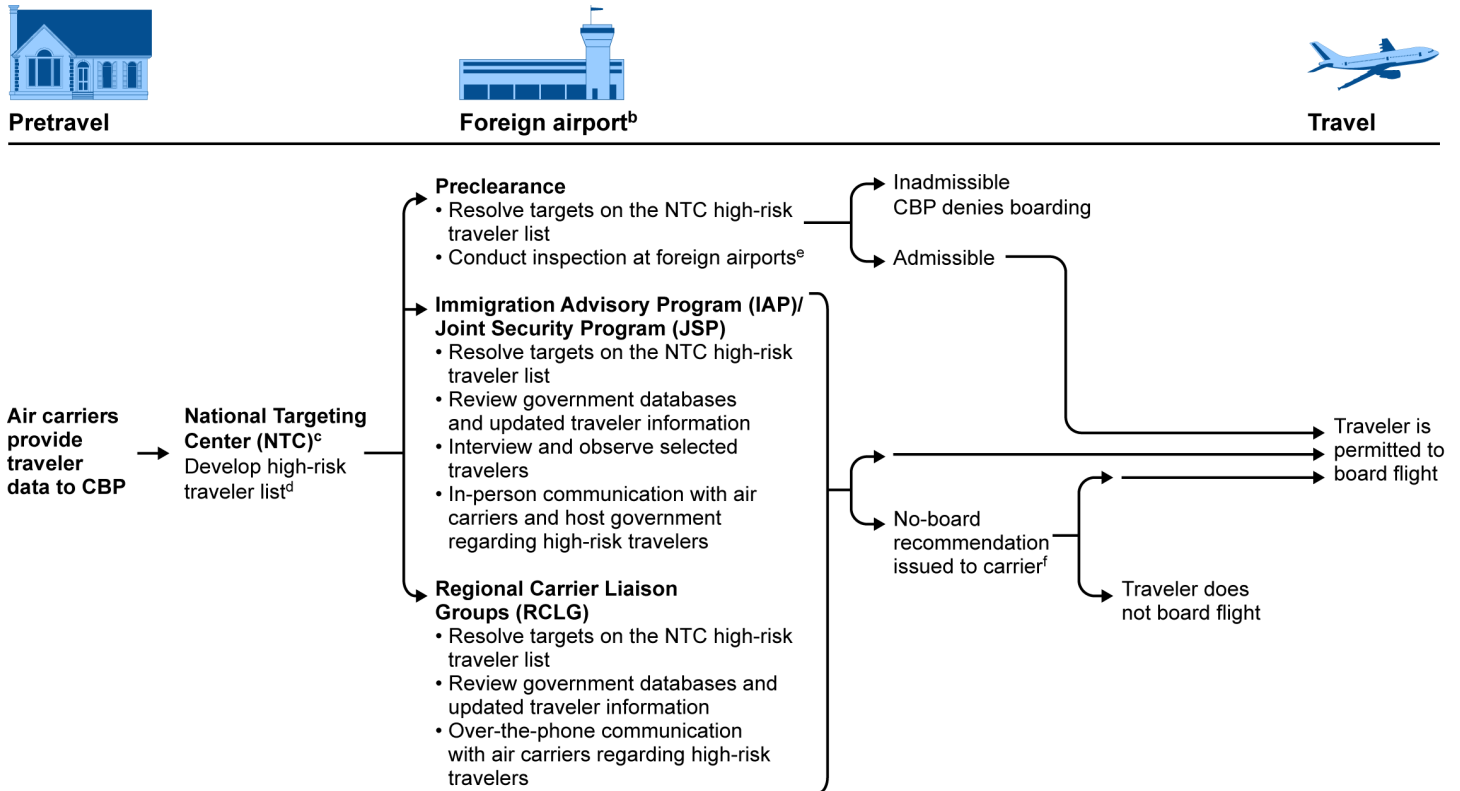
As we reported in January 2017, throughout the travel process, CBP's predeparture programs use the results of NTC's efforts to identify and interdict high-risk individuals destined for the United States while they are still overseas; however, we found that CBP had not evaluated the effectiveness of its predeparture programs as a whole, including implementing a system of performance measures and baselines to assess whether the programs are achieving their stated goals.<sup>13</sup>

CBP operates three air predeparture programs that are responsible for all U.S.-bound air travelers—Preclearance; the Immigration Advisory Program (IAP) and Joint Security Program (JSP); and the regional carrier liaison groups (RCLG). As we reported in January 2017, CBP data indicated that these programs identified and ultimately interdicted approximately 22,000 high-risk air travelers in fiscal year 2015, the most recent data available at the time of our review. Information on individuals who the NTC identifies through traveler data matching or rules-based targeting, including recurrent vetting, is compiled automatically through ATS into a daily high-priority list, or traveler referral list. CBP officers at the NTC review the traveler referral list for accuracy and to remove, if possible, any automatically generated matches determined to not be potential high-risk individuals. After this review, CBP officers at the NTC use ATS to send the traveler referral list to officers at each Preclearance, IAP, JSP, and RCLG location, as shown in figure 2.

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<sup>13</sup>[GAO-17-216](#).

**Figure 2: Actions Taken by U.S. Customs and Border Protection's (CBP) Predeparture Programs to Interdict High-Risk U.S.-Bound Air Travelers Throughout the Travel Process<sup>a</sup>**



Source: GAO analysis of CBP information. | GAO-17-599T

<sup>a</sup>For the purposes of this statement, the term travel process denotes the sequential steps that an international traveler takes to travel to the United States and focuses specifically on the points in time when travelers reserve and purchase airline tickets; check-in at the airport; transit to the United States; and arrive at a U.S.-based (i.e., domestic) airport. It does not focus on steps taken by the traveler before a ticket is reserved or purchased, such as obtaining a requisite travel authorization.

<sup>b</sup>This figure generally represents the actions CBP officers take to interdict high-risk travelers who will travel directly to the United States from a foreign last point of departure airport.

<sup>c</sup>CBP's NTC leads all of CBP's predeparture targeting and vetting efforts. The NTC is a 24/7 operations entity within CBP's Office of Field Operations responsible for providing advance information and research about high-risk travelers and facilitating coordination between law enforcement and intelligence agencies in support of CBP's anti-terrorism mission and efforts to keep high-risk travelers from boarding U.S.-bound flights.

<sup>d</sup>For the purposes of this report, the term "high-risk traveler" refers to any traveler who may be inadmissible to the United States under U.S. immigration law or who may otherwise pose a threat to homeland or national security. See 8 U.S.C. § 1182 (establishing grounds for inadmissibility). According to CBP, the predeparture programs discussed in this report aim to interdict all high-risk travelers, but primarily focus on national security concerns and preventing known or suspected terrorists or travelers with connections to known or suspected terrorists from boarding flights destined for the United States.

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<sup>e</sup>CBP officers at air Preclearance locations conduct inspections of all U.S.-bound air travelers and determine whether they are admissible into the United States, as if conducted at a domestic U.S. port of entry.

<sup>f</sup>If CBP determines that a traveler at an RCLG, IAP, or JSP location will likely be deemed inadmissible upon arrival in the United States, CBP officers responsible for the location may recommend to the air carrier that it not board the traveler. Air carriers, however, retain authority to board the traveler unless, for example, the traveler has been identified by the Transportation Security Administration as being on the No Fly List, which is a subset of the Terrorist Screening Database that identifies individuals prohibited from boarding flights to, from, within, or overflying the United States.

**Preclearance.** Preclearance locations operate at foreign airports and serve as U.S. ports of entry. Preclearance operations began in 1952 in Toronto to facilitate trade and travel between the United States and Canada. As of January 2017, CBP operated 15 air Preclearance locations in six countries.<sup>14</sup> Through the Preclearance program, uniformed CBP officers at a foreign airport exercise U.S. legal authorities to inspect travelers and luggage and make admissibility determinations prior to an individual boarding a plane to the United States.<sup>15</sup> According to CBP officials, an inspection at a Preclearance location is the same inspection an individual would undergo at a domestic port of entry, and officers conducting Preclearance inspections exercise the same authority as officers at domestic ports of entry to approve or deny admission into the United States.<sup>16</sup> As a result, travelers arriving at domestic air ports of entry from Preclearance locations do not have to be re-inspected upon entry.<sup>17</sup> According to CBP data, in fiscal year 2015, CBP officers at Preclearance locations determined that 10,648 air travelers were inadmissible out of the approximately 16 million air travelers seeking admission to the United States through a Preclearance location. In addition to requiring that all travelers undergo a primary inspection, CBP

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<sup>14</sup>See 19 C.F.R. § 101.5. CBP's Preclearance location in Victoria, Canada, only processes maritime travelers and, as a result, we did not include it in our January 2017 report. See [GAO-17-216](#).

<sup>15</sup>See 8 U.S.C. § 1103(a)(7); 19 U.S.C. § 1629. See also 8 C.F.R. §§ 235.1, 235.5; 19 C.F.R. §§ 148.22, 162.6, 162.8; and Preclearance Authorization Act of 2015, Pub. L. No. 114-125, tit. VIII, subtit. B, § 813, 130 Stat. 122, 217-18 (2016) (classified at 19 U.S.C. § 4432) (authorizing the Secretary of Homeland Security to establish and maintain CBP preclearance operations in a foreign country).

<sup>16</sup>Individuals denied admission to the United States at a Preclearance location are not permitted to proceed beyond the point of inspection and, thus, are unable to board a flight to the United States.

<sup>17</sup>According to CBP officials, in accordance with CBP's current preclearance agreements and processes, CBP officers retain the authority to inspect these travelers and their accompanying goods or baggage after arriving in the United States should further inspection be warranted.

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officers in these locations also referred almost 290,000 individuals for secondary inspection.<sup>18</sup>

**Immigration Advisory Program (IAP) and Joint Security Program (JSP).** IAP and JSP operate at 9 and 2 foreign airports, respectively, as of January 2017. According to CBP officials, under this program, unarmed, plainclothes CBP officers posted at foreign airports partner with air carriers and host country government officials to help prevent terrorists and other high-risk individuals from boarding U.S.-bound flights by vetting and interviewing them before travel.<sup>19</sup> According to CBP program documentation, CBP established IAP in 2004 to prevent terrorists, high-risk travelers, and improperly documented travelers from boarding airlines destined to the United States. Building on the IAP concept, CBP established JSP in 2009 to partner with host country law enforcement officials to identify high-risk travelers. CBP officers at IAP and JSP locations have the ability to question travelers and review their travel documents. They are to act in an advisory manner to the air carriers and host governments and do not have authority to deny boarding to individuals on U.S.-bound flights or fully inspect travelers or their belongings. IAP and JSP officers are authorized by CBP to make recommendations to airlines as to whether to board or deny boarding (known as a no-board recommendation) to selected travelers based on their likely admissibility status upon arrival to the United States. The final decision to board travelers, however, lies with the carriers. According to CBP data, CBP officers at IAP and JSP locations made 3,925 no-board recommendations in fiscal year 2015 for the approximately 29 million air travelers bound for the United States from such locations. During this

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<sup>18</sup>Primary inspection refers to the procedure that CBP uses to conduct an initial inspection of individuals seeking to enter the United States to determine if additional review or scrutiny is needed to ensure compliance with U.S. law. Persons who need additional scrutiny and persons selected as part of a random selection process are subjected to a more detailed review called a secondary inspection. This involves, for example, a closer inspection of travel documents and possessions, additional questioning by CBP officers, and cross references through multiple law enforcement databases to verify the traveler's identity, background, purpose for entering the country, and other appropriate information.

<sup>19</sup>See 8 U.S.C. § 1225a(b).

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same time period, CBP data indicated 1,154 confirmed encounters with individuals on the TSDB, including 106 on the No Fly List.<sup>20</sup>

**Regional Carrier Liaison Groups (RCLG).** RCLGs are located and operate at three domestic airports—Miami International Airport, John F. Kennedy International Airport, and Honolulu International Airport. CBP established RCLGs in 2006 to assist air carriers with questions regarding U.S. admissibility requirements and travel document authenticity. According to CBP officials, RCLGs are responsible for coordinating with air carriers on all actionable referrals from NTC on U.S.-bound travelers departing from an airport without an IAP, JSP, or Preclearance presence. Each RCLG is assigned responsibility for travelers departing out of a specific geographic location.<sup>21</sup> Similar to IAP and JSP, CBP officers in RCLGs also make no-board recommendations, as appropriate, to air carriers. CBP officers at RCLGs do not have authority to make admissibility determinations about U.S.-bound air travelers, and the final decision to board or not board a traveler lies with the carrier. CBP officers working at the three RCLGs made 7,664 no-board recommendations in fiscal year 2015 for the approximately 59 million travelers bound for the United States from locations within the RCLGs' spheres of responsibility. During this time period, CBP data indicated that RCLGs also reported 1,634 confirmed encounters with individuals in the TSDB, including 119 on the No Fly List.

In January 2017, we reported that CBP had not evaluated the effectiveness of its predeparture programs as a whole, including implementing a system of performance measures and baselines to assess whether the programs were achieving their stated goals.<sup>22</sup> We reported that CBP had taken some initial steps to measure the performance of these programs. Specifically, CBP officials told us that they had collected a large quantity of data and statistics regarding the actions of their predeparture programs and had done so since program inception for all programs. However, due to changes in operational focus,

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<sup>20</sup>A confirmed encounter refers to when a representative of the U.S. government (in this case a CBP officer) comes into contact, either through physical interviewing or inspection or through electronic vetting, with an individual whose identity is confirmed as a match to a record in the TSDB. The No Fly List, which is a subset of the TSDB, identifies individuals prohibited from boarding flights to, from, within, or overflying the United States.

<sup>21</sup>RCLGs are not responsible for travelers departing from Preclearance locations.

<sup>22</sup>[GAO-17-216](#).

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technology updates, and the use of separate data systems at program locations, CBP had not collected consistent data across all of its predeparture programs. As a result, CBP did not have baseline data on which to measure program performance. However, CBP officials stated at the time that they had updated and uniform data collection systems that were consistent across all predeparture programs, which would enable CBP to identify performance baselines from fiscal year 2015 onward. According to senior CBP officials, some of the results of these programs were not easily measured. Officials also noted that relying on data alone may not always present the most accurate picture of the true impact of predeparture programs because changes to the travel process or other factors may impact the programs in ways that are not fully captured by the data. However, on the basis of our analysis of CBP's documentation, including official hearing statements, and interviews with program officials, we found that CBP used these data as indicators of the programs' success.

According to GAO's Program Evaluation Guide, which articulates best practices for program evaluation, a program evaluation is a systematic study using research methods to collect and analyze data to assess how well a program is working and why.<sup>23</sup> Moreover, consistent with requirements outlined in the Government Performance and Results Act of 1993 (GPRA), as updated by the GPRA Modernization Act of 2010, performance measurement is the ongoing monitoring and reporting of program accomplishments, particularly towards pre-established goals, and agencies are to establish performance measures to assess progress towards goals.<sup>24</sup> Agencies can use performance measurement to make various types of management decisions to improve programs and results, such as developing strategies and allocating resources, and identify problems and take corrective action. Therefore, we recommended that CBP develop and implement a system of performance measures and baselines for each program to help ensure that these programs are achieving their intended goals. By using data from fiscal year 2015, for

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<sup>23</sup>GAO, *Designing Evaluations: 2012 Revision*, [GAO-12-208G](#) (Washington, D.C.: January 2012). The best practices outlined in [GAO-12-208G](#) are based on GAO studies, policy documents, and program evaluation literature. To ensure the guide's competence and usefulness, drafts were reviewed by selected GAO, federal and state agency evaluators, and evaluation authors and practitioners from professional consulting firms.

<sup>24</sup>See, generally, Pub. L. No. 103-62, 107 Stat. 285 (1993) (GPRA) and Pub. L. No. 111-352, 124 Stat. 3866 (2011) (updating GPRA). In particular, see 31 U.S.C. § 1115 (relating to agency performance plans and performance measurement).

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example, to develop initial baselines, CBP could better measure program performance towards meeting stated goals. In response, CBP established a working group to develop and implement a system of performance measures and baselines to evaluate the effectiveness of CBP's predeparture programs. As of December 2016, the working group was gathering baseline data from fiscal year 2015 to compare with fiscal year 2016 data. In February 2017, CBP officials stated that the working group had identified potential performance measures but needs to further refine them. CBP officials stated that they expect to complete this work by the end of June 2017.

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## ICE Aims to Strengthen Screening of Visa Applicants through its Visa Security Program

The Homeland Security Act of 2002 authorized DHS to assign officers to each diplomatic and consular post at which visas are issued, and also authorized DHS to immediately assign personnel to Saudi Arabia to review all visa applications prior to final adjudication.<sup>25</sup> In response, DHS implemented the Visa Security Program (VSP) in 2003, and as of March 2016, ICE had established 26 visa security units in 20 countries. VSP aims to prevent terrorists and otherwise inadmissible travelers from attempting to enter the United States by screening visa applicants before the travel process begins. When reviewing applications for visas under VSP, ICE screens applicant information to identify applicants that potentially match records of individuals who are known or suspected threats to the United States or have immigration violations or derogatory information related to their criminal histories. In accordance with the Homeland Security Act of 2002, DHS officers assigned overseas are authorized to perform the following functions:

- provide expert advice and training to consular officers regarding specific security threats relating to the adjudication of individual visa applications or classes of applications,
- review any such visa applications either on the initiative of the employee of the department or at the request of a consular officer, or other persons charged with adjudicating such applications, and
- conduct investigations with respect to consular matters under the jurisdiction of the Secretary of Homeland Security.<sup>26</sup>

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<sup>25</sup>Pub. L. No. 107-296, tit. IV, subtit. C, § 428(e), (i), 116 Stat. 2135, 2191 (classified at 6 U.S.C. § 236(e), (i)).

<sup>26</sup>See 6 U.S.C. § 236(e)(2).



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In March 2011, we reported, among other things, on DHS's efforts to expand VSP and challenges to VSP operations overseas.<sup>27</sup> For example, we found that training of consular officers by VSP agents varied from post to post, with some consular officers at some posts receiving no training. Therefore, we recommended that DHS issue guidance requiring ICE to provide training for consular officers. DHS concurred and issued guidance to enhance the training of consular officers by VSP offices abroad.

We also found that ICE did not gather comprehensive data on all the performance measures needed to evaluate the VSP mission objectives and that the data that ICE collected on VSP activities were limited by inconsistencies. Therefore, we recommended that ICE collect reliable data to allow it to accurately evaluate VSP performance. DHS did not concur with this recommendation and stated that VSP captured all the required performance metrics. However, as we reported, we determined that ICE was collecting some data on the required performance measures, but that the data were not sufficient to accurately demonstrate the progress made toward the program's stated objectives. We continue to believe that without collecting comprehensive data on performance measures, DHS cannot accurately demonstrate progress of VSP in enhancing national security. In addition, we found that VSP agents performed various investigative and administrative functions beyond their visa security responsibilities, which limited their time spent on visa security activities, and ICE did not track this information in its tracking system, making it unable to identify the time spent on investigative and administrative functions. Therefore, we recommended that ICE develop a mechanism to track the amount of time its agents spent on visa security activities and other investigations to determine appropriate staffing levels and resource needs for VSP operations. DHS did not concur with our recommendation and stated that ICE tracked case investigation hours through its case management system, and that adding the metric to the VSP tracking system would be redundant. However, we found at the time, according to ICE documentation, that ICE could not accurately determine the amount of time that VSP agents spent on investigative and visa security activities because ICE did not distinguish between the hours logged by VSP agents and hours logged by other ICE officials at posts abroad and that ICE did not maintain accurate data on the time VSP agents spent on visa security activities at posts.

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<sup>27</sup> [GAO-11-315](#).

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ICE did not take action to implement these recommendations and we continue to believe that it needs to take steps to address issues we identified. We have ongoing work assessing DHS, State, and other U.S. agency efforts to strengthen the security of the visa process, including oversight of VSP, in which we plan to follow up on the findings and recommendations from our March 2011 report related to ICE's efforts to enhance VSP performance measurement, among other things. We plan to report later this year on the results of this work.

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## All VWP Countries Have Entered into Information Sharing Agreements or Equivalents, but Not All Are Sharing Information as Required

In May 2016, among other things, we reported that all 38 countries participating in the VWP had entered into the three types of required information-sharing agreements, or their equivalents, to (1) report lost and stolen passports, (2) share identity information about known or suspected terrorists, and (3) share criminal history information.<sup>28</sup> However, we reported that not all countries had shared information through two of the agreements. Specifically, we reported that all VWP countries reported passport information through the first agreement, but about one-third of VWP countries were not sharing terrorist identity information through the second agreement and about one-third of the countries had not yet shared criminal history information through the third agreement. Although U.S. agencies receive law enforcement and national security information from VWP countries through other means, such as multilateral entities, the U.S. government identified the information-sharing agreements as critical for protecting the United States from nationals of VWP countries who might present a threat. For example, as we reported, information provided through HSPD-6 arrangements has enhanced U.S. traveler-screening capabilities and improved U.S. agencies' ability to prevent known and suspected terrorists from traveling to the United States. Prior to the December 2015 enactment of the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015, U.S. law required VWP countries to enter into, but did not specifically require that countries implement, the information sharing agreements. DHS announced in August 2015 that it had developed a new requirement that countries implement the agreements by sharing information.<sup>29</sup> However, as we reported, DHS had not specified time frames for working with VWP

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<sup>28</sup>GAO-16-498. In this statement, such required agreements are referred to as both agreements and arrangements.

<sup>29</sup>See Pub. L. No. 114-113, div. O, tit. II, § 204(c)-(d), 129 Stat. at 2991-92 (requiring countries to fully implement information-sharing agreements in order to participate in the VWP); 8 U.S.C. § 1187(c)(2)(F).

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countries to institute this and other new VWP security requirements. In May 2016, we recommended that DHS specify time frames for working with VWP countries to institute the additional VWP security requirements, including the requirement that the countries fully implement agreements to share information about known or suspected terrorists through the countries' HSPD-6 arrangements and PCSC agreements with the United States. DHS concurred with the recommendation and, as of April 2017, reported that officials are continuing to work with VWP countries on time frames for implementing program requirements.

Chairman Gallagher, Ranking Member Watson Coleman, and Members of the Task Force, this concludes my prepared statement. I would be pleased to respond to any questions that you may have.

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## GAO Contact and Acknowledgments

For further information regarding this testimony, please contact Rebecca Gambler at (202) 512-8777 or [gablerr@gao.gov](mailto:gablerr@gao.gov). In addition, contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. Individuals who made key contributions to this testimony are Kathryn H. Bernet, Assistant Director; Eric Hauswirth; Paul Hobart; Brandon Hunt; Hynek Kalkus; Thomas Lombardi; Sasan J. "Jon" Najmi; Erin O'Brien; Mary Pitts; and Garrett Riba.

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