
September 2005

BORDER SECURITY

Strengthened Visa Process Would Benefit from Improvements in Staffing and Information Sharing



G A O

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Highlights of [GAO-05-859](#), a report to congressional committees

Why GAO Did This Study

GAO reported in October 2002 that the visa process needed to be strengthened as an antiterrorism tool and recommended that the Secretary of State, in consultation with appropriate agencies, (1) develop a clear policy on the role of national security in the visa process, (2) create more comprehensive guidance on how consular officers should screen against potential terrorists, (3) fundamentally reassess staffing requirements, and (4) revamp and expand consular training. This report examines State's and other agencies' progress in implementing changes to the visa process since 2002, in the areas of policy and guidance; consular resources, including staffing and training; and information sharing.

What GAO Recommends

To further improve the visa process as an antiterrorism tool and facilitate legitimate travel, GAO is making seven recommendations to the Secretaries of State and Homeland Security in the areas of visa policy, consular resources, and information sharing. GAO is also suggesting that Congress consider reviewing visa adjudicators' access to FBI criminal history information.

State agreed with most of the conclusions, but did not agree on the need for a comprehensive staffing plan. DHS agreed with the conclusions, and the Department of Justice provided information on steps it is taking to improve interagency information sharing.

www.gao.gov/cgi-bin/getrpt?GAO-05-859.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Jess T. Ford at (202) 512-4128 or fordj@gao.gov.

BORDER SECURITY

Strengthened Visa Process Would Benefit from Improvements in Staffing and Information Sharing

What GAO Found

The Department of State (State), the Department of Homeland Security (DHS), and other agencies have taken many steps to strengthen the visa process as an antiterrorism tool. Led by the Assistant Secretary of State for Consular Affairs, consular officers have received clear guidance on the importance of national security. We observed that consular officers at eight posts, including those of interest to antiterrorism efforts, regard security as their top priority, while recognizing the importance of facilitating legitimate travel. State has also increased hiring of consular officers, targeted recruitment of foreign language speakers, revamped consular training with a focus on counterterrorism, and increased resources to combat visa fraud. Further, intelligence and law enforcement agencies have shared more information for consular officers' use in conducting name checks on visa applicants.

Additional issues require attention. For example, State has not consistently updated the consular and visa chapters of the *Foreign Affairs Manual* to reflect recent policy changes. Consular officers we interviewed also said that guidance is needed on DHS staff's roles and responsibilities overseas. Actions are also needed to ensure that State has sufficient experienced staff with the necessary language skills at key consular posts. In particular, staffing shortages at the supervisory level place a burden on new officers. In February 2005, we found that the visa sections in critical posts in Saudi Arabia and Egypt were staffed with first-tour officers and no permanent midlevel visa chiefs to provide guidance. Further improvements in training and fraud prevention are also needed, and additional information from FBI criminal history files would allow consular officers to help facilitate efficient visa adjudication.

Improvements and Remaining Challenges to the Visa Process

Issue	Improvements	Issues requiring attention
Policy	Clarified policies and issued new guidance on national security concerns	Additional guidance needed on DHS and State interagency protocols Update the <i>Foreign Affairs Manual</i>
Staffing	Increased hiring and focused recruitment	Shortage of midlevel officers and unreliable data on interview wait times
Training	Revamped and expanded consular training with an emphasis on counterterrorism	Courses needed on terrorism travel trends, fraud prevention, and post-specific counterterrorism techniques
Fraud prevention	Increased antifraud resources for consular officers	Standard criteria needed to identify high-fraud posts
Information sharing	Increased information from intelligence and law enforcement agencies	Consular officers need additional information from FBI criminal history files to adjudicate visas more efficiently

Source: GAO.

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Abbreviations

CLASS	Consular Lookout and Support System
DHS	Department of Homeland Security
FBI	Federal Bureau of Investigation
NCIC	National Crime Information Center

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September 13, 2005

Congressional Committees

All 19 of the September 11, 2001, terrorist hijackers were issued a nonimmigrant visa,¹ which is a U.S. travel document that foreign citizens must generally obtain before entering the country temporarily for business, tourism, or other reasons.² In deciding to approve or deny a visa application, Department of State (State) consular officers are on the front line of defense in protecting the United States against potential terrorists and others whose entry would likely be harmful to U.S. national interests. Consular officers must balance this security responsibility against the need to facilitate legitimate travel. In October 2002, we identified shortcomings and made recommendations on State's policy on the role of national security in the visa process, procedures for addressing heightened border security concerns, staffing, and counterterrorism training of consular officers.³ Similarly, staff of the National Commission on Terrorist Attacks Upon the United States, or the 9-11 Commission, reported that while there were efforts to enhance border security prior to September 11, no agency of the U.S. government at that time thought of the visa process as an antiterrorism tool.⁴ Indeed, the 9-11 Commission staff reported that consular officers were not trained to screen for terrorists.⁵

Given the widespread congressional interest in ensuring that visa operations are a tool to prevent those who might pose a threat from obtaining a visa, we reviewed the changes that State, the Department of Homeland Security (DHS), and other agencies have made since our 2002

¹The United States also grants visas to people who intend to immigrate to the United States. In this report, we use the term "visa" to refer to nonimmigrant visas only.

²Most citizens of the 27 countries that participate in the Visa Waiver Program, Canada, and certain other locations are not required to obtain a visa for business or pleasure stays of short duration.

³GAO, *Border Security: Visa Process Should Be Strengthened as an Antiterrorism Tool*, [GAO-03-132NI](#) (Washington, D.C.: Oct. 21, 2002).

⁴9-11 Commission, *9/11 and Terrorist Travel: Staff Report of the National Commission on Terrorist Attacks Upon the United States* (Washington, D.C.; Aug. 21, 2004).

⁵The 19 September 11, 2001, hijackers received a total of 23 visas at five different posts from April 1997 through June 2001. See [GAO-03-132NI](#).

report to address potential vulnerabilities in the visa process, and determined whether additional vulnerabilities remain. To assess agencies' progress in implementing changes to the visa process since 2002, we reviewed changes in visa policy and guidance; consular resources, including staffing and training; and the extent to which U.S. agencies share information with visa adjudicators. In addition, we conducted structured interviews with visa chiefs and other consular affairs staff from 25 posts overseas, either via telephone or in person, on issues related to visa policy and consular resources, among others. We observed visa operations and interviewed U.S. government officials at 8 U.S. consular posts in seven countries—Egypt, Indonesia, Malaysia, Morocco, Spain, Saudi Arabia, and the United Kingdom. We chose these countries because they are of interest to antiterrorism efforts. In Washington, D.C., we interviewed officials from State, DHS, and the Federal Bureau of Investigation (FBI). We conducted our work from August 2004 through August 2005, in accordance with generally accepted government auditing standards (see app. I for more information on our scope and methodology).

Results in Brief

Since our 2002 report, State, DHS, and other agencies have taken many steps to strengthen the visa process as an antiterrorism tool. Under the leadership of the Assistant Secretary of State for Consular Affairs, consular officers are receiving clear guidance on the importance of addressing national security concerns through the visa process. Our observations of consular sections at eight posts confirmed that consular officers overseas regard security as their top priority, while also recognizing the importance of facilitating legitimate travel to the United States. In addition, State has established clear procedures on visa operations worldwide, as well as management controls to ensure that visas are adjudicated in a consistent manner at each post. State has also increased its hiring of consular officers; increased hiring of foreign language proficient Foreign Service officers; revamped consular training with a focus on counterterrorism; strengthened fraud prevention efforts worldwide; and improved consular facilities. In addition, consular officers now have access to more information from intelligence and law enforcement databases when conducting name checks on visa applicants.

Despite these improvements, additional actions can further enhance the visa process. For example, Consular Affairs has not consistently updated the consular and visa chapters of the *Foreign Affairs Manual*—State's central resource for all regulations, policies, and guidance—to reflect recent changes. In addition, consular officers at several posts told us it is difficult to identify points of contact at DHS's overseas offices because

DHS has not issued guidance on its staff's roles and responsibilities overseas. Further, State has not conducted a worldwide, comprehensive assessment of staffing requirements for visa operations, as we recommended in 2002. We continue to see a need for such an assessment and believe that further actions are needed to ensure that State has sufficient staff with the necessary skills at key consular posts, especially in light of the increased workload per visa applicant due to additional border security requirements. In particular, as of April 2005, 26 percent of midlevel positions were either vacant or filled by entry-level officers, placing a large burden on these officers. During our February 2005 visits to posts in Riyadh and Jeddah, Saudi Arabia, and Cairo, Egypt, the visa sections were staffed with first-tour, entry-level officers, with no permanent midlevel visa chiefs to provide guidance, support, and oversight. In addition, resource constraints alongside new procedural requirements may create extensive waits for visa interviews, though data gaps prevent a reliable assessment of these wait times worldwide. Further, despite the large responsibility placed on consular officers, particularly entry-level officers, we found that post-specific training was offered in only about half of the posts we reviewed, and that officers at these posts desired additional training—in such areas as terrorist travel trends, fraudulent documentation detection, and counterterrorism techniques. Moreover, we observed that information sharing at posts between the consular section and the law enforcement and intelligence communities was inconsistent. Lastly, additional information from FBI criminal history files would allow consular officers to help facilitate visa adjudication and the efficient and effective approval of visas for legitimate travelers to the United States.

We are making recommendations to the Secretaries of State and Homeland Security to, in consultation with appropriate agencies,

- clarify certain visa policies and procedures and facilitate their implementation;
- ensure that consular sections have the necessary tools to enhance national security and promote legitimate travel, including effective human resources and training;
- ensure that consular managers report, on a weekly basis, posts' wait times for applicant interviews; and
- further encourage interactions between consular sections, law enforcement officials, and intelligence officials at post to increase

information sharing with consular officers on terrorism issues relevant to the visa process.

We also suggest that Congress consider requiring State and the FBI to develop and report to Congress on a plan to provide visa adjudicators with more efficient access to certain information in the FBI's criminal history records to help facilitate the approval of legitimate travelers. The plan should describe any potential technical or policy concerns regarding sharing this information with visa adjudicators, and how these concerns can be mitigated. The plan should also identify any legislative changes that may be necessary for its implementation.

We received written comments from State, DHS, and the Department of Justice, which we have reprinted in appendixes II, III, and IV, respectively. State agreed with most of our recommendations and stated that it is taking actions to implement them. State, however, also noted its belief that it already had a plan to address vulnerabilities in consular staffing and that the development of a comprehensive plan that we recommended was not necessary. DHS agreed with our recommendation to provide additional guidance on the relationship between DHS and State. The Department of Justice did not comment on the matter for congressional consideration regarding visa adjudicators' access to certain information in the FBI's criminal history records; it provided additional information about other actions that the department is taking to enhance the sharing of law enforcement and intelligence information in connection with visa processing.

Background

The 1952 Immigration and Nationality Act, as amended, is the primary body of law governing immigration and visa operations.⁶ The Homeland Security Act of 2002 generally grants DHS exclusive authority to issue regulations on, administer, and enforce the Immigration and Nationality Act and all other immigration and nationality laws relating to the functions of U.S. consular officers in connection with the granting or denial of visas.⁷ As we reported in July 2005, the act also authorizes DHS, among other things, to assign employees to any consular post to review individual visa applications and provide expert advice and training to consular officers

⁶P.L. 82-414, 8 U.S.C. § 1101 et seq.

⁷State retains authority in certain circumstances as outlined in the act. See P.L. 107-296.

regarding specific security threats related to the visa process.⁸ A subsequent September 2003 Memorandum of Understanding between State and DHS further outlines the responsibilities of each agency with respect to visa issuance. DHS is responsible for establishing visa policy, reviewing implementation of the policy, and providing additional direction. State manages the visa process, as well as the consular corps and its functions at 211 visa-issuing posts overseas. In addition, State provides guidance, in consultation with DHS, to consular officers regarding visa policies and procedures. In technical comments on a draft of this report, State emphasized that the Secretary of State has the lead role with respect to foreign policy-related visa issues.

Several agencies stationed at U.S. embassies and consulates can assist consular officers and support the visa adjudication process. On a formal basis, all embassy sections and agencies involved in security, law enforcement, and intelligence activities are expected to participate in the congressionally mandated “Visas Viper” terrorist reporting program. This program is primarily administered through a Visas Viper Committee at each overseas post and chaired by the deputy chief of mission or the post’s principal officer. The committees meet at least monthly to share information on known or suspected terrorists and determine whether such information should be sent to Washington, D.C., for potential inclusion on watch lists. Interagency information sharing at post can also occur on an informal basis. For example, overseas FBI officials can assist consular officers when questions about an applicant’s potential criminal history arise during adjudication. Additionally, DHS’s U.S. Citizenship and Immigration Services, Customs and Border Protection, and Immigration and Customs Enforcement have responsibility for some immigration and border security programs overseas, and consular officers may seek advice from these officials on issues such as DHS procedures at U.S. ports of entry.

The process for determining who will be issued or refused a visa contains several steps, including documentation reviews, in-person interviews,

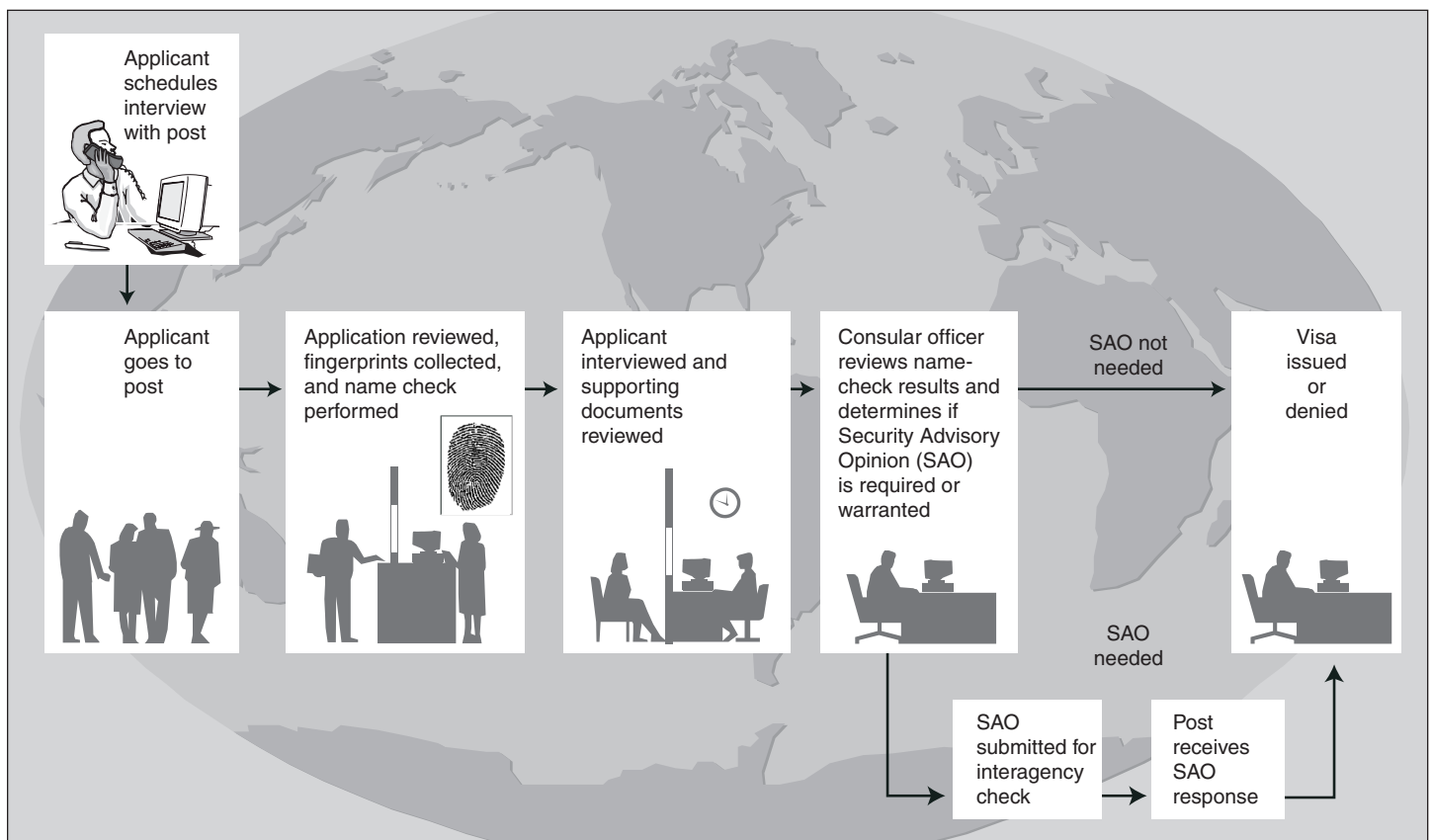
⁸The act also requires that DHS on-site personnel in Saudi Arabia review all visa applications prior to adjudication by consular officers. P.L. 107-296, Sec. 428(e) and Sec. 428(i). See GAO, *Border Security: Actions Needed to Strengthen Management of Department of Homeland Security’s Visa Security Program*, [GAO-05-801](#) (Washington, D.C.: July 29, 2005).

collection of biometrics⁹ (fingerprints), and cross-referencing an applicant's name against the Consular Lookout and Support System (CLASS)¹⁰ (see fig. 1).

⁹Biometrics is a wide range of technologies that can be used to verify a person's identity by measuring and analyzing that person's physiological characteristics. In this case, and for the purposes of this report, "biometric identifiers" refers to fingerprints. See GAO, *Technology Assessment: Using Biometrics for Border Security*, [GAO-03-174](#) (Washington, D.C.: Nov. 14, 2002).

¹⁰CLASS is a State Department name-check database that posts use to access critical information for visa adjudication. The system contains records provided by numerous agencies and includes information on persons with visa refusals, immigration violations, and terrorism concerns.

Figure 1: Visa Adjudication Process at a U.S. Embassy



Sources: GAO; Nova Development (clip art).

In 2002, we recommended actions to strengthen the visa process as an antiterrorism tool, including

- establishing a clear policy on the priority attached to addressing national security concerns through the visa process;
- creating more comprehensive, risk-based guidelines and standards on how consular officers should use the visa process as a screen against potential terrorists;
- performing a fundamental reassessment of staffing and language skill requirements for visa operations; and
- revamping and expanding consular training courses to place more emphasis on detecting potential terrorists.

Visa Process Strengthened, and Further Actions Would Support Ongoing Improvements

Since our 2002 report, State, DHS, and other agencies have taken numerous steps to strengthen the visa process as an antiterrorism tool and increase its overall efficiency and effectiveness. In particular, the Assistant Secretary in the Bureau of Consular Affairs has taken a leadership role in implementing changes to the visa process and promoting the use of the process as a screen against potential terrorists. However, additional actions could enhance the visa process. State has increased and clarified visa policies and guidance, but additional steps are needed to ensure these changes are implemented. Additionally, State has increased resources to strengthen the visa process, including hiring additional consular officers, targeting recruitment, and expanding training efforts; however, staffing limitations remain a concern, posts seek further training, and other gaps remain. Lastly, while interagency information-sharing efforts have increased, consular officers do not have direct access to detailed information from the FBI's criminal history records, which would help facilitate the approval of visas for legitimate travelers. Figure 2 summarizes the steps taken to improve the visa process since 2002 and areas that require additional management attention.

Figure 2: Improvements and Remaining Challenges to the Visa Process

Issue	Improvements	Issues that require attention
Policy		
	• Consular Affairs Bureau has taken a leadership role in stressing national security concerns in the visa process • Established more than 80 standard operating procedures for consular officers • Emphasized consular management and internal controls through Consular Management Assistance Teams	• More guidance needed on • Roles and responsibilities of consular officers in relation to DHS • Update portions of the <i>Foreign Affairs Manual</i> online
Resources		
Staffing	• Hired additional consular officers • Increased consular recruitment of proficient foreign language speakers	• Shortage of midlevel consular officers • Entry-level officers serving in midlevel positions • Data on wait times for interviews not sufficiently reliable
Training	• Revamped and expanded consular training with an emphasis on counterterrorism	• Additional courses needed on • Terrorist travel trends • Fraudulent documentation detection • Counterterrorism techniques specific to post • Information sharing for consular officers at post inconsistent
Fraud prevention	• Added fraud prevention tools, such as Internet anti-fraud chat room • Assigned fraud investigators at 25 consular posts	• No criteria to identify high-fraud posts
Facilities	• Improved consular facilities and workspaces	• Requirements at some posts will not be met until new embassies or consulates are built
Interagency information sharing		
	• Obtained additional records from law enforcement and intelligence sources in consular name-check database	• Consular officers need additional information from FBI criminal history files to adjudicate visas more efficiently and effectively

Source: GAO.

Visa Policies, Procedures, and Guidance Enhanced, but Additional Steps Needed to Ensure They Are Implemented

We reported in October 2002 that consular officers held differing views on balancing the need for national security and customer service in the visa process. In addition, State had not issued comprehensive policy guidance to posts regarding how consular officers should react to the heightened border security concerns following the September 11 attacks. Since our report, State implemented several changes to address these issues, and consular officials stated that our 2002 report and its recommendations provided a framework for these changes. For example, in February 2003, Consular Affairs issued guidance identifying national security as the first priority of the visa process. Consular officers we interviewed said the guidance was generally clear, and officers at all eight posts we visited viewed security as the most critical element of the visa process. In addition, Consular Affairs identified certain areas where additional guidance was needed to improve visa procedures. For example, State has issued more than 80 standard operating procedures, in consultation with DHS, to inform consular officers on issues such as

- citizens of countries requiring special clearance requirements and other name-check procedures;¹¹
- fingerprint requirements; and
- annotating visas with current and historical information about a visa applicant to assist immigration inspectors at ports of entry.

To reinforce standard operating procedures and internal controls, State created Consular Management Assistance Teams that conduct management reviews of consular sections worldwide. These teams comprise Consular Affairs officials, diplomatic security officials, and DHS officials, and they report directly to the Assistant Secretary for Consular Affairs. According to State, as of June 2005, the teams have completed 81 field visits and have provided guidance to posts on standard operating procedures, as well as other areas where consular services could become more efficient. In addition, State has regional consular officer positions overseas, through which five experienced officers serve as regional

¹¹Section 306 of the Enhanced Border Security and Visa Entry Reform Act of 2002 restricts the issuance of visas to aliens who are nationals of countries that are state sponsors of international terrorism unless the Secretary of State determines the alien does not pose a safety or security threat. Currently, citizens from Cuba, Iran, Libya, North Korea, Sudan, and Syria must, under this provision, undergo security clearances from agencies in Washington, D.C., prior to adjudication by a consular officer.

officers to 56 posts in Europe, Near East, and Africa. These officers provide support and guidance to less-experienced officers in small consular sections at neighboring posts where, in many instances, there are no other officers at post with recent consular experience.

Despite these improvements, some consular officers we interviewed stated that it has been difficult to synthesize and consistently apply all of the changes to the visa process. The guidance provided to consular officers in the field is voluminous and can change rapidly, according to consular officials. The Consular Affairs Bureau may notify its officers overseas of policy changes through cables, postings on its internal Web site, and informal communications. However, the bureau has not consistently updated the consular and visa chapters of the *Foreign Affairs Manual*—State’s central Internet resource for all regulations, policies, and guidance—to reflect these changes. Throughout 2005, the bureau updated several portions of the manual, but, as of June 2005, some sections had not been updated since October 2004, such as policies on consular duties, clearances at post, and the submission of fingerprints to the FBI for visa applications. Consular officials also stated that they are overhauling the standard operating procedures to eliminate those that are obsolete and incorporate current requirements into the manual. While the Consular Affairs Bureau’s internal Web site contains all of the standard operating procedures, it also links to out-of-date sections in the manual, which do not yet incorporate all updated procedures. As a result, there is no single, reliable source for current information. The visa chief at one post in Africa told us that while the additional guidance from Consular Affairs has been a positive step, consular officers should not have to go back to paper files to locate it. Some posts we visited had developed their own methods—such as creating standard operating procedure reference books and holding weekly staff meetings to discuss all new policies—to help ensure that all consular officers were applying the new procedures consistently and appropriately. The consular section in London, for example, created a post-specific internal Web site to post guidance for consular officers. According to State officials, in August 2004, Consular Affairs developed a classified Web site to post additional guidance that is accessible to all consular officers, but only 48 percent of visa chiefs we interviewed reported having used the Web site.

Consular officers also indicated that additional guidance is needed on certain interagency protocols. Specifically, 15 out of 25 visa chiefs we interviewed reported that additional guidance would be helpful regarding the interaction between the Bureau of Consular Affairs and DHS. For example, DHS personnel stationed overseas work on a variety of

immigration and border security activities and largely serve in a regional capacity. U.S. Citizenship and Immigration Services staff, for instance, have regional offices in Rome, Bangkok, and Mexico City that can assist consular officers in surrounding posts. However, DHS has not provided guidance to consular officers regarding the roles and geographic responsibilities of its personnel. In addition, consular officers at several posts told us it is difficult to identify points of contact at DHS's overseas offices when questions arise on issues such as immigration violation records in CLASS. Further, consular officers at all posts we reviewed stated they would like additional information on DHS procedures at the ports of entry into the United States, such as guidance on how to resolve cases in which visa holders have been denied entry to the United States. For example, detailed information on the reason why a visa holder was not allowed into the United States—the person was recently placed on a watch list, for example—is not automatically transferred to CLASS. A senior consular official stated that State and DHS are working to create a link between consular and border inspectors' databases that would allow the transfer of data, including transcripts of interviews at ports of entry.

Resources for Visa Function Increased, but Staffing Shortages and Other Gaps Remain a Concern

In 2002, we found that at some posts the demand for visas, combined with increased workload per visa applicant, exceeded the available staff. As a result, we recommended that State perform a fundamental reassessment of staffing requirements for visa operations. We continue to see the need for such an assessment. While State has been able to hire more entry-level officers in recent years, we found that more than one-quarter of State's midlevel consular positions were either vacant or filled by an entry-level officer.¹² In addition, consular headquarters officials may not have accurate statistics on wait times for visa interviews from which to allocate resources effectively, and visa applicants may be using inaccurate wait-time information when planning their travel to the United States. State has also increased its targeted recruitment of foreign language proficient officers, but gaps remain. Further, State has expanded its training efforts, but additional training would further benefit consular officers. Moreover, State has strengthened its fraud prevention efforts, but has not developed systematic criteria to identify high-fraud posts. Finally, State has increased

¹²Foreign Service officers are assigned a grade, which ranges from FS-06 to FS-01, corresponding from entry-level to midlevel, respectively. According to State, officers at grades 6 through 4 are classified as junior officers; 3 through 1 are midlevel officers. In addition, members of the senior Foreign Service are senior officers. In this report, we refer to them as entry-level, midlevel, and senior-level officers.

State Has Hired More Consular Officers, but Has Not Assessed Overall Resource Needs

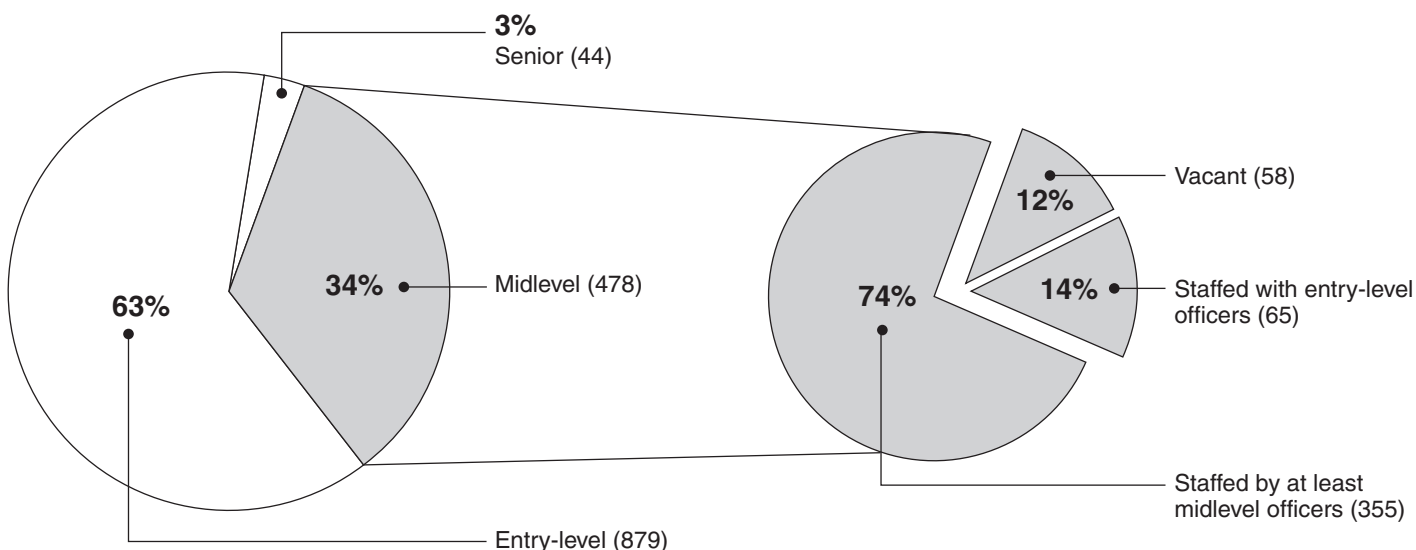
funding to improve consular facilities, but many posts' facilities remain inadequate.

Since 2002, State has received funding to address ongoing staffing shortfalls, but we continue to see the need for a fundamental reassessment of resource needs worldwide. Through the Diplomatic Readiness Initiative and other sources,¹³ State has increased the number of Foreign Service officer consular positions by 364, from 1,037 in fiscal year 2002 to 1,401 in fiscal year 2005. Moreover, human resource officials anticipate that many officers hired under the Diplomatic Readiness Initiative will begin to reach promotion eligibility for midlevel positions within the next two years. However, as we previously reported in 2003,¹⁴ the overall shortage of midlevel Foreign Service officers would remain until approximately 2013. As of April 30, 2005, we found that 26 percent of midlevel consular positions were either vacant or filled by an entry-level officer (see fig. 3). In addition, almost three-quarters of the vacant positions were at the FS-03 level—midlevel officers who generally supervise entry-level staff—which consular officials attribute to low hiring levels prior to the Diplomatic Readiness Initiative and the necessary expansion of entry-level positions to accommodate increasing workload requirements after September 11, 2001.

¹³In fiscal year 2002, State launched the Diplomatic Readiness Initiative—a 3-year effort to ensure global diplomatic readiness—through which State reported that it hired 834 Foreign Service officers. In addition, the Intelligence Reform and Terrorism Prevention Act of 2004 authorized the hiring of an additional 150 consular officers per year for fiscal years 2006 through 2009. See P.L. 108-458 § 7203.

¹⁴GAO, *State Department: Targets for Hiring, Filling Vacancies Overseas Being Met, but Gaps Remain in Hard-to-Learn Languages*, [GAO-04-139](#) (Washington, D.C.: Nov. 19, 2003).

Figure 3: Authorized Foreign Service Officer Consular Positions and Distribution of Staff by Grade, as of April 30, 2005



Source: Department of State.

Note: Vacancy figures may not reflect recent promotions of officers to a higher grade who were still serving in lower-grade positions as of April 30, 2005.

During our February 2005 visits to Riyadh, Jeddah, and Cairo, we observed that the consular sections were staffed with entry-level officers on their first assignment with no permanent midlevel visa chief to provide supervision and guidance. Although these posts had other mid- or senior-level consular officers, their availability on visa issues was limited because of their additional responsibilities. For example, the head of the visa section in Jeddah was responsible for managing the entire section, as well as services for American citizens due to a midlevel vacancy in that position. At the time of our visit, the Riyadh Embassy did not have a midlevel visa chief. Similarly, in Cairo, there was no permanent midlevel supervisor between the winter of 2004 and the summer of 2005, and Consular Affairs used five temporary staff on a rotating basis during this period to serve in this capacity. Entry-level officers we spoke with stated that due to the constant turnover, the temporary supervisors were unable to assist them adequately. At the U.S. consulate in Jeddah, entry-level officers expressed concern about the lack of a midlevel supervisor. Officers in Jeddah stated that they relied on the guidance they received from the DHS visa security officer assigned to the post. However, as of July 2005, visa security officers are stationed only at consular posts in Saudi Arabia—not at any of the other 209 visa-issuing posts overseas.

If the Consular Affairs Bureau identifies a need for additional staff in headquarters or overseas, it may request that the Human Resources Bureau establish new positions. In addition, posts can also describe their needs for additional positions through their consular package—a report submitted annually to the Consular Affairs Bureau that details workload statistics and staffing requirements, among other things. For example, in December 2004, during the course of our work, the consular section in Riyadh reported to Washington that there was an immediate need to create a midlevel visa chief position at post, and consular officials worked with human resource officials to create this position, which according to State officials, will be filled by summer 2005.

However, the current assignment process does not guarantee that all authorized positions will be filled, particularly at hardship posts. Historically, State has rarely directed its employees to serve in locations for which they have not bid on a position, including hardship posts or locations of strategic importance to the United States, due to concerns that such staff may be more apt to have poor morale or be less productive.¹⁵ Due to State’s decision to not force assignments, along with the limited amount of midlevel officers available to apply for them,¹⁶ important positions may remain vacant.

According to a deputy assistant secretary for human resources, Consular Affairs can prioritize those positions that require immediate staffing to ensure that officers are assigned to fill critical staffing gaps. For example, Consular Affairs could choose not to advertise certain positions of lesser priority during an annual assignment cycle. However, senior Consular Affairs officials acknowledged that they rarely do this. According to these

¹⁵State defines hardship posts as those locations where the U.S. government provides differential pay incentives—an additional 5 percent to 25 percent of base salary depending on the severity or difficulty of the conditions—to encourage employees to bid on assignments to these posts and to compensate them for the hardships they encounter. According to State officials and Foreign Service employees, the incentive provided by hardship pay for overseas service has been diminished because unlike private sector employees, Foreign Service employees serving overseas do not receive locality pay or a salary comparability benefit to attract workers in the continental United States to the federal government. See GAO, *State Department: Staffing Shortfalls and Ineffective Assignment System Compromise Diplomatic Readiness at Hardship Posts*, [GAO-02-626](#) (Washington, D.C.: June 18, 2002).

¹⁶The assignment process begins when Foreign Service employees who are eligible to be transferred from their current assignment each year receive a list of instructions and upcoming vacancies for which they may compete. Staff then must submit a list of those positions for which they want to be considered.

*Increased Consular Workload
Exacerbates Staffing Shortages*

officials, Consular Affairs does not have direct control over the filling of all consular positions and can often face resistance from regional bureaus and chiefs of mission overseas who do not want vacancies at their posts. Thus, as we have previously reported, certain high-priority positions may not be filled if Foreign Service officers do not bid on them.

Additions to consular workload since the September 11 attacks have exacerbated State's resource constraints. Both Congress and State have initiated a series of changes since our 2002 report to increase the security of border security policies and procedures, which have added to the complexity of consular officers' workload. These changes include the following:

- Consular officers are no longer able to routinely waive interviews; as of August 2003, waivers for visa applicant interviews are limited to a few categories, such as the elderly, diplomats, and young children.
- As of October 2004, consular officers are required to scan foreign nationals' right and left index fingers and clear the fingerprints through the DHS Automated Biometric Identification System before an applicant can receive a visa.¹⁷
- Some responsibilities previously delegated to Foreign Service nationals¹⁸ and consular associates¹⁹ have been transferred to consular officers. For example, as of September 30, 2005, consular associates will no longer be authorized to adjudicate visas.

¹⁷The Automated Biometric Identification System is a DHS database that includes some 5 million people who may be ineligible to receive a visa. For example, the Automated Biometric Identification System data includes, among other records, FBI information on all known and suspected terrorists, selected wanted persons, and previous criminal histories for high-risk countries. See GAO, *Border Security: State Department Rollout of Biometric Visas on Schedule, but Guidance Is Lagging*, [GAO-04-1001](#) (Washington, D.C.: Sept 9, 2004).

¹⁸Foreign Service national employees are non-U.S. citizens employed at a U.S. Foreign Service post by a U.S. government agency.

¹⁹Consular associates are U.S. citizens and relatives of U.S. government direct-hire employees overseas who, following successful completion of the required Basic Consular Course, are hired by the Consular Section at their post. Beginning in fiscal year 2002, State began a 3-year transition to remove adjudication functions from consular associates and provide additional consular officers.

Targeted Recruitment Has
Increased Number of Foreign
Language Proficient Officers,
but Gaps Remain

Due to the new interview requirements and screening procedures, as well as potential staffing shortages, applicants may face extensive wait times for visa interviews at some consular posts overseas. According to consular officials, in general, State considers that posts with consistent wait times for visa interview appointments of 30 days or longer may signal a resource or management problem. However, reliable data that could determine the extent to which posts face long delays are not available. To monitor posts' progress in achieving this goal, according to consular headquarters officials, State requires that posts report, on a weekly basis, the wait times for applicant interviews to allow officials to monitor posts' workload. State's data showed that between November 2004 and May 2005, 63 posts reported wait times of 30 or more days in at least one month; at 13 posts, the wait times were in excess of 30 days for the entire 6-month period. As of July 2004, these data are posted on State's Web site so that applicants will have the information when applying for a visa. However, posts are often late to report these data, according to consular officials. Indeed, our analysis of State's data on wait times revealed significant numbers of posts that did not report on a weekly basis during this 6-month period. Therefore, the data are not sufficiently reliable to fully determine how many posts have wait times in excess of 30 days. Consular headquarters officials may not have accurate workload statistics from which to allocate resources effectively, and visa applicants may be using inaccurate wait-time information when planning their travel to the United States. For example, there could be additional posts with 30-day or more wait times that have not reported these data to Consular Affairs.

In our 2002 report, we found that not all consular officers were proficient enough in their post's language to hold interviews with applicants. In 2003, we reported that State had not filled all of its positions requiring foreign language skills.²⁰ We noted that a lack of staff with foreign language skills had weakened the fight against international terrorism and resulted in less effective representation of U.S. interests overseas. In addition, we reported that some entry-level officers did not meet the minimum language proficiency requirements of the positions in countries of strategic importance to the United States. In response, State has created programs to better target its recruitment of Foreign Service officers who speak critical languages. For example, in March 2004, State created the "Critical

²⁰Most of State's positions that require general proficiency in speaking and reading abilities are categorized as "language-designated" positions. In addition, State has some positions categorized as "language-preferred," where State considers language proficiency useful but not essential. See [GAO-02-626](#).

Consular Training Expanded,
and Additional Courses and
Information Sharing Would
Further Benefit Consular
Officers

Needs Language Program,” which increases the opportunities for appointment to the Foreign Service for new hires proficient in Arabic, Chinese, Indic, Korean, Russian, or Turkic, and who have passed the Foreign Service Exam.²¹ From March 2004 through May 2005, 172 of the 564 Foreign Service officers hired were proficient in one of these languages.

Despite these improvements, language gaps still exist. As of April 30, 2005, State reported that about 14 percent of consular-coned²² Foreign Service officers in language-designated positions did not meet language requirements for their assigned position. Our interviews with visa chiefs at 25 posts identified 8 posts with at least one consular officer who did not meet the designated language proficiency requirements for their position. To increase the proficiency of Foreign Service officers, State supports post-specific language programs, among others. According to language training officials, the department allocated \$1.2 million in fiscal year 2004 for these programs, which teach a new language or enhance the language of the participant. Twenty-three of the 25 posts we contacted offer a language-training program at post. State has also developed training modules for specific languages that include technical vocabulary that might be beneficial to consular officers.

In 2002, we reported that training for new consular officers was focused on detecting intending immigrants through the visa process, with little training given on detecting possible terrorists. In addition, we found that consular officers wanted more training in how to interview applicants more effectively for the purposes of detecting possible terrorists. Since our report, State has revamped and expanded consular training at the

²¹After candidates pass both the written and oral exams, they are placed on a register of eligible hires and will remain there for up to 18 months or until being placed in an initial training class, according to State officials. During training, entry-level officers are required to bid on a list of available jobs from which State’s Entry-Level Division will assign them to an overseas post. The officers receive language and job-specific training after they receive their assignments. See GAO, *State Department: Targets for Hiring, Filling Vacancies Overseas Being Met, but Gaps Remain in Hard-to-Learn Languages*, [GAO-04-139](#) (Washington, D.C.: Nov. 19, 2003).

²²State requires that a generalist applicant to the Foreign Service select a “cone,” which is a functional area of specialization, when applying to take the written examination. For generalists, the Foreign Service specializations are management, consular, economic, political, and public diplomacy.

Foreign Service Institute²³ to enhance visa security. Table 1 outlines additions to consular training.

Table 1: Improvements in Consular Training Since 2002

	Course		
	Basic consular	Fraud prevention for managers	Advanced name checking
Date of improvement	October 2003	April 2005	March 2002
Type of improvement	Course enhancement	Course enhancement	New course
Improvements	- Increased length of course from 26 days to 31 days - Added classes in analytical interviewing and fraud prevention - Counterterrorism training at CIA - Briefings on 9/11 Commission report	- Expanded course offerings from 2 to 10 times a year - Participation by DHS in training of fraud prevention managers - Training at DHS's Forensic Document Laboratory	- Includes 1 day of training in analytical interviewing - Identifies name structures and variations, helping consular officers spot anomalies - Explains how Consular Affairs name-check systems search for, identify, evaluate, rank, and return matches

Source: GAO.

Training efforts have been bolstered by contributions from law enforcement and intelligence agencies and DHS, as well as by improved information sharing. For example, as part of the basic consular training course, consular officers receive a counterterrorism briefing by the Central Intelligence Agency. Additionally, the Homeland Security Act of 2002 granted DHS the authority to develop homeland security training programs for consular officers, and the Memorandum of Understanding between State and DHS outlined DHS's participation in this training. Since 2003, DHS has contributed to several aspects of the consular training program. For example,

- for the basic consular course, DHS has funded a presentation to consular officers by former 9/11 Commission staffers;
- officials from the U.S. Citizenship and Immigration Services provide training at State's course for fraud prevention managers; and

²³The George P. Shultz National Foreign Affairs Training Center's Foreign Service Institute, is the federal government's primary training institution for officers and support personnel of the U.S. foreign affairs community.

-
- DHS officials have accompanied consular officials at regional leadership conferences for consular managers overseas.

In July 2003, State issued guidance to chiefs of mission regarding consular training at posts, and encouraged the regular exchange of information between consular sections and relevant agencies on fraud and law enforcement issues, as well as security trends that may impact consular work. However, additional training could further assist consular officers. For example, despite guidance from the Consular Affairs Bureau, 12 of the 25 visa chiefs we interviewed reported that the embassy did not offer post-specific training. In addition, all of the posts we contacted reported that additional training on terrorist travel trends would be helpful, with 16 posts responding that such training would be extremely helpful. For example, the visa chief at a consular post in the Middle East said that an in-depth class that trains officers to better identify high-risk applicants based on specific intelligence information would be helpful. Consular officials in Washington, D.C., acknowledged that this type of training would be useful, but noted that it requires support from chiefs of mission and other agency officials overseas. Some posts also reported that additional post-specific briefings on counterterrorism techniques and fraud prevention would be helpful. State is currently developing distance-learning courses in the areas of fraud prevention and disruption of terrorist mobility, which, once implemented, will be available to consular officers worldwide. Given that some terrorists make use of fraudulent documents, training in these subjects is useful for helping consular officers detect terrorists and criminals applying for visas.

Inconsistent Information Sharing at Posts

Although Consular Affairs has advised chiefs of mission to encourage interagency information sharing, we found that information sharing at posts between the consular section and the law enforcement and intelligence communities varied. While we found that some posts had frequent communications, others had little or no communication. For example, at one post, we noted frequent communication and proactive information sharing between the consular section, law enforcement, and intelligence communities. Consular officials told us that this cooperation strengthened the visa process at this post. During our visit to another post, the consular section requested regular counterterrorism briefings from intelligence officials, who conducted the first such formal briefing in March 2005 following our visit. The Consul General stated that these briefings will become a standard practice at the post. At another post we reviewed, however, consular officials stated that they were concerned about the lack of communication between their section and law

enforcement and intelligence officials, despite repeated inquiries for guidance in areas such as watch list records in CLASS.

State Strengthened Fraud Prevention Programs, but Efforts to Establish Systematic Criteria to Identify High Visa Fraud Posts Have Not Been Completed

As the 9-11 Commission staff highlighted, the September 11 terrorists were able to obtain U.S. visas through fraudulent means. For example, according to the 9-11 Commission staff report on terrorist travel, two hijackers used passports that had been manipulated in a fraudulent manner to obtain visas to the United States. State has taken several steps to increase its focus on preventing and detecting fraud in the visa process. For example, by 2004, State's Bureau of Diplomatic Security had deployed 25 visa fraud investigators to U.S. embassies and consulates. In addition, State's Office of Fraud Prevention Programs has developed several ways for consular officers in the field to learn about fraud prevention, including

- developing an Internet-based "E-room," with more than 500 members, that serves as a discussion group for consular officers, as well as a place to post cables and lessons learned from prior fraud cases;
- publishing fraud prevention newsletters; and
- assigning liaison officers to work with consular sections worldwide on fraud prevention.

However, until recently, the department has not used a systematic process to identify consular posts with the highest degree of visa fraud. According to State officials, fraud rankings for consular posts have not been based on an objective analysis using standardized criteria, but have been self-reported by each post. Therefore, according to the Director of the Office of Fraud Prevention Programs, State's fraud rankings were not a quantifiable assessment of posts' actual fraud conditions. As a result, previous resources for fraud prevention may not have been allocated to posts with the highest need, including the 25 visa fraud investigators assigned overseas in 2004.

In response to the Intelligence Reform and Terrorist Prevention Act of 2004, State is now developing systematic criteria to identify high-fraud posts. The act mandates that State identify the posts experiencing the greatest frequency of visa fraud and place in those posts at least one full-time anti-fraud specialist. The presence of full-time fraud officers at high-fraud posts is particularly important given that entry-level officers may

Increased Funding to Improve Consular Facilities, but Many Posts Remain Inadequate

serve as fraud prevention managers²⁴ on a part-time basis, in addition to their other responsibilities. Moreover, of the 25 posts we reviewed, only 2 had full-time fraud prevention managers, and 10 visa chiefs reported that their fraud prevention managers had not yet received training specific to these duties. In June 2005, the Office of Fraud Prevention Programs was awaiting final approval of its reassessment of posts' fraud levels using weighted criteria such as

- refusal rates for certain classes of visas;
- DHS data on visa holders who applied for permanent residence once in the United States on a temporary tourist or business visa; and
- State's threat assessments for the post.

Consular Affairs is also developing a fraud prevention computer program that will allow State to quantify and analyze fraud workload data, according to the Fraud Prevention Programs director.

State's Bureau of Overseas Building Operations is responsible for managing the department's property overseas, including the rehabilitation of existing facilities and the construction of new embassies and consulates. In March 2003, we reported that working conditions at many U.S. embassies and consulates were inferior and unsafe.²⁵ In particular, we found that the primary office building at more than half of the posts did not meet certain fire/life safety standards, and at least 96 posts had reported serious overcrowding. Despite increased funding to improve consular facilities, needs remain. Many of the new requirements in the visa adjudication process, such as the increased interview requirements and the collection of applicants' fingerprints, have strained consular facilities. Indeed, many visa chiefs we interviewed reported problems with their facilities. For example, 14 of 25 rated the consular workspace at their post as below average, and 40 percent reported that applicants' waiting rooms were below average. In addition, due to overcrowded waiting rooms at four of the eight posts we visited, we observed visa applicants waiting for

²⁴Consular officers who serve as fraud prevention managers are in charge of investigating cases of fraud, conducting fraud training for the consular section, and providing information on fraud relevant to the consular section at post.

²⁵GAO, *Overseas Presence: Conditions of Overseas Diplomatic Facilities*, [GAO-03-557T](#) (Washington, D.C.: Mar. 20, 2003).

their interviews outside or in adjacent hallways. A senior consular official acknowledged that many consular facilities are located in run-down buildings with insufficient adjudicating windows and waiting rooms. In fiscal year 2003, Congress directed the Overseas Building Operations Bureau to begin a 3-year Consular Workspace Improvement Initiative to improve the overall working environment for consular officers.²⁶ In fiscal years 2003 and 2004, State obligated \$10.2 million to 79 workspace improvement projects at 68 posts. State officials currently plan to fund up to \$18.1 million for fiscal year 2005. Improvement projects ranged from adding more interview windows to increase visa processing in Seoul to a complete consular section reconfiguration in London. However, according to a senior consular official, these funds are being used to provide temporary solutions at posts that may require a new embassy, as part of State's multibillion-dollar embassy construction program.

Number of Intelligence and Law Enforcement Records in CLASS Increased, but Additional Information Would Help Facilitate Legitimate Travel

The September 11 attacks highlighted the need for comprehensive information sharing.²⁷ In January 2005, GAO identified effective information sharing to secure the homeland as a high-risk area of the U.S. government because the federal government still faces formidable challenges sharing information among stakeholders in an appropriate and timely manner to minimize risk.²⁸ With cooperation from other federal agencies, State has increased the amount of information available to consular officers in CLASS. Name-check records from the intelligence community have increased fivefold from 48,000 in September 2001 to approximately 260,000 in June 2005, according to consular officials. Moreover, consular officials told us that, as of the fall of 2004, CLASS contained approximately 8 million records from the FBI. In addition, State has developed more efficient methods of acquiring certain data from law enforcement databases. For example, State established a direct computer link with the FBI to send descriptive information from the FBI's National Crime Information Center (NCIC) to CLASS on a daily basis.

²⁶See House Conference Report 108-10, attached to P.L. 108-7, Consolidated Appropriations Resolution, 2003.

²⁷See the Intelligence Reform and Terrorist Prevention Act of 2004 (P.L. 108-458), which requires that the Director of the National Counterterrorism Center report to Congress on a strategy to combine terrorist travel intelligence, operations, and law enforcement into a cohesive effort. This strategy may address, among other things, granting consular officers and immigration adjudicators, as appropriate, the security clearances necessary to access law enforcement sensitive and intelligence databases.

²⁸GAO, *High-Risk Series: An Update*, [GAO-05-207](#) (Washington, D.C.: January 2005).

While the additional records in CLASS have helped consular officers detect those who might seek to harm the United States, many consular officers we interviewed stated that the increased volume of records and lack of access to other detailed information can lead to visa-processing delays for applicants. In particular, consular officers do not have direct access to detailed information in criminal history records. Section 403 of the USA PATRIOT Act of 2001²⁹ directs the Attorney General and the FBI to provide State with access to extracts of certain files³⁰ containing descriptive information for the purpose of determining whether a visa applicant has a criminal history record contained in the NCIC Interstate Identification Index (or Index). The USA PATRIOT Act also states that access to an extract does not entitle consular officers to obtain the full contents of the corresponding records. In accordance with this mandate, the FBI stated that the bureau provides to CLASS extracts that contain all available biographical information, such as the date of birth and height of the person with the criminal record.³¹ However, when conducting a CLASS name check, consular officers told us that they are not able to conclusively determine whether an FBI file matches a visa applicant because the extracts lack sufficient biographical information. Moreover, the FBI stated that, in accordance with section 403, the extracts do not contain details such as charges and dispositions of cases, which are necessary to determine if the applicant might be ineligible for a visa.³² For example, the information in CLASS does not distinguish between a conviction for a crime such as kidnapping or drug possession, or an acquittal on a charge of driving while intoxicated.

Consular officers, therefore, must fingerprint applicants who have a potential match in the Index for positive identification in the FBI records; if there is a match, they can then ascertain whether the information

²⁹P.L. 107-56.

³⁰The files include the NCIC's Interstate Identification Index, which is the FBI's database of criminal history records, Wanted Persons Files, and any other files maintained by NCIC that may be mutually agreed upon by the Attorney General and the agency receiving access.

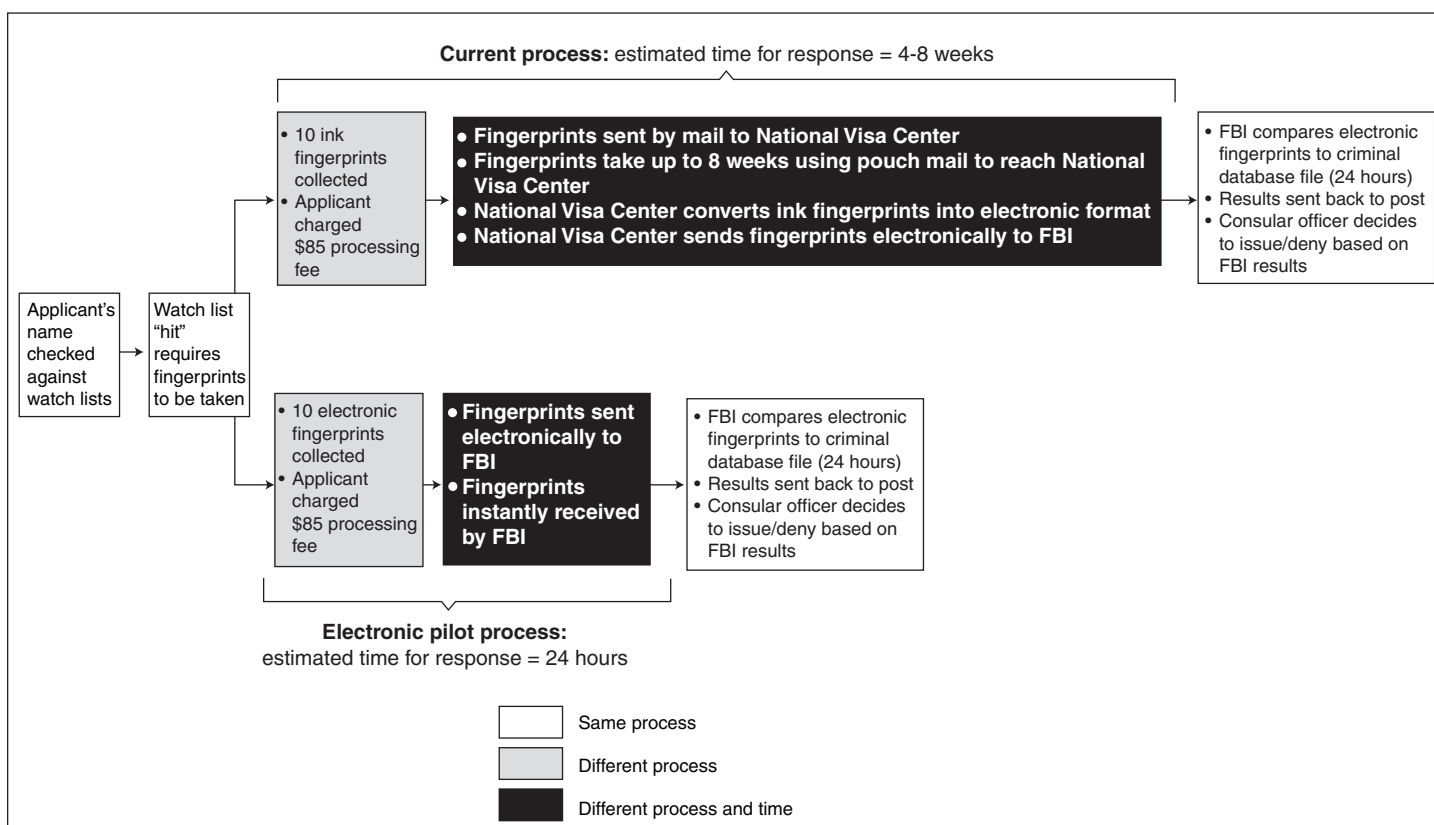
³¹According to FBI officials, examples of the information provided to CLASS, when available, include the FBI record number, name and alias, date of birth, place of birth, citizenship, sex, race, eye color, hair color, height, or weight, among other things.

³²To render an alien ineligible under INA 212(a)(2)(A)(i)(I), the conviction must be for a statutory offense that involves moral turpitude, which includes many serious crimes, such as kidnapping and murder, but does not include other crimes that may be reflected in the NCIC database.

contained in the criminal record would make the applicant ineligible for a visa.³³ In fiscal year 2004, of the more than 40,000 sets of fingerprints consular officers sent to the FBI for verification, about 29 percent were positive matches between the applicant and a criminal record in the Index. State officials we spoke with estimated that of those applicants who were positively identified by fingerprints, only about 10 percent were denied a visa based on the criminal history record information provided by the FBI. Moreover, fingerprinted applicants are charged an additional \$85 processing fee and, as of the spring of 2005, must wait an estimated 4 to 8 weeks for a response from Washington, D.C., before adjudication can proceed. According to FBI and State officials, the processing delays are due to inefficiencies in the way the fingerprints are sent to the FBI for processing (see fig. 4).

³³This requirement is also consistent with the National Crime Prevention and Privacy Compact Act of 1998 (42 U.S.C. 14611 et seq.) (or Compact Act), which organizes an electronic information-sharing system among the federal government and states to exchange criminal history records, such as those contained in the Index, for noncriminal justice purposes. The Compact Act requires that consular officers, as noncriminal justice personnel, first submit the visa applicant's fingerprints, or other approved form of identification, for positive identification before the record can be released.

Figure 4: Fingerprint Requirements for Access to Detailed Information in FBI Files and Proposed Changes



Sources: GAO; Nova Development and Map Resources (clip art).

To facilitate more efficient fingerprint processing, State and the FBI are implementing an electronic fingerprint system whereby consular officers will scan the applicants' fingerprints at post and submit them directly into the FBI's database if there is a potential match in CLASS. FBI and State officials told us that posts would be notified if the record in question matched the applicant within 24 hours. However, thousands of visa applicants could still face wait times and additional fingerprinting fees that they would otherwise not have incurred because consular officers do not have enough information at the time of the interview to determine if the records in CLASS match the applicants.

There are several options that the FBI and State have discussed to help ensure that consular officers can facilitate legitimate travel; however, each would require legislative changes and the agencies would need to weigh

the associated trade-offs inherent in each option. These options include the following:

- Consular officials told us that access to additional information in a criminal history file, such as the charge and disposition of a case, would allow their officers to determine which crimes are serious enough to require a positive fingerprint match prior to adjudication. However, FBI officials noted that there are some technical limitations on extracting specific pieces of data from the criminal history records in the Index.
- To avoid some of the technical limitations associated with the Index, FBI officials stated that it would be easier to provide the full criminal history records to consular officers for the purpose of visa adjudication. However, these officials told us that assurances would need to be in place to prevent misuse of the information, given its sensitive nature. Indeed, State and the FBI have already negotiated a Memorandum of Understanding aimed at protecting the information passed to CLASS. Consular officials indicated that their officers may need access only to the criminal charge and disposition of the case to adjudicate a visa case more efficiently.

Conclusions

The visa process presents a balance between facilitating legitimate travel and identifying those who entry into the United States might be harmful to U.S. national interests. Since our 2002 report, State, in coordination with other agencies, has made substantial improvements to the visa process to strengthen it as a tool to prevent terrorists and others who might pose a threat from entering our country. However, given the large responsibility placed on consular officers, particularly entry-level officers, it is critical that State continue to improve the tools, guidance, and training necessary for them to be effective. In particular, State's assignment system is not effectively meeting the staffing needs of its consular posts. A rigorous assessment of staffing priorities is needed for State to achieve its goal of having the right people in the right place with the right skills, especially at critical posts of national security concern. Additionally, while visa policies and procedures have been updated and enhanced, these changes must be more clearly communicated to all consular staff to ensure they are consistently and properly applied. Action is also needed at the interagency level to encourage interactions between consular sections, law enforcement officials, and other security officials at post to increase information sharing on terrorism issues relevant to the visa process.

Recommendations for Executive Action

We are making seven recommendations to further strengthen the visa process. These recommendations are being directed to the Secretary of State, who is generally responsible for visa operations, and to the Secretary of Homeland Security, who is generally responsible for visa policy.

To further clarify current visa policies and procedures, we recommend that

- the Secretary of State update the *Foreign Affairs Manual* on a regular basis to incorporate all changes in visa policies and procedures; and
- the Secretary of Homeland Security, in consultation with the Secretary of State, develop additional guidance on the relationship between DHS and State in the visa process, including the roles and responsibilities of DHS personnel overseas who assist consular sections and DHS's procedures at points of entry.

To ensure consular sections have the necessary tools to enhance national security and promote legitimate travel, we also recommend that the Secretary of State

- develop a comprehensive plan to address vulnerabilities in consular staffing worldwide, including an analysis of staffing requirements and shortages, foreign language proficiency requirements, and fraud prevention needs, among other things—the plan should systematically determine priority positions that must be filled worldwide based on the relative strategic importance of posts and positions and realistic assumptions of available staff resources;
- report to Congress, within 1 year of this report, on the implementation of this plan;
- ensure that consular chiefs update interview wait-time data on a weekly basis; and
- in consultation with law enforcement and intelligence agencies, further expand consular training in terrorist travel trends, post-specific counterterrorism techniques, and fraud prevention, either at the Foreign Service Institute or at overseas posts.

To ensure that consular officers have access to all relevant information on known or suspected terrorists, we recommend that the Secretary of State, in consultation with appropriate agencies,

- further encourage interactions between consular sections, law enforcement officials, and other security officials at post to increase information sharing with consular officers on terrorism issues relevant to the visa process, including regional or post-specific terrorism trends, either through the Visas Viper process, or other similar interagency mechanisms.

Matter for Congressional Consideration

As GAO has reported,³⁴ information is a crucial tool in fighting terrorism, and the timely dissemination of that information is critical to maintaining the security of our nation. Although State and the FBI have taken steps to increase the amount of information available to consular officers in the visa process, further information from criminal history files would help facilitate visa adjudication for legitimate travelers. Thus, Congress may wish to require that the Department of State and the Federal Bureau of Investigation develop and report on a plan that details

- the additional information from criminal history records that should be made available to visa adjudicators;
- how the FBI proposes to provide this additional information to State;
- the potential concerns associated with increased access to this information such as technology limitations and privacy concerns, and how the agencies propose to mitigate these concerns; and
- any legislative changes that may be necessary to facilitate the exchange of this information between the FBI and State.

Agency Comments and Our Evaluation

State, DHS, and the Department of Justice provided written comments on a draft of this report (see apps. II, III, and IV, respectively).

State noted that the report is a fair and balanced evaluation of the improvements made in the visa process since our 2002 report. State agreed with most of our conclusions, and indicated that it is taking action to

³⁴GAO-05-207.

implement the majority of our recommendations. For example, the department indicated that it is revising consular guidance located in the *Foreign Affairs Manual* and standard operating procedures, and is working with DHS to clarify guidance on the roles and responsibilities of various DHS personnel overseas. In addition, State agreed that additional training would be beneficial for consular officers, and stated that it intends to provide further guidance to overseas posts about the importance of interactions between consular officers and law enforcement and intelligence officials at post. With regard to the matter for congressional consideration, State agreed to work with the FBI to determine how additional information from the FBI might be shared with visa adjudicators.

State disagreed with our recommendation that it prepare a comprehensive plan to address vulnerabilities in consular staffing. State argued that it already had such a plan. Moreover, State claimed that it appreciates that priority positions must be filled worldwide based on the relative strategic importance of posts and positions. While State argued that every visa consular officer is serving a strategic function, the department identified one post, Embassy Baghdad, as a clear example of a priority post. Further, State acknowledged that it has fewer midlevel consular officers than it needs. We continue to believe it is incumbent on the department to conduct a worldwide analysis to identify high-priority posts and positions, such as supervisory consular positions in posts with high-risk applicant pools or those with high workloads and long wait times for applicant interviews. As we note in our report, at the time of our work, the midlevel visa chief positions in Riyadh and Jeddah, Saudi Arabia, and Cairo, Egypt, were not filled with permanent midlevel officers. This was a serious deficiency given that the visa sections were staffed with officers on their first tour. Although State noted that it anticipated addressing this shortage of midlevel consular officers before 2013, it did not indicate when that gap would be filled. Moreover, State's bidding and assignment process does not guarantee that the positions of highest priority will always be filled with qualified officers. Therefore, a further assessment is needed to ensure that State has the right people in the right posts with the necessary skill levels. State's comments are reprinted in appendix II, along with its summary of improvements to the visa process since September 11, 2001. In addition, State provided technical comments on a draft of this report, which we have incorporated, as appropriate.

DHS concurred that, in consultation with State, it needed to develop additional guidance on the relationship between DHS and State in the visa process, and agreed to provide that guidance to all overseas posts. DHS

also indicated that it would work to ensure that all posts understand the roles and responsibilities of DHS personnel conducting visa security functions, as well as DHS procedures at ports of entry.

The Department of Justice did not comment on the matter for congressional consideration in our report. The department provided additional information on other actions it is taking, in collaboration with State and DHS, to improve interagency information sharing. In particular, the department detailed U.S. government efforts to integrate various databases aimed at providing fast access to biometrically-verified criminal history record information for visa adjudication and immigration purposes, which it stated would increase the accuracy and reliability of criminal history record checks. The Department of Justice also provided technical comments on a draft of this report, which we have incorporated, as appropriate.

We are sending copies of this report to the Secretaries of State and Homeland Security, the Attorney General, and other interested Members of Congress. We will also make copies available to others upon request. In addition, this report will be available at no charge on the GAO Web site at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-4128 or fordj@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made major contributions to this report are listed in appendix V.

A handwritten signature in black ink, reading "Jess T. Ford". The signature is stylized, with a large, looping "J" and "F".

Jess T. Ford
Director, International Affairs and Trade

List of Committees

The Honorable Susan M. Collins
Chairman
The Honorable Joseph I. Lieberman
Ranking Minority Member
Committee on Homeland Security and
Governmental Affairs
United States Senate

The Honorable Tom Davis
Chairman
Committee on Government Reform
House of Representatives

The Honorable Christopher Shays
Chairman
Subcommittee on National Security,
Emerging Threats, and International Relations
Committee on Government Reform
House of Representatives

The Honorable Don Young
Acting Chairman
Committee on Homeland Security
House of Representatives

The Honorable F. James Sensenbrenner, Jr.
Chairman
Committee on the Judiciary
House of Representatives

The Honorable John N. Hostettler
Chairman
The Honorable Sheila Jackson Lee
Ranking Minority Member
Subcommittee on Immigration, Border Security, and Claims
Committee on the Judiciary
House of Representatives

Appendix I: Scope and Methodology

To review the changes to the visa process since 2002, we analyzed consular policies and procedures; resources that support consular functions; and the types of information on known or suspected terrorists that are used to screen visa applicants. For example, we reviewed the 1952 Immigration and Nationality Act,¹ as amended; the Homeland Security Act of 2002;² and other related legislation. In addition, we examined State's *Foreign Affairs Manual* and consular standard operating procedures, and analyzed consular workload and staffing data. We also attended several consular training courses, including those on analytical interviewing techniques, advanced name checking, and fraud prevention, conducted at State's George P. Shultz National Foreign Affairs Training Center. In Washington, D.C., we interviewed officials from State's Bureau of Consular Affairs and Human Resources. We also spoke with officials from the Department of Homeland Security's Border and Transportation Security Directorate, U.S. Citizenship and Immigration Services, and Immigration and Customs Enforcement, as well as officials from the Federal Bureau of Investigation in Washington, D.C., and West Virginia.

We visited U.S. consular posts in seven countries—Egypt, Indonesia, Malaysia, Morocco, Spain, Saudi Arabia, and the United Kingdom. During these visits, we observed visa operations and interviewed consular staff and embassy management about visa adjudication policies, procedures, and resources. In addition, we spoke with officials from other U.S. agencies that assist consular officers in the visa adjudication process.

We also administered 25 structured interviews between January and April 2005 regarding the impact of State's changes to policies and guidance, staffing, training, resources, and interagency coordination on the visa process. The interviews were conducted in-person and by telephone with visa chiefs and other consular affairs staff in overseas posts. We selected posts that were of interest to antiterrorism efforts or received a large number of third-country national applications from countries of interest to antiterrorism efforts: Abu Dhabi, Beirut, Brussels, Cairo, Casablanca, Damascus, Dubai, Frankfurt, Islamabad, Jakarta, Jeddah, Jerusalem, Kuala Lumpur, Lagos, London, Madrid, Mexico City, Muscat, Nairobi, Paris, Riyadh, Rome, Sana'a, Tunis, and Toronto. The responses to the structured interviews are not intended to be representative of all posts.

¹P.L. 82-414, 8 U.S.C. §1101 et seq.

²P.L. 107-296.

The structured interview contained open- and close-ended questions about staffing, policy guidance, screening procedures, training, workload, facilities, foreign language proficiency, fraud prevention, and the impact of changes to the visa process since September 11, 2001. We developed the interview questions based on our review of the documentation and data listed above. We also pretested the interview with four current and former visa chiefs to ensure that the questions were clear and could be answered. We modified the interview questions on the basis of the pretest results and an internal expert technical review. We provided the visa chiefs and other consular officials with the questions in advance to allow them time to gather any data necessary for the interview. We also conducted follow-up discussions with each of the posts for more detailed information about staffing.

To assess the reliability of State's human capital data on consular staffing and officers' foreign language proficiency, we queried human capital officials at State and examined the data electronically. We determined that the data were sufficiently reliable to report on consular staffing and language proficiency data from fiscal year 2002 through April 2005.

To determine the reliability of State's data on wait times for applicant interviews, we reviewed the department's procedures for capturing these data, interviewed the officials in Washington who monitor and use these data, and examined the data electronically. We analyzed interview wait times for applicants applying for visas for temporary business or tourism purposes, but not for other types of visas, including student visas. Specifically, we queried the database to show the (1) consular post, (2) date of last entry, and (3) reported wait time for all visa-issuing posts from October 2004 through March 2005. We performed independent checks of these data during our structured interviews with 25 consular posts, as well as our visits to 8 posts overseas. We found missing data throughout the 6-month period because posts were not reporting each week. Based on our analysis, we determined that the data were not sufficiently reliable to determine the exact magnitude of the problem because the exact number of posts with a 30-day or more wait could not be determined. Consular officials who manage consular sections overseas acknowledged that many posts are not reporting on a weekly basis. We conducted our work from August 2004 through August 2005, in accordance with generally accepted government auditing standards.

Appendix II: Comments from the Department of State



United States Department of State

Assistant Secretary and Chief Financial Officer

Washington, D.C. 20520

AUG 30 2005

Ms. Jacquelyn Williams-Bridgers
Managing Director
International Affairs and Trade
Government Accountability Office
441 G Street, N.W.
Washington, D.C. 20548-0001

Dear Ms. Williams-Bridgers:

We appreciate the opportunity to review your draft report, "BORDER SECURITY: Strengthened Visa Process Would Benefit from Improvements in Staffing and Information Sharing," GAO Job Code 320301.

The enclosed Department of State comments are provided for incorporation with this letter as an appendix to the final report.

If you have any questions concerning this response, please contact Diane Bean, Senior Advisor, Visa Office, Bureau of Consular Affairs, at (202) 647-6373.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Kaplan".

Sid Kaplan (Acting)

cc: GAO – Katie Hartsburg
CA – Maura Harty
State/OIG – Mark Duda

Department of State Comments on GAO Draft Report:

**BORDER SECURITY: Strengthened Visa Process Would Benefit from
Improvements in Staffing and Information Sharing
GAO-05-859, GAO Code 320301**

Thank you for the opportunity to respond to the report *Strengthened Visa Process Would Benefit from Improvements in Staffing and Information Sharing*. We appreciate the GAO's acknowledgment of the many initiatives the Department of State ("the Department") has undertaken to strengthen the visa process as an antiterrorism tool and the recognition that consular officers know that national security in the visa process is "Job 1."

The Department, working with the Department of Homeland Security (DHS), has made significant changes to the visa process and entry screening requirements since September 11, 2001, in an effort to "push out" our border security to the maximum extent possible while still facilitating legitimate travel. We have attached at Exhibit 1 a summary of some of our more significant improvements to the visa process since 9/11, which also include our ongoing participation in interagency efforts to implement the provisions of the USA PATRIOT Act, the Enhanced Border Security and Visa Entry Reform Act, the Homeland Security Act, and the National Security Entry Exit Registration System (NSEERS).

On the whole, although we do not agree with every observation and recommendation, we find the report is fair and balanced as an evaluation of the many improvements made in the visa process since your October 2002 report *Visa Process Should Be Strengthened as an Antiterrorism Tool*. We wish to provide the following comments and clarifications on the report's observations and on the recommendations made to the Secretary of State.

Recommendation 1: The Secretary of State should update the *Foreign Affairs Manual* on a regular basis to incorporate all changes in visa policies and procedures.

We concur in this recommendation but note that this is not a simple matter. Updating the FAM is like painting an aircraft carrier; one can never say the job is done. Guidance to the field has changed rapidly over the past four years. The Visa Office is making every effort to keep the FAM as up-to-date as possible, and has been engaged in a Department-wide effort to

update and modernize the FAM. The sections mentioned on page 10 of the report regarding consular duties and clearances at posts are a part of this effort and should be completed soon. Page 10 also mentions submission of visa applications to the FBI. Because we now share information electronically with the FBI, we no longer send hard copies of visa applications to them. The heading "Submission of Visa Applications to the FBI" is being deleted from the Table of Contents.

However, because guidance changes so rapidly and because we are developing so many new programs, it will never be possible to say that the FAM is completely up-to-date. We literally make changes every day. Additionally, it is sometimes necessary to issue guidance as cables and wait until a new program has stabilized before we include the material in the FAM. However, when possible, the Visa Office now includes updated FAM notes in all cables that deal with FAM-related material. We make every effort to post these in the FAM as quickly as possible after the cable is sent.

The normally short delays in incorporating the material into the FAM are caused by the need to format the material for submission to the Office of Directives Management, which publishes the FAM, by the time needed for the Office of Directives Management to review and post the material, and occasionally by a desire to obtain additional clearances.

We note that until guidance is posted in the FAM, SOPs and other ALDACs are all available on the CA Bureau's intranet site, which is accessible by all officers worldwide. We are currently overhauling the SOP list to make it more accessible, by categorizing SOPs by subject matter (e.g., NIVs, IVs, etc.) and, for SOPs that have been incorporated into the FAM, listing the relevant sections of the FAM that incorporate the material.

Recommendation 2: The Secretary of Homeland Security, in consultation with the Secretary of State, should develop additional guidance on the relationship between DHS and State in the visa process, including the roles and responsibilities of DHS personnel overseas who assist consular sections and DHS's procedures at points of entry.

We concur in this recommendation. We have been working closely with DHS to clarify the roles and responsibilities of their "legacy-INS" officers overseas. This process is complicated by the designation of overseas DHS officers as either ICE, CIS or CBP (Immigration and Customs Enforcement,

Citizenship and Immigrations Services, and Customs and Border Protection, the separate DHS branches) and the resulting shifts in their functions. As soon as we have clarified certain points, we will transmit cables drafted by CIS that will provide specific contact information for their field offices and describing their overseas responsibilities.

Recommendation 3: The Secretary of State should develop a comprehensive plan to address vulnerabilities in consular staffing worldwide.... The plan should systematically determine priority positions that must be filled worldwide based on the relative strategic importance of posts and positions and realistic assumptions of available staff resources.

We do not concur that the Department does not have a comprehensive worldwide consular staffing plan. The Department (CA and M/DGHR) periodically reviews consular staffing needs to ensure that workload needs are met around the world. Every two years, the Bureau of Human Resources (HR) updates the consular portion of the Overseas Staffing Model (OSM) to account for workload changes. For example, in 2004, work rates were increased by 19% to take into account changes in visa processing. HR coordinates the OSM with CA, which in turn annually reviews consular staffing requirements on a worldwide basis. It is important to note that the reviews are comprehensive and take into account not just visa processing requirements and fraud prevention, but also American citizen services needs such as adoptions, passport services, and emergency services, which must be met at all posts as a priority. Based on these reviews, the Department has established just over 400 new consular positions between FY-2002 and FY-2005.

The report frequently cites the shortage of mid-level Foreign Service officers, particularly at the FS-03 level, and the 2003 analysis that such mid-level gap would not be closed until approximately 2013. We are confident that the staffing gap at the FS-03 level will be closed long before 2013. Our increased level of hiring in fiscal years 2002-2004 is just beginning to pay dividends at the mid-level as evidenced by the 2005 Summer Session of the Commissioning and Tenure Board, which produced the largest tenure class ever with 152 generalists recommended for tenure. This brings the total of generalists recommended for tenure in 2005 to 237, including approximately 70 consular cone generalists. Once recommended for tenure, employees are eligible to compete for mid-level FS-03 jobs but would appear in personnel

data, such as that cited in this report, as entry-level personnel at the FS-04 level.

To further strengthen its staffing planning, CA in collaboration with HR will develop a plan for staffing consular posts which takes into account the increased number of Foreign Service officers at the mid-grade. The bureaus will also coordinate to ensure that sufficient numbers of consular officers are available at all grades to allow for a sufficient language training "float." CA will continue to use, and hopes to increase its use, of WAE (retired) consular officers to cover gaps and assist posts.

Finally, the Department appreciates that "priority positions must be filled worldwide based on the relative strategic importance of posts and positions." Baghdad is clearly such a post, for example, and it is treated as a priority. However, every visa-issuing post is "strategic" in that a visa, regardless of where issued, grants the holder permission to travel to the United States. Therefore, every visa application must and does receive the same scrutiny, regardless of at which post the application is presented, and every visa consular officer is serving a strategic function.

Recommendation 4: The Secretary of State should report to Congress within one year of this report on the implementation of the consular staffing plan.

As explained above, we believe a comprehensive worldwide staffing plan already exists and is being revised on an on-going basis. Of course, upon request, we would be pleased to report to Congress at any time on these efforts.

Recommendation 5: The Secretary of State should ensure that consular section chiefs update interview wait times data on a weekly basis.

We concur in this recommendation, and have already taken steps to implement it. On August 12, 2005, we sent a cable to all diplomatic and consular posts (STATE 152644) reminding them of the importance of keeping wait times current both in the Consular Consolidated Database (CCD) and on their post websites. In addition, we have reviewed the records in the CCDs and have contacted delinquent posts directly to instruct them to update their wait time information. We will continue to monitor this closely.

Recommendation 6: The Secretary of State should, in consultation with law enforcement and intelligence agencies, further expand consular training in terrorist travel trends, post-specific counterterrorism techniques, and fraud prevention, either at the Foreign Service Institute (FSI) or at overseas posts.

We concur in this recommendation and agree with GAO's conclusions regarding the importance of consular training in terrorist travel trends, post-specific counterterrorism techniques, and fraud prevention. As the report notes, FSI has taken steps to enhance such training, including several additions to, and lengthening of, the Basic Consular Course. The number of offerings of FSI's special course on Fraud Prevention for Managers has quadrupled this year. 139 consular personnel have completed this course thus far in FY-2005. The content of the course has also been revised to incorporate additional material on counter-terrorism and a briefing from the National Targeting Center. As noted in the GAO report, FSI is also developing distance-learning courses on fraud prevention; one of these will focus specifically on countering terrorist travel.

Because terrorist travel trends are inherently changeable and often post-specific, FSI believes that additional training should center on ways to access current intelligence data. The draft report refers to the classified intranet web site recently developed by the Bureau of Consular Affairs. In order to teach consular officers effectively to access relevant information from that web site and from other USG agency sources, FSI has developed a special training module on "SIPRnet for Consular Officers." This two and a half hour training session, presented by expert trainers from FSI's School of Applied Information Technology, features hands-on practice at a classified computer terminal. All new consular officers now receive this training as part of the Basic Consular Course. The module has also been incorporated into the course on Fraud Prevention for Managers and the Advanced Consular Course. To date, 335 consular officers have completed this training.

The draft report also cites the need for post-specific training. As the report notes, some posts have developed more extensive programs than have others. FSI offered guidance on how to implement on-the-job training during three recent Consular Leadership Development Conferences attended by consular officers from 70 posts in Latin America, Europe, Africa, and the Middle East. FSI is currently developing detailed guidance for consular sections worldwide on how to implement on-the-job training for consular

personnel, to include security-related material specific to each post on impeding terrorist travel.

The report cites the need for both greater amounts and more targeted language training for consular officers. FSI's language and consular training sections, along with personnel at posts, have developed consular-specific modules for most of the languages. We have also expanded upon the post language programs described in the report through additional programs at posts funded directly by FSI. However, for entry-level officers, the overall limitation on the amount of time they may be in training status before their initial assignments limits the Department's capacity to bring them to high levels of proficiency in the more difficult languages. In light of the security concerns raised in this report, the Department will give careful consideration to extending that time limitation for entry-level officers assigned to critical threat countries.

Recommendation 7: The Secretary of State, in consultation with appropriate agencies, should further encourage interactions between consular sections, law enforcement officials and other security officials at post to increase information-sharing with consular officers on terrorism issues relevant to the visa process, including regional or post-specific terrorism trends, either through the Visas Viper process or other similar interagency mechanisms.

We concur in this recommendation. The Department will send instructions to chiefs of missions reminding them of the importance of the visa function as an antiterrorism tool and instructing them to ensure that all members of their mission, regardless of agency, are responsible for keeping consular officers informed of terrorist trends or travel patterns affecting their host country.

Matter for Congressional Consideration:

Although this suggestion is not directed at the Department of State, we support it. The Department strongly agrees that complete information for consular officers is a crucial tool in fighting terrorism and that more complete information from NCIC criminal files would facilitate visa adjudications. The Department would be happy to work with the FBI to develop the plan proposed in this section and to report back to Congress as suggested.

Exhibit 1

**CHANGES TO THE VISA PROCESS SINCE
SEPTEMBER 11, 2001**

The Department of State, working with the Department of Homeland Security (DHS), has made significant changes to the visa process and entry screening requirements since September 11, 2001, to provide better security in light of the revised threat assessment to our national security. The steps outlined below are some of our more important efforts to improve the security of U.S. borders, which also include our ongoing participation in interagency efforts to implement the provisions of the USA PATRIOT Act, the Enhanced Border Security and Visa Entry Reform Act, the Homeland Security Act, and the National Security Entry Exit Registration System (NSEERS).

Improvements Made in Visa Processing

Application Processing

- Greatly increased the percentage of nonimmigrant applicants interviewed worldwide and set a written standard on interviews to achieve consistency around the world. On August 1, 2003, new regulations were implemented that limit waiver of personal appearance for nonimmigrant visa applicants to only a few categories of exceptions, such as diplomats, children, and the elderly. These regulations were codified in statute in December 2004.
- In coordination with the Departments of Justice and Homeland Security, added more interagency security checks for counter-terrorism purposes for certain groups of visa applicants from certain countries.
- Provided nonimmigrant and immigrant visa data access to DHS inspectors at ports of entry. The data includes detailed information on all visas issued, including photographs and fingerprints of nonimmigrant and immigrant visa applicants.
- The Consular Consolidated Database (CCD) had earlier been made available to consular officers worldwide in May 2001.
- Expanded intranet resources for consular adjudicators to assist them in reading and verifying entry/exit cachets in Arabic or Persian script. Deployed a classified CA web site.

- Concurred with the Department of Justice in the removal of Argentina (February 2002) and Uruguay (April 2003) from the Visa Waiver Program and imposition of limitations on Belgium's participation (May 2003).
- Currently working with DHS to finalize reviews of the Visa Waiver Program for 25 countries.
- In March 2003, centralized the flow of fiancée visa petitions from USCIS to the National Visa Center (NVC) in New Hampshire. NVC compiles certain FBI and special checks before sending the files to overseas posts.
- Developed Internet site that allows applicants to complete NIV application on-line. Resultant application form includes a 2-D bar code enabling quick scanning of data into the NIV system. Forms are available in English, Spanish, and a number of other languages.
- Implemented Presidential Proclamation number 7750, which suspends the entry into the United States of certain corrupt public officials and their dependents.
- In Spring 2004 we centralized the flow of approved nonimmigrant visa petitions from USCIS to overseas posts through the Kentucky Consular Center (KCC). In a second phase, petitions that posts identify as warranting return to CIS for revocation will go first to KCC for review and tracking.

Namechecks

- Since June 2002, have incorporated approximately 8.9 million records from the FBI's National Crime Information Center (NCIC) into our Consular Lookout and Support System (CLASS) namecheck database. This more than doubled the records on file. (This was authorized by the USA PATRIOT Act.)
- Entered over one million additional records into CLASS on open or unresolved removal or deportation cases. Cases were entered in January 2004 and provide more timely notice to consular officers in the field of pending removal and detention actions.
- Eliminated the periodic purge program for lookout records that fit a certain predefined profile. As of May 2005, the CLASS database contained over 19.5 million prime records, and an additional 8.6 million alias records. In addition, the system contains records on over 866,000 lost and/or stolen foreign passports.

- From September 2001 to May 2005 increased namecheck records from the intelligence community from 48,000 to 180,000 (through the National Counter Terrorism Center [NCTC], a clearinghouse for sensitive intelligence and watchlist entries in CLASS). The Terrorist Screening Center (TSC) feeds terrorist-related lookout information to the CLASS system.
- Started automated cross-checking of new derogatory information concerning terrorists or suspected terrorists (including TSC entries) against records of previously-issued visas in order to provisionally revoke existing valid visas in the hands of those who may be a threat. Since 9/11, we have revoked the visas of some 1,500 individuals suspected of having a connection to terrorism.
- In May 2003, implemented the Alternate Processing Center (APC) for the CLASS namecheck system. Located in the Kentucky Consular Center, several hundred miles from Washington, DC, the APC provides additional namecheck production resources and load sharing capability with the primary computer complex in the Washington area. APC also improves CLASS survivability.
- Effective November 2002, discontinued the use of a CD-ROM based back-up namecheck system. No visa is now issued without a CLASS check that provides real-time lookout information.
- Implemented the Hispanic algorithm in all Western Hemisphere posts and eighty percent of all posts worldwide.
- Joined with DOJ and others in establishing the Terrorist Threat Integration Center (TTIC), now known as the National Counterterrorism Center (NCTC), and the Terrorist Screening Center (TSC). Both entities are engaged in integrating government watchlists, including TIPOFF, and TSC checks visa applicants against the terrorist database.
- Upgraded the central namecheck processing facility to increase computer power and provide system scalability
- Established a communication link with the FBI's Criminal Justice Information Division to ensure that the NCIC entries are received into CLASS in a timely manner. Since February 1, 2005, we get updates and new records daily.
- Have improved the capacity of CLASS to handle additional information such as Interpol and deportation lookout information, the Hispanic algorithm, and lost and stolen passport data.

- Reduced significantly the response time to every category of Security Advisory Opinion (SAO) clearing out long-overdue cases and making SAO response wait times more reasonable and predictable.

Enhanced Data Collection

- Completed worldwide deployment of biometric NIV software in October 2004. Applicants for whom fingerprints are collected are checked against the DHS database before a visa is issued.
- Included 25 additional data elements in the automated nonimmigrant visa processing system beginning in September 2002. These fields are viewable worldwide through the Consular Consolidated Database. This data includes U.S. contact information.
- Effective October 26, 2004, implemented facial recognition screening of all visa applicants not subject to the biometric fingerprinting requirement.
- Deployed on-line electronic registration for the Diversity visa program. Registration for the DV-2005 "lottery" was successfully conducted exclusively through a dedicated web site. This enables us to better identify duplicate entries, including, through extensive use of facial recognition technology, those submitted under fraudulent identities.
- Created two new forms for nonimmigrant visa applicants: the DS-157 (November 2001), required of all men aged 16 to 45 from every country in the world; and the DS-158 (July 2002), required of all applicants for student visas. The DS-157 is used to identify applicants who require a security advisory opinion from Washington agencies.
- In the spring of 2002, provided all posts with software and scanners to allow scanning of supporting evidence in serious refusals. This evidence is thus available in its electronic format to all consular operations and DHS border inspection offices. This is part of the effort to replace paper files with image-storage and retrieval and to improve the access to information by consular officers making adjudication decisions.
- In April 2002, began requiring photo-capture for refused nonimmigrant visa applicants.
- Revised the Immigrant Visa system to capture and store a digitized photograph of the applicants as well as two fingerprints. The fingerprints are checked against the DHS fingerprint database (IDENT). The new Immigrant Visa is now printed on the Lincoln visa foil, and affixed in the

applicant's passport. This system has been deployed to all immigrant visa processing posts worldwide.

- Revised photo standards for visa applicants to improve the quality of data for facial recognition and other purposes.
- Included several additional data elements in the automated immigrant visa processing system to support datasharing with the Social Security Administration.

Expanded Information Sharing

- Created a new staff office, VO/I, in the Visa Office in August 2002 to coordinate information management and liaison activities. We expect this office to continue to grow and to play a key role in interagency discussions.
- The Border Biometric Program office in the Visa Office has been reorganized as the Office of Border and International Programs to allow for expanded efforts at information sharing and coordination with like-minded nations and multilateral organizations.
- Developed and implemented the Security Advisory Opinion Improvement Project (SAO-IP), a re-engineering of the interagency visa clearance process to allow quicker processing and greater accountability. Improved software was piloted overseas in November 2003 and deployed worldwide in the spring of 2004. Deployment to other USG agencies began in December 2003. A number of upgrades are planned for implementation in 2005 including the elimination of cables to rely fully on electronic transmission of data.
- In the fall of 2001, began storing serious refusal files for posts at risk (or with space problems) at the Kentucky Consular Center (KCC). KCC has begun scanning old files, making these files available to all CCD users. This process will be expanded to include serious refusal files from all posts worldwide, thereby making them available to all posts worldwide and to domestic offices.
- Implemented technology support in the visa lookout system to support DHS's National Security Entry Exit Registration System (NSEERS).
- Successfully launched the Interim Student and Exchange Authentication System (ISEAS) (September 2002), which provided electronic verification of the acceptance of foreign students and exchange visitors who apply to enter the United States on student ("F," "M") and

exchange visitor (“J”) visas. ISEAS was created to satisfy the mandates of Section 501(c) of the Enhanced Border Security and Visa Entry Reform Act of 2002 and remained active until February 2003 when DHS’s Student and Exchange Visitor Information System (SEVIS) was implemented.

- Worked with DHS on the implementation of the SEVIS student tracking system. All student visas are now verified and registered in SEVIS. Over 1.4 million records from SEVIS have been downloaded to CA’s Consular Consolidated Database where the information is available for the electronic verification, adjudication, and reporting of student and exchange visitor visas.
- Make consular data available via the interagency OSIS (Open Sources Information System) network. Work with agencies concerned with Border Security (DHS, FBI, etc.) to develop an MOU that will allow this access. Signed an MOU on datasharing, with the FBI on July 15, 2004.

Internal Controls

- Removed direct Foreign Service National access to detailed namecheck information in consular automated systems.
- Reviewed the visa referral system and reminded post/consular managers of the controls needed. The referral form was revised and its use was made mandatory worldwide. The form now requires written certification by the referring officer that the visa applicant is personally known to the referring officer and does not pose a threat to the United States.
- Implemented recommendations resulting from the OIG review of the referral system to strengthen accountability.
- In July 2002, installed new management tools to monitor user accounts on consular automated systems.
- Mandated a special worldwide review of management controls in September 2002 and again in August 2003. This has now been made a required annual report from all consular sections.
- Implemented a system of Consular Management Assistance Teams (CMAT) to visit posts to review management controls and procedures. The first such visits were made in February 2003. As of January 1, 2005, CA has conducted sixty-one CMAT visits.

- Began the process of formalizing and disseminating Standard Operating Procedures for visa processing.
- In January 2004 began implementing a new software utility to further improve the security and integrity of password assignment in consular systems.
- Re-issued comprehensive instructions for accountability of controlled items, including strengthened procedures.
- Provided a checklist to guide posts in prevention and reporting of malfeasance.
- Provided a checklist to guide front office oversight of consular operations, including supervisory officer review of visa issuances and refusals.
- Instituted a reporting requirement for posts to report instances of disciplinary action and/or termination of locally hired consular employees for malfeasance or misconduct.
- Announced to the field establishment of an ombudsman for issues relating to instances of real or perceived undue pressure on the visa process.
- Announced to the field that checks of the IDENT and Facial Recognition systems are covered by Visa Lookout Accountability procedures.

Fraud Prevention Efforts

- In March 2002, pilot tested the new, tamper-resistant Lincoln nonimmigrant visa foil with worldwide deployment completed in September 2003.
- Developed a more secure way of canceling machine-readable visas to deter malefactors from “washing” the cancellation stamp from the visa. The system was made available to posts in March of 2003.
- In April 2003, established a Vulnerability Assessment Unit (VAU) staffed by personnel from Consular Affairs and Diplomatic Security. VAU personnel employ data-mining and other techniques to identify baseline trends and patterns and detect variations that could indicate possible malfeasance. The unit analyzes data anomalies and makes recommendations for action. The unit also participates in State Department training efforts to ensure consular employees are well informed about issues related to malfeasance.

- In August 2003, established a fraud prevention unit at the National Visa Center (NVC) in Portsmouth, New Hampshire. The unit focuses on data validation/fraud screening using automated search tools. In September 2004 established a fraud prevention unit at KCC to work with DV and petition-based NIV cases.
- Created an e-form for easy reporting of lost/stolen/missing visaed passports, with automatic forwarding to DHS.
- Continue to update our database of foreign lost and stolen passports. We currently have over 680,000 entries of blank and individually-issued lost and stolen passports in the database.
- Review facial recognition results from initial test deployment at visa posts. In October 2004, further deployed facial recognition technology to screen certain visa cases.

Training

- In March 2002, initiated an Advanced Namechecking Techniques course at the Foreign Service Institute. Hundreds of consular officers have now received this training.
- In May 2004 established an Advanced Namechecking course targeting Passport Adjudicators.
- Lengthened the Basic Consular Course, also known as ConGen, from 26 to 31 days. This change is the result of the added emphasis that we are giving to visa security, counter-terrorism awareness and interviewing techniques. Among the new modules is a two-day interviewing “mini-course” that focuses students on ways to identify lying/deception by applicants. The new curriculum also includes a half-day program on counter-terrorism at the CIA Headquarters in Langley. The new, longer ConGen training schedule began October 17, 2003.
- Increased training for Ambassadors, Deputy Chiefs of Mission and Principal Officers on their supervisory role in the visa function.
- Provided written guidance to chiefs of mission and their deputies to assist them in their oversight of consular sections.
- Increased training for consular officers in the Visas Mantis SAO program that seeks to prevent the illegal transfer of sensitive technology. Training takes place in Washington, at posts, and through a regular series of videoconferences with a variety of posts.

Security Improvements

- Eliminated crew-list visas and required that seamen obtain individual visas as of June 16, 2004. (Crew list visas do not allow for the same verification of identity and bona fides as do individual applications.)
- In February 2003, eliminated the waiver of visas for permanent residents of Canada and Bermuda.
- In March 2002, amended regulations to close a loophole and limit the ability of persons with expired visas to reenter the U.S. from contiguous territory (i.e. Mexico, Canada, the Caribbean). The change removed from the automatic revalidation provision those persons who apply for a new visa and are refused in Canada or Mexico and all nationals of countries designated as state sponsors of terrorism regardless of whether or not they apply for a visa.
- Supported implementation of the Aviation and Transportation Security Bill.
- Started discussions with Mexico and Canada about greater cooperation on immigration, security, and visa issues.
- Dedicated a full-time Visa Office representative to US-VISIT (United States Visitor and Immigrant Status Indicator Technology program). Phase one deployed in January 2004 allows DHS officers at primary inspection lanes at 115 airports and 14 seaports to scan visas and view on computer screens the visa data transmitted from the Consular Consolidated Database, which should practically eliminate counterfeit and photo-substituted visas. US-VISIT and the Biometric Visa Program are fully compatible and coordinated, adding strength to our border security through biometric enrollment.

FUTURE IMPROVEMENTS TO THE VISA PROCESS AND TIMETABLES

The Department continues to implement requirements set forth in the USA PATRIOT Act, the Enhanced Border Security and Visa Entry Reform Act, and the Homeland Security Act. Major initiatives not outlined above that are currently planned include:

Application Processing

- Continue investigation of “rules based process” as a tool for visa screening.
- Revamp the visa processing sections of the Foreign Affairs Manuals, including a complete reexamination of all existing guidance to overseas posts. Existing standard operating procedures are being redrafted and reissued, and new standard operating procedures SOPs are being developed.
- Developing fully automated NIV application that will consolidate all three NIV application forms and provide for more efficient data collection and analysis.

Namechecks

- Explore opportunities to improve performance on namechecking of Asian names.
- Continue to support Department of State entities at the National Counter Terrorism Center (NCTC) and the Terrorist Screening Center (TSC).
- Continue to pursue with the FBI additional data pertaining to NCIC lookouts to reduce “false positive” hits.

Enhanced Data Collection

- The Department will continue to work with countries that are eligible for the Visa Waiver Program (VWP) and with ICAO to meet the requirement that those countries have programs to incorporate biometric identifiers in their passports, as required by the Border Security Act.

Expanded Information Sharing

- Continue to expand datashare opportunities with federal agencies, maximizing the value of consular data to the USG while developing procedures to ensure proper use of this information.
- Continue working on a number of programs with Canada and Mexico as part of our U.S.-Canada Smart Border Action Plan (30 point plan) and U.S.-Mexico Border Partnership (22 point plan).

Internal Controls

- Restrict further the access of Foreign Service National employees to namecheck information.
- Provide additional guidance to the field on supervisory officer review of visa issuances and refusals.
- Maintain a robust schedule of visits by consular management assistance teams to posts to review management controls and procedures.

Fraud Prevention Programs

- Expand the efforts of the newly created Fraud Trends Analysis Unit to employ data mining tools to identify trends in fraud around the world.

Appendix III: Comments from the Department of Homeland Security

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

August 30, 2005

Mr. Jess T. Ford
Director, International Affairs and Trade
Government Accountability Office
441 G Street, N. W.
Washington, D. C. 20548

Dear Mr. Ford:

RE: GAO 05-859, Border Security: Strengthened Visa Process Would Benefit From Improvements in Staffing and Information Sharing (GAO Job Code 320301). Thank you for the opportunity to review and comment on the draft report. We commend GAO's efforts to highlight the importance of the visa process as a critical element of homeland security.

The Department of Homeland Security is committed to ensuring that a secure visa process serves as the United States' first line of defense. DHS is engaging and partnering with the Department of State in numerous ways to achieve this goal. As your report indicates, much has been accomplished, yet additional work remains.

We fully endorse GAO's assessment that the visa process must have both an infrastructure that supports information sharing, and a staffing model that puts "the right people in the right place with the right skills." DHS has an important role to play in both of these areas.

DHS supports the goal of information integration and is making substantial progress through such initiatives as US-VISIT, expanded sharing of law enforcement data, and other efforts. We will continue to work with State and other partners to ensure that the full information resources of the U.S. government are brought to bear on the visa process.

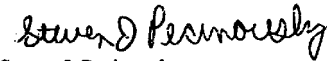
Through our expanding deployment of Visa Security Officers, we are also addressing the critical human resource needs identified in this report: the need for law enforcement expertise and guidance at high risk locations, and the need for closer coordination between consular and law enforcement officials at post. With State's assistance, we are working to expand the deployment of these officers so that additional posts can benefit from the operational partnership highlighted in Saudi Arabia. Considering the many demands placed upon consular officers, we strongly believe that the assignment of dedicated DHS officers who are members of a law enforcement profession and have

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experience in the broad range of DHS border security functions can mitigate fundamental resource gaps.

Finally, we concur with GAO's recommendation that the Secretary of Homeland Security, in consultation with the Secretary of State, should develop additional guidance on the relationship between DHS and State in the visa process. We will provide this additional guidance and ensure that all posts understand the roles and responsibilities of DHS personnel conducting visa security functions, and DHS' procedures at ports of entry.

Sincerely,



Steven J. Pecinovsky
Director
Departmental GAO/OIG Liaison Office

Appendix IV: Comments from the Department of Justice



U.S. Department of Justice

AUG 31 2005

Washington, D.C. 20530

Mr. Jess T. Ford
Director, International Affairs and Trade
United States Government and Accountability Office
Washington, D.C. 20548

Re: GAO REPORT 05-859

Dear Mr. Ford:

Thank you for the opportunity to review the Government Accountability Office (GAO) draft report entitled "BORDER SECURITY: Strengthened Visa Process Would Benefit from Improvements in Staffing and Information Sharing." The draft report has been reviewed by various components of the Department of Justice (DOJ), including the Federal Bureau of Investigation's (FBI's) Criminal Justice Information Services (CJIS) Division. This letter constitutes the formal DOJ comments to the GAO draft report and it is requested that it be included in the GAO final report.

The GAO report pertains to the United States (U.S.) Department of State (DOS) procedures and processes for adjudicating applications for nonimmigrant visas. The report discusses the process by which information from fingerprint-based criminal history records and other non-fingerprint-based information maintained by the FBI is provided to DOS in the form of extracts for use in DOS's name check database, Consular Lookout and Support System (CLASS), in processing visa applications. The extract process was developed pursuant to authority established under section 403(a) of the Uniting and Strengthening America by Providing Appropriate Tools to Intercept and Obstruct Terrorism (USA PATRIOT) Act. The draft report notes certain information sharing limitations that are inherent in the extract process. The report, however, fails to mention the parallel effort required and underway pursuant to section 403(c) of the USA PATRIOT Act to adopt a biometric technology standard and establish a fully integrated system for sharing law enforcement and intelligence information in connection with visa processing. As discussed below, the fingerprint-based, interoperable information sharing system being developed by DOJ, DOS, and the Department of Homeland Security (DHS), will provide a more accurate, efficient, and cost-effective means of sharing criminal history record information used in visa adjudication decisions, replacing the temporary, name-based checks that use the extracts provided for under section 403(a).

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Section 403 of the USA PATRIOT Act authorized DOS and the former Immigration and Naturalization Service (INS) to access certain identifying and biographical information from the criminal history record file and the National Crime Information Center (NCIC) file maintained by the CJIS Division for nonimmigrant visa applicants and applicants for admission to the U.S. The U.S. Attorney General and the FBI Director were authorized, pursuant to the section of the Immigration and Nationality Act amended by section 403(a), 8 U.S.C. 1105(b)(1), to provide access to biographical information from mutually agreed upon files contained in the NCIC and certain biographical information contained in the Interstate Identification Index (III) System for determining whether or not a nonimmigrant visa applicant or an applicant for admission to the U.S. has a criminal history record indexed in any such file. Name checks are conducted against these extracts to determine whether the applicant has a record and, under 8 U.S.C. 1105(b)(4), the DOS must submit fingerprints positively identifying the applicant to obtain the full criminal history record from the FBI.

Beginning in May 2002 and continuing to the present, the CJIS Division has provided over 9,000,000¹ data extracts from the NCIC and the III System to the DOS for placement in the CLASS. Beginning in August 2004, the III System data extract has been provided on a weekly basis to DOS via an electronic file transfer process and beginning in February 2005, the NCIC data extract has been provided to DOS daily through the same electronic file transfer.

At the same time, section 403(c)(1) of the USA PATRIOT Act required the Attorney General and the Secretary of State jointly, through the National Institute of Standards and Technology, and in consultation with other Federal law enforcement and intelligence agencies (including relevant agencies now in DHS) to develop and certify a technology standard that can be used to verify the identity of persons applying for a United States visa or such persons seeking to enter the United States pursuant to a visa for the purposes of conducting background checks, confirming identity, and ensuring that a person has not received a visa under a different name. Section 403(c)(2) requires that the technology standard so developed be the technological basis for a "cross-agency, cross-platform electronic system that is a cost-effective, efficient, fully integrated means to share law enforcement and intelligence information necessary to confirm the identity of such persons applying for a United States visa or such person seeking to enter the United States pursuant to a visa."

The GAO report focuses on the name-check process using extracts under section 403(a) that was only intended to be an interim solution while the biometric interoperability required under section 403(c) is being developed and implemented. A fingerprint-based check for visa applicants is both feasible and the most effective and accurate way to determine whether a relevant criminal history record exists on an applicant. Name-checks are not reliable and present

¹As of August 9, 2005, the total numbers for the data extracts provided by the CJIS Division are as follows:

III data extracts:	7,972,407
NCIC data extracts:	1,033,725 (including records from the Wanted Persons, Deported Felons, and Violent Gang and Terrorist Organization Files)

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problems of both security gaps from false negatives and unfairness to applicants from false positives. Collecting applicants' fingerprints will also enable a search against latent prints, including latent prints collected from scenes of terrorist activity. The limited accuracy of name checks and the need to move toward positive identification in the background check process for visa applicants is acknowledged in section 403(c)'s requirement to establish and adopt a biometric technology standard and a fully integrated system.

The same policy concern of ensuring the accuracy of checks of criminal history records underlies the requirement of fingerprints or other approved forms of positive identification in the National Crime Prevention and Privacy Compact Act of 1998 (42 U.S.C. 14611), or Compact Act. The Compact Act requires fingerprints for all criminal history record checks using the III System for noncriminal justice purposes, which are defined to include immigration and naturalization matters. On June 22, 2005, the National Crime Prevention and Privacy Compact Council (Compact Council) published a rule in the Federal Register that allows noncriminal justice agencies to submit 10-flat fingerprints to satisfy the "positive identification" component of the Compact Act. The option for noncriminal justice agencies to submit 10-flat or slaps to the FBI will provide a quicker, easier method for noncriminal justice agencies to submit fingerprints. DOS is currently conducting a pilot using 10-flat submissions from select consulates and embassies in Mexico and Europe.

Finally, it is important to note that, pursuant to section 403(c), DOJ, DHS, and DOS are moving forward in developing an approach to achieve interoperability among their various databases. This includes the DHS and DOS transition from a two-print to a ten-print based environment for its criminal and noncriminal justice activities. In addition the DOJ/FBI, DHS/US-VISIT, and DOS/Consular Affairs have formally chartered an Integrated Project Team (IPT) to establish a fingerprint-based interoperable system. Information regarding the IPT's accomplishments and progress has been presented to Congressional staff. When full interagency interoperability is achieved, both DOS and DHS will have fast access to biometrically verified criminal history record information for visa adjudication and immigration purposes, increasing the accuracy and reliability of the checks of criminal history records in support of these decisions. The implementation of this approach will help eliminate much of the need for extracts and name-based checks – thus increasing the accuracy of the process and bolstering national security.

Thank you for the opportunity to comment on your report.

Sincerely yours,



Paul R. Corts
Assistant Attorney General
for Administration

Appendix V: GAO Contact and Staff Acknowledgments

GAO Contact

Jess T. Ford, (202) 512-4128 or fordj@gao.gov.

Staff Acknowledgments

In addition to the contact named above, John Brummet, Assistant Director, and Joseph Carney, Daniel Chen, Etana Finkler, Kathryn Hartsburg, Amanda Miller, John F. Miller, and Mary Moutsos made key contributions to this report.

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