

DEPARTMENT OF HOMELAND SECURITY

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Summarized for Public release

Review of CBP Actions Taken to Intercept Suspected Terrorists at U.S. Ports of Entry



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**Homeland
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Preface

The Department of Homeland Security (DHS) Office of Inspector General (OIG) was established by the Homeland Security Act of 2002 (*Public Law 107-296*) by amendment to the Inspector General Act of 1978. This is one of a series of audit, inspection, and special reports prepared as part of our oversight responsibility to promote economy, effectiveness, and efficiency within the department.

This report assesses the actions taken by Customs and Border Protection (CBP) to intercept suspected terrorists at U.S. Ports of Entry. It is based on interviews with employees and officials of relevant agencies and institutions, direct observations, and a review of applicable documents.

The recommendations herein have been developed to the best knowledge available to our office, and have been discussed in draft with those responsible for implementation. It is our hope that this report will result in more effective, efficient, and economical operations. We express our appreciation to all of those who contributed to the preparation of this report.

A handwritten signature in cursive script that reads "Richard L. Skinner".

Richard L. Skinner
Inspector General

OIG

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Introduction

We reviewed the procedures employed by the Department of Homeland Security's (DHS) Bureau of Customs and Border Protection (CBP) to prevent known and suspected terrorists from entering the United States through the country's 324 air, land, and sea Ports of Entry (POE). In February 2004, the CBP Office of Anti-Terrorism issued guidance to standardize the targeting and screening of known and suspected terrorists attempting to enter the United States.

This is a summary of a longer and more detailed report that has been provided to program managers and Congress. Law Enforcement Sensitive information has been removed from this version at the request of program managers.

Results in Brief

CBP has improved information sharing capabilities within the organization to smooth the flow of arriving passengers and increase the effectiveness of limited resources at POEs. Earlier, officers at POEs possessed limited information to help them resolve the identities of individuals mistakenly matched to the terrorist watch list, but a current initiative aims to provide supervisors at POEs with much more information to help them positively identify and clear individuals with names similar to those in the terrorist database. CBP procedures are highly prescriptive and withhold from supervisors the authority to make timely and informed decisions regarding the admissibility of individuals who they could quickly confirm are not the suspected terrorist.

As CBP has stepped up its efforts to intercept known and suspected terrorists at ports of entry, traditional missions such as narcotics interdiction and identification of fraudulent immigration documentation have been adversely affected. Recent data indicates a significant decrease over the past few years in the interception of narcotics and the identification of fraudulent immigration documents, especially at airports.

When a watchlisted or targeted¹ individual is encountered at a POE, CBP generates several reports summarizing the incident. Each of these reports provides a different level of detail, and is distributed to a different readership. It is unclear, however, how details of the encounter and the information obtained from the suspected terrorist are disseminated for analysis. This inconsistent reporting is preventing DHS from developing independent intelligence assessments and may be preventing important information from inclusion in national strategic intelligence analyses.

During an encounter with a watchlisted individual, CBP officers at the POE often need to discuss sensitive details about the individual with law enforcement agencies and CBP personnel in headquarters offices. Some case details are classified. Because some CBP officers at POEs have not been granted the necessary security clearance, they are unable to review important information about a watchlisted individual and may not be able to participate with law enforcement agencies in interviews of certain individuals.

To improve the effectiveness of CBP personnel in their mission to prevent known and suspected terrorists from entering the United States, we are recommending that CBP: expand a biometric information collection program to include volunteers who would not normally provide this information when entering the United States; authorize POE supervisors limited discretion to make more timely admissibility determinations; review port of entry staffing models to ensure the current workforce is able to perform the entire range of CBP mission; establish a policy for more consistent reporting to intelligence agencies the details gathered during secondary interviews; and ensure all counterterrorism personnel at POEs are granted an appropriate security clearance.

Background

On a typical day, CBP processes over 1.1 million arriving passengers for entry into the country at 324 POEs. It is the responsibility of CBP officers to screen all arriving passengers for customs and immigration violations, and to detect and prevent terrorists and weapons of mass destruction from entering the United States, while simultaneously facilitating legitimate trade and travel.

¹ A watchlisted person is a passenger whose name or other biographic data matches or is very close to that of a person listed in the Terrorist Screening Center's database of approximately 200,000 names of known or suspected terrorists. A targeted person is a non-watchlisted person who has been selected to be given additional scrutiny at the port of entry only for this particular trip. Such selection would be based on a variety of expert screening activities.

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When an international flight or passenger vessel bound for a U.S. airport or seaport departs a foreign country, the airline or cruise line is required to transmit to CBP a manifest that lists all passengers that are on board. The airline or cruise line must send the manifest to CBP within fifteen minutes of departure. The information contained in the manifest includes each passenger's name, date of birth, passport number, and the country that issued the passport. Manifest information is processed in the Automated Passenger Information System (APIS).

Computers screen passenger manifests and identify passengers that have names similar to those on the terrorism watchlist – also called the Terrorist Screening Database² (TSDB) – or who have suspicious travel histories. If queries of immigration, customs, and criminal record databases yield any possibly derogatory information, or if the passenger's name matches the TSDB, additional information about the arriving passenger is sought. This supplemental information might make it clear whether the traveler is or is not the person listed in the TSDB. If this process confirms that the arriving passenger may match a person listed in the TSDB, federal agents in addition to CBP officers may be present when the watchlisted passenger arrives.

Once all interviews have been completed, CBP decides whether to grant or deny the passenger admission into the United States. If the decision is to deny admission, the passenger is returned to the country from which he or she traveled to the United States.

CBP officers we interviewed estimated that many secondary screenings conducted at U.S. ports of entry are the result of false matches to names in the TSDB. Using name-based methods to identify known and suspected terrorists, an incoming passenger is often incorrectly identified as a match to the individual listed in the TSDB. That the traveler is not the terrorist is only established after the passenger arrives at the port of entry and is interviewed. POE inspectors reported that the vast majority of false positive matches to the TSDB are repeat screenings of individuals that have been matched previously and at that time determined not to be the person watchlisted in the terrorist database. First-time referrals to secondary of individuals who are incorrectly matched to records in the TSDB are probably unavoidable. As long as CBP relies on name-based watchlists, passengers with names similar to known or suspected terrorists will continue to be identified as possible matches to individuals in the

² The TSDB is a compilation of several lists maintained by separate agencies. It consolidates the Consular Lookout and Support System (CLASS) and TIPOFF file from the Department of State; Interagency Border and Inspection System (IBIS) from the Department of the Homeland Security; No-Fly and Selectee Lists from the Transportation Security Administration (TSA); National Automated Immigration Lookout System (NAILS) and Automated Biometric Identification System (IDENT) from the former Immigration and Naturalization Service (INS); Violent Gang and Terrorist Organization File (VGTOF) and Integrated Automated Fingerprint Identification System (IAFIS) from the FBI; and the Interpol Terrorism Watch List.

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TSDB, and referred for secondary inspection at a port of entry. However, CBP officers told us numerous times that repeat matches on subsequent trips of individuals previously determined not to be the individual in the TSDB was an extremely inefficient use of their time.

One tool at the disposal of CBP that could be used to reduce the number of repeat false positive matches is the U.S. Visitor and Immigrant Status Indicator Technology (US-VISIT) program. US-VISIT collects and retains biographic, travel, and biometric information, such as photographs and fingerprints, of some foreign nationals entering and departing the United States. American citizens, permanent residents, Canadian nationals, and Mexican nationals with Border Crossing Cards are not required to submit to US-VISIT screening upon entry into the United States. The US-VISIT enrollment process involves electronic scanning of the traveler's left and right index fingers and the taking of a digital photograph.³ Since the information collected under the US-VISIT program is unique positive identifying information, it could be used to immediately identify a passenger that had been previously screened in secondary inspections upon entry into the United States. For example, a Canadian citizen who shares a name with a known terrorist, but is not the individual in the TSDB, is repeatedly referred to secondary inspections each time she enters the United States. If she is allowed to enroll in the US-VISIT program and provide biometric information, each subsequent time she enters the United States, CBP officers would quickly identify her as the person who has been previously interviewed and found not to be the person listed in the TSDB – and admit her without another interview.

On April 26, 2005, the *Washington Post* published an Op-Ed essay that directly relates to the subject. It was written by a frequent business traveler whose name, Omar Khan, is similar to that of a watchlisted terrorist. Mr. Khan is a Legal Permanent Resident of the United States. In his essay, he provides a passenger's perspective of the repeated screenings to which he is subjected each time he returns to the United States from a foreign trip. He also contrasts U.S. procedures to those he experiences upon arrival in some of the other countries he frequently visits, where his name still generates an alert but where POE procedures are less inflexible. His essay is reprinted with permission in Appendix A.

³ DHS Secretary Chertoff announced on July 13, 2005 that US-VISIT would be enhanced to collect ten finger scans.

Screening in Need of Sense

Airline Databases and Bureaucracy Add Up to Wasted Resources

By Omar Khan

Post

Tuesday, April 26, 2005; A15

I'd like to share a personal experience that has ripple effects on our collective sense of "homeland security." As the head of a global leadership consulting firm, I travel frequently in and out of the United States. As a green card holder married to a U.S. citizen, I'd never had any problems doing so. I grew up in New York, the son of a Pakistani consul general, attended Stanford University, lived here as an adult. Emotionally, the United States has been my home for a long time.

Last October, returning to the United States from Canada, I was pulled aside for "secondary inspection." I sighed but reconciled myself (after all, if it can happen to Ted Kennedy . . .) to what I hoped would be a minor inconvenience.

We missed our flight. Finally, I was called in. Apparently airline databases respond only to names. In parts of the world, Omar Khan is as common a name as John Smith. Although I have an uncommon middle name, Saqib, the database isn't that sophisticated. Still, stopping every Omar Khan doesn't seem very efficient to me.

I am a consultant, and I think in terms of effectiveness and efficiency. The weary immigration supervisor told me that even pilots who fly the Toronto-La Guardia sector every week are stopped repeatedly.

"You mean I have to go through this every time?" I asked. Apparently. I was warned to expect to spend two to three hours each time attempting to get back into the country of which I am a legal resident. This struck me as insane. How are we made safer by repeated security checks because of an indiscriminate emphasis on generic names?

Earlier I'd had a similar experience in the Philippines. Another Omar Khan had written bad checks there. But unlike the bureaucratic Department of Homeland Security, the immigration supervisor there was empowered. After checking the facts and my passport, she waved me through. She suggested how I could avoid being stopped in the future: Present myself at the appropriate ministry and let them run a check, and then be given a document for future visits. As I had a long-term consulting commitment with a firm there, I did so. The whole process took 30 minutes, and the Philippine authorities and I are now spared a needless hassle and waste of time.

A month ago I came back to the United States. As predicted, there had been no update to the database. It took more than two hours again. The exasperated immigration officers told me that they had to process the same people, even if they could verify that they had already done so, because they weren't allowed to use their judgment. One of their own supervisors had been detained for more than three hours, even after showing his credentials!

Because of global consulting assignments, I may be in and out of the United States 15 to 20 times a year. I suggest that checking the same people on the same route each week is a sheer waste of resources. During the last multi-hour fiasco the immigration guys and I consulted and came up with some simple and immediately achievable solutions.

For one, database management should allow classification by more than first and last name. Anyone can figure out a way of listing a cleared person's passport or green card number for immediate future clearance. Thereafter, immigration could focus on those we are seeking.

Currently, nonresidents coming into the United States are photographed and fingerprinted, a 30-second process. It would be simple to do the same for those pulled aside for secondary inspection, even citizens or residents (if there are civil liberties concerns, people could be offered this choice). That way, the next time, each person's photo and fingerprint, correlated if necessary with ID, would show that he or she previously had been cleared. Limited resources could be better deployed.

Finally, and critically, it is a principle of leadership practice to empower people as close as possible to where decisions have to be made. With clear parameters, immigration officers with years of experience should be able to decide whether someone can be excluded from consideration. Otherwise we're wasting the experience and judgment of the professionals we have.

When our ports are not fully protected, our borders are inadequately guarded, and only a portion of imported cargo is X-rayed, it seems to me we have higher priorities than processing the same people repeatedly.

The writer is a senior partner in Sensei International, a business consultancy.

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Appendix B
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