

February 15, 2004

US-VISIT: New security for a new age

Heightened screening of foreign visitors could herald revolution in aviation security

Last month, the U.S. Department of Homeland Security (DHS) launched a new program to strengthen border security by monitoring international visitors. Known as the US-VISIT (U.S. Visitor and Immigration Status Indicator Technology) program, the plan verifies the identity of most foreign visitors through digital photography and fingerprinting. The new system, which went into effect at 115 airports and 14 major seaports on January 5, 2004, is expected to track an estimated 24 million foreigners each year.

Described by the DHS as "the greatest improvement in border inspection in more than three decades," US-VISIT attempts to tackle one of the biggest vulnerabilities in the U.S. immigration system: international visitors who enter the nation legally and overstay their visas. The General Accounting Office (GAO) estimates that approximately two million foreigners currently reside in the United States with expired visas, with that figure increasing by 125,000 each year.

Global reaction to the program has been mixed. Some nations recognize and respect the need for closer scrutiny of visitors to prevent a catastrophe on the level of the September 11, 2001, terrorist attacks, while others decry the measures as invasive and even dangerous.

Photographs and fingerprints

The US-VISIT program requires that customs officials take digital photographs and scan the two index fingers of most foreign visitors with non-immigrant visas. According to DHS officials, the new security measures add only seconds to arrival proceedings, based on the results of a pilot program conducted last November at the Hartsfield-Jackson International Airport in Atlanta. The photographs and fingerprints are compared to those taken in the visitors' home countries when they applied for visas, a process that will help confirm that the individuals who arrive in the United States are the same people who completed the visa applications. In addition, U.S. officials check the foreigners' identities against criminal databases and terrorism watch lists. The system identified 21 individuals for various violations in its first day alone.

There are exceptions to the program. US-VISIT exempts citizens from 27 countries who travel to

the United States on tourist visits less than 90 days. The exempt nations are Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland and the United Kingdom. Other exemptions include specific classes of diplomats and some other officials, as well as visitors under age 14 and over age 79. Different rules also apply to citizens of Canada and Mexico. Canadians may enter the United States simply by providing proof of their citizenship. Mexicans can apply for a travel permit for up to three days, as long as they stay within 25 miles of the border; longer stays require completion of a special document, known as an I-94 form.

Also on January 5, the DHS initiated a pilot program of exit procedures for visa-holding passengers at Baltimore-Washington International Airport and at selected Miami Seaport cruise terminals. Foreign visitors at these locations use automated kiosks to confirm their departure. DHS officials will evaluate the program and examine alternatives to the kiosks throughout 2004.

Global response

The world's response to the US-VISIT program has been mixed, although the predominant mood appears to be one of skepticism, with some outright hostility.

Nations such as France and Israel, which have long waged war against terrorism, support the new measures. In fact, some members of the French government believe standards should be even tougher, both in France and in the United States. Last November, France passed legislation requiring that foreigners who need visas have their photographs and fingerprints taken at French consulates, although a proposal imposing fingerprint requirements on passports was rejected by the French State Department last summer. Rigorous

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profiling, combined with the use of air marshals, has made the Israeli airline El Al the most secure in the world; no El Al aircraft has been hijacked since July 1968, when Palestinians diverted a flight to Algiers. Such security, however, comes at a tremendous cost—more than \$110 million annually for three million passengers. According to the Bureau of Transportation Statistics, U.S. airlines carry more passengers in three days.

Several other nations have denounced the new measures as excessive and even dangerous. A spokesperson for the International Air Transportation Association, the trade group that represents most international airlines, predicts that the new program will decrease tourism to the United States because of the additional inconvenience. An Italian newspaper charged that “visitors will be treated like suspect terrorists,” and a publication in Spain opined that the measures could lead “to a world dominated by fear, mistrust of foreigners, and restrictions on civil rights and freedoms.” Additionally, some critics have described the process as a racist act that violates human rights, partly because of the exemptions granted to citizens of the 27 nations named above.

Brazil has taken the greatest umbrage against the tighter security measures. In retaliation against the US-VISIT program, the Brazilian Foreign Ministry began fingerprinting and photographing U.S. citizens who arrived in the country. Unfortunately, lack of training and technology has resulted in delays of several hours for Americans. Brazil is the only country to take such action thus far, but this type of reciprocity could become commonplace as other nations react to perceived U.S. oppression.

Potential problems

The new program represents a significant step toward tightening U.S. borders against foreign terrorists, but the system contains numerous gaps that must be addressed.

Terrorist organizations such as al Qaeda can easily circumvent the current system, which may be perceived as “random” in its application. Groups can assign agents from exempt countries to enter the United States as tourists, avoiding the identification measures altogether. Shoe bomber Richard Reid, for example, boarded his flight in London and could have avoided the digital fingerprinting and photography by claiming a tourist visit less than 90 days. Even if he had submitted to these measures, the possibility remains that no action might have been taken since his name did not appear on U.S. terror watch lists.

The federal government has implemented additional measures to help identify potential terrorists or criminals. One initiative involves expansion of the Advance Passenger Information System (APIS), an automated system capable of checking passengers and crewmembers of commercial air and sea carriers against several federal databases prior to arriving in the United States. Individuals identified by passenger analysis units as a security risk are referred for in-depth interviews upon arrival.

While APIS and US-VISIT can help identify criminals attempting to enter the United States, the U.S. government needs to improve its system for identifying and tracking suspected terrorists, which currently exists in several incompatible forms. Without a consolidated database to compare the fingerprints and photographs gathered through US-VISIT, the information collected has very limited value for identifying potential terrorists. “The intelligence is the most important thing,” said one expert. “Once you have the intelligence, the identification measures of photographs and fingerprints may be of use, but without them, I’m afraid it won’t help much.” The DHS has plans to help address this problem by ultimately merging the many databases and varying technologies used by the government to track immigrants and criminal suspects, but such integration remains several years away.

Another concern stems from the fact that the program does not incorporate widespread departure confirmation. Until that time, now scheduled for completion by December 31, 2005, the United States will not be able to track those visitors who overstay the limits of their visa or their tourist leave. Simply having the capability to identify visa overstays, however, is not enough. To be effective, the system must also include sufficient resources to track down and deport these individuals—a historic problem for U.S. Immigration and Customs Enforcement and one not likely to be resolved.

Furthermore, implementing the US-VISIT program could produce a substantial, negative economic impact on the United States. So far, the U.S. Congress has provided almost \$700 million to produce and implement the system at airports and to extend it to land borders in 2004. The DHS plans to award a government contract worth up to \$20 billion over five to 10 years for the biometric devices required to expand the system within the United States and to execute similar procedures at U.S. consulates and embassies abroad. In addition to these direct costs, resulting delays could impede the flow of people and goods. A 1998 Senate committee report concluded that adding 30 seconds to each person's crossing at the Peace Bridge in Buffalo, New York, would create a backup of two-and-a-half days. While the federal government is committed to facilitating the flow of traffic across the nation's borders, such holdups could have the potential to damage U.S. revenue from trade and tourism.

Privacy concerns

The idea of storing millions of fingerprints and photographs in a massive government-controlled database does not rest well with many people. Critics of the program have expressed concern over the potential for privacy violation. The digital fingerprints and photos—along with such personal information as name, birth date, gender and travel itinerary—will be entered into the Arrival & Departure Information System (ADIS)

and cross-referenced against the Student & Exchange Visitor Information Service. The data in ADIS will be kept for 100 years, while other immigration information is retained for 75 years, based on rules established at the time of the databases' creation.

The DHS Privacy Office has addressed many of these concerns by conducting a civil-liberties assessment. The results were published on December 18, 2003, in a Privacy Impact Assessment, which explains the program's privacy policy and draws a map of how information will flow between departments, as well as how it will be shared, accessed and stored.

Privacy advocates continue to express reservations—particularly for individuals who might be denied access because of inaccurate information. DHS representatives express confidence that secondary measures now in place will clarify such errors quickly. Individuals who are flagged during the process go through a follow-up inspection. If an issue arises involving a person's fingerprint, an on-site fingerprint analyst examines the prints. "We do have procedures in place to make sure that it's an actual accurate hit," said a spokesperson for the DHS, "and we have less than 0.1% instances of false positives."

Future of aviation security?

While several countries are balking at the new security procedures, the program's success could spark similar measures around the world. After its first month of nationwide implementation, the US-VISIT program has shown itself to be remarkably effective. Almost 600,000 passengers were processed by the end of January, and total processing times per flight have averaged less than one hour. Additionally, the program has denied entry to approximately 30 individuals who tried to enter the United States with outstanding arrest warrants.

Even critics of the new system acknowledge that US-VISIT may represent the unfortunate reality

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of the modern terrorist threat. An editorial in the English-language *Hong Kong Standard* stated, "Whether we like it or not, these are the realities we now have to live with when traveling." The current situation bears a similarity to the early 1970s, when a rash of hijackings prompted the U.S. government to adopt stricter aviation security measures, including baggage inspections and use of magnetometers. These procedures were initially viewed as excessive, but have long since become accepted as standard practice.

Role of the private sector

The new screening measures represent a good starting point for tracking foreign visitors to the country, but more steps need to be taken. Private-sector organizations can help enhance the national defense effort in several ways.

- **Assist in developing security solutions.** Much of the nation's intellectual capital resides in the business sector. Corporate leaders can help enhance U.S. security efforts by sharing their expertise and developing technological solutions that will tighten border security while minimizing disruption. The United States is renowned and respected as a world leader in technology. Focusing this immense capability on creating new security technologies is critical to winning the war against terrorism.
- **Perform thorough background investigations.** Many of the foreign visitors who overstay their visas support themselves with jobs. American employers need to screen all employees to safeguard against infiltration by potential "sleeper" agents and other criminals. In making employment decisions, businesses must ensure compliance with immigration and naturalization laws, which will help reduce the incidence of visitors with expired visas remaining in the United States.
- **Exercise strict controls while embracing diversity.** Employers must obey the law concerning

immigrants and employ only individuals legally authorized to work in the United States, but they cannot unfairly target foreign-born citizens in the name of national security. Background investigations and other protective measures must apply universally to all applicants, regardless of background. Only by guaranteeing the same freedoms and opportunities to everyone can the United States uphold the founding principles that have made this nation great.

The US-VISIT program demonstrates that the United States of America is taking important steps to protect its borders against infiltration by potential terrorist agents. At the same time, these measures must be tempered to ensure protection of human rights—a goal that the DHS has taken concrete action toward attaining. The system is still in its infancy and much work remains, including implementation of a national departure confirmation system; expansion of the entry-exit system to all land, air and sea ports; and development of a comprehensive database against which to check the information gathered. Initial implementation of the program, however, appears promising and could well herald the next revolution in aviation security.

Meanwhile, the private sector can help this critical effort by sharing problem-solving expertise and developing technological security solutions. By carefully screening applicants and adhering to laws concerning immigration and naturalization, businesses can also fight the perennial problem of visa overstays, while protecting themselves against more common security threats, such as workplace violence, employee theft and industrial espionage. Exercising such diligence will require additional expense, but failing to make the necessary investment constitutes a serious gamble, with lives at stake. No gambler wins all the time.



The Lipman Report Editors