Description of document:	**Audit of Circumstances Surrounding Issuance of Visas to Sheik Omar Ali Ahmed Abdel Rahman; and Audit of Review of the Nonimmigrant Visa-Issuing Process, 1994-1995**
MDR request date:	11-September-2005
ISCAP appeal submission date:	13-September-2006
Released date:	20-August-2010
Posted date:	20-September-2010
Titles of documents:	See following page
Source of document:	U.S. Department of State Office of Inspector General Office of General Counsel Washington, DC 20522-0308 ATTN: FOIA officer Email (preferred): Click here Fax: (202) 663-0390
Note:	Released in redacted form by ISCAP following an appeal from an initial denial by the Department of State.

REPORTS INCLUDED

- United States Department of State Office of Inspector General Report of Audit: Review Of The Visa-Issuing Process Phase I: Circumstances Surrounding the Issuance Of Visas to Sheik Omar Ali Ahmed Abdel Rahman, 4-CI-007, March 1994

- United States Department of State Office of Inspector General Report of Audit: Review of the Nonimmigrant Visa-Issuing Process, Phase II, 5-CI-004, January 1995

- United States Department of State Office of Inspector General Report of Audit: Review of the Nonimmigrant Visa-Issuing Process, Phase II Report Annex, 5-CI-004A, January 1995

All include appendices

United States Department of State

Washington, D.C. 20520

AUG 20 2010

Case No.: 200801204
ISCAP No. 2006-025

I refer to your appeal letter dated September 13, 2006 addressed to the Interagency Security Classification Appeals Panel (ISCAP) and to the ISCAP letter to the Secretary of State dated May 27, 2010, regarding the release of certain Department of State material under the Mandatory Declassification Review provisions of Executive Order 12958. In addition to the provisions of E.O. 12958, we also undertook to review the material under the Freedom of Information Act (Title 5 USC Section 552).

In processing your request, the material which we retrieved from the Office of the Inspector General was processed in a way which resulted in a total of 23 documents. After reviewing these documents, we have determined that six may be released in full, 16 may be released with excisions, and one must be withheld in full. All released material is enclosed.

An enclosure provides information on Freedom of Information Act exemptions and other grounds for withholding material. Where we have made excisions, the applicable exemptions are marked on each document. The one document withheld in full was withheld under exemptions (b)(2), (b)(5), and (b)(7)(e). This document, numbered 01G, was withheld by the Department of Homeland Security.

In some cases, two or more exemptions may apply to the same document. In the case of a document released in part, all non-exempt material that is reasonably segregable from the exempt material has been released.

With respect to material withheld by the Department of State, you have the right to appeal our determination within 60 days. A copy of the appeals procedures is enclosed.

In some of the documents released in part, the Department of Homeland Security has withheld material under the following exemptions:

Doc.01:

p.8 - (b)(7)(e)
p.36 - (b)(7)(e)
p.37 - (b)(7)(e), (b)(2)
p.38 - (b)(7)(e), (b)(5)
p.39 - (b)(7)(e)

Doc.01A

p.50 - (b)(7)(e), (b)(2)

Doc. 01B

p.54 - (b)(7)(e), (b)(2)
p.55 - (b)(7)(e), (b)(2)

Doc.02

p.29 - (b)(7)(e)

Should you wish to appeal any of the determinations made by the Department of Homeland Security, you may write to the USCIS FOIA/PA Appeals Office, 150 Space Center Loop, Suite 500, Lee's Summit, MO 64064-2139, within 60 days of the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal," and should refer to the DHS case number COW 2008000009.

In some of the documents released in part, the Drug Enforcement Agency has withheld information under the following exemptions:

Doc.02

p. 23 (b)(3), (b)(7)(d), (b)(7)(e)

Doc. 03
p. 5-7 (b)(3), (b(7)(d), (b)(7)(e)

Should you wish to appeal any of the determinations made by the Drug Enforcement Agency, you may write, within 60 days of the date of this letter, to the following address:

Chief, Operations Unit
FOI/Records Management Section
U.S. Department of Justice
Drug Enforcement Administration
700 Army Navy Drive
Washington, D.C. 22202

We have now completed the processing of your case. If you have any questions, you may write to the Office of Information Programs and Services, SA-2, Department of State, Washington, DC 20522-8100, or telephone us at (202) 261-8484. Please be sure to refer to the case number shown above in all correspondence about this case.

Sincerely,

Margaret P. Grafeld, Director
Office of Information Programs and Services

Enclosures: As stated.

The Freedom of Information Act (5 USC 552)

FOIA Exemptions

(b)(1) Withholding specifically authorized under an Executive Order in the interest of national defense or foreign policy, and properly classified. E.O. 12958, as amended, includes the following classification categories:

- 1.4(a) Military plans, systems, or operations
- 1.4(b) Foreign government information
- 1.4(c) Intelligence activities, sources or methods, or cryptology
- 1.4(d) Foreign relations or foreign activities of the US, including confidential sources
- 1.4(e) Scientific, technological, or economic matters relating to national security, including defense against transnational terrorism
- 1.4(f) U.S. Government programs for safeguarding nuclear materials or facilities
- 1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to US national security, including defense against transnational terrorism
- 1.4(h) Information on weapons of mass destruction

(b)(2) Related solely to the internal personnel rules and practices of an agency

(b)(3) Specifically exempted from disclosure by statute (other than 5 USC 552), for example:

ARMEX	Arms Export Control Act, 22 USC 2778(e)
CIA	Central Intelligence Agency Act of 1949, 50 USC 403(g)
EXPORT	Export Administration Act of 1979, 50 App. USC 2411(c)(1)
FSA	Foreign Service Act of 1980, 22 USC 4003 & 4004
INA	Immigration and Nationality Act. 8 USC 1202(f)
IRAN	Iran Claims Settlement Act, Sec 505, 50 USC 1701, note

(b)(4) Privileged/confidential trade secrets, commercial or financial information from a person

(b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product

(b)(6) Information that would constitute a clearly unwarranted invasion of personal privacy

(b)(7) Information compiled for law enforcement purposes that would:

- (A) interfere with enforcement proceedings
- (B) deprive a person of a fair trial
- (C) constitute an unwarranted invasion of personal privacy
- (D) disclose confidential sources
- (E) disclose investigation techniques
- (F) endanger life or physical safety of an individual

(b)(8) Prepared by or for a government agency regulating or supervising financial institutions

(b)(9) Geological and geophysical information and data, including maps, concerning wells

Other Grounds for Withholding

NR Material not responsive to a FOIA request, excised with the agreement of the requester

SECRET

01

United States Department of State
Office of Inspector General

Report of Audit

REVIEW OF THE VISA-ISSUING PROCESS PHASE I: CIRCUMSTANCES SURROUNDING THE ISSUANCE OF VISAS TO SHEIK OMAR ALI AHMED ABDEL RAHMAN

4-CI-007

MARCH 1994

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Audits are conducted by the Office of Inspector General under authority of Section 209 of the Foreign Service Act of 1980, as amended, and as provided for by the Inspector General Act of 1978, as amended.

United States Department of State

The Inspector General

Washington, D.C. 20520

PREFACE

This report was prepared by the Office of Inspector General in fulfillment of our responsibilities mandated by the Inspector General Act of 1978 and by Section 209 of the Foreign Service Act of 1980. It is one of a series of audit, inspection, security oversight, investigative, and special reports issued by my office as part of our continuing efforts to promote positive change in the Department of State and to identify and prevent waste, fraud, abuse, and mismanagement.

The report is the result of a careful effort to assess both the strengths and weaknesses of the post, office, or function under review. It draws heavily on interviews with employees of the Department of State and other interested agencies and institutions, and reflects extensive study of relevant documents and questionnaires.

The recommendations included in the report have been developed on the basis of the best knowledge available to the Office of Inspector General and have been discussed in draft with the offices responsible for implementing them. It is our hope that these recommendations will result in a more effective and efficient Department of State.

I wish to express my appreciation to all of the employees and other persons who cooperated in the review documented by this report.

Roscoe S. Suddarth
Acting Inspector General

SECRET

4-CI-007

REVIEW OF THE VISA-ISSUING PROCESS PHASE I: CIRCUMSTANCES SURROUNDING THE ISSUANCE OF VISAS TO SHEIK OMAR ALI AHMED ABDEL RAHMAN

MARCH 1994

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APPENDICES

SECRET

ABBREVIATIONS

AF	Bureau of African Affairs
AVLOS	Automated Visa Lookout System
CA	Bureau of Consular Affairs
CIA	Central Intelligence Agency
CLASS	Consular Lookout and Support System
DCM	Deputy chief of mission
DNC	Distributed Namecheck System
FAM	Foreign Affairs Manual
FBI	Federal Bureau of Investigation
FSN	Foreign Service National
IBIS	Interagency Border Inspection System
INA	Immigration and Nationality Act
INR	Bureau of Intelligence and Research
INS	Immigration and Naturalization Service
JFK	John F. Kennedy International Airport
MRV	Machine Readable Visa
NAILS	National Automated Immigration Lookout System
NEA	Bureau of Near Eastern Affairs
NEA/EGY	Office of Egyptian Affairs, NEA
NIIS	Nonimmigrant Information System
OIG	Office of Inspector General
S/CT	Office of Counter-Terrorism
TAGS	Traffic analysis by geography and subject
TECS	Treasury Enforcement Communications System

SECRET

AUDIT REPORT 4-CI-007

REVIEW OF THE VISA-ISSUING PROCESS

PHASE I: CIRCUMSTANCES SURROUNDING

THE ISSUANCE OF VISAS TO

SHEIK OMAR ALI AHMED ABDEL RAHMAN

MARCH 1994

I. EXECUTIVE SUMMARY

Purpose

(U) At least six persons who worshipped at mosques in New York and New Jersey where Sheik Omar Ali Ahmed Abdel Rahman regularly preached jihad, or Muslim holy war, were accused of the February 26, 1993, bombing of the World Trade Center building. The bombing killed 6 persons, injured more than 1,000 others, and caused damage estimated at more than half a billion dollars. The publicity resulting from this act of terrorism and the request of several members of the Congress prompted the Office of Inspector General (OIG) to initiate a review of the process for issuing nonimmigrant visas, which we are performing in two phases.

(U) The goal of the first phase, which is concluded with the issuance of this report, was to identify the circumstances surrounding the issuance of visas to the Sheik and to determine why efforts failed to prevent him from entering the United States or to expel him after his entry. In the second phase we will focus on worldwide

EXECUTIVE SUMMARY

systemic problems of the visa lookout system and the adequacy of internal controls for issuing nonimmigrant visas.

(U) The Inspector General of this Department testified on this issue before open and closed hearings of the House Committee on Foreign Affairs, the House Permanent Select Committee on Intelligence, and the Senate Select Committee on Intelligence in June and July 1993.

Background

(C) Sheik Abdel Rahman was born in Egypt in May 1938 and became blind in infancy. A high-profile opponent of secular Egyptian regimes, he is known for his criticism of Gamal Abdel Nasser, a past president of Egypt. He was specifically accused of issuing the Islamic sanction in 1981 to Al-Jihadists that resulted in the assassination of former Egyptian President Anwar Sadat. The Sheik's acquittal of these charges in 1984, after the courts confirmed that security officials had tortured him during his imprisonment, enhanced his reputation in fundamentalist circles.

(U) Since entering the United States, it is alleged that he regularly preaches jihad. In Cairo, he is also suspected of sanctioning a string of murders, including extremist attacks on foreign tourists, which have seriously damaged the multibillion-dollar Egyptian tourist industry.

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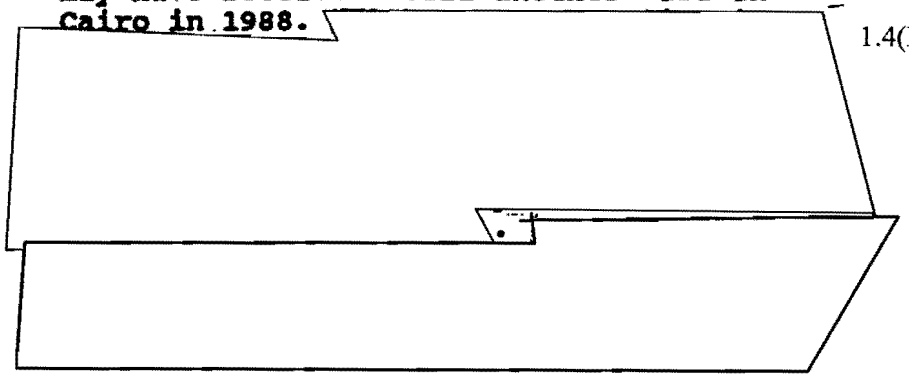
EXECUTIVE SUMMARY

Results in Brief

(S) Sheik Abdel Rahman submitted seven applications and received at least three visas from two U.S. embassies. One of the visas was issued by the embassy in Khartoum in 1986, another by the embassy in Cairo in 1987, and the third by the embassy in Khartoum in 1990. In addition, the Sheik may have received still another visa in Cairo in 1988.

1.4(D) FOIA B3



FOIA B3

(U) Early in our review, several possibilities were advanced as explanations for how the Sheik was able to obtain U.S. visas and ultimately adjust his nonimmigrant status to that of legal permanent resident alien. Among these explanations were:

- Inadequate systems of control or inappropriate implementation of immigration laws, regulations, and guidelines, and the generally poor performance of both American officers and Foreign Service nationals (FSNs) involved in the visa-issuing and immigration processes;

- An agency or agencies of the U.S. Government conspired to bring him into

EXECUTIVE SUMMARY

b1
b3

the United States either to promote internal stability in Egypt or as a reward for services rendered in assisting the U.S.-backed Mujahideen who were training in Pakistan for activities in Afghanistan; and

- Individual officers or FSNs of the U.S. embassies in Cairo and Khartoum assisted the Sheik in obtaining visas for reasons of personal gain, fear of reprisal, or sympathy with the Sheik's political views.

(U) Our work, thus far, has not led us to conclude that any agency or individual employed by the U.S. Government intentionally violated or circumvented immigration laws and regulations in order to help the Sheik gain entry to the United States. Rather, the documents we examined and the interviews we conducted indicate that the Sheik obtained visas to enter the United States and received permanent resident status because of inadequate systems of control and inadequate implementation of immigration laws, regulations, and guidelines. We also attributed this breakdown in the systems to the poor performance by some of the American officers and FSNs involved.

(U) The review team examined data and met with former and current officials of the U.S. embassies in Cairo and Khartoum where the visas were issued. Also, the team interviewed FSNs who were employed by the embassies at the time the visas were issued.

EXECUTIVE SUMMARY

(U) Records of visa applications and issuances normally are not retained by posts more than one year. The team's efforts were, therefore, hampered by the absence of key documents, which had either been routinely destroyed or destroyed by the Department of State during the 1991 evacuation of the embassy in Khartoum, and the need to rely on the memories of key individuals of events which occurred 3 to 7 years ago. Their recollections of relevant past events were sometimes unclear and, on occasion, conflicting.

FOIA B3

Principal Findings

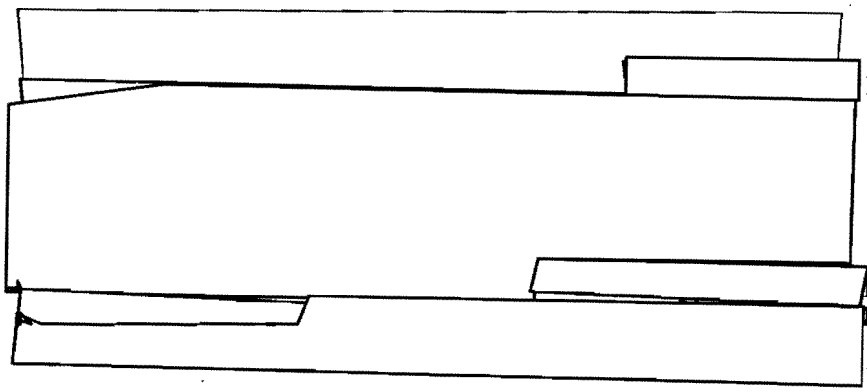
LOOKOUT SYSTEM

(U) Although Sheik Abdel Rahman's name should have been entered into the Department's lookout system after his arrest in 1981, his name was not put into the system until 1987. During this 6-year period, he was issued at least two U.S. nonimmigrant visas. The reasons identified for not including the Sheik's name in the lookout system were that: the embassy had higher priority concerns, it was believed that the Sheik would not want to travel to the United States; there were frequent changes in the staff at posts; and no group

EXECUTIVE SUMMARY

in Washington or at posts was specifically accountable for proactively identifying and preemptivaly including the names of ineligible persons or persons thought to be ineligible into the consular lookout system.

(C) Even after the name was added to the system, the lookout was not checked, as required, when he applied for and was issue a third visa. This oversight occurred because the FSN who was delegated the responsibility did not perform this vital step, but indicated on the form submitted to the American officer that he had checked the consular microfiche lookout system. In addition, adequate controls were not in place whereby the American consular staff could ensure that the antiquated, time-consuming, and difficult-to-use consular microfiche lookout system had been checked.



EXECUTIVE SUMMARY

FOIA B2, B3

INS RECEIVED LATE NOTIFICATION ON THE MISTAKE IN ISSUING THE VISA

(S) Although persons in the Department recognized within weeks after it happened that an error had been made when the third visa was issued to the Sheik, they did not notify the Immigration and Naturalization Service (INS) until approximately 6 months later, during which time the Sheik had made several trips into and out of the United States. The late notification of INS was attributed to the post and the Department's Bureau of Consular Affairs (CA) mishandling of the process for revoking the visa.

EXECUTIVE SUMMARY

MISSING THE SHEIK AT THE PORT OF ENTRY

(U) Even after the Department finally notified INS of the mistake in issuing the third visa to the Sheik in 1990 and advised INS that the visa had been revoked, INS continued to miss his departures from and entries into the United States. We did not perform a comprehensive review of the INS role on this matter because such a review is outside of the authority of the OIG of the Department of State. However, our work revealed that weaknesses in the INS lookout system and apparent human errors, such as not comparing the name on the INS Arrival/Departure Card with the name in the Sheik's passport (when the Sheik used different variations of his name each time), also contributed to INS missing him on subsequent entries.

ADJUSTMENT TO PERMANENT RESIDENT STATUS

(U) The INS acted positively on the Sheik's request for adjusted status and issued a green card to him on April 8, 1991.

FOIA B7(E)

[redacted]

guidelines indicate that during the initial

processing of each adjustment of status application, the Biographic Information Inquiry should be promptly sent to the consular office to obtain adverse information on any ineligibilities related to the applicant.

EXCLUSION AND DEPORTATION

(U) Appeal procedures available to the Sheik under current immigration law and his later being taken into custody by the INS have thus far effectively stalled actions to deport him. In January 1992, the Department of Justice identified its intent to rescind the Sheik's adjustment of status. The recision occurred in March 1992. After requesting political asylum in the April 30, 1992, exclusion hearing, the Sheik's request was denied in March 1993 as the immigration judge ordered him excluded and deported. The Sheik appealed the ruling in late March 1993. In July, the Board of Appeals dismissed the appeal and the Sheik was taken into custody, where he remains as of March 1994.

Recommendations

(U) If the Department is to reduce the likelihood of a recurrence of visa issuance to individuals who may pose a threat to American society, it must institute a number of changes. We are making the following recommendations to bureaus and offices of the Department and will make others based on the work performed in the second phase of the review:

- Develop and disseminate guidance to posts which defines criteria for

EXECUTIVE SUMMARY

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- Develop and disseminate guidance to posts which defines criteria for

EXECUTIVE SUMMARY

preemptively placing the names of individuals who may pose a danger to the American public into the consular lookout system before they apply for a nonimmigrant visa.

- Require each mission to establish a committee with representatives of its consular, political, and intelligence resources that meets regularly for the purpose of implementing the previously stated criteria, and ensuring that the names of undesirables are put into the lookout system before they apply for a nonimmigrant visa.

- Establish controls to ensure that the consular lookout system is checked as part of the visa issuance process (especially when the visa microfiche lookout system is used).

Department Comments

(S) In providing comments, the Under Secretary for Management, the Bureau of Intelligence and Research (INR), CA, and INS fully agreed with the report's recommendations, and the CIA/OIG had no objection to the report's recommendations. In addition, the Under Secretary for Management stated that the Deputy Secretary in his capacity as Acting Secretary of State had already directed chiefs of mission to establish a committee with representatives of appropriate sections and agencies to review the names of individuals who should be added to the lookout list, and that a number of posts had already reported on the results of their initial meetings.

EXECUTIVE SUMMARY

(S) Similarly, INR stated that embassies and consulates had been instructed to submit information on suspected terrorists in the name of the "Visas Viper" program. That information would be reviewed by INR and CA to determine if it met the requirements for inclusion in the lookout system. Also, INR had coordinated its efforts with the CIA, the Federal Bureau of Investigation (FBI), the National Security Agency, the Defense Intelligence Agency, the Secret Service, INS, and Customs to determine which agencies will be on distribution for the Viper messages and how those agencies will handle Viper information.

(U) Some agencies recommended changes to the draft report to clarify issues addressed in the report, some of which we have incorporated in this report, others we have highlighted and addressed below. To review the comments in their entirety, see Appendices D through H of the report.

(S) [redacted] believed the report went out of its way to attribute the failure to check the consular microfiche to the consular officer rather than the FSN involved, and that the report placed too much emphasis on the 1988 application the Sheik made in Cairo. We believe our discussion of these issues is appropriate primarily for two reasons. 1.4(D)

- The INA and the Department's Foreign Affairs Manual (FAM) clearly place the responsibility, for issuing visas and ensuring that Department procedures and policies for processing visas are

effectively and efficiently carried out, with consular officers. This would include not only examining visa applications to ensure that notations are properly made, but also periodically looking behind these notations and implementing internal control procedures to ensure that they are carried out.

[redacted] FOIA B2, B3

EXECUTIVE SUMMARY

FOIA B2, B3

(S) The INS offered a number of reasons why it did not intercept the Sheik at U.S. ports of entry. It stated that (1) the Department of State issued the certificate of revocation and asked that it take action to refuse entry to Abdel Rahman; (2) the revocation was made under the name of Omar Ali Abdel Rahman; (3) Egyptian passports do not specify a format for the bearer's name; (4) the Sheik's passport listed his name as Omar Ahmed Ali Abdel Rahman with Rahman placed on a separate line; and (5) the Sheik subsequently entered the United States under the name Ahmed Omar and adjusted status under the name Omar Ali. While we did not perform a comprehensive audit of the INS role on this matter, we accept the INS assessment. As indicated in the report, however, we also believe that the INS kept missing the Sheik at ports of entry because of problems with its lookout system and apparent human errors. Such weaknesses must be corrected to prevent similar occurrences in the future.

II. PURPOSE AND SCOPE

(U) The OIG Office of Audits performed a review to determine the circumstances surrounding the issuance of visas to Sheik Abdel Rahman by the U.S. Embassies in Cairo and Khartoum and to examine efforts to prevent the Sheik from entering the United States or to expel him after his entry. The review was initiated pursuant to the requests of several Members of Congress and the national publicity resulting from the World Trade Center bombing. The initial requests were made by the Honorable Tom Lantos, Chairman of the Subcommittee on International Security, International Organizations and Human Rights, House Committee on Foreign Affairs, and by the Honorable Elton Gallegly, Member of the Subcommittees on Europe and the Middle East, and on the Western Hemisphere, House Committee on Foreign Affairs. The Honorable Olympia J. Snowe, Ranking Republican Member of the Subcommittee on International Operations, House Committee on Foreign Affairs, and the Honorable Benjamin A. Gilman, Ranking Republican of the House Committee on Foreign Affairs, joined Congressman Gallegly in requesting a review and posed a number of questions concerning the various visa lookout systems. The questions are partially addressed in Appendix B of this report. We will more fully address these questions during the second phase of our review.

(U) The review is being conducted in two phases. This report describes the results of the first phase where we reviewed the circumstances surrounding the issuance of the visas to the Sheik and efforts to prevent him from entering the United States or to expel him after he had entered. In the second phase we will focus on identifying worldwide problems with the lookout systems and evaluate the adequacy of internal controls for issuing nonimmigrant visas.

(S) Work on the first phase was performed during the period March through November 1993.

1.4(D)

(U) We testified on the preliminary results of our work in open and closed hearings before House and Senate subcommittees and committees on June 30, July 21, July 22, and July 27, 1993.

(U) To meet the objectives of the first phase, we examined relevant records and interviewed American officers and FSNs who were assigned to Embassy Cairo and Embassy Khartoum at the time of the review and when the visas were issued. Also, we interviewed American officials in Paris, Asmara, Addis Ababa, and Nairobi who were assigned to the U.S. Embassies in Cairo and Khartoum in 1986, 1987, and 1990, when the visas were issued to the Sheik.

(U) In Washington, the audit team reviewed records and interviewed officials of the Department of State's Bureau of Near Eastern Affairs (NEA), Bureau of African Affairs (AF), Office of Counter-terrorism (S/CT), CA, and INR. Interviews of U.S. Government officials in organizations outside of the Department of State included the (1) INS and FBI, (2) Department of Treasury's U.S. Customs Service, and (3) CIA. All persons interviewed were knowledgeable about the visa issuance process or the various "lookout systems." We also reviewed existing files of INS and the U.S. Customs Service.

(U) Data were largely not available on the circumstances surrounding the visas issued to Sheik Abdel Rahman in Khartoum in 1986 and 1990. Pertinent records were destroyed when the post was evacuated between January and April 1991 in connection with the Desert Storm campaign. Other records were purposely destroyed in order to reduce to a bare minimum the time required for a possible emergency destruction. Federal law and regulations also require periodic destruction of records as a matter of course. Therefore, in reconstructing the sequence of events surrounding the issuance of visas to the Sheik and information relating to Embassy Cairo's biographic files on the Sheik prior to 1987, we were forced to rely upon the recall of the knowledgeable individuals, which was not always clear and concise.

(U) In planning both phases of the assignment, emphasis was placed on responding to questions concerning:

- the effectiveness of the Department's lookout system and how it interfaces with those of other agencies;
- the vulnerability of the visa-issuance process to the issuance of fraudulent visas;
- the adequacy of procedures used to properly identify visa applicants; and
- the adequacy of human and equipment resources at overseas posts, which affect the posts' capabilities to handle the visa workload.

(U) The review was conducted in accordance with generally accepted government auditing standards and included appropriate tests to evaluate the adequacy of internal controls and procedures that the team considered necessary under the circumstances.

(U) Work on the audit was performed by the staff of the Office of Inspector General's Office of Audits, Consular and International Programs Division. Major contributors to this report were Edward Brennan, division director; Norma Brown, audit manager; Louis McCall, OIG inspector and consultant to the team; Gary Petrovich, Shyrl Coker, and James Doty, auditors.

III. BACKGROUND

(C) Sheik Abdel Rahman, a high-profile opponent of secular Egyptian regimes, was born on May 3, 1938, in the Delta governorate of Daqahliyya, Egypt. He became blind at the age of 10 months. After graduating from Al-Azhar University in 1965, he was assigned to a village mosque in the Fayoum governorate. He received a masters degree 2 years later and was promoted to a mosque in the city of Fayoum. He received a doctorate degree with honors from the Al-Azhar's Asyut campus in 1972, and left Egypt in 1977 to teach at a women's college in Saudi Arabia. For unknown reasons, he returned to Egypt in 1980, 1 year before the assignment was scheduled to end. At the Asyut campus, where he later returned, he was appointed as chairman of the Department for Explanation of the Koran (Tafsair). In the late 1970s, he was known for his criticism of Gamal Abdel Nasser, a former president of Egypt.

(S) Sheik Abdel Rahman's prominence increased in 1981, when the government accused him of being the spiritual leader of the Al-Jihad group that assassinated President Anwar Sadat. He was specifically accused of issuing the "fatwa," or the Islamic sanction for Sadat's assassination, which revealed to Al-Jihadists that it was consistent with Islamic Law to remove a leader who did not rule according to God's ordinances.

(S) The acquittal of the charges in 1984, after the courts confirmed he had been tortured by security officials, further enhanced his reputation in fundamentalist circles. His repeated arrests between 1985 and 1989 for attempting to take over mosques, inciting violence, attacking police officers, and demonstrating illegally, resulted in imprisonment and in his being placed under house arrest until he left Egypt for Sudan in March or April 1990. In 1987 and 1988, the Sheik was also convicted of several counts of falsifying checks. From Sudan, he went to Pakistan. He arrived in the United States in July 1990, 2 months before he was acquitted of the 1989 charges.

(U) In the United States, the Sheik has regularly preached, in support of jihad, or Muslim holy war, at the Abu Bakr mosque in Brooklyn and the Al-Salaam mosque in Jersey City. The mosques have been identified as sites of worship for at

least six of the suspects accused of the February 26, 1993, bombing of the World Trade Center building. That bombing killed 6 people, injured more than 1,000, and caused damage estimated at more than half a billion dollars.

(S) The Sheik's message has included calls to eradicate anyone who stands in the way of Islam and to replace the Egyptian Government with a fundamentalist Islamic state. He publicly attacked the regime of Egyptian President Hosni Mubarak and stated that he believes Mubarak should suffer the same fate as Sadat. Some claim he is using the United States as a base to organize and raise money for the Gamaa al Islamiya violent campaign to unseat the Mubarak regime. In Cairo, he is also suspected of sanctioning a string of murders, including extremist attacks on foreign tourists, which have seriously damaged the multibillion-dollar Egyptian tourist industry.

IV. RESULTS OF REVIEW

1.4(D) FOIA B3

our work thus far has not lead us to conclude that any agency or individual employed by U.S. Government agencies intentionally violated or circumvented immigration laws to bring the Sheik into the United States, either to promote internal stability in Egypt or to reward him for services rendered in assisting the U.S.-backed Afghan Mujahideen that were based in Pakistan. What we did find, rather, was evidence of: sloppiness; poor performance by some American officers and FSNs involved; inadequate systems of control; and inadequate implementation of immigration laws, regulations, and guidelines.

1.4(D) FOIA B3

Our work revealed that:

- The Sheik was issued the first two visas largely because of communication breakdowns within the mission between the technical expertise of the consular section and the knowledge of local people and conditions held by the political and intelligence resources at posts. The breakdowns in communication between these groups and the Department resulted in the Sheik's name not being entered into the consular lookout system in a timely manner.

- Even after the name was added to the system, a third visa was issued to the Sheik by Embassy Khartoum in May 1990 because the consular staff failed to perform the required name check in the lookout system before issuing the visa, and adequate controls were not in place to ensure that the name check requirement had been met by the staff.

- Efforts to revoke the latter visa were delayed because confusion existed between the Department and the post. This caused INS agents at U.S. ports of entry to be notified even later of the visa revocation.

- The Sheik's July 18, and November 15, 1990, entries were not detected because his name had not been provided to INS and entered into its lookout system until December 1990.

- Subsequent efforts to intercept him during his arrivals and departures at U.S. ports of entry failed because of weaknesses in the INS lookout system, e.g., transliteration problems, and because INS officers at the port of entry did not even compare the name on the INS form to the name in the Sheik's passport.

- Efforts to deport the Sheik failed partly because of communication problems: for example, while one INS office was pursuing an investigation to determine if material misstatements had been made which could subject the Sheik to prosecution and/or deportation proceedings, another was processing his application for an adjustment to permanent resident status, which was approved on April 8, 1991.

(U) Can the series of omissions and commissions that occurred regarding the Sheik happen again? We believe that the problems we identified persist and can reoccur. Our discussion of the issues and recommendations for corrective actions are identified below.

A. Khartoum: The 1986 Visa

(S) On December 15, 1986, Sheik Abdel Rahman applied for and received what was most likely his first U.S. nonimmigrant visa. The decision by Embassy Khartoum to issue the visa was based on the information available to the adjudicating officer at the time the visa was issued. The embassy did not submit an inquiry to the Sheik's consular home district in Cairo because there was no requirement to do so.

[redacted] 1.4(D) FOIA B3

Embassy Khartoum had difficulties in getting an experienced consular officer. [redacted] 1.4(D) FOIA B3

[redacted] 1.4(D) FOIA B3

At that time, the post was issuing approximately 300 to 350 immigrant visas a month, primarily to Eritrean refugees. This was a significant workload for a small post whose consular section was staffed by two officials [redacted] 1.4(D) FOIA B3

[redacted] FOIA B2, B3

[redacted] FOIA B3

(U) There are, however, several important points that should be noted regarding the 1986 visa.

- Had Embassy Cairo, the Sheik's home district, entered his name into the consular lookout system in a more timely manner, a visa would likely not have been issued to him, assuming Embassy Khartoum's consular section would have checked the microfiche lookout system.

- In subsequent visa applications consular officers give weight to evidence that a person has

received a previous visa and has not abused the visa by overstaying in the United States. Therefore, the 1986 Khartoum visa may have helped to ease the Sheik's path for future visas by establishing his credibility as a cleric and religious scholar who was in demand internationally but who would return to his home abroad.

B. Cairo: The 1987 Visa

(S) Sheik Abdel Rahman presented three applications for nonimmigrant visas to the Cairo consular section in April 1987. The first two applications were refused under section 214(b) of the INA because the adjudicating officer ruled that the Sheik had not overcome the presumption that he was an intending immigrant. On the third application, on April 26, 1987, the Sheik presented letters requesting his appearance to preach at mosques in the United States as well as a return airline ticket, enabling him to overcome the previous section 214(b) refusals and to be issued a 3 month visa.

FOIA B3

1.4(D) FOIA B3

The officer said that he knew who the Sheik was, but after receiving the needed documents decided to issue the visa because of his understanding that the Sheik had not been convicted of any crime.

1.4(D) FOIA B3

FOIA B2, B3

FOIA B3

FOIA B3

(S) To explain why the Sheik was not entered into the consular lookout system in a more timely manner, we were told that the embassy had higher priority concerns, including another terrorist organization of Palestinian origin that was anti-American, and the larger internal instability problems in Egypt. Add to this, the frequent changes in Embassy staffing (with the resultant loss of institutional memory) and the two assumptions: (1) that the Sheik did not want to visit the United States; and (2) that someone else at the embassy or in Washington would enter his name into the system, and then the simple task of adding the Sheik's name to the consular lookout system, which seems obvious in hindsight, was not done in a timely manner.

(U) Sheik Abdel Rahman's name should have been entered into the consular lookout system under section 212(a)28(F) or section 212(a)27 of the INA then in effect. Section 212(a)28(F) relates to visa ineligibility for advocating the violent overthrow of a government. Section 212(a)27 states that "Aliens who the consular officer or the Attorney General knows or has reason to believe seek to enter the United States solely, principally, or incidentally to engage in activities which would be prejudicial to the public interest, or endanger the welfare, safety or security of the United States" are ineligible to receive visas and should be excluded from admission to the United States. Under the INA in effect at the time, section 212(a)27 was used to deny visas to terrorists. In the case of both sections of the law, a quasi-refusal finding could have been made by the post at least initially.

(U) Department procedures permit the names of potentially ineligible applicants to be entered into the lookout system by posts as quasi-refusals, rather than actual refusals, when a formal application has not been submitted or the alien is not

available for an interview at post. As indicated, a quasi-refusal under code 77, which Cairo later used for the Sheik, represented an alien presumed ineligible under Section 212(a)(27) of the INA.

(U) The code 77 does not mandate that a visa application be denied. It does require that the post with information about the applicant be queried and that a security advisory opinion be submitted to the Department and a reply received before any final action on the application is taken.

(U) The question that arises is, at what point should the Sheik's name have been entered into the automated visa lookout system? There is no guidance from the Department about what should trigger a decision to proactively identify and preemptively enter the names of ineligible persons or persons thought to be ineligible for a visa into the consular lookout system before an application is submitted.

(C) Following the assassination of Egyptian President Anwar Sadat in 1981, a crackdown by the Government of Egypt resulted in the arrests of hundreds of individuals. Not everyone arrested could be said to have received "due process." In the subsequent trials (1982-1984), although some of the accused were convicted and executed, the Sheik and others were acquitted by Egypt's independent judiciary. Nevertheless, during the trial, Embassy Cairo reported that Sheik Abdel Rahman was "the number one suspect." Moreover, given the position of Sheik Abdel Rahman as the Amir or spiritual leader of the radical fundamentalists, some observers question whether Egypt could have withstood the likely internal instability that would have followed the conviction and execution of the Sheik. In acquitting the Sheik, the court was not endorsing the Sheik's innocence, but was accepting the Sheik's claims that he had been tortured by the authorities while in prison. The court refused to accept evidence that had been obtained through torture.

(S) Generally, it was a practice in Embassy Cairo's consular section that all applicants for nonimmigrant visas, except those whose applications were accompanied by a diplomatic note and those in the Egyptian military whose applications were accompanied by an equivalent military document, had to apply

[redacted] FOIA B3

(C) The nonimmigrant visa application form approved by the Department (Form OF-156) is to be completely filled out and signed by the applicant per regulations (9 FAM 41.103).

[redacted] FOIA B2, B3

Furthermore, a key question relating to the Sheik's previous arrests either was not answered or was answered falsely.

[redacted] FOIA B2, B3

[redacted] FOIA B3

[redacted] FOIA B2, B3

The FAM stated that a quasi-refusal can only be upgraded to an actual refusal when there is an actual application on hand for adjudication.

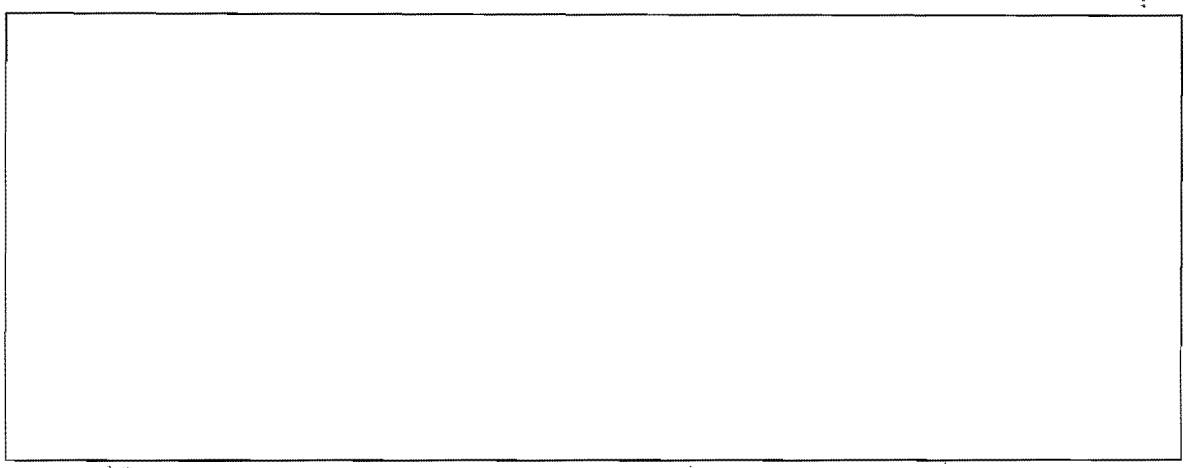
[redacted] FOIA B2, B3

C. Cairo: A Possible 1988 Visa

(C) On May 5, 1988, Sheik Abdel Rahman applied for another visa at Embassy Cairo. His visa issued on April 26, 1987, had expired by that time. [redacted] FOIA B3

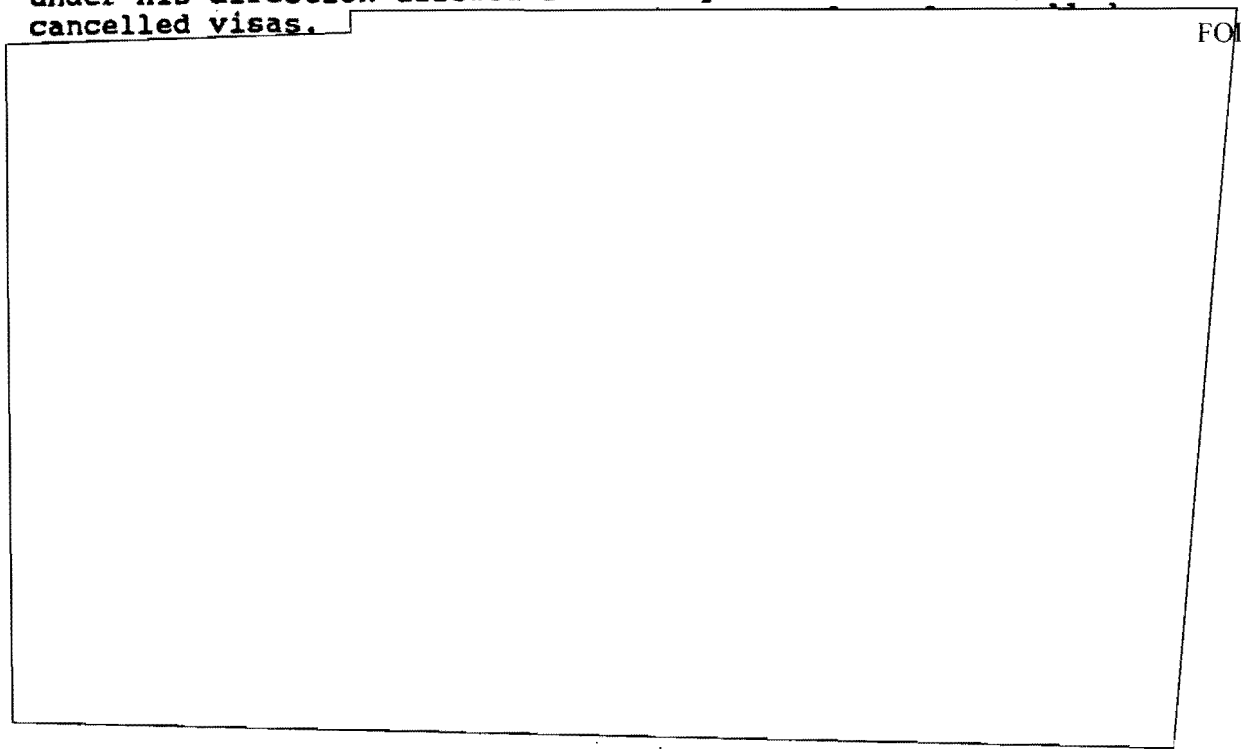
(S) According to the FSN, she placed the application in the pile representing those that should be given careful consideration during the interview by the consular officer. [redacted] 4(D) FOIA B2, B3

[redacted] FOIA B2, B3



FOIA B2, B3

(S) While the former consul general did not recall this incident, he did acknowledge that, on occasion, FSNs would come to him questioning an officer's decision on applications. He also confirmed that a practice of the consular section under his direction allowed for a very loose accounting of cancelled visas.



FOIA B2, B3

applying for the visa, when another Egyptian passport, number 0147195, had been issued to him on August 27, 1987. A note in the latter passport indicated that it was issued to replace passport number 739686, whose pages were filled.

[redacted] FOIA B2, B3

(U) A consequence of the officer's failure to close the loop on the quasi-refusal at the time of the 1988 application is that the lookout system continued to show a 214(b) refusal and a code 77 quasi-refusal for the Sheik. Neither 214(b) refusals nor quasi-refusals are included in the lookout systems used by INS at ports of entry. Only actual refusals (Category I refusals) become a part of these systems. Although the Department had been supplying data to the INS on both quasi-refusals and actual refusals from its lookout system since the early 1980s, it was not until July 1988 that the lookout systems at ports of entry began using data on actual refusals.

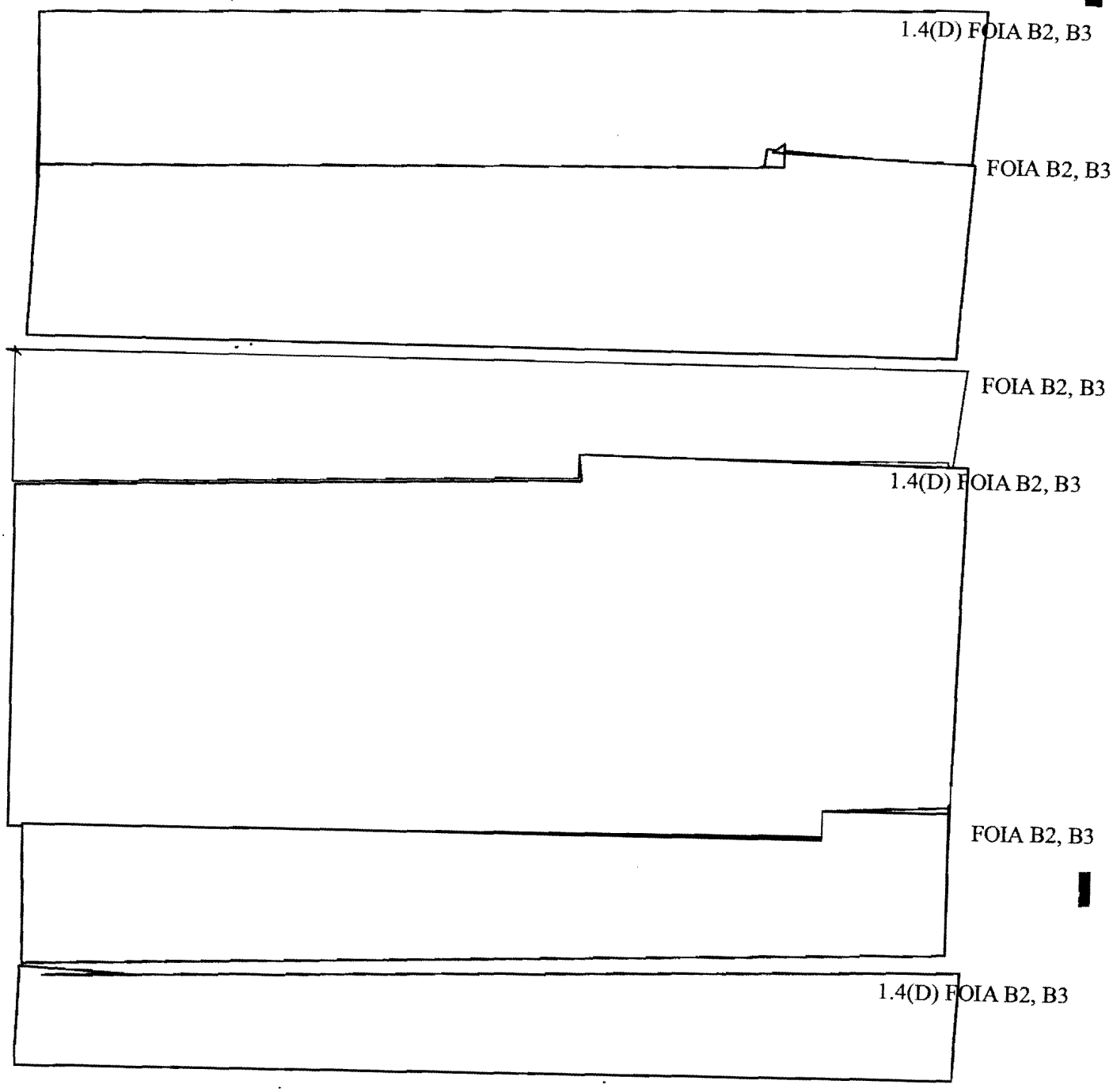
(U) The decision by the INS to not use data on quasi-refusals was an administrative one based on the different requirements of the Department and the INS. In essence, a consular officer's refusal can only be administratively appealed at the Foreign Service post where the refusal is made. Once an alien reaches the United States, however, a decision by an immigration officer at the port of entry to refuse entry on a presumed ground of ineligibility can be appealed administratively through an immigration judge. However, such appeals do not have to stop there. Once having exhausted administrative appeals within the INS, an alien's case may be taken to the civil courts. Because of this, the quality of evidence needed to support a refusal by an immigration officer is much higher than that required by a consular officer.

D. Khartoum: The 1990 Visa

[redacted] FOIA B2

(U) Had the consular section in Cairo been consulted when the political section initially drafted the May 2 cable, a message might have been sent, with appropriate TAGS to ensure that the consular section in Khartoum was alerted. However, it is not a standard practice for consular officers to clear on cables drafted by political officers.

[redacted] 1.4(D) FOIA B3


1.4(D) FOIA B2, B3
FOIA B2, B3
FOIA B2, B3
1.4(D) FOIA B2, B3
FOIA B2, B3
1.4(D) FOIA B2, B3

Blunders in the Application

Checking the microfiche

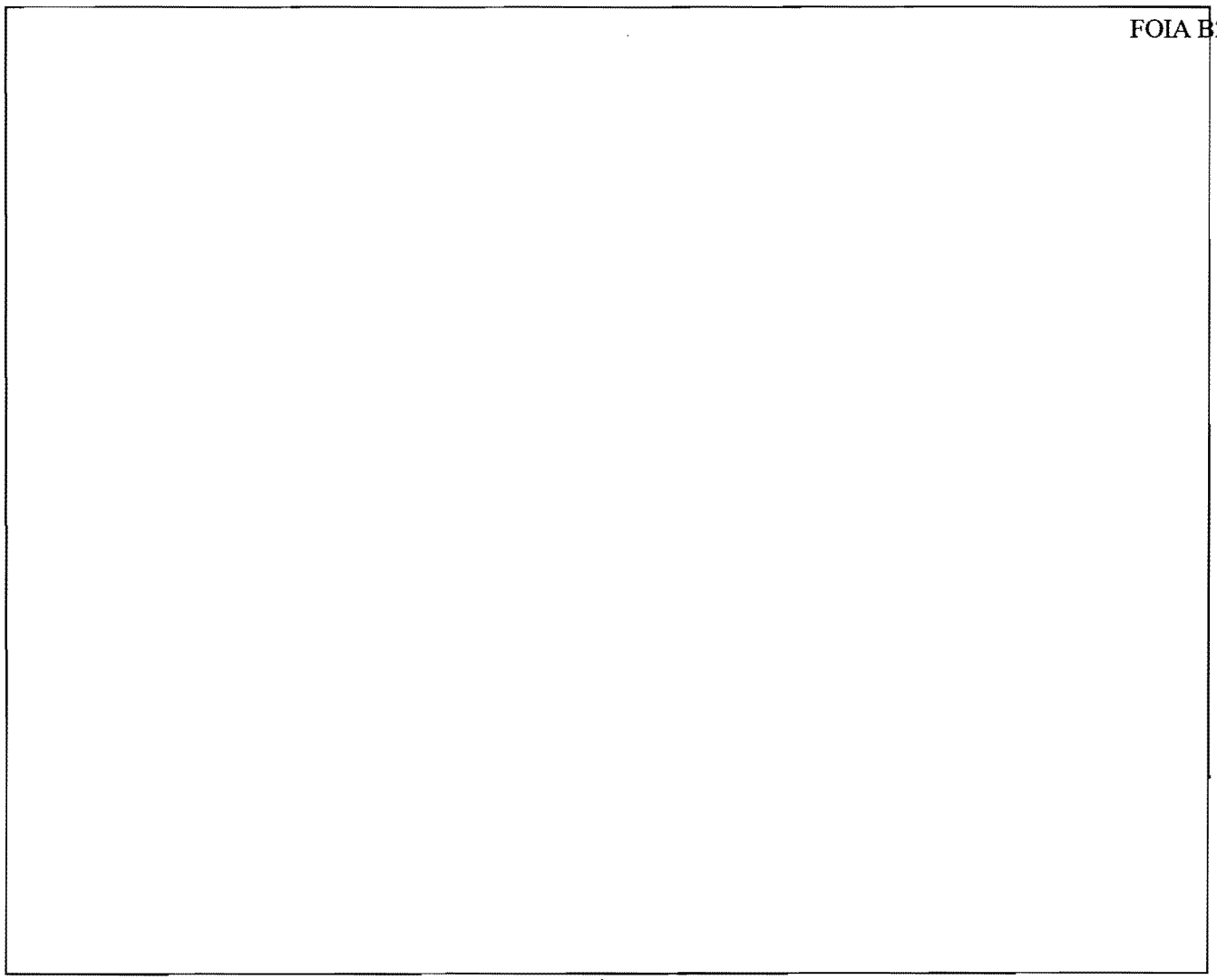
(S) The most decisive error in Khartoum was the failure to check the visa lookout microfiche as required before issuing the visa on May 10, 1990, to the Sheik. The FSN who was delegated that responsibility admitted that he did not perform this vital step, but that he indicated on the form submitted to the consular officer that he had done so using the microfiche lookout system. In addition, adequate controls were not in place whereby American consular personnel could ensure that the system had been checked.

(S) The consular lookout system on microfiche is antiquated, time-consuming, and difficult to use. The FSN delegated the responsibility for checking the microfiche said he made the decision not to check because of the Sheik's age, his physical appearance, and the fact that he had received previous U.S. nonimmigrant visas. The FSN did not think that the Sheik was someone who would be in the lookout system and so the task of checking the microfiche was not performed.

(S) He later told the audit team that he may have been distracted by other duties at the time and thought he had checked the system when in fact he had not. In any event, it is clear that the system was not checked, and the Sheik received a visa when he should not have.

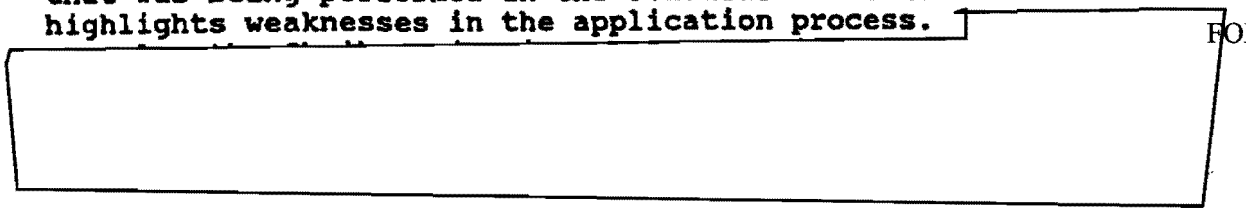
(U) The team reviewed the process of looking at the microfiche and confirmed that it is indeed cumbersome and time-consuming to look for specific names, especially Arabic names, which may have different spellings and numerous variations in the order of surnames. Because of this, and other information obtained during our review, we believe that the failure to check the microfiche in Khartoum is not an isolated case and that there are numerous occasions at posts throughout the world where the microfiche is not being checked as required.

FOIA B2, B3



(C) The Sheik's visa application and the way it was processed by Embassy Khartoum raise questions about the quality of work that was being performed in the consular section. It also highlights weaknesses in the application process.

FOIA B2, B3



[redacted] FOIA B3

(S) The Sheik's application also indicated that he had a fiancee in the United States. Such a revelation is usually grounds for denying a visitor's visa and instructing the applicant to have the U.S. citizen fiancee file a petition with INS as the first step in applying for the appropriate visa category.

[redacted] FOIA B2, B3

Discovery that Something had Gone Awry

(S) It is not clear when Embassy Khartoum discovered the visa had been issued in error or what prompted the discovery. The [redacted] FOIA B2, B3

[redacted] 1.4(D) FOIA B2, B3

What is clear is that the Department was notified of the error on May 20, 1990, 10 days after the visa was issued.

[redacted] FOIA B2, B3

[redacted] FOIA B2, B3

E. Visa Revocation

(U) Department guidance for revoking a visa states that posts should initially try to cancel the nonimmigrant visa by writing or stamping the word "REVOKED" plainly across the face of the visa. If the visa is not physically cancelled, the post should then (1) give notice of the revocation to the carrier on which it believes the alien intends to travel to the United States; (2) promptly notify the Department of the revocation and submit a full report on the facts in the case to the Department; and (3) complete a certificate for its files including a statement of the reasons for the revocation. Upon receipt of notice of the revocation, CA would notify INS. In spite of the clarity of the established guidance, some confusion existed between Embassy Khartoum and CA on who should revoke the visa and the procedures they should follow.

(S) A May 21, 1990, cable from Khartoum asked the Department for advice on whether the embassy should revoke the visa. Another cable from Khartoum to the Department indicated that unless advised otherwise, the post would issue a letter of revocation to British Airways on May 24, 1990. [redacted] FOIA B3

[redacted]

[redacted] Regardless of which office was at fault, the fact is that the visa was not revoked and INS was not notified until November 26, 1990. At that time the Department also entered his name into the lookout system [redacted] which means a visa should not be issued without approval from the Department of State. FOIA B2

(C) By the time the notice was given, however, the Sheik had already left Khartoum for Karachi on May 13 via Gulf Air. [redacted] FOIA B3

[redacted]

[redacted] FOIA B2, B3

[redacted] FOIA B3

[redacted] FOIA B3

Embassy Cairo had asked the Department, INS, and FBI, per cable 90 CAIRO 17056, to keep an eye on the Sheik as early as August 23, 1990. In late September 1990, INS confirmed that the Sheik had arrived in the United States on July 18, 1990.

F. Why INS Missed the Sheik

(S) Sheik Abdel Rahman was able to enter the United States several times after being issued a visa in error on May 10, 1990, by Embassy Khartoum. The question arises as to how the Sheik was able to elude INS for long periods. For the Sheik's initial entry on July 18, 1990, the answer appears to be that CA did not notify INS of his planned trip, despite Embassy Khartoum's advice that the Department may want to alert INS at JFK of the planned visit. Also, it was not until November 27, 1990, that the Department asked INS to enter the Sheik's name into its National Automated Immigration Lookout System (NAILS). INS entered his name into NAILS on December 10, 1990, 13 days later.

(U) The first line of defense failed when Embassy Khartoum issued the Sheik a visa without checking the consular lookout microfiche and the Department did not immediately alert INS of the Sheik's plans to enter the United States on what should have been a revoked visa. The second line of defense failed at the port of entry for reasons internal to INS.

(U) On alternate occasions, the Form I-94 arrival/departure card, completed for the Sheik by a travelling companion upon entry, used the following surnames:

- Rahman
- Omar
- Abdel Rahman
- Ali

Apparently, the INS officers at the port of entry did not compare the name on the Form I-94 to the name appearing in the passport presented. [redacted] FOIA B7(E)

[redacted] This confusion over the Sheik's name and how it appeared in the INS lookout system also worked to the Sheik's advantage when he applied to adjust his status.

G. Adjustment of Status

(U) On January 31, 1991, at about the same time that the INS office in New York was seeking information from Khartoum to determine if material misstatements had been made which would subject the Sheik to prosecution and/or deportation proceedings, he applied for status as a permanent resident of the United States at the INS office in Newark, New Jersey. The application, which is typed, includes several false or misleading statements. It states that the Sheik was issued a nonimmigrant visa on May 1, 1990, by Embassy London and not Embassy Khartoum; and the Sheik had never advocated, or taught by personal utterance, by written or printed matter, or through affiliation with an organization, opposition to organized government, the overthrow of government by force or violence, or the assaulting or killing of government officials

because of their official character. The application further states that he had never engaged, and never intended to engage, in prejudicial activities or unlawful activities of a subversive nature.

[redacted] FOIA B2, B7(E)

(S) We were told that another G-325A sent to Cairo was not received until months after the adjustment of status had been approved. It is possible that the form was not even sent until after the Sheik's adjustment of status had been approved.

[redacted] FOIA B2, B3

[redacted] FOIA B3

[redacted] FOIA B3

[redacted] Once the Sheik received a Form I-551 Alien Registration Card (the so-called "green card"), however fraudulently, his legal position to resist subsequent efforts to exclude and deport him became much stronger.

(S) An INS official stated that the Sheik was not in the United States illegally. Consequently, there was no statutory bar to adjusting his status here in the United States. The official also stated that the time for processing adjustment of status applications at the New Jersey office is below the national average, therefore, the 60-day period that occurred for the Sheik was not unusual for that office.

H. Deportation: Recision and Exclusion

(C) On September 21, 1990, the NEA/EGY asked Embassy Cairo if deportation of the Sheik should be pursued. Two days later, Embassy Cairo responded, saying it was unwilling to recommend initiating proceedings against the Sheik given the Persian Gulf crisis. The Sheik subsequently left the United States and entered Great Britain on October 28, 1990.

[redacted] FOIA B5, B7(E)

FOIA B7(E)

(U) The memo recommended monitoring the Sheik as a part of the investigation of the terrorist organization, Al-Jihad. A January 10, 1991, INS telegraphic message to Khartoum asked for the original or certified copies of the Sheik's application since he was under investigation for fraudulent statements on his application. It was January 1991 when Embassy Khartoum was evacuated.

(C) On July 31, 1991, the Sheik was intercepted and detained at JFK airport. He presented an Egyptian passport along with his valid I-551 "green card" bearing the file number A029753750.

(U) In an internal INS memo dated October 22, 1991, an Associate General Counsel recommended to the INS General Counsel that the Sheik's passport and green card be returned and that he be served with a Notice of Intention to Rescind his lawful permanent resident status. The memo also stated that the INS could not get around the Fleuti[1] problem to put him in exclusion and that its regulations did not seem to allow them to put the Sheik straight into deportation.

(U) The Department of Justice issued a letter dated January 16, 1992, to the Sheik declaring the INS intent to rescind the adjustment of status. The letter discussed several reasons for the recision, stating in part that, "... at the time of your adjustment of status you were excludable from admission to the United States under section 212(a)(11) as an alien who is a polygamist or who practices polygamy. Your failure to disclose your prior marriage on your application for permanent residence cut off a line of inquiry which could have resulted in your being found excludable at the time of your adjustment of status to that of a lawful permanent resident which also makes you excludable under Section 212(a)(6)(c). Section

[1] The Fleuti problem relates to a legal precedent, Fleuti v. Rosenberg, 302 F.2d 652 (9th Cir. 1962), aff'd, 374 U.S. 449 (1963). The Fleuti problem is the need for INS to present evidence that the purpose of an alien leaving the country was to accomplish some objective which is itself contrary to some policy reflected in U.S. immigration laws that would make him inadmissible to the United States.

212(a)(2)(a) excludes from admission aliens convicted of a crime involving moral turpitude (other than purely political offenses). This service has received from the Director of Prosecution, Ministry of Justice, a record indicating that on December 8, 1987, you were found guilty of three counts of falsification of a private note 'cheque,' for which you were sentenced to three months imprisonment for the convictions. You failed to disclose the arrests and convictions at the time of your interview for permanent residence and are further excludable from admission under section 212(a)(6)(c) of the Act for material misrepresentation."

(U) The Sheik's permanent resident status was rescinded on March 6, 1992. In the exclusion hearing on April 30, 1992, he asked for political asylum. The application stated that: he feared for his life if returned to Egypt, that he had opposed the Egyptian government for years, and that the government had tried many ways and times to quell his voice of protest.

(U) On March 16, 1993, an immigration judge ordered the Sheik's application for asylum denied. The judge also denied the Sheik's application for withholding deportation to Egypt and ordered him excluded and deported from the United States. The Sheik appealed the orders of the ruling on March 24, 1993. On July 2, 1993, the Sheik's parole was revoked and he was taken into custody by INS after several persons who worshipped at his mosques were arrested for allegedly plotting to bomb more targets, such as the Holland tunnel, in the New York area. The Board of Immigration Appeals, on July 9, 1993, dismissed Sheik Abdel Rahman's March 24 appeal.

I. Can It Happen Again?

(U) A July 27, 1993, Presidential initiative requested additional funds to improve the process for issuing visas and admitting aliens to the United States, and CA is responding to that initiative. However, the circumstances surrounding the issuance of visas to the Sheik and his subsequent entries into the United States still persist and therefore can be repeated. We will address these problems in greater detail during the second phase of our review.

Preemptive Refusals

(S) One area of breakdown in the Sheik's case was in the communication within a Foreign Service post. Specifically, there remains a bifurcation within a mission between the technical expertise of the consular section on one hand and the political and intelligence sections of that mission on the other, which do not normally communicate very closely with each other or get involved in each other's affairs. Yet in Cairo, for example, we were told that, while a formal system of communication does not exist, there is constant communication and cooperation between the political and consular sections; the mission's officers and FSNs are politically aware, and names of some undesirables are passed from the political section to the consular section.

(S) To test these assertions, the team culled, from recent political reporting, 4 names out of 39 defendants in the so-called Afghanistan and Jihad/Hizbollah trials. The four persons selected were convicted and sentenced to 15-year prison terms for terrorist acts by an Egyptian court (92 CAIRO 21875), some 5 months earlier. The names were then given to the consular section to perform a routine lookout check as would be done for a visa applicant. The consular lookout system did not reveal any negative information on the individuals.

(U) After returning to Washington, the team checked the consular lookout system again, on June 10, 1993. They checked 2 of the original 4 names and 7 others from the list of 39. Neither of the original names was in the system, and only one of the other seven had been entered. We checked all 39 names on July 8. The original 4 names still had not been added, and only 5 of the other 39 were then in the lookout system. None of the names had been added as a result of our visit to Cairo.

(S) Embassy Khartoum gave assurances, similar to those given by Embassy Cairo, that communication between the consular and political sections was good and that the consular section was informed about persons to whom it is not in the best interest of the U.S. Government to provide visas. One step taken recently was to establish a general reading file so that all officers could be aware of matters going beyond their own

scope of interest. [redacted] FOIA B3

(U) Clearly, the automated and microfiche lookout systems should not be the only tools the consular section relies on to avoid issuing visas to terrorists, since terrorists have been known to obtain passports of other nationalities and to use pseudonyms. The lookout systems can, however, be a valuable tool to this process.

(U) There remains no clear-cut guidance from the Department for proactively identifying and preemptively including the names of ineligible persons or persons thought to be ineligible for a visa into the consular lookout system. Had such guidance been identified and a focal point designated for putting the names of undesirables into the system at the time of the Sadat assassination, Sheik Abdel Rahman's name should have been put into the visa lookout system and he may not have been issued the visa in Khartoum in 1986.

(U) Without clear guidance and an officer at each mission designated as the coordinator or focal point for such an effort, the door remains open for a repeat performance of visa issuance to another individual who may pose a threat to the American society.

(U) A concern voiced both by Embassy Cairo and Embassy Khartoum was where to draw the line when deciding on names to be included in the consular lookout system. While many persons agree that the Sheik's name should have been put in the lookout system, there are no clear guidelines or criteria on the parameters to be followed for other individuals without overburdening the system with names of marginal individuals. In Egypt, for example, we were told that hundreds of people are often arrested without ever being brought to trial. Even in cases that would appear to be of interest, it is sometimes difficult to get the additional biographic information needed for the most effective operation of the lookout system.

(U) Recommendation 1: We recommend that CA, in coordination with the Bureau of Intelligence and Research, develop and disseminate guidance to overseas posts outlining parameters for proactively identifying and preemptively placing the names of ineligible persons or persons thought to be ineligible for nonimmigrant visas (whose grounds of ineligibility constitute a serious refusal, known as Category I refusals) into the visa lookout system before an application is submitted.

Both CA and INR agreed with this recommendation.

(U) Recommendation 2: We recommend that the Under Secretary for Management require each mission to establish a committee, chaired by the DCM, with representatives from at least the consular, political, and intelligence sections, to meet quarterly for the purpose of reviewing information in the public domain and in post reporting and intelligence files with the purpose of determining which host country nationals or residents should be included preemptively in the consular lookout system.

The Under Secretary for Management agreed with this recommendation. The Deputy Secretary sent a cable directing posts to establish such a committee. Based on this action we are closing the recommendation.

Lookout Data Retrieval

(U) In addition to not putting names into the consular lookout system, there is the problem of retrieving information from that system. There are major problems yet to be overcome in the way the system handles Arabic names. These problems are related to transliteration and conventions on name order and a lack of equivalence with what the Western world calls the surname or family name.

FOIA B2, B3

[redacted] FOIA B2, B3

[redacted] FOIA B2

(U) Reliance on the microfiche lookout system to perform name checks is still the norm at 108 of the 235 visa-issuing posts. Also, posts' reliance on FSNs to perform name checks using the microfiche lookout system and the lack of adequate controls to ensure that FSNs properly perform this function is still a major vulnerability to the visa issuing process. Alternatives to the use of the microfiche have been developed and should be made available to posts as soon as possible.

(U) Recent OIG inspections of several Middle East and other posts where terrorists are a primary concern, revealed that many of those inspected were still relying on microfiche to perform name check clearances. In the review of Embassy Khartoum, which relies exclusively on microfiche, the microfiche data was over 4 months old. The microfiche data at Embassy Cairo was even older. However, Cairo, at the time of our audit, did have access to the automated consular lookout system for 4 working days each week. On Sundays, however, a work day at posts in Muslim countries, like Cairo, the lookout system was not operational because maintenance was being performed on the mainframe computer in Beltsville, Maryland. Therefore, when issuing visas, Embassy Cairo and other posts that regularly worked on Sundays had to rely on microfiche for performing name checks. However, Embassy Cairo under the current consul general took the conservative approach and decided not to issue visas based on microfiche clearances and held over part of its Sunday consular workload until Monday, when the lookout system was again operational.

(U) While we understand that the day for maintaining the lookout system has been changed and is no longer performed on

Sundays, in the second phase of this review we will examine problems regarding the automated and microfiche lookout systems in greater detail and make additional recommendations for corrective actions.

(U) Recommendation 3: We recommend that CA request posts to evaluate the existing internal controls to ensure that the required name checks of the consular lookout database are performed effectively, whether on an automated system or with the visa lookout microfiche.

CA agreed with this recommendation.

Quality Control Problems

FOIA B3

CA should not only encourage the staff at posts to use care in processing visa applications and other documents, but to periodically review regulations in the FAM on this matter, and to look for ways to increase overall quality through their active involvement in the process.

(U) Recommendation 4: We recommend that CA inform the heads of consular sections to emphasize the need for high quality in visa documentation and to conduct periodic checks of application files to ensure that due care is being given to the process.

CA agreed with this recommendation

V. CONSOLIDATED LIST OF RECOMMENDATIONS

(U) Recommendation 1: We recommend that CA, in coordination with the Bureau of Intelligence and Research, develop and disseminate guidance to overseas posts outlining parameters for proactively identifying and preemptively placing the names of ineligible persons or persons thought to be ineligible for nonimmigrant visas (whose grounds of ineligibility constitute a serious refusal, known as Category I refusals) into the visa lookout system before an application is submitted.

(U) Recommendation 2: We recommend that the Under Secretary for Management require each mission to establish a committee, chaired by the DCM, with representatives from at least the consular, political, and intelligence sections, to meet quarterly for the purpose of reviewing information in the public domain and in post reporting and intelligence files with the purpose of determining which host country nationals or residents should be included preemptively in the consular lookout system.

(U) Recommendation 3: We recommend that CA request posts to evaluate the existing internal controls to ensure that the required name checks of the consular lookout database are performed effectively, whether on an automated system or with the visa lookout microfiche.

(U) Recommendation 4: We recommend that CA inform the heads of consular sections to emphasize the need for high quality in visa documentation and to conduct periodic checks of application files to ensure that due care is being given to the process.

APPENDIX A

CHRONOLOGY OF SELECTED EVENTS SURROUNDING SHEIK ABDEL RAHMAN

September 1981	(U) Sheik Abdel Rahman is scheduled to be arrested by the Egyptian Government as part of Sadat's crackdown, but evaded arrest until October.
October 6, 1981	(U) President Sadat is assassinated; Al-Jihad allegedly carried out the assassination.
SDU, 1981*	(U) Sheik Abdel Rahman is arrested with 300 other members of the Jihad and accused of attempting to overthrow the Egyptian government by force.
December 6, 1982	(U) Al-Jihad trial begins and there are allegations by some defendants of torture by their jailers.
September 1984	(U) Sheik Abdel-Rahman is acquitted of charges by the Supreme State Security Emergency Court. The court noted the legal requirement to consider inadmissible any confessions obtained through torture and indicated that it had reduced the sentences handed down as a result of the abuses.
October 2, 1984	(U) Sheik Abdel Rahman is released from prison, having spent nearly 3 years there.
December 15, 1986	(U) The Sheik receives a visa from the U.S. embassy in Khartoum. (The source of this information is his April 20, 1987, visa application. No other information is available on this visa.)

* SDU = Specific date unknown

April 20, 1987	(U) A visa application by the Sheik is refused by Embassy Cairo under 214(b) of the Immigration and Nationality Act, intending immigrant. He claims he was invited to an Islamic conference but had no written invitation.
April 23, 1987	(U) The Sheik's visa application is again refused by Embassy Cairo under 214(b) because he had no return airline ticket.
April 26, 1987	(U) Visa number 205233, with a 3 month validity period, is issued by Embassy Cairo to Sheik Abdel Rahman.
July 27, 1987	(U) The Sheik's visa application is refused under 214(b) by Embassy Cairo.
July 30, 1987	(U) The Department notified Embassies Cairo and London that the Department had information that, on May 8, the Sheik had left Cairo for London and might be intending to proceed to the United States. The Department asks if any posts have any information on him.
August 7, 1987	(U) Based on a July 30 cable from Washington, Embassy Cairo enters Sheik Abdel Rahman's name into the consular lookout system under code 77 (a quasi-refusal) because its biographic files revealed background information which would make him ineligible for a visa. The embassy advises the Department against issuing a visa to the Sheik.

May 5, 1988 [redacted] FOIA B3

May 2, 1990 (U) Embassy Cairo alerts Embassy Khartoum that Sheik Abdel Rahman is heading that way and says it would appreciate updates on his activities in Sudan. (This cable was addressed to the Department; Embassy Khartoum was an "Info" addressee.)

[redacted] 1.4(D)

May 10, 1990 (U) The Sheik is issued a visa in passport number 0147195 by Embassy Khartoum. The visa had a 1-year validity period.

[redacted] 1.4(D)

May 20, 1990 (U) Embassy Khartoum realizes its mistake in issuing a visa to Sheik Abdel Rahman.

[redacted] FOIA B3

November 15, 1990	(U) Sheik Abdel Rahman reenters United States.
November 26, 1990	(U) The Department revokes Sheik Abdel Rahman's visa.
November 27, 1990	(U) The Department asks the INS to enter Sheik Abdel Rahman's name into NAILS; the Department also enters his name into the consular lookout system as a code 00 which means that a Department opinion is required before issuing a visa.
December 10, 1990	(U) The INS enters Sheik Abdel Rahman's name into its lookout system.
December 16, 1990	(U) Sheik Abdel Rahman reenters the United States without being intercepted.
January 31, 1991	(U) Sheik Abdel Rahman applies for adjustment of status to permanent resident.
April 8, 1991	(U) The Sheik's request for permanent resident status is approved.
May 6, 1991	(U) Sheik Abdel Rahman reenters the United States.
May 20, 1991	(U) Sheik Abdel Rahman reenters the United States.
July 31, 1991	(U) Sheik Abdel Rahman is caught and detained at JFK Airport by INS.
March 6, 1992	(U) Sheik Abdel Rahman's permanent resident status is rescinded.

April 30, 1992	(U) An exclusion hearing is held and Sheik Abdel Rahman asks for political asylum.
February 26, 1993	(U) The World Trade Center is bombed.
March 16, 1993	(U) Immigration Judge denies the Sheik's asylum application and orders him excluded and deported.
March 24, 1993	(U) The Sheik appeals the Immigration Judge's ruling on his asylum application.
July 2, 1993	(U) Sheik Abdel Rahman's parole is revoked and he is taken into INS custody.
July 9, 1993	(U) Board of Immigration Appeals dismisses Sheik Abdel Rahman's appeal.

APPENDIX B

APPENDIX B

01b

Questions Relative to the Lookout Systems

(U) In April 1993, the Honorable Olympia J. Snowe, Ranking Republican Member of the Subcommittee on International Operations, House Committee on Foreign Affairs, the Honorable Benjamin A. Gilman, Ranking Republican of the House Committee on Foreign Affairs, and the Honorable Elton Gallegly, Member of the Subcommittees on Europe and the Middle East and on the Western Hemisphere, House Committee on Foreign Affairs asked OIG to address several questions regarding the visa issuing process, visa lookout system, and visa fraud. A partial response to these questions is presented below. A more comprehensive response will be provided in the report on the second phase of our review.

Visa Lookout List

1. Question: (U) (a) Is the State Department's visa lookout list data base comprehensive, and does it incorporate on a timely basis FBI, Drug Enforcement Agency, Alcohol, Tobacco and Firearms, Customs Service, and all other U.S. law enforcement or intelligence agencies' lists of individuals who should be denied visas because of possible terrorist, narcotics trafficking, or other criminal activity which may legitimately serve as a basis for denying entry?

Response: (U) The State Department's lookout system at this point is not comprehensive, nor are all names put into the system in a timely manner. Our review of the specifics regarding the Sheik's case showed that names of persons--such as those convicted in Egypt for committing terrorist acts, who could apply for visas when they were released--were not being routinely forwarded to the consular section. This problem extends at a minimum to the political section at posts; the second phase of our audit will look more fully at

the names other agencies have that are not getting into the lookout system.

(U) (b) Are these law enforcement and intelligence agencies' data base systems compatible with State's?

(U) (c) If not, why?

Response: (U) The various data base systems of agencies do not appear to be fully compatible at present. We learned, for example, that not all names that are collected by other agencies are in a format that can be used for name check purposes--unclassified, with name, date of birth, and place of birth. Also, the State Department has quasi-refusal information in its name check system that is not used by other agencies, in particular INS. Finally, the systems have different capabilities in terms of performing name queries, or making "fuzzy matches" of names. The issue of the compatibility of the systems will also be scrutinized more fully in the second phase of our review.

2. Question: (U) (a) Is the State Department's visa lookout list coordinated and shared in a timely fashion with the INS to deny entry of listed individuals into the United States at any port of entry, even if a visa has been erroneously issued to the individuals by the State Department?

Response: (U) The State Department's name check listing is not shared with INS in a timely fashion, in that a tape from the Consular Lookout and Support System (CLASS) is only sent to INS about once every 2 months. The State OIG has also learned that names of individuals who have been denied visas from

nonautomated posts for certain codes (intending immigrant, or lacking sufficient documentation) are not put into the CLASS system, and are thus not shared with INS. Also, the INS system does not include all information from the State lookout system, such as quasi-refusals. Finally, in the Sheik's case, the State Department failed to revoke the Sheik's visa and inform INS in a timely fashion, thus preventing INS from knowing about the erroneous Khartoum visa.

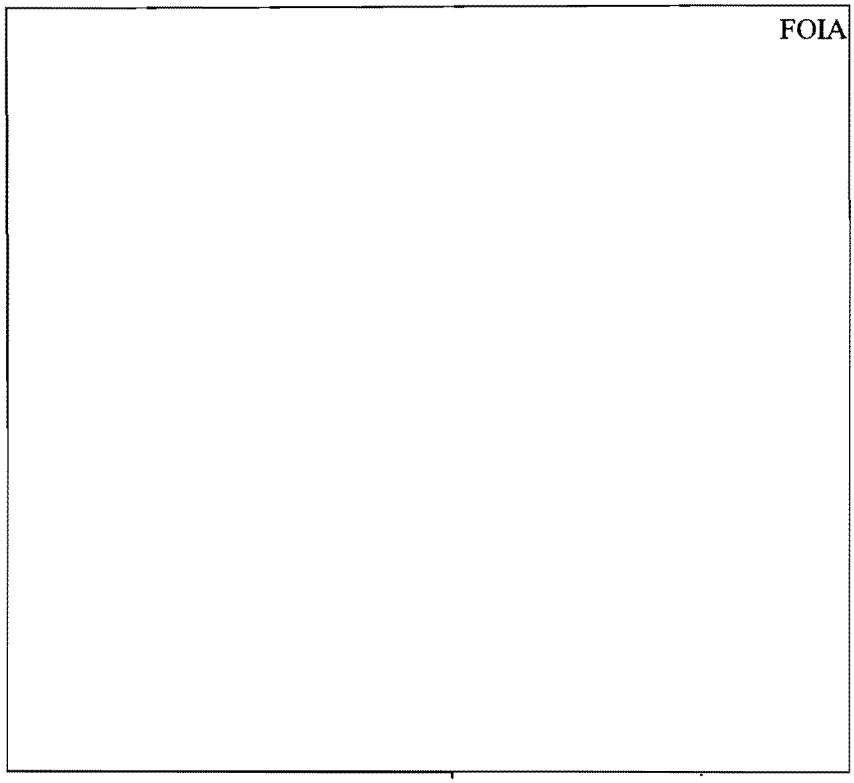
(U) (b) Is a coordinated visa lookout list used by INS to limit reentry into the United States of those individuals who temporarily leave the United States and seek to return under any circumstances?

Response:

FOIA B2, B7(E)

APPENDIX B

FOIA B2, B7(E)



3. Question: (U) (a) How is the lookout list accessed by personnel at U.S. posts overseas before a visa is issued?

Response: (U) The visa lookout system is accessed in different ways at different posts. At the 108 posts that are not automated, for the most part, name checks are performed through a microfiche lookout system, where the names are updated approximately once every 6 months. At posts that are automated and have a direct link to the United States, there is a real time connection between the consular lookout system in Washington and the posts. At other automated posts, a regional subset of the consular lookout system is downloaded monthly from a tape into the post's computer system.

(U) (b) Is the system fully computer automated at all U.S. posts around the world that issue visas?

Response: (U) No. Approximately 108 consular posts overseas are not automated, generally relying on visa lookout microfiche to perform the name checks.

4. Question: (U) Do the individuals responsible for issuing visas check the lookout lists prior to issuing visas, or is this responsibility delegated?

Response: (U) Checking the lookout lists, either at automated or microfiche posts, is typically delegated to FSNs. The consular officer is responsible for confirming that the name check is done.

5. Question: (U) As we understand it the visa lookout list data base and computer system is maintained by the State Department in Washington, D.C. Is access to that data base available 24 hours, 7 days a week to overseas posts to conduct such checks?

Response: (U) No. We were told that since August 1993, the automated consular lookout system has been down for maintenance on Saturdays from 1700 until 0200 Sunday morning, and from 0800 Sunday morning until 1800 Sunday evening. Thus the system is available during working hours to all of the automated overseas posts.

6. Question: (U) When will the State Department have on-line in all overseas posts the computer capacity to instantly enter and access the visa lookout list names of those who might

improperly seek to enter this country with a U.S. visa?

Response: (U) State Department plans, to date, do not provide for all overseas posts to receive direct, on-line access to the automated consular lookout system. Instead, the goal is to install automated name check systems at posts worldwide within the next 2 years. The systems which may be installed range from direct, on-line access to CLASS, to the PC based Distributed Namecheck System (DNC). CA also plans to install the Machine Readable Visa (MRV) program at all posts worldwide within the next 3 years. Most MRV systems combined with the automated name check system require American officers to perform the name check before the visas can be printed. The OIG has found problems with CA's implementation of MRV. A report on the MRV (3-CI-024) was issued in September 1993.

7. Question: (U) (a) What programs does the State Department have to train employees who process or issue visas on accessing and using the visa lookout list program?

(U) (b) Are these training programs adequate?

Response: (U) Training relating to the visa issuance and lookout processes will be another focus of the second phase of our review. We do know at this point that the officers involved in issuing the visas to Sheik Abdel Rahman had taken the standard 26-day Foreign Service Institute consular training course. We will examine the adequacy of that course and other training as it specifically relates to the visa lookout process.

8. Question: (U) When the State Department discovers it has issued a visa in error, does it notify in a timely manner the appropriate U.S. law enforcement agencies to prevent entry or possible criminal activity in the United States of the individual to whom the visa was issued?

Response: (U) Our inquiry regarding Sheik Abdel Rahman has shown that INS and other agencies were not notified in a timely manner that the 1990 visa had been issued erroneously. In the Sheik's case, 10 days passed between the time the error was made and the time that State Department headquarters was notified. After that, months passed during which time neither State headquarters nor Embassy Khartoum revoked the visa. Since the Sheik was in the system only as a quasi-refusal during this period, his name would not have been picked up by the INS system. The second phase of our review will determine whether delays like these routinely occur during the Department's visa issuance process.

Visa Issuance Fraud

9. Question: (U) (a) What is the potential for favoritism, fraud, or bribery in both the visa-lookout check system, and the issuance of visas?

Response: (U) A visa to the United States, which can be obtained through any of the above means, continues to be a prized commodity for illegal immigrants to the United States. In semiannual reports to Congress, the OIG Office of Investigations has routinely reported that between 10 and 20 percent of

its investigations have been related to visa and passport fraud (in 1989, the number for visa and passport fraud was even higher, at 28 percent). Thus, the potential for malfeasance in this area remains high. (See response to question 10 regarding the number of convictions.)

(U) (b) What procedures, controls, and recording requirements are in place to ascertain that the watch list inquiry has been properly performed before a visa is issued?

(U) (c) Are these controls adequate?

Response: (U) We will be examining this issue in detail during the second phase of our review. We do know, at this point, that: the Department requires name checks to be performed on all visa applications; visa applications include the phrase "L.O. checked" to indicate that the name was checked in the lookout system; and consular officers are responsible for ensuring that the check was performed. Also, our review thus far has shown that FSNs, at least at posts with microfiche that the OIG visited, were not routinely performing the required name checks although they were indicating on the form that they had done so, and that consular officers have not been given sufficient guidance to ensure that these checks have been performed.

10. Question: (U) How many instances of administrative or other disciplinary action, as well as criminal referrals to either the U.S. Department of Justice or local law enforcement authorities, has the State Department made in the last 5 years for

misconduct related to visa issuance by State Department personnel?

Response: (U) In the last five years the OIG Office of Investigations has opened 153 visa fraud investigations. Of these investigations, 25 of the cases have resulted in administrative or criminal action (17 administrative actions and 8 criminal actions).

The Department's Office of Diplomatic Security has conducted investigations in the last 5 years that have resulted in the outright firing of 67 FSN employees who were involved in issuing visas based on bribery or favoritism. Another 10 FSNs resigned during the course of the visa investigations. Additionally, 19 FSNs were prosecuted locally by host country authorities at the request of Diplomatic Security.

11. Question: (U) (a) The Foreign Service Manual maintained at State Department posts contains regulations and guidelines for the issuance of visas, including document identification requirements. What are the appropriate Foreign Service Manual Sections that deal with the visa lookout list procedures that address possible fraud, favoritism, bribery, or other abuses in the visa issuance system?

(U) (b) Are these regulations, guidelines, and procedures adequate?

Response: (U) Volume 9 of the FAM identifies the Department's visa issuance procedures and requirements. Section 9 FAM 41.113 states that: "The post must check the applicant's name against the visa lookout system prior

to issuance." This note then refers to 9 FAM, Part IV, (Appendix D, "General Visa Instructions") which has more specific requirements:

- Online posts are to check applicants' names against the automated system, and any "hits" are supposed to be given to the interviewing consular officer for review. When the name check system is down, posts must either perform the name checks with the microfiche or wait for the system to be up again.
- Posts not on line are to get a subset of the name check data base bimonthly on microfiche, and the consular officer "must ensure" that all applicants are checked against the latest microfiche.
- Supervisory consular officers must establish procedures to ensure that the names of all visa applicants are checked against the automated consular lookout system data base.

We will be examining the adequacy of the FAM's guidance in detail during the second phase of this review.

Identification Procedures

12. Question: (U) Are the current document requirements of visa applicants sufficient for identification purposes and the visa lookout list?

Response: (U) The only documents that are required to obtain a nonimmigrant visa are the application itself and the applicant's passport. The consular officer, who must

make the judgement regarding the identity of the applicant and his or her eligibility for a visa, can require the applicant to present any additional documents that would facilitate that determination. This could include evidence of bank accounts, family ties, employment, or whatever the consular officer determines is necessary. The consular officer must also determine that these documents are themselves authentic.

We have not made the determination in this audit that insufficient documentation is required for nonimmigrant visas. However, we will continue to explore the documentation requirements and improvements necessary during the second phase of our review.

13. Question: (U) Can the identification procedures be improved to avoid fraud and other abuses?

Response: (U) Our work did not reveal that identification procedures used at the time of the Sheik's applications were faulty. The Sheik did not in fact misrepresent who he was when applying for visas,

FOIA B2

The second phase of our review will scrutinize this aspect of the application process more closely, to further determine the vulnerabilities of visa identification procedures.

14. Question: (U) (a) Can improvements be made to reduce transliteration problems in the spelling of applicants' names on visa application forms?

Response: (U) The information we have gathered to date from State and INS indicates that

transliteration is indeed a problem in the name check process with Arabic and other names. However, defining the scope and identifying possible solutions to the problem will require a more in-depth review, which we plan to perform in the second phase of this assignment.

(U) (b) Are visa application forms available in Arabic or other foreign languages?

Response: (U) Yes. The Department does have nonimmigrant visa forms available in native languages for some countries, and until recently the Department routinely produced a form in English with an Arab translation. However, overseas posts have the discretion on which forms are used, and many posts in the Arab world have declined the option of using Arab language forms. One of the problems they cited was that many of applicants would fill the form out in Arabic, creating transliteration problems. Also, at many posts the applicants are third country nationals who do not speak Arabic, or well educated nationals who already know English. The Department stopped producing visa application forms in Arabic in 1991.

(U) (c) What recommendations are needed to solve the apparent problems with the transliteration of names in visa applications submitted overseas, so that the visa watch list system works, regardless of variations in the spelling of the applicant's name?

Response: (U) The transliteration problem of the various border control lookout systems is a very broad and complex issue. We will examine that issue in depth in the second

phase of our audit and make the appropriate recommendations.

Overseas Post Capabilities

15. Question: (U) (a) How many overseas posts issue visas without any computer search capability whatsoever, relying instead on manual or microfiche visa watch searches?

Response: (U) According to State Department officials, there are approximately 108 posts that currently rely solely on microfiche equipment for their name check searches.

(b) How often is the microfiche visa watch list updated, and how much lag time generally occurs before overseas posts that rely on microfiche receive additions to the list?

Response: (U) The OIG found that the State Department does not update the microfiche watch list in a timely manner. Though the Department's goal is to update microfiche posts every 2 months, the average has been every 6 months.

16. Question: (U) (a) What kind of search equipment was available and utilized in the case of the visa mistakenly issued by the U.S. Embassy in Sudan, referred to above?

Response: (U) In Khartoum, the embassy had microfiche for conducting name check searches. Although Sheik Abdel Rahman's name was in the system, the Foreign Service National

who normally performed name checks failed to do so.

(U) (b) Was the application in this case made in Arabic?

Response: (U) No. The application was completed in English.

APPENDIX C

GLOSSARY OF SELECTED IMMIGRATION LOOKOUT SYSTEMS

NOTE: The terms on this document appear in the order they are presented on the graphic illustration on page 68.

(U) IBIS - The Interagency Border Inspection System is a network of component systems, primarily TECS and IBIS Local Area Networks; it is also supported by other agencies' lookout systems. Its principal members are INS, Customs, CA, and the Department of Agriculture's Animal and Plant Health Inspection Service. The IBIS system contains data from its component systems, including persons, aircraft, vessels, organizations, vehicles, firearms, locations, documents, and other items.

(U) TECS - The Treasury Enforcement Communications System, maintained by the Customs Service, is available through a network of 13,000 terminals and consists of lookout data from 14 Federal agencies, including persons and organizations. It is the primary component of IBIS.

(U) AVLOS - The Automated Visa Lookout System (AVLOS), maintained by the Department of State, is a database of names of aliens who have been found ineligible for visas. It was replaced by CLASS in March 1991.

(U) CLASS - The Consular Lookout and Support System, maintained by the Department of State, is a database of names of aliens who have been found ineligible for visas. CLASS replaced AVLOS in March 1991 and has more advanced name check functions utilizing linguistically specific algorithms. Its data is passed to TECS.

(U) NIVCAPS - The Nonimmigrant Visa Computer-Assisted Processing System is the operating system which facilitates data entry and retrieval, management functions, and reports at high-volume visa posts. It is maintained by the Department of State.

(U) TIPOFF - This system is maintained by the Department of State's Intelligence and Research Division. It is a listing of names of possible or known terrorists. Its data is passed to both the NAILS and CLASS.

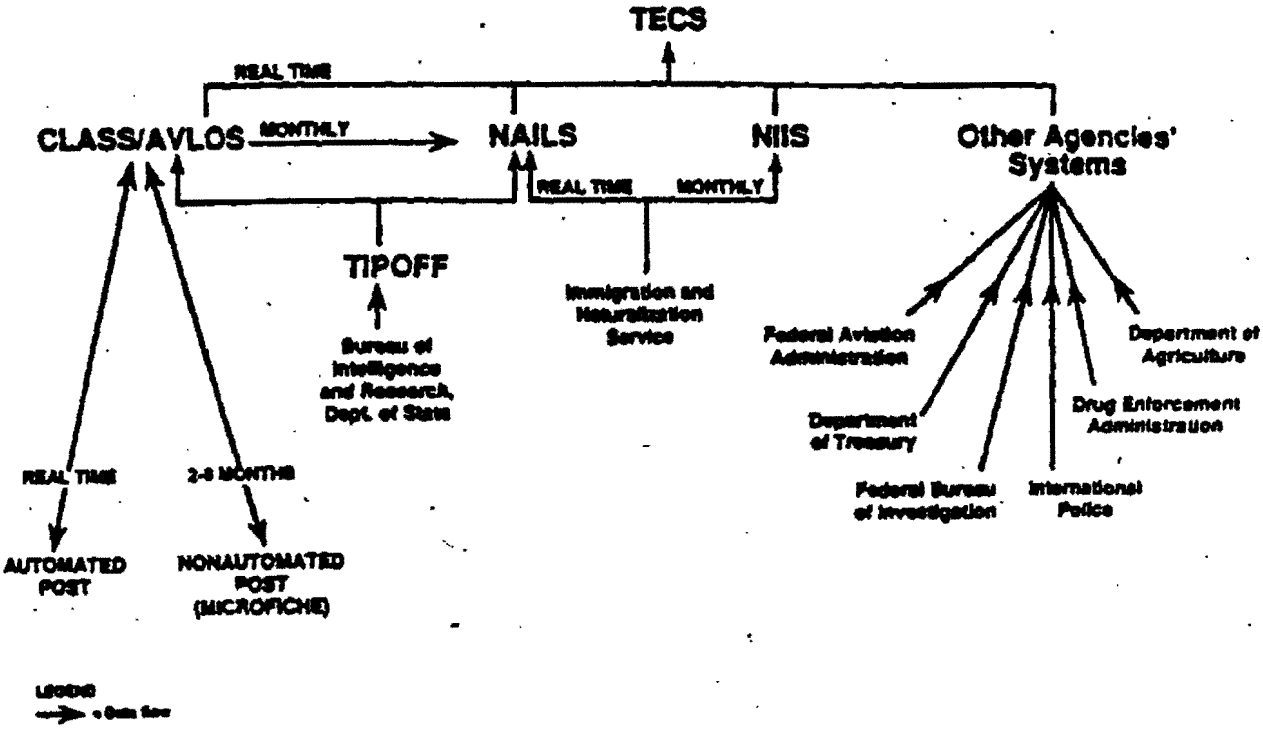
(U) NAILS - The National Automated Immigration Lookout System is maintained by the INS. It is a name check system used by INS inspectors at ports of entry. Its data, consisting of names and dates of birth of people excludable from the U.S. under exclusion grounds outlined in the Immigration and Nationality Act, is passed to TECS.

(U) NIIS - The Nonimmigrant Information System is maintained by the INS. It documents the arrivals and departures of non-immigrants in the U.S. and it contains data obtained from the I-94 form, including name and date of birth, and also information concerning any change in status. Its data is passed to the TECS system.

See the following page for a graphic description of the IBIS network.

APPENDIX C

IBIS NETWORK



APPENDIX D

SECRET

APPENDIX D

United States Department of State

Washington, D.C. 20520

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SEP 29 ...

UNCLASSIFIED
MEMORANDUM

TO: OIG/AUD - John C. Payne

FROM: FMP/MP - Carolyn S. Lowengart

SUBJECT: Draft Audit Report on Phase I of the Review of Nonimmigrant Visa Processing

I am responding on behalf of the Under Secretary for Management to Recommendation 2 of OIG's Draft Audit Report on Phase I of the Review of Nonimmigrant Visa Processing.

Recommendation 2. We recommend that the Under Secretary for Management require each mission to establish a committee, chaired by the DCM, with representatives from at least the consular, political and intelligence sections, to meet quarterly for the purpose of reviewing information in the public domain and in post reporting and intelligence files with the purpose of determining which host country nationals or residents should be included preemptively in the consular lookout system.

On July 28, 1993, in response to OIG's earlier findings and recommendation, Deputy Secretary Wharton, in his capacity as Acting Secretary, sent ALDAC message STATE 228336 to chiefs of mission on "Fighting Terrorism." This cable instructed each post to establish a committee chaired by the DCM with representatives of appropriate sections and agencies to review who should be added to the lookout list. Posts have already started reporting on initial committee meetings and their results.

Drafted: MP/FMP - BHemingway
9/24/93 X70768 MMPB 2147
Cleared: M - HGeisel
M - CPerez
CA/PA - KKelly

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APPENDIX D SECRET APPENDIX D

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PAGE 01 STATE 228336 2800332

ORIGIN CA-02

INFO	LOG-00	AF-01	AIT-03	ARA-01	AS-02	A-01	CIAE-00
	C-01	OASY-00	OODE-00	ANHR-01	DS-00	EAP-01	EUR-01
	FSI-01	H-01	INM-02	TEDE-00	INR-00	IO-19	JUSE-00
	L-03	ADS-00	M-00	N-01	NEA-01	NSAE-00	NSCE-00
	OIG-04	SCT-03	SSO-00	SS-00	USIE-00	VO-06	SA-01
	CORE-00	/056R					

DRAFTED BY: CA:NSHERWOOD/D:JBWARLICK:GLM
APPROVED BY: O:THE ACTING SECRETARY
CA:MARYAN MHGEISEL
C:ADSENS S/S:RLWILSON
S/CT:BBODINE S/S-O:CCHEINECK S

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FM SECSTATE WASHDC
TO ALL DIPLOMATIC AND CONSULAR POSTS IMMEDIATE
UNCLAS STATE 228336
FOR CHIEF OF MISSION FROM THE ACTING SECRETARY :
E.O. 12356: N/A
TAGS: CMGT, CVIS, PTER
SUBJECT: FIGHTING TERRORISM
1. THE BOMBING OF THE WORLD TRADE CENTER AND THE REVELATION OF FURTHER TERRORIST PLOTS HAVE FOCUSED ATTENTION ON THE IMPORTANCE OF OUR CONSULAR OPERATIONS

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ABROAD. WITH INCREASING CONCERN IN CONGRESS AND THE ADMINISTRATION ON THE SECURITY OF OUR BORDERS AND THE SAFETY OF THE AMERICAN PEOPLE, WE MUST DIRECT ATTENTION AND RESOURCES TO ADDRESS INTERNATIONAL TERRORISM AS A PRIORITY AT ALL OVERSEAS MISSIONS.
2. YOUR CONSULAR SECTION IS VITAL IN PROTECTING THE UNITED STATES FROM THE THREAT OF TERRORISM. WHETHER YOUR MISSION INCLUDES A LARGE, COMPLEX CONSULAR OPERATION OR A SINGLE, PART-TIME OFFICER, CONSULAR OFFICERS SERVE ON THE FRONT LINES OF THIS HIDDEN BATTLE. YOUR LEADERSHIP AND FULL SUPPORT ARE CRUCIAL TO THE SUCCESS OF OUR CONSULAR OBJECTIVES.
3. I URGE EACH OF YOU TO WORK WITH YOUR STAFF TO FIND WAYS TO ENSURE THAT THE IDENTITIES OF PEOPLE WHO MAY THREATEN THE WELFARE OF THE UNITED STATES ARE PROVIDED TO YOUR CONSULAR SECTION MANAGERS AS QUICKLY AS POSSIBLE. YOU SHOULD MEET WITH THE CHIEF OF YOUR CONSULAR SECTION IMMEDIATELY AND DETERMINE WHAT OUTSTANDING CONCERNS THEY MAY HAVE WITH RESPECT TO INFORMATION SHARING AND OPERATIONAL GUIDELINES WITHIN THE MISSION. YOU AND THE CONSULAR CHIEF SHOULD THEN MEET WITH YOUR MISSION MANAGERS TO REVIEW THE ADEQUACY

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OF YOUR CURRENT PROCEDURES WHICH ENSURE THAT THE CONSULAR SECTION IS RECEIVING FULL SUPPORT FROM ALL ELEMENTS OF THE MISSION. IF AFTER THIS REVIEW YOU HAVE ENCOUNTERED PROBLEMS THAT PREVENT YOUR MISSION FROM CARRYING OUT ITS RESPONSIBILITIES TO PROTECT OUR BORDERS FROM INTERNATIONAL TERRORISM, PLEASE LET US KNOW

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IMMEDIATELY.

4. A KEY TOOL IN COMBATTING TERRORISM IS A LOOKOUT LIST OF INDIVIDUALS WHO MAY BE INELIGIBLE TO RECEIVE A VISA MAINTAINED BY THE DEPARTMENT. AMONG OTHERS THE LIST INCLUDES TERRORISTS, CRIMINALS, AND NARCOTICS TRAFFICKERS. INCLUSION ON THE LIST DOES NOT AUTOMATICALLY MAKE AN INDIVIDUAL INELIGIBLE FOR A VISA, BUT WOULD ENSURE A THOROUGH REVIEW OF THE APPLICATION. THE LIST IS ONLY AS GOOD AS THE INFORMATION THAT IS PUT INTO IT. WE NEED YOUR HELP TO MAKE SURE THAT THE LIST IS AS COMPLETE AND UP-TO-DATE AS POSSIBLE.

5. THE INSPECTOR GENERAL HAS RECOMMENDED THAT EACH MISSION ESTABLISH A COMMITTEE CHAIRED BY THE DCM WITH REPRESENTATIVES OF APPROPRIATE SECTIONS AND AGENCIES TO REVIEW WHO SHOULD BE ADDED TO THE LOOKOUT LIST. SUCH A COMMITTEE TAILORED TO THE NEEDS OF YOUR MISSION SHOULD BE FORMED IMMEDIATELY. YOU SHOULD BE ALERT TO REPORTING CABLES THAT CONTAIN INFORMATION ABOUT SUCH INDIVIDUALS AND BE SURE THAT THE REPORTS ARE SHARED WITH THE CONSULAR SECTION IMMEDIATELY. IF YOU HAVE SUGGESTIONS FOR OTHER MECHANISMS FOR SHARING CRUCIAL INFORMATION, PLEASE LET US KNOW. I WILL ASK ASSISTANT SECRETARY RYAN TO CONTACT CONSULAR SECTION CHIEFS IN A FEW WEEKS TO SEE HOW WELL THIS INITIATIVE IS PROGRESSING.

6. I RELY ON YOU TO LEAD YOUR MISSION IN STRENGTHENING OUR EFFECTIVENESS AND ABILITY TO MEET THIS CHALLENGE. WHARTON

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APPENDIX E

SECRET

APPENDIX E

United States Department of State

Assistant Secretary of State
for Consular Affairs

Washington, D.C. 20520

01e

September 27, 1993

UNCLASSIFIED

TO: OIG/AUD - Mr. John C. Payne

FROM: CA - Mary A. Ryan

SUBJECT: Draft Audit Report on Phase I of the Review of Nonimmigrant Visa Processing

REF: Your memorandum of September 3, 1993, same subject

The Bureau of Consular Affairs concurs in the four recommendations contained in the draft audit report titled "Circumstances Surrounding the Issuance of Visas to Sheik Omar Ali Ahmed Abdel Rahman." We already have taken steps to implement them.

There are a few points in the body of the report which we believe should be reviewed in the interest of greater accuracy:

o [redacted]

o

o

FOIA B3

SECRET

APPENDIX F

SECRET

APPENDIX F

United States Department of State

Washington, D.C. 20520

01f

September 27, 1993

UNCLASSIFIED

TO: OIG/AUD - Mr. Payne

FROM: INR - Philip C. Wilcox, Jr., Acting

SUBJECT: INR Comments on OIG Audit: "Circumstances surrounding the Issuance of Visas to Sheikh Omar Ali Ahmed Abdel Rahman"

INR strongly agrees with the IG recommendation that CA, in coordination with INR, provide posts guidance in placing possible terrorists in the visa lookout system. To that end, CA and INR have developed the "Visas Viper" program.

On August 10, 1993 the Department instructed embassies and consulates to submit to the Department post-developed information on suspected terrorists for possible inclusion in the Visa lookout system "CLASS" (copy attached). INR/TNA's TIPOFF program and CA/VO/LC review all incoming Viper cables to determine if they meet the criteria for inclusion in the lookout system. As appropriate, TNA now enters names into TIPOFF, CLASS and/or the IBIS system of INS and Customs.

INR/TNA has coordinated with CIA, FBI, NSA, DIA, Secret Service, INS and Customs to determine which agencies will be on distribution for the Viper messages and how those agencies will handle Viper information.

FOIA B2

To date twenty seven Visas Viper messages have been received. US Embassy Beirut, in particular, has provided biographic information that has enabled us to watchlist several names with INS/Customs. As CA continues to give priority to the Viper program, the Department will undoubtedly add further names to the list. CA has not informed INR of any plans to upgrade computer support as a result of the Viper program nor has CA yet discussed creating similar formats to include areas of reporting such as narcotics or organized crime.

Attachment:
As stated.

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ORIGIN CA-02
INFO LOG-00 AF-01 A-01 CIAE-00 C-01 OASY-00 000E-00
DS-00 H-01 INM-02 TEDE-00 INR-00 INSE-00 JUSE-00
L-03 ADS-00 M-01 NSAE-00 OIG-04 SCT-03 SS-00
VO-06 CORE-00 /025R
DRAFTED BY: CA/VO/L/C:EJURBAN
APPROVED BY: CA:MARYAN
CA/VO:MLHANCOCK CA:OLHOBBS
INR/TNA: D:JBWARLICK
C:SBRANDEL L/CA:CWBROWN
S/CT: S-S/O:MKENNO
L/CA:CWBROWN, S/CT: DS/I/PII:RBRAND
M:CPEREZ
----------E11736 101635Z /48
O 101529Z AUG 93
FM SECSTATE WASHDC
TO ALL DIPLOMATIC AND CONSULAR POSTS IMMEDIATE
SPECIAL EMBASSY PROGRAM
AMEMBASSY ASMARA
AMEMBASSY KINSHASA
AMEMBASSY BRATISLAVA
AMEMBASSY BRAZZAVILLE
AMEMBASSY DUSHANBE
AMEMBASSY LUANDA
USLO MOGADISHU
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TO CONSULAR SECTION CHIEFS FROM CA A/S RYAN
E.O. 12356: N/A
TAGS: CVIS, CMGT, PTER, ASEC
SUBJECT: FIGHTING TERRORISM: VISAS VIPER PROCEDURE
REF: (A) STATE 119348; (B) STATE 228336
1. SUMMARY: REF. (A) INSTRUCTED CONSULAR SECTION CHIEFS TO SEEK OUT NAMES OF POTENTIAL TERRORISTS AND TO SUBMIT THEM TO THE DEPARTMENT FOR POSSIBLE INCLUSION IN THE VISA LOOKOUT SYSTEM (CLASS). IN REF. (B), THE DEPUTY SECRETARY INSTRUCTED CHIEFS OF MISSION AND PRINCIPAL OFFICERS TO ESTABLISH SPECIFIC PROCEDURES AT EACH POST FOR THIS PURPOSE. THIS TELEGRAM SETS FORTH THE PROCEDURES FOR SUBMISSION OF NAMES FOR INCLUSION IN THE SYSTEM AND DESCRIBES THE PROCESS WHICH WILL RESULT FROM SUCH SUBMISSIONS. END SUMMARY.

INFORMATION ON TERRORISTS MUST BE SUBMITTED TO DEPARTMENT

2. EFFECTIVE IMMEDIATELY, THE CASES OF ALL POTENTIAL TERRORISTS ON WHOM CREDIBLE INFORMATION IS PROVIDED TO
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THE CONSULAR SECTION, EITHER BY THE MISSION'S INTERAGENCY COMMITTEE OR FROM OTHER SOURCES, MUST BE SUBMITTED TO THE DEPARTMENT FOR REVIEW AND POSSIBLE ENTRY INTO CLASS BY TELEGRAM USING THE CODE INDICATOR "VISAS VIPER". THE CRITERIA FOR SUBMISSION AND THE
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REQUIRED FORMAT AND CONTENTS OF THESE TELEGRAMS ARE DESCRIBED BELOW. THE DEPARTMENT HAS DETERMINED THAT THIS PROCEDURE IS NECESSARY FOR THE FOLLOWING REASONS:
-(A) IT PERMITS THE DEPARTMENT TO ENSURE THAT NAMES ARE NOT BEING ENTERED INTO THE LOOKOUT SYSTEM WITHOUT REGARD TO THE REQUIREMENTS OF SECTION 128(E) OF P. L. 102-138; AND
-(B) IT ENSURES THAT THE INFORMATION SUBMITTED WILL NOT ONLY BE ENTERED INTO THE VISA LOOKOUT SYSTEM BUT WILL ALSO BE INTEGRATED INTO THE DEPARTMENT'S OVERALL PARTICIPATION IN COUNTER-TERRORISM EFFORTS.

VO/L/C AND INR/TNA WILL COORDINATE CLASS INPUT

3. THE COORDINATION DIVISION OF THE VISA OFFICE (CA/VO/L/C) WILL NORMALLY BE RESPONSIBLE FOR DETERMINING WHETHER THE SUBJECTS OF VISAS VIPER TELEGRAMS WILL BE ENTERED INTO CLASS. VO/L/C WILL WORK CLOSELY IN THIS EFFORT WITH INR'S OFFICE OF TERRORISM AND NARCOTICS ANALYSIS (INR/TNA). FOR YOUR INFORMATION, INR/TNA IS THE OFFICE WITHIN THE DEPARTMENT CHARGED WITH MONITORING THE "TIPOFF" PROGRAM, A SYSTEM NOW IN PLACE FOR COORDINATING THE USE OF INTELLIGENCE INFORMATION BETWEEN THE INTELLIGENCE COMMUNITY AND VARIOUS OFFICES OF THE DEPARTMENT, INCLUDING CA. INR/TNA HAS LONG PROVIDED VALUABLE SUPPORT TO THE VISA OFFICE IN THE ADJUDICATION OF SECURITY ADVISORY OPINION REQUESTS INVOLVING POSSIBLE TERRORISTS AND IS THE ONLY ENTITY OUTSIDE CA WHICH IS AUTHORIZED TO MAKE DIRECT "OO" ENTRIES INTO CLASS.
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CRITERION FOR SUBMISSION OF VISAS VIPER TELEGRAMS

4. THE CRITERION POSTS SHOULD USE IN DECIDING IF A VISAS VIPER TELEGRAM SHOULD BE SUBMITTED IS WHETHER THERE ARE REASONABLE GROUNDS TO SUSPECT THAT THE ALIEN HAS ENGAGED OR MAY ENGAGE IN A TERRORIST ACT AS DEFINED IN SECTION 212(A)(3)(B) OF THE INA. ALL CASES WHICH MEET THIS STANDARD MUST BE SUBMITTED, EVEN IF THE IDENTIFYING INFORMATION ON THE SUSPECTED TERRORIST IS SKETCHY (SEE PARAS. 5 AND 6 BELOW). YOU SHOULD ENSURE
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THAT APPROPRIATE MEMBERS OF YOUR MISSION'S COUNTRY TEAM ARE FAMILIAR WITH THE ACTIONS WHICH ARE SPECIFIED AS CONSTITUTING TERRORIST ACTIVITY IN INA 212(A)(3)(B). PLEASE NOTE THAT THE VISAS VIPER PROCEDURE COMPLEMENTS BUT DOES NOT SUBSTITUTE FOR EXISTING VISAS DONKEY SECURITY ADVISORY OPINION PROCEDURES WHICH ARE USED WHEN PROCESSING ACTUAL VISA APPLICATIONS.

CRITERIA FOR MAKING CLASS ENTRY

5. IN DETERMINING WHETHER TO MAKE A CLASS ENTRY, THE DEPARTMENT MUST CONCUR WITH THE POST'S EVALUATION THAT THE ALIEN IS A POTENTIAL TERRORIST AND MUST FURTHER CONSIDER WHETHER THE IDENTIFYING DATA SUBMITTED IN THE VISAS VIPER TELEGRAM IS SUFFICIENT TO LINK THAT SPECIFIC

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ALIEN WITH THE DEROGATORY INFORMATION AVAILABLE. IN QUESTIONABLE CASES, THIS WILL REQUIRE A SUBJECTIVE JUDGMENT WHICH WEIGHS THE LEVEL OF THREAT INVOLVED, THE LIKELIHOOD THAT A CLASS ENTRY WILL SERVE A USEFUL PURPOSE, AND THE LEGAL REQUIREMENTS PERTAINING TO THE USE OF CLASS.

IDENTIFYING DATA VERY IMPORTANT

6. WHILE THE DECISION OF WHETHER TO ENTER A SUSPECTED TERRORIST INTO CLASS IS THE DEPARTMENT'S RESPONSIBILITY (EXCEPT AS PROVIDED IN PARA. 8 BELOW), THE COOPERATION OF ADDRESSEE POSTS IN PROVIDING ALL POSSIBLE IDENTIFYING INFORMATION WHICH IS AVAILABLE OR CAN BE GATHERED LOCALLY--NO MATTER HOW SEEMINGLY INSIGNIFICANT--WILL ASSIST IMMEASURABLY IN THIS ENDEAVOR. OF PARTICULAR INTEREST ARE THE SUBJECT'S FULL NAME (INCLUDING ANY ALIASES AND SPELLING VARIATIONS), DATE AND PLACE OF BIRTH, PARENTS' NAMES, PASSPORT NUMBER AND DATE AND PLACE OF ISSUANCE, OCCUPATION/PROFESSION, AND GROUP AFFILIATION, IF ANY. IF THE SUBJECT'S EXACT DATE OF BIRTH IS UNKNOWN, THEN HIS OR HER APPROXIMATE AGE SHOULD BE REPORTED IF AVAILABLE. ANY KNOWN PHYSICAL CHARACTERISTICS AND BIOGRAPHICAL DATA (TRAVEL HISTORY, PREVIOUS EMPLOYMENT, ETC.) SHOULD ALSO BE PROVIDED.

PREVIOUS ENTRY OF SUBJECT IN CLASS

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7. PRIOR TO SUBMITTING A VISAS VIPER TELEGRAM ON A POTENTIAL TERRORIST, POSTS SHOULD CONDUCT A CLASS CHECK

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TO DETERMINE WHETHER THE SUBJECT WAS PREVIOUSLY INCLUDED AS A "00" ENTRY OR UNDER ANOTHER CODE REQUIRING A SECURITY ADVISORY OPINION. IF AFFIRMATIVE, THE DEROGATORY INFORMATION SHOULD STILL BE SUBMITTED UNLESS POST IS CERTAIN THAT THE DEPARTMENT IS ALREADY AWARE OF IT. THE COMPLETE CLASS ENTRY(IES) SHOULD BE CITED IN THE TELEGRAM.

ENTRY BY POSTS IN CERTAIN CASES

8. WHEN A CONSULAR OFFICER BELIEVES CIRCUMSTANCES REQUIRE THAT THE SUBJECT OF DEROGATORY INFORMATION BE INCLUDED IN CLASS IMMEDIATELY (E.G., BECAUSE OF AN IMMINENT THREAT TO U. S. INTERESTS OR AN IMPENDING APPLICATION FOR A U. S. VISA BY THE SUBJECT), THE CONSULAR OFFICER SHOULD ENTER THE ALIEN'S NAME AS A QUASI 212(A)(3)(B) REFUSAL (INTERIM CODE 90 OR NEW CODE P39) PRIOR TO SENDING AN IMMEDIATE VISAS VIPER CABLE. THIS ACTION SHOULD BE REPORTED IN THE TELEGRAM.

PROCEDURES FOR SUBMITTING VISAS VIPER TELEGRAMS

9. ALL INFORMATION ON POSSIBLE TERRORISTS SHOULD BE SUBMITTED BY MEANS OF VISAS VIPER TELEGRAMS USING THE

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FORMAT ILLUSTRATED IN PARA. 11 BELOW AND SLUGGED FOR CA/VO/L/C AND INR/TNA. THE VISAS VIPER CODE INDICATOR SHOULD BE SHOWN IN BOTH THE CAPTION LINE AND PARA. 1 OF THE TELEGRAM. THE SUBJECT LINE SHOULD READ AS INDICATED IN THE SAMPLE TELEGRAM (PARA. 11). PARA. 2 OF THE CABLE SHOULD INCLUDE ALL IDENTIFYING DATA AVAILABLE TO POST REGARDING THE SUBJECT. THE REMAINDER OF THE TELEGRAM SHOULD PROVIDE A DETAILED RECITATION OF THE DEROGATORY INFORMATION KNOWN TO POST (INCLUDING THE IDENTIFICATION OF ANY TERRORIST GROUPS WITH WHICH THE SUBJECT MAY BE AFFILIATED), AN EVALUATION OF ITS RELIABILITY, AND THE CONSULAR OFFICER'S RECOMMENDATION REGARDING THE SUBJECT'S INCLUSION IN CLASS. THE INFORMATION PROVIDED SHOULD, OF COURSE, BE CLASSIFIED AT AN APPROPRIATE LEVEL AND ATTENTION SHOULD BE GIVEN TO ASSIGNING APPROPRIATE TELEGRAPHIC PRECEDENCE.

SOURCES AND SOURCE PROTECTION

10. UNLESS THE SOURCE OF THE DEROGATORY INFORMATION IS SENSITIVE, POST MUST PROVIDE SOURCE DATA TO ENABLE THE DEPARTMENT TO DETERMINE THE WEIGHT TO BE ATTACHED TO SPECIFIC INFORMATION. THIS BECOMES PARTICULARLY IMPORTANT IF THE SUSPECTED TERRORIST SUBSEQUENTLY

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APPLIES FOR A VISA AND A DETERMINATION MUST BE MADE OF THE ALIEN'S ELIGIBILITY. IDENTIFICATION OF PARTICULARLY SENSITIVE SOURCES SHOULD BE PROVIDED THROUGH OTHER MEANS, AS DETERMINED AT POST, BUT MAY INCLUDE ROGER OR
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DS CHANNEL, OR NORMAL INTELLIGENCE CHANNELS IF DEEMED NECESSARY. FOR YOUR INFORMATION, IF A VISAS VIPER TELEGRAM IS CLASSIFIED, ONLY THE FOLLOWING DATA WILL NORMALLY BE CONSIDERED AS UNCLASSIFIED FOR ENTRY INTO CLASS: NAME, DPOB, NATIONALITY, AND PASSPORT NUMBER. ANY ADDITIONAL INFORMATION PROVIDED WILL BE MAINTAINED BY THE DEPARTMENT FOR FUTURE USE AS NECESSARY.

EXAMPLE OF VISAS VIPER TELEGRAM

11. BEGIN SAMPLE CABLE (N.B. THIS SAMPLE SERVES ONLY AS A MODEL FOR FORMAT AND THE NATURE OF THE INFORMATION DESIRED. DIFFERENT FACTUAL SITUATIONS WILL, OF COURSE, RESULT IN OTHER RECOMMENDATIONS, ACTIONS TAKEN, AND REQUESTS FOR ACTION AS INDICATED IN PARAS. 7 AND 8 ABOVE):
ACTION: SECSTATE WASHDC
VISAS VIPER
DEPARTMENT FOR CA/VO/L/C AND INR/TNA
E. O. 12356: N/A
TAGS: CVIS, PTER, PINR, ASEC, XX (DOE, JOHN HAMES)
SUBJECT: REQUEST FOR EVALUATION OF SECURITY INFORMATION
REF: (A) (THIS CABLE)
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1. VISAS VIPER
2. DOE, JOHN JAMES; AKA ROE, PETER AND DOE, JIMMY;
MALE; SINGLE; 23 FEBRUARY 1960; PORT CITY, OCEANIA
FATHER'S NAME: DOE, HENRY
MOTHER'S NAME: UNKNOWN
PASSPORT DATA: OCEANIC PASSPORT NO. 828282,
ISSUED MAY 1989.
PHYSICAL DESCRIPTION: BLACK HAIR, FAIR COMPLEXION
HEIGHT 170 CM, MEDIUM BUILD
CURRENT OCCUPATION: ELECTRICIAN
3. MR. DOE IS THE BROTHER OF KNOWN TERRORIST RICHARD DOE, WHO WAS CONVICTED IN AN OCEANIC COURT IN JUNE 1993 FOR THE MURDER OF A LOCAL POLICE CHIEF. JOHN JAMES DOE WAS DETAINED AND QUESTIONED BY THE POLICE FOR COMPLICITY IN THE SAME MURDER BEFORE BEING RELEASED FOR LACK OF EVIDENCE. HOWEVER, RELIABLE INFORMATION AVAILABLE TO POST INDICATES THAT SUBJECT HAS IN THE PAST BEEN LINKED WITH RADICAL POLITICAL GROUPS AND HAS OPENLY ADVOCATED
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THE OVERTHROW OF THE OCEANIC GOVERNMENT.
4. DURING THE LATE 1980'S, SUBJECT, THEN A STUDENT AT NATIONAL UNIVERSITY, WAS A VOCAL OPPONENT OF PRESIDENT SMITH. HE WAS QUESTIONED BY POLICE ON AT LEAST THREE OCCASIONS RELATED TO HIS INVOLVEMENT WITH THE OCEANIC STUDENT UNION, WHICH HAS CLAIMED RESPONSIBILITY FOR SEVERAL BOMBINGS. A POLICE RAID ON ITS HEADQUARTERS DISCOVERED A STASH OF OVER 50 SMALL ARMS AND LISTS OF

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LOCAL MUNICIPAL OFFICIALS. NEWSPAPER REPORTS FROM NOVEMBER 1992 INDICATE THAT A RING OF AMATEUR REVOLUTIONARIES WAS EXPOSED EARLY IN ITS EXISTENCE WITH ITS LEADER, TERRENCE JONES, CURRENTLY SERVING A SIX-YEAR SENTENCE FOR SEDITION. JONES IS A FRIEND AND FORMER CLASSMATE OF SUBJECT.
5. SOURCES: OCEANIC DAILY NEWS, QUOTING MINISTER OF THE INTERIOR. RSO ALSO SPOKE TO THE LOCAL CHIEF OF POLICE WHO VERIFIED RECENT PRESS REPORTS. DATT IS PROVIDING ADDITIONAL INFORMATION THROUGH DAO CHANNELS.
6. POST BELIEVES THAT THE INFORMATION IT HAS ON JOHN JAMES DOE IS CURRENTLY INSUFFICIENT FOR A FINDING OF VISA INELIGIBILITY. HOWEVER, POST IS BRINGING HIS CASE TO THE DEPARTMENT'S ATTENTION WITH THE RECOMMENDATION THAT HE BE INCLUDED IN CLASS AS A "OO" ENTRY.
END SAMPLE CABLE.

FEEDBACK FROM DEPARTMENT

12. THE DEPARTMENT DOES NOT PROPOSE TO RESPOND TO VISAS VIPER CABLES UNLESS IT DECIDES NOT TO ENTER THE SUBJECT INTO CLASS BECAUSE OF INADEQUATE IDENTIFYING DATA OR FOR ANY OTHER REASON. IN SUCH CASES, THE DEPARTMENT WILL INFORM POSTS OF ITS DECISION. OTHERWISE, POST WILL BE ABLE TO DETERMINE THAT THE DEPARTMENT HAS ACTED ON ITS VISAS VIPER TELEGRAM BY SEEING THE CLASS ENTRY. POSTS

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ARE ENCOURAGED TO FOLLOW UP ON ANY CASE IN WHICH—AFTER A REASONABLE PERIOD OF TIME HAS PASSED (15 WORKING DAYS OR MORE)—THE SUBJECT OF A VISAS VIPER TELEGRAM IS NEITHER ENTERED INTO CLASS NOR IS THE POST ADVISED THAT NO ENTRY WILL BE MADE.
13. I COUNT ON YOUR COOPERATION AND ASSISTANCE IN THIS VITALLY IMPORTANT INITIATIVE AND WELCOME ANY SUGGESTIONS OR COMMENTS YOU MAY HAVE REGARDING ITS IMPLEMENTATION. I RECOGNIZE THAT FUTURE REFINEMENTS OR MODIFICATIONS MAY BE REQUIRED AND AM OPEN TO THEM, ESPECIALLY IF THEY FURTHER OUR OBJECTIVE OF DENYING ENTRY TO KNOWN OR POTENTIAL TERRORISTS. PLEASE ADDRESS ALL SUCH INPUT TO MY ATTENTION AND TO CA/VO/L/C.
14. MINIMIZE CONSIDERED. CHRISTOPHER

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Central Intelligence Agency

Washington, D.C. 20505

Inspector General

FOIA B3, B6

24 September 1993

The Honorable Sherman M. Funk
Inspector General
Department of State
Washington, D.C. 20508

Dear Mr. Funk:

Enclosed are our comments on your draft report entitled *Circumstances Surrounding the Issuance of Visas to Sheik Omar Ali Ahmed Abdel Rahman* that was prepared by one of your Audit teams. We appreciate the opportunity to review the draft report and to work with your staff on this matter.

By and large, the draft report is well done, candid in its assessment of many of the problems that were experienced by the departments and agencies involved in handling the Sheik's attempts to gain entry and remain in the United States, and consistent with your previous testimony. We have no objection to the recommendations made in the report.

My staff has examined the draft very carefully, however, and believes that there are some statements and points of emphasis that do not appear to be supported by the record. We have discussed the principal issues with the Audit team that prepared the report, and these issues are addressed in the enclosed comments. We also have enclosed an annotated draft indicating possible ways in which the draft report could be amended to deal with these issues.

If you have any questions regarding these comments, please call me or have your staff contact [redacted] or [redacted] FOIA B3, B6 FOIA B3, B6 in our Investigations Staff. FOIA B3, B6

[redacted] FOIA B6

Frederick P. Hitz

Enclosures

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WHEN SEPARATED FROM ENCLOSURES

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United States Department of State
Office of Inspector General

Report of Audit

REVIEW OF THE NONIMMIGRANT VISA-ISSUING PROCESS, PHASE II

5-CI-004

JANUARY 1995

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: ROBERT R STRAND
DATE/CASE ID: 31 MAR 2010 200801204

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United States Department of State

The Inspector General

Washington, D.C. 20520

PREFACE

This report was prepared by the Office of Inspector General in fulfillment of our responsibilities mandated by the Inspector General Act of 1978 and by Section 209 of the Foreign Service Act of 1980. It is one of a series of audit, inspection, security oversight, investigative, and special reports issued by my office as part of our continuing efforts to promote positive change in the Department of State and to identify and prevent waste, fraud, abuse, and mismanagement.

The report is the result of a careful effort to assess both the strengths and weaknesses of the post, office, or function under review. It draws heavily on interviews with employees of the Department of State and other interested agencies and institutions, and reflects extensive study of relevant documents and questionnaires.

The recommendations included in the report have been developed on the basis of the best knowledge available to the Office of Inspector General and have been discussed in draft with the offices responsible for implementing them. It is our hope that these recommendations will result in a more effective and efficient Department of State.

I wish to express my appreciation to all of the employees and other persons who cooperated in the review documented by this report.

Harold W. Geisel
Acting Inspector General

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AUDIT REPORT 5-CI-004
REVIEW OF THE NONIMMIGRANT VISA-ISSUING PROCESS
PHASE II
JANUARY 1995
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CLASSIFIED SECRET ANNEX

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ABBREVIATIONS

AFM	American family member
CA	Bureau of Consular Affairs
CD-ROM	Compact Disk Read Only Memory
CIA	Central Intelligence Agency
CLASS	Consular Lookout and Support System
DEA	Drug Enforcement Administration
DNC	Distributed Name Check
DS	Bureau of Diplomatic Security
FAM	Foreign Affairs Manual
FBI	Federal Bureau of Investigation
FSI	Foreign Service Institute
FSN	Foreign Service National
G-325A	Biographic Information Form
I-275	Notice of Visa Cancellation/Border Crossing Card Voidance Form
IBIS	Interagency Border Inspection System
INA	Immigration and Nationality Act
INR	Bureau of Intelligence and Research
INS	U.S. Immigration and Naturalization Service
MAC	Machine authentication code
M/DGP	Bureau of Personnel
MOU	Memorandum of understanding
MRV	Machine Readable Visa
NADDIS	Narcotics and Dangerous Drug Information System
NAILS	National Automated Immigration Lookout System
NIIS	Nonimmigrant Information System
NIV	Nonimmigrant visa
OIG	Office of Inspector General
PIT	Part time, intermittent or temporary
RCO	Regional Consular Officer
TECS	Treasury Enforcement Communications System
TCN	Third country national

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AUDIT REPORT 5-CI-004

REVIEW OF THE NONIMMIGRANT VISA-ISSUING PROCESS
PHASE II

JANUARY 1995

I. EXECUTIVE SUMMARY

Purpose

(U) The February 1993 bombing of the World Trade Center Building prompted the Congress to request and the Office of Inspector General (OIG) to initiate a review of the nonimmigrant visa process. Our phase I report explored the circumstances surrounding the issuance of nonimmigrant visas (NIVs) to Sheik Omar Ali Ahmed Abdel Rahman. The objective of the phase II report was to assess whether the systems and procedures for issuing NIVs worldwide are adequate to prevent ineligible or undesirable individuals from obtaining NIVs and entering the United States.

Background

(U) The Immigration and Nationality Act (INA) gives consular officers authority to issue and deny visas, and the Department of State's Bureau of Consular Affairs (CA) manages the program.

Results In Brief

(U) The Department has long identified the NIV process as vulnerable to misuse. Steps taken to improve the process include:

- installing machine readable visas (MRVs);
- creating the Visas Viper Program to proactively include the names of

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EXECUTIVE SUMMARY

known or suspected terrorists in the lookout system; and

- participating in an integrated cooperative data exchange system with other U.S. border control agencies.

(U) However, further progress has been hampered by a lack of resources, action plans, guidance, and effective communication and coordination. Many problems associated with issuing NIVs are complex with no easy solutions. As a result, individuals who are ineligible and, perhaps dangerous may be able to obtain NIVs, enter the United States, and cause harm.

Principal Findings

The Law As It Relates to Terrorism

(U) The case of Sheik Abdel Rahman has dramatically focused attention on the need to link advocacy of terrorist activities or membership in terrorist organizations with excludability for purposes of visa issuance. The INA, as amended, defines the general grounds of visa ineligibility for terrorist activities. This Act permits the exclusion of any alien who has either engaged in a terrorist activity or who a consular officer (or the Attorney General) knows, or has reasonable ground to believe, is likely to engage in any terrorist activity after entry. Based upon the legislative history of the statute, the Department has determined that statements approving of a specific

EXECUTIVE SUMMARY

terrorist act or mere membership in an organization that engages in terrorist activities (as distinct from an organization in which membership per se implies participation in terrorist activities), absent evidence of some action by the individual in furtherance of a terrorist act, is not necessarily a basis for exclusion.

The Consular Lookout System

(U) Before an NIV is issued, the applicant's name must be checked against the Department's lookout system. That system, known as the Consular Lookout and Support System, or CLASS, contains the names of ineligibles or individuals presumed to be ineligible for an NIV.

(C) Although the Department has taken many steps to ensure that the names of persons known or presumed to be terrorists are proactively entered into CLASS, problems persist:

- More than 200 visa issuing posts, some of which are located in countries designated as having high and critical threats and known for supporting terrorists, still have not submitted names.
- Data sharing problems also exist at the Washington level among intelligence and law enforcement agencies.

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- No formal mechanism exists at posts to proactively share and add the names of drug traffickers, alien smugglers, organized crime members and other ineligible or potentially ineligible individuals to CLASS.
- CLASS contains more than 100,000 incomplete records.
- CLASS has difficulties searching transliterated names, correctly identifying transposed names, and discriminating among names commonly used in some countries.

Staffing Consular Sections

(U) Currently, the Department does not have sufficient criteria for staffing NIV functions overseas. However, decreases in the consular staff and inadequately skilled consular officers at some posts have resulted in lax enforcement of internal controls.

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(U) Staffing gaps most often occur in consular sections during peak NIV periods. Such gaps contribute to the vulnerability

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of the NIV process by increasing the pressure and workloads of overworked consular sections.

(U) Some consular officers do not have sufficient language skills to conduct applicant interviews and rely on Foreign Service Nationals (FSNs) or use the little language they know, risking errors.

(U) Large numbers of NIV applicants are being processed without personal interviews because posts are relying on programs where travel agencies submit NIV applications for applicants. Weak internal controls exist for these programs.

Processing Third Country Nationals Outside of Their Consular Districts

(U) Posts are issuing NIVs to third country nationals (TCNs) outside of the TCN's consular district without any assurance that the applicants are bona fide. Guidelines on handling such applicants are limited, and CA's policy has been to treat all NIV applicants the same, regardless of whether the United States has a consular presence in the applicant's home country. The determination of an alien's eligibility is by law left to the discretion of the consular officer, including cases where the applicant's assertions cannot be verified.

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Performance of Name Checks by FSNS	(U) Posts continue to rely on FSNs to perform lookout name checks without having adequate procedures for verifying that such checks are actually being performed.
Data Analyses and Information Needs	(U) Consular officers are making decisions without adequate knowledge of the country's cultural and legal environment. Also, adequate data are not being gathered and analyzed for consular officer and INS inspector use in judging NIV applicants.
Recommendations	(U) The Department must take major actions to prevent ineligible people from obtaining NIVs. It should ensure that: • The interpretation of the INA is changed or amended so that individuals who advocate acts of terrorism can be excluded. • The names of terrorists and other undesirables are identified and included in CLASS in a timely manner. • CLASS includes key data on all names and effectively searches transliterated foreign names. • Consular sections are adequately staffed, staffing gaps are minimized, and consular officers possess the language skills they need to effectively adjudicate NIV applications.

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- Effective internal controls are put in place for programs in which applicants are not interviewed.
- Sound criteria are established for adjudicating TCN NIVs, particularly those whose countries have been identified as sponsors of terrorism.
- Adequate guidance is established on how consular officers should ensure that lookout system name checks are performed.

Department and Other Agency Comments

(U) Although most of the report's recommendations were made to CA, copies of the draft were also distributed for comment to other offices and bureaus of the Department and to the U.S. Customs Service (Customs), the U.S. Immigration and Naturalization Service (INS), the Drug Enforcement Agency (DEA), and the Central Intelligence Agency (CIA). Generally all agreed with the report's findings and recommendations. CA, however, disagreed with the recommendation regarding the interpretation of the INA as it relates to terrorism. CA said that the Department's interpretation of the INA is articulated as clearly as possible. CA believes that the Administration has already formally decided against supporting amendments such as are proposed here. CA also stated that the report identified a number of systemic issues, such as personnel levels and the quality of training, that bear directly on consular work but would be better

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addressed by Department management or those offices that are responsible for them.

We continue to believe that the Department is applying a more stringent interpretation of the INA than is required, and that the INA should be amended so that individuals who actively promote acts of terrorism can be excluded. Based on CA's concerns about the appropriate offices being tasked for personnel and training issues, we have modified one of the recommendations. We believe that CA should take the lead in these areas because of its responsibility for managing the worldwide consular function. Written comments are included in their entirety in appendix C.

II. PURPOSE AND SCOPE

(U) In February 1993 a bomb exploded in the New York World Trade Center building, killing 6 people, injuring more than 1,000 others, and causing damage estimated at more than half a billion dollars. Sheik Omar Ali Ahmed Abdel Rahman (the Sheik) and at least six other people who worshipped at mosques in New York and New Jersey were identified as suspects in the bombing. In May 1994, four of the six people were arrested, convicted, and sentenced to more than 250 years each in a Federal prison. The Sheik was also arrested, but as of December 1994, his trial had not yet taken place.

(U) The publicity resulting from the act of terrorism at the World Trade Center and the request of several members of the Congress prompted us to initiate a review of the NIV issuing process. The first phase focused on determining why government efforts failed to prevent the Sheik from obtaining NIVs, entering the United States, or being expelled after his entry.

(U) The Inspector General testified on this issue during open and closed hearings in June and July of 1993, before the House Subcommittee on International Security, International Organizations and Human Rights, Committee on Foreign Affairs; the House Permanent Select Committee on Intelligence; and the Senate Select Committee on Intelligence. The Inspector General testified that:

- The Sheik was issued the first two visas largely because of communication breakdowns at posts between the technical expertise of the consular section and the knowledge of local people and conditions held by the political and intelligence resources.

- Even after his name was added to the lookout system, a third visa was issued because the consular staff failed to perform the required name check before issuing the visa, and adequate controls were not in place to ensure that the requirement had been met.

- Efforts to revoke the later visa were delayed because of confusion between the Department and the post on who would revoke the visa, causing the INS agents at

U.S. ports of entry to be notified of the visa's revocation too late.

- Subsequent efforts to intercept the Sheik during his arrivals and departures at U.S. ports of entry failed because of weaknesses in the INS lookout system--for example transliteration problems--and because INS officers at the port of entry apparently did not compare the name on the INS I-94 form to the name in the Sheik's passport.

- Efforts to deport the Sheik failed partly because of communication problems. For example, while one INS office was performing an investigation to determine if material misstatements had been made that could subject the Sheik to prosecution and/or deportation proceedings, another office was processing his application for an adjustment to permanent resident status, which was approved on April 8, 1991.

(U) A report detailing the issuance of the visas to the Sheik, classified Secret, was issued by this office in March 1994. Because of the problems identified regarding the issuance of the visas to the Sheik, our office decided, and several members of the Congress asked, that we initiate a second review focusing on the worldwide systemic problems of the visa lookout systems and the adequacy of internal controls for issuing NIVs. Accordingly, the goal of the second phase of the assignment, which is concluded with the issuance of this report, was to determine whether the systems and procedures are adequate for issuing NIVs and preventing ineligible or undesirable individuals from obtaining visas and entering the United States.

(C) The field work for the assignment was performed during the period September 1993 through May 1994. Our review focused primarily on Department of State programs and activities administered by CA, the Bureau of Intelligence and Research (INR), and the embassies and consulates in Seoul, Taipei, Guangzhou, Lahore, Dubai, Amman, and Athens. We also interviewed officials of the INS, the DEA, and the CIA. Wherever possible, we examined files and obtained copies of relevant documents at these locations.

(C) The seven posts we visited were selected because of the diverse NIV processing systems they provided. To be comprehensive, we wanted to examine the operations of posts that use different lookout systems, process large numbers of visa applications, are identified as having high and critical terrorist threat levels, and have various staffing patterns. For example, three of the posts had on-line access to CLASS (Seoul, Taipei, Athens), three others had the microfiche system (Guangzhou, Lahore, Dubai), and one had a PC-based lookout system called Distributed Name Check (DNC) System (Amman). None of the posts had the lookout on the DNC System with Compact Disk Read Only Memory (CD-ROM). The number of visas processed by these posts in FY 1993 ranged from a low of 14,703 for Dubai to a high of 229,626 for Seoul. The posts also presented a mixture of language challenges--Korean, Chinese, Arabic, and Greek.

(U) The review was conducted in accordance with generally accepted government auditing standards and included appropriate tests to evaluate the adequacy of internal controls and procedures that the team considered necessary under the circumstances.

(U) The audit was performed by the staff of the Office of Inspector General's Office of Audits, Consular and International Programs Division. Major contributors to the report were Edward Brennan and Maurice Blais, division directors; Norma Brown, audit manager; Gary Petrovich, senior auditor; Shyrl Coker and James Doty, auditors; and Robin Schulman, management analyst. Luciano Mangiafico, a retired consular officer, served as a consultant to the team.

III. BACKGROUND

(U) Each year, millions of foreigners wishing to visit the United States apply for NIVs at the more than 230 U.S. visa-issuing embassies and consulates throughout the world. During FY 1993 nearly 7 million individuals applied for and more than 5 million (about 76 percent) received NIVs.

(U) The NIV, together with a valid passport, permits an alien to apply for admission to the United States during the period of time specified on the NIV. The typical recipient of an NIV is planning a short stay and is traveling to the United States as a tourist or on business. Depending on the reciprocity agreement with the host country, and the judgement of the consular officer, an NIV may be valid for only one visit or for multiple visits over an extended period up to 10 years. At ports of entry, the INS grants or denies admission to the United States based on the travelers' documents and credibility. The INS defines the length and purpose of the travelers' stay in the United States.

(U) All aliens, except certain categories of nonimmigrants (e.g., Canadians, Bahamians, and others), and citizens of the 22 countries participating in the Visa Waiver Pilot Program, require NIVs to apply for admission and enter the United States. INS data show that there were nearly 21 million nonimmigrant admissions to the United States in FY 1993. Of those, 9 million or more were from the visa waiver countries.

(U) Specific and exclusive statutory authority for issuing and denying visas is conferred on consular officers by section 104(a) of the INA. This authority is exercised under the overall direction of the Secretary of State, the Assistant Secretary of State for Consular Affairs, and the Deputy Assistant Secretary for Visa Services. Department regulations in volume 9 of the Foreign Affairs Manual (FAM) interpret the law and describe procedures for issuing or refusing visas. CA is responsible for developing policies for issuing visas, managing the worldwide consular function, and ensuring that responsive and efficient consular services are provided abroad.

Lookout System

(U) Regulations require that the names of all NIV applicants must be checked against CLASS before a visa is issued (9 FAM Part IV, appendix D). CLASS currently contains the names of approximately 3.5 million individuals who have either been refused an NIV or have not applied, but are presumed to be ineligible for an NIV.

(U) A record in CLASS normally includes the alien's name, date of birth, place of birth, nationality, the grounds for the visa ineligibility as identified by the INA, or the grounds for the presumed ineligibility known as a quasi-refusal. The grounds of ineligibility for an NIV are generally characterized as either Category I or Category II refusals. Category I refusals are more serious ineligibilities based on medical, criminal, and security related grounds. Most persons refused a visa under Category I cannot overcome the reasons for the denial. For the most part, such individuals can only be issued visas through waivers granted by INS. Category II refusals are refusals that can be overcome. For example, individuals who cannot prove that they would not become a financial burden to the local or Federal government or intend to permanently immigrate to the United States would be considered Category II. The table showing the Category I and II ineligibilities and information on the period for retaining these files at posts is provided in appendix A of this report.

(U) As of August 1994, there were four different ways the 230 visa issuing posts accessed the CLASS database:

1. On-line. CLASS was accessed by 110 posts via computer terminals and telecommunications links. Such posts accessed the entire CLASS database on a real-time basis, and processed more than 90 percent of the NIVs. More than 50 of the on-line posts also had the MRV, a program designed to limit fraudulent visas.

2. Distributed Name Check System. The DNC is a stand-alone personal computer system. The 19 posts that had the DNC system received a monthly tape with only a portion of the CLASS database on it.

3. Distributed Name Check CD-ROM. The DNC CD-ROM is a second generation DNC system. Instead of a tape, each month, the 30 posts that had DNC CD-ROMs received the entire CLASS database on compact disks.

4. Microfiche. The lookout system on microfiche consists of cards containing CLASS name check records. The goal has been to update the cards bimonthly and to send this information to posts via pouch or mail. The 72 posts with microfiche, like those with the DNC system, only received a portion of the CLASS database.

Either the DNC, microfiche, or both suffice as backup for on-line posts when the link with CLASS is interrupted. The backup system for posts with the DNC is the microfiche.

(U) The Department is striving to install an automated lookout system at all posts by FY 1997 in conjunction with the MRV program. CA plans to install the DNC during FY 1994 and FY 1995 at all visa issuing posts where direct access to CLASS is not possible because of infrastructure problems in those countries. Another part of the plan is to retrofit sites using the older DNC version with the more powerful CD-ROM version. Still other posts will be given direct access to CLASS.

(U) CA estimates that modernizing, updating, and automating the name check and NIV issuance within the next 3 fiscal years will cost about $62 million, with an estimated $29 million more required to install adequate telecommunications facilities at all consular posts to provide on-line access to CLASS.

Interagency Border Inspection System (IBIS)

(U) CLASS is also a major component of IBIS, a clearinghouse for data from a variety of U.S. Government agencies with a role in border control or law enforcement. IBIS originated in 1988 with the passage of the Anti-drug Abuse Act. The Act, through section 4604, requires the Department, Customs, and the INS to (1) develop machine readable travel and identity documents and (2) set up an integrated law enforcement data exchange system. When fully developed, the system should include the names of terrorists, drug traffickers, convicted criminals,

fugitives, and others into a single data system for exchange of timely border security information that is readily usable by all IBIS agencies through written agreements. The INA further directs the Department and INS to "maintain direct and continuous liaison" with the CIA for the purposes of exchanging data relevant to the internal security of the United States.

(U) As specified in the Act, other contributors to the IBIS database, include (1) DEA, (2) the Federal Bureau of Investigation (FBI), (3) the Bureau of Alcohol, Tobacco, and Firearms, (4) the Internal Revenue Service, (5) the Federal Aviation Administration, (6) the U.S. Marshals Service, and (7) the U.S. Coast Guard. The Animal and Plant Health Inspection Service later joined the principal members of IBIS.

(U) The major IBIS database component, the Treasury Enforcement Communications System (TECS), is operated by Customs. INS is able to access TECS through its terminals at the ports of entry, as well as through its own name check systems--the National Automated Immigration Lookout System (NAILS), and the Nonimmigrant Information System (NIIS). Other major agency sources providing lookout information to TECS include DEA's Narcotics and Dangerous Drugs Information System (NADDIS), Interpol U.S. National Central Bureau, the National Crime Information Center, and the National Law Enforcement Telecommunication System.

(U) Under the "International Air Passenger Operations 2000," formed by the IBIS committee, the State Department would electronically supply data to IBIS on each individual who has applied for, received or been denied a visa. It is envisioned under the 2000 program that the State Department will also collect biometrics measurements at the time of application or issuance of NIVs, which would be encoded on the NIV and stored electronically. Fulfillment of these objectives, however, will have major resource implications for the Department of State.

IV. FINDINGS AND RECOMMENDATIONS

(C) CA has been aware of many of the shortcomings of the NIV process and has taken steps to resolve them. The MRV program was designed to address some of the problems. As of June 1994, more than 50 posts were issuing MRVs, accounting for more than 50 percent of total NIV issuance. In July 1993, responding to an OIG recommendation, the Acting Secretary of State told posts to address international terrorism as a priority and directed Deputy Chiefs of Mission to chair a committee at each embassy with representatives from at least the consular, political, and intelligence sections, to meet quarterly to review procedures and identify ways to add names of terrorists to the lookout system.

(U) A month later CA created the Visas Viper Program to facilitate the transmittal of that information from posts to the Department and provided procedures for consular sections to follow when submitting names under the program and information on what would happen to the information after it was submitted. In April 1994 CA and INR further defined the program's scope and priorities, elaborated on the type of data needed to make the submission of names more useful, and liberalized the criteria for entering names into CLASS.

(U) CA is also participating in an integrated cooperative data exchange system with other U.S. border control agencies to improve the security of U.S. borders. As part of that system, CA has begun ensuring that Category I files are being maintained at post. It has initiated a review of the CLASS database which will provide an evaluation of visa lookout data management. However, despite these initiatives, more progress is needed to ensure that the systems and procedures for issuing nonimmigrant visas are adequate to prevent ineligible or undesirable individuals from obtaining nonimmigrant visas and entering the United States.

A. THE LAW AS IT RELATES TO TERRORISM

(U) The INA, as amended in 1990, defines the general grounds of visa ineligibility for terrorist activities. The relevant section--212(a)(3)(B)--reads as follows:

> Any alien who (I) has engaged in a terrorist activity, or (II) a consular officer or the Attorney General knows, or has reasonable ground to believe, is likely to engage after entry in any terrorist activity (as defined in clause (iii)) is excludable.

(U) This provision, which became effective on June 1, 1991, permits the exclusion of persons who actively promote acts of terrorism, through activities such as fundraising, planning, or solicitation. However, individuals who advocate terrorist acts are not necessarily ineligible for NIVs as the terrorist exclusion is now worded; their advocacy must come within the scope of the statute's definition of what it means to engage in terrorist activity. As the Department's guidance on the new provision (91 STATE 178327) noted:

> Words uttered or written which directly further or abet the commission of one of the acts defined as "engaging in terrorist activity" may properly constitute a basis for a finding of ineligibility, but not otherwise. As an example, evidence of statements made during the planning or preparation of a terrorist activity and constituting a part of such planning or preparation would form such a basis as would specific threats to commit a terrorist act..[but] Statements made outside the context of such situations, no matter how offensive they might be, would not in the ordinary course of things give rise to ineligibility. The Department has in the past held that statements approving of a specific terrorist act and asserting that such acts should and would be repeated formed the basis for a finding of excludability because of advocacy. Such a finding will not be permissible under new section 212(a)(3)(B).

(U) Likewise, the new provisions required revisions in the interpretation of information pertaining to affiliation with terrorist organizations. As the Department's guidance (91 STATE 178327) noted:

> The first real difference is that mere membership in or affiliation with a terrorist organization will no longer rpt [sic] no longer be a basis for a refusal of an alien's application for a visa, immigrant or

nonimmigrant. It is important to stress the words "mere membership or affiliation." Those words mean membership or affiliation without the commission of any of the Acts described in clause (III)...If there is reason to believe that an alien has committed one or more of those acts, or intends to do so after entry, it is that fact which will render the alien ineligible to receive a visa, not mere membership or affiliation...Reason to believe that an alien has committed such acts, or intents to do so after entry is sufficient to support a finding of ineligibility even if the alien is not a member of or affiliated with any organization.

[redacted] FOIA B3

(U) The definition of terrorist activity in clause (iii) includes "the solicitation of any individual for membership in a terrorist organization, terrorist government, or to engage in a terrorist activity." [Emphasis added.] The Act provides further that an alien who is an officer, official, representative, or spokesman of the Palestine Liberation Organization is considered, for the purposes of the INA, "to be engaged in a terrorist activity."

(U) According to CA, leaders of terrorist organizations are ineligible for NIVs to enter the United States under this provision. However, in accordance with the guidance quoted above, an individual who merely espouses terrorist tactics or makes statements approving of a specific terrorist act and asserts that such acts should and would be repeated may not be excluded under the new section 212 (a)(3)(B). From January 1993 through April 1994, 52 people were denied visas under this section of the INA.

(U) As CA pointed out, during the 1980s, there were allegations that provisions of this law were being abused to deny admission to aliens intending to speak out against Administration policy on various issues, most particularly policy toward Central America and nuclear disarmament. Those espousing that view claimed that the Administration policy violated the First Amendment rights of Americans who desired to hear what the aliens had to say. Congress

enacted an interim statute "Section 901" to prohibit visa denials on the basis of past, present, or anticipated statements, beliefs, or associations if the statements, beliefs, or associations would be legal in the United States. This had the effect of bringing into the visa process certain considerations which previously had only been relevant in First Amendment cases.

(U) Thus, in the 1990 Amendments, the Congress was distinguishing between unfriendly rhetoric and speech that is genuinely tied to terrorist acts. As the Department has noted, however, although "Section 901" was repealed by P.L. 101-649, the Department's interpretation of section 212(a)(3)(B)(iii)(V) was strongly influenced by that history.

FOIA B3

(U) We agree with CA that it was the intent of the Congress that the Department be cautious in excluding individuals for ideological reasons and that mere membership in a terrorist organization or mere speech without action in furtherance of a terrorist act does not in itself constitute engaging in a terrorist activity. However, we believe that the active encouragement of terrorist actions by individuals who are in a position to incite others into action provides a reasonable basis for excludability. In certain circumstances, actively condoning and promoting acts of violence could be deemed to constitute solicitation within the meaning of the INA's definition. In these circumstances, and particularly in light of activities such as the World Trade Center bombing which highlighted our vulnerability to terrorist activity within U.S. borders, speech (which incites others to terrorist activity) should not be viewed as a shield to excludability. The reasonable ground standard of the law is a minimum standard and does not require visa applicants to be given the benefit of the doubt.

(U) We believe that in light of recent events, CA could more aggressively use these provisions for excludability to

meet the intent of the INA in preventing such individuals from obtaining NIVs.

> (U) Recommendation 1: We recommend that CA take steps to clarify as necessary guidance on the provisions pertaining to excludability on the basis of soliciting others to undertake terrorist activity, or seek amendment of the INA, if necessary, so that individuals who actively encourage acts of terrorism may be deemed to be excludable. CA should review its interpretation of section 212(a)(3)(B) of the INA to ensure that the reasonable ground standard is applied as aggressively as possible in the post World Trade Center environment and inform posts of any revisions.

(U) In our draft report, we recommended that "CA take steps to (1) clarify as necessary the provisions pertaining to excludability on the basis of terrorist activity, and (2) seek amendment of the INA so that individuals who actively encourage and promote acts of terrorism may be deemed to be excludable even absent proof or evidence of actual involvement in terrorist activity. Until this amendment is made, CA should review its interpretation of section 212(a)(3)(B) of the INA to ensure that the reasonable ground standard is applied as aggressively as possible in the post World Trade Center environment and inform posts of any revisions."

(U) CA disagreed with this recommendation. In its comments, CA said that the Department's interpretation of section 212 (a)(3)(B) is articulated as clearly as is possible. CA said that the Administration has already formally decided against supporting amendments such as are proposed here. Based on these comments, we have modified the recommendation slightly. While we continue to believe that the Department is applying a more stringent interpretation of the law than is required, a more permanent solution may be to amend the INA.

B. THE CONSULAR LOOKOUT SYSTEM

(U) Although the Department has taken a number of steps to ensure that the names of ineligible individuals or individuals thought to be ineligible are proactively

meet the intent of the INA in preventing such individuals from obtaining NIVs.

(U) Recommendation 1: We recommend that CA take steps to clarify as necessary guidance on the provisions pertaining to excludability on the basis of soliciting others to undertake terrorist activity, or seek amendment of the INA, if necessary, so that individuals who actively encourage acts of terrorism may be deemed to be excludable. CA should review its interpretation of section 212(a)(3)(B) of the INA to ensure that the reasonable ground standard is applied as aggressively as possible in the post World Trade Center environment and inform posts of any revisions.

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(U) CA disagreed with this recommendation. In its comments, CA said that the Department's interpretation of section 212 (a)(3)(B) is articulated as clearly as is possible. CA said that the Administration has already formally decided against supporting amendments such as are proposed here. Based on these comments, we have modified the recommendation slightly. While we continue to believe that the Department is applying a more stringent interpretation of the law than is required, a more permanent solution may be to amend the INA.

B. THE CONSULAR LOOKOUT SYSTEM

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(U) Although the Department has taken a number of steps to ensure that the names of ineligible individuals or individuals thought to be ineligible are proactively

identified and preemptively included in the lookout system, a number of problems still exist with this process.

Untimely Identification and Input of Names

(U) Few of the posts we visited in September and October 1993 had gone beyond the discussion phase of implementing the Visas Viper Program. While a committee had been formed at all but two of the posts, and all but one of the committees had met at least once, only one post had developed information on terrorists. However, that information had not been forwarded to Washington until we reminded the post of the urgency to do so.

(C) The officials at the posts offered a number of reasons why the program had not been fully implemented. While some of the reasons appeared sound, none had been communicated to Washington as directed by the July 1993 guidance from the Acting Secretary of State. [redacted] FOIA B2

[redacted] As mentioned elsewhere in the report, FSNs are responsible for performing name checks of the lookout microfiche at nonautomated posts and apprising officers of "hits" as they occur. They also performed similar duties at one automated post we visited. In addition, several agency officials stated that their headquarters had not authorized the sharing of data.

(C) As of October 1994, while more than 440 names of potential terrorists had been added to the lookout system as a result of the Visas Viper Program, only 36 posts had submitted these names. More than sixty percent had come from two posts. Of the more than 200 remaining visa issuing posts, none of which had submitted any names, 1 is located in a country known for its support of terrorists, 26 others are identified as having a high or critical terrorist threat level, and 18 are located in countries that participate in the Visa Waiver Pilot program. Because of the slow progress in implementing the Secretary's mandate, several officials also identified the need to ensure that the information on terrorists is continuously provided for CLASS.

(U) The Visas Viper Program can provide a mechanism for posts to identify names of terrorists for inclusion into CLASS. There is no formal mechanism at posts, however, for proactively and preemptively identifying and including the names of other ineligible individuals or individuals presumed to be ineligible for NIVs, such as drug traffickers, alien smugglers, organized crime members, and other undesirable individuals. Therefore, such people could possibly be issued NIVs.

(U) A CA official stated that the Visas Viper Program could be a prototype and has the potential to include the names of other types of undesirables. CA should pursue this idea and develop guidelines so that posts can proactively submit names of undesirable individuals for inclusion into CLASS.

> (C) Recommendation 2: We recommend that the Under Secretary for Management (1) reemphasize the requirement for each mission to establish a Visas Viper committee, chaired by the Deputy Chief of Mission, that includes representatives from the consular, political, and intelligence sections, and (2) require some form of reporting to Washington on the periodic meetings.

(U) CA agreed with this recommendation and prepared a cable to the Chiefs of Mission from the Under Secretary for Management to comply with the recommendation.

> (U) Recommendation 3: We recommend that CA develop a system for following up with posts, particularly those that are known to have state-supported terrorists, to identify the reasons why posts have not submitted names and to ensure that names are eventually submitted.

(U) CA agreed with this recommendation.

> (C) Recommendation 4: We recommend that CA in coordination with INR initiate dialogue that would encourage intelligence and law enforcement agencies to issue parallel instructions to representatives at post defining responsibilities under the Visas Viper

Program and clarifying reporting channels to be used by these agencies.

(C) Agreeing with the recommendation, CA stated that the intelligence and law enforcement agencies had sent instructions to their representatives at the same time that the Department's instructions were sent out. [redacted] FOIA B2 [redacted] Therefore, we believe the agencies should be encouraged to further define their responsibilities under the Visas Viper Program and clarify reporting procedures.

(U) Recommendation 5: We recommend that CA establish a program for proactively identifying and including the names of other individuals ineligible for an NIV into CLASS based on Category I refusal grounds such as drug traffickers, alien smugglers, and organized crime members.

(U) CA agreed with this recommendation.

Data Submitted by Other Federal Agencies

(C) In addition to requiring posts to submit the names of terrorists through the Visas Viper Program, the names of other ineligible individuals or individuals thought to be ineligible for NIVs have also been submitted to CA and INR by intelligence and law enforcement agencies in Washington. [redacted] FOIA B7(D), B7(E), B3 [redacted] In March 1994 INS submitted the names and case histories of 76,000 aliens who were deported in 1993.

(U) The Department has also had problems with border control and law enforcement agencies sharing data at the Washington level. The data have not been routinely provided nor has it been of the quality needed.

(U) As of March 1994, NAILS included more than 195,000 records generated by INS and 235,000 records from CLASS. With the March 1994 direct interface with the Deportable Aliens Control System, NAILS not only has information on

deportable aliens, but also the names of individuals reporting lost and stolen green cards, individuals for whom INS has a particular lookout, and individuals refused entry to the United States, which are occasionally entered into CLASS at ports of entry depending on the time and resources available. As previously stated, only the INS information on deportees has been shared with CA.

(U) Prior to passage of 1990 amendments to the INA, the INS (on an ad hoc basis) provided information to CA for the lookout system. Although it is not clear what data were provided and why this relationship ended, we were told that the data exchange "fell through the cracks" after 1990 when the computer refusal codes of both the Department and INS were changed and converting the data format became a major task. Until the recent sharing of the 76,000 names of aliens deported, CLASS had not included any INS information since 1990. No formal agreement exists even now between State and INS regarding the future sharing of data for CLASS on aliens deported or other information available in NAILS. As a result, CLASS lacks the necessary derogatory information that would facilitate the adjudication of undesirable NIV applicants at posts.

(C) Efforts are underway, however, for a two-way data exchange through the IBIS clearinghouse, in which TECS will exchange selected sensitive law enforcement data with CLASS. CA's access will include, at the discretion of the owning agency, selected records of 14 Federal agencies--including the INS, the DEA, the FBI, and the Federal Aviation Administration.

(U) A draft MOU between Customs and the Department provides for the protection of information maintained in TECS during the two-way data exchange. An agreement has been reached between Customs and State on the first phase, formatting for the exchange of data from CLASS to TECS; however, as of August 1994 no agreement has been reached on the second phase, the transfer from TECS to CLASS. State has hired a technical contractor who expects to be ready to carry out the exchange from TECS to CLASS as soon as the agreement is worked out. Agreement is expected, and more progress has been made by the current administration, but this effort has been ongoing for years.

(U) The Department has identified quality control problems with IBIS, such as the inadvertent deletion of some 7,200 State Department records during a TECS update. While some human and computer based errors are to be expected, the fact that this deletion went unnoticed and uncorrected for 11 days is cause for concern. During those 11 days, INS inspectors at ports of entry could not check aliens entering the United States against those 7,200 State Department lookout records. Once the problem was discovered, Customs (the agency housing TECS) had to determine whether anyone in those records was admitted into the United States and if so, notify the proper authorities. We were told that the State and INS MOU when completed, will include a provision for data quality reviews.

(U) Also, the reliability of the INS NAILS data is uncertain. A 1994 Department of Justice OIG report identified the data in the INS NAILS database that feeds into TECS as incomplete. The report stated that the data entry was untimely and nearly one-third of the records in NAILS were inaccurate. The report recommended that INS conduct a thorough quality control analysis of the accuracy and completeness of the NAILS data, correct any errors, and identify systemic weaknesses. As part of its MOU with IBIS, the State Department has also included data quality reviews.

(U) The details of DEA's and the Department's information sharing are addressed in the classified Secret annex to this report.

(U) Recommendation 6: We recommend that CA meet with INS to define its total data needs from INS and identify ways to expeditiously obtain this data, and establish milestones for these actions.

(U) CA and INS agreed with this recommendation.

(U) Recommendation 7: We recommend that CA, as part of IBIS, work expeditiously with the U.S. Customs Service to obtain agreement on the two-way data exchange under the IBIS concept and develop a timeline for providing the data to the Department for entry into CLASS.

(U) CA and Customs agreed with this recommendation. In their responses, they stated that Customs and State have taken steps to move the agreement forward. A special IBIS enhancement team has been formed to provide guidance and assist with project progress.

Inadequate and Untimely Information from Posts

(C) CLASS does not include the names of all individuals refused visas, and the refusal data that it does include has not always been provided to posts in a timely manner. Technical limitations of the lookout system at posts prevent this from happening. Also, not all posts are required to submit refusal data in a timely manner.

(U) Department regulations (9 FAM, Part IV, appendix D) require all on-line posts to enter the names of individuals receiving Categories I and II refusals and quasi-refusals into CLASS, preferably on the day the visa is denied. Posts with microfiche are charged with submitting the names of only their Category I refusals to Washington. The cables from microfiche posts to Washington are required to be sent weekly, or more often as necessary. There is no requirement for posts with the microfiche lookout to provide the names of their Category II refusals to Washington for incorporation into the lookout system largely because it is too much work for posts and the Department to enter all the data.

(C) As of August 1994, there were 49 posts with some form of DNC lookout system. A DNC post maintains the names of its Categories I and II refusals and quasi-refusals on the local database until monthly updates arrive from Washington and are loaded onto the post's system. The locally generated data are then sent back to Washington where a month or two often passes before on-line posts have access to that data. The delay is even longer for microfiche posts and other DNC posts because additional time is needed by Washington to transfer the data onto the appropriate medium (tape, compact disk, or microfiche) and send it out to posts. Sometimes it takes months before microfiche and DNC posts can access the updated lookout information. Some posts with the DNC are issuing visas in high fraud, drug, and terrorist environments.

(C) No guidance has been provided by CA on exactly when the names of individuals receiving Category I refusals and quasi-refusals at a DNC post should be sent to Washington by cable so that it can notify other posts. In the absence of such guidance, the DNC posts are holding this information until the monthly data exchange takes place. During that time period, a person shopping for a visa could be denied a visa under a Category I ineligibility by a DNC post and then issued a visa by an on-line or microfiche post that lacked the refusal information. The following table illustrates the general time delays that arise when a post must rely on updates to learn of Category I refusals.

APPROXIMATE TIME DELAY FOR ALERTING THE DEPARTMENT AND POSTS OF CATEGORY I REFUSALS

Data Submitted By:	Data Received By:			
		Posts		
	Department	On Line	DNC	Microfiche
Department	Real time	Real time	1-2 months	1-6 months
Posts				
On Line	Real time	Real time	1-2 months	1-6 months
DNC	1-2 months	1-2 months	2-3 months	1-8 months
Microfiche	Real time	by Department	1-2 months	1-7 months

(U) The Department's goal of installing an automated lookout at all posts by FY 1997 should address the concerns we identified regarding the data sharing among microfiche and on-line posts. All posts with microfiche will gradually be switched over to CLASS through the DNC or direct on-line access. Thus, rather than receiving partial information, the posts will receive all refusal information. Even with automation, however, the problem of DNC posts not providing timely data to Washington on their Category I and quasi-refusals will remain.

(U) Recommendation 8: We recommend that CA issue instructions to posts equipped with DNC to ensure that information on Category I refusals and quasi-refusals is promptly disseminated to the Department for distribution to other posts.

(U) CA agreed with this recommendation.

Incomplete CLASS Records

(U) As of June 1994, more than 100,000 records in CLASS were incomplete. More specifically, CLASS contained records for more than 76,000 aliens whose country of birth had not been identified and 45,000 whose date of birth was not shown. Also, more than 7,400 of these records lacked both the alien's country and date of birth. A complete entry for visa lookout purposes includes the alien's full name, date of birth, place of birth, the coded reason for the entry, and the location of the file or place where additional information can be obtained (either a foreign service post or the Department). There is also a field for providing comments on the CLASS entry.

(C) CA stated that the information submitted by posts has been complete since it is usually extracted from visa applications; however, the data obtained from the law enforcement and intelligence agencies have not always been as comprehensive.

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(U) Obviously, the lack of complete data hinders the identification of individuals for whom the CLASS entry applies and may inconvenience bona fide travelers having the same or similar names. The usefulness of the data in such instances is very limited and a decision to issue or deny a visa is difficult. Complete CLASS information is especially important to INS inspectors who must make on the spot decisions about admitting aliens.

(U) Recommendation 9: We recommend that CA identify the incomplete information in CLASS and take steps to ensure that the entries are complete so that it can be used at posts and by INS inspectors at ports of entry; otherwise the data should be deleted.

(U) Recommendation 10: We recommend that CA reemphasize the importance to posts and other Federal agencies of entering complete data into the lookout system.

(U) CA agreed with Recommendations 9 and 10.

File Retention

(U) Neither the Department nor posts have retained adequate files to support Category I refusal entries in the lookout system. Examples of this were seen during our February 1994 visit to the New York port of entry where at least eight questionable individuals were admitted to the United States because of the lack of adequate information. When the INS inspectors contacted the posts, none of the files on these cases could be found, and the CLASS comment field, although expected by INS to provide additional information, did not do so.

[redacted] FOIA B2

(U) In New York, the [redacted] system identified one of the eight individuals admitted by INS as a drug abuser, another as having committed a crime of moral turpitude, four others as drug smugglers, another as an alien smuggler, and the FOIA B7(E)

last as potentially being associated with visa fraud. Three of the individuals arriving at the New York port of entry had immigrant visas, four had green cards, and one had an NIV. There was no indication by INS that waivers permitted by the INA had been granted.

(U) The INS deferred the inspection of six of the above individuals, admitting them into the United States on the condition that they appear at the district office for a hearing to determine their suitability for remaining in the United States. The two others shown in the system as having committed a crime of moral turpitude and having been associated with possible visa fraud were admitted unconditionally to the United States.

(U) CA said that the CLASS comment field was not intended to provide additional information on ineligibles to INS, instead it was designed to be a short guide to posts on the location of files or to provide other short, useful information. The aim of the field was never to provide an explanation to INS on CLASS entries.

(U) Both the FAM and the CA Records Management Handbook indicate that files on Category I refusals should be retained for at least 10 years and up to 100 years and then destroyed, depending on the section of the INA for which the alien is being excluded. For example, the file for an alien excluded under section 212(a)(3)(B) of the Act (a Category I refusal), which relates to terrorists, would be retained until the alien is 90 years of age or older provided there had been no visa activity for the past 10 years, whereas the physical record for a person denied a visa under section 212(a)(4) of the Act (a Category II refusal), which describes a person that is likely to become a public charge, should be retained for 2 years after which the file can be destroyed.

(U) In April 1994, CA began ensuring that Category I files are maintained at post by initiating a review of the CLASS database and told all diplomatic and consular posts that the review would be performed as part of the Bureau's active participation in IBIS. Posts were asked to provide copies of their files relating to specified CLASS entries. The request explained that the files selected were part of a one-percent random sample of the CLASS records that are

eligible for inclusion into TECS. Because of the CA review, we are not making a formal recommendation regarding the retention of files on Category I refusals at this time. However, we strongly suggest that CA ensure that the files are available at post in order to aid in keeping ineligibles out of the country.

(U) While at the ports of entry, we were also told that CLASS included extraneous data, such as the names of individuals who have become legal permanent residents in the United States. No system is in place to ensure that CA is notified when individuals with CLASS entries become legalized permanent residents. CA has relied on INS to notify it of obsolete CLASS data. The names remain in the lookout system unless the INS flags them during the primary inspection at the port of entry. This becomes a particularly serious problem when individuals, such as those with green cards, are referred to the INS secondary inspection, slowing the inspection process down unnecessarily and inconveniencing aliens who may have already overcome the derogatory information in CLASS.

(U) Recommendation 11: We recommend that CA clarify the purpose of the CLASS comment field to INS, explore the feasibility of modifying that field to meet the INS data needs, and where possible implement such changes.

(U) Recommendation 12: We recommend that CA in coordination with posts and INS develop a system for purging extraneous data from the lookout system.

(U) CA and INS agreed with Recommendations 11 and 12. In its response, CA stated that it has taken steps to increase the usefulness of CLASS for all concerned, especially for port of entry and other law enforcement personnel and to purge extraneous data from the lookout system.

Transliteration and Transcription Problems

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(U) In some countries, nationals can easily and legally change their names and then obtain new passports. Although in some cases little can be done to prevent this, as a minimum consular officers should ensure that the name in the passport, on the application, and on the NIV correspond.

(C) As of now, posts on-line to CLASS and DNC posts use a system of "fuzzy searching and match," in which the system automatically searches the database for similar names and

other data. The CA system, while much better than those used by other U.S. agencies, is not perfect. Enlarging the fuzzy search parameters produces too many apparent "hits," while restricting such parameters causes the system to decrease precision and miss real "hits."

(U) CA has been aware of these problems and has contracted for the services of computational linguists to construct culturally specific linguistic algorithms. The name search algorithms should increase the probability of getting true name matches even though the name may not be transcribed or transliterated correctly.

FOIA B2

(C) CA has estimated that $4 million is needed to develop, test, and install date of birth and culturally specific language algorithms. CA had hoped to have these funds in its FY 1994 budget to develop the date of birth algorithm. The algorithm would search for matches in the date of birth if the name check search came up empty. The first three language name search algorithms planned for development will be Spanish, Arabic, and Chinese, which CA chose because the Department considers many countries with these languages to be high threat. The linguists have identified the requirements for proceeding with the algorithm development for Spanish, Chinese, and Arabic, but CA is awaiting funding before it can proceed with implementation.

(U) After the three initial language algorithms are created, the Department will go on to develop cultural language algorithms for countries in West Africa. We found and CA is aware that transcribing and transliteration problems exist in other languages such as Greek.

(U) Assuming that full funding is provided, CA estimates that for Spanish, Arabic, and Chinese, it would take about 1 year to develop algorithms for each language, although Chinese is more difficult than the other languages. Once

algorithms have been developed for the three languages, the learning curve may decrease for other languages. CA estimates that it will take another year for each additional algorithm to be developed.

(U) CA has not developed a long range formal plan defining the transliteration and transcription problems CLASS faces, its strategy for addressing these problems, and the approximate costs of this effort. Questions remain on how many name search algorithms are needed overall, when they would be completed, and approximately how much the entire effort will cost.

[redacted] FOIA B2

(U) Recommendation 13: We recommend that CA develop an overall strategy including a time line for developing, testing, and installing culturally specific algorithms to improve the probability of accurate matches of names in CLASS.

(U) Recommendation 14: We recommend that CA seek to obtain full funding to develop the needed algorithms to eliminate the transliteration and transcription problems associated with CLASS.

(U) CA agreed with Recommendations 13 and 14. CA stated that it has been authorized by the Congress to charge a fee ($20) for each MRV application, a portion of which is being used to initiate work to address the transliteration and transcription problems.

C. STAFFING CONSULAR SECTIONS

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(U) The RCO program was established by CA in the early 1980s to advise and assist less experienced consular officers, or first and second tour officers, at nearby posts to ensure sound consular management, a high standard of customer service and consular efficiency. The program currently consists of 12 experienced officers at FO-02 or higher, all but three of whom are assigned to posts in Africa. All RCOs, except one, were performing consular functions at their post, as well as assisting inexperienced officers at nearby posts. Only the RCO in Moscow was a dedicated full-time position with no secondary line responsibilities. The geographic bureaus control the positions and travel funds for the RCO program.

(C) The ranking of positions at posts, which is performed by the Bureau of Personnel (M/DGP), relates largely to the number of staff supervised and not necessarily to the importance of the officer's area of responsibility. At many of the posts rated as having a critical or high threat environment, where less experienced officers were assigned, the size of the staff in the consular section was relatively small. Consequently, using the M/DGP criteria, a more experienced, higher graded officer would not be assigned to these posts.

(U) In March 1994, a CA workshop for RCOs reviewed the program and major initiatives and an updated set of guidelines was sent to the affected posts in April 1994. The guidelines identified the CA expectation for RCOs to visit each post at least twice a year, where possible, encouraged less experienced officers to observe larger consular operations, and called on RCOs to review internal controls to ensure they are understood and applied to reduce the potential for waste, fraud, and abuse.

(U) When inexperienced officers are put in charge of consular sections at posts that process large numbers of applicants who could be terrorists, the probability that these officers may issue a visa to an ineligible applicant

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increases accordingly. We believe that only experienced officers should be assigned as heads of consular sections at these posts.

(U) Recommendation 15: We recommend that CA develop sufficient criteria for determining staffing needs for consular operations at posts and use the criteria when determining staffing.

(U) CA agreed with this recommendation, stating that it is revising the consular package to provide more sophisticated data on which to base staffing decisions by Washington managers and direct feedback to managers in the field to facilitate process improvements. CA noted, however, that it does not determine staffing for posts abroad, but rather consults with the geographic bureaus, which control positions.

(U) Recommendation 16: We recommend that CA in conjunction with geographic bureaus develop criteria for determining which posts, based on perceived or known threats of the locality or applicant pool, warrant a more experienced supervisory officer as head of the consular section.

(U) CA agreed with this recommendation. It stated that existing position classification criteria authorized upgrading two junior officer positions and that it will work with geographic bureaus to determine whether other junior officer positions at single officer consular sections should be upgraded.

(U) Recommendation 17: We recommend that CA in coordination with the Bureau of Personnel identify ways to obtain (1) the authorizations needed for assigning higher ranked consular officers to posts identified in the above recommendation, and (2) the staff needed to fill these positions after they are authorized.

(U) CA agreed with this recommendation. Its concern is that there are not enough grade 3 consular officers to fill consular vacancies, and it anticipates fewer grade 3 consular officers in the future. CA suggested an alternative proposal of consolidating the NIV function from

small, high fraud posts, to larger regional posts where experienced officers would be available to make visa decisions or improve communications with small posts so that officers would have on-line access to lookout data and E-mail.

(U) Recommendation 18: We recommend that CA in coordination with geographic bureaus take steps to ensure that the Regional Consular Officer Program is routinely and adequately funded.

(U) CA agreed with this recommendation.

Staffing Gaps During Peak Periods

(U) At many posts, the volume of NIV applicants generally increased significantly from May to September and in December. Coincidentally, the greatest demand for NIVs was also at a time when one-third to one-half of consular officers were transferring back to the Department or to their next post. Each summer it was normal for consular sections to expect a 35 to 45 percent turnover of their officer staff. Because of the need for home leave, training, consultations, and addressing dependent schooling concerns, many departing officers would leave posts as soon as they possibly could, while their replacements, when available, would arrive at post as late as they could. Seldom did the staff at posts overlap.

(U) We tested the notion that most rotations occur during the summer months because officers have school-aged children using February 1994 M/DGP data. This was the most frequent reason identified for rotating officers during the summer months, yet none of the officials we interviewed in CA, M/DGP, or the geographic bureaus had formally analyzed this data. (The second most frequently identified reason for rotating staff was that most of the "good assignments" were available during the summer months.)

(U) Our goal in performing the analysis, while not to oversimplify the assignment process, was to gain a sense of some of the options available to M/DGP and CA for managing consular staffing gaps. M/DGP directs the assignment of junior officers, the majority of whom spend their first tour in consular sections. More than 60 percent of the

junior officers were rotated between June and September; the rest were rotated between October and May. Our analysis showed that only 12 percent of the 470 junior officers currently assigned to consular positions had school-aged children, whereas 88 percent had no children at all, or children who were not of school age.

(U) While our analysis only related to junior officers in consular positions, we believe that this examination does identify some possibilities available for more effectively managing the staffing gaps. For example, if the training and assignment cycles were changed, and more of the "better assignments" were offered during the spring and winter months, more officers than anticipated might choose to rotate, assuming proper financial and other incentives were awarded. Another alternative would be to hire suitably trained staff such as part-time American employees or Foreign Service Officer dependents to backfill vacant positions. CA has attempted this on a number of occasions, but the resources needed for hiring such staff were not always available.

(U) At two of the posts we visited, the consular section was closed temporarily because of staffing gaps. On another occasion, to meet the increasing workload during a peak period, one of the posts used the Consul General's driver, "who was highly educated," to perform lookout name checks on the microfiche. Thus, staffing gaps contribute to the vulnerability of the NIV process by increasing the pressure and work loads of consular sections, most of which are already overworked.

> (U) Recommendation 19: We recommend that CA, in coordination with the Bureau of Personnel, the Bureau of Finance and Management Policy, and the geographic bureaus (1) develop appropriate statistics on consular workloads, (2) compare this data to rotation schedules, and (3) develop and implement an effective plan to minimize consular staffing gaps.

(U) CA agreed with this recommendation and has a plan for implementation.

Insufficient Language Training

(U) The language skills of consular officers at posts where difficult languages are spoken are not sufficient in two respects: (1) the length of the training provided, and (2) the lack of emphasis on consular/visa issues and interviewing skills. Department regulations (3 FAM 572.3), updated as of February 1994, state that non-tenured junior officers can receive up to 30 weeks of language training. Prior to this, the regulations prevented such officers from receiving more than 24 weeks of training. A key reason for the restrictions is that the Department does not want to invest in extensive language training for individuals prior to tenuring in the Foreign Service.

(U) In countries such as Korea, we were told that having only 24 weeks of language training did not adequately equip consular officers with sufficient skills to effectively interview NIV applicants. Officials of the Foreign Service Institute's (FSI) School of Language Studies stated that at least 44 weeks of language training is needed for persons with a high aptitude for foreign language to function effectively in the consular section. A number of consular officers also said that although most officers on their first tour are assigned to consular positions, an adequate amount of emphasis is not placed on teaching language skills related to consular functions.

(U) As a consequence, consular officers at some posts are often forced to rely on the interpretations of FSNs employed by the consular section who are believed to be reliable, or alternatively the officers do the best they can with what they know, running the risk of making errors because of misunderstanding the applicant. For example, one post we visited processes large numbers of third country nationals from a single neighboring country. When FSNs were not proficient in the language of these applicants, the officers simply called up individuals from the waiting room to interpret, aiding in the applicant's interview.

(U) The Department's foreign language program has been evaluated numerous times, including a review by the OIG in

July 1993. That report[1] stated that the Department continues to experience problems in staffing language-designated positions with qualified people and may have substantially understated its language requirements. Although the report did not specifically address the language needs of consular officers, it did state that consular officers are routinely engaged in passport, visa, and immigration matters with foreign nationals and that knowledge of the local languages would be a prerequisite for these jobs. Several recommendations were made on the general deficiencies of the Department's foreign language program, but none related specifically to the need for language training in the consular function. We believe that CA and FSI should examine this issue to determine the improvements needed to make the language training more useful for consular officers at post. Such a review should strongly consider modifying the language instruction to emphasize consular situations and needs.

(U) Recommendation 20: We recommend that CA, in coordination with the Foreign Service Institute, survey the foreign language needs and skills of officers performing visa functions worldwide.

(U) Recommendation 21: We recommend that the Foreign Service Institute, in coordination with CA, (1) determine the improvements needed to make the training more effective based on the results of the survey, and (2) take steps to ensure that this is achieved.

(U) In our draft report, we recommended that "CA, in coordination with the Foreign Service Institute, (1) examine the language training provided to officers assigned to consular sections, (2) determine the improvements needed to make the training more effective, and (3) take steps to ensure that this is achieved." While CA supported the intent of this recommendation, it stated that it is not appropriate for CA to lead such an effort nor does CA have the expertise or resources to do so. CA also stated that this recommendation should be tasked to FSI or possibly to the appropriate office in the Office of the Under Secretary

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[1] OIG Special Operations Review Team Report: Department of State Foreign Language Program (SORT-93-10, July 1993)

for Management. Based on these comments, we have modified the recommendation, divided it into two parts and tasked both CA and FSI with implementation.

Waiver of Personal Interviews

(U) Although Department regulations place a high priority on consular officers conducting personal interviews of NIV applicants and permit waivers of such interviews under certain circumstances, large numbers of NIV applicants were not being interviewed at at least two of the posts we visited, primarily because of the lack of adequate staff.

(U) With the visa application and other relevant documents, the personal interview of applicants allows the officer to determine on the basis of the applicant's representations (1) the proper nonimmigrant classification, and (2) the alien's eligibility to receive a visa. A consular officer can waive the requirement for an interview for children under 14, applicants of certain special visa categories, diplomats and other government officials, aircraft crewmen, and other special cases.

(U) Interviews may also be waived for groups of applicants meeting certain defined criteria. Persons who qualify under these criteria may apply through "drop-box" programs. Typically, these programs involve accepting visa applications from third parties--such as travel agents for tour groups, shipping companies for crew lists, and visa revalidations--or from individuals themselves. Each day applications are dropped off at consulates with the travelers' passports and other relevant documents, and picked up after the applications have been processed. Applicants are either issued visas or called for a personal interview.

(U) A CA official maintains that drop-box programs and the interview waivers did not begin because of staffing constraints. However, officials at the posts we visited claimed that staffing shortages largely propelled increasing reliance on these programs. At two posts we visited, more than 70 percent of the 250,000 and 300,000 applicants, were receiving NIVs without personal interviews.

(U) We also found inconsistencies in the way posts implemented internal controls for drop-box programs, that could result in the issuance of visas to ineligible and undesirable applicants. For example, at the time of our visit, the travel agency drop-box program at one post was unstructured, and more than 400 travel agencies were participating. A travel agency needed only to complete and have three of its officers sign an application and attend an embassy briefing to become a part of the program. With the exception of minor children travelling without a parent, virtually any applicant could apply for a visa through travel agencies participating in the program.

(U) The travel agency submitted the client's application, passport, relevant supporting documents, and a narrative paragraph giving details concerning the person's eligibility and proposed travel plans. First time applicants for NIVs could participate in the program as well.

(U) The travel agents were penalized if, in the judgement of the consular officers, the quality of the completed applications being submitted through the process was poor (applications not fully completed). Penalties for non-compliance with guidelines ranged from letters of warning to the agencies to suspension of privileges. The travel agents were not required to certify and the embassy was not conducting random followup checks to verify that the travelers, who for the most part were issued tourist or business visas, had actually left the United States. Although the embassy had had a travel agency program for some time, it was only beginning the process of developing and implementing some internal controls for the program at the time of our review. On April 4, 1994, in response to an OIG compliance inspection report, the embassy identified its plan to reduce the number of travel agencies participating in the drop-box program from approximately 420 to 120 agencies.

(U) At another post, on the other hand, the drop-box program was more structured in that applications were only accepted from a small number of travel agents who were members of the Ministry of Tourism, and from those agents, only applicants who were traveling as members of tour groups were considered. The sponsoring travel agency was

obliged to report in writing on the return of the group members, and consular managers periodically verified this information with border control authorities. If a travel agency wrongly certified that a traveler had returned, the agency's drop-off privileges were revoked. In addition, the office would send a report to the government authority issuing travel agency licenses in the country. Upon receipt of the report, the offending agency's license could potentially be revoked.

(U) CA has not issued guidance to posts concerning any drop-box programs, apart from the internal referral program. We were told that it would be difficult to develop guidance flexible enough to take into consideration the differing conditions worldwide. Nonetheless, CA supports expansion of the use of travel agencies to process nonimmigrant visa applications more efficiently. To ensure that post drop-box programs are safeguarded against the issuance of NIVs to ineligible applicants, internal control guidance and procedures should be established.

> (U) Recommendation 22: We recommend that CA ensure that effective internal controls exist for drop-box programs by requiring posts to submit the criteria for their drop-box operations for review and evaluation. Such review should (1) examine the criteria for selecting travel agencies and other participants in the program and the procedures for conducting spot checks of those issued visas, and (2) ensure that reasonable penalties exist for those who do not comply with post guidelines.

(U) CA agreed with this recommendation and has taken steps to implement it.

D. PROCESSING THIRD COUNTRY NATIONALS OUTSIDE OF THEIR CONSULAR DISTRICTS

(U) Posts are processing and issuing NIVs to TCNs outside of their consular district without any verification of their bona fides or preclearances largely because Department regulations permit consular officers to do so, and partially because U.S. consulates or embassies are not located in all countries. This increases the Department's chances that a visa will be issued to an ineligible person

or a person thought to be ineligible for an NIV. [redacted] FOIA B3

Current Guidelines

(U) Consular officers are required by Department regulations (9 FAM 41.101) to accept applications from individuals who are residing in their consular district. However, they are permitted to use their discretion in accepting applications from individuals who are not residents but are physically present in the officer's consular district.

(U) The regulations state that, while clearances from the home district should normally be obtained when processing applicants who are not residents, but are physically present in the consular district, the examining consular officer has the authority to process the application without those clearances. The clearances can be deferred if the officer determines that the applicant is qualified for an NIV. Additionally, clearances between on-line posts are not required because derogatory information on applicants should already be included in CLASS.

Visits to Post

(C) We were particularly concerned about the processing of applicants who were not residents but were physically present in another consular district. For example, two posts we visited were processing large numbers of applicants from Iran and Iraq, respectively, two countries most recently cited by the Department as state sponsors of terrorism and with whom the United States does not currently have formal diplomatic relations. Information on social and economic conditions in Iran and Iraq used to ascertain the eligibility of applicants is relatively scarce and often unreliable. In FY 1993, these two posts issued approximately 2,000 NIVs to Iranians and 700 NIVs to

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Iraqis. The two posts were not on-line to CLASS, but both had either the microfiche or DNC lookout system.

FOIA B2

Clearances must also be submitted to the Department for Iraqi nationals who are applying for student visas, are present or former members of the Baath Party, or are government and military officials. In FY 1993, from 2 to 10 percent of the Iranians and Iraqis could not be issued NIVs until clearances were obtained from the Department. Consequently, for the great majority of applicants, consular officers had to rely on face-to-face interviews of applicants, the information presented on their applications, and any other documents the applicants provided.

(C) At one post we visited, the consular officers' assessment of the quality of data received from Iranian applicants was inconsistent. One officer said the documents were of the highest quality, while another said they were of the poorest quality. Both officers had worked in the consular section and had processed NIV applications for at least 6 months.

(U) CA's policy has been to treat all NIV applicants uniformly regardless of their nationality unless there is a special requirement to do otherwise. CA does not consider the lack of a consular presence in the applicant's home country in determining the applicant's eligibility. Besides requiring special security clearances for selected applicants from certain countries, if the facts cannot be verified, CA has left the eligibility of an alien to the discretion of the consular officer. At one of the posts we visited, as indicated earlier under the section on "Staffing Consular Sections," a junior officer (at the FO-05 rank) was in charge of the consular section. At the other post, the consular head was more senior (at the FO-02 level).

(U) Recommendation 23: We recommend that CA review its policy for issuing visas to individuals who are not residents but are physically present in the consular district, particularly those whose bona fides cannot be verified because the United States has no consular presence in the applicant's country or information is not available. If the decision is made to continue issuing visas to these individuals, CA should establish sound criteria for adjudicating these applicants.

(U) CA agreed with this recommendation.

E. PERFORMANCE OF NAME CHECKS BY FSNs

(U) We noted that six of the seven posts we visited were relying on FSNs to perform name checks without adequate assurance that the names of applicants had been checked in the lookout system. This was even true for the embassy which had the MRV and on-line access to CLASS.

Guidance

(U) Consular officers are tasked by Department regulations (9 FAM 41.106, 41.113, and 9 FAM, Part IV, appendix D) with ensuring that the names of applicants are checked in the lookout system before a visa is issued. Further guidance in the Consular Management Handbook (chapter 6, IV C, pages 117-118) states that a system for verifying the results of name checks in the lookout system should be developed by each post, and depending on the volume of fraud, an American family member (AFM) or a part-time intermittent or temporary (PIT) employee should perform the entire name check function or monitor FSNs performing that function. The handbook goes on to state that when the lookout system is checked prior to the interview, the adjudicating officer should review the application for evidence that the check was performed, and officers should review all potential hits to determine their relevance and the appropriate course of action. When a lookout check is performed after the interview, managers of consular sections are charged with ensuring that consular officers review all potential hits before issuing the visa.

[redacted]

Because in our opinion, the mere checking of the application for the FSN's initials did not constitute verifying that the name checks have been performed, in March 1994 we recommended that CA require posts to evalua existing internal controls to ensure that the required na checks of the consular lookout system are effectively performed, whether on an automated system or with the vis lookout microfiche.

(U) The April 1994 CA response indicated that posts woul be informed of the need to review their internal control to ensure that the required name checks of the lookout system were being performed. Posts were also asked to report any difficulties due to faulty microfiche equipmen that they experienced when performing name checks. In April 1994 the Foreign Relations Authorization Act for FY 1994 and FY 1995 established disciplinary procedures for consular officers who failed to follow lookout system procedures and issued visas to individuals who were included in the lookout system.

(U) As indicated, however, only one of the posts we visited had adequate controls in place to ensure that the lookout system had been checked and that FSNs were notifying consular officers of hits when they occurred. Moreover, most of the officers we talked to seemed to lac adequate information on the steps they should take to ensure this. Other examples of internal control weaknesse regarding the microfiche, DNC, and automated lookout systems, that we observed at posts are shown below.

- At one post, FSNs were reviewing the microfiche a separate room, out of the line of sight of the consular officers. This was because of the physical layout of the consular section and adequate staff were not available to observe the FSN review.

The DNC system at another post did not provide a printout of the results of lookout system checks.

At another post, the MRV had been modified to provide a printout of hits, and FSNs were charged with reviewing these hits and apprising officers of them. However, AFMs approving NIVs for issuance did so without verifying that hits had been brought to the attention of the consular officers.[2]

At still another post, the machine used for viewing the microfiche included a printer. However, because none of the staff knew how to operate the printer it was not clear whether it was working, and no paper was available at post for use in the printer.

The Department is moving towards installing MRVs at NIV posts and having an American officer, AFM, or PIT verify the performance of name checks. There are approximately 230 NIV issuing posts worldwide, and CA plans to install some form of MRV at all posts within the next 3 years. Funds for installing MRVs and upgrading software were provided in April 1994 when the Congress authorized the Department to collect and retain the MRV processing fee. However, guidance is needed on how to ensure that lookout system checks are performed until such time as the MRV program is installed worldwide. Guidance is also needed thereafter if MRV and DNC systems similar to those identified at the posts we visited are installed elsewhere. Such guidance would aid officers in meeting their roles and would reduce the likelihood of future disciplinary actions.

(U) Recommendation 24: We recommend that CA (1) conduct a survey to determine which posts have usable microfiche readers and printers; (2) provide posts with the necessary guidance on how to use the printers

[2] At other MRV posts, the system automatically checks the applicant's name and displays the results on the computer monitor for the consular officer's review. Because the MRV by design contains several controls intended to diminish or eliminate the potential for FSN malfeasance, the system at MRV posts did not provide printouts of lookout hits. After viewing a hit, consular officers at the other MRV posts were instructed to either approve or refuse the applicant's visa request by simply striking the appropriate key on the computer keyboard. An approval indicated to the system that a visa could be printed.

to ensure that lookout checks are performed; and (3) provide guidance to posts on how to ensure that checks of microfiche have been performed.

(U) Recommendation 25: We recommend that CA issue more specific instructions on how to ensure that lookout checks are performed to DNC posts and posts where the MRV system has been modified to include a printout of system hits.

(U) CA agreed with Recommendations 24 and 25.

F. DATA ANALYSES AND INFORMATION NEEDS

(U) We found consular officers making decisions at posts without adequate knowledge of the country's cultural and legal environment. This occurred because neither the posts nor CA had systematically developed and analyzed data relative to the local environment nor had they issued adequate guidance on these matters. Also, inadequate resources sometimes prevented CA and posts from directing more effort in these areas.

(U) The consular officers we interviewed admitted that the lack of data may have caused them to make some unsound decisions and some may have issued visas to ineligible applicants. More formal and routine analyses are needed on the type of NIV applicants that (1) are more likely to overstay their visas, (2) come to the United States on an NIV and immediately adjust their status, and (3) have their visas canceled by INS and be turned around at the port of entry. While some posts have developed written guidelines on the nuances of the local environment, at the posts we visited the officers were relying on anecdotal evidence and occasional files consisting primarily of cables to determine the legitimacy of NIV applicants.

(U) The majority of Foreign Service Officers spend their first tour in consular sections. After coming on board and receiving 26 days of consular training at CONGEN Rosslyn (which provides for, among other things, consultations with CA on the visa fraud environment of their post of assignment, if desired) and some language and other training in Washington, the typical officer goes out to post and is placed on the visa line to interview NIV

applicants, sometimes with only hours of on-the-job training.

(U) While most junior officers at the posts we visited expressed satisfaction with the consular training they received at CONGEN Rosslyn, they stated that the on-the-job training at post was neither comprehensive nor structured, and that they were essentially thrown into consular operations. Consular officers need more than the limited training provided to effectively adjudicate NIV applications.

Processing Information from the INS

(U) INS notifies consular officers when an alien with an NIV adjusts status in the United States or has his/her visa cancelled and is turned around at the port of entry, using INS forms G-325A (Biographic Information Form) and I-275s (Notice of Visa Cancellation/Border Crossing Card), respectively. We found that the information is often received too late to be useful and that consular officers are haphazardly reviewing these forms. The forms were merely being circulated and reviewed by the officers if time permitted. Also, each officer was permitted to draw his/her own conclusions from the information.

G-325A

(U) Section 245 of the INA states that an alien with an NIV can adjust his/her status to that of a lawfully admitted permanent resident if (1) the alien applies for such adjustment, (2) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence, and (3) an immigrant visa is immediately available to him or her at the time the application is filed. INS procedures require that a copy of the G-325A be sent to the post that issued the NIV. The INS relies on the applicant to identify the post; it does not require the processing district office to check the applicant's passport for this information.

(U) Upon receipt of a G-325A at posts, consular officers are expected to check their records, and advise INS of any derogatory information by cable within 60 days of the mailing of the G-325A. If 60 days pass with no response,

the INS guidance states that INS should conclude that the post has no derogatory information and proceed to process the adjustment of status application. If the post does respond, INS should consider the information provided to determine whether the adjustment of status should be granted.

(U) We found that (1) posts were receiving some G-325As for NIVs that were issued more than a year before, while records of visa applications and issuances normally are not retained at posts for more than one year; (2) frequently posts were receiving G-325As long after the 60-day window for replying; (3) the forms received did not always have information identifying the type and date of visa issued which the post needed to research the visa application; (4) the forms were sometimes sent to the wrong visa issuing post; and (5) posts supplying potentially derogatory information to INS were expecting, but did not receive, feedback on that information. Also, INS has provided limited and outdated guidance to posts on the type of derogatory information needed to effectively facilitate an INS review of applicants, and it has not defined what would constitute an adequate response to an INS inquiry.

(U) The team also found that the Boston INS district office had discontinued sending G-325As to consular posts altogether, at the direction of the INS headquarters in Washington. On the other hand, the practice of the Newark district office was to send G-325As to posts if the NIV had been issued during the previous 24 months. Department regulations (9 FAM appendix D) state that a copy of the G-325A will be sent to any consular office that issued the NIV during the previous 12 months.

(U) However, we also noted that the INS Newark office was interviewing adjustment of status applicants within 30 days of mailing the G-325As to posts. Thus, even if the post developed and relayed pertinent derogatory information to the INS Newark office within the 60 day window, that office would probably have adjudicated the applicants' cases before receipt of feedback from the post.

(U) INS examiners in Newark also said that unless the derogatory information was corroborated by documents, it would seldom result in the denial of an adjustment of

status application. Also, the examiners stated that when an applicant is related to a U.S. citizen or permanent resident, a waiver is available under the INA to overcome certain visa ineligibilities (such as a crime involving moral turpitude) and the adjustment is usually granted to the applicant.

I-275

(U) The INS also notifies posts of cancelled NIVs and aliens turned around at the ports of entry, through the use of an I-275 Form. However, INS officials often expressed uncertainty about the identity of the aliens turned around and identified on the forms to posts. This is because the passports in the possession of the travelers turned around may have been stolen or obtained fraudulently. While most of the posts we visited were receiving I-275s, none were certain of how the information on the form should be used or the value of that information. Department regulations describe the I-275 form, but provide no guidance on how to use this information.

(U) Section 235 of the INA gives INS inspectors the authority to question everyone seeking admission or readmission to the United States. If during this questioning an alien is determined to be inadmissible by one of the inspectors, the alien is given a choice to either withdraw his/her application for admission or have an exclusionary hearing before an Administrative Judge. If the alien chooses to withdraw his/her application for admission, the visa is cancelled and an I-275 is filled out by the INS inspectors. The I-275 includes descriptive information on the alien, the circumstances of the denial of admission, and may include a copy of a sworn statement containing the "traveler's signature." The inspectors are further informed to route the I-275 to the consular officer who had issued the visa.

> (U) Recommendation 26: We recommend that CA, in consultation with INS, clarify the procedures for processing G-325As and I-275s and provide guidance to posts on how to effectively process these documents.

(U) CA and INS agreed with this recommendation. In its response, INS said the processing of G-325As is critical to

the adjustment of status process and that the I-275 is a vital communication tool between the ports-of-entry and the posts. INS stated that it will assure the timely processing and forwarding of these forms in the future. INS further stated that it will assist in the preparation of guidance for posts. INS also said that as part of an INS/DOS data sharing initiative, I-275 information will eventually be on-line and available to all ports-of-entry and posts.

> (U) Recommendation 27: We recommend that CA, in consultation with posts and FSI, devise ways (through training, manuals, or both) to ensure that officers are provided more formal structured guidance and information on the nuances of their consular district and environment immediately after they arrive at posts.

(U) CA and FSI agreed with the intent of this recommendation but do not support achieving it in a "formal, structured" way. In their responses, CA and FSI noted that the Consular Management Handbook provides guidelines of what should constitute a consular section orientation program for new and inexperienced officers and that they can only continue to stress the importance of post orientation for newly arrived officers. FSI said that in the 26-day Basic Consular Officer Training Course, officers are required to consult with Visa Office, Fraud Division and Overseas Citizen Services in order to familiarize themselves with workloads, fraud trends, and problem areas that they will encounter when arriving at post. We continue to believe that the vulnerability of having consular officers issuing visas without adequate knowledge of the country's cultural and legal environment warrants more formal structured guidance at posts.

Overstay Rates

(U) None of the posts we visited were routinely analyzing data to determine the types and number of people overstaying their NIVs. To obtain a sense of the overstay rates, we visited the INS and found that it estimates that approximately 300,000 aliens overstay their visas each year. The INS does not, however, administer any exit controls for aliens that cross U.S. borders. Although

Aliens are supposed to turn in their I-94 departure forms upon exiting the United States, there is no assurance that they do so. Aliens that do not turn in the I-94 are termed by INS as apparent overstays. INS uses the data in NIIS to estimate how many of the apparent overstays were the result of system error (i.e., the incomplete collection of departure forms), and how many were actual overstays. The result is an estimated overstay rate.

NIV Samples

(U) We took a sample of tourist and business visa applications approved by the posts we visited during the period April 1992 to August 1993 to determine the number of people overstaying their NIVs. For two posts, our sample was skewed toward Iranians and Iraqis, respectively. Of the 350 cases included in our sample, the INS system identified about 45 percent (157) as having entered the United States, and 24 percent (38) of the 157 as having not departed, and were apparent overstays in the United States.

(U) To determine how many of the apparent overstays were actual overstays, we provided the names to posts for followup. Not all of the 38 individuals could be contacted since not all had telephones or could be reached in person. Specifically not all of the individuals issued visas by Lahore, Amman, and Guangzhou could be contacted, and none of those issued by Dubai could be contacted.

(U) However, of those contacted, the posts determined that the number of actual overstays was much less than the apparent overstay rate of 24 percent. The posts determined that at the most, 12 percent (19) of the 157 individuals had not left the United States and had overstayed illegally.

(U) We compared the data obtained by each post to the latest available (FY 1992) INS estimated overstay rate for the general population of that country. We found that for some countries, the differences between the INS overstay rates and OIG sample overstay rates was relatively large. For example, the INS estimated overstay rate for Lahore was 15.7 percent while the OIG sample actual overstay rate could be as high as 25 percent. Although our sample size was small, we believe it raises questions regarding the

reliability of the INS data in its current form for accurately predicting overstay rates by country.

Analyzing INS Data

(U) We also analyzed the most recent INS data (1992) on overstays to determine the type of visa that accounted for the largest percentage of overstays for all of the posts we visited. As the chart below shows, recipients of tourist visas from Amman, Guangzhou, and Lahore are much more likely to overstay their visas than recipients of business visas. For Athens, aliens with tourist and business visas are not overstaying nearly as much as aliens with other types of visas. Such data were not available for Dubai.

Analysis of Overstays by Type of Visa Holder FY 1992

(In percentage)

Post	Business	Tourist	Other*
Amman	8	91	1
Athens	0	3	97
Guangzhou	0	60	40
Lahore	11	82	7
Seoul	0	37	63
Taipei	0	100	0
Dubai	NA	NA	NA

* Other visas include those for students, exchange visitors, trainees, etc.

(U) With this type of information, as well as other information that the posts or INS might ultimately be able to generate (i.e., typical age of the overstayers, occupation, gender, etc.), posts could develop typical characteristics of people more likely to overstay. Though incomplete, NIIS contains biographic data (birthdates, occupations, and other information) on aliens visiting the United States. CA could use INS statistical data to raise

or confirm post's suspicions about the percentage of aliens who apparently overstay in the United States.

> (U) Recommendation 28: We recommend that CA, in coordination with INS, develop a sound methodology for collecting and analyzing information on NIV arrivals and departures including their overstays in the United States and disseminate this data to posts on a routine basis.

(U) CA and INS agreed with this recommendation. In its response, INS noted that there is no formal INS inspection of those departing from the United States. Without departure control, any system to collect departure data will contain some degree of error. INS further stated that it is working on a procedure to collect arrival and departure data electronically. While this procedure, if adopted, will reduce the magnitude of error in the data, unless the United States is willing to establish a control mechanism for all persons seeking to depart the United States, errors will continue to exist in the data system. INS said that the information collected will eventually be available on-line to both INS and DOS as part of a mutual data sharing initiative.

Consolidated/Fraudulent Documents

(U) Each year thousands of aliens arrive in the United States with counterfeit documents from various countries such as Pakistan, Bangladesh, China, Santo Domingo and Nigeria. In a typical year, according to INS, more than 100,000 people arrive, attempting to enter the United States with fraudulent, altered, or impostered documents (passports, NIVs, alien cards, border crossing cards, etc.) This does not include the number of successful entries made with fraudulent documents.

(U) As part of its long range planning, CA's goal is to electronically provide a list of names of NIV recipients and their visa numbers to IBIS to reduce the chance of INS admitting individuals with counterfeit and fraudulent documents into the United States. While this report makes no recommendations regarding this issue, in our opinion only actions such as these will be effective in

significantly reducing the number of persons entering the United States with fraudulent documents.

V. CONSOLIDATED LIST OF RECOMMENDATIONS

(U) Recommendation 1: We recommend that CA take steps to clarify as necessary guidance on the provisions pertaining to excludability on the basis of soliciting others to undertake terrorist activity, or seek amendment of the INA, if necessary, so that individuals who actively encourage acts of terrorism may be deemed to be excludable. CA should review its interpretation of section 212(a)(3)(B) of the INA to ensure that the reasonable ground standard is applied as aggressively as possible in the post World Trade Center environment and inform posts of any revisions.

(C) Recommendation 2: We recommend that the Under Secretary for Management (1) reemphasize the requirement for each mission to establish a Visas Viper committee, chaired by the Deputy Chief of Mission, that includes representatives from the consular, political, and intelligence sections, and (2) require some form of reporting to Washington on the periodic meetings.

(U) Recommendation 3: We recommend that CA develop a system for following up with posts, particularly those that are known to have state-supported terrorists, to identify the reasons why posts have not submitted names and to ensure that names are eventually submitted.

(C) Recommendation 4: We recommend that CA in coordination with INR initiate dialogue that would encourage intelligence and law enforcement agencies to issue parallel instructions to representatives at post defining responsibilities under the Visas Viper Program and clarifying reporting channels to be used by these agencies.

(U) Recommendation 5: We recommend that CA establish a program for proactively identifying and including the names of other individuals ineligible for an NIV into CLASS based on Category I refusal grounds such as drug traffickers, alien smugglers, and organized crime members.

(U) Recommendation 6: We recommend that CA meet with INS to define its total data needs from INS and identify ways to expeditiously obtain this data, and establish milestones

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(U) Recommendation 6: We recommend that CA meet with INS to define its total data needs from INS and identify ways to expeditiously obtain this data, and establish milestones

for these actions.

(U) Recommendation 7: We recommend that CA, as part of IBIS, work expeditiously with the U.S. Customs Service to obtain agreement on the two-way data exchange under the IBIS concept and develop a timeline for providing the data to the Department for entry into CLASS.

(U) Recommendation 8: We recommend that CA issue instructions to posts equipped with DNC to ensure that information on Category I refusals and quasi-refusals is promptly disseminated to the Department for distribution to other posts.

(U) Recommendation 9: We recommend that CA identify the incomplete information in CLASS and take steps to ensure that the entries are complete so that it can be used at posts and by INS inspectors at ports of entry; otherwise the data should be deleted.

(U) Recommendation 10: We recommend that CA reemphasize the importance to posts and other Federal agencies of entering complete data into the lookout system.

(U) Recommendation 11: We recommend that CA clarify the purpose of the CLASS comment field to INS, explore the feasibility of modifying that field to meet the INS data needs, and where possible implement such changes.

(U) Recommendation 12: We recommend that CA in coordination with posts and INS develop a system for purging extraneous data from the lookout system.

(U) Recommendation 13: We recommend that CA develop an overall strategy including a time line for developing, testing, and installing culturally specific algorithms to improve the probability of accurate matches of names in CLASS.

(U) Recommendation 14: We recommend that CA seek to obtain full funding to develop the needed algorithms to eliminate the transliteration and transcription problems associated with CLASS.

(U) Recommendation 15: We recommend that CA develop sufficient criteria for determining staffing needs for consular operations at posts and use the criteria when determining staffing.

(U) Recommendation 16: We recommend that CA in conjunction with geographic bureaus develop criteria for determining which posts, based on perceived or known threats of the locality or applicant pool, warrant a more experienced supervisory officer as head of the consular section.

(U) Recommendation 17: We recommend that CA in coordination with the Bureau of Personnel identify ways to obtain (1) the authorizations needed for assigning higher ranked consular officers to posts identified in the above recommendation, and (2) the staff needed to fill these positions after they are authorized.

(U) Recommendation 18: We recommend that CA in coordination with geographic bureaus take steps to ensure that the Regional Consular Officer Program is routinely and adequately funded.

(U) Recommendation 19: We recommend that CA, in coordination with the Bureau of Personnel, the Bureau of Finance and Management Policy, and the geographic bureaus (1) develop appropriate statistics on consular workloads, (2) compare this data to rotation schedules, and (3) develop and implement an effective plan to minimize consular staffing gaps.

(U) Recommendation 20: We recommend that CA, in coordination with the Foreign Service Institute, survey the foreign language needs and skills of officers performing visa functions worldwide.

(U) Recommendation 21: We recommend that the Foreign Service Institute, in coordination with CA, (1) determine the improvements needed to make the training more effective based on the results of the survey, and (2) take steps to ensure that this is achieved.

(U) Recommendation 22: We recommend that CA ensure that effective internal controls exist for drop-box programs by requiring posts to submit the criteria for their drop-box

operations for review and evaluation. Such review should (1) examine the criteria for selecting travel agencies and other participants in the program and the procedures for conducting spot checks of those issued visas, and (2) ensure that reasonable penalties exist for those who do not comply with post guidelines.

(U) Recommendation 23: We recommend that CA review its policy for issuing visas to individuals who are not residents but are physically present in the consular district, particularly those whose bona fides cannot be verified because the United States has no consular presence in the applicant's country or information is not available. If the decision is made to continue issuing visas to these individuals, CA should establish sound criteria for adjudicating these applicants.

(U) Recommendation 24: We recommend that CA (1) conduct a survey to determine which posts have usable microfiche readers and printers, (2) provide posts with the necessary guidance on how to use the printers to ensure that lookout checks are performed, and (3) provide guidance to posts on how to ensure that checks of microfiche have been performed.

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Frequent Grounds of Ineligibility in the CLASS for Non-Immigrant Visas

Category I	Advisory Opinion Mandatory	Category II	Advisory Opinion Mandatory
Communicable Disease	No	* Public Charge	No
Physical/Mental disorder	No	* Certain Former Exchange Visitors	No
Drug Abuser or Addict	No	* Failure of Application to Comply with Immigration and Naturalization Act	No
Crime involving moral turpitude	No***	* Intending Immigrant ****	No
Controlled substance violators or traffickers	No		
Multiple criminal convictions	No		
Prostitution/Procuring	No		
Unlawful commercialized vice	No		
Certain aliens Involved in Serious Criminal Activity Who Have Asserted Immunity From Prosecution	No		
General espionage, technology transfer, etc.	Yes		
Other unlawful activity	Yes		
Act to Overthrow USG	Yes		
Terrorist activities	Yes		
Foreign Policy	Yes		
Participants in Nazi Persecutions*	Yes		
Participants in Genocide	Yes		
* Aliens previously deported	No		
* Certain aliens previously removed from United States**	No		
* Misrepresentation	No***		
* Stowaways	No		
* Smugglers	No		
* Subject of Civil Penalty	No		
* Ineligible for Citizenship: In General	No		
* Draft Evaders	No		

Record Retention

Physical and CLASS Records retained until alien is 90 years old or older and no visa activity for 10 years

* Physical records retained until alien is 100 years old or older and no visa activity for 10 years

** Physical records retained for 20 years

*** Only in certain circumstances

Record Retention

Physical and CLASS records retained for 2 years

**** Physical records retained for a minimum of 1 year and maximum of 2 years

FOLLOWUP TO QUESTIONS RAISED IN PHASE I REPORT

(U) In appendix B to the Phase I report (Review of the Visa-Issuing Process Phase I: Circumstances Surrounding the Issuance of Visas to Sheik Omar Ali Ahmed Abdel Rahman, 4-CI-007, March 1994), we addressed questions raised by several members of the Congress regarding the Sheik's NIVs and the NIV process. In response to questions 1, 7, 8, 9, 11, 12, 13, and 14, we asserted that we would provide more complete answers based on information we intended to gather during phase II of the assignment. What follows are the responses provided in the March 1994 report, and the new information we have subsequently collected.

1. **Question:** (U) (a) Is the State Department's visa lookout list database comprehensive, and does it incorporate on a timely basis FBI, Drug Enforcement Agency, Alcohol, Tobacco and Firearms, Customs Service, and all other U.S. law enforcement or intelligence agencies' lists of individuals who should be denied visas because of possible terrorist, narcotics trafficking, or other criminal activity that may legitimately serve as a basis for denying entry?

Response: (U) The State Department's lookout system at this point is not comprehensive, nor are all names put into the system in a timely manner. Our review of the specifics regarding the Sheik's case showed that names of persons--such as those convicted in Egypt for committing terrorist acts who could apply for visas when they were released--were not being routinely forwarded to the consular section. This problem extends at least to the political section at posts. The second phase of our audit will look more fully at the names other agencies have that are not getting into the lookout system.

Question: (U) (b) Are these law enforcement and intelligence agencies' database systems compatible with State's?

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(U) (c) If not, why?

Response: (U) The various database systems of the agencies do not appear to be fully compatible at present. We learned, for example, that not all names that are collected by other agencies are in a format that can be used for name check purposes--unclassified, with name, date of birth, and place of birth. Also, the State Department has quasi-refusal information in its name check system that is not used by other agencies, in particular INS. Finally, the systems have different capabilities in terms of performing name queries, or making "fuzzy matches" of names. The issue of the compatibility of the systems will also be scrutinized more fully in the second phase of our review.

Phase II Update: (U) The second phase of our audit confirmed that the sharing of names and lookout data among the agencies is indeed a systemic problem. Section IV-B of this report, on the CLASS system, discusses in detail the difficulties that have been experienced in obtaining data from INS and the other members of the IBIS committee. In addition, the classified annex of this report discusses the difficulties in sharing and exchanging data with DEA. One bright spot, however, is that the Visas Viper process instituted by the Department is improving the data sharing at the post level, although, as recommended, there should be more consistency in the level of effort between posts.

7. **Question:** (U) (a) What programs does the State Department have to train employees who process or issue visas to access and use the visa lookout list program?

(U) (b) Are these training programs adequate?

Response: (U) Training relating to the visa issuance and lookout processes will be another focus of the second phase of our review. We do know at this point that the officers involved in issuing the visas to Sheik Abdel Rahman had taken the standard 26-day Foreign Service Institute consular training course. We will examine the adequacy of that course and other training as it specifically relates to the visa lookout process.

Phase II Update: (U) Section IV-C of this report discusses the many staffing concerns we encountered during the second phase of our audit, in particular in the area of language training. We also inquired about the consular training course itself and found that most officers were satisfied with the consular training at CONGEN Rosslyn, however they stated that the on-the-job training at post was neither comprehensive nor structured. We make recommendations to improve these areas.

8. **Question:** (U) When the State Department discovers it has issued a visa in error, does it notify the appropriate U.S. law enforcement agencies in a timely manner to prevent entry or possible criminal activity in the United States of the individual to whom the visa was issued?

Response: (U) Our inquiry regarding Sheik Abdel Rahman has shown that INS and other agencies were not notified in a timely

manner that the 1990 visa had been issued erroneously. In the Sheik's case, 10 days passed between the time the error was made and the time that State Department headquarters was notified. After that, months passed during which time neither State headquarters nor Embassy Khartoum revoked the visa. Since the Sheik was in the system only as a quasi-refusal during this period, his name would not have been picked up by the INS system. The second phase of our review will determine whether delays like these routinely occur during the Department's visa issuance process.

Phase II Update: (U) In Phase II, we did not find that the revocation procedures used by the Department suffered from inordinate delays. However, revocations by a post after a visa issuance are not common, so it is difficult to draw general conclusions in this area.

9. **Question:** (U) (a) What is the potential for favoritism, fraud, or bribery in both the visa-lookout check system and the issuance of visas?

Response: (U) A visa to the United States, which can be obtained through any of the above means, continues to be a prized commodity for illegal immigrants to the United States. In semiannual reports to Congress, the OIG Office of Investigations has routinely reported that between 10 and 20 percent of its investigations have been related to visa and passport fraud (in 1989, the number for visa and passport fraud was even higher, at 28 percent). Thus, the potential for malfeasance in this area remains high.

Question: (U) (b) What procedures, controls, and recording requirements are in place to ascertain that the watch list inquiry has been properly performed before a visa is issued?

(U) (c) Are these controls adequate?

Response: (U) We will be examining this issue in detail during the second phase of our review. We do know, at this point, that the Department requires name checks to be performed on all visa applications; visa applications include the phrase "L.O. checked" to indicate that the name was checked in the lookout system; and consular officers are responsible for ensuring that the check was performed. Also, our review thus far has shown that FSNs, at least at posts with microfiche that the OIG visited, were not routinely performing the required name checks although they were indicating on the form that they had done so, and that consular officers have not been given sufficient guidance to ensure that these checks have been performed.

Phase II Update: (U) During our field visits for phase II, we continued to find that the Department relies almost exclusively on FSNs to perform name checks, and that there were inadequate procedures in place for verifying that the name checks were performed. This was even the case at an on-line, MRV post we visited. Section IV-E of this report explores this issue in detail.

11. **Question:** (U) (a) The Foreign Affairs Manual maintained at State Department posts contains regulations and guidelines for the issuance of visas, including document identification requirements. What are

the appropriate Foreign Affairs Manual Sections that deal with the visa lookout list procedures that address possible fraud, favoritism, bribery, or other abuses in the visa issuance system?

(U) (b) Are these regulations, guidelines, and procedures adequate?

Response: (U) Volume 9 of the FAM identifies the Department's visa issuance procedures and requirements. Section 9 FAM 41.113 states that, "The post must check the applicant's name against the visa lookout system prior to issuance." This note then refers to 9 FAM, Part IV (appendix D, "General Visa Instructions"), which has more specific requirements:

- Online posts are to check applicants' names against the automated system, and any "hits" are supposed to be given to the interviewing consular officer for review. When the name check system is down, posts must either perform the name checks with the microfiche or wait for the system to be up again.
- Posts not on line are to get a subset of the name check database bimonthly on microfiche, and the consular officer "must ensure" that all applicants are checked against the latest microfiche.
- Supervisory consular officers must establish procedures to ensure that the names of all visa applicants are checked against the automated consular lookout system database.

(U) We will be examining the adequacy of the FAM's guidance in detail during the second phase of this review.

Phase II Update: (U) In section IV-E of this report, we recommend that the Department issue more specific instructions to ensure that lookout checks are performed at certain posts.

12. **Question:** (U) Are the current document requirements of visa applicants sufficient for identification purposes and the visa lookout list?

Response: (U) The only documents that are required to obtain a nonimmigrant visa are the application itself and the applicant's passport. The consular officer, who must make the judgement regarding the identity of the applicant and his or her eligibility for a visa, can require the applicant to present any additional documents that would facilitate that determination. This could include evidence of bank accounts, family ties, employment, or whatever the consular officer determines is necessary. The consular officer must also determine that these documents are themselves authentic. We have not made the determination in this audit that insufficient documentation is required for nonimmigrant visas. However, we will continue to explore the documentation requirements and improvements necessary during the second phase of our review.

Phase II Update: (U) During our phase II post visits, we did not find that additional documentation requirements were necessary to improve the NIV process. However, we felt that posts did need to ensure greater consistency among officers in terms of how they adjudicate the documentation that is presented. Because of a lack of post specific training and

insufficient feedback on what makes for good/bad cases, we found that officers did not appear to have a sound basis for analyzing documents presented with the visa application. The lack of a sound basis for analyzing documents was also a concern when processing out-of-district third country applicants, as noted in section IV-D.

13. **Question:** (U) Can the identification procedures be improved to avoid fraud and other abuses?

Response: (U) Our work did not reveal that identification procedures used at the time of the Sheik's applications were faulty. [redacted] FOIA B2, B3 [redacted] The second phase of our review will scrutinize this aspect of the application process more closely to further determine the vulnerabilities of visa identification procedures.

Phase II Update: (U) Section IV-D of this report covers our concerns regarding the identification procedures for out-of-district third country nationals. We did not identify any other weaknesses relating to the identification of visa applicants.

14. **Question:** (U) (a) Can improvements be made to reduce transliteration problems in the spelling of applicants' names on visa application forms?

Response: (U) The information we have gathered to date from State and INS indicates that transliteration is indeed a problem in the name check process with Arabic and other names. However, defining the scope and identifying possible solutions to the

problem will require a more in-depth review, which we plan to perform in the second phase of this assignment.

Question: (U) (b) Are visa application forms available in Arabic or other foreign languages?

Response: (U) Yes. The Department does have nonimmigrant visa forms available in native languages for some countries, and until recently the Department routinely produced a form in English with an Arab translation. However, overseas posts have the discretion of choosing which forms are used, and many posts in the Arab world have declined the option of using Arab language forms. One of the problems they cited was that many applicants would fill the form out in Arabic, creating transliteration problems. Also, at many posts the applicants are third country nationals who do not speak Arabic, or well-educated nationals who already know English. The Department stopped producing visa application forms in Arabic in 1991.

Question: (U) (c) What recommendations are needed to solve the apparent problems with the transliteration of names in visa applications submitted overseas, so that the visa watch list system works regardless of variations in the spelling of the applicant's name?

Response: (U) The transliteration problem of the various border control lookout systems is a very broad and complex issue. We will examine that issue in depth in the second phase of our audit and make the appropriate recommendations.

Phase II Update:

(U) Section IV-B of this report, on the CLASS system, discusses the difficulties with transliteration as it relates to CLASS and the other agency lookout systems.

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DEPARTMENT OF STATE
ASSISTANT SECRETARY FOR CONSULAR AFFAIRS
WASHINGTON

November 4, 1994

UNCLASSIFIED

TO: OIG/AUD - Mr. John C. Payne

FROM: CA - Mary A. Ryan /// for MAR

SUBJECT: Draft Audit Report on the Review of the Nonimmigrant Visa-Issuing Process, Phase II

Attached for your use in preparing the final report of th review are CA's comments on the draft NIV audit team report. hope you find them helpful. Our responses are still incomplete, but we wanted to forward them to you in this for so you could review them before the audit team departs for th IV audit. We will provide further comments on the final repo during the compliance process.

In your report you have identified a number of systemic issues such as personnel levels and quality of training that would be better addressed by Department management than by C These issues bear directly on the quality of consular work b can only be properly addressed by those offices that are responsible for them. The report also suggests a basic tens between the need to improve quality and resources available t do so. Lack of adequate personnel resources for management controls and customer service is an issue of deep concern to this Bureau and we encourage the OIG to continue to explore this issue in ongoing reviews of consular processes.

Please feel free to contact my staff in CA/EX if you have an questions on our comments. The contact person is Holcombe Thomas at 202-647-1148.

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(U) Recommendation 1: We recommend that CA take steps to (1) clarify as necessary the provisions pertaining to excludability on the basis of terrorist activity, and (1) seek amendment of the INA so that individuals who actively encourage and promote acts of terrorism may be deemed to be excludable even absent proof of evidence of actual involvement in terrorist activity. Until this amendment is made, CA should review its interpretation of section 212(a)(3)(B) of the INA to ensure that the reasonable grounds standard is applied as aggressively as possible in the post World Trade Center environment and inform posts of any revisions.

(U) Response: With respect to recommendation 1(1), CA believes that the Department's interpretation of section 212(a)(3)(B) is articulated as clearly as is possible.

With respect to recommendation 1(2), CA believes that the Administration has already formally decided against supporting amendments such as are proposed here in its opposition to the enactment of H.R. 2730 which, among other things, would have amended section 212(a)(3)(B)(i) to add "(III) is a member of an organization that engages in, or has engaged in, terrorist activity or who actively supports or advocates terrorist activity." The testimony of Assistant Secretary Ryan and Deputy INS Commissioner Sale on February 14, 1994, before the House Judiciary Subcommittee on International Law, Immigration, and Refugees opposing enactment of this bill was given only after its approval by the Administration through standard procedures established for that purpose.

(C) Recommendation 2: We recommend that the Under Secretary for Management (1) reemphasize the requirement for each mission to establish a committee, chaired by the Deputy Chief of Mission, that includes representatives from the consular, political, and intelligence sections, and (2) require some form of reporting to Washington on the periodic meetings.

(U) Response: CA has already informed posts of the need to form Visas Viper committees and hold periodic meetings via State ALDAC 228336 dated July 28, 1993, from the Acting Secretary to Chiefs of Mission. The importance of the program was emphasized via State ALDAC 106345 dated April 21, 1994, and again July 22, 1994, via State ALDAC 195933 from CA - A/S Mary A. Ryan to Chiefs of Mission. Another ALDAC is being prepared by CA to Chiefs of Mission from Under Secretary Moose along the lines suggested by the OIG recommendation.

(U) Recommendation 3: We recommend that CA develop a system for following up with posts, particularly those that are known to have

state-supported terrorists, to identify the reasons why posts have not submitted names and to ensure that names are eventually submitted.

(U) Response: CA will initiate a dialog with selected posts who have not submitted names for the visas viper program, and will follow up with these posts as required.

(C) Recommendation 4: We recommend that CA and INR initiate a dialogue that would encourage intelligence and law enforcement agencies to issue parallel instructions to representatives at post defining responsibilities under the Visas Viper Program and clarifying reporting channels to be used by these agencies.
(U) Response: CA understands that the intelligence and law enforcement agencies sent a communication to their representatives at posts (Tab A) at the time that State ALDAC 106345 was transmitted on April 21, 1994.

(U) Recommendation 5: We recommend that CA establish a program for proactively identifying and including the names of other individuals ineligible for an NIV into CLASS based on Category I refusal grounds such as drug traffickers, alien smugglers, and organized crime members.

(C) Response: CA will seek recommendations from the field to determine how individuals who are potentially ineligible might be identified proactively. We will then assess such recommendations as are received to determine their feasibility. Those found to be feasible will be reported to the field in either an ALDAC instruction or in individual post instructions, as may be practical.

(U) Recommendation 6: We recommend that CA meet with INS to define its total data needs from INS and identify ways to expeditiously obtain this data, and establish milestones for these actions.

(U) Response: See response to Recommendation 7 below.

(U) Recommendation 7: We recommend that CA, as part of IBIS, work expeditiously with the U.S. Customs Service to obtain agreement on the two-way data exchange under the IBIS concept and develop a timeline for providing the data to the Department for entry into CLASS.

(U) Response: This is a combined response to recommendations 6 and 7. The recommendations are concerned with data exchanges relating

to lookout systems, and this answer is responsive to that concern. There are ongoing major efforts to improve data exchanges in a variety of other areas. CA will be pleased to brief the OIG on these other areas, should the OIG so desire.

The Bureau of Consular Affairs is fully committed to the concept of IBIS serving as a clearinghouse for the two-way exchange of data between itself and the other IBIS agencies including the INS. While work at both CA and Customs continued on completing the software module that will provide validation of the transaction involved in the CLASS to TECS data exchange, an impasse developed that diverted attention from the technical issues related to the TECS to CLASS data exchange to issues of privacy and data accountability. In a recent lunch meeting between Deputy Assistant Secretary for Visa Services Diane Dillard and Deputy Commissioner for Customs Robert Lane, it was decided to make resolution of these important issues the final step in the implementation of two-way data exchange. Both CA and Customs are now fully committed to making two-way data exchange a reality.

Despite the now resolved impasse, some work had been done in identifying the categories of data contained in TECS that would be of use to consular officers in the field. Both CA and Customs have now assigned additional contract technical staffs to this project and are confident of building a sustainable momentum. Among the first set of data to be targeted is INS deportation data.

(U) Recommendation 8: We recommend that CA issue instructions to posts equipped with DNC to ensure that information on Category I refusals and quasi-refusals is promptly disseminated to the Department for distribution to other posts.

(U) Response: A response to this recommedation is still being formulated and will be forwarded separately.

(U) Recommendation 9: We recommend that CA identify the incomplete information in CLASS and take steps to ensure that the entries are complete so that it can be used at posts and by INS inspectors at ports of entry; otherwise the data should be deleted.

(U) Response: See response to recommendation 12 below.

(U) Recommendation 10: We recommend that CA reemphasize the importance to posts and other Federal agencies of entering complete data into the lookout system.

(U) Response: See response to recommendation 12 below.

(U) Recommendation 11: We recommend that CA clarify the purpose of the CLASS comment field to INS, explore the feasibility of modifying that field to meet the INS data needs, and where possible implement such changes.

(U) Response: See response to recommendation 12 below.

(U) Recommendation 12: We recommend that CA in coordination with posts and INS develop a system for purging extraneous data from the lookout system.

(U) Response: CA has chosen to address these four recommendations together as they all address the question of useful current lookout data to INS and to the field.

A preliminary report of the IBIS audit has been completed and is available for examination. Its main finding is in that three out of four cases, posts were able to supply paper files to support specific entries in the lookout system. Improving this ratio is of course of major concern to CA.

An internal Visa Office memorandum of August 15, 1994, entitled "Cleaning Up Our Contribution to TECS" (copy attached at Tab B) has been accepted as an unofficial compass for VO's efforts to increase the usefulness of CLASS for all concerned, especially for port of entry and other law enforcement personnel. Two more recent memoranda are also attached as examples of specific steps we have taken to date.

Comments and observations follow regarding specific recommendations. How much incomplete information can be tolerated in the system is a judgement call, for which the answer will vary depending on the use of the information. CA is aware of several egregious examples of incomplete information delaying passengers at port of entry. In one instance a U.S. citizen physician was delayed because his name matched that of a Belfast CLASS entry relating to possible ineligibility for terrorism. The TECS entry did not show a date of birth even though the CLASS entry contained a year of birth entry. Our observation of similar Belfast entries leads us to believe it was based on press coverage of the trial and conviction of the individual in question. The year of birth was an estimate. This is an instance of proactive identification and inclusion of an ineligible person. We have learned that software incompatibilities bewteen CLASS and TECS precluded the year of birth being passed to TECS. This incompatibility has been recognized and will be

corrected. Although our August 15 memorandum called for limiting entries passed to TECS to those that contain only a full date of birth, subsequent discussion and thought is leading us to the conclusion that while no date of birth information is unacceptable, only a year of birth might be acceptable.

The "comment field" was intended as the "Province of Birth" field and has evolved into a comment field of dubious current value. In March 1994, we advised all posts that we were working toward adding the 21 character province of birth/comment field to the data that is passed to TEECS and requested them to "improve the usefulness of the entry by using the comment field to provide information about the grounds of refusal itself." The actual software that will pass the comment field has been developed, is being tested and will be soon installed. CA however regards adding information to the comment field as a stop gap as what truly meets port of entry needs is the refusal file itself.

The question of systematically purging extraneous data from the lookout system, such as records relating to legal permanent residents, is one that we are not yet ready to address. We would first prefer to reduce the number of "ghost" records so that one record truly equals one file as this is a task we can do ouselves without the need to involve the INS. Once we were reasonably sure that we had real records, we could then begin to explore ways in which our lookout system could be compared with INS's Central Index System. In the meantime, we will continue to delete extraneous material just as soon as it is identified as such.

(U) Recommendation 13: We recommend that CA develop an overall strategy including a time line for developing, testing and installing culturally specific algorithms to improve the probability of accurate matches of names in CLASS.

(U) Response: CA continues to believe that the implementation of culturally specific algorithms is important and must be accomplished in conjunction with CA's modernization program.

FOIA B2

FOIA B2

We currently project this work to be completed in approximately eight months. Simultaneously, CA and IM have jointly initiated a study to upgrade the capacity of CLASS, a necessary element in the implementation of additional algorithms. CA has also developed a general approach to the development of an Arabic algorithm. Unforturnately these and other CA systems priorities (such as computerized namecheck to all posts by the end of FY 95) absorb available CA/EX/CSD resources and initiation of work regarding the Arabic name check is not scheduled.

(U) Recommendation 14: We recommend that CA seek to obtain full funding to develop the needed algorithms to eliminate the transliteration and transcription problems associated with CLASS.

(U) Response: CA has been authorized to charge a fee ($20) for each MRV application. A portion of these funds is being used to initate work to address the transliteration and transcription problem. CA is also in the process of requesting that the authority for MRV collection be extended. Continued work on the transliteration and transcription problem will be a high priority usage of that additional revenue.

(U) Recommendation 15: We recommend that CA develop sufficient criteria for determining staffing needs for consular operations at posts and use the criteria when determining staffing.

(U) Response: Using consular package data, CA has developed basic criteria for determining staffing needs for visa sections. CA shares this data with geographic bureaus when they make staffing decisions. CA does not determine staffing for posts abroad, but rather consults with the geographic bureaus, which control positions.

As part of its systems modernization, CA is revising the consular package to make it a better performance measurement and management tool. The revision of the consular package will include determining staffing needs through a weighted system for determining both visa and ACS staffing levels, i.e., providing additional staffing at high fraud posts or at posts with no infrastructure for American citizen emergencies. The new package, which will be completed in the next three to four years, will not only provide more sophisticated data on which to base staffing decisions by Washington managers but will also provide direct feedback to managers in the field to facilitate process improvements.

(U) Recommendation 16: We recommend that CA in conjunction with geographic bureaus, develop criteria for determining which posts, based on perceived or known threates of the locality or applicant pool, warrant a more expreienced supervisory officer as head of the consular section.

(U) Response: Existing position classification criteria provide for assigning a higher grade to a position because of difficult or dangerous conditions. The consular officer positions in Khartoum and Doha were recently upgraded from junior officer to grade 3 positions based on such criteria. CA will work with the geographic bureaus to determine whether specific action should be taken to upgrade junior officer positions at other single officer consular sections based on perceived or known threats.

(U) Recommendation 17: We recommend that CA, in coordination with the Bureau of Personnel, identify ways to obtain (1) the authorizations needed for assigning higher ranked consular officers to posts identified in the above recommendation, and (2) the staff needed to fill these positions after they are authorized.

(U) Response: CA, the geographic bureaus and PER believe there would be little difficulty in upgrading positions identified through the process outlined in Recommendation 16. The difficulty will be in finding staff to fill the positions. Currently, there are not sufficient grade 3 consular officers to fill consular vacancies, and we anticipate that with reduced junior officer intake there will be fewer grade 3 consular officers available in the future. Positions which are ranked at higher levels, not because of the content of the job but because of possible vulnerabilities, will not be perceived as career enhancing as most officers seek increased responsibilitiy as they advance in the service.

An alternative proposal is to consolidate the NIV function from small, high fraud posts, to larger regional posts where experienced officers would be available to make visa decisions. Another possibility is to provide improved communications to small posts so that officers would have on-line access not only to lookout data but also to unclassified E-mail to seek information from larger regional posts. As the geographic bureaus identify single-officer posts which are vulnerable when staffed with junior officer section chiefs, CA will work with them to identify the most effective means of managing the vulnerability either through position upgrading, regionalization of functions, or more effective regional support mechanisms.

(U) Recommendation 18: We recommend that CA in coordination with

geographic bureaus take steps to ensure that the Regional Consular Officer Program is routinely and adequately funded.

(U) Response: CA has taken such steps and continues to do so. The CA/EX management analyst for AF and NEA is also responsible for the RCO program. This is an active issue. CA sponsored and held the first-ever conference for RCOs in Washington in March 1994. The relevant regional bureaus participated in that conference and pledged support for funding RCO travel. The RCOs were informed that CA would support their requests to regional bureaus for additional funding as necessary. We have done so in past and will continue to do so. Recently for example, CA/EX together with RCO Riyadh jointly overcame NEA/SA/EX's reluctance to allow the RCO to fund a low-cost mini-conference in Abu Dhabi of Gulf area consular officers. The conference, held September 1994, was an unqualified success.

(U) Recommendation 19: We recommend that CA, in coordination with the Bureau of Personnel, the Bureau of Finance and Management Policy, and geographic bureaus (1) develop appropriate statistics on consular workload, (2) compare this data to rotation schedules, and (3) develop and implement an effective plan to minimize consular staffing gaps.

(U) Response: Our proposed plan would have CA fund and administer a program for temporary staff support, both officer and FSN, to cope with peak workload periods and staffing gaps. CA will present M with a proposal on use of MRV fees if we are permitted to retain these fees after FY 95 including a recommendation to use the fees to fund such temporary staff support. While we would begin with traditional staffing alternatives such as trained dependents and WAE's, as this program grew we would also propose bolder hiring initiatives such as internship programs for college students or summer employment programs for teachers. An effective temporary staffing program would improve the quality of visa services, permit processing total NIV demand to increase the amount of MRV fees collected, and reduce permanent staffing abroad if the Department agrees to adopt a lower permanent staffing profile.

The second aspect of the plan would be to minimize staffing gaps during peak seasons by facilitating and funding deferred home leave for consular officres to avoid long leave periods during the summer transfer season. A related prgram would schedule consular mid-level and automation training during consular low seasons rather than during the summer transfer season. While scheduling home leave and training during non-peak seaons would result in additional transportation and per diem costs, we believe the benefits in avoiding staffing gaps would be worth the extra expense.
A final proposal is that, as long as the majority of line consular

work is done by junior officers, incoming junior officer classes be timed specifically to get officers to posts before, rather than after, the consular busy season. This means that the bulk of junior officers should be brought on in the early part of the fiscal year to complete language and functional training in time for the majority of officers to get to post by May or June.

These proposals would need to be fully staffed and approved by interested offices in the Department prior to implementation.

If such a plan were approved, CA would survey the field for statistics on seasonal workload factors to permit appropriate staffing for the entire year. CA could develop a system to permit posts to staff for an average workload, providing supplemental staffing during periods of workload surge. We believe such a staffing structure would provide significant reosurce savings in both FSO and FSN staff. However, current staffing practices, which provide permanent staff for busy season workload levels, facilitate informal junior officer rotations to other section of the Embassy during the off-season. Before agreement to this type of plan, Department management would need to consider all implications for the personnel system.

(U) Recommendation 20: We recommend that CA, in coordination with the Foreign Service Institute (1) examine the language training provided to officers assigned to consular sections, (2) determine the improvements needed to make the training more effective, and (3) take steps to ensure that this is achieved.

(U) Response: While CA wholeheartedly supports the intent of this recommendation, it not appropriate for CA to lead such an effort nor does CA have the expertise or resources to do so. This recommendation should be tasked to FSI or possibly to the appropriate office in M/PO (management planning office). What is required is a major review of FSI language training, involving a study of techniques, an analysis of the effectiveness of those techniques, a survey of students' experiences once they arrive at post, an identification of training shortcomings where they may exist, and recommendations on how to improve language training for consular needs. CA would be glad to provide input to such an effort once it is underway.

(U) Recommendation 21: We recommend that CA ensure that effective internal controls exist for drop-box programs by requiring posts to submit the criteria for their drop-box operations for review and evaluation. Such review should (1) examine the criteria for selecting travel agencies and other participants in the program and

the procedures for conducting spot checks of those issused visas, and (2) ensure taht reasonable penalties exist for those who do not comply with post guidelines.

(U) Response: The Visa Office has prepared an ALDAC message requiring all NIV issuing posts which offer drop-box, travel agency referral, or application-by-mail services to submit a summary of their selection criteria and internal controls for review and evaluation. A copy of the ALDAC is attached (Tab C).

(U) Recommendation 22: We recommend that CA review its policy for issuing visas to individuals who are not residents but are physically present in the consular district, particularly those whose bona fides cannot be verified because the U.S. has no consular presence in the applicant's country or information is not available. If the decision is made to continue issuing visas to these individuals, CA should establish sound criteria for adjudicating these applicants.
(U) Response: The policy for issuing visas to individuals who are not residents but are physically present in any consular district are set forth in 9 FAM 41.101 N2. In most cases, consular officers are encouraged to accept applications from non-residents of their consular district. Any decision to cease issuing visas to any group of applicants solely because the U.S. does not maintain a consular presence in their home country would, in our opinion, violate our duty to adjudicate each application on its own merits.

Consular officers are instructed to carefully review any application submitted by a non-resident of the consular district. If the officer has questions or suspicions about applications which the applicant may have made elsewhere, the officer can seek information from any other adjudicating post(s) via a Visas Alpha cable. Finally, the burden of proof remains with the applicant to demonstrate that s/he is qualified in all respects to receive a visa. Should the consular officer have any doubts about the bona fides of an applicant, the law requires that the visa be denied.

While our duty to facilitate the legitimate travel of bona fide aliens requires us to accept out-of-district applications in most cases, there are exceptions. In several of the new countries of the former Soviet Union, for example, the Visa Office has determined that posts will be permitted to accept applications only from citizens of CIS countries. The rationale for this decision is based on 1) the relative inexperience and isolation of many of the consular officers assigned to these posts; 2) the lack of physical security features in the temporary Embassy quarters; and 3) the likelihood that the majority of NIV applicants would be from countries which can pose special security problems. Only when those

issues are resolved to VO's satisfaction will visa services be expanded in those countries.

(U) Recommendation 23: We recommend that CA (1) conduct a survey to determine which posts have usable microfiche readers and printers, (2) provide posts with the necessary guidance on how to use the printers to ensure that lookout checks are performed, and (3) provide guidance to posts on how to ensure that checks of microfiche have been performed.

(U) Response: Sixty-four (64) posts still use microfiche as their primary means of namechecking. (See attachment at Tab D). All these posts are scheduled to receive DNC within the next twelve months. Since we will not be purchasing any additional microfiche equipment for posts, we would not have any use over the next year for survey information on existing equipment. CA agrees that additional guidance is needed on reducing vulnerabilities in the microfiche process. We will prepare a cable instructing posts on how to use microfiche printers to verify lookout checks and provide guidance to posts on ensuring that microfiche namechecks have been performed.

(U) Recommendation 24: We recommend that CA issue more specific instructions on how to ensure that lookout checks are performed to DNC posts and posts where the MRV system has been modified to include a printout of system hits.

(U) Response: The Visa Office will collaborate with CA/EX/CSD to produce a users manual providing basic guidelines for processing namechecks via CLASS and DNC. The draft manual will be reviewed, sent to the Government Printing Office and then released to all foreign service posts. A newsletter will be released to VS-MRV posts explaining how to display and printout CLASS hits for use by consular officers when adjudicating applicants. The "NIVCAP/MRV Non-Immigrant Visa Computer-Assisted Processing System User Reference Manual" for VS-MRV posts will be revised to include similar information.

(U) Recommendation 25: We recommend that CA, in consultation with INS, clarify the procedures for processing G-325As and I-275s and provide guidance to posts on how to effectively process these documents.

(U) Response: The form G-325A is a biographic data form used exclusively by INS in change/adjustment of status cases. While

consular officers sometimes receive copies of this form from INS, the forms often arrive too late for the officer to provide INS with any negative information they might have on file. The forms which are sent to consular officers are often missing vital information, or are so faintly written or typed as to be unreadable.

Form I-275 is by the INS Notice of Visa Cancellation. It is prepared by any INS inspector who cancels an NIV at a U.S. port of entry or INS office. INS normally sends a copy of the I-275 to the issuing NIV post. The consular officer makes any appropriate CLASS entries based on the information contained in the form, and annotates the NIV application accordingly. The NIV application is then placed either in the NIV refusal file or, if the ineligibitlity is a Category I, in the CAT I refusal file.

(U) Recommendation 26: We recommend that CA, in consultation with posts and FSI, devise ways (through training, manuals, or both) to ensure that officers are provided more formal structured guidance and information on the nuances of their consular districts and environment immediately after they arrive at posts.

(U) Response: CA supports this goal but does not support achieving it in a "formal, structured" way. Instructions for such training are already contained in the Consular Management Handbook (chapter 2, III, E.1) which has been supplied to all posts. We do not want to establish a formal requirement to do this at already overworked posts. We will send a cable to the field to remind them of this recommendation.

In actuality, officers learn the nuances of their consular districts through consultations with various offices in the Department before going to post and through experience acquired in the first weeks and months at post--by reading chron files; by exchanging information with superiors, subordinates, and colleagues at post; and by calling on key contacts in the host country. Many consular sections also have handbooks with key cables and standard operating procedures for new officers to read-in quickly. We do not support imposing such a requirement on already resource-strapped consular sections. Such efforts should be flexible, at posts' discretion, and accomplished through officer initiative and professional responsibility.

(U) Recommendation 27: We recommend that CA, in coordination with INS, develop a sound methodology for collecting and analyzing information on NIV arrivals and departures including their overstays in the U.S. and disseminate this data to posts on a routine basis.

(U) Response: Admission of nonimmigrants and their control while in the U.S. is the responsibility of the INS. We therefore feel that we should follow INS's lead in this matter. That said, we will undertake to dispatch arrival and departure statistics to posts as they become available to us.

Secret Information Deleted.
See Secret Annex.

Secret Information Deleted.
See Secret Annex.

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02d

UNCLASSIFIED
MEMORANDUM

DATE: August 15, 1994

TO: CA/VO - Diane Dillard

THROUGH: CA/VO - Mike Hancock
CA/VO/F - George Lannon

FROM: CA/VO/F/S - Alec M. Peltier

SUBJECT: Cleaning Up our Contribution to TECS.

The lookout information we provide the border security and inspection community through the Treasury Enforcement Communications System (TECS) is unique and valuable. Now is a good time to make our contribution even better.

Several threads have come together to make this an ideal time to make changes and plan long term initiatives. The Interagency Border Inspection System (IBIS) Steering Committee has affirmed its interest in examining the issue of lookout utility. I have completed enough of the CLASS audit to have an idea of what the findings will be. Several months of talking to port of entry personnel has given me an idea of the usefulness of our lookout entries to them. CA/EX/CSD is planning to install the data transmission verification modules on the CLASS/TECS (Treasury Enforcement Communications System) link in August and this will an ideal opportunity to make adjustments to our contribution to TECS, the IBIS repository.

Each entry in a lookout system is a promise to tell the story behind the entry when asked and our ability to do this is only as good as the support we give the lookout system. Support means adding new and complete information, removing out of date or inaccurate entries, preserving the actual files that backup the lookout entries, and being able to make additional information from these files available when it is actually needed. What we want to reduce are those instances when we can not promptly tell the story, because we no longer have the file or, indeed, never had a file in the first place. We can do this by first getting rid of those entries we can not support and then improving the means of support of the remaining entries and their underlying files.

This memo first presents a short list of proposals which is followed by a more detailed discussion of each proposal. It is intended to provoke discussion out of which a series of

implementing memos would grow. All these proposals are intended to apply primarily to the information we pass to TECS. Their only purpose is to limit the information passed to TECS to that we can support. They are in no way intended to reduce the rich variety of information we now make available to foreign service posts.

PROPOSALS

Limit the entries that we provide to TECS to those entries that originate at either the Department or the foreign service posts

[redacted] FOIA B2

Attach a contact telephone number from the appropriate foreign service post for each CLASS record in TECS.

Develop a bulk delete capability of CLASS records based on bar code labeling.

Develop a centralized repository of Category 1 refusals and make selected portions of each file available on line through TECS.

DISCUSSION

1. In far too many cases, (more than 25 percent of all cases) we are providing TECS with data that we do not own, control, or otherwise manage. This data consists of open INS data that is identified by an INS site code, hidden INS data such as P6C entries based solely on either a I-275 or I-213, Office of the Special Investigations data relating to Nazis and Selective Service data.

Data provided to CLASS by the Immigration and Naturalization Service, either previously or as part of the current deportation data project, should not be passed back into TECS. Such data is identifiable through the site code associated with each CLASS record.

INS should be encouraged to enter I-275 and I-213 reports into TECS, from which it can be downloaded for our use.

This would eliminate the need to enter this data at the foreign service posts and would eliminate a potentially confusing duplication of effort.

The entries relating to ineligibility under Section 212(A)8 of the Immigration and Nationality Act should not be made available to TECS. These entries apply only to immigrants and confuse immigration personnel.

Do not pass entries relating to Nazis to TECS.

[redacted]

FOIA B2

3. In April , we sent an ALDAC to foreign service posts requesting them to supply a contact telephone number that would enable port of entry personnel to contact consular personnel directly without having to pass through several layers of voice mail or operators. We received a moderate response and the telephone numbers provided have been incorporated into TECS. We should advise posts that we will attach the telephone number contained in current Department of State telephone directory to all TECS entries for which a more specific contact is not supplied.

4. The audit of CLASS shows that one CLASS entry out of four (25 percent) is not backed up by a paper file. We need to get these ghost entries out of our system. As part of the data transfer verification work done by CA/EX/CSD and US Customs, a unique and unchanging record number is being associated with each CLASS record. The CLASS audit proved printed label are a good mechanism for working with CLASS files. The VICTAR system takes the label concept one step further by printing a bar code on each label. The next step is to supply posts sheets of printed labels, one label per CLASS entry, with the bar coded CLASS record number on each label. Posts would place the prepared labels on existing files and return those labels for which files did not exist or for which duplicated entries existed for the same files. The bar codes on these returned labels would be read into the bulk deletion program to delete ghost entries from the system. In addition, because post

general service sections already use portable bar code scanners to maintain the property inventory, these scanners could be borrowed from time to time to quickly re-inventory the CLASS files.

5. The single largest shortcoming of the data that we supply to TECS is that it does not contain sufficient detail to allow the port of entry personnel to bring a subject alien to an exclusion hearing. In many cases, hits are received outside of normal business hours and the overseas posts can not be contacted. For that reason, the best solution would be to place the detailed background data into TECS itself where it would be available immediately to inspection personnel. As discussed above, the non changing record number allows all data related to a particular record to be deleted should the need arise.

We should offer to make the OF-194 Refusal Worksheets available to the border inspection agencies for inclusion into TECS. I understand TECS is able to display images associated with a particular record on a PC. The CLASS audit showed that OF-194s had been completed on a large proportion of Category 1 refusals. These worksheets contain in a precise form enough information to allow inspection personnel to make an informed judgement regarding admissibility. Using bar coded labels as discussed above would make it easier for US Customs to match the scanned image with the correct record in TECS.

SUMMARY

As noted above, these proposals are intended to initiate discussion. They are all in my opinion relatively easily done and would not require inordinate expenditure of resources.

CONFIDENTIAL

APPENDIX C
TAB B

UNCLASSIFIED
MEMORANDUM

DATE: October 5, 1994

TO: CA/EX/CSD - L. Travis Farris

FROM: CA/VO - Michael L. Hancock

SUBJECT: Eliminating INS Data From Our Contribution To TECS

As you are aware, the Visa Office has been thinking about ways in which we can "clean up" our contribution to TECS and thereby increase its usefulness to port of entry and other law enforcement personnel and at the same time reduce our work. The first step is to begin restricting the data we pass to TECS to that originating at either the foreign service posts or in the Department itself.

This memorandum is to serve as a formal request that CLASS data originating from the Immigration and Naturalization Service not be passed to TECS. This data is characterized in CLASS as having one of the site codes listed on the attached printout. This list also includes codes relating to our contractors, past and present, as well as a couple of test sites. At this time, we are restricting INS data and will talk to other agencies concerning their data.

I would appreciate it if you would instruct your staff to proceed with this modification to the CLASS/TECS selection criteria and interface. Please do not consider this memorandum as a request to delete any data from the CLASS data base.

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ATTACHMENT TO VISA OFFICE MEMORANDUM OF OCTOBER 5, 1994
INS AND OTHER SITES CODES TO BE RESTRICTED

postcode	postname
ALB	ALBANY, NY
ANC	ANCHORAGE
ANV	PCCI - TESTING REMOVED BY PUR
ATL	ATLANTA, GA
BAL	BALTIMORE, MD
BOS	BOSTON, MASS
BUF	BUFFALO, NY
CAL	CALEXICO, CALIFORNIA
CHI	CHICAGO, ILL
CIN	CINCINNATI, OHIO
CLE	CLEVELAND, OHIO
DAL	DALLAS, TEX
DEN	DENVER, COLO
DET	DETROIT, MICH
ELP	EL PASO, TEX
HAR	HARTFORD, CONN
HEL	HELENA, MONT
HHW	HONOLULU, HAW
HLG	HIDALGO, TEX
HMM	HAMMOND, IND
HOU	HOUSTON, TEX
INS	IMM AND NAT SERVICE
ISB	PORT ISABEL, TX
JTP	JOES PLACE
KAN	KANSAS CITY, MO
LAS	TEST SITE REGRESSION TESTING
LOS	LOS ANGELES, CAL
LPT	LOST OR STOLEN PASSPORT
MEM	MEMPHIS, TENN
MIA	MIAMI, FLA
MIL	MILWAUKEE, WISC
NEC	N.E. PROCESSING CENTER, NY NY
NEW	NEWARK, NJ
NHM	NEW HAMPSHIRE
NOL	NEW ORLEANS, LA
NOR	NORFOLK, VA
NYC	NEW YORK, NY
OMA	OMAHA, NEB
ORK	ORKAND CORP. SILVER SPRING
OSC	OSCAR
PHI	PHILADELPHIA, PA
PHO	PHOENIX, ARIZ
PIT	PITTSBURGH, PA
PNK	PINKERTON ALEXANDRIA, VA OFC
POM	PORTLAND, ME
POO	PORTLAND, ORG
PRV	PROVIDENCE, RI
REN	RENO, NEV
RIC	RICHMOND, VA
SAJ	SAN JUAN, PR

SDG	SAN DIEGO, CAL
SEA	SEATTLE, WASH
SFR	SAN FRANCISCO, CAL
SLC	SALT LAKE CITY, UTAH
SNA	SAN ANTONIO, TEX
SPM	ST PAUL, MINN
SPO	SPOKANE, WASH
STA	ST ALBANS, VT
STL	ST LOUIS, MO
STM	STANFORD, CT
WAS	WASHINGTON, D.C. (MAIN OFF)

CONFIDENTIAL

APPENDIX C
TAB B

UNCLASSIFIED
MEMORANDUM

DATE: October 18, 1994

TO: CA/EX/CSD - L. Travis Farris

FROM: CA/VO - Michael L. Hancock

SUBJECT: Making CLASS Better - Improving and Automating Data Management

I think you've probably seen a copy of Alec's memorandum to Diane on "Cleaning Up our Contribution to TECS". The OIG's audit of NIV processing emphasizes the need to get on with the clean up.

Alec worked up the attached sample labels to give tangible reality to his ideas and has explained that there are some steps that we should be taking as soon as possible so we can continue in this direction. This memo is to confirm informal discussions he has had with Shelly, Dave and Cathy on these subject as well as set out our understanding of areas in which work is needed.

Our prime assumption is that a unique identifying number will be attached to each CLASS record and that this number will be accessible off-line on either a CD-ROM or a tape. We see this number as providing a foundation upon which the automated management of CLASS data can be based. With access to this number, we can prepare bar coded labels like the ones attached.

We assume that the existence of record numbers will make it possible to prepare a bulk data delete program that will complement the CLASS bulk data import program developed by the LAS team. I have written previously concerning the need for such a tool and it would have been nice to have had it for the task of deleting the "Hatians" from the CLASS.

We will also need the ability to annotate a CLASS record to indicate that it has been inventoried, etc. Our idea is that one or more of the presently unassigned bytes in the CLASS record format be

CONFIDENTIAL

assigned to holding the inventory status of that particular record. We understand that the CLASS record format is presently under review. This requirement needs to be met.

I suggest that we meet to discuss the above as well asjust generally brain storm the entire topic of automating the management of the CLASS data.

FOIA B2, B3, B6

CONFIDENTIAL

APPENDIX C
TAB C

INITIALS

AUTH: DLH ____

DRAFT: PF

CLEARANCE INITIALS:

1. DD 2. S/S-O

3. ____ 4. ____

5. ____ 6. ____

7. ____ 8. ____

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UNCLASSIFIED

CA/VO/F/P:PFORAN:PF
10/18/94, EX31156, W-9756P
CA:DLH0885

CA/VO:DDILLARD S/S-O

ROUTINE ALDAC, SPECIAL EMBASSY PROGRAM +

VISAS

E.O. 12356: N/A

TAGS: CVIS

SUBJECT: NIV DROP-BOX, TRAVEL AGENCY REFERRAL, AND APPLICATION-BY-MAIL PROCEDURES

1. SUMMARY. AS PART OF THE CONTINUING REVIEW OF VISA ISSUING PROCEDURES WORLDWIDE, VISA OFFICE IS EVALUATING PROCEDURES GOVERNING NIV DROP-BOX, TRAVEL AGENCY REFERRAL, AND APPLICATION-BY-MAIL SERVICES. ALL NIV ISSUING POSTS WHICH USE SUCH SERVICES TO FACILITATE APPLICATIONS BY CERTAIN TRAVELERS MUST RESPOND TO THIS MESSAGE. END SUMMARY.

2. CONSULAR OFFICERS IN MANY HIGH VOLUME NIV POSTS RELY ON DROP-BOXES, TRAVEL AGENCY REFERRALS, AND APPLICATIONS-BY-MAIL AS A MEANS OF PROVIDING EFFICIENT SERVICE TO QUALIFIED TRAVELERS. WHILE THE VISA OFFICE SUPPORTS SUCH PROGRAMS AND BELIEVES THAT THEIR DAY-TO-DAY MANAGEMENT SHOULD BE DETERMINED BY INDIVIDUAL CONSULAR MANAGERS, SOME CONTROLS ARE NECESSARY TO ENSURE THE INTEGRITY OF THE SYSTEMS.

3. ALL POSTS WHICH OFFER DROP-BOX, TRAVEL AGENCY REFERRAL, AND/OR APPLICATION-BY-MAIL NIV SERVICES SHOULD PROVIDE THE FOLLOWING INFORMATION TO THE VISA OFFICE:

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--PERCENTAGE OF POST'S NIV WORKLOAD THAT COMES IN VIA DROP-BOX, VIA TRAVEL AGENCY REFERRAL, AND VIA APPLICATION-BY-MAIL;

--THE CRITERIA FOR DETERMINING WHAT APPLICANTS MAY USE THE DROP-BOX OR TRAVEL AGENCY SERVICE AND FOR VERIFYING THAT UNQUALIFIED APPLICANTS ARE NOT ABLE TO "SLIP IN" THEIR APPLICATIONS;

--THE CRITERIA FOR SELECTING TRAVEL AGENCIES FOR REFERRAL PROGRAMS;

--ANY SPECIAL PROCEDURES FOR ADJUDICATING DROP-BOX, TRAVEL AGENCY, AND MAIL-IN APPLICATIONS AND CONDUCTING INTERVIEWS IN SUSPICIOUS CASES;

--POLICY ON SPOT CHECKING ISSUED VISAS AND MATCHING THEM WITH THE DROP-BOX OR TRAVEL AGENCY APPLICATIONS;

--PENALTIES IMPOSED ON APPLICANTS AND TRAVEL AGENTS WHO ATTEMPT TO IMPROPERLY USE THE SYSTEM.

4. POSTS SHOULD SUBMIT THIS INFORMATION TO CA/VO/F/P FOR REVIEW AND EVALUATION. POSTS SHOULD ALSO EXPECT TO RECEIVE A MORE DETAILED QUESTIONNAIRE ON THESE SERVICES FROM THE OFFICE OF THE INSPECTOR GENERAL. POSTS ARE ENCOURAGED TO RESPOND TO THAT TASKING AS QUICKLY AND THOROUGHLY AS POSSIBLE. YY

APPENDIX
TAB

02f

PC-MRV INSTALLATION DATES FOR
REMAINING MICROFICHE SITES

Post	PC-MRV Installation Date
Accra	Mar 95
Antananarivo	Nov 94
Apia	Nov 94
Ashgabad	Jul 95
Asmara	Oct 94
Auckland	Mar 95
Baku	Jul 95
Bamako	Feb 95
B. S. Begawan	Sep 95
Bangui	Nov 94
Beirut	Apr 95
Bissau	Mar 95
Brazzaville	Nov 94
Bujumbura	Jan 95
Conakry	Dec 94
Cotonou	Sep 95
Dar es Salaam	Feb 95
Djibouti	Jun 95
Dushanbe	Jun 95
Fukuoka	Apr 95
Gaborone	3Q FY95
Hamilton	Dec 94
Harare	Aug 95
Havana	Oct 94

Post	PC-MRV Installation Date
Lilongwe	Feb 95
Ljubljana	Sep 95
Lome	Nov 94
Luanda	Oct 95
Lusaka	Nov 94
Malabo	Apr 95
Majuro	Aug 95
Maputo	3Q FY95
Maseru	May 95
Mbabane	May 95
Monrovia	Jul 95
Montevideo	Feb 95
Naha	Jan 95
N'djamena	Apr 95
Niamey	Oct 94
Nouakchott	Jan 95
Ouagadougou	May 95
Paramaribo	Dec 94
Phnom Penh	Apr 95
Ponta Delgada	Oct 94
Port Louis	Dec 95
Port Moresby	Mar 95
Porto Alegre	May 95
Praia	Feb 95
Rangoon	Jan 95
Recife	Sep 95

Islamabad	Jan 95
Kampala	3Q FY95
Khartoum	Sep 95
Kigali	Mar 95
Kinshasa	Apr 95
Kolonia	Feb 95
Lahore	Jan 95
Libreville	Oct 94

CONFIDENTIAL APPENDIX C

United States Department of State

Washington, D.C. 20520

OCT 25 1994

02g

CONFIDENTIAL
MEMORANDUM

TO: OIG/AUD - John C. Payne

FROM: FMP/MP - Carolyn S. Lowenga

SUBJECT: Draft Audit Report on the Review of the Non-Immigrant Visa-Issuing Process, Phase II

On behalf of the Under Secretary for Management, I am pleased to respond to your memo of September 27 concerning the subject report, in particular Recommendation 2 which states:

> (C) We recommend that the Under Secretary for Management (1) reemphasize the requirement for each mission to establish a committee, chaired by the Deputy Chief of Mission, that includes representatives from the consular, political, and intelligence sections, and (2) require some form of reporting to Washington on the periodic meetings.

In view of the uneven compliance which Phase II of the audit reveals with previous instructions sent to post on this matter, we agree with the recommendation. We understand that CA is already drafting a cable for Under Secretary Moose's signature.

cc: M - MTom

FMP/MP: BHemingway 2208MMPB
10/25/94 x70768

CONFIDENTIAL

United States Department of State

Foreign Service Institute

National Foreign Affairs Training Center
4000 Arlington Boulevard
Arlington, Virginia 22204

MEMORANDUM

TO: OIG/AUD - Mr. John Payne

FROM: M/FSI/EX - Kenneth Hunter

SUBJECT: Draft Audit Report: Review of the Nonimmigrant Visa-Issuing Process, Phase II.

Thank you for the opportunity to review the subject draft audit report. Our response to the recommendations addressed to FSI are as follows.

(U) Recommendation 20: We recommend that CA, in coordination with the Foreign Service Institute (1) examine the language training provided to officers assigned to consular sections, (2) determine the improvements needed to make the training more effective, and (3) take steps to ensure that this is achieved.

FSI Response: No comments at this time.

(U) Recommendation 26. We recommend that CA, in consultation with posts and FSI, devise ways (through training, manuals, or both) to ensure that officers are provided more formal structured guidance and information on the nuances of their consular district and environment immediately after they arrive at posts.

FSI Response: Chapter 3, Section IX, of the Consular Management Handbook provides all posts and consular managers with guidelines of what should constitute a consular section orientation program for new and inexperienced consular officers. In the 26-day Basic Consular Officer Training Course, officers are required to consult with Visa Office, Fraud Division (FPP), and Overseas Citizen Services in order to familiarize themselves with workloads, fraud trends, and problem areas that they will encounter when arriving at post. As is currently done at Overseas Workshops and in the Advanced Consular Course, FSI and CA can only continue to stress the importance of post orientation for all newly arrived foreign service personnel.

Secret Information Deleted.
See Secret Annex.

United States Department of State

Washington, D.C. 20520

October 20, 1994

UNCLASSIFIED
MEMORANDUM

TO: OIG/AUD - Mr. John C. Payne

FROM: EUR/EX - Woody Iqbal

SUBJECT: Comments on Draft Audit Report of the Non-immigrant Visa-Issuing Process, Phase II

REF: Your memorandum dated September 27, 1994

While I agree with your assessment that the recommendations in the draft Audit Report are not directed toward the Bureau of European and Canadian Affairs, the personnel of this Bureau will endeavor to work with CA and FMP to try to resolve the issues raised by the draft.

With regard to the specific recommendations you referred to, I offer the following:

Recommendation 16: CA must certainly take the lead since the whole criteria for grading positions must be reviewed. Grading of positions will have to be influenced by threat as well as workload and supervisory responsibilities.

Recommendation 18: EUR has only one Regional Consular Officer based in Moscow and I am able to tell you that the travel budget for that position is adequate to allow the incumbent to travel as frequently as necessary.

Recommendation 19: Staffing gaps are endemic to the Foreign Service. Absent sufficient human resources to provide contact replacements, one solution is to provide high-threat posts with TDY coverage by experienced active or retired officers.

CONFIDENTIAL APPENDIX C

United States Department of State

Washington, D.C. 20520

October 4, 1994

UNCLASSIFIED
MEMORANDUM

TO: OIG/AUD - Mr. John C. Payne

FROM: NEA/SA/EX - James R. Van Laningham, Acting

SUBJECT: Draft Audit Report on the Review of the Nonimmigrant Visa-Issuing Process, Phase II

Thank you for the opportunity to comment on the subject report. Although the report does not contain recommendations specifically directed to the Bureau of Near East Affairs and the Bureau of South Asian Affairs, certain recommendations do call for action on the part of the geographic bureaus.

Our comments follow.

Recommendation 16: We recommend that CA in conjunction with geographic bureaus develop criteria for determining which posts, based on perceived or known threats of the locality or applicant pool, warrant a more experienced supervisory officer as head of the consular section.

Response: Both the NEA and SA Bureaus make an effort, wherever possible, to assign experienced officers to supervisory positions. Unfortunately, the applicant pool does not always enable us to make these choices. However, the Bureaus will be happy to work with CA on this issue.

Recommendation 18: We recommend that CA in coordination with geographic bureaus take steps to ensure that the Regional Consular Officer Program is routinely and adequately funded.

Response: Currently, the NEA Bureau is funding regional travel for one RCO position in Riyadh at a cost of $3,500 in FY 94. We anticipate funding a similar amount in FY 95. The Bureaus recognize the importance of this program and will continue to provide funding within current budget constraints.

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Recommendation 19: We recommend that CA, in coordination with the Bureau of Personnel, the Bureau of Finance and Management Policy, and the geographic bureaus (1) develop appropriate statistics on consular workloads, (2) compare this data to rotation schedules, and (3) develop and implement an effective plan to minimize consular staffing gaps.

Response: With staffing and budgetary cutbacks, both in domestic and overseas programs, staffing gaps are inevitable. However, our Bureaus do make an effort to minimize staffing gaps, and will continue to do so for all personnel, not only consular staffing. We look forward to working with CA and FMP to minimize staffing gaps.

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APPENDIX C

U.S. Department of Justice
Immigration and Naturalization Service

CONFIDENTIAL

Office of the Commissioner

425 Eye Street N.W.
Washington, D.C. 20536

024

NOV - 1 1994

Mr. Harold W. Geisel
Acting Inspector General
Department of State
Washington, D.C. 20520

Dear Mr. Geisel:

Enclosed are the Immigration and Naturalization Service's (INS) comments on the draft report titled, "Review of the Nonimmigrant Visa-Issuing Process, Phase II." The Department of Justice, Office of Inspector General, forwarded a copy of the draft report to us for comments. The report addresses problems for issuing nonimmigrant visas, some of which affect the INS. Specifically, we have commented on and concur with recommendations 6, 9, 11, 12, 25, 27, and 28.

We appreciate your giving us the opportunity to review and comment on the report. If you have any questions regarding the enclosed information, please call Kathleen Stanley, INS Audit Liaison, at (202) 514-8800.

Sincerely,

Doris Meissner

Doris Meissner
Commissioner

Enclosure

CONFIDENTIAL

CONFIDENTIAL APPENDIX C

Memorandum

UNCLASSIFIED

Subject
DRAFT Department of State Audit Report: "Review of the Nonimmigrant Visa-Issuing Process, Phase II"

Date
23 OCT 1996

To
Kathleen M. Stanley
Assistant Director
Analysis and Evaluation Branch

From
for James A. Puleo
Executive Associate
Commissioner, Programs

Enclosed for your information are our comments in response to the Department of State Inspector General draft report titled "Review of the Nonimmigrant Visa-Issuing Process, Phase II." We have keyed our comments to the relevant recommendations in the report.

Thank you for affording us the opportunity to contribute our views to this work in progress.

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APPENDIX C

28 OCT 199

Donna Kay Bama

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The Office of the Executive Associate Commissioner for Programs has reviewed the recommendations contained in the draft audit report of the Department of State Inspector General titled, "Review of the Nonimmigrant Visa-issuing Process, Phase II". We offer the following comments on those issues that relate to the Immigration and Naturalization Service (INS), keyed to the applicable recommendations.

(U) RECOMMENDATION 6: We recommend that CA meet with INS to define its total data needs from INS and identify ways to expeditiously obtain this data, and establish milestones for these actions.

INS COMMENT: We concur with this recommendation and will cooperate fully to improve the availability of INS lookout information in CLASS.

(U) RECOMMENDATION 9: We recommend that CA identify the incomplete information in CLASS and take steps to ensure that the entries are complete so that it can be used at posts and by INS inspectors at ports of entry; otherwise the data should be deleted.

INS COMMENT: We concur with this recommendation. Its implementation will improve the database.

(U) RECOMMENDATION 11: We recommend that CA clarify the purpose of the CLASS comment field to INS, explore the feasibility of modifying that field to meet the INS data needs, and where possible implement such changes.

INS COMMENT: We concur with this recommendation. Implementation should be expedited as including the comment field, especially an enhanced one, will be an extremely useful tool for our inspectors.

(U) RECOMMENDATION 12: We recommend that CA in coordination with posts and INS develop a system for purging extraneous data from the lookout system.

INS COMMENT: We concur with this recommendation. The purge of extraneous data from CLASS will measurably increase its usefulness to the inspectors. Implementation discussions are already underway within the IBIS group.

(U) RECOMMENDATION 25: We recommend that CA, in consultation with INS, clarify the procedures for processing G-325As and I-275s and provide guidance to posts on how to effectively process these documents.

INS COMMENT: We concur with this recommendation. Timely processing of G-325As is critical to the adjustment of status process. INS will assure the timely processing and forwarding of these forms in the future. The I-275 is a vital communication tool between the ports-of-entry and the posts. We will assist in the preparation of the guidance for the posts. As part of an INS/DOS data sharing initiative, I-275 information will eventually be online and available to all ports-of-entry and posts.

(U) RECOMMENDATION 27: We recommend that CA, in coordination with INS, develop a sound methodology for collecting and analyzing information on NIV arrivals and departures including their overstays in the United States and disseminate this data to posts on a routine basis.

INS COMMENTS: We concur with this recommendation. There is no formal INS inspection of those departing from the United States. Without departure control, any system to collect departure data will contain some degree of error. For example, there is no requirement for an alien who does not use a common carrier to depart the United States to surrender the departure portion of the Form I-94/I-94W.

The INS is forbidden by law to penalize carriers operating between the United States and contiguous territory. This means those carriers who do not collect, annotate, or turn in departure control forms for travel between the United States, Canada, or Mexico can not be fined for failing to do so.

There is no practical method to detect aliens departing on common carriers who have not had the departure form collected from them by the carrier.

In the case of an alien whose departure form was not removed from the passport upon departure and who subsequently returns to the United States, sometimes upon departure the carrier will remove the earlier departure form and submit that to INS. This results in the alien being classified as a confirmed departure even though he or she may have actually departed in a timely manner.

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INS is working on a procedure to collect arrival and departure data electronically. While this procedure, if adopted, will reduce the magnitude of error in the data, unless the United States is willing to establish a control mechanism for all persons seeking to depart the United States, errors will continue to exist in the data system. The information collected will eventually be available on line to both INS and DOS as part of a mutual data sharing initiative.

Information Deleted.
See Secret Annex.

Mr. Harold W. G
Acting Inspecto
United States D
Washington, D.C

Dear Mr. Geisel

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APPENDIX C

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APPENDIX C

DEPARTMENT OF THE TREASURY
U.S. CUSTOMS SERVICE

OCT 17 1994

AUD 00:EOAS MB

Mr. Harold W. Geisel
Acting Inspector General
United States Department of State
Washington, D.C. 20520

Dear Mr. Geisel:

Thank you for providing us with the opportunity to review your draft report titled, "Review of the Nonimmigrant Visa-Issuing Process, Phase II." We are pleased to provide you with our enclosed comments.

Please do not hesitate to call me at (202) 927-2720 if you or your staff have any questions.

Sincerely,

C. Tony Del Moral
Director
Evaluation Oversight and
Analysis Staff

Enclosure (classified)

CONFIDENTIAL

FOIA B2

UNCLASSIFIED

03

SECRET/NOFORN

United States Department of State
Office of Inspector General

Report of Audit

REVIEW OF THE NONIMMIGRANT VISA-ISSUING PROCESS PHASE II REPORT ANNEX

5-CI-004A

JANUARY 1995

IMPORTANT NOTICE

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SECRET/NOFORN

UNCLASSIFIED

FRAUD, WASTE, ABUSE, OR MISMANAGEMENT
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to ensure confidentiality.

Audits are conducted by the Office of Inspector General under authority of Section 209 of the Foreign Service Act of 1980, as amended, and as provided for by the Inspector General Act of 1978, as amended.

United States Department of State

The Inspector General

Washington, D.C. 20520

PREFACE

This report was prepared by the Office of Inspector General in fulfillment of our responsibilities mandated by the Inspector General Act of 1978 and by Section 209 of the Foreign Service Act of 1980. It is one of a series of audit, inspection, security oversight, investigative, and special reports issued by my office as part of our continuing efforts to promote positive change in the Department of State and to identify and prevent waste, fraud, abuse, and mismanagement.

The report is the result of a careful effort to assess both the strengths and weaknesses of the post, office, or function under review. It draws heavily on interviews with employees of the Department of State and other interested agencies and institutions, and reflects extensive study of relevant documents and questionnaires.

The recommendations included in the report have been developed on the basis of the best knowledge available to the Office of Inspector General and have been discussed in draft with the offices responsible for implementing them. It is our hope that these recommendations will result in a more effective and efficient Department of State.

I wish to express my appreciation to all of the employees and other persons who cooperated in the review documented by this report.

Harold W. Geisel
Acting Inspector General

SECRET/NOFORN

AUDIT REPORT 5-CI-004 A
REVIEW OF THE NONIMMIGRANT VISA-ISSUING PROCESS
PHASE II
REPORT ANNEX
JANUARY 1995

TABLE OF CONTENTS (S)

SECRET/NOFORN

ABBREVIATIONS

CA	Bureau of Consular Affairs
CA/VO	Office of Visa Services, CA
CIA	Central Intelligence Agency
CLASS	Consular Lookout and Support System
DEA	Drug Enforcement Administration
FBI	Federal Bureau of Investigation
FSI	Foreign Service Institute
INR	Bureau of Intelligence and Research
INR/TNA	Office of Terrorism and Narcotics Analysis, INR
INS	Immigration and Naturalization Service
MOU	Memorandum of Understanding
NADDIS	Narcotics and Dangerous Drugs Information System
NAILS	National Automated Immigration Lookout System
NIV	Nonimmigrant visa
OIG	Office of Inspector General
TECS	Treasury Enforcement Communications System

FINDINGS AND RECOMMENDATIONS

(S) This is a classified annex to audit report 5-CI-004, Review of the Nonimmigrant Visa-Issuing Process Phase II. The Office of Inspector General (OIG) identified a variety of findings of a sensitive nature and have included them in this annex.

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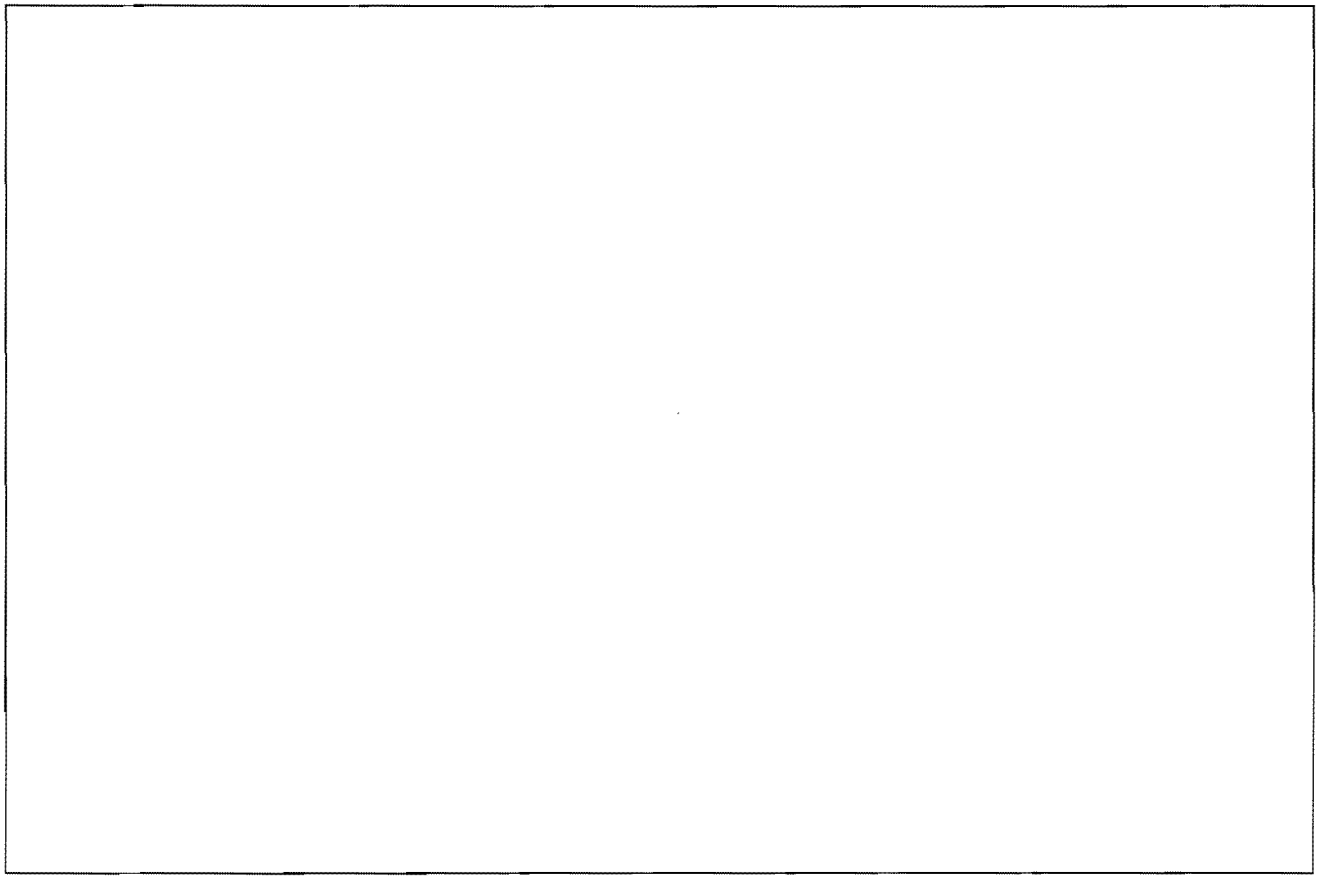

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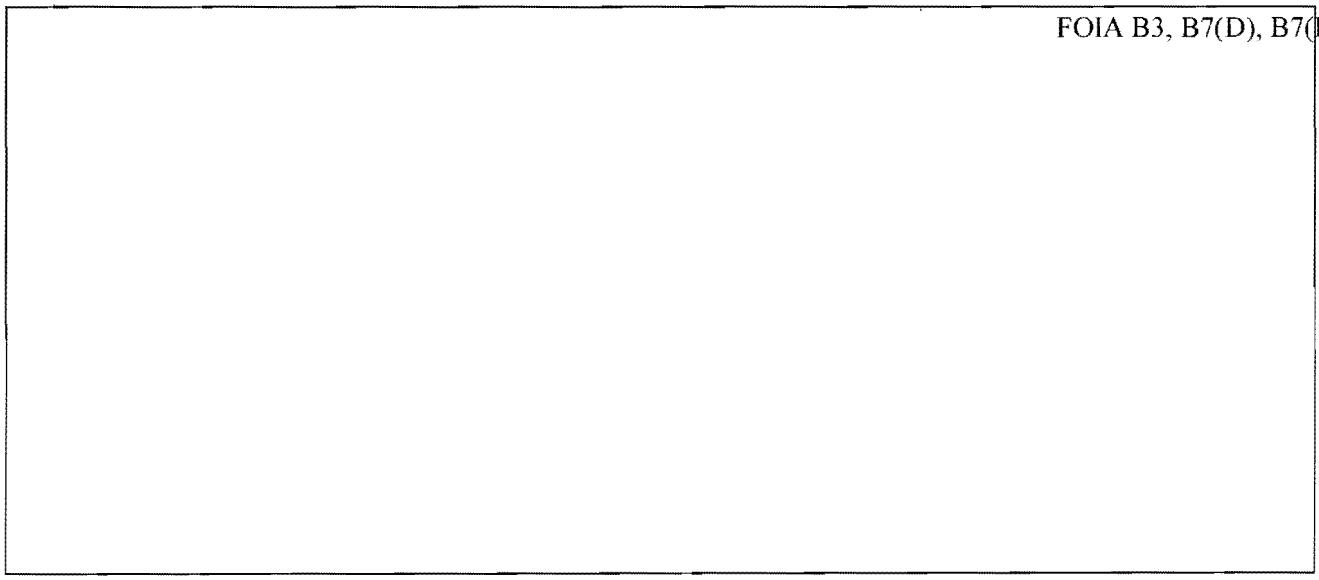

FOIA B3, B7(D), B7(E)

FOIA B3, B7(D), B7(E)

FOIA B3, B7(D), B7(E)

[redacted]

(U) Recommendation 34: We recommend that CA restart an active interchange of views with DEA leadership to assess DEA operational concerns and CLASS lookout data needs and arrive at mutually satisfactory solutions.

(U) CA and DEA agreed with this recommendation.

E. TIPOFF Staffing

(S) In 1987, INR started what has become known as the TIPOFF system of records. TIPOFF is a classified database of terrorists, based on information provided by the U.S. intelligence community. After being sanitized and declassified by INR's Office of Terrorism and Narcotics Analysis (INR/TNA), the TIPOFF record on the alien--name, date, place of birth, passport number of applicant, and a code designator--is entered into CLASS as "00." INR/TNA personnel can enter such data into CLASS directly.

[redacted]

FOIA B2

(S) Since its inception, TIPOFF has generated a number of success stories in preventing potential terrorists from entering the United States. As of September 1994, 152 persons have been denied visas as a result of a TIPOFF hit in CLASS, and an additional 40 persons have been denied entry by INS. The activities in which these individuals participated ran the gamut from bombings, assassination, hijacking, and hostage-taking, to solicitation for terrorist acts and other activities. One TIPOFF hit led to the arrest and indictment of a terrorist who was involved in the bombing of the U.S. Marine house in La Paz, Bolivia.

(S) The total staff managing TIPOFF in INR/TNA consists of two individuals, a GS-14 and a GS-12 (the GS-12 position was upgraded from a GS-11 position in June 1994). These employees review daily the pertinent telegraphic traffic, extract information and make entries into the classified database, obtain permission from the originating agencies to use the data in the above indicated lookout systems and act as liaison with CA/VO and INS on a 24-hour availability basis.

(S) Thus far, it appears that the system is working well, mainly due to the enterprise, interest, and willing sacrifice of the two individuals involved. However, any system depending solely on two persons is extremely fragile. Should one or the other of the two employees become ill, transfer, retire, etc., the system is likely to either break down or limp along for some time. Given the volume of work handled, we believe that the TIPOFF staff should be increased to a more appropriate level.

> (S) Recommendation 35: We recommend that INR review the current and projected workload of the TIPOFF staff, including their 24-hour daily responsibilities, and increase staffing if appropriate.

(U) INR did not comment on this recommendation.

CONSOLIDATED LIST OF RECOMMENDATIONS

[redacted] 1.4(D)

(U) Recommendation 34: We recommend that CA restart an active interchange of views with DEA leadership to assess DEA operational concerns and CLASS lookout data needs and arrive at mutually satisfactory solutions.

(S) Recommendation 35: We recommend that INR review the current and projected workload of the TIPOFF staff, including their 24-hour daily responsibilities, and increase staffing if appropriate.

SECRET/NOFORN

APPENDIX A

O3a

DEPARTMENT OF STATE
ASSISTANT SECRETARY FOR CONSULAR AFFAIRS
WASHINGTON

November 4, 1994

UNCLASSIFIED
(with SECRET attachment)

TO: OIG/AUD - Mr. John C. Payne

FROM: CA - Mary A. Ryan for MAR

SUBJECT: Draft Audit Report on the Review of the Nonimmigrant Visa-Issuing Process, Phase II

Attached for your use in preparing the final report of this review are CA's comments on the draft NIV audit team report. I hope you find them helpful. Our responses are still incomplete, but we wanted to forward them to you in this form so you could review them before the audit team departs for the IV audit. We will provide further comments on the final report during the compliance process.

In your report you have identified a number of systemic issues such as personnel levels and quality of training that would be better addressed by Department management than by CA. These issues bear directly on the quality of consular work but can only be properly addressed by those offices that are responsible for them. The report also suggests a basic tension between the need to improve quality and resources available to do so. Lack of adequate personnel resources for management controls and customer service is an issue of deep concern to this Bureau and we encourage the OIG to continue to explore this issue in ongoing reviews of consular processes.

Please feel free to contact my staff in CA/EX if you have any questions on our comments. The contact person is Holcombe Thomas at 202-647-1148.

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(U) Recommendation 33: We recommend that CA restart an active interchange of views with DEA leadership to assess DEA operational concerns and CLASS lookout data needs and arrive at mutually satisfactory solutions.

(U) Response: CA agrees that closer cooperation between itself and DEA would be beneficial to both offices. To that end CA will review its exising Memorandum of Understanding with DEA to determine how the MOU might be updated and enhanced. Thereafter, CA will seek discussions with DEA with a view toward implementing our findings.

(S) Recommendation 34: We recommend that INR review the current and projected workload of the TIPOFF staff, including their 24-hour daily responsibilities, and increase staffing if appropriate.

(S) Response: INR action.

United States Department of State

Foreign Service Institute

National Foreign Affairs Training Center
4000 Arlington Boulevard
Arlington, Virginia 22204

MEMORANDUM

TO: OIG/AUD - Mr. John Payne

FROM: M/FSI/EX - Kenneth Hunter

SUBJECT: Draft Audit Report: Review of the Nonimmigrant Visa-Issuing Process, Phase II

Thank you for the opportunity to review the subject draft audit report. Our response to the recommendations addressed to FSI are as follows.

1.4(D)

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U.S. Department of Justice
Immigration and Naturalization Service

Office of the Commissioner

425 Eye Street N.W.
Washington, D.C. 20536

NOV - 1 1994

Mr. Harold W. Geisel
Acting Inspector General
Department of State
Washington, D.C. 20520

Dear Mr. Geisel:

Enclosed are the Immigration and Naturalization Service's (INS) comments on the draft report titled, "Review of the Nonimmigrant Visa-Issuing Process, Phase II." The Department of Justice, Office of Inspector General, forwarded a copy of the draft report to us for comments. The report addresses problems for issuing nonimmigrant visas, some of which affect the INS. Specifically, we have commented on and concur with recommendations 6, 9, 11, 12, 25, 27, and 28.

We appreciate your giving us the opportunity to review and comment on the report. If you have any questions regarding the enclosed information, please call Kathleen Stanley, INS Audit Liaison, at (202) 514-8800.

Sincerely,

Doris Meissner

Doris Meissner
Commissioner

Enclosure

Memorandum

Subject	Date
DRAFT Department of State Audit Report: "Review of the Nonimmigrant Visa-Issuing Process, Phase II"	28 OCT 1994

To

Kathleen M. Stanley
Assistant Director
Analysis and Evaluation Branch

From

for James A. Puleo
Executive Associate
Commissioner, Programs

Enclosed for your information are our comments in response to the Department of State Inspector General draft report titled "Review of the Nonimmigrant Visa-Issuing Process, Phase II." We have keyed our comments to the relevant recommendations in the report.

Thank you for affording us the opportunity to contribute our views to this work in progress.

FOIA B

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U.S. Department of Justice

Drug Enforcement Administration

Washington, D.C. 20537

NOV 0 9 1994

Mr. Harold W. Geisel
Acting Inspector General
Office of the Inspector General
Department of State
Washington, D.C. 20520

Dear Mr. Geisel:

The Drug Enforcement Administration (DEA) has reviewed the draft report issued on the nonimmigrant visa-issuing process. We appreciate having the opportunity to comment on those portions which affect our relationship with the Department of State (DOS).

FOIA B2

Regarding Recommendation 33, the draft report clarifies some of DEA's concerns as expressed in earlier meetings between our respective staffs. However, it does not articulate a fully comprehensive solution to our concerns regarding the handling of sensitive information by visa-issuing personnel and foreign service nationals. These issues, however, can be explored in greater detail in discussions between the cognizant staffs within our respective agencies.

Thus, DEA welcomes an active interchange of views with DOS and looks forward to developing mutually satisfactory solutions to these issues. To this end, I suggest that DOS give

APPENDIX A

substantial consideration to reopening our information exchange agreements and revising them, both to reflect more current needs and existing realities.

If you have any questions regarding this response, please contact Audit Liaison Lawrence Kandrach at (202) 307-8305. At such time as the Bureau of Consular Affairs may wish to initiate discussions concerning these matters, I request that they route their request through DOS Liaison James Mittica.

Sincerely,

Stephen H. Greene
Deputy Administrator

SECRET/NOFORN

APPENDIX A

RELEASED IN PART
B3, CIA-PO, B6, 1.4(D)

03d

Central Intelligence Agency

Washington, D.C. 20505

Inspector General [redacted] FOIA B3, B6

26 October 1994

The Honorable Harold W. Geisel
Acting Inspector General
Department of State
Washington, D.C. 20508

Dear Mr. Geisel: Harry

On September 27, 1994, you forwarded a copy of your draft report entitled *Review of the No-Immigrant Visa-Issuing Process, Phase II* and asked that we make the draft available to appropriate officials of our Agency. We have done so.

We are advised that appropriate management elements of CIA concur in the findings and recommendations contained within the report.

[redacted] 1.4(D)

[redacted] 1.4(D)

Thank you for the opportunity to comment on your draft report.

Sincerely,

[redacted] FOIA B6

Frederick P. Hitz

All portions are classified SECRET

CL BY [redacted] FOIA B3, B6
DECL OADR

SECRET/NOFORN

CASE NO. **200801204**

COMMENTS FOR THE CASE

Comment	Updated By	Updated On
CHECKED OUR WORKFLOW VERSION AGAINST ISCAP HARD COPY. THER WERE THREE DISCREPANCIES. IN ONE CASE, WE RELEASED THE SHEIKH'S PPT NUMBER, WHERE ISCAP HAD WITHHELD IT. THIS IS INCONSEQUENTIAL, AND NO CHANGE IS NEEDED. OUR REVIEW DIFFERED FOR TWO CIA COVER	NIELSEBH	06-25-20
I DID A NEW R/D LETTER TO REFLECT THE CHANGES ABOVE. I WIL LOCATE THE WORKSHEET AND MAKE THE CHANGES THERE AS WELL.	NIELSEBH	06-25-20
REC'D. R/D PACKAGE FROM THE REVIEWER, BARBARA NIELSEN ON 06/25/10.	BOONEAL	06-25-20