

9 FAM APPENDIX L, 200 THE AUTOMATED BIOMETRIC IDENTIFICATION SYSTEM (IDENT)

*(CT:VISA-1015; 09-12-2008)
(Office of Origin: CA/VO/L/R)*

9 FAM APPENDIX L, 201 WHAT IS IDENT?

(CT:VISA-1015; 09-12-2008)

- a. The Department of Homeland Security (DHS) Automated Biometric Identification System (IDENT) is the world's largest biometric database. IDENT is a fingerprint matching system for rapid biometric identification of subjects. IDENT was developed in 1995 to assist the Border Patrol in identifying illegal aliens with multiple attempts at illegal entry (Recidivists). Since then, IDENT has grown and currently supports a variety of users for both enforcement and immigration business processes.
- b. IDENT users submit fingerprint transactions (up to 225 thousand per day) that search all of the IDENT fingerprint records. Depending on the specific business process, the record may also be enrolled into a searchable IDENT database. The IDENT records are physically divided from a fingerprint matcher perspective into two separate matcher components; Watchlist and Unified IDENT. The Watchlist contains fingerprint records for high priority subjects such as terrorists and wanted criminals. The Unified IDENT database contains all other IDENT records, such as the Biometric Visa (BioVisa) and the U.S. Visitor and Immigrant Status Indicator Technology Program (US-VISIT) enrollments.

9 FAM APPENDIX L, 202 WHICH DATABASES ARE SEARCHED AFTER PRINTS ARE SUBMITTED?

(CT:VISA-1015; 09-12-2008)

- a. Once the prints are submitted, they are searched against the IDENT fingerprint system for potential matching records. Under the Unified IDENT Program, IDENT consolidated its databases into the Unified IDENT Database and the Watchlist Database. The Unified IDENT Database contains all the fingerprints collected at posts under the BioVisa Program

and the Border Crossing Card Program, as well as all the fingerprints collected at ports of entry (POEs) by persons traveling with visas issued prior to the BioVisa Program. The Unified IDENT Database also contains all the fingerprints collected at POEs from Visa Waiver Program (VWP) travelers.

b. In addition, the Unified IDENT Database contains the following:

- (1) Fingerprints collected by the Border Patrol from persons apprehended along the land borders, which are generally referred to as recidivist fingerprints;
- (2) Fingerprints collected by U.S. Citizenship and Immigration Services (USCIS) from persons applying for benefits, such as persons applying to adjust status to that of legal permanent resident;
- (3) Fingerprints collected by USCIS for persons applying for Asylum or for Refugee status;
- (4) Fingerprints collected from persons under the National Security Entry Exit Registration System (NSEERS); and
- (5) Fingerprints collected under various DHS programs called credentialing programs, such as the NEXUS Program on the northern border, the SENTRI Program on the southern border, the FAST Program for commercial truck drivers, the USPass Program for registered travelers, the Alien Flight School Program (AFS) for persons attending flight schools in the United States, and the Aviation Worker Program (AVW) for persons working at airports in the United States.

c. The Watchlist database includes:

- (1) Known or suspected terrorists;
- (2) Wanted persons;
- (3) Deported felons and other immigration law violators;
- (4) Sexual registrants;
- (5) Interpol records;
- (6) California Department of Justice (DOJ) records;
- (7) Records from the Los Angeles (LA) County sheriff's office;
- (8) DHS gang-related activity records;
- (9) Department of Defense (DoD) records; and
- (10) Category One refusal cases.

9 FAM APPENDIX L, 203 HOW LONG DOES IT TAKE FOR IDENT RESULTS TO BE RECEIVED?

(CT:VISA-1015; 09-12-2008)

Fingerprint data is sent to IDENT immediately after you have saved the prints and returned from the TPLS fingerprint screen back to nonimmigrant visa (NIV) or Immigrant Visa Overseas (IVO). Once the IDENT request has been submitted, IDENT searches its databases for matches. A turnaround time of fifteen minutes to a half an hour can normally be expected to receive the results. In the event that IDENT is uncertain of whether a direct match has been located, the applicant's prints are sent with the possible matching prints to a fingerprint examiner for review. The examiner reviewing the prints determines whether there is a match and returns the results to the post. If this is the case, IDENT will send a clearance status message of "DHS Review Pending" to indicate that further DHS processing is occurring. This review process is normally accomplished in a matter of hours, but could take up to 24 hours.

9 FAM APPENDIX L, 204 WHEN CAN VISAS BE PRINTED?

(CT:VISA-1015; 09-12-2008)

The NIV system will allow the print authorization to occur without the IDENT check having returned. However, each NIV case will be held by the system until its IDENT check has been processed. If an officer has already approved the case, it will automatically be cleared for printing if the response is No Record and the namechecks are not expired and any other clearances associated with the case have been processed. Cases that are pending IDENT response or that have a hit can be found in a separate queue in the clearance window to be viewed. Once they are adjudicated as No Record, Waived, or Not Adverse, the system will allow the visa to be printed. However, the IV system will not allow print authorization until the results have been returned.

9 FAM APPENDIX L, 205 WHEN SHOULD IDENT RESULTS BE REVIEWED?

(CT:VISA-1015; 09-12-2008)

Officers should review their own hits. If the results are available at the time of the interview, the interviewing officer should review the results to look for any Watchlist or Recidivist hits, and also any US-VISIT records, which

provide travel history for the applicant that may be useful in adjudication. If your post collects the prints at the time of interview, you should review the IDENT results as soon after the interview as possible. This allows you to see the results while the interview is still fresh in your mind, in case any information from the travel history may prove relevant. For example, if an applicant claims to have used a previous visa for only one tourist visit, but the IDENT results reveal many trips to the United States, you will know the applicant misrepresented the travel history, which could be an important factor in adjudication.

NOTE: You may adjudicate cases prior to receiving and processing IDENT and Facial Recognition (FR) clearances if necessary. However, all responses associated with the case must be processed and approved before the visa can be printed.

9 FAM APPENDIX L, 206 WHAT DO IDENT CLEARANCE STATUSES MEAN?

(CT:VISA-1015; 09-12-2008)

The Clearance Status Code will allow the progress of IDENT submissions to be monitored. The codes can be viewed on the Applicant Clearance window, the Clearance window, and the Print Authorization window. Following is an explanation of all Clearance Status Codes.

- (1) **Transmitted** - The submitted fingerprint records have been sent to the IDENT database to be checked for matches. The status will change after IDENT has finished searching the databases.
- (2) **Package Received** - The fingerprint package has been transmitted and received at DHS. After IDENT has finished searching the database, the status will update to indicate the search findings.
- (3) **Resub Requested** - The package that was transmitted cannot be processed at DHS. This may be due to a variety of reasons, including a problem with the transmission to DHS. If the problem is with the fingerprint quality, the applicant may have to be re-fingerprinted.
- (4) **Resub Completed** - The package has been retransmitted to DHS. A new IDENT request record will have been sent under a new transmit/request ID. The new IDENT clearance will start back on status of "TRANSMITTED". Processing of the IDENT clearance will proceed under the new clearance.
- (5) **No Record** - If IDENT does not find any fingerprint records in the database that match those of the applicant's, a status of No Record will be returned. You may continue with visa issuance if there are

no other ineligibilities.

- (6) **Pending Review** - If IDENT finds a match to the applicant's fingerprint record that must be reviewed by an officer, a status of Pending Review is returned. You must review Data Mismatch, Recidivist and Watchlist hits and adjudicate them as Adverse, Not Adverse, or Waived before issuing a visa. US-VISIT/BioVisa (USV/BV) hits do not need to be reviewed and can be mass adjudicated without opening the case.
- (7) **DHS Review Pending** - IDENT has sent possible matches to a fingerprint examiner for further review. The examiner will send any records that are determined to be matches back to you.
NOTE: At that time the status will change to Pending Review, indicating that the response is ready for officer review. You can expect to receive results (or a No Record response if no match was found) from the examiner on the next business day in this situation.
- (8) Not Adverse - Hit information has been returned from the IDENT database that does not affect visa eligibility (for example, BioVisa records). You can continue with visa issuance. This code indicates that an officer has taken some action on the case.
- (9) Adverse - Hit information has been returned that would lead to a visa ineligibility (for example, Watchlist records). Derogatory information that does not lead to a visa ineligibility (for example, driving under the influence of alcohol (DUI)) should not be adjudicated as Adverse. This code indicates that an officer has taken some action on the case. Once Adverse has been selected, you cannot go back and change the adjudication status. To change the status, the case will have to be resubmitted. Unless the applicant obtains a waiver, you must refuse the visa.
- (10) **Waived** - Adverse information has been returned, but an officer or the applicant has obtained a waiver.
- (11) **Watchlist Promote** - The applicant's record has been promoted from the US-VISIT Database to the Watchlist Database. There are two ways a record can be promoted. If an officer adjudicates a case as a Category One refusal, IDENT automatically promotes the fingerprints to the Watchlist. The other way a file can be promoted is when new fingerprints, normally from the Federal Bureau of Investigation (FBI), are added to IDENT. The IDENT system checks the new prints against all prints already in the US-VISIT Database, and if there are any matches to the newly added prints, the record will be promoted to the Watchlist and a Watchlist Promote will be sent to the post that originally submitted the prints that have been promoted. Consular officers will see new Watchlist Promotes on the

System Messages window when they log in to NIV. They can also query for a list of Watchlist Promotes from the Clearance window. Upon receipt of a Watchlist Promote, post should first check to see if the Promote is for a case that post submitted to IDENT as a Category One refusal. If it is, there is no further action to be taken by post. If the Watchlist Promote was not caused by post submitting a Category One refusal, post should resend the prints to IDENT to obtain the Watchlist record that will indicate the reason for the Watchlist Promote. In most cases, the Watchlist Promote will be because an FBI Wanted Person record matched the visa applicant fingerprints. If that is the case, post should run a check in CLASS using the name of the person on the Watchlist record in IDENT to see if the FBI record is there with the crime for which the person is wanted. If it is a crime involving moral turpitude, post should initiate visa revocation procedures.

9 FAM APPENDIX L, 207 ADJUDICATING IDENT HITS

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IDENT hits can be adjudicated after reviewing response codes and result types. Presently, officers are required to review hits if they plan on adjudicating the visa based on the IDENT results. If the applicant is being refused on a basis other than IDENT results, you are not required to review hits.

9 FAM Appendix L, 207.1 Where can I adjudicate the hits?

(CT:VISA-1015; 09-12-2008)

The IDENT Hit Adjudication window allows you to review the IDENT clearance status and responses as well as the corresponding details and biographical data. From this window, the hits may be adjudicated. The top section of the window shows the applicant's photo and biographical data. Below the applicant data, each IDENT hit is listed.

9 FAM Appendix L, 207.2 What are the IDENT Response Codes?

(CT:VISA-1015; 09-12-2008)

- a. Response codes allow users to see what kind of hit has been returned and thus, how to proceed with adjudication. Below is an explanation of each

response code, as well as an explanation on how to proceed with adjudication in each case.

b. Response Codes not necessary to review:

- (1) **Package Received** - The fingerprint package has been transmitted and received at DHS. After IDENT has finished searching the database, the status will update to indicate the search findings.
- (2) **Resub Requested** - The package that was transmitted cannot be processed at DHS. This may be due to a variety of reasons, including a problem with the transmission to DHS. If the problem is with the fingerprint quality, the applicant may have to be re-fingerprinted.
- (3) **No Record** - The IDENT database did not find any fingerprints that matched those of the applicant. You may continue with visa issuance if there are no other ineligibilities.
- (4) **DHS Review Pending** - Potential matches have been sent to DHS fingerprint examiners for further review. The examiner will send any records that are determined to be matches to the officer. At that time the status will change to Post Pending. You can expect to receive results from the examiner within 24 hours in this situation.
- (5) **USV/BV** - Information has been returned from the US-VISIT database with only BioVisa encounters and/or US-VISIT entry or exit encounters. The surname and date of birth on the US-VISIT entry and exit records match that of the applicant's. The surname, given name, and date of birth of BioVisa encounters match that of the applicant's. These responses are not in themselves adverse and can be mass adjudicated by highlighting all of them and clicking **Not Adverse**. Clicking on the case to open it will tell you the Encounter Type for the hit. Without opening the case, there is no way to know the Type.

c. Response Codes that must be reviewed:

- (1) **USV/BV/APP** - Information has been returned from the US-VISIT database that includes APP hits or credentialing encounters but does not include watchlist or recidivist encounters. The surname and date of birth on the US-VISIT entry and exit records match that of the applicant's. The surname, given name, and date of birth of other encounter types (for example, BioVisa) match that of the applicant's. You must review all hits with this response code because the APP or credentialing encounters may provide information that would affect visa eligibility.
- (2) **Data Mismatch** - Information has been returned from the US-VISIT database and the biographic data does not match. You must

review all hits with this response code to ensure identity fraud has not occurred.

- (3) **Watchlist** - At least one Watchlist hit was returned from IDENT. You must review all Watchlist hits.
- (4) **Recidivist** - At least one Recidivist hit was returned from IDENT. Most Recidivist records were created by the Border Patrol for persons apprehended along the southern border. Some Recidivist records were created at POEs for persons who were not admitted to the United States. (See 9 FAM Appendix L, 208 on Recidivists in IDENT Encounter Types for information on how to process Recidivist hits.)

9 FAM APPENDIX L, 208 WHAT ARE THE IDENT ENCOUNTER TYPES?

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Encounter Types indicate where the hit originated. Encounter Types can only be seen by clicking on the Response Code to open the case. They can be viewed on the Hit Adjudication window, in the Type field on the blue bar. The Encounter Types are:

- (1) **BIOVISA** - This response indicates that the applicant has previously applied for a visa or border crossing card (BCC) at a post and was fingerprinted. BioVisa encounters are usually not considered derogatory. BioVisa encounters would normally appear under a USV/BV response or USV/BV/APP response. However, some BioVisa encounters may have a Category One refusal associated with it in which case they would be returned under a Watchlist response. An indication of Category One refusal will appear in the comment on the encounter.
- (2) **US-VISIT ENTRY** -The applicant has previously visited the United States and has been entered into the US-VISIT database. If this encounter type appears with a Data Mismatch response, you should check the name and date of birth against the applicant's to ensure that the applicant did not enter the country under a different name. If this encounter type appears in connection with a USV/BV hit, it may be mass adjudicated without being reviewed by highlighting the records with the Response Code of USV/BV and clicking the Not Adverse button. This will change the Clearance Status code to **Not Adverse**.
- (3) **US-VISIT EXIT** - The applicant registered fingerprints upon departure from the United States. These hits should be processed

the same way as US-VISIT ENTRY hits.

- (4) **Credentialing Programs** - Credentialing programs under the heading Global Enrollment System (GES) are primarily for frequent travelers to facilitate processing at land POEs. Following is a list of credentialing programs and their acronyms, which appear as the Encounter Type in an IDENT hit. Hits against these programs will be returned under the response code USV/BV/APP if the surname, given name, and date of birth (DOB) matches the applicant's, and should not in themselves be considered adverse. They may also appear under Data Mismatch if the biographic data does not match. The credentialing encounter types indicate which credentialing program it came from:
- (a) **GES** - Global Enrollment System, which includes NEXUS, SENTRI, and FAST programs on land borders;
 - (b) **AFS** - Alien Flight Student Program, for persons attending flight schools in the United States;
 - (c) **AVW** - Aviation worker, including persons working at airports in the United States; and
 - (d) **USP** - USPass, a registered traveler program developed by Customs and Border Protection.
- (5) **SAR (Special Alien Registrant)** - This hit indicates that the applicant has registered in the National Security Entry Exit Registration System (NSEERS) program. NSEERS records should not be considered derogatory.
- (6) **ASY** - This hit indicates that the applicant has previously applied for asylum in the United States. While these hits are not necessarily derogatory, they require review. Officers should begin by asking the applicant for an explanation of their previous application to USCIS for asylum, which may lead to information useful in visa application adjudication.

Applying for asylum indicates that the applicant did not have a permanent residence abroad that that applicant had no intention of abandoning. Unless circumstances have changed since the time of application, the applicant would be ineligible under 214(b) for a B, E, F, J, H2/H3, M, O-2, P, Q, or TN visa, which requires that the applicant have a residence abroad and have no intention of abandoning it. When adjudicating visa applications involving a previous asylum application, if the application cannot be resolved without reference to information from the asylum application file, the file should be requested from the DHS liaison officer at post or the regional DHS liaison officer. Requests for asylum application files should include the name, DOB, nationality, and "A" number,

which is the number in the OCA ID field on the IDENT record.

- (7) **APP (CIS Applicant)** - This hit indicates that the applicant has previously applied to U.S. Citizenship and Immigration Services (USCIS) for a benefit (for example, permanent residence, naturalization, or refugee status). While these hits are not necessarily derogatory, they should be reviewed. Officers should begin by asking the applicant for an explanation of their previous application to USCIS, which may lead to information useful in adjudication.

Applying for status as a permanent resident, naturalization, or for classification as a refugee indicates that the applicant did not have a permanent residence abroad that the applicant had no intention of abandoning. Unless circumstances have changed since the time of application, the applicant would be ineligible under INA 214(b) for a B, E, F, J, H2/H3, M, O-2, P, Q, or TN visa, which requires that the applicant have a residence abroad and have no intention of abandoning it.

When reviewing permanent residence and naturalization application cases, if the application cannot be resolved without reference to information from the permanent residence or naturalization application file, the file should be requested from the DHS liaison officer at post or the regional DHS liaison officer. Requests for permanent residence or naturalization application files should include the name, DOB, nationality, and "A" number, which is the number in the OCA ID field on the IDENT record. When reviewing refugee application cases, if the case cannot be resolved without referring to the refugee application file, it can be obtained from the Help Desk of the Bureau of Population, Refugees, and Migration (PRM) Refugee Processing Center (RPC) in Washington (phone: 703-907-7250, and e-mail: help@wrapsnet.org), which is staffed 0600-2200 Monday through Thursday, 0600-1800 on Friday, and closed on weekends. Inquiries to RPC should include name, DOB, nationality, and "A" number, which is the number in the OCA ID field on the IDENT record. As usual, you should look for identity fraud. In addition, you should ensure that there is no potential illegal activity. A person who is already a permanent resident should not be applying for a nonimmigrant visa.

- (8) **RECIDIVIST (sometimes BP, RR, or RC)** - Most Recidivist records were created by the Border Patrol for persons apprehended along the southern border. Some of these hits contain comments about when and where the person was picked up by the Border Patrol, but some do not have comments. The great majority of persons picked up by the Border Patrol who identify themselves as

Mexican citizens are processed as voluntary returns (VR) to Mexico, which means they are brought to the border and returned to Mexico. Some persons who are not in fact Mexican nationals, but who tell the Border Patrol that they are, may be returned to Mexico. Consular officers should remember that a voluntary return does not create a visa ineligibility per se. However, a hit on a Recidivist fingerprint record entered by the Border Patrol is normally evidence that a person has previously entered the United States illegally, without inspection at a POE. This evidence should be taken into consideration in adjudicating the visa application, in particular in determining whether section 214(b) of the Immigration and Nationality Act (INA) should apply.

Some Recidivist records were created at POEs for persons who were not admitted to the United States. If the comment field of the IDENT hit does not explain the reason for the Recidivist record and the consular officer needs this information, the record should be requested from the DHS liaison officer at post or the regional DHS liaison officer.

- (9) **LO (WATCHLIST)** - This hit category must always be reviewed. The IDENT Watchlist database includes known or suspected terrorists, immigration law violators, sexual registrants and some other persons with FBI criminal history records, some persons with criminal history records with the California DOJ and the LA County Sheriff's Office, and Category One visa refusals. All Watchlist cases that refer to an FBI file should result in the RAP sheet being returned with the IAFIS check.

9 FAM APPENDIX L, 209 WATCHLIST SPECIAL CASES

(CT:VISA-1015; 09-12-2008)

- a. **Interpol** - Interpol hits will be returned as type Watchlist and will have in the Comment Field: THE SUBJECT MAY BE AN INTERNATIONAL CRIMINAL AND/OR OF RECORD WITH INTERPOL. CONTACT INTERPOL WASHINGTON, DC AT (202) 616-3900 FOR ADDITIONAL INFORMATION AND REFERENCE CASE NUMBER XXXX.
- b. Such cases should be immediately referred to the regional security officer (RSO) or the Legal Attaché (Legatt) for assistance in obtaining background information from Interpol. You should coordinate with the RSO and Legatt on the handling of all Interpol cases.
- c. **Known or Suspected Terrorists (KSTs)** - Hits on one type of KST will be returned to officers as a Watchlist hit with a Comment Field that will

read: SUBJECT POSES A NATIONAL SECURITY RISK, DETAIN AND REVIEW SUBJECT'S FBI NUMBER XXXX. IMMEDIATELY CONTACT THE WIN/IAFIS CENTER AT 619-662-7003 TO CONFIRM IDENTITY.

- d. However, you may ignore instructions to contact the WIN/IAFIS Center and about detaining the applicant, since those instructions are for DHS officials encountering the individual in the U.S. Terrorist cases should be immediately referred to the RSO or the Legal Attaché for assistance. You should process these cases by following procedures in place for wanted persons, including sending fingerprints to the FBI through IAFIS and checking with concerned law enforcement agencies for information on the case. The IAFIS response for such cases will normally state: AG Directive, suspected foreign terrorist – National Counterterrorism Center (NCTC). You will also have to send in Visas Donkey requests for a Security Advisory Opinion (SAO), if visa issuance is under consideration.
- e. Hits on another type of possible KST will be returned to officers as a Watchlist hit with a Comment Field that will read: USE CAUTION. DO NOT ALERT THIS SUBJECT TO THIS RECORD. APPROACH WITH CAUTION. MANDATORY SECONDARY, WHETHER OR NOT CBP OFFICER OR PATROL AGENT BELIEVES THERE IS AN EXACT MATCH. SUBJECT OF THIS RECORD WAS ENCOUNTERED BY US MILITARY FORCES IN THE PERSIAN GULF REGION. CALL THE NATIONAL TARGETING CENTER IMMEDIATELY (703-621-7700) AND REFERENCE "NGIC HIT" WHILE SPEAKING TO NTC REPRESENTATIVE AND PROVIDE BAT GUID {09999999-9DB9-999E-99F9-DEC9BED9CCED}. (The BAT GUID number used here is, of course, just for illustrative purposes.)
- f. The IDENT Watchlist has added over 100,000 fingerprint files of persons encountered by U.S. military, primarily in Iraq and Afghanistan. Most of these persons have derogatory information in their files, which are maintained at the U.S. Army National Ground Intelligence Center (NGIC) in Charlottesville, Virginia. However, some of these persons are under contract by the U.S. Government and were fingerprinted for benign reasons, such as to allow access to U.S. military bases and facilities (see next item on DoD Persons of Interest). Whenever a visa applicant's fingerprints match a record in IDENT with the comment given above, post should follow the directions and call the National Targeting Center (NTC), which is a 24/7 operation under the direction of U.S. Customs and Border Protection. Post should provide NTC with the BAT GUID number. NTC will then check with NGIC and inform post whether or not there is derogatory information on file about the person. If NTC informs post there is no derogatory information on file, post should note that in the Case Memo and may consider that IDENT Watchlist hit to be cleared. If NTC reports that there is derogatory information on file at NGIC about the person, post should send in a Visas Donkey request for a Security Advisory Opinion (SAO) citing the BAT GUID number and reporting that

NTC informed post there is derogatory information in the file.

NOTE: If post does not obtain a satisfactory reply when calling NTC, post should send an e-mail to the Post Liaison Officer in the Post Liaison Division (CA/VO/F/P) with a request to take the case up with the State Department representative at NTC.g. Department of Defense – Person of Interest. There are some IDENT Watchlist cases that say in the Comment field: Derogatory Information ** Department of Defense – Person of Interest.** For these cases, there will be no BAT GUID number provided. Posts should paste a screen shot of the IDENT hit into an email and send it to BSCDeptofState@DHS.gov. The email must have the subject line: DoD Person of Interest. The text of the email should state: please provide any available derogatory information about the person in the attached IDENT Watchlist record.

NOTE: these records are often for persons who were fingerprinted to allow access to a U.S. military base or facility. Nevertheless, post must get a clearance back on these cases before a visa may be issued. If DHS reports that there is no derogatory information on file about the person, post should note that in the Case Memo and consider the IDENT Watchlist hit to be cleared.

9 FAM APPENDIX L, 210 WHAT RESULTS IN A DATA MISMATCH RETURN?

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Possible instances of data mismatch can occur because of a variety of reasons. It is important to look for both instances of identity fraud and cases where human error has caused the hit to be returned as a data mismatch. Below are examples of why a data mismatch has been returned, with instructions on how to proceed.

9 FAM Appendix L, 210.1 Identity Fraud

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Officers should always check for instances of identity fraud. Identity fraud might be involved in cases in which the photo in IDENT matches the applicant, but the biographical data is clearly and **intentionally** different. If the applicant has intentionally used travel documents in two different names, the case should be processed in accordance with guidance in 9 FAM 40.63 N6.3-3 to determine if there is visa ineligibility for fraud under INA 212(a)(6)(C)(I).

9 FAM Appendix L, 210.2 Data Entry/Spelling

Errors

(CT:VISA-1015; 09-12-2008)

It may also happen that there are slight spelling differences in an applicant's biographic data. For example, the Romanization of an applicant's name may differ slightly, causing a hit to be returned as a data mismatch. Data entry errors, such as inverting the date of birth of an applicant, can also cause a data mismatch return. These instances should be relatively obvious and can be adjudicated as Not Adverse.

9 FAM Appendix L, 210.3 US-VISIT Entry/Exit Data Wrong

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Occasionally, an applicant's fingerprints are inadvertently associated with the biographical data, and sometimes the photo also, of another traveler at a POE. This is the most common type of US-VISIT Entry data mismatch. In addition, there have been cases where US-VISIT Exit cameras have captured photos of the wrong traveler upon departure. If an officer receives an Entry or Exit return with the wrong biographical data/photo and there is no reason to suspect fraud, the officer should report the case to DHS so that the incorrect data may be removed from the system. (See 9 FAM Appendix L, 211 for instructions on how to report cases to DHS.) In such cases, the visa may be issued, if the applicant is otherwise eligible.

9 FAM APPENDIX L, 211 REMOVING INCORRECT US-VISIT INFORMATION FROM IDENT

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When the wrong photo and/or biographical data are associated with an applicant at a POE or at a US-VISIT Exit kiosk, the incorrect data needs to be removed from the applicant's file. To have misinformation removed from the IDENT database, you should make a screen shot of the case and forward it by e-mail to the IDENT Program Manager at BSCDeptofState@DHS.GOV, with a cc to the post liaison officer in CA/VO/F/P and to the CLOK-VO-I mailbox address. The subject line must be: IDENT: APPARENT ERROR FOR US-VISIT ENTRY (or EXIT). You should explain that the screen shots show a US-VISIT Entry or Exit record for a visa applicant containing incorrect biographical data and photo, if applicable, and request that the incorrect data be removed from IDENT.

9 FAM APPENDIX L, 212 HOW DO YOU REQUEST A SECOND REVIEW ON AN IDENT HIT?

(CT:VISA-1015; 09-12-2008)

- a. Occasionally, you may receive an IDENT misidentification. A clear indication of a misidentification is if the hit photo does not match the visa applicant's photo. Biographical information different from the applicant's does not mean the hit is a misidentification.
- b. If you feel misidentification has occurred, you should send the case back to the DHS examiners for a second review. However, you should not be routinely second-guessing the DHS examiners. Sending cases for a second review should happen rarely.
- c. To request a second review, you should capture a screen shot of the applicant data along with the IDENT record and e-mail it to the IDENT Program Manager at BSCDeptofState@DHS.GOV, with a cc to the post liaison officer in CA/VO/F/P and to the CLOK-VO-I e-mail address. The subject of the e-mail must be: IDENT: REQUEST SECOND REVIEW OF POSSIBLE MISIDENTIFICATION. Comments may be added as appropriate; however, the subject line is all that is needed for a second review.
- d. Once the second review request has been sent, a fingerprint examiner will conduct the second review and send the results to post by e-mail. The review will either confirm the original finding of a match or will advise you to disregard the original finding as a misidentification. You may then proceed accordingly.

9 FAM APPENDIX L, 213 HOW ARE CASES DELETED WHEN THE WRONG PERSON IS FINGERPRINTED?

(CT:VISA-1015; 09-12-2008)

- a. On occasion an applicant's fingerprints may be taken by mistake and sent to DHS under a different name. Typically, in this kind of case, the wrong person steps to the interview window and is fingerprinted before the mistake is realized. The prints are then sent under the name of the person who should have been fingerprinted at that time. To prevent this, only one applicant should be allowed at the interview window at a time to be fingerprinted. When the person who was incorrectly fingerprinted is re-printed a second time for his own case, the submission will return a

match for the original, incorrect submission. As a result, there will be a fingerprint file with a Fingerprint Identification Number (FIN) and two cases attached to the file. However, only one case should be attached to the FIN, and the incorrect case must be deleted.

- b. To request a deletion, you should send an e-mail to the CLOK-VO-I mailbox address with the subject line: REQUEST FOR IDENT RECORD DELETION. The text of the e-mail must include a standard opening statement in the following format: for FIN XXXX, delete encounter XXXX because that case was sent in error. Normally, that is all that should be contained in the message, but you may provide additional information if it is deemed necessary. Consular Affairs, Visa Office, Office of Information Management and Liaison (CA/VO/I) collects these e-mails and sends them to DHS once a week for deletions, but officers will not be notified of the deletions. Once the correct fingerprints for the case have been collected, the visa may be issued and the person may travel to the United States. The person will not encounter a problem at the POE because of the incorrect fingerprinting.

9 FAM APPENDIX L, 214 HOW DO YOU REQUEST A SECOND REVIEW ON AN IDENT MISS?

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It may happen that the fingerprints of an applicant for whom the Consular Consolidated Database (CCD) shows a previous BioVisa was issued do not return a BioVisa record from IDENT. This could mean either that the IDENT system failed to match the fingerprints or that the applicant is an imposter using the name and DOB of the previous applicant who was issued a BioVisa. Posts must not issue the visa until this question is cleared up. To clarify such cases, posts should send an e-mail to BSCDeptofState@DHS.GOV, with a cc to the post liaison officer in CA/VO/F/P and to the CLOK-VO-I mailbox address. The subject line of the e-mail must be: IDENT: REQUEST REVIEW OF TWO FINS. You should provide the two FINS (or more, if such is the case) and explain that the CCD shows the same name and DOB for an applicant whose fingerprints did not match in IDENT but returned two different FINS. You should request a review of the two FINS to see if the fingerprints match.

9 FAM APPENDIX L, 215 HOW ARE CASES REMOVED/DEMOTED FROM THE WATCHLIST?

9 FAM Appendix L, 215.1 Removing Cases

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- a. Sometimes cases on the Watchlist do not contain information providing grounds for visa ineligibility. If an officer encounters such a case and is satisfied that no visa ineligibilities exist, a visa may be issued. The officer should inform the applicant that he or she may be sent to secondary inspection at the POE for a review of the case.
- b. The officer should also make a screen shot of the case and forward it by e-mail to the IDENT Program Manager at BSCDeptofState@DHS.GOV, with a cc to the post liaison officer in CA/VO/F/P and to the CLOK-VO-I mailbox address. The subject line of the e-mail must be: IDENT: POSSIBLE REMOVAL FROM IDENT WATCHLIST. You should explain the reason for suggesting that the case be removed from the Watchlist. Thorough case notes should be included to explain why the visa was issued and how it was determined that the IDENT hit was not a bar to issuance.

NOTE: Post may not use this channel to challenge a DHS finding of ineligibility at the POE.

9 FAM Appendix L, 215.2 Demoting a Case

(CT:VISA-1015; 09-12-2008)

- a. The only cases that posts may demote from the Watchlist are cases that were originally refused at post as Category One, but were overcome. When you overcome a Category One refusal of a BioVisa application, you should send a request to IDENT for the case to be demoted from the Watchlist.
- b. To demote a case, take a screen shot and forward it to the IDENT Program Manager at BSCDeptofState@DHS.GOV with a cc to the post liaison officer in CA/VO/F/P and to the CLOK-VO-I mailbox address. The subject line of the e-mail must be: IDENT: DEMOTION OF OVERCOME REFUSAL FROM IDENT WATCHLIST. You should state that the original refusal that placed the case on the Watchlist has been overcome and the case should be demoted. Thorough case notes should also be included to explain why the visa was issued and that a request was sent to IDENT to demote the case.

NOTE: Cases should not be demoted from the Watchlist if the applicant is the beneficiary of a 212(d)(3)(A) waiver.

9 FAM APPENDIX L, 216 WHAT IS THE VISA LOOKOUT ACCOUNTABILITY (VLA) POLICY FOR IDENT?

(CT:VISA-1015; 09-12-2008)

Similar to the CLASS system, the Visa Lookout Accountability (VLA) procedures for IDENT require you to check the Watchlist and Recidivist hits for each applicant and ensure that they contain no basis for a finding of visa ineligibility. The NIV and IVO systems have been programmed so that no visa can be printed until an officer has adjudicated all Watchlist and Recidivist hits and documented a reason a visa was issued despite a Watchlist or Recidivist hit (waiver, SAO response, not the same person, etc.). If you fail to follow the procedures in processing an application for which the system contains adverse information, a VLA violation will occur. For IDENT cases, selection of **Adverse**, **Not Adverse**, or **Waived** when adjudicating a Watchlist or Recidivist hit constitutes certification for VLA purposes.

9 FAM APPENDIX L, 217 WHO IS THE AUTHORITY ON IDENT?

9 FAM Appendix L, 217.1 Policy Authority

(CT:VISA-1015; 09-12-2008)

Any policy related questions may be directed to John G. Cook in the Office of Visa Services (CA/VO) at COOKJG@STATE.GOV.

9 FAM Appendix L, 217.2 Technical/Procedural Authority

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The Consular Affairs Overseas Support Desk should be contacted at supportdeskca@state.gov if you have any technical problems with IDENT or the NIV system.