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# U.S. Quietly Monitors Foreigners' Departures at the Canadian Border

By [ERIC LIPTON](#)

WASHINGTON — Hundreds of thousands of foreigners passing into Canada from the United States have unwittingly been a part of a grand experiment by the Department of Homeland Security to crack down on visitors who violate laws governing the length of their stay.

Long demanded by lawmakers in Congress, it is considered a critical step to developing a coherent program to curb illegal immigration, as historically about 30 percent to 40 percent of illegal immigrants in the United States arrived on tourist visas or other legal means and then never left, according to estimates by Homeland Security officials.

The [pilot project](#) with Canada, conducted from September to January, involved about a third of the traffic across the northern American border, tracking the departure of 413,222 foreigners from the United States. Starting this year, according to Congressional officials who have been briefed on the plan, the information collected at the Canadian border will be used to prevent certain foreigners who have stayed too long in the United States from returning again by revoking tourist visas or taking other steps.

The effort relies on an ingenious solution: as foreigners leave the United States to enter Canada — and their passports are checked by the border authorities there — the information is sent back to the United States and recorded as the official “exit” record. By the end of next month, the project is scheduled to be expanded to almost all land border traffic between Canada and the United States.

“The pilot was a success,” said David Heyman, assistant secretary for policy at the Homeland Security Department, in a statement. “We have the ability now to identify, with a high degree of certainty, on a real-time basis, those who overstay the terms of their legal entry into the United States.”

Airlines and cruise ships, relying on passenger manifests, are already mandated under law to turn over data on travelers as they leave the United States. That system has recently been improved so that entries and exits can more definitively be matched, federal officials said, although there remains a large backlog of unconfirmed exits.

The biggest weakness remains the southern border, which has the highest volume of traffic of land crossings, but still has almost no exit controls.

The Mexican authorities, Homeland Security officials said, do not reliably collect and store personal data on every person crossing the border from the United States, preventing an

exchange like the one that has been established with Canada. The department has pressed the Mexican authorities to improve their data collection efforts, so such an exchange can take place.

One former Homeland Security official who had been involved in these negotiations said it was largely a matter of money.

“You could do it in a year if you had all the money you needed, or you could do it in 20 years,” said Chappell Lawson, who served as director of policy and planning at Customs and Border Protection early in the Obama administration. “Tell me the amount of money and the willpower, and I can give you a number.”

Ricardo Alday, a spokesman for the Mexican Embassy in Washington, said the Mexican government was open to considering such a request by the United States.

“Mexico strongly believes that its joint efforts with the United States are critical to the safe and efficient management of the border,” he said in a statement.

With the pilot program at the Canadian border, the American authorities found that in almost all cases — 97.4 percent — the passport data of departing foreigners matched up with records documenting their entry into the United States, allowing American officials to determine if they stayed longer here than allowed under the law. Officials would not say what percentage of the travelers had overstayed their visas.

Because it was an experimental project, the data in this initial phase was destroyed and was not used for any enforcement action. Individual travelers were not notified of the data exchange, although a description of it was posted on the Canadian Border Services Agency Web site.

Using the information collected from its improved system tracking foreigners as they exit, the Homeland Security Department is separately also developing a tally, country by country, of what percentage of foreign travelers violate the terms of their entry to the United States, officials said.

If the immigration bill pending in the Senate passes, that overstay information would be used to help determine which nations are eligible for the [Visa Waiver Program](#), which allows foreigners to visit without a visa — a privilege reserved for nations whose residents do not routinely abuse the limits of American tourist visas.

The Homeland Security Department last week declined to offer any hint of what the visa overstay rates might look like, saying only that they would be made public this year.

“We want to make sure those numbers are right,” said one department official, who asked not to be named, citing its policy of not speaking with reporters for attribution. “They could impact a lot of things, including international relations. It is an important milestone.”

One potential weakness with the exit control system being tested with Canada is that it relies on “biographic” information, like a passport photo, name and date of birth. It does not use a

fingerprint or other biometric data, which is much harder to forge, to definitively confirm that a person has left the United States.

Congress has repeatedly mandated such a biometric exit system — at land borders as well as airports — in the aftermath of the Sept. 11 attacks. But a bipartisan group of eight senators dropped that requirement in the pending immigration bill, provoking protests from Senator Jeff Sessions, Republican of Alabama, and other conservatives.

“This is a big, big hole in the system, and it’s been going on for years and years,” Mr. Sessions told the Senate Judiciary Committee last week. “This is one reason American people have so little confidence in any promises we make.”

Homeland Security officials, along with Senator Charles E. Schumer, Democrat of New York, have argued that it could cost an estimated \$25 billion for the United States to build its own biometric-based exit system at airports and land borders. It would be so expensive because new border crossing stations would have to be built, instead of relying on Mexico or Canada. Arguing that the biographic network is adequate, they say that the expense is not justified.

Instead, Democrats on the Judiciary Committee, with the support of some Republicans, [agreed this week](#) to mandate biometric exit systems at 10 of the nation’s largest airports within two years, and the 30 largest airports for international travel within six years. But it would most likely leave the system that relies on biographic data in place at land borders.

“No system is 100 percent failproof,” Mr. Schumer said last week. “This system comes as close to any to making it work.”

Even with the growing and more reliable data on travelers who have overstayed their visas, the Homeland Security Department still does not have sufficient personnel to find and deport these violators. Instead, it focuses on any that have a criminal record or a history of repeated immigration violations.

But officials said they were pleased that they were at least making progress in being able to track exits in a comprehensive way.

“The exit system today far surpasses anything we had even three years ago,” Mr. Heyman said.

<http://www.nytimes.com/2013/05/22/us/us-tracked-foreigners-leaving-for-canada.html>