



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

OIG-24-65

September 30, 2024

**FINAL REPORT**

**CBP, ICE, and TSA Did Not Fully Assess Risks Associated with Releasing Noncitizens without Identification into the United States and Allowing Them to Travel on Domestic Flights (REDACTED)**





## OFFICE OF INSPECTOR GENERAL

U.S. Department of Homeland Security

Washington, DC 20528 | [www.oig.dhs.gov](http://www.oig.dhs.gov)

September 30, 2024

MEMORANDUM FOR:

The Honorable David P. Pekoske  
Administrator  
Transportation Security Administration

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

Patrick J. Lechleitner  
Senior Official Performing the Duties of Director  
U.S. Immigration and Customs Enforcement

FROM:

Joseph V. Cuffari, Ph.D.  
Inspector General

GLENN E SKLAR  
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*for*

SUBJECT:

*CBP, ICE, and TSA Did Not Fully Assess Risks Associated with Releasing Noncitizens without Identification into the United States and Allowing Them to Travel on Domestic Flights* ~~— Sensitive Security Information~~

Attached for your action is our final report, *CBP, ICE, and TSA Did Not Fully Assess Risks Associated with Releasing Noncitizens without Identification into the United States and Allowing Them to Travel on Domestic Flights* ~~— Sensitive Security Information~~. We incorporated the formal comments provided by your office.

The report contains three recommendations aimed at improving CBP's, ICE's, and TSA's ability to assess risks to public safety of noncitizens released into the United States without identification and boarding domestic flights. Your office did not concur with the recommendations. Based on information provided in your response to the draft report, we consider recommendations 1, 2, and 3 open and unresolved. As prescribed by the Department of Homeland Security Directive 077-01, *Follow-Up and Resolutions for the Office of Inspector General Report Recommendations*, within 90 days of the date of this memorandum, please provide our office with a written response that includes your (1) agreement or disagreement, (2) corrective action plan, and (3) target completion date for each recommendation. Also, please include responsible parties and any other supporting documentation necessary to inform us about the current status of the

*OIG Project No. 22-044-AUD-DHS*

recommendations. Until your response is received and evaluated, the recommendations will be considered open and unresolved.

Please send your response or closure request to [OIGAuditsFollowup@oig.dhs.gov](mailto:OIGAuditsFollowup@oig.dhs.gov).

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

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

Attachment

*Office of Inspector General*  
*U.S. Department of Homeland Security | Washington, DC 20528 | [www.oig.dhs.gov](http://www.oig.dhs.gov)*



# DHS OIG HIGHLIGHTS

## CBP, ICE, and TSA Did Not Fully Assess Risks Associated with Releasing Noncitizens without Identification into the United States and Allowing Them to Travel on Domestic Flights

September 30, 2024

### Why We Did This Evaluation

CBP and ICE are responsible for verifying the identity of noncitizens seeking entry into the United States. TSA is responsible for screening all individuals intending to fly domestically. Our objective was to determine the extent to which CBP and ICE have policies and procedures to confirm an individual's identity for the documents TSA accepts for domestic travel and whether TSA ensures noncitizens traveling on domestic flights provide proof of identification consistent with all other domestic travelers.

### What We Recommend

We made three recommendations to assess risks to public safety of noncitizens released into the United States without identification and boarding domestic flights.

#### For Further Information:

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

[www.oig.dhs.gov](http://www.oig.dhs.gov)

### What We Found

Although U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) have policies and procedures to check the identity of noncitizens seeking entry into the United States, they cannot always verify the noncitizens' identities. According to Federal law, noncitizens without identification are not admissible into the country and shall be detained. However, CBP and ICE officials are permitted to release noncitizens into the United States based on various considerations. Prior to releasing these individuals, CBP and ICE immigration officers accept self-reported biographical information, which they use to issue various immigration forms. Once in the United States, noncitizens can travel on domestic flights.

Noncitizens without Transportation Security Administration (TSA)-acceptable identification are allowed to board domestic flights. Before doing so, TSA requires them to undergo vetting and additional screening. Transportation security officers query law enforcement and immigration databases to validate the information on Department of Homeland Security-issued immigration forms and then conduct additional screening procedures such as pat downs. TSA's vetting and screening procedures do not eliminate the risk that noncitizens who may pose a threat to fellow passengers could board domestic flights. [REDACTED]

[REDACTED] Under current processes, CBP and ICE cannot ensure they are keeping high-risk noncitizens without identification from entering the country. Additionally, TSA cannot ensure its vetting and screening procedures prevent high-risk noncitizens who may pose a threat to the flying public from boarding domestic flights.

### DHS Response

The Department did not concur with our recommendations. Appendix B contains DHS' management comments in their entirety.

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SENSITIVE SECURITY INFORMATION



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**Abbreviations**

|        |  |
|--------|--|
| CBP    | U.S. Customs and Border Protection       |
| C.F.R. | Code of Federal Regulations              |
| ICE    | U.S. Immigration and Customs Enforcement |
| TSA    | Transportation Security Administration   |
| U.S.C. | United States Code                       |





## Background

The *Immigration and Nationality Act*<sup>1</sup> outlines requirements for the inspection, admissibility, apprehension, detention, and removal of noncitizens.<sup>2</sup> Within the Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) are responsible for enforcing immigration laws.

CBP secures the Nation's borders by preventing inadmissible people and illicit goods from entering the United States at and between ports of entry. Two offices within CBP process noncitizens seeking admission into the United States: the Office of Field Operations and the United States Border Patrol. Office of Field Operations officers process noncitizens who present themselves at ports of entry, while Border Patrol agents process noncitizens who are apprehended between ports of entry. When processing noncitizens, Office of Field Operations officers and Border Patrol agents obtain biographical (such as name and date of birth) and biometric (such as photographs and fingerprints) information and enter it into DHS databases. Within ICE, the Enforcement and Removal Operations office also plays a role in processing noncitizens seeking admission into the United States.<sup>3</sup> Like CBP officers and agents, ICE officers assess the identities of noncitizens they encounter during their immigration enforcement duties and record the noncitizens' biographical and biometric information into a database.<sup>4</sup>

The Transportation Security Administration (TSA) is responsible for screening operations at domestic airports.<sup>5</sup> Every day, TSA screens millions of passengers and their carry-on items at airports before allowing them to board an aircraft. These passengers may include noncitizens who may not yet have TSA-acceptable identification but intend to travel on domestic flights.

Our objective was to determine the extent to which CBP and ICE have policies and procedures to confirm an individual's identity for the documents TSA accepts for domestic travel and

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<sup>1</sup> *Immigration and Nationality Act of 1952*, 8 United States Code (U.S.C.) § 1101, *et seq.*

<sup>2</sup> The *Immigration and Nationality Act* uses the term "alien" to describe "any person not a citizen or national of the United States," 8 U.S.C. § 1101(a)(3). According to DHS' *Reporting Terminology and Definitions*, August 2023, a noncitizen is defined as a person who is not a citizen or national of the United States.

<sup>3</sup> Although ICE processes noncitizens seeking entry into the United States, the Enforcement and Removal Operations officers typically encounter noncitizens after they have been previously encountered or detained by CBP or other law enforcement agencies.

<sup>4</sup> Office of Field Operations officers enter the information in the Unified Secondary System, Border Patrol agents enter the information in the e3 system, and Enforcement and Removal Operations officers enter the information in the EAGLE system. The information entered in these databases is stored in the Enforcement Integrated Database.

<sup>5</sup> *Aviation and Transportation Security Act* (Public Law 107-71), November 19, 2001.



whether TSA ensures noncitizens traveling on domestic flights provide proof of identification consistent with all other domestic travelers.

## Results of Evaluation

### CBP and ICE Cannot Always Verify the Identity of Noncitizens without Identification

According to CBP enforcement statistics, officers encountered more than 3.2 million noncitizens nationwide in fiscal year 2023, including more than 2.4 million encounters at the Southwest border. When CBP or ICE immigration officers encounter noncitizens who arrive in the United States, these individuals are generally considered applicants for admission and are subject to inspection by immigration officers.<sup>6</sup> Procedures an immigration officer may perform during the inspection process include:

- review noncitizens' identification and travel documents, if available;
- obtain noncitizens' biographical and biometric information and enter it into DHS databases;
- interview noncitizens;
- collect DNA samples; and
- query law enforcement and immigration databases (examples included in Appendix C) for derogatory information using the biographical and biometric data obtained.<sup>7</sup>

If CBP or ICE immigration officers' inspections yield derogatory information, depending on the nature of the information, noncitizens may be (1) deemed inadmissible and refused admission,<sup>8</sup> (2) detained, or (3) released into the United States pending immigration hearings or review of their admissibility claims by an immigration judge.<sup>9</sup> CBP and ICE immigration officers assign noncitizens unique Alien Registration Numbers (A-Numbers) as a personal identifier. The

<sup>6</sup> See 8 U.S.C. § 1225(a)(1), *Aliens treated as applicants for admission*.

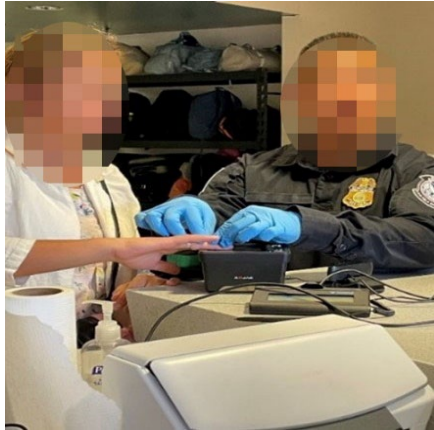
<sup>7</sup> In our June 7, 2024 report, *DHS Needs to Improve Its Screening and Vetting of Asylum Seekers and Noncitizens Applying for Admission into the United States* (OIG-24-27), we reported that DHS' biometric system — the Automated Biometric Identification System — could not access all data from Federal partners to ensure complete screening and vetting of noncitizens seeking admission into the United States.

<sup>8</sup> In FY 2022, CBP officers conducting secondary inspections refused admission to more than 502,000 noncitizens and arrested more than 15,000 persons wanted for criminal activity.

<sup>9</sup> Pursuant to 8 U.S.C. §1226, except for noncitizens who cannot be released because they were convicted of certain crimes such as aggravated felonies, firearms offenses, and crimes of moral turpitude, a noncitizen may be detained pending a decision on whether the noncitizen is to be removed from the United States.



**Figure 1. Office of Field Operations Officer Fingerprinting a Noncitizen**



Source: Photo taken by DHS OIG during a site visit to a port of entry in Nogales, AZ, on April 17, 2023

A-numbers are included on various immigration forms, including Form I-862 – Notice to Appear and Form I-220A – Order of Release on Recognizance.<sup>10</sup> Figure 1 shows an Office of Field Operations officer obtaining fingerprints from a noncitizen as part of the intake process.

If noncitizens do not have identification such as an unexpired visa,<sup>11</sup> unexpired passport, reentry permit, border crossing identification card, or document of identity and nationality, immigration officers may deny their admission and subject them to removal from the United States without further hearing or review.<sup>12</sup> However, if noncitizens without identification indicate they either intend to apply for asylum<sup>13</sup> or express a fear of persecution in their home country, an immigration officer will refer them for a credible fear interview. If asylum officers determine those claims are credible, these noncitizens may be released into the country to await further hearings or reviews of their claims to admission.

CBP and ICE immigration officers can also parole noncitizens into the United States temporarily for “urgent humanitarian reasons” or “significant public benefit.”<sup>14</sup> Before releasing noncitizens into the country, CBP and ICE immigration officers issue documents such as Form I-862 and Form I-220A. If the noncitizens do not have identification, CBP and ICE immigration officers accept noncitizens’ self-reported biographical information and use this information to populate

<sup>10</sup> Form I-862 instructs a noncitizen to appear before an immigration judge. Form I-220A is issued to noncitizens who have been placed in removal proceedings and also released on their own recognizance. Other examples of DHS-issued documents containing A-numbers include Form I-220B – Order of Supervision, Form I-94 – Arrival and Departure Form, and Form I-385 – Alien Booking Record.

<sup>11</sup> In our June 25, 2024 report, *Management Alert: CBP Has Limited Information to Assess Interview-Waived Nonimmigrant Visa Holders* (OIG-24-33), we reported that CBP port directors at some U.S. ports of entry were unaware that between 2020 and 2023, the Department of State was granting visas to certain nonimmigrants without conducting interviews or obtaining fingerprints.

<sup>12</sup> See 8 U.S.C. § 1225(b)(1)(A) (*Inspection of applicants for admission*); 8 U.S.C. § 1182(a)(7) (*Documentation requirements*).

<sup>13</sup> During FY 2022, the United States received nearly 242,000 applications for asylum.

<sup>14</sup> See 8 U.S.C. § 1182(d), *Temporary admissions of non-immigrants*. See also Title 8 of the Code of Federal Regulations (C.F.R.) § 212.5, *Parole of aliens into the United States*.





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the forms. They also collect photographs and fingerprints. Additionally, a DNA sample may be collected from noncitizens over 14 years old. Figure 2 shows an ICE agent issuing immigration forms to a noncitizen at a processing facility.

Figure 2. ICE Agent Issuing Immigration Forms to a Noncitizen



Source: Photo taken by DHS OIG during a site visit to an ICE processing facility in San Diego, CA, on April 20, 2023

CBP and ICE Have Policies and Procedures for Screening Noncitizens, but Neither Component Knows How Many Noncitizens without Identification Documents Are Released into the Country

CBP and ICE immigration officers use guidance outlined in several publications when screening and inspecting noncitizens (with or without identification). Examples of these guidance documents are listed in Table 1 below.

Table 1. Examples of Noncitizen Screening Policies and Guidance

Table with 2 columns: Policies and Guidance, Description. Rows include: Primary Processing of Travelers and Vehicles Seeking Entry to the United States at Land Ports of Entry; Unified Secondary Training Manual; Mandatory Use of Federated Person Query 2 and Procedures for Terrorist Screening Database Matches; Parole of Arriving Aliens Found to Have a Credible Fear of Persecution or Torture.



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| Policies and Guidance  | Description   |
|--|---|
| <i>Enforcement and Removal Encounters</i>  | Identifies requirements and procedures for using the Enforcement Integrated Database to support identification, arrest, and processing of noncitizens encountered by ICE’s Enforcement and Removal Operations officers. |
| <i>Enforcement Integrated Database Arrest Graphical User Interface for Law Enforcement Training Manual</i> | Provides ICE’s Enforcement and Removal Operations officers instructions for using the database to identify and monitor noncitizens.   |
| CBP Directive 3340-043, <i>The Exercise of Discretionary Authority</i>                                     | Provides guidance and direction on application of CBP authority in the enforcement of immigration laws nationwide.  |

Source: Generated by DHS OIG based on reviews of policies and procedures obtained from CBP’s Office of Field Operations, CBP’s Border Patrol, and ICE’s Enforcement and Removal Operations

\*Secondary inspection occurs if CBP officers find reasons for additional questioning, such as if officers find derogatory information, the noncitizen’s name appears in the Federal Bureau of Investigation’s Terrorist Screening Database, or the noncitizen displays suspicious behavior.

\*\*The Terrorist Screening Database is commonly referred to as the Terrorist Watchlist. It includes biographic identifiers for individuals known or suspected to have ties to terrorism.

As part of our review, we observed CBP officers and agents processing 53 noncitizens at two ports of entry (Nogales, AZ, and San Ysidro, CA) and four border patrol stations (Chula Vista, CA; Imperial Beach, CA; Nogales, AZ; and Yuma, AZ) in April 2023. During our visits, we watched immigration officers review travel documents (when available), obtain photographs and fingerprints, collect DNA samples, and interview noncitizens. We also observed officers and agents entering noncitizens’ biographic and biometric information into the Unified Secondary System and e3 databases. We noted that 7 of the 53 noncitizens (13 percent) did not have identification.

We requested data on the number of noncitizens who did not have identification and were released into the United States from FYs 2021 through 2023. Because immigration officers are not required to document whether a noncitizen presented identification in the databases, the data we obtained may be incomplete. Therefore, neither CBP nor ICE could determine how many of the millions of noncitizens seeking entry in the United States each year entered without identification and whose self-reported biographic information was accepted. CBP and ICE



immigration officers we interviewed acknowledged the risks of allowing noncitizens without identification into the country, yet neither CBP nor ICE conducted a comprehensive risk assessment for these noncitizens to assess the level of risk these individuals present and developed corresponding mitigation measures.

## TSA Requires Noncitizens without Acceptable Identification to Undergo Vetting and Screening Before Traveling on Domestic Flights

TSA requires that passengers provide a TSA-acceptable form of identification before boarding an aircraft in the United States. Forms of acceptable identification include a government-issued driver's license, passport, military ID, work permit, and residence card, among other IDs. Appendix D provides examples of identification TSA accepts for travelers.

Individuals who do not have acceptable identification may still fly if TSA can validate their identities through other means. According to TSA's *Checkpoint and Specialized Screening Standard Operating Procedures*,<sup>15</sup> for individuals without acceptable identification, transportation security officers<sup>16</sup> must:

- inspect two other forms of identification, one of which must have the individual's name and other information such as photo, address, phone number, social security number, or date of birth;
- obtain the individual's name, address, signature, and date from the TSA Form 415 – Certification of Identity completed by the individual; and
- contact TSA's National Transportation Vetting Center<sup>17</sup> to validate the individual's identity using the information recorded on TSA Form 415.

Once in the United States, noncitizens processed by DHS can travel on domestic flights. According to TSA's *Checkpoint Acceptance of Specific Documents for Non-Citizens or Non-U.S. Nationals* directive,<sup>18</sup> if noncitizens do not have acceptable identification, TSA will use

<sup>15</sup> TSA's *Checkpoint and Specialized Screening Standard Operating Procedures*, Version 2, June 13, 2022.

<sup>16</sup> An individual who is trained, certified, and authorized by TSA to inspect individuals, carry-on items, and/or checked baggage for explosives, incendiaries, weapons, or other threat items.

<sup>17</sup> The National Transportation Vetting Center is part of TSA's Intelligence and Analysis office. Transportation security officers at airports call the center and request a document validation.

<sup>18</sup> TSA Operations Directive OD-400-50-1-31C, *Checkpoint Acceptance of Specific Documents for Non-Citizens or Non-U.S. Nationals*, March 18, 2022.



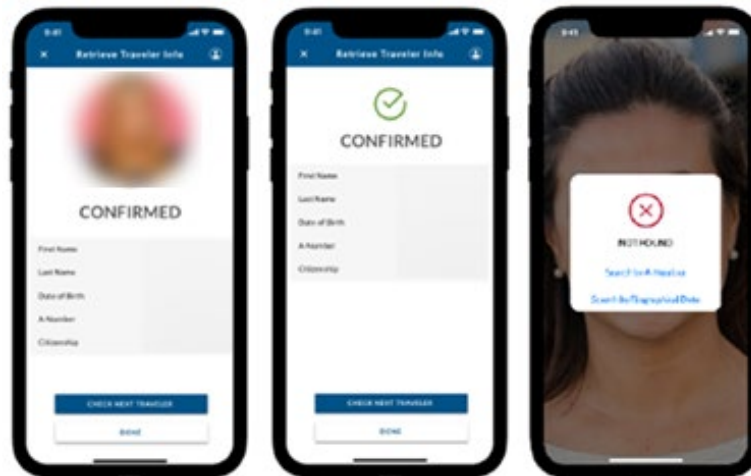
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DHS-issued documents [REDACTED] to initiate procedures to validate “that the individual presenting the document is the same individual previously processed by DHS.” Per the guidance, transportation security officers initiate these procedures by either using the CBP One™ mobile application or contacting the National Transportation Vetting Center.<sup>19</sup>

- When using the CBP One™ application, the transportation security officer takes a photograph of the individual through the mobile application. The CBP One™ application attempts to match the photograph to the biographic and biometric information DHS previously captured and entered when processing the noncitizen for entry into the United States. If a match is found, CBP One™ returns a photograph of the noncitizen and a green check mark with the first name, last name, date of birth, and A-number of the traveler. If the application cannot confirm a match, CBP One™ returns a red “X.” Figure 3 shows examples of results returned from CBP One™.

Figure 3. Examples of CBP One™ Query Results



Source: TSA

- [REDACTED] information from the noncitizen’s DHS-issued immigration forms to the call center’s representative for validation. The

<sup>19</sup> As of April 2024, 229 airports across the country were using CBP One™.



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representative then queries CBP One™<sup>20</sup> using the information obtained from the transportation security officer.

If the National Transportation Vetting Center or the transportation security officer’s CBP One™ query confirms a match, the transportation security officer must then conduct further screening using Advanced Imaging Technology and Explosive Trace Detection, or pat downs, before allowing the noncitizen to enter the airport’s sterile area (an area of the airport that provides access for boarding aircraft) and eventually board an aircraft. A noncitizen whose identity cannot be validated must be denied entry to the airport’s sterile area.

In March 2024, TSA updated its *Checkpoint and Specialized Screening Standard Operating Procedures*,<sup>21</sup> *Checkpoint Acceptance of Specific Documents for Non-Citizens or Non-U.S. Nationals*,<sup>22</sup> and the *CBP One™ Standard Operating Procedures*.<sup>23</sup> TSA’s updates resulted in the following procedural changes:

- When CBP One™ is available, all transportation security officers must use the application and a photo must be taken when attempting to establish a noncitizen’s identity. If an individual does not permit their photograph to be taken or if the photo does not match the photo captured by DHS, they must be denied entry into the screening checkpoint.
- The CBP One™ query would indicate if the noncitizen presented a passport during previous DHS encounters. If the query indicates that a passport was presented, TSA will request that the individual produce the passport. If the passport is presented and authenticated, the individual will proceed with the screening process consistent with the vetting status indicated on their boarding pass.

Because of CBP’s and ICE’s process for inspecting and releasing noncitizens, TSA’s methods to screen for individuals who pose a threat would not necessarily prevent these individuals from boarding flights.

<sup>20</sup> Beginning on March 11, 2024, TSA required the National Transportation Vetting Center to use CBP One™ as the primary database to attempt to validate a noncitizen’s information (National Transportation Vetting Center Bulletin 22-01a, *CBP One™ App*, March 13, 2024). However, alternate CBP databases may be used when warranted to validate the noncitizen’s information.

<sup>21</sup> TSA’s *Checkpoint and Specialized Screening Standard Operating Procedures*, Version 6, March 29, 2024.

<sup>22</sup> TSA Operations Directive OD-400-50-1-31E, *Checkpoint Identification Processing for Non-U.S. Citizens or Non-U.S. Nationals*, March 11, 2024.

<sup>23</sup> TSA’s *CBP One™ Standard Operating Procedures*, March 11, 2024.





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Because of CBP’s and ICE’s process for inspecting and releasing noncitizens, TSA’s methods to screen for individuals who pose a threat would not necessarily prevent these individuals from boarding flights. [REDACTED]

[REDACTED] According to the TSA Administrator, TSA relies on CBP and ICE officers to collect biographical and biometric information on noncitizens and conduct the requisite background checks to determine if the individual poses a threat to the United States.<sup>24</sup>

TSA’s Requirements and Capabilities Analysis office previously conducted an assessment that emphasized the risk of noncitizens whose identity cannot be confirmed. Specifically, in a June 2021 analysis of the risks associated with using CBP One™ as a screening tool, TSA’s Operational Risk and Case Studies group, within the Requirements and Capabilities Analysis office, concluded that:

[REDACTED]

[REDACTED]

[REDACTED]

<sup>24</sup> Letter from TSA Administrator David P. Pekoske to Representative Lance Gooden, January 7, 2022.



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[REDACTED]

Additionally, TSA provided us with an updated CBP One™ risk assessment marked “pre-decisional,” dated July 5, 2024. This document is signed and final according to TSA.

[REDACTED]

In recent reports, we documented similar weaknesses in CBP’s screening processes that allowed high-risk individuals into the country. For example, one noncitizen released into the United States in 2022 was later found to appear on the Federal Bureau of Investigation’s Terrorist Watchlist.<sup>25</sup> We also identified at least two persons paroled into the United States as part of Operation Allies Refuge/Operation Allies Welcome that may have posed a threat to national security and the safety of local communities.<sup>26</sup> Finally, in June 2024, we reported that DHS’ biometrics system, the Automated Biometric Identification System, could not access all data from Federal partners to ensure complete screening and vetting of noncitizens seeking admission into the United States.<sup>27</sup> Specifically, we determined that CBP could not access all biometric data held in the Department of Defense’s Automated Biometric Identification System, which contains the Department of Defense’s Biometrically Enabled Watchlist.

**Conclusion**

[REDACTED] CBP, ICE, and TSA have developed and implemented

<sup>25</sup> *CBP Released a Migrant on a Terrorist Watchlist, and ICE Faced Information Sharing Challenges Planning and Conducting the Arrest* (REDACTED), OIG-23-31, June 28, 2023.

<sup>26</sup> *DHS Encountered Obstacles to Screen, Vet, and Inspect All Evacuees during the Recent Afghanistan Crisis* (REDACTED), OIG-22-64, September 6, 2022.

<sup>27</sup> *DHS Needs to Improve Its Screening and Vetting of Asylum Seekers and Noncitizens Applying for Admission into the United States* (REDACTED), OIG-24-27, June 7, 2024.



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policies and procedures to screen noncitizens. However, their efforts [REDACTED]  
[REDACTED] If CBP and ICE continue to allow noncitizens — whose identities immigration officers cannot confirm — to enter the country, they may inadvertently increase national security risks.

Recommendations

**Recommendation 1:** We recommend that the Senior Official Performing the Duties of the Commissioner of CBP conduct a comprehensive analysis of the risks associated with releasing noncitizens into the country without identification and develop and implement policies and procedures to mitigate those risks.

**Recommendation 2:** We recommend that the Director of ICE conduct a comprehensive analysis of the risks associated with releasing noncitizens without identification from ICE custody and develop and implement policies and procedures to mitigate those risks.

**Recommendation 3:** We recommend that the TSA Administrator use the results of the Requirements and Capabilities Analysis office’s updated CBP One™ risk assessment to develop and implement policy and procedural changes needed to mitigate risks [REDACTED]  
[REDACTED]

Management Comments and OIG Analysis

The Department provided management comments to a draft of this report. The comments are provided, in their entirety, in Appendix B. The Department also provided technical comments, which we incorporated as appropriate. The Department did not concur with the recommendations we offered. A summary of the management comments and our response follows.

In its response, the Department acknowledged that we accurately reported that CBP and ICE have policies and procedures to check the identities of noncitizens seeking entry into the United States, and that before allowing noncitizens without identification to board domestic flights, TSA requires them to undergo vetting and additional screening. However, the Department expressed concerns about the analysis and conclusions presented in the report. For example,



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the Department cited that although it continues to remove record numbers of noncitizens, it cannot categorically detain all individuals subject to detention, including those inadmissible noncitizens without identification documents, due to several reasons including a lack of resources (e.g., bed space). ICE officials stated that their currently funded detention capacity of approximately 41,500 beds does not allow them to detain every noncitizen without proper and valid identification documents. CBP officials added that their facilities are intended for “short-term” detention, and they cannot legally hold noncitizens longer than the law allows, even to mitigate potential risks associated with releasing noncitizens without identification documents. Lastly, TSA officials stated that the statements and conclusions in the report do not reflect current policies and procedures and that the report did not integrate and emphasize substantive information TSA provided.

We recognize the challenges the Department faces, including the lack of resources and restrictions outlined in legislation governing the detention and admission process. Nevertheless, according to 8 U.S.C. § 1225(b)(1)(A), *Inspection of applicants for admission*, and 8 U.S.C. § 1182(a)(7), *Documentation requirements*, noncitizens without identification documents are not admissible into the country and immigration officers may deny their admission and subject them to removal from the United States without further hearing or review. (Our report notes exceptions such as claims of asylum.) The point we make in the report is that CBP and ICE cannot always verify some noncitizens’ identities when they make decisions regarding whether to release the noncitizens into the country. The lack of assurance creates a potential risk. Conducting a comprehensive assessment would allow the Department to determine, for example, the size and scope of the issue and the level of risk. We noted in the report that neither CBP nor ICE could determine how many of the millions of noncitizens seeking entry in the United States each year entered without identification. We explained in the report that this is because immigration officers are not required to document whether a noncitizen presented identification when they process the noncitizen. To understand the breadth of an issue, having reliable data should be a priority, and data could be obtained through a comprehensive assessment.

With respect to TSA’s comments, we acknowledge that TSA’s policies and procedures for vetting noncitizens have changed since the beginning of this evaluation, and we noted the significant changes in our report. However, TSA implemented some of these changes near the end of our evaluation, so we also described policies and procedures in effect for most of our scope period. We acknowledge that TSA conducts further screening and vetting of all passengers — citizens and noncitizens — who do not have identification documents before allowing them to fly. Because the report focuses on noncitizens, we did not emphasize the process for screening and



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vetting citizens. Further, we recognize that with its updated policies and procedures, TSA requires all transportation security officers to take a photo of a noncitizen without identification and to use CBP One™ if available, in addition to the noncitizen's [REDACTED], to establish a noncitizen's identity. We describe this process in our report. Finally, TSA officials stated that although our report accurately described concerns of operational risk identified in a July 5, 2024, risk assessment, we did not include the risk analysis' conclusion that use of CBP One™ will decrease the operational risk of an imposter using documents issued by CBP to another person to gain access to an aircraft. We noted this conclusion on page 9. Moreover, we also noted that although the use of CBP One™ will confirm whether the noncitizen at the screening checkpoint is the same individual who CBP or ICE previously encountered, it does not mean that [REDACTED]

We recognize the complexity of the issue and appreciate the challenges facing the Department. Although the recommendations are addressed to each component (ICE, CBP, and TSA), the intent of our recommendations is for the Department to develop a unified strategy for addressing the issue. Although we understand that each component carries out its unique mission, we believe that a whole-of-Department approach will be most effective.

**Department Response to Recommendation 1:** Non-concur. Although CBP acknowledges the broad intent of the recommendation, mitigating potential risks associated with releasing noncitizens into the country without identification requires broadly detaining noncitizens, including those noncitizens lacking documentation, for a time exceeding “short-term” detention as defined in 6 U.S.C. § 211(m)(3). As previously discussed, CBP cannot hold noncitizens for a time exceeding “short-term” detention. Once noncitizens clear initial record checks and vetting, officers process them for the appropriate immigration processing pathway, including transfer to ICE custody for a custodial determination or possible release from CBP custody. Further, detaining all individuals without identification would seriously risk DHS exceeding its detention capacity, and may hamper DHS’ ability to prioritize detention for individuals identified as a possible national security or public safety risk.

**OIG Analysis:** We recognize CBP’s concerns that detaining all individuals without identification would exceed DHS’ detention capacity and hamper its ability to prioritize detention for those individuals identified as a possible national security or public safety risk. We agree that without confirmation of a noncitizen’s identity, the Department faces challenges in identifying noncitizens who pose a national security or public safety risk. As we reported, noncitizens





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without identification [REDACTED]

Because of the potential risks CBP cited, we maintain CBP should conduct a comprehensive analysis to consider the risks associated with these challenges and develop and implement policies and procedures to help mitigate those risks. For example, the detention limitations in 6 U.S.C. § 211(m)(3), does not preclude CBP from working with ICE and other stakeholders to assess potential risks and identify solutions to mitigate those risks. This recommendation is open and unresolved until CBP analyzes the risks and develops mitigation strategies.

**Department Response to Recommendation 2:** Non-concur. ICE already comprehensively analyzes the risks associated with releasing noncitizens without identification from ICE custody. As previously noted, prior to a noncitizen’s release from ICE custody, ICE individually assesses the individual’s danger to the community or threat to national security. A lack of identification documents is only one of many factors considered by ICE law enforcement when releasing a noncitizen from custody. ICE uses a module, the Risk Classification Assessment, to standardize the custody decision-making process in all of ICE’s Enforcement and Removal Operations field offices.

The Risk Classification Assessment results in a recommendation/decision for ICE to detain or release a noncitizen in custody. If ICE detains an individual, the module will also recommend a custody classification level. If released, the individual will receive a community supervision level recommendation/decision. Additionally, if eligible, the system recommends an initial bond amount. An ICE supervisor must approve all risk classification assessment-recorded recommendation/decisions. Further, ICE law enforcement may use risk classification assessments as either a primary assessment performed during initial intake, or as a secondary assessment officers can perform at any time during custody to make release decisions. A subsequent assessment and re-determination of the detain/release and custody classification/community supervision level decisions may be triggered by detention standard procedures, disciplinary infractions, availability of new case information, or violations of conditions of release.

The module’s methodology for making recommendations/decisions is based upon a framework developed by ICE to consider factors that inform the custodial decision-making process. These factors include special vulnerabilities, mandatory detention, risk of harm to public safety, and risk of flight. Agents and officers throughout DHS use most of the factors addressed by the risk classification assessment module during the intake process to make custody decisions. The



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methodology is based on current industry standard risk assessment techniques and is intended to optimize public safety.

**OIG Analysis:** We fully acknowledge that ICE uses the risk classification assessment to make decisions on whether to detain or release a noncitizen and that the lack of identification documents is one of many factors ICE considers in its decision-making process. We recently conducted an audit of ICE risk classification assessment process,<sup>28</sup> and reported that ICE did not consistently follow this process to prevent the release of high-risk individuals into the country. Specifically, we concluded ICE officers did not always perform risk classification assessments to ensure they appropriately detained or released noncitizens held in ICE custody, and ICE officials did not always provide detailed justifications when deviating from the risk classification assessment's recommendation to detain noncitizens. ICE concurred with our two recommendations to improve its oversight of the risk classification assessment process.

Until ICE strengthens the risk classification assessment process, it cannot ensure its officers are making informed, consistent, and transparent custody decisions that prevent release of noncitizens who pose a potential risk to public safety. Moreover, conducting a comprehensive analysis associated with risks of releasing noncitizens without identification could result in ICE re-evaluating the importance of considering identification documents in the risk classification assessment. This recommendation is open and unresolved until ICE conducts a comprehensive analysis of the risks associated with releasing noncitizens without identification from its custody.

**Department Response to Recommendation 3:** Non-concur. TSA mitigates the risks associated with allowing noncitizens without acceptable forms of identification to travel and will continue to do so as a part of its mission. As part of TSA's continuous review of its processes, TSA conducted a risk assessment earlier this year concerning allowing low identity-assurance passengers to fly, which was briefed to TSA leadership on July 1, 2024, before approval. This risk assessment was sent to the OIG on July 5, 2024. This assessment includes a tiered structure of supplementary physical screening measures (above standard screening) that can be used, if warranted, by the threat status or conditions at the airport. During the July 1, 2024, meeting, TSA leadership also reviewed the current threat and operational situation and—using the tiered framework—determined that the current additional physical screening was appropriate.

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<sup>28</sup> *ICE Risk Classification Assessment Process Was Not Consistently Used to Prevent the Release of High-Risk Individuals*, OIG-24-31, June 12, 2024.



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TSA will continue to monitor the threat and operational situation. If the threat or operational situation changes, TSA will review its screening procedures for low identity-assurance passengers based on the tiered framework and will make changes as appropriate.

**OIG Analysis:** We acknowledge that TSA provided us with its updated CBP One Risk Assessment at the conclusion of this audit, dated July 5, 2024, which included a tiered approach for physical screening of non-citizens whose identity has not been established with adequate confidence. As noted in our report, these individuals [REDACTED]

[REDACTED] In its response to this recommendation, TSA asserts that its leadership reviewed the current threat and operational situation and determined that continuing to apply additional screening was appropriate. However, TSA did not provide us with evidence of this review and its conclusions to determine that additional screening was sufficient, and that policy and procedural changes were not needed to mitigate risks. This recommendation is open and unresolved until TSA provides evidence supporting its conclusion that additional screening of noncitizens without identification is sufficient to reduce the security risk these individuals pose to an acceptable level.



## **Appendix A: Objective, Scope, and Methodology**

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

We conducted this evaluation to determine the extent to which CBP and ICE have policies and procedures to confirm an individual’s identity for the documents TSA accepts for domestic travel and whether TSA ensures noncitizens traveling on domestic flights provide proof of identification consistent with all other domestic travelers.

To answer our objectives, we reviewed and analyzed applicable Federal laws and regulations as well as TSA, CBP, and ICE policies, procedures, training documents, and information technology system manuals. CBP’s Office of Field Operations and Border Patrol officers and agents also provided us demonstrations of their information technology systems. In addition to analyzing documents and observing systems, we interviewed component officials in Washington, DC, and other locations.

We obtained CBP One™ and TSA’s WebEOC system query data, which we used to select airports along the Southwest border at which to interview field personnel. We interviewed Federal Security Directors and Supervisory Transportation Security Officers from these locations based on the highest number of CBP One™ and National Transportation Vetting Center queries conducted by TSA. We did not conduct data reliability testing on this information because we did not rely on these sources to develop our findings.

We conducted in-person and telephonic interviews with personnel in the field including:

- TSA’s Federal Security Directors and Supervisory Transportation Security Officers representing six airports (Dallas/Fort Worth International Airport, Phoenix Sky Harbor International Airport, George Bush Intercontinental Airport, San Diego International Airport, San Angelo Regional Airport, and San Antonio International Airport);
- CBP’s Office of Field Operations personnel representing six ports of entry (Nogales, AZ; San Luis, AZ; Calexico, CA; San Ysidro, CA; El Paso, TX; and Hidalgo, TX);
- CBP’s Border Patrol personnel representing six border patrol stations (Nogales, AZ; Yuma, AZ; Chula Vista, CA; Imperial Beach, CA; Del Rio, TX; and McAllen, TX); and



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- ICE's Enforcement and Removal Operations personnel representing five field offices (Phoenix, AZ; Yuma, AZ; San Diego, CA; El Paso, TX; and Harlingen, TX).

To observe how CBP and ICE processed noncitizens, we conducted site visits at three land ports of entry (Nogales, AZ; San Luis, AZ; and San Ysidro, CA) and four border patrol stations (Chula Vista, CA; Imperial Beach, CA; Nogales, AZ; and Yuma, AZ). We also visited an ICE facility in San Diego, CA, where we observed agents search the Enforcement Integrated Database using a noncitizen's biographic and biometric information to check for derogatory information.

We conducted this evaluation between June 2022 and May 2024 under the authority of the *Inspector General Act of 1978*, 5 U.S.C. §§ 401-424, and according to the *Quality Standards for Inspections and Evaluations* issued by the Council of the Inspectors General on Integrity and Efficiency.

### **DHS OIG's Access to DHS Information**

During this evaluation, DHS provided timely responses to DHS OIG's requests for information and did not delay or deny access to information we requested.





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**Appendix B:  
The Department’s Comments on the Draft Report**

**SENSITIVE SECURITY INFORMATION**

U.S. Department of Homeland Security  
Washington, DC 20528



**Homeland  
Security**

BY ELECTRONIC SUBMISSION

September 20, 2024

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

FROM: Jim H. Crumpacker JIM H CRUMPACKER Digitally signed by JIM H  
Director CRUMPACKER  
Date: 2024.09.20 11:57:07 -0400  
Departmental GAO-OIG Liaison Office

SUBJECT: Management Response to Draft Report: “CBP, ICE, and TSA  
Did Not Fully Assess Risks Associated with Releasing  
Noncitizens without Identification into the United States and  
Allowing Them to Travel on Domestic Flights”  
(Project No. 22-044-AUD-DHS)

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

DHS leadership is pleased to note OIG’s recognition the Department, including both the U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) have policies and procedures to check the identity of noncitizens seeking entry into the United States. OIG also acknowledged that, before allowing noncitizens without identification to board domestic flights, the Transportation Security Administration (TSA) requires them to undergo vetting and additional screening. DHS remains committed to ensuring that noncitizens in the United States do not represent threats to national security, border security, homeland security, or public safety, while complying with applicable laws and policies and maintaining robust privacy, civil rights, and civil liberties protections.

Leadership, however, is concerned that the OIG’s analysis and conclusions in this draft report contains inaccurate statements, lacks important context, and is potentially misleading to readers of the report about the Department’s efforts to verify the identity of

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noncitizens seeking entry into the United States and screening noncitizens flying domestically. For example, it is important that readers understand CBP cannot make a categorical decision to detain all individuals without identification. Doing so would seriously risk exceeding DHS's detention capacity and hamper DHS's ability to prioritize detention for individuals identified as a possible national security or public safety risk.

When noncitizens arrive at a U.S. port of entry (POE) and present themselves for inspection before CBP Officers, or enter without inspection between POEs and are apprehended by U.S. Border Patrol (USBP) Agents, the respective officer or agent will attempt to verify a noncitizen's identity and admissibility. This process includes thorough biometric and biographic vetting against a range of information systems including both U.S. and foreign partner derived information. The result of this vetting is then considered when determining the appropriate processing pathway for each individual, including prioritizing detention for any noncitizen identified to pose a possible national security or public safety risk. If the noncitizen is unable to provide an appropriate document which authorizes entry into, transit through, or residence in the United States, including a document establishing their identity, that noncitizen will be deemed by CBP as—at a minimum—inadmissible to the United States pursuant to Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (INA) of 1952<sup>1</sup>, as they are “not in possession of a valid [entry document or]... identity or nationality document if such document is required by regulations... pursuant to Section 211(a) of the Act.”

Additionally, CBP Officers and USBP Agents consider the totality of information on a case-by-case basis while determining the appropriate processing pathway and whether detention or release is appropriate. For example, noncitizens who are inadmissible due to lack of documentation needed for entry may be issued an Order of Expedited Removal or issued a Notice to Appear before an immigration judge.

While DHS continues to remove record numbers of noncitizens following Expedited Removal and Section 240<sup>2</sup> proceedings, there are several reasons why categorical detention of all individuals subject to detention does not occur, such as the fact that DHS would need more resources than are currently available to be able to detain all inadmissible noncitizens without identification documents encountered at the border. In addition, DHS's ability to remove noncitizens in accordance with the INA is restricted by whether repatriations are accepted by the noncitizens own governments.

<sup>1</sup> <https://www.uscis.gov/laws-and-policy/legislation/immigration-and-nationality-act>

<sup>2</sup> Refers § 240 (8 USC 1229a) of the Immigration Act, “Removal proceedings,” in which an immigration judge shall conduct proceedings for deciding the inadmissibility or deportability of a noncitizen.

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It is also important to clarify that CBP facilities are used for “short-term” detention as defined in 6 USC § 211(m)(3). As such, CBP cannot legally hold noncitizens for a time exceeding “short-term” detention, even to mitigate potential risks associated with releasing noncitizens without identity documents. Once noncitizens clear initial record checks and vetting, they must be processed for the appropriate immigration processing pathway, to include transfer to ICE custody for a custodial determination or possible release from custody pursuant to applicable law, department memorandums, executive order or a judicial order. Nor is CBP an appropriate agency to issue identity documents. Rather, CBP only provides noncitizens with copies of their immigration processing paperwork, which contains identity information obtained during processing.

Prior to any release from ICE custody, ICE makes an individualized decision regarding a noncitizen’s dangerousness to the community or threat to national security. Lack of identification documents is only one of many factors considered by ICE law enforcement. When determining dangerousness to the community, ICE looks at the totality of factors, including but not limited to known arrests and convictions domestic or abroad; known history of violent crimes; abuse; gang or transnational gang activity; or other activities that put the general detention population or general public at a risk of bodily harm or death.

ICE also does not issue identification documents and the currently funded detention capacity of approximately 41,500 does not allow ICE to detain every noncitizen without proper and valid identification documents. If ICE were required to detain all noncitizens without valid identification documents, ICE would require hundreds of thousands of beds for long-term detention during the immigration adjudication lifecycle, in addition to significant increases in staffing to support the detained population and dozens of new family residential centers. Furthermore, indefinite detention for failure to provide identity documentations would force ICE to violate federal statutes and settlement agreements, and subject ICE to new litigation.

Further, OIG’s draft report does not recognize the extent of efforts TSA takes to ensure all passengers, including the fact that noncitizens are vetted by TSA’s Secure Flight program and receive physical screening consistent with TSA’s vetting and risk-based determinations. For example, TSA regularly reviews and updates its policies and procedures to ensure the security of aviation through the mitigation of risk—including for noncitizens who do not have an acceptable form of identification. From 2019 to the present, TSA significantly strengthened security with regard to noncitizens travelling without acceptable identification. OIG’s report does not accurately reflect this, including policy and procedural updates TSA implemented<sup>3</sup> while this two-year audit was

<sup>3</sup> The OIG presents old information from Checkpoint and Specialized Screening Standard Operating Procedures (SOP), Version 2, June 13, 2022 and OD-400-50-1-31C for two pages and only then describes changes made when ~~WARNING: This record contains Sensitive Security Information that is controlled under 49 C.F.R. parts 15 and 1520. No part of this record may be disclosed to persons without a “need to know,” as defined in 49 C.F.R. parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 C.F.R. parts 15 and 1520.~~



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underway which were designed to improve security in accordance with TSA’s normal risk assessment process. Despite TSA providing OIG accurate information several times throughout this engagement, OIG’s draft report statements and conclusions do not reflect current policies and procedures, nor is it written in a manner which integrates and emphasizes substantive information provided by TSA.

Specifically—

- The report implies that only noncitizens who lack acceptable forms of identification are allowed to fly after alternative methods are used for identification and additional screening. This is inaccurate. Any passenger, citizens and noncitizens alike, who is unable to show an acceptable form of identification must meet alternative methods for identification and additional screening.
- The summary of TSA’s procedures is an inaccurate statement of what TSA requires, as it implies that TSA primarily relies on documents [REDACTED] to establish identity. This interpretation takes Operations Directive (OD)-400-50-1-31C<sup>4</sup> out of context. OD-400-50-1-31C supports and complements applicable TSA Standard Operating Procedures (SOP) and provides direction to Federal Security Directors. It is not the primary document that establishes the identity verification procedures for noncitizens and non-U.S. nationals without acceptable identification. The starting point is the “Checkpoint and Specialized Screening SOP,” which includes a provision for relying on CBP and other external law enforcement agencies to establish identity, noting that anyone whose identity is established through those methods must receive additional screening.
- The OD-400-5-1-31 series was TSA’s first action to put some structure around this process for noncitizens and non-U.S. nationals without acceptable identification. However, the primary procedures and methods for working with CBP are now addressed through the CBP One™ SOP, and the OD series supports and complements the CBP One™ and other SOPs, as appropriate. It is not drafted as a procedural document and is, in fact, not the primary procedural document for how TSA establishes identity.
- Readers of the OIG’s report may believe TSA relies primarily on documentation when, in fact, TSA relies primarily on a biometric match. The presentation of documentation [REDACTED] helps TSA personnel at the checkpoint identify an individual as someone who has had a previous encounter with DHS and,

TSA revised the SOP to version 6 and the OD to version “E”; instead of explaining what the current procedures are as described by the latest SOP and directive.

<sup>4</sup> TSA Operations Directive OD-400-50-1-31C, “Checkpoint Acceptance of Specific Documents for Non-Citizens or Non-U.S. Nationals,” March 18, 2022.

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therefore, should be in the DHS database. In addition, TSA personnel compare the biographic information [REDACTED] returned by CBP One™ with the documentation provided by the individual. If the information does not match, TSA personnel must contact a law enforcement officer or airport-assigned CBP representative.

- OIG’s draft report accurately identified concerns of Operational Risk raised in a July 5, 2024, risk analysis but did not include the conclusion that use of the CBP One™ app at the travel document checker will decrease the operational risk of an imposter using documents issued by CBP to another person to gain access to passenger aviation.

The reality is that TSA’s current policies and procedures already mitigate the potential risks associated with travelers who do not have an acceptable form of identification. All passengers, including noncitizens, must be vetted by TSA’s Secure Flight program and receive screening consistent with TSA’s vetting and risk-based determinations.<sup>5</sup> Specifically, TSA conducts identity verification procedures to ensure the appropriate level of screening is applied consistent with risk. Most passengers present an acceptable form of identification to establish identity. A small number of passengers<sup>6</sup> do not have an acceptable form of identification, including those who do not have a government issued identification or acceptable identification due to loss or theft of the traveler’s identification. In these cases, TSA offers alternative identification methods. These methods currently include:

- Two Alternative Forms of identification;
- Completion of TSA Form 415 “Certification of Identity,” along with a call to the National Transportation Vetting Center so the passenger can undergo Knowledge Based Authentication; and
- Establishing identity through an external agency, which includes the use of CBP One™.

Noncitizens identified using these alternative methods are viewed as “low-identity assurance” individuals and are subject to additional physical screening of their person and their accessible property.

<sup>5</sup> See 49 CFR part 1560.

<sup>6</sup> For example, on a single day (November 26, 2023), TSA determined that only 1,778 of the 2,907,378 passengers screened that day had their identity established through the alternative identity verification processes using CBP One™ (or approximately 0.06 percent). TSA recently took another snapshot date (September 6, 2024) and determined that of the 2.20 million passengers that flew that date, TSA used CBP One™ to establish the identity of 1,169 (or 0.053percent).

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The most important advancement in TSA's security procedures resulted from the development of a TSA-specific module on the CBP One™ application in 2021. TSA allows the use of external law enforcement agencies to establish identity; the use of the TSA module on CBP One™ automates this process and allows TSA to rely on CBP's identity data for noncitizens without acceptable identification to confirm the person is the same individual identified on the flight reservation as vetted through the Secure Flight Program. CBP One™ enhanced the effectiveness of these procedures by allowing facial match capability, moving TSA's validation of identify from a process dependent on reviewing documentation [REDACTED] to biometric matches and real-time validation of information against CBP databases.

By the end of 2023, TSA expanded the availability of this module in CBP One™ to all U.S airports where TSA screens passengers. Beginning in March 2024, TSA requires its personnel to use CBP One™, where available, as the initial or primary search. Individuals who opt out of the photo capture are not permitted to fly. If the information provided by CBP One™ does not match the individual or information on forms presented by the individual, including an airline-issued boarding pass, TSA personnel are required to contact law enforcement.

TSA also assesses its procedures on an ongoing basis, with the most recent risk assessment conducted in July 2024. The results of this assessment lay out a tiered framework for mitigations in which different tiers of supplementary physical screening measures could be applied depending upon threat indications and the operational situation. Based on this risk assessment, the current requirement of additional physical screening is appropriate.

The draft report contained three recommendations with which the Department non-concurs. Our detailed response to each recommendation is attached. DHS previously submitted technical comments addressing several accuracy, contextual and other issues under a separate cover for OIG's consideration, as appropriate.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions.

Attachment

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**Attachment: Management Response to Recommendations  
Contained in OIG 22-044-AUD-DHS**

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

**Recommendation 1:** Conduct a comprehensive analysis of the risks associated with releasing noncitizens into the country without identification and develop and implement policies and procedures to mitigate those risks.

**Response:** Non-concur. While CBP acknowledges the broad intent of this recommendation, mitigation of potential risks associated with releasing noncitizens into the country without identification would require broadly detaining noncitizens, including those noncitizens who lack documentation, for a time exceeding “short-term” detention, as defined in 6 USC § 211(m)(3). As previously discussed, CBP cannot hold noncitizens for a time exceeding “short-term” detention. Once noncitizens clear initial record checks and vetting, they are processed for the appropriate immigration processing pathway, to include transfer to ICE custody for a custodial determination or possible release from CBP custody. Further, detaining all individuals without identification would seriously risk exceeding DHS’s detention capacity, and hamper DHS’s ability to prioritize detention for individuals identified as a possible national security or public safety risk.

We request that OIG consider this recommendation resolved and closed.

OIG recommended that the Director of ICE:

**Recommendation 2:** Conduct a comprehensive analysis of the risks associated with releasing noncitizens without identification from ICE custody, and develop and implement policies and procedures to mitigate those risks.

**Response:** Non-concur. ICE already does a comprehensive analysis of the risks associated with releasing noncitizens without identification from ICE custody. As previously noted, prior to any release from ICE custody, ICE makes an individualized decision regarding an individual’s dangerousness to the community or threat to national security, and lack of identification documents is only one of many factors considered by ICE law enforcement in this decision. Specifically, ICE uses a module titled Risk Classification Assessment (RCA) to standardize the custody decision making process throughout all of ICE Enforcement and Removal Operations field offices.

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Completion of an RCA results in a detain or release recommendation/decision from the module, along with a custody classification level recommendation/decision when the individual is detained, or a community supervision level recommendation/decision when the individual is released. Additionally, if eligible, the system recommends an initial bond amount. All RCA recorded recommendation/decisions must be approved by an ICE supervisor. Further, RCA may be utilized as either a primary assessment performed during initial intake, or as a secondary assessment to be performed at any time during custody to make release decisions. A subsequent assessment and re-determination of the detain/release and custody classification/community supervision level decisions may be triggered by detention standard procedures, disciplinary infractions, availability of new case information, or violations of conditions of release.

The methodology used by the module is based upon a framework developed by ICE to consider the factors that inform the custodial decision-making process. These factors include special vulnerabilities, mandatory detention, risk of harm to public safety, and risk of flight. Most of the factors addressed by the RCA module are used by agents/officers throughout DHS during the intake process to make custody decisions. The methodology is based on current industry standard risk assessment techniques and has the intended goal of optimizing public safety.

We request that OIG consider this recommendation resolved and closed, as implemented.

OIG recommended that the TSA Administrator:

**Recommendation 3:** Use the results of the Requirements and Capabilities Analysis Office's updated CBP One™ risk assessment to develop and implement policy and procedural changes needed to mitigate risks associated with allowing noncitizens

[REDACTED] to board domestic flights.

**Response:** Non-concur. TSA mitigates the risks associated with allowing travelers without acceptable forms of identification, and will continue to do so as a part of its mission. As part of TSA's continuous review of its processes, TSA conducted a risk assessment earlier this year concerning allowing low identity-assurance passengers to fly, which was briefed to TSA leadership on July 1, 2024, before approval. This risk assessment was sent to the OIG on July 5, 2024. This assessment includes a tiered structure of supplementary physical screening measures (above standard screening) that can be utilized, if warranted, by the threat status or conditions at the airport. During the July 1, 2024, meeting, TSA leadership also reviewed the current threat and operational

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situation and—using the tiered framework—determined that the current additional physical screening is appropriate.

TSA will continue to monitor the threat and operational situation. If the threat or operational situation changes, TSA will review the screening it does for low identity-assurance passengers based on the tiered framework and make changes as appropriate.

We request that OIG consider this recommendation resolved and closed.

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**Appendix C:  
Examples of Databases Checked when CBP and ICE Process Noncitizens into the United States**

| <b>Intake Database</b>                     | <b>Purpose</b>   |
|--|--|
| Electronic System for Travel Authorization | Visa Waiver Program travelers must apply for and receive an approved travel authorization via the Electronic System for Travel Authorization to board an aircraft or vessel bound for the United States.   |
| Enforcement Integrated Database            | The database maintains information related to the investigation, arrest, booking, detention, and removal of persons encountered during immigration and criminal law enforcement investigations and operations conducted by DHS components.   |
| Enforce Alien Removal Module               | ICE officers use this module to support the arrest, detention, processing, and removal of aliens from the United States.   |
| Arrival and Departure Information System   | The system consolidates data from a variety of systems to create a person’s complete travel history.   |
| I-94 Official Website                      | Travelers visiting the United States can apply for or retrieve Form I-94, request their travel history, and check travel compliance.   |
| Automated Biometric Identification System  | The Automated Biometric Identification System is the central DHS-wide system for storing and processing biometric and associated biographical information for national security purposes.  |
| Central Index System                       | The Central Index System is a repository of electronic data that contains basic data related to an individual passing through the immigration process.   |
| Person Centric Query Service               | The Person Centric Query Services allows United States Citizenship and Immigration Services officers to query transactions involving a noncitizen across several connected systems.  |
| TECS                                       | TECS is the principal information-sharing system and data repository used by officers at the border to assist with screening and noncitizen admissibility determinations. It contains operational records relevant to the anti-terrorism and law enforcement mission of CBP and numerous other Federal agencies. |



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| <b>Intake Database</b>            | <b>Purpose</b>  |
|-----------------------------------|---|
| National Crime Information Center | The Center is an information system containing documented criminal justice information such as names and other descriptive data. It contains a variety of files consisting of records that participating criminal justice and authorized noncriminal justice agencies contribute. |
| Automated Targeting System – Land | CBP uses this tool to improve the collection, use, analysis, and dissemination of information gathered to target, identify, and prevent potential terrorists from entering the United States.   |

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Source: DHS OIG analysis of various public U.S. governmental law enforcement and immigration system documentation



## Appendix D:

### Acceptable Forms of Identification at TSA Checkpoints in Airports

- Driver's license or other photo identity card issued by a state Department of Motor Vehicles (or equivalent)
- State-issued enhanced driver's license
- U.S. passport
- U.S. passport card
- DHS trusted traveler cards
- U.S. Department of Defense ID, including those issued to dependents
- Permanent resident card
- Border crossing card
- Acceptable photo ID issued by a federally recognized Tribal Nation/Indian Tribe
- Homeland Security Presidential Directive-12 personal identification card
- Foreign government-issued passport
- Canadian provincial driver's license or Indian and Northern Affairs Canada card
- Transportation worker identification credential
- U.S. Citizenship and Immigration Services Employment Authorization Card (Form I-766)
- U.S. Merchant Mariner Credential
- Veteran Health Identification Card

Source: DHS OIG analysis of *TSA's Checkpoint and Specialized Screening Standard Operating Procedures*, Version 6, April 29, 2024, and TSA's website, <https://www.tsa.gov/security-screening/identification>





## **Appendix E: Report Distribution**

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