

A. OVERVIEW

Currently, arrival information pertaining to passengers entering the U.S. is collected and transmitted electronically by the aviation industry through APIS. As of October 1, 2002, all arrival and departure information pertaining to VWP travelers must be transmitted electronically through the APIS format. Beginning January 1, 2003, regulations require that the airline industry submit both the electronic arrival and departure transmission for all passengers in the APIS format.

The aviation industry would like to suggest a more coordinated effort among the INS, USCS, TSA, and other airports and carriers regarding current available resources to allow for an integrated entry/exit system. In view of the fact that all airport facilities differ, a selected entry/exit system will have a significant impact on individual airport facilities. It is essential to consider utilizing space, technology, equipment, and resources presently available within the airports as the entry/exit system is put into practice.

The Airport Subcommittee proposes a “passenger entry/exit” plan that will make use of a distinctively encoded boarding pass. This proposed exit portion of the plan would prevent restricted passengers from boarding an aircraft and departing the U.S. In addition, this proposed plan would also integrate a federal presence regarding exit from the U.S.

B. SUBCOMMITTEE REPORT

The airport entry/exit system should be a coordinated effort between government and industry stakeholders, utilize existing resources, allow for interoperability, minimize impact on aviation operations, secure our borders, and allow for the expedited facilitation of the traveling public.

The border management responsibilities of the U.S. Government are to protect the U.S. and its territories from threats to national security, and enforce immigration and customs laws. Border management responsibilities also include promoting the legitimate flow of people and goods, which fuel our economy. The U.S. has more than 300 land, air, and sea POEs where international travelers are inspected and permitted to enter the U.S. in accordance with applicable laws and regulations. Each year, there are more than 500 million entries into the U.S. through these POEs. This volume is projected to rise dramatically, intensifying the need to improve the U.S. Government’s ability to manage its borders. The U.S. Government must effectively and efficiently determine the admissibility of international travelers while maintaining our commitment to an open society.

Since 2000, the U.S. Congress has enacted many laws that require the U.S. Government to commit to improve its border management capabilities, including establishing an integrated entry/exit system. This commitment is supported by the Attorney General’s DMIA Task Force established by the DMIA of 2000, VWPPA of 2000, the USA Patriot Act of 2001, the Aviation Transportation Security Act of 2001, the Enhanced Border Security and Visa Entry Reform Act (BSA) of 2002, and other related laws that establish statutory requirements for an automated entry/exit system and enhancements to border security.

The implementation of an entry/exit system for use in border management is required by statute. The deadlines, requirements, and the pertinent statute are illustrated on the following table.

Statutory Requirements for Implementation of Entry/Exit System

Date	Requirement	Statute
12/15/2000	Establish DMIA Task Force	DMIA
10/1/2001	EE System for VWP Applicants at Air and Sea Ports-of-Entry	VWPPA
10/1/2002	No VWP For Aliens Not Electronically Transmitted	VWPPA
10/1/2002	Enable Officers to Access VWP Information	VWPPA
10/26/2002	INS fully integrate all databases and data systems that process and contain info on aliens	BSA
10/26/2002	Report to Congress - Information Needed to Screen Visa and Admission Applicants	PA
10/30/2002	Report to Congress - Effectiveness of the VWPPA Legislation	VWPPA
12/31/2002	Report to Congress - Immigration Data and Analysis	DMIA
12/31/2002	Report to Congress - Task Force Progress and Recommendations	DMIA
12/31/2002	Report to Congress - VWP Analysis	VWPPA
1/1/2003	Arrival and departure manifest must be electronically transmitted	BSA
12/31/2003	Implement EE at Air and Sea Ports-of-Entry	DMIA
12/31/2003	Report to Congress - Task Force Progress and Recommendations	DMIA
12/31/2003	Report to Congress - VWP Analysis	VWPPA
12/31/2003	Implement EE at Air and Sea Ports-of-Entry with Biometrics & Tamper-Resistant Docs	PA
12/31/2004	Implement EE at 50 Land Border Ports-of-Entry	DMIA
12/31/2004	Report to Congress - Task Force Progress and Recommendations	DMIA
12/31/2004	Report to Congress - VWP Analysis	VWPPA
12/31/2004	Report to Congress - Effectiveness of EE System, VWP Recommendations	VWPPA
12/31/2004	Implement EE at 50 Land Border Ports-of-Entry with Biometrics & Tamper-Resistant Docs	PA
12/31/2005	Implement EE at Remaining Ports-of-Entry	DMIA
12/31/2005	Report to Congress - Task Force Progress and Recommendations	DMIA
12/31/2005	Report to Congress - VWP Analysis	VWPPA
12/31/2005	Implement EE at Remaining Ports-of-Entry with Biometrics & Tamper-Resistant Docs	PA

DMIA – Data Management Improvement Act

VWPPA – Visa Waiver Permanent Program Act

PA – USA Patriot Act

BSA – Enhanced Border Security and Visa Entry Reform Act

In order to develop a comprehensive entry/exit system, all U.S. Government agencies that have responsibilities for border management should share information regarding travelers and transportation systems and integrate that information into a single system. These agencies include the DOJ, DOS, Treasury, DOT, other FIS agencies, and other stakeholders.

In order to function as a border management tool, an entry/exit system must be able to collect, maintain, and share data/information on individuals who enter and exit the U.S., yet enhance the flow of legitimate traffic across the borders, facilitate travel and commerce, respect the environment, and strengthen international cooperation.

Recently passed legislation defines fundamental requirements for achieving this improvement through recording, integrating, and sharing arrival and departure information. These laws impact each area of the process for people or commerce arriving and departing the U.S. This chapter will discuss the impacts, assumptions, constraints, and possible solutions regarding embarkation from a foreign location, entry to and exit from the U.S., and stay management issues as they affect the airport environment.

The Airport Subcommittee also proposes the use of a board/don't board card system in conjunction with the exit process. The passenger exit process, which will be a new component of U.S. international travel, must be given consideration specific to its operational impact on aviation and existing facilities.

Boarding Process (Overseas)

The overall process for travelers arriving from overseas has not changed significantly since September 11, 2001: the security and baggage checks have increased, but the federal requirements to have a valid travel document and visa (when applicable) remain the same. Since 1988, the airline industry has actively, though voluntarily, participated in submitting arrival manifests to the U.S. Government inspection agencies as part of APIS²¹. The airline agent collects the information required to be in compliance with the program at the check-in desk at the airport. In order for the airlines to collect the information from the traveler's document, the airlines have installed document readers in many locations, such as those used by FIS agencies. If the document has a magnetic swipe stripe that is compatible to the International Civil Aviation Organization (ICAO) standards, then the airline agent swipes the document through the reader, and the information is downloaded into the reservation system, which creates a manifest to be submitted through APIS to USCS. USCS has approximately 15,000 document readers in use by over 64 airlines. The airline agent also checks for validity of the travel document and for a visa, if required.

For millions of aliens, entry into the U.S. must be preceded by the issuance of travel documents at U.S. consulates or embassies abroad. The principal travel documents issued are IVs, NIVs, and BCCs (also referred to as laser visas).

²¹ The USCS in 1988, in cooperation with the INS and the airline industry created APIS. APIS uses document readers to scan machine-readable zones on documents, such as passports, and transmit the information to the Newington Data Center for comparison to USCS enforcement databases.

The first step in the process of issuance of most IVs is the filing of an IV petition with INS. If INS approves the petition, it is forwarded to the National Visa Center (NVC) in Portsmouth, New Hampshire, for further processing. All immigrant visa applicants must appear personally at U.S. consulates or embassies to be interviewed by a consular officer prior to issuance of their visas. Through IV data share, the issued IV information is sent electronically to INS at POEs so that it will be available when the immigrants arrive for entry processing.

The first step in the process of issuance of some NIVs, such as visas for temporary workers, is the filing of an NIV petition with INS. If INS approves the petition, it is forwarded to the NVC for further processing. The beneficiary of the petition and the U.S. consulate or embassy at which the beneficiary will apply for the NIV are informed of the approved petition. The beneficiary can then pay the visa fee and submit a valid passport, NIV application, and any other required supporting documentation to the U.S. consulate or embassy.

All NIV applications with digitized photos are sent electronically to Washington, D.C. to be entered into the Consular Consolidated Database and also to be shared with INS at POEs. Transmission of this NIV data is on a real time basis; with the database being updated every few minutes and the NIV data being shared with INS at the same time. This NIV data share ensures that INS inspectors have NIV data available at POEs for all arriving non-immigrants with NIVs. The NIV data-share system has been in effect since December 2001, and the DOS has shared the NIV database with INS dating back to 1998 NIV issuances.

Since its implementation in 1988, the VWP has allowed more people to travel to the U.S. from 28 countries²² for the purposes of pleasure or business without first obtaining a nonimmigrant visa from a U.S. embassy or consulate. The traveler may stay up to 90 days, then must depart the U.S. as the program does not allow for requesting an extension of stay while in the U.S.

Currently, information about a traveler that is collected at the time of check-in and submitted by APIS after the flight departs the last foreign port prior to arrival into the U.S. contains the following data elements:

²² VWP countries include: Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, the United Kingdom, and Uruguay.

First Name
Middle Name
Last Name
Date of Birth
Nationality (of person if exempt document)
Gender
Document Type
Document Number
Document Country of Issuance
Airline IATA Code
Flight Number
Departure Location IATA Code
US Arrival Location IATA Code
Date of Flight Arrival

The enactment of the VWPPA and the BSA has mandated that commercial carriers (air and sea) provide an electronic manifest on both arrival and departure. On October 1, 2002, all VWP passengers' arrival and departure information will be submitted through transmission to the APIS system, then on January 01, 2003, all remaining passenger and crew information will be submitted electronically. The BSA mandated that these additional data fields are required to be submitted electronically for both arrival and departure:

Passport Number
Passport Country of Issuance
Visa Number (where applicable)*
Visa Place of Issuance (where applicable)*
Visa Date of Issuance (where applicable)*
Alien Registration Number (where applicable)
Country of Residence
Address in the United States
Passenger Name Record Locator

*USCS and DOS are able to capture the required visa information through IBIS when the machine-readable passport is swiped. As such, though the visa provisions are mandated, the information can be already be captured and processed by government agencies through data-share initiatives within the IBIS system.

Proposal

Government agencies should continue to use and expand upon available electronic data-sharing capabilities to capture the mandated information, thereby ensuring more accurate data as the efforts move toward the elimination of the paper I-94 arrival/departure record and development and implementation of electronic arrival/departure record.

The INS and USCS are the primary users of the APIS system. The alien traveler must complete INS form I-94 or I-94W, *Arrival/Departure Record*, to be submitted to the inspecting officer upon arrival into the U.S. All travelers returning from foreign countries must complete USCS Declaration Form 6059B to be submitted to USCS at the POE. Much of the same information that is currently submitted or will be submitted electronically beginning October 1 is also collected on the Form I-94.

Assumptions/Constraints

For the pre-entry process to work effectively under the entry/exit system, there will need to be enhanced communications and data sharing among impacted federal agencies. Information that can affect visa eligibility—such as overstays, withdrawals of applications for admission, expedited removals and deportations—should be entered immediately into the DOS Consular Lookout and Support System (CLASS) so that it will be available to consular offices should the alien apply for a visa the same day or the next day. Consular officers should have on-line access to all relevant information in the entry/exit system showing an alien's record of entries, exits, and adjustment of status as the information may affect visa eligibility. The visas issued at Foreign Service posts will be fraud-proof if INS inspectors are able to swipe them at primary inspection and immediately retrieve on their computer screens the issued visas and photographs through the visa data-share program.

An entry/exit system should be initiated at a place prior to an individual arriving at a U.S. POE. These include the collection and dissemination of information from visa or petition requests by aliens who wish to travel to the U.S., and also certain information on passengers traveling via a commercial carrier.

The process begins when a potential visitor or immigrant applies for a visa at a consular office abroad, or a petition is filed with the INS on their behalf. Once a visa application is received, it is entered into the DOS visa system ultimately residing in a central database. Petitions are received by INS and entered into their petition system.

When a visa or petition application request is granted, this event triggers the creation or update of a record in the centralized entry/exit system. A travel record should, at a minimum, contain the visitor's or immigrant's personal identification information and a connection to the visa or petition record in its originating system/database.

If a traveler does not require a visa (as is the case with returning U.S. citizens, permanent residents, or citizens of Visa Waiver countries), then the process may begin when commercial carriers collect information on passenger manifests. A travel record can be created, or

updated if a record already exists, from the mandated advance passenger information (API) generated by a commercial carrier.

The API from commercial carriers can be used to check whether any passenger's information matches records contained on integrated watchlist database(s). If a passenger is suspected to be a match to a watchlist record, then appropriate authorities will be notified. Updating the information from the watchlist will not fall to the commercial carriers, but to the agency that submitted the watchlist record.

Proposal

Continue use of APIS and modifications necessary to meet changing entry and exit requirements.

Arrival Process

Aircraft arriving from a foreign territory are inspected at POEs designated in Title 8 Code of Federal Regulations (CFR), section 100.4(c)(3) under authority contained in section 234 of the INA. Although the total volume of passengers is small by comparison to that of land borders, the inspection process is considerably more complex, reflecting the diverse nature of the persons seeking admission to the U.S. Personnel assigned to airport inspection duties are generally funded by the Inspections User Fee Account, from revenue generated by a \$7 per-person charge paid by each arriving passenger through a surcharge to their airline ticket price.

The airlines are responsible for submitting to the INS Form I-92, *Aircraft/Vessel Report*, listing the number of passengers in the categories of U.S. citizen, legal permanent resident, and alien. Currently, the Form I-94 is the arrival manifest for alien passengers. The crew list manifest is provided on either an ICAO General Declaration or USCS Form 7507.

Passengers queue in lines, which are often designated for specific groups such as U.S. citizens, returning residents, and students, with the remaining lines reserved for all other passengers. A different queue is designated for the inspection of crewmembers at most POEs.

A primary inspector at an airport performs a series of procedures to quickly complete the admission of readily admissible persons and to detect and refer to secondary inspection those needing further questioning or more involved processing. The primary Immigration inspector conducts an inspection for immigration purposes, including a lookout query for all agencies.

A primary officer determines identity, examines the applicant's travel documents, and completes immigration primary inspection of various categories of aliens and citizens, including adjudication of Form I-94 for admissible non-immigrants. During the primary inspection, the inspecting officer ensures that each applicant for admission is queried in IBIS/APIs as part of the primary query.

Should IBIS fail, the POEs have a backup system that uses a combination of local area networks and access to other selected systems.

If passengers cannot be admitted on primary, they are referred to the INS secondary office for further review and inspection. Once passengers are admitted to the U.S., they will retrieve their luggage and continue on to USCS and the U.S. Department of Agriculture for inspections.

Assumptions/Constraints

The entry process should leverage information gathered during the embarkation process described previously. Typical entries involve visitors from visa waiver countries who are traveling to the U.S., or a U.S. citizen or lawful permanent resident who is returning from an international journey. The FIS agencies will have access to the travel record as part of the APIS submission prior to the passenger's arrival. The information should be used to determine risk levels of the passengers onboard the aircraft.

The entry process continues with the international traveler reaching a U.S. POE and applying for admission. The traveler's documentation is reviewed for authenticity by an INS inspector to identify visa and passport fraud, machine-readable documents (when applicable) are "swiped" through a reading device, the traveler is vetted against a consolidated watchlist database, and temporary visitors are questioned regarding the purpose of their visit to the U.S. (If the traveler is a U.S. citizen or legal permanent resident, he/she is not questioned as to his/her purpose of travel to the U.S.) Once the information is matched, the information should be updated to record the appropriate entry on the travel record.

Proposal

Processing of travelers will continue to be done in an efficient, professional, and courteous manner.

Proposal

As the entry/exit requirements change for the U.S., it is imperative that an effective coordinated communications outreach program be developed to ensure not only the compliance of the traveler but also a proactive message from government and industry to explain any new procedures so as not to hamper travel and commerce to the U.S.

Proposal

As the entry/exit requirements develop into an electronic collection format, it is imperative to ensure compliance with current data requirements and continue to provide necessary travel statistics.

Exit Process

The exit process has changed significantly for the airlines and passengers since the tragic events of September 11, 2001. The airports are working diligently with the federal law changes such as prescribed in the VWPPA, BSA, DMIA, and the Aviation and Transportation Security Act of 2001 (ATSA). The changes have included infrastructure and resource impacts

on the airports and airlines. Airports expect significant modifications to their infrastructure by the end of the year in order for the TSA to meet the ATSA mandates.

Along with the changes to the boarding process and security check procedures, the carriers are mandated to provide outbound API on VWP passengers by October 1, 2002, then on all passengers and crew by January 1, 2003. The use of APIS manifest information is in addition to the current manual submission of form I-94 as a method for recording non-immigrant travelers entering and exiting the U.S. This process is manual and does not employ any advanced information technology. The handwritten I-94 forms are collected from travelers by airline agents or at seaports upon departure. I-94 forms are entered manually into the NIIS and are not matched in an efficient and cost effective manner.

To enhance and automate the electronic capture of passenger and crew manifest, the INS is currently developing the Visa Waiver Permanent Program Act Support System. The first phase of development was implemented on October 1, 2002. The computerized system will match a traveler's arrival electronic manifest information with the departure manifest information at airports and some seaports. In January 2003, it is planned for the system to interface with a student visa system called Student Exchange Visitor Information System (SEVIS).

As a person is checking in at an airline counter, the agent checks for the proper travel documentation, such as a valid passport and onward visa to enter another country. If the departure portion of the form I-94 or I-94W is found in the passport, the agent pulls the form and stamps the back with the departure flight information and the date of departure. All of the departure form I-94s or I-94Ws are collected for that flight, bound together with the form I-92, and submitted as the departure manifest. Air carriers are required to submit departure manifests, ordinarily within 2 working days of departure. The POE is responsible for reviewing and sorting the departure forms and forwarding them for data entry. In addition, POEs must obtain departure flight schedules and ensure manifests are received for all scheduled departing flights. Unlike arrival forms, departure I-94 forms do not have to be separated, except for Form I-94T, *Transit Without Visa (TWOV)*.

Assumptions/Constraints

The exit process is assumed to build on the use of an identifiable travel record that stays with the person from embarkation to exit of the country. If the traveler is leaving the U.S. via a commercial carrier, the carrier issues a ticket that generates a record in the APIS database, which will automatically create or update the travel record based on the APIS data. The traveler then proceeds to the exit inspection decision process. If the traveler does not use a commercial carrier to exit, the traveler proceeds directly to the exit inspection decision process.

In the exit inspection decision process, INS will determine the need for a complete exit inspection based on the current threat level, as well as other factors such as the need for random inspections. If an exit inspection is not required, the identity and status of a traveler is validated and, depending on the category of the traveler (e.g., U.S. citizen), the traveler is allowed to exit and this event is recorded as part of the travel record. If an exit inspection is required, the traveler's identity and status are ascertained and vetted against the travel record

and watchlist databases. If the traveler is not on the watchlist, he/she is allowed to exit and this event is recorded appropriately. If the traveler is suspected to be a match to a watchlist record, then appropriate authorities will be notified. In the case that a traveler is actually matched to a watchlist record, then the travel record will be updated based on action(s) taken by the appropriate authorities.

The data captured in the future exit process will support the effort to manage overstays and provide information for reports to Congress and other stakeholders, as appropriate. The future exit process must also be capable of accommodating more detailed process steps to account for variances in air POE exit procedures, traffic volume, and other factors.

There may be a need to change or clarify policies relating to legal grounds for preventing a traveler from exiting the U.S. and the reasons for referring the traveler to an exit inspection.

Proposals

There should be a coordinated effort between INS, TSA and other FIS agencies, airports, and air carriers to utilize existing space, technologies, equipment and resources within the airport to allow for an integrated entry/exit system.

The airport subcommittee proposes a “passenger entry/exit” plan that will make use of a Board or Don’t Board boarding pass.

Board/Don’t Board Exit Process

The airport subcommittee recommends the passenger entry process of the entry/exit system be integrated into existing airport FIS areas maximizing the use of existing space and resources. The passenger exit process, which will be a new component of U.S. international travel, must be given consideration specific to its operational impact on aviation and existing facilities. The subcommittee therefore offers the following proposal for the passenger exit process in the airport environment (see Exhibit 1 for process flowchart):

- Passengers proceed to the ticket counter for outbound international flights.
- At the ticket counter, passenger information is entered into government databases, via airline agents’ entry using a document reader.
- Upgrade existing air carrier ticket counter technology to allow the air carrier to enter passenger information into government databases that will allow a boarding pass encoded with a BOARD/DON’T BOARD INDICATOR (that is not obvious to the passenger) to be generated and issued to the passenger. (NOTE: Boarding pass layout is governed by an industry oversight committee, and any changes to the boarding pass must be unanimously approved by same.)
- If the passenger receives a BOARD boarding pass, he/she proceeds to the security-screening checkpoint, provides proof of identification and boarding pass to the screener who enters the BOARD boarding pass into a boarding pass reader. Once the reader

electronically verifies the BOARD status of the passenger, the passenger is cleared to proceed to the flight gate and then onto the aircraft, assuming there are no other issues with the passenger.

- If the passenger receives a DON'T BOARD boarding pass, he/she proceeds to the passenger security-screening checkpoint, provides proof of identification and boarding pass to the screener who enters the DON'T BOARD boarding pass into a boarding pass reader. Once the reader electronically verifies the DON'T BOARD status of the passenger, the screener refers the passenger to the federal law enforcement presence at the checkpoint for further action.
- The passenger is then escorted by the federal law enforcement presence to a secondary inspection area and upon resolution, an INS representative stamps the boarding pass to indicate positive resolution and the passenger is cleared to proceed to the flight gate and then onto the aircraft. If there is not a positive resolution, the passenger is not allowed to proceed and may be taken into INS custody.
- INS should consult with the TSA to review the TSA security screening checkpoint design template. The template, in general, requires an expansion of existing checkpoints to allow for additional security equipment and procedures and accommodate an increased federal law enforcement presence.
- For interline passengers (passengers who travel from a non-international airport to an international airport for U.S. departure) the same procedure for passengers receiving a BOARD boarding pass, referenced above, will occur.
- Interline passengers at airports without an on-site INS presence who receive a DON'T BOARD boarding pass will proceed to the security-screening checkpoint, where proof of identification and the boarding pass are presented to the screener, then the boarding pass is entered into the boarding pass reader. Once the reader electronically verifies the DON'T BOARD indicator, the federal agency responsible for the security-screening checkpoint is directed to contact the local INS or USCS port office to validate and verify the passenger information.
- Upon communication with the INS or USCS port office, if the DON'T BOARD indicator is resolved positively, the federal security presence at the checkpoint stamps the boarding pass to verify resolution; the passenger is then cleared to proceed to the flight gate and onto the aircraft.
- If the DON'T BOARD indicator is not resolved and the passenger is not allowed to board the aircraft, the federal security presence at the checkpoint detains the individual until such time as an INS representative arrives to take custody of the passenger.
- In lieu of a stamp on the boarding pass to reflect resolution, the Airport Subcommittee discussed the alternative of having the airline issue a revised boarding pass to reflect resolution.

This system makes the most efficient use of existing airport facilities and does not allow DON'T BOARD passengers access to sterile areas of airports or the ability to board an aircraft.

Infrastructure Requirements

Surveillance equipment and other features will be required for the entry/exit system and will therefore require modifications to existing airport facilities.

The entry/exit system will only be successfully integrated into current operations if the INS and other FIS agencies recognize that available space at airports is limited at best and an airport's ability to fund new construction in the post-September 11, 2001, environment is severely restricted.

The entry/exit system may require modifications to existing airport facilities.

System Requirements

Proposal

A redundant and secure system should be developed for the continuation of traveler processing if databases or computer systems become inoperable.

The whole of the entry/exit system is dependent upon electronic transmission and storage of data. Congress' Joint Economic Committee has identified cyber security and infrastructure protection as synonymous, and both are subject to a high and immediate threat of disruption from terrorists. Predictive capabilities of IT clearance systems allow law enforcement to identify known criminals and bar their entry to the U.S. The vulnerability of the aviation industry and associated key infrastructure is heightened by their indivisibility from global communications. This seamless web could put a host of industries and facilities at risk from an information warfare attack.

Funding Requirements

Proposal

U.S. Congress, through general appropriations should release funding to the INS and/or the nation's airports to allow for modifications to existing airport infrastructures, which will allow for a successful integration of the entry/exit system.

Stay Management

The only involvement the airline industry has with the stay management process is when a law enforcement agency requests that the INS institute a prevent departure order as provided for in 8 CFR, Section 215. This provides explicit authority to limit the exit of aliens under certain provisions and U.S. citizens without a valid U.S. passport.

Managing the stay of visitors inside the borders of the U.S. includes monitoring the terms of their admission, changing their visit or immigration status, matching the entry record of each alien with their exit record, and determining if any alien has overstayed the terms of admission. This process is presently administered by the INS Immigration Services Division as one component of the overarching mission to manage the presence and adjudication of aliens in the U.S. The use of a travel record process will integrate the necessary multi-agency information to provide enhanced capabilities to monitor an alien's stay within U.S. borders and take appropriate action as required. An entry/exit system should interface with the INS's Central Index System (CIS). CIS contains case management and file location information and should be the prime repository for alien status information. An entry/exit system should update CIS with current entry and exit status information.

Other Areas Not Explored

For this report the Airport Subcommittee focused on an entry/exit system for those commercial flights that will be inspected in the U.S. Additionally, small/private aircraft and other inspection functions, such as the use of international in-transit lounges, progressive clearance, and pre-flight clearance in other countries, will be addressed in future reports.

Pre-clearance

The INS and USCS station personnel at pre-flight inspection sites in other countries to provide inspection services outside the U.S. Should a passenger be considered to be inadmissible to the U.S., the INS cannot refuse boarding. 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 U.S.

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. Pre-inspection, 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.

Small/Private Aircraft

Private aircraft are aircraft that are not regularly engaged in transporting goods or passengers on a commercial basis. INS and USCS accomplish inspection of persons on board private aircraft jointly, according to local procedures. All private aircraft entering the U.S. are required to notify USCS or INS (following established local procedures), generally at least 1 hour before anticipated arrival, to request the presence of an INS or USCS inspector. The inspection process for all persons on board is conducted in the same manner as for those on commercial flights.

All pilots complete a Form CF-178 (PAIRS) upon entry into the U.S. It is essential to add the pilot's and owner's area codes and telephone numbers to the form for informational purposes. In instances involving small commercial aircraft, the crew presents 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, the inspector submits Form CF-178 to the local USCS office. If the notice of arrival has not been reported within the specified time frame, fine proceedings are initiated.

Progressive Clearance

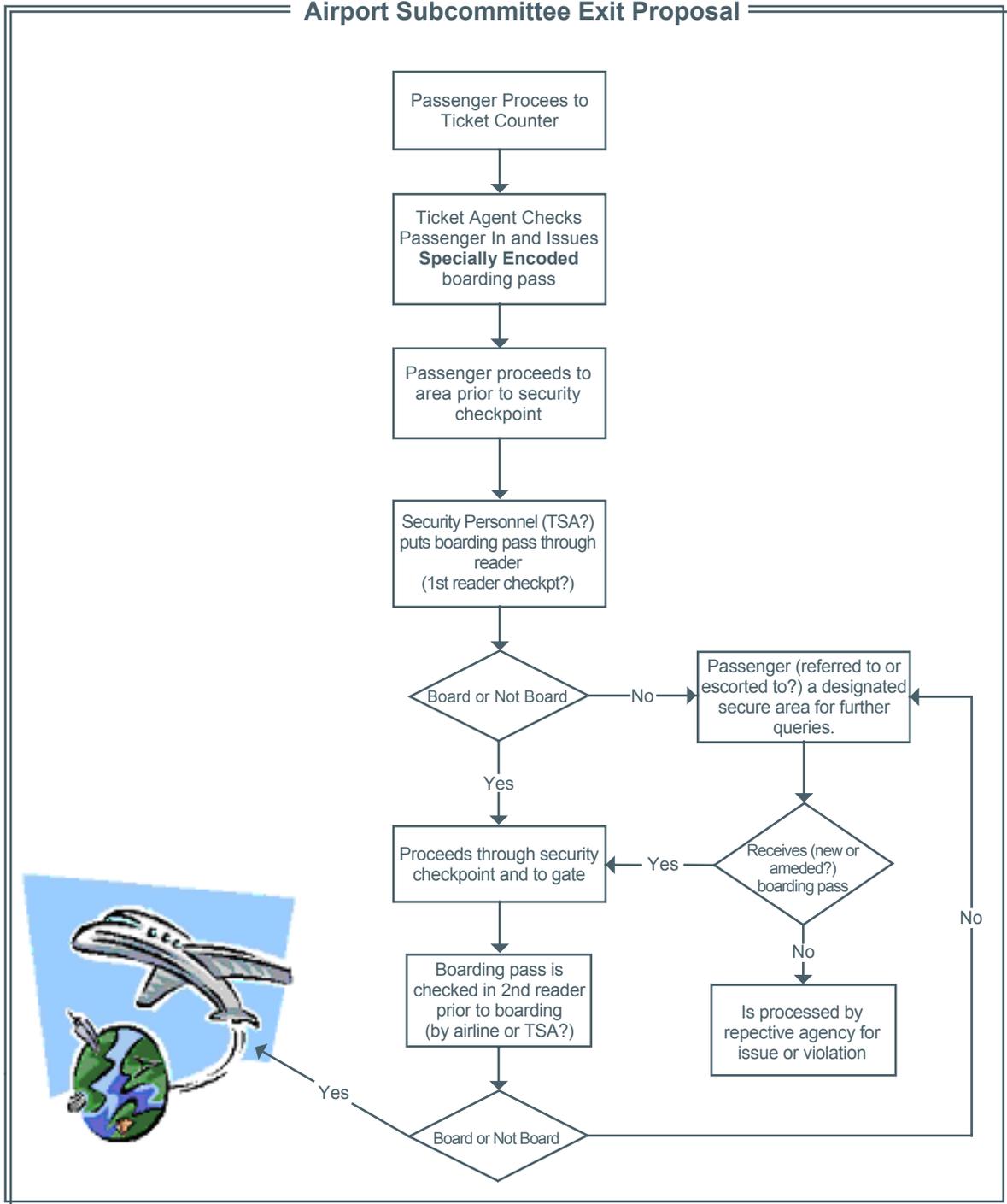
Some flights have been approved to deplane some passengers and crew at one POE and the remainder at an onward POE. In such instances, the agent delivers two Forms I-92 to the first POE. All passengers are inspected at either POE under normal inspection processes. Occasionally there may be domestic passengers who boarded at the first POE, but who are not subject to inspection at the onward POE. Such passengers should be airline employees, "deadheading" crewmembers, or their families. Such persons are not included in the flight log or I-92.

International Transit Lounges (ITL)

Changes to the INA as effected by the IIRIRA require the inspection of all international-to-international (ITI) passengers (formerly known as in-transit lounge passengers) now specify that "[a]ll aliens (including alien crewmen) who are applicants for admission or otherwise seeking admission or readmission to or transit through the United States shall be inspected by immigration officers." International-to-international passengers shall be inspected but not admitted to the U.S. This inspection is normally conducted at the ITL.

Carriers must be signatory to the Immediate and Continuous Transit Agreements (with provisions for control of uninspected passengers and ITL use), also known as ITL, agreements in order to use this process.

EXHIBIT: SUBCOMMITTEE PROPOSED EXIT PROCESS



5-01