

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.

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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.