ID News Track

Reports from connect:ID

Biometric exit: An unfulfilled mandate.

The Department of Homeland Security has no firm plans or timeline to fulfill Congress' mandate for a biometric system to confirm the identity of foreigners leaving the United States, the department's policy chief David Heyman told Connect ID in Washington.

Mr. Heyman said DHS' science and technology division would continue to study, develop and pilot technologies and operational concepts for a biometric exit system at U.S. airports. In the meantime, he told the conference, the department will rely on biographic data collected by airlines to establish the identity of foreigners leaving the country and identify those who remain in the United States after they should have left.

Congress originally directed the establishment of a biometric border exit system in the 1996 Illegal Immigration Reform and Immigrant Responsibility Act, but successive administrations have blown through multiple deadlines lawmakers have imposed since then.

The most recent mandate came in response to the recommendations of the Sept. 11 Commission. The commission, set up to discover how the attacks succeeded, said an integrated U.S. biometric entry-exit border system would be a key weapon in the fight against terrorists, who often have to rely on forged or fraudulent documents for international travel.

Members of the commission, who continue to this day to lobby for the implementation of their recommendations, have repeatedly restated their conviction that biometric exit checks are essential to the integrity of the U.S. border and immigration system.

DHS introduced biometric checks on foreigners entering the United States beginning in 2004, but Mr. Heyman said the department has wrestled with cost and operational issues for exit checks.

"The United States did not build its border, aviation and port infrastructure with exit screening in mind," he said.

Practical difficulties

In a brief interview after his speech, Mr. Heyman added that there were difficult practical issues that had to be considered in deploying biometric exit checks.

Biometric capture technology deployed at aircraft jetways might be affected by vibration, he offered as an example.

"It's not just a matter of getting a technology and using it, you need a concept of operations," he said, "You need to know it will work."

Mr. Heyman, the DHS assistant secretary for policy, who spoke at Connect ID on March 18, was one of the early Obama administration picks for the department's leadership. He has remained at DHS longer than many of that 2009 cohort and is currently the longest serving policy chief in the department's short history. Mr. Heyman said biographic data, and the automated system DHS had built to process it, would meet the goal the Sept. 11 Commission was aiming at when they recommended a biometric exit system.

The data provides "a level of fidelity that will enable us to achieve the objectives laid out by the 9/11 Commission," he told the conference at a breakfast

Afterwards, Mr. Heyman said the department's data was good enough to provide U.S. Immigration and Customs Enforcement (ICE) with daily, lists of visa overstayers — prioritized according to national security and law enforcement concerns. ICE is the homeland security agency charged with enforcing immigration laws in the United States, including apprehending overstayers.

"The proof [of the effectiveness of the biographic exit system] is in the overstay data," Mr. Heyman said. "Enabling enforcement is the reason the commission recommended" a biometric exit system.

DHS will shortly publish country-specific overstayer numbers based on biographic data, he added, "Something the federal government has been trying and failing to do right for 20 years."

What's in a name?

But a British counter-terrorism official warned in a presentation later that day that terrorists frequently change their names in order to evade authorities' efforts to identify them, especially when they travel.

"Name-changing regularly features in counter-terrorism operations, investigations and convictions," said Stuart McKenzie, the counter-terrorism liaison officer for Britain's Association of Chief Police Officers.

He said that documents issued to individuals who had changed their names should be counted as a category of potential document abuse —alongside forged, altered and fraudulently obtained papers — that terrorists, criminals and other malefactors can use to travel.

The U.S. government's own scientists at the National Institute of Standards and Technology (NIST) said in their FIPS 201-2 publication http://nvlpubs.nist.gov/nistpubs/FIPS/NIST.FIPS.201-2.pdf last year that visual inspection of a document bearing a photograph provides "little or no confidence" about the holder's identity.

"Biometric data checks are essential to establish identity with confidence, which is why Homeland security Presidential Directive # 12 mandated them for federal employee access to federal buildings and DHS uses them on arriving foreign travelers at ports of entry," said Tovah Ladier, of IBIA.

DHS' biometric database of visitors, would-be immigrants and other foreigners traveling to the United States is called IDENT, and contains fingerprints, photographs and other data from 165 million individuals, said Kenneth Gantt, the acting deputy director of the department's Office of Biometric Identity Management.

IDENT is checked nearly a quarter of a million times a day, and response times vary from less than 10 seconds to nearly 20 depending on the customer agency. Almost half of the queries come from CBP officials at ports of entry checking the identity of arriving foreigners, Mr Gantt said.

Others come from officials screening visa applicants, or from DHS enforcement arms like U.S. Immigration and Customs Enforcement (ICE), the agency that enforces immigration laws inside the country.

Approximately 6,800 of those 230,000 daily IDENT checks result in matches against a U.S. watchlist, according to Mr. Gantt.

Decisions about what to do when a fingerprint check is a watchlist hit are in the hands of the agencies making the checks, he said.

"We just do the matching," he said, "Collections [of biometric data] and decisions, that's for the operations guys" like the border officials from CBP.

"People have been captured," he said afterwards, "We are stopping bad guys."

"People always ask me about [biometric] exit," Mr. Gantt said. "I don't have that mission anymore … That's Customs and Border Protection."

But he added that his office would be "a major player" in any eventual solution.

"If we can do it for them coming in," he said of collecting biometrics from foreign visitors, "How come we can't do it for them going out?

"Trust me, we're going to get this figured out," he concluded.

Meanwhile, in Europe and Asia …

As the U.S. government has wrestled with the challenges of exit controls, other countries have successfully implemented biometric border entry-exit systems, and several of them were on display at the conference.

Finland and other European nations use automated, biometric e-gates at borders for both entry and exit. The gates are part of the Schengen system that facilitates visa-free travel for European Union nationals within the bloc, Pasi Nokelainen of the Finnish Border Guard told attendees.

The gates, integrated into an Automated Border Control (ABC) system, compare a traveler's biometric, like an iris scan or fingerprint, with the biometric data stored on a digitally readable document like an e-passport or a trusted traveler card.

If the biometrics match, the gate opens to admit the traveler twice as quick as when the same check is made by a human, speeding travelers across the border and reducing wait times

"For us, biometrics is important from a customer service aspect as well as security," Mr. Nokelainen said.

In Asia, Hong Kong has biometric controls in both directions at its land border with China.

U.S. Customs and Border Protection (CBP), the homeland security agency that guards the nation's ports of entry makes use of similar technology in a more limited way in its pre-clearance operations at Vancouver, Christopher Gilliland of the Vancouver Airport Authority told IBIA.

The airport has developed and deployed automated kiosks that, like the e-gates, compare the traveler's biometric with the one stored on his or her travel document. The kiosk then prints a receipt, including the traveler's U.S. customs declaration, which they can submit to a CBP officer along with their passport.

CBP's Acting Deputy Assistant Commissioner for Field Operations John Wagner told the conference that automated entry gates were not an option at U.S. borders. "A CBP officer makes that determination" to let a traveler into the United States, he said, "That's the law."

But there is no such requirement for exit, for travelers leaving the United States.

"The principles we've developed for kiosks could easily be used for exit," Mr. Gilliland said.

"There are many successful examples of technology deployments that could be models for a biometric U.S. border exit system," said Ms. LaDier.

DHS might need to look at such products sooner than it expects.

Legislation pending in both chambers as part of the stalled immigration reform initiative would impose new deadlines for the biometric exit mandate.