Entry of the 9/11 Hijackers into the United States

Staff Statement No. 1

Members of the Commission, we have developed initial findings on how the individuals who carried out the 9/11 attacks entered the United States. We have also developed initial findings on terrorists who failed in their efforts to enter the United States. These findings lead us to some tentative judgments on the way the United States targets the travel of international terrorists.

This staff statement represents the collective effort of several members of our staff. Susan Ginsburg, Thomas Eldridge, and Janice Kephart-Roberts did most of the investigative work reflected in this statement.

The Commission was able to build upon a large and strong body of work carried out by many talented public servants at the Department of State, the Central Intelligence Agency, the former Immigration and Naturalization Service, the Department of Homeland Security, and the Federal Bureau of Investigation. The American people should be proud of the many extraordinary professionals now serving them. To the extent we have criticisms, they are comments less on the talent available and more on how that talent was used.

As we know from the sizable illegal traffic across our land borders, a terrorist could attempt to bypass legal procedures and enter the United States surreptitiously. None of the 9/11 attackers entered or tried to enter our country this way. So today we will focus on the hijackers' exploitation of legal entry systems. We have handed out a list of the names of 9/11 attackers to help you follow our discussion.

To break down some of al Qaeda's travel problem, view it from their perspective. For most international travel, a terrorist has to have a passport. To visit some countries, terrorists of certain nationalities must obtain a document permitting them to visit—a visa. Finally the terrorist must actually enter the country and keep from getting detained or deported by immigration or other law enforcement officials. Susan Ginsburg, Senior Counsel to the Commission, will begin by examining how the hijackers navigated these stages.

Passports

Four of the hijackers' passports have survived in whole or in part. Two were recovered from the crash site of United Airlines Flight 93 in Pennsylvania. One belonged to a hijacker on American Airlines Flight 11. A passerby picked it up and gave it to an NYPD detective shortly before the World Trade Center towers collapsed. A fourth

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passport was recovered from luggage that did not make it from a Portland flight to Boston onto the connecting flight, which was American Airlines Flight 11. In addition to these four, some digital copies of the hijackers' passports were recovered in post-9/11 operations.

Two of the passports that have survived, those of *Satam al Suqami* and *Abdul Aziz al Omari*, were clearly doctored. To avoid getting into the classified details, we will just state that these were "manipulated in a fraudulent manner," in ways that have been associated with al Qaeda. Since the passports of 15 of the hijackers did not survive, we cannot make firm factual statements about their documents. But from what we know about al Qaeda passport practices and other information, we believe it is possible that six more of the hijackers presented passports that had some of these same clues to their association with al Qaeda.

Other kinds of passport markings can be highly suspicious. To avoid getting into the classified details, we will just call these "suspicious indicators." Two of the hijackers, *Khalid al Mihdhar* and *Salem al Hazmi*, presented passports that had such suspicious indicators. We know now that each of these two hijackers possessed at least two passports. All of their known passports had these suspicious indicators. We have evidence that three other hijackers, *Nawaf al Hazmi*, *Ahmed al Nami*, and *Ahmad al Haznawi* may have presented passports containing these suspicious indicators. But their passports did not survive the attacks, so we cannot be sure.

Fifteen of the 19 hijackers were Saudi nationals. There were significant security weaknesses in the Saudi government's issuance of Saudi passports in the period when the visas to the hijackers were issued. Two of the Saudi 9/11 hijackers may have obtained their passports legitimately or illegitimately with the help of a family member who worked in the passport office.

We do not yet know the answer to the question whether the knowledge of these particular clues existed in the intelligence community before 9/11. From the mid-1970s, when terrorists began to launch attacks in the Middle East and Europe, intelligence and border authorities knew that terrorists used forged or altered travel documents. By the 1980s the U.S. government had developed a "Red Book" used to guide and train consular, immigration, and customs officers throughout the world on spotting terrorists. It included photographs of altered or stolen passports, and false travel stamps (also known as cachets) used by terrorists. The importance of training border officials on use of the Red Book is evident from a U.S. government film entitled "The Threat is Real." Here is a brief excerpt.

The U.S. government ceased publication of the "Red Book" by 1992, in part because it had fallen into the hands of terrorist groups, although there continued to be a number of government efforts to provide information about generic forgery detection and document inspection techniques.

Before 9/11, the FBI and CIA did know of some of the practices employed by al Qaeda. They knew this from training manuals recovered in the mid-1990s and from tracking and interrogations of al Qaeda operatives. Some of this knowledge was revealed in individual criminal cases prosecuted in the United States in the 1990s. And yet, between 1992 and September 11, 2001, we have not found any signs that intelligence, law enforcement, or border inspection services sought to acquire, develop, or disseminate systematic information about al Qaeda's or other terrorist groups' travel and passport practices. Thus, such information was not available to consular, immigration, or customs officials who examined the hijackers' passports before 9/11.

Visas

The State Department is principally responsible for administering U.S. immigration laws outside of the United States. Consular officers, a branch of our diplomatic corps, issue several kinds of visas for visitors and for permanent immigrants. In 2000, these diplomats processed about 10 million applications for visitors' visas at over 200 posts overseas. U.S. law allows nationals of certain countries to enter without visas on a reciprocal basis, under the visa waiver program. None of the 9/11 hijackers, however, were nationals of a visa waiver country.

Before 9/11, visa applicants provided their passport and a photograph. A State Department employee checked the passport for any apparent questionable features. A consular officer could call the applicant in for an interview. The applicant's essential information went into a State Department database. The information was then checked against a large "consular lookout" database called CLASS, which included a substantial watchlist of known and suspected terrorists, called TIPOFF.

Our immigration system before 9/11 focused primarily on keeping individuals intending to immigrate from improperly entering the United States. In the visa process, the most common form of fraud is to get a visa to visit the United States as a tourist and then stay to work and perhaps become a resident. Consular officers concentrated on interviewing visa applicants whom they suspected might leave and not return.

Saudi citizens rarely overstayed their visas or tried to work illegally in the United States. The same was true for citizens of the United Arab Emirates. So, while consular officials in both countries always screened applicants in CLASS, including TIPOFF, they would not interview them unless there was something about the applications that seemed problematic.

Visa applicants from these countries frequently had their applications submitted by third party facilitators, like travel agencies. In June 2001, the U.S. consular posts in Saudi Arabia instituted a third party processing program called Visa Express. It required applicants to apply through designated travel agencies instead of by mail or in person. The program was established in part to try to keep crowds of people from congregating outside the posts, which was a security risk to the posts and to the crowds themselves. We have found no evidence that the Visa Express program had any effect on the

interview or approval rates for Saudi applicants, or that it reduced the scrutiny given to their applications. It actually lengthened the processing time.

With the exception of our consulates in Mexico, biometric information—like a fingerprint—was not routinely collected from visa applicants before 9/11. Terrorists therefore easily could exploit opportunities for fraud. *Khalid Sheikh Mohamed*, the chief tactical planner and coordinator of the 9/11 attacks, was indicted in 1996 by Federal authorities in the Southern District of New York for his role in earlier terrorist plots. Yet, KSM, as he is known, obtained a visa to visit the United States on July 23, 2001, about six weeks before the 9/11 attacks. Although he is not a Saudi citizen and we do not believe he was in Saudi Arabia at the time, he applied for a visa using a Saudi passport and an alias, *Abdulrahman al Ghamdi*. He had someone else submit his application and a photo through the Visa Express program. There is no evidence that he ever used this visa to enter the United States.

Beginning in 1997, the 19 hijackers submitted 24 applications and received 23 visas. The pilots acquired most of theirs in the year 2000. The other hijackers, with two exceptions, obtained theirs between the fall of 2000 and June 2001. Two of the visas were issued in Berlin, and two were issued in the United Arab Emirates. The rest were issued in Saudi Arabia. One of the pilots, *Hani Hanjour*, had an application denied in September 2000 for lack of adequate documentation. He then produced more evidence in support of his student visa application, and it was approved. Except for *Hanjour*, all the hijackers sought tourist visas.

Of these 24 visa applications, four were destroyed routinely along with other documents before their significance was known.

To our knowledge, State consular officers followed their standard operating procedures in every case. They performed a name check using their lookout database, including the TIPOFF watchlist. At the time these people applied for visas, none of them—or at least none of the identities given in their passports—were in the database. We will say more about this in another staff statement later today.

All 20 of these applications were incomplete in some way, with a data field left blank or not answered fully. Such omissions were common. The consular officials focused on getting the biographical data needed for name checks. They generally did not think the omitted items were material to a decision about whether to issue the visa.

Three of the 19 hijackers submitted applications that contained false statements that could have been proven to be false at the time they applied. The applications of *Hani Hanjour*, *Saeed al Ghamdi*, and *Khalid al Mihdhar* stated that they had not previously applied for a U.S. visa when, in fact, they had. In *Hanjour*'s case the false statement was made in an earlier application for a visit, in 1997, not his final visa application in 2000. *Hanjour* and *Mihdhar* also made false statements about whether they had previously traveled to the United States. Information about these prior applications was retrievable at the Jeddah post where each applied.

These false statements may have been intentional, to cover up the applicants' travel on old passports to suspect locations like Afghanistan for terrorist training. On the other hand, these statements may have been inadvertent. During this period, Saudi citizens often had their applications filled out and submitted by third parties. Most importantly, evidence of the prior visas or travel to the United States actually would have reduced concern that the applicants were intending to immigrate, so consular officers had no good reason to deny the visas or travel.

Al Mihdhar's case was uniquely problematical. He had not been entered into the TIPOFF watchlist at the time of his second visa application in June 2001. In January 2000 the American consulate in Jeddah had been asked about *Mihdhar's* visa status in conjunction with an ongoing urgent terrorist intelligence investigation and confirmed that this al Qaeda operative had a U.S. visa. When *Mihdhar* applied again in June 2001, the check against the worldwide TIPOFF watchlist took place, but no system then in place included a notation of the prior visa status check. Neither the investigating agency nor the post had made the appropriate lookout entry. Thus, in effect, the post could not 'remember' relevant suspicions a year-and-a-half earlier about this same person, who was traveling again with the same biographical information.

At least two of the hijackers were actually interviewed in person in connection with their visa applications. *Hanjour* was interviewed twice. *Satam al Suqami* was apparently interviewed in Riyadh. Another hijacker, *Ahmed al Nami*, was apparently interviewed briefly, but just to clarify an entry on his application. The three consular officers involved have some memory of these interviews. All stated that the reason for their interviews had nothing to do with terrorism. They saw nothing suspicious.

At least four individuals implicated in the 9/11 plot tried to get visas and failed: *Ramzi Binalshibh*, *Zakariya Essabar*, *Ali Abdul Aziz Ali*, and *Saeed al Gamdi*. This *Saeed al Gamdi* is a different person from the *Saeed al Ghamdi* who actually became a hijacker.

Ramzi Binalshibh, a Yemeni, apparently intended to train as a pilot along with his Hamburg friends, *Mohamed Atta*, *Marwan al Shehhi*, and *Ziad Jarrah*. *Binalshibh* applied for a visa three times in Berlin and once in Yemen. He first applied in Berlin on the same day as Atta. He was interviewed twice and denied twice. Yemen is a much poorer country than Saudi Arabia. Both times, consular officers determined he did not have strong ties to Germany and he might be intending to immigrate unlawfully to the United States. *Binalshibh* tried again in Berlin, this time for a student visa to attend aviation school in Florida. He was denied again for lack of adequate documentation and failure to show sufficient ties to Germany.

Essabar, a Moroccan who may also have intended to be a pilot, tried to get a visa in Berlin at least once and failed because he failed to demonstrate sufficient ties to Germany, such as a job or family there. Third country visa applicants in Berlin were held to significantly higher standards—in terms of documentation and showing ties with their country of residence—than were Saudi and Emirati citizens applying from their own countries.

Ali Abdul Aziz Ali is the nephew of Khalid Sheikh Mohamed and was heavily involved in financial and logistical aspects of the 9/11 plot. He tried to get a U.S. visa in Dubai about two weeks before the attacks. His visa application states that he intended to enter the United States on September 4, 2001, for one week. As a Pakistani visa applicant in a third country, he would have received greater scrutiny from U.S. officials from the start. In any event, it was deemed possible that he intended to immigrate, and accordingly he was denied a visa.

Saeed al Gamdi, also known as "Jihad" al Gamdi, apparently intended to participate in the 9/11 attacks. He is a Saudi and applied for a tourist visa in Jeddah on November 12, 2000, the same date as 9/11 hijacker *Ahmad al Haznawi. Haznawi* was approved, but *al Gamdi* was denied after an interview with a consular officer, because the consular officer believed he was intending to immigrate.

Entry into and exit from the United States

With a visa, an individual can travel to a United States port of entry. Upon arrival, the individual must seek admission into the United States from an inspector of what used to be called the INS, an agency whose personnel now form part of the Department of Homeland Security. Property being brought into the United States is checked by inspectors of the U.S. Customs Service, whose personnel are now also part of DHS.

The 19 hijackers entered the United States a total of 33 times. They arrived through ten different airports, though more than half came in through Miami, JFK, or Newark. A visitor with a tourist visa was usually admitted for a stay of six months. All but two of the hijackers were admitted for such stays. *Hanjour* had a student visa and was admitted for a stay of two years, and *Suqami* sought and was admitted for a stay of 20 days.

The four pilots passed through INS and Customs inspections a total of 17 times before 9/11. *Hanjour* came to the United States to attend school in three stints during the 1990s. His final arrival was in December 2000, through the Cincinnati/Northern Kentucky airport. The other three pilots, *Atta, al Shehhi,* and *Jarrah,* initially came in May and June 2000. They arrived for the last time between May and August 2001. All made a number of trips abroad during their extended stays in the United States.

Of the other 15, only *Mihdhar* entered the United States, left, and returned. *Nawaf al Hazmi* arrived in January 2000 with *Mihdhar* and stayed. *Al Mihdhar* left in June 2000 and returned to the United States on July 4, 2001. Ten of the others came in pairs between April and June 2001. Three more arrived through Miami on May 28.

The INS inspector usually had about one to one and a half minutes to assess the traveler and make a decision on admissibility and length of stay. For all the entries, a primary INS inspector would work a lane of incoming travelers and check the people and their passports. The inspector would try to assess each individual's demeanor. No one noted any anomalies in these passports despite the fact, we now believe, that at least two and as

many as eight showed evidence of fraudulent manipulation. The inspector would use the passport data, especially if it was machine readable to check various INS and Customs databases. The databases would show the person's immigration history information, as well as terrorist watchlist and criminal history information.

Of the five hijackers who entered the United States more than once, three of them violated immigration law.

Ziad Jarrah entered in June 2000 on a tourist visa and then promptly enrolled in flight school for six months. He never filed an application to change his immigration status from tourist to student. Had the INS known he was out of status, they could have denied him entry on any of the three subsequent occasions he departed and returned while he was a student.

Marwan al Shehhi came in through Newark in late May 2000, followed a week later by *Mohamed Atta*. Both were admitted as tourists and soon entered flight school in Florida. In September they did file applications to change their status. Before 9/11, regulations allowed tourists to change their status at any time, so they were in compliance. But both overstayed their periods of admission and completed flight school to obtain commercial pilot licenses. *Atta* and *al Shehhi* then left within a few days of one another and returned within a few days of one another in January 2001, while their change in visa status from tourist to student was still pending.

Atta and *al Shehhi* did get some attention when both said they were coming back to finish flight school. Primary inspectors noticed with each that their story clashed with their attempt to reenter on tourist visas. The rules required them to get proper student visas while they had been overseas, since their earlier pending applications for a change of status were considered abandoned once they left the United States. *Atta* and *al Shehhi* were each referred by the primary inspectors to secondary inspection.

At secondary, more experienced inspectors could conduct longer interviews, check more databases, take fingerprints, examine personal property, and call on other agencies for help. The inspectors involved have stated they do not remember these encounters. The reports indicate that both men repeated their story about still going to flight school and their pending applications for a change of status. The secondary inspectors admitted *Atta* and *al Shehhi* as tourists.

Flight 93 hijacker *Saeed al Ghamdi* was referred to secondary immigration inspection when he arrived in late June 2001. He had no address on his I-94 form. He spoke little English. He had a one-way ticket and about $500. The inspector wondered whether he was possibly intending to immigrate. *Al Ghamdi* convinced the inspector that he was a tourist and had enough money.

Customs officers took a second look at two of the hijackers but then admitted them. On *Marwan al Shehhi's* first entry into the United States, a customs officer referred him to secondary inspection, completed the inspection, and released him. In May 2001, *Waleed*

al Shehri and *Satam Suqami* departed Florida for the Bahamas but were refused admission. On their way back to the United States, a customs officer conducting a pre-clearance in the Bahamas referred *al Shehri* to a secondary inspection. Customs then released *al Shehri* to return to the United States with *Suqami.*

We do know of one success by immigration secondary inspection that affected the 9/11 plot. An al Qaeda operative, *Mohamed al Kahtani*, arrived at Orlando airport on August 4, 2001. Evidence strongly suggests that *Mohamed Atta* was waiting there to meet him. *Kahtani* encountered an experienced and dedicated inspector, Jose Melendez-Perez. We will hear his story later this morning.

During their stays in the United States at least six of the 9/11 hijackers violated immigration laws. We have noted *Jarrah's* failure to adjust his status while he was in flight school and the violations by *Atta* and *al Shehhi*. *Hani Hanjour* came on a student visa in December 2000 but then did not attend the English language school for which his visa was issued. *Nawaf al Hazmi* overstayed his term of admission by nine months. *Suqami* overstayed his term of admission by four months. None of these violations were detected or acted upon by INS inspectors or agents.

Two programs might have helped detect such violations. One dealt with violations of student status. The other dealt with overstays.

National security concerns about foreign students are not new. By the late 1980s the INS had established a Student/School System to track students, but the system did not work. After the 1993 World Trade Center bombing, when it was discovered that a participant in the plot had been a student who had overstayed his visa, the Department of Justice asked INS to devise a better way to track students. INS officials recommended a new student tracking system and a student ID card that used biometric identifiers.

In 1996, Congress mandated a new system to be installed by 1998, without appropriating program funds. The INS scraped together $10 million and piloted a successful student tracking program in the Atlanta area in June 1997, which included a flight school. However, advocates of education interests argued that the program would be burdensome and costly. Upon the order of senior INS management, the project manager was replaced. In 1998, INS indefinitely deferred testing of the biometric student ID card. The program stalled. Senators declared an interest in repealing the 1996 law and sought to obstruct further INS funding for it. Thus, when *Atta* and *al Shehhi* lied when questioned about their student status on their reentries in January 2001, and when *Hanjour* failed to show up for the school for which he was issued a visa in December 2000, a student tracking system was far from available to immigration inspectors or agents.

Congress required the Attorney General to develop an entry-exit system in 1996. The system's purpose was to improve INS's ability to address illegal migration and overstays of all types of foreign visitors. By 1998, Congress had appropriated about $40 million to develop the system. Advocates for border communities, however, were concerned that

an entry-exit system would slow down trade. INS officials decided to forego the system at the land borders and only to automate the entry process. The automation process was not successful. The result was that when hijackers *Suqami* and *Nawaf al Hazmi* overstayed their visas, the system Congress envisaged did not exist. Moreover, when federal law enforcement authorities realized in late August 2001 that *Mihdhar* had entered with *Hazmi* in January 2000 at Los Angeles, they could not reliably determine whether or not *Hazmi* was still in the United States, along with *Mihdhar*.

Conclusion

The Director of the FBI testified that "[e]ach of the hijackers … came easily and lawfully from abroad." The Director of Central Intelligence described 17 of the 19 hijackers as "clean." We believe the information we have provided today gives the Commission the opportunity to reevaluate those statements. Based on our evaluation of the hijackers' travel documents, the visa process, the entries into the United States, and the compliance with immigration law while the attackers were here, we have a few observations. Considered collectively, the 9/11 hijackers:

- Included among them known al Qaeda operatives who could have been watchlisted;
- Presented passports "manipulated in a fraudulent manner;"
- Presented passports with "suspicious indicators" of extremism;
- Made detectable false statements on their visa applications;
- Were pulled out of the travel stream and given greater scrutiny by border officials;
- Made false statements to border officials to gain entry to the United States; and
- Violated immigration laws while inside the United States.

These circumstances offered opportunities to intelligence and law enforcement officials. But our government did not fully exploit al Qaeda's travel vulnerabilities.

Why weren't they exploited? We do not have all the answers. Certainly neither the State Department's consular officers nor the INS's inspectors and agents were ever considered full partners in a national counterterrorism effort. This is exemplified by the Bureau of Consular Affairs' statement that before 9/11 they were not informed by anyone in the State Department or elsewhere that Saudi citizens could pose security risks. Nor were the Consular Affairs bureau or INS given the resources to perform an expanded mission. Between 1998 and 2001, visa applications rose by nearly a third, an increase of 2.5 million per year. Trained staff did not keep pace with the volume increase. In Jeddah and Riyadh, for example, each consular officer had responsibility for processing, on average, about 30,000 applications per year and routinely interviewed about 200 people per day.

The INS before 9/11 had about 2,000 agents for interior enforcement. As long as the top enforcement priorities were removal of criminal aliens and prosecution of employers who hired illegal aliens, a major counterterrorism effort would not have been possible. This is

not to pass judgment on immigration policy generally. What we can do is highlight the way those policy choices affected counterterrorism efforts before 9/11, and potentially affect them today. For our front line border inspection services to have taken a substantially more proactive role in counterterrorism, their missions would have had to have been considered integral to our national security strategy and given commensurate resources.

Today, the level of systematic effort by the intelligence community focused on terrorist travel is much greater. But terrorist travel intelligence is still seen as a niche effort, interesting for specialists, but not central to counterterrorism. Nor have policymakers fully absorbed the information developed by terrorist mobility specialists. Much remains to be done, within the United States and internationally, on travel and identity document security, penalties and enforcement policy with respect to document fraud, and travel document screening efforts at the borders. If we have one conclusion from our work so far, it is that disrupting terrorist mobility globally is at least as important as disrupting terrorist finance as an integral part of counterterrorism.

Appendix to Staff Statement No. 1

9/11 HIJACKERS AND CONSPIRATORS

American Airlines Flight 11

Mohamed Atta	Hijacker (Pilot)
Abdul Aziz al Omari	Hijacker
Waleed al Shehri	Hijacker
Satam al Suqami	Hijacker
Wail al Shehri	Hijacker

American Airlines Flight 77

Hani Hanjour	Hijacker (Pilot)
Khalid al Mihdhar	Hijacker
Majed Moqed	Hijacker
Nawaf al Hazmi	Hijacker
Salem al Hazmi	Hijacker

United Airlines Flight 93

Ziad Samir Jarrah	Hijacker (Pilot)
Saeed al Ghamdi	Hijacker
Ahmed al Nami	Hijacker
Ahmad al Haznawi	Hijacker

United Airlines Flight 175

Marwan al Shehhi	Hijacker (Pilot)
Mohand al Shehri	Hijacker
Hamza al Ghamdi	Hijacker
Fayez Banihammad	Hijacker
Ahmed al Ghamdi	Hijacker

Other Conspirators

Khalid Sheikh Mohamed	Mastermind
Ramzi Binalshibh	Potential Pilot
Zakariya Essabar	Potential Pilot/Hijacker
Saeed “Jihad” al Gamdi	Potential Hijacker
Ali Abdul Aziz Ali	Financial Facilitator
Mohamed al Kahtani	Potential Hijacker