U.S. DEPARTMENT OF HOMELAND SECURITY
OFFICE OF INSPECTOR GENERAL

OIG-24-27

June 7, 2024

FINAL REPORT

DHS Needs to Improve Its Screening and Vetting of Asylum Seekers and Noncitizens Applying for Admission into the United States (REDACTED)

OFFICE OF INSPECTOR GENERAL
U.S. Department of Homeland Security
Washington, DC 20528 | www.oig.dhs.gov

June 7, 2024

MEMORANDUM FOR: The Honorable Ur M. Jaddou
Director
U.S. Citizenship and Immigration Services

Troy A. Miller
Senior Official Performing the Duties of the Commissioner
U.S. Customs and Border Protection

FROM: Joseph V. Cuffari, Ph.D.
Inspector General

JOSEPH V CUFFARI   Digitally signed by
JOSEPH V CUFFARI
Date: 2024.06.07
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SUBJECT: *DHS Needs to Improve Its Screening and Vetting of Asylum Seekers and Noncitizens Applying for Admission into the United States* – Law Enforcement Sensitive

Attached for your action is our final report, *DHS Needs to Improve Its Screening and Vetting of Asylum Seekers and Noncitizens Applying for Admission into the United States*. We incorporated the formal comments provided by your office.

The report contains five recommendations aimed at improving DHS' screening and vetting of asylum seekers and noncitizens. Your office concurred with all five recommendations.

Based on information provided in your response to the draft report, we consider all five recommendations open and resolved. Once your office has fully implemented the recommendations, please submit a formal closeout letter to us within 30 days so that we may close the recommendations. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions and of the disposition of any monetary amounts. Please send your response or closure request to OIGAuditsFollowup@oig.dhs.gov.

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post a redacted version of the report on our website.

Please contact me with any questions, or your staff may contact Kristen Bernard, Deputy Inspector General for Audits, at (202) 981-6000.

Attachment

OIG Project No. 22-038-AUD-CBP, USCIS

DHS OIG HIGHLIGHTS
DHS Needs to Improve Its Screening and Vetting of Asylum Seekers and Noncitizens Applying for Admission into the United States

June 7, 2024

Why We Did This Audit

CBP is responsible for screening all foreign visitors and returning American citizens upon arrival at a United States port of entry. USCIS screens noncitizens seeking asylum to verify applicants' identities and determine eligibility. We conducted this audit to determine the effectiveness of DHS' technology, procedures, and coordination to screen and vet asylum seekers and noncitizens seeking admission to the United States.

What We Recommend

We made five recommendations to improve DHS' screening and vetting of asylum seekers and noncitizens.

For Further Information:
Contact our Office of Public Affairs at (202) 981-6000, or email us at: DHS-OIG.OfficePublicAffairs@oig.dhs.gov.

What We Found

The Department of Homeland Security's technology, procedures, and coordination were not fully effective to screen and vet noncitizens applying for admission into the United States or asylum seekers whose asylum applications were pending for an extended period. Although U.S. Customs and Border Protection (CBP) deployed new technologies to enhance traveler screening, it could not access all Federal data necessary to enable complete screening and vetting of noncitizens seeking admission into the United States. In addition, CBP used varied and sometimes inconsistent inspection procedures for travelers arriving in vehicles at land ports of entry. Finally, CBP does not have the technology to perform biometric matching on travelers arriving in vehicles at land ports of entry.

Once a noncitizen files an asylum application, U.S. Citizenship and Immigration Services (USCIS) conducts screening and vetting to verify each asylum applicant's identity and determine their eligibility. However, USCIS did not always complete timely screenings of more than 400,000 affirmative asylum applicants who filed for asylum between October 2017 and March 2023. Additionally, USCIS does not have a dedicated procedure or comprehensive technology solution to perform interim screening of asylum applicants whose cases were not adjudicated within the required 180-day timeframe.

Without capabilities to effectively screen and vet noncitizens, CBP is unable to conduct complete screening and vetting of all noncitizen travelers at air and land ports of entry. Additionally, without a dedicated technology capability and resources to conduct interim screenings, USCIS may not promptly identify asylum seekers with derogatory information who remain in the country for extended periods of time while awaiting an asylum decision. Until the Department addresses these challenges, DHS will remain at risk of admitting dangerous persons into the country or enabling asylum seekers who may pose significant threats to public safety and national security to continue to reside in the United States.

DHS Response

DHS concurred with all five recommendations.

Table of Contents

Abbreviations

ABIS	Automated Biometric Identification System
BEWL	Biometrically Enabled Watch List
CBP	U.S. Customs and Border Protection
DoD	Department of Defense
EOIR	Executive Office for Immigration Review
FDNS	Fraud Detection and National Security Directorate

HART	Homeland Advanced Recognition Technology
IDENT	Automated Biometric Identification System
INA	*Immigration and Nationality Act*
NTC	National Targeting Center
NVC	National Vetting Center
OBIM	DHS Office of Biometric Identity Management
OFO	Office of Field Operations
PLCY	Office of Strategy, Policy, and Plans
POE	port of entry
RAIO	Refugee, Asylum and International Operations Directorate
U.S.C.	United States Code
USCIS	U.S. Citizenship and Immigration Services
USEC	Unified Secondary

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Background

During fiscal year 2023, more than 363 million people sought entry into the United States, including U.S. citizens, lawful permanent residents, and noncitizens. The *Immigration and Nationality Act* (INA)[1] requires DHS to determine the admissibility of all persons applying for admission to the United States. Multiple DHS components play a critical role to conduct an examination to screen[2] and vet[3] a person's suitability to lawfully enter or remain in the United States. DHS personnel from U.S. Customs and Border Protection (CBP) are required to screen and vet noncitizens as they seek admission into the United States; personnel from U.S. Citizenship and Immigration Services (USCIS) are responsible for screening and vetting noncitizens seeking asylum to determine whether they are eligible for asylum status. Persons with asylum status may remain in the country for an indefinite period.

CBP's Screening and Vetting Process

CBP is responsible for screening all foreign visitors, returning American citizens, and imported cargo at 328 air, land, and sea ports of entry (POE) by identifying dangerous and inadmissible persons. To do this, CBP officers must verify every person's identity against travel documents and perform additional queries,[4] as needed, to determine admissibility. During primary inspection,[5] CBP officers:

- collect travelers' photographs and fingerprints;[6]
- physically review identification such as passports or permanent resident cards;

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[1] *Immigration and Nationality Act of 1952*, 8 United States Code (U.S.C.) 1101, *et seq*.

[2] DHS defines screening as a physical and/or information-based examination or review of cargo, people, and their belongings to identify persons who may pose a threat or are ineligible for access; detect cargo or objects that may pose a threat; and grant or verify a license, privilege, or status. See DHS Instruction Manual 262-12-001-01, *DHS Lexicon Terms and Definitions*, p. 576 (https://www.dhs.gov/publication/dhs-lexicon). CBP refers to its screening process at U.S. POEs as an inspection. See CBP Immigration Inspection Program, https://www.cbp.gov/border-security/ports-entry/overview#:~:text=Individuals%20seeking%20entry%20into%20the,officers%20who%20determine%20their%20admissibility. USCIS refers to its screening of asylum applicants as security checks. See USCIS Policy Manual: Chapter 2 – Background and Security Checks, https://www.uscis.gov/policy-manual/volume-12-part-b-chapter-2.

[3] DHS defines vetting as a process to investigate and evaluate a person's suitability for access to a controlled area using both manual and automated tools to review and assess known derogatory information measured against threat factors to determine potential risk and/or initiate additional lines of inquiry. This includes automated biographic and/or biometric matching against watchlists and threat information. See DHS Instruction Manual 262-12-001-01, *DHS Lexicon Terms and Definitions*, p.700 (https://www.dhs.gov/publication/dhs-lexicon).

[4] A query is a search in a technology system for relevant information using search criteria relating to the subject. A query may be conducted through manual data entry or automated processing.

[5] See 8 Code of Federal Regulations (C.F.R.) § 235, *Inspection of Persons Applying for Admission*.

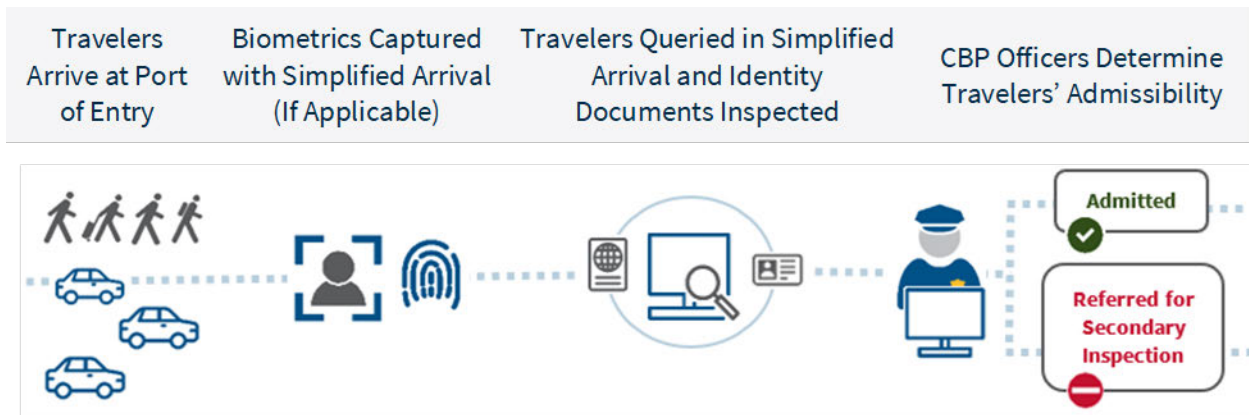[6] See 8 C.F.R. § 235.1(f), *Alien applicants for admission*.

- query biographic and biometric data against DHS and other Federal databases using the Simplified Arrival process to identify derogatory information[7] and review border crossing history; and
- ask targeted questions to determine a traveler's intent for entering the country.

Figure 1 depicts CBP's primary inspection process at U.S. POEs.[8]

Figure 1. CBP's Primary Inspection Process

| Travelers Arrive at Port of Entry | Biometrics Captured with Simplified Arrival (If Applicable) | Travelers Queried in Simplified Arrival and Identity Documents Inspected | CBP Officers Determine Travelers' Admissibility |

Admitted

Referred for Secondary Inspection

Source: DHS Office of Inspector General analysis of CBP policies and procedures

For persons traveling internationally to the United States by air, the vetting process begins when a traveler reserves or purchases an airline ticket. Using travelers' personal information[9] provided by the airlines, CBP's Automated Targeting System queries travelers' biographic data against law enforcement, intelligence, and other databases.[10] If a query returns derogatory information, an officer from CBP's National Targeting Center (NTC) performs additional vetting and shares concerning data with internal and external partners to prevent dangerous persons from entering the country. This pre-screening takes place before the traveler arrives in the United States and does not occur for travelers arriving at land POEs.

At air and land POEs, travelers undergo primary screening. Travelers deemed admissible are permitted to enter the country. Otherwise, travelers are referred for secondary inspection,[11] a

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[7] DHS defines derogatory information as information that potentially justifies an unfavorable suitability, fitness, or security adjudication.

[8] CBP's primary inspection process is used at air, land, and sea POEs. However, sea POEs were not included in our audit scope.

[9] Personal information includes full name, date of birth, citizenship, travel document type, passport number, expiration date and country of passport issuance, alien registration number, country of residence, passenger name record locator number, and U.S. destination address.

[10] Appendix D lists CBP's screening and vetting systems.

[11] Travelers are referred to secondary inspection for various reasons including potentially derogatory information, appearance on the terrorist watchlist, and public health and prior port runner alerts.

continuation of the inspection, when travelers require additional scrutiny to determine admissibility in Unified Secondary (USEC),[12] CBP's secondary inspection technology system. In FY 2022, CBP officers conducting secondary inspections refused admission to more than 502,000 inadmissible migrants and arrested more than 15,000 persons wanted for criminal activity.

USCIS' Screening and Vetting Process

USCIS is responsible for screening and vetting noncitizens seeking asylum to determine their eligibility to remain in the country as asylees. Some noncitizens travel to U.S. borders with the intention of seeking asylum.[13] Asylum is a form of protection that allows a person to remain in the United States instead of being removed to a country where they fear persecution or harm. Asylum is generally categorized as affirmative or defensive.[14] Affirmative asylum seekers must be present in the United States and, unless an unaccompanied minor, not be in immigration removal proceedings or have a removal order.[15] A defensive application for asylum occurs when an applicant requests asylum as a defense against removal from the United States. For asylum processing to be defensive, the applicant must be in removal proceedings in immigration court with the Department of Justice's Executive Office for Immigration Review (EOIR). Following USCIS' or EOIR's approval, asylees may remain indefinitely in the United States and apply for lawful permanent residence after 1 year. After attaining 4 years, 9 months of lawful permanent resident status,[16] most asylees may apply to become U.S. citizens. During FY 2022, USCIS received nearly 242,000 applications for asylum.

When USCIS receives an asylum application, it performs several biographic and biometric screenings to verify an applicant's identity and identify information to assist in benefit eligibility determination and flag national security and public safety concerns. Applicants are initially scheduled for biometrics collection[17] at a USCIS Application Support Center, then an asylum interview at a USCIS asylum office.[18] During the interview, an asylum officer obtains additional information about an applicant's eligibility for asylum, including by determining the credibility of

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[12] USEC gives officers broad access to federally held data to conduct in-depth traveler queries.

[13] Noncitizens may be granted asylum if they meet the definition of a refugee as set forth in 8 U.S.C. § 1101(a)(42)(A). To establish that an applicant is a refugee within the meaning of such section, the applicant must establish, among other elements, that race, religion, nationality, membership in a particular social group, or political opinion was or will be at least one central reason for persecuting the applicant. See 8 U.S.C. § 1158(b)(1)(A), Eligibility, and (B) Burden of Proof, respectively.

[14] Appendix C depicts the affirmative and defensive asylum processes.

[15] Removal proceedings involve an immigration judge conducting a hearing to determine a noncitizen's inadmissibility or deportability.

[16] See 8 C.F.R. § 209.2(f) (For asylees, if the application for adjustment of status is approved, lawful permanent resident status is dated one year before the date of the approval, meaning that the 1 year as an asylee is counted toward the required period of permanent residence to apply for naturalization under 8 U.S.C. § 1427(a)).

[17] Fingerprints and a photograph.

[18] USCIS asylum offices are located in Arlington, VA; Boston, MA; Chicago, IL; Houston, TX; Los Angeles, CA; Miami, FL; Newark, NJ; New Orleans, LA; New York, NY; San Francisco, CA; and Tampa, FL.

the applicant's testimony, assessing indicators of fraud, and verifying whether the applicant is subject to any mandatory bars to asylum. Following the interview, the asylum officer updates the asylum case management system, Global (not an acronym), with information such as case status and history, immigration status validation, and biographic information. The asylum officer also performs additional applicant research and prepares the asylum decision. All asylum decisions undergo supervisory review before applicants are notified of the decision to grant or deny asylum, or to refer the application to EOIR.[19] At any point during the adjudication process, if screening checks or the asylum interview reveal potentially derogatory information, the case may be referred to USCIS' Fraud Detection and National Security Directorate (FDNS) for additional vetting. Some circumstances require a referral to FDNS.

We previously reported on challenges with DHS' screening and vetting of Afghan evacuees arriving in the United States as part of Operation Allies Refuge/Operation Allies Welcome.[20] We conducted this audit to determine the effectiveness of DHS' technology, procedures, and coordination to screen and vet asylum seekers and noncitizens seeking admission to the United States. Our audit work focused specifically on CBP's operations at air and land POEs and USCIS' asylum program.

Results of Audit

DHS' technology, procedures, and coordination were not fully effective to screen and vet noncitizens applying for admission into the United States or asylum seekers whose asylum applications were pending for an extended period. Although CBP deployed new technologies to enhance traveler screening, it could not access all Federal data necessary to enable complete screening and vetting of noncitizens seeking admission into the United States. In addition, CBP used varied and sometimes inconsistent inspection procedures for travelers arriving in vehicles at land POEs. Finally, CBP does not have the technology to perform biometric matching on travelers arriving in vehicles at land ports of entry.

Once a noncitizen files an asylum application, USCIS conducts screening and vetting to verify each asylum applicant's identity and determine their eligibility. However, USCIS did not always complete timely screenings of more than 400,000 affirmative asylum applicants who filed for asylum between October 2017 and March 2023. Additionally, USCIS does not have a dedicated

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[19] When USCIS determines an affirmative applicant will not be granted asylum and the applicant does not have lawful status in the United States, USCIS will refer the asylum application to EOIR for removal proceedings. See USCIS, Types of Affirmative Asylum Decisions, https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/types-of-affirmative-asylum-decisions#:~:text=If%20the%20claim%20is%20approved,final%20denial%20(see%20below).&text=You%20will%20receive%20a%20notice,NOID%20within%2016%20days%2C%20or.

[20] *DHS Encountered Obstacles to Screen, Vet, and Inspect All Evacuees during the Recent Afghanistan Crisis* (REDACTED), OIG-22-64, Sept. 6, 2022.

procedure or comprehensive technology solution to perform interim screening of asylum applicants whose cases were not adjudicated within the required 180-day timeframe.[21] Without capabilities to effectively screen and vet noncitizens, CBP is unable to conduct complete screening and vetting of all noncitizen travelers at air and land POEs. Additionally, without a dedicated technology capability and resources to conduct interim screenings, USCIS may not promptly identify asylum seekers with derogatory information who remain in the country for extended periods of time while awaiting an asylum decision. Until the Department addresses these challenges, DHS will remain at risk of admitting dangerous persons into the country or enabling asylum seekers who may pose significant threats to public safety and national security to continue to reside in the United States.

CBP Deployed New Technology to Enhance Traveler Processing, but Could Not Access All Biometric Data for Complete Screening and Vetting

In recent years, CBP deployed new technology to improve real-time processing of travelers seeking admission to the United States. According to program officials, between 2018 and 2023, CBP deployed Simplified Arrival, which improved automated processing capabilities at air and land POEs. Simplified Arrival provided frontline officers with new and impactful processing capabilities such as instant facial comparison capability for travelers entering the country through air POEs and land POE pedestrian lanes. Facial comparison technology compares a traveler's live photo taken at the port to a gallery of images or a travel document photo, enabling CBP officers to confirm traveler identities in less than 1 second.[22] As of March 2023, the technical match rate[23] of facial comparison technology was 99.7 percent in the air entry environment and 98.8 percent in the pedestrian land entry environment.[24] CBP officials said this technology improved detection of impostors compared to prior manual detection methods. As of April 2023, 1,767 impostors had been identified at POEs using facial comparison technology.

1,767
imposters detected using Simplified Arrival at POEs as of April 2023

Additional technology improvements for air and land POEs included CBP's deployment of USEC. Program officials said between 2018 and 2020, CBP deployed USEC at all POEs to improve secondary inspection capabilities. For example, USEC interfaces with a super query function that

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[21] 8 U.S.C. § 1158(d)(5)(A)(iii).

[22] Simplified Arrival is interconnected with the Traveler Verification Service, the system CBP uses to support traveler facial comparison for biometric entry and exit. The Traveler Verification Service builds and houses galleries of photographs based on where and when a traveler enters or exits the country depending on upcoming flight or vessel arrivals or departures if it has access to advance passenger information.

[23] The technical match rate is a measure of how well the matching algorithm identifies and verifies individual travelers.

[24] From inception through March 28, 2023.

enabled officers to access and query up to 28 interconnected systems[25] from a single screen for more efficient case processing. If an officer must conduct research outside the super query function, USEC provides hyperlinks to facilitate quick and easy access to external systems. CBP officials said USEC also facilitates internal and external data sharing, enabling officers to share certain refugee information electronically instead of faxing it, for example.

CBP Could Not Access All Biometric Data for Complete Screening and Vetting

Although CBP enhanced POE processing capabilities, DHS' biometric system, the Automated Biometric Identification System (IDENT),[26] could not access all data from Federal partners to ensure complete screening and vetting of noncitizens seeking admission into the United States. The *Intelligence Reform and Terrorism Prevention Act of 2004*[27] requires all agencies that store or use intelligence or terrorism information to implement Government-wide information sharing. However, CBP could not access all biometric data held in the Department of Defense's (DoD) Automated Biometric Identification System (ABIS),[28] which contains DoD's Biometrically Enabled Watchlist (BEWL).[29] Access to ABIS and BEWL data, through DHS system queries, is vital for CBP to make a fully informed decision regarding traveler admissibility.[30]

Over many years, DHS' Office of Biometric Identity Management (OBIM) has coordinated with DoD to address data-sharing limitations between IDENT and ABIS and automate certain functions. For example, in 2017, IDENT and the BEWL achieved interoperability. Then, in 2020, IDENT and ABIS achieved interoperability so ABIS users could query IDENT and receive a match response and subsequent notification from IDENT when there was a match. Despite these achievements, IDENT users still cannot query a person's biometric information directly in ABIS.

We attribute CBP's inability to access certain ABIS and BEWL data to ongoing technical limitations that continued to impede data-sharing capabilities. The current interconnection between IDENT and ABIS did not resolve all technical limitations because ABIS was unable to support CBP's daily average of 360,000 IDENT search transactions. To overcome this limitation,

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[25] Appendix D lists technology systems used to screen and vet persons seeking admission into the country.

[26] IDENT is DHS' system of record to store and process biometric data used for national security, law enforcement, immigration and border management, and intelligence. DHS components use IDENT to verify identity information and query data against other records and systems during screening and vetting.

[27] Pub. L. No. 108-458 (2004).

[28] DoD's ABIS stores biometric and contextual data from detainees, enemy combatants, and criminals. This data includes latent prints recovered from improvised explosive devices and other hostile actions; 10-print fingerprints matched to prints from improvised explosive device components; and reviews of, and documents received from, applicants requesting access to U.S. installations overseas.

[29] The BEWL is a subset of biometrically based identities in ABIS that are categorized as persons of interest to DoD, who are identified by biometric data sample instead of by name, date of birth, or other biographic identifiers. Multiple DoD components and Federal partners nominate persons for addition to the BEWL including DHS, the Central Intelligence Agency, the Federal Bureau of Investigation, and the Department of State.

[30] Appendix D lists CBP screening systems, including Simplified Arrival and USEC, that access ABIS and BEWL data.

DHS officials said IDENT maintained a copy of approximately 96 percent of ABIS data and 99 percent of BEWL data for DHS users to query.[31]

Additionally, to ensure IDENT users had access to all non-restricted ABIS and BEWL records, DoD provided DHS with hard drives containing bulk data exports for uploading to IDENT. During a multiyear reconciliation effort, DHS attempted to ingest nearly 2.6 million ABIS records in IDENT. However, as of May 2023, OBIM officials said IDENT was unable to ingest more than 260,000 (approximately 10 percent) of those records. According to OBIM officials, this limitation was due to unresolved technical limitations, such as IDENT's inability to ingest a record that contains a single fingerprint or face-only record.

DHS officials said they expect CBP's inability to biometrically query ABIS to be resolved with future capabilities of the Homeland Advanced Recognition Technology (HART) system, which has been in development since 2016. As of April 2023, DHS had not yet deployed HART to replace IDENT, and DHS program officials said HART was still under development with no planned deployment date.

CBP's Traveler Inspection Practices Varied at Land POE Vehicle Lanes

CBP conducts inspections of pedestrian and vehicle travelers seeking admission to the country through land POEs. However, the component had varied and sometimes inconsistent practices when land POEs used non-standard inspection procedures for vehicle passengers. Although CBP aims to conduct complete inspection of all travelers entering the United States, its land POE processing policy[32] permits exceptions when local port management does not consider complete inspections to be operationally feasible. When determining operational feasibility to perform a complete inspection of every traveler, including a technology query, CBP policy requires port management to consider factors such as traffic volume, staffing, facility constraints, enforcement concerns, and significant cross-border events. When local port management directs the use of non-standard inspection procedures, CBP officers may not always query every traveler against law enforcement databases to identify whether derogatory information exists.

At three █████ land POEs we visited, CBP officers did not query all vehicle occupants in Simplified Arrival to identify criminal warrants, national security concerns, or border crossing history before admitting them into the country. Officers at those POEs ████████ ███████ said port management frequently directed officers working vehicle primary inspection lanes to query only drivers[33] to expedite processing. This practice leaves

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[31] DoD prohibits DHS and other Federal partner access to certain operational intelligence data and data provided by foreign partners.

[32] CBP Directive No. 3340-040A, *Primary Processing of Travelers and Vehicles Seeking Entry to the United States at Land Ports of Entry,* May 14, 2008.

[33] CBP officers commonly referred to this practice as ██████.

officers unaware of potentially derogatory information about persons in a vehicle other than the driver. Some officers said they applied their experience and professional judgement when determining whether to query all persons in each vehicle. However, some officers said they felt pressured by management to release vehicles into the country without querying all occupants, even if the officer believed all persons should be queried before admitting vehicle occupants into the country.

In contrast, officials from the ███████████████████████████ said all travelers are fully inspected without exception. Moreover, at the more remote POEs we visited, including ████████ ████████, officials said they do not typically experience excessive vehicle wait times that result in operational adjustments.

To broaden our understanding of this practice, we surveyed 32,818 personnel from CBP's Office of Field Operations (OFO) about the non-standard inspection procedure of querying only vehicle drivers at land POEs.[34] We received 1,287 responses[35] from 27 land POEs across the country corroborating interview statements that vehicle passenger inspection adjustments occurred at numerous land POEs. For example:

- 29 supervisors said they consistently directed subordinate officers to query only drivers;
- 154 officers said they queried only vehicle drivers, of which, 104 officers (68 percent) did so monthly or more often; and
- 2 officers said, to speed traffic flow, travelers either without identification or with expired documents were admitted into the country.

104

non-supervisory survey respondents said they queried only vehicle drivers monthly or more often

Figure 2 illustrates the location of the CBP survey respondents who indicated they used the adjusted inspection practice of querying only vehicle drivers.

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[34] In our survey, we requested responses from CBP personnel who self-reported that they served as a CBP supervisor or officer working in the vehicle inspection environment at a land POE during the past 12 months, to include temporary duty assignments. Personalized links were sent via email on February 21, 2023, and the survey closed on March 7, 2023.

[35] Of the 1,287 CBP survey respondents, 326 were supervisory officers and 961 were non-supervisory officers.

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Figure 2. Land POEs Where Survey Respondents Indicated Driver-Only Queries Were Conducted
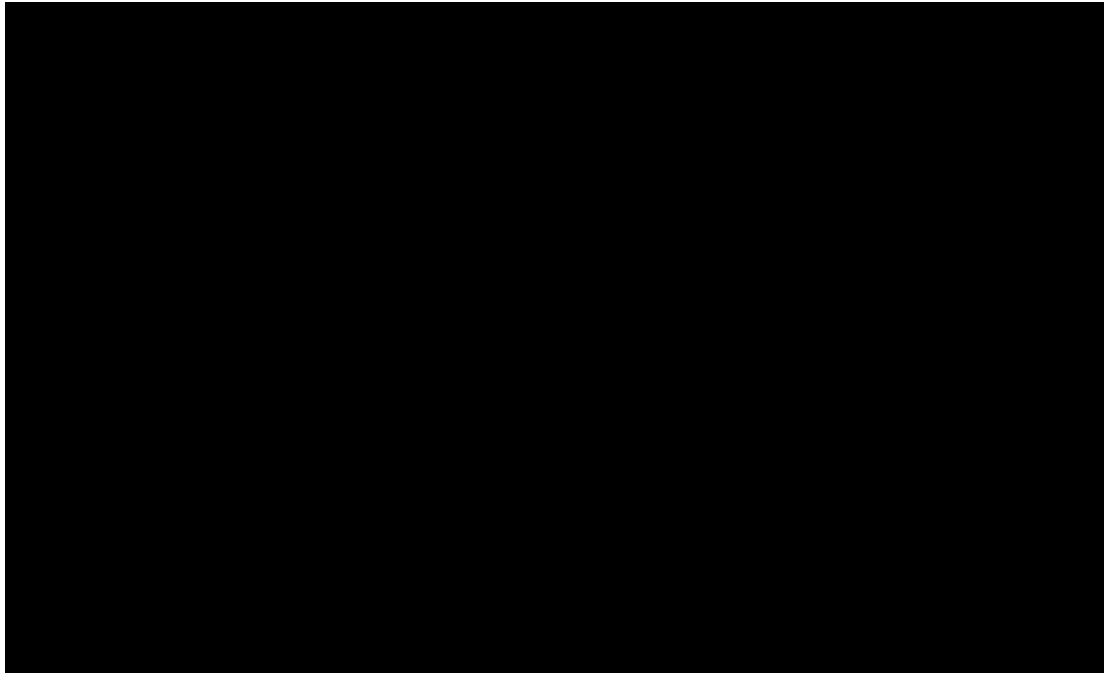
Source: DHS OIG analysis of CBP survey data

CBP used inconsistent practices at land POE vehicle lanes because the component did not have implementation procedures to guide adjusted inspections. CBP policy requires that procedural adjustments implemented in the field be documented and submitted to CBP headquarters along with implementation instructions. Although our survey showed that CBP makes considerable adjustments in the field, the component was unable to provide documentation of field office procedures. We requested written policies and procedures related to traveler inspection adjustments during excessive vehicle wait times and received documentation from 7 of 20 CBP field offices, none of which contained guidance related to querying only vehicle drivers.

Also, CBP did not have oversight of inspection adjustments at land POEs. CBP policy requires leadership to monitor port compliance with procedural requirements, to include inspection adjustments. However, field office officials and land POE management said they had no formal process to manage the practice of querying only vehicle drivers to decrease excessive vehicle wait times. CBP provided no documents or information regarding oversight procedures to guide officers in the field and manage associated risk.

CBP Does Not Have the Technology to Collect Biometrics from Travelers Arriving in Vehicles at Land Ports of Entry

Congress mandated that CBP deploy a biometric entry-exit system to record arrivals and departures to and from the United States.[36] To meet this requirement, CBP deployed a facial comparison biometric capability at air and sea POEs, and at land POE pedestrian lanes.[37] When pedestrians arrive at a POE, a CBP officer captures a facial photo and scans the pedestrian's travel document, from which the source photo is retrieved for comparison to the traveler's live photo. Once an encounter photo is captured, Simplified Arrival displays a match or mismatch notice to the officer. However, CBP does not use this biometric capability for travelers located inside vehicles. Instead, CBP officers must manually verify the identities of travelers in vehicle lanes by comparing their faces against travel documents, such as a passport, or file photos already stored from previous encounters, potentially limiting the efficiency and effectiveness of traveler processing.

This occurred because CBP has been unable to identify a viable camera solution to reliably capture vehicle travelers' facial images in real time. In 2017, to address these challenges, CBP began testing different camera solutions, including placement locations within existing port infrastructure. In a recent technology demonstration[38] report, CBP noted that land POEs must have cameras capable of capturing quality facial images for every vehicle occupant. However, cameras tested during that technology demonstration only captured images for 76 percent of vehicle occupants, and only 81.5 percent of those captured images were of sufficient quality for biometric comparison. CBP officials said capturing quality images of vehicle travelers is difficult due to challenges not experienced in other POE environments. For example, human behaviors — such as passengers looking down, lying down, or wearing sunglasses or hats — may hide or obstruct people's faces. Other image obstructions can include light glare, dirty windshields, and vehicle door frames.

CBP also attributed the inability to fully implement biometric facial recognition technology at land POEs to a lack of funding. In 2016, Congress funded the overall Biometric Entry-Exit Program with up to $1 billion, which was to come from fees USCIS collected for H-1B[39] and L-1[40]

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[36] *Illegal Immigration Reform and Immigrant Responsibility Act of 1996*, Pub. L. No. 104-208, § 110 (1996); *Intelligence Reform and Terrorism Prevention Act of 2004*, Pub. L. No. 108-458, § 7208 (2004).

[37] At land POEs, the primary inspection process differs for pedestrians and persons traveling in vehicles.

[38] *Land Border Integration Division Anzalduas Technology Demonstration*, May 13, 2022.

[39] The H-1B nonimmigrant classification applies to people who wish to perform services in a specialty occupation, services of exceptional merit and ability relating to a DoD cooperative research and development project, or services as a fashion model of distinguished merit or ability.

[40] The L-1 nonimmigrant visa classification enables a U.S. employer that is part of an international organization to temporarily transfer employees from one of its related foreign offices to locations in the United States.

visas through FY 2025 [41] and subsequently through FY 2027.[42] According to program officials, CBP determined the projected $1 billion in fee collections would enable deployment and maintenance of full biometric air and sea operations through the end of FY 2027, and provide for technical demonstrations in the land POE environment. The Congressional Budget Office originally estimated that USCIS would collect $115 million per year to support this program. However, since FY 2016, actual collections have been far lower than projected. According to CBP, the Biometric Entry-Exit Program has received only $362 million from inception through FY 2023. CBP estimated total collections will fall between $410 and $450 million of the estimated $1 billion by FY 2027. Given this projected funding shortfall, according to CBP, it will be unable to deploy the Biometric Entry-Exit Program to the vehicle environment during FY 2024.

USCIS Did Not Perform Interim Screening of Asylum Applicants During Prolonged Adjudication Periods

USCIS conducts screening and vetting of asylum applicants to determine whether they are eligible for asylum status and to identify national security, egregious public safety, or fraud concerns. To be eligible for asylum, with limited exceptions, applicants must file Form I-589, *Application for Asylum and for Withholding of Removal,* within 1 year of arriving in the United States.[43] Once USCIS receives an affirmative asylum application, Global initiates security screenings and asylum office staff should schedule an interview within 45 days of the application filing date, unless exceptional circumstances exist. According to the INA, USCIS must adjudicate applications within 180 days after the application filing date, unless exceptional circumstances exist.[44]

However, USCIS did not always adjudicate affirmative asylum applications in a timely manner. We determined that 413,087 of 762,432 (54 percent) completed affirmative asylum applications filed between October 2017 and March 2023 were not adjudicated within 180 days. Due to the notable percentage of affirmative asylum applications USCIS had not completed within 180 days, we are conducting an additional audit to assess the issue and its causes in greater detail.

54%
of completed affirmative asylum cases were not adjudicated within 180 days

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[41] *Consolidated Appropriations Act*, 2016, Pub. L. No. 114-113.
[42] *Bipartisan Budget Act of 2018,* Pub. L. No. 115-123.
[43] See 8 U.S.C. § 1158(a)(2)(D); 8 C.F.R. § 208.4(a)(2)(i)(B).
[44] See 8 U.S.C. § 1158(d)(5)(A)(ii)-(iii).

Although we identified more than 413,000 delayed affirmative asylum cases that USCIS took up to 5 years to adjudicate, USCIS did not continuously rescreen applicants to identify new or previously unknown derogatory information that may indicate a potential threat. Instead, USCIS only completed initial screenings for all applicants and then did not screen most applicants again until they were scheduled for an asylum interview. This means that, in the interim years,

20,221

applicants received favorable initial screenings but generated hits during subsequent screenings

USCIS did not continuously screen applicants to identify persons who committed crimes or should otherwise have been considered a potential threat while residing in the United States without permanent legal status. Our analysis of affirmative asylum applications filed between October 2017 and March 2023 revealed that 20,221 applicants who received a favorable initial screening generated a hit[45] in a subsequent security screening.[46] Although a hit does not confirm a specific threat and may not relate to or be attributable to the applicant, it indicates USCIS discovered potentially derogatory information later in the processing timeline while the applicants had already been living in the country.

This occurred because USCIS policy does not require formal interim screening of applicants between their initial screening and their asylum interview or the final asylum decision. The current procedures are based on an asylum process that takes the allotted 180 days and does not require an interim screening process. However, USCIS has certain process functions that provide automated alerts of potentially concerning information that may arise while an individual awaits their asylum decision. For example, the IDENT system generates alerts when derogatory notifications about an applicant are received from another source, such as the watchlist database.[47] IDENT provides daily alerts to USCIS in Global. Additionally, at the beginning of each month, USCIS screens all pending asylum cases for national security concerns. To accomplish this, FDNS personnel extract biographic information from pending cases in Global to check against the watchlist. Although these and similar processes provide USCIS some awareness of possibly derogatory or concerning information, they are limited in scope and do not provide USCIS a holistic view to identify persons whose actions while residing in the country may pose a risk to public safety or national security.

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[45] USCIS defines a hit as a record returned by a security or background check system in response to a query.
[46] USCIS typically rescreens applicants during asylum interview preparation and before final approval of asylum.
[47] The Federal Bureau of Investigation's Terrorist Screening Center maintains a consolidated Federal terrorism watchlist, which contains information on people reasonably suspected to be involved in terrorism or related activities.

In addition, USCIS has limited technological capability to complete interim or continuous screening checks for affirmative asylum applicants. Global automatically initiates some screening checks based on its direct or indirect connection to more than 20 technology systems belonging to USCIS, DHS, other Federal agencies, and commercial vendors.[48] However, Global is not fully capable of automatically completing most screening checks. According to USCIS, it deployed Global in 2018 and planned to add capabilities over time. However, according to program officials, much-needed capability enhancements have not been addressed.

620
asylum cases involved potential national security concerns

Asylum program officials provided a list of 26 incomplete capability enhancements previously submitted to USCIS leadership. The recommended enhancements included resolving issues with duplicate name check submissions to the Federal Bureau of Investigation, completed name check results not appearing in Global, and automating the alias name check process. Asylum program officials said, as of March 2023, these enhancements had not been addressed due to resource limitations and competing priorities.

In its current state, once Global receives the screening results, USCIS officers must manually review each result to determine if it relates to or is attributable to the applicant to identify derogatory information, determine an appropriate outcome, and update Global data because the system does not comprehensively capture screening outcomes. In 2020, USCIS' Asylum Vetting Center completed a one-time review of the entire affirmative asylum case backlog to identify applicant criminal history information. Officers identified derogatory information for 53,649 of the more than 330,000 applicants; at least 620 of these involved national security concerns that FDNS subsequently addressed. However, USCIS deemed this process unrepeatable because of the extensive time and staff required to complete the review without the technology to complete automated screenings.

Conclusion

With nearly 870,000 passengers and pedestrians entering the United States through POEs every day, DHS must have effective technology and procedures, and coordinate closely with partner agencies, to maintain secure borders and prevent dangerous persons from entering the country. However, without the capabilities to effectively screen and vet, CBP is unable to conduct complete screening and vetting of all noncitizen travelers at air and land POEs. Without having full access to all federally held data, querying all noncitizens entering the country, and having biometric matching capability at all POEs, CBP is at risk of allowing criminals, suspected terrorists, or other nefarious actors to enter the United States.

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[48] Appendix E lists the technology systems USCIS uses to screen and vet asylum seekers.

DHS is also at risk of allowing asylum seekers with derogatory information to remain in the country for extended periods without permanent legal status. During FY 2022, USCIS received nearly 242,000 applications for asylum.   Without comprehensive technology capability and adequate resources to conduct continuous interim screenings, USCIS has limited awareness of derogatory or concerning information to verify threats or disqualifying information among asylum seekers in the United States awaiting their asylum decision.

In report OIG-22-64,[49] we identified at least two persons paroled into the United States as part of Operation Allies Refuge/Operation Allies Welcome who may have posed a risk to national security and the safety of local communities. Until the Department takes appropriate actions to address the challenges identified in OIG-22-64 and this report, DHS will remain at similar risk of admitting or harboring dangerous persons who may pose significant threats to public safety and national security.

Recommendations

Recommendation 1: We recommend the Director, Office of Biometric Identity Management work with the Department of Defense to develop and implement a plan to address Automated Biometric Identification System data access restrictions.

Recommendation 2: We recommend the Senior Official Performing the Duties of the Commissioner of CBP develop a policy directing field offices to implement a process to manage risk when primary name queries of every traveler are not considered operationally feasible. The policy should include guidance to help field offices manage port understanding and implementation, and conduct annual reviews to verify port compliance and analyze performance.

Recommendation 3: We recommend the Senior Official Performing the Duties of the Commissioner of CBP continue to conduct technology testing until a solution is identified to perform biometric matching at land POE vehicle lanes.

Recommendation 4: We recommend the Director of USCIS update screening requirements for delayed adjudications to ensure applicants are continuously rescreened; implement a process to continuously monitor asylum applicants pending adjudication past 180 days to identify those who may pose a threat to the United States and should be placed in an appropriate handling process; and ensure that USCIS takes appropriate action when derogatory information is identified.

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[49] *DHS Encountered Obstacles to Screen, Vet, and Inspect All Evacuees during the Recent Afghanistan Crisis* (REDACTED), OIG-22-64, Sept. 6, 2022.

Recommendation 5: We recommend the Director of USCIS develop and implement a plan, including cost estimates, to automate security checks for asylum applicants.

Management Comments and OIG Analysis

DHS provided written comments in response to the draft report and concurred with all five recommendations. Appendix B contains the Department's management comments in their entirety. We also received technical comments and revised the report as appropriate. We consider all five recommendations open and resolved. A summary of the Department's response and our analysis follow.

DHS Response to Recommendation 1: Concur. OBIM is collaborating with the DHS Office of Strategy, Policy, and Plans (PLCY) and DoD to overcome data access restrictions.   As of March 2024, 98 percent of DoD encounters in ABIS are shared with DHS. DoD identified 2 percent of DoD encounters not shared with DHS due to third-party data-sharing rules and undefined sensitivity concerns. DHS PLCY is working with DoD to determine how OBIM can ingest additional datasets. In December 2023, OBIM provided recommendations to DoD regarding how OBIM services and minor changes can help close technological gaps. OBIM and DHS PLCY will work with DoD to develop a detailed action plan to address data access restrictions. The estimated completion date is November 29, 2024.

OIG Analysis: We consider these actions responsive to the recommendation, which we consider open and resolved. We will consider closing this recommendation when the Department provides the action plan and additional information, as appropriate, to address data access restrictions.

DHS Response to Recommendation 2: Concur. CBP OFO's Enforcement Programs Division will update CBP Directive No. 3340-040A, *Primary Processing of Travelers and Vehicles Seeking Entry to the United States at Land Ports of Entry*, dated May 14, 2008. The updated directive will address the requirement to biographically query all travelers applying for admission, as operationally feasible, and how that directive applies within field offices when all such queries are not operationally feasible due to exigent circumstances or operational developments. The update will also include annual reporting and review mechanisms from ports to field offices and to OFO headquarters to verify port compliance and analyze performance. The estimated completion date is August 30, 2024.

OIG Analysis: We consider these actions responsive to the recommendation, which we consider open and resolved. We will consider closing this recommendation when CBP publishes and provides us the updated directive containing requirements discussed in this recommendation.

DHS Response to Recommendation 3: Concur. CBP OFO's Biometric Program Office will continue its work with the CBP Office of Information and Technology, the DHS Science and Technology Directorate, and industry stakeholders, as appropriate, to test potential biometric capture solutions until a viable solution or combination of solutions is identified. This includes, but is not limited to, vendor integration testing, requests for information, industry collaboration, and/or attending industry technical demonstrations. As part of the solution testing, OFO's Biometric Program Office will generate test reports, analyze data to determine feasibility, and make results available. The estimated completion date is August 30, 2024.

OIG Analysis: We consider these actions responsive to the recommendation, which we consider open and resolved. We will consider closing this recommendation when CBP provides documentation of testing, results, and solution decisions to implement biometric matching capability at POE vehicle lanes.

DHS Response to Recommendation 4: Concur. USCIS agrees to further enhance the vetting process to ensure asylum applicants are rescreened continuously, including those with adjudications that have been pending for more than 180 days, to identify applicants who may pose a threat to the United States. USCIS' Refugee, Asylum, and International Operations Directorate (RAIO) currently uses robust vetting requirements for asylum applicants, including recurrent and continuous biographical and biometric vetting of asylum applicants to detect national security and public safety concerns. USCIS also conducts background and security checks against U.S. Government law enforcement and watchlist databases. In addition, during March 2024, USCIS RAIO enhanced its continuous vetting of new affirmative asylum, Nicaraguan Adjustment and Central American Relief Act, and Asylum Merits Interview applicants. This process now continuously checks affirmative asylum applicants against certain national security–related holdings via the National Vetting Center (NVC) process. Further, RAIO's Asylum Division is working to initiate the NVC check for all applicants pending adjudication, including those who have been in a pending status for more than 180 days. Once the NVC check is initiated for a given asylum applicant, NVC will provide updates if new derogatory information is identified on a recurrent basis. The estimated completion date is December 31, 2024.

OIG Analysis: We consider these actions responsive to the recommendation, which we consider open and resolved. We will consider closing this recommendation when USCIS provides relevant information including policies, procedures, and analysis/statistical reporting that document completed implementation of the enhanced and additional screening and vetting methods described in the response to this recommendation.

DHS Response to Recommendation 5: Concur. In March 2024, USCIS RAIO began to automate certain security check processes for asylum applicants, including the NVC checks described above, through which USCIS receives real-time vetting results directly to case management systems. To further automate both unclassified and classified security checks for asylum

applicants, USCIS will rely on the results of an internal review, plans for which are currently under development, and other ongoing studies and efforts across USCIS and DHS, as appropriate, to identify the system enhancements necessary to further automate screening and vetting of affirmative asylum applicants. Based on the findings of ongoing and planned reviews and studies, USCIS will develop an operational plan to implement screening and vetting enhancements. The estimated completion date is September 30, 2025.

OIG Analysis: We consider these actions responsive to the recommendation, which we consider open and resolved. We will consider closing this recommendation when USCIS provides documentation of its ongoing and planned reviews and studies and the operational plan to implement asylum screening and vetting enhancements.

Appendix A:
Objective, Scope, and Methodology

The Department of Homeland Security Office of Inspector General was established by the *Homeland Security Act of 2002* (Pub. L. No. 107–296) by amendment to the *Inspector General Act of 1978*.

We conducted this audit to determine the effectiveness of DHS' technology, procedures, and coordination to screen and vet asylum seekers and noncitizens seeking admission to the United States.

During this audit, we focused on the effectiveness of the information technology systems and procedures used by CBP and USCIS, in coordination with other components, Federal agencies, and stakeholders, to screen and vet asylum seekers and noncitizens seeking admission to the United States. Our audit scope included asylum applicants and noncitizen travelers seeking admission through air and land POEs.

We researched and applied Federal, departmental, and component criteria related to CBP and USCIS' mission, responsibilities, and technology effectiveness. We obtained and analyzed reports, testimony, and other documents pertaining to CBP and USCIS' screening and vetting procedures and use of technology in those operations. Additionally, we reviewed Government Accountability Office and DHS OIG reports to identify relevant findings and recommendations and associated follow-up actions.

We used documentary, testimonial, and observational evidence to evaluate whether CBP and USCIS had adequate policies, procedures, and technology system capabilities in place. We collected and analyzed 383 documents and interviewed 314 personnel, including senior executives, management officials, frontline officers, technology program specialists, and support specialists from DHS, CBP, and USCIS headquarters and program offices, and the CBP and USCIS Offices of Information Technology. We visited CBP's NTC and NVC; ███████████████ ███ ██ In addition, we visited USCIS Headquarters and the Arlington asylum office. We met virtually with CBP's Laredo, San Diego, and Tucson field offices, and USCIS' Houston and Los Angeles asylum offices.

In addition, we developed an electronic survey using secure, web-based survey software to identify information about CBP's screening procedures at land POE vehicle lanes. To prepare the survey, we analyzed relevant fieldwork information and coordinated with DHS OIG Office of Audits leadership, the DHS OIG Office of Counsel, and the DHS OIG Office of Innovation. Our survey included specific questions for CBP supervisors and officers who had been assigned or

detailed to land POEs during the previous year. To maintain the integrity of the survey and to protect any personally identifiable information received, we ensured that all responses remained anonymous and reported aggregated survey results. The survey was active from February 21 through March 7, 2023.

In coordination with our Office of Innovation's Data Services Division, we accessed data from USCIS' Global system to analyze details about applicant totals, case processing times, and security screening checks. Our non-statistical analysis included all affirmative asylum application information from October 1, 2017, through March 3, 2023 (the date we queried the Global database). To assess the reliability of Global data, we met with USCIS subject matter experts to obtain data dictionaries, tables and fields, and other related documentation. The Data Services Division also met with subject matter experts to obtain clarification of Global data tables and fields and the query logic used to obtain appropriate data. We also received a demonstration of Global use by USCIS subject matter experts. We found the data sufficient and reliable to support our conclusions.

Finally, we assessed internal controls related to our audit objective. Specifically, we assessed the design, implementation, and effectiveness of controls in relation to our audit objective. Specific control weaknesses are discussed in the body of this report. However, because our assessment was limited to these internal control components and underlying principles, it may not have disclosed all deficiencies that may have existed at the time of this audit.

We conducted this audit from November 2022 through April 2023 pursuant to the *Inspector General Act of 1978*, 5 U.S.C. §§ 401–424, and according to 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.

DHS OIG's Access to DHS Information

During this audit, DHS, CBP, and USCIS provided timely responses to our requests for information and did not delay or deny access to information we requested.

Appendix B:
DHS Comments on the Draft Report

Homeland Security

May 17, 2024

MEMORANDUM FOR: Joseph V. Cuffari, Ph.D.
                    Inspector General

FROM: Jim H. Crumpacker   JIM H   Digitally signed by JIM H
                    Director   CRUMPACKER   CRUMPACKER
                    Departmental GAO-OIG Liaison Office   Date: 2024.05.17 12:31:55 -04'00'

SUBJECT: Management Response to Draft Report: "DHS Needs to
                    Improve Its Screening and Vetting of Asylum Seekers and
                    Noncitizens Applying for Admission into the United States"
                    (Project No. 22-038-AUD-CBP, USCIS)

Thank you for the opportunity to comment on this draft report. The U.S. Department of
Homeland Security (DHS, or Department) appreciates the work of the Office of Inspector
General (OIG) in planning and conducting its review and issuing this report.

DHS leadership is pleased to note OIG's recognition that U.S. Customs and Border
Protection (CBP) deployed new technologies to enhance traveler screening such as
Simplified Arrival, deployed between 2018 and 2023, which improved automated
processing capabilities at air and land ports of entry (POE). OIG also noted that U.S.
Citizenship and Immigration Services (USCIS) conducts screening of noncitizens once
they file an asylum application per its responsibility to verify each asylum applicant's
identity and status. DHS remains committed to CBP creating an integrated and
automated biometric entry and exit system that: (1) records the arrival and departure of
noncitizens; (2) compares biometric data to verify identity; and (3) authenticates travel
documents through biometric comparison and has made significant progress at POEs.

It is important to clarify, however, that asylum-seekers are a subset of noncitizens, and
not all asylum-seekers have their cases heard by USCIS. Readers of this report should
understand that noncitizens who are vetted by CBP and placed into removal proceedings
would generally have their cases heard by the Department of Justice (DOJ) in defensive
asylum proceedings,[1] and not by USCIS in affirmative asylum proceedings.[2] As drafted,
the report risks creating the misimpression that noncitizens who are otherwise

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[1] These individuals apply for asylum in immigration court after they are in removal proceedings.
[2] These individuals are not in removal proceedings and apply for asylum with USCIS.

inadmissible apply for asylum before USCIS rather than in the context of a removal proceeding before DOJ.

The draft report contained five recommendations with which the Department concurs. Enclosed find our detailed response to each recommendation. DHS previously submitted technical comments addressing several accuracy, sensitivity, contextual, sensitivity, and editorial issues under a separate cover for OIG's consideration.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions. We look forward to working with you again in the future.

Enclosure

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OFFICE OF INSPECTOR GENERAL
U.S. Department of Homeland Security

Enclosure: Management Response to Recommendations Contained in 22-038-AUD-CBP, USCIS

OIG recommended that the Management Directorate (MGMT) Office of Biometric Identity Management (OBIM) Director:

Recommendation 1: Work with DoD [Department of Defense] to develop and implement a plan to address ABIS [Automated Biometric Identification System] data access restrictions.

Response: Concur. MGMT OBIM is collaborating with the DHS Office of Strategy, Policy, and Plans (PLCY), and DoD technical personnel and leadership, as appropriate, regarding how to overcome data access restrictions with technological or policy-based changes. As of March 28, 2024, 98 percent of DoD encounters in ABIS are shared with DHS. DoD identified two percent of DoD procured and foreign partner encounters that are not shared with DHS due to third party data sharing rules, as well as undefined sensitivity concerns. DHS PLCY is working with DoD personnel, as needed, to determine how OBIM can ingest the additional datasets given these restrictions. On December 21, 2023, OBIM provided recommendations to DoD technical personnel regarding how OBIM services and minor changes can be used to help close technological gaps. OBIM will work with DHS PLCY and DoD to develop a detailed action plan with steps being taken to address the data access restrictions. Estimated Completion Date (ECD): November 29, 2024.

OIG recommended that the Senior Official Performing the Duties of the Commissioner of CBP:

Recommendation 2: Develop a policy directing field offices to implement a process to manage risk when primary name queries of every traveler are not considered operationally feasible. The policy should include guidance to help field offices manage port understanding and implementation, and to conduct annual reviews to verify port compliance and analyze performance.

Response: Concur. CBP's Office of Field Operations (OFO), Enforcement Programs Division will update CBP Directive No. 3340-040A, "Primary Processing of Travelers and Vehicles Seeking Entry to the United States at Land Ports of Entry," dated May 14, 2008, which is the OFO directive for processing travelers at land border POEs. This update will address the requirement to biographically query all travelers applying for admission, as operationally feasible, as well as how that directive applies within field offices when all such queries are not operationally feasible due to exigent circumstances or operational developments. The update will also include annual reporting and review

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mechanisms from ports to field offices and to OFO headquarters to verify port compliance and analyze performance. ECD: August 30, 2024.

Recommendation 3: Continue to conduct technology testing until a solution is identified to perform biometric matching at land POE vehicle lanes.

Response: Concur. CBP OFO Biometric Program Office (BPO) will continue to work with the CBP Office of Information and Technology, the DHS Science and Technology Directorate, and industry stakeholders, as appropriate, to test potential biometric capture solutions until a viable solution or combination of solutions is identified. This includes, but is not limited to, vendor integration testing, requests for information, industry collaboration and/or attending industry technical demonstrations. As part of the solution testing, OFO BPO will generate test reports, analyze data to determine feasibility, and make results available. ECD: August 30, 2024.

OIG recommended that the Director of USCIS:

Recommendation 4: Update screening requirements for delayed adjudications to ensure applicants are continuously rescreened; implement a process to continuously monitor asylum applicants pending adjudication past 180 days to identify those who may pose a threat to the United States and should be placed in an appropriate handling process; and to ensure that USCIS takes appropriate action when derogatory information is identified.

Response: Concur. USCIS agrees with the intent of the recommendation to further enhance the vetting process to ensure asylum applicants are rescreened continuously, including those with adjudications pending more than 180 days, to identify those who may pose a threat to the United States. USCIS Refugee, Asylum and International Operations Directorate (RAIO) currently has in place robust vetting requirements for asylum applicants, including recurrent and continuous biographical and biometric vetting of asylum applicants to detect national security and public safety concerns. USCIS background and security checks are also conducted against U.S. government law enforcement and watch listing databases.

In addition to these long-established processes, on March 1, 2024, USCIS RAIO enhanced its continuous vetting of new affirmative asylum, Nicaraguan Adjustment and Central American Relief Act, and Asylum Merits Interview applicants. Specifically, this process now continuously checks affirmative applicants against certain national security related holdings via the National Vetting Center (NVC) process. With the integration of the NVC checks, USCIS further strengthened its recurrent vetting of asylum applicants throughout the application process, and beyond, to identify individuals who may pose a threat to the United States.

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Building on the new NVC check, RAIO's Asylum Division is now in the process of initiating the NVC check for all applicants who are pending adjudication, including those pending past 180 days, with a goal of fully integrating them into the NVC check by December 31, 2024, dependent on NVC resources and interagency priorities. Once the NVC check is initiated for a given asylum applicant, the NVC will provide updates if new derogatory information is identified on a recurrent basis.

ECD: December 31, 2024.

Recommendation 5: Develop and implement a plan, including cost estimates, to automate security checks for asylum applicants.
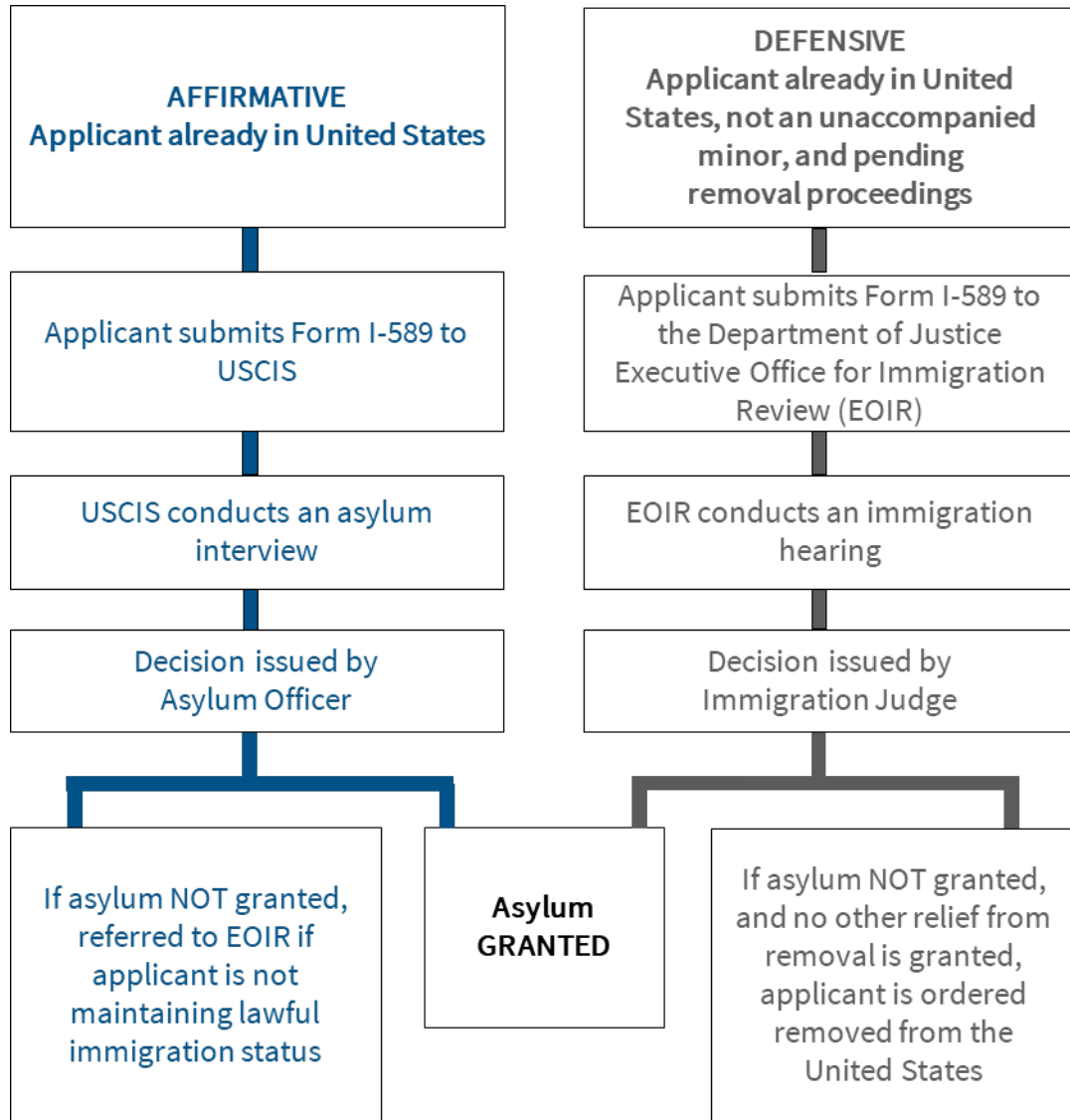
Response: Concur. USCIS RAIO already commenced the automation of security check processes in certain areas for asylum applicants, including the NVC checks process established on March 1, 2024, through which USCIS RAIO receives real-time vetting results directly to case management systems. In order to further automate both unclassified and classified security checks for asylum applicants, USCIS will rely on the results of an internal review, plans for which are currently under development, as well as other ongoing studies and efforts across USCIS and DHS, as appropriate, to identify the system enhancements necessary to further automate screening and vetting of affirmative asylum applicants. Based on these findings, USCIS will develop an operational plan to implement these screening and vetting enhancements. ECD: September 30, 2025.

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OFFICE OF INSPECTOR GENERAL
U.S. Department of Homeland Security

Appendix C:
Affirmative and Defensive Asylum Processes

AFFIRMATIVE
Applicant already in United States

Applicant submits Form I-589 to USCIS

USCIS conducts an asylum interview

Decision issued by Asylum Officer

If asylum NOT granted, referred to EOIR if applicant is not maintaining lawful immigration status

Asylum GRANTED

DEFENSIVE
Applicant already in United States, not an unaccompanied minor, and pending removal proceedings

Applicant submits Form I-589 to the Department of Justice Executive Office for Immigration Review (EOIR)

EOIR conducts an immigration hearing

Decision issued by Immigration Judge

If asylum NOT granted, and no other relief from removal is granted, applicant is ordered removed from the United States

Source: DHS OIG analysis of USCIS documentation

Appendix D:
CBP Screening and Vetting Systems

CBP Systems

Advance Passenger Information System
Analytical Framework for Intelligence
Arrival and Departure Information System
Automated Targeting System
Electronic System for Travel Authorization
Electronic Visa Update System
Global Enrollment System
Seized Assets and Case Tracking System
Simplified Arrival
TECS (not an acronym)
Traveler Verification Service
Unified Secondary

Other DHS Systems

Biometric Identification Transnational Migration Alert Program
Central Index System 2
IDENT
Enforcement Integrated Database
Person Centric Query Service
Student and Exchange Visitor Information System
Watchlist Service

Non-DHS Systems

Consular Consolidated Database
Consular Electronic Application Center
International Criminal Police Organization
LexisNexis
National Crime Information Center
Personal Identification Secure Comparison and Evaluation System

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U.S. Department of Homeland Security

Appendix E:
USCIS Screening and Vetting Systems

USCIS Systems

ATLAS (not an acronym)
Case and Activity Management for International Operations
Central Index System 2
Citizenship and Immigration Data Repository
Customer Profile Management Service
USCIS Electronic Immigration Service
Enterprise Citizenship and Immigration Services Centralized Operational Repository
FDNS Data System NexGen
Global
Pangaea Text
Person Centric Query Service
Person Centric Identity Services

Other DHS Systems

Analytical Framework for Intelligence
Arrival and Departure information System
Automated Targeting System
CBP Vetting
ENFORCE Alien Removal Module
IDENT
TECS

Non-DHS Systems

ABIS
Accurint
CLEAR (not an acronym)
Consular Consolidated Database
EOIR
Federal Bureau of Investigation Next Generation Information System
Federal Bureau of Investigation Name Check
National Crime Information Center

Appendix F:
Office of Audits Major Contributors to This Report

Craig Adelman, Director
Christopher Browning, Audit Manager
Michael Thorgersen, Auditor in Charge
Theresa Mahoney, Auditor
Lindsey Koch, Communications Analyst
John Schmidt, Independent Referencer

Appendix G:
Report Distribution

<u>Department of Homeland Security</u>

Secretary
Deputy Secretary
Chief of Staff
Deputy Chiefs of Staff
General Counsel
Executive Secretary
Director, GAO/OIG Liaison Office
Under Secretary, Office of Strategy, Policy, and Plans
Assistant Secretary for Office of Public Affairs
Assistant Secretary for Office of Legislative Affairs
Audit Liaison, U.S. Customs and Border Protection
Audit Liaison, U.S. Citizenship and Immigration Services

<u>Office of Management and Budget</u>

Chief, Homeland Security Branch
DHS OIG Budget Examiner

<u>Congress</u>

Congressional Oversight and Appropriations Committees

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