

9 FAM APPENDIX L, 300 FACIAL RECOGNITION

(CT:VISA-922; 01-10-2008)

(Office of Origin: CA/VO/L/R)

9 FAM APPENDIX L, 301 WHO IS SUBJECT TO FACIAL RECOGNITION (FR)?

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- a. The Facial Recognition (FR) Program check applies to any individual who is exempt from fingerprinting. This includes anyone applying for an A-1, A-2, G-1, G-2, G-3, G-4, C-3 (except for servants, attendants, and personal employees or accredited officials), or NATO-1, NATO-2, NATO-3, NATO-4, NATO-5 and NATO-6 category visa, as well as those coming to the United States for emergency medical treatment, and applicants age 13 and under (6 and under for Mexican nationals) or age 80 and over. FR checks will be forced when you waive fingerprinting of applicants from Taiwan (Tegro-E applicants), Hong Kong, the Palestinian Authority, and North Cyprus (TRNC) applying for official or diplomatic visas.
- b. Members of a permanent observer mission or office to the United Nations (UN) who are granted B visas by virtue of their status with the UN and their family members who are granted B visas for the purpose of accompanying the members are also exempt from fingerprinting and thus subject to FR.
- c. Natives and nationals of the following countries have also been selected to participate in the FR program: Albania, Angola, Antigua and Barbuda, Armenia, Azerbaijan, Barbados, Belarus, Belize, Benin, Bermuda, Bhutan, Bolivia, Bosnia-Herzegovina, Botswana, Brazil, Brunei, Bulgaria, Burkina Faso, Burma, Burundi, Cambodia, Cameroon, Cape Verde, Cayman Islands, Central African Republic, Chad, Congo-Brazzaville, Congo-Kinshasa, Croatia, Colombia, Cyprus, Czech Republic, Dominica, Dominican Republic, East Timor, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Gabon, Georgia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Israel, Ivory Coast, Jamaica, Kazakhstan, Kenya, Kiribati, Kyrgyzstan, Laos, Latvia, Lesotho, Liberia, Lithuania, Macedonia, Madagascar, Malawi, Maldives, Mali, Malta, Mauritania, Mauritius, Moldova, Mongolia, Montenegro, Mozambique, Namibia, Nepal, Nicaragua, Niger, Nigeria, Panama, Papua New Guinea, Philippines, Romania, Russia, Rwanda, Samoa, Senegal, Serbia, Sierra

Leone, Slovakia, South Africa, Sri Lanka, Suriname, Swaziland, Tajikistan, Tanzania, Thailand, The Gambia, Togo, Tonga, Trinidad and Tobago, Turkey, Turkmenistan, Turks and Caicos Islands, Tuvalu, Uganda, Ukraine, Uruguay, Uzbekistan, Vanuatu, Venezuela, Zambia, and Zimbabwe.

- d. Each applicant is required to submit a recent photograph taken within the last six months. During the visa application data entry process, digital photos are taken of the photos provided by applicants and the digital photos are entered into the visa systems. At all posts in Mexico, each applicant is required to have a live-capture photo taken at the time of application, regardless of nationality.

9 FAM APPENDIX L, 302 WHAT ARE THE PHOTO STANDARDS?

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Applicant photos must meet specific standards to be accepted by the FR software. It is important that the photo shows the applicant's entire face. In addition, the eyes must be open, and the photo must be of a front view. The head should be centered and should take up at least half, but no more than two thirds, of the picture. The applicant should have a neutral facial expression and the background of the photo should be plain white or neutral. The photo should be good quality; grainy photos, overexposed photos or photos that are too dark are not acceptable. If the applicant is wearing eyeglasses, there should not be any glare from the lenses. Please see 9 FAM 41.113 PN1.2 Photo Requirements for the machine readable visa (MRV) for more detail.

9 FAM APPENDIX L, 303 WHAT DATABASES DOES FACIAL RECOGNITION (FR) CHECK?

(CT:VISA-922; 01-10-2008)

The Facial Recognition program checks the photos against two databases -- the Watchlist Gallery and the Photo Gallery. The Watchlist Gallery contains photos from the National Counterterrorism Center. The Photo Gallery is a database of previous visa applicant photos, including Category One and Two Refusals.

9 FAM APPENDIX L, 304 WHAT IS A FACIAL RECOGNITION (FR) REQUEST?

(CT:VISA-922; 01-10-2008)

After the photo has been digitally captured by provided camera equipment and entered into the visa system, an FR request may be sent. The request process submits the photos to be checked against the Watchlist and Photo Gallery databases. FR requests are sent automatically if the applicant's fingerprints have been waived, or if the nationality triggers an FR check. FR requests may also be manually sent if they are not automatically sent.

9 FAM APPENDIX L, 305 HOW DO YOU SUBMIT A FACIAL RECOGNITION (FR) REQUEST?

9 FAM Appendix L, 305.1 Submitting a Nonimmigrant Visa (NIV) Facial Recognition (FR) Request

(CT:VISA-922; 01-10-2008)

- a. To have an FR request automatically submitted, capture and save the photo. Applicants exempted from fingerprinting and those who fall under other mandatory FR criteria will be automatically submitted for an FR check by the NIV software.
- b. If an applicant meets the criteria to have fingerprinting waived, you must then waive the fingerprints by clicking the **Waive Finger** button and selecting the grounds for the waiver from the menu. The FR request will then be sent (if it was not already sent automatically).

NOTE: Changing information in the biographical data fields or submitting a new photo will cause the FR request to be automatically retransmitted.

- c. To submit a manual request when an FR check was not automatically performed, open the applicant record in either the **Print Authorization** or **Applicant Information** window, select **Actions** from the drop-down menu, and then **FR Clearance Request**.
- d. To retransmit a request manually, open the record in the **NIV Clearance** window, then click the **Retransmit** button. This will update the status to **Resub Completed**.

9 FAM Appendix L, 305.2 Submitting an Immigrant Visa Overseas (IVO) Facial Recognition (FR) Request

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- a. To have an IVO FR request automatically sent, select **FR** from the Clearance type drop-down list on the IVO Clearance window. Open the **Case/App** window and retrieve the applicant's record. Complete and validate the Visa Info tab. Click the **Biometrics** button on the secondary toolbar, then capture and save the photo. The FR request is sent automatically if the applicant is exempt from the fingerprinting requirement or if the applicant's nationality triggers an FR check.

NOTE: Changing information in the biographical data fields or submitting a new photo will cause the FR request to be automatically retransmitted.

- b. FR requests can be sent manually for cases where fingerprints have been captured and FR was not automatically performed. To manually request an FR clearance, open the **Case/App** window and retrieve an applicant's record. Click the **Biometrics** button on the secondary toolbar. Select the **Resend** button in the lower-right corner of the screen.

9 FAM APPENDIX L, 306 HOW DO YOU CHECK THE FACIAL RECOGNITION (FR) REQUEST STATUS?

9 FAM Appendix L, 306.1 Checking a Nonimmigrant Visa (NIV) Facial Recognition (FR) Request Status

(CT:VISA-922; 01-10-2008)

The status of the NIV FR Request can be reviewed through the BioCapture window, Applicant Information window, the Clearance window or the Print Authorization window. All statuses shown from these are only summaries. To see the details and to adjudicate the case, you must view the case through the Consular Consolidated Database (CCD). (See the NIV User's Manual for steps on how to review information in the CCD.)

9 FAM Appendix L, 306.2 Checking an Immigrant Visa Overseas (IVO) Facial Recognition (FR) Request Status

(CT:VISA-922; 01-10-2008)

The FR Request Status for an IVO applicant can be reviewed in the Case/App window, Clearance window, the Print Functions window, or the BioCapture window. (See the IVO User's Manual for specific steps on how to review the request status.)

9 FAM APPENDIX L, 307 WHAT DO THE FACIAL RECOGNITION (FR) REQUEST STATUSES MEAN?

(CT:VISA-922; 01-10-2008)

- a. A status of **Resub Requested/Need New Photo** means the FR program cannot enroll the photo in the database. The photo sent does not meet photo standards for FR checks, and a new photo is being requested. As a last resort, a live-capture photo can be taken with the camera equipment provided. In the case of medical emergencies where a new enrollable photo cannot be obtained, you should contact the Consular Affairs (CA) Overseas Support Desk to solve the issue.
- b. Once the FR request has been sent and the photo has been accepted, a status of **Transmitted** is displayed. The applicant's photo has been submitted to the FR program to be checked against the Watchlist and Visa Photo Galleries. If there are any possible matches with scores higher than the threshold, they are returned for review. The threshold for Watchlist Gallery photos is set lower than the visa Photo Gallery threshold.

9 FAM APPENDIX L, 308 WHAT DO THE FACIAL RECOGNITION (FR) CHECK RESPONSES MEAN?

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After the program is finished checking the photo against the Photo Galleries, you will receive one of two initial responses. If no photos in the Galleries matched the applicant photo, you will receive a response of **No Record**. If this is the case, no further steps need to be taken in the FR Program, and you may continue with visa issuance if there are no other ineligibilities. If an NIV/IVO Clearance window displays a status of **PR Pending**, the FR program found some potential matches. **PR Pending** stands for Preliminary Review Pending, and indicates that you must wait until the potential matches are reviewed.

9 FAM APPENDIX L, 309 WHO REVIEWS THE POTENTIAL MATCHES?

(CT:VISA-922; 01-10-2008)

Examiners at the Kentucky Consular Center (KCC) are responsible for

reviewing the returned pictures. The computer program returns to the photo examiner the pictures with scores above the threshold. The examiner makes a determination as to whether one or more of the photos is a valid match to the applicant's photo. The examiner also must determine whether the two photos being matched are the same photo. Review of the case in the CCD will show a **Y** or an **N** next to the **Valid Match** and **Same Photo** fields to indicate the KCC examiner's determinations. Examiners can also enter their own comments in the **Review Comments** field.

9 FAM Appendix L, 309.1 When will Kentucky Consular Center (KCC) Results be Received?

(CT:VISA-922; 01-10-2008)

If your post is in the same time zone as KCC, you may receive their results on the same day the request was sent. However, most posts should expect to receive results on the following day. In some cases, you may receive a computer generated **Auto No Matches** on the same day. KCC has limited staffing on Saturdays and Sundays to accommodate posts that are open on weekends.

9 FAM APPENDIX, L 310 HOW DO OFFICERS REVIEW THE MATCHES?

(CT:VISA-922; 01-10-2008)

- a. After the results have been received from KCC, officers are to conduct a final determination to see if any of the photos returned by KCC are matches. KCC examiners see nothing but the photos when determining possible matches; posts have access to all available data on the two visa cases from which the photos are being compared. Following are basic pointers on determining if a possible match from KCC should be determined to be "Not A Valid Match":
 - (1) If both applicants had fingerprints sent to the Automated Biometric Identification System (IDENT) and IDENT did not return them as a match, that should be considered conclusive evidence that the applicants are not the same person.
 - (2) For photos of young children, consider the current age of the possible matching child when reviewing the case. For example, if the applicant is one year old and the photo of the possible matching child is from an application in 2001, the possible matching child would now be 6 years old, and thus could not possibly be the same person as the applicant.

- (3) For photos of adults, if the possible match is from a different country and the possible match was issued a visa, they are not likely to be the same person. It would be unusual for a person with a valid visa to come to a different country and obtain a different identity to apply for another visa, but the potential reasons for doing so include deportation from the United States, criminal activity, espionage, and terrorism; so close matches should be examined carefully. If the applicant and the possible match are of the same nationality and in the same country, there is much more likelihood that they are the same person. We have already detected cases through FR in which applicants issued visas have applied for additional visas using other identities, but using the same nationality and applying in the same country.
 - (4) The computer scores for the photos can also be considered. The score is located below each photo. The higher the score, the more likely it is the same person. For example, a score of 6 is a close match; a score of 10 is a really good match. But we have seen scores of 12 that are false matches as well as scores below 6 that are valid matches; so these scores are not absolutes. Nevertheless, scores above 25 are almost guaranteed to be matches.
 - (5) Make use of the Detecting Imposters self-instructional guide that can be found on the Consular Affairs Intranet Home Page (Intranet.CA.State.gov) under the left-hand column by clicking on Fraud Prevention (CA/FPP). The guide explains that in comparing facial photos it is best to break the face down into component parts and compare part to part not the whole face, i.e., compare eyes to eyes, ear to ear, nose to nose, shape of face to shape of face.
- b. Review of the matches can be completed by going to the "Biometric Services" section of the CCD and finding the report called "Image Match Lookup." Enter the "Case Create Date," which will normally be the preceding day. Entering the date will bring up a screen showing results for any cases sent on that "Case Create Date." The results are displayed with the following information: visa control number, applicant name, date of birth, nationality, status of the visa case, and FR status. There are five categories in the FR Search Status column: **Waiting To Be Searched, Photo Not Usable, Searched but Not Reviewed, Reviewed No Match Found, and Reviewed Match Found.**

9 FAM APPENDIX L, 311 WHAT ARE THE FACIAL RECOGNITION (FR) RESPONSE CATEGORIES?

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- a. **Waiting To Be Searched** - The photo was transmitted to the CCD and is in a queue waiting to be searched against the Galleries. Even at the busiest times, the photo should only remain in the queue for an hour or less.
- b. **Photo Not Usable** - The photo does not meet the FR technology standards and a better photo must be submitted.
- c. **Searched But Not Reviewed** - The photo has been searched against the Galleries, possible matches have been returned by the computer, but the KCC examiner has not yet reviewed them. If you need to issue the visa on an urgent basis, you should click on this category and conduct the review without waiting for the KCC examiner's results.
- d. **Reviewed No Match Found** - The examiner reviewed the photos and did not find any possible matches. You do not need to click on this category. These cases may be considered cleared and you can proceed with visa issuance if there are no other ineligibilities.
- e. **Reviewed Match Found** - The officer must click on all cases in this category. However, if the visa has already been refused for another ineligibility, there is no need to click on them. Clicking on the case will bring you to the "Possible Matching Images" screen, which will show the applicant's photo on the left followed by the five possible matches ranked by score. Under each photo is listed the corresponding biographic data. The KCC examiner will have marked **Y** next to **Valid Match** for one or more of the photos. The examiner may also have marked **Y** or **N** to denote **Same Photo**, and may have entered comments in the **Review Comments** field. You should review the photos in this category to ensure that they are, indeed, matches.

9 FAM APPENDIX L, 312 HOW ARE VISA POSSIBLE MATCHES FROM THE PHOTO GALLERY HANDLED?

(CT:VISA-922; 01-10-2008)

- a. If the photo marked as a possible match by KCC came from the Visa Photo Gallery, a CCD Biodata check will be performed automatically to compare the possible matching photo's biographic information with the applicant's biographic information before returning the results to post.
- b. If the two sets of biographic information are identical, a clearance status of **Not Adverse/PR Match** will be displayed in the NIV or IVO Clearance window. This can happen since applicants reapply for visas; so it is likely

that their current photo will match photos from previous applications. These cases will not affect visa issuance. No further processing in the FR Program is required.

- c. If the two sets of biographic information are not identical, a clearance status of **Post Pending/Data Mismatch** will be displayed in the NIV or IVO Clearance window. **Data Mismatch** indicates that at least one case has a different name (or name spelling) or date of birth than the applicant. **Post Pending** indicates that you must determine whether the mismatched data is adverse.
- d. Always check for discrepancies in the biographical data. A Data Mismatch does not necessarily mean the case is fraudulent. In many cases, there may be slightly different spellings of the names due to Romanization or data entry errors in previous cases, or an applicant has a changed name due to marriage or divorce. However, there are instances where applicants have fraudulently used different names to apply. If the person has been previously refused, clicking on the visa control number will show the case file and the grounds for refusal. You must then determine if the information affects the adjudication of the visa.

9 FAM APPENDIX L, 313 HOW ARE WATCHLIST GALLERY MATCHES HANDLED?

(CT:VISA-922; 01-10-2008)

If KCC indicates a **Valid Match** or **Same Photo** for a Watchlist Gallery photo, then that photo is automatically returned with a clearance status of **Post Pending/Watchlist**, indicating that the case is ready for officer review. Photos in the Watchlist Gallery do not contain biographic data, so you can only compare the visa applicant photo to the Watchlist photo to make a determination. Photos that you determine to be valid matches against a Watchlist photo must be referred for a Security Advisory Opinion (SAO). You should send these cases in as a Visas Donkey, which should include the standard information as well as the source number for the Watchlist photo.

9 FAM APPENDIX L, 314 HOW ARE THE "POST PENDING" MATCHES ADJUDICATED?

(CT:VISA-922; 01-10-2008)

- a. In the third step of the FR process, you must review all FR cases with a NIV or IVO clearance status of **Post Pending** by clicking on the link to the Image Match Final Review and selecting one of the following:

Adverse, Not Adverse, Not a Valid Match or Waiver of Ineligibility.
Following is an explanation of each category:

- (1) **Adverse** - You have determined that the applicant is the same person as the individual displayed in one or more of the photos and is ineligible for a visa because the FR review revealed an underlying ineligibility. The application will automatically set up the applicant to be refused, which may take up to 15 minutes.
 - (2) **Not Adverse** - You have determined that the applicant is the same person as the individual displayed in one or more of the photos, but is eligible for a visa even though he or she is a match for one or more of the photos returned. A common example of this would be where a match against an earlier NIV application by the same applicant has differences in the biodata that you decided are not attempts at fraud (e.g., using a more complete name in one case, or data entry discrepancies).
 - (3) **Not a Valid Match** - Use this when, even though the initial review (either by KCC or the officer) identified a possible match, further review of the case based on other factors has led to the conclusion that the photo or photos are of different individuals.
 - (4) **Waiver of Ineligibility** - Use this when an FR review revealed an ineligibility, but post obtained a waiver of this ineligibility and a visa will be issued. This should only be used when a refusal was based only on an FR result; this selection should not be used if another ground of ineligibility was found (like a Consular Lookout and Support System (CLASS) hit) and the applicant was made ineligible based on the CLASS hit.
- b. If necessary, you can also click on the **Case ID** link to access full details of the applicant's case and those of the possible matches. When KCC returns to post more than one possible match, there may be different choices for each photo; for example, one may be **Not a Valid Match** and one may be a match but **Not Adverse**. The system will currently only allow you to choose one from the drop-down menu. In a case in which there is more than one choice for the photo, you should note the decision on the other possible matches in the comment field. Also, be sure to check, when applicable, the boxes: "Refusal due to FR results only," or "Refusal Upgraded due to FR results."

9 FAM APPENDIX L, 315 WHAT SHOULD BE DONE IN URGENT SITUATIONS?

(CT:VISA-922; 01-10-2008)

Posts should typically rely on KCC to review the possible matches. However, some urgent situations may make it necessary for officers to review the results on the same day to expedite the process. While the decision that a case is urgent is up to the posts' discretion, posts may not routinely treat all FR clearances as urgent. Adoption cases, however, may always be considered urgent.

9 FAM Appendix L, 315.1 Procedure for Officer Review

(CT:VISA-922; 01-10-2008)

- a. For urgent cases, allow one hour for the FR program to check the photos and then consult the Image Match Review Report in the CCD. There, enter the visa control number for their case. The case will be in one of the five search status categories, most likely **Searched but Not Reviewed (Should this be PR Pending?)**. You are authorized to conduct the review in an urgent case to determine if any photos returned are a match, and if the match has bearing on the adjudication of the application. You must note in the Case Memo field that this was an urgent case for which post conducted the review.
- b. If you determine there are no matches, it can take up to 15 minutes for the response to replicate back to the application and unlock the record so a visa may be printed. If you determine there are possible matches, the update of the case information from the Image Match Review Report is done via the CCD. This only takes a short period of time because the information is processed in the CCD. Once you review the Image Match Final Review Report and determine whether the case is Adverse, Not Adverse, Not a Valid Match or Waiver of Ineligibility, it can take up to 15 minutes for the data to replicate back to the application and unlock the record for final adjudication.

9 FAM APPENDIX L, 316 CATEGORY ONE REFUSAL DIPLOMATIC CASES

(CT:VISA-922; 01-10-2008)

If you discover that a case has a match with a Category One refusal and the application is for a diplomatic or official visa, the previous Category One refusal may be irrelevant to visa eligibility. However, if the applicant has changed names and was not detected by CLASS, request an interview to clarify the matter, or send the case in for an Advisory Opinion (AO), if it involves identity fraud. If the match is a photo provided by another government agency and there is no corresponding visa file in the CCD, send

in a SAO request, citing the source number for the photo in the Watchlist Gallery.

9 FAM APPENDIX L, 317 WHAT IS THE FACIAL RECOGNITION VISA LOOKOUT ACCOUNTABILITY (VLA) POLICY?

(CT:VISA-922; 01-10-2008)

- a. Similar to the CLASS system procedures, the Visa Lookout Accountability (VLA) procedures for the Facial Recognition program require that you check the hits for each applicant and ensure that it contains no basis for exclusion. The NIV and IVO systems have been programmed so that no visa can be printed until an officer has reviewed all Data Mismatch and Watchlist hits, and, where applicable, documented a reason a visa was issued despite a Data Mismatch or Watchlist hit (SAO response, not the same person, etc.). You will also be accountable for any **Not a Valid Match** determinations that you make. If you fail to follow the procedures in processing an application for which the system contains adverse information, a VLA violation will occur. For FR cases, selection of **Adverse, Not Adverse, Waiver of Ineligibility, or Not a Valid Match** when adjudicating a hit constitutes certification for VLA purposes.
- b. Also for VLA purposes, you must properly account for each valid match and same photo case. If the match reveals a Category One ineligibility, you must obtain a waiver before issuing the visa. Issuing a visa without a waiver constitutes a VLA violation. If you override a KCC examiner's decision and choose **Not a Valid Match** for a photo that was determined as a valid match, you will not receive a VLA violation. Officers have the final authority in deciding whether photos are matches. However, you should provide a comment in the Comment field explaining why you have decided that the photos do not match.