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Chapter 24: Preinspection and Preclearance (Added INS - TM2)

- 24.1 General
- 24.2 Preinspection and Preclearance Procedures
- 24.3 Departure Controls at Guam, Puerto Rico, and the U.S. Virgin Islands
- 24.4 Emergency Procedures during Canadian Air Traffic Controller Strikes

References:

INA: Sections 212(d)(7), 233, 235, 235A, 286.

Regulations: 8 CFR 103.1(d), 212.1(e), 221.1, 223.2 (b) (2) (ii), 233.4, 235.5, 286.2(a), 299.1.

24.1 General.

(a) Preinspection. Preinspection is the procedure whereby the Service conducts, in the host country, inspection of passengers and crewmembers as required by United States immigration and public health laws and regulations for entry into the United States.

Preinspection offers distinct advantages.

It is cost effective both to the U.S. government (fewer detention and deportation costs) and the transportation carrier (fewer fines and better scheduling opportunities).

It is facilitative as passengers are spared waiting in long lines at domestic airports and connecting travel is made easier.

It is good law enforcement as contraband, drugs, and criminal aliens do not enter the United States and intelligence information sharing exists between the United States and the host country.

First established at Toronto, Canada, in 1952, preinspection services are currently provided at 11 different sites in addition to Toronto (Calgary, Edmonton, Montreal, Ottawa, Vancouver, Victoria, Winnipeg, the Bahamas, Bermuda, Aruba, and Ireland).

(b) Preclearance. In preclearance INS performs immigration and public health inspections while U.S. Customs performs customs and agriculture inspections. Preclearance is operational in Calgary, Edmonton, Montreal, Ottawa, Toronto, Vancouver, Winnipeg, the Bahamas, Bermuda, and Aruba.

(c) Preinspection in Aruba. Preinspection is conducted at the international airport in Oranjestad, Aruba. This office falls within the jurisdiction of the District Director at Mexico City.

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The Port Director at Aruba administers day-to-day operations at this location.

(d) Preclearance in Bahamas. Preclearance is conducted at the international airports in both Freeport and Nassau in the Bahamas. Both locations fall within the jurisdiction of the District Director at Miami, FL. The Area Port Director at Nassau administers day-to-day operations of these two locations.

(e) Preclearance in Bermuda. Preclearance is conducted at the international airport in Hamilton, Bermuda. This office falls within the jurisdiction of the District Director at New York, NY.

(f) Preclearance in Canada. Preclearance is conducted at international airports at Calgary, Edmonton, Montreal, Ottawa, Toronto, Vancouver, and Winnipeg, as well as at the seaport in Victoria. The preclearance offices at Toronto, Montreal, and Ottawa fall within the jurisdiction of the District Director at Buffalo, NY. The office in Winnipeg reports to the District Director in St. Paul, MN. Calgary and Edmonton both fall within the jurisdiction of the District Director in Helena, MT. The District Director in Seattle, WA has both Vancouver and Victoria within his area of responsibility. All Canadian preclearance offices have local Area Port Directors overseeing the day-to-day operations at their respective sites.

Preclearance in Canada is governed by the Agreement Between the United States of America and Canada signed at Ottawa on May 8, 1974 and entered into force on May 8, 1974. Preinspection at Montreal, Toronto, Vancouver, and Winnipeg were already in existence at the time of the Agreement. [See Appendix 24-1 for text of the bilateral agreement, and annexes.]

It should be noted that the Agreement Between the United States and Canada on Aviation Preclearance can be amended or revised by an exchange of diplomatic notes. Since the effective date of the Agreement, Canada and the U.S. have had a number of consultations reviewing the operations of the Preclearance Agreement. Such consultations have involved preclearance facility construction projects at Toronto, Vancouver, Calgary, Winnipeg, Montreal, and Edmonton; a report on Downstream Duty-Free Experiment and Future of Duty-Free Facilities; Discussion of Preclearance Costs, their Allocation and Staffing Levels; Consideration of Extending Preclearance to Commuter Airlines; In-Transit Lounges; and the Status of U.S. Inspection Agency Personnel (including such issues as general status, immunity from private suits, employment of dependents, Immigration documentation, Customs Treatment and Privileges). The basic Agreement of May 8, 1974 between the two Governments remains as the cornerstone of INS operations in Canada, as evidenced by the Service's newest Preclearance Facility, which opened in Ottawa on July 7, 1997.

(g) Preinspection in Ireland. Preinspection in Ireland is conducted at the international airports at both Shannon and Dublin. Both locations fall within the jurisdiction of the of the District Director at Rome and the Officer-In-Charge at London. The Port Director at Shannon administers the day-to-day operation of these facilities.

(h) New initiatives. Section 123 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) calls for the establishment and maintenance of 5 preinspection sites at

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foreign airports that serve as last points of departure for the greatest numbers of inadmissible alien passengers and 5 additional sites determined to most effectively reduce the number of aliens who are inadmissible.

The decision to establish a preinspection or preclearance site involves certain considerations. The political and social climate must be such that no unreasonable risk is posed to Service officers, their spouses, and families. The volume of passenger traffic departing the foreign site for major U.S. port(s)-of-entry must be such that some measurable facilitative and/or enforcement effect can be realized. Adequate inspectional facilities must be available. The level of host government and air carrier(s) interest and a weighing of prospective benefits against cost are important considerations.

The Service will employ automation and continual technological advances in its preinspection process, thus minimizing personnel requirements, reducing costs, and improving enforcement effectiveness.

24.2 Preinspection and Preclearance Procedures.

(a) Official Conduct. Personnel stationed at these locations must be particularly careful to be courteous, as they are "guests" in that country and should present a positive image of the people and government of the United States. INS personnel, as government employees, perform their duties under the auspices of the U.S. Ambassador, pursuant to section 207 of the Foreign Service Act of 1980.

(b) Passenger and Crew Inspection. The procedures for inspection at both preinspection and preclearance stations are largely the same as for stateside inspection; however, there may be some variations depending on port policy and the routines established at those stations. One major exception is that expedited removal procedures described in 8 CFR 235.3 may not be applied at preinspection or preclearance stations abroad. Inspectors should be aware that at both preinspection and preclearance stations, they have no authority to arrest. (However, as a result of negotiations with the Canadian Government, inspectors stationed in Canada will have certain limited enforcement powers with the passage of Canadian legislation to that effect. The legislation is expected to be enacted into law by June 1998.)

INS cannot refuse boarding to any passenger. Rather, persons who are determined to be inadmissible are advised of this determination and are given the option of not traveling or of being placed in exclusion proceedings or expedited removal proceedings, as appropriate, upon arrival in the United States.

Since INS has limited enforcement authorities overseas, violators detected are usually identified for the local law enforcement agencies, a significant benefit for the host country. Preinspection, therefore, provides an added layer of counter-terrorist screening. Cooperation with host country law enforcement agencies can result in the apprehension of wanted criminals or other persons engaged in criminal activities.

(c) Carrier Agreements. Transportation lines requesting inspection services at points in foreign

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countries enter into agreements with the Service, on Form I-425, which sets forth the terms and conditions under which inspection is granted. Only carriers who are signatory to specific preinspection agreements can have passengers processed at these stations. A list of signatory carriers at each preinspection or preclearance station is included in Appendix 42-4.

24.3 Departure Controls at Guam, Puerto Rico and the U.S. Virgin Islands.

Departure control inspection at these locations is conducted pursuant to 8 CFR 235.5(a). Inspectors are stationed in the departure terminal area, where they conduct a cursory inspection, except for I-94 issuance and lookout query, of passengers bound for the U.S. mainland. Inspection is not required of 100% of arriving passengers; depending upon available manpower the intensity of inspection may vary. If an illegal entrant or status violator is encountered, the alien is detained and processed for deportation. Other arrests may be made involving U.S. citizens or resident aliens involved in drug or alien smuggling.

Statistics for departure inspections are counted in the G-22.1, port code "D" in PAS. Since not every passenger on every flight will be inspected individually and no I-92 is provided, it is necessary to estimate actual volumes of citizens and aliens inspected. Copies of Forms I-213 for mala fide aliens intercepted are sent monthly to Investigations for inclusion in district apprehension statistics.

24.4 Emergency Procedures during Canadian Air Traffic Controller Strikes.

[See Chapter 22.9.]

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Chapter 25: Private Aircraft and Vessels (Added INS - TM2)

- 25.1 Canadian Border Small Boat Permit Program.
- 25.2 Procedures for Inspecting Private Aircraft.
- 25.3 Inspection of Private Vessels.
- 25.4 Snowmobiles
- 25.5 GATE Program

References:

INA: Sections 235, 239

Regulations: 8 CFR 235.1, 8 CFR 239.2.

25.1 Canadian Border Small Boat Permit Program.

(a) General. A special program exists to facilitate the entry of small craft making frequent entries into the U.S. from Canada. Commonly referred to as the I-68 program, regulations outlining terms and conditions are contained in 8 CFR 235.1(e). Form I-68 may be issued to U.S. citizens or lawful permanent residents, Canadian nationals, and other residents of Canada having a common nationality with Canadians, who enter the United States from Canada in small pleasure craft of less than five net tons, to facilitate brief pleasure trips between the U.S. and Canada. Under the program, persons are inspected only at the time of application for the permit and may thereafter enter the United States along the immediate shore area without further inspection during the remainder of the boating season. The I-68 must be in the possession of the permit holder each time they enter the United States under the provisions of this program. In the case of a Canadian national or other resident of Canada having a common nationality with Canadians, the Form I-68 shall be valid only for visits of less than 72 hours and only if the alien remains in the immediate shoreline area, although that includes those nearby shopping and residential areas. If the alien intends to enter the United States for any other purpose, they must apply for admission at a staffed port-of-entry.

(b) Initial Application. Except as indicated below, every person on the boat must apply for or hold a separate Form I-68. Minor children can be added to a parent's Form I-68 (if the parent is in possession of the minor's birth certificate at time of application). Parents of either the principal permit holder or the holder's spouse may also be included on the same application. Every applicant must be in possession of government issued photo identification, evidence of citizenship and residence, and a completed Form I-68, with the fee provided in 8 CFR 103.7. Note there is a family cap of double the base fee for each family group.

The Form I-68 is prepared in triplicate. If approved, each copy will be stamped with the officer's admission stamp and the original given to the applicant. The other copies will be forwarded for processing according to local procedures.

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If it is determined that an applicant is inadmissible to the United States, the application for Form I-68 will be denied. Each copy will be stamped with the officer's line stamp and marked "DENIED" and the original given to the applicant. The other copies will be forwarded for processing according to local procedures. If appropriate, a determination will be made by the shift supervisor as to whether the applicant will be processed for an exclusion hearing or refused entry and issued a Form I-192 waiver packet.

(c) I-68 Renewal. The I-68 must be renewed annually. Some offices manage their renewal applications by mailing the new applications to prior permit holders before the beginning of the boating season. Other offices process renewals only on a walk-in basis. The fee requirements and family cap are the same as for initial applications.

25.2 Procedures for Inspecting Private Aircraft.

(a) General. Private aircraft are aircraft which are not regularly engaged in transporting goods or passengers on a commercial basis. Inspection of persons on board private aircraft is accomplished jointly by INS and Customs, according to local procedures. With the exception of those aircraft participating in the GATE program, all private aircraft entering the United States are required to notify Customs or Immigration (following established local procedures), generally at least one hour before anticipated arrival, to request the presence of an Immigration or Customs inspector. [See 8 CFR 239.2.1] Inspect all persons on board in the same manner as those on commercial flights. (Query NAILS, TECS or the Service Lookout Book on all persons arriving by private aircraft). Prior to the actual inspection, if information and systems access are available, private flights should be queried through EPIC for possible lookouts or potential problems. This is a safety factor as well as a means to make timely interceptions of illegal aliens and/or drugs.

A pilot who is the owner or operator of a private aircraft which is not regularly engaged in the transportation of goods and/or passengers for hire is not considered a "crewmember" and may be admitted as a B-1. If a pilot or passenger is found to be inadmissible to the United States under § 212(a) of the Act, prepare and serve Form I-259 on the pilot, if departure arrangements are immediate. Arrange locally to verify that the aircraft, and inadmissible alien, have departed the country.

(b) Manifest Requirements. All pilots will complete a Form CF-178 (PAIRS) upon entry into the United States. It is essential to add the pilot's and owner's area codes and telephone number to the form for informational purposes. In instances involving small commercial aircraft, the crew will present a General Declaration Form CF-7507 and Cargo Manifest to the inspecting officer. The arrival information for these private aircraft is recorded on Form I-577. After necessary statistics and other data are recorded, submit Form CF-178 to the local Customs office. Customs will notify EPIC of the arrival based on the CF-178 data.

(c) Customs User Fee Decal. The Inspecting officer will assure that the Customs user fee decal is properly affixed to the aircraft. If a new decal is needed, the inspector must complete a Form CF-339, collect the required fee, and issue a receipt (Form G-211). In the "For" block

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write, "User Decal for the calendar year for private aircraft (and list tail number)". This is to ensure that the receipt cannot be presented as proof of decal purchase for another aircraft. The Form G-211 will be used in lieu of a valid decal until the Customs Service mails the decal to the applicant. Forward Form CF-339, the fee, Form G-211 and Form CF-178 immediately to Customs. Follow local procedures regarding transference of the fee to Customs personnel.

(d) Failure to Provide Advance Arrival Information. If the notice of arrival has not been reported within the specified time frame, fine proceedings should be initiated as discussed in Chapter 43. Execute a sworn statement from the pilot concerning the facts of the arrival and reasons for failure to give proper notice. Prepare a detailed memo describing incident, including arrival time, name of all passengers, their dates of birth and counties of citizenship. This packet will be sent to the National Fines Office in Falls Church, VA.

25.3 Inspection of Private Vessels.

As with private aircraft, inspection of private vessels is generally accomplished by a single officer acting on behalf of all inspecting agencies. Persons on board private vessels not regularly engaged in commercial carriage of goods or passengers are inspected under the general provisions of section 235 of the Act. Persons engaged in the operation of such vessels are not considered crewmembers and must be in possession of a nonimmigrant visa (where visas are required) that meets the intent of their trip to the United States. Persons applying for admission, solely to operate such a vessel, may be classified under section 101(a)(15)(B) of the Act, if otherwise admissible. Persons engaged in the operation or employment onboard a private vessel, which is home ported in the United States, must be in possession of an appropriate nonimmigrant visa (where visas are required), authorizing employment in the United States. Such a nonimmigrant visa could include, but is not limited to, the H2-B visa classification.

If you learn that a private vessel has arrived and persons have disembarked the vessel without inspection, or persons arriving on such vessels are not in possession of the required travel documents, prepare a memorandum of facts and complete Form I-849 for submission to the National Fines Office (NFO). In some cases a fine will not be imposed on the first offense; nevertheless, all cases must be documented and reported to the NFO. [See also Chapter 25.1 of this field manual, relating to the I-68 program, which may apply in some situations.]

25.4 Snowmobiles.

The Service and the United States Customs Service are experimenting with an I-68 like program for snowmobilers in North Dakota. At the present time, only snowmobilers within the programs test area are authorized to participate in the program. Should the two Services decide to expand the program, a revision to this Section will be made.

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25.5 GATE Program.

The United States Customs Service, with the concurrence of the Service, has been conducting an I-68 like program for the operators and passengers of small aircraft entering the United States from Canada. Like the I-68 program, participation is limited to United States citizens, lawful permanent residents of the United States, Canadian citizens, and landed immigrants of Canada having a common nationality with Canadians.

Enrollment is handled by the United States Customs Service; although any Immigration Inspector may have access to the enrollment applications of any program participant.

Program participants are required to call the Customs GATE Operations Center at 1 (800) 98CLEAR prior to departing from the United States. The Customs officer on duty will verify participation in GATE and determine if that specific flight will be approved for GATE. If approved, the pilot is issued a control number and authorized to proceed to the United States. The specific details of the flight are then entered into IBIS.

An Immigration Inspector interested in obtaining information related to any GATE flight may obtain that information from IBIS by selecting IO40/Option6/Option 4/Option 3: Inspection Operations, Private Aircraft Enforcement Systems/Maintain Overflight Exemptions/Query Overflight Exemptions. In accordance with the agreement between Customs and the Service, Immigration Inspectors may inspect any Gate flight.

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Chapter 26: Special Programs (Added INS - TM2)

- 26.1 INS Port Passenger Accelerated Service System (PORTPASS, DCL, APP and SENTRI)
- 26.2 Advance Passenger Information System (APIS)
- 26.3 Carrier Consultant Program (CCP) (Reserved)
- 26.4 Inspections Response Teams (IRT)
- 26.5 Immigration and Naturalization Service Passenger Accelerated Inspection System (INSPASS)
- 26.6 Inspections Canine Program

References:

INA: Section 286(q)

Regulations: 8 CFR 235.13, 286.8

26.1 INS Port Passenger Accelerated Service System (PORTPASS, DCL, APP and SENTRI)

(a) Background. The Service has long recognized the need to develop and implement new methods for rapid inspection of low-risk vehicular traffic at land border ports-of-entry without compromising the security and integrity of the inspection process. In recent years there have been several initiatives which targeted this segment of land border traffic. The most widely used version, referred to as Dedicated Commuter Lanes (DCL), are special lanes at busier land border ports-of-entry which are set apart from the normal flow of traffic. These lanes provide an accelerated inspection for frequent, low-risk travelers. The DCL project is a joint project of the Immigration and Naturalization Service (INS) and the United States Customs Service (USCS). The DCL project is part of a larger umbrella project named Port Passenger Accelerated Service System (PORTPASS).

At small ports in remote areas along the northern border, a different approach is being considered. Referred to as Automated Permit Ports (APP), the concept envisions that certain local residents will be issued cards which allow entry to the U.S. at times when the port is closed. The APP concept will be tested, using several types of technology, during the late FY 1995. Several small ports are being considered for APP pilots, including: Scobey, MT, Ambrose, Antler and Sherwood, ND, Morse's Line, VT and Forest and Orient, ME.

Another initiative, one which would take advantage of emerging technology by installing radio transponders in the vehicles of frequent travelers, is in the developmental stage. Known as the Secure Electronic Network for Traveler's Rapid Inspection (SENTRI), this initiative has been designated as a Reinvention Laboratory under the Administration's National Performance Review.

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Congress included language in the Service's 1990 Appropriations Act which allows for a test of the inspection fee concept on the land borders. This law authorizes the Attorney General to establish pilot projects which include the charging of a fee and provides that the fee collected may be used only to enhance inspection services. Such pilot projects are to be developed by the Attorney General after consultation with the Secretary of the Treasury and with Congress. All such pilot projects were scheduled to terminate on September 30, 1993, but were extended by Congress until September 30, 2000. This law also limited these projects only to the northern and California borders. In the FY95 Appropriations Act the restriction of operating a DCL on the southern border was lifted for California only. Because of the revenue available to the Service as a result of this new Land Border User Fee Account, there is a great potential for expanding these programs and employing new technology.

(b) The DCL Programs. There are four DCLs now in operation: One at Blaine, Washington (since June of 1991, referred to locally as Peace Arch Crossing Entry (PACE)); one at Point Roberts, Washington (since October 1994); and one each at Detroit's Ambassador Bridge and Windsor Tunnel (as of March, 1995). The programs are open to citizens and permanent residents of the United States, citizens and landed immigrants (commonwealth nationality) of Canada, and other nonimmigrants determined eligible by the Commissioner. In addition to the DCL ports, a similar program called AUTOPASS has been in use at the Peace Bridge in Buffalo, NY since 1982. Once accepted into the program, users need only slow for a visual inspection of the decal/ identifier affixed to the vehicle which indicates participation in the program. A proposed enhancement for FY95 would involve issuing a PORTPASS identification card. [Regulations controlling DCL program participation and adjudication of Forms I-823 are contained in 8 CFR 286.8.]

(c) Automated Permit Ports (APP). At small ports in remote areas along the northern border, a different approach is being considered. Referred to as Automated Permit Ports (APP), enrolled local residents are issued cards which allow entry to the U.S. at times when the port is unstaffed. APPs are currently in operation at Scobey, MT; Orient and Forest City, ME.

Users will encounter a variety of APPs as each site will determine specific equipment based on the physical layout of the port and other operational considerations. Some APP users will face a kiosk type structure into which they may insert a card or pin number and a biometric sample for verification which will control a gate. Other users may simply be registered with the PORTPASS program and carry only a identifying card. Because this is a pilot project, several different technologies are being tested.

A similar project is also underway at northern border ports-of-entry. This project is called Remote Video Inspection System (RVIS) which uses video conferencing techniques to help inspectors determine admissibility to the United States. Currently, this technology is being tested in Whitetail, MT; Champlain, NY; and Skagway, AK. Participants may either be enrolled or not, depending upon the traffic volume and risk.

(d) Future Enhancements; SENTRI Planning. The Department of Justice (DO) has selected the PORTPASS project as a Reinvention Lab as part of the second round of the National

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Performance Review (NPR). This the first joint Reinvention Lab involving the Department of Justice and Department of Treasury, and is among the first interagency labs since the NPR initiative began. Also assisting in identifying systems requirements are the Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), and United States Attorney for the Southern District of California. The system being developed by this interagency working group is called the Secure Electronic Network for Travelers' Rapid Inspection (SENTRI). This initiative will expand the current DCL concept to the southern border and exploit newly emerging technology, including radio frequency (RF) tags and expanded use of biometrics. The first DCL in California will be located at Otay Mesa. The system installed at Otay Mesa will be the prototype for future DCL systems and will be technologically more advanced than the current DCL systems. It is envisioned that once initially processed, vehicles and passengers accepted into the program will not need to stop at the border, except for "spot" compliance checks which may be performed by the border inspection agencies at any time. AUTOPASS may also be enhanced by automating the process with the use of radio frequency tags.

SENTRI will employ an experimental process for border inspections. The process will apply to a defined, and initially limited, group of low-risk border crossers. SENTRI will permit federal inspection personnel to screen, select and enroll applicants for participation in the SENTRI pilot using a set of criteria developed to satisfy law enforcement needs at the border. When low-risk participants approach the border to enter the United States, they will travel over a dedicated, vehicular lane, and the SENTRI system will electronically inspect the enrolled drivers and/or passengers, and their vehicles. This project should substantially accelerate border crossings through the application of technology.

Participants' vehicles will be outfitted with radio frequency (RF) transponders. When a transponder is activated, it will initiate a computer query of the enrollment database and perform a lookout query of the individuals and the vehicle and retrieve previously recorded digitized photographic images of the participants. These images will be displayed on a computer screen located before an inspector in the inspection booth who will make a visual comparison between the images and the individuals in the car.

Beginning in March or April of 1996 SENTRI will begin off-site testing of an in-vehicle voice verification system. The driver and any occupants will speak into the device which will contain a pre-recorded, digitized template of their voice print. The live voice prints will then be compared to those stored in the device. This process of biometric measurement, while the car is in motion, will provide positive identification of those persons who properly use the voice verification device. This process will also satisfy current proposed regulation 8 CFR 235.13 for immigration purposes.

Participants will be issued a PVC-based identification card which contains a digitized photograph integrated onto the card. Biographic data resides on the front of the card with the photograph. The reverse side contains data formatted in accordance with the International Civil Aviation Organization (ICAO) standard 9303 for a TD1 document.

The SENTRI program has a distinctive logo, to appear on its documents, consisting of a red "S" in a box with blue background, and blue "entri" on a standard-colored United States flag.

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(e) Border Facilitation Programs Application Procedures.

(1) General. A standard process for application filing and handling has been developed for all PORTPASS programs. All applications for participation in DCL, APP or SENTRI programs are filed on Form I-823, Application for Border Facilitation Program. INSPASS applications, discussed in Chapter 26.7, are also filed on the same form. Applications are available at all ports with PORTPASS programs. There is no limit to the number of vehicles a person enrolled in the program may select for PORTPASS use, but each vehicle is limited to four persons per entry via a DCL.

(2) Application Filing and Fee Receipting. Those eligible for participation in the DCL, APP or SENTRI programs must file Form I-823, with the fee provided in 8 CFR 103.7, at the port-of-entry where they will be crossing. The cost for use of the APP is currently \$25 per year. However, the fee will be waived initially, in accordance with an agreement with the Government of Canada. Each person in a family group is charged the fee, up to the family cap. No fee is required of persons under the age of 14. Fees must be remitted in the form of cash or a cashier's check. At PORTPASS locations, fees will be collected by either a designated inspector or by an inspections aide or fee clerk. [Requirements for fee collection and deposit are discussed in AM 4.1.307 and AM 4.1.304.] The inspector or aide receiving the application should review it for completeness, and fingerprint and photograph each applicant before accepting the application for processing. After review and acceptance, the inspector or aide must give the applicant a date upon which to return for further processing.

(3) Initial Processing. Upon receipt of the application, the adjudicating inspector checks several databases, including the Treasury Enforcement Communications System (TECS), National Automated Immigration Lookout System (NAIIS), Nonimmigrant Information System (NIIS), and the National Crime Information Center (NCIC). If no information prejudicial to the applicant is obtained, the applicant must appear as scheduled for interview by a Customs and an Immigration officer. The interview is a more formal, intensive process than the traditional land border inspection. If the applicant is found admissible by both agencies, the vehicle(s) are inspected by Customs, and may be weighed or X-rayed. Note the application file with the names of the inspecting officers and the results of the interview.

(4) Decision. If an applicant is determined to be ineligible for the program, he or she will be so advised at the time of interview, but need not be given a specific reason for denial. If approved, the applicant will be advised of the validity dates of the approval and issued the appropriate identity card, decal or vehicle transponder, upon payment of any required systems fee. Decals and transponders must be affixed to the vehicle by agency personnel or persons specifically under contract for that purpose. The approving officer must also collect all required data and insure update of specified automated systems. Participants must be clearly advised of the terms of their enrollment, advised of the consequences of misuse and instructed on how the system operates.

(5) Terminating Enrollment. Participants in PORTPASS may have their enrollment terminated for any failure to adhere to program requirements. Upon termination of

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enrollment, collect all identification cards, transponders or decals and make appropriate entries in the systems database. Other enforcement actions, such as prosecutions or administrative fines may be considered apart from terminating the enrollment.

26.2 Advance Passenger Information System (APIS)

(a) General. The INS began implementing APIS in conjunction with the U.S. Customs Service (USCS) in 1989 as an effort to meet airport inspectional challenges (increased passenger volumes, especially during peak hours and seasons, combined with staffing and facilities limitations) during the 1990's and beyond. The system has its roots in a 1988 agreement between the New Zealand and Australian Customs Services that established a pilot program for the electronic exchange of biographical information on passengers traveling between those two countries. Shortly following this initial agreement, the USCS and INS agreed to take part in a related pilot program involving the transmission of passenger information for direct U.S. bound flights departing from New Zealand and Australia.

The idea behind APIS is simple. Normally, passenger data is entered into computer terminals by inspectors at the arrival port-of-entry to initiate primary lookout system queries in real-time as the passenger is being inspected. If this passenger data could instead be collected at the foreign point of departure and electronically transmitted to the U.S. for batch lookout query processing, and the query results be made available to the destination port-of-entry in advance of the arrival of the flight, the border inspection process at the port-of-entry would become much more streamlined.

The U.S. program began with a single carrier inputting data manually from paper manifests for arrivals at three air ports-of-entry. Although entirely voluntary on the part of the carriers, the program has expanded rapidly.

The popularity of APIS with the airline industry is largely due to the system's facilitative potential. The system has the potential to substantially expedite the processing of bona fide air travelers at U.S. ports-of-entry by eliminating the need for an inspector to perform a full primary computer query.

The APIS also furnishes the INS with an invaluable enforcement tool by providing inspectors at ports-of-entry with advance notification of arriving passengers who are the subjects of lookouts. Many ports-of-entry have been able to further optimize the benefits of this time advantage by organizing joint INS/USCS Passenger Analysis Units (PAUs) which utilize APIS data to perform initial intelligence analysis prior to passenger arrival, thus greatly improving enforcement selectivity.

In addition to the enforcement and facilitation benefits provided by APIS, the INS also views APIS as the cornerstone for future processing advances at air ports-of-entry. The program has enormous potential in the area of passenger processing automation and, with continued systems development, has the capacity to act as a catalyst for future re-engineering of the airport inspections process.

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(b) Memoranda of Understanding (MOUs). Currently two MOUs govern the administration of the APIS program. The first MOU is an inter-governmental agreement between the Department of Immigration, Local Government and Ethnic Affairs (DILGEA) of Australia and the INS (see Appendix 26-1). This MOU went into effect in 1991 and sets forth procedures whereby the government of Australia assumes the responsibility for collecting and transmitting passenger data for all non-stop U.S. bound flights departing from Australian ports. The MOU further requires that stickers be placed on passengers' travel documents identifying them as passengers for whom advance passenger information (API) has been collected, and that the INS facilitate the processing of these passengers through INS "Blue Lanes." This MOU directly effects only a small group of carriers (such as Qantas) which operate routes between Australia and the U.S. On these routes, the Australian government collects and transmits API on behalf of the carriers.

The second MOU governing the administration of the APIS program is a formal agreement between the three U.S. Federal Inspections Services (FIS) agencies (the USCS, INS and USDA- APHIS) and participating air carriers (see Appendix 26-2). This MOU (referred to as the "APIS MOU") is effective April 1, 1998, and applies to carriers which operate routes destined to the U.S. from anywhere in the world other than Australia. The APIS MOU remains in effect for three years and will expire on March 31, 2001, unless extended.

The APIS MOU sets forth the terms and conditions of APIS as a voluntary program between the FIS agencies and participating carriers. Although not legally binding, the APIS MOU is important in that it specifies national performance standards which apply to all parties.

The APIS MOU is structured as a quid pro quo arrangement whereby benefits accrue only if performance standards are met. The primary benefit for the government is the receipt of increasingly high levels of high quality API. The primary benefit for participating carriers is a corresponding decrease in FIS processing times for bona fide passengers.

The APIS MOU is unique in that through this vehicle three separate government agencies jointly enter into an agreement with the participating carrier. This effectively restrains any one of the three FIS agencies from acting unilaterally on an issue that effects joint government performance required by the APIS MOU.

The APIS MOU is divided into six sections. A brief overview of each section follows:

Section 1: Provider (carrier) Data Responsibilities

The first section of the APIS MOU enumerates the data elements which the carrier must collect. Initially, only basic data elements are required. Additional required data elements are phased in over an eighteen month period beginning April 1, 1998. Ultimately, eleven data elements are required to be collected for each passenger (five flight related elements and six biographical elements). As of April 1, 1998, the following eight data elements must be collected: airline IATA code, flight number, passenger last name(s), passenger first name(s), passenger date of birth, departure location IATA code, U.S. arrival location(s) IATA code(s), and date of flight arrival. As of January 1, 1999, passenger travel document nationality (or passenger nationality when

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exempt documentary requirements) and travel document number (except when the passenger is exempt documentary requirements) must also be collected. Beginning October 1, 1999, passenger gender is required.

In order to qualify for benefits under the program, the carrier must not only collect an increasing number of data elements but must also collect more, and more accurate, API. As of April 1, 1998 (when eight data elements are required), the data accuracy rate ("sufficiency rate") must meet or exceed 60%, on a flight-by-flight basis. When the number of required data elements increases to ten on January 1, 1999, the minimum sufficiency rate increases to 75%. When the final required data element is added on October 1, 1999, the minimum sufficiency rate increases to 80%. Six months later, on April 1, 2000, the minimum sufficiency rate increases to 90%.

The term "sufficiency rate" is a key term used throughout the APIS MOU. The sufficiency rate is defined in detail in section 4 of the APIS MOU. Generally speaking, the sufficiency rate is the percentage of accurate, error-free API records transmitted in relation to the total number of on-board passengers on each APIS flight. Calculation of the sufficiency rate is based on the assumption that API should be transmitted for 100% of all on-board passengers. Arriving passengers for whom no API records have been transmitted, excess records (except duplicates) and records which contain data errors or omissions all reduce the sufficiency rate. Also, it should be noted that the minimum sufficiency rates specified in the APIS MOU are set standards and will not be lowered to encourage new carrier participation.

Section 2: Provider (carrier) Operational Responsibilities

This section addresses carrier operational issues bearing on the quality of data collected. The carrier is required to utilize, where feasible, document readers to collect information from machine readable travel documents. Carrier staff is also required to compare the data collected to that contained on the travel document to ensure accuracy. Additionally, not later than April 1, 2000, the carrier is required to transmit APIS data for all of its non- precleared U.S. bound flights, and not later than April 1, 2001, the carrier must transmit APIS data for its crew members.

Section 2 of the APIS MOU also addresses primary queue management and passenger processing support at the port-of-entry. Although individual responsibility is not assigned per se, this section requires the carrier to agree to participate in joint carrier, government and airport authority working groups at the local level. These working groups are responsible for ensuring that appropriate signage and lane segregation devices (to include appropriate queue management personnel), as well as passenger processing support personnel, are available for each APIS flight at each port-of-entry.

Section 3: Government Responsibilities

This section lists the responsibilities of the three FIS agencies. Government performance of each of these responsibilities equates to a benefit for qualifying "Blue Lane eligible" flights.

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Blue Lane eligibility is another key term used throughout the APIS MOU. There are two requirements, both of which must be met, for a flight to be considered Blue Lane eligible: (1) the carrier must be signatory to the APIS MOU (national level approval) and (2) the individual flight arriving at the port-of-entry must meet the current minimum sufficiency rate required by the APIS MOU (local approval). If a particular flight of a signatory carrier does not meet the current minimum sufficiency rate, it is not Blue Lane eligible and will not receive benefits outlined in the APIS MOU. Also, regardless of the sufficiency rate of individual flights, if a carrier is not signatory to the APIS MOU, none of its flights are Blue Lane eligible.

Section 3 of the APIS MOU eliminates the requirement for Blue Lane stickers to be affixed to passengers' travel documents. Although the Blue Lane sticker is required by the INS/Australian MOU, the INS is eliminating the sticker requirement for all carriers on all routes (including those which are covered by the INS/Australian MOU), effective April 1, 1998.

The INS will provide dedicated primary inspectional "Blue Lanes" for processing passengers on Blue Lane eligible flights. All passengers arriving on Blue Lane eligible flights will be processed through these lanes. The language in this section of the APIS MOU prohibits the mixing of passengers arriving on Blue Lane and non-Blue Lane eligible flights in these lanes.

Flight processing cycle time goals, from the first passenger's entry into the FIS arrivals area to the last passenger, requiring only primary inspection, through the facility exit, will be reduced in three phases. Beginning January 1, 1999, the processing cycle time goal for passengers arriving on Blue Lane eligible flights is reduced to 40 minutes. On October 1, 1999, this goal is reduced to 35 minutes, and effective April 1, 2000, the goal is finally reduced to 30 minutes. These times include all FIS primary processing, not just INS primary processing.

The government agrees to meet these processing cycle time goals for all Blue Lane eligible flights which operate within "the normal course of actions." In the normal course of actions, APIS data is received in advance of the flight and there are no unusual problems or excessive delays with deplaning passengers, with the passengers arriving at the FIS arrivals area from the gate, or with the delivery of checked baggage. Late flight arrivals and flight diversions are considered to occur within the normal course of actions to the extent that the APIS data is available in advance of the flight's arrival, passengers deplane normally, checked baggage is delivered normally, etc. Local issues involving staffing shortages, details, etc., while obviously of concern to the FIS agencies as well as to the carriers, are also considered to occur within the normal course of actions for the sake of the APIS MOU.

Given the current airport environment, measurement of the processing cycle time specified in the APIS MOU is problematic. Although flight block time is recorded on the General Declaration, there is no accurate time stamp which establishes when the first passenger on a given flight actually enters the FIS arrivals area. Similarly, although IBIS establishes the time of the first and last INS primary queries for each flight, there is no standard procedure to collect the time the last passenger on a given flight actually clears the USCS control point and exits the facility. Due to these operational constraints, the following cycle time measurement methodology has been adopted until such time that a more accurate, automated measurement solution can be developed:

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Processing Cycle Time: Processing cycle time begins when the "average" passenger on the flight enters the FIS arrivals area and ends when the "average" passenger on the flight exits the facility (USCS collects the Customs declaration). Start time (passenger enters FIS arrivals area) begins "X" number of minutes after the flight block time. "X" is a terminal average walk time and equates to the time it takes the middle passenger on a flight arriving at the middle gate to deplane and walk to the FIS arrivals area. The terminal average walk time is established locally through informal time studies conducted by POE management. Carriers at the POE should be involved in measuring this time and must agree that the walk time number to be used is a reasonable estimate.

The USCS is responsible for establishing the time the average passenger exits the facility. This may be determined by using a sampling technique. Until such time that this can be automated, USCS at each port-of-entry is responsible for providing FIS cycle time reports to the carriers and to INS. Due to the manual nature of this report, it will not include breakdowns (i.e., time from first passenger entry into the FIS to first INS primary query, from first INS primary query to last INS primary query, baggage delivery time, time from baggage delivery to passenger exit from the FIS, etc.). The USCS Data Center will work to incorporate block times and terminal average walk times into IBIS in the future.

Section 3 of the APIS MOU also requires the FIS agencies to work with the local airport authorities to provide preferential baggage carousel assignments to Blue Lane eligible flights and to develop and test of a variety of automated systems and procedures to further streamline passenger processing at the ports-of-entry. The USCS also agrees to continue providing the carriers with document readers on a no-fee loan basis.

Section 4: Data Accuracy

This section of the APIS MOU specifies the types of API data errors which will be counted against carriers. The sufficiency rate, which is the primary statistical measurement of carrier data integrity, is arithmetically defined. The stipulation that, when used to determine Blue Lane eligibility, sufficiency rates will be calculated on a flight-by-flight basis, using a weekly (7 day) average (regardless of the number of times the flight arrives during the weekly period) is contained in this section, as well as the requirement that the government provide carriers, on request, daily, weekly and monthly carrier performance reports.

Section 5: Administration

Section 5 of the APIS MOU establishes a government/industry administrative structure to support the APIS program. For the FIS agencies, the INS Assistant Commissioner, Office of Inspections, is the overall program administrator. Each of the FIS agencies also designates national APIS coordinators responsible for the day-to-day administration of the APIS MOU, as well as field APIS coordinators at each of the ports-of-entry servicing APIS flights. Each carrier must designate a corresponding national (corporate) APIS coordinator as well as field APIS coordinators at each of the ports-of-entry to which the carrier transmits APIS data. When a carrier begins transmitting APIS data to a new port-of-entry, the carrier must designate a field

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APIS coordinator at that new port-of-entry. When a carrier adds or deletes APIS flights, notification is required to be provided locally through the APIS coordinators to the INS Port Director.

Local management, implementation and problem resolution is to be accomplished through Port Quality Improvement Committees (PQICs) or other ad hoc joint management committees composed of local representatives from the three FIS agencies, carriers and port authority.

Section 6: Performance

The final section of the APIS MOU outlines procedures for removing non-compliant flights from Blue Lane eligible status. Basically, written notice must be served locally on non-compliant flights by the INS Port Director. This written notice must include examples (data accuracy reports) of the deficient performance. The notice places the flight in a "probationary status" for 60 days. (In actuality, this 60 day period consists of 8 weekly reporting periods - 56 days). During the probationary period, the flight remains eligible for Blue Lane processing. However, following the 8 week probationary period, the flight's performance is reviewed. Any flight that has not improved to the minimum sufficiency rate in effect at that time will be served written notice by the INS Port Director and removed from Blue Lane eligible status. Reinstatement can be accomplished by the carrier providing a written request to the INS Port Director. The written request must outline the problem and measures taken to correct the problem. Following receipt of the request, reinstatement is contingent upon the flight meeting the sufficiency rate currently in effect.

(c) APIS airport procedures. In accordance with the provisions of the APIS MOU and pursuant to HQINS policy, the following airport primary passenger processing procedures shall be implemented effective April 1, 1998:

(1) Elimination of Blue Lane stickers. Effective April 1, 1998, the requirement for carriers participating in the APIS program to affix Blue Lane stickers to the travel documents of passengers for whom API is collected is eliminated.

(2) Blue Lane eligibility. Only those APIS flights which meet the criteria of "Blue Lane eligibility" will receive special processing benefits outlined in the APIS MOU. This determination will be made on a flight-by-flight basis locally at the port-of-entry. All flights which are Blue Lane eligible will receive the special processing benefits outlined in the APIS MOU. No flights which are non-Blue Lane eligible flights will receive these benefits.

There are two requirements for Blue Lane eligibility, both of which must be satisfied:

The carrier must be signatory to the APIS MOU (national-level approval)

and

The signatory carrier's flights arriving at the port-of-entry must meet the minimum

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sufficiency rate currently required by the APIS MOU (port-level approval)

(3) Carriers signatory to the APIS MOU (national-level approval). Effective April 1, 1998, only those carriers signatory to the national APIS MOU will be eligible for the processing benefits outlined in the APIS MOU. The APIS MOU is a national-level agreement which is executed at the Headquarters level. The INS Assistant Commissioner, Office of Inspections, is authorized to sign the APIS MOU on behalf of the three FIS agencies. An appropriate airline corporate level officer will sign the APIS MOU on behalf of his/her carrier. Regardless of whether or not a carrier transmits APIS data, no carrier which is not signatory to the APIS MOU will be eligible for the processing benefits outlined in the MOU.

Note: Effective April 1, 1998, all flights of signatory APIS carriers will be marked with asterisks immediately to the left of the two letter carrier code on the port-of-entry flight list, which is accessed through the IBIS "IOPI" (IBIS Advance Passenger Information) function. No flights of non-signatory carriers will have asterisks to their left in IOPI. Blue Lane processing will not be provided for any flight which is not marked with an asterisk in IOPI.

(4) Blue Lane eligible flights (port-of-entry level approval). If a carrier is signatory to the APIS MOU, processing benefits outlined in the MOU are NOT automatically granted to all of that carrier's flights. Processing benefits outlined in the APIS MOU are granted on a flight-by-flight basis at the port-of-entry depending on each flight's APIS sufficiency rate. This requires that the port-of-entry routinely monitor (at least weekly) the sufficiency rates for all APIS flights. Blue Lane eligibility is then granted only to those signatory carriers' flights which meet or exceed the current sufficiency rate specified in the APIS MOU.

Note: Although all flights for signatory carriers will be marked with an asterisk immediately to the left of the two letter carrier code on the arrival flight list in IOPI, currently the asterisk does NOT indicate that the flight is Blue Lane eligible, only that the carrier as a whole is signatory to the APIS MOU. System enhancements are being developed that will eventually allow for system identification of Blue Lane eligible flights on a flight-by-flight basis. However, until such time that these enhancements are in place, for flights which have been marked with an asterisk, the determination as to the flight's Blue Lane eligibility must still be made at the port-of-entry, based on the flight's sufficiency rate.

Even if all carriers at a given port-of-entry are signatory to the APIS MOU (all flights in IOPI have an asterisk to the left of the two letter carrier code), not all flights arriving at that port-of-entry may necessarily be Blue Lane eligible. Each signatory carrier's flight is evaluated individually, based on its sufficiency rate. Only those signatory carrier's flights which meet or exceed the current minimum sufficiency rate specified in the APIS MOU qualify as Blue Lane eligible. The goal of granting and denying Blue Lane eligibility locally on a flight-by-flight basis rather than carrier-wide is to focus appropriate carrier attention on specific flight routes which are not providing the minimum acceptable level of APIS data.

(5) Blue Lane processing: all passengers on a flight or none. The APIS MOU requires that the INS process passengers arriving on Blue Lane eligible flights through dedicated primary inspectional lanes (Blue Lanes). ALL passengers on Blue Lane eligible flights will be

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processed through Blue Lanes. NO passengers on non-Blue Lane eligible flights will be processed through Blue Lanes during the time that passengers on Blue Lane eligible flights are being processed.

(6) Determination of Blue Lane eligibility: weekly sufficiency rate. Each port-of-entry must determine, on a weekly basis, which flights are Blue Lane eligible. This determination is based on each flight's sufficiency rate. Signatory carriers' flights which meet the current minimum sufficiency rate will be granted Blue Lane eligibility.

The APIS MOU requires that a weekly (7 day) average sufficiency rate be used to determine Blue Lane eligibility. A weekly average sufficiency rate report is available in IBIS. The report may be accessed by selecting item number 3 (Weekly Carrier Sufficiency Reports) in the IOPF (API Processed Flights) sub-menu of the IO (Inspection Operations) menu. To ensure that a standard weekly Blue Lane eligibility reporting period is used nationally, all ports-of-entry should enter a 7 day date range beginning on a Monday and ending on a Sunday when generating the report.

The APIS utilizes on-board passenger counts from the USCS Automated Commercial System's Entrance and Clearance Reporting subsystem (ECAR) to calculate sufficiency rates. Sufficiency rates cannot be reported until the on-board passenger counts for each flight have been entered. On-board passenger counts are entered into ECAR by U.S. Customs personnel locally at each port-of-entry. Data entry is usually performed daily for the preceding day.

The INS and USCS APIS coordinators at the ports-of-entry must work together to ensure that accurate and complete on-board passenger counts have been entered into the system prior to generating carrier performance reports. It is the responsibility of the INS APIS coordinators at each port-of-entry to review the on-board passenger counts and correct any errors or omissions prior to generating carrier performance reports. Passenger counts can be edited through IOPS - Process API Statistics. When errors are encountered, the INS APIS coordinator should contact his/her USCS counterpart to ensure that local ECAR data entry problems are addressed.

(7) Granting initial Blue Lane eligibility. Each new flight entering the APIS program must meet the current minimum APIS sufficiency rate in effect for two consecutive weeks prior to being granted initial Blue Lane eligibility. Notification of this initial grant of Blue Lane eligibility can be made verbally to the carrier's local APIS coordinator. No formal written notification for the initial grant of Blue Lane eligibility is required.

For those carriers which are signatory to the APIS MOU on April 1, 1998, ports-of-entry will, on April 1, 1998, grant Blue Lane eligibility to those flights which have met or exceeded a 60% sufficiency rate for the two consecutive weekly reporting periods prior to April 1, 1998.

(8) Notification to carrier of failure to meet minimum sufficiency rate. If any Blue Lane eligible flight fails to meet the current minimum sufficiency rate for one weekly reporting period, the port-of-entry must provide a verbal or informal written notice to the carrier's local

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APIS coordinator. A copy of the weekly sufficiency rate report outlining the flight's deficient performance should also be provided.

(9) Placing a Blue Lane eligible flight on probationary status. If a flight fails to meet the current minimum sufficiency rate for two consecutive weekly reporting periods, including the period covered by the informal notice (above), a formal written warning notice shall be served on the carrier's local APIS coordinator by the INS Port Director or designee (see sample notice in Appendix 26-3). A copy of the weekly sufficiency rate report outlining the flight's deficient performance must also be provided with the notice. This formal written notice places the flight in a probationary status for 8 weekly reporting periods, beginning that week. Regardless of the flight's sufficiency rate, the flight cannot be removed from Blue Lane eligibility during this 8 week probationary period unless agreed to by the carrier (see voluntary temporary removal below).

(10) Revoking Blue Lane eligibility. All flights which have been served formal written warning notices placing them on probation for 8 weeks will have their performance reviewed at the end of that period. For any flight which does not meet the minimum sufficiency rate in effect for the final four consecutive weekly reporting periods of that period, the INS Port Director or designee will provide written notice to the carrier's local APIS coordinator, formally revoking the flight's Blue Lane eligibility (see sample notice in Appendix 26-3). At that time, the flight will be immediately removed from Blue Lane eligible status and no passengers on that flight will be processed through the Blue Lanes.

Any flight which has been placed on probation for 8 weeks and has met the minimum sufficiency rate for the last 4 consecutive weekly reporting periods will be automatically returned to full Blue Lane eligible status.

(11) Reinstating Blue Lane eligibility. In order to reinstate a flight which has had its Blue Lane eligibility revoked, the carrier's local APIS coordinator must submit a written request to the INS Port Director asking for reinstatement. The written request must outline the problem which caused the poor performance and the measures taken by the carrier to correct the problem.

The first time that a flight's Blue Lane eligibility is revoked, reinstatement is contingent upon the flight meeting the minimum sufficiency rate in effect for 4 consecutive weekly reporting periods prior to reinstatement. For any flight which has had its Blue Lane eligibility revoked more than once, reinstatement is contingent upon the flight meeting the minimum sufficiency rate in effect for 6 consecutive weekly reporting periods prior to reinstatement.

(12) Voluntary temporary removal. Any carrier which is aware that it is (or will be) facing significant systems outages or long term telecommunications problems beyond its control (facility fire, extreme weather conditions, etc.), may request from the INS Port Director that a flight or flights be immediately removed from Blue Lane eligible status. By immediately removing flights which are temporarily unable to transmit APIS data from the Blue Lanes, the carrier is providing a service to other APIS carriers, as well as to the FIS agencies, by helping to maintain the level of passenger data integrity in the Blue Lanes.

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Under these circumstances, the INS Port Director will, upon request, immediately remove the flight(s) from Blue Lane processing without issuing any type of formal written notice. The flight(s) will continue to be ineligible for Blue Lane processing until such time that the problem is fixed and the carrier requests the INS Port Director to begin processing the flight through the Blue Lanes again. Upon receiving this request, the INS Port Director will immediately resume processing the flight through the Blue Lanes and return the flight to the status it had at the time of voluntary removal (i.e., if the flight was Blue Lane eligible, it returns as Blue Lane eligible; if the flight was in the third week of probation, it returns in the third week of probation, etc.).

(13) Continued Blue Lane eligibility: sufficiency rate increases. Beginning April 1, 1998, the minimum sufficiency rate for Blue Lane eligibility is 60%. The APIS MOU specifies future dates on which higher minimum sufficiency rates for Blue Lane eligibility become effective:

January 1, 1999	75% sufficiency rate
October 1, 1999	80% sufficiency rate
April 1, 2000	90% sufficiency rate

Each of these dates fall somewhere in the middle of the standard Monday-Sunday weekly sufficiency rate reporting period. For flights that do not meet the higher standard on these dates, no adverse action will be taken until that weekly period is over and the weekly sufficiency rate report has been generated. Flights which meet or exceed the new, higher rate for the reporting period will continue to be Blue Lane eligible. Flights that do not meet the higher sufficiency rate will be handled in accordance with standard procedures outlined above.

(14) Accessing carrier performance reports through IBIS. Ports-of-entry are responsible for providing daily, weekly and monthly APIS carrier performance reports to carrier representatives upon request, and for providing reports when issuing formal warning and revocation notices. Summary APIS carrier statistics, as well as detailed flight level error reporting, are available through the IOPF sub-menu of the IBIS IO menu. IOPF contains three options:

1. Daily Port Summary of Carrier Performance (Display Only)
2. Carrier APIS Daily Error Reports (Print)
3. Weekly Carrier Performance Report (Print)

As stated earlier, the weekly sufficiency rate report used to determine Blue Lane eligibility is generated via item 3. Although this report provides a statistical summary of carrier performance, it does not contain the detailed information necessary for carriers to identify specific types of APIS errors. The best method of identifying the types of APIS errors that are being encountered on a particular flight is to generate a list of the actual transmission errors (incorrect names, dates of birth, etc.). This list, which can be released to carrier representatives, may be generated through the following procedure:

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Access IOPF menu item 1 (Daily Port Summary of Carrier Performance)

Enter the date for the report, the carrier code and flight number (or scroll through the screen to the flight)

Enter a "V" (View Pax) to the left of the carrier code and press ENTER

This screen lists only those APIS records for the flight that are identified as errors. Press F16 to print this list

To display the entire flight list (all accurate and error APIS records transmitted) press F15. This screen lists the entire APIS passenger list for the flight and includes errors and corrections. Press F16 to print this list.

Note: The above procedure is the only authorized procedure for generating detailed APIS passenger lists which can be released to carrier representatives. APIS passenger lists which contain IBIS query results cannot be released. The release of any passenger lists which contain IBIS query results is a security violation. The above procedure produces passenger lists which do not contain IBIS query results.

(15) Blue Lane queue management. One key to the success of the APIS program is proactive INS management of the Blue Lanes at ports-of-entry. Blue Lanes must be managed in such a way as to ensure that:

1. Only those passengers on Blue Lane eligible flights are processed through the Blue Lanes
2. All flights processed through Blue Lanes meet the processing goal times specified in the APIS MOU
3. Passengers on non-Blue Lane eligible flights continue to be processed within the 45 minute Congressionally mandated time.

When a port-of-entry is simultaneously processing Blue Lane and non-Blue Lane eligible flights, it is recommended that, in order to ensure that the Blue Lane eligible flights are provided the necessary resources to meet the processing time goals specified in the APIS MOU, to the extent possible, the staffing of lanes for non-Blue Lane eligible flights shall not exceed that necessary to meet the 45 minute Congressionally mandated time.

Under no circumstances should passengers on Blue Lane eligible flights be queued behind passengers on non-Blue Lane eligible flights. When clearing passengers on non-Blue Lane flights through empty Blue Lanes, passengers should be moved over one or two at a time (or in family groups) from the front of the non-Blue Lane queues to the empty Blue Lanes. Entire non-Blue Lane flights should not be moved en masse to form queues in the Blue Lanes.

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Facility constraints such as shallow queuing areas, too few primary booths, etc. may severely limit the number of queue management techniques that can be employed at some ports-of-entry. However, physically separating Blue Lane eligible flights from non-Blue Lane eligible flights is critical to the success of the APIS program. At locations where separating flights is problematic, to the extent practical, consideration should be given to changes in existing queue configurations (such as changing the lanes from single lanes feeding a single booth to bank lanes feeding a number of booths, or a combination of both, or locating the Blue Lanes near an entrance utilized primarily by Blue Lane eligible flights, etc.). If the three FIS agencies, carriers and port authority at a port-of-entry all agree that Blue Lane separation cannot be accomplished at INS primary, the group must continue to work together to provide enhancements at other points in the passenger clearance process which clearly benefit the passengers on Blue Lane eligible flights.

(16) APIS FIS processing cycle times. The definition of the FIS processing cycle time is contained in paragraph 3.3 of the APIS MOU: "Processing cycle time will begin with first passenger entry into the FIS arrivals area and will end with last passenger, requiring only primary inspection, through the facility exit." Due to the operational complexities of accurately measuring the cycle time as defined by the APIS MOU, a cycle time estimation methodology has been adopted. This methodology assumes a processing cycle time that begins when the "average" passenger on the flight (rather than the first passenger) enters the FIS arrivals area and ends when the "average" passenger on the flight (rather than the last passenger) exits the facility.

The method for establishing the time the "average" passenger on a flight enters the FIS arrivals area is to add a "terminal average walk time" to the flight block time. For simplicity, a single average walk time will be used for each arrivals terminal. The terminal average walk time equates to the time it takes the middle passenger on a flight arriving at the middle gate to deplane and walk to the FIS arrivals area.

The terminal average walk time will be established locally through informal time studies conducted jointly by port-of-entry management. Carriers and the port authority at the port-of-entry should be involved in measuring this time and all parties must agree that the walk time number to be used is a reasonable estimate. The terminal average walk time must be established for each arrivals terminal prior to April 1, 1998. The walk time should be re-measured as necessary when conditions change or when it appears to be providing inaccurate estimates.

The USCS is responsible for establishing the time the "average" passenger on a flight exits the facility. This may be determined by using one of a number of a sampling techniques or other agreed upon methodologies. Until such time that this process can be automated through IBIS, USCS at each port-of-entry is responsible for providing FIS cycle time reports to the carriers and to INS management.

(17) IBIS processing times (first to last primary query). Because the system collects flight information for all passengers on all flights (APIS and non-APIS) queried on primary, the

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system can calculate the time from the first INS primary query to the last INS primary query for all flights processed through the port-of-entry. However, it is important to note that the first-to-last passenger query time does not necessarily equate to the actual INS flight processing time. The system simply calculates the elapsed time from the first query associated with a particular flight time to the last query associated with that flight. If, for example, a group of VIPs are expedited, the time will start with the first query of the expedited passengers, even though the bulk of the passengers may not be presented for inspection for some time.

(18) Accessing port-of-entry primary processing statistics through IBIS. Port-of-entry primary processing reports which contain processing information for every flight processed at the port-of-entry (APIS and non-APIS) are available in IBIS. These reports contain information on passenger counts, number of lanes through which passengers were processed, first-to-last query time, and a 24 hour time line that graphically displays terminal-wide processing volume. Primary processing reports are available through the MIYO (IBIS On-Demand Reports) sub-menu of the IBIS MI (Management Information) menu. On-demand reports must be submitted to the mainframe and then re-accessed a short time later to obtain the results. The procedure for submitting and retrieving a port-of-entry primary processing report is as follows:

Select item number 5 (Submit On-Demand API Confirmation Report) from the MIYO menu.

Enter the dates for the report and accept the rest of the defaults. Press ENTER then press F4 to return to the initial MIYO menu.

After several minutes, select item number 1 (View On-Demand Report) from the MIYO menu. A list of reports which you have previously submitted will display.

If the code to the right of the report is "C" the report is ready for viewing. If the code is "S" the report has not yet been processed by the mainframe.

If the code to the right of the report is "C," enter a "V" in the space to the left of the report to be viewed. Press ENTER.

The report is a wide format report and does not display on a single screen. The best way to view the report is to print it on a wide carriage printer. Press F16 to print the report.

26.3 Carrier Consultant Program (CCP)

(a) Background. Section 124 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) required the Service to provide training to airline personnel in the detection of fraudulent documents. This section of IIRIRA amended Section 286(h)(2)(A) of the Immigration and Nationality Act (INA) and specifically required that expenses incurred under the user fee account shall include "the detection of fraudulent documents used by passengers

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traveling to the United States, including training of, and technical assistance to, commercial airline personnel regarding such detection." In addition, the new law requires that for any fiscal year, not less than five percent of the total revenues collected shall be used for this purpose. The Immigration and Naturalization Service (INS) designated the management for carrier training within the Office of Inspections, Field Operations, Carrier Affairs Office (CAO). This activity is designated the Carrier Consultant Program (CCP).

(b) Mission and Goal. The mission of the CCP is to provide national guidance and assistance to all Government officials involved in the assisting of air transportation industry on issues of admissibility and fraud document detection in order to encourage carrier compliance with United States immigration laws. A goal of the CCP is to reduce illegal migration by means of training airline personnel on how to identify inadmissible aliens before arrival in the United States and to provide standardized training in order to maintain the equitable treatment of carriers in the assessment, defense and collection of fines and liabilities. In addition the goal includes the reductions of the number of fines assessed as a result of airlines transporting inadequately documented individuals to the United States.

(c) Carrier Consultant Program Responsibilities. The CCP provides national guidance and assistance to members of the air transportation industry on issues of admissibility and document fraud in order to encourage carrier compliance with United States immigration laws. The goal of the CCP is to reduce or eliminate the arrival of improperly documented passengers at the ports-of-entry (POEs). These efforts include the development of national policy on the relationship between the INS and the transportation industry, the creation and implementation of a standardized training curriculum on international travel documents, the initiation of training instructors who are INS personnel, and the creation of a central database for all carrier training-related information and intelligence for use in planning a world-wide program.

(d) CCP Strategy. The basic strategy of the CCP is to work with members of the transportation industry to reduce or eliminate the arrival of improperly documented passengers at United States air ports-of-entry by intercepting inadmissible passengers prior to their departure to the United States. This strategy uses two approaches, first, by providing training to airline personnel in the detection of fraudulent documents; and second, by insuring that this training is standardized in order to maintain the equitable treatment of carriers in the assessment, defense, and collection of fines and liabilities by the National Fines Office (NFO) under Sections 233 and 280 of the Act.

(e) Three Levels for Interdiction Training. The program provides for three levels of interdiction training. The first is overseas locations, the second at domestic ports-of-entry and the third at centralized operation with a carrier response center located in Washington, D.C. At the overseas offices, specially trained officers conduct training and respond to inquires from the carriers at various overseas locations. The second line of interdiction occurs at ports-of-entry where specialized units conduct training at the major air ports-of-entry and are available to respond to the unique conditions or patterns of fraud at that port and once again be available to the airlines to respond to airline carrier inquires. The third and final line of interdiction is at the national level where staff develops standardized training, trains instructors who serve at the ports-of-entry and at the overseas offices, and at a twenty-four hour seven day a week facility

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will be fully staffed to respond immediately to any inquiries coming from airline carriers anywhere in the world.

(f) Carrier Consultant Program Staffing. The CCP is staffed with Immigration Inspector (Carrier Consultants) [GS-1816 - 12] and a Director [GS-1816-13].

(g) Carrier Consultant Program Steering Committee. The steering committee advises the Director of the Carrier Affairs Office on issues that impact on the Carrier Consultant Program. The committee is comprised of program managers from Carrier Affairs Office, Carrier Consultant Program, Field Operations, Inspections, International Affairs, Intelligence, Personnel, Training, and the Department of State Office of Fraud Prevention Programs.

(h) Carrier Consultant Working Group (CCWG). The CCWG is comprised of staff from the INS Headquarters Offices of Field Operations, International Affairs, Inspections, Intelligence, Carrier Affairs Office, Carrier Consultant Program, Forensic Document Lab; the Department of State Bureau of Consular Affairs Office of Fraud Prevention Program, the Bangkok, Mexico City and Rome District Offices; Central, Eastern and Western Regional Inspections, the ports-of-entry of Atlanta, Chicago, Dallas, Hawaii, Long Beach, Los Angeles, Miami, Newark, New York, Orlando, San Francisco, San Juan, and Washington. Reports on carrier training programs are presented at the meetings along with continued introduction of the program to INS program managers and filed input to the continuing development of the program.

(i) Communication within and outside the Service.

(1) CAO Bulletin Board / SITA: The bulletin board was established on November 12, 1998. Bi-weekly articles are posted that deal with distribution of information to intercept inadmissible travelers prior to their arrival in the United States. CCP has requested SITA terminals at the CAO, Headquarters Inspections, and 15 ports-of-entry. The SITA terminal will provide immediate access to the carriers, as it is the carrier's method of communication between their organizations and each other.

(2) Airline Working Group / Inspections User Fee Advisory Group / IATA/CAWG Meetings: The CCP presents reports on projected plans to our partners in the airline industry at these meetings.

(j) Yearly Strategic Plan. An initial methodology was developed to determine how to select sites for training carriers. Data from the National Fines Office System (NFOS), Record of Inadmissible Passengers (RIPS), and Intelligence recommendations were utilized. Future plans will include data collected from carrier intercepts.

(k) Standardized Training. The CCP has the basic responsibility for the development and formulation of policy and training materials to accomplish the above strategy. The CCP manages overall training of INS personnel and carriers, both domestic and overseas. It determines and develops training content, proposes standard training and core curriculum, develops an annual training schedule, and trains trainers who conduct seminars on a routine basis throughout the world and respond immediately to special problems as they occur at

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domestic and foreign locations. The overseas operations staff accomplishes the majority of the field training of carrier and foreign officials. The NFO and the Forensic Document Lab (FDL) are used to provide expertise in the development of the training materials. Coordination and oversight is a major responsibility of the CCP. This includes working with the carriers and carrier organizations to identify training and other needs, providing assistance to the carriers in the development of their own training programs, and providing follow-up support and guidance to carriers on inspectional issues.

(l) Training Curriculum. The CCP developed an Interim Training Program to be used until the permanent training curriculum development is completed in 1999. It consists of modules on basic document examination, United States documents from INS and the Department of State, passenger assessment, and detecting impostors. It incorporates material for both basic and advanced lesson plans designed for presentations to airline and aviation security personnel. The emphasis is on the introduction of standard processes and procedures for examining documents and identifying document security features. The training also includes an advanced lesson plan for personnel with significant experience examining travel documents. The emphasis is on building a proper knowledge of standard processes and procedures for examining documents and identifying document security features.

The CCP is in the process of establishing a professionally designed "Carrier Training Course" with both a Distance Learning Program and Instructor Led course. The course covers topics such as Advanced Passenger Information System (APIS), Entry Requirements, Document Examination, Fraudulent Document Detection, Passenger Assessment, Impostor Identification, and Current Trends. The courseware will allow trainers the freedom to evaluate their learning audience and select modules that provide the most benefit to the students. The proposed Distance Learning Course will be CD-ROM based and is intended for new carrier employees requiring general guidelines and basic information. A comprehensive guide is also being developed for an Instructor Led course that will be used by all U.S. Government officials who are presenting the courseware to individuals who have completed the Distance Learning training or have some measure of field experience. A sample passport is also being developed as a training aid. It will contain the majority of security features common to all travel documents in the world.

The CCP plans to train INS Officers in a series of Interim Training Program Familiarization Conferences. These chosen by their District Director or Port Director will comprise the initial cadre of carrier instructors at domestic ports-of-entry and overseas locations. After completion of the final training product, the CCP will host a Train-the-Trainer course on the new curriculum. This cadre of carrier instructor is an alternative method the CCP developed to expand the effectiveness of the Carrier Consultant Program, both domestically and internationally without additional permanent positions.

(m) Carrier Training for Mitigation of Fines. Section 209(a)(6) of the Immigration and Nationality Technical Corrections Act of 1994, Public Law 103-416, dated October 25, 1994, provides procedures carriers must undertake for the proper screening of aliens at the port of embarkation. Carriers must demonstrate that they have taken reasonable steps to prevent the boarding of improperly documented aliens destined to the United States, and are willing to

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participate in INS training programs. The CCP designed and published training aids (the Carrier Information Guide, the Quick Check Guide and Easy Come, Easy Go) for distribution to the carriers in support of the fines mitigation Memorandum of Understanding. Carriers may request training by submitting a written request to the Director of the Carrier Affairs Office. The CAO will coordinate with the overseas offices, the ports-of-entry, and the Department of State to facilitate the most efficient method to provide training to the carrier.

Examples of the reasonable steps a carrier must undertake to show proper screening of passengers includes: 1) providing information regarding the carrier's document screening training program, including attendance of the carrier's personnel in any Service, Department of State, or other training programs, the number of employees trained, and a description of the training program; 2) information regarding the date and number of improperly documented aliens intercepted by the carrier at the port(s) of embarkation, including, but not limited to, the alien's name, date of birth, passport nationality, passport number, other travel document information, reason boarding was refused, and port of embarkation, unless not permitted by local law or local competent authority, in such instances, the carrier shall notify the Service of this prohibition and shall propose alternative means for meeting this objective; and 3) any other evidence to demonstrate the carrier's efforts to properly screen passengers destined to the United States. The CCP will maintain this information in databases to evaluate the effectiveness of the CCP training programs, for the reduction of fines under Section 273, and to develop the annual strategic plan.

(n) Carrier Questions, 24 hours-per-day / 7 days-per-week. The Service will provide a variety of locations for carriers to consult prior to boarding a passenger to travel to the United States. Carriers will be able to have their questions concerning the authenticity of a passenger's documentation or in determining whether a person is properly documented answered. The domestic and overseas offices of the INS will be available for consultation with carriers 24 hours-per-day.

In addition, a 24 hour-per-day, worldwide carrier response center will be established. This will be the primary contact point at the national level for transportation companies who are assisting INS in the enforcement of our immigration laws. This center will provide definitive guidance regarding issues of admissibility and carrier liability. The domestic and foreign district directors will be part of this worldwide operation to handle local issues. Immigration Officers with decision-making authority will be on duty and will respond to all carrier inquires. These activities typically occur at airport ticket counters and boarding gates overseas minutes before a scheduled flight departure

(o) Expansion of Carrier Consultant Program. The CCP has proposed to strengthen the INS's ability to reduce illegal migration, facilitate field-headquarters communication, and support carrier-training requirements. This proposal will provide resources to insure worldwide guidance and assistance to domestic and overseas offices and the transportation industry on issues of admissibility, fraud deterrence, and carrier responsibilities in order to encourage carrier compliance with U.S. immigration laws. This increased staffing will expand the programs at both the domestic and international level. The proposed expenditure of five percent from the Inspections User Fee Account will include enhancements to the Carrier

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Consultant Program, domestic ports-of-entry (POEs), International Affairs, and the Forensic Document Laboratory and provide for funding to other government organizations such as the Department of State on an as needed basis.

(Added IN99-18)

26.4 Inspections Response Teams (IRT)

(a) Background. On June 19, 1996 the Commissioner approved the Enforcement Standards for Service Special Response Teams (SRT's). At that time IRT was recognized and designated as one of two national INS SRT's. Formed at the same time was the INS Special Response Review Board which was tasked with many authorities and responsibilities, one of which is the approval of each SRT's standard operating procedures. The IRT's SOP was approved late in 1996.

(b) Mission. The mission of IRT is to plan, coordinate, lead or assist in the continuance of the inspection process or in the protection of persons and or property under the control of this Service, domestic or foreign. The IRT was formed as an answer to the growing number of emergency situations, arising at ports of entry, which required an immediate and organized response from Inspections personnel. The team is a highly mobile, fully trained unit capable of meeting the need of a district during a defined incident or emergency. IRT will afford a level of expertise which will complement other INS operating components which might also respond to a given situation.

(c) Structure. The IRT is composed of a commander, deputy commander, and three regional assistant commanders. Within each regional IRT there are four squads of seven inspectors each and an alternate roster of 12 members. Each squad has a squad leader appointed by the respective regional assistant commander. When not active IRT falls under the direction of the assistant commissioner for Inspections. Once activated IRT is under the direction of either the executive associate commissioner for operations or a regional director.

All Inspections Canine Teams are ad hoc members of the IRT. Most IRT operations utilize canine teams to perform searches for both concealed aliens and narcotics.

(d) Membership. IRT members are volunteers selected from the Inspections ranks and must be full time permanent employees and graduates of either IOBTC or the Border Patrol Academy. Membership is limited to GS-9 Inspectors, Senior Inspectors, Special Operations Inspectors, GS-11 Supervisory Inspectors and GS- 12 first line Supervisory Inspectors. An application for membership is submitted to an appropriate regional assistant commander. The application must include a first line supervisor's recommendation which includes the concurrence of the port director and district office concurrence. Attached to the application must be a list of the applicant's special skills, abilities, training, and previous detail experience. All applicants are required to pass the FLETC Physical Evaluation Battery (PEB) which will be administered by a certified IRT evaluator. Additionally, all IRT candidates must submit copies of firearms qualification scores demonstrating that they have, or can, qualify at the 85% minimum for IRT.

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IRT has the capability of responding to an emergency situation at or near a port of entry, conducting special operations on a national or regional basis, and performing threat assessments at ports of entry.

(e) Training. IRT members attend Basic IRT training at Artesia and Port of Entry Readiness Training (PORT) at BORTAC headquarters in El Paso, Texas. Additionally all IRT members are required to attend 8 hours of training per month or 24 hours within a quarter.

26.5 Immigration and Naturalization Service Passenger Accelerated Inspection System (INSPASS)

(a) General. INSPASS is the combination of an enrollment procedure, automation, and biometrics (the precise measurement of one or more biological characteristics) which allows approved frequent travelers (both United States citizens and aliens) to bypass the normal one-on-one inspection in favor of a fully automated process. Participants, in effect, inspect themselves upon arrival at an INSPASS equipped port-of-entry to the United States. The INSPASS, a mainframe-based application, is a joint project of INS and the U.S. Customs Service (USCS). The INSPASS is a facilitation initiative within the PORTPASS program discussed in Chapter 26.1. The PortPASS/INSPASS card contains three lines of information written in Optical Character Recognition, Type B (OCR-B) font. Data is printed in the OCR-B zone that will be used at the time the cardholder returns to the United States.

(b) Application procedures. Those eligible must apply by filing Form I-823, Application - Alternative Inspection Services, with the INS, at an INSPASS Enrollment Office. Application forms are available and may be filed at any INSPASS or PORTPASS-equipped port-of-entry, or by mail. The application requests information relating to the purpose and frequency of travel to the United States. In addition, the applicant's signature is required, certifying the accuracy of the information.

(c) Initial Processing. Upon receipt of an application, check lookout databases including the Interagency Border Inspection System (IBIS), and as appropriate, the National Automated Immigration Lookout System (NAILS), Nonimmigrant Information System (NIIS), and the National Crime Information Center (NCIC). If no information prejudicial to the applicant is obtained, retain the application pending appearance of the applicant before an immigration officer.

(d) Decision. When an applicant appears for inspection and card issuance, conduct an interview to verify admissibility, take a digital photograph, collect his/her hand geometry and two index fingerprints using the various biometric image collection devices incorporated in the INSPASS enrollment system. The captured biometric measurements, with other data, are encoded into an OCR-B format for scanning by document readers. In addition, the magnetic stripe located on the reverse of the card contains basic information that can be machine read

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and used to access the corresponding enrollment record. After satisfactory checks have been made and the applicant is found to be eligible for the program, complete INSPASS enrollment processing, save the completed enrollment record, and proceed to issue a PortPASS/INSPASS card. Possession of the PortPASS/INSPASS card does not relieve the holder from complying with any currently existing documentary requirements or from inspection by other Federal agencies. The Service retains the right to conduct a full inspection of the user at any or every time he or she seeks entry into the United States. This is made known to the traveler on the enrollment form and again at the time of enrollment.

(e) Conduct of an Inspection Using an INSPASS card. At the time of arrival at an INSPASS equipped port-of-entry, the INSPASS user proceeds to the automated inspection stand for accelerated inspection processing. The captured biometrics and enrollment data are the basis for establishing identity, admissibility and participation in the program. In practice, this means the INSPASS user places his/her machine-readable card in the document reader. Participation in INSPASS is then confirmed against the enrollment database. If confirmed, the traveler is instructed to place his/her hand on the hand geometry reader, which confirms that the person being inspected is the same individual who was enrolled into the INSPASS Program. If the user's identity is confirmed and the database checks are satisfactory, a receipt is printed for U.S. citizens and non-controlled aliens. The departure portion of Form I-94 /I-94W is printed for controlled aliens. At some INSPASS ports-of-entry, removing the receipt or I-94 form from the printer causes an electrically locked gate to open and the traveler is allowed to exit the INS portion of the Federal inspection area. At most INSPASS ports-of-entry gates are no longer used. In this scenario, the screen message that directs the traveler to remove his/her receipt also instructs his/her to proceed to USCS. A record of the INSPASS user's entry to the United States is noted in the IBIS travel history database and subsequently added to NIIS. The printed receipt or form must be shown to a security person to exit the Federal Inspection Services (FIS) area. At most INSPASS locations, this is a USCS officer stationed at the exit from the FIS who usually collects customs declarations from travelers departing the FIS. There are security features and a daily randomly generated code printed on the paper is used to preclude counterfeiting of the receipt. Additionally, the computer selects a random sample of persons to be inspected manually to ensure compliance with all requirements of the program. This allows the Service to detect instances of abuse of the system or failure to comply with all program requirements.

(Revised IN99-19)

26.6 Inspections Canine Program

(a) Background. The inspections Canine Program was initiated during 1986 in the San Diego District after several instances of aliens being injured during searches of large vehicles. It was decided that the canines would be trained in the detection of human beings and specific narcotics. A further consideration was that the canines would be trained to "alert" to either human beings or narcotics in a passive manner to avoid injury to humans and damage to vehicles. Three canines entered on duty at San Ysidro and one at Calexico Ports of Entry. Immigration inspectors informally competed for the positions and once selected accepted the assignment as a collateral duty.

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(b) Training. During the early years of the program different contractors trained both canines and handlers. During this period of time a facility was under development in El Paso, Texas. In 1992 the National Canine Facility (NCF) opened and all Service canine teams are now trained at this site. The NCF is currently staffed by Border Patrol personnel. Training for handlers consists of a six-week program which is both physically and mentally demanding. A series of written tests are required of the handlers as well as continuous evaluation of their skills with the canine. The final three days of the training is a written test taking a full eight hours and two days of evaluation by canine instructors in the handling of their canine in the detection of both concealed humans and narcotics. If successful the handler and canine are certified as a team for a period of one year. Once back at their respective port of entry all canine teams train a minimum of 16 hours per month under the direction of an Inspections Canine Instructor.

(c) Inspections Canine Handlers. Handlers are selected from the ranks of Immigration inspectors, seniors and special operations inspectors. The selection process considers motivation, previous experience, physical condition and skills that have been determined desirable in the handling of animals. The handler is required to safely use a canine in an area generally occupied by many civilians as well as by other law enforcement agencies.

(d) Canines. Canines currently purchased by the Service originate in Europe and are provided by a vendor under contract to the Service. The canines of choice are Belgian Malinois, Dutch Shepherds and German Shepherds. These particular breeds have historically demonstrated the required drives necessary in a detection canine. Once delivered to the NCF each animal is tested to determine that that possess the required drives that will insure their success in the inspections environment. Only those canines that pass all phases of testing are retained for training.

(e) Inspections Canine Instructors. Canine instructors are required to complete an eleven week training program at the NCF. The training includes recognition of canine drives, canine physiology, correction of unacceptable behavior, canine first aid and the relationships between the canine and the handler. Case law affecting canine teams as well as legal responsibilities of the teams are thoroughly studied. During the course all instructors are required to perform the preliminary training of canines before the arrival of a handler class. Once certified as an instructor they will be detailed to the NCF to conduct the training of new Inspections canine teams. At their port of entry the instructors conduct the required biweekly maintenance training of all canine teams at the port. Additionally they conduct the required annual testing of all teams for recertification. Every two years the instructors are required to return to the NCF for a one week recertification course.

(f) Utilization. Canine teams perform a variety of functions including the searching of vehicles and trucks at ports of entry, searching of vessels at seaports, luggage searches at airports, assisting various law enforcement task forces in the searches of residences and out buildings and drug searches of Service detention facilities.

The canine teams are used in drug education programs at local schools and civic organization functions. Several of the teams compete in local, state and national canine trials. Trophies

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adorn the offices of several ports of entry where their teams have been very successful in competition. Following the earthquake in San Francisco three canine teams were sent in the effort to locate victims believed to be buried in building rubble.

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Chapter 27: Departure Controls (Added INS - TM2)

- 27.1 General
- 27.2 Prevent Departure Procedures
- 27.3 Aliens Seeking to Depart without Evidence of Compliance with Federal Income Tax Laws
- 27.4 Protective Custody
- 27.5 Verification of Departure
- 27.6 Departure Controls at Guam, Puerto Rico and the U.S. Virgin Islands

References:

INA: Sections 215, 231(b), 251(c).

Regulations: 8 CFR 215, 22 CFR 46.

27.1 General. (Revised IN02-34)

Section 215 of the Act includes broad authority to regulate the departure of aliens and citizens from the U.S. Sections 231 and 251 of the Act require operators of vessels and aircraft departing the U.S. to submit departure manifests in order for the Service to obtain information regarding the departure of persons from the U.S. Although as a general rule the Service does not formally inspect persons departing the United States, regulations provide for departure control in several specific instances:

- (a) Departure control of persons leaving Guam, Puerto Rico and the U.S. Virgin Islands for other parts of the US are subject to departure inspection. [See Chapter 24.3.]
- (b) Crewmembers of vessels departing may be inspected upon departure to insure compliance with the INA. [See Chapter 23.9.]
- (c) Special departure provisions apply to persons falling under the National Security Entry Exit Registration System (NSEERS). The regulatory authority for the NSEERS program can be found at 8 CFR 264.1(f). [See Appendix 15-9(a).]
- (d) In an instance where it is deemed prejudicial to the national interests, the Service may direct, with certain exceptions, that an alien not depart from the U.S.

27.2 Prevent Departure Procedures.

Authority to prevent the departure from the U.S. of persons whose departure would be prejudicial to the national interests is contained in section 215 of the Act. The specific reasons for prevention of departure and the rules for the conduct of proceedings are detailed in that

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section and in 22 CFR 46. Form I-281 is used to notify carriers of the provisions of section 215 of the Act and to advise them that they may be required to prevent the departure of particular individuals from time to time. Prevention of departure can be accomplished most effectively through informal liaison with carriers to obtain advance departure flight information, including both passenger manifests and general departure flight schedules. Notices to prevent departure at the request of other agencies are maintained locally and should be rescinded at the end of one year or after they have served their purpose.

27.3 Aliens Seeking to Depart without Evidence of Compliance with Federal Income Tax Laws.

Any alien, other than a nonimmigrant A, C-2, C-3, G or NATO, seeking to depart the U.S., in whose case a district director of the Internal Revenue Service has advised in writing that information indicates the alien may intend to depart in violation of the IRS code, and has requested prevention of the alien's departure without a certificate of compliance with 26 U.S.C. 6851(d)(1), shall be served with a written temporary order pursuant to 8 CFR 215.2. The order shall direct the alien not to depart or attempt to depart from the U.S. until the order is lifted. A final order preventing departure shall be revoked upon notice from the district director of IRS that the subject's presence in the U.S. is no longer required under 8 CFR 215.3(g) or (h), or upon presentation by the subject of an IRS certification that he or she has complied with income tax laws.

27.4 Protective Custody.

Protective custody may be provided to any consenting alien falling within the purview of 8 CFR 215.3(j) and 22 CFR 46.3(j), upon authorization from Headquarters, following a request from the Department of State or, where urgent circumstances warrant it, without such a request. In the latter instance, Headquarters must be notified of the facts surrounding the decision as soon as practicable.

27.5 Verification of Departure.

In certain instances, immigration officers will be requested to specifically verify the departure of a particular person. Such requests are typical in situations where the alien is under a departure bond, the alien is departing pursuant to an order of deportation or voluntary departure with an alternate order of deportation or where a carrier has been served with an order to remove the alien. You may be requested to particularly note the back of the departure I-94 or execute Form I-392. In any such instance, be sure that you verify the identity of the person departing, comparing the passport photograph to the person departing. Verify that the individual actually departs, either across the land border into Canada or Mexico or boards the aircraft or vessel immediately prior to actual departure.

27.6 Departure Controls at Guam, Puerto Rico and the U.S. Virgin Islands.

[See Chapter 24.3.]

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Chapter 28: Missing or Abducted Children and Runaways (Added INS - TM2)

- 28.1 Introduction
- 28.2 Related Legislation
- 28.3 Abductions, International Abductions and Runways
- 28.4 Primary Inspection
- 28.5 Secondary Inspection
- 28.6 Lookouts
- 28.7 Sources of Assistance
- 28.8 Child Sex Tourism

References:

INA: Sections 212(a), 235, 287.

28.1 Introduction.

According to research by the National Center for Missing and Exploited Children (NCMEC) and the Department of Justice, each year there are more than 350,000 family abductions, over 4,000 non-family abductions, and 114,600 attempted non-family abductions. Of the non-family abductions 300 children were gone for long periods of time or murdered. Since 1983, over 140 infants have been abducted from both hospitals and homes, 450,700 children ran away, 127,200 were intentionally thrown away or abandoned, and 438,200 were lost, injured or otherwise missing. In addition to the domestic problem of missing and abducted children, the abduction of children across international borders is increasing.

The NCMEC annually reports hundreds of cases involving international abductions, and the Department of State Office of Children's Issues (DOS/CA/OICI) has about 1,000 international abduction cases open at any time. In response, several pieces of legislation have been passed, and over 46 nations have signed the Hague Convention on the Civil Aspects of International Child Abduction.

Immigration officers working at U.S. ports-of-entry are ideally situated to help identify and interdict missing or abducted children and to assist local authorities in returning these persons.

This chapter provides the officer with background information on abductions and runaways, procedures for conducting primary and secondary inspections and reference material to assist the officer. Included are techniques on identifying abductions or runaways, basic psychological profiles, and questions and procedures for handling positive identification of an abductee or a runaway. The reference material covers legislation, organizations, and lookouts.

28.2 Related Legislation.

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(a) The Missing Children Act of 1982 (28 U.S.C. § 534a) - Requires entry into the National Crime Information Center (NCIC) system of any information that would assist in identifying a deceased or missing person.

(b) The Missing Children's Assistance Act of 1984 (42 U.S.C. § 5771, et. seq.) - Established the National Center for Missing and Exploited Children (NCMEC) to provide technical assistance and to coordinate recovery efforts.

(c) The Uniform Child Custody Jurisdiction Act (no federal citation) - Eliminates nationwide incentives for forum shopping and child snatching by parents, and encourages communication, cooperation, and assistance between state courts to resolve interstate child custody conflicts (see state legal code(s)).

(d) The Parental Kidnapping Act of 1980 (28 U.S.C. § 1738A) - Requires states to enforce and not modify custody determinations made by other states, allows for the application of the Federal Fugitive Felon Act, and the issuance of a Federal Unlawful Flight to Avoid Prosecution Warrant.

(e) The National Child Search Assistance Act (42 U.S.C. §§ 5779-5780) - Prohibits law enforcement agencies from maintaining policies requiring waiting periods before a child can be declared missing. Also requires that information be entered directly into the NCIC system immediately.

(f) The Hague Convention on the Civil Aspects of International Child Abductions - Is an international treaty governing the return of internationally abducted children.

(g) The International Child Abduction Remedies Act (42 U.S.C. §§ 11601-11610) - Established procedures to implement Hague Convention provisions in the United States.

(h) The International Parental Kidnapping Act of 1993 (18 U.S.C. § 1204) - Makes it a federal felony to take or detain a child outside the United States with intent to obstruct a parental right.

28.3 Abductions, International Abductions and Runaways.

(a) Types of abductions identified. Abductions can be divided into five major categories: parental abductions; non-parental family member; acquaintance abduction; stranger abduction; and, neonatal or newborn abduction. In addition to these categories, this material focuses on the unlawful taking of children across United States international borders at ports-of-entry. This material also addresses the issue of runaway children, as these individuals could be encountered at most ports-of-entry at any time.

(b) Parental abduction. The taking, keeping, or concealing, without permission, of a child by a parent or a person acting on behalf of the parent, from another parent or legal guardian. Also called child snatching, child abduction, custodial interference, or family kidnapping. Research

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shows that the primary motive for taking a child is revenge against the parent left behind. Research shows that abductors and abductions typically possess the following characteristics:

Abductor:

- either parent may abduct the child;
- the age range is 25 to 50 years;
- on the low end of the income and education scale;
- may or may not have a criminal record;
- mothers tend to abduct after custody has been determined while the father will abduct prior to issuance of the custody order;
- the abducting parent is likely to have had a negative encounter with the criminal justice system and know little of their legal rights under the law; other actions indicating flight.

Child:

- the abducted child is generally between the ages of 2 to 7 years;
- the male or female child is equally likely to be abducted; and,
- the abducted child may experience physical or sexual abuse, emotional neglect, name change(s), frequent moving, frequent changes in residences and schools, mistrust of authority figures, or told that the other parent is bad or dead.

Abductions:

- usually occur two or more years after the breakdown of the relationship;
- take place at the end of a vacation or weekend visits;
- usually transported by vehicle; and,
- the majority of cases may involve attempts at disguising the child.

(c) Non-parental family member, acquaintance and stranger abductions,

This manner of abduction usually occurs when the child is abducted by a person other than a parent, or person with lawful charge of the child. This can be a relative, a non-related person known to the child or family (a neighbor or friend) or a stranger. Motives for this type of

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abduction include: concern for the child because of neglect or abuse; sexual purposes (usually females); a childless couple or person seeking their own child; refused visitation rights (grandparents); and, assisting in a parental abduction.

The following characteristics are present (statistics include incidents of rape):

- half the victims are over 12 years of age;
- over half are female;
- two-thirds of the cases involve sexual assault;
- force is involved in 87 percent of cases, and weapons in 75 percent;
- abductions usually occur on weekday afternoons;
- the abductions usually last one day;
- child molesters may use force, lures, or manipulation;
- child pornography and erotica may be present; and,
- a child may view a molester as a friend.

(d) Neonatal kidnapping or newborn abduction.

This type of abduction usually involves the abduction of a child under the age of seven days. Listed below are the typical characteristics of the abductor, victim and the abduction:

Abductor:

- usually a woman, overweight, 15 to 44 years old, employed, no criminal record, married or cohabiting and resides in the local community;
- wants to replace lost infant or experience a vicarious birthing, may be infertile or afraid companion will desert her; and,
- announces phantom pregnancy and may wear maternity clothes.

Child:

- perceived by the abductor as her own newborn;
- race or complexion of the infant reflects abductor's companion.

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Abduction:

- plans abduction and may use birth announcements to locate victim;
- visits the nursery prior to the abduction and asks detailed questions of the hospital staff;
- may impersonate a nurse or other hospital staff and visit more than one hospital; and,
- may be precipitated by impulse and opportunity.

(e) International abductions.

The illegal taking of minors across international borders is increasing as the result of the rise in marriages between citizens of different countries. The typical profile on an international abduction includes the following:

- abductor is usually foreign born and destined to the birth country;
- abductor has strong family and cultural ties to birth country;
- abductor has no return ticket, baggage may reflect lack of intent to return;
- child may have dual nationality and a passport issued by embassy of abductor's birth;
- child may be destined for a vacation or holiday;
- family members may be providing assistance while residing in birth country;
- main destinations for international abductions are: Central and South America, Canada, Mexico, Moslem countries, and the United Kingdom.

(f) Runaways.

Runaways constitute the majority of missing children and the category most likely to be encountered at a land border port. In addition, about 20 percent of all runaways are throwaways. A throwaway occurs when the parents have left and abandoned the child, may not want the child back, or do not care where the child is. The key concept is that a throwaway results from parental choice, whereas a runaway situation occurs when the child takes independent action to leave. The typical profile of a runaway minor includes:

Reasons:

- running from abuse;
- for adventure;

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- school problems;
- struggles over rules;
- drugs & alcohol;
- independence;
- poverty;
- neglect; and
- parental substance abuse.

Age - Nearly all runaways are teenagers:

- 24% between 16 & 17 years of age;
- 46% between 14 to 15 years of age; and
- 28% between 10 and 14 years of age;

Other facts:

- More than half (58%) are female;
- Approximately 52% will have a prior history of being a runaway;
- 22% will have runaway six or more times;
- the majority of the runaways stay close to home;
- approximately 66% go to a friend's house;
- one-half of the runaways stay away for under 24 hours;
- 75% stay away for less than three days,
- 25% stay for one week or more;

approximately half the runaways support themselves by illegal activities; the typical runaway feels isolated, demoralized, unable to trust authority figures, has high anxiety, no commitment to people or places and is defensive.

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28.4 Primary Inspection.

(a) Basis of INS authority regarding missing or abducted children.

Section 235 of the INA states that all aliens who are applicants for admission, readmission or in transit through the United States shall be inspected by immigration officers. Section 287 of the INA authorizes an officer to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States. Thus, the officer has the authority to determine the admissibility of a child and to determine the legitimacy of the relationship between the adult and the child. If the child or the adult is determined to be a citizen of the United States, then the officer should follow local port procedures governing United States citizens who may be in violation of federal or state law.

(b) Identifying missing or abducted children, and their abductors. The officer should focus on the following indicators when questioning the applicants:

(1) Documentation. Although not specifically required, is the adult in possession of acceptable identification for the child (birth certificate, passport, hospital records, baptismal records, custody agreement, adoption papers, a letter from the other parent or court records, etc.)?

(2) Behavior.

- [REDACTED]

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- a bona fide applicant to the United States;
- not endangered; and
- released to the proper authorities, if necessary.

It is the policy of the INS to treat minors with dignity and respect. If a minor is detained by the INS, the child will be placed in a least restrictive setting appropriate to his/her age and special needs. However, the setting must be consistent with the need to ensure the minor's timely appearance and to protect his/her well-being and that of others. Service officers are not required to release a minor to any person or agency whom they have reason to believe may harm or neglect the minor, or fail to present him/her to the INS or immigration courts when requested to do so.

Secondary inspection allows the officer the opportunity to question the adult and child separately, examine luggage thoroughly, complete more extensive record checks, and telephonically confirm the child's or runaway's status. Separation of the applicants allows the officer to obtain information for comparison. The officer should use caution when interviewing a child. A second officer may be required as a witness or the interview should be video-taped. The secondary officer should be concerned about gender and may want to request an officer of the same gender in some cases.

(b) Children's communication abilities. When interviewing a child, the officer must be aware of certain limits imposed on the ability of the child to communicate, including:

- limited cognitive abilities;
- immature emotional development;
- presence of trauma;
- limited communication skills;
- limited social skills (child may be shy or embarrassed);
- mistrust of authority figures; and,
- genuine attachment to the offender.

(c) Juvenile communication and cognitive skills. In general, a two-year old child is only starting to develop adult speech patterns and memory. A two to four-year old has greater language skills but still believes in magic. A four to seven-year old can question, experiment and engage in primitive problem solving. A 7 to 12-year old is concerned with the present and has developed some defenses to cope with anxiety. A 12 to 18-year old understands cause and effect, may engage in irresponsible acts and is subject to strong peer pressure. The ability to

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communicate is closely related to the cognitive development of the child.

(d) Interview guidelines for officers interviewing a child.

- show interest in what the child is saying;
- lean forward without invading the child's personal space;
- face the child and use nodding, smiling and affirmative exclamations;
- allow the child to complete his/her statements or thoughts;
- do not dominate the interview;
- avoid emotional involvement or pity;
- avoid inappropriate humor or insensitivity; and,
- avoid passing judgment or placing any blame on the child.

(e) The National Crime Information Center (NCIC) The National Child Search Assistance Act of 1990 prohibits law enforcement agencies from maintaining policies requiring waiting periods before a child could be declared missing, and requires that information about missing children be entered immediately into the NCIC system.

The primary data base for missing children within the NCIC is the Missing Persons File. This file can be accessed utilizing two methods:

- by a unique inquiry (QW) which requires a name and one or more numeric identifiers;
- by a non-unique inquiry incorporating as many identifiers as possible, including: age; sex; race; eye color; hair color; and, approximate height and weight. This method can be useful since the abductor will often attempt to disguise the child, including dressing him/her as a member of the opposite gender.

In addition to the indicators discussed in the primary section ([REDACTED])
[REDACTED] the primary officer should look for the following indicators:

- [REDACTED]
- [REDACTED]
- [REDACTED]

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- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- Does the adult have a criminal record for sex offenses or domestic disputes?
- Does the child know the adult(s), how? The molester is often known to the child: family friend, relative, or employed in a position where s/he can have access to children (teacher, baby-sitter, dentist, minister, scout leader, coach, etc.).
- Is there a custodial dispute in progress or a recent dispute between the parents?

(f) Other points to consider.

- [REDACTED]
- Often the parent or guardian will not be aware that the child is missing. The inspector can contact the other parent, guardian, appropriate law enforcement agency or non-profit agency for assistance.

(g) What to do when you find a missing, exploited or runaway child. If a determination is made that the child has been abducted, is a runaway, or is an endangered child, the officer should take the following actions:

- All INS lookout and NCIC procedures should be followed for confirming the record;
- When an unaccompanied minor (a person under the age of 18) appears to be inadmissible under section 212(a)(6)(C) or (7) of the Act, officers should first try to resolve the case under existing guidelines. Existing guidelines permit granting a waiver, deferring the inspection, or employing other discretionary means, if applicable, including withdrawal of application for admission. Additional guidance is provided at Chapter 17.15(f) of the Inspector's Field Manual (IFM);
- When an unaccompanied minor (a person under the age of 18) appears to be otherwise inadmissible under the Act, officers should first try to resolve the case under existing guidelines;

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- If the child is entitled to enter the United States, appropriate local or onward authorities should be notified and arrangements coordinated for the child's return to proper custody;
- If the minor is to be detained by the INS, the officer must follow INS and local instructions on the processing, treatment and placement of minors. Officers should treat all minors with dignity and sensitivity to their age and vulnerability. Processing of minors should be accomplished as quickly as possible. As with all persons being temporarily detained at ports-of-entry, officers must provide the minor access to toilets and sinks, drinking water and food, and medical assistance if needed. Minors may not be placed in short-term hold rooms, nor may they be restrained, unless they have shown or threatened violent behavior, they have a history of criminal activity, or there is a likelihood the juvenile(s) will attempt to escape. Unaccompanied minors should not be held with adults; and,
- Under no circumstances should the officer return a child to another country, or release a child into the United States, before ensuring that custody of the child is returned to the appropriate authority, and that the child's safety and well-being are assured.

28.6 Lookouts.

As a general rule lookouts should originate only with legitimate law enforcement agencies which have created a record of the case and entered it in the NCIC system. Lookouts from non-profit organizations in the form of posters may be accepted for display either in the public area or dissemination to Service personnel only. Lookouts from individuals may be tainted by motives of revenge or fear. Often no law has been broken and the informant can only articulate a fear that something may happen. Informants should be advised to contact the appropriate local, state or provincial, or federal law enforcement agency and request that agency to contact the Service. It is contrary to Service policy to enter a lookout record to Servicewide databases based on a request from any entity that is not in the law enforcement or intelligence community.

A lookout for a missing child should contain the following information:

- name of the requesting agency, contact name and 24-hour contact phone number(s);
- name, physical description and biographical information for the child;
- whether the child was believed to have been abducted, is missing or is a runaway;
- whether the child is believed to be in danger;
- suspected abductor's name, relationship, physical description and biographical data;
- vehicle information, including the: year; make; model; color; vehicle identification number; state of registration (tags) and license plate number; and any distinguishing characteristics (i.e. pickup bed cap or liner, roof rack, towing hitch, fog lights, etc.); and/or

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- supporting documentation (warrant, etc.).

The information should be as complete as possible, and is critical for motor vehicle identification if there is any possibility of the child crossing across a land border.

28.7 Sources of Assistance.

(a) General Use:

National Center for Missing and Exploited Children, USA	(24 hours) 1-800-843-5678
Office of Passport Services, U.S. Department of State	1-202-326-6168
Office of Consular Services, U.S. Department of State	1-202-647-5225
Operation Child Intercept USINS (Toronto Airport)	1-905-676-2563
U.S. State Clearinghouses	(various)

- Child Find Canada, Inc.
1-800-387-7962
- Project Return, Canada (Contact local Canadian Customs office)

(b) Law enforcement agencies only:

- [REDACTED]
- [REDACTED]

28.8 Child Sex Tourism

[REDACTED]

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[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

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Chapter 31: Service Records (Added INS - TM2)

- 31.1 Introduction to Service Records Systems
- 31.2 Systems Security Requirements
- 31.3 Introduction to Service Automated Systems
- 31.4 Image Storage and Retrieval System
- 31.5 Posting, Maintaining, and Cancellation of Lookouts
- 31.6 Lookout Intercepts
- 31.7 Responding to Inquiries Concerning Lookout Records
- 31.8 Regional Random Quality Review of INS Permanent Lookout Records

31.1 Introduction to Service Records Systems.

A major asset of the Service and a critically important tool for you as an inspector is the Service system of records. The Service must maintain a wide variety and large volume of records relating to individual aliens, schools, businesses which petition for alien workers, and many other things. A detailed explanation of the Service's records system and how to use it is contained in the Records Operations Handbook, included as a part of INSERTS. You should familiarize yourself with the types of records available, how they may be accessed and what you must do to insure the Service maintains correct records relating to actions which you, as an officer of the Service, undertake. In addition, the Service participates in a number of multi-agency information initiatives, sharing agency information with other law enforcement agencies and accessing the data collected by others to better carry out the agency's mission.

31.2 Systems Security Requirements.

Service records are a critical part of the agency's successful operation. As an officer of the Service you have a critical need to access information from the agency's records, but you also have an obligation to protect those records from unauthorized release, tampering or destruction. INS systems have security features including user passwords, audit trails to identify unauthorized access and limited access to systems, based on operational needs. Safeguard your passwords and regularly change them in accordance with systems requirements. Special requirements for accessing and safeguarding information from interagency systems are discussed in Chapter 33. [See also AM 3.2.209 regarding ADP security and AM 3.2.204 regarding ADP password requirements. See also Chapter VI of the Security Officer's Handbook.]

31.3 Introduction to Service Automated Systems.

The Service has developed, and continues to improve, a significant number of automated systems and ADP-related programs. As these systems and programs

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have evolved and grown, they have become essential tools necessary for you to successfully fulfill your role as an immigration officer. Not all systems are available in all locations, nor will you have need for all of them in your day-to-day activities, but you should be familiar with their existence or planned development. User manuals or instructions are available for each operational system and systems access is available for personnel with an operational need. In addition, INS maintains a "Help Desk" to assist with systems-related problems you may encounter. [See AM 3.2.203.]

A catalog of systems including acronym, system name, a brief description and the name and telephone number of a technical and programmatic point of contact, is located on the INS Intranet site. To access this catalog, go to the Intranet site and use the following procedure:

- click on the Table of Contents
- scroll down the screen and click on the entry "HQIRM", in the right-hand column
- click on the button marked "Field and Program Management"
- in the horizontal bar at the top, click on "INS Information"
- scroll down the right column and click on "Systems Information"
- scroll down the right column and click on "Systems Catalog"
- click on "HTML Document"

A complete list of INS systems is included in the table which appears. This list is divided into three areas: Enforcement systems, Examinations systems and Management and Administration systems. Each area contains a complete list of systems, in alphabetical order by system acronym.

31.4 Image Storage and Retrieval System

(a) Background: The Image Storage and Retrieval System (ISRS) is a web-based system that permits an on-line immediate query and retrieval of biometric image sets and associated biographical data. Each biometric image set pertains to a specific individual and consists of a photograph, signature, and fingerprint used to produce an identity document issued by the INS. The system is available via the INS Intranet and has a database [REDACTED]. [REDACTED] indexed data fields include the alien registration number, receipt number, applicants name and date of birth, and card serial number. These data fields will aid the inspector to initiate a timely query, retrieval and display of the stored images.

(b) Documents contained in the ISRS. The ISRS provides digitized photograph, fingerprint, and signature images of the Resident Alien Card, Form I-551 issued from 1989 (revised and optical version) to present.

- If an alien obtained residency from 1984 to 1989, a microfilm image may be available by

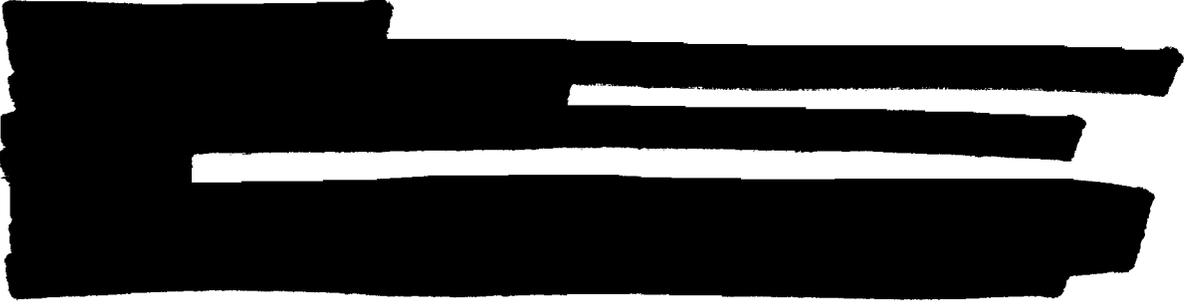
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contacting the Forensic Document Laboratory (FDL) at (703) 285-2482.

- Images not in the ISRS or on microfilm can be obtained from the alien's file at the File Control Office (FCO) or National Record Center (NRC) as indicated in the Central Index System (CIS).
- The original (White) Forms I-551 are being digitally converted from microfilm to the ISRS.

Note: Images for the Nonresident Alien Border Crossing Card, Form I-586 - Revised (November 1990 until March 1998) and the Employment Authorization Document, Form I-766 are being downloaded into the ISRS and may be available.

(c) Guidelines on Secondary Referral for ISRS Record Checks. Bearers of the following documents may be referred to secondary for the ISRS record checks under the situations indicated:

- 
- Transportation letter claiming to be a Lawful Permanent Resident (LPR) or Conditional Permanent Resident.
- Alien Documentation Identification and Telecommunication (ADIT) stamp.
 - Adjustment of status: Applicants for adjustment of status receive an ADIT stamp when the application has been approved. There is a delay between the time the data is forwarded for card production and when the images appear in the system. The Computer Linked Adjudication Information Management System (CLAIMS) may reflect that the application has been approved giving an indication of when the ADIT stamp may have been issued.
 - Immigrant Visa: When an individual is processed for immigrant status at the POE, an ADIT stamp is issued. The immigrant visa (IV) is forwarded to the service center (SC) where the photograph and biometrics are scanned for card production. Once the IV is received at the SC, it will take approximately 4 to 6 days for the image set to be captured in the ISRS.
 - Replacement of Form I-551: There is a delay between the time an ADIT stamp is issued and the photograph and biographical data associated with the Application to

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Replace Alien Registration Receipt Card, Form I-90 appears in the ISRS. If the CIS record indicates that the person immigrated after 1989, the POE should refer to the images and corresponding applications to determine the true identity of the LPR. To obtain the earliest known image of an alien that immigrated prior to 1989 requires review of the original A-file or microfilm as noted above.

(d) Secondary Inspection of Primary Inspection Referrals. If used properly, the ISRS can be a great tool to identify fraud. When conducting an ISRS check:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

(e) ISRS User Guide. Refer to the Web-ISRS User Guide by clicking "ABOUT" located on the ISRS menu for specific search, retrieval, display, print, and download user query result procedures.

(f) Evaluating IRSR Image. Although the ISRS provides images on documents that have been issued, it does not guarantee that the image provided is the true LPR. If an alien has only been issued one Form I-551, then the image more than likely should be that of the true bearer of the document.

The ISRS images are not always displayed in chronological order, nor do they always reflect the date an image was captured. It may be possible to create a history by using the receipt number provided in the ISRS to review information about the applications filed to obtain the benefit and/or document.

If an ISRS query displays multiple images that do not match, obtain the original image from the A-file.

[REDACTED]

(1) CIS –

[REDACTED]

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(B) Number of Forms I-551 issued; and,

(C) Location of the alien's file.



(2) CLAIMS – Check for any indications that a Form I-90 has been filed under this A Number. There are various reason for applying for a new card: to replace a lost, stolen or destroyed card; renew a 10-year expiring card, comply with the 14 years of age registration requirement, reissue an original card produced with incorrect biographic data.

(g) Obtaining an A-File.

(1) National Records Center (NRC). The NCR's Information Liaison Division (ILD) is available 24 hours a day, 7 days a week at (816) 350-5560 to research, analyze, and provide information and/or documents contained within any A-File held at the NRC. This service is for CBP use only, and this telephone number should not be given to the public or to employees of other government organizations. For routine requests, an electronic message can be sent to "NRCINFO, NRC". Include the A-file number, subject's name, date of birth, information needed, the POE telephone number and fax number. A response will be returned within 3 days.

(2) CIS: In general, requests for an A-file are generated in CIS using 9501. Regular deliveries are sent within three days from receipt.

For expedited service, request the A-file in CIS using 9506. Expedited requests are processed within 24hours of receipt. The requesting office is required to pay the shipping costs associated with overnight delivery.

(h) Supervisory Role and Responsibilities. All cases involving the ISRS data that may result in an adverse action (e.g. approval of expedited removal recommendations) require supervisory review. If adverse action is taken, the supervisor will be responsible for signing off on the case by endorsing the case file checklist or memorandum to the file. Supervisors are responsible to ensure that a printout of the ISRS record search documenting an adverse action is in the file. The supervisor is also responsible for determining when periodic training becomes appropriate for secondary officers or other POE personnel who may perform the ISRS search procedures.

(i) Saving and Transmitting Images. The ISRS has a simple or complex search capability and has the ability to execute batch retrievals. The biometric image sets are in industry-standard

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formats, (Tagged Image File Format [TIFF], Joint Photographic Experts Group [JPEG], Wavelet Scale Quantization [WSQ] Fingerprint Image Compression) which can be saved, printed and readily included in electronic mail messages.

Therefore, a POE with access to the ISRS will have the capability to share information contained in the system with other POEs via email.

(j) Third Party Requests for ISRS Record Checks. The ISRS permits intra-agency and inter-agency sharing of biometric images. Requests for ISRS information from Federal, state, or local law enforcement agencies must be made in writing to the port director. All ISRS information disseminated to a law enforcement agency must have a disclaimer stating that the information provided from the ISRS is for informational purposes only and dissemination to a third party is prohibited.

31.5 Posting, Maintaining, and Cancellation of Lookouts.

(a) Criteria for creating lookout records. Lookout records for persons and/or lost or stolen passports may be created in the lookout system under the following circumstances:

- (1) For persons who are inadmissible to the United States under one or more of the grounds described in Section 212(a) of the Act, as amended, and who might attempt entry into the United States;
- (2) For aliens who have been convicted of crimes involving moral turpitude (CIMT);
- (3) For citizens of the United States who have violated or are suspected of violating the criminal or civil provisions of the Immigration and Nationality Act, as amended;
- (4) For persons that may be of interest to other Federal law enforcement agencies, their requests for the creation of lookouts may be directed to the National Targeting Center (NTC);
- (5) For any person who overstays or is refused admission into the United States under the provisions of the Visa Waiver Program (VWP) under section 217 of the Act, because of an administrative reason or an applicable ground of inadmissibility under section 212 of the Act;
- (6) For any person who withdraws his or her application for admission to the United States;
- (7) Information pertaining to lost or stolen passports must be forwarded to the NTC for immediate entry in the Lookout System. If lost or stolen passport information is

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received at a field office, it must be faxed immediately to the NTC at (703) 391-1983. The NTC will enter the information into the appropriate lookout system at once.

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(b) Creation of lookout record for a United States citizen. CBP may create lookout records on U.S. citizens who have violated or are suspected of violating the criminal or civil provisions of the Immigration and Nationality Act (INA). 8 U.S.C. 1103(a). While there is no specific statutory or regulatory provision authorizing the creation of lookout on U.S. citizens, Congress has charged the Secretary of DHS with the administration and enforcement of the INA. The Secretary of DHS may delegate any of those powers to the Commissioner of CBP, who, in turn, is authorized to delegate those powers to CBP officers. 8 U.S.C. 1103(b); 8 CFR 2.1.

There is no distinction made between U.S. citizens and aliens in describing individuals who can be arrested by immigration officials for felonies arising under the immigration laws. Specific enforcement authority is also found at INA section 274, 8 U.S.C. 1324, which makes it a criminal offense for any 'person' to engage in alien smuggling, civil document fraud and violations of employment laws. It authorizes officers designated by the Secretary of Homeland Security to effect arrests for violations arising under this section.

The lookout record for a U.S. citizen is created pursuant to the procedures described in this chapter.

(c) Documentary evidence used for the creation of lookout records. The type of documentary evidence that is gathered as the basis for the creation of lookout records may vary depending on the type of case that is being considered for addition to the lookout system. Generally, the A-file will contain copies of immigration documents such as documents served to the person, sworn statements, warrants of arrest, deportation orders, detention orders, authorization to withdraw application for admission, memoranda to the file.

In cases where other law enforcement agencies request that a lookout record be created on their behalf, the formal request must be in writing. Such agency requests for lookout posting must meet the criteria for posting unless there are outstanding warrants of arrest, or any other documentary evidence that originated with a legal entity such as, but not limited to, a recognized court, foreign or domestic, or police department, or where the request for action is limited to notifying the appropriate authority of the facts of arrival of the individual.

(d) Guidelines and standards for the creation of lookout records in NAILS and IBIS.

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(1) General. CBP lookout records for persons entered directly on-line in IBIS remain in IBIS for 72 hours. After 72 hours, those lookout records are deleted automatically from IBIS. Since NAILS interfaces nightly with IBIS under the IBIS agreement, any lookout record posted in NAILS is available in IBIS to all users within 24 hours. In the event that there is an urgent lookout record that needs to be disseminated immediately through IBIS, the lookout record may be created on-line in IBIS. If that lookout record is needed for longer than 72 hours, it also needs to be created in NAILS.

(2) Lookouts for vehicles. CBP vehicular lookout records entered directly in IBIS will remain in IBIS for 12 months. After 12 months, the system will delete the vehicular lookout records automatically. However, the originating officer may extend the validity of the lookout record beyond 12 months. This may be accomplished using the review function (MSOM) in IBIS.

(3) Lookouts for persons. Effective August 19, 1994, CBP officers create all lookout records for persons directly in NAILS. Only a lookout record that is time-sensitive may be entered also in IBIS for immediate dissemination to all ports-of-entry. A lookout record created in IBIS will require a local supervisor's review and approval within 24 hours of the posting of the lookout record in IBIS.

(4) Lookouts for lost or stolen passports. The NTC shall enter lookouts for lost or stolen passports. If the information pertains to blank lost/stolen passports, the information will be entered directly into IBIS. The number and nationality of the blank lost or stolen passport will be entered. If the passport is lost or stolen, but has already been issued to a person, with name and biographical information, the lookout record will be placed in NAILS.

(Revised IN99-27)

(e) Procedure for the creation of lookout records. The following is a brief description of the integral elements that constitute a basic and complete lookout record. Certain lookout records may require other information depending on the nature of the lookout.

(1) Enter all available data in the appropriate data element fields;

(2) Enter relating A-file Number;

(3) If the information used in the creation of the lookout record originates with the A-file, and there is no controversy or doubt as to the validity of the dates, events or facts, and other information, the case code need not be preceded by the letter P for Possible;