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Testimony

Before the Subcommittee on Immigration, Border Security,
and Claims, House Committee on the Judiciary

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**COUNTERFEIT
DOCUMENTS USED TO
ENTER THE UNITED
STATES FROM CERTAIN
WESTERN HEMISPHERE
COUNTRIES NOT
DETECTED**

Statement of Robert J. Cramer, Managing Director
Office of Special Investigations



Mr. Chairman and Members of the Committee:

I am here today to discuss the results of security tests we performed in which agents of the Office of Special Investigations (OSI), acting in an undercover capacity, entered the United States from various countries in the Western Hemisphere using counterfeit documentation and fictitious identities. This work was initially undertaken at the request of the Senate Finance Committee and was continued at your request.¹ The purpose of our tests was to determine whether U. S. government officials conducting inspections at ports of entry would detect the counterfeit identification documents.

I am accompanied this morning by Ronald Malfi, Director for Investigations, and Special Agent Ramon Rodriguez.

In summary, we created counterfeit identification documents in order to establish fictitious identities for our agents by using off-the-shelf computer graphic software that is available to any purchaser. The agents entered the United States from Jamaica, Barbados, Mexico, and Canada using fictitious names, counterfeit driver's licenses and birth certificates. Bureau of Customs & Border Protection (BCBP)² staff never questioned the authenticity of the counterfeit documents, and our agents encountered no difficulty entering the country using them. On two occasions, BCBP staff did not ask for any identification when our agents entered the United States from Mexico and Canada. We have briefed BCBP officials on the results and methods of our work.

Background

Immigration regulations require that all persons who arrive at a U.S. port of entry be inspected by a government official. A U.S. citizen traveling from countries in the Western Hemisphere, such as those we visited for purposes

¹ Part of this work is described in our January 30, 2003, testimony before the Finance Committee entitled *Weaknesses in Screening Entrants into the United States* (GAO-03-438T).

² Pursuant to the Homeland Security Act of 2002, the inspection of people and goods functions of the Immigration and Naturalization Service (INS) and U.S. Customs Service were transferred to the Department of Homeland Security (DHS). On March 1, 2003, BCBP became an official agency of DHS, which includes the portions of INS and Customs that monitor individuals entering the United States. For purposes of describing our border crossings prior to the date that BCBP was established officially, we refer to staff formerly employed by INS and Customs as staff of BCBP.

of these tests, is not required to show a passport when entering the United States but is required to prove citizenship. BCBP accepts as proof of citizenship documents, such as a United States' state or federally issued birth certificate or a baptismal record, and photo identification such as a driver's license. However, since the law does not require that U.S. citizens who enter the United States from Western Hemisphere countries present documents to prove citizenship they are permitted to establish U.S. citizenship by oral statements alone.

Border Crossings

U.S. Border Crossing from Jamaica

Two of our agents traveling on one-way tickets from Jamaica arrived at an airport in the United States. After landing at the U.S. airport, the two agents proceeded to the immigration checkpoint and presented to BCBP immigration inspectors counterfeit driver's licenses in fictitious names along with fictitious birth certificates purportedly issued by two different states. One BCBP inspector asked one of the agents for his date of birth, and inquired about where and when the agent had obtained the birth certificate. The agent stated that he had obtained the birth certificate about 4 or 5 years earlier. A different BCBP inspector did not question the second agent. The BCBP inspectors did not recognize any of the documents presented as counterfeit and allowed the agents to enter the United States.

U.S. Border Crossing from Barbados

Barbados immigration officials provide visitors entering Barbados with a two-part immigration form to complete. They collect one part and return the second part to the visitor stamped with the date of entry into Barbados. Visitors are instructed to return the second part to immigration officials upon departing Barbados. In May 2003, two of our agents departed Barbados and provided Barbados immigration officials with unstamped immigration forms in fictitious names. Barbados officials accepted the forms without questioning why they were not stamped.

Two agents traveled on one-way tickets from Barbados and arrived at an airport in the United States. The two agents separately proceeded to the immigration checkpoint and were checked by the same BCBP immigration inspector. One agent was asked for his passport, and he responded that did not have one. The agent provided a fictitious birth certificate and a

Customs declaration form. The BCBP inspector reviewed the documents and asked for picture identification. In response to this request, the agent provided a counterfeit driver's license. The BCBP inspector then asked the agent several questions, reviewed the documents again, asked additional questions, and instructed the agent to proceed through Customs. The agent provided the BCBP customs officer with the Customs form and subsequently left the airport without any further scrutiny.

The second agent had a similar experience. The BCBP immigration inspector asked for a passport. The agent explained that he did not have one and provided a counterfeit birth certificate. The BCBP inspector then asked for picture identification and the agent offered to produce a driver's license. The BCBP inspector did not ask to see the driver's license but asked several questions and then instructed the agent to proceed to Customs. The agent turned in his Customs form to a Customs official and then left the airport without any further scrutiny.

The BCBP immigration inspector did not question any of the counterfeit documents.

U.S. Border Crossings from Mexico

On two occasions our agents crossed the border from Mexico into the United States. On one occasion, at a land border crossing, a BCBP immigration inspector asked our agent if he was a U.S. citizen and whether he had brought anything across the border from Mexico. After the agent responded that he was a U.S. citizen and that he was not bringing anything into the United States from Mexico, the inspector allowed him to proceed without requiring any proof of identity.

On a subsequent occasion at the same border crossing, two of our agents were asked for identification by separate BCBP inspectors. Both agents presented counterfeit driver's licenses and were allowed to cross into the United States.

U.S. Border Crossings from Canada

On three occasions our agents crossed the border from Canada into the United States. The first border crossing occurred when two agents entered the United States through a sea port of entry from Canada. On that occasion, the agents were not asked to show identification. On a subsequent occasion, two agents, driving a rented car with Canadian plates, using fictitious names and counterfeit documents, crossed the border into the United States at a Canadian border crossing. A BCBP

immigration inspector asked for identification and was provided the counterfeit documents. After the inspector reviewed the documents, the agents were allowed to cross the border.

During the Canadian land border crossing, the agents discovered a further potential security problem. A park straddles the U.S. and Canada at this border crossing. One of our agents was able to walk across this park into the United States from Canada without being stopped or questioned by any U.S. government official. Later, that agent walked back to Canada through this park without being inspected by Canadian authorities.

Conclusion

We recognize that weaknesses in inspection processes for entrants into the United States raise complex issues, and we are currently performing an evaluation of those processes, which will be reported to Congress in the coming months.³ Although BCBP inspects millions of people who enter the United States and detects thousands of individuals who attempt to enter illegally each year, the results of our work indicate that BCBP inspectors are not readily capable of detecting counterfeit identification documents. Further, people who enter the United States are not always asked to present identification. While current law does not require that U.S. Citizens who enter the U.S. from Western Hemisphere countries provide documentary proof of U.S. citizenship, this does provide an opportunity for individuals to enter the United States illegally.

Mr. Chairman, this completes my prepared statement. We will be pleased to respond to any questions you or other members of the committee may have at this time.

³ This evaluation of the inspection process is being performed pursuant to the Illegal Immigration Reform and Immigration Responsibility Act of 1996.

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