Immigration Task Force

Entry-Exit: Key Questions

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1. What's an entry-exit system?

About 40 percent of the unauthorized immigrant population entered the country legally but remained after their legal status expired. Entry-exit systems were originally conceived as a tool to identify overstays—in other words, to track when foreigners enter the country and whether they leave in accordance with the terms of their admission. After September 11, 2001, entry-exit (especially the entry component) took on national security dimensions. Congress added requirements for biometric identifiers, such as fingerprints and photographs. Previously, only biographic identifiers (text data, such as names and birthdates) had been required.

2. How much of the entry-exit system is complete?

The U.S. Department of Homeland Security (DHS) has fully deployed the biometric entry capability. Today, nearly all noncitizens entering by air and sea are subject to biometric enrollment. At the land border, all individuals entering the country are now subject to a document check, and nearly everyone not from the United States, Canada, or Mexico is subject to biometric data collection.

With respect to the exit system, a comprehensive biographic system is in place at airports and seaports. At the northern land border, a new data sharing partnership with Canada provides biographic exit data. At the southern land border,

vehicles exit at speed, and no systematic or mandatory collection occurs. This is a large gap, as 45 percent of entry inspections occur at the southern land border alone. However, there is no systematic collection of biometric exit data at any ports.

3. Why isn't the exit portion of the system finished yet?

The United States does not have a history of tracking who leaves the country, and did not build its land, air, or sea ports with this capability in mind. With regard to airports and seaports, the needed technology is available, but challenges remain. Previous pilot projects did not answer all logistical questions, and importantly, the biometric data gathered could not be matched as accurately as biographic data. A deployed solution that does not overcome the challenges raised by previous pilots would likely not achieve the full benefits that the biometric entry-exit system is designed to produce.

Land borders pose the greatest challenge—particularly the southern border, where no mandatory collection takes place. Due primarily to geography and land ownership issues, most land ports do not have enough available space to duplicate the current entry infrastructure. Further, requiring all travelers to stop on exit would cause delays, which would hamper cross-border trade and travel. DHS is pursuing a data sharing agreement with Mexico, but unlike Canada, Mexico does not inspect all entering travelers or have the infrastructure to do so. Other possible solutions currently face major concerns regarding traveler compliance, the authenticity of exit records, and technical feasibility.

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4. Why do we want to complete the exit system?

Entry-exit is important for two key groups: (1) ordinary immigrants and (2) criminals and terrorists. The entry capability is complete, so analysis focuses on the benefits of completing the exit system. With respect to immigration, a complete exit system would allow DHS to generate accurate statistics about the overstay population. It would also allow the United States to deny entry to people who overstayed in the past, creating a deterrent effect.

The identification of overstays should not be confused with the location and removal of overstays. Entry and exit records enable DHS to identify overstays who have not come into contact with law enforcement, but they do not help DHS locate or remove these individuals. Currently, DHS can only investigate about 6 percent of the potential overstays it identifies. Using entry-exit records to seek out and remove more overstays would require a major financial commitment to expanded investigative resources and tracking capabilities.

For overstays who have already come into contact with law enforcement—the primary mechanism for identifying and removing unauthorized immigrants—exit records are not necessary. Law enforcement officers can easily determine that the individual in front of them has not left the United States. Instead, officers need current information on whether the person is still allowed to be in the country (i.e., the date their authorized period of stay expires).

With respect to criminals and terrorists, the bulk of the entry-exit system's benefits come from the entry check: the United States has vastly improved its ability to prevent known criminals and terrorists from entering the country. The key benefit of an exit records is knowledge about whether a person of interest is still in the country. In order for exit records to be useful for this purpose, the system would have to have extraordinary integrity. Otherwise, terrorists could evade law enforcement by pretending to exit the country.

5. Why do we want biometrics?

Biometric data are unique physical features, which can be used to make a singular identification or match. This makes biometrics more accurate and fraud-resistant. Although biographic data produce accurate matches in a large majority of cases, biometrics have potential to improve accuracy and lead to more efficient enforcement. To date, however, in DHS pilot programs, biometrics have not lived up to their potential. In the most recent pilots, matches based on the biometric data collected were much less accurate than what DHS currently achieves with biographic data. The 9/11 Commission recognized that where biometric systems are not yet viable, biographic systems still add considerable value.

6. When will we finish the job?

The government's current goal is to deploy biometric exit at airports between 2016 and 2018, depending on the success of current DHS efforts to develop and test a solution. At land ports, the outlook is less clear. DHS is pursuing data sharing with Mexico, which does not currently collect the needed data or have the infrastructure to do so.

This document is based on the Bipartisan Policy Center's May 2014 analysis, "Entry-Exit System: Progress, Challenges, and Outlook." To read the full report and learn more about key issues in the immigration debate, please visit bipartisanpolicy.org/immigration.