OFFICE OF INSPECTOR GENERAL

# ICE and CBP Should Improve Visa Security Program Screening and Vetting Operations

Homeland Security

**September 16, 2022**

**OIG-22-70**

**OFFICE OF INSPECTOR GENERAL**
Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

September 16, 2022

MEMORANDUM FOR: The Honorable Chris Magnus
Commissioner
U.S. Customs and Border Protection

Tae Johnson
Acting Director
U.S. Immigration and Customs Enforcement

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

JOSEPH V CUFFARI
Digitally signed by JOSEPH V CUFFARI
Date: 2022.09.15 17:17:48 -04'00'

SUBJECT: *ICE and CBP Should Improve Visa Security Program Screening and Vetting Operations*

For your action is our final report, *ICE and CBP Should Improve Visa Security Program Screening and Vetting Operations.* We incorporated the formal comments provided by your office.

The report contains three recommendations aimed at improving the Visa Security Program. Your office concurred with all of our recommendations. Based on information provided in your response to the draft report, we consider all 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. Please send your 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 the report on our website for public dissemination.

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

Attachment

# DHS OIG HIGHLIGHTS

## *ICE and CBP Should Improve Visa Security Program Screening and Vetting Operations*

**September 16, 2022**

## Why We Did This Audit

The VSP screens and vets visa applications to identify potential terrorists, criminals, and other ineligible applicants to prevent them from receiving visas and entering the United States. The objective of our audit was to determine the extent to which ICE, CBP, and USCIS collaborate under the VSP.

## What We Recommend

We made three recommendations to enhance the effectiveness of the VSP.

**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

U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) are the primary collaborators on the Visa Security Program (VSP), with U.S. Citizenship and Immigration Services (USCIS) having a limited role. CBP systems screen visa applications for potential derogatory information about the applicants, and CBP and ICE analysts manually vet the applications containing such information and provide recommendations to the Department of State on whether to issue or deny the visas.

Although the components collaborate, we identified issues involving VSP processes and systems. First, although CBP and ICE informed us that CBP's screening system compares 36 data points in each application to information in other databases, CBP does not keep detailed records of this screening. As a result, we could not verify that CBP had fully screened every application. We also reviewed 120 applications that underwent the vetting process and found 13 in which analysts did not sufficiently support their conclusions. In another 2 of the 120 applications, data transfer issues in an ICE system resulted in incomplete case notes.

In addition to these issues, CBP does not track its costs associated with the program. As the VSP continues to grow, the absence of accurate information about program costs or estimates hinders DHS' ability to oversee the VSP.

## DHS Response

DHS concurred with our recommendations. In its management comments, DHS identified actions ICE and CBP have already taken to address the recommendations. We include DHS' comments in this report as Appendix A.

## Background

U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI) oversees the Visa Security Program (VSP). ICE established the first Visa Security Unit in Saudi Arabia in 2003, and since then the VSP has expanded to 45 consular posts in 29 countries. The VSP screens and vets the visa applications received at these consular posts to identify potential terrorists, criminals, and other ineligible applicants and prevent them from receiving visas and entering the United States.

Until 2014, HSI agents at VSP posts manually screened and vetted visa applications.[1] The agents screened applicants' personal information using a database in the U.S. Customs and Border Protection's (CBP) Treasury Enforcement Communications System (TECS). Agents then vetted a smaller number of applications using a threat-based targeting plan specific to each post.

In 2014, ICE and CBP began automated screening of visa applications through CBP's National Targeting Center (NTC). The VSP process now includes three possible steps: automated screening of all applications, manual vetting of applications containing potential derogatory information that might render applicants ineligible for visas or inadmissible into the United States, and further review, vetting, and investigation before recommending that visas be issued or denied.

Visa applicants submit their personal information online through the Department of State's (DOS) Consular Electronic Application Center. A CBP system, the Automated Targeting System–Passenger (ATS-P), receives and automatically screens visa applications.

ATS-P compares 36 data points in each application to data in the Federal Bureau of Investigation's Terrorist Screening Database and CBP's TECS. This process allows DHS to review visa applications early and identify potential derogatory information about the applicants. If the ATS-P screening does not reveal potential derogatory information, DHS will automatically recommend that DOS issue the visa.

When screening identifies potential derogatory information, CBP officers and ICE analysts (we refer to both groups as analysts in this report) at the NTC manually review the visa applications. These analysts research more than 40 databases to confirm potential matches to derogatory information.

[1] For purposes of the VSP, "screening" is an automated query of visa application data points against current DHS databases to identify possible matches to derogatory information. "Vetting" is a manual review of potential derogatory information identified in the screening.

After the analysts vet these applications, HSI agents at the VSP posts review the results, vet the applications further if needed, and investigate any applicants who raise security concerns. Once completed, DHS recommends that DOS either issue or deny visas to the applicants.

According to ICE data, the VSP screened about 4.5 million visa applications between fiscal years 2019 and 2021. Of those applications, over 4.3 million (96 percent) did not contain derogatory information and were automatically recommended for approval, and the remaining 4 percent (179,177 applications) required further vetting.

The objective of our audit was to determine the extent to which ICE, CBP, and U.S. Citizenship and Immigration Services (USCIS) collaborate under the VSP to enhance national security and public safety by preventing terrorists, criminals, and other ineligible applicants from receiving U.S. visas.

## Results of Audit

ICE and CBP are the primary collaborators for the VSP, with USCIS having a limited role. CBP systems initially screen visa applications for potential derogatory information, and CBP and ICE analysts vet the applications that contain such information. A USCIS liaison assigned to the NTC occasionally interacts with program officials and shares immigration-related information at VSP training events.

Although the components collaborate, we identified issues involving VSP processes and systems. First, although CBP and ICE informed us that ATS-P compares 36 data points in each application to information in other databases, CBP does not keep detailed records of this screening. As a result, we could not verify that CBP had screened each application for all 36 data points. We also reviewed 120 applications that underwent the manual vetting process and found 13 applications in which analysts did not always sufficiently support their conclusions. In another 2 of the 120 applications, data transfer issues in ICE's Visa Security Program Tracking System (VSPTS) resulted in incomplete case notes.

In addition to these issues, CBP does not track its costs associated with the program. As the VSP continues to grow, the absence of accurate information about program costs or estimates hinders DHS' ability to oversee the VSP.

## We Could Not Determine Whether CBP Fully Screened All Visa Applications

According to ICE and CBP, ATS-P screens all visa applications received from the consular posts or embassies associated with the VSP, comparing 36 data points in every application to information in other databases.

For this audit, we planned to review a statistical sample of 385 visa applications to determine whether ATS-P screening occurred as described. However, although ATS-P records an overall screening result for every application, it does not record the details of the individual screening transactions. Therefore, we could not complete our analysis to determine whether ATS-P screened the 36 data points for each application.

Because of the lack of supporting documentation in ATS-P, the DHS OIG's Information Technology Audits division has begun an audit on DHS' screening and vetting of noncitizens entering the United States.

## Analysts Did Not Always Provide Sufficient Details about Vetting Conclusions in Case Notes

We randomly selected a sample of 120 visa applications from the 179,177 in which initial screening identified potential derogatory information. We then evaluated the vetting results of these applications and the analysts' conclusions on whether to recommend that DOS issue or deny the visas.

VSP standard operating procedure (SOP) requires analysts to vet visa applications and recommend visa issuance or denial. The SOP specifies that analysts must record their rationale for determining whether the information in an application is a match to derogatory information in the databases. The SOP also instructs the analysts, "[Your] research notes … should not be a list of systems checked, but rather a synopsis of how you achieved your conclusion. Use clear and concise language showing a chronological sequence of events."

In 107 of the visa applications we reviewed, analysts' notes provided rationale to support their conclusions. However, case notes in ICE's VSPTS for the remaining 13 applications did not support the analysts' conclusions. For example, we found cases in which analysts:

- confirmed an applicant was a false match to derogatory information but did not explain the reason for the false match; and
- submitted a conclusion before updating the case notes, causing the information to be available in ATS-P but not in VSPTS.

In addition, analysts told us they were not familiar with, or do not use, the VSP SOP.

Despite the incomplete case notes for the 13 applications, our review did not indicate that the decisions were incorrect. Even so, when a vetting conclusion is not adequately supported in VSPTS, DHS' recommendation to DOS to approve or deny a visa may be questioned.

## Issues with ICE's Tracking System Result in Incomplete Analyst Notes

VSPTS is ICE's system of record for tracking, recording, and managing all VSP screening and vetting efforts. Analysts vet applications in ATS-P, which transmits their notes into VSPTS.

For the 120 visa applications in our review, we compared the data in VSPTS to the data in ATS-P to see whether both systems contained the same information. In two cases, analysts' notes were available in ATS-P but not in VSPTS. In the first case, a character limit in a note field prevented the note in ATS-P from being fully captured in VSPTS. The second case occurred because of a flaw in ICE's original VSPTS data transfer programming. We discussed both cases with ICE officials, who stated that the program is operating as designed but that they are researching solutions to address these issues.

## CBP Does Not Track VSP Costs

According to ICE, the VSP cost about $64 million in FY 2021. The FY 2021 budget for CBP's NTC was about $203 million to operate several screening and vetting programs. However, CBP could not estimate its VSP costs because it does not allocate costs to the different programs and thus does not separately track its VSP-related costs.

The U.S. Government Accountability Office (GAO) has stated that oversight of the Federal Government, including agencies' stewardship of public funds, requires reliable cost information. As the VSP continues to grow, the absence of accurate program costs or estimates hinders DHS' ability to oversee the VSP.

## Recommendations

**Recommendation 1:** We recommend ICE's Acting Executive Associate Director of Homeland Security Investigations and CBP's Executive Assistant Commissioner of the Office of Field Operations ensure analysts are following

the requirements in the Visa Security Program's standard operating procedures and other guidance as they vet visas and document their activities.

**Recommendation 2:** We recommend ICE's Acting Executive Associate Director of Homeland Security Investigations correct the character limit and data transfer issues in the Visa Security Program Tracking System.

**Recommendation 3:** We recommend CBP's Executive Assistant Commissioner of the Office of Field Operations develop and implement a plan to track, if possible — or estimate, if tracking is not possible — the costs of National Targeting Center activities associated with the Visa Security Program and report those costs to U.S. Immigration and Customs Enforcement.

## Management Comments and OIG Analysis

DHS concurred with the three recommendations and provided comments on the draft report. Based on DHS' management response and information ICE and CBP provided in July 2022, we consider all recommendations resolved and open. We included DHS' complete management response in Appendix A. DHS also provided technical comments on our draft report, which we incorporated as appropriate. A summary of DHS' responses and our analysis follows.

**DHS Response to Recommendation 1:** Concur. ICE and CBP have already taken steps to promote compliance in the VSP. On August 2, 2022, ICE gave all VSP users a copy of the *Homeland Security Investigations Visa Security Program Handbook* and the *Visa Security Program PATRIOT Standard Operating Procedures.* ICE is also updating the VSP's internal SharePoint website to include the handbook and SOP. ICE and CBP will disseminate the VSP requirements, SOP, and standardized case note language to its personnel, and ensure that new employees receive this documentation as part of a standard "onboarding" process. Estimated Completion Date (ECD): November 30, 2022.

**OIG Analysis:** We consider these actions to be responsive to the recommendation, which is resolved and open. ICE and CBP provided a copy of emails dated July 22, 2022, confirming that they communicated the PATRIOT SOPs and the standardized language with VSP staff. However, we did not receive a copy of the August 2, 2022 communication referenced in the DHS management response, and we do not have confirmation that ICE distributed the VSP handbook. Therefore, this recommendation will remain open until we receive confirmation the handbook was distributed.

**DHS Response to Recommendation 2:** Concur. On July 9, 2022, ICE resolved VSPTS' data transmission issues and updated the system to remove

the 4,000-character limit for data transfers. In addition, ICE is redesigning the VSPTS interface to address the data transfer issue. ECD: February 28, 2023.

**OIG Analysis:** We consider these actions to be responsive to the recommendation, which is resolved and open. ICE informed us on July 22, 2022, that it upgraded VSPTS to resolve the character limitation issue.

This recommendation will remain open until DHS provides documentation showing that the redesigned VSPTS system interface is implemented and the data transfer issue resolved.

**DHS Response to Recommendation 3:** Concur. CBP will develop an annual cost estimate for NTC support for the VSP and provide this cost estimate to ICE at the end of each fiscal year. The first report will be issued for FY 2022. ECD: November 30, 2022.

**OIG Analysis:** We consider these actions to be responsive to the recommendation, which is resolved and open. This recommendation will remain open until CBP provides a copy of the FY 2022 cost estimate.

## Objective, Scope, and Methodology

The Department of Homeland Security Office of Inspector General was established by the *Homeland Security Act of 2002* (Public Law 107–296) by amendment to the *Inspector General Act of 1978*.

We conducted this audit to determine the extent to which ICE, USCIS, and CBP collaborate under the VSP to enhance national security and public safety by preventing terrorists, criminals, and other ineligible applicants from receiving U.S. visas.

To answer our objective, we reviewed applicable laws and regulations as well as ICE, CBP, and USCIS policies and procedures related to the VSP. We also assessed internal controls significant within the context of our audit objective. In addition, we reviewed related DHS OIG and GAO reports, media articles, and congressional testimony.

To learn about the components' VSP-related roles and responsibilities, we obtained relevant documents and interviewed personnel from:

- ICE:
  - HSI's Office of International Operations;
  - the VSP Strategic Section (current and former personnel);
  - the VSP Operations Section;

  - General Dynamics Information Technology analysts; and
  - the Office of Chief Information Officer, Solutions Delivery Division.

- CBP:
  - the National Targeting Center; and
  - the Office of Information Technology.

- USCIS:
  - the National Security and Public Safety Division;
  - the Fraud Detection and National Security Directorate, Liaison Branch; and
  - NTC liaison officers (current and former).

We also reviewed the VSP SOPs, which describe ICE's and CBP's day-to-day screening and vetting operations.

To understand agreed-upon roles, responsibilities, and collaboration among agencies, we reviewed memorandums of understanding and a memorandum of agreement between:

- the Secretaries of State and Homeland Security concerning implementation of Section 428 of the *Homeland Security Act of 2002*;
- ICE and the Department of State's Bureaus of Consular Affairs and Diplomatic Security at overseas visa security posts; and
- USCIS' Fraud Detection and National Security Directorate and National Targeting Center.

To determine whether CBP screened all visas using ATS-P, we obtained from ICE the universe of 4,510,561 visa applications from VSP posts for FYs 2019, 2020, and 2021. DHS OIG's Data Analytics and Support Division provided a breakdown of the universe as follows:

- 4,331,384 (96 percent) did not contain derogatory information; and
- 179,177 (4 percent) contained potential derogatory information.

For the initial ATS-P screening, we planned to review a statistical sample of 385 visa applications from the universe of visa applications. However, we could not complete our analysis because ATS-P does not maintain records that detail individual screening transactions of the 36 data points for each application. We referred this information to our Information Technology Audit Division, which initiated an audit: *DHS' Technology, Procedures, and Coordination to Screen and Vet Non-Citizens Entering or Resettling in the United States* (22-038-AUD-CBP, USCIS).

For the vetting process, we assessed ICE's VSPTS data reliability related to our sample for completeness and accuracy. We randomly selected a sample of 120 visa applications from the 179,177 visas that contained potential derogatory information. To assess analysts' actions, we obtained read-only access to VSPTS and ATS-P. We developed a data collection instrument to capture relevant information and evaluate vetting results and conclusions.

We also compared VSPTS and ATS-P to verify that visa data, analysts' notes, and recommendations matched in both systems. We determined the data were sufficiently reliable for evaluating VSP vetting operations.

To determine the cost of the program, we obtained budget information from ICE's VSP Strategic Section. We reviewed congressional budget justifications to determine the budget appropriations to CBP's National Targeting Center. However, CBP could not estimate its VSP costs because it does not allocate cost to the different programs and does not track its VSP-related costs separately.

We conducted this performance audit between August 2021 and July 2022 pursuant to the *Inspector General Act of 1978*, as amended, 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 upon our audit objectives. Although we could not complete a verification of the initial screening sample, we believe that the evidence obtained, specifically the evidence pertaining to vetting applications, provides a reasonable basis for our findings and conclusions based upon our audit objectives.

The Office of Audits' major contributors to this report are Sean Pettersen, Audit Director; John McPhail, Audit Manager; Megan McNulty, Auditor-in-Charge; David Widman, Auditor; Kathryne Jones, Program Analyst; Susan Parrott, Communications Analyst; and Michael Brunelle, Independent Referencer.

# Appendix A
# DHS Comments on the Draft Report

U.S. Department of Homeland Security
Washington, D.C. 20528

Homeland Security

August 31, 2022

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

FROM: Jim H. Crumpacker, CIA, CFE
Director
Departmental GAO-OIG Liaison Office

JIM H CRUMPACKER Digitally signed by JIM H CRUMPACKER Date: 2022.08.31 11:08:22 -04'00'

SUBJECT: Management Response to Draft Report: "ICE and CBP Should Improve Visa Security Program Screening and Vetting Operations" (Project No. 20-033-AUD-ICE)

Thank you for the opportunity to comment on this draft report. The U.S. Department of Homeland Security (DHS or the 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 of U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations' (HSI) and U.S. Customs and Border Protection's (CBP) collaboration on the Visa Security Program (VSP) to enhance national security and public safety. DHS remains committed to maximizing the visa process as a counterterrorism tool to identify terrorists, criminals and other aliens ineligible for a visa prior to their travel or application for admission to the United States.

The draft report contained three recommendations with which the Department concurs. Enclosed find our detailed response to each recommendation. DHS previously submitted technical comments addressing several accuracy, contextual and other 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

**Enclosure: Management Response to Recommendations Contained in 20-033-AUD-ICE**

OIG recommended that ICE's Acting Executive Associate Director of HSI and CBP's Executive Assistant Commissioner of the Office of Field Operations (OFO):

**Recommendation 1:** Ensure analysts are following the requirements in the Visa Security Program's standard operating procedures and other guidance as they vet visas and document their activities.

**Response:** Concur. ICE HSI has already taken steps to promote compliance within the VSP. Specifically, on August 2, 2022, ICE HSI provided all VSP users with a copy of the "Homeland Security Investigations Visa Security Program Handbook," dated January 12, 2022, as well as the "Visa Security Program PATRIOT Standard Operating Procedures," dated July 2016. Additionally, ICE HSI is in the process of updating the VSP SharePoint internal website to include copies of the handbook and SOP.

Further, ICE HSI and CBP OFO' National Targeting Center (NTC) will disseminate the VSP requirements, SOP, and standardized language to its personnel to promote uniformity, and ensure awareness of the procedures and workflows for documenting their activities. ICE HSI and CBP OFO will also ensure that new employees receive this documentation as part of a standard "onboard" process. Estimated Completion Date (ECD): November 30, 2022.

OIG recommended that ICE's Acting Executive Associate Director of HSI:

**Recommendation 2**: Correct the character limit and data transfer issues in the Visa Security Program Tracking System.

**Response:** Concur. On July 9, 2022, ICE HSI and the ICE Application Services Branch resolved data transmission issues within the VSP Tracking System (VSPTS), and updated this system to remove the 4,000-character limit for data transfers. However, it is important to clarify that HSI agents at VSP posts also have access to CBP's Automated Targeting System – Passenger (ATS-P), which the OIG's draft report acknowledged contained information in that was not available in VSPTS in two cases out of 120 visa applications the OIG reviewed. Although DHS acknowledges that some data may have been truncated or missing in VSPTS, this would not adversely affect the ability of HSI agents at VSP posts to use both ATS-P and VSPTS to make a final recommendation to the U.S. Department of State on whether to issue or deny visas to applicants. ICE

provided the OIG documentation corroborating these actions under a separate cover on August 22, 2022. ICE HSI is working on the VSTPS data transfer issue by redesigning a system interface, the resolution of which will be included in a future system release. ECD: February 28, 2023.

OIG recommended the CBP Executive Assistant Commissioner of OFO:

**Recommendation 3**: Develop and implement a plan to track, if possible — or estimate if tracking is not possible — the costs of National Targeting Center activities associated with the Visa Security Program and report those costs to U.S. Immigration and Customs Enforcement.

**Response:** Concur. CBP OFO NTC will develop a cost estimate for NTC support for the VSP to be calculated on an annual basis, which will be provided to the ICE HSI International Operations Acting Assistant Director at the end of each fiscal year, with the first report to be issued for fiscal year 2022. ECD: November 30, 2022.

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# Appendix B
# Report Distribution

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