

Global Immigration alert

October 2025

United States

DHS publishes final rule requiring facial comparison biometrics for non-U.S. citizens

Executive summary

On 27 October 2025, the Department of Homeland Security (DHS) published a final rule, "Collection of Biometric Data From Aliens Upon Entry to and Departure From the United States." The rule amends DHS regulations to provide that it may "require all aliens to be photographed when entering or exiting the United States, and may require non-exempt aliens to provide other biometrics."

For the purposes of this rule, lawful permanent residents of the United States (green card holders) will be processed as "aliens." Foreign nationals younger than 14 or older than 79 on the date of their admission to the United States, however, are exempt from the "other biometrics" requirement, as are Canadian citizens who are not required to present a visa or be issued a Form I-94, Arrival/Departure record, when applying for admission to the U.S.

Background and analysis

Since 2004, DHS, through Customs and Border Protection (CBP), has collected biometric data from certain foreign nationals entering the United States. After years of testing, CBP has "determined that facial comparison technology is currently the best available method for biometric verification" and has deployed a cloud-based facial biometric comparison technology called the Traveler Verification Service (TVS).

DHS intends to incorporate this technology into an integrated biometric entry-exit system that it purports will allow for more concretely confirming the identity of non-U.S. citizens seeking entry to the United States and verifying their departure from the country, in addition to biometrically verifying that the person who presents a travel document is

the true bearer of that document. CBP estimates that a biometric entry-exit system can be fully implemented at all commercial and sea ports within the next 3-5 years.

At the time of entry, CBP will collect a photograph of the arriving traveler via a camera connected to the TVS facial matching service. The camera will match this live image with existing photo templates from previously submitted passenger travel documents or other photos in CBP's possession.

For foreign nationals departing the United States via airport, TVS generates a template from the departure photo captured during the boarding process. That template is then used to search the gallery of historical photo templates to verify identity. The final rule also states that CBP may collect biometrics from travelers leaving the United States at land borders when staffing permits.

Finally, the rule would permit DHS to require foreign nationals to provide "other biometrics, documentation of immigration status in the United States, as well as other evidence" to establish identity, admissibility, and whether immigration status in the U.S. has been properly maintained. This "other biometrics" provision would not apply to:

- Canadian citizens who are not required to present a visa or be issued a Form I-94, Arrival/Departure record; or
- Foreign nationals younger than 14 or older than 79 on the date of their admission to the United States.

What this means

The final rule represents a significant expansion of DHS' authority to collect biometric data and is consistent with the administration's stated goals of reducing visa overstays and immigration fraud. Foreign nationals in the United States are reminded to carry evidence that they are lawfully in the country at all times, including at domestic airports where CBP officers may be present. Additionally, if there is a risk that a foreign national may not be able to depart the United States during their authorized period of stay, it is critical to seek permission to remain in the country through the timely filing of a change or extension of status request with U.S. Citizenship and Immigration Services.

The final rule is effective on 26 December 2025, with a public comment period that closes 26 November 2025. Non-exempt foreign nationals seeking admission to the United States subsequent to this regulatory change who do not comply with a request to have their photo captured or provide other biometrics may be found inadmissible, detained, and/or removed.

Participation in the biometric verification process is voluntary for U.S. citizens. U.S. citizens may notify the airline or vessel boarding agent that they prefer to have their identity and citizenship verified manually by CBP or the gate agent examining their travel document.

We will continue to monitor and share future developments. For additional information, or if you wish to discuss this further, please contact your EY Law LLP professional or Mehlman Jacobs LLP professional.

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