

GAO

Report to the Ranking Member,  
Committee on Homeland Security,  
House of Representatives

January 2011

# MARITIME SECURITY

## Federal Agencies Have Taken Actions to Address Risks Posed by Seafarers, but Efforts Can Be Strengthened



G A O

Accountability \* Integrity \* Reliability

## Why GAO Did This Study

The State Department and two components of the Department of Homeland Security (DHS), Customs and Border Protection (CBP) and the Coast Guard, are responsible for preventing illegal immigration at U.S. seaports and identifying individuals who are potential security risks. The International Labor Organization (ILO) adopted the Seafarers' Identity Documents Convention (ILO 185) to establish an international framework of seafarer identification documents and reduce their vulnerability to fraud and exploitation. GAO was asked to examine (1) measures federal agencies take to address risks posed by foreign seafarers and the challenges, if any, DHS faces; (2) the challenges, if any, DHS faces in tracking illegal entries by foreign seafarers and how it enforces penalties; and (3) the implementation status of ILO 185. GAO reviewed relevant requirements and agency documents on maritime security, interviewed federal and industry officials, and visited seven seaports based on volume of seafarer arrivals. The visits provided insights, but were not projectable to all seaports.

## What GAO Recommends

GAO recommends that DHS assess risks of not electronically verifying cargo vessel seafarers for admissibility, identify reasons for absconder and deserter data variances, and, with the Department of Justice (DOJ), develop a plan with timelines to adjust civil monetary penalties for inflation. DHS and DOJ concurred with GAO's recommendations.

View [GAO-11-195](#) or key components. For more information, contact Charles Jeszeck at (202) 512-7036 or [jeszeckc@gao.gov](mailto:jeszeckc@gao.gov).

## MARITIME SECURITY

# Federal Agencies Have Taken Actions to Address Risks Posed by Seafarers, but Efforts Can Be Strengthened

## What GAO Found

Federal agencies use a layered security strategy to address foreign seafarer risks, but opportunities exist to enhance DHS seafarer inspection methods. Federal actions include: (1) State Department screening of seafarer non-immigrant visa applicants overseas and (2) DHS advance screening of commercial vessels' seafarer manifests and admissibility inspections of all arriving seafarers. CBP conducts cargo vessel admissibility inspections on board the vessel without the benefit of tools to electronically verify a seafarer's identity or immigration status because of a lack of available connectivity to network communications in the maritime environment. DHS has prioritized the acquisition of a mobile version of this technology capability but expects it to take several years before the technology is developed and available. CBP agrees that obtaining this capability is important but has not assessed the risks of not having it. Until CBP obtains the capability, identifying the risks and options to address them could better position CBP in preventing illegal immigration at seaports.

DHS faces challenges in ensuring it has reliable data on illegal entries by foreign seafarers at U.S. seaports and has not adjusted related civil monetary penalties. First, both CBP and Coast Guard track the frequency of absconder (a seafarer CBP has ordered detained on board a vessel in port, but who departs a vessel without permission) and deserter (a seafarer CBP grants permission to leave a vessel, but who does not return when required) incidents at U.S. seaports, but the records of these incidents varied considerably. The Coast Guard reported 73 percent more absconders and almost double the deserters compared to CBP for fiscal years 2005 through 2009. As a result, the data DHS uses to inform its strategic and tactical plans are of undetermined reliability. Second, CBP is responsible for imposing civil monetary penalties on vessel operators whose seafarers illegally enter the United States; however, as of December 2010, CBP and DOJ had not met legal requirements for adjusting the penalties for inflation. Officials reported taking steps to meet these requirements, but have not developed a plan with timelines for doing so. Such a plan would better position CBP and DOJ to demonstrate progress to comply with legal requirements.

International implementation of ILO 185 has been limited—18 countries, representing 30 percent of the global seafarer supply, have ratified ILO 185—and key ILO mechanisms to promote compliance are not expected to be in place until later this year. As of January 2011, the United States had not ratified ILO 185 largely due to concerns over a provision for facilitating visa-free shore leave for foreign seafarers. Perspectives varied among the four federal agencies GAO interviewed within DHS and the departments of State, Transportation, and Labor. Within DHS, the Coast Guard reported that it supported U.S. ratification, while CBP stated that ILO 185's lack of oversight did not serve U.S. law enforcement interests. The U.S. has recently undertaken an interagency review to consider ratification but has no timeline for completion.

---

# Contents

---

<b>Letter</b>		1
	Background	5
	Federal Agencies Use a Layered Security Strategy to Identify and Address Foreign Seafarer Risks; Opportunities Exist for CBP to Enhance Inspection Methods	14
	DHS Faces Challenges in Ensuring Absconder and Deserter Records Are Accurate and Reliable and Has Not Adjusted Related Civil Monetary Penalties, as Required by Law	24
	ILO 185 Implementation Is Limited; the United States Has Not Ratified Convention Due to Visa Requirement Concern	36
	Conclusions	48
	Recommendations for Executive Action	49
	Agency Comments and Our Evaluation	49
<b>Appendix I</b>	<b>Key International and National Requirements and Guidance Applicable to Seafarer Security</b>	53
<b>Appendix II</b>	<b>Key State Department Actions Since 9/11 to Strengthen Visa Adjudication Process</b>	54
<b>Appendix III</b>	<b>DHS Advance-Targeting Process</b>	55
<b>Appendix IV</b>	<b>CBP and Coast Guard Seafarer-Related Enforcement and Compliance Boardings and Inspections</b>	57
<b>Appendix V</b>	<b>Comparison of CBP and Coast Guard Field Unit Reports of Absconder and Deserter Incidents at Selected Seaports, Fiscal Years 2005 through 2009</b>	58

---

<b>Appendix VI</b>	<b>Summary of International Labor Organization’s Seafarers’ Identity Documents Convention (Revised), 2003 (ILO 185)</b>	60
<b>Appendix VII</b>	<b>President’s Committee on the International Labor Organization (PC/ILO)</b>	63
<b>Appendix VIII</b>	<b>Comments from the Department of Homeland Security</b>	65
<b>Appendix IX</b>	<b>GAO Contacts and Staff Acknowledgments</b>	67
<b>Related GAO Products</b>		68

---

**Tables**

Table 1: Top Five Nationalities (by Citizenship) Issued C1/D Visas, Fiscal Year 2009	10
Table 2: Top Five Nationalities (by Citizenship) Issued D Visas, Fiscal Year 2009	10
Table 3: Selected International and Domestic Stakeholders with Seafarer-Related Security Responsibilities	11
Table 4: Select Fineable Sections of the INA Related to Seafarers	34
Table 5: ILO 185 Ratifying Nations and ILO 185 SID Issuing Nations	37
Table 6: U.S. Government Stakeholder Positions on ILO 185	44
Table 7: Key Laws, Conventions, or Guidance Applicable to Seafarer Security	53
Table 8: Selected State Department Initiatives to Strengthen Visa Adjudication Process	54
Table 9: Summary of Seafarers’ Identity Documents Convention (Revised), 2003	61

---

---

## Figures

Figure 1: Top 20 U.S. Seaports by Number of Foreign Seafarer Arrivals, Fiscal Year 2009	7
Figure 2: Fiscal Year 2009 State Department Issued Non-immigrant Visas and Share of Seafarer/Air Crew Types	9
Figure 3: The State Department C1/D and D Visa Adjudication Process	16
Figure 4: DHS Process for Screening and Inspecting Foreign Seafarers on Commercial Vessels Transiting to U.S. Seaports	19
Figure 5: DHS Absconder and Deserter Incident-Reporting Process	25
Figure 6: Comparison of CBP Headquarters and CBP Field Unit Reports of Absconder and Deserter Incidents at Selected U.S. Seaport Areas, Fiscal Years 2005 through 2009	26
Figure 7: Comparison of Coast Guard Intelligence Coordination Center and Coast Guard Atlantic Area Maritime Intelligence Fusion Center Reports of Absconders and Deserters in Coast Guard Atlantic Area, Fiscal Years 2005 through 2009	29
Figure 8: Comparison of Coast Guard Headquarters and CBP Headquarters Reports of Absconder and Deserter Incidents, Fiscal Years 2005 through 2009	31
Figure 9: U.S. Screening and Admissibility Determinations of Foreign Seafarers: Current and Notional Processes	42
Figure 10: Comparison of CBP Field Unit and Coast Guard Field Unit Reports	58
Figure 11: ILO 185 Process for Reviewing Country Implementation	62
Figure 12: President's Committee on the International Labor Organization	64

---

---

## Abbreviations

ANOA	Advance Notice of Arrival
APIS	Advance Passenger Information System
ATS-P	Automated Targeting System—Passenger
CBP	Customs and Border Protection
DHS	Department of Homeland Security
CCD	Consular Consolidated Database
DOT MARAD	Department of Transportation’s Maritime Administration
DOJ	Department of Justice
ICAO	International Civil Aviation Organization
ICC	Intelligence Coordination Center
ICE	Immigration and Customs Enforcement
ILO	International Labor Organization
ILO 185	Seafarers’ Identity Documents Convention (Revised), 2003
IMO	International Maritime Organization
INA	Immigration and Nationality Act
ISPS	International Ship and Port Facility Security Code
Labor	Department of Labor
MIFC	Maritime Intelligence Fusion Center
MTSA	Maritime Transportation Security Act
NTC-P	National Targeting Center—Passenger
NCIC	National Crime Information Center
PAU	Passenger Analysis Unit
PC/ILO	President’s Committee on the International Labor Organization
SAO	Security Advisory Opinion
SCO	Screening Coordination Office
TAPILS	Tripartite Advisory Panel on International Labor Standards
SID	Seafarer Identity Document
US-VISIT	U.S. Visitor and Immigrant Status Indicator Technology

This is a work of the U.S. government and is not subject to copyright protection in the United States. The published product may be reproduced and distributed in its entirety without further permission from GAO. However, because this work may contain copyrighted images or other material, permission from the copyright holder may be necessary if you wish to reproduce this material separately.



G A O

Accountability \* Integrity \* Reliability

United States Government Accountability Office  
Washington, DC 20548

January 14, 2011

The Honorable Bennie G. Thompson  
Ranking Member  
Committee on Homeland Security  
House of Representatives

Dear Mr. Thompson:

The United States faces the challenge of balancing the need to secure its borders to prevent the illegal entry of persons while also facilitating legitimate trade and travel. In fiscal year 2009, maritime crew—known as seafarers—made about 5 million entries into U.S. ports on commercial cargo and cruise ship vessels.<sup>1</sup> The overwhelming majority of the seafarers entering U.S. ports are aliens.<sup>2</sup> Because the U.S. government has no control over foreign government seafarer credentialing practices, concerns have been raised that extremists may fraudulently obtain seafarer credentials as a way to gain entry into the United States or conduct attacks against maritime vessels or port infrastructure. Although there have been no reported terrorist attacks involving seafarers on vessels transiting to U.S. seaports, the Department of Homeland Security (DHS) considers the illegal entry of an alien through a U.S. seaport by exploitation of maritime industry practices to be a key concern.

Screening foreign seafarers to identify those who pose security threats to the United States is a shared responsibility among federal stakeholders. For example, overseas, State Department consular officers screen seafarer applicants for non-immigrant visas—a prerequisite to be eligible for a permit to depart the vessel and enter the United States—and may deny a visa if, for example, they determine that an applicant poses a potential security or immigration risk.<sup>3</sup> Within DHS, U.S. Customs and Border Protection (CBP), the unified federal agency responsible for border security, inspects all seafarers arriving from foreign waters to determine their admissibility into the United States and prevent illegal immigration at

---

<sup>1</sup> Cargo vessels include container ships, energy tankers, bulk carriers, and roll-on-roll-off vessels, among others.

<sup>2</sup> According to CBP data, aliens constituted over 85% of seafarer arrivals in fiscal year 2009.

<sup>3</sup> Non-immigrant visas are for aliens coming to the United States temporarily.

---

U.S. seaports. CBP obtains key support from the Coast Guard, the lead federal agency responsible for a wide array of maritime safety and security activities.

In 2003, the United States and other member states of the International Labor Organization (ILO)—a specialized agency of the United Nations—adopted the Seafarers’ Identity Documents Convention (Revised) No. 185 (ILO 185).<sup>4</sup> One goal of the Convention was to establish an international framework for harmonizing seafarers’ identity document (SID) issuance to strengthen the reliability of the documents and reduce their potential vulnerability to fraud and exploitation. To support this goal, among other things, ILO 185 requires ratifying countries to adopt certain credential features including fingerprint biometrics and issuance processes, establishes database requirements to support validation of SIDs at ports of entry, and establishes an oversight mechanism for assessing country compliance.

You requested that we review the security procedures federal agencies take to identify and screen foreign seafarers arriving in U.S. seaports and to analyze ILO 185 and its potential impact on U.S. maritime security. This report answers three questions:

- What measures do federal agencies take to address risks posed by foreign seafarers transiting U.S. seaports, and what challenges, if any, does DHS face in addressing these risks?
- What challenges, if any, has DHS faced in tracking incidents involving illegal entry by foreign seafarers at U.S. seaports, and how does DHS enforce penalties related to these incidents?
- What is the implementation status of ILO 185, including prospects for U.S. ratification, and what are the perspectives of select international and national stakeholders?

To answer the first question, we analyzed relevant statutes, such as provisions of the Immigration and Nationality Act (INA)<sup>5</sup> and the Maritime Transportation Security Act (MTSA),<sup>6</sup> plus relevant regulations—such as

---

<sup>4</sup> The ILO promotes social justice and internationally recognized human and labor rights.

<sup>5</sup> See, e.g., 8 U.S.C. §§ 1281-88.

<sup>6</sup> Pub. L. No. 107-295, 116 Stat. 2064 (2002).



---

DHS's Advanced Passenger Information System (APIS) rule<sup>7</sup> and Coast Guard's Advanced Notice of Arrival (ANOVA) rule<sup>8</sup>—that set out requirements for how DHS identifies, screens, inspects, and determines admission of aliens to the United States. We also reviewed documentation issued by the State Department and DHS for screening and inspecting seafarers, including guidance and policy, memoranda, and strategic and operational plans, as well as risk assessments prepared by DHS components that detail threats, vulnerabilities, and consequences associated with foreign seafarers on board vessels arriving at U.S. seaports. To obtain information on federal screening and inspection practices and intelligence information on risks identified, we interviewed headquarters officials at relevant federal agencies at the State Department (Consular Affairs) and DHS (CBP, Coast Guard, Immigration and Customs Enforcement, Office of Policy, and Science and Technology Directorate). We also visited or held teleconferences with CBP seaport field unit officials and Coast Guard Sector officials responsible for security at a non-probability sample of eight domestic seaport areas.<sup>9</sup> We visited officials at seven of these locations (Baltimore, Maryland; Jacksonville, Florida; Los Angeles/Long Beach, California; Miami, FL; New York/New Jersey; Oakland/San Francisco, California; and Seattle/Tacoma, Washington) and held a teleconference with officials from one additional port (Houston/Galveston, Texas). We selected these eight seaports based on the variety of foreign seafarer arrival activity (collectively, CBP reported these ports received approximately 35 percent of fiscal year 2009 foreign seafarer arrivals) and commercial vessel activity at the port—i.e., cargo and/or cruise vessel. During these visits, we interviewed CBP field unit and Coast Guard Sector officials responsible for advance-screening and seafarer inspections, and observed port operations, including seafarer inspection activities. While the information we obtained from personnel at these locations cannot be generalized across all U.S. seaports, it provided us with a perspective on the potential risks posed by foreign seafarers transiting to U.S. seaports and actions taken by federal agencies to address those risks.

---

<sup>7</sup> 19 C.F.R. § 4.7b.

<sup>8</sup> 33 C.F.R. §§ 160.201-.215.

<sup>9</sup> Coast Guard Sectors run all Coast Guard missions at the local and port level, such as search and rescue, port security, environmental protection, and law enforcement in ports and surrounding waters, and oversee a number of smaller Coast Guard units, including small cutters and small boat stations.

---

To answer the second question, we reviewed and compared fiscal year 2005 through 2009 data of seafarer illegal immigration incidents at seaports reported by (1) CBP headquarters and the eight CBP seaport field units we contacted, and (2) Coast Guard headquarters and the eight Sectors we contacted, as well as Coast Guard's two regional intelligence centers that track maritime-security related events that occur in the Pacific area and the Atlantic and Gulf Coast area. We then reviewed guidance and memoranda issued by CBP and Coast Guard that detail reporting and collection methods for the data, and challenges faced in doing both. We interviewed headquarters and field officials about their data collection and reporting methods and compared them with criteria in Standards for Internal Control in the Federal Government, DHS policy guidance for internal agency coordination and information sharing, and the CBP and Coast Guard instructions for collecting and tracking data on illegal seafarer entries.<sup>10</sup> We assessed the reliability of these data by reviewing CBP and Coast Guard data management practices for the data, but found the data to be of undetermined reliability as discussed later in this report. In addition, we reviewed statutes that apply to CBP and Department of Justice authorities to issue and adjust civil monetary penalties in cases involving illegal seafarer entries in violation of the INA, and spoke with officials from both agencies about these authorities. We reviewed the Federal Register to determine when the U.S. government last adjusted the civil monetary penalties for cases involving seafarer-related violations of the INA. We also reviewed CBP records of civil monetary penalties assessed and collected for seafarer-related violations of the INA, for fiscal years 2005 through 2009. We calculated what the difference in these amounts would have been had the civil monetary penalties been adjusted for inflation every 4 years, as required by law.

---

<sup>10</sup> GAO, *Standards for Internal Control in the Federal Government*, [GAO/AIMD 00-21.3.1](#) (Washington, D.C.: Nov. 1, 1999). Internal control is an integral component of an organization's management that provides reasonable assurance that the following objectives are being achieved: effectiveness and efficiency of operations, reliability of financial reporting, and compliance with applicable laws and regulations. These standards, issued pursuant to the requirements of the Federal Managers' Financial Integrity Act of 1982 (FMFIA), provide the overall framework for establishing and maintaining internal control in the federal government. Also pursuant to FMFIA, the Office of Management and Budget issued *Circular A-123*, revised December 21, 2004, to provide the specific requirements for assessing the reporting on internal controls. Internal control standards and the definition of internal control in *Circular A-123* are based on the GAO *Standards for Internal Control* in the federal government.

---

To answer the third question, we reviewed ILO documents and interviewed officials from the ILO and relevant federal agencies, including the State Department, CBP, Coast Guard, the Department of Labor (Labor), and the Department of Transportation's Maritime Administration (DOT MARAD). We also developed and used a survey instrument to obtain information from four foreign governments regarding views on ILO 185 and their practices for issuing identification or other credentials to seafarers. We selected these countries based on two factors: (1) those that are among the top 10 nations that supply seafarers on vessels transiting to the United States and (2) a mix of nations that have ratified and not ratified ILO 185. The results of our survey are not generalizable, but provide perspectives from specific countries. Finally, we reviewed documents and interviewed representatives from seven industry organizations, including shipping companies and associations representing ship owners and/or operators, and three labor organizations about issues including their positions on ILO 185, standard practices for vetting and hiring seafarers, and issues related to seafarer rights and access to shore leave. In part, we selected these groups based on their involvement with the ILO.

We conducted this performance audit from December 2009 through December 2010 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

---

## Background

---

### Number of Foreign Seafarer Arrivals in U.S. Seaports

Over \$1.2 trillion dollars in merchandise of foreign trade is handled at U.S. seaports each year, and according to DOT MARAD, U.S. ports accounted for the second highest number of cargo vessel calls worldwide in 2009.<sup>11</sup> In addition, millions of individuals transit U.S. seaports annually on cruise ships, making the cruise industry a source of major economic activity. For example, direct spending for goods and services by the cruise lines and

---

<sup>11</sup> Specifically, 55,560 cargo vessel calls, or about 8 percent of the global total, were made in U.S. seaports in 2009.

---

their passengers in the United States was about \$19.1 billion in 2008. The global labor supply of seafarers who work on commercial vessels to support these types of activities is estimated at 1.2 to 2 million individuals. This figure encompasses individuals required for normal operation and service on board commercial vessels, including hospitality-related occupations on cruise ships such as food servers and entertainers.

Compared to the total number of arrivals at U.S. land and air ports of entry, the number of foreign seafarers arriving in U.S. seaports is small. For example, according to CBP data, foreign seafarer arrivals accounted for almost 5 million of the approximately 27 million passenger and crew arrivals recorded in U.S. seaports in fiscal year 2007. In contrast, for that same year, CBP recorded 92 million passenger and crew arrivals on international flights and 300 million passenger and pedestrian arrivals at land border crossings.

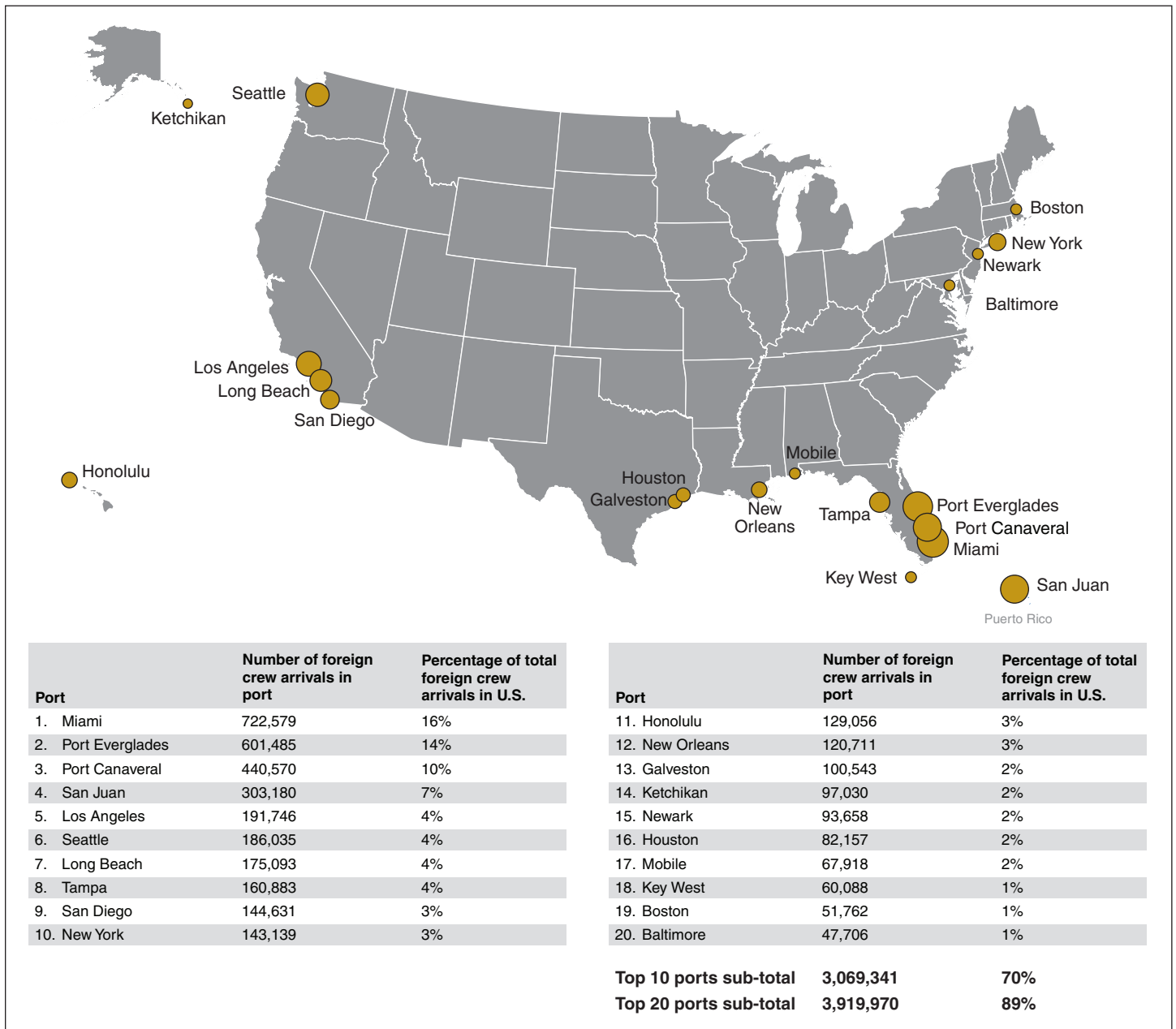
According to CBP data, in fiscal year 2009, approximately 80 percent of seafarers arriving by commercial vessel did so on board passenger vessels, such as cruise ships with the remaining 20 percent arriving by cargo or other vessel type. This is because individual cruise ship routes typically account for regular, frequent arrivals, and cruise ships typically employ hundreds of seafarers, while cargo ships often have just a few dozen seafarers on board.<sup>12</sup> As a result, the seaports receiving the largest numbers of seafarers were generally those that had cruise vessel operations. In fiscal year 2009, CBP reported 10 of the 132 U.S. seaports of entry received 70 percent of foreign seafarer arrivals (see fig. 1 below).<sup>13</sup>

---

<sup>12</sup> The largest cruise ship vessel transiting to the United States is staffed by approximately 2,300 seafarers. For more information on cruise ship security see GAO, *Maritime Security: Varied Actions Taken to Enhance Cruise Ship Security, but Some Concerns Remain*, [GAO-10-400](#) (Washington, D.C.: Apr. 9, 2010).

<sup>13</sup> According to CBP, there are 327 ports of entry for processing most individuals and cargo entering the United States, including 132 seaports as of July 2010.

**Figure 1: Top 20 U.S. Seaports by Number of Foreign Seafarer Arrivals, Fiscal Year 2009**



Sources: GAO analysis of CBP data; Map Resources (map).

---

## Visa Requirements for Entry into the United States for Shore Leave

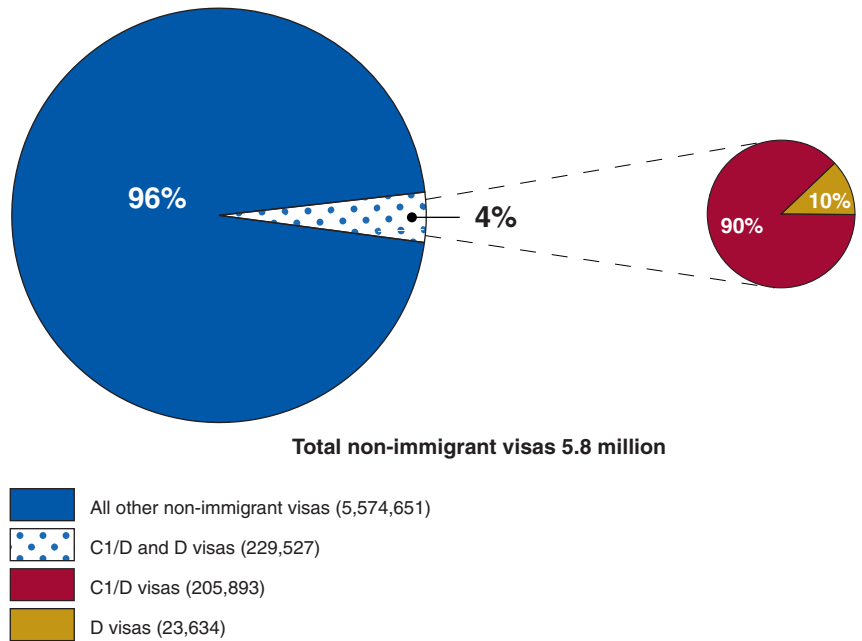
The State Department typically issues two types of non-immigrant visas to foreign seafarers: C1/D or D.<sup>14</sup> D visas are “crewmember” visas that allow a seafarer to request a conditional permit to land in the United States<sup>15</sup> only if arriving by ship as an active seafarer. Under the C1 category of the combined C1/D visa, seafarers are allowed to seek admission into the United States at any port of entry—such as an airport—for the purpose of transiting to ships for employment. If arriving by vessel in the capacity of an active seafarer, the D category of the combined C1/D visa may be used to request a conditional permit to land. Typically, these visas are valid for multiple entries over a period of up to 5 years, and the maximum time allowed in the United States for any single entry is 29 days. According to CBP data, the vast majority of foreign seafarers who arrive in U.S. seaports—over 95 percent in fiscal year 2009—possessed one of these non-immigrant visas. By far, the C1/D visa is the most frequently issued visa applied for and obtained by seafarers. Figure 2 below shows the share of C1/D and D visas the State Department issued in fiscal year 2009.

---

<sup>14</sup> See 8 U.S.C. § 1101(a)(15)(C), (D). Air crew are also issued C1/D or D visas. The State Department does not differentiate between or maintain data on the number of seafarers versus air crew who are issued these types of visas.

<sup>15</sup> Commonly referred to as “shore leave.”

**Figure 2: Fiscal Year 2009 State Department Issued Non-immigrant Visas and Share of Seafarer/Air Crew Types**



Source: GAO analysis of State data.

## Countries of Origin of Foreign Seafarers

As approximated by C1/D and D visa issuance, a few countries account for large shares of the foreign seafarers who apply for non-immigrant visas to enter the United States, with the Philippines supplying by far the most seafarers, followed by India and the Russian Federation.<sup>16</sup> Tables 1 and 2 below illustrate C1/D and D visa issuance data for fiscal year 2009.

<sup>16</sup> Due to visa reciprocity agreements between the United States and China, Chinese seafarers are not issued the combined C1/D visas. State Department estimated that for the countries listed in tables 1 and 2, the vast majority of C1/D and D visas were issued to seafarers as opposed to air crew.

**Table 1: Top Five Nationalities (by Citizenship) Issued C1/D Visas, Fiscal Year 2009**

Nationality	No. of C1/D visas issued	Percentage of total C1/D visas issued
1. Philippines	45,781	22
2. India	25,182	12
3. Russia	15,785	8
4. Indonesia	10,074	5
5. Ukraine	9,029	4
Top 10	127,375	62
Top 20	154,613	75
<b>All C1/D visas</b>	<b>205,893</b>	<b>100%</b>

Source: GAO analysis of State Department data

**Table 2: Top Five Nationalities (by Citizenship) Issued D Visas, Fiscal Year 2009**

Nationality	No. of D visas issued	Percentage of total D visas issued
1. China	13,646	58
2. Philippines	4,462	19
3. Burma	2,447	10
4. Saudi Arabia	598	3
5. Ethiopia	490	2
Top 10	22,491	95
Top 20	23,143	98
<b>All D visas</b>	<b>23,634</b>	<b>100%</b>

Source: GAO analysis of State Department data.

## Stakeholders Involved with Seafarer Security Issues

A number of domestic and international stakeholders are involved with seafarer security issues. For example, among domestic stakeholders, multiple DHS components share responsibilities for ensuring that aliens for whom there may be national security or other concerns are not admitted to the United States. Table 3 lists some of these organizations and agencies and their roles related to seafarer security.



**Table 3: Selected International and Domestic Stakeholders with Seafarer-Related Security Responsibilities**

Organization or agency	Seafarer-related security activities
<b>International organizations</b>	
International Maritime Organization (IMO)	<ul style="list-style-type: none"> <li>The IMO is a specialized agency of the United Nations that develops and maintains a comprehensive regulatory framework for shipping; scope of work includes maritime safety and security, and facilitation of maritime traffic.</li> </ul>
International Labor Organization (ILO)	<ul style="list-style-type: none"> <li>The ILO is a specialized agency of the United Nations that promotes social justice and internationally recognized human and labor rights. The organization established a system of seafarers' identity documents to promote better working conditions for seafarers and to enhance maritime security.</li> </ul>
<b>Foreign governments</b>	
Various designated authorities	<ul style="list-style-type: none"> <li>Agencies of IMO member governments or their representatives are responsible for implementing international maritime security requirements.</li> <li>Responsible for issuing credentials, such as seafarers' identity documents, to citizens or residents employed as seafarers.</li> </ul>
<b>U.S. government</b>	
Department of Homeland Security: U.S. Coast Guard	<ul style="list-style-type: none"> <li>Analyzes vessel and seafarer data for security risks prior to vessels' arrival in U.S. ports from foreign waters.</li> <li>Conducts various security activities including law enforcement boardings, safety and security compliance inspections, and denying vessel entries to port.</li> </ul>
Department of Homeland Security: U.S. Customs and Border Protection (CBP)	<ul style="list-style-type: none"> <li>Analyzes vessel and seafarer data for security risks prior to vessels' arrival in U.S. ports from foreign waters.</li> <li>Enforces requirements of the INA by inspecting all seafarers arriving from foreign ports to determine their admissibility for entry into the United States; takes action to ensure that non-eligible seafarers are not admitted.</li> </ul>
Department of Homeland Security: U.S. Immigration and Customs Enforcement (ICE)	<ul style="list-style-type: none"> <li>May investigate specific cases of seafarers entering or remaining in the United States illegally, among other border control or immigration violations.</li> </ul>
State Department	<ul style="list-style-type: none"> <li>Screens individuals abroad who apply for visas to enter the United States as seafarers, typically for the purpose of transit and/or shore leave.</li> </ul>
<b>International and domestic private sector</b>	
Vessel owners and operators	<ul style="list-style-type: none"> <li>Along with crew, responsible for implementing vessel security plans, including measures to prevent unauthorized seafarers from leaving vessels while in port.</li> </ul>
Manning agencies (labor contractors)	<ul style="list-style-type: none"> <li>Recruit seafarers and negotiate seafarer employment contracts with shipping companies; agency practices to screen applicants before job placement vary.</li> </ul>

Source: GAO analysis.

## Legal and Regulatory Framework for Maritime Security Actions

International and national law and guidance govern maritime security, and include provisions that apply to seafarers. At the international level, the IMO, through its International Ship and Port Facility Security Code (ISPS) and its Convention on Facilitation of International Maritime Traffic (FAL), lays out the international framework designed to help ensure maritime

---

security and prevent unnecessary delays in maritime traffic. In addition, national laws, regulations, and guidance also direct federal agencies and vessel operators on a nationwide basis. For example, the INA as amended requires that all aliens, including foreign seafarers, seeking admission to the United States be inspected by immigration officers.<sup>17</sup> It also requires foreign seafarers, with certain exceptions, to obtain a conditional landing permit to land temporarily in the United States.<sup>18</sup> To grant a conditional landing permit, CBP generally requires foreign seafarers to present a passport or seaman's book and a non-immigrant visa with a D classification.<sup>19</sup> Appendix I details key international and national laws, conventions, or guidance pertaining to seafarer security.

---

## Concerns with Seafarer Exploitation of Maritime Industry

According to Coast Guard National Maritime Intelligence Center officials we met, to date there have been no terrorist attacks involving seafarers on vessels transiting to U.S. ports and no definitive information to indicate that extremists have entered the United States as seafarer non-immigrant visa holders. Nevertheless, as we reported in 2007, security officials in the U.S. government are concerned about the possibility of a future terrorist attack in a U.S. port.<sup>20</sup> Federal agencies have identified seafarer-related risks involving either (1) extremists entering U.S. ports as seafarers and their potential threat to vessels or port infrastructure; or (2) risks posed generally by illegal immigration into the United States,<sup>21</sup> in particular:

- The State Department has reported that the exploitation of C1/D visas by aliens is a national security concern because the visas could be used by extremists to enter the United States. State Department and DHS reports

---

<sup>17</sup> 8 U.S.C. § 1225(a)(3).

<sup>18</sup> 8 U.S.C. § 1282(a). Certain alien seafarers who do not meet the requirements for the conditional landing permit may be paroled into the United States, on a case-by-case basis, such as for urgent humanitarian reasons.

<sup>19</sup> A passport is defined as any travel document issued by a competent authority showing the bearers origin, identity and nationality, if any, and which is valid for the admission of bearer into a foreign country. 8 U.S.C. § 1101(a)(30). A seaman's book is a record of a seafarer's career certifications and experiences that is issued by a competent authority.

<sup>20</sup> GAO, *Maritime Security: Federal Efforts Needed to Address Challenges in Preventing and Responding to Terrorist Attacks on Energy Commodity Tankers*, [GAO-08-141](#) (Washington, D.C.: Dec. 10, 2007).

<sup>21</sup> Seafarers who overstay visas or desert are in violation of immigration law and contribute to the number of illegal immigrants in the United States.

---

chronicle several cases where groups of seafarers have been able to obtain valid visas through fraudulent means and successfully enter the United States. These fraud cases generally involved C1/D applicants using what were later determined to be fraudulent employment letters to obtain their visas. Still, according to the State Department, the extent of fraud among seafarer visa types—C1/D and D—is comparable with that encountered with other non-immigrant visa types and does not constitute a substantial problem.

- As we reported in 2007, the Coast Guard has assessed the hypothetical possibility that seafarers (or persons posing as seafarers) could conspire to commandeer a vessel with the intent of using it as a weapon or disrupting maritime commerce.<sup>22</sup> However, vessel operator and industry group assessments have found this to be an unlikely scenario in part due to the vetting process shipping companies use when hiring, and particularly for cargo or tanker vessels, the technical complexity required for operating the vessels.

---

<sup>22</sup> [GAO-08-141](#).

---

## Federal Agencies Use a Layered Security Strategy to Identify and Address Foreign Seafarer Risks; Opportunities Exist for CBP to Enhance Inspection Methods

---

### State Department Screens Seafarers Applying for Visas

The State Department's visa adjudication process is the first layer of security implemented by federal agencies to prevent terrorists, certain criminals, or otherwise inadmissible aliens from gaining entry into the United States. Aliens wishing to temporarily enter the United States—such as foreign seafarers—fill out a visa application and make an appointment for an interview at U.S. embassies or consulates abroad; pay a fee; and submit photographs and 10-digit fingerprints. In turn, consular officers review applications, interview applicants, screen applicant information against federal databases, and review supporting documents to assess whether the applicant is an intending immigrant, potential threat to national security, or otherwise ineligible.<sup>23</sup> Among other things, consular officers check for previous visa refusals, immigration violations, criminal histories, and terrorism concerns.<sup>24</sup> If any such concerns arise, officers

---

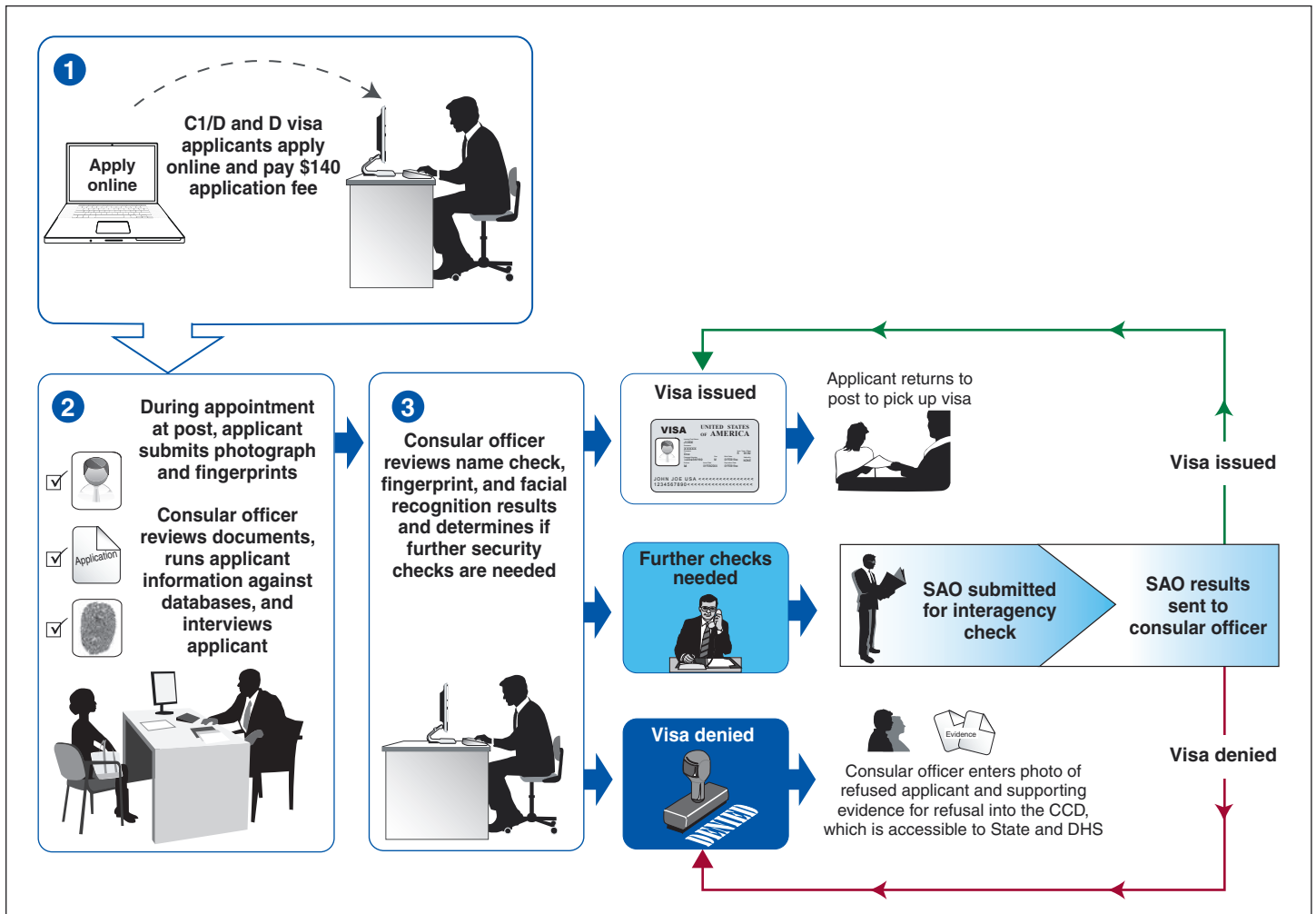
<sup>23</sup> A valid passport or seaman's book and a letter of employment are the supporting documents required by the State Foreign Affairs Manual. Some posts also require Standards of Training, Certification and Watchkeeping for Seafarers (STCW) certificates and a seaman's book in addition to a passport.

<sup>24</sup> According to the State Department, biographical information is run against the Consular Lookout and Support System (CLASS), which contained about 26 million records, 70 percent of which come from other agencies as of December 2009. Consular officers also use State's Consular Consolidated Database (CCD)—which contains State's worldwide visa records, detailed applicant biographic information, and applicant photos. State runs fingerprints against law enforcement databases and photographs against a State database, which uses facial recognition technology and houses photographs provided by several other agencies. Some consular officers also have access to DHS data tracking foreign nationals' entries into and most exits out of the United States, which can help State identify previous visa overstays.

---

conduct additional security checks by seeking input through an interagency Security Advisory Opinion (SAO) (see fig. 3 for a description of the visa adjudication process). Following these steps, the State Department will either issue or refuse an applicant's visa application. Those applicants who are granted visas may then present the visa to CBP officers to request admission into the United States when arriving at U.S. ports (CBP's process for admissibility screening is discussed later in this report). In fiscal year 2009, the State Department reported that 265,512 applicants had applied for crew visas—C1/D and D. Of this number, the State Department issued 229,527 (86 percent) and refused 35,985 (14 percent).

**Figure 3: The State Department C1/D and D Visa Adjudication Process**



Sources: GAO analysis of State Department information.

As we previously reported in 2007, the State Department has taken steps to strengthen the security of the visa adjudication process since the terrorist attacks of 9/11.<sup>25</sup> For example, the State Department has

<sup>25</sup> See GAO, *Homeland Security: Progress Has been Made to Address the Vulnerabilities Exposed by 9/11, but Continued Federal Action Is Needed to Further Mitigate Security Risks*, GAO-07-375 (Washington, D.C.: Jan. 24, 2007).

---

increased use of internal databases to track fraud cases and identify trends, conducted an increased number of studies on visa adjudication practices, and enhanced and expanded consular officer training courses on fraud (see appendix II for a summary of selected actions the State Department has taken since 9/11 to strengthen the adjudication process). In addition, in 2007, following several cases in which seafarers obtained visas fraudulently from overseas posts, the State Department issued guidance suggesting additional steps that posts can take to identify fraud among applicants for non-immigrant seafarer visas—particularly in ensuring that the ship, visa applicant, and manning agency are bona fide entities.<sup>26</sup>

---

## Within DHS, CBP and Coast Guard Conduct Advance-Screening, Inspections, and Enforcement Operations

### Before Vessel's Arrival, CBP and Coast Guard Screen Manifests and Assess Risks

Before a commercial vessel's arrival, both CBP and Coast Guard are to receive and screen advance information on commercial vessels scheduled to arrive at U.S. ports.<sup>27</sup> Vessel operators or agents are required to transmit information to the Coast Guard's National Vessel Movement Center, including CBP-required advance passenger and crew information—known as a manifest—and Coast Guard required Advanced Notice of Arrival (ANOVA). Multiple components screen this advance information to identify

---

<sup>26</sup> This guidance also recommends that consular officers verify that a manning agency is bona fide by cultivating working relationships with manning agencies and their regulators, using online business research tools to find more information about company operations, or running a text search in the CCD to see where else the manning agency might operate and if other posts have reported fraud.

<sup>27</sup> Under CBP's regulations, operators of certain commercial vessels are required to provide CBP with advance lists of information on passengers and seafarers—also known as a manifest—between 24 hours and 96 hours prior to entering a U.S. port, depending on the voyage time. Manifest data requirements for seafarers include items such as full name, date of birth, citizenship, country of residence, passport number, port of first arrival, and port where transportation to the United States began. 19 C.F.R. § 4.7b. Coast Guard requires vessel operators to transmit an Advance Notice of Arrival (ANOVA) between 12 and 24 hours in advance of arrival for certain types of vessels transiting to the United States. This information includes both seafarer information as well as other information pertaining to the vessel's history, such as dates the vessel received safety and security certificates. 33 C.F.R. §§ 160.201-160.215.

---

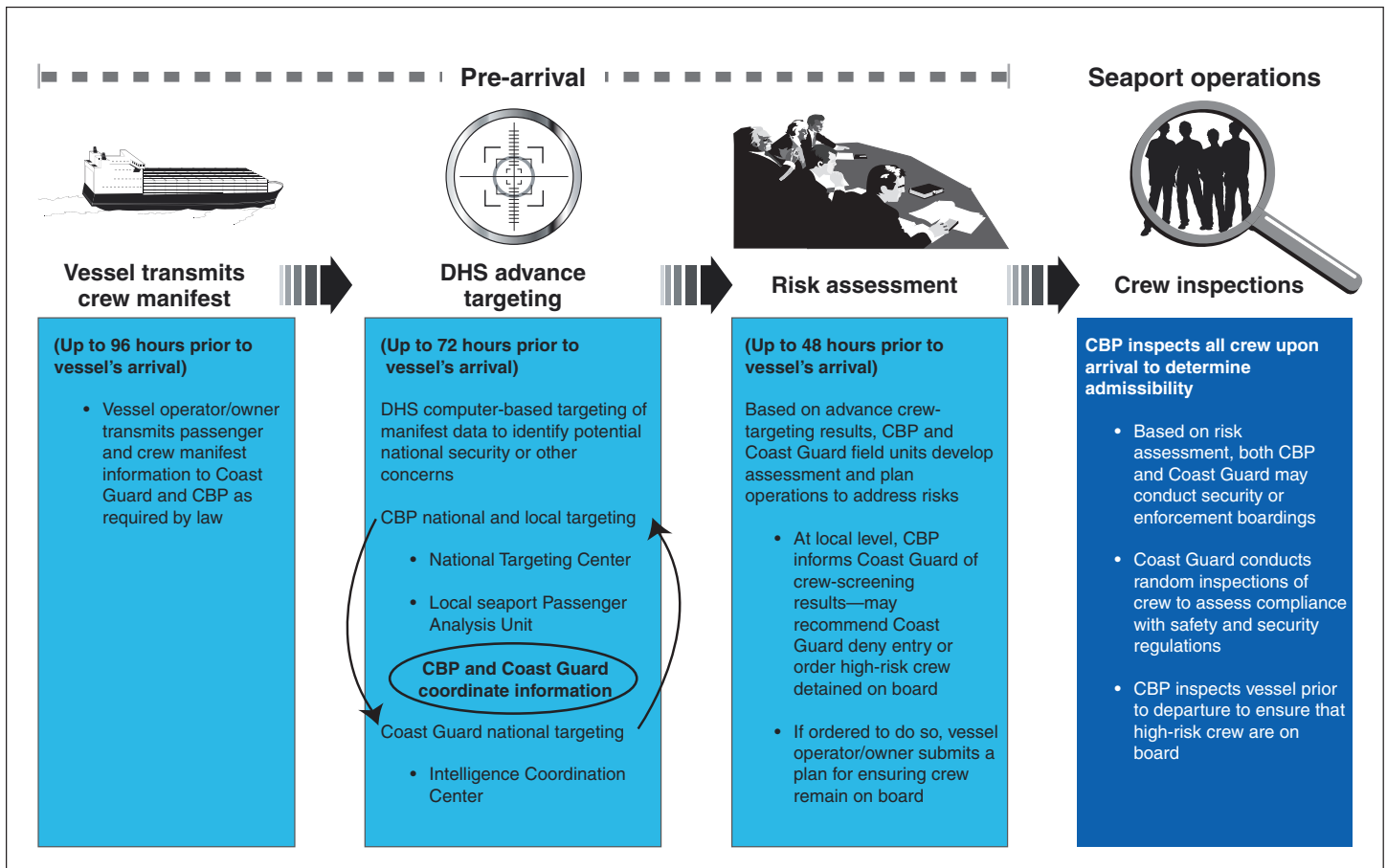
national security-related or other concerns. Nationally, this includes screening by CBP's National Targeting Center-Passenger (NTC-P) and Coast Guard's Intelligence Coordination Center (ICC). Locally, CBP field units at seaports of entry screen crew manifests against various government databases and share the results with Coast Guard field units—known as Sectors. Appendix III provides a more detailed description of this advance-screening process.

For all arriving commercial vessels, both CBP and Coast Guard policy requires that field units prepare risk assessments based on the results of advance-screening of vessel and seafarer information. CBP has the lead role with respect to passengers and seafarer issues and provides the Coast Guard with information on seafarers that raise initial security concerns. According to the CBP commercial vessel entry and boarding policy, CBP's risk management approach begins with a collection of vessel information obtained during advance-targeting and is followed by an analysis to identify and address risk areas. CBP's boarding policy identifies 19 different risk factors that field units are to consider for assessing risks posed by the vessel or seafarers. Among those risk factors are whether the vessel operator has had past instances of invalid or incorrect crew manifest lists, whether the vessel has a history of seafarers unlawfully landing in the United States, or whether the vessel is making its first arrival at a U.S. seaport within the past year.

Additionally, for all arriving vessels, Coast Guard policy provides that field units are to prepare risk assessments to identify those considered high risk. For example, to quantify the risk factors Coast Guard uses a national scoring tool to screen vessels against a variety of items. See figure 4 for a description of the DHS process for screening, assessing risks, and inspecting foreign seafarers.



**Figure 4: DHS Process for Screening and Inspecting Foreign Seafarers on Commercial Vessels Transiting to U.S. Seaports**



Source: GAO analysis of Coast Guard and CBP information.

**At Port of Entry, CBP Officers Inspect all Seafarers with Coast Guard Support**

CBP is the lead DHS agency responsible for inspecting all seafarers to determine whether they are admissible into the United States.<sup>28</sup> CBP conducts these inspections to determine the nationality and identity, and for non-U.S. citizens, the admissibility of each person wishing to enter the United States and to verify that crew manifest information provided by a vessel operator matches the advance information received prior to the

<sup>28</sup> The INA requires that all aliens, including foreign seafarers, seeking admission to the United States be inspected by immigration officers. 8 U.S.C. § 1225(a)(3).

---

---

CBP Seeks Additional Tools to Enhance Seafarer Admissibility Inspections

vessel's arrival.<sup>29</sup> For foreign seafarers, CBP's seafarer inspection practices focus on (1) review of identity and travel documentation; (2) a comparison of the document to the seafarer to determine if he or she is in fact the true bearer; and (3) interviews to determine admissibility and the potential risks of the individual violating immigration laws.<sup>30</sup> CBP officers rely on interviews with the seafarer, their experience in observing and assessing seafarer behavior, and verification of seafarer documents to determine who is or is not admissible to the United States. CBP requires all arriving seafarers to have either a passport or seaman's book. While arriving foreign seafarers are not required to hold a visa to enter a U.S. seaport on a vessel, CBP requires all foreign seafarers to hold a valid visa to be eligible for a conditional landing permit for shore leave.<sup>31</sup> Appendix IV provides additional information on CBP and Coast Guard boarding and seafarer inspection activities.

The procedures and tools CBP officers use to conduct admissibility inspections vary to some extent based on whether the seafarer is arriving on a cargo or cruise vessel. To manage the high number of both seafarers and passengers, CBP generally conducts cruise vessel admissibility inspections at dockside inspection facilities similar to those at airports. To date, cruise line facilities at 15 seaports are equipped with U.S. Visitor and Immigrant Status Indicator Technology (US-VISIT), which provides

---

<sup>29</sup> Seafarers must remain on board the vessel until inspected and granted shore leave or otherwise allowed to land, and those that are not granted shore leave must remain on board the vessel while the vessel remains in U.S. waters. 8 U.S.C. § 1284; 8 C.F.R. § 252.1.

<sup>30</sup> CBP reported that officers examine documents as part of a layered approach to security, in addition to other steps when reviewing documentation presented by a foreign seafarer. These steps include the use of behavior detection methods.

<sup>31</sup> CBP has discretionary authority to deny conditional landing to anyone who is not clearly entitled to it. 8 C.F.R. § 252.1(c). According to CBP, CBP may order a seafarer detained on board for a variety of reasons, such as if the CBP officer has particular security concerns or considers the individual to pose high risks for illegal immigration. The INA also provides for civil monetary penalties if the owner, agent, consignee, charterer, master, or commanding officer fails to detain these seafarers on board. 8 U.S.C. § 1284(a).

---

biometric identification services to decision makers—in this case, CBP officers.<sup>32</sup>

CBP conducts almost all cargo vessel admissibility inspections on board the vessel without the benefit of tools—such as mobile passport readers—for electronically verifying a seafarer’s identity or immigration status.<sup>33</sup> In this instance, CBP officers have to rely on information vetted before boarding the vessel and their skill sets to identify fraud and grounds of inadmissibility, both in reviewing documents and in interviewing seafarers.<sup>34</sup> CBP headquarters and officials from seven of eight CBP field units we visited reported that having mobile or portable technology to electronically verify the identity of seafarers would enhance their efforts to identify fraudulent documents and confirm immigration status. Among the capabilities sought by field officials from the seaport areas we visited was having a portable device utilizing US-VISIT technology and providing a real-time response for seafarers fingerprinted on board their vessel. Field officials also reported seeking the ability to run background checks in the field and the ability to machine read visas and passports.

DHS has recommended that DHS components electronically verify all immigration status determinations. According to 2006 and 2008 guidance issued by the DHS Screening Coordination Office (SCO), verification of immigration status should not rely solely on verification of physical

---

<sup>32</sup> US-VISIT is a program for controlling and monitoring the entry and exit of foreign visitors by storing and processing biometric and biographic information. For each foreign seafarer inspected at a US-VISIT equipped terminal, CBP officers use the system to (1) collect digital fingerprints and take a digital photo and (2) collect basic biographic information to record the person’s port of arrival and date and time of entry. The biometric entry capability has operated since 2004; an exit capability is not yet implemented. US-VISIT biometric entry procedures are currently in place at 15 seaports in 6 states, as well as Puerto Rico and Canada. CBP uses the biometric information captured to identify and verify fraud. The system also interacts with other systems to check biometrics against existing government law enforcement databases to identify people with criminal histories and those who may be linked to terrorist activities.

<sup>33</sup> Of the approximately 5 million seafarers CBP inspects at U.S. ports annually, about 1 million arrive on board cargo vessels.

<sup>34</sup> If a concern should arise, the CBP officer is equipped with a radio or cell phone to call back to the port for assistance from the Passenger Analysis Unit (PAU) officers. CBP officers can also contact the NTC-P to request additional assistance when required and can complete the inspection of a seafarer at the port if warranted.

---

security features present on a credential.<sup>35</sup> The guidance states that electronic verification provides greater security and should be conducted, particularly where DHS owns the process. A CBP headquarters official reported that the primary challenge in deploying mobile biometrics readers or other tools for electronically verifying the identity of seafarers is a lack of available connectivity to network communications in the maritime environment.<sup>36</sup> CBP headquarters reported the potential value that such tools would provide CBP officers for conducting on board seafarer inspections and that CBP had explored solutions in recent years. For instance, a CBP headquarters official reported that some field units had tried, generally without success, to use wireless laptops with access to CBP data as a way to verify the identity of seafarers arriving at seaports on board cargo vessels. Of the eight CBP field units we visited, three reported efforts to use mobile technology as an electronic verification tool during on board admissibility inspections. Of these three field offices, two reported efforts to use laptops with connectivity to CBP databases as an electronic verification tool, one of which reported some success while the other reported abandoning the effort because of poor connectivity. The third field office reported that it had participated in a DHS pilot in which its officers were provided with hand-held biometric scanners to capture fingerprints—the office reported the devices had provided value, but that they were not aware of the status or results of the pilot.

In May 2009, DHS deemed as “high priority” the need for the department to obtain hand-held mobile biometrics screening capabilities that can effectively collect data samples from subjects in challenging operational environments—such as those offshore and at seaports of entry. To address

---

<sup>35</sup> The Screening Coordination Office (SCO) was established by DHS to coordinate and harmonize the numerous and disparate credentialing and screening initiatives within DHS. According to DHS SCO’s 2008 Credentialing Framework Initiative report, visual inspection of immigration documents does not alone provide the capability to assess whether changes to the individual’s immigration status may have occurred between the date of issuance and the date of inspection or whether the person presenting the document is the person to whom it was issued. Moreover, the report states that given the inherent level of risk to security and immigration or other fraud, relying solely on visual verification poses significant concerns. The report describes verification of a credential as including: making a determination that the credential presented is authentic (not fraudulently developed); that the individual is the one to whom the document was issued (not an impostor), and remains valid (not revoked or expired).

<sup>36</sup> This challenge exists because CBP conducts many seafarer admissibility inspections in port locations within the confines of the cargo vessel, usually in the crew lounge or hall. As a result, portable technology for reading seafarer documents does not function with any reliability, according to CBP.

---

this, in August 2009, DHS S&T issued a solicitation for research proposals for developing a hand-held screening device.<sup>37</sup> However, according to the DHS S&T proposal, it is expected to take several years before this technology can be made available for use by DHS agencies, such as CBP.<sup>38</sup> Moreover, DHS S&T officials reported that these proposals do not address the connectivity challenges reported by CBP field officers.

DHS SCO has reported that given the inherent level of risk to security and immigration or other fraud, visual verification alone of travel documents poses significant concerns. In this way, by not having the ability to electronically verify the documents, CBP's methods for inspecting cargo vessel crew offers less assurance that CBP is identifying fraud among documents presented by the foreign seafarers seeking admission into the United States. According to internal control standards, assessing risk exposure is important to providing reasonable assurance that program goals and objectives are met and determining options to address them.<sup>39</sup> CBP reported that its cargo vessel admissibility methods involve multiple levels of screening to identify risks posed by seafarers. However, CBP reported that it had not conducted an assessment of the risks associated with not using electronic verification as part of its admissibility inspections for cargo vessel seafarers. Consequently, conducting an assessment to identify the risks of not meeting the DHS SCO recommendations for electronically verifying documents as part of immigration status determinations and identifying options for addressing any identified risks and their costs, would be important until new tools and technology become available.

---

<sup>37</sup> Further, a January 2010 Presidential memorandum states that DHS should aggressively pursue enhanced screening technology, protocols, and procedures, especially in regard to aviation and other transportation sectors.

<sup>38</sup> In fall 2010, DHS S&T reported that it had made awards to two vendors totaling about \$2.3 million to develop a hand-held fingerprint sensor module. According to DHS S&T, the work on these awards will be completed in early 2012. DHS S&T reports it will issue an additional solicitation to incorporate the developed fingerprint module with a mobile document reader.

<sup>39</sup> GAO, *Assessing Internal Controls in Performance Audits*, [GAO/OP-4.1.4](#) (Washington, D.C.: September 1990).

---

## DHS Faces Challenges in Ensuring Absconder and Deserter Records Are Accurate and Reliable and Has Not Adjusted Related Civil Monetary Penalties, as Required by Law

---

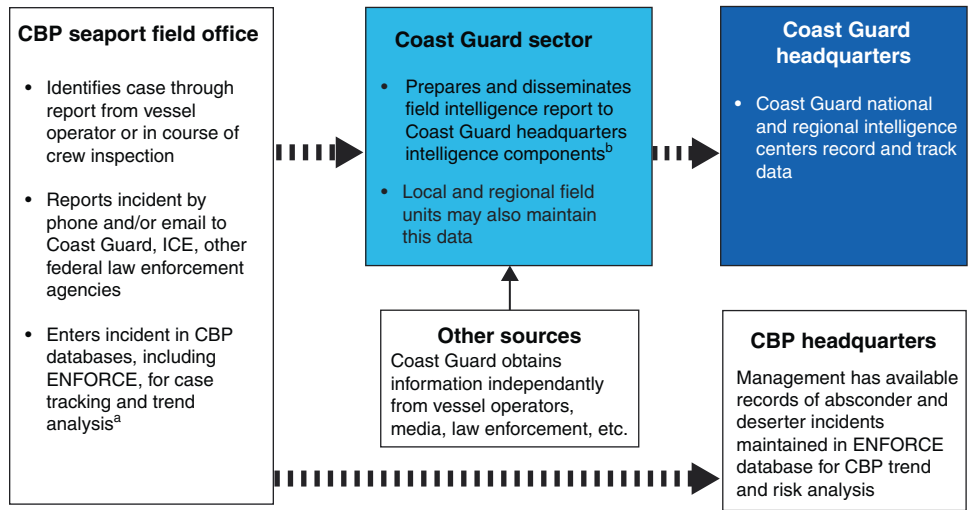
### DHS Lacks Accurate and Reliable Data on Absconder and Deserter Incidents

CBP has primary responsibility for identifying and reporting absconder and deserter incidents at U.S. seaports—both to Coast Guard and other federal and local law enforcement stakeholders—and for tracking them in CBP database systems.<sup>40</sup> Meanwhile, the Coast Guard generally relies on CBP's reporting of these events for populating its own records of the incidents, with Coast Guard Sectors receiving initial reports of the incident and disseminating the information among various components within Coast Guard. Figure 5 summarizes CBP and the Coast Guard's processes for identifying and reporting absconder and deserter incidents at U.S. seaports.

---

<sup>40</sup> There are two categories of seafarer illegal entry into the United States. An absconder is a seafarer CBP has refused a conditional landing permit to leave the vessel while it is in port and is ordered detained on board, but departs the vessel without permission. A deserter is a seafarer with a valid non-immigrant visa CBP has granted a conditional landing permit to enter into the United States, but does not depart when required.

**Figure 5: DHS Absconder and Deserter Incident-Reporting Process**



Sources: GAO analysis of CBP and Coast Guard information.

<sup>a</sup>Owned by ICE, ENFORCE is a DHS shared common database repository for several law enforcement and homeland security applications. ENFORCE captures and maintains information related to the investigation, arrest, booking, detention, and removal of persons encountered during immigration and criminal law enforcement investigations and operations conducted by ICE and CBP.

<sup>b</sup>According to Coast Guard guidance, all Coast Guard field units are to use Field Intelligence Reports as the standard vehicles to report information of potential intelligence value, such as illegal immigration by absconders and deserters. These reports provide raw, unevaluated information of foreign or U.S. activities to support Coast Guard operations and missions. While the reports are provided for internal Coast Guard intelligence components, Coast Guard may release them to external U.S. agencies with homeland security mission requirements.

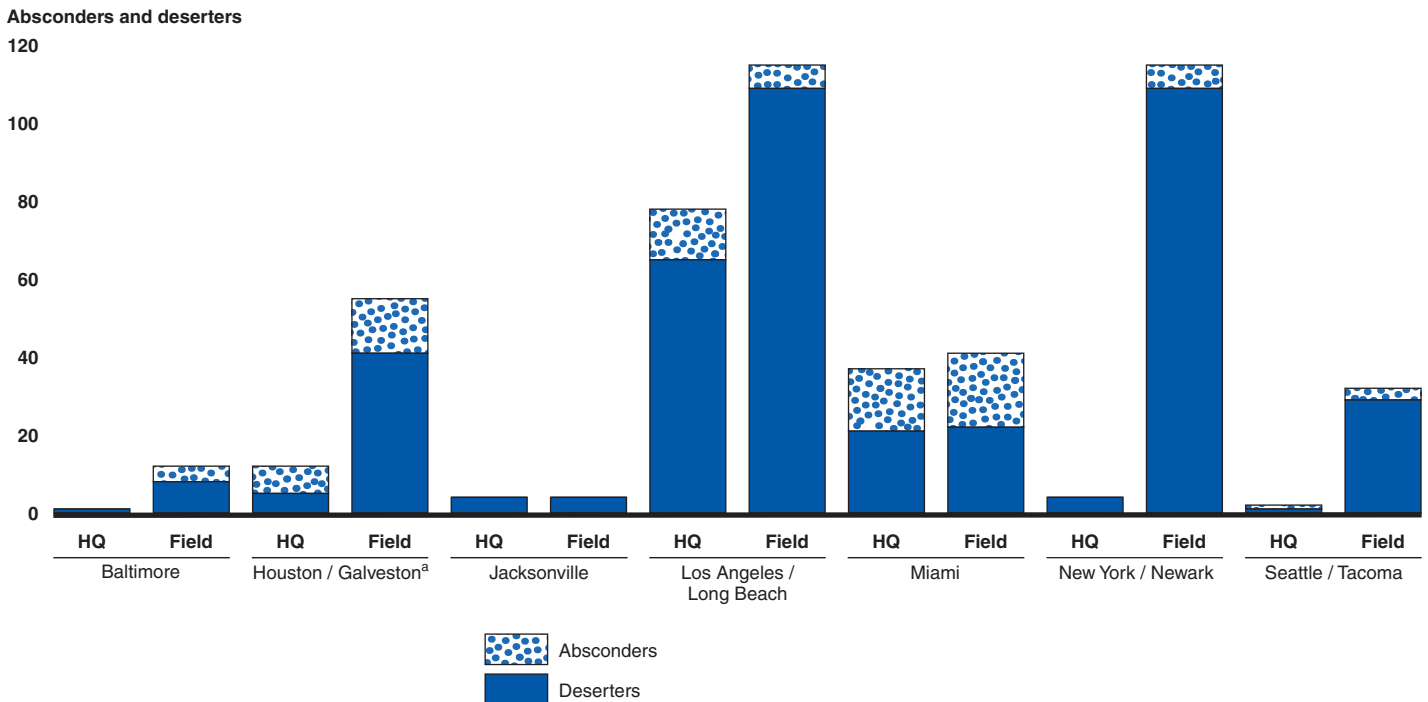
### CBP Absconder and Deserter Data Vary between Field and Headquarters

CBP has reported continuing challenges with its seaport field units' recording of absconder and deserter incidents in CBP database systems. Since 2004, CBP has mandated that field units record all absconder and deserter events and related information in its ENFORCE database, and through 2007, CBP had issued several memoranda reminding field units to do so. In 2007, CBP headquarters issued a memorandum to field units reporting that its review of absconder and deserter cases found that CBP field units at many seaports of entry had not been properly utilizing ENFORCE to record these incidents.

CBP headquarters and field units we contacted provided us with data on the number of absconder and deserter incidents identified at U.S. seaports from fiscal years 2005 through 2009. The number of incidents reported by CBP headquarters varied with those reported by seven of eight CBP field units we contacted—with considerable variations at six of these seaports.

The following figure compares CBP headquarters and CBP field unit absconder and deserter data we received:

**Figure 6: Comparison of CBP Headquarters and CBP Field Unit Reports of Absconder and Deserter Incidents at Selected U.S. Seaport Areas, Fiscal Years 2005 through 2009**



Source: GAO analysis of CBP headquarters and field unit data.

Note: We did not include data in this graph for one of the eight seaport areas we contacted—San Francisco/Oakland—because the field unit did not have available data covering fiscal years 2005 through 2009. According to field officials, prior to February 2007, combined absconder and deserter data covering the maritime and aviation modes were tracked by CBP at the airport. However, we found variances when comparing headquarters and field unit data for that seaport as well. For example, the CBP field unit reported 34 combined absconder and deserter incidents from February 2007 through April 2010, while CBP headquarters only reported 3 such incidents from fiscal years 2005 through 2009.

<sup>a</sup>The CBP Houston Field office reported data from fiscal year 2005 through May 2010.

According to 2007 guidance CBP headquarters issued to field units, it is critical that CBP field officers properly enter cases of seafarer incidents into the ENFORCE database in order to maintain data integrity and develop meaningful analysis of trends and risks. Further, the guidance notes that when adverse actions—such as seafarer absconder and deserter incidents—are not properly recorded, these inaccurate statistics not only



---

impact targeting and analysis, but also inaccurately reflect workload with regard to staffing justification and assumptions.

Officials from CBP headquarters and four field units we contacted reported that they did not know why their absconder and deserter data varied. A CBP headquarters official responsible for maintaining absconder and deserter incident data reported that he had used the ENFORCE database as headquarters' source for the absconder and deserter data and reported that field unit officials may have been inexperienced and not known to use ENFORCE to access the data. In addition, CBP headquarters reported that without comparing the methodology and data we were provided by headquarters and field units, it could not conclude why the data varied. Meanwhile, field officials from two of these field units told us they believed the data they had provided were accurate. Overall, field officials reported using various sources to collect the data. For example, four field units reported they obtained their data from locally maintained sources, including hard copy incident logs. In July 2010, a CBP headquarters official responsible for managing the ENFORCE system for CBP stated that the agency had faced continued challenges with ensuring the accuracy of the data field officers had entered into ENFORCE potentially as a result of difficulty field officers experienced in navigating ENFORCE, and that CBP was working to improve the user interface of ENFORCE so that it more effectively served the reporting needs of CBP officers.

According to internal control standards, accurate reporting of transactions and events are necessary to support management in making decisions.<sup>41</sup> Program managers need operational data to determine whether they are meeting their agencies' mission goals for effective and efficient use of resources, while operating information is also needed to determine whether the agency is achieving its compliance requirements under various laws and regulations. To do this, internal control should generally be designed to assure that ongoing monitoring occurs in the course of normal operations. Procedures including regular comparisons and reconciliations should be integrated into an agency's activities.

CBP has reported the importance of accurately recording absconder and deserter incidents to its targeting and analysis and workload staffing

---

<sup>41</sup> GAO, *Standards for Internal Control in the Federal Government*, [GAO/AIMD-00-21.3.1](#) (Washington, D.C.: November 1999).

---

---

Coast Guard Concerned about Accuracy of Absconder and Deserter Data

justification and assumptions. However, CBP headquarters and field officials were unable to fully explain why their respective records of these incidents varied so considerably. Because of these variances, CBP's data are of undetermined reliability. Determining the reasons that absconder and deserter data varies between headquarters and field units, and taking any actions necessary to address them, could better position CBP to provide reasonable assurance that its data are reliable, thereby facilitating its targeting and analysis activities to help prevent illegal immigration at seaports.

At the national level, Coast Guard's Intelligence Coordination Center (ICC) maintains all Coast Guard reported asymmetric events involving vessels arriving at U.S. seaports, including absconders and deserters, in a classified database for use by Coast Guard leadership and field officials.<sup>42</sup> Regionally, Coast Guard has command structures responsible for Atlantic and Pacific area operations, and each of these command structures has intelligence coordination components—known as the Atlantic and Pacific Area Maritime Intelligence Fusion Centers (MIFC-LANT and MIFC-PAC respectively).<sup>43</sup> Each of these fusion centers maintains its own database of absconder and deserter incidents.

Coast Guard field practices for tracking absconder and deserter cases vary by location, and Coast Guard ICC data on the number of absconders and deserters differed from that reported by both MIFC-LANT and MIFC-PAC. For example, for absconder and deserter incidents reported in the Coast Guard's Pacific Area during the period of fiscal years 2007 through 2009, the ICC reported 86 total incidents, while MIFC-PAC reported 123. Similar data variances occurred between ICC and MIFC-LANT. For example, figure 7 shows that Coast Guard ICC and MIFC-LANT have reported differing numbers of absconders and deserters at seaports in the Coast

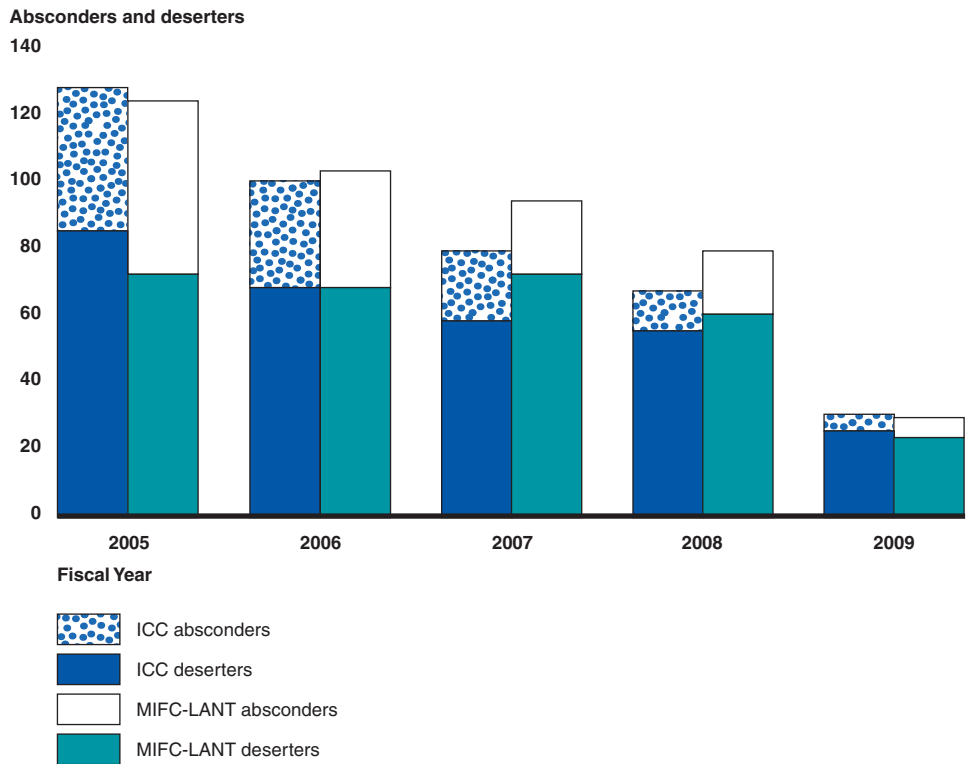
---

<sup>42</sup> The ICC is responsible for producing and disseminating intelligence with a Coast Guard perspective to support U.S. policy makers and operations. Asymmetric migration is the illegal entry of a foreign person into a port. In addition to absconders and deserters, Coast Guard requires field units to report information on (1) maritime stowaway incidents (individuals who are secreted aboard a vessel without permission from the vessel's master); (2) un-manifested persons on vessels; and (3) cases involving fraudulent seafarer documents.

<sup>43</sup> Coast Guard's two intelligence fusion centers provide information to operational units, but also work with ICC at the National Maritime Intelligence Center in Suitland, Maryland. The MIFC-PAC, located in Alameda, California, tracks maritime incidents occurring on west coast seaports, including Hawaii and Alaska. The MIFC-LANT, located in Dam Neck, Virginia, tracks incidents occurring on east and gulf coast seaports, as well as Puerto Rico.

Guard's Atlantic Area during the period of fiscal years 2005 through 2009, which includes seaports on the east and gulf coasts, and Puerto Rico.

**Figure 7: Comparison of Coast Guard Intelligence Coordination Center and Coast Guard Atlantic Area Maritime Intelligence Fusion Center Reports of Absconders and Deserters in Coast Guard Atlantic Area, Fiscal Years 2005 through 2009**



Source: GAO analysis of Coast Guard ICC and MIFC-LANT data.

Because the ICC and regional intelligence centers do not have a process in place for comparing their absconder or deserter data on a systematic basis, the Coast Guard is at risk of inconsistent or double counting by its MIFCs and ICC. An official with the ICC's Maritime Smuggling Branch, which maintains this data, told us that Coast Guard leadership recognizes this risk and is looking to establish business rules for coordinating this information among its components. Moreover, according to several intelligence assessments issued by MIFC-PAC in 2009 and 2010, the sufficiency of reporting absconder and deserter events is a critical intelligence gap as there is a substantial likelihood that some absconder and deserter events were not reported through MIFC-PAC channels. In

---

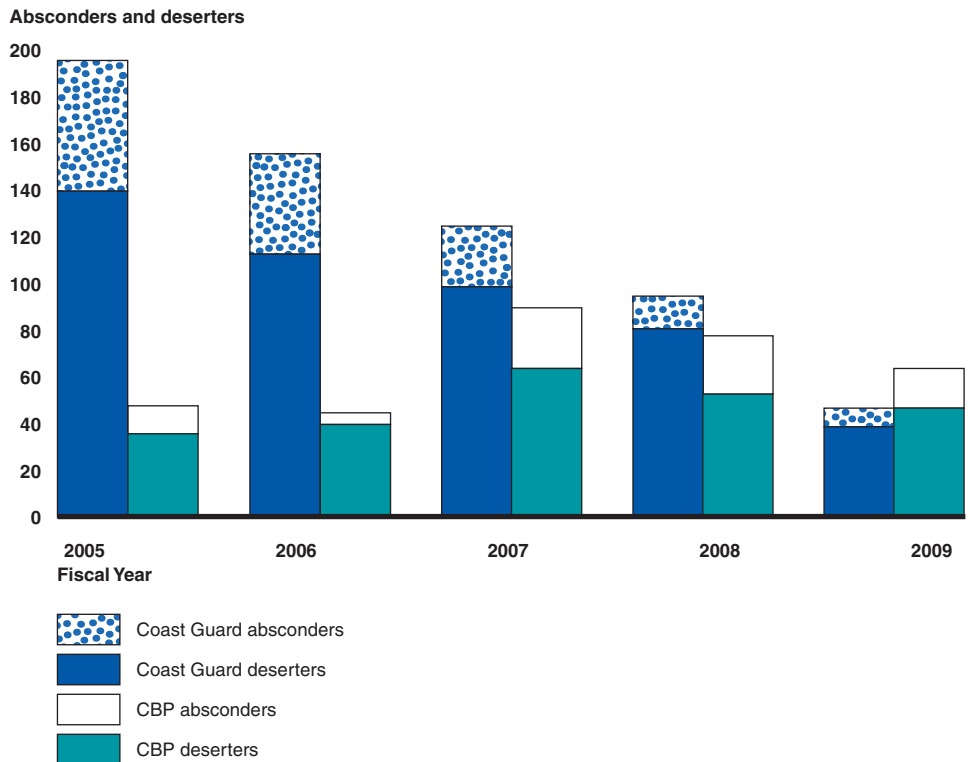
these reports, MIFC-PAC questioned the accuracy of the absconder and deserter reporting rates and the extent to which such incidents had gone unreported.

According to internal control standards, accurate reporting of transactions and events are necessary to support agency operations and internal controls should generally be designed to assure that ongoing monitoring occurs to help ensure such reporting. According to Coast Guard intelligence assessments, thorough reporting of absconder and deserter events is essential for asymmetric migration analysis and is a core input to the Coast Guard's vessel-targeting and threat-ranking programs. Thus, studying the absconder and deserter reporting and tracking methods of its components to examine their accuracy and thoroughness, including why data reported by ICC for absconders and deserters would vary from that reported by the two regional intelligence fusion centers, the Coast Guard could be better positioned to analyze asymmetric migration trends and implement vessel targeting and threat ranking programs.

#### CBP and Coast Guard Absconder and Deserter Records Differ

CBP and Coast Guard absconder and deserter records also varied considerably between the two agencies—both at the national and local seaport levels—with Coast Guard reporting far higher total absconder and deserter incidents than CBP for fiscal years 2005 through 2009. For example, nationwide, Coast Guard ICC reported 73 percent more absconder incidents and almost double the number of deserter incidents than CBP headquarters for this period. Moreover, in only one of these 5 years did CBP and Coast Guard report the same number of either absconder or deserter incidents. Figure 8 details Coast Guard and CBP headquarters absconder and deserter reporting for fiscal years 2005 through 2009.

**Figure 8: Comparison of Coast Guard Headquarters and CBP Headquarters Reports of Absconder and Deserter Incidents, Fiscal Years 2005 through 2009**



Source: GAO analysis of Coast Guard ICC and CBP data.

Disparities also exist between absconder and deserter data reported by the CBP and Coast Guard field units at seaports we contacted. For example, CBP and Coast Guard field units at the eight seaports we visited provided absconder and deserter data for those incidents that had occurred at their seaport areas of responsibility between fiscal years 2005 through 2009. Overall, Coast Guard and CBP field data of total absconder and deserter events varied at six of seven seaports that provided comparable data.<sup>44</sup> For

<sup>44</sup> This analysis does not include one of the eight seaport areas we contacted—San Francisco/Oakland—because the CBP field unit and Coast Guard Sector reported data that could not be directly compared. For example, (1) Coast Guard Sector San Francisco Bay reported it did not have data available for fiscal year 2005 and provided data covering fiscal years 2006 through 2009 and (2) CBP San Francisco/Oakland reported that it did not have data available for the period prior to February 2007. According to a field official, prior to February 2007, combined absconder and deserter data covering the maritime and aviation modes was tracked by CBP at the airport. The field unit provided data from February 2007 through April 2010.

---

example, at one seaport, Coast Guard reported double the number of absconders, but only about half as many deserters as did CBP. See appendix V for port specific breakout of data.

Both CBP and Coast Guard headquarters reported that they did not know why the two agencies' records of absconder and deserter events differed. The agencies reported that one factor may be that they have different missions and purposes for using the data—with CBP reporting and tracking the information as part of its immigration and law enforcement mission, and Coast Guard doing so largely for intelligence reasons. For example, as a result of their differing missions, Coast Guard's ICC indicated it did not share its information with CBP. Also, a Coast Guard intelligence official reported that while Coast Guard's reports of absconders and deserters are largely based on information Coast Guard Sectors receive in the field, other sources are used as well.<sup>45</sup> However, both agencies' definition of absconders and deserters is similar, and guidance is in place for CBP field units to report the information to Coast Guard Sectors at seaports. Developing a systematic process for the two agencies' headquarters to share and reconcile their data could help resolve inconsistencies in the difference between the Coast Guard and CBP data.

While CBP and Coast Guard have each identified reporting and tracking absconder and deserter incidents as important for strategic and tactical reasons, the two agencies have no systematic process for sharing their absconder and deserter data to ensure they each are reporting an accurate and reliable representation of actual events. As a result, although DHS has identified illegal entry into the United States as a great concern, it is unclear how reliable the department's records of such events are for determining the extent of the activity and informing its strategic and tactical planning for addressing it.

According to an official with the Coast Guard's ICC, the lack of coordination on this data within DHS is a data accuracy issue. He further noted that there is precedent for Coast Guard and other DHS agencies to coordinate in tracking data that may provide both law enforcement and intelligence value—which may benefit both agencies in their absconder and deserter reporting. For example, Coast Guard participates in an

---

<sup>45</sup> A Coast Guard Intelligence official reported that intelligence collection is more flexible because it is not used to support enforcement of a specific case. Thus, the information may include information obtained from news reports or other third party sources.

---

existing interagency forum for coordinating data related to narcotics seizures made in the maritime domain. As part of the Consolidated Counterdrug Database program (CCDB), Coast Guard officials meet on a quarterly basis with ICE and Drug Enforcement Administration officials to compare and discuss drug trafficking event records.<sup>46</sup> The purpose of this forum is to review, de-conflict, and validate drug interdiction records to ensure that DHS has accurate data.

CBP and Coast Guard have each faced some challenges with respect to reporting or tracking absconder and deserter events. While the two agencies have varied missions and collection methods for tracking and reporting the data, obtaining an understanding of these differences and the challenges faced would better support DHS's efforts to address them. Moreover, sharing intelligence information among DHS components is one of DHS' highest priorities, and although DHS is comprised of multiple components, it is nevertheless a single unified entity. Since 2007, DHS policy to improve information sharing among DHS components has called for all relevant information generated and received by individual entities within DHS to be accessible to and shared between and among all other DHS components.<sup>47</sup> Establishing a systematic interagency process for sharing and reconciling information on absconder and deserter incidents consistent with internal control standards could better support each agency's efforts to prevent illegal immigration at U.S. seaports and enhance homeland security.

---

<sup>46</sup> Coast Guard's Drug Interdiction program meets quarterly with its interagency partners to review all interdiction cases and vet the information for input into the Drug Database. The purpose of the quarterly meetings is to review, de-conflict, and validate data inputs on counter-drug performance indicators, trafficking trends, and cocaine flow for each fiscal quarter. These data, along with operational intelligence and tactical performance information collected from field staff, provide feedback to program managers who use the information to modify interdiction strategies and re-allocate resources.

<sup>47</sup> In February 2007, the DHS Secretary issued the *DHS Policy for Internal Information Exchange and Sharing*, referred to as the "One DHS" memorandum, to further direct information exchange within DHS. According to the memorandum, it is critical that each DHS component gives the highest priority to the sharing of potential terrorism, homeland security, law enforcement, and related information. In addition, in October 2007, the President set out the National Strategy for Information Sharing which envisions a coordinated and integrated information sharing environment to effectively fight terrorism and respond to man-made and natural disasters.

---

## Civil Monetary Penalties for Seafarer Incidents Have Not Been Adjusted as Required by Law

The INA requires all aliens, including foreign seafarers, seeking admission to the United States to be inspected by immigration officers<sup>48</sup> and prohibits the landing of foreign seafarers, with certain exceptions, without a conditional landing permit.<sup>49</sup> It also places a responsibility on vessel owners and agents, upon arrival to the United States, to provide immigration officers with a list of aliens employed on a vessel and detain foreign seafarers until they are inspected by an immigration officer, among other things.<sup>50</sup> CBP has responsibility for identifying and reporting violations of these provisions and imposing civil monetary penalties to those vessel owners or agents that it determines violated the provisions. These penalties are intended to serve as a deterrent to future violations. The following table identifies CBP enforcement authority and associated civil monetary penalties.

---

**Table 4: Select Fineable Sections of the INA Related to Seafarers**

---

**Title 8 Penalty**

---

**8 U.S.C. § 1281:** owner, agent, consignee, master, or commanding officer of each vessel must make an immediate written report to an immigration officer—as soon as discovered—of all cases in which an alien crewman has landed illegally in the United States from the vessel. The penalty is \$220 for each alien they fail to report.

---

**8 U.S.C. § 1284:** owner, agent, consignee, charterer, master, or commanding officer must detain any alien crewmember on board the vessel that has not been inspected by an immigration officer or has not been permitted to land in the United States and to remove any alien crewmember if required to do so by an immigration officer. The penalty is \$3,300 for each alien crewman in respect to whom failure occurs.

---

**8 U.S.C. § 1287:** prohibits any person from knowingly bringing into the United States as one of the crew of a vessel any alien with the intent to permit or assist such alien in illegally entering or landing in the United States and from falsely and knowingly representing to a consular officer or immigration officer that such alien is a bona fide member of the crew employed in any capacity regularly required for normal operation aboard the vessel. The penalty is \$11,000 for each alien crewman in respect to whom failure occurs.

---

Source: Immigration and Nationality Act.

CBP has not met legal requirements for adjusting these civil penalties for inflation. In 1996, Congress amended the Federal Civil Penalties Inflation

---

<sup>48</sup> 8 U.S.C. § 1225(a)(3).

<sup>49</sup> 8 U.S.C. § 1282.

<sup>50</sup> 8 U.S.C. §§ 1281, 1284. According to the INA, a vessel owner, agent, consignee, charterer, master, or commanding officer may be subject to civil monetary penalties for failing to comply with these regulations.



---

Adjustment Act of 1990 to require agencies to issue regulations at least every 4 years adjusting their covered penalties for inflation.<sup>51</sup> The statute (hereinafter referred to as the “Inflation Adjustment Act”) required agencies with covered penalties to publish initial penalty adjustments in the Federal Register in 1996, and to adjust their penalties for inflation at least once every 4 years thereafter. However, our review of the Federal Register for the years 1996 to 2010 found that civil monetary penalties for the above violations had not been adjusted for inflation since calendar year 1999. For fiscal years 2005 through 2009, CBP reported assessing civil monetary penalties in 320 cases involving a total of 508 individual seafarers. CBP reported assessing and collecting approximately \$883,000 and about \$435,000 respectively, in 2010 dollars.<sup>52</sup> However, if the penalties had been adjusted for inflation at least every 4 years as required under the Inflation Adjustment Act, these amounts would have been \$973,000 and \$470,000 respectively.<sup>53</sup>

CBP and the Department of Justice (DOJ) share responsibility for issuing regulations pertaining to these civil penalties.<sup>54</sup> Officials from both agencies acknowledged that they had not met requirements for adjusting the above civil penalties under the Inflation Adjustment Act—with CBP reporting that it was because doing so had not been a priority since DHS was established, in 2003. As a result, the agencies did not take steps to meet requirements of the Inflation Adjustment Act. DOJ officials reported that while the two departments share responsibilities in issuing regulations for these penalties, DHS was responsible for drafting and initiating development of the regulation, as DHS is responsible for enforcing the law and imposing the civil penalties. Officials from CBP’s Fines Office reported first contacting DOJ in fall 2009 to discuss development of a regulation to adjust the penalties for inflation. However, neither DHS nor DOJ was able to provide a plan with timeframes for

---

<sup>51</sup> Pub. L. No. 101-410, 104 Stat. 890 (1990) (codified as amended at 28 U.S.C. § 2461 note).

<sup>52</sup> According to CBP officials, various factors account for the amount to which CBP may ultimately collect fines assessed. These include whether the CBP Fines Office determines it has sufficient evidence to support the case made by the field officer at the seaport and the outcome of any appeals submitted by the vessel operator in mitigating the extent of the fine.

<sup>53</sup> These amounts are in 2010 dollars.

<sup>54</sup> Because the Department of Justice’s Board of Immigration Appeals hears appeals of cases involving these civil penalties, the amounts of the civil penalties are also published in Department of Justice regulations. 8 C.F.R. § 1280.53.

---

issuing the regulation, as recommended by project management best practices.<sup>55</sup>

Because CBP has not raised its penalties in over a decade, it has not exercised the full scope of its enforcement authority with respect to civil monetary penalties. Developing a plan with timelines for issuing regulation could better position CBP in assessing its progress to increase fines in accordance with the law and in ultimately meeting the intent of the law. Additionally, providing this plan to DHS leadership and Congress will provide it with key information to help ensure CBP fulfills these regulatory requirements.

---

## ILO 185 Implementation Is Limited; the United States Has Not Ratified Convention Due to Visa Requirement Concern

---

As of January 2011, ILO 185 Is Not Widely Ratified or Implemented, and Key ILO Mechanisms to Promote Compliance Are Not in Place

International implementation of ILO 185<sup>56</sup> has been limited to date—since its adoption in 2003 18 countries representing approximately 30 percent of the global seafarer supply have ratified it, and of that number, only 4 have been confirmed to issue ILO 185 seafarers' identity documents (SIDs), according to a senior ILO official and an ILO meeting document. Table 5 lists the ratifying nations and dates of ratification, and indicates nations with confirmed ILO 185 issuance.<sup>57</sup> In addition, other countries are developing ILO 185 issuance capabilities or issuing the credentials on a

---

<sup>55</sup> Project Management Institute, *The Standard for Program Management* (Newton Square, Pa. 2006).

<sup>56</sup> See appendix VI for additional background on ILO 185, and summaries of the Convention and a related ILO oversight process.

<sup>57</sup> Among ILO 185 ratifying countries, 5 are in the top 10 nationalities (by citizenship) associated with C1/D and D visa issuances in fiscal year 2009: Brazil, France, Indonesia, Madagascar, the Republic of Korea, and the Russian Federation.

small scale. These countries include Canada, France, Malaysia, Nigeria, and the Republic of Korea, according to the ILO.

**Table 5: ILO 185 Ratifying Nations and ILO 185 SID Issuing Nations**

Date of ILO 185 ratification	Country	Confirmed Issuance of ILO 185 SID
April 2004	France	
August 2004	Jordan	
August 2004	Nigeria	
March 2005	Hungary	
July 2006	Azerbaijan	X
July 2006	Vanuatu	
August 2006	Republic of Moldova	
December 2006	Bahamas	
December 2006	Pakistan	X
April 2007	Republic of Korea	
June 2007	Madagascar	
October 2007	Albania	
July 2008	Indonesia	X
October 2008	Yemen	
January 2010	Bosnia and Herzegovina	
January 2010	Brazil	
February 2010	Russian Federation	X
May 2010	Kazakhstan	

Source: GAO analysis of ILO and country data.

To help ensure that the minimum requirements of the Convention are met by ratifying nations, ILO 185 established a review mechanism and mandates regular independent audits of countries' issuance processes.<sup>58</sup> Nations that satisfactorily complete the review will be placed on an ILO "List" of compliant countries that meet the minimum requirements for their SID issuance processes; nations that do not pass the review risk their credentials' not being recognized by other nations. However, even though 18 countries have ratified the Convention—some as long ago as 6 years—

<sup>58</sup> See ILO 185 Convention Article 5, "Quality Control and Evaluations" and subsequent ILO guidance issued in 2005, "Arrangements concerning the list of Members which fully meet the minimum requirements concerning processes and procedures for the issue of seafarers' identity documents."

---

no nations' SID system or credentials have been independently evaluated as prescribed in the Convention, and no "List" has been created. Figure 11 in appendix VI illustrates the review process ILO established, but has not yet implemented, to promote compliance.

In addition to the "List" process that is specific to ILO 185, the ILO Constitution sets reporting requirements for the implementation of all ILO conventions. For example, countries must demonstrate progress to the ILO in implementing conventions within set time periods after ratification, with the first reports usually submitted within 2 years of ratification. However, in the case of ILO 185, these implementation reporting deadlines were extended. The ILO received the first reports on ILO 185 implementation from some, but not all, countries that were requested to make submissions in 2010. According to a senior ILO official and ILO documents, a major reason for the delay in establishing the "List" process and the extension of regular ILO implementation reporting deadlines was to give the United States and other critical port nations more time to consider ratification. The ILO official noted that some of the ratifying countries were hesitant to invest in developing or deploying new SID systems if the credentials would not facilitate shore leave and transit in the United States. The ILO also wanted U.S. officials to be included in the review panels to create the first "List," but the panels are only open to ratifying members.

According to a senior ILO official and ILO documents, the "List" mechanism was created to strengthen international assurances that credentials will be issued in accordance with the Convention and is expected to be implemented starting in 2011. In the meantime, however, SIDs are being issued that have not undergone the full independent evaluation and vetting process stipulated in the Convention. For example, according to the ILO, one ratifying nation issued about 4,000 SIDs that were later found to be non-compliant with the Convention. These documents were recalled and reissued, but the newly issued SIDs were not independently evaluated and thus lack assurances that minimum requirements were met.

---

## U.S. Voted to Adopt ILO 185, but Did Not Ratify Due to Visa Provisions

As of January 2011, the United States had not ratified ILO 185 largely due to concerns over a provision for facilitating visa-free shore leave for foreign seafarers arriving in U.S. seaports with ILO 185 credentials. After 9/11, maritime security concerns in general took on greater urgency, and the United States submitted a set of proposals to the International Maritime Organization (IMO) to address specific vulnerabilities, including

---

those related to seafarers' identity documents. Among other things, the United States called for more uniform standards, including document security and biometrics, and a means by which member states could easily verify the validity of documents presented at ports of entry on a 24-hour basis. One such means of verification suggested by the United States was an electronic database capable of linking biometric information and data elements such as seafarer name, card number, and issuing authority to specific credentials and individuals.

Responsibility for addressing these post 9/11 security concerns related to seafarer credentials shifted from the IMO to the ILO because of the labor organization's long-standing administration of an earlier instrument on seafarer credentials, Convention 108.<sup>59</sup> In 2002, the ILO invoked a "fast-track" mechanism<sup>60</sup> to revise ILO 108, and the resulting convention—ILO 185—was adopted almost unanimously by ILO members in 2003. Unlike the earlier convention, ILO 185 requires countries to adopt certain credential features and issuance processes, incorporates fingerprint biometrics connected to national databases for verification purposes, and establishes a review mechanism to monitor countries' implementation.

The U.S. tripartite delegation of government, industry, and labor officials was among those that voted to adopt ILO 185 in 2003, and had been active in the drafting of the Convention, according to ILO and U.S. officials.<sup>61</sup> However, because the Convention retained provisions that called for visa-free shore leave and other transit privileges for holders of ILO 185 SIDs,

---

<sup>59</sup> The IMO continued to develop maritime security proposals in other issue areas, which resulted in the adoption of the International Ship and Port Facility Security (ISPS) Code, among other things.

<sup>60</sup> The drafting and adoption of ILO 185 was governed by a more streamlined process than normally used for labor conventions. This enabled the Convention to be adopted in a shorter time frame.

<sup>61</sup> ILO 185 was adopted by a vote of 392 votes in favor, no votes against, and 20 abstentions. In addition to government representatives, labor and industry representatives from each member nation have voting rights in ILO proceedings.

---

the United States has not ratified the Convention.<sup>62</sup> The U.S. government considers the State Department’s visa adjudication process to be an important layer of border security to prevent terrorists, illegal immigrants, and criminals from gaining entry. In a statement issued at the time the Convention was adopted, the U.S. delegation affirmed its support for the intent of the Convention, but said that ILO 185 SIDs would not be accepted in lieu of visas for shore leave or transit—instead, according to the statement, the United States would consider steps to facilitate the visa application process for seafarers.

Former and current officials from DOT MARAD and the State Department involved with the drafting and negotiation of the Convention told us that the U.S. government had opposed the language that provides for visa-free shore leave. Although the provision was ultimately kept, additional language allowed for member countries that could not meet the requirements for visa-free admission to instead provide arrangements that were “substantially equivalent.” According to ILO and U.S. officials this softening of the article was intended to give the United States and other member nations a potential avenue to ratify the Convention without eliminating its visa requirements. The Convention itself does not define what mechanisms may qualify as “substantially equivalent” to visa-free shore leave. However, in 2008 the ILO provided a “discussion paper” to U.S. agencies that outlined ways to potentially satisfy the Convention and also allow the U.S. to issue visas to seafarers.<sup>63</sup> As of December 2010, the United States had not yet fully considered these or other potential means to meet the “substantial equivalence” clause, according to officials we spoke with from two agencies.

---

<sup>62</sup> According to Article 6 of the Convention, if a seafarer possesses a valid ILO 185 SID and there are no compelling government reasons to bar entry (e.g., public health or safety), the seafarer shall not be required to hold a visa for the purpose of shore leave in ratifying member countries. In addition, the article states that seafarers with a valid ILO 185 SID plus a passport shall be granted entry into member countries to join their ship, transfer to another ship, or pass in transit to join their ship in another country or for repatriations. See ILO 185, Article 6, “Facilitation of Shore Leave and Transit and Transfer of Seafarers,” paragraphs 6 and 7. Paragraph 6 states “For the purposes of shore leave seafarers shall not be required to hold a visa. Any member which is not in a position to fully implement this requirement shall ensure that its laws and regulations or practice provide arrangements that are substantially equivalent.” Paragraph 7 pertains to entry for transit and transfer.

<sup>63</sup> Specifically, the options ILO presented as warranting further discussion were: (1) enhanced crew list visa granted shortly prior to arrival; (2) use of SID to facilitate visa issuance; (3) expedited visa granted without consular visit; and (4) short-term visa granted on arrival. Prior to 2004, the United States could issue a single “crew list” visa to multiple seafarers on a vessel for shore leave privileges.





---

---

U.S. Controls the Visa Process

Even if the Convention oversight mechanisms, such as the “List” process are implemented, some officials from the U.S. agencies we spoke with believed that foregoing the U.S.-controlled visa process based on the possession of a SID alone would expose the United States to potential deficiencies of other nations’ processes. Figure 9 below compares elements of the current U.S. screening process to a notional scenario in which an ILO 185 SID could be used in lieu of a visa for shore leave. Note, however, that other scenarios are possible under the Convention, including retaining the visa requirement, but these alternatives have not yet been developed.

**Figure 9: U.S. Screening and Admissibility Determinations of Foreign Seafarers: Current and Notional Processes**

		Document issuance	Advance screening (96 hours to 24 hours before vessel arrival in U.S. seaport)	In-person inspection (upon vessel arrival in U.S. seaport)
<b>Current U.S. practice</b>	<b>State Department</b> 	<ul style="list-style-type: none"> <li>• Consular interview overseas</li> <li>• Collect biometric data: photograph and 10 fingerprints</li> <li>• Check databases for security, criminal, and immigration history with input from other agencies as necessary</li> <li>• Issue machine-readable U.S. visa, which is typically valid for up to 5 years</li> </ul>		
	<b>Department of Homeland Security (DHS)</b> 		<ul style="list-style-type: none"> <li>• CBP and Coast Guard receive crew manifest and conduct database checks of crew, including validity of visas</li> <li>• CBP and Coast Guard intelligence and field units coordinate with each other to discuss results of advance screening and need for planning operational activities to address potential risks</li> </ul>	<ul style="list-style-type: none"> <li>• CBP inspects all arriving crew                             <ul style="list-style-type: none"> <li>◦ Interview crew and inspect passport, visa, and supporting documents to determine admissibility; in some cases, documents may be verified electronically</li> </ul> </li> <li>• Crew without valid visas or those with visas whom CBP has deemed a risk are ordered detained on board</li> </ul>
<b>Notional ILO 185 visa-free shore leave</b>	<b>National Governments/ Competent Authorities</b> 	<ul style="list-style-type: none"> <li>• SID issuance based on certain minimum convention requirements, but processes ultimately carried out in accordance with national law and practice; security database checks are recommended but not required by convention</li> <li>• Collect biometric data: photograph and 2 fingerprints</li> <li>• Issue machine readable SID, which is potentially valid for 10 years</li> </ul>		
	<b>Department of Homeland Security (DHS)</b> 		<ul style="list-style-type: none"> <li>• CBP and Coast Guard receive crew manifest and conduct database checks of crew</li> <li>• Verify that SID is valid by contacting issuing government's 24/7 focal point</li> <li>• CBP and Coast Guard intelligence and field units coordinate with each other to discuss results of advance screening and need for planning operational activities to address potential risks</li> </ul>	<ul style="list-style-type: none"> <li>• CBP inspects all arriving crew                             <ul style="list-style-type: none"> <li>◦ Interview crew and inspect passport, SID, and supporting documents to determine admissibility; in some cases, documents may be verified electronically; with appropriate technology, check card-holders fingerprints against those stored on SID</li> </ul> </li> <li>• Crew without valid SIDs or those with SIDs whom CBP has deemed a risk are ordered detained on board</li> </ul>

Source: GAO analysis of DHS, State Department, and ILO information.

Although the Convention establishes numerous requirements for SID issuance procedures, countries retain discretion over their processes. The Convention requires that issuing authorities verify a SID applicant's identity, nationality or permanent residence, and occupation as a seafarer.



---

Issuing authorities must also verify “that the applicant does not constitute a risk to security.” Although the Convention recommends some best practices to achieve these results, such as vetting applicants against security-related databases, the specifics of the security vetting process are ultimately determined by the issuing state. Furthermore, as of January 2011, the ILO has not finalized arrangements for how and to what extent information in the national seafarer databases will be accessed. As part of the current visa adjudication process, the State Department collects applicants’ biometric data and checks it against databases for potential derogatory information. Even though similar biometric data would be collected under the ILO 185 SID issuance process, it is not clear that U.S. agencies could access the data for a similar database check, due to different privacy protection laws in different countries, according to ILO documents.

---

### U.S. Agency Components’ Positions on ILO 185 Vary; Interagency Discussions Have Been Renewed

#### U.S. Agency Components’ Positions on ILO 185 Vary

Federal agencies involved had varied viewpoints on the implications of ILO 185. Several agencies and agency components, including the DHS Office of Policy, CBP, Coast Guard, and ICE within DHS; the State Department; Labor; and DOT MARAD are involved to differing degrees with ILO 185 policy issues. Officials representing seven agencies we spoke with cited both benefits and drawbacks of the Convention, with all agencies reporting that the visa-free shore leave provision had been the most significant barrier to potential U.S. ratification. Agency positions are summarized in table 6 below:

**Table 6: U.S. Government Stakeholder Positions on ILO 185**

U.S. agency or component	ILO 185 cited benefits	ILO 185 cited deficiencies/barriers to U.S. ratification
DHS Office of Policy	<ul style="list-style-type: none"> <li>Use of biometrics and electronic verification could result in more secure, reliable seafarer identification</li> </ul>	<ul style="list-style-type: none"> <li>Visa-waiver requirement for shore leave</li> <li>United States has no insight/control over application, issuance, and production processes of foreign governments or their agents</li> </ul>
DHS CBP	<ul style="list-style-type: none"> <li>Even though CBP does not recognize the ILO 185 SID for admissibility purposes, it could serve as supporting documentation in establishing a seafarer's identity or bona fides</li> </ul>	<ul style="list-style-type: none"> <li>SIDs, like other credentials, can be counterfeited or fraudulently obtained</li> <li>Ratification of ILO 185 would remove screening benefits of the visa process</li> <li>Responsibility for SID issuance is placed on national governments, which can vary in standard practices</li> <li>Does not permit shore leave to be denied for all the reasons allowed by current U.S. statutes</li> </ul>
DHS Coast Guard	<ul style="list-style-type: none"> <li>Provides more uniform standards for credential and issuance process</li> <li>Interoperable biometric system can assist verification</li> <li>More oversight by ILO of SID production can result in greater assurances of compliance</li> <li>Provides identification of relevant points of contacts in member countries for prompt query response</li> </ul>	<ul style="list-style-type: none"> <li>Visa-waiver requirement for shore leave</li> <li>Does not include specific requirements for screening process equivalent to that of U.S. visa</li> </ul>
DHS ICE	<ul style="list-style-type: none"> <li>Potential for improved ILO 185 SID security features to facilitate positive identification of seafarers</li> </ul>	<ul style="list-style-type: none"> <li>Visa-waiver requirement for shore leave</li> <li>Potential variation in foreign governments' SID issuance practices and maintenance of SID databases</li> </ul>
State Department	<ul style="list-style-type: none"> <li>May provide additional support/evidence that individuals entering United States are bona fide seafarers with lower risk of illegal immigration</li> </ul>	<ul style="list-style-type: none"> <li>Visa-waiver requirement for shore leave</li> </ul>
Labor	<ul style="list-style-type: none"> <li>Adequate access to shore leave is a seafarer safety issue</li> </ul>	<ul style="list-style-type: none"> <li>Visa-waiver requirement for shore leave</li> </ul>
DOT MARAD	<ul style="list-style-type: none"> <li>Could facilitate better access to shore leave and other facilities for U.S. mariners abroad</li> </ul>	<ul style="list-style-type: none"> <li>Visa-waiver requirement for shore leave</li> </ul>

Source: GAO analysis of agency documents and statements by agency officials.

Differences in agency positions reflect to some extent their differing missions. For example, in discussing ILO 185, Labor officials cited shore leave as an important worker right critical to safety while DHS Office of

---

Policy representatives cited the potential security benefits of using biometric data to verify identity. DOT MARAD officials, who serve the U.S. merchant marine population, said that how the United States grants shore leave to foreign seafarers could impact how U.S. seafarers are granted shore leave abroad. Even within the same agency, however, component perspectives on ILO 185 varied. For example, while acknowledging the difficulties associated with the visa-free shore leave provision, the Coast Guard, a component of DHS, expressed support for ILO 185. In April 2009, the Coast Guard issued a regulation that recognized ILO 185 seafarer documents as one of six acceptable forms of identification for persons arriving in U.S. waters from foreign ports.<sup>64</sup> On the other hand, CBP, also a component of DHS, reported that although the ILO 185 seafarer document may provide identity information, it did not meet its requirements as a travel or admissibility document, and was therefore not accepted for those CBP purposes. CBP officials we interviewed at seaport field offices and in headquarters also questioned some of the Convention's security benefits—including those cited by Coast Guard officials. Finally, a CBP document noted that the Convention does not provide for U.S. oversight or periodic review of foreign SID issuance practices. The law enforcement interests of the United States are not served, the document maintains, without assurance that the guidelines in the Convention are adhered to.

## Renewed Interagency Discussions on ILO 185

Officials from relevant U.S. agencies, joined sometimes by ILO and other stakeholder representatives, met at least six times from 2005 through 2009 to discuss the Convention and related U.S. policy implications and options. However, according to officials who represented at least three agencies at these meetings, the discussions did not lead to any completed analysis or review of the Convention, and in particular, no definitive resolution was reached as to whether the United States should pursue “substantially equivalent” options or if the Convention cannot be ratified. Officials from four of the participating U.S. agencies said these meetings did not yield more results because it was difficult to achieve consistent participation

---

<sup>64</sup> As amended by the Security and Accountability for Every Port Act of 2006, the Maritime Transportation Safety Act of 2002 mandated that the Secretary of Homeland Security, in consultation with the Attorney General and Secretary of State, require seafarers on vessels calling at U.S. ports to carry and present on demand any identification that the Secretary decides is necessary. 46 U.S.C. § 70111. In 2009, the Coast Guard issued a rule that defines acceptable seafarer identification as a (1) passport; (2) U.S. Permanent Residence Card; (3) U.S. merchant mariner document; (4) U.S. merchant mariner credential; (5) Transportation Worker Identification Credential; or (6) SID issued by or under the authority of the government of a country that has ratified ILO 185, meeting all the requirements of ILO 185. 33 C.F.R. §§ 160.310.

---

and effort by all relevant agencies, given other demands and limited resources. For example, officials from the DHS Office of Policy acknowledged that ILO 185 fell under their purview at the departmental level, but that the Convention has not been a priority for their office, and that interagency involvement from the DHS departmental level has been limited to date.<sup>65</sup> In addition, the change in administration along with legal delays in reestablishing a cabinet level committee on ILO issues (see below) has also postponed interagency actions on ILO 185, according to Labor officials.

On May 4, 2010, the Secretary of Labor convened the President's Committee on the International Labor Organization (PC/ILO) for the first time since 2000.<sup>66</sup> Appendix VII shows the current members of the PC/ILO and its Tripartite Advisory Panel on International Labor Standards (TAPILS), as well as the mechanism by which the committee transmits recommendations to the president about ratification of ILO conventions.<sup>67</sup> At its May 2010 meeting, the PC/ILO members adopted a series of conclusions that were forwarded to the President. One of these conclusions urged the TAPILS, in conjunction with other relevant agencies, to expedite its review of ILO 185 and where necessary find ways to resolve concerns about U.S. compliance. DHS is not represented at the cabinet level of this committee; however, officials from DHS, Coast Guard, CBP, and other relevant agencies were invited to participate as members of the TAPILS for the purpose of reviewing ILO 185.

Although earlier interagency discussions were convened by the agencies themselves, the formation of the PC/ILO represents a more structured undertaking to review ILO 185 and other ILO conventions for their

---

<sup>65</sup> Although State Department consular officials are responsible for adjudicating visas abroad, the Homeland Security Act of 2002 and a subsequent Memorandum of Understanding between DHS and the State Department made DHS the lead agency in establishing visa policy and reviewing implementation of that policy. See Pub. L. No. 107-296, § 428, 116 Stat. 2135, 2187 (2002); Memorandum of Understanding between the Secretaries of State and Homeland Security Concerning Implementation of Section 428 of the Homeland Security Act of 2002.

<sup>66</sup> The PC/ILO was chartered as a Federal Advisory Committee in 1980, and was most recently authorized for a two year period by Executive Order 13511 on September 29, 2009. Exec. Order No. 13,511, 74 Fed. Reg. 50,909 (Oct. 1, 2009).

<sup>67</sup> TAPILS conducts a legal review of selected ILO conventions and submits its conclusions about potential U.S. ratification to the full PC/ILO committee for consideration. TAPILS expands membership to include experts from agencies outside the PC/ILO according to the subject matter of the convention under consideration.

---

congruence with U.S. laws. As of December 2010, the TAPILS had established a procedure to review ILO 185 provisions that included creating a working group to develop potential approaches to the legal issues stemming from Article 6 of the Convention. However, according to one senior Labor official involved with the working group, there is no established time frame for the group to complete its review or for the larger committee to make a recommendation to the President. The previous 7 TAPILS' law and practice reviews typically took 2 to 3 years to complete.

#### Industry and Labor Organizations Support ILO 185

In addition to U.S. government stakeholders, we spoke with representatives from seven industry and labor organizations, including the International Shipping Federation (ISF) and the International Transport Workers' Federation (ITF)—two organizations that represent industry and labor in the ILO—about their perspectives on ILO 185 and other seafarer issues. All of the groups generally supported the Convention, primarily because of its visa-free shore leave provision, which they view as an important seafarer right and also a safety and efficiency issue. For example, due to the nature of the shipping industry, seafarers can spend extended time periods aboard their vessels. Without adequate time away from the vessel in the form of shore leave, mental and physical exhaustion can adversely affect seafarers' welfare and lead to more accidents, according to labor and industry representatives. Representatives from five groups also pointed out that seafarers do not always know in advance if their vessels may call on U.S. ports and therefore may not possess U.S. visas for shore leave. Furthermore, representatives from the industry and labor organizations involved with drafting the Convention believed that ILO 185 has potential to improve maritime security if more widely implemented, particularly through its use of biometric identification and national seafarer databases. However, some organizations cited the cost of developing SID systems as a significant obstacle to ratification for some countries, particularly if the United States does not recognize the ILO 185 SIDs for shore leave.

#### Key Seafarer Suppliers Support Convention

Officials from the four foreign governments we contacted—which collectively account for almost 30 percent of the supply of seafarers transiting to U.S. ports—reported that they support the Convention in general. Of these four foreign governments, two have ratified the Convention and two have not, although all issue specialized credentials to their seafarers. The two non-ratifying countries reported that they are considering ratification pending legal reviews. All four countries cited greater facilitation of shore leave for seafarers as a benefit of the Convention. This allowance, according to the countries, is an important

---

safety consideration and can also increase worker productivity. Officials from these countries also cited the increased security features of cards, more robust background checks of SID applicants, and potential access to seafarer databases as benefits of the Convention.

The increased cost of new SID systems is especially important given the relatively low number of countries that have ratified the Convention to date. For example, one country that ratified the Convention reported to us that it had not yet begun to issue the more secure SIDs because the positions on ILO 185 in a number of important countries are still unknown. If holding an ILO 185 SID does not afford seafarers any greater benefit than an older credential, particularly while in significant port countries like the United States, there is a disincentive for countries to spend funds upgrading their systems, according to officials from this country. Although we did not evaluate the quality of individual security features, the three countries we contacted that had developed ILO 185 SIDs all reported additional features compared with prior credentials.

---

## Conclusions

Given the number of seafarers transiting U.S. ports each year and the continued threats posed by terrorism to the United States, it is important that seafarer risks are identified and actions are taken to ensure security of vessels and port infrastructure, while preventing illegal immigration. DHS guidance recommends components use both physical and electronic methods for immigration inspections, but technology limitations have reportedly been the primary challenge to implementing this guidance on board cargo vessels. CBP has reported that electronic verification of immigration status or travel documents is an important objective. While this capability is unlikely to be available for several years, opportunities exist for CBP action. By assessing the risks of relying on physical inspection when conducting seafarer admissibility inspections on board cargo vessels and identifying options to address these risks and their costs, CBP could be in a better position to determine its course of action for addressing these risks until the technology becomes available. In addition, both CBP and Coast Guard have reported challenges with respect to their reporting and tracking of the illegal entry events by seafarers, known as absconders and deserters, and based on our overall assessment, we found their data to be of undetermined reliability. Moreover, Coast Guard and CBP records of these incidents vary considerably, and consequently, DHS has no accurate and reliable estimate to gauge the extent of the incidents. For each agency, (1) conducting a study of reporting methods and challenges faced, including why their records vary so considerably—within and among the agencies—

---

and (2) moving forward, establishing a process for the two agencies to regularly share and reconcile these records could better position DHS in developing a stronger maritime security strategy. Finally, CBP has not increased its civil monetary penalties for seafarer-related immigration violations, as required by law, in over a decade. Civil monetary penalties are an important element of regulatory enforcement and can lose their ability to deter if unadjusted for inflation. While CBP and DOJ reported taking steps to meet requirements for inflation adjustment, the agencies have not developed a plan including timelines for issuing required regulation. Providing a plan with timelines for when this regulation will be issued could provide DHS leadership and Congress with key information and help ensure CBP fulfills regulatory requirements.

---

## Recommendations for Executive Action

To facilitate better agency understanding of the potential need and feasibility of expanding electronic verification of seafarers, to improve data collection and sharing, and to comply with the Inflation Adjustment Act, we are making four recommendations.

We recommend that the Secretary of Homeland Security:

- direct the Commissioner of CBP to assess the national-security and other risks faced by CBP in the absence of technology to provide electronic verification as part of CBP's admissibility inspections for cargo vessel seafarers and identify options for addressing these risks and their costs;
- direct the Commandant of the Coast Guard and Commissioner of CBP to:
  - determine the reasons that absconder and deserter data varies between headquarters and field units, and between the Coast Guard and CBP and determine any actions necessary to address any variance; and
  - jointly establish an interagency process for sharing and reconciling records of absconder and deserter incidents occurring at U.S. seaports.

We further recommend that the Secretary of Homeland Security and the Attorney General of the United States develop a plan with timelines for issuing regulations, as required by the Inflation Adjustment Act, to adjust civil monetary penalties associated with violations of the Immigration and Nationality Act involving foreign seafarers gaining illegal entry into the United States and provide this plan to Congress.

---

## Agency Comments and Our Evaluation

We provided a draft of this report to the departments of State, Labor, Transportation, Justice, and Homeland Security for their review and comment. The State Department provided technical comments. Labor, in

---

an e-mail we received on December 15, 2010, also provided technical comments as well as a general comment regarding the ILO 185 Convention. The Transportation Department did not provide comments on the draft. DOJ did not provide official written comments on our report. However, in an e-mail received December 9, 2010, the DOJ liaison stated that DOJ concurred with the one recommendation we made to DOJ in the report. DHS, in written comments received December 17, 2010, concurred with all four of the recommendations in the report directed to DHS, and identified actions taken, planned, or under way to implement the recommendations. Written comments are summarized below and reproduced in appendix VIII. DHS also provided technical comments that we incorporated as appropriate.

Regarding our recommendation to assess the national-security and other risks faced by CBP in the absence of technology to provide electronic verification as part of its admissibility inspections for cargo vessel seafarers and to identify options for addressing these risks and their costs, DHS concurred. DHS stated that CBP will work in conjunction with the DHS Screening Coordination Office to determine parameters to measure and assess risks associated with the absence of technology for onboard vessel inspection of seafarers.

Regarding our recommendation to (1) determine the reasons that absconder and deserter data varies between headquarters and field units, and between the Coast Guard and CBP and determine any actions necessary to address them and (2) jointly establish an interagency process for sharing and reconciling records of absconder and deserter incidents occurring at U.S. seaports, DHS concurred. DHS stated that CBP and the Coast Guard would begin to assess the appropriate offices within each component involved in the review and to establish a working group to evaluate the current reporting process within each component, and between CBP and Coast Guard. Further, in its technical comments, DHS noted that it was working to co-locate the Coast Guard's ICC Coastwatch and CBP's National Targeting Center-Passenger and that this would help to eliminate many of the absconder- and deserter-reporting inconsistencies GAO identified between Coast Guard and CBP.

Regarding our recommendation that the Secretary of Homeland Security and the Attorney General of the United States develop a plan with timelines for issuing regulations, as required by the Inflation Adjustment Act, to adjust civil monetary penalties associated with violations of the Immigration and Nationality Act involving foreign seafarers gaining illegal entry into the United States and provide this plan to Congress, both DHS



---

and DOJ concurred. DHS stated that it was currently working together with DOJ to develop the regulations and hoped to issue final regulations in 2011. DOJ stated that it would report to Congress after GAO issued this report. However, it remains important that the two departments develop a plan with timelines for completing these actions and provide this information to Congress.

Finally, while we made no recommendations regarding the status of the ILO 185 Seafarers' Identity Document Convention, DHS and Labor both provided comments related to potential incongruence between the Convention and existing U.S. law. DHS noted that CBP would object to ratification of the ILO 185 Convention because of limitations of existing laws for CBP enforcement. Also, in oral and technical comments provided, Labor's Director of the Office of International Relations within the Bureau of International Labor Affairs suggested we note the May 2010 recommendation of the PC/ILO that urged TAPILS and all relevant U.S. agencies to expedite its review of ILO 185 to find ways to resolve concerns about U.S. compliance.

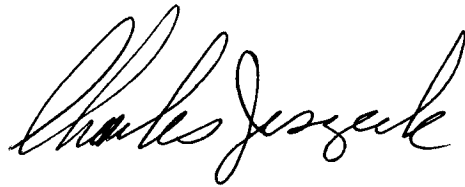
---

We are providing copies of this report to appropriate congressional committees, to the Secretaries of State, Labor, Transportation, and Homeland Security, to the Attorney General, and to other interested parties. This report will also be available at no charge on the GAO Web site at <http://www.gao.gov>.

---

If you or your staff has any questions concerning this report, please contact me at (202) 512-7036 or by e-mail at [jeszeckc@gao.gov](mailto:jeszeckc@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Key contributors to this report are listed in appendix IX.

Sincerely yours,

A handwritten signature in black ink, reading "Charles Jeszeck". The signature is written in a cursive style with a large, prominent initial "C".

Charles A. Jeszeck  
Acting Director  
Homeland Security & Justice Issues

# Appendix I: Key International and National Requirements and Guidance Applicable to Seafarer Security

Table 7 below lists select international and national laws, conventions or guidance that govern various aspects of seafarer security.

**Table 7: Key Laws, Conventions, or Guidance Applicable to Seafarer Security**

Law, convention, or guidance	Key relevant provisions
<b>International conventions</b>	
<ul style="list-style-type: none"> <li>International Maritime Organization's (IMO) International Ship and Port Facility Security (ISPS) Code, as implemented through Chapter XI-2 of the International Convention for the Safety of Life at Sea</li> <li>IMO's Convention on Facilitation of International Maritime Traffic (FAL)</li> </ul>	<ul style="list-style-type: none"> <li>Sets out many of the international standards for vessel and port facility security.</li> <li>Establishes standards and recommended practices for formalities including documentary requirements and procedures that should be applied to a ship's crew on arrival, stay, and departure.</li> </ul>
<b>Federal law</b>	
<ul style="list-style-type: none"> <li>Immigration and Nationality Act (1952)</li> <li>Maritime Transportation Security Act of 2002 (MTSA)</li> <li>Intelligence Reform and Terrorism Prevention Act of 2004</li> </ul>	<ul style="list-style-type: none"> <li>Governs the examination and possible admission of all persons seeking to enter the United States. Also includes provisions specific to alien crewmen.</li> <li>Establishes a maritime security framework including many of the U.S. vessel and port facility security requirements and standards.</li> <li>Requires information about passengers and crews on cruise ships to be compared to watch lists to prevent suspected or known terrorists and their associates from boarding, or to subject them to additional security scrutiny; required the State Department to identify the posts experiencing the greatest frequency of visa fraud and place in those posts at least one fulltime anti-fraud specialist.</li> </ul>
<b>Federal guidance</b>	
<ul style="list-style-type: none"> <li>Memorandum of Agreement between the Coast Guard and CBP Regarding the Detention of Certain High-Risk Crewmembers (2004)</li> </ul>	<ul style="list-style-type: none"> <li>Since 2004, Coast Guard and CBP have had in place standard operating procedures for coordinating efforts to identify high-risk crewmembers and ensure that effective security measures are put in place to prevent their illegal entry into the United States.</li> </ul>

Source: GAO analysis of international conventions, U.S. statutes and regulations, and agency guidance.

---

# Appendix II: Key State Department Actions Since 9/11 to Strengthen Visa Adjudication Process

---

Following the 9/11 terrorist attacks, the State Department sought to make its visa adjudication process more robust. Table 8 below describes some of the efforts initiated by the department in the areas of information/systems management, training, and collaboration with U.S. Immigration and Customs Enforcement (ICE).

---

**Table 8: Selected State Department Initiatives to Strengthen Visa Adjudication Process**

---

## Information/Systems Management

- Consular Affairs has increased the use of internal databases to track visa fraud cases, identify trends, and better allocate fraud-prevention resources. The Office of Fraud Prevention Programs (FPP) reported that, since 2006, it has asked posts to record fraud cases that they referred to their fraud prevention unit (FPU) in the Consular Consolidated Database (CCD).<sup>a</sup> In June 2009, Consular Affairs began piloting an enhanced fraud-tracking mechanism to track fraud trends across cases and integrate more easily with law enforcement systems. According to officials, 15 overseas posts are currently piloting the program, including 3 of the top 20 C1/D and D issuing posts for fiscal year 2009.
- In 2005, FPP carried out a one-time fraud ranking of posts in response to a provision in the Intelligence Reform and Terrorist Prevention Act of 2004 that required the State Department to identify the posts experiencing the greatest frequency of visa fraud and place in those posts at least one fulltime anti-fraud specialist. The ranking identified Manila, the post that issued the most C1/D visas in fiscal year 2009, as the post with the most fraud.
- In 2007, FPP issued a set of best practices for screening applicants who apply for C1/D seafarer non-immigrant visas, including ship and shipping-agency checks when evaluating first-time visa applications from unknown and small shipping agents, and recommended that each post integrate the practices into its standard operating procedures. State Department reported that 14 of the top 20 C1/D and D issuing posts have done so, and another 4 have implemented these best practices informally.
- The State Department reported conducting an increased number of validation studies<sup>b</sup> since gaining increased access to DHS US-VISIT data in 2009. In 2009, the State Department reported conducting 200 validation studies, compared to 68 in 2008. Since 2009, the State Department reported overseas posts had conducted 6 validation studies of C1/D issuance.
- In 2010, the State Department moved applications for most non-immigrant visas, including C1/D and D visas, online. Officials told us that the new application form requires C1/D and D applicants to provide additional information, such as the name of their vessel and manning agent.

---

## Consular Officer Training

The State Department has expanded visa fraud prevention course offerings for consular officers since 9/11. For example, the State Department enhanced its basic consular course by adding classes in analytical interviewing and fraud prevention in 2003, and expanding the anti-fraud components in 2006 and 2008. The State Department added a new course on advanced name checking in 2002, and developed a version of the course for use overseas in 2006. In 2006, the State Department also added new distance learning courses on detecting fraudulent documents and imposters. The State Department expanded the number of offerings for its managers' fraud prevention course and added training at DHS's Forensic Documents Laboratory in 2005. In 2007, the State Department enhanced its advanced consular interviewing course by including an emotion content analysis component and increased the length of the course in 2009.

---

## Cooperation with DHS at High Fraud Posts

ICE and State are working together to increase the security of the visa process through the Visa Security Program. This program places ICE agents in posts to provide an extra layer of screening in the visa adjudication process. As of June 2010, State reported there were 30 ICE agents in 14 overseas posts—including 2 that are among the top 20 C1/D and D issuing posts for fiscal year 2009

---

Source: GAO analysis of State Department information.

<sup>a</sup>The CCD contains State's worldwide visa records, detailed applicant biographic information, and applicant photos. It is also accessible to other federal agencies, including DHS and FBI.

<sup>b</sup>Validation studies—which assess the use of visas to a sample group of applicants over a set time period—are meant to confirm that a post's adjudication practices are effective and check to see if groups of applicants should undergo closer scrutiny.

---

# Appendix III: DHS Advance-Targeting Process

---

CBP and Coast Guard each conduct advance-targeting of passenger and crew information to identify potential threats.

Within CBP, the National Targeting Center-Passenger (NTC-P) screens passenger and crew manifests against certain databases, such as records from the Terrorist Screening Data Base (TSDB)—commonly referred to as the terrorist watch list—and the Federal Bureau of Investigation’s National Crime Information Center (NCIC) database, to determine their potential risk to the United States. This screening process is designed to identify individuals with potential terrorism links or criminal warrants and those passengers and crew with potential immigration admissibility problems. NTC-P uses an automated system—known as the Automated Targeting System-Passenger (ATS-P)—to screen individuals against various data sources. If NTC-P identifies a potential match to a TSDB record during its targeting, NTC-P refers the potential match to the FBI’s Terrorist Screening Center (TSC) for further vetting and confirmation. The TSC will make the final determination that the individual is a positive or negative match to the terrorist watchlist record. According to CBP officials, the number of terrorist-positive matches are extremely small in the maritime environment compared to those transiting to air and land ports of entry in large part due to the relatively smaller population of travelers arriving at seaports.

Also at the national level, Coast Guard’s ICC performs central screening of the Advance Notice of Arrival (ANOVA) to identify potential ties to criminal or terrorist activity. Should the ICC identify potential ties, it will disseminate the results of its screening to the Coast Guard at the seaport location where the vessel will be arriving—which will then be shared with the local CBP field unit at that location.

At the local seaport level, CBP field units also conduct advance-targeting of crew and passenger manifest information. CBP Passenger Analysis Units (PAU) review arrival manifests using the ATS-P to identify individuals who pose security risks and warrant additional inspection. The screening process by NTC-P and the PAU identifies persons of interest prior to the inspection and provides support to the CBP field officer to determine if a seafarer can be authorized temporary landing privileges in the United States. PAU officers interact with both the NTC-P and the local Coast Guard Sector if they identify seafarers posing potential security concerns. Coast Guard Sectors rely on the ICC and CBP for information regarding any persons of interest and guidance on what actions to take based on the nature of the concern.

---

CBP NTC-P officials reported that while NTC-P and local PAU's generally reviewed similar information, they played complementary roles in identifying potential crewmember risks. For example, NTC-P has access to more terrorist-screening resources than do most local PAU's and the NTC-P is staffed with officials from other law enforcement agencies, such as the FBI. Meanwhile, with local knowledge of seaport point of entry activity, PAU's conduct further screening with a focus on seafarer immigration and law enforcement risks.

---

# Appendix IV: CBP and Coast Guard Seafarer-Related Enforcement and Compliance Boardings and Inspections

---

CBP and Coast Guard conduct a variety of seafarer-related enforcement and compliance boardings and inspections. These include:

---

## Selected CBP Seafarer-Related Vessel Boardings and Inspections

- *Cargo Vessel Immigration Admissibility Boardings:* To inspect seafarers arriving on cargo vessels, CBP officers board the vessel, order the crew to gather in a common area—typically the galley or crew lounge—and conduct interviews with each seafarer. Since these inspections occur on board the vessel in an un-automated environment, CBP officers have to rely on information vetted before boarding the vessel and their skill sets to identify fraud, both in documents and during interviews with seafarers. CBP officials report that if a concern arises regarding the identity of a crew being inspected on board a cargo vessel, CBP officers are equipped with radios or cell phones to call back to the CBP PAU or NTC-P for assistance.
- *Enforcement and Compliance Inspections:* In addition to CBP’s admissibility boardings, CBP boards commercial vessels to inspect crew as part of compliance inspections or risk-based security operations. CBP may conduct vessel boardings to address risks identified during advance-targeting and ensure vessel operator compliance with immigration regulations. Such boardings include reviewing security measures in place by the vessel operator to ensure high-risk seafarers to not depart the vessel.

---

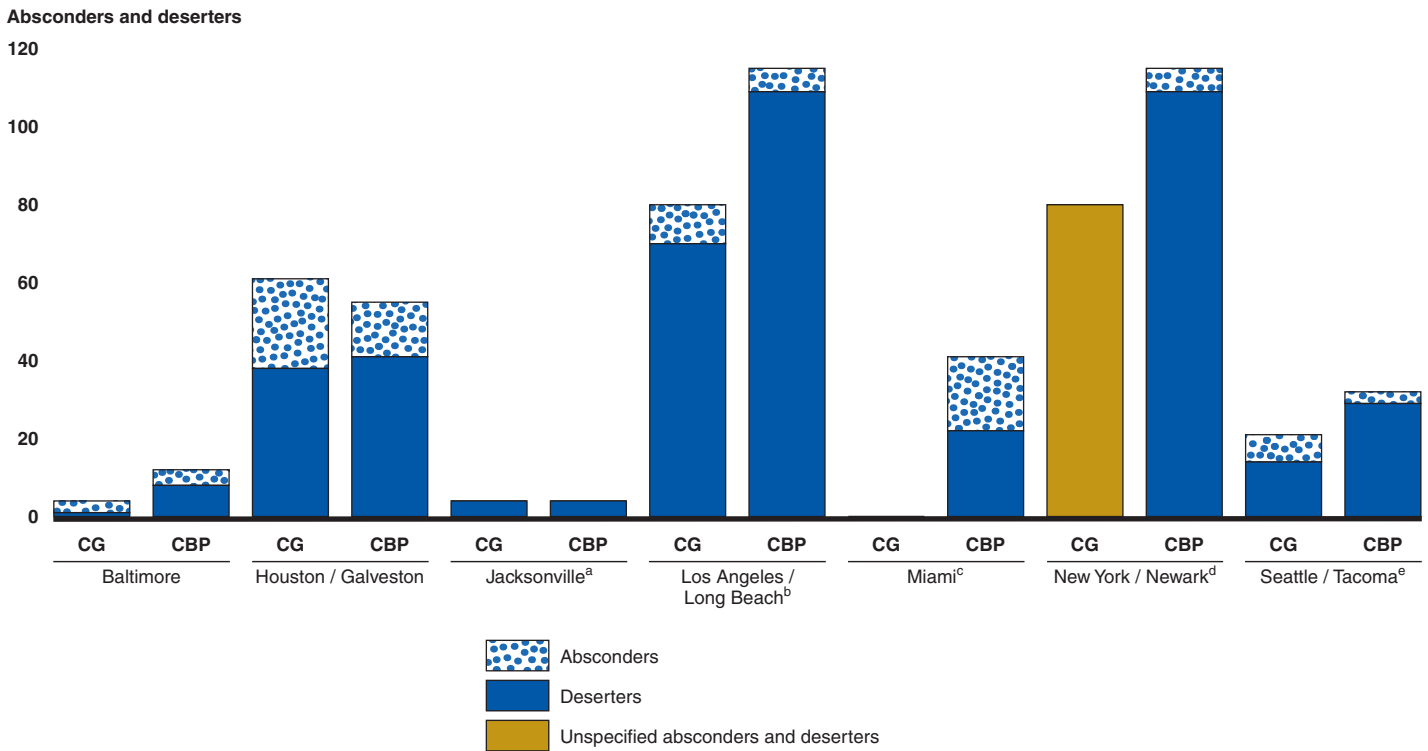
## Selected Coast Guard Seafarer-Related Boardings and Inspections

Coast Guard uses the results of its targeting assessments to guide the type and extent of operations field units may conduct on arriving commercial vessels. For example, based on intelligence, Coast Guard may conduct armed security boardings to examine seafarer passports and visas and ensure the crew list submitted via Advance Notice of Arrival (ANOVA) is accurate. It also conducts inspections of vessel crew as part of its regulatory responsibility under the Maritime Transportation Security Act (MTSA), International Ship and Port Facility (ISPS), and Port State Control requirements of vessel operators. These include inspections of crew identification and travel documents, and reviews of crew certification and licensing documentation. From fiscal years 2006 through 2009, Coast Guard reported it had conducted approximately 17,000 MTSA and 37,000 ISPS inspections of commercial vessels entering U.S. ports. Of these inspections, Coast Guard reported finding approximately 5,000 security violations, which were generally related to access control of the vessel.

# Appendix V: Comparison of CBP and Coast Guard Field Unit Reports of Absconder and Deserter Incidents at Selected Seaports, Fiscal Years 2005 through 2009

We requested data from CBP field units and Coast Guard Sectors at eight domestic seaports summarizing the number of absconder and deserter incidents that the field units and sectors reported for fiscal years 2005 through 2009. At six of seven seaports that provided comparable data, CBP and Coast Guard field units and sectors reported varying numbers of incidents (see notes below describing our scope and methods of this analysis). CBP and Coast Guard field units and sectors reported the same number of incidents at only one seaport (Jacksonville). Below is a summary of the field unit reported data.

**Figure 10: Comparison of CBP Field Unit and Coast Guard Field Unit Reports**



Source: GAO analysis of Coast Guard Sector and CBP field unit data.

Note: We did not include data in this graph for one of the eight seaport areas we contacted—San Francisco/Oakland—because the CBP field unit and Coast Guard Sector reported data that could not be directly compared. For example, (1) Coast Guard Sector San Francisco Bay reported it did not have data available for fiscal year 2005 and provided data covering fiscal years 2006 through 2009 and (2) CBP San Francisco/Oakland reported that it did not have data available for the period prior to February 2007. According to a field official, prior to February 2007, combined absconder and deserter data covering the maritime and aviation modes was tracked by CBP at the airport. The field unit provided data from February 2007 through April 2010.

<sup>a</sup>Coast Guard Sector Jacksonville data reported from fiscal year 2005 through March 2010.



---

**Appendix V: Comparison of CBP and Coast Guard Field Unit Reports of Absconder and Deserter Incidents at Selected Seaports, Fiscal Years 2005 through 2009**

---

<sup>b</sup>Coast Guard Sector Los Angeles/Long Beach reported that data was in calendar years and was sourced from the Coast Guard Pacific Area Maritime Intelligence Fusion Center (MIFC-PAC). However, we found the MIFC-PAC data for Los Angeles/Long Beach varied from the data provided by Sector Los Angeles/Long Beach—regardless of whether it was based on calendar or fiscal year.

<sup>c</sup>Coast Guard Sector Miami reported that it had not encountered any absconders and deserters.

<sup>d</sup>Coast Guard Sector New York reported that its records did not distinguish between absconders and deserters.

<sup>e</sup>Coast Guard Sector Puget Sound (Seattle/Tacoma) reported data from 2003 through 2009.

---

# Appendix VI: Summary of International Labor Organization's Seafarers' Identity Documents Convention (Revised), 2003 (ILO 185)

---

The International Labor Organization's Convention 185 (ILO 185) establishes international standards for nationally issued seafarers' identity documents (SIDs). The Convention seeks to create a framework for nations to issue more secure, standardized credentials to bona fide seafarers, which, in turn, helps seafarers gain access to foreign territories for shore leave and other professional travel, such as transiting from an airport to meet a vessel in port.

---

## ILO 185 Replaces an Earlier ILO Convention on Seafarers' Identity Documents

ILO 185 is a revision of ILO 108, a 1958 convention that established a structure for international recognition of national seafarers' identity documents. Ratified by a total of 64 countries that did not include the United States, Convention 108 required ratifying countries to issue seafarers' identity documents or seafarer passports to applicants to facilitate seafarer entry into foreign territories for shore leave or transit to or from a vessel. Aside from basic requirements, such as mandating that the documents list a seafarer's full name and date of birth and contain a photograph, ILO 108 did not specify how the documents should appear or provide guidance on issuance processes. According to the ILO, identity documents issued under ILO 108 varied greatly in appearance and most did not contain security features. Moreover, according to a 2002 ILO briefing paper, member states were often unaware of what each others' ILO 108 documents looked like, if the documents were real or counterfeit, and even whether the government in question had ratified the Convention. Furthermore, the Convention permitted a ratifying nation to issue documents to seafarers who were not citizens or permanent residents as long as they worked on vessels registered in the country or in its territory. This practice, according to an ILO official, resulted in some seafarers obtaining valid identification credentials from multiple nations based on their employment.

To a much greater extent than ILO 108, the revised ILO 185 Convention sets minimum standards for how ratifying countries produce and issue their seafarer identity documents, including the data they contain, security features, and a fingerprint biometric. For example, ILO 185 requires SIDs to comply with certain International Civil Aviation Organization (ICAO) passport or other travel document specifications regarding materials used and credential dimensions and placement of data.<sup>1</sup> The Convention also

---

<sup>1</sup> The International Civil Aviation Organization, a specialized agency of the United Nations, is the global forum for civil aviation. ICAO develops safety, security, and environmental protection measures related to international air transport, among other things.

**Appendix VI: Summary of International Labor Organization's Seafarers' Identity Documents Convention (Revised), 2003 (ILO 185)**

makes certain requirements for countries to maintain a national database to track credential issuance, whose information must be accessible to other ratifying nations, and calls for independent evaluations of SID issuance processes and ILO certifications of compliance.

The following table summarizes the key provisions of ILO 185:

**Table 9: Summary of Seafarers' Identity Documents Convention (Revised), 2003**

<b>Article or Annex</b>	<b>Summary</b>
Article 1: Scope	Defines "seafarer" for purposes of Convention as "any person who is employed or is engaged or works in any capacity on board a vessel, other than a ship of war, ordinarily engaged in maritime navigation."
Article 2: Issuance of seafarers' identity documents	A ratifying country must issue seafarers' identity documents to its nationals who are seafarers and may issue them to its permanent residents who are seafarers. The credentials and issuance process must conform to Convention requirements, and may also be subject to national laws and regulations.
Article 3: Content and form	Seafarers' identity documents shall adhere to ILO standards regarding technology, design, and content. More detailed requirements are contained in Annex I.
Article 4: National electronic database	Ratifying countries must maintain a database containing information on each seafarers' identity document issued, including biographic and biometric data of the cardholder. The countries must designate a focal point to respond to inquires from other ratifying members about the validity of specific seafarers' identity documents. More detailed requirements are contained in Annex II.
Article 5: Quality control and evaluations	Ratifying countries must meet minimum requirements for issuing seafarers' identity documents contained in Annex III. Countries must conduct an independent evaluation of their issuance processes at least every five years. The ILO will approve and update as necessary a list of members that fully meet the minimum issuance requirements.
Article 6: Facilitation of shore leave and transit and transfer of seafarers	Ratifying countries shall not require seafarers holding valid ILO 185 identity documents to obtain visas for shore leave. Any member that is not in a position to fully implement this requirement must provide arrangements that are substantially equivalent. Seafarers with valid ILO 185 documents supplemented by passports shall be permitted entry into a ratifying country for professional travel.
Article 7: Continuous possession and withdrawal	Seafarers' identity documents shall remain in the possession of the seafarers unless they are granted written permission for the documents to be held by the master of the ship. Countries must withdraw the documents if seafarers no longer meet the conditions for their issuance.
Article 8: Amendment of the annexes	Establishes a process for the ILO and its members to amend the Annexes of the Convention.
Article 9: Transitional provision	Countries that ratified the earlier ILO 108 Convention may apply the revised ILO 185 Convention provisionally under certain circumstances.
Articles 10-18:	Various administrative provisions.
Annex I: Model for seafarers' identity document	Specifies required content, security features, biometric template, machine readable zone, and other features of ILO 185 seafarers' identity documents.
Annex II: Electronic database	Specifies required data elements for the national electronic database linked to a ratifying member's seafarer identity documents.

**Appendix VI: Summary of International Labor Organization's Seafarers' Identity Documents Convention (Revised), 2003 (ILO 185)**

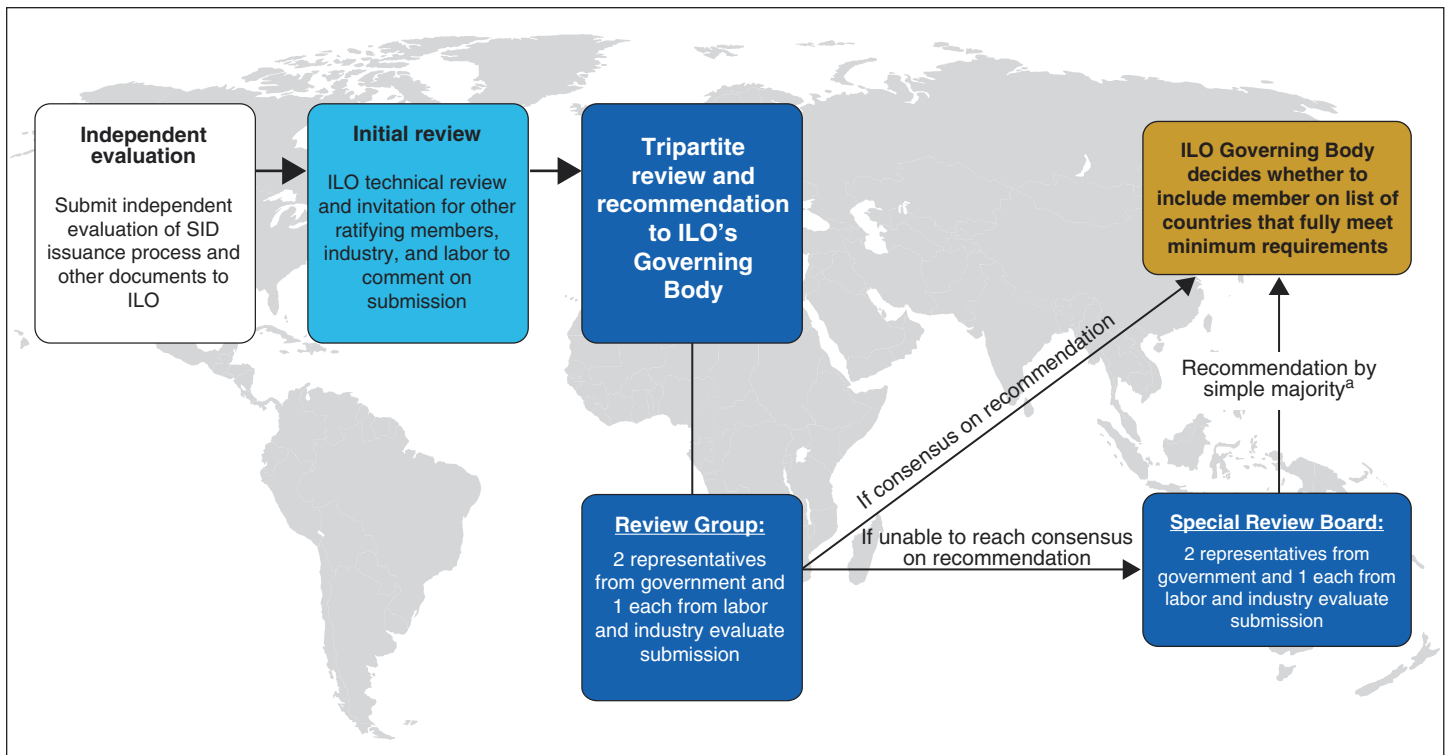
Article or Annex	Summary
Annex III: Requirements and recommended procedures and practices concerning the issuance of seafarers' identity documents	Sets out minimum requirements for the issuance of seafarers' identity documents in the areas of production and delivery of blank documents; custody, handling and accountability for blank and completed documents; processing of applications, document suspension or withdrawal, and appeal procedures; operation, security, and maintenance of the database; and quality control of procedures and periodic evaluations.

Source: GAO analysis of ILO information.

**Proposed ILO "Listing" Process to Promote Convention Compliance**

In accordance with Article 5 of the Convention, in 2005 the ILO developed a specific process by which its Governing Body could approve a "List" of ratifying nations that met minimum Convention requirements. In part due to the limited number of ratifying nations to date, this process has not yet been implemented, and as of January 2011, there is no list of compliant countries.

**Figure 11: ILO 185 Process for Reviewing Country Implementation**



Sources: GAO analysis of ILO information; Map Source (map).

<sup>a</sup>In the event of an equally split vote, the government representative serving as the board's chairperson shall have an additional vote.

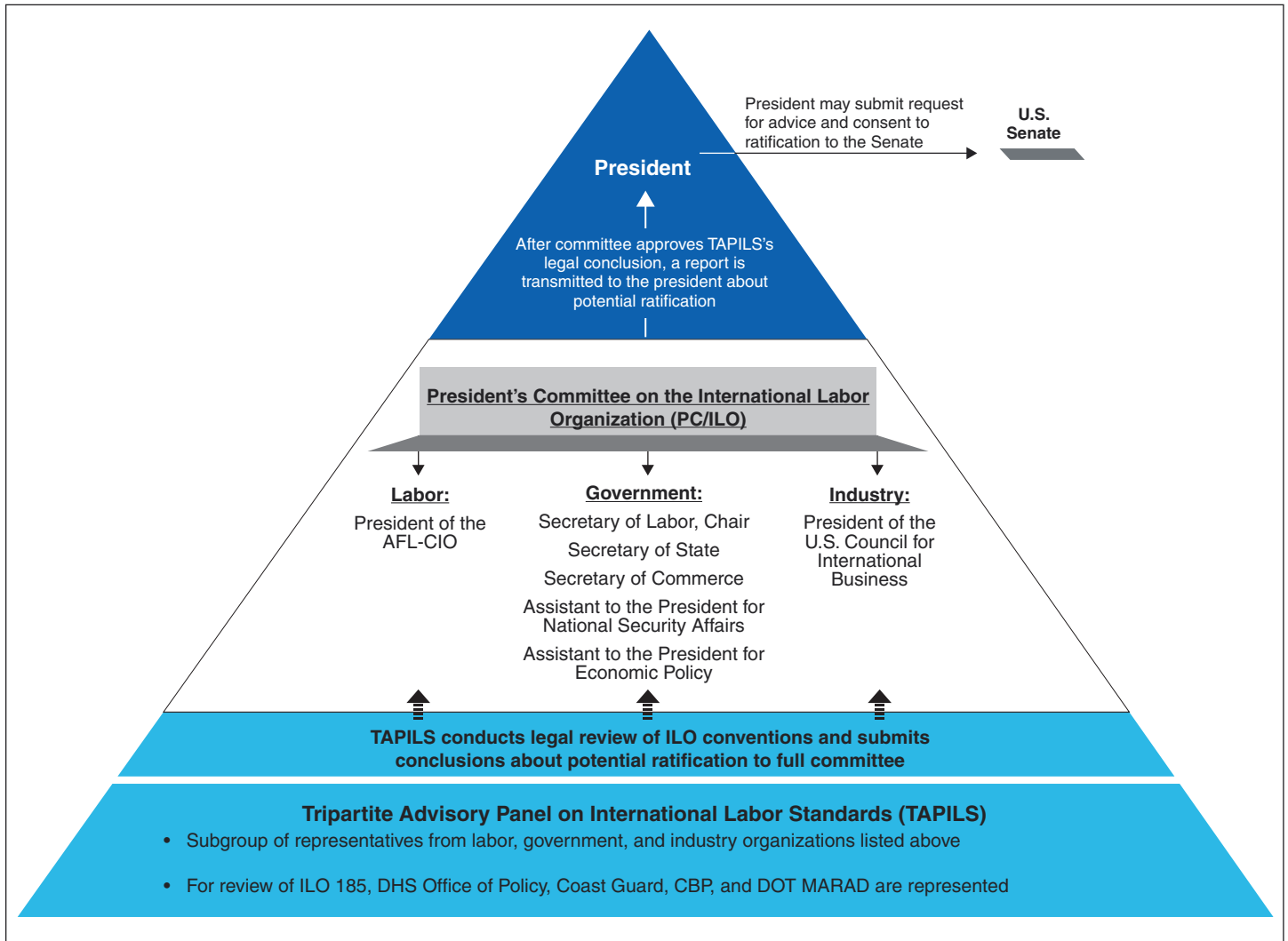
---

# Appendix VII: President's Committee on the International Labor Organization (PC/ILO)

---

The President's Committee on the International Labor Organization (PC/ILO) is a federal advisory committee that, among other things, evaluates ILO conventions and makes recommendations to the President concerning potential U.S. ratification. The PC/ILO is chaired by the Secretary of Labor and consists of other cabinet level representatives from U.S. government as well as senior officials from labor and industry. Before the full committee reports to the President, a committee subgroup, the Tripartite Advisory Panel on International Labor Standards (TAPILS), reviews selected conventions for conformity with U.S. law. The PC/ILO was most recently convened in May 2010, and stated that a review of ILO 185 was a priority. Figure 12 below shows current PC/ILO membership and the mechanism by which it makes its recommendations.

Figure 12: President's Committee on the International Labor Organization



Source: GAO analysis of Labor Department information.

# Appendix VIII: Comments from the Department of Homeland Security

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



**Homeland  
Security**

December 17, 2010

Charles A. Jeszeck  
Acting Director, Homeland Security and Justice  
441 G Street, NW  
U.S. Government Accountability Office  
Washington, DC 20548

Dear Mr. Jeszeck:

RE: Department of Homeland Security's (DHS) Comments on the Government Accountability Office's (GAO) Draft Report 11-195, "*MARITIME SECURITY: Federal Agencies Have Taken Actions to Address Risks Posed by Seafarers, But These Efforts Can Be Strengthened.*" (440848)

Thank you for the opportunity to review and offer comments on the GAO draft report entitled, "*MARITIME SECURITY: Federal Agencies Have Taken Actions to Address Risks Posed by Seafarers, But These Efforts Can Be Strengthened.*," dated December 2010. DHS's formal response to the draft report includes CBP's corrective action plans to recommendations made by GAO and technical comments. DHS concurs with all four of the recommendations in the report.

DHS would like to note that the United States has not ratified the International Labor Organization Seafarer's Identity Document Convention (ILO 185); therefore, there is no current implementation plan to institute procedural measures for CBP operations. If the United States is determining a position for ratification of the ILO 185, CBP would object due to limitations of existing laws for CBP enforcement.

DHS appreciates the opportunity to highlight current efforts that will not only comply with the recommendations, but will also improve our overall operational effectiveness. The recommendations and corrective actions to address the recommendations are described below.

**Recommendation 1:** Direct the Commissioner of CBP to assess the national security and other risks faced by CBP in the absence of technology to provide electronic verification as part of its admissibility inspections for cargo vessel seafarers and identify options for addressing these risks and their costs.

**Response:** Concur. CBP will work in conjunction with the Screening Coordination Office (SCO) to determine parameters to measure and assess risks associated with the absence of technology, specifically for onboard vessel inspection of crew. CBP and SCO will identify the appropriate offices within CBP and DHS with equities in this review.

**Appendix VIII: Comments from the  
Department of Homeland Security**

**Recommendations 2&3:** Direct the Commandant of the Coast Guard and Commissioner of CBP to:

- Determine the reasons that absconder and deserter data varies between headquarters and field units, and among the Coast Guard and CBP and determine any actions necessary to address them; and
- Jointly establish an interagency process for sharing and reconciling records of absconder and deserter incidents occurring at U.S. seaports.

**Response:** Concur. CBP and USCG will begin to assess, at the staff level, the appropriate offices within each component with equities in this review. Once determined, a Working Group can be formed to evaluate the current reporting process within each component, and between CBP and United States Coast Guard (USCG). A number of potential discrepancies have already been identified to include, but not limited to, discrepancies between the geographic definitions of ports and sectors, definitions of absconder and deserters as they apply to each components unique mission, and the reporting of incidents involving U.S. citizens. The progress of the Working group can be monitored through the Senior Guidance Team Meetings, an existing process that includes CBP, USCG and U.S. Immigration and Customs Enforcement (ICE).

**Recommendation 4:** We further recommend that the Secretary of Homeland Security and the Attorney General of the United States develop a plan with timelines for issuing regulations, as required by the Inflation Adjustment Act, to adjust civil monetary penalties associated with violations of the Immigration and Nationality Act involving foreign seafarers gaining illegal entry into the United States and provide this plan to DHS leadership and Congress.

**Response:** Concur. CBP and the Department of Justice (DOJ) are currently working together to develop regulations to adjust the civil monetary penalties associated with violations of provisions of the Immigration and Nationality Act involving foreign seafarers gaining illegal entry into the United States and hope to issue final regulations in 2011.

Thank you for the opportunity to comment on this Draft Report. We look forward to working with you on future Homeland Security issues.

Sincerely,



Jim H. Crumacker  
Director  
Departmental GAO/OIG Audit Liaison Office



---

# Appendix IX: GAO Contacts and Staff Acknowledgments

---

## GAO Contact

Charles A. Jeszeck, (202) 512-7036 or [jeszeckc@gao.gov](mailto:jeszeckc@gao.gov).

---

## Staff Acknowledgments

In addition to the contact named above, David Bruno, Assistant Director, and Jason Berman, Analyst-in-Charge, managed this assignment. Chloe Brown and David Lutter made significant contributions to this report. Charles Bausell, Kathryn Bernet, Namita Bhatia Sabharwal, Richard Hung, and Stanley Kostyla assisted with design and methodology. Tracey King provided legal support. Jessica Orr provided assistance in report preparation.

---

# Related GAO Products

---

*Maritime Security: Ferry Security Measures Have Been Implemented, but Evaluating Existing Studies Could Further Enhance Security.* [GAO-11-207](#). Washington, D.C.: Dec. 3, 2010.

*Maritime Security: Actions Needed to Assess and Update Plan and Enhance Collaboration among Partners Involved in Countering Piracy off the Horn of Africa.* [GAO-10-856](#). Washington, D.C.: Sep. 24, 2010.

*Maritime Security: DHS Progress and Challenges in Key Areas of Port Security.* [GAO-10-940T](#). Washington, D.C.: July 21, 2010.

*Maritime Security: Varied Actions Taken to Enhance Cruise Ship Security, but Some Concerns Remain.* [GAO-10-400](#). Washington, D.C.: Apr. 9, 2010.

*Supply Chain Security: Feasibility and Cost-Benefit Analysis Would Assist DHS and Congress in Assessing and Implementing the Requirement to Scan 100 Percent of U.S.-Bound Containers.* [GAO-10-12](#). Washington, D.C.: Oct. 30, 2009.

*Maritime Security: Vessel Tracking Systems Provide Key Information, but the Need for Duplicate Data Should Be Reviewed.* [GAO-09-337](#). Washington, D.C.: March 17, 2009.

*Supply Chain Security: CBP Works with International Entities to Promote Global Customs Security Standards and Initiatives, but Challenges Remain.* [GAO-08-538](#). Washington, D.C.: August 15, 2008.

*Maritime Security: National Strategy and Supporting Plans Were Generally Well-Developed and Are Being Implemented.* [GAO-08-672](#). Washington, D.C.: June 20, 2008.

*Supply Chain Security: Challenges to Scanning 100 Percent of U.S.-Bound Cargo Containers.* [GAO-08-533T](#). Washington, D.C.: June 12, 2008.

*Supply Chain Security: U.S. Customs and Border Protection Has Enhanced Its Partnership with Import Trade Sectors, but Challenges Remain in Verifying Security Practices.* [GAO-08-240](#). Washington, D.C.: April 25, 2008.

*Maritime Security: Coast Guard Inspections Identify and Correct Facility Deficiencies, but More Analysis Needed of Program's Staffing, Practices, and Data.* [GAO-08-12](#). Washington, D.C.: February 14, 2008.

*Supply Chain Security: Examinations of High-Risk Cargo at Foreign Seaports Have Increased, but Improved Data Collection and Performance Measures Are Needed.* [GAO-08-187](#). Washington, D.C.: January 25, 2008.

*Maritime Security: Federal Efforts Needed to Address Challenges in Preventing and Responding to Terrorist Attacks on Energy Commodity Tankers.* [GAO-08-141](#). Washington, D.C.: December 10, 2007.

*Maritime Security: The SAFE Port Act: Status and Implementation One Year Later.* [GAO-08-126T](#). Washington, D.C.: October 30, 2007.

*Combating Nuclear Smuggling: Additional Actions Needed to Ensure Adequate Testing of Next Generation Radiation Detection Equipment.* [GAO-07-1247T](#). Washington, D.C.: September 18, 2007.

*Information on Port Security in the Caribbean Basin.* [GAO-07-804R](#). Washington, D.C.: June 29, 2007.

*Port Risk Management: Additional Federal Guidance Would Aid Ports in Disaster Planning and Recovery.* [GAO-07-412](#). Washington, D.C.: March 28, 2007.

*Maritime Security: Public Safety Consequences of a Terrorist Attack on a Tanker Carrying Liquefied Natural Gas Need Clarification.* [GAO-07-316](#). Washington, D.C.: February 22, 2007.

*Coast Guard: Observations on the Preparation, Response, and Recovery Missions Related to Hurricane Katrina.* [GAO-06-903](#). Washington, D.C.: July 31, 2006.

*Maritime Security: Information Sharing Efforts Are Improving.* [GAO-06-933T](#). Washington, D.C.: July 10, 2006.

*Cargo Container Inspections: Preliminary Observations on the Status of Efforts to Improve the Automated Targeting System.* [GAO-06-591T](#). Washington, D.C.: March 30, 2006.

*Risk Management: Further Refinements Needed to Assess Risks and Prioritize Protective Measures at Ports and Other Critical Infrastructure.* [GAO-06-91](#). Washington, D.C.: December 15, 2005.

*Homeland Security: Key Cargo Security Programs Can Be Improved.* [GAO-05-466T](#). Washington, D.C.: May 26, 2005.

*Maritime Security: Enhancements Made, But Implementation and Sustainability Remain Key Challenges.* [GAO-05-448T](#). Washington, D.C.: May 17, 2005.

*Container Security: A Flexible Staffing Model and Minimum Equipment Requirements Would Improve Overseas Targeting and Inspection Efforts.* [GAO-05-557](#). Washington, D.C.: April 26, 2005.

*Maritime Security: New Structures Have Improved Information Sharing, but Security Clearance Processing Requires Further Attention.* [GAO-05-394](#). Washington, D.C.: April 15, 2005.

*Cargo Security: Partnership Program Grants Importers Reduced Scrutiny with Limited Assurance of Improved Security.* [GAO-05-404](#). Washington, D.C.: March 11, 2005.

*Maritime Security: Better Planning Needed to Help Ensure an Effective Port Security Assessment Program.* [GAO-04-1062](#). Washington, D.C.: September 30, 2004.

*Maritime Security: Partnering Could Reduce Federal Costs and Facilitate Implementation of Automatic Vessel Identification System.* [GAO-04-868](#). Washington, D.C.: July 23, 2004.

*Maritime Security: Substantial Work Remains to Translate New Planning Requirements into Effective Port Security.* [GAO-04-838](#). Washington, D.C.: June 30, 2004.

*Homeland Security: Summary of Challenges Faced in Targeting Oceangoing Cargo Containers for Inspection.* [GAO-04-557T](#). Washington, D.C.: March 31, 2004.

*Homeland Security: Preliminary Observations on Efforts to Target Security Inspections of Cargo Containers.* [GAO-04-325T](#). Washington, D.C.: December 16, 2003.

*Maritime Security: Progress Made in Implementing Maritime Transportation Security Act, but Concerns Remain.* [GAO-03-1155T](#). Washington, D.C.: September 9, 2003.

*Combating Terrorism: Interagency Framework and Agency Programs to Address the Overseas Threat.* [GAO-03-165](#). Washington, D.C.: May 23, 2003.

---

**Related GAO Products**

---

*Nuclear Nonproliferation: U.S. Efforts to Combat Nuclear Smuggling.* [GAO-02-989T](#). Washington, D.C.: July 30, 2002.

*Coast Guard: Vessel Identification System Development Needs to Be Reassessed.* [GAO-02-477](#). Washington, D.C.: May 24, 2002.

---

## GAO's Mission

The Government Accountability Office, the audit, evaluation, and investigative arm of Congress, exists to support Congress in meeting its constitutional responsibilities and to help improve the performance and accountability of the federal government for the American people. GAO examines the use of public funds; evaluates federal programs and policies; and provides analyses, recommendations, and other assistance to help Congress make informed oversight, policy, and funding decisions. GAO's commitment to good government is reflected in its core values of accountability, integrity, and reliability.

---

## Obtaining Copies of GAO Reports and Testimony

The fastest and easiest way to obtain copies of GAO documents at no cost is through GAO's Web site ([www.gao.gov](http://www.gao.gov)). Each weekday afternoon, GAO posts on its Web site newly released reports, testimony, and correspondence. To have GAO e-mail you a list of newly posted products, go to [www.gao.gov](http://www.gao.gov) and select "E-mail Updates."

---

## Order by Phone

The price of each GAO publication reflects GAO's actual cost of production and distribution and depends on the number of pages in the publication and whether the publication is printed in color or black and white. Pricing and ordering information is posted on GAO's Web site, <http://www.gao.gov/ordering.htm>.

Place orders by calling (202) 512-6000, toll free (866) 801-7077, or TDD (202) 512-2537.

Orders may be paid for using American Express, Discover Card, MasterCard, Visa, check, or money order. Call for additional information.

---

## To Report Fraud, Waste, and Abuse in Federal Programs

Contact:

Web site: [www.gao.gov/fraudnet/fraudnet.htm](http://www.gao.gov/fraudnet/fraudnet.htm)

E-mail: [fraudnet@gao.gov](mailto:fraudnet@gao.gov)

Automated answering system: (800) 424-5454 or (202) 512-7470

---

## Congressional Relations

Ralph Dawn, Managing Director, [dawnr@gao.gov](mailto:dawnr@gao.gov), (202) 512-4400  
U.S. Government Accountability Office, 441 G Street NW, Room 7125  
Washington, DC 20548

---

## Public Affairs

Chuck Young, Managing Director, [youngc1@gao.gov](mailto:youngc1@gao.gov), (202) 512-4800  
U.S. Government Accountability Office, 441 G Street NW, Room 7149  
Washington, DC 20548

