



Highlights of [GAO-10-638](#), a report to congressional requesters

## Why GAO Did This Study

American Samoa is a U.S. insular area that operates its customs and immigration programs according to its own laws and independent of the United States. As such, U.S. agencies, such as U.S. Customs and Border Protection, have no roles in operating the customs or immigration programs in American Samoa. U.S. officials have raised questions about how American Samoa operates its customs and immigration programs, and if this introduces any risks to the security of American Samoa or the rest of the United States. GAO was asked to review American Samoa's customs and immigration programs and this report discusses (1) the operations of American Samoa's customs and immigration programs, and (2) the extent to which U.S. and American Samoa agencies have identified potential risks in American Samoa's customs and immigration programs. GAO reviewed available statutes, regulations, policies, and procedures governing American Samoa and U.S. customs and immigration programs. GAO also visited American Samoa and interviewed U.S. and American Samoan officials to obtain insights.

## What GAO Recommends

GAO recommends that DHS, in consultation with the Departments of State and the Interior, conduct a risk assessment to determine the extent and significance of possible risks associated with aliens using false documents to travel to the United States from American Samoa. The agencies' concurred with GAO's recommendation.

[View GAO-10-638](#) or [key components](#). For more information, contact Stephen L. Caldwell at (202) 512-8777 or [CaldwellS@gao.gov](mailto:CaldwellS@gao.gov).

## AMERICAN SAMOA

### Performing a Risk Assessment Would Better Inform U.S. Agencies of the Risks Related to Acceptance of Certificates of Identity

#### What GAO Found

American Samoa operates its own customs and immigration programs, which have separate organizational structures and functions and are based on local laws, regulations, policies, and procedures. Its Customs Division, within the American Samoa Department of Treasury, inspects passengers, baggage, and cargo, and collects excise taxes. The immigration program is administered by the Immigration Office and the Immigration Board, which both report to the American Samoa Attorney General. The Immigration Office is responsible for document issuance, operations, and enforcement, while the Immigration Board holds hearings to decide on issues such as alien work authorization. The Office of the Attorney General is responsible for, among other things, issuing Certificates of Identity (CI), which American Samoans may use to demonstrate their nationality when traveling to the rest of the United States.

American Samoa and U.S. government agencies report that American Samoa's operations of its customs and immigration programs may pose risks to American Samoa and the rest of the United States, but U.S. agencies have not conducted a risk assessment. Regarding customs, potential risks to American Samoa are lost revenues and the possible aiding of criminal activities. While the Customs Division has written policies and procedures to govern duties and responsibilities, American Samoa and U.S. law enforcement officials are concerned that American Samoa Customs officials have accepted bribes for improperly inspecting containers, which could result in lost tax revenues. American Samoan and U.S. officials have identified no concerns to the rest of the United States from American Samoa's operations of its customs program. Regarding immigration, the principal concern to American Samoa is that current enforcement practices of immigration laws have led to the potential for alien exploitation and human trafficking. The American Samoa legislature is proposing changes that may address these issues, but it is too soon to tell what impact these changes, if passed, will have. U.S. officials state that the potential risk to the rest of the United States from American Samoa's current immigration operations is illegal immigration into the rest of the United States as a result of travelers obtaining false documentation, such as a CI, in American Samoa. While Department of State officials are aware of allegations of illegal immigration from aliens fraudulently obtaining CIs, and are working with law enforcement officials in American Samoa on an ongoing investigation into such allegations, this investigation will address the security of the process for obtaining U.S. passports and will not address the reported vulnerabilities in the process for issuing CIs. U.S. agencies have not performed a risk assessment to determine the threat, vulnerabilities, and consequences associated with aliens using false documents to travel to the rest of the United States from American Samoa. Performing a risk assessment could better position U.S. agencies to understand the extent of threats, vulnerabilities, and consequences associated with the use of CIs, and better inform decisions on which documents would be considered acceptable for those wishing to travel to the rest of the United States from American Samoa.