BUILDING A **SAFE** AND **RESILIENT CANADA**

International Entry-Exit Security Systems

Annotated Bibliography

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The views expressed herein are those of the authors and
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Executive Summary

Following the terrorist attack of September 11, 2001 (9/11) on the United States (US) and the threat of further attacks in the Western World, specific steps were taken to improve border security and prevent the entry of potential terrorists. This led to the hardening of borders globally, and more specifically in the US. In addition, upheavals in North Africa led to a short-term rise of refugees. Although most refugees found accommodation in neighbouring Arab countries, the European Union's (EU) heads of state in June 2011 adopted border policies 'protecting' the EU against unwanted migration. "This led to new rules and re-introduction of border controls in the Schengen Area, and upgrading the EU's external borders using state-of-the-art surveillance technology."[1] Regardless of the rationale catalyzing the decision, each of the four governments reviewed, Australia, the EU, New Zealand (NZ) and the US have made questions of entry-exit of high political importance, especially since public confidence in the safety and security of these governance systems is at the heart of their survival.

This annotated bibliography was based on a literature review using open source, academic and grey literature reviewing existing entry-exit systems used by travellers arriving in or departing from the formal ports of entry (POEs) for three countries and one region. Its focus was to identify relevant research that could identify existing practices and infrastructure established in Australia, the EU, NZ and the US. The paper used explicit criterion, limiting hidden biases and assumptions, and enabling replication of the research by others. The abstracts were reviewed for relevancy in relation to the subject matter (i.e., methods of conveyance of used in travel [i.e., by air, sea, or land]).

Twenty-eight documents and seven website references are included in this annotated bibliography. There are three different targets of border security enforcement: terrorism (terrorists, their transnational networks, and the sources of supply for acts of violence), mass unauthorized migration (smuggling of irregular migrants), and contraband (including synthetic drugs). The paper focused on the legitimate and unauthorized movement of travellers as they arrived in or departed from each of the above-mentioned entry-exit systems.

All four governments, Australia, the EU and its Member States, NZ and the US are members of the International Civil Aviation Organization (ICAO), the International Air Transport Association (IATA), and the International Maritime Organization (IMO). Each government is committed to implement certain legal requirements including standards associated with the chosen mode of transport when moving passengers and/or cargo internationally. This has guided the establishment and renewal of related infrastructure and information technology systems deployed by these governments.

1.0   Introduction

The terrorist attack in the United States (US) that took place on September 11, 2001 (9/11) triggered nation states globally to harden their borders and establish heightened border patrol regimes both at, and between, formal ports of entry (POEs). Border security is not easily separated from a number of other processes and locales (such as airports, seaports) of state governance but is a recognizable and politically important 'first line of defence'.

This paper focuses on the governance of the entry and exit, by air, sea or land, through the formal POEs of Australia, the European Union (EU), New Zealand (NZ) and the United States (US), whether authorized or not. It will look at the activities that occur outside the formal boundaries of a country, such as visa issuance and pre-screening of people and goods destined for these three countries and one region, but which are tightly integrated with the task of border control. The paper reviews existing practices of existing entry-exit systems looking at all methods of conveyance used in travel focusing on the movement of travellers.

2.0   Methodology

This annotated bibliography is based on a systematic literature review of open source, academic and grey literature developed in response to the global phenomenon of enhanced entry-exit border security established following the terrorist attack of September 11, 2001 (9/11). This event triggered nation states globally to harden their borders when establishing heightened border entry-exit systems at their formal POEs as well as heightened border patrol regimes between the formal POEs. The primary focus of the bibliography is to identify relevant research that could identify the entry-exit systems used by travellers when arriving or departing from Australia, the EU, NZ and the US. To facilitate ease of use, the paper has been organized by grouping all reviewed articles according to country.

The bibliography followed the structured and objective procedures of the Campbell Systematic Review.[2] Using this methodological approach, it includes a systematic review of academic and grey literature focusing on entry-exit systems for POEs. However, the paper does not include all initiatives currently under development. Seven English language databases were searched using the keywords in Boolean abstract search, including the title and keyword fields (refer to Appendix 1).

The database searches resulted in more than 2,500 hits. The abstracts were reviewed for relevancy, particularly in relation to subject matter. All documents relating to cargo movement and security, national security and defence, aviation and maritime safety, as well as border security infrastructure were excluded. All documents prior to 2007 were excluded because at that time most of the current approaches were being developed through bilateral and multilateral arrangements. This limited the scope produced twenty-eight documents and seven website references for review.

3.0   Annotated Bibliography

The annotated bibliography provides a concise summary of each source, by identifying its purpose or research question, its methods of investigation (where available), and its main conclusions.

3.1   Australia

Australian Customs and Border Protection Service. *Annual Report 2011-12*, Canberra, Australian Capital Territory, 2012:348, [accessed 2013-05-01] from: http://www.customs.gov.au/aboutus/annualreports/2012/pdf/ACBPS_AR_2011-12.pdf.

The Australian Customs and Border Protection Service (ACBPS) reported their key achievements during the fiscal year including the following items. First, the SmartGate[3] capacity available for eligible travellers[4] arriving in Australia's international airports self-process through passport control using a kiosk and gate was expanded (ACBPS 2012, 21). During 2011-12, a total of 3,084,303 eligible travellers[5] made use of the SmartGate representing 50.6% of the eligible travellers and 16.4% of total travellers (ACBPS 2012, 22). Second, more than 300 e-Passport readers were deployed in the eight major Australian international airports. In addition, the 12 month pilot project using an internal body scanner began in May 2012,[6] and is being used at one of Australia's major international airports for the detection of internally concealed drugs. Finally, the *Australia-European Union Passenger Name Record (PNR) Agreement* domestic legislation was finalized. The agreement provides for the transfer of EU-sourced PNR data by air carriers to Customs and Border Protection, and went into force on June 1, 2012 (ACBPS 2012, 24).

In the maritime environment, the irregular movement of people remains a key border risk. During the past fiscal year, the total number of suspected irregular entry vessels (SIEVs) rose to 111 in 2011-12 compared with 89 in the preceding year (ACBPS 2012, 113). The report also noted that a new emerging to the risk with people with smugglers targeting new destination locations than those used in the past. For example, "from May 2012 there was an increase in the number of SIEVs arriving at Cocos (Keeling) Islands requiring regular operational response, putting additional pressure on existing resources and capacity."[7] Table 1 in Appendix 2 shows the detection statistics for 2011-12 and the two preceding years.

The irregular movement of people by air into Australia is another key border risk. Air travellers arriving in Australia without lawful authority either come of their own accord, or have had their travel facilitated by organised crime networks. The report identified growth in the number of irregular international passengers arriving at major Australian airports for the past three years. In 2011-12, there was a 4.94 percent increase compared with 2010-11. Refer to Table 2 in Appendix 3 for traveller referrals to the Department of Immigration and Citizenship (DIAC). This led to an increase in the number of travellers referred to DIAC (i.e., 4.83 percent increase in 2011-12 compared with 2010-11), as well as an increase in the number of travellers refused entry into Australia, as listed in Table 3

of Appendix 4. Appendix 5 lists the legislative authority and powers attributed to the Australian Customs Border Protection.

Australian Customs and Border Protection Service. *Annual Report 2010-11*, Canberra, Australian Capital Territory, 2012:374, [accessed 2013-05-01] from: http://www.customs.gov.au/webdata/resources/files/879316AUSCUSwebpdf.pdf.

> The Australian Customs and Border Protection Service (ACBPS) identified a reduction in the arrival of suspected irregular entry vessels (SIEVs) facilitated by transnational people smuggling crime groups. The number of SIEV arrivals dropped to 89 compared to 117 in the previous year. ACBPS noted that there was a decrease in the total number of Potential Irregular Immigrants (PIIs), from 5,327 in 2009-10 to 4,730 in 2010-11 as described in Table 1 of Appendix 2.

> Throughout 2010-11, ACBPS continued its close collaboration with DIAC of monitoring and improving the effectiveness of the immigration clearance function, work continued on the expansion of SmartGate, and progress was made with industry stakeholders towards establishing the Passenger Name Record (PNR) database held in the airline. There was continued growth in international passenger numbers at major Australian airports and seaports. More than 28.44 million international air and sea passengers were processed in 2010–11, compared with 26.36 million in 2009–10 and 24.33 million in 2008–09, representing an increase of 7.9 percent. ACBPS stated that, "we processed 96.8 percent of incoming air passengers within 30 minutes of performance against identified targets for incoming air passengers," as is shown in Table 4 in Appendix 6.

> The reported key achievements for the year were that the Australian and New Zealand (NZ) Governments reaffirmed their commitment to further streamline travel between their two countries by endorsing a new work program. A study exploring the potential integration of the Australian and NZ SmartGate systems will also consider a SmartGate Departures capability within Australia (ACBPS 2011, 62). Second, from the next phase of the Enhanced Passenger Assessment and Clearance (EPAC) program of work, ACBPS has improved the collection and storage of advance, airline passenger data. The latter supports the identification and assessment of persons of interest before granting a visa, prior to boarding or beyond the physical border (ACBPS 2011, 66). Finally, the *Australia-European Union Passenger Name Record Agreement* was completed on May 6, 2011 (ACBPS 2011, 67).

Australian Government Department of Infrastructure, Transport, Regional Development and Local Government. *Review of Aviation Security Screening: Report*, Canberra, ACT, 2009:142, [accessed 2013-05-06] from: http://www.infrastructure.gov.au/transport/security/aviation/screening/files/Review_of_Aviation_Security_Screening_Report.pdf.

> A wide range of issues affecting aviation security screening were examined in the review. These included the purpose of screening, service delivery and performance, national consistency in approach to aviation security, passenger experience, screening point

design, the regulatory environment and the role of various technologies in the screening process. The review identified several issues that impinge upon the effectiveness and efficiency of aviation security screening in Australia and made twenty-seven recommendations for improvements. Recommendations focused on areas such as national consistency of screening, risk, screening point design, technology and special circumstances screening.

The passenger screening process in Australia at the airports has not changed significantly since it was developed to counter the threat of hijacking in the 1970s. It is primarily designed to detect metal weapons, either on the passenger or in carry-on luggage. Since "the process is less effective in detecting non-metallic weapons or explosives concealed on a person, a random and continuous explosives trace detection measure was introduced in Australia in 2003."[8]

The report notes that "the one-size-fits-all security approach is unsuitable for Australian aviation in achieving the required security outcomes."[9] Due to variations in their size, capacity and location, airports have differing abilities to deliver nationally consistent security screening. The review noted that was not feasible to have consistent and replicable screening for 'every process and every passenger' nationally. This would require all airport screening points to be configured identically and controlled across the country. The review found that "aviation security requirements, including screening, should be commensurate with the level of risk at a particular airport."[10] Instead, certain industry members have called for a system of "categorisation of ports based on a set of clearly defined criteria and founded on agreed local multi-agency risk assessments and the development of the local airport security plans."[11]

Australian Government Website. (no date). *Managing Australia's Borders*, [accessed 2013-05-01] from: http://www.immi.gov.au/managing-australias-borders/border-security/systems/.

The Australian Government manages the entry-exit movement of people using various systems to ensure rapid processing and screening of all travellers. Databases support tracking the presence of people to determine persons of interest, including irregular migrants. Since 1981, Australia has tracked the arrival and departure records of travellers to and from Australia. These records are found in the Movements Reconstruction database.[12,13] The Movement Alert List (MAL) is a database containing details on people and travel documents of concern to Australia, and is used to screen for possible visa issues. Automatic border protection systems, such as MAL, are supplemented through a range of offshore compliance operations.

The Regional Movement Alert System (RMAS) is an Asia-Pacific Economic Cooperation (APEC) counter-terrorism initiative used to improve regional border security standards for air travel through the close cooperation and collaboration of participating governments. RMAS is used to strengthen the collective capacity of participating APEC members to detect lost, stolen and otherwise invalid travel documents and to prevent them from being used illegally. RMAS also confirms whether a passport is valid by its document issuing authority, and alerts authorities to passports that are not recognised as

valid. This passport validation capacity allows for easy detection and removal of counterfeit passports. Participating APEC economies include Australia, the US and NZ; and Canada is not a participant.

Australian Transport Council. *Joint Communique – 18 November 2005, Hobart*, 2005:7, [accessed 2013-05-03] from: http://www.atcouncil.gov.au/communique/atc22.aspx.

The Australian Commonwealth, state and territory Transport Ministers met in Hobart to consider a number of transport issues, including transport security and maritime safety. The 2005 terrorist attacks in Bali and London provided examples of the need for ongoing vigilance and to strengthen the security of Australia's transport systems. This included among other items the decisions to undertake and cost-share a review of their use of closed circuit television (CCTV) in the mass passenger transport sector, developing a code of practice for CCTV systems, and improving the safety of maritime regulation for vessel safety.

Australian Travel Visas. (no date). *Electronic Travel Authority to Australia*, Website, [accessed 2013-05-06] from:
https://www.migrationexpert.com.au/travel_visa/online_application/?mxid=06DFC55DC2634157/australia%20visa/20907659652/0//e/DD5074FA21427389AE72EC2A640FE579&gclid=CLzG9eq-grcCFZOHMgodd2UAlg.

The website describes the terms and conditions of obtaining a visa and visiting Australia. It offers electronic travel authority (ETA) or visa waiver options for citizens who are citizens from certain countries such as Canada and the EU and its Member States. The ETA is subject to specific terms of use.

3.2   The European Union

Balch, Alex and Geddes, Andrew. "The Development of the EU Migration and Asylum Regime," *Migration and the New Technological Borders of Europe*, eds. Huub Dijstelbloem and Albert Meijer, Palgrave MacMillan, 2011:194:22-40.

The authors examine the development of the EU migration policy. Balch and Geddes consider the meaning and significance of the emerging EU asylum and migration policy framework. They question the type of system being developed given the limited EU competency (authorities) and legitimacy passed to the European Commission (Commission). The authors review the critical path taken by the EU from 1999 in Tampere, Finland to 2009 in Stockholm, Sweden (Balch and Geddes 2011, 29-34). With each step, they ask about the key ideas and supporting arguments. Finally, the authors discuss the rationale for integration in this area and identify the key characteristics of developing the EU framework on migration and asylum. The authors conclude that "after a ten-year period after Tampere there has been a shift away from the notion of policy harmonization and a corresponding shift towards more practical or pragmatic attempts to find alternative methods to achieve common goals."[14]

Besters, Michiel and Brom, Frans W.A. "Greedy Information Technology: The Digitalization of the European Migration Policy," *European Journal of Migration and Law*, 12, 2010:455-470

> According to Besters and Brom, European borders are being transformed into digital borders. The Schengen Information System and the Eurodac[15] form a single EU information system to control the influx of migrants. This database is equipped with the ability to register fingerprints for the purpose of identification. The inclusion of biometric data prevents an asylum seeker from applying in two or more different EU Member States.
>
> The authors measured the effectiveness of the EU migration policy by comparing the EU system, the Entry-Exit System (EES), with the US-VISIT (United States Visitor and Immigrant Status Indicator Technology) program. The EES was developed to detect 'overstayers,' that is to say, third country nationals whose legal residence has expired in the EU. The EES is complementary to the VIS (Visa Information System). The VIS registers visa applicants and authorizes legal residence within the EU for a limited period of time. However, the VIS does not detect the expiry dates of visas. When considering the 'value added by the EES,' the authors considered the costs and difficulties associated with the SIS II: "The costs of the SIS II are over € 90 million for the central system[16] and over € 20 million for each national system."[17]
>
> The authors reviewed the US-VISIT program by reviewing the data from 2004 and 2008. During that period, about 113 million immigrants were registered in the US-VISIT and more than 1,800 individuals were stopped from entering the US. The program cost about USD 2 billion to administer (Besters and Brom 2010, 468). The authors noted that US-VISIT consists of four parts: (1) pre-entry phase (registration in the system at a US consulate in the immigrant's country of origin); (2) entry-phase (inspection of the immigrant at the US border), (3) status-phase (check on the immigrant's legality of residence), and (4) exit-phase (recording the immigrant's departure). The exit phase is the weakness in the system because the industry and the travellers were initially made responsible for recording their departures from the system. At the time of writing, not one US authority was charged with monitoring the exit phase. Without exit data, all immigrants will be identified as overstayers (Besters and Brom 2010, 469). The authors cautioned that although technological solutions may be attractive because of the 'unprecedented' possibilities for border control presented by IT solutions, the EU should not consider it as the standard solution.

Broeders, Dennis. "A European 'Border' Surveillance System under Construction," *Migration and the New Technological Borders of Europe*, eds. Huub Dijstelbloem and Albert Meijer, Palgrave MacMillan, 2011:194:40-67.

> The author provides an overview of the emergence of the 'surveillance state' and the way in which the European states try to control 'friendly' from unwanted or 'unfriendly' flows of immigrants. Broeders looks at how the increased potential for digital surveillance is influencing the bureaucracy. He also looks at the influence that surveillance and technology has had on EU migration policy, including the link between

the Member States and the EU in terms of deploying digital surveillance technology in migration policy (Broeders 2011, 46-47). The author looks at the new border surveillance, focussing on the commissioning and operation of the three major EU migration databases recently developed (SIS [Schengen Information System], Eurodac [European database to register asylum applications], and VIS [Visa Information System]) (Broeders 2011, 50-57). He then looks at how these systems try to prevent illegal immigrants from entering the EU, and the use of the EU expulsion policy (Broeders 2011, 58-60).

He concludes that the whole concept of digital border surveillance is based on 'profiling and sorting'. The profile divides the migrant population into two components (suspicious and unsuspicious).

> "EU citizens and the few Western countries that do not require a visa for entry into the EU find it easier to cross the border. Everyone else is by definition slightly suspect."[18]

European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. *FRONTEX Annual Risk Analysis 2012*, Warsaw, Poland, April 2012:60, [accessed 2013-05-06] from: http://frontex.europa.eu/assets/Attachment_Featured/Annual_Risk_Analysis_2012.pdf.

> The Frontex Annual Risk Analysis (ARA) 2012 focuses on current Frontex operational activities such as irregular migration at the EU external borders and the Schengen Associated Countries. Central to the EU concept of integrated border management requires addressing the security threats, including the trafficking of human beings (THB) (FRONTEX 2012, 6). Frontex also reports that at the EU level, the total number of detections of irregular border-crossings increased from 104,000 in 2010 to 141,000 in 2011 (an increase of 35%) (Frontex 2012, 12).

>> "Consistent with recent trends, the majority of detections were made in two hotspots of irregular migration, namely the Central Mediterranean area and the Eastern Mediterranean area accounting for 46% and 40% of the EU total, respectively, with additional effects detectable across Member States."[19]

> The European Community Code on Visas sets out the common requirements for issuing transit and short-term visas to enter the territory of Member States, except for the UK and Ireland.[20] Currently, more than 100 nationalities require a visa to enter the EU, covering more than 80% of non-EU population of the world. About 40 non-EU countries do not have the EU visa requirements for entry, including Australia, Canada, New Zealand and the US. Statistical data from the Schengen Information System (SIS) database are used to monitor the migratory movements of travellers.[21]

> EU citizens are subject to minimum border checks, while third country nationals such as Canadians, whether they require visas or not, are subject to more thorough checks, as required by the Schengen Borders Code (SBC). At the European level there is no estimate of total passenger flows through the EU external land borders.

Although there is not systematic collection of passenger flow data at the EU external land borders, Frontex reports that its busiest border section for passenger entries is probably the border between Slovenia and Croatia, with about 23 million annual entries (Frontex 2012, 12).

In 2010, Eurostat reported that there were a total of 107 million travellers on flights originating outside the EU in 2010 (a 10% increase compared with 2009). The largest numbers of arrivals are reported from London Heathrow airport (17 million), followed by those from the Paris-Charles De Gaulle airport (13 million) and Frankfurt airport (11 million). Other EU airports reported less than 10 million passengers in 2010.

European Union. (no date). *Free movement of persons, asylum and immigration*, EU website, [accessed 2013-05-06] from: http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/.

The free movement of persons is a guaranteed fundamental right to EU citizens by Treaties, and actualized by EU legislation. Lifting of internal borders requires 'strengthened management of the EU's external borders' in addition to a monitored entry and residence of non-EU nationals, including through the asylum and immigration policy. Refer to Appendix 10 for the list of EU legislation relating to the free movement of persons, asylum and immigration.

GHK. *Preparatory Study to Inform an Impact Assessment in Relation to the Creation of an Automated Entry-Exit System at the External Borders of the EU and the Introduction of a Border Crossing Scheme for Bona Fide Travellers ('Registered Traveller Programme')*, Specific Contract No. JLS/2007/A1/FWC/002, Request No.6, 30 October 2007:84, [accessed 2013-04-29] from: http://ec.europa.eu/dgs/home-affairs/e-library/docs/pdf/final_report_entry_exit_and_rtp_7_12_en.pdf.

A preparatory study was undertaken to identify impacts of policy proposals for an automated entry-exit system at the external border of the EU, and propose a border crossing facilitation scheme for bona fide travellers (Registered Traveller Programme). Proposals sought to address the issues of: (1) illegal migration (e.g., about 3 to 8 million illegal migrants were estimated within EU25 in 2006 with 80% in the Schengen area); (2) the cost of crossing EU external borders for legitimate travellers, about 300 million EU27 external border crossings are made annually at POEs by about 160 million EU citizens, 80 million by third country nationals (TCN) Visa Holders, and 60 million by TCN not requiring visas); (3) terrorism, and serious crime problems having strong international dimensions and (4) the challenges of economic migration is important to the competitiveness of the EU (e.g., in 2003 there were about 16 million TCNs in the EU, while only 600,000 new permits to stay were issued).

Four policy options were considered. These included (1) the status quo, (2) the new entry-exit system with three sub-options, (3) registered traveller programs and automated border control with three sub-options, and (4) a bond system for migrants with two

sub-options. Each option and sub-option was assessed against the proposed policy objectives and relative costs. The two preferred policy options identified included: (1) the entry-exit system for TCN visa holders and TCNs who are non-visa holders and (2) the registered traveller program and automated border control for TCN visa holders and registered traveller scheme and automated border control for EU nationals. Refer to Table 5 in Appendix 7 for more details on related administrative costs. The authors noted that the preferred option depends on the success of the implementation of the status quo.

Gümüs, Yasin Kerem. "EU Blue Card Scheme: The Right Step in the Right Direction?" *European Journal of Migration and Law*, Volume 12, 2010:435-453.

The author reviewed the EU Blue Card scheme policy proposal and whether this proposal responds to the issue of addressing labour shortages of highly-skilled labour in the EU. The European Commission (Commission) adopted the policy proposal setting conditions for entry and residence of third country nationals (TCNs) for highly-skilled employment. The Blue Card[22] set out the conditions and rights of residence in the issuing Member States as well as in other Member States.

The scheme was adopted by the Commission on May 25, 2009, and Member States have two years to incorporate new provisions in their domestic legislation. It simplifies procedures, provides a centralized decision-making platform and flexibility for high-skilled migrants. Although the Blue Card scheme was adopted by the Commission, some Member States have criticised the scheme, citing their concerns relating to the loss of sovereignty on migration issues (Gümüs 2010, 450). Some Member States may opt-out of the scheme, particularly the United Kingdom, Denmark and Ireland that have expressed serious concerns about sovereignty. The author noted that besides opting out this may also lead to competition between the EU scheme and Member States' national schemes (Gümüs 2010, 453).

Hays, Ben, and Vermeulen, Mathias. *Borderline: The EU's New Border Surveillance Initiatives*, *Assessing the Costs and Fundamental Rights Implications of EUROSUR and the 'Smart Borders' Proposals*, A study by the Heinrich Böll Foundation (Heinrich Böll Stiftung), Brussels, Belgium, June 2012:83, [accessed 2013-04-24] from:
http://www.statewatch.org/news/2012/jun/borderline.pdf.

The authors examined two EU border surveillance initiatives: the European External Border Surveillance System (EUROSUR) and the 'smart borders package,' where the latter includes the establishment of an Entry-Exit System and the Registered Traveller Program (RTP). EUROSUR will offer increased monitoring of the EU's sea and land borders using a range of technologies including drones, off-shore sensors, and satellite tracking systems. The EES will record the movement of people into and out of the Schengen area, and will use biometric identification checks of all non-EU nationals, including those currently not subject to EU visa requirements, in order to identify individuals who overstay their visas. The authors suggest that biometric checks at the borders will likely result in longer waiting times. This is the justification for the establishment of the RTP that enables pre-vetted passengers who are deemed not to

pose a security risk to cross borders more quickly than their unregistered counterparts. The EES would rely on the use of automated border gates that have been installed in some European airports. The EES would automatically alert the relevant national authorities in the event that an individual overstayed their visa deadline.

The authors argued that there are some legitimate explanations as to why people overstay, and as such, an EES alert should not result in automatic sanctions. They proposed that an alert could be a presumption of illegal residence, and that an administrative follow-up procedure would be necessary to determine whether the person has the right to stay legally in the EU or not (Hays and Vermeulen 2012, 9). Refer to Table 5 in Appendix 7 for administrative costs for the preferred policy options. The authors noted that the cost of developing the central EES and RTP could be in the order of € 400 million, plus a € 190 million per year operating cost in the first five years. Refer to Table 6 in Appendix 8 for the estimated costs. Despite lacking legislation and agreement to undertake this project, the European Commission allocated € 1.1 billion for the development of an EES and RTP from the proposed EU Internal Security Fund (Hays and Vermeulen 2012, 10). The authors concluded that it is unwise for the EU to begin another large-scale, IT-based system prior to successful implementation of the SIS II and the VIS.

Lekkas, Dimitrios and Grizalis, Dimitris. "e-Passports as a means towards a Globally Interoperable Public Key Infrastructure," *Journal of Computer Security*, Volume 18, 2010:379-396.

The authors propose good practices for the global identification scheme based on the use of the electronic passports (e-passports). The e-passport requirements were imposed by the US and the International Civil Aviation Organization (ICAO) to establish a higher level of security at the POEs of a country's borders (Lekkas and Grizalis 2010, 379). The e-passport incorporates three state-of-the-art technologies: radio frequency identification (RFID), biometrics, and public key infrastructure (PKI). The two latter items are capable of reducing fraud and enhancing security in digital identification.

Countries are required to build a national PKI to support digital signatures, a basic mechanism to prove the authenticity and integrity of the machine-readable travel documents (MRTDs). Refer to Table 7 in Appendix 9 for other e-passport applications. The authors also noted that there is potential that the e-passport may be exploited in other applications as it is an interoperable PKI-enabled tamper proof device, which contains a private key and a digital certificate for the bearer (Lekkas and Gritzalis 2010, 395).

3.3 New Zealand

New Zealand Customs Service. *New Zealand Customs Service: Annual Report 2011-12*, Report of the New Zealand Customs Service for the Year Ended June 30, 2012, Wellington, NZ, 2012:94, [accessed 2013-05-02] from: http://www.customs.govt.nz/news/resources/corporate/Documents/AR20112012.pdf.

In 2011-12, the New Zealand Customs Service (Customs) processed a record number of travellers, with more than 9.670 million air passengers.[23] It was an increase of 4.3% from the previous year (Customs 2012, 6). Customs completed its implementation of the SmartGate[24] in 2011-12, enabling eligible Australian and NZ passengers[25] to self-process through arrivals and departures at NZ's three main international airports in Auckland, Wellington and Christchurch.

SmartGate processed over 2 million of the 9.6 million air passengers by the end of the fiscal year. NZ also expanded the SmartGate program criteria to allow NZ and Australian e-Passport holders aged 16 and over, to use SmartGate in both countries, resulting in about 120,000 additional users annually. These expansions of SmartGate contributed to a high adoption rate of the technology over 2011-12. As part of the related New Zealand-Australia work program, a one-way integration trial of the SmartGate project with Australia began in July 2011 to fully integrate the SmartGate systems between the two countries. During the mid-trial assessment, a few mix-ups of the required steps occurred that had a negative impact on the SmartGate processing at the airport. Technology improvements were undertaken based on the outcome of the trial following its completion in June 2012.

Customs made progress developing more integrated intelligence within the Integrated Targeting and Operations Centre (ITOC). This involved adopting the US's Automated Targeting System–Global (ATS–G) software.[26] At the May 2012 bilateral meeting,[27] the US Secretary of the Department of Homeland Security agreed to integrate the ATS-G software into the NZ entry-exit system on an ongoing basis. The macro- and micro-design phases will form part of the first phase of the Joint Border Management System (JBMS). This includes data-matching, profiling, and pattern-analysis technologies (Customs 2012, 21).

During the year, more than 100 cruise ships visited NZ, compared with 81 in 2010-11. Customs processed nearly 404,000 marine travellers (passengers and crew) from cruise ships in 2011-12, compared with about 321,000 travellers in 2010-11. This also involved processing 2,358 arriving commercial marine craft (craft excluding small craft and military vessels) in 2011-12, a 5.5% increase from the 2010-11 total of 2,235. Customs attributed this to the rise in visits by commercial vessels (from 2,154 in 2010-11 to 2,258 in 2011-12). Intelligence and risk management processes are used to screen all craft, including intelligence-based risk profiles to determine the risk level of arriving commercial craft and mitigate risk accordingly. Refer to Appendix 11 for the list of the relevant legislation used by the NZ Customs.

New Zealand Customs Service. *New Zealand Customs Service: Annual Report 2010-11*, Report of the New Zealand Customs Service for the Year Ended June 30, 2011, Wellington, NZ, 2012:89, [accessed 2013-05-02] from: http://www.customs.govt.nz/news/resources/corporate/Documents/AR20102011.pdf.

> The New Zealand Customs Service (Customs) reported that in June 2011, a contract to complete the first phase of the new Joint Border Management System (JBMS) was signed. The JBMS will replace the aging systems of Customs and other ministries, and will reduce duplication and improve targeting of people, goods, and craft crossing the border. Progress was also made towards streamlining trans-Tasman travel and trade. Trans-Tasman refers to the Tasman Sea which lies between Australia and New Zealand, and signifies an interrelationship between both countries. The further expansion of the SmartGate automated passenger processing system is part of making the trans-Tasman travel similar to the sought after 'domestic' experience (Customs 2011, 2). By the end of 2010-11, more than one million passengers had been processed through SmartGate that has been expanded to departures at New Zealand's three main airports.

> Customs set up the Integrated Targeting and Operations Centre (ITOC) in 2010-11, to assess the risks presented by certain people, goods, and craft (and using that information to identify targets for operational activity). The ITOC is to keep an overall view of Customs' operational activity, and to provide all of the information necessary for effective border security management in one location, 24 hours a day (Customs 2011, 28).

> Customs also facilitated the arrival and departure of craft to and from NZ while deterring and detecting the illegal movement of items and people from craft, and the illegal movement of craft. In 2010-11, the total processed commercial marine craft (excluding small craft, cruise ships, and military vessels) was 2,154. This is a 3.2% increase from the previous year of 2,087.

New Zealand High Commission. (no date). *Visiting New Zealand,* Website, [accessed 2013-05-06] from: http://glossary.immigration.govt.nz/VisaFreeCountries.htm.

> The website describes the terms and conditions of obtaining a visa and visiting New Zealand. It offers visa waiver options for citizens who are citizens of certain countries such as Canada and the EU and its Member States. These visa waivers have specific terms of use.

3.4 United States

Muller, Benjamin J. "Unsafe at any speed? Borders, mobility and 'safe citizenship,' *Citizenship Studies*, 14(1), February 2010:75-88.

> Muller considers the Western Hemisphere Travel Initiative (WHTI) and its related strategies to manage and secure the Canada-US border and the possible 'redesign' of citizenship. The author contends that through US pressure the Canada Border Services Agency (CBSA) made changes in its 'function from visa and customs towards security

and surveillance' (Muller 2010, 78). He notes that both Canadian and US citizens are required to provide the WHTI compliant documentation[28] 'contributes to the redesign of citizenship' (Muller 2010, 79).

> "Trusted traveller programs such as NEXUS allow border officials to pre-screen travellers in both micro and macro ways. In the micro, the use of the Radio Frequency Identification (RFID) chips on the NEXUS cards allow border agents to preview a traveller's personal data moments before they actually approach the booth at the land border crossing. A traveller removes their NEXUS card from its foil slipcover in its vehicle (which stops the RFID from transmitting and being readable), and a RFID reader is able to decipher the information on the card and transmit to the border agent in the booth. In the macro, in-depth background checks, verification of personal identification vis-à-vis birth certificate, passport, applicable visas, input of biometric fingerprints, (and in the case of NEXUS Air, Iris Scan) and a general risk assessment of travellers is carried out at the time of enrollment into the NEXUS program, and every five years at renewal."[29]

Muller sees the emerging redesign of 'safe citizenship' as being intricately linked to the biometrics security industry. His concept of 'netizenship' captures how a contemporary citizen is 'networked' and simultaneously 'digitized' (Muller 2010, 83).

Rosenblum, Marc R. *What Would a Secure Border Look Like?* Congressional Research Service, Committee on Homeland Security, Subcommittee on Border and Maritime Security, Washington, D.C., February 26, 2013:20, [accessed 2013-04-30] from: http://docs.house.gov/meetings/HM/HM11/20130226/100300/HHRG-113-HM11-Wstate-RosenblumM-20130226.pdf.

The author describes how to measure border security and identifies steps that could be followed to better develop border metrics. He also reviews recent border security and immigration efforts, and identifies possible gaps in these efforts. This summary focuses on the latter part of the paper.

Over the last 25 years, substantial investments have been made in border security and immigration enforcement, particularly since 2005-2007 (Rosenblum 2013, 7). Table 8 in Appendix 12 summarizes the investments of congressional appropriations for the four immigration enforcement accounts that were allocated about USD 114 billion for FY2006 to FY2012.

Two of the 17 DHS databases are used throughout the immigration process and shared by several law enforcement agencies. The Automated Biometric Identification system (IDENT) is a key DHS-wide system for the storage and processing of biometric (i.e., fingerprints and digital photographs) and associated biographic (i.e., name, birthdate, nationality and other descriptive information) data for national security, law enforcement, immigration enforcement, intelligence and other uses. In 2004, IDENT had about 7 million records, the increased use of biometric technology has resulted in growth of

the database to over 150 million records as of January 2013,[30] and includes more than 6.4 million people on the US-VISIT watchlist (Rosenblum 2013, 8).

The Arrival and Departure Information System (ADIS) is the DHS-wide biographic database containing records of encounters with DHS foreign nationals who have applied for entry, entered, or departed from the US. Both databases are managed by the US-VISIT entry-exit system. As of January 2013, the ADIS has grown to over 270 million entries from 169 million entries at the end of 2006.

Siskin, Alison. *Visa Waiver Program*, Congressional Research Service, RL32221, Washington, D.C., January 15, 2013:22, [accessed 2013-04-29] from: http://www.fas.org/sgp/crs/homesec/RL32221.pdf.

The author reviewed the visa waiver program (VWP) that allows nationals from certain countries to enter the US as temporary visitors (nonimmigrants) for business or pleasure without first obtaining a visa from a US consulate. Temporary visitors for business or pleasure from non-VWP countries must obtain a visa from a US consulate abroad prior to arriving in the US. Concerns have been raised about the ability of terrorists to enter the US under the VWP because it bypasses the screening for the admissibility requirement to enter the US.   On the other hand, the inclusion of countries in the VWP may help to improve relations between the US and those countries, facilitate information sharing, and ease consular office workloads abroad. As of December 2012, 37 countries are participating in the VWP, with Taiwan being the most recent entrant on October 2, 2012 (Siskin 2013, 1).

All aliens or foreign nationals (FNs) entering the US under the VWP must present machine-readable passports. All passports issued between October 26, 2005, and October 25, 2006, must have a digitized photo on the data page, while passports issued after October 25, 2006, must contain electronic data chips (e-passports). Under DHS regulations, travellers who seek to enter the US through the VWP are subject to the biometric requirements of the US Visitor and Immigrant Status Indicator Technology (US-VISIT) program. FNs entering under the VWP must get an approval from the Electronic System for Travel Authorization (ESTA), a web-based system that checks the FN's information against the relevant law enforcement and security databases, prior to boarding a plane to the US.

Under statute, the Secretary of DHS has the authority to waive the non-immigrant refusal rate requirement, provided certain conditions are met. The waiver was suspended on July 1, 2009, because DHS did not implement an air-exit system incorporating biometric identifiers. The waiver will not be available until such a system is implemented, and the timing is uncertain.

United States Customs and Border Protection. *Performance and Accountability Report: Fiscal Year 2012*, Washington, D.C., 2012:186, [accessed 2013-05-06] from: http://www.cbp.gov/linkhandler/cgov/newsroom/publications/admin/perform_account_rpt_2013.ctt/perform_account_rpt_2013.pdf.

> US Customs and Border Protection's (CBP) is tasked is to prevent the illegal flow of people, weapons, and contraband from crossing the border into the US. It screens travellers against law enforcement databases and no-fly lists to determine high-risk travellers. It also monitors departing travellers and expedites the processing of legitimate travellers using a combination of technology, advance knowledge, intelligence, situational awareness, and personnel at authorized POEs (CBP 2012, 30).

> > "CBP's Trusted Traveler Program includes: NEXUS (a bilateral program operated jointly by Canada Border Services Agency [CBSA] and CBP); the Secure Electronic Network for Travellers Rapid Inspection [SENTRI]; the Free and Secure Trade program [FAST]; and Global Entry [GE]. These programs use a common automated system for application submission. Applicants register for an account on-line, and then submit program applications via the Global Online Enrollment System (GOES).

> > The NEXUS and SENTRI programs provide expedited CBP processing for pre-approved, low risk travellers at the land borders. NEXUS provides expedited processing into the United States and Canada and offers expedited processing in Canadian airports and at the pre-clearance locations."[31]

> CBP is expanding innovative technologies and processes based on its success of the Western Hemisphere Travel Initiative (WHTI). CBP's key to integration of the land border is based in the "Triangle Strategy that aims to authenticate travellers entering the US, those leaving the US, and those who are being inspected at checkpoints away from the land POE."[32] CBP reported that its investments are being focused on outbound enforcement operations, inbound processing (vehicle and pedestrian), and border patrol checkpoint processing (CBP 2012, 35).

> CBP set up the National Targeting Center – Passenger (NTC-P) as the single point of reference for CBP anti-terrorism efforts (CBP 2012, 40). NTC-P is designed to identify and examine a small percentage of those persons who may be involved in terrorism or related issues such as money laundering, transnational organized crime, and people trafficking. CBP's staff provides liaisons 24 hours, 7 days a week tactical targeting and research support for CBP's counter-terrorism efforts (CBP 2012, 41).

United States Department of Homeland Security. *United States-Canada Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness Action Plan*, Washington, D.C., December 2011:30, [accessed 2013-05-17] from: http://www.whitehouse.gov/sites/default/files/us-canada_btb_action_plan3.pdf.

> The *Beyond the Border* (BTB) *Action Plan*, released by President Obama and Prime Minister Harper in December 2011, set out joint priorities for: addressing threats early;

trade facilitation, economic growth and jobs; cross-border law enforcement; and critical infrastructure and cyber-security. These were the four areas of cooperation identified in the *Beyond the Border Declaration* of February 2011.

Addressing threats early is essential to strengthened security of the borders, enabling the free flow of legitimate goods and people across the Canada-US border; thereby facilitating trade, economic growth and jobs. The BTB Action Plan supports this objective by: "developing a shared view of the threat environment; aligning and coordinating the security system for goods, cargo, and baggage; and supporting the effective identification of people who pose a threat, which will enhance safety and facilitate the movement of legitimate travellers."[33] Details relating to initiatives falling under perimeter screening, trusted traveller programs and expediting legitimate goods and travellers are found in Appendix 13.

Both countries committed to establish a Beyond the Border Working Group (BBWG) consisting of representatives from the relevant departments and offices of both federal governments (DHS 2011, v). The BBWG is required to report the implementation of the BTB Action Plan on an annual basis.

United States Department of Homeland Security Office of Inspector General. *Information Sharing on Foreign Nationals: Border Security (Redacted)*, Report OIG-12-39, Washington, D.C., February 2012:54, [accessed 2013-04-29] from: http://www.oig.dhs.gov/assets/Mgmt/2012/OIGr_12-39_Feb12.pdf.

This Office of Inspector General (OIG) report is the second part of a three-part report on information sharing on aliens or foreign nationals (FNs) within DHS. It focuses on information sharing among DHS components related to border security, noting that information sharing on FNs is the responsibility of five of the seven major DHS operational components[34] and support offices.[35]

Legitimate FNs can enter the US through any of the 327 air, sea, or land border POEs. The CBP Office of Field Operations (OFO) agents evaluate individuals seeking entry into the US for compliance with a number of immigration, customs, and agricultural laws and regulations during the immigration inspection process.[36] As part of this process, FNs from certain countries are required to register with the National Security Entry-Exit Registration System (NSEERS) at the POE, and are subject to secondary inspections.[37] Non-NSEERS travellers whose admissibility cannot be easily determined are also referred to secondary inspections.

The OIG identified that CBP OFO, the US Border Patrol and ICE Enforcement Removal Office (ERO) have developed software that consolidates and streamlines access to data for large-scale operations such as primary inspection, border apprehensions, and enforcement and removal. The OIG determined that fragmented data systems are also a challenge for DHS officers conducting more in-depth evaluations, such as secondary inspections and law enforcement investigations (OIG 2012, 7). The OIG determined that the relationships among the DHS components with shared responsibility are professional and cooperative. The OIG also noted that multilateral support is developing for

information sharing. Despite having the most complex role of coordination and facilitation of law enforcement and interception activities, the Coast Guard[38] was acknowledged for providing information and support when coordinating with multiple assets (OIG 2012, 25).

United States Department of Homeland Security Office of Inspector General. *Information Sharing on Foreign Nationals Overseas Screening (Redacted)*, Report OIG-11-68, Washington, D.C., April 2011:90, [accessed 2013-04-29] from: http://www.oig.dhs.gov/assets/Mgmt/OIGr_11-68_Apr11.pdf.

This Office of Inspector General (OIG) report is the first part of a three-part report on information sharing on aliens (foreign nationals) within DHS. The report focuses on DHS efforts to screen FNs prior to their arrival at the POE. The review is focused on screening passengers and crew on international flights and sea vessels, as well as maritime interdiction. Overseas screening programs rely on biographical, biometric, and documentary information in US federal database systems. Systems managing FN information may include individuals who have obtained, or could in the future obtain, lawful permanent US resident status, or citizenship through naturalization (refer to Table 10 in Appendix 14).

DHS's improved evaluation of the admissibility of FNs prior to their arrival in the US, and the high level of cooperation among the various DHS components conducting overseas screening are two key OIG findings. However, the FN information is fragmented among more than 17 DHS database systems, resulting in labour-intensive, system-by-system checks to verify or eliminate each possible match to terrorist watchlists and other information.

United States Department of Homeland Security. *Privacy Impact Assessment for the TECS System: CBP Primary and Secondary Processing*, December 22, 2010:28, [accessed 2013-04-30] from: http://www.dhs.gov/xlibrary/assets/privacy/privacy-pia-cbp-tecs.pdf.

The privacy impact assessment focuses on CBP's use of the TECS (The Enforcement Communication System), an information-sharing platform and repository of data from the primary and secondary inspection processes (including information collected prior to the arrival, during inspections at the US POE, and retention of information and reports following interactions during US border crossing activities), to determine compliance with laws enforced by CBP, including determination of the admissibility of individuals attempting to enter the US. Refer to Table 11 in Appendix 15 for CBP inspection process of travellers. Since TECS is both a repository of different data sets and an information sharing platform, three tables describe the data that resides in TECS or is accessed by using TECS in Table 12 of Appendix 16, Table 13 of Appendix 17, and Table 14 of Appendix 18.

Depending on the method used to travel to the US (e.g., air, sea, land [pedestrian and vehicle]), CBP collects certain information from and about, the travelling public at various stages of the international trip. CBP performs law enforcement enquiries on each

traveller prior to or at the time of an inspection, as well as when making admissibility determinations that may permit entry into the US. Refer to Table 11 in Appendix 15 for details relating to CBP travellers' inspections. Within the framework of TECS, CBP collects information (1) prior to arrival (e.g., Advance Passenger Information System [APIS])[39], (2) at the time of arrival (e.g., Non-immigrant Inspection System,[40] Border Crossing Information System[41]) and (3) throughout its inspection of the international travelling public in certain enforcement related circumstances (e.g., TECS,[42] Seized Assets and Case Tracking System [SEACATS][43]).

The modernization of TECS is a multi-year process to update its functionality. This includes enhancements to the graphical user interface, programming changes to integrate and automate the exchange of information and officer referrals from primary to secondary inspection. The TECS user interface is currently a static text and menu-driven screen manipulated by users via function keys and manually entered commands. The proposed user interface will make use of graphical icons, permit the use of pointing devices (e.g., mouse), allow for the incorporation of photos and other biometric images, and provide for the use of interactive screen icons to input data and perform functions. These technical changes will not impact the purposes and uses of the information maintained on the TECS platform such as APIS, BCI, and SEACATS. TECS modernization and CBP vetting uses the FIPS 140-2[44] (Freedom of Information Processing Standard), which is compliant with the federally mandated encryption standards regarding the protection of privacy data.

United States Department of Homeland Security. *Privacy Impact Assessment for the Advanced Passenger Information System: Voluntary Rail and Bus Submissions (APIS-VRBS)*, Washington, D.C., February 19, 2009:18, [accessed 2013-04-30] from: http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_cbp_apis_vrbs.pdf.

> The privacy impact assessment (PIA) discusses the state of voluntary rail and bus submission (VRBS) arrangements between CBP and Amtrak and certain bus carriers to facilitate the transmission of passenger and crew manifest data to CBP for purposes of screening passengers and crew in advance of their crossing the border. This summary focuses on the system for screening passengers and baggage on passenger railroad service between the United States and Canada.[45]

> Section 1523 of *9/11 Commission Act of 2007* mandates US government agencies responsible for railroad security to report on their progress in screening passengers and cargo entering the US from Canada. Amtrak collects certain manifest data from passengers and crew on all of its international service[46] and, on a voluntary basis, Amtrak also provides that manifest information to CBP. Amtrak does not collect this information for its domestic train service.

> Amtrak voluntarily transmits an advance notice submission of information regarding each individual travelling onboard their international train service to CBP that is sent using the United Nations Electronic Data Interchange for Administration, Commerce, and Trade text file through e-APIS, the CBP APIS web portal. The data may include the complete name, date of birth, gender, country of citizenship, travel document type used (e.g.,

Passport, Merchant Mariner Document, NEXUS or SENTRI Card, Legal Permanent Registration Card, Enhanced Driver's License, etc.), DHS-approved travel document number, DHS-approved travel document country of issuance, DHS-approved travel document expiration date, passenger name record or reservation locator number, status on board the train (i.e., passenger or crew member), train point of origin, final destination, date of arrival/departure, rail carrier code (Amtrak), and train number or other official number. The data is generally received by CBP about one hour before a train departs from a Canadian location or a train in the United States leaves for a Canadian location.

United States Government Accountability Office. *Border Security: DHS's Progress and Challenges in Securing US Borders*, Statement of the Record to the Committee on Homeland Security and Governmental Affairs, US Senate, Statement for the Record by Rebecca Gambler, Director Homeland Security and Justice Issues, GAO-13-414T, Washington, D.C., March 14, 2013:24:16-17, [accessed 2013-04-29] from: http://gao.gov/assets/660/653037.pdf.

The Department of Homeland Security (DHS) established the US-Visitor and Immigrant Status Indicator Technology (US-VISIT) program in 2004 to track foreign visitors using their biometric information such as fingerprints and biographic information. Incrementally DHS has improved its ability to track foreign entries, and has been fully operational at 327 air, land and sea ports of entry since December 2006 (GAO 2013, 16).

A range of challenges have been associated with deployment of the biometric exit capability. In the absence of a biometric entry and exit system, DHS uses various methods for identifying overstays. For example, the US-VISIT identifies overstays by analysing biographic data maintained in the arrival and departure information system (GAO 2013, 17).[47]

United States Government Accountability Office. *Visa Waiver Program: Additional Actions Needed to Mitigate Risks and Strengthen Overstay Enforcement*, Testimony before the Subcommittee on Immigration, Refugees, and Border Security, Committee on the Judiciary, US Senate, Statement of Rebecca Gambler, Acting Director Homeland Security and Justice and Michael J. Courts, Acting Director International Affairs and Trade, GAO-12-599T, Washington, D.C., March 27, 2012:15, [accessed 2013-04-29] from: http://www.gao.gov/assets/590/589621.pdf.

The US Visa Waiver Program (VWP) enhanced its security by: (1) implementing an electronic system for travel authorization (ESTA) to determine the eligibility of the VWP applicants prior their travel to the US; (2) requiring all VWP countries to enter into agreements to share information with the US on whether citizens and nationals of that country travelling to the US represent a threat to the security or welfare of the US; and (3) requiring all VWP countries to enter into agreements with the US to report lost and stolen passport data to the US (GAO 2012, 2). Citizens from 36 countries are eligible to apply for admission to the US as temporary visitors for either business or pleasure without first obtaining a visa from a US consular office abroad.[48] The Department of Homeland Security (DHS), in consultation with other US agencies, has determined that

VWP countries can meet the aforementioned requirements by entering into the following three bilateral agreements: (1) Homeland Security Presidential Directive 6,[49] (2) Preventing and Combating Serious Crime,[50] and (3) Lost and Stolen Passports.[51] DHS reported that only half of the 36 countries have fully complied with this requirement as of March 2012, and many of the signed agreements have not been implemented (GAO 2012, 8).

The Immigration and Customs Enforcement's (ICE) Counterterrorism and Criminal Exploitation Unit (CTCEU) is responsible for overstay enforcement. The CTCEU identifies leads for overstay cases, investigates their accuracy and arrests a small portion of the estimated in-country overstay population. In the absence of a comprehensive biometric entry and exit system for identifying and tracking overstays, the US-VISIT and CTCEU analyze biographic entry and exit data collected at land, air, and sea ports of entry (POEs) to identify overstays. Since travellers are not inspected when leaving the US through its land POEs, DHS's efforts to identify and report overstays are hampered by unreliable data (GAO 2012, 12). Despite steps taken by DHS to provide its component entities and other federal agencies with information to trace overstays, DHS did not create lookouts for temporary visitors admitted using non-immigrant business and pleasure visas and subsequently who overstayed by 90 days or less, and suspected in-country overstays who the CTCEU deems not to be a priority for investigation in terms as posing a possible threat to national security or public safety (GAO 2012, 13).

United States Department of Homeland Security. (no date). *Key DHS Laws*, DHS website, [accessed 2013-05-06] from: http://www.dhs.gov/key-dhs-laws.

The US Department of Homeland Security website page lists the key DHS laws categorized as general laws, emergency management, immigration and border security, maritime security and transportation security. Refer to Appendix 19 for the listing of key statutes such as the *Homeland Security Act of 2002*, *Intelligence Reform and Terrorism Prevention Act of 2004*, *Immigration and Nationality Act*, *Maritime Transportation Security Act of 2002*, and the *Aviation and Transportation Security Act*.

United States Department of Homeland Security. (no date). *DHS Rulemaking*, DHS website, [accessed 2013-05-06] from: http://www.dhs.gov/dhs-rulemaking.

The US Department of Homeland Security website page also lists their legal authorities and key areas of DHS rulemaking. This listing identifies the key administrative acts and agencies contributing to homeland security. The latter group consists of the US Citizenship and Immigration Services (USCIS), the US Coast Guard (USCG), the US Customs and Border Protection (CBP), the Federal Emergency Management Agency (FEMA), the US Immigration and Customs Enforcement (ICE) and the Transportation Security Administration (TSA). Refer to Appendix 20 for the key areas of DHS rulemaking.

United States Government Accountability Office. *Homeland Security: US-VISIT Pilot Evaluations Offer Limited Understanding of Air Exit Options*," Report to Congressional Committees, GAO-10-860, August 2010:78, [accessed 2013-04-29] from: http://www.gao.gov/assets/310/308630.pdf.

> The DHS's air exit pilot evaluation project, implemented between May 2009 and July 2009 was considered incomplete by the US Government Accountability Office (GAO) since it only addressed the statutory condition for CBP to collect biometric information on exiting foreign nationals. DHS was unable to address the statutory condition for an airline scenario because no airline was willing to participate. In addition, the report did not meet the legislative expectation for gathering information on the security of the information collected from the visitors subject to US-VISIT requirements. Since the limitations in scope, approach and reporting restrict the pilot projects' ability to inform a decision for a long term air exit solution, GAO recommended that DHS leverage compensating sources of information on air exit's operational impacts in making air exit solution decisions (GAO 2010, 5).

United States White House. *Beyond the Border Implementation Report*, December 2012:11, [accessed 2013-05-23] from: http://www.whitehouse.gov/sites/default/files/docs/btb_implementation_report.pdf.

> The implementation report of 2012 identified efforts made to date in the four areas of cooperation identified in the *Beyond the Border Declaration*. Actions taken to advance the *Beyond the Border Action Plan* in 2012, in relation to facilitating access of entry-exit systems used by travellers when arriving in or departing from Canada to the US include: achieving mutual recognition of each air cargo security program for passenger aircraft, eliminating the need for re-screening except for cause; initiating a joint entry-exit pilot project at the land border, beginning with TCNs and permanent residents, whereby the record of entry into one country is shared and becomes the record of exit from the other country; developing a land border traffic management guide to manage traffic in the event of an emergency; and enhancing the trusted traveller program NEXUS by providing additional benefits to members such as access to an expedited passenger screening lanes at airports in Canada and Transportation Security Administration (TSA) Pre ™ lanes in the US.[52]

Warren, Adam and Mavroudi, Elizabeth. "Managing Surveillance? The Impact of Biometric Residence Permits on UK Migrants," *Journal of Ethnic and Migration Studies*, 37(9), November 2011:1495-1511.

> The authors drew on their empirical work to examine the impacts of biometric residence permits (BRPs) on migrants. Although the UK Government cancelled the use of national identity cards for UK citizens on May 27, 2010, foreign nationals remain subject to a separate biometric identity card scheme referred to as BRPs. These requirements have been placed on various FN groups, including international students, visiting scholars, entrepreneurs, investors and domestic workers. The authors conducted interviews and

took 'walk through' tours of two UK Border Agency Public Enquiry Offices to observe the biometric enrolment process.

The authors confirmed that the BRP is an important aspect of migrant surveillance in the UK. The majority of non-EEA migrants are required to apply for the BRP. The authors suggested that the UK government consider reducing the number of registration sites where migrants are obliged to provide their biometric data during the initial application for, and renewal of, their visas (Warren and Mavroudi 2011, 1508). The authors noted that the impacts of surveillance on migrant populations are often nuanced and complex. "It can be seen as problematic, resulting in migrants feeling discriminated against and 'different.'"[53]

Wasem, Ruth Ellen. *Nonimmigrant Overstays: Brief Synthesis of the Issue*, Congressional Research Service Report for Congress, RS22446, January 15, 2010:8, [accessed 2013-04-29] from: http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA513968.

The author estimates that each year hundreds of thousands of foreign nationals (FNs) overstay their non-immigrant visas or enter the US illegally by using fraudulent documents or bypassing immigration inspections. According to the *March Supplement of the Current US Population Survey*, about 11.9 million unauthorized FNs were residing in the US in 2008.[54] Wasem notes that reliable estimates of the number of overstays are not available. The 2008 estimates range from 31% to 57%[55] of the unauthorized population (depending on methodology) in 2006. Estimates of FN overstays are affected by difficulties had with measuring all three components of unauthorized migration including (1) FNs entering without inspection between POEs, (2) FNs entering with fraudulent documents, and (3) FNs overstaying or violating the terms of legal entry (Wasem 2010, 7).

4.0   Observations

This paper offers an annotated bibliography relating to the heightened entry-exit border security system requirements between and at the formal POEs. Its primary focus is to identify the entry-exit systems used by travellers when arriving in or departing from Australia, the European Union, New Zealand and the United States, looking at all methods of conveyance used in travel (i.e., by air, sea, or land). There are three different targets of border security enforcement: terrorism (terrorists, their transnational networks, and the sources of supply for acts of violence); mass unauthorized migration (smuggling of irregular migrants) and contraband, including synthetic drugs. The paper focuses on both the legitimate and unauthorized movement of travellers as they arrived in or departed from each of the above-mentioned entry-exit systems. This section discusses the measures established by all four governments to enhance the security of their passenger entry-exit systems.

All four governments, Australia, the European Union and its Member States, New Zealand and the United States are members of the International Civil Aviation Organization (ICAO), the International Air Transport Association (IATA), and the International Maritime Organization

(IMO). The strength and effectiveness of the international aviation and maritime security systems rely on the similarity of standards adopted collectively by each Nation State and implemented by individual participants. In contrast, a weakness in one State represents a risk to others in that it may be an entry point to be exploited by motivated individuals in the areas of organized crime, terrorists or extremists. Each government is committed to implementing certain legal requirements, including standards associated with the chosen mode of transport when moving passengers and/or cargo internationally.

A number of factors contribute to an increased dependency of border control agencies' use of advance passenger information systems with all four governments. These include a growth in passenger numbers being processed at international airports and maritime ports, and pressures to expand airport and maritime facilities to cater to the growth. At the same time the increased volume of contraband, particularly drug trafficking requires each border control agency's increased vigilance and more intensive processing of the passengers and cargo. In addition, ongoing threats posed by international terrorism are being addressed through additional security checks prior to departure. All of this contributes to increased pressures on limited manpower resources available to border control agencies and carriers, and underlines the importance of interagency cooperation between the variety of border control agencies in place at most international airports and maritime ports. At the same time, each government has experienced challenges with cost overruns, delays in delivery of the new entry-exit systems as well as having difficulties integrating their existing and new infrastructure.

Australia and New Zealand
Even though their systems are not identical, shared culture and history, together with physical proximity, have allowed these countries to achieve a high degree of efficiency (in terms of the travel experience for legitimate travellers) and effectiveness.

More than most other nations, Australia's and New Zealand's aviation industries play a critical role in these nations' economy and global connectivity. Both countries are experiencing a growth in the international and domestic passenger movements at all of their airports and maritime ports.[56,57] Future growth of these industries will be driven by public confidence in the safety and security of these services.

Aviation activity and security screening has grown in Australia[58] and NZ.[59] This led to an increased number of screened air services originating from regional airports due to the growth of jet services now serving the regions.[60] Some regional communities are receiving scheduled passenger jet services for the first time. As a result, security screening is required at these airports, along with the associated increased operating and capital costs.

Interagency, industry and international cooperation are key components of the entry-exit systems in both countries.[61,62] For example, NZ has set up the Joint Border Management System (JBMS) to reduce duplication and improve targeting of people, goods and craft crossing the border.[63] Besides Memoranda of Understanding with a number of Asia-Pacific Economic Cooperation (APEC) countries, both Australia and NZ are participating economies in the Regional Movement Alert System (RMAS), a counter-terrorism initiative used to improve regional border security standards for air travel. Through RMAS, participating governments are able to confirm the

validity of passports and other travel documents and remove them from circulation. This also helps to address the irregular movements of people by air and maritime travel methods. Due to record travel numbers of legitimate travellers, there has also been growth in the number of irregular travellers to both countries. Appendix 6 illustrates this for Australia.

Both countries make use of layered inspections for air and maritime travel. A first layer is the awarding of visas or travel authorities that does not apply to visa waiver countries (e.g., NZ)[64] or electronic travel authority countries (e.g., Australia),[65] which includes the EU and its Member States, Canada, etc. Both Australia and NZ do not require visas of each other's citizens for travel into each other's country.[66,67] In fact, Australians and New Zealanders aim at delivering a 'domestic-like experience' for trans-Tasman travel. An automated border processing system (SmartGate using e-Passports) has been expanded to all international airports and a number of regional airports that receive flights between the two countries to reduce the trans-Tasman travel barriers for legitimate travellers.[68]

A second layer is pre-inspection or examination of advance passenger screening (APS)[69] or enhanced passenger assessment and clearance (EPAC) program[70] involving a capture of a passenger's biographic data and flight or cruise details by the carrier during the check-in process. All entry-exit information is stored in the Movement Reconstruction database to track the movement of travellers to and from Australia.[71] This information is electronically transmitted to the relevant border control agencies at the destination after departure.

The third layer is the travel document inspection and questioning at the actual point of border crossing at the destination. The Movement Alert List (MAL) watchlist contains details on people and travel documents of concern to Australia, and is used to screen for possible visa issues, which is supplemented through a range of offshore compliance operations.[72] In addition, both countries make use of CCTV systems.[73] These are installed in public areas, particularly in and around public transport (such as hubs, terminals, stations, trains, buses, ferries, major airports and other large transport precincts).[74]

Finally, both countries have set up integrated operations centres to assess the risks presented by certain people, goods (contraband) and craft by using information to identify targets for operational activity. The Integrated Targeting and Operations Centre (ITOC) keeps an overall view of NZ Customs' operational activity, and provides all necessary information for effective border security management in one location, 24 hours a day.[75] Australia's Custom and Border Protection works with the Business Continuity and Crisis Management Committee,[76] and works with the Border Protection Task Force[77] to address operational issues.

The European Union
The EU is an evolving political institution with both internal and external borders (and several 'internal' borders that are 'external': i.e., inclusion of some of the Balkan States in the EU). A number of EU Member States have experienced terrorist acts that have made questions of entry-exit of high political importance, especially as the transit of internal borders is a major aspect of the benefits of the EU for its citizens.

The EU has more than 500 million citizens inhabiting a territory defined by 7,400 km of land borders and 57,800 km of maritime borders.[78] About 150 million non-EU citizens are estimated to enter and leave the EU each year, and except for an extremely small percentage, they are legitimate travellers.[79]

The European Community Code on Visas (Code) is the first layer of screening of potential travellers to the EU. The Code sets out the common requirements for issuing transit and short-term visas to enter the territory of Member States, except for the UK and Ireland.[80] More than 100 nationalities require a visa to enter the EU, and about 40 third countries do not have this requirement for entry. This includes countries such as Australia, Canada, New Zealand and the US. The EU uses this statistical data contained in the Schengen Information System (SIS I) database to monitor the movements of travellers.[81] The SIS I is supplemented by the Visa Information System (VIS), which registers visa applicants and authorizes legal residence within the EU for a limited period of time. It does not record the expiry dates of visas.

Currently the VIS is not fully operational.[82] The EU anticipates that when fully operational, it will deliver faster border checks, more accurate visa procedures, better protection of travellers against identity-theft and more security (Frontex 2012, 36). At that time, the border-control authorities will systematically check the visa sticker number in the VIS. Currently, only those passengers selected are obliged to have the border control systematically check the visa sticker number in the VIS (Frontex 2012, 36).

At present, EU citizens are subject to minimum border checks, while third country nationals such as Canadians, whether they require visas or not are subject to more thorough checks, as required by the SBC. Although there is no estimate of total passenger flows through EU external land borders, a one-week monitoring exercise conducted in 2009 (excluding the UK and Ireland) led to two main conclusions: (1) EU citizens account for 72% of regular flow, and (2) land and air border flows are much larger than flows through maritime borders.

In 2011, the EU external air borders continued to be characterized by large passenger flows, including a large number of entry refusals as well as a substantial number of detections of forged documents using alert information from the SIS I (Frontex 2012, 22). "The most significant increases were observed in refusals of entry to Albanian nationals following visa liberalization at the end of 2010, and an almost 20% rise in applications for asylum made directly at the air border in relation to the previous year."[83] When compared to 2010, the applications for asylum filed at the air borders in 2011 increased by almost 20%, reaching about 12 000, or 5% of the EU total (Frontex 2012, 22).

A second layer is pre-inspection or examination of advance passenger screening using the EU Passenger Name Records (PNR) for flights entering or leaving the EU. Currently, the EU is in the process of updating its PNR agreements with third countries. These agreements allow for the use of PNR data originating from the EU by law enforcement authorities of these countries for the same purpose. Agreements with Canada and the US are currently under re-negotiation, while it signed a new agreement with Australia in September 2011.

The third layer is the travel document inspection and questioning at the actual point of border crossing at the destination.

Frontex (European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union except of the UK and Ireland) reports that the *modus operandi* for irregular migrants is to cross on foot in small groups, usually at night. The facilitators or smugglers do not cross the border themselves but leave the irregular migrants close to the border with instructions on how to cross and how to behave and continue their journey once on the other side of the border (Frontex 2012, 22). For example, information from a Frontex Joint Operation suggests that migrants travel to the Greek-Turkish land border to cross the River Evros at night in small groups using small-size inflatable boats. Similarly, most of the irregular migrants crossing the EU external maritime borders such as the Mediterranean Sea were detected on wooden fishing boats of Tunisian origin.

The EU set up Frontex to strengthen border security by ensuring the coordination of Member States' actions in the implementation of Community measures relating to the management of the external borders.

Looking forward, the European Parliament recently enacted legislation to support the establishment of the Registered Traveller Programme (RTP) to further facilitate access to the EU of pre-screened travellers without undermining security, and an Entry-Exit System (EES) to identify overstayers. The RTP would be implemented at the Schengen level, and Registered Travellers would be subject to fees and vetting (GHK 2007, 72), which is similar to the 'Trusted Traveller Program' used by the US and Canada.

Currently, there are only four operational RTP programmes in major airport and transfer hubs in the EU; three of them (ABG in Germany, Iris in the UK, and Privium in the Netherlands) use iris scans, while Parafes in France uses fingerprints.

The RTP would have minimum standards for Registered Traveller Schemes and would offer automated border checks to Third Country Nationals (TCNs). The EES for TCNs not requiring visas would also be implemented at the Schengen level. By using a shared electronic register, border authorities would be able to identify TCNs who have entered the Schengen area and overstayed their visas.

The United States
Post 9/11, the mission of the Department of Homeland Security (DHS) is to ensure that the US is safe and secure, against terrorism and resilient in the face of other hazards. To that end, "DHS has implemented several programs to screen foreign nationals (FNs) who seek entry into the US at air, land, and sea ports of entry (POEs), as well as persons who seek illegal entry through land and maritime borders."[84]

US Customs and Border Protection is the law enforcement agency of DHS charged with preventing the illegal flow of people, weapons, and contraband from crossing the border into the US. It screens travellers against law enforcement databases and no-fly lists to determine high-risk travellers. It also monitors departing travellers and expedites the processing of

legitimate travellers using a combination of technology, advance knowledge, intelligence, situational awareness, and personnel at authorized POEs (CBP 2012, 30).

Depending on the method used to travel to the US (e.g., air, sea, land [pedestrian and vehicle]), CBP collects certain information from and about, the travelling public at various stages of the international trip. CBP performs law enforcement enquiries on each traveller prior to or at the time of an inspection, as well as when making admissibility determinations that may permit entry into the US. Table 11 in Appendix 15 provides details relating to CBP travellers' inspections.

Within the framework of The Enforcement Communication System (TECS), CBP collects passenger and crew biographic and relevant travel document information (1) prior to arrival (e.g., Advance Passenger Information System [APIS])[85], (2) at the time of arrival (e.g., Non-immigrant Inspection System,[86] Border Crossing Information System[87]) and (3) throughout its inspection of the international travelling public in certain enforcement related circumstances (e.g., TECS,[88] Seized-Assets and Case Tracking System [SEACATS][89]).

The APIS process was modified to incorporate the Electronic System for Travel Authorization (ESTA) to allow CBP to screen information provided by travellers using the Visa Waiver Program (VWP) (Siskin 2013, 1-4). This allows CBP to determine whether a foreign national (FN) presents a security risk and is eligible to travel to the US under the VWP. Travellers determined to be inadmissible due to this screening are denied a travel authorization via ESTA, and, therefore, are unable to travel to the US under VWP. Those persons may apply for a visa to travel to the US at the nearest US Embassy or Consulate (CBP 2012, 32).

Like Australia and New Zealand, the US established a trusted traveller program with Canada, its northern border partner. These programs include: NEXUS (a bilateral program operated jointly by the Canada Border Services Agency [CBSA] and CBP); the Secure Electronic Network for Travellers Rapid Inspection [SENTRI]; the Free and Secure Trade program [FAST]; and Global Entry [GE]. These programs provide expedited CBP processing for pre-approved, low risk travellers at the land borders. NEXUS provides expedited processing into the US and Canada and offers expedited processing in Canadian airports and at the pre-clearance locations. Details on the CBP air/sea travel process and land travel process are found in Appendix 15.

In addition to the above-mentioned observations, there are a number of points that could also be considered for further research. These include:
- Additional information on Australia's Regional Movement Alert System (RMAS), Enhanced Passenger Assessment Clearance Program 2 (EPAC 2), and Advance Passenger Screening (APS);
- How biometrics will be integrated into the EU Entry-Exit System;
- Existing treaties, legislation and agreements governing the sharing of immigration and national security information within the US and between Canada and the US;
- Identify ongoing immigration entry-exit screening initiatives at the US southern border with Mexico; and
- Compare the progress of the EU Smart Borders and Canada-US Beyond the Border Initiatives.

5.0 Acronyms

Australia

ACBPS	Australian Customs and Border Protection Service
AMIFC	Australian Maritime Information Fusion Cell
AMIS	Australian Maritime Identification System
APP	Advanced Passenger Processing
APS	Advance Passenger Screening
CCTV	Closed Circuit Television
DIAC	Department of Immigration and Citizenship
EPAC 2	Enhanced Passenger Assessment Clearance Program 2
ETA	Electronic Travel Authority
IBRM	Identity Business Reference Model
MAL	Movement Alert List
MR	Movement Records
OAD	Overseas Arrivals and Departures data
PIIs	Potential Irregular Immigrants
PMC	Passenger Movement Charge
RMAS	Regional Movement Alert System
SIM	Surveillance Information Management
SIEVs	Suspected Irregular Entry Vessels

Canada

BBWG	Beyond the Border Working Group
CanPass Air	CBSA program to facilitate border crossings
CATSA	Canadian Air Transport Security Authority
CBSA	Canada Border Services Agency
CFIA	Canadian Food Inspection Agency
CPIC	Canadian Police Information Centre
CSA	Customs Self-Assessment
EDL	Enhanced Driver's Licence
EDS	Explosive Detection Systems
EIC	Enhanced Identification Card
eTA	Electronic Travel Authorization
FAST	Free and Secure Trade
IAPI	Interactive Advance Passenger Information
NEXUS	Binational Canada-US program
PIC	Partners in Compliance
PIP	Partners in Protection
RCMP	Royal Canadian Mounted Police
WHTI	Western Hemisphere Travel Initiative

European Union

AFIS	Automated Fingerprint Identification System

AIS	Automatic Identification Systems
BMS	Biometric Matching System
CISE	Common Information Sharing Environment
ECPN	European Coastal Patrol Network
EES	Entry-Exit System
EMN	European Migration Network
EMSA	European Maritime Safety Agency
Eurodac	European database to register asylum applications
Europol	European Police Service
EUROSUR	European External Border Surveillance System
EU	European Union
FADO	European Image-Archiving System
FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
FRTD	Facilitated Rail Transit Document
FTD	Facilitated Transit Document
GMES	Global Monitoring for Environment and Security
ISF	Internal Security Fund
LRIT	Long Range Identification and Tracking
NCC	National Coordination Centre
RABIT	Rapid Border Intervention Teams
RTP	Registered Travellers Program
SBC	Schengen Borders Code
SIS I	Schengen Information System
SIS II	Second-phase of the Schengen Information System
TCN	Third Country National
VIS	Visa Information System
VMS	Vessel Monitoring Systems
VDS	Vessel Detection System

New Zealand

ATS-G	Automated Targeting System – Global
ITOC	Integrated Targeting and Operations Centre
JBMS	Joint Border Management System
NZ	New Zealand

United Kingdom

BRP	Biometric Residence Permits
DVLA	Driver & Vehicle Licensing Agency
EEA	European Economic Area
ICFNs	Identity Cards for Foreign Nationals
PBS	Points Based System
UK	United Kingdom
UKBA	UK Border Agency

United States

ADIS	Arrival and Departure Information System
A-File	Alien File
APHIS	Animal and Plant Health Inspection Service
APIS	Advance Passenger Information System
ATS-P	Automated Targeting System – Passenger
ATT	Advance Targeting Team
BASS	Biometrics-at-Sea System
BBWG	Beyond the Border Working Group
BCI	Border Crossing Information
BSFIT	Border Security Fencing, Infrastructure and Technology
CBP	US Customs and Border Protection
CIS	Central Index System
CLAIMS3	Computer Linked Application Information Management System 3
CLAIMS4	Computer Linked Application Information Management System 4
CLETS	California Law Enforcement Telecommunications System
CMIR	Currency/Monetary Instrument Report
CTCEU	Counterterrorism and Criminal Exploitation Unit
C-TPAT	Customs-Trade Partnership Against Terrorism
DHS	Department of Homeland Security
DOJ	Department of Justice
DOS	Department of State
DOT	Department of Transportation
EARM	Enforce Alien Removal Module
EDS	Explosive Detection Systems
ENFORCE	Enforcement Case Tracking System
EPIC	El Paso Intelligence Centre
ERO	Enforcement and Removal Operations
ESTA	Electronic System for Travel Authorization
FBI	Federal Bureau of Investigation
FIPS	Federal Information Processing Standard
FSIS	Food Safety and Inspection Service
GES	Global Enrolment System
ICE	US Immigration & Customs Enforcement
ICE-PIC	ICE Pattern Analysis and Information Collection System
ICSS	Integrated Cargo Security Strategy
IDENT	Automated Biometric Identification System
ISA	Importer Self-Assessment
ISRS	Image Storage and Retrieval System
NCIC	National Crime Information Center
NEDS	Non-Federal Entity Data System
NEXUS	Binational Canada-US program
NIIS	Non-immigrant Information System
NLETS	National Law Enforcement Telecommunications System

NSEERS	National Security Entry-Exit Registration System
NIIS	Nonimmigrant Information System
NTC-P	National Targeting Center – Passenger
OFO	CBP Office of Field Operations
OIG	Office of Inspector General
PIERS	Passport Information Electronic Records System
RAPS	Refugees, Asylum, and Parole System
SEACATS	Seized Assets and Case Tracking System
SEVIS	Student and Exchange Visitor Information System
SORN	System of Records Notice
TECS	The Enforcement Communication System
TSA	Transportation Security Administration
US	United States
USCG	US Coast Guard
USCIS	US Citizenship and Immigration Services
US-VISIT	US Visitor and Immigrant Status Indicator Technology
VRBS	Voluntary Rail and Bus Submission
VWP	Visa Waiver Program
WHTI	Western Hemisphere Travel Initiative

Commonly Used Terms

ABC	Automated Border Controls
API	Advanced Passenger Information
FN	Foreign Nationals
ICC	Integrated Circuit Chip
ICT	Information and Communications Technology
MOU	Memorandum of Understanding
MRTD	Machine Readable Travel Documents
MRZ	Machine Readable Zone
PIA	Privacy Impact Assessment
PIN	Personal Identification Number
PKI	Public Key Infrastructure
PNR	Passenger Name Record
POE	Port of Entry
PR	Permanent Resident
RFID	Radio Frequency Identification
RMS	Risk Management Solutions

International Organizations & related terms

APEC	Asia-Pacific Economic Cooperation
ICAO	International Civil Aviation Organization
IATA	International Air Transport Association
IMO	International Maritime Organization
UN	United Nations

6.0 Appendices

Appendix 1: Proposed Databases and Keywords for Annotated Bibliography

English databases
1. Academic Search Primer

2. eBook Collection (EBSCO host)

3. Business Continuity & Disaster Recovery Reference Center

4. Business Source Elite

5. National Criminal Justice Reference Abstract Database (NCJRS)

6. Regional Business News

7. Theses Canada

8. Hein on-line

English keywords

Search 1: (entry-exit* AND EU) OR (US OR Australia OR New Zealand) AND (foreign nationals) OR (permanent residents) OR (citizens)

Search 2: (EU OR US OR Australia OR New Zealand) AND (security) AND (citizens' OR foreign nationals OR permanent residents) AND (travel)

Search 3: entry-exit passenger security AND border security practices

Appendix 2: Australia: Detection of Irregular Entry Vessels & Potential Irregular Migrants[1]

Table 1: Detections of Suspected Irregular Entry Vessels and Potential Irregular Migrants, FY 2009-10 to FY 2011-12			
	2009-10	*2010-11*	*2011-12*
Suspected irregular entry vessels			
Undetected:			
➢ Mainland unauthorized boat arrivals	-	-	-
➢ Offshore unauthorized boat arrivals (a)	5	3	1
Detected	112	86	110
Total	**117**	**89**	**111**
Number of long hauls (b)	86	42	29
SIEV detection rate	95.73%	96.63%	99.1%
Potential irregular migrants			
Undetected:			
➢ Mainland PII arrivals	-	-	-
➢ Offshore PII arrivals	246	114 (c)	32
Detected	5,081(d)(e)	4,636(f)	8,060
Total	**5,327**	**4,750**	**8,092**(g)(h)
Number of PIIs transferred by long haul	3,390(i)	2,013(j)	1,514
Total crew intercepted	300	210	245

Notes:
- ➢ SIEV refers to a suspected irregular entry vessel
- ➢ PII refers to a potential irregular immigrant
- ➢ **(a)** An offshore arrival is an arrival in an offshore excised place as defined by the *Migration Act 1958* and includes Christmas Island, Ashmore Island and Cocos (Keeling) Islands.
- ➢ **(b)** A long haul is defined as the transportation by a Customs and Border Protection or Defence vessel, over an extended distance of 500 nautical miles or more, of PIIs and crew from an intercepted SIEV, prior to transfer to Australian Government authorities on Christmas Island (or Broome or Darwin for operational purposes). Border Protection Command-assigned assets (including contracted vessels) usually conduct long hauls. The figures show the number of SIEV arrivals that have resulted in long hauls.
- ➢ **(c)** This includes 50 people deceased at sea from SIEV 221. Twenty of the 50 deceased were never recovered; however, the Western Australia Coroner declared on February 23, 2012 that their deaths have been proven beyond reasonable doubt.
- ➢ **(d)** This includes 12 people considered lost at sea after their vessel was reported as capsized 350 nautical miles northwest of Cocos (Keeling) Islands on November 1, 2009.
- ➢ **(e)** This includes three onshore PII arrivals who were transferred directly to the mainland after interception due to serious medical conditions.
- ➢ **(f)** This includes seven onshore PII arrivals who were transferred directly to the mainland after interception due to serious medical conditions.
- ➢ **(g)** This does not include ten Chinese nationals from the yacht *Rahmani* who subsequently sought asylum.
- ➢ **(h)** This includes 110 survivors and 17 deceased people from Australian Search and Rescue Operation 2012/4106 and 130 survivors and one deceased person from Australian Search and Rescue Operation 2012/4259.
- ➢ **(i)** This does not include three PIIs who were transferred to the mainland for medical reasons while the remainder of PIIs from the same SIEV were transferred by long haul to Christmas Island.
- ➢ **(j)** This does not include seven PIIs who were transferred to the mainland for medical reasons while the remainder of PIIs from the same SIEV were transferred by long haul to Christmas Island.

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[1]Australian Customs and Border Protection Service. *Annual Report 2011-12*, Canberra, Commonwealth of Australia, 2012:348:68, [accessed 2013-05-01] from: http://www.customs.gov.au/aboutus/annualreports/2012/pdf/ACBPS_AR_2011-12.pdf.

Appendix 3: Australia: Traveller Referrals to the DIAC[2]

Table 2: Traveller Referrals to the Department of Immigration and Citizenship			
	2009-10	*2010-11*	*2011-12*
Inwards referrals	46,038	49,217	51,254
Outwards referrals	7,238	8,805	9,570
Total referrals	**53,276**	**58,022**	**60,824**

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[2]Australian Customs and Border Protection Service. *Annual Report 2011-12*, Canberra, Commonwealth of Australia, 2012:348:122, [accessed 2013-05-01] from:
http://www.customs.gov.au/aboutus/annualreports/2012/pdf/ACBPS_AR_2011-12.pdf.

Appendix 4: Australia: Immigration Clearance Refused at Airports[3]

Table 3: Immigration Clearance Refused at Airport			
	2009-10	*2010-11*	*2011-12*
Traveller entry refusals	1,573	1,809	2,042

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[3]Australian Customs and Border Protection Service. *Annual Report 2011-12*, Canberra, Commonwealth of Australia, 2012:348:122, [accessed 2013-05-01] from:
http://www.customs.gov.au/aboutus/annualreports/2012/pdf/ACBPS_AR_2011-12.pdf

Appendix 5: Australian Legislative Authority and Power[4,5]

On June 10, 1985, subsection 4(1) of the *Customs Administration Act 1985* established Customs and Border Protection in its current form. Australian Customs and Border Protection (ACBP) derives its powers from the *Customs Act 1901* and related legislation.

Statutory powers conferred on the Chief Executive Officer
The Customs Administration Act 1985 also provides for the appointment of a Chief Executive Officer, who, reporting to the Minister, controls Customs and Border Protection. The Governor General appoints the CEO. Certain statutory functions and powers are vested in the Minister, but most decisions made under Customs and Border Protection legislation are the responsibility of the CEO. The CEO may delegate (by signed instrument) to an officer of Customs and Border Protection all or any of the functions and powers of the CEO.

Commonwealth legislation under which ACBP exercises powers

The following Acts and Regulations are some of the important Acts and Regulations under which the CEO and/or Customs and Border Protection officers exercise powers and perform functions:
Customs Act 1901
Customs (Prohibited Exports) Regulations 1958
Customs (Prohibited Imports) Regulations 1956
Customs Regulations 1926
Customs Administration Act 1985
Customs Tariff Act 1995 Customs Tariff (Anti-Dumping) Act 1975
Commerce (Trade Descriptions) Act 1905

Other legislation under which ACBP officers exercise powers includes:

Anti-Money Laundering and Counter-Terrorism Financing Act 2006
Australian Postal Corporation Act 1989
Copyright Act 1968
Crimes Act 1914
Environment Protection and Biodiversity Conservation Act 1999
Fisheries Management Act 1991
Migration Act 1958
National Health Act 1953
Olympic Insignia Protection Act 1987
Quarantine Act 1908
Trade Marks Act 1995

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[4]Australian Customs and Border Protection Service. *Annual Report 2011-12*, Canberra, Commonwealth of Australia, 2012:348:300, [accessed 2013-05-01] from:
http://www.customs.gov.au/aboutus/annualreports/2012/pdf/ACBPS_AR_2011-12.pdf
[5]These lists are not exhaustive and do not include all delegated legislation.

ACBPS collects charges and revenue under the following legislation:

A New Tax System (Goods and Services Tax) Act 1999
A New Tax System (Wine Equalisation Tax) Act 1999
A New Tax System (Luxury Car Tax) Act 1999
Customs Depot Licensing Charges Act 1997
Import Processing Charges Act 2001
Passenger Movement Charge Act 1978
Passenger Movement Charge Collection Act 1978

Administrative legislation that ACBP must comply with includes:

Administrative Decisions (Judicial Review) Act 1977
Disability Discrimination Act 1992
Financial Management and Accountability Act 1997
Freedom of Information Act 1982
Work Health and Safety Act 2011
Privacy Act 1988
Public Service Act 1999
Maternity Leave (Commonwealth Employees) Act 1973
Long Service Leave (Commonwealth Employees) Act 1976
Workplace Relations Act 1996

Appendix 6: Australia: Performance against Targets in 2010-11[6]

Table 4: Performance Against Target Set Out in 2010-11		
Deliverables	**Target***	**Actual**
Number of international passengers (air and sea)		
➤ Arrivals	14,490,000	14,300,218
➤ Departures	14,449,000	14,144,665
Number of international crew (air and sea)		
➤ Arrivals	1,245,000	1,216,079
➤ Departures	1,242,000	1,213,269
Key performance indicators	**Target***	**Actual**
Percentage of passengers processed within 30 minutes of joining the inwards queue.	95%	96.8%
Number of arriving international air passenger referrals ➤ To the Department of Immigration and Citizenship ➤ To the Department of Health and Ageing [sic]	**	377,841
Price (AUD million)	**AUD 237,926 m**	**AUD 242,603 m**

Notes:
*   Targets may be performance targets, service level targets or estimates
**   Performance cannot be forecast through any reliable statistical or other method.

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[6]Australian Customs and Border Protection Service. *Annual Report 2010-11*, Canberra, Commonwealth of Australia, 2012:374:61, [accessed 2013-05-01] from:
http://www.customs.gov.au/webdata/resources/files/879316AUSCUSwebpdf.pdf.

Appendix 7: EU Legislation relating to Free Movement of Persons[7]

Free Movement of European Citizens within the Union

- *Right of Union citizens and their family members to move and reside freely within the territory of the Member States* (European Parliament and Council Directive 2004/38/EC of 29 April 2004)
- Strengthening the Schengen area (16 September 2011 — Schengen governance — strengthening the area without internal border control [COM(2011) 561 final)
- *The Stockholm Programme* (An open and secure Europe serving and protecting citizens [Official Journal C 115 of 4.5.2010])
- Action plan on the Stockholm Programme (Plan Implementing the Stockholm Programme [COM(2010) 171 final)

Schengen Information System II

- *Legal instruments governing migration from SIS 1+ to SIS II* (Council Regulation (EC) No 1104/2008 of 24 October 2008 on migration from the Schengen Information System [SIS 1+] to the second generation Schengen Information System [SIS II])
- *Second generation Schengen Information System (SIS II) – former 1st pillar regulation* (Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second-generation Schengen Information System [SIS II]).
- *Second generation Schengen Information System (SIS II) – former 3rd pillar decision* (Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II).
- *Access of vehicle registration services to SIS II* (Regulation (EC) No 1986/2006 of the European Parliament and of the Council of 20 December 2006 regarding access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates).
- *IT agency for the area of freedom, security and justice* (Legislative package establishing an Agency for the operational management of large-scale IT systems in the area of freedom, security and justice [COM(2009) 292 final).
- *New functions for the Schengen Information System in the fight against terrorism* (Council Regulation (EC) No 871/2004 of 29 April 2004 concerning the introduction of some new functions for the Schengen Information System, in particular in the fight against terrorism).
- Improved effectiveness, enhanced interoperability and synergies between *European* databases (Commission Communication of 24 November 2005 on improved effectiveness, enhanced interoperability and synergies among European databases in the area of Justice and Home Affairs [COM(2005) 597 final).

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[7]http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/

Penetrating External Borders

- *Schengen Borders Code* (Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders)
- *Local border traffic at external land borders* (Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention).
- *Rapid border intervention teams* (RABIT) (Regulation (EC) No 863/2007 of the European Parliament and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers).
- *European Agency for the Management of External Borders – Frontex* (Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union).
- External Borders Fund (2007-13)(Decision No 574/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the External Borders Fund for the period 2007 to 2013 as part of the General programme "Solidarity and Management of Migration Flows").
- *Obligation of air carriers to communicate passenger data* (Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data).
- *Standing Committee on operational cooperation on internal security* (Council Decision 2010/131/EU of 25 February 2010 on setting up the Standing Committee on operational cooperation on internal security).
- EU internal security strategy (Communication from the Commission to the European Parliament and the Council of 22 November 2010 – The EU Internal Security Strategy in Action: Five steps towards a more secure Europe [COM(2010) 673 final).
- Next steps in border management in the EU (Communication of 13 February 2008 from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Preparing the next steps in border management in the European Union [COM(2008) 69 final).
- *European external border surveillance system* (EUROSUR)(Communication of 13 February 2008 from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Examining the creation of a European border surveillance system (EUROSUR) [COM(2008) 68 final).
- *Reinforcing the management of the EU's southern maritime borders* (Communication from the Commission: Reinforcing the management of the European Union's maritime borders [COM(2006) 733 final).

VISAS
Visa policy
- *Visa Code* (Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas).
- *Visa requirements for non-EU nationals* (Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement).

- *Uniform format for visas* (Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas).
- *Facilitated Transit Document (FTD) and Facilitated Rail Transit Document (FRTD)* (Regulation (EC) No 693/2003 of 14 April 2003 establishing a specific Facilitated Transit Document (FTD), a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual).
- *Facilitating procedures for issuing visas for those taking part in sporting events* (Council Regulation (EC) No 1295/2003 of 15 July 2003 relating to measures envisaged to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the 2004 Olympic or Paralympic Games in Athens).

Information system on visas
- *VIS Regulation* (Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas).
- *Establishment of the Visa Information System (VIS) – Stage 1* (Council Decision 2004/512/EC of 8 June 2004 establishing the Visa Information System)
- *Access to the Visa Information System (VIS) by the national authorities and Europol* (Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences).

Consular cooperation and document fraud
- *Integration of biometric features in passports and travel documents* (Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States).
- *Exchange of information to combat counterfeit travel documents* (Council Decision of 27 March 2000 on the improved exchange of information to combat counterfeit travel documents [Official Journal L 81 of 01.04.2000]).
- *FADO image-archiving system* (Joint Action 98/700/JHA of 3 December 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning the setting up of a European Image-Archiving System [FADO]).
- Detecting forged documents (Council Recommendation 98/C 189/02 of 28 May 1998 on the provision of forgery detection equipment at ports of entry to the European Union. Council Recommendation 99/C 140/01 of 29 April 1999 on the provision for the detection of false or falsified documents in the visa departments of representations abroad and in the offices of domestic authorities dealing with the issue or extension of visas).
- Local consular cooperation regarding visas (Council recommendation of 4 March 1996 relating to local consular cooperation regarding visas [Official Journal C 80 of 18.3.1996]).

Asylum

European asylum system

- *European Asylum Support Office* (Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office).
- Joint EU resettlement programme (Communication from the Commission to the European Parliament and the Council of 2 September 2009 on the establishment of a joint EU resettlement programme [COM(2009) 447 final).
- Policy plan on asylum (Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 17 June 2008 – Policy Plan on Asylum: An integrated approach to protection across the EU [COM(2008) 360 final).
- *Entry of refugees into the EU and enhancing protection for them in the countries of first asylum* (Communication from the Commission to the Council and the European Parliament of 4 June 2004 on the managed entry in the EU of persons in need of international protection and the enhancement of the protection capacity of the regions of origin: "improving access to durable solutions" [COM(2004)410 final]).
- Future common European asylum system (Green Paper of 6 June 2007 on the future common European asylum system [COM (2007) 301 final]).

Minimal harmonization of national legislation

- *Minimum standards for procedures for granting and withdrawing refugee status* (Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status).
- *Conditions governing eligibility for refugee status or international protection* (Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals and stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted).
- *Minimum standards on the reception of applicants for asylum in Member States* (Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers).
- *Minimum guarantees for asylum procedures* (Council Resolution of 20 June 1995 on minimum guarantees for asylum procedures [Official Journal C 274, 19.09.1996]).
- *Temporary protection in the event of a mass influx of displaced persons* (Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof).

Cooperation and coordination of asylum system

- *Dublin II Regulation* (Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third country national).
- *"Eurodac" system* (Council Regulation No 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention).

- Closer practical cooperation (Communication from the Commission to the Council and the European Parliament on strengthened practical cooperation - New structures, new approaches: improving the quality of decision making in the common European asylum system [COM(2006) 67]).

Financial programmes
- European Refugee Fund (2008-13)

Immigration and Rights of Nationals of Non-EU Countries

Immigration policy
- *European Pact on Immigration and Asylum* (European Pact on Immigration and Asylum 📄 of 24 September 2008)
- A comprehensive European migration policy (Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions of 4 May 2011 - Communication on migration [COM(2011) 248]).
- A common immigration policy for Europe (Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 17 June 2008 – A Common Immigration Policy for Europe: Principles, actions and tools [COM(2008) 359 final]).
- Policy plan on legal migration (Communication from the Commission on a policy plan on legal migration [COM (2005) 669 final]).
- Actions and tools for integration (Commission Staff Working Document of 8 October 2008 – Strengthening actions and tools to meet integration challenges – Report to the 2008 Ministerial Conference on Integration [SEC(2008) 2626]).
- Common framework for the integration of non-EU nationals (Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions of 1 September 2005 – A Common Agenda for Integration – Framework for the Integration of Third country Nationals in the European Union [COM(2005) 389 final]).

Entry and residence
- *Uniform format for residence permits* (Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third country nationals).
- *Admission and residence of researchers from third countries* (Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third country nationals for the purpose of scientific research [Official Journal L 289 of 3 November 2005]).
- *Entry and residence of highly qualified workers (EU Blue Card)* (Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third country nationals for the purposes of highly qualified employment).
- *Conditions of admission of third country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service* (Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service).
- *Residence permit for victims of human trafficking* (Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third country nationals who are victims of trafficking

in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities).

- *Status of non-EU nationals who are long-term residents* (Council Directive 2003/109/EC of 25 November 2003 concerning the status of third country nationals who are long-term residents).
- *Family reunification* (Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification).
- Single application procedure for a residence and work permit and a common set of rights for Non-EU Member Country workers (Proposal of 23 October 2007 for a Council Directive on a single application procedure for a single permit for Non-EU Member Country nationals to reside and work in the territory of a Member State and on a common set of rights for Non-EU Member Country workers legally residing in a Member State).
- Limitations on the admission of third country nationals for the purpose of pursuing activities as self-employed persons (Council resolution of 30 November 1994 relating to the limitations on the admission of third country nationals for the purpose of pursuing activities as self-employed persons).
- Limitations on the admission of third country nationals for employment (Council Resolution of 20 June 1994 on limitations on admission of third country nationals to the territory of the Member States for employment [Official Journal C 274 of 19.09.1996]).

Illegal immigration

- *Defining the facilitation of illegal immigration* (Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorized entry, transit and residence).
- *Penal framework for preventing the facilitation of illegal immigration* (Council Framework Decision 2002/946/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorized entry, transit and residence).
- *Sanctions against the employment of illegally staying non-EU nationals* (Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third country nationals).
- *Financial penalties on carriers* (Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985).
- *Immigration liaison officers' network* (Council Regulation (EC) No 377/2004 of 19 February 2004 on the creation of an immigration liaison officers' network).
- *Protocol against the Smuggling of Migrants by Land, Air and Sea* (Council Decisions 2006/616/EC and 2006/617/EC of 24 July 2006 on the conclusion of the Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organised Crime).
- Policy priorities in the fight against illegal immigration (Communication from the Commission of 19 July 2006 on policy priorities in the fight against illegal immigration of third country nationals [COM(2006) 402 final]).
- Links between legal and illegal immigration (Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions of 4 June 2004 - Study on the links between legal and illegal migration [COM(2004) 412 final]).

Return and expulsion
- *Common standards and procedures for returning illegal immigrants* (Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third country nationals).
- *Mutual recognition of expulsion decisions* (Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals).
- *Joint flights for the removal of illegal immigrants* (Council Decision 2004/573/EC of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States of third country nationals who are subjects of individual removal orders).

Information and cooperation
- *Community statistics on asylum and migration* (Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers).
- *The European Migration Network* (EMN) (Council Decision 2008/381/EC of 14 May 2008 establishing a European Migration Network).
- *Mutual information mechanism for national asylum and immigration measures* (Council Decision 2006/688/EC of 5 October 2006 on the establishment of a mutual information mechanism concerning Member States' measures in the areas of asylum and immigration).
- Information management in the area of freedom, security and justice (Communication from the Commission to the European Parliament and the Council of 20 July 2010 – Overview of information management in the area of freedom, security and justice [COM(2010) 385 final]).

Financial programmes
- Integration Fund (2007-13) (Council Decision 2007/435/EC of 25 June 2007 establishing the European Fund for the Integration of third country nationals for the period 2007 to 2013 as part of the General programme "Solidarity and Management of Migration Flows").
- Return Fund (2008-13) (Decision No 575/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General Programme "Solidarity and Management of Migration Flows").
- Framework programme on solidarity and management of migration flows for the period 2007-2013 (Communication from the Commission to the Council and the European Parliament establishing a framework programme on solidarity and management of migration flows for the period 2007-2013 [COM(2005) 123 final]).

Relations with Non-EU Countries
- Strengthening the Global Approach to Migration (Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 8 October 2008 – Strengthening the Global Approach to Migration: Increasing coordination, coherence and synergies [COM(2008) 611 final]).
- Migration: Global Approach to the Eastern and South-Eastern regions of the EU (Communication from the Commission of 16 May 2007 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions

applying the Global Approach to Migration to the Eastern and South-Eastern Regions Neighbouring the European Union [COM(2007) 247 final]).

- Circular migration and mobility partnerships (Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 16 May 2007 on circular migration and mobility partnerships between the European Union and third countries [COM(2007) 248 final]).
- Towards a comprehensive European migration policy (Communication from the Commission to the Council and the European Parliament - The global approach to migration one year on: towards a comprehensive European migration policy [COM(2006) 735 final]).
- Cooperation with Non-EU Member Countries in the areas of migration and asylum (Communication from the Commission to the European Parliament and the Council - Thematic programme for the cooperation with Non-EU Member Countries in the areas of migration and asylum [COM(2006) 26 final]).
- The external dimension of the area of freedom, security and justice (Commission Communication: A strategy on the external dimension of the area of freedom, security and justice [COM(2005) 491 final]).
- Migration and development: some concrete orientations (Commission Communication to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions of 1 September 2005 -Migration and Development: some concrete orientations [COM(2005) 390 final]).
- Integration of concerns related to migration within the external policy (Commission Communication of 3.12.2002 to the Council and European Parliament: Integrating migration issues in the European Union's relations with third countries [COM (2002) 703 final]).

External borders and visas
- *Agreements with the countries of the Western Balkans on the facilitation of the issuance of visas (archives)*
  - Council Decision 2007/821/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the Republic of Albania on the facilitation of the issuance of visas.
  - Council Decision 2007/822/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and Bosnia and Herzegovina on the facilitation of the issuance of visas.
  - Council Decision 2007/823/EC of 8 November on the conclusion of the Agreement between the European Community and the Republic of Montenegro on the facilitation of the issuance of visas.
  - Council Decision 2007/824/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the former Yugoslav Republic of Macedonia on the facilitation of the issuance of visas.
  - Council Decision 2007/825/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the Republic of Serbia on the facilitation of the issuance of visas.

Facilitating the issuance of short-stay visas with Russia (007/340/EC: Council Decision of 19 April 2007 on the conclusion of the Agreement between the European Community and the Russian Federation on the facilitation of issuance of short-stay visas).

- Transit Kaliningrad - Russian mainland: proposals and implementation (Communication from the Commission to the Council of 18 September 2002 - Kaliningrad: Transit [COM (2002) 510 final]).

Asylum
- Regional Protection Programmes (Commission Communication to the Council and the European Parliament of 1 September 2005 on regional protection programmes. [COM(2005) 388 final]).

Return and readmission
- *Readmission agreements with Macao and Hong Kong*
    - Council Decision 2004/424/EC of 21 April 2004 concerning the conclusion of the Agreement between the European Community and the Macao Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation.
    - Council Decision 2004/80/EC of 17 December 2003 concerning the conclusion of the Agreement between the European Community and the Government of the Hong Kong Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation
- *Agreement with Pakistan on readmission* (Council Decision 2010/649/EU of 7 October 2010 on the conclusion of the Agreement between the European Community and the Islamic Republic of Pakistan on the readmission of persons residing without authorisation.
- Agreement between the European Community and the Islamic Republic of Pakistan on the readmission of persons residing without authorisation.
- *Readmission agreements with Eastern European countries*
    - Council Decision 2007/826/EC of 22 November 2007 on the conclusion of the Agreement between the European Community and the Republic of Moldova on the readmission of persons residing without authorisation.
    - Council Decision 2007/839/EC of 29 November 2007 concerning the conclusion of the Agreement between the European Community and Ukraine on readmission of persons.
    - Council Decision 2011/118/EU of 18 January 2011 on the conclusion of the Agreement between the European Union and Georgia on the readmission of persons residing without authorisation.
- *Agreement on readmission with Russia*
    - Council Decision 2007/341/EC of 19 April 2007 on the conclusion of the Agreement between the European Community and the Russian Federation on readmission.

- *Readmission agreements with the countries of the western Balkans*
    - Council Decision 2005/809/EC of 7 November 2005 concerning the conclusion of the Agreement between the European Community and the Republic of Albania on the readmission of persons residing without authorisation.

- Council Decisions [2007/817/EC](#), 2007/818/EC, 2007/819/EC and 2007/820/EC of 8 November 2007 on the conclusion of Agreements between the European Community and the Former Yugoslav Republic of Macedonia, the Republic of Montenegro, the Republic of Serbia and Bosnia and Herzegovina on the readmission of persons residing without authorisation.

- *Readmission agreement with Sri Lanka*
  - Decision [2005/372/EC](#) of 3 March 2005 concerning the conclusion of the Agreement between the European Community and the Democratic Socialist Republic of Sri Lanka on the readmission of persons residing without authorisation.
  - Agreement between the European Community and the Democratic Socialist Republic of Sri Lanka on the readmission of persons residing without authorisation.

Appendix 8: EU: Costs of Preferred Policy Options[8]

Table 5: Administrative Costs of Preferred Policy Options						
Preferred Option	*Type of Obligation*	*Types of Action*	*EU Legislative & Operational Staff*	*Member State Visa, Security & Enforcement Staff*	*Member State Border Control Staff (additional)*	*Member State Border Control Staff (saved)*
Entry-exit TCN visa holder	VIS Regulation amendment	Modify VIS and border points so as to record entry-exit movements	12 person months working on policy and regulatory basis. No account of operational costs which are being considered in the technical feasibility study. Estimated costs: € 120,000.			Savings already in status quo.
Entry-exit TCN non-visa holder	New border code VIS Regulation	Modify VIS and border points so as to record entry-exit movements and enable enrolment	No account of operational costs which will be considered in the technical feasibility study.		3,100 additional border guards for enrolment process	
RTP for TCN	New border code VIS Regulation	Vetting system for TCN. Modify border points with additional channels.	12 person months working on policy and regulatory basis. No significant operational role. Estimated costs: € 120,000.	Cost per vetting of TCN RTP (up to € 100 per applicant). Relatively low because the RT would otherwise go through the same channel. Estimated total cost assuming 1.5 million RTs in the first year and declining substantially subsequently, say € 200 million over 5 years. These		Secondary (random) checks would be less frequent for RTs. Some savings would therefore be possible. If 10% of cross border movements were by RT and the secondary checks were

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[8]GHK. *Preparatory Study to Inform an Impact Assessment in Relation to the Creation of an Automated Entry-Exit System at the External Borders of the EU and the Introduction of a Border Crossing Scheme for Bona Fide Travellers ('Registered Traveller Programme')*, Specific Contract No. JLS/2007/A1/FWC/002, Request No.6, 30 October 2007:84:75-76, [accessed 2013-04-29] from: http://ec.europa.eu/dgs/home-affairs/e-library/docs/pdf/final_report_entry_exit_and_rtp_7_12_en.pdf.

Preferred Option	Type of Obligation	Types of Action	EU Legislative & Operational Staff	Member State Visa, Security & Enforcement Staff	Member State Border Control Staff (additional)	Member State Border Control Staff (saved)
				costs could be appropriately allocated on burden sharing-solidarity basis. (They could be also offset by fees, but the policy option assumed that there would not be fees).		reduced by 50% then savings on border guards of up to 50% of those involved in secondary checks would be possible. It is reasonable to assume that 20% of border control staff is involved in secondary checks.
RTS and ABC for EU citizens (nationals)	Minimum standards	Legislation for minimum standards and system for monitoring & enforcement.	24 person months working on policy and regulatory basis. No significant operational role. Estimated costs: € 120,000.	Some costs might be incurred in meeting standards but until these are defined it is not possible to say. Some costs would be incurred in ensuring enforcement. Stipulations would be required on how often borders with RTS and ABC would need to be visited. Currently, there are 4 RTS and 1 ABC in the EU. If it is assumed that enforcement visits costs € 2,,000 per scheme per annum the costs would be € 10,000 per annum in current circumstances. However, the numbers of RTS		The use of RTS and ABC could be associated with costs savings. Potential savings if the minimum standards included requirement to provide ABC.

Table 5: Administrative Costs of Preferred Policy Options						
Preferred Option	*Type of Obligation*	*Types of Action*	*EU Legislative & Operational Staff*	*Member State Visa, Security & Enforcement Staff*	*Member State Border Control Staff (additional)*	*Member State Border Control Staff (saved)*
				and ABC would be expected to increase markedly.		

Appendix 9: EU: Estimated Costs of the RTP and EES Systems[9]

Table 6: Estimated Costs of the Registered Traveller Program and Entry-Exit System			
Program Option	*One-time development cost at Central and Member State Level (3 year development) (in EURO million)*	*Yearly Operational Cost at Central and Member State Level (5 years of operation) (in EURO million)*	***Total costs at Central and Member State Level*** ***(in EURO million)***
RTP: Option – Data (unique number) stored in a token and (biometrics and data from applications) in a repository	207 (MS – 164, Central – 43)	101 (MS – 81, Central – 20)	***712***
EES: Option – Centralised System with biometrics added later	183 (MS – 146, Central – 37)	88 (MS – 74, Central – 14)	***623***

Notes:
- EES refers to Entry-Exit System
- MS refers to Member State
- RTP refers to Registered Traveller Program

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[9]Hays, B. and Vermeulen, M. (2012). *Borderline: The EU's New Border Surveillance Initiatives*, Assessing the Costs and Fundamental Rights Implications of EUROSUR and the 'Smart Borders' Proposals, A study by the Heinrich Böll Foundation (Heinrich Böll Stiftung), Brussels, Belgium, June 2012:83:54, [accessed 2013-04-24] from: http://www.statewatch.org/news/2012/jun/borderline.pdf.

Appendix 10: EU: Other e-Passport Applications[10]

Table 7: Other Potential e-Passport Applications using PKI Technology			
Application	*Preconditions*	*Pros*	*Cons*
Use in public points of interest			
Identification in other public points	Separate access control for biometric data	Worldwide trust and standardization	Wide access to machine readable zone (MRZ) makes passport vulnerable to skimming and eavesdropping
	Widely trusted hosting systems		Lack of Personal Identification Number (PIN)
e-Purse for usage at point-of-sales	Separate access control for biometric data	Worldwide trust and standardization	Writing capabilities and special access conditions add complexity
	Widely trusted hosting systems	Ready infrastructure for most PKI-based smart card e-purses	Lack of PIN
	Additional storage capacity in e-passport's chip		
Personal use			
Authentication in Internet applications	Supportive	Worldwide trust	No standard X.509 certificates
	Equipment on personal computer	Strong authentication	No support from browsers
		High mobility	No revocation possible
			Cost of equipment
Digital signature	Supportive	Covers most legal requirements for 'qualified signatures'	No revocation possible
	Equipment and software on personal computer	Worldwide trust	No directory of public keys
		Can be based on well-established standards and algorithms	Cost of equipment
Data encryption	Supportive	Worldwide trust	No directory of public keys
	Equipment and software on personal computer	Can be based on well-established standards and algorithms	No key escrow possible
			Cost of equipment

[10]Lekkas, D. and Grizalis, D. (2010). "e-Passports as a means towards a Globally Interoperable Public Key Infrastructure," *Journal of Computer Security*, Volume 18, 2010:379-396:392.

Appendix 11: New Zealand: Relevant Legislation[11]

Principal Legislation – Used by Customs to take Actions for Border Management and Protection Purposes in 2011/12

Alcohol Advisory Council Act 1976
Animal Products Act 1999
Anti-Money Laundering and Countering Financing of Terrorism Act 2009
Anti-Personnel Mines Prohibition Act 1998
Arms Act 1983
Aviation Crimes Act 1972
Biosecurity Act 1993
Chemical Weapons (Prohibition) Act 1996
Children, Young Persons, and Their Families Act 1989
Cluster Munitions Prohibition Act 2009
Commerce Act 1986
Companies Act 1993
Conservation Act 1987
Consular Privileges and Immunities Act 1971
Copyright Act 1994
Crimes Act 1961
Criminal Proceeds (Recovery) Act 2009
Customs and Excise Act 1996 (also Customs Law Act 1908 for limited actions)
Dairy Industry Restructuring Act 2001
Diplomatic Privileges and Immunities Act 1968
Dog Control Act 1996
Dumping and Countervailing Duties Act 1988
Evidence Act 2006
Fair Trading Act 1986
Films, Videos, and Publications Classification Act 1993
Food Act 1981
Goods and Services Tax Act 1985
Hazardous Substances and New Organisms Act 1996
Heavy Engineering Research Levy Act 1978
Human Assisted Reproductive Technology Act 2004
Immigration Act 2009
Imports and Exports (Restrictions) Act 1988
Kiwifruit Industry Restructuring Act 1999

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[11]New Zealand Customs Service. *New Zealand Customs Service: Annual Report 2011-12*, Report of the New Zealand Customs Service for the Year Ended June 30, 2012, Wellington, NZ, 2012:94:93, [accessed 2013-05-02] from: http://www.customs.govt.nz/news/resources/corporate/Documents/AR20112012.pdf.

Land Transport Act 1998
Major Events Management Act 2007
Marine Mammals Protection Act 1978
Maritime Security Act 2004
Maritime Transport Act 1994
Meat Board Act 2004
Medicines Act 1981
Mercantile Law Act 1908
Misuse of Drugs Act 1975
New Zealand Public Health and Disability Act 2000
Ozone Layer Protection Act 1996
Passports Act 1992
Postal Services Act 1998
Protected Objects Act 1975
Radiation Protection Act 1965
Search and Surveillance Act 2012
Statistics Act 1975
Summary Proceedings Act 1957
Tariff Act 1988
Telecommunications (Residual Provisions) Act 1987
Temporary Safeguard Authorities Act 1987
Terrorism Suppression Act 2002
Trade in Endangered Species Act 1989
Trade Marks Act 2002
United Nations Act 1946
Wildlife Act 1953
Wine Act 2003

Other Relevant Border Protection Legislation – Customs Assists Other Agencies to Enforce this Legislation
Civil Aviation Act 1990
Fisheries Act 1996
Health Act 1956
International Finance Agreements Act 1961
Motor Vehicles Sales Act 2003
Ship Registration Act 1992
Waste Minimisation Act 2008

Legislation Applicable to Customs as a Public Sector Agency
New Zealand Bill of Rights Act 1990
Official Information Act 1982
Privacy Act 1993
Public Finance Act 1989
State Sector Act 1988

Appendix 12: US: DHS Immigration Enforcement Appropriations[12]

Table 8: DHS Immigration Enforcement Appropriations, FY 2006-FY2012 USD millions									
Fiscal Year	*CBP*					*ICE*		*US-VISIT*	*E-Verify (USCIS)*
	Gross Total	*At POE*	*Between POE*	*BSFIT*	*Air and Marine*	*Gross Total*	*ERO*		
2006	7,891	1,605	1,778	115	653	4,224	1,358	337	NA
2007	9,302	1,860	2,278	1,188	778	3,483	1,984	362	114
2008	10,808	2,279	3,075	1,225	797	5,581	2,381	475	60
2009	11,948	2,561	3,501	875	800	5,948	2,481	300	100
2010	11,765	2,750	3,587	714	862	5,822	2,546	374	137
2011	11,174	2,913	3,583	574	801	5,835	2,618	335	103
2012	11,651	2,904	3,620	400	792	5,862	2,751	307	102
Total	*74,539*	*16,872*	*21,422*	*5,091*	*5,483*	*36,755*	*16,119*	*2,490*	*616*

Notes: FY2006-FY2012 data include supplemental appropriations and rescissions. Gross totals for CBP and ICE include fees, trust funds, and mandatory appropriations.

- ➢ POE means port of entry.
- ➢ BSFIT refers to Border Security Fencing, Infrastructure and Technology account. The BSFIT account was established in FY2007; FY2006 data are for appropriations to the SBInet program for tactical infrastructure and border technology.
- ➢ ERO refers to ICE's Enforcement and Removal Operations Program, which was known as the Detention and Removal Program prior to 2011.
- ➢ US-VISIT refers to the US Visitor and Immigrant Status Indicator Technology program.
- ➢ E-Verify (formerly known as Basic Pilot and as the Employment Eligibility Verification program) was funded for the first time in FY2007.
- ➢ Data for enforcement at POEs, enforcement between POEs, and ERO are for relevant salaries and expenses (S&E) accounts within CBP, the National Protection Programs Directorate, and USCIS, respectively.
- ➢ Data for Air and Marine include the Air and Marine acquisitions account as well as Air and Marine S&E appropriations.

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[12]Rosenblum, M.R. *What Would a Secure Border Look Like?* Congressional Research Service, Committee on Homeland Security, Subcommittee on Border and Maritime Security, Washington, D.C., February 26, 2013:20:13, [accessed 2013-04-30] from: http://docs.house.gov/meetings/HM/HM11/20130226/100300/HHRG-113-HM11-Wstate-RosenblumM-20130226.pdf.

Appendix 13: US: Beyond the Border Action Plan[13]

Table 9: Beyond the Border Action Plan
Addressing Threats Early *Addressing threats at the earliest possible point is essential to strengthen the shared security of our countries and to enable us to improve the free flow of legitimate goods and people across the Canada– United States border. The Beyond the Border Action Plan will support this goal by developing a common understanding of the threat environment; aligning and coordinating our security systems for goods, cargo, and baggage; and supporting the effective identification of people who pose a threat, which will enhance safety and facilitate the movement of legitimate travelers.*
Develop a Common Approach to Assessing Threats and Identifying Those Who Pose a Risk Under the Principle that a Threat to Either Country Represents a Threat to Both •**Enhance our shared understanding of the threat environment through joint, integrated threat assessments, improving our intelligence and national security information sharing.** *Next Steps:* A bilateral group of senior government leaders with intelligence and public safety responsibilities will survey existing intelligence work to identify redundancies and gaps to develop a framework to guide the selection of joint projects. The framework will leverage existing forums, emphasize the need to economize resources, and establish performance metrics. *Measuring Progress:* The US Office of the Director of National Intelligence, the US Department of Homeland Security (DHS), and Public Safety Canada, in coordination with relevant intelligence agencies in both countries, will produce a joint inventory of existing intelligence work and a gap analysis and identify next steps by September 30, 2012. • **Share information and intelligence in support of law enforcement and national security.** *Next Steps:* We will improve information sharing while respecting each country's respective constitutional and legal frameworks, including the following areas of work: −−Addressing agency policies that may improve information sharing, including by developing clear channels or mechanisms for cross-border sharing of intelligence and information; −−Promoting increased informal sharing of law enforcement intelligence, information, and evidence through police and prosecutorial channels consistent with the respective domestic laws of each country; and −−Examining whether current frameworks should be changed to address impediments to cooperation, and to ensure that the terms of applicable laws, agreements and treaties provide the widest measure of cooperation possible. We will utilize the Cross-Border Crime Forum and create other forums to discuss ways to improve law enforcement information sharing practices, and to identify opportunities to improve effective and responsible national security intelligence information sharing. *Measuring Progress:* By January 31, 2012, the US Department of Justice (DOJ), DHS, Public Safety Canada, and Justice Canada will determine the way ahead.

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[13]United States Department of Homeland Security. *United States-Canada Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness Action Plan*, Washington, D.C., December 2011:30:3-16, [accessed 2013-05-17] from: http://www.whitehouse.gov/sites/default/files/us-canada_btb_action_plan3.pdf.

Table 9: Beyond the Border Action Plan

- **Enhance domain awareness in the air, land, and maritime environments.**

    Next Steps: We will develop and implement processes, procedures, and policies to enable an effective, shared understanding of activities, threats, and criminal trends or other consequences in the air, land, and maritime environments. This will be achieved through intelligence analysis, effective and timely information sharing, a common understanding of the environment, and an inventory of current capabilities. We will:

    - Create an inventory of American and Canadian domain awareness capabilities at the border by May 31, 2012, and identify gaps and vulnerabilities in capabilities by October 31, 2012;
    - Prioritize coverage of gaps by April 30, 2013, to create a vision for jointly deploying new technology to address identified gaps; and
    - Establish a process by April 30, 2013, to coordinate the joint procurement and deployment of technology along the border.

    Measuring Progress: DHS, the Royal Canadian Mounted Police (RCMP), and Transport Canada will report on progress toward achieving this work by the timelines indicated above.

- **Cooperate to counter violent extremism in our two countries.**

    Next Steps: We will:

    - Coordinate and share research on how people become radicalized and turn to violence;
    - Share best practices and tools for law enforcement and corrections partners to detect, prevent, and respond to this threat;
    - Develop a common messaging and strategic communications approach; and
    - Emphasize community-based and community-driven efforts. This will include collaborating on how to engage with communities and build their resilience against violent extremists who seek to target specific communities in our respective countries, as well as coordinating community outreach.

    Measuring Progress: Progress updates will be provided to the US Secretary of Homeland Security and Canadian Minister of Public Safety on a semi-annual basis.

Pushing Out the Border: Stopping Threats Before they Arrive in Either the United States or Canada

•**Develop a harmonized approach to screening inbound cargo arriving from offshore that will result in increased security and the expedited movement of secure cargo across the United States–Canada border, under the principle of "cleared once, accepted twice."**

Next Steps: We will develop an integrated, multi-modal customs and transportation security regime, which will reduce duplication and move activities away from the United States–Canada border. This regime will enhance the security of supply chains, starting at the earliest possible point in the supply chain and ensuring the integrity of the "screened" cargo through to its destination. Both countries will make better informed risk-management decisions due to advanced information sharing for inbound offshore cargo shipments, harmonization of advance data requirements, sharing of real time pre-load screening and examination results, and the harmonization of targeting and risk assessment methodologies and results that are key elements to the success of this initiative.

The initiative will build on previous agreements and existing programs of work. The work will include mutual recognition of air cargo systems, the integration of advance data requirements for advanced security screening, and finally, a joint strategy to address security risks associated with inbound shipments from offshore.

Mutual Recognition of Air Cargo: We will evaluate and achieve mutual recognition of our respective air cargo security programs for passenger aircraft by March 2012. We will ensure that there is a commensurate set of security controls so that both countries' programs achieve equivalent levels of security to eliminate rescreening except for cause.

Advance Data Requirements: We also agree by June 30, 2012, to develop a common set of required data elements for all modes of transport for advance security screening of cargo, including the targeted populations for collections, timing for collections, and what data elements are needed as a common set of elements for collection. We will:

Table 9: Beyond the Border Action Plan

--Develop common sets of data elements required for in-bond (United States) /in-transit (Canada) shipments arriving from offshore, and for domestic shipments which transit through the other country. We will limit the data sets required to those necessary for effective, risk-based enforcement.

--Identify and evaluate options by September 2012 under which trusted traders could use alternate processes and approaches to submit advance data elements, including examining whether and how, existing program flexibilities can be enhanced.

--Implement by December 2013 the common sets of required data, as well as any alternate processes and approaches for trusted traders.

Integrated Cargo Security Strategy (ICSS): The United States and Canada will develop a joint strategy to address risks associated with shipments arriving from offshore based on informed risk management. This strategy is aimed at identifying and resolving security and contraband concerns as early as possible in the supply chain or at the perimeter, with the expectation that this will allow us to reduce the level of these activities at the United States–Canada border. Over time, we will work to cover additional areas of activity, outside of the traditional security and contraband arena.

This initiative will proceed in two phases:

In Phase I, by June 30, 2012, we will develop the ICSS. The ICSS will address security risks associated with inbound shipments from offshore and lead to expedited crossings at the land border.

Phase II will begin with the launch of pilots in September 2012, which are intended to validate and shape the implementation of the strategy. We anticipate the implementation of the strategy will begin in 2014. Pilots will include targeted risk assessment for security and contraband.*

--Canada's pilots will be: Canada Border Security Agency (CBSA)-Transport Canada Cargo Targeting Initiative involving pre-load information and targeting in the air mode; perimeter vetting and examination of inbound marine cargo at Prince Rupert destined for Chicago by rail and of marine cargo arriving at Montreal destined to the United States by truck.

--US pilots will involve the harmonization of targeting and risk assessment methodologies and the targeting and risk assessment of cargo arriving from offshore at a major US port destined for Canada; and the testing of a new in-bond module for processing in-transit/in-bond (Canada–United States–Canada) cargo traveling by truck.

In support of this initiative, Canada will build new cargo examination facilities in Halifax and Vancouver, as required.

* Depending on the results of the study on wood packaging material, being carried out under the Pre-clearance and Pre-inspection Action Item, inspections of such material at the perimeter could be included in the ICSS.

Measuring Progress: DHS and Transport Canada will measure progress by:

--Mutual Recognition of Air Cargo: We expect to reduce the number of air cargo loads rescreened to zero beginning in March 2012.

--Advance Data Requirements: We will produce a common set of manifest data elements by June 2012 and implement it by December 2013.

--Integrated Cargo Security Strategy: We anticipate achieving a clear reduction in the number and volume of transshipments subjected to re-inspection at the border on an annual basis, using 2011 as a baseline year.

- **Mutually recognize passenger baggage screening, as new technology is deployed and implemented.**

    Next Steps: Canada will begin the deployment of Transportation Security Administration (TSA) Explosive Detection Systems (EDS) certified equipment at preclearance airports immediately and will seek to complete the deployment by March 31, 2015. Concurrently, the United States will lift the rescreening requirement on an airport-by-airport basis for US connecting checked baggage as each preclearance airport completes implementation of TSA-certified EDS.

    Measuring Progress: TSA and Transport Canada will report on EDS deployment milestones and lifting of the

Table 9: Beyond the Border Action Plan
rescreening requirement as determined by Transport Canada's rollout schedule of TSA-certified equipment at preclearance airports. TSA and Transport Canada also will measure the success through reporting of cost savings to air carriers realized from eliminating rescreening, as well as the reduction in Canadian originating baggage that misconnects in US locations. • **Better protect the United States and Canada from offshore food safety and animal and plant health risks by conducting joint assessments and audits for plant, animal, and food safety systems in third countries.** *Next Steps:* With respect to animals and plants, we will: ──Develop, by December 31, 2012, assessment processes and joint site visit plans for commodities of common interest from third countries and address how to incorporate the findings of these site visits into risk management decisions; and ──Develop a mechanism to share the results of assessments when conducted separately. With respect to food safety systems, by December 31, 2012, we will: ──Develop joint methodologies, including audit criteria, for conducting audits; ──Develop joint audit plans to pilot the evaluation of foreign food safety inspection systems in third countries, the outcomes of which will be used to establish the protocol and a plan for future joint audits; and ──Develop a protocol for what information from audits can be shared, how it may be shared, and how to use the findings of these site visits in risk management decisions. *Measuring Progress:* Animal and Plant Health Inspection Service (APHIS), Food Safety and Inspection Service (FSIS), and the Canadian Food Inspection Agency (CFIA) will report on progress toward achieving this work by the timelines indicated above.
Establish a Common Approach to Perimeter Screening to Promote Security and Border Efficiency The United States and Canada will screen travelers seeking to enter either country in order to: • At the earliest point possible, identify individuals who seek to enter the perimeter for *mala fide* purposes and prevent them from traveling to the United States or Canada; • Prevent individuals from assuming different identities between one country and the other; • Identify those who have committed serious crimes or violated immigration law in the other country and enable informed decisions on visas, admissibility, or other immigration benefits; and • Create a shared responsibility between the United States and Canada concerning those entering the perimeter, while facilitating ongoing efforts to streamline procedures at the United States–Canada border, thereby promoting trade and travel. In order to accomplish these goals, the United States and Canada will: •Use a **common approach to screening** methodologies and programs, including pre-travel screening and targeting; "board/no-board" perimeter screening and decision processes, and technology; •Share **relevant, reliable, and accurate** information within the legal and privacy regimes of both countries, such as information contained on biographic and biometric national security watchlists, certain traveler criminal history records, and immigration violations; and •Share United States–Canada entry data at the land border such that the **entry information from one country could constitute the exit information** from another through an integrated entry and exit system. In achieving this approach, the United States and Canada will respect each other's sovereignty. Each country will maintain its right to independent decision-making and risk assessment as well as its independent databases. The United States and Canada do not intend to enforce each other's laws; instead, the intent is to share information to enable each country to have better information to enforce and administer its own laws. • **Establishing a common approach to screening travelers.** *Next Steps:* We commit to implement an enhanced approach to identifying and interdicting inadmissible

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persons at the perimeter. To initiate a shift in this direction, Canada will implement two initiatives over the next 4 years: the Electronic Travel Authorization (eTA), to improve screening of all visa-exempt foreign nationals, and Interactive Advance Passenger Information (IAPI) to make "board or no-board" decisions on all travelers flying to Canada prior to departure. These initiatives will mirror measures taken in the United States through its Electronic System for Travel Authorization (ESTA) and Advance Passenger Information System Quick Query systems. Canada also will implement an enhanced, scenario-based passenger targeting methodology, consistent with the US methodology, by October 2013. Consistent with existing bilateral information sharing agreements, the United States and Canada will share information about certain individuals, such as those denied boarding or entry as a result of national security concerns.

Measuring Progress: Canada will join the United States in tracking performance indicators such as: the number of inadmissible persons denied permission to travel; the number of high-risk targets identified; and the numbers of subsequent enforcement actions taken that were facilitated by targeting.

- **Share relevant information to improve immigration and border determinations, establish and verify the identities of travelers, and conduct screening at the earliest possible opportunity.**

  Next Steps: We will:

    −−Share risk assessment/targeting scenarios, and enhance real time notifications regarding the arrival of individuals on US security watchlists;
    −−Provide access to information on those who have been removed or who have been refused admission or a visa from either country, as well as those who have been removed from their respective countries for criminal reasons; and
    −−Implement a systematic and automated biographic information sharing capability by 2013 and biometric information sharing capability by 2014 to reduce identity fraud and enhance screening decisions, and in support of other administrative and enforcement actions.

  We also will explore opportunities to broaden asylum cooperation to address irregular migration flows. Working groups will be tasked with developing proposals for practical cooperation, reporting back within 12 months.

  Measuring Progress: DHS, Citizenship and Immigration Canada, and the Canada Border Services Agency will assess the results of bilateral information sharing. Specifically, each country will:

    −−Review the number of exchanges from which information was provided to visa, immigration and border control decision-makers before they made a decision;
    −−Monitor and report on match rates and the use of information obtained in refugee claim adjudication in respective asylum systems; and
    −−Track the results of bilateral biometric-based information sharing, specifically: the number of queries sent and percent of total application volume; the number and percent of matches; the number of cases of identity fraud detected; and the number of exchanges where information was provided to immigration and border control decision-makers before they made a decision.

- **Establish and coordinate entry and exit information systems, including a system which permits sharing information so that the record of a land entry into one country can be utilized to establish an exit record from the other.**

  Next Steps: To establish coordinated entry and exit systems at the common land border, we commit to develop a system to exchange biographical information on the entry of travelers, including citizens, permanent residents, and third country nationals, such that a record of entry into one country could be considered as a record of an exit from the other. Implementation will be phased in:

    −−By September 30, 2012, we will begin implementation of a pilot project exchanging the data of third country nationals, permanent residents of Canada, and lawful permanent residents in the United States, at 2 to 4 automated common land border ports of entry;
    −−By June 30, 2013, we will begin implementation of a program exchanging the data of third country nationals, permanent residents of Canada, and lawful permanent residents in the United States at all automated common land border ports of entry; and

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−−By June 30, 2014, we will expand the program to include the exchange of data on all travelers at all automated common land border ports of entry. With respect to air travel, by June 30, 2014, Canada will develop a system to establish exit, similar to that in the United States, under which airlines will be required to submit their passenger manifest information on outbound international flights. Exploratory work will be conducted for future integration of entry and exit information systems for the marine and rail modes. The United States and Canada will share appropriate entry and exit information in these other modes in order to achieve our goals as set out in this Action Plan. *Measuring Progress:* DHS, Citizenship and Immigration Canada, and the Canada Border Services Agency will measure the security benefits of exit measures via the identification of: persons detected overstaying their visa and immigration warrant closures; entry and exit records matched that indicate a lawful exit from either country; individuals who may have failed to meet residency requirements for permanent resident status or citizenship applications; and persons subject to a removal or departure order and who are recorded as having departed.
Trade Facilitation, Economic Growth, and Jobs *The free flow of goods and services between the United States and Canada creates immense economic benefits for both countries. As our two countries work to strengthen the security of our shared perimeter, we will take steps simultaneously to create more openness at the land border for legitimate travel and trade. The Beyond the Border Action Plan enhances the benefits of programs that help trusted businesses and travelers move efficiently across the border; introduces new measures to facilitate movement and trade across the border while reducing the administrative burden for business; and invests in improvements to our shared border infrastructure and technology.*
Enhance the Benefits of Programs that Help Trusted Businesses and Travelers Move Efficiently Across the Border •**Adopt a common framework for trusted trader programs that will align requirements, enhance member benefits, and provide applicants with the opportunity to submit one application to multiple programs.** *Next Steps:* The United States and Canada will adopt a common framework for trusted trader programs that will align requirements, enhance member benefits and provide applicants with the opportunity to submit one application to multiple programs. Tier one will focus on supply chain security and tier two will focus on trade compliance and expedited border and accounting processes. Under tier one, we will: −−Harmonize the US-based Customs-Trade Partnership Against Terrorism (C-TPAT) program and the Canada-based Partners in Protection (PIP) program and offer new benefits, including an automated enrolment system. Canada will develop an interoperable communication portal similar to the United States' by December 2013. −−Extend Free and Secure Trade (FAST) benefits to members in these programs at agreed locations beginning in mid-2012. With respect to tier two, we recognize that many trusted traders have invested significantly in supply chain security and have strong compliance records. We also recognize as fundamental that border agencies need advance information about shipments to conduct risk-based targeting. There are many ways to collect that information; therefore, we will: −−Align Canada's Customs Self-Assessment (CSA) and the US Importer Self-Assessment (ISA) programs to the greatest extent possible, while enabling members the flexibility to select the benefits that meet their business needs, and extend new benefits to tier-two members, such as expedited border and accounting processes and further reductions in risk-based examination rates. Canada will fully implement its Partners in Compliance (PIC) program by September 2012.

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--Conduct a detailed comparison and review of CSA and ISA by June 2012, following which the United States will identify and provide expedited border processes and modernized, streamlined accounting processes to tier-two members.

--Jointly consult with tier-two stakeholders in both countries to identify and assess additional ways to expedite border processes. Recognizing that tier-two members have already provided us with extensive information, we will identify and assess options to collect data in advance through streamlined and more efficient means that are more responsive to shippers' business processes, while safeguarding our ability to assess individual shipments for the risk they may present. A report with recommendations on pilots or new initiatives will be completed and distributed to members by September 2012.

--Extend membership in these self-assessment programs to "non-resident importers" between the United States and Canada.

Canada will initiate a 1-year pilot to provide tier-two benefits to the processed-food sector by July 2012, which will enable participants to provide transactional data post-border to the regulatory authority and permit access to expedited clearance processes and lanes at the border in Canada. Within 1 year of the pilot's successful completion, permanent access to these program benefits will be provided to all approved companies by Canada.

In addition, we will explore product specific pilots aimed at lowering inspection rates for certain industry sectors based on regulatory compliance history. Canada will lead a pilot in the agri-food sector and the United States will lead a pilot in the pharmaceutical sector.

Measuring Progress: DHS and CBSA will measure the increased membership in trusted trader programs, the associated increased volume of trade covered by the programs, and lower examination rates and processing times for members. We will assess the success of the pilots discussed, above, and whether they have expedited trade.

- **Increase harmonized benefits to NEXUS members.**

Next Steps: We will increase recognition and use of the existing binational NEXUS program to advance the risk-based screening approach in aviation and border services to benefit government, industry, and travelers by undertaking the following:

--Immediately recognize NEXUS members for trusted traveler lanes at passenger pre-board screening points for flights from Canada to the United States.

--Jointly develop a plan by June 30, 2012, to incorporate third country traveler programs.

--Develop program enhancements for all modes in the following areas: enrolment (including mobile enrolment); compliance (e.g., review compliance enforcement and redress); and other benefits within 2 years.

--Include Canadian NEXUS members in a TSA risk-based screening program that provides differential treatment based on risk, upon implementation of such a program. Within 18 months of TSA implementing a risk-based screening program, Canada and the United States will mutually recognize the passenger checkpoint screening measures for those trusted air traveler program members included in the risk-based program. Additionally, we will consider other categories of travelers who could be eligible to participate in the risk-based screening program.

--Extend by June 30, 2012, NEXUS membership eligibility to American and Canadian citizens who currently do not reside in Canada or the United States.

--Develop by June 2012 criteria to extend the applicability of the FAST card for drivers to cover other specified security programs involving US Customs and Border Protection (CBP), CBSA, and other relevant departments and agencies.

Additionally, the United States and Canada will implement a joint marketing campaign to promote trusted traveler programs, implement an "enrolment blitz" at existing centers, and implement an expedited renewal process by March 31, 2012.

Measuring Progress: DHS, CBSA, and Transport Canada will measure and compare wait times between NEXUS and non-NEXUS travelers, percentage of traffic, benefit increase for NEXUS members, and client feedback. With respect to the joint marketing campaign, they will measure membership, use, and satisfaction.

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- **Enhance facilities to support trusted trader and traveler programs.**

  Next Steps: By March 31, 2012, we will develop a plan to expand NEXUS lanes, booths, and access to the lanes as required, at jointly identified ports of entry to accommodate the expected increase in NEXUS membership as a result of the implementation of the Beyond the Border Action Plan. Additionally, by December 2012, we will conduct a review of the FAST program to determine if future investments are warranted, and at which locations. Wherever feasible, the number of NEXUS lanes and booths will be aligned at each border crossing. As a first step, to align with existing US investments, Canada will, by June 2013, expand NEXUS lanes and booths at the following locations: Abbotsford, B.C.; Aldergrove, B.C.; Douglas, B.C.; Fort Erie, Ontario; Lacolle, Quebec; Pacific Highway, B.C.; Queenston, Ontario; Sarnia, Ontario; and Windsor, Ontario.

This work will be undertaken in coordination with provincial and state agencies.

Measuring Progress: By March 31, 2012, DHS, the US Department of Transportation (DOT), and CBSA will report publicly on a plan toward implementing the new technology at all identified border crossings within the identified timeframes. Additionally, they will report on associated reductions in wait times achieved through these investments.

Develop Additional Initiatives for Expediting Legitimate Travelers and Cargo

•**Implement additional pre-inspection and pre-clearance initiatives.**

Next Steps: We will develop a comprehensive approach to pre-clearance and pre-inspection covering all modes of cross-border trade and travel. This approach will include the following elements:

- We will negotiate, by December 2012, a pre-clearance agreement in the land, rail and marine modes to provide the legal framework and reciprocal authorities necessary for the CBP and CBSA to effectively carry out their security, facilitation, and inspection processes in the other country. Concurrently, and as part of those negotiations, the authorities of inspecting officers described in the *Canada–US Air Transport Preclearance Agreement* will be reviewed and amended, on a reciprocal basis, to be comparable to those exercised at airports by officers of the host country.
- CBSA will conduct full pre-clearance of goods and travelers at Massena, New York. Negotiations to this end will be completed by December 2012.
- CBP will implement by September 2012 a truck cargo facilitation pilot project in at least one location in Canada to be mutually determined. Based on a positive evaluation of the pilot or pilots, we would consider an expansion to additional sites in both countries.
- The CFIA and the FSIS will initiate a 1-year pilot by June 2012 to provide for advance review and clearance of official certification and alternative approaches to import inspection activities for fresh meat. The pilot results will be evaluated by September 2013 to inform the future of such work.
- CBP will conduct full pre-clearance of travelers and accompanying goods at Vancouver, B.C. for

  passenger rail and cruise ship traffic destined to the United States. Negotiations to this end will be

  completed by the end of 2012.
- We will identify and develop solutions to operational impediments to the effectiveness of CBP's pre-clearance operations at Canadian airports by June 2012 (e.g., placement of CATSA screening activities, CBP service levels). Implementation of the agreed solutions will commence in December 2012.
- We will establish a working group led by APHIS/CBP and CFIA/CBSA to conduct a wood packaging material feasibility study jointly funded by the United States and Canada. The working group will identify and address any policy, program or operational changes required to move inspections for wood packaging material away from the United States–Canada border to the perimeter. This study will be completed by December 2012.

Measuring Progress: The DHS, FSIS, CFIA, and CBSA will make publicly available the findings from their respective pilots described above and report on reductions in wait times for travelers and cargo and increases in throughput for commercial traffic. We will complete the negotiations on the pre-clearance agreements described above by December 2012.

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- **Facilitating the conduct of cross-border business.**

  Next Steps: We will undertake the following:

  --By June 30, 2012, CBP and CBSA will provide enhanced administrative guidance and training to their officers and enhanced operational manuals to achieve optimal operational consistency at all ports of entry on business traveler issues.

  --By June 30, 2012, we will develop and implement operational and administrative policies and requirements to facilitate the movement of specialized personnel to perform maintenance and repairs of industrial machinery and critical operations systems.

  --We will expeditiously pursue changes to existing rules authorizing temporary entry of business visitors who provide after-sale service so they apply equally to those who provide after-lease service as per designated contractual agreements.

  --By August 31, 2012, we will develop and implement specific approaches to incorporate designating documents onto the NEXUS client profile for predictable expedited clearances.

  --We will review current administrative processes under which all categories of business travelers may request adjudication of employment and related petitions by the destination country's immigration authorities to identify and resolve potential issues prior to the actual date of travel. Based on this review, and with the objective of increasing the use of the advanced processes, by September 30, 2012, we will improve current processes and, as appropriate, establish new processes.

  --By June 30, 2012, we will review the effectiveness of existing redress and recourse mechanisms for business travelers whose applications are denied and identify and implement, by December 31, 2012, administrative and operational improvements.

  The US Secretary of Homeland Security and Canada's Minister of Citizenship, Immigration, and Multiculturalism will jointly initiate by March 31, 2012, consultations with stakeholders in both countries. The objective of these consultations will be to identify and assess additional ways to facilitate relevant processes in the near and medium terms through administrative, policy, regulatory, and operational improvements.

  Measuring Progress: A report on the progress on these items and new initiatives will be completed by December 31, 2012. It will be distributed to stakeholders. It will propose options for regular stakeholder engagement and for ongoing improvements for business travelers.

- **Provide a single window through which importers can electronically submit all information to comply with customs and other participating government agency regulations.**

  Next Steps: CBP and CBSA will provide traders with a single window through which they can electronically submit all information required to comply with customs and other government regulations; this information would then be assessed electronically by the relevant government departments and agencies, resulting in border-related decisions which would be transmitted electronically. In doing this, we will:

  --Fully implement and align our single-window programs for imports entering our respective countries.

  --Convert the data requirements of all participating government departments and agencies to electronic form by 2013. In carrying out this conversion, departments and agencies will review their existing regulatory requirements and identify for conversion only that information which is essential for regulatory purposes.

  --As an interim milestone, convert border-related decision processes for at least the top four priority departments and agencies to electronic form no later than December 2013.

  Measuring Progress: DHS and CBSA will measure the increased number of participating government agencies conducting business electronically and the number of permits, licences and certificates that are converted from paper to electronic form.

- **Promote supply chain connectivity by harmonizing low-value shipment processes to expedite customs administration.**

  Next Steps: We will increase and harmonize the value thresholds to $2,500 for expedited customs clearance

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from the current levels of $2,000 for the United States and $1,600 for Canada.

−−Canada will increase the value threshold to $2,500 for exemption from North American Free Trade Agreement Certificate of Origin requirements, thereby aligning it with the current threshold of the United States.

Measuring Progress: DHS and CBSA will report publicly on our performance in processing low value shipments on the same day they arrive in the United States or Canada.

- **Bring greater public transparency and accountability to the application of border fees and charges, with a view to reducing costs to business and promoting trade competitiveness.**

Next Steps: We will:

−−Develop for each country an inventory of fees and charges at the border, which sets out their purpose and legal basis, how they are collected, how much is collected, their intended use, and the rationale for collecting them at the border; and
−−Commission a third party to conduct an economic impact assessment of such fees, including their cumulative effect, on the competitive position of three economic sectors in the United States and Canada for which cross-border activity is important.

Measuring Progress: Based on the above work, DHS and Public Safety Canada will produce and publish a joint "Report on Border Fees," setting out the inventory of fees in each country and the results of the economic impact assessment of the three sectors, which will be made available to the public by September 30, 2012.

Invest in Improving Shared Border Infrastructure and Technology

•**Coordinate border infrastructure investment and upgraded physical infrastructure at key border crossings.**

Next Steps: We will develop a joint Border Infrastructure Investment Plan to ensure a mutual understanding of available funding for targeted projects and the schedule, scope, and responsibilities for those projects in consultation and coordination with all applicable local, state or provincial, and federal stakeholders.

We commit to make significant investments in physical infrastructure at key crossings to relieve congestion and speed the movement of traffic across the border. Examples of the significant infrastructure upgrades may include: customs plaza replacement and redevelopment, additional primary inspection lanes and booths, expanded or new secondary inspection facilities, and expanded or new connecting roads, highway interchanges, and bridges.

As initial respective priorities, the United States will put forward for approval Alexandria Bay, New York; Blue Water Bridge, Michigan; Lewiston Bridge, New York; Peace Bridge, New York for such investments and Canada will put forward Emerson, Manitoba; Lacolle, Quebec; Lansdowne, Ontario; North Portal, Saskatchewan; and Peace Bridge, Ontario.

By June 30, 2012 we will develop coordinated project investment and implementation plans that will, together with infrastructure-specific actions at small/remote crossings, constitute the first bilateral 5-year Border Infrastructure Investment Plan to be renewed annually.

Measuring Progress: DOT, DHS, Transport Canada, and CBSA will report progress in a *Border Infrastructure Investment Plan-Progress Report* that outlines specific projects that are planned for future years and investments to date. The report also will describe increased capacity (measured by the number, percentage increase in inspection lanes, and primary inspection booths), the number and percentage increase in secondary inspection bays, increased space for secondary inspections, and the percentage increase in space for secondary inspections and changes in border wait time. Reductions in the environmental impact due to reduced border wait times will be measured in decreases and percentage decreases in tons of greenhouse gas emissions. DOT, CBP, Transport Canada, and CBSA also will report on reductions in wait times at the border.

Table 9: Beyond the Border Action Plan

- **Coordinate plans for physical infrastructure upgrades at small and remote ports of entry.**

  Next Steps: We will better coordinate joint port of entry investment and enhance client service by:
    - ﹘Establishing a small and remote port working group to evaluate a binational approach to operational alignment (for example, mirroring hours), infrastructure investment, and improved service;
    - ﹘Arriving at consensus recommendations for all small and remote ports to include analyses of hours of operation, technology-only processing solutions, joint or co-managed facilities, and aligned plans for expansions and closures;
    - ﹘Based upon consensus recommendations, developing joint action plans for implementation, covering the short-, medium-, and long-term objectives; and
    - ﹘Incorporating binational infrastructure recommendations into the bilateral five-year Border Infrastructure Investment Plan.

  Measuring Progress: DOT, DHS, Transport Canada, and CBSA will develop joint action plans for all small ports by June 30, 2012 and incorporate recommendations into the bilateral 5-year Border Infrastructure Investment Plan on an annual basis, beginning June 30, 2012.

- **Implement a border wait-time measurement system at mutually determined high priority United States– Canada border crossings.**

  Next Steps: CBP and CBSA will develop a plan to identify reasonable and achievable border wait time service levels at major crossings. Real time border wait time information will be made available to border and transportation agencies to better manage their resources and to drivers to make informed decisions about when and where to cross the border. This may lead to increased efficiency and reduced delays at the border. Installation of the border wait time measurement system will be completed over the next 3 years at the top 20 crossings. Wait time information will be available on the websites of CBP, DOT, Transport Canada, and CBSA and through other electronic media such as Twitter and the Government of Canada's Wireless Portal.

  Measuring Progress: Wait time service levels at key crossings will be published jointly by DOT, CBP, CBSA, and Transport Canada by June 30, 2012. Real time information will be available to the public on websites, roadside signs, and other traveler information systems by the end of 2013.

- **Facilitate secure passage and expedite processing through implementing Radio Frequency Identification (RFID) technology at appropriate crossings.**

  Next Steps: To align with existing US investments, Canada will deploy RFID technology in a minimum of 2 lanes at 11 land ports: Ambassador Bridge (Windsor, Ontario); Blue Water Bridge (Sarnia, Ontario); Cornwall (Cornwall, Ontario); Douglas (Surrey, B.C.); Emerson (Emerson, Manitoba); Peace Bridge (Fort Erie, Ontario); Lacolle (St-Bernard-de-Lacolle, Quebec); Pacific Highway (Surrey, B.C.); Queenston Bridge (Niagara, Ontario); Rainbow Bridge (Niagara, Ontario); and Windsor-Detroit Tunnel (Windsor, Ontario).

  Measuring Progress: The CBSA will report publicly on progress towards installation at selected crossings and the impact on processing times after installation. Additionally, DHS and CBSA will evaluate the number of travelers using RFID-enabled documents such as Enhanced Drivers Licences, US Passport Cards, and NEXUS cards.

Enhance Binational Port Operations Committees.

  Next Steps: Building on the twenty land border Binational Port Operations Committees established in 2011, we commit to establish additional committees at the eight international airports in Canada that provide U.S. preclearance. Both the existing and new Binational Port Operations Committees will play an important role in improving how we manage travel and trade flows and expedite the processing of travelers and goods. They will

Table 9: Beyond the Border Action Plan
involve CBP, CBSA, and other law enforcement and transportation partners. *Measuring Progress:* DHS and Public Safety Canada, in coordination with other law enforcement and transportation partners, will establish the new committees by early 2012. Each committee will meet at least four times per year, and develop an action plan by March 31, 2012. Each committee's action plan will include specific initiatives to improve border management and efficiency. A full evaluation of the committees will be conducted by the end of 2012, and the addition of committees at other land ports of entry will be considered in 2013.

Appendix 14: US: DHS Systems for Travel and Immigration Screening[14]

Table 10: DHS Information Systems	
Owner	*Manages Information on Foreign Nationals (who may become US citizens)*
US-VISIT	ADIS (Arrival and Departure Information System)
➢	Collects, matches and reports on US arrivals and departures
USCIS	CIS (Central Index System)
➢	Documents status of applicants/petitioners seeking immigration benefits
USCIS	CLAIMS3 (Computer Linked Application Information Management System 3)
➢	Tracks immigrant and nonimmigrant applications/petitions
USCIS	CLAIMS4 (Computer Linked Application Information Management System 4)
➢	Tracks naturalization applications
ICE	EARM (Enforce Alien Removal Module)
➢	Tracks detained aliens (FNs), aliens in removal proceedings, and case histories
ICE	ENFORCE (Immigration Enforcement Operational Records System)
➢	Tracks immigration enforcement actions and cases
CBP	ESTA (Electronic System for Travel Authorization)
➢	Screening mechanism for applications from visa waiver travellers for travel authorization
US-VISIT	IDENT (US-VISIT Automated Biometric Identification System)
➢	Enrolls and stores biometrics of foreign nationals
USCIS	ISRS (Image Storage and Retrieval System)
➢	Provides query and retrieval of biometric image sets, biographical data
USCIS	RAPS (Refugees, Asylum and Parole System)
➢	Tracks affirmative applicants for asylum status
ICE	SEVIS (Student and Exchange Visitor Information System)
➢	Tracks and monitors students, exchange visitors, and dependents
Manages Information on Travellers (including US citizens)	
CBP	APIS (Advance Passenger Information System)
➢	Transmits air and sea passenger manifests
TSA	Secure Flight (not an acronym)
➢	Watch list matching for flights into, out of, within, and over the United States
Aggregates/Analyzes Information	
CBP	ATS-P (Automated Targeting System – Passenger)
➢	Provides an enforcement and decision support tool
ICE	ICE PIC (ICE Pattern Analysis and Information Collection System)
➢	Provides an information analysis tool
ICE	Intel Fusion/Avalanche (Intel Fusion/Avalanche/Virtual Investigative & Intelligence System)
➢	Provides access to TECS, ENFORCE, encounters and arrests

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[14]United States Department of Homeland Security Office of Inspector General. *Information Sharing on Foreign Nationals Overseas Screening (Redacted)*, Report OIG-11-68, Washington, D.C., April 2011:90:7, [accessed 2013-04-29] from: http://www.oig.dhs.gov/assets/Mgmt/OIGr_11-68_Apr11.pdf.

Table 10: DHS Information Systems		
Owner	*Manages Information on Foreign Nationals (who may become US citizens)*	
Manages Law Enforcement Information (including US citizen)		
CBP	TECS (The Enforcement Communications System)	
➢	Collects, analyzes and shares law enforcement information	
	Source: Database documentation, demonstrations	

Appendix 15: US: CBP Inspection Process of Travellers[15]

Table 11: CBP Inspection Process Based on Method of Conveyance Used to Travel

Air/Sea Travel Process

For the air/sea travel process, CBP obtains information about persons travelling to the US on commercial or private aircraft, as well as commercial vessels through its APIS. The information is screened against the TECS records and other law enforcement databases (e.g., National Criminal Information Center [NCIC]) to determine if any security or law enforcement risks exist. The pre-arrival or pre-departure TECS queries includes checks against existing wants and warrants lists, watchlist matches entered by law enforcement officers or received from the Automated Targeting System (ATS), previous border crossing history, including any issuance of I-94 or I-94W arrival/departure records in the Nonimmigrant Inspection System (NIIS), recorded prior violations of law, and records in SEACATS.

Arrival in the US in the air/sea environment, individuals are required to present themselves to CBP at the POE's primary arrival location. CBP obtains information directly from the traveller via their travel documents (e.g., passport) or verbal communication between the CBP officer and the traveller.[16] This information is matched against the APIS information previously provided and any Subject Records, if they exist. CBP then collects any required forms such as the I-94 Arrival Departure Record or FinCen 105 Currency/Monetary Instrument Report (CMIR) that relates to the international movement of more than USD 10,000 of currency. This does not necessarily result sending a person to the secondary arrival location for additional inspection. If there are no admissibility issues, the individual may proceed to collect their baggage.

Land Travel Process

Unlike the air/sea travel process, CBP does not usually receive advance information about persons travelling to the US by foot (pedestrian) or vehicle at the POE. There are no manifests required for travellers or private passenger vehicles entering the US by land. In some cases, CBP may receive voluntary submission of passenger manifest for rail and commercial bus traffic across the US border. All commercial vehicle traffic supplies CBP with the cargo manifest that contains information about the driver and any passengers about an hour prior to arrival at the POE.

Pedestrian Process

Pedestrians are required to present themselves to CBP at a designated POE on arrival in the US. At that time, a CBP officer obtains information directly from the pedestrian via their travel documents (e.g., passport, other border crossing credential, and verbal communication) and verifies the information. The officer will also conduct a TECS query to determine whether there are any prior CBP violations that might need further review such as 'wants and warrants' and the terrorist watchlist. If the officer identifies an admissibility issue, the traveller is then referred to another CBP officer at the secondary for additional inspection. A secondary inspection may involve additional questioning or a full inspection relating admissibility issues, customs, etc. as well as queries through TECS. If the inspection results in a violation being discovered, a record maybe created in SEACATS in addition to a Subject Record of inspection in the TECS.

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[15]United States Department of Homeland Security. *Privacy Impact Assessment for the TECS System: CBP Primary and Secondary Processing*, December 22, 2010:28:3-6, [accessed 2013-04-30] from: http://www.dhs.gov/xlibrary/assets/privacy/privacy-pia-cbp-tecs.pdf.

[16]At certain airport locations, individuals who have been successfully enrolled in a CBP trusted traveller program may by processed through CBP primary by scanning their designated trusted traveller document at an approved kiosk, or by otherwise complying with the requirements of their specific trusted traveller program.

Table 11: CBP Inspection Process Based on Method of Conveyance Used to Travel

Vehicle Process
Vehicles are presented to CBP at the vehicle border crossing lanes on arrival at the US land POE. The CBP officer obtains information directly from the driver and other passenger(s) within the vehicle via their travel documents (e.g. passport) or verbal communication. Vehicle border crossing lanes may also contain license plate readers, which assist in querying the license plate numbers of vehicles approaching primary. Additionally, vehicle border crossing lanes may contain radio frequency identification (RFID) readers, which will query applicable travel documents that are within the vehicle.

The information collected at vehicle primary is used to query TECS to assist the CBP officer in determining the admissibility of the person(s) and otherwise inform the CBP officer charged with enforcing other US laws at the border. The CBP officer at primary will conduct a TECS query to see if there are prior CBP violations that might indicate a need for further review as well as queries against lookouts, such as "wants and warrants," watchlist matches, etc. Additionally, the CBP officer at primary will conduct searches based on the license plate information.

If the CBP officer at primary determines that further examination is appropriate (for example, to address concerns related to admissibility, customs, and agriculture laws), then the vehicle and all of its occupants will be referred to vehicle secondary for processing. Where an individual within a vehicle is required to obtain an I-94 or I-94W prior to admission, the vehicle and all its occupants will be referred to secondary for processing, but this action does not mean that the CBP officer at primary will create a separate Subject Record of the inspection in TECS. During a vehicle secondary inspection, a CBP officer may run law enforcement queries through other systems on the TECS platform. A record of the secondary is entered into TECS. If the secondary inspection results in a violation being discovered, then a record may also be made in SEACATS.

Appendix 16: US: Sub-systems Data that Resides on the TECS Platform[17]

Table 12: Sub-systems Data the Resides on the TECS Platform and Collected by CBP			
Sub-system	*Privacy Act – System of Records Notice – Federal Register*	*Published or Pending Privacy Impact Assessment (PIA)*	*General Comments*
Advance Passenger System (APIS)	73 Federal Register 68435	Yes	See APIS PIA and System of Records Notice (SORN) for more information on APIS. These documents can be found on the DHS Privacy Office website at: http://www.dhs.gov/privacy
Border Crossing Information (BCI)	73 Federal Register 43457	Yes	See BCI PIA and SORN.
Global Enrollment System (GES)	71 Federal Register 20708	Yes	See GES PIA. Principal system for collecting and storing information on individuals who have enrolled in a CBP trusted traveller program.
Non-immigrant Information System (NIIS). I-94 and I-94W data/query.	73 Federal Register 77739	No	See NIIS SORN.
Seized Asset and Case Tracking System (SEACATS)	73 Federal Register 77764	PIA currently pending for publication.	See SEACATS SORN.

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[17]United States Department of Homeland Security. *Privacy Impact Assessment for the TECS System: CBP Primary and Secondary Processing*, December 22, 2010:28:25, [accessed 2013-04-30] from: http://www.dhs.gov/xlibrary/assets/privacy/privacy-pia-cbp-tecs.pdf

Appendix 17: US: Data that Resides on TECS[18]

Table 13: Data that resides on TECS But Is Not Collected by CBP			
Sub-system or Interface Name	*Privacy Act – System of Records Notice – Federal Register*	*Published or Pending PIA*	*General Comments*
Interface with US Department of State: Passport Information Electronic Records System (PIERS)	73 Federal Register 16602008	Yes	PIERS is a US Department of State system
Interface with Non-Federal Entity Data System (NEDS)	73 Federal Register 43462	Yes	States with Enhanced Drivers Licences
Interface with US Citizenship and Information Services: Alien File (A-File) and Central Index System (CIS)	72 Federal Register 1755	Yes	USCIS provides data from the CIS on persons entitled to lawful permanent residence, refugees, and asylees, all classes of persons whose information is maintained by DHS as being entitled to special procedures regarding admissibility under the *Immigration and Naturalization Act*.
Interface with the DHS Watchlist Service	73 Federal Register 77778	Yes	In accordance with the Watchlist Service PIA (July 14, 2010), Watchlist information for CBP is maintained in TECS.

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[18]United States Department of Homeland Security. *Privacy Impact Assessment for the TECS System: CBP Primary and Secondary Processing*, December 22, 2010:28:27, [accessed 2013-04-30] from: http://www.dhs.gov/xlibrary/assets/privacy/privacy-pia-cbp-tecs.pdf

Appendix 18: US: Data that is Accessible through TECS[19]

Table 14: Data that is Accessible through TECS but Does Not Reside on TECS

Sub-system or Interface Name	Privacy Act – System of Records Notice – Federal Register	Published or Pending PIA	General Comments
National Crime Information Center (NCIC)	64 Federal Register 52343	Yes	NCIC is a US Department of Justice system.
NLETS (formerly known as the National Law Enforcement Telecommunications System)	No	No	Owned by the states of the US, not subject to the *Privacy Act* or *E-Government*.
California Law Enforcement Telecommunications System (CLETS)	No	No	Owned by the states of the US, not subject to the *Privacy Act* or *E-Government*.
Canadian Police Information Centre (CPIC)	No	No	Foreign agencies are not subject to the *Privacy Act* or *E-Government*.

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[19]United States Department of Homeland Security. *Privacy Impact Assessment for the TECS System: CBP Primary and Secondary Processing*, December 22, 2010:28:28, [accessed 2013-04-30] from: http://www.dhs.gov/xlibrary/assets/privacy/privacy-pia-cbp-tecs.pdf

Appendix 19: US: Key DHS Laws[20]

General DHS Laws
- [Homeland Security Act of 2002](#)
  This Act established the Department of Homeland Security and set forth the primary mission of the Department.

- [Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458)](#)
  Among other things, this Act addresses transportation security, border surveillance, alien detention, visa requirements, and alien smuggling.

- [Implementing Recommendations of the 9-11 Commission Act of 2007 (Public Law 110-53)](#)
  This Act addresses a wide range of the Department's missions, including cargo security, critical infrastructure protection, grant administration, intelligence and information sharing, privacy, and transportation security

Emergency Management
- [Robert T. Stafford Disaster Relief and Emergency Assistance Act and Related Authorities](#)
  The Stafford Act prescribes circumstances for declaring disasters and emergencies and the types of assistance to be provided in such situations, among other things.

- [Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109-295)](#) This Act revised a number of provisions in the Stafford Act and the Homeland Security Act to strengthen the nation's response to disasters and emergencies.

Immigration and Border Security
- [Immigration and Nationality Act](#)
  The Immigration and Nationality Act includes many provisions relating to the admission of aliens, the removal of aliens, grants of asylum, and the investigation of human trafficking.
- [The Enhanced Border Security and Visa Reform Act of 2002 H.R. 3525](#) ([Pub.L. 107–173](#)) addresses immigration and covers the funding of the [Immigration and Naturalization Service](#) (INS), orders that all internal INS databases must be linked together and be fully interoperable with the Chimera system to improve information sharing, makes further regulations in regards to the issuance of Visas, and regulates the inspection and admission of aliens.

Maritime Security
- [Maritime Transportation Security Act of 2002 (Public Law 107-295)](#)
  In large part, this Act deals with port and waterway security.

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[20]United States Department of Homeland Security. (no date). *Key DHS Laws*, DHS website, [accessed 2013-05-06] from: http://www.dhs.gov/key-dhs-laws.

- [Coast Guard and Maritime Transportation Act of 2006 (Public Law 109-241)](#)
  This Act deals with US Coast Guard issues, shipping and navigation, hurricane response, and a number of other issues.

- [Security and Accountability For Every Port Act of 2006 (SAFE Port Act) (Public Law 109-347)](#)
  Many of this Act's provisions relate to programs designed to secure the United States' sea ports and shipping lanes.

- [Coast Guard Authorization Act of 2010 (Public Law 111-281)](#)
  In addition to other things, this Act reauthorizes a number of US Coast Guard programs, addresses acquisition and workforce matters, and deals with port security.

Transportation Security
- [Aviation and Transportation Security Act (Public Law 107-71)](#)
  This Act established the Transportation Security Administration (TSA) and vested security functions previously performed by the Federal Aviation Administration in TSA, among other things.

Appendix 20: US: DHS Rulemaking[21]

DHS Rulemaking

DHS mission is to ensure a homeland that is safe, secure, and resilient against terrorism and other potential threats. In many cases, DHS carries out its mission through the promulgation of regulatory actions.

The DHS regulatory agenda includes regulations issued by DHS components, including the following six operational components with regulatory responsibilities:

- US Citizenship and Immigration Services (USCIS)
- US Coast Guard (USCG)
- US Customs and Border Protection (CBP)
- Federal Emergency Management Agency (FEMA)
- US Immigration and Customs Enforcement (ICE)
- Transportation Security Administration (TSA)

In addition, the DHS regulatory agenda include regulations from the Department's major offices and directorates such as the National Protection and Programs Directorate (NPPD).

DHS is committed to ensuring that all of its regulatory initiatives are aligned with its guiding principles to protect civil rights and civil liberties, integrate our actions, build coalitions and partnerships, develop human resources, innovate, and be accountable to the American public.

Legal Authorities

The following legal authorities provide some of the major requirements for the federal rulemaking process:

- The Administrative Procedure Act (APA), 5 USC §551 *et seq.* governs the process by which federal agencies develop and issue regulations.

- The Regulatory Flexibility Act (RFA), 5 USC. §601 *et seq*. requires federal agencies, when developing proposed and final regulations, to consider the impact of regulations on small entities.

- Executive Order 12866 "Regulatory Planning and Review" and Executive Order 13563 "Improving Regulation and Regulatory Review" *(PDF - 3 pages. 144 KB)* direct federal agencies to follow certain principles in rulemaking, such as the consideration of alternatives and careful analysis of benefits and costs, and describes the Office of Information and Regulatory Affairs' role in the federal rulemaking process.

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[21]United States Department of Homeland Security. (no date). *DHS Rulemaking*, DHS website, [accessed 2013-05-06] from: http://www.dhs.gov/dhs-rulemaking.

7.0 Endnotes

[1]Hays, B. and Vermeulen, M. *Borderline: The EU's New Border Surveillance Initiatives*, *Assessing the Costs and Fundamental Rights Implications of EUROSUR and the 'Smart Borders' Proposals*, A study by the Heinrich Böll Foundation (Heinrich Böll Stiftung), Brussels, Belgium, June 2012:83:4, [accessed 2013-04-24] from: http://www.statewatch.org/news/2012/jun/borderline.pdf.

[2]Hammerstrøm K, Wade A, and AMK Jørgenson. (2010). "Searching for studies: A guide to information retrieval for Campbell Systematic Reviews," *Campbell Systematic Reviews 2010: Supplement 1*, DOI: 10.4073/csrs.2010.1.

[3]SmartGate is the Australian automated border capability processing that supports identity management at the border through travel document authentication, and identity verification based on face recognition biometrics.

[4]Travellers eligible to use SmartGate must be either Australian or New Zealand citizens using an e-Passport and be 16 years of age or older (ACBPS 2012, 22).

[5]Ibid, 348:22.

[6]The Australian fiscal year starts on July 1 and ends on June 30.

[7]Australian Customs and Border Protection Service. *Annual Report 2011-12*, Canberra, Australian Capital Territory, 2012:348:113, [accessed 2013-05-01] from: http://www.customs.gov.au/aboutus/annualreports/2012/pdf/ACBPS_AR_2011-12.pdf.

[8]Australian Government Department of Infrastructure, Transport, Regional Development and Local Government. *Review of Aviation Security Screening: Report*, Canberra, ACT, 2009:142:7, [accessed 2013-05-06] from: http://www.infrastructure.gov.au/transport/security/aviation/screening/files/Review_of_Aviation_Security_Screening_Report.pdf.

[9]Ibid, 142:30.

[10]Ibid, 142:62.

[11]Ibid.

[12]Section 488 (Tampering with Movement Records) of the *Migration Act 1958* imposes strict guidelines concerning access to and disclosure of movement records stored in the Movements Reconstruction database. Only authorised officers can access the information. The purposes for which movement records can be disclosed are prescribed in the legislation. A breach of this provision is punishable by two years imprisonment.

[13]Records may include the traveller's name, date of birth, gender and relationship status, country of birth, departure and/or arrival date, travel document number and country, port code and flight/vessel details, visa subclass and expiry date, and the number of movements. In addition to the database, the Department of Immigration and Citizenship also maintains non-electronic movement records information including: microfilm records of passenger cards from 1965, ship manifests (1924 to 1964), and alien's cards (1947 to 1979).

[14]Balch, A. and Geddes, A. "The Development of the EU Migration and Asylum Regime," *Migration and the New Technological Borders of Europe*, eds. Huub Dijstelbloem and Albert Meijer, Palgrave MacMillan, 2011:194:22-40:37.

[15]The Eurodac is equipped with biometric technology to record the fingerprints of asylum seekers at 14 years of age and older, the Automated Fingerprint Identification System.

[16]Commission of the European Communities. (2010). *Report on the Financial and Contractual Aspects of Developing the Second Generation Schengen Information System (SIS II)* SEC (2010)436 final, 12 April 2010.

[17]Besters, M. and Brom, F.W.A. "Greedy Information Technology: The Digitalization of the European Migration Policy," *European Journal of Migration and Law*, 12, 2010:455-470:468.

[18]Broeders, D. "A European 'Border' Surveillance System under Construction," *Migration and the New Technological Borders of Europe*, eds. Huub Dijstelbloem and Albert Meijer, Palgrave MacMillan, 2011:194:40-67:62-63.

[19] Ibid, 60:12.

[20]European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. *FRONTEX Annual Risk Analysis 2012*, Warsaw, Poland, April 2012:60:11, [accessed 2013-05-06] from: http://frontex.europa.eu/assets/Attachment_Featured/Annual_Risk_Analysis_2012.pdf.

[21]Appendix 7 (Visa Code EC Regulation No 810/2009 of the European Parliament and of the Council).

[22]The Blue Card is used to attract highly qualified workers from third countries to enhance competitiveness and limit the brain drain. The Blue Card program is the EU's attempt to compete with Australia, Canada and the US in the 'global war for talent'(Gümüs 2010, 435).

[23]Commercial and no-commercial air travellers excluding crew.

[24]Processing through SmartGate at New Zealand's three main airports began with arrivals in Auckland in December 2009, and was completed with it being implemented for departures from Christchurch in August 2011.

[25]The NZ Government has adopted the Australian SmartGate solution and adapted it for its own border clearance processing requirements. The use of this technology reflects the goal of reducing trans-Tasman travel barriers, and establishing smooth movement of legitimate travellers and goods between both countries. NZ Customs Service and Australian Customs and Border Protection Service are working closely to improve their respective SmartGate solutions and to contribute to the travel experience. Further work is planned to increase the number of gates and kiosks and improve the usability of SmartGate at Australian and NZ international airports.

[26]The ATS-G software delivers significant passenger profiling capability that will assist in the NZ-US joint commitment to better facilitation and border security.

[27]During New Zealand visit, US Secretary of Homeland Security Janet Napolitano and the New Zealand Minister of Customs signed a Joint Statement between New Zealand and the United States to *Strengthen Border Security, Combat Transnational Crime and Facilitate Legitimate Trade and Travel* (Customs 2012, 16).

[28]The compliant documents and schemes under WHTI currently require citizens who wish to travel outside of the US to obtain one of the following: (1) a passport or passport card, (2) Trusted Traveller Card (NEXUS for Canada-US border crossings, SENTRI for US-Mexico border crossings, FAST for commercial vehicle crossings), (3) State or Provincial 'enhanced' driver's licence (EDL), (4) Enhanced Tribal Cards, (5) US Military Identification with Military travel orders, (6) US Merchant Marine Document, (7) Native American Tribal Photo Identification Card, (8) Form I-872 American Indian Card, [accessed 2013-04-29] from: http://travel.state.gov/travel/cis_pa_tw/cis_pa_tw_2223.html.

[29]Muller, B.J. "Unsafe at any speed? Borders, mobility and 'safe citizenship,' *Citizenship Studies*, 14(1), February 2010:75-88:81.

[30]"US-VISIT Office of Congressional Affairs, January 24, 2013. Individuals on the US-VISIT watchlist are the subjects of derogatory information in a DHS database. Such information includes arrest warrants, known or suspected terrorists, certain visa refusals, Department of Defense biometric watchlist records, smuggling information, overstay records, visa fraud, and other DHS enforcement data. CBP officers check certain travellers' biometric records against the US-VISIT watchlist during primary processing at POEs." Cited in: Rosenblum, M.R. *What Would a Secure Border Look Like?* Congressional Research Service, Committee on Homeland Security, Subcommittee on Border and Maritime Security, Washington, D.C., February 26, 2013:20:8, [accessed 2013-04-30] from: http://docs.house.gov/meetings/HM/HM11/20130226/100300/HHRG-113-HM11-Wstate-RosenblumM-20130226.pdf.

[31]United States Customs and Border Protection. *Performance and Accountability Report: Fiscal Year 2012*, Washington, D.C., 2012:186:30-31, [accessed 2013-05-06] from: http://www.cbp.gov/linkhandler/cgov/newsroom/publications/admin/perform_account_rpt_2013.ctt/perform_account_rpt_2013.pdf.

[32]Ibid, 186:35.

[33]United States Department of Homeland Security. *United States-Canada Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness Action Plan*, Washington, D.C., December 2011:30, [accessed 2013-05-17] from: http://www.whitehouse.gov/sites/default/files/us-canada_btb_action_plan3.pdf.

[34]The operational components are US Customs and Border Protection (CBP), US Citizenship and Immigration Services (US CIS), US Coast Guard (Coast Guard), US Immigration and Customs Enforcement (ICE), and the Transportation Security Administration (TSA), each of which is actively involved in sharing information throughout DHS and with other federal, state, local and tribal partners.

[35]Four support offices have a role in information sharing (1) the Counterterrorism Section in the Office of Operations Coordination and Planning, (2) the Office of Policy, which includes the Screening Coordination Office, the Office of International Affairs, and the Office of Policy Development, (3) the Border and Immigration Analysis Division in the Office of Intelligence and Analysis, and (4) the US Visitor and Immigrant Status Indicator Technology (US-VISIT) Program in the National Protection and Programs Directorate. Two support offices also

have a role in the DHS data systems integration (1) the Information Sharing Intelligence Enterprise Management Division in the Office of Intelligence and Analysis, and (2) the Office of Chief Information Officer in the Office of Management.

[36]CBP Field Operations-Port Security, [accessed 2013-04-29] from: http://www.cbp.gov/xp/cgov/border_security/port_activities/.

[37]A secondary inspection consists of a more detailed review of travel documents and baggage, in-depth questions by a CBP officer, and multiple data checks against various immigration and law enforcement data systems.

[38]The Coast Guard and CBP pool resources to assess passengers and crews of cruise and cargo ships. The Coast Guard receives manifests of passengers and crews of vessels via the Ship Arrival Notification System, and works with CBP OFO to screen and cross-check information against CBP data systems, such as TECS. The Coast Guard has jurisdiction to board vessels to conduct safety and security checks, and routinely brings CBP OFO officers on board to assist with the evaluation of passengers and crew. With CBP on site at Joint Harbor Operations Centers and Coast Guard Stations, the Coast Guard can obtain timely information on FNs from a broad range of databases. At harbors and ports, the Coast Guard assists TSA with the examination of Transportation Worker Identification Credential cards issued by TSA to workers who have unescorted access to secure areas of ports and harbors.

The US Border Patrol works closely with the Coast Guard to identify persons rescued or apprehended at sea. The Coast Guard provides logistics and vessels for many joint investigative and interception activities on the northern and southern maritime borders, such as joint operations by the US and Canadian governments to board vessels, IBET interception operations, and BEST investigations.

[39]DHS/CBP-005 Advance Passenger Information System (APIS).

[40]DHS/CBP-016 Nonimmigrant Information System (NIIS).

[41]DHS/CBP-007 Border Crossing Information (BCI).

[42]DHS/CBP-011 CBP TECS.

[43]DHS/CBP-013 Seized Assets and Case Tracking System (SEACATS).

[44]Federal Information Processing Standard (FIPS) Publication 140-2 is the US government computer security standard used to accredit cryptographic modules. Refer to FIPS PUB 140-2, [accessed 2013-04-30] from: http://csrc.nist.gov/groups/STM/cmvp/standards.html.

[45]This is required by the *Implementing Recommendations of the 9/11 Commission Act of 2007* (9/11 Commission Act), Public Law No. 110-53 (August 3, 2007), Section 1523(b) (2).

[46]The Maple Leaf Train 63 inbound from Canada – Eastern service area; Maple Leaf Train 64 outbound from the US; Adirondack Train 68 inbound from Canada – Eastern service area; Adirondack Train 69 outbound from the US; Train #510 outbound from the US – Western service area; and Train #517 inbound from Canada. Cited in: United States Department of Homeland Security. *Privacy Impact Assessment for the Advanced Passenger Information System: Voluntary Rail and Bus Submissions (APIS-VRBS)*, Washington, D.C., February 19, 2009:18:2, [accessed 2013-04-30] from: http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_cbp_apis_vrbs.pdf.

[47]The Arrival and Departure Information System is a database containing data on a foreign national's entry, exit, and change of status – and electronically and manually comparing the Arrival and Departure Information System records with information in other databases to find matches that demonstrate that foreign national may have departed the country or filed an application to change status and is not an overstay.

[48]To qualify for the Visa Waiver Program, a country must meet various requirements, such as entering into an agreement with the United States to report lost or stolen passports within a strict time limit and in a manner specified in the agreement. Currently, 36 countries participate in the Visa Waiver Program: Andorra, Australia, Austria, Belgium, Brunei, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovakia, Slovenia, South Korea, Spain, Sweden, Switzerland, and the United Kingdom. Visitors who are also allowed to seek admission without a visa include citizens of Canada and the British Overseas Territory of Bermuda (and certain residents of other adjacent islands, such as the Bahamas) under certain circumstances.

[49]HSPD-6 agreements establish a procedure between the United States and partner countries to share watchlist information about known or suspected terrorists. As of January 2011, 19 of the 36 Visa Waiver Program countries had signed HSPD-6 agreements, and 13 had begun sharing information according to the signed agreements. Noting that the federal government continues to negotiate HSPD-6 agreements with Visa Waiver Program countries,

officials cited concerns regarding privacy and data protection expressed by many Visa Waiver Program countries as reasons for the delayed progress. According to these officials, in some cases, domestic laws of Visa Waiver Program countries limit their ability to commit to sharing some information, thereby complicating and slowing the negotiation process. In March 2012, DHS reported that 24 of the 36 Visa Waiver Program countries have signed HSPD-6 agreements.

[50]The PCSC agreements establish the framework for law enforcement cooperation by providing each party automated access to the other's criminal databases that contain biographical, biometric, and criminal history data. As of January 2011, 18 of the 36 Visa Waiver Program countries had met the PCSC information-sharing agreement requirement, but the networking modifications and system upgrades required to enable this information sharing to take place have not been completed for any Visa Waiver Program countries. According to officials, DHS is frequently not in a position to influence the speed of PCSC implementation for a number of reasons. For example, according to DHS officials, some Visa Waiver Program countries require parliamentary ratification before implementation can begin. Also, US and partner country officials must develop common information technology architecture to allow queries between databases. DHS reported in March 2012 that the number of Visa Waiver Program countries meeting the PCSC requirement had risen to 23.

[51]For the HSPD-6 and PCSC agreements, DHS made the determination in consultation with State and Justice. For the Lost and Stolen Passports agreement, DHS made the determination in consultation with State.

[52]United States White House. *Beyond the Border Implementation Report*, December 2012:11:3, [accessed 2013-05-23] from: http://www.whitehouse.gov/sites/default/files/docs/btb_implementation_report.pdf.

[53]Warren, A. and Mavroudi, E. (2011). "Managing Surveillance? The Impact of Biometric Residence Permits on UK Migrants," *Journal of Ethnic and Migration Studies*, 37(9), November 2011:1495-1511:1509.

[54]United States Bureau of the Census for the Bureau of Labor Statistics. *Current Population Survey, 2008 Annual Social and Economic (ASEC) Supplement*, 2008:353, [accessed 2013-04-29] from: http://www.census.gov/prod/techdoc/cps/cpsmar08.pdf.

[55]United States Government Accountability Office. *Overstay Tracking: A Key Component of Homeland Security and a Layered Defense*, Report to the Chairman, Committee on the Judiciary, House of Representatives, GAO-04-82, May 2004:57, [accessed 2013-04-29] from: http://www.gao.gov/new.items/d0482.pdf.

[56]Australian Customs and Border Protection Service. *Annual Report 2011-12*, Canberra, Commonwealth of Australia, 2012:348:20, [accessed 2013-05-01] from: http://www.customs.gov.au/aboutus/annualreports/2012/pdf/ACBPS_AR_2011-12.pdf.

[57]New Zealand Customs Service. *New Zealand Customs Service: Annual Report 2011-12*, Report of the New Zealand Customs Service for the Year Ended June 30, 2012, Wellington, NZ, 2012:94:5, [accessed 2013-05-02] from: http://www.customs.govt.nz/news/resources/corporate/Documents/AR20112012.pdf.

[58]Australian Government Department of Infrastructure, Transport, Regional Development and Local Government. *Review of Aviation Security Screening: Report*, Canberra, ACT, 2009:142:6, [accessed 2013-05-06] from: http://www.infrastructure.gov.au/transport/security/aviation/screening/files/Review_of_Aviation_Security_Screening_Report.pdf.

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[60]Australian Government Department of Infrastructure, Transport, Regional Development and Local Government. *Review of Aviation Security Screening: Report*, Canberra, ACT, 2009:142:6, [accessed 2013-05-06] from: http://www.infrastructure.gov.au/transport/security/aviation/screening/files/Review_of_Aviation_Security_Screening_Report.pdf.

[61]Australian Customs and Border Protection Service. *Annual Report 2011-12*, Canberra, Australian Capital Territory, 2012:348:45,122, [accessed 2013-05-01] from: http://www.customs.gov.au/aboutus/annualreports/2012/pdf/ACBPS_AR_2011-12.pdf

[62]New Zealand Customs Service. *New Zealand Customs Service: Annual Report 2011-12*, Report of the New Zealand Customs Service for the Year Ended June 30, 2012, Wellington, NZ, 2012:94:16-17, [accessed 2013-05-02] from: http://www.customs.govt.nz/news/resources/corporate/Documents/AR20112012.pdf

[63]New Zealand Customs Service. *New Zealand Customs Service: Annual Report 2010-11*, Report of the New Zealand Customs Service for the Year Ended June 30, 2011, Wellington, NZ, 2012:89:2, [accessed 2013-05-02] from: http://www.customs.govt.nz/news/resources/corporate/Documents/AR20102011.pdf.

[64]New Zealand High Commission. (no date). *Visiting New Zealand,* Website, [accessed 2013-05-06] from: http://glossary.immigration.govt.nz/VisaFreeCountries.htm.

[65]Australian Travel Visas. (no date). *Electronic Travel Authority to Australia*, Website, [accessed 2013-05-06] from: https://www.migrationexpert.com.au/travel_visa/online_application/?mxid=06DFC55DC2634157/australia%20visa/20907659652/0//e/DD5074FA21427389AE72EC2A640FE579&gclid=CLzG9eq-grcCFZOHMgodd2UAlg.

[66]Ibid.

[67]New Zealand High Commission. (no date). *Visiting New Zealand,* Website, [accessed 2013-05-06] from: http://glossary.immigration.govt.nz/VisaFreeCountries.htm

[68]Australian Customs and Border Protection Service. *Annual Report 2010-11*, Canberra, Australian Capital Territory, 2011:374:63-64, [accessed 2013-05-01] from: http://www.customs.gov.au/webdata/resources/files/879316AUSCUSwebpdf.pdf.

[69]New Zealand Customs Service. *New Zealand Customs Service: Annual Report 2011-12*, Report of the New Zealand Customs Service for the Year Ended June 30, 2012, Wellington, NZ, 2012:94:17, [accessed 2013-05-02] from: http://www.customs.govt.nz/news/resources/corporate/Documents/AR20112012.pdf

[70]Australian Customs and Border Protection Service. *Annual Report 2011-12*, Canberra, Australian Capital Territory, 2012:348:15, [accessed 2013-05-01] from: http://www.customs.gov.au/aboutus/annualreports/2012/pdf/ACBPS_AR_2011-12.pdf.

[71]Australian Government Website. (no date). *Managing Australia's Borders*, [accessed 2013-05-01] from: http://www.immi.gov.au/managing-australias-borders/border-security/systems/.

[72]Ibid.

[73]CCTV systems consist of cameras, monitors, recorders, interconnecting hardware and support infrastructure. Images may be transported via wired or wireless technologies in digital or analog form.

[74]Australian Transport Council. *Joint Communique – 18 November 2005, Hobart*, 2005:7, [accessed 2013-05-03] from: http://www.atcouncil.gov.au/communique/atc22.aspx.

[75]New Zealand Customs Service. *New Zealand Customs Service: Annual Report 2010-11*, Report of the New Zealand Customs Service for the Year Ended June 30, 2011, Wellington, NZ, 2012:89:28, [accessed 2013-05-02] from: http://www.customs.govt.nz/news/resources/corporate/Documents/AR20102011.pdf.

[76]Australian Customs and Border Protection Service. *Annual Report 2011-12*, Canberra, Australian Capital Territory, 2012:348:175, [accessed 2013-05-01] from: http://www.customs.gov.au/aboutus/annualreports/2012/pdf/ACBPS_AR_2011-12.pdf

[77]Ibid, 348:165.

[78]Hays, B. and Vermeulen, M. *Borderline: The EU's New Border Surveillance Initiatives*, *Assessing the Costs and Fundamental Rights Implications of EUROSUR and the 'Smart Borders' Proposals*, A study by the Heinrich Böll Foundation (Heinrich Böll Stiftung), Brussels, Belgium, June 2012:83:11, [accessed 2013-04-24] from: http://www.statewatch.org/news/2012/jun/borderline.pdf.

[79] Ibid.

[80]European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. *FRONTEX Annual Risk Analysis 2012*, Warsaw, Poland, April 2012:60:11, [accessed 2013-05-06] from: http://frontex.europa.eu/assets/Attachment_Featured/Annual_Risk_Analysis_2012.pdf.

[81]Appendix 7 (Visa Code EC Regulation No 810/2009 of the European Parliament and of the Council).

[82]VIS began on October 11, 2011 in the first rollout region (North Africa). Subsequent regions for the gradual deployment of the system will follow in the course of the coming months. The operational management of the VIS will be entrusted to C-SIS, the authority responsible for the operational management of SIS I.

[83]European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. *FRONTEX Annual Risk Analysis 2012*, Warsaw, Poland, April 2012:60:22, [accessed 2013-05-06] from: http://frontex.europa.eu/assets/Attachment_Featured/Annual_Risk_Analysis_2012.pdf.

[84]United States Department of Homeland Security Office of Inspector General. *Information Sharing on Foreign Nationals Overseas Screening (Redacted)*, Report OIG-11-68, Washington, D.C., April 2011:90:1, [accessed 2013-04-29] from: http://www.oig.dhs.gov/assets/Mgmt/OIGr_11-68_Apr11.pdf.

[85]DHS/CBP-005 Advance Passenger Information System (APIS).
[86]DHS/CBP-016 Nonimmigrant Information System (NIIS).
[87]DHS/CBP-007 Border Crossing Information (BCI).
[88]DHS/CBP-011 CBP TECS.
[89]DHS/CBP-013 Seized Assets and Case Tracking System (SEACATS).