TESTIMONY OF ASA HUTCHINSON
UNDER SECRETARY
DEPARTMENT OF HOMELAND SECURITY
DIRECTORATE OF BORDER AND TRANSPORTATION SECURITY
BEFORE THE HOUSE SELECT COMMITTEE ON HOMELAND SECURITY,
SUBCOMMITTEE ON INFRASTRUCTURE & BORDER SECURITY
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Chairman Camp, Ranking Member Sanchez and other distinguished Members, it is a pleasure to appear before you today to discuss the Department of Homeland Security's US-VISIT program and how this fits in with our commitment to protect the homeland.

US-VISIT represents yet another major milestone in enhancing our nation's security and our efforts to reform our borders. It is a major step towards bringing integrity back to our immigration and border enforcement systems.

US-VISIT procedures are clear, simple, and fast for foreign nationals. Upon arrival at the air or seaport, visitors will see signage that clearly explains the US-VISIT procedures. This signage, as well as explanatory boarding cards that many airlines are distributing to their passengers, is translated into multiple languages and features the campaign iconography to ensure people understand what to do when they get to the primary inspection booth.

For foreign visitors traveling with visas, the additional US-VISIT steps are simple. First, the officer directs the visitor to place his or her left index finger on the small red window of the digital fingerscanning device. Next, the visitor places his or her right index finger on the scanning device. Finally, the officer takes a digital photograph of the visitor. These procedures add, on average, 15 seconds to the overall inspection process. There is no ink involved in the digital fingerscanning process. The officer will then ask the visitor standard, routine questions about his or her visit. The biometric data and biographic information are compared to a series of watchlists and databases, and within seconds the officer has the information he or she needs to admit the visitor into the country or
refer the visitor to secondary inspection for further review.

The Department of Homeland Security (DHS) deployed US-VISIT on time, on budget, and has met the mandates established by Congress as well as the challenge by the Secretary of Homeland Security to include biometrics (fingerprints) ahead of schedule. Senior U.S. Customs and Border Protection management has hailed it as the biggest improvement to border inspection in more than three decades. By January 5, 2004, US-VISIT entry procedures were operational at 115 airports (covering 99% of all foreign visitors entering the country by air) and 14 seaports, and we began pilot testing biometric exit procedures at one airport and one seaport. As of January 23rd, more than 600,000 foreign visitors have been processed under the new US-VISIT entry procedures.

Our border management system impacts the security of our citizens and our visitors, affects billions of dollars in trade and travel, and helps define relations with our international partners. There is a need to improve this system and bring it into the 21st century with a new integrated system of technological processes that will keep our country's economic and national security strong. This 21st century technology will provide an important step toward achieving the President's goal of secure U.S. borders.

In just a few short weeks the first release of US-VISIT has improved the security of our citizens and visitors. Our Customs and Border Protection Officers are saying that the new tools we have put in place truly help them do their jobs more effectively. They say it's a major advancement in border control. US-VISIT integrates multiple sources of information spanning multiple agencies and departments in order to identify visitors who may pose a threat to the security of this country. A primary source of information supporting the identification of foreign-born criminal violators is the FBI's Integrated Automated Fingerprint Identification System. (IAFIS) To facilitate the inspectors' job at the border, the entrants' screening results are processed and displayed on one screen in less than 15 seconds. Included in this processing time is the collection of the entrants' fingerprints and photograph and matching certain information with that collected by the Department of State at the time of visa issuance. We intercepted a fugitive who had escaped from prison over 20 years ago. We caught and extradited a felon wanted for manslaughter in San Diego. We finally stopped one drug dealer who had entered the U.S. more than 60 times in the past four years using different names and dates of birth. We continue to identify criminals every day at our borders, and on January 19, we supplied crucial biometric information to our partners at the Department of State and prevented an individual from ever obtaining a visa.

The increase in security has not had negative effect on our wait times or our commitment to service. But you don't have to take my word for it. Albert Park, a Korean visiting his sister and arriving at John F. Kennedy International Airport, told the New York Sun (January 6th edition): "I expected a lot more delays, but it was all pretty smooth," and said, "It definitely makes me feel safer."

"We at the airport believe that this is a true enhancement," said Bruce Drum, associate director of the Miami-Dade County Aviation Department." (The Associated Press, January 5th)

And, there was this excerpt from the Washington Post (January 6th): Some travelers who were fingerprinted and photographed at airports across the country yesterday said the security procedures were swift, and most said they were resigned to the new rules. "I don't really mind," said D.C. resident Salome Nnanga, a native of Ethiopia. "I think it's a very, very good idea to protect the country."

We want to ensure that we continue to be a welcoming nation, a nation that invites visitors to study, do business, and relax in our country. We also owe it to our citizens and visitors to deny entry to persons wishing to do harm, or who are inadmissible to the U.S.. Few would dispute that these steps are necessary.

As we evaluate the first month of the program, it seems clear that visitors appreciate the effort we are making to deliver security while simultaneously facilitating the process for law-abiding, legitimate travelers. We must continue to respect our visitors' privacy, treat them fairly, and enable them to pass through inspection quickly so they can enjoy their visit in our country. As people attempt to enter our country, we must know who they are and whether they have committed a crime that would make them inadmissible to the U.S. Moreover, as they leave, we must know that they have not overstayed the duration of their visa. This ability to verify identity means we can have security and control without impeding legitimate travelers, and we can also help protect our welcomed visitors by drastically reducing the possibility of identity theft.

But we are not finished. This is a complicated job that will take time to complete. In fact, US-VISIT is designed to be rolled out in increments to ensure that the foundation is strong and the building blocks are effective. With the deployment of the entry components at air and sea ports, we have made a strong beginning, and going into 2004, we are on track to meet the December 31, 2004 deadline to integrate entry-exit databases at the 50 busiest land border ports of entry and to deploy biometric capabilities to verify certain visa holders. We are seeing that we can accomplish what we set out to do: keep out criminals and terrorists, enhance the integrity of our immigration system, facilitate legitimate travel and trade and help protect the privacy and identity of our visitors.

A Brief Overview

The US-VISIT program is a high-priority initiative of DHS. Working with the Department of State, the Department of Justice, and other federal agencies, we have made great strides in improving overall border management through the collection of pre-arrival, arrival, and departure information on foreign visitors and immigrants who apply for visas and travel through our nation's air and seaports. The program will ultimately record the entry and exit of certain visa holders at our land ports of entry as well. The information will be used to report on the numbers of aliens who have overstayed their periods of admission. Ultimately these reports will enable DHS to seek aliens who have not departed.

By recording more complete arrival and departure information, the US-VISIT program will meet various Congressional mandates for an integrated, interoperable, and automated entry exit system for foreign visitors. More than that, it will also enhance the security and safety of citizens, residents, and visitors by verifying foreign national travelers' identities through the comparison of biometric identifiers, by authenticating their travel documents, and by checking their data against appropriate law enforcement and intelligence systems.

The goals of US-VISIT are to:

Enhance the security of our citizens and visitors.

US-VISIT is a history-making achievement that begins overseas with our partners at the Department of State's visa-issuing posts, and continues upon entry at Customs and Border Protection inspection booths. Already US-VISIT has prevented 30 people who matched criminal databases from entering the U.S. – one even before the visa was issued overseas. And, just by implementing US-VISIT procedures, we have sent a warning to those who believe they can skirt the system, to not even try.

Facilitate legitimate travel and trade.
The Department believes that, over time, US-VISIT will actually speed up the processing times. Reports indicate that capturing biometrics (two fingerscans and a digital photo) takes less then 15 seconds. The Automated Biometric Identification System (IDENT) system takes only seconds to capture the person's information. The CBP Officers often can ask fewer questions once the identity of the visitor has been captured. Fewer people are being sent for secondary inspection, and the overall time to 'clear' a plane has not been significantly impacted. We have also developed responsible mitigation strategies if circumstances dictate that wait times have become unacceptable at a port of entry. All of these improvements help to keep trade booming and contribute to the economy of our nation.

Ensure the integrity of the immigration system.
Inherent in the US-VISIT program is its ability to identify fraudulent documents. This tool aids in bolstering the integrity of the immigration system. As we test various exit components, we further strengthen the immigration system by identifying people who do not comply with the terms of their admission.

US-VISIT also allows DHS to identify those visitors who have overstayed their allotted time in the U.S. and will be available to determine the future admissibility of such visitors. Through the use of airline and ship manifests, US-VISIT already tracks who has arrived to, and departed from, the U.S. Those departures are matched with US-VISIT databases against the recorded entries. Information received from other DHS databases, such as the Student and Exchange Visitor Information System, or SEVIS, will be used to confirm a visitor's compliance with U.S. immigration policy. Individuals for whom an entry exists, but for whom there is no record of departure, are referred to U.S. Immigration and Customs Enforcement for further investigation. If these overstays are located, they may be placed in removal proceedings in accordance with applicable immigration laws.

By providing vital data and assisting in the enforcement of immigration laws, US-VISIT strengthens the overall immigration process and ensures the integrity of our immigration system.

Safeguard the personal privacy of our visitors.
Biometric identifiers make it harder to steal someone's identity even if their travel documents are lost or stolen. This is a significant benefit US-VISIT delivers for the millions of legitimate travelers we welcome each year. In addition, we must continue to respect our visitors' privacy. We have a Privacy Impact Assessment (PIA) being reviewed by external audiences and DHS has the first statutorily created Chief Privacy Officer, Nuala O'Connor Kelly. Ms. O'Connor Kelly along with the US-VISIT privacy officer has worked closely with privacy experts at the Office of

Management and Budget, and with independent privacy consultants to prepare a PIA that addresses the beginning increments of this program.

The Identity Verification Continuum

The Department of Homeland Security and Department of State together have created an entire continuum of identity verification measures that begins overseas, when a traveler applies for a visa, and continues upon entry and exit from this country. Today, more than 50 visa-issuing posts have begun to capture fingerscans and photographs of foreign nationals when they apply for visas, regardless of their country of origin. This process will be in place at all 211 visa-issuing posts worldwide by October 2004.

US-VISIT supports pre-entry processes by using information from the Advance Passenger Information system (biographic, biometric, and previous travel and visa information) to match information to watchlists. This pre-entry processing establishes a single identity for each foreign national that will be used in all interactions with US-VISIT.

Program Implementation

The program is being implemented in increments. The first increment was implemented on December 31 of last year. The other increments will be deployed over the coming years with the ultimate goal of having a robust system that can deliver all of the US-VISIT goals. The steps to this program include:

Increment 1 – 12/31/03:
- Collect and verify biometrics for foreign nationals arriving with nonimmigrant visas at air and seaports of entry
- Check admissibility against watchlists using biographic and biometric data
- Establish exit pilots

Increment 2A – 10/26/04:
- Issue U.S. biometric travel documents following International Civil Aviation Organization (ICAO) standards (all countries)
- Visa Waiver Program applicants must have machine readable passports with biometric indicators in compliance with ICAO standards
- Deploy capability to read biometric travel documents at air and sea POEs

Increment 2B – 12/31/04:
- Extend Increment 1 capability to 50 highest volume land POEs

Increment 3 – 12/31/05:
- Extend Increment 2B to remaining land POEs

Increment 4:

- Launch initial roll-out of US-VISIT envisioned system

US-VISIT's Budget

We deployed US-VISIT on budget. During Fiscal Year 2003 we used appropriated funds of $367 million to achieve successful deployment to 115 airports and 14 seaports. Specifically we have:

- Implemented/interfaced systems to reduce redundancy and make more information available
- Upgraded our infrastructure to support added biometrics
- Deployed the US-VISIT system to 115 airports and 14 seaports on January 5, 2004
- Initiated the exit pilot at one airport and one seaport
- Established the US-VISIT program office

During FY 2004, we have a total of $330 million plus an additional $10 million in no-year funds that we intend to use to continue meeting our goals. Currently, our FY 2004 Expenditure Plan is in review; when these funds are released, we plan to:

- Analyze, field test, and initiate deployment of alternative approaches for verifying identity on exit at air and sea ports of entry

- Implement US-VISIT Increment 1 capabilities at the 50 busiest land border ports of entry by December 2004

- Install biometric readers at all air, sea, and land ports of entry

- Continue building our program management capabilities

In addition, we plan to award a contract to a prime contractor for further development of our end vision. This long-term vision will cover foreign nationals and their interactions with U.S. officials before they enter, when they enter, and when they exit. This comprehensive approach to border management will lead to the creation of a virtual border and will set the course for improved processes for management of data on foreign visitors.

We have also requested that $25 million be released in the interim, while the current year expenditure plan is in review. This will allow us to continue our efforts without interruption and avoid impact to the program that delays in schedule may cause.

Entry Procedures

US-VISIT procedures are already in place at more than 50 visa-issuing posts, and all 211 visa-issuing posts will be deploying US-VISIT technology by October, 2004. By capturing biometrics overseas, before visas are issued, we are working together to strengthen national security.

Once at the port of entry, visitors will find that many of the procedures remain unchanged and are familiar to international travelers. For example, a U.S. Customs and Border Protection

Officer still reviews each visitor's travel documents, such as a visa and passport. The officer still asks questions about the visitor's stay in the U.S.

What's new under US-VISIT is that the U.S. Customs and Border Protection Officer now uses the inkless, digital "fingerscanner" to capture two "fingerscans" of arriving nonimmigrant visitors holding visas. The visitor puts the left index finger and then the right index finger on the scanner. The officer also takes a digital photograph of the visitor.

The biographic and biometric data are used to check the identity of the visitor against the data captured by the State Department to ensure that the person entering the country is the same person who received the visa. Biometrics are also are compared against watchlists. At that point, the U.S. Customs and Border Protection Officer will either admit the visitor or conduct additional inquiries based on the verification results. These procedures reduce fraud, identity theft, and the risk that terrorists and criminals will enter the U.S. undetected.

A True Partnership

The Department is not doing this alone. We are collaborating with other government agencies, most notably the Department of State, to implement US-VISIT and inform the traveling public. We are working closely with the air and sea travel industry regarding the requirements of the US-VISIT program, as well as speaking with constituencies along the land borders. We see our relationship with these groups as a partnership.

We are also partnering with private industry to develop the best technological solutions. In accordance with our published schedule, a Request For Proposals (RFP) was issued in November 2003. The RFP incorporates an acquisition strategy to ensure that the latest available technologies will be incorporated into US-VISIT. The contract for this technology is expected to be awarded in May 2004.

An important part of the program is public education. Travelers are getting educated about the program before they arrive at the port of entry. We are engaged in a worldwide campaign to inform them. This campaign includes public service announcements, signage at ports of entry, explanatory cards on airplanes and cruise ships, news media coverage, and on-board explanatory videos.

Statutory Mandates

The principal law that mandates the creation of an automated entry exit system that integrates electronic alien arrival and departure information is the Immigration and Naturalization Service Data Management Improvement Act of 2000 (DMIA), Pub. Law No. 106-215 (2000), 114 Stat. 339, codified as amended at 8 U.S.C. section 1365a.

But there are many other laws that also impact this program. In order to handle all of the legal requirements and be able to best monitor the progress, meet the requirements, and measure the success, Secretary Ridge established US-VISIT.

(See Appendix I for details of these statutory mandates.)

We have prepared a Privacy Impact Assessment (PIA), which is being reviewed by external audiences including several privacy advocacy groups. This process is being spearheaded by DHS's Chief Privacy Officer, Ms. O'Connor Kelly, the first statutorily mandated privacy officer, to ensure that US-VISIT is in compliance with the appropriate privacy rules and regulations. The PIA has been developed and published in the Federal Register, and DHS is currently considering all comments received.

The Chief Privacy Officer (Ms. Nuala O'Connor Kelly) and the US-VISIT Privacy Officer (Steve Yonkers) have met with numerous advocacy, privacy and immigration groups to solicit input and hear concerns, which have been taken into account in the development of the program.

The US-VISIT PIA was hailed by many in the privacy community as an excellent model of transparency, including detailed information about the program, the technology and the privacy protections.

A copy of the PIA is attached as Appendix II.

<u>Success Stories on Violators and Deployment of US-VISIT</u>

Since US-VISIT entry procedures were implemented, it has resulted in the interception of dozens of individuals who matched various criminal databases. These included rapists, drug traffickers, credit card and visa fraud criminals, and a convicted armed robber.

Here are details of a few examples.

> 1) <u>Interception of Drug Trafficker who Escaped from Prison</u>
> On January 14, 2004, at Miami International Airport, a man from Peru was traveling to the U.S. When he arrived at the CBP Officer's booth for admittance, he was enrolled in US-VISIT. His fingerprints matched the ones already in a federal criminal database. This man was wanted by the U.S. Marshals for escaping from Latuna Federal Correction Facility where he had been serving a sentence for a conviction of dealing cocaine. After his escape, an arrest warrant was issued. In May of 2003 he re-entered the U.S. without incident. Now, with the help of US-VISIT biometric processes, this man was caught and extradited by U.S. Marshals for the warrant. US-VISIT prevented a drug trafficker from roaming the streets of Miami.
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> 2) <u>Closing a Deportation Loop Hole</u>
> On January 18, 2004, a man who has had four aliases tried to enter the U.S., even with a "failure to appear" warrant for him. DHS/ICE issued the warrant on August 8, 2003, and since then this man had entered the U.S. at least five times. Now, with the ability to match fingerscans with those in a criminal database, this man's luck ran out. He was extradited from the U.S. and put on the next flight back to Columbia.

3) Passport Fraud Uncovered

On January 14, 2004, a British West Indies Airways flight arrived at JFK International Airport in New York carrying a woman from Trinidad. Because US-VISIT begins at the visa-issuing post, a photo of the visitor was on file and accessible by the Customs and Border Protection Officer, who determined that she had used a false name. In reality, the traveler was a woman who had been arrested in April 2000 in New Orleans and convicted of passport fraud. The woman was placed on five years' probation and ordered not to enter the U.S. without the attorney general's written permission. The woman, whose husband lives in the U.S., had obtained a passport and U.S. visa by fraud in Trinidad for $2,000. She was removed from the U.S.

A CBP Trainee Rises to the Occasion

U.S. Customs and Border Protection Officer Trainee Rafal Izycki was working at primary inspection at Chicago O'Hare International Airport. An Albanian national seeking admission into the U.S. appeared before him and presented an Albanian passport. When Inspector Izycki compared the State Department photo image provided by US-VISIT against the photographs on the passport and visa, he realized that the person in front of him was not the person who had obtained the visa. He immediately referred the Albanian national for a secondary inspection where it was determined that the passport had been photo-substituted and the non-immigrant visa had been altered. The capability to access the State Department photographs of visa applicants provides a powerful tool for inspectors working to protect the U.S.

Land Issues

US-VISIT Increment 1 capabilities will be in place at the 50 busiest land ports of entry (POEs) by December 31, 2004, with processes in place at the remaining land borders by December 31, 2005. Land borders present a unique challenge in and of themselves, and each of the 165 land ports of entry is different and challenging. We do know that an inspection conducted at an air or sea entry point and one conducted at a land border will be different.

We are currently developing the best solution for a technology to be used at land borders to leverage biographic and biometric data.

US-VISIT Program Office Update

Secretary Ridge approved the creation of a US-VISIT program office, and positions have been approved to fill the organization and manage the program. The US-VISIT program team consists of representatives from the various components of DHS responsible for border security, including the U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, and the Transportation Security Administration. U.S. Citizenship and Immigration Services is also represented. Other DHS components that assist the US-VISIT team include the Directorate for Management and the Science and Technology Division. In addition, outside DHS, the team consists of representatives from the Departments of Transportation, State, Commerce, Justice, and General Services Administration.

Conclusion

US-VISIT is critical to our national security as well as our economic security, and its introduction has been successful. But US-VISIT can not be left unfinished. We must build upon the initial framework and solid foundation to ensure that we continue to meet our goals to enhance the security of our citizens and visitors while facilitating travel for the millions of visitors we welcome each year. We are committed to building a system that enhances the integrity of our immigration system by catching the few and expediting the many, and we recognize that the U.S. is leading the way in helping other countries around the world keep their borders secure and their doors open.