

OVERVIEW OF THE TRAVEL RISK ASSESSMENT PROCESS

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*With honor and integrity,
we will safeguard the
American people, our
Homeland, and our values.*

Summary

The goal of the Travel Risk Assessment process is to keep Americans safe. As then-Acting Secretary Wolf noted during his 2020 State of the Homeland Address, “the United States is the world’s most generous and welcoming country, but, unfortunately, there are evil people who seek to travel to the U.S. with the intent of harming and killing Americans. Despite the progress we have made since 9/11, we remain heavily dependent on the paperwork and documentation of a prospective traveler. That is why the Department, along with our interagency partners, developed a process for evaluating the information sharing cooperation, identity management practices and travel related risk associated with each country in the world.”

As part of that process, the Travel Risk Assessment Team (within the Office of Strategy, Policy, and Plans of the Department of Homeland Security (DHS/PLCY)) develops information about, and subsequently reviews and evaluates, foreign countries’ identity-management and information-sharing in direct support of the United States Government’s (USG) immigration and visa screening and vetting efforts. Using an analytically rigorous methodology, DHS/PLCY advances policy recommendations addressing unique and emerging threats to the United States Homeland that present in the complex international travel environment, including especially the risk of terrorist travel. This methodology was upheld by the United States Supreme Court in 2018; the Court explained that it “reflects the results of a worldwide review process . . . in each case the determinations were justified by the distinct conditions in each country.” *Trump v. Hawaii*, 138 S.Ct. 2392, 2421 (2018).

DHS/PLCY efforts have significantly increased the compliance of countries around the world with information sharing norms and have increased the quality of the information they share. In *Hawaii*, the Supreme Court explained that as a result of DHS’s and DoS’s efforts “numerous countries provided DHS with travel document exemplars and agreed to share information on known or suspected terrorists.” *Id.* at 2405. As then-Acting Secretary Wolf put it, “we identified the lowest performing countries, put them on notice and for those unable or unwilling to meet our standards, we issued common sense travel restrictions. Because of this process, we saw multiple countries begin sharing information with us that they had never done before. I am

proud of the work the Department has done to raise the security baseline around the world.”

These improvements directly benefit the global community: countries are increasingly choosing to share information about lost and stolen passports (LASPs), fraudulent document alerts, known and suspected terrorist (KST) and criminal information to INTERPOL, and participating in the International Civil Aviation Organization’s (ICAO’s) Public Key Directory (PKD). And when warranted, tools such as travel restrictions have proven to be exceptionally effective to obtain progress—for example, the Republic of Chad was initially subjected to travel restrictions, became compliant, and is no longer restricted. Indeed, several restricted countries have made substantial progress in information sharing notwithstanding the ongoing global pandemic.

Simply put, the Travel Risk Assessment process works: it has made America, and the world, a safer place.



Background

The Team was developed within DHS/PLCY to conduct robust analyses of continuing and emerging threats and vulnerabilities to the travel continuum, and to recommend DHS policies to implement mitigation processes. It is currently engaged in the evaluation and improvement of foreign countries' identity-management processes, information-sharing with the USG, and assessment of the national security and public safety risks posed by traveling nationals of every country in the world.

Beginning in 2017, the Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, conducted a worldwide review to identify what additional information was required from each foreign country to adequately assess whether their nationals seeking to enter the United States posed a security or safety threat. The criteria used reflected a combination of long-standing USG goals, as well as standards established by international bodies such as the United Nations (UN), ICAO, and INTERPOL. The baseline requirements incorporate best practices derived from proven and effective security partnerships, and from internationally recognized identity management, law enforcement, and national security practices and initiatives.

In September 2017, Presidential Proclamation 9645, *Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats*, directed DHS to conduct persistent monitoring of foreign governments compliance with the baseline criteria. To accomplish this, the Team adjusted the baseline criteria and developed a unique methodology and accompanying evaluation tool. This increased the fidelity of the information collected and provided foreign countries with more clarity as to USG expectations and better addressed serious, persistent, and evolving threats to the Homeland. This Proclamation was reviewed by the United States Supreme Court in 2018 in *Trump v. Hawaii* and expressly upheld; writing for a clear majority of the Court, Chief Justice Roberts explained that the “expansive language” of the Immigration and Nationality Act “grants the President **sweeping authority** to decide whether to suspend entry, whose entry to suspend, and for how long,” 138 S.Ct. at 2413 (emphasis added), and in every case travel restrictions were wholly “justified by the distinct conditions in each country [of travel origin],” *id.* at 2421.

In December 2017, a National Security Council-led Policy Coordinating Committee made up of DHS, DoS, the Department of Justice (DOJ), the Department of Defense (DoD), and ODNI, further refined the baseline criteria and obtained approval of the “Process

for the Ongoing Review of Foreign Governments' Information Sharing Practices and the Adjustment of Travel Restrictions.”

From July 2018 through August 2019, DHS—in coordination with interagency partners—further refined its methodology to assess compliance with the assessment criteria, which has enabled more in-depth analysis and yields even more granularity and increased accuracy regarding each country's performance. During DHS's review that concluded in September 2019, this increased granularity and accuracy resulted in revealing additional non-compliant countries. In January 2020, the President as part of Presidential Proclamation 9983 added tailored restrictions on six countries, and 180-day notices for five additional countries with notable deficiencies and risks. In this updated methodology, the general overall criteria for review has not changed. The identity management and information sharing criteria categories and the refined criteria factors are in the chart below.

IDENTITY MANAGEMENT AND INFORMATION SHARING CRITERIA

The infographic is a grid of six blue panels, each with a title, a representative image, and a list of criteria. The panels are arranged in two rows of three. The top row includes 'ELECTRONIC PASSPORTS (EPPTs)', 'PASSPORT EXEMPLARS', and 'CRIMINAL HISTORY RECORDS INFORMATION'. The bottom row includes 'IDENTITY DATA', 'KNOWN OR SUSPECTED TERRORIST INFORMATION', and 'LOST AND STOLEN PASSPORTS'. The 'CRIMINAL HISTORY RECORDS INFORMATION' panel is the largest and features a network diagram of people icons.

Criteria Category	Criteria Factors
ELECTRONIC PASSPORTS (EPPTs)	Issues ePPTs for major classes of travel documents (regular/ordinary, business, diplomatic, official, and service) and shares PKI certificates.
PASSPORT EXEMPLARS	Shares exemplars whenever production changes are made and provides regular fraud reports to the INTERPOL DIAL-Doc system.
CRIMINAL HISTORY RECORDS INFORMATION	<ul style="list-style-type: none"> 1) Employs an established, accountable request-for-information process for criminal history information sharing; and 2) Proactively shares CHRI through established, reliable programs, including but not limited to: <ul style="list-style-type: none"> a) INTERPOL TDAWN for all Notices; b) marking the passports of individuals committing (at least certain) crimes of moral turpitude/violence; c) providing notification of criminal travel; and d) participating in relevant multilateral exchange available to U.S. screening and vetting systems.
LOST AND STOLEN PASSPORTS	Reports all LASPs to INTERPOL (or the U.S.) within 24 hours of its National Central Bureau receiving a report of loss or theft. Permanently invalidates lost and stolen passports and fraudulently obtained documents and has directed INTERPOL not to purge lost and stolen passports after five years.
IDENTITY DATA	Makes other identity information on its nationals, including biographic, biometric, and relevant immigration status available to the U.S. through a consistent, timely process that takes into account the volume of travel by its nationals to the U.S.
KNOWN OR SUSPECTED TERRORIST INFORMATION	Employs an established, accountable process for regularly and proactively informing the U.S. Government about known or suspected terrorists.

Process

DHS/PLCY engages and coordinates within the Department of Homeland Security and across the USG to acquire cutting-edge information, analyze it effectively, and make sound policy judgments. For example:

- DHS/PLCY engages with the DHS Office of Intelligence and Analysis (DHS/I&A), U.S. Immigration and Customs Enforcement / Homeland Security Investigations (ICE/HSI), U.S. Immigration and Customs Enforcement / Enforcement and Removal Operations (ICE/ERO) and, U.S. Customs and Border Protection (CBP) to obtain statistical analysis and national security and public safety risk assessments.
- Pursuant to DHS/PLCY direction, State/Bureau of Consular Affairs (State/CA) engages U.S. embassies and foreign governments to obtain necessary information, encourage foreign government cooperation, and monitor and assess foreign government performance. State/CA assists DHS/PLCY with program development and country reviews and implementing enforcement actions, as appropriate. In executing its responsibility, State/CA partners with DHS/PLCY to ensure alignment between broader U.S. foreign policy objectives and the screening and vetting objectives. As needed, additional information is provided by State's regional bureaus and country desk offices.
- DOJ serves an advisory role and, where appropriate, DHS/PLCY consults with DOJ on aspects of the Program. DOJ provides input to the Program, engagement efforts, enforcement actions, and informs DHS/PLCY about existing or planned law enforcement information sharing relationships that fall within the scope of this plan.
- DoD acts in an advisory role, and where applicable, DHS/PLCY consults with it. DoD provides input to the Program, engagement efforts, and informs DHS/PLCY about U.S. military's missions, DOD international partnerships, and other strategic and operational initiatives related to national defense that is relevant.

- ODNI provides consolidated intelligence community support and analysis. ODNI has designated the National Counterterrorism Center (NCTC) for this process; NCTC established consistent standard operating procedures for intelligence community support to the Program.

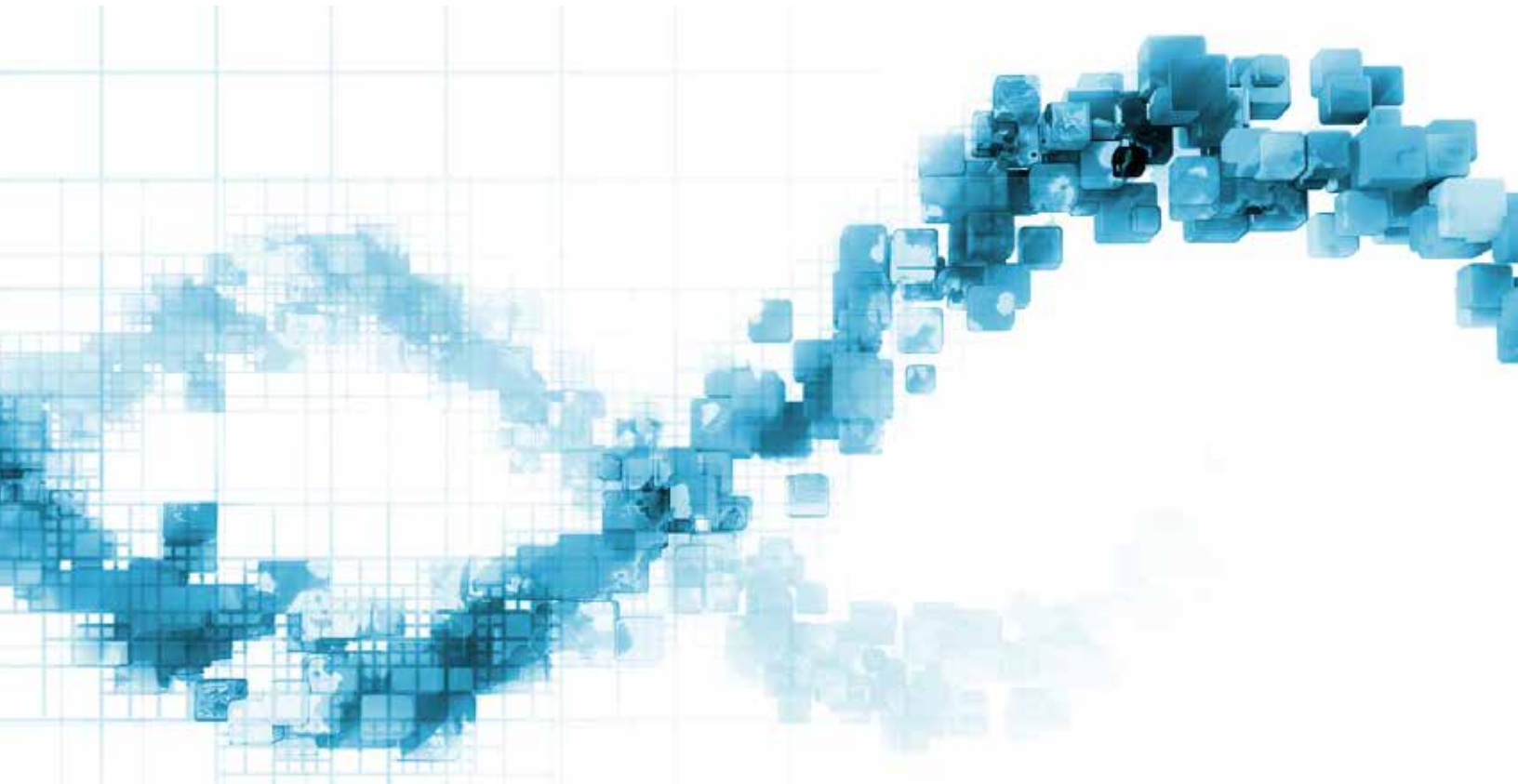
DHS/PLCY overlays these regular foreign country reviews with focused risk assessments based on intelligence and statistical analysis. In the aggregate, DHS/PLCY considers each country's proficiency in identity management; the quality of its information sharing about potential public security risks; and the national security, law enforcement, and immigration risk it and its nationals present to the United States. The reviews are structured around three concurrent Lines of Effort (LOEs): 1) country reviews, 2) foreign engagement, and 3) targeted enforcement. These LOEs are intended to:

- Ensure the USG collects comprehensive information about how foreign governments manage the identity of their nationals and share information with the USG;
- Consider the national security, law enforcement, and immigration risk each country's nationals present to the U.S.
- Ensure all countries are held to consistent baseline criteria standards;
- Maximize opportunities to engage with individual countries to improve bilateral information sharing, identity management and reduce risk factors;
- Prioritize engagement and enforcement based on United States national interest; and
- Ensure the USG has an established means for identifying appropriate solutions for mitigating risks from non-compliant countries.

DHS/PLCY uses this process to measure the aggregate impact on U.S. national security and to identify areas for improving bilateral cooperation, or, when appropriate, develop unilateral and multilateral responses to otherwise mitigate risks to the United States national security and public safety stemming from insufficient foreign government cooperation. These mitigations may include imposition of travel restrictions by the

President of the United States under his authorities contained in Section 212(f) of the Immigration and Nationality Act for certain nationalities traveling under specific visa classifications.

DHS/PLCY also assesses the COVID-19 infection risks posed by travelers from foreign countries. The team developed the foundational risk evaluation tool central to this program and provides continued support through the evaluation of actions foreign countries have implemented to mitigate the infection risk posed by travel of infected individuals. The infection risk evaluations for each country routinely informs the development and implementation of appropriate policies to mitigate the infectious threat posed throughout the international travel continuum.



Current Efforts

DHS/PLCY recently completed its evaluation and review of all currently travel restricted and 180-day warning countries. Notably, this review included new recommendations to remove from travel restrictions certain countries that have demonstrated significant compliance improvement.

DHS/PLCY continues to assess in real time the risk of COVID-19 infection from travelers arriving from foreign ports and makes appropriate recommendations.



Representative Accomplishments

DHS/PLCY has achieved significant improvements to the safety and security of international travel because of this work. This, in particular, includes obtaining changes to foreign governments' policies and enhancements of their procedures as well as the internalization and prioritization of processes to improve and become or remain compliant with appropriate standards. The most well-known example of this is the Republic of Chad—it was initially subjected to travel restrictions, and directly in response brought itself into compliance and was then appropriately removed from travel restrictions. Ideally, this is how the excluded countries would act and, consequently, rectify their deficiencies. Other success examples that the analysis and/or restrictions have led to include:

- Numerous countries have started to report or increased the frequency of reports of lost and stolen travel and identity documents to INTERPOL. This information is available to all INTERPOL member countries.
- Numerous countries have changed their internal policies to permanently invalidate lost/stolen/fraudulently obtained genuine travel documents. This reduces the risk of foreign nationals loaning their passports to facilitate illicit travel by others. Once reported lost/stolen, the true bearer is required to obtain a new travel document.
- Twenty countries have joined the Electronic Machine-Readable Travel Documents ICAO Public Key Directory (ICAO PKD) as participating members. This is a nearly 50% increase in the number of participating member countries. These countries' PKI certificates are now available to all participating countries.
- In June 2019, a Central American government began reporting fraudulently obtained genuine identity, residence, and travel documents to INTERPOL.
- In August 2019, a Western African government agreed to authorize U.S. law enforcement officials to collect biometric information of prisoners and KSTs detained at all three of its major prisons.
- In February 2020, a Central Asian government initiated monthly updates of the LASP database and entered more than 108,000 invalid passports between 2005 and 2020.

- In August 2020, the U.S. Embassy in Karachi reported the government of Pakistan government took steps to ensure the information contained in the country's Redbook (its list of KSTs) is current, accurate, and complete. At the time of initial USG engagement, the Redbook was only updated through 2014. The Redbook is now fully updated and includes over 900 pages of information. In January 2020, the Pakistani government introduced a new input form for the Redbook that includes more identifying information.
- In October 2020, DoS updated its Foreign Affairs Manual (FAM) 7 FAH-1 H-954 REQUESTING FOREIGN DOCUMENT EXEMPLARS regarding the collection of travel and identity document exemplars. The updated process identifies the type and number of exemplars that post should request for host countries.



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