



United States Government Accountability Office

Subcommittee on Immigration and the
National Interest, Committee on the
Judiciary, U.S. Senate

For Release on Delivery
Expected at 2:30 p.m. ET
Wednesday, January 20, 2016

BORDER SECURITY

Actions Needed by DHS to Address Long- Standing Challenges in Planning for a Biometric Exit System

GAO Highlights

Highlights of [GAO-16-358T](#), a testimony before the Subcommittee on Immigration and the National Interest, Committee on the Judiciary, U.S. Senate

Why GAO Did This Study

Each year, millions of visitors come to the United States legally on a temporary basis. Overstays are individuals who were admitted legally on a temporary basis but then overstayed their authorized periods of admission. The Intelligence Reform and Terrorism Prevention Act of 2004 required the Secretary of Homeland Security to develop a plan to accelerate implementation of a biometric entry and exit data system that matches information provided by foreign nationals upon their arrival and departure. Since 2004, DHS has tracked foreign nationals' entries into the United States, and since December 2006, a biometric entry capability has been fully operational at all ports of entry. However, GAO has identified a range of challenges that DHS has faced in its efforts to deploy a corresponding biometric exit capability. DHS's CBP is primarily responsible for implementing a biometric exit program.

This statement discusses the extent to which DHS has made progress in developing a biometric exit system and reporting overstay estimates. This statement is based on a report GAO issued in July 2013 ([GAO-13-683](#)), with selected updates conducted in January 2016 to obtain information from DHS on actions it has taken to address prior recommendations.

What GAO Recommends

GAO previously made recommendations to DHS to establish time frames and milestones for a biometric air exit evaluation framework and assess the reliability of its overstay data. DHS concurred with the recommendations, and has actions underway to address them.

View [GAO-16-358T](#). For more information, contact Rebecca Gambler at (202) 512-8777 or gambler@gao.gov

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What GAO Found

The Department of Homeland Security (DHS) faces long-standing challenges in developing a biometric exit system and reporting reliable overstay data. In July 2013, GAO reported that DHS had not fulfilled statutory requirements to implement a biometric exit capability and report data on overstays. As of January 2016, DHS has planning efforts underway but has not yet met these statutory requirements. Specifically, in May 2012, DHS internally reported recommendations to support planning for a biometric exit capability at airports. However, as of January 2016, the department has not yet fully addressed those recommendations. For example, DHS has not completed an evaluation framework that, among other things, assesses the value of collecting biometric data in addition to biographic data, as it recommended in May 2012. In July 2013, GAO recommended that DHS establish time frames and milestones for a biometric air exit evaluation framework to help guide its assessment efforts. DHS concurred with the recommendation, and has actions planned or underway to address it. Specifically, in January 2016, U.S. Customs and Border Protection (CBP) officials stated that they were continuing to develop an evaluation framework by developing metrics for measuring the performance and effectiveness of biometric air exit technologies.

Moreover, in July 2013, GAO reported that, according to DHS officials, the department's goal was to develop information about options for biometric air exit and report to Congress in time for the fiscal year 2016 budget cycle regarding the benefits and costs associated with a biometric air exit system. GAO found that, without robust planning that includes time frames and milestones to develop and implement an evaluation framework, DHS lacked reasonable assurance that it would be able to provide an assessment to Congress as planned. As of January 2016, DHS is working to develop this report for Congress, and CBP officials told GAO they were unable to estimate when it would be completed. Since GAO's 2013 report, DHS has also implemented several projects to test and evaluate biometric air exit technologies. For example, in July 2015, CBP began testing a handheld mobile device to collect biographic and biometric exit data from randomly-selected, foreign national travelers at 10 selected airports. Finalizing the evaluation framework consistent with GAO's recommendation would help guide DHS's efforts to assess the benefits and costs of various air exit options.

GAO also reported in July 2013 that challenges in developing a biometric exit system, as well as weaknesses in departure data, have affected the reliability of DHS's data on overstays. Because of concerns about the reliability of the department's overstay data, neither DHS nor its predecessor has regularly reported annual overstay data to Congress since 1994. In July 2013, GAO found that, although DHS had taken action to strengthen its overstay data, DHS had not validated or tested the reliability of those actions and challenges to reporting reliable overstay data remained. GAO recommended that DHS assess and document the reliability of its overstay data, and DHS concurred with the recommendation. However, as of January 2016, DHS has not yet reported overstay data or documented its reliability, and DHS officials could not provide a time frame for when they would address GAO's recommendation.



Chairman Sessions, Ranking Member Schumer, and Members of the Subcommittee:

I am pleased to be here today to discuss the status of the Department of Homeland Security's (DHS) efforts to implement a biometric exit system. Each year, millions of visitors come to the United States legally on a temporary basis either with a nonimmigrant visa or, in some cases, as visitors who were allowed to enter without a visa.¹ Overstays are individuals who were admitted into the country legally on a temporary basis but then unlawfully remained in the country past the conclusion of their authorized periods of admission.² We have previously reported that most overstays are likely motivated by economic opportunities to remain in the United States beyond their authorized periods of stay.³ However, overstays could pose homeland security concerns—for example, 5 of the 19 September 11, 2001, hijackers were overstays.

In 1996, federal law required the development of an automated entry and exit control system to match arrival and departure records for foreign nationals entering and leaving the United States, and to enable

¹Visitors who are allowed to seek admission without a visa include 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 participants. This program allows nationals from certain countries to apply for admission to the United States as temporary visitors for business or pleasure without first obtaining a visa from a U.S. consulate abroad. See 8 C.F.R. §§ 212.1, 214.6(d); 22 C.F.R. §§ 41.0 to 41.3. Nonimmigrant foreign nationals are 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). 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 not a citizen or a national of the United States. See 8 U.S.C. § 1101(a)(3).

²With respect to nonimmigrant visa and Visa Waiver Program overstays, see 8 U.S.C. §§ 1202(g), 1187(c)(8)(C)(ii)(I).

³GAO, *Visa Waiver Program: Limitations with Department of Homeland Security's Plan to Verify Departure of Foreign Nationals*, [GAO-08-458T](#) (Washington, D.C.: Feb. 28, 2008).

identification of overstays.⁴ The Intelligence Reform and Terrorism Prevention Act of 2004 required the Secretary of Homeland Security to develop a plan to accelerate implementation of an automated biometric entry and exit data system that matches available information provided by foreign nationals upon their arrival in and departure from the United States.⁵ In 2003, DHS initiated the legacy U.S. Visitor and Immigrant Status Indicator Technology (US-VISIT) program to develop a system to collect biographic data (such as name and date of birth) and biometric data (such as fingerprints) from foreign nationals at U.S. ports of entry.⁶ Since 2004, DHS has tracked foreign nationals' entries into the United States as part of an effort to comply with legislative requirements, and since December 2006, a biometric entry capability has been fully operational at all air, sea, and land ports of entry.⁷ However, in various reports, we have identified a range of long-standing challenges that DHS has faced in its efforts to fully deploy a corresponding biometric exit capability to track foreign nationals when they depart the country and to

⁴Pub. L. No. 104-208, div. C, tit. I, subtit. A, § 110, 110 Stat. 3009-546, 3009-558 to -559. Subsequently, the Immigration and Naturalization Service Data Management Improvement Act of 2000 amended this section, requiring the implementation of an integrated entry and exit data system: an electronic system for foreign nationals that would, among other things, provide access to and integrate arrival and departure data that are authorized or required to be created or collected under law and are in an electronic format in certain databases, such as those used at ports of entry and consular offices, and assist in identifying nonimmigrant visa overstays. Pub. L. No. 106-215, § 2(a), 114 Stat. 337, 337-39; see 8 U.S.C. § 1365a(b).

⁵Pub. L. No. 108-458, tit. VII, subtit. B, § 7208, 118 Stat. 3638, 3817-23; see 8 U.S.C. § 1365b.

⁶See 8 U.S.C. § 1365b(d). A port of entry is any officially designated location (seaport, airport, or land border location) where DHS officers or employees are assigned to clear passengers and merchandise, collect duties, and enforce customs laws, and where a person may apply for admission into the United States.

⁷See, e.g., 8 U.S.C. §§ 1365a, 1365b.

use entry and exit data to identify potential overstays.⁸ For example, in November 2009, we found that DHS had not adopted an integrated approach to scheduling, executing, and tracking the work that needed to be accomplished to deliver a biometric exit system.⁹ In April 2011, we found that DHS's efforts to identify and report on overstays were hindered by unreliable data, and we identified various challenges to DHS's efforts to identify potential overstays, including the incomplete collection of departure data from nonimmigrants at ports of entry.¹⁰ Most recently, in July 2013, we reported on DHS's progress in developing and implementing a biometric exit system, as well as DHS's efforts to identify and address potential overstays.¹¹ In these reports, we made recommendations intended to help ensure that a biometric exit capability was planned, designed, developed, and implemented in an effective and efficient manner and to strengthen DHS's efforts to identify and report on overstays. DHS generally agreed with our recommendations and has implemented actions or has actions underway to address them.

DHS has primary responsibility for implementing an entry and exit data system and using those data to identify and address overstays. Within DHS, U.S. Customs and Border Protection (CBP) is tasked with, among other duties, inspecting all people applying for entry to the United States to determine their admissibility to the country. CBP collects biographic

⁸See GAO, *Overstay Enforcement: Additional Actions Needed to Assess DHS's Data and Improve Planning for a Biometric Air Exit Program*, [GAO-13-683](#) (Washington, D.C.: July 30, 2013); *Homeland Security: US-VISIT Pilot Evaluations Offer Limited Understanding of Air Exit Options*, [GAO-10-860](#) (Washington, D.C.: Aug. 10, 2010); *Homeland Security: Key US-VISIT Components at Varying Stages of Completion, but Integrated and Reliable Schedule Needed*, [GAO-10-13](#) (Washington, D.C.: Nov. 19, 2009); *Visa Waiver Program: Actions Are Needed to Improve Management of the Expansion Process, and to Assess and Mitigate Program Risks*, [GAO-08-967](#) (Washington, D.C.: Sept. 15, 2008); *Homeland Security: U.S. Visitor and Immigrant Status Program's Long-standing Lack of Strategic Direction and Management Controls Needs to Be Addressed*, [GAO-07-1065](#) (Washington, D.C.: Aug. 31, 2007); *Homeland Security: Planned Expenditures for U.S. Visitor and Immigrant Status Program Need to Be Adequately Defined and Justified*, [GAO-07-278](#) (Washington, D.C.: Feb. 14, 2007); and *Homeland Security: Some Progress Made, but Many Challenges Remain on U.S. Visitor and Immigrant Status Indicator Technology Program*, [GAO-05-202](#) (Washington, D.C.: Feb. 23, 2005).

⁹ [GAO-10-13](#).

¹⁰GAO, *Overstay Enforcement: Additional Mechanisms for Collecting, Assessing, and Sharing Data Could Strengthen DHS's Efforts but Would Have Costs*, [GAO-11-411](#) (Washington, D.C.: Apr. 15, 2011).

¹¹[GAO-13-683](#).

and biometric information to document nonimmigrants' entry into the country and biographic information to document their exit. CBP is also responsible for implementing a biometric exit program, and since fiscal year 2014, has partnered with DHS's Science and Technology Directorate (S&T) in a joint S&T-CBP Air Entry/Exit Re-Engineering Apex project intended to develop tools to model and simulate entry and exit operational processes that could be used at airports.¹² Within DHS's National Protection and Programs Directorate, the Office of Biometric Identity Management (OBIM) manages the Automated Biometric Identification System, which maintains biometric information that DHS collects from nonimmigrants upon their entry into the United States.¹³ OBIM also manages the Arrival and Departure Information System (ADIS), which tracks and matches arrival and departure records for the purpose of identifying potential overstays. DHS's U.S. Immigration and Customs Enforcement (ICE) is the lead agency for enforcing immigration law in the interior of the United States and is primarily responsible for overstay enforcement. To identify potential overstays, ICE primarily analyzes biographic entry and exit data collected at land, air, and sea ports of entry. Specifically, ICE analysts use ADIS to identify arrival records for which the subject's authorized period of admission has ended and for whom DHS does not have a corresponding departure record, which may indicate that the subject of the record is an overstay. ICE analysts also determine whether the subject of the record meets ICE's overstay enforcement priorities based on national security and public safety criteria. Most records of potential overstays do not result in

¹²Apex projects are crosscutting, multidisciplinary efforts requested by DHS components that are high-priority projects intended to solve problems of strategic operational importance.

¹³Pursuant to the DHS Appropriations Act, 2013, enacted on March 26, 2013, and its accompanying explanatory statement, legacy US-VISIT's biometric identity management functions were transferred to the newly created Office of Biometric Identity Management (OBIM) which manages the Arrival and Departure Information System and the Automated Biometric Identification System, and its overstay data analysis function and entry-exit policy and operations (including implementation of a biometric exit system) were realigned into U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP), respectively. See Consolidated and Further Continuing Appropriations Act, 2013, Pub. L. No. 113-6, div. D, 127 Stat. 198, 342, 344-47, 356; Explanatory Statement, Consolidated and Further Continuing Appropriations Act, 2013, 159 Cong. Rec. S1287, S1550-51, S1557-58 (daily ed. Mar. 11, 2013); see also S. Rep. No. 114-68, at 42 (June 18, 2015) (noting that "[i]n 2013,... the responsibility for entry-exit policy and operations [was moved] from OBIM to CBP."); H.R. Rep. No. 114-215, at 43-44 (July 21, 2015) ("direct[ing] ICE to submit this [visa overstay] report... not later than 30 days after... enactment.").

enforcement action because they do not meet ICE's overstay enforcement priorities.

My statement today is based on our July 2013 report on DHS's overstay enforcement and biometric exit planning efforts, with selected updates conducted in January 2016.¹⁴ Like that report, my statement discusses the extent to which DHS has made progress in developing and implementing a biometric exit system at air ports of entry—which is DHS's priority area of focus for a biometric exit capability—and reporting overstay estimates. For our report, we reviewed statutory requirements for a biometric exit system and analyzed DHS documents, including a May 2012 report on the status of efforts to implement a biometric exit capability at airports that was based on analysis that DHS's S&T conducted. We compared the status of DHS's efforts against statutory requirements and standard practices for project management. We interviewed DHS Office of Policy and S&T officials regarding DHS's plans for addressing recommendations in the department's May 2012 report and other ongoing efforts to develop a biometric exit system. We also analyzed DHS documents and data related to overstays and interviewed relevant DHS officials. Specifically, we analyzed DHS planning documents and reports on processes to review potential overstay records and collect additional data to improve overstay identification. For the updates, we reviewed DHS documents and interviewed officials regarding the status of actions taken in response to the recommendations made in our 2013 report. Our July 2013 report provides further details on our scope and methodology. We conducted the work on which this statement is based 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.

¹⁴[GAO-13-683](#).

DHS Faces Long-Standing Challenges in Planning for and Developing a Biometric Exit System and Reporting Overstay Estimates

As we reported in July 2013, DHS had not yet fulfilled the 2004 statutory requirement to implement a biometric exit capability or the statutory requirement to report overstay estimates, and as of January 2016, DHS has planning efforts underway but has not yet met these requirements.¹⁵ Various planning, evaluation, and data reliability challenges have affected DHS's efforts to meet these requirements.

Planning for and Developing a Biometric Exit System

Development and implementation of a biometric exit capability has been a long-standing challenge for DHS. Since 2004, we have issued a number of reports on DHS's efforts to implement a biometric entry and exit system. For example, with regard to an exit capability at land ports of entry, in 2006, we reported that according to DHS officials, for various reasons, a biometric exit capability could not be implemented without incurring a major impact on land facilities.¹⁶ For example, at the time of our 2006 report, DHS officials stated that implementing a biometric exit system at land ports of entry would require new infrastructure and would produce major traffic congestion because travelers would have to stop their vehicles upon exit to be processed. With regard to an air exit capability, in February and August 2007, we found that DHS had not adequately defined and justified its proposed expenditures for exit pilots and demonstration projects and that it had not developed a complete schedule for biometric exit implementation.¹⁷ Further, in September 2008, we reported that DHS was unlikely to meet its timeline for implementing an air exit system with biometric indicators, such as fingerprints, by July 1, 2009, because of several unresolved issues, such as opposition to the department's published plan by the airline industry.¹⁸ In 2009, DHS conducted pilot programs for biometric air exit capabilities in airport

¹⁵See 8 U.S.C. §§ 1365b (Biometric entry and exit data system), 1376(b) (annual report to Congress on nonimmigrant overstay rates by country).

¹⁶GAO, *Border Security: US-VISIT Program Faces Strategic, Operational, and Technological Challenges at Land Ports of Entry*, [GAO-07-248](#) (Washington, D.C.: Dec. 6, 2006).

¹⁷[GAO-07-1065](#) and [GAO-07-278](#).

¹⁸[GAO-08-967](#).

scenarios, and in August 2010 we found that there were limitations with the pilot programs. For example, the pilot programs did not operationally test about 30 percent of the air exit requirements identified in the evaluation plan for the pilot programs, which hindered DHS's ability to inform decision making for a long-term air exit solution and pointed to the need for additional sources of information on air exit's operational impacts.¹⁹

In October 2010, DHS issued a memo, in which it identified three primary reasons why it has been unable to determine how and when to implement a biometric exit capability at airports: (1) the methods of collecting biometric data could disrupt the flow of travelers through airport terminals; (2) air carriers and airport authorities had not allowed DHS to examine mechanisms through which DHS could incorporate biometric data collection into passenger processing at the departure gate; and (3) challenges existed in capturing biometric data at the point of departure, including determining what personnel should be responsible for the capture of biometric information at airports. According to DHS officials, the challenges DHS identified in October 2010 continue to affect the department's ability to implement a biometric air exit system as of January 2016.²⁰

As discussed in our July 2013 report, following this memo, DHS took additional steps to plan and test options for a biometric exit capability at airports. Specifically, in 2011, DHS directed S&T, in coordination with

¹⁹[GAO-10-860](#).

²⁰At the time of our July 2013 report, DHS's planning efforts were focused on developing a biometric exit capability for airports, with potential for that capability to be implemented at seaports. DHS's plans did not address a biometric exit capability at land ports of entry. In December 2015, DHS began a field test that is collecting biometric data from certain alien pedestrian travelers entering and departing through the Otay Mesa, California land border crossing, and biographic data from all travelers (including U.S. citizens) departing through Otay Mesa port of entry. Specifically, CBP plans to collect iris and facial biometric data from certain foreign national travelers using collection lanes equipped with cameras. CBP plans to conduct the field test for a period of six months. All aliens are to provide specified biometric information at the time of arrival to and departure from the United States through the Otay Mesa land port of entry, except for those who are exempt pursuant to 8 C.F.R. §§ 235.1(f)(1)(iv), 215.8(a)(2) (e.g., Canadian citizens who under 8 U.S.C. § 1101(a)(15)(B) are not otherwise required to present a visa or have been issued Form I-94 or Form I-95 upon arrival at the United States, those under the age of 14 and over the age of 79, and aliens admitted under certain listed visa categories, among others). See Test to Collect Biometric Information at the Otay Mesa Port-of-Entry, 80 Fed. Reg. 70,241, 70,242 (Nov. 13, 2015).

other DHS component agencies, to research long-term options for biometric air exit.²¹ S&T conducted analysis of previous air exit pilot programs and assessment of available technologies, and in May 2012, the department reported internally on the results of S&T's analysis.²² In that report, DHS concluded that the building blocks to implement an effective biometric air exit system were available. In addition, DHS's report stated that new traveler facilitation tools and technologies—for example, online check-in, self-service, and paperless technology—could support more cost-effective ways to screen travelers, and that these improvements should be leveraged when developing plans for biometric air exit. However, DHS officials stated that there may be challenges to leveraging new technologies to the extent that U.S. airports and airlines rely on older, proprietary systems that may be difficult to update to incorporate new technologies. Furthermore, DHS reported in May 2012 that significant questions remained regarding (1) the effectiveness of current biographic air exit processes and the error rates in collecting or matching data, (2) methods of cost-effectively integrating biometrics into the air departure processes (e.g., collecting biometric scans as passengers enter the jetway to board a plane), (3) the additional value biometric air exit would provide compared with the current biographic air exit process, and (4) the overall value and cost of a biometric air exit capability. The report also included nine recommendations to help inform DHS's planning for biometric air exit, such as directing DHS to develop explicit goals and objectives for biometric air exit and an evaluation framework that would, among other things, assess the value of collecting

²¹In our previous reviews of DHS's efforts to pursue a biometric exit capability, DHS's plans have approached development of a biometric exit system through a phased approach that involved conducting pilots to inform eventual planning for long-term solutions. Different pilots were created to inform solutions at air, sea, and land ports. See [GAO-10-13](#). As of April 2013, the department's planning efforts were focused on developing a biometric exit system for airports, with the potential for a similar solution to be rolled out at seaports, according to DHS officials.

²²DHS, DHS Biometric Air Exit: Analysis, Recommendations and Next Steps (Washington, D.C.: May 2012).

biometric data in addition to biographic data and determine whether biometric air exit is economically justified.²³

DHS reported in May 2012 that it planned to take steps to address these recommendations by May 2014, and DHS has begun some implementation steps. For example, in March 2014, DHS took initial steps by finalizing goals and objectives for a biometric system, which CBP plans to use to evaluate system performance. However, as of January 2016, the department has not yet fully addressed the May 2012 report recommendations. For example, as discussed in more detail below, DHS has not completed an evaluation framework to guide its assessment efforts. In fall 2012, DHS developed a high-level plan for its biometric air exit efforts, which it updated in May 2013, but we reported in July 2013 that this plan did not clearly identify the tasks needed to develop and implement an evaluation framework. For example, the plan did not include a step for developing the methodology for comparing the costs and benefits of biometric data against those for collecting biographic data, as recommended in DHS's May 2012 report. Furthermore, the time frames in this plan were not accurate as of June 2013 because DHS was behind schedule on some of the tasks and had not updated the time frames in the plan accordingly. For example, DHS had planned to begin scenario-based testing for biometric air exit options in August 2013; however, DHS did not open the facility used to conduct this testing until June 2014. A senior official from DHS's Office of Policy told us that DHS had not kept the plan up-to-date because of the transition of responsibilities within DHS; specifically, in March 2013, pursuant to the explanatory statement for DHS's fiscal year 2013 appropriation, CBP was named the lead agency for coordinating DHS's entry and exit policies and operations, with responsibility for implementing a biometric exit program.²⁴

²³The report recommended that DHS take the following actions: (1) develop explicit goals and objectives for biometric air exit, (2) leverage improvements in passenger facilitation and biometric technology to support a concept of operations, (3) use developmental scenario testing instead of pilot programs to validate a concept of operations, (4) establish collaborative relationships with airports and airlines, (5) use operational tests to validate performance and cost estimates, (6) develop an evaluation framework for biometric air exit, (7) employ a holistic approach to assess the costs and benefits of comprehensive biometric entry and exit processes, (8) determine whether biometric air exit is economically justified, and (9) incrementally deploy biometric air exit to airports where it is cost-effective to do so.

²⁴See 159 Cong. Rec. at S1550.

Various challenges have affected DHS's efforts to develop and implement a biometric exit system. For example, in July 2013, we reported DHS officials stated it had been difficult coordinating with airlines and airports, which have expressed reluctance about biometric air exit because of concerns over its effect on operations and potential costs. To address these concerns, DHS was conducting outreach and soliciting information from airlines and airports regarding their operations. In addition, in July 2013 we reported that DHS officials stated that the department's efforts to date had been hindered by insufficient funding. The Consolidated Appropriations Act, 2016 (Public Law 114-113), provides a mechanism for additional funding to implement a biometric entry and exit system of up to \$1 billion through temporary fee increases for certain visa applicants.²⁵ Moreover, in July 2013, we reported that DHS officials told us the department's goal was to develop information about options for biometric air exit and to report to Congress in time for the fiscal year 2016 budget cycle regarding (1) the additional benefits that a biometric air exit system provides beyond an enhanced biographic exit system and (2) costs associated with biometric air exit. However, as of January 2016, DHS is working to develop such a report, and CBP officials told us they were unable to estimate when the report would be completed. According to DHS officials, implementation of a biometric air exit system will depend on the results of discussions between the department and Congress after the department provides its assessment of options for biometric air exit.

We concluded in our July 2013 report that, without robust planning that includes time frames and milestones to develop and implement an evaluation framework, DHS lacked reasonable assurance that it would be able to provide an assessment to Congress for the fiscal year 2016 budget cycle as planned. Furthermore, because any delays in providing this information to Congress could further affect possible implementation of a biometric exit system to address statutory requirements, we

²⁵Pub. L. No. 114-113, div. O, tit. IV, § 402(g), 129 Stat. 2242 (2015). The Consolidated Appropriations Act, 2016, provided for temporary fee increases through September 30, 2025, of \$4,500 and \$4,000 for L-1 and H-1B visa applications, respectively, for applicants that employ 50 or more employees in the United States if more than 50 percent of such employees are nonimmigrants admitted under 8 U.S.C. § 1101(a)(15)(H)(i)(b), (L). Fifty percent of the amounts collected pursuant to these fee increases are to be deposited as offsetting receipts into the newly established 9-11 Response and Biometric Exit Account up to \$1 billion, to be available until expended. For fiscal year 2017 and each fiscal year thereafter, amounts in the account shall be available to the Secretary of Homeland Security without further appropriation to implement the biometric entry and exit data system under 8 U.S.C. § 1365b.

recommended that the Secretary of Homeland Security establish time frames and milestones for developing and implementing an evaluation framework to be used in conducting the department's assessment of biometric exit options. DHS concurred with this recommendation and indicated that its component agencies planned to finalize the goals and objectives for biometric air exit and use those goals and objectives in the development of an evaluation framework. CBP has finalized goals and objectives for a biometric system and, in November 2014, provided us with a copy of its draft evaluation framework. The draft evaluation framework included preliminary information about how DHS will evaluate different biometric air exit options, but had limited information regarding time frames and milestones for assessing the options. In January 2016, CBP officials stated that they were continuing to refine metrics for measuring performance and effectiveness, which they planned to incorporate into the evaluation framework. In addition, officials stated that CBP was conducting additional planning and analysis to ensure that proposed biometric solutions could integrate with existing CBP data systems. CBP officials stated that they plan to address our recommendation by June 30, 2016. To fully address our recommendation, DHS should finalize its evaluation framework, including time frames and milestones for assessing biometric air exit options.

DHS has implemented several projects to test and evaluate biometric air exit technologies since our July 2013 report. For example, in June 2014, S&T and CBP opened a test facility to evaluate biometric technologies and operational processes under simulated airport entry and exit conditions. In July 2015, CBP began testing a handheld mobile device to collect biographic and biometric exit data from randomly-selected, foreign national travelers at 10 selected airports.²⁶ According to CBP, during testing, CBP officers stationed at the passenger loading bridge of selected flights are to use the device to scan travelers' fingerprints and passports. CBP then plans to match the travelers' data to the data collected when they entered the United States. CBP plans to conduct this test for approximately 1 year. Finalizing the evaluation framework

²⁶These tests began in July 2015 at Hartfield-Jackson Atlanta International Airport. In November 2015, CBP completed deployment of the test at nine additional airports: San Francisco International Airport, Miami International Airport, Chicago O'Hare International Airport, Newark Liberty International Airport, John F. Kennedy International Airport, Dallas Fort Worth International Airport, George Bush Intercontinental Airport, and Washington Dulles International Airport. For overall test parameters, and a list of exemptions, see Test to Collect Biometric Information at Up to Ten U.S. Airports ("Be-Mobile Air Test"), 80 Fed. Reg. 44,983 (July 28, 2015).

consistent with our recommendation would help guide DHS's efforts to assess the benefits and costs of various air exit options.

Reporting Reliable Overstay Data

As we have previously reported, challenges in developing and implementing a biometric exit system, as well as weaknesses in departure data, have affected the reliability of DHS's data on overstays. Specifically, in April 2011, we found that DHS's efforts to identify and report on overstays were hindered by unreliable data, and we identified various challenges to DHS's efforts to identify potential overstays, including the incomplete collection of departure data from nonimmigrants at ports of entry, particularly land ports of entry, and the lack of mechanisms for assessing the quality of leads sent to ICE field offices for investigation.²⁷

Because of concerns about the reliability of the department's overstay data, neither DHS nor its predecessor has regularly reported annual overstay rates to Congress since 1994. According to statute, DHS is to implement a program to collect data, for each fiscal year, regarding the total number of nonimmigrant foreign nationals who overstayed their authorized periods of admission in the United States; and submit an annual report to Congress providing numerical estimates of the number of aliens from each country in each nonimmigrant classification who overstayed an authorized period of admission that expired during the fiscal year prior to the year for which the report is made.²⁸ In April 2011, we reported that DHS officials stated that the department had not reported overstay estimates because it had not had sufficient confidence in the quality of its overstay data. DHS officials stated at the time that, as a result, the department could not reliably report overstay estimates in accordance with the statute.²⁹ In February 2013, the Secretary of Homeland Security testified that DHS planned to report overstay estimates by December 2013.³⁰ We reported in July 2013 that, according to DHS Office of Policy officials, the department was better positioned

²⁷ [GAO-11-411](#).

²⁸ 8 U.S.C. § 1376.

²⁹ [GAO-11-411](#).

³⁰ See testimony of Janet Napolitano, Secretary, Department of Homeland Security, before the Committee on the Judiciary, United States Senate, Washington, D.C.: February 13, 2013.

than in the past to describe the limitations in the overstay data. As of January 2016, DHS has not reported overstay estimates. The Consolidated Appropriations Act, 2016, directed DHS to provide to Congress within 30 days of enactment a report on nonimmigrant overstay data by country, and a comprehensive plan for implementation of the biometric entry and exit data system, both of which are required by law.³¹ In addition, the Act withheld \$13 million from the Office of the Secretary and Executive Management until DHS provides the overstay report and comprehensive plan.³²

Our July 2013 report found that, although DHS had taken action to strengthen its overstay data, DHS had not yet validated or tested the reliability of those actions and challenges to reporting reliable overstay data remained. We reported that DHS had taken action to strengthen its processes for reviewing records to identify potential overstays, including (1) streamlining connections among DHS databases used to identify potential overstays and (2) implementing the Beyond the Border initiative, which collects information from the Canadian government about those exiting the United States and entering Canada through northern land ports of entry.³³ However, our July 2013 report also found that DHS had not assessed or documented how its changes to database connections had improved the reliability of its data for the purposes of reporting overstay rate calculations and had not analyzed the incremental improvements that database changes made in data quality. Furthermore, although DHS had improved connections among its various databases used to help identify potential overstays, the improvements did not address some of the underlying data quality and reliability issues we previously identified, such as incomplete information on nonimmigrants departing the United States through land ports of entry. The Beyond the Border initiative is intended to help address this issue by collecting proxy data on individuals exiting from the United States at northern border ports

³¹Pub. L. No. 114-113, div. F, tit. I; see 8 U.S.C. § 1376(b) (annual report to Congress on nonimmigrant overstay rates by country); DHS Appropriations Act, 2015, Pub. L. No. 114-4, tit. I, 129 Stat. 39 (comprehensive plan for implementation of the biometric entry-exit system required under section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. § 1365b), including the estimated costs for implementation).

³²Pub. L. No. 114-113, div. F, tit. I.

³³In October 2012, DHS and the Canada Border Services Agency began exchanging entry data on travelers crossing the border into Canada at selected land ports of entry. Because an entry into Canada constitutes a departure from the United States, DHS will be able to use Canadian entry data as proxies for U.S. departure records.

of entry, but as of January 2016, DHS has not yet identified mechanisms for collecting data on individuals exiting through southern border ports of entry.

In our July 2013 report, we concluded that without an assessment and documentation of improvements in the reliability of the data used to develop overstay estimates and any remaining limitations in how the data can be used, decision makers would not have the information needed to use these data for policy-making purposes. Therefore, we recommended that DHS assess and document the reliability of its overstay data. DHS concurred with the recommendation and stated that it was establishing a working group that would include representation from DHS component agencies with responsibility for collecting, recording, and analyzing entry and exit data. In November 2015, CBP officials told us that CBP submitted a draft overstays report for fiscal year 2014 to DHS for review in December 2014. However, as of January 2016, DHS could not provide a timeframe for when they would report overstay data or address our recommendation. To address our recommendation, DHS should assess and document the extent to which the reliability of the data used to develop any overstay estimates has improved and any remaining limitations in how the data can be used.

Chairman Sessions, Ranking Member Schumer, and members of the subcommittee, this completes my prepared statement. I would be happy to respond to any questions you may have at this time.

GAO Contact and Staff Acknowledgments

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