

REP. CANDICE S. MILLER HOLDS A HEARING ON TERRORIST EXPLOITATION OF U.S. VISA SYSTEM

CQ Transcriptions

September 13, 2011 Tuesday

Copyright 2011 CQ-Roll Call, Inc. All Rights Reserved

All materials herein are protected by United States copyright law and may not be reproduced, distributed, transmitted, displayed, published or broadcast without the prior written permission of CQ Transcriptions. You may not alter or remove any trademark, copyright or other notice from copies of the content.

Body

EVENT DATE: September 13, 2011

TYPE: COMMITTEE HEARING

LOCATION: WASHINGTON, D.C.

COMMITTEE: HOUSE COMMITTEE ON HOMELAND SECURITY, SUBCOMMITTEE ON BORDER AND MARITIME SECURITY

SPEAKER: REP. CANDICE S. MILLER, CHAIRWOMAN

WITNESSES:

REP. CANDICE S. MILLER, R-MICH. CHAIRWOMAN REP. MIKE D. ROGERS, R-ALA. REP. MICHAEL MCCAUL, R-TEXAS REP. PAUL BROWN, R-GA. REP. BEN QUAYLE, R-ARIZ. REP. SCOTT RIGELL, R-VA. REP. JEFF DUNCAN, R-S.C. REP. PETER T. KING, R-N.Y. EX OFFICIO

REP. HENRY CUELLAR, D-TEXAS RANKING MEMBER REP. LORETTA SANCHEZ, D-CALIF. REP. BRIAN HIGGINS, D-N.Y. REP. HANSEN CLARKE, D-MICH. REP. BENNIE THOMPSON, D-MISS. EX OFFICIO

REP. HENRY CUELLAR, D-TEXAS RANKING MEMBER REP. LORETTA SANCHEZ, D-CALIF. REP. BRIAN HIGGINS, D-N.Y. REP. HANSEN CLARKE, D-MICH. REP. BENNIE THOMPSON, D-MISS. EX OFFICIO

WITNESSES: THOMAS WINKOWSKI, ASSISTANT COMMISSIONER, CUSTOMS AND BORDER PROTECTION, OFFICE OF FIELD OPERATIONS

ED RAMOTOWSKI, ACTING DEPUTY ASSISTANT SECRETARY OF STATE

JOHN COHEN, DEPUTY COUNTER-TERRORISM COORDINATOR, HOMELAND SECURITY DEPARTMENT

PETER EDGE, DEPUTY ASSOCIATE DIRECTOR, HOMELAND SECURITY INVESTIGATIONS

RICHARD STANA, GOVERNMENT ACCOUNTABILITY OFFICE

REP. CANDICE S. MILLER, R-MICH. CHAIRWOMAN REP. MIKE D. ROGERS, R-ALA. REP. MICHAEL MCCAUL, R-TEXAS REP. PAUL BROWN, R-GA. REP. BEN QUAYLE, R-ARIZ. REP. SCOTT RIGELL, R-VA. REP. JEFF DUNCAN, R-S.C. REP. PETER T. KING, R-N.Y. EX OFFICIO

REP. CANDICE S. MILLER, R-MICH. CHAIRWOMAN REP. MIKE D. ROGERS, R-ALA. REP. MICHAEL MCCAUL, R-TEXAS REP. PAUL BROWN, R-GA. REP. BEN QUAYLE, R-ARIZ. REP. SCOTT RIGELL, R-VA. REP. JEFF DUNCAN, R-S.C. REP. PETER T. KING, R-N.Y. EX OFFICIO

REP. CANDICE S. MILLER HOLDS A HEARING ON TERRORIST EXPLOITATION OF U.S. VISA SYSTEM

REP. CANDICE S. MILLER, R-MICH. CHAIRWOMAN REP. MIKE D. ROGERS, R-ALA. REP. MICHAEL MCCAUL, R-TEXAS REP. PAUL BROWN, R-GA. REP. BEN QUAYLE, R-ARIZ. REP. SCOTT RIGELL, R-VA. REP. JEFF DUNCAN, R-S.C. REP. PETER T. KING, R-N.Y. EX OFFICIO

MILLER: I am going to call the hearing in order here this morning. Of course this is a committee on Homeland Security, a subcommittee on Border and Maritime Security. I think we have a very interesting -- interesting and critically important topic to discuss this morning. Of course the title of our hearing is Ten Years After 9/11: Can Terrorists Still Exploit our Visa System, and we are going to be hearing testimony from a fantastic, distinguished panel whom I will be introducing in a moment. And as I make my opening statement, you may want to take a look some of the pictures that we are going to have up on the screen of various terrorists, murderers, cowards, cockroaches, however you want to categorize these individuals that overstayed their visas.

And so, two days ago, of course, we commemorated the 10th anniversary of the devastating acts perpetrated by these cowardly terrorists who took the lives of nearly 3,000 of our fellow citizens, and as a nation, most of us had not really heard before of Al-Qaeda -- before that day, despite of their financial contributions which funded the 1993 attacks on the World Trade Center, Papua that had declared war against our nation in 1996, the bombing of our embassies in Kenya and Tanzania in 1998, and the bombing of the USS Cole in 2000. Despite these attacks, we were really not prepared and certainly our countrymen paid a horrific price.

In Article 1 Section 8, we find the enumerated powers of Congress and in the first paragraph of that section, you will find which in my opinion is certainly the first and foremost responsibility of the Federal government and that is to provide for the common defense. And the very purpose of this committee is aligned with this principal responsibility of the government and to guard against another attack, and photographs along our wall in this committee hearing room certainly remind us of our purpose -- to defeat Al-Qaeda and like-minded groups and to defend our homeland including -- which includes of course securing our borders. And on that day in September, we learned a very hard lesson as a 9-11 Commission has noted, for terrorists, they said travel documents are as important as weapons and four of the 9-11 hijackers had overstayed visas, a missed opportunity to prevent the attacks.

Since September 11th, we put a series of measures in place to strengthen our visa security process and today, we have a layered approach that begins overseas at the U.S. embassies and consulates around the world which pushes our border out to deter and prevent visa fraud and terrorists from obtaining travel documents. Immigrations and customs -- customs enforcement agents and customs and border protection officers are now stationed overseas to conduct additional background checks -- checks on prospective visa applicants. And certainly while the system is an improvement over what was in place before 9-11 is by no means perfect. We will be exploring today what we can do to improve our system.

Our enemies are attacking our country and are actively seeking to avoid our counter measures. Our job is to be one step ahead instead of constantly reacting to their last attack. In the case of the Christmas day bomber, we see his picture there; it certainly illustrates the lengths terrorists will go to to afford our security measures. The Christmas day bomber was known to the intelligence community. His father had approached the embassy in Nigeria with his concerns that his son may be involved in terrorism. But still he was able to fly in a valid U.S. visa. He tried to detonate his concealed explosive device 7 minutes before the plane was to land in Detroit. Of course, I reside in the Detroit area, flying in and out of that airport, just flew out of it yesterday, which would have placed that plane, and certainly over my congressional district over Southeast Michigan - and so, I am especially interested to hear from our witnesses today about the progress we have made to ensure that another known person of concern cannot board an aircraft with a valid U.S. visa.

Last week, before the full committee, Ranking Member Cuellar and I were just talking. We heard from Representative Lee Hamilton and Former Secretary Tom Ridge regarding the progress of the 9-11 Commission recommendations. The report recommended and Congress mandated a biometric exit program to ensure that foreign visitors have not overstayed their visa and have returned home; however, this administration has still not articulated the way forward on this vital program. The U.S. visitor and immigration status indicator technology, or U.S. Visit as they call it, captures foreign national's fingerprints at the port of entry and that U.S. consulates oversees in instances where the individual is traveling on a visa. The fingerprints are then recorded and compared

REP. CANDICE S. MILLER HOLDS A HEARING ON TERRORIST EXPLOITATION OF U.S. VISA SYSTEM

with fingerprints already in the Federal database to check for immigration violators, criminals, and others wanted for violation of U.S. laws.

In 2009, U.S. Visit conducted an exit pilot project that the Detroit and Atlantic -- Atlanta airports -- and generated 175 watch list and more than 120 visa overstay hits. So, I think, if we are serious about controlling who comes into our nation and preventing another attack, we need to get serious about an exit program. It has been more than two years since the pilot, and the department again has yet to articulate a program or a plan to move forward with a comprehensive exit plan in the air environment or elsewhere. And more than just preventing terrorists from entering the country, the lack of visa exit program inhibits our ability to control our border. I think it is an interesting statistic that in this country as we talk about illegal immigrants and how many are here in our country, it is interesting to note that it is theorized that about 40 percent of everyone who is here illegally did not come across the border. They are here because of overstay of visa -- 40 percent, a very startling number.

Today, there is backlog of 757,000 visa overstay records, so we obviously have to do better than that, and I will be very interested as our hearing progresses about -- talking about this backlog, what we are doing to ensure that we don't have such a backlog in the future. ICE pursues only a small fraction of these visa overstayers. By not seriously enforcing visa overstays, we are sending a message that if you make it pass the port of entry, the chances of us ever finding you are slim to none, and ICE enforcement memos put an additional question marks over our enforcement effort.

We do know that terrorists have a very strong affinity for using the student visa process to enter the country. Earlier is year, a young man from Saudi Arabia purposely sought out a program that will allow him to come to the United States as a student and then of course, he has been accused of purchasing chemicals he intended to use to construct an IED, so we have a lot of questions about this and certainly our visa security process needs to be robust. We have to deny terrorists the freedom of movement because 10 years ago, we saw what failure looks like very unfortunately on that horrific day which we all commemorated just this past Sunday. At this time, the Chair will now recognize the Ranking Minority Member, the gentleman from Texas, Mr. Cuellar, for his opening statement.

CUELLAR: Thank you, Chairman Miller, for holding this committee hearing. I also want to thank the Ranking Member of Full Committee for the work that he has done in the past in this issue. I am pleased that the subcommittee is meeting today to examine the issues of visa security which is particularly appropriate as we recently marked the 10th anniversary of the terrorist attacks of September 11, 2001.

The 9/11 hijackers did not sneak in to this country, did not cross the river Rio Grande, but rather into the United States on visas. More recently, the attempted bombing of an airline on Christmas day 2009 refocused the attention on the vulnerabilities in the visa process. Since 2001, the Department of Homeland Security and the Department of State with the direction from Congress have taken important steps to strengthen visa security including efforts to identify and enforce overstayed individuals who are admitted to the United States legally either with or without a visa - but then overstays are authorized periods of the mission. Of the approximately 11.5 million to 12 million unauthorized resident alien population; the most recent estimates proposed that it is about 33 to 48 percent are overstays. That is almost 50 percent of all of the people that got here. Again, I emphasize that they did not cross Rio Grande, but actually came in through a visa and overstayed - 5 of the 19 of the September 11, 2000 hijackers were overstays.

There should be no argument against the vital importance of the work completed by the immigration and customs enforcement or ICE, and the commentaries and criminal exploitation unit, the CTCEU, whose primarily responsibility is overstay enforcement. In addition to the CTCEU overstay investigation - primary responsibility for apprehending and removing overstays as well as aliens who do not have -- do not have lawful immigration status rest with ICE, the enforcement removal operations or ERO. It is my understanding that certain individuals subject to orders are removed from the U.S. is often delayed due to the respective host government relations and members. I will have a -- I will have a handout on this and over -- an overhead to go over this and ask the witnesses on this particular issue.

REP. CANDICE S. MILLER HOLDS A HEARING ON TERRORIST EXPLOITATION OF U.S. VISA SYSTEM

Consequently, host countries refuse to accept the return of the national -- national or use lengthy delaying tactics, and I know this is an issue that I sat down with John Morten and the state department -- trying to get the state department to move a little faster on this particular issue, and I look forward to hearing more from the state and GAO about the U.S. relations with these recalcitrant countries and why visas continue to be issued to individuals from such countries and at what rate, and as well as recommended status for improvements and actions being taken.

And again, members, I would ask you to look at this particular issue as -- as we talk about this. Also, within DHS and ICE, ICE has put up a visa security unit or VSU at high-risk visa-issuing post and it is my understanding, I might be wrong -- but it is my understanding that historically there has been some tension between ICE and state regarding getting you VSUs established and hopefully, we have gone beyond that turf battle. I hope to hear from the two agents whether they have made progress in overcoming those obstacles.

Customs and border protection also plays an important role in preventing terrorist travel to the U.S. They have established immigration advisory program units and key oversees airports to help screen travelers to the U.S. Also, I visited the CVP national charter and I have seen the good work that they are doing along with inter- agency partners prescreening individual's enroute to the country. Many believe that given its security measures and resources, DHS should play an even greater role in the visa processes. At a minimum, we need to make most of our limited visa security resources and ensure that all agencies are doing their part.

I look forward to hearing from DHS and state witnesses about their agencies can work cooperatively to prevent those who would seek to do us harm from traveling to the United States. It is worth noting that despite all the attention and all the vulnerabilities along the southern border, and again, I emphasize, members, an estimated 40 to 48 percent. As the chairwoman said of those currently in the U.S. illegally entered -- legally through the proverbial front door but have overstayed. Again, visas legally into the United States that overstayed, not crossing the Rio Grande.

We know that the overwhelming majority of those who entered the country do so for legitimate purposes, even to those who entered the country illegally or intralegally but overstayed, the majority mean this country no harm. But nevertheless, those people have overstayed and have violated the law. However, a decade after 9/11, the fact remains that there are terrorists and other who seek to enter the United States for purposes to hurt us and our community. So, I look forward to a good, frank dialogue on this important Homeland Security matter and I thank the Chairwoman Miller for holding this important hearing and the witnesses for joining us here today. Thank you.

MILLER: I thank the gentleman and before I recognize the Ranking Member of the Full Committee, I would ask a unanimous consent that the gentleman from Florida, Mr. Bilirakis, who is the chair of the Committee and Subcommittee on Emergency Preparedness, Response, and Communications, be permitted to sit and participate in today's hearing. Without objection, so ordered.

At this time, the chair would recognize the Ranking Member of the -- Minority Ranking Member of the Full Committee, the gentleman from Mississippi, Mr. Thompson, for his opening statement.

THOMPSON: Thank you very much, Madam Chair, and I appreciate you holding this hearing. I also welcome our panel of witnesses.

In the aftermath of the September 11 attacks, Congress recognized the importance of securing the visa process and required it to be used as a counter-terrorism tool. Since that time, the Department of Homeland Security and State have made important strides to better securing of visa and passing the prescreened processes of travels to the United States. Efforts including establishing visa security units at high-risk embassies and consulates deploying immigration advisory program personnel at foreign airports and enhancing prescreening of airline passengers before they arrive in the U.S. However, the attempted bombing of Northwest flight 253 on Christmas day 2009 by an individual with a valid U.S. visa served as a wakeup call about the persistent visa security vulnerabilities.

During the 111th Congress, the Committee on Homeland Security and this subcommittee held hearings to examine the circumstances surrounding the attempted Christmas day bombing. From my examination of the chain

REP. CANDICE S. MILLER HOLDS A HEARING ON TERRORIST EXPLOITATION OF U.S. VISA SYSTEM

of events leading up to the incident, it is clear that there were several failures that allowed the perpetrator to board the U.S. bound flight. Today, I look forward to hearing what process -- progress has been made in closing those security gaps since that incident nearly two years ago. I also hope to hear that DHS and the state department have taken proactive measures to address possible emerging threats to visa security. I have long held that we must develop a layered security report that pushes borders out and begin a screening process for an advanced passenger boarding flight to this country.

Both DHS and the state department have vital roles to play in this effort. Clearly define responsibility and close coordination between the departments are essential to its success. I want to hear from the witnesses today whether the turf battles between the departments are now a thing of the past or if they still linger. I certainly hope it is the former, and not the latter. Of course, the security efforts require appropriate personnel and resources and that in turn requires adequate funding.

Members of Congress who talk a good game on border security would need to put their money where their mouths are when it comes to funding these programs, even in tight budgetary times. Just as we must ensure the security of the visa process for those entering the U.S., we must also ensure individuals depart this country in a timely manner. As already indicated, over 40 percent of the persons unlawfully present in the U.S. -- in this country legally and have overstayed. Among those millions of people may be a handful of those who seek to do us harm.

In accordance with the 9/11 commission recommendation, Congress has repeatedly required DHS to deploy a biometric entry/exit system on their U.S. visits to track visitors to the U.S. yet a decade after September 11, 2001, we are no closer to having such a system than we were on that fateful day. Some of us have read the paper this morning and I guess somebody is going to tell us something to do -- new about that in this hearing. I look forward to hearing that. The lack of progress toward this mandate under this administration and his predecessors is simply unacceptable. I hope to hear from our witnesses about how DHS can fully fulfill our 9/11 commission recommendation and Congressional mandate. We will never truly have visa security until an entry/exit system is completed. I thank the witnesses for being here today and I look forward to their testimonies.

MILLER: I thank the gentleman for his comments and it is interesting to know that the administration is making -- is going to be making an announcement this issue based on the fact that we are having a hearing about it. So, I sometimes think it is a great -- this is exactly what Congress needs to be doing. It is exercising its oversight responsibilities to get some action on some various things. What I will do is go through and read the bios of the various -- of all of our witnesses, our very distinguished panel, and we appreciate you all coming and then we can just start going through it rather than interrupting each time.

First of all, we would be hearing from Thomas Winkowski who is the Assistant Commissioner from the office of field operations U.S. customs and border protection department of Homeland Security. He was appointed the Assistant Commissioner in August of 2007. He is responsible for operations at 20 major field offices, 331 ports of entry, 58 operational container security initiative ports and 15 pre-clearance stations in Canada, Ireland, and Caribbean. Previously, he served as director of field operations in Miami where he was responsible for managing all inspectional operations at the Miami international airport and the seaport, Port Everglades, Fort Lauderdale international airport in West Palm Beach and Key West as well.

Then we will hear from Mr. Edward Ramotowski who is the Deputy Assistant Secretary, acting bureau of consular affairs U.S. Department of State. He assumed his current position as Managing Director of visa services at the U.S. Department of State in August of 2009, and in that position, he oversees the visa office in Washington, D.C., two domestic processing centers as well as visa operations of over 200 U.S. embassy and consulates abroad. From August of 2006 to July of 2009, he served as principal officer at the U.S. consulate general in Guadalajara, Mexico. He has previously worked as a special assistant to the assistant secretary of state for consular affairs, chief of the consular section of the U.S. embassy in Nassau, Bahamas, and the U.S. consul in Warsaw, Poland.

Then we will hear from Mr. John Cohen who is the deputy counter-terrorism coordinator, Department of Homeland Security. He serves as a principal deputy coordinator for counter-terrorism at the U.S. Department of Homeland Security and as a senior advisor on counter-terrorism law enforcement and information sharing. He has

REP. CANDICE S. MILLER HOLDS A HEARING ON TERRORIST EXPLOITATION OF U.S. VISA SYSTEM

also served as the senior advisor to the program manager for the information sharing environment office of the director, national intel, where he authored and coordinated the implementation of key components of the national strategy for information sharing.

Peter Edge, the deputy associate director Homeland Security Investigations, Immigration, Customs Enforcement, Department of Homeland Security began his law enforcement career in 1986 in Essex County, New Jersey, prosecutor's office prior to his selection as a special agent with the U.S. Customs in Newark, New Jersey. In 2005, Mr. Edge was promoted to the position of assistant special agent in charge of New York office where he led high profile investigative components such as the El Dorado task force, the New York study financial crime area, JFK international airport and immigration division. And today, he serves as a deputy associate director of Homeland Security Investigations for the U.S. Immigration and Customs Enforcement.

And then, we will hear from Mr. Richard Stana. We welcome him back to the committee again, director of the Homeland Security Injustice, government accounting, accountability office. Adjoined his 27-year career with the GAO, he has directed reviews on a wide variety of domestic -- complex domestic and military issues while serving in headquarters, field and oversee offices. Most recently, he has directed GAO's work relating to immigration, customs law enforcement, drug control, corrections, court administration, and election system. So, as you can see, we have a very, very distinguished panel and we will begin with Mr. Winkowski.

The floor is yours, sir, for your prepared testimony.

WINKOWSKI: Good morning, chairwoman and to our Ranking Member Cuellar, and distinguished members of this subcommittee. Thank you for the opportunity to appear today to discuss CDP's visa security efforts.

Since its establishment in 2001, the national targeting centers' priority mission has been to provide tactical targeting analytical research support anti-terrorism efforts. The NTC develops tactical data and intelligence to prevent high risk travelers and goods from entering the United States. Centralized NTC targeting endeavors combined with interagency collaboration as well as robust partnership with our foreign counterparts ensure a coordinated response of terrorists and national security events. CDP works in coordination and collaboration with a number of government agencies with -- with broad authorities, robust capabilities and missions that are complimentary for our nation's security.

Each agency's unique capability and resources leverage DHS' layered risk management approach to safeguard -- in safeguarding U.S. borders. A few critical examples of this, Chairwoman Miller, the NTC coordinates with the target -- the terrorist screening center to resolve every terrorist screening data base encounter. We work closely with state departments to enhance visa security and as a result, the state department has revoked more than 1,000 visas based on CDP's results and recommendations. ICE has collocated visa security personnel at the National Targeting Center to augment its current operations, and we are collaborating with TSA and the private sector on an air-cargo advance screening pilot, which was implemented following the October 2010 attempts by extremist to ship explosive devices in their cargo shipments. Additionally, CDP has information sharing agreements with foreign partners including Canada, United Kingdom, New Zealand, and Australia.

On an average day, the CDP processes nearly 1 million travelers at our ports of entry. The challenge faced by CDP each day is rapidly and accurately identifying those individuals that pose a threat to the U.S. and prevent their entry into the country. CDP takes its action at a number of points in the travel continuum in the area of visa and visa waiver program security while the state department is responsible for visa issuance. CDP has partnered with the state department to ensure -- to ensure the visa issuance and travel process. In March of 2010, we implemented a system that -- that checks visas on a continuous basis.

Under the visa waiver program, and the electronic system for travel authorization, ESTA, who conducts enhance betting on visa waiver program applications and advanced travel, and as you recall that was a 9/11 commission new recommendation. In the area of pre- departure screening, CDP now conducts pre-departure screening of all travels prior to boarding flights bound for the United States. When the NTC identifies the high-risk travel through this process, we coordinate with our immigration advisory program offices that are located in eight airports around the world or our regional carrier liaison group which are located in three areas in the United States,

REP. CANDICE S. MILLER HOLDS A HEARING ON TERRORIST EXPLOITATION OF U.S. VISA SYSTEM

Honolulu, JFK Airport, and Miami International Airport. To resolve the issues, I recommend to the carrier that a travel not be boarded.

Now, as a result of these efforts, 100 percent of travelers on all flights arriving at and departing from the United States are checked against government database prior to boarding the flight. In fiscal year 2011, CDP made more than 2,000 no board recommendations to carriers. In the area of outbound, in addition to pre-departure screening of inbound travelers, we have also enhanced our outbound screening efforts. As a result, CDP has notable success in identifying preventing the departure of the Time Square bomber in May of 2010 as well as the suspected serial killer that was departing the Atlanta Airport in August of 2010.

In closing, CDP has continued and proactively looking for solutions to threats to the homeland identified by operationalizing intelligence to real-time targeting, offices screening and data sharing. Partnering with our agencies and nations, we extend our borders and exchange the information which is a truly global fight against terror.

Our future state should include additional screening processes and methods to make this protection a greater reality so the American public remains safe. Chairwoman Miller, Ranking Member Cuellar, and members of the subcommittee, thank you for the opportunity to testify. I look forward to answering your questions.

MILLER: Thank you very much. The chair now recognizes Mr. Ramotowski for his comments and his testimony.

RAMOTOWSKI: Good morning, Madam Chairman, Ranking Member Cuellar, and distinguished members of the subcommittee.

As a 25-year veteran of the United States Foreign Service, it is my honor to testify before you just two days after our nation marked a most somber event, the 10-year anniversary of the 9/11 attacks. My colleagues and I in the Foreign Service in the state department will never forget that day and we are fully determined to ensure that such a tragedy does not occur again. My focus today is on how the department of state reformed the visa process in the 10 years since 9/11 to eliminate the loopholes for terrorists to exploit our system as well as additional measures that the department undertook in response to the December 25, 2009 attempted airline bombing.

Today, visa processing rests on a multilayered approach to security, what we refer to as the five pillars: technological advances, biometric innovations, personal interviews, interagency data sharing, and intensive training. All of these pillars supported the department's response to the Christmas day incident and we are continually refining and improving than to deal with constantly evolving threat. Among the key measures taken, we improved our visa's viper terrorist information reporting program by directing all chief submission to ensure that it was working effectively at all their posts and instructing consul officers to include complete information about the U.S. visa status of any individuals included in viper reporting.

As a second critical step, we issued new instructions to officers on these procedures, and we enforce standing guidance on their discretionary authority to deny visas under Section 214B of the Immigration and Nationality Act with specific reference to cases that raised security and other serious concerns. We also created a dedicated revocation unit in Washington that is focused exclusively in ensuring that any derogatory information on U.S. visa holder is rapidly evaluated and acted upon.

As another step, we improved the capability of consular systems to match visa records against new and derogatory to support the visa revocation process and appropriate cases. We employ sophisticated name searching algorithms to ensure it matches the derogatory information contained in the millions of records in our lookout system. We used our authority to immediately revoke a visa in circumstances where we believe there is an eminent threat. The continuous betting of the database of issued visas the department and our partner agencies help to ensure that new derogatory information that arises after this issuance is rapidly analyzed for revocation purposes.

Let me briefly turn to the overall visa security and the five pillar systems that we have in place today. Before any of these are issued, the applicant's fingerprints are screened DHS and FBI databases. We use facial

REP. CANDICE S. MILLER HOLDS A HEARING ON TERRORIST EXPLOITATION OF U.S. VISA SYSTEM

recognition technology to screen these applicants against a watch list of photos obtained from the terrorists' screening center as well as visa applicant photos contained in our own consular consolidated database. Our new online visa application forms have the potential to provide consular and fraud prevention officers as well as our intelligence and law enforcement partners the opportunity to analyze data in advance of a visa interview including the detection of potential non-biographic links to derogatory information. We have a vicious plan to screening more of these data with our partner agencies to make the visa system even more secure.

We also invest heavily in our people. Each consular officer completes the basic consular course and receives continuing advance education in interviewing and name checking techniques throughout his or her career. Language fluency and area and cultural knowledge are other important skill sets that consular officers use daily to improve the adjudication of visas. We work closely with our partners to ensure that no terrorist receives a visa or admitted into our country. Our vast database of visa information is fully available to other agencies and we specifically designed our systems to facilitate comprehensive data sharing. In return, we have unprecedented levels of cooperation with law enforcement and intelligence agencies and benefit from their capabilities and resources in ways that were not possible at the time of 9/11 or even on Christmas day of 2009.

Distinguished members of the committee, our current layered approach to border security screening in which agency applies its particular strengths and expertise best serves our border security agenda while further and traditional U.S. interest and legitimate travel, trade promotion, and exchange of ideas. The United States must meet both goals to guarantee a long term security.

Thank you and I welcome your questions.

MILLER: Thank you very much. The chair now recognizes Mr. Cohen for his testimony.

COHEN: Thank you, Chairman Miller, Ranking Member Cuellar, Mr. Thompson, members of the subcommittee. Thank you for the opportunity to be here today to discuss efforts to prevent terrorists from exploiting our visa system.

As you have heard and as you pointed out yourself, through our combination of extended and recurrent betting of visa applicants, visa holders, as well as improved capabilities that I will describe in just a bit of betting potential overstay, the ability of terrorists to exploit our visa system has been greatly diminished.

Over the past three years, Sec. Napolitano has made it a top priority for the department through ICE, records of ICE, and CDP, and U.S. visit in our headquarter elements to improve our ability to ret prior to departure of those traveling to the United States on visa -- from a visa waiver country. We have made some significant progress in leveraging the vast holdings of the intelligence community, the law enforcement community, and improve the information sharing and operational coordination between law enforcement, intelligence community, and those responsible for protecting our borders.

Today, what I am about to describe is the next step in that process because we have embarked on an effort to automate data queries that in the past were carried out through manual data -- database checks. And this is important because in many respects, a big part of the problem and one of the main reasons that we have what are commonly referred to as backlog is because of the time-consuming nature that these database queries are required. By interlinking immigration, national security, and law enforcement information systems, and better using of intelligence driven and targeting capabilities such as those used at the National Targeting Center and through the automated targeting system, we have and will continue to bring greater efficiency to this process, and this will allow for a more effective use of personnel involving, investigating -- investigations, and analysis.

You referred to earlier, Madam Chairman, to the 750,000 records that had been embedded. We began with 1.6 million records and through the initiative that began earlier this year that involved CDP, ICE, U.S. Visit, NCTC, and others, we were able to eliminate from that 1.6 million records, approximately 800,000 records that we were able to determine had actually departed the country or had changed their immigration status. That left approximately 839,000 records that we were then able to ret through the holdings of the NCTC and leveraging CDP's technical

REP. CANDICE S. MILLER HOLDS A HEARING ON TERRORIST EXPLOITATION OF U.S. VISA SYSTEM

capabilities through a variety of law enforcement and databases. Each one of those 839,000 records has been vetted from the national security and public safety perspective.

Let me repeat that. The entire set of records in that 839,000 dataset has been retted from a national security and public safety perspective. Through this process - this automated and manual process, we have been able to provide two ICE, CTCEU and ICE Investigations, several thousands of additional leads which they have fully retted, fully investigated, and in the process of impeding the investigation processes. This is a significant milestone.

We learned from that effort that we could do more to automate the process. And you know, the next 6 to 12 months, we -- you will see a number of improvements. We will further enhance our ability to prevent suspected terrorists from exploiting the visa system or visa waiver program because we will be bringing automated processes to our ability to determine the location and the immigration status. We are seeking to eliminate to the greatest degree possible all of those manual database checks that carried out in this country, that are carried out by visa security agents abroad. We will improve U.S. Visit ability to determine whether a person is an overstay status and quickly identify and forward to ICE investigators in -- overstay are of national security or public safety concern.

We will incorporate and enhance vetting capability that aggregates information from multiple systems into a unified electronic VCA (ph) reducing the need for U.S. Visit or researchers and ICE agents to review multiple systems. We will build and provide Congress country by country data -- data on percentages of nationals who have overstayed their period of admission. We will establish a more complete enhanced biographic exit system which will include expanded use of biometric data collected and retain law enforcement immigration and DOD (ph) systems. In addition to providing enhanced biographic exit capability, we will have established a foundation for a biometric exit capability. And as resources become available and biometric collection technology continues to mature in the coming years, we will integrate those advances into this biographic exit foundation.

We are looking for leverage as I pointed out, this same architecture into the visa protection program allowing ICE to bring analytic responsibilities back home here to the United States thereby allowing agents abroad to be more focused on investigative activities. I appreciate again the opportunity to be here today and I look forward to answering any questions.

Thank you.

MILLER: Thank you very much, Mr. Cohen. We look forward to questioning you and all that new information you just gave us, so get ready.

COHEN: OK.

MILLER: Next, the chair recognizes Mr. Edge.

EDGE: Good morning, Chairman Miller, Ranking Member Cuellar, and distinguished members of the subcommittee. On behalf of Sec. Napolitano and Dir. Morten, thank you for the opportunity to discuss ICE's efforts to prevent the exploitation of our visa system by terrorists.

These overstays and other forms of status violation bring together two critical areas of ICE's mission: national security and immigration enforcement. The importance of determining who to allow entry into the United States and ensuring compliance with the conditions of such entry cannot be understated. We are proud of the good work that we have done over the last 10 years to protect the integrity of our visa system. ICE recognizes that those who pose national security threats often commit immigration benefit fraud while seeking to enter or remain in the United States, and we work hard to detect and deter immigration fraud by continually enhancing our antifraud efforts. Working closely with citizenship and immigration services or CIS, ICE exercises criminal authority in the detection and deterrence of immigration fraud.

While recognizing CIS' administrative authority, this strategy allows ICE to concentrate its efforts on major fraud conspiracies and other cases of national security or public safety interest while allowing CIS to adjust the bulk of immigration benefit fraud cases administratively. As you know, the Homeland Security Act of 2002 directs DHS to

REP. CANDICE S. MILLER HOLDS A HEARING ON TERRORIST EXPLOITATION OF U.S. VISA SYSTEM

assist in the identification of these applicants who wish to enter the United States for illegitimate purposes including illegal immigration, criminal activities, and terrorism-related activities.

The visa adjudication process is often the first opportunity to assess whether a potential non-immigrant visitor or immigrant presents a threat to the United States. The visa security program is one of several ICE's programs designed to minimize global risks. Our special agents in the visa security program focus on select applicants who may have connections to terrorisms or transnational criminal organizations. We then coordinated with the state department to develop targeting plans based on the various threats. DHS does not participate in all these adjudications, but rather becomes a part of the process following initial screening of an applicant and countries where ICE is carrying operation -- happens to be present. DHS actions compliment the consular officers' initial screening, applicant interviews, and reviews of applications and supporting documentation. ICE now conducts visa security operations at 19 high-risk visa adjudication posts in 15 countries.

In fiscal year 2011 to date, the visa security program has screened over 900,000 visa applicants, and in collaboration with our state department colleagues determined that 130,000 require further review. Following the review of these 130,000 applications identified derogatory information on more than 10,400 applicants. In every instance, the State Department followed ICE's recommendation concerning the visa applicant.

A vulnerability that the past that have been exploited involved the acceptance of foreign students and visitors into the U.S. Educational System. Helping to mitigate this vulnerability is ICE's Student and Exchange Visitor Program or SEVP which is a self-funded program based on fees collected from students exchange visitors and schools.

This program certifies, recertifies and decertifies school's eligibility to sponsor foreign individuals for scholastic enrollment and other academic purposes. The SEVP acts as the bridge for government organizations that have an interest in information on foreign students. SEVP helps DHS and the State Department to monitor schools and exchange programs regarding the visa classifications of F for academic, M for vocational and J for exchange category visitors.

SEVP administers the F and M student visa categories while the State Department manages the J Exchange Visitor Program. SEVP collects, maintains and provides the information so that only legitimate foreign students or exchange visitors gain entry to and remain in the United States. SEVP uses Student and Exchange Visitor Information System or SEVIS to track and monitor schools and program students, exchange visitors and there dependents approve to participate in the U.S. Education System.

SEVP interacts closely with ICE's Counterterrorism and Criminal Exploitation Unit, CTCEU, the first national program dedicated to the enforcement of nonimmigrant visa applications. Today, through the CTCEU, ICE proactively develops cases for investigation and cooperation with SEVP and the US-VISIT Program. As we move forward, it is imperative that we expand the nation's enforcement efforts concerning overstays and other status violations specifically regarding those who threatened national security or public safety.

According -- accordingly, ICE is analyzing various approaches to this issue including (sharpening) the focus of programs that address vulnerabilities exploited by visa violators. Ten years after the attacks of 9/11, ICE has made significant progress in preventing terrorist from exploiting the visa process.

Thank you again for the opportunity to testify today, and I would appreciate your continued support of ICE and law enforcement. Thank you very much.

MILLER: Thank you, Mr. Edge. You certainly do have our continued support, and now the chair recognizes Mr. Stana.

STANA: Thank you, Chairman Miller and Mr. Cuellar for the invitation to testify today's hearing about GAO's work on this very important topic and that's the integrity and security of our visa processes.

REP. CANDICE S. MILLER HOLDS A HEARING ON TERRORIST EXPLOITATION OF U.S. VISA SYSTEM

As you know, each year, millions of visitors come to the United States legally for a temporary visit. In the six year period from fiscal year 2005 to 2010, there were 36 million nonimmigrant visas issued for things like pleasure, business travels, and student exchanges and so on among other things. In addition during that same period, over 98 million visitors were admitted to United States under Visa Waiver Program.

While most visa abusers, you might say, are motivated by economic opportunities to enter the United States and work, there are other national security consequences as was mentioned earlier, five of the 19, 9/11 hijackers were here on one or the other overstay category and 36 of 400 individuals convicted in international terrorism-related investigations by the Department of Justice were overstays.

As you've heard from the other panelist, both DHS and state have made some progress in ensuring up our visa processes, and I'd like to discuss three areas from my prepared statement which could possibly add some contacts to what you've heard.

First, let's talk about the problem of overstays whether the person was admitted to the U.S. on a valid visa or through the Visa Waiver Program. As was previously mentioned, the Pew Hispanic Center has estimated that about 40 percent of the total illegal alien population in United States came in legally through a visa. On average, that's about 4:10 in contrast to resources that we spend on interior enforcement with what we spend on the 60 percent for border enforcement, a big difference.

To which credit, as you heard, ICE uses a risk management approach to focus its limited resources on overstays leads that it considers most likely to **pose** a threat to national security or public safety. But that said, ICE averages only about 1200 overstay arrest per year and devotes a little bit more than 3 percent of its investigative resources to overstays.

Now, to be fair, finding overstays could be difficult. They don't self-advertise. Sometimes, they leave the United States. Sometimes, they are now in status. Sometimes, they simply cannot be located. There are other programs that ICE and other DHS components operate like worksite enforcement and secure communities that do address overstays or at least overstays or a component of those programs. But when you added all up, you take all those programs together, we're not making much of a dent in that 40 percent of the illegal alien population.

Moving forward, ICE expressed interest in increasing the resources to overstay investigations and assigning some responsibilities to ERO, but they haven't established time frames yet or identify the resources to make this happen.

My second point involves the US-VISIT **system**. There are good news and not so good news. The good news is it's operating a 300 air, sea and land ports of entry, and it seems to be working well, and it gathers biometric information which can enable DHS to identify travelers, check law enforcement **data bases** and pre-**screens** others. The not so good news is that it has only a very limited capability to process exit records currently. The exit process now includes processing air carriers, electronic submissions of manifest data and other biographic information, as well as inconsistent collection of I- 94s.

So, all told, it is not an efficient position right now to reliably stay who has overstayed their visa and remains in the country. As of July -- this past July, US-VISIT obligated about \$193 million to develop air, sea and land exit solutions since 2002. They had different types of exit solutions and piloted them, but all have been determined to be insufficient and incomplete.

There are some other arrangements being discussed now such as with the Canadians to make their exit as a person live in the United States going into Canada become our -- their entrance become our exit and share information, but those agreements haven't yet been formalized, and there's more work that remains.

Finally, let's turn to the issue of ensuring visa integrity and security overseas. ICE has deployed agents to certain embassies and consulates as part of its Visa Security Program as you've heard, but at some post we found that guidance, training and standard and operating procedures weren't established which led detention between

REP. CANDICE S. MILLER HOLDS A HEARING ON TERRORIST EXPLOITATION OF U.S. VISA SYSTEM

ICE and state, as well as operational inconsistencies. We also found that while ICE had a presence at 19 post in 15 countries it did not have agents located at 11 of the top 20 high-risk posts.

You know, expanding the program can be limited by embassy space and budget consideration, but ICE is -- has not acted on possible alternatives although, I'm listening to some of my fellow panelist this morning, it sounds like perhaps that information has superseded, and there are steps to be taken to expand their vetting and screening processes.

On the positive side, we heard about ESTA a few minutes ago. ESTA was implemented without many glitches. They are screening about 99 percent of the travelers coming into the United States on visa waivers; however, there were about, I believe, was about 350,000 travelers who are boarded on airplanes without having a verified ESTA document and of those -- about 650 of those it was later found should have not been permitted to board the airplane.

DHS has yet to analyze these cases to see if these were of legitimate concern or if there are systematic weaknesses that are needed to be addressed for the program.

That concludes my statement. Obviously, it's important to balance visa security responsibilities with the need to enhance travel, and we've made a number of recommendations to both state and DHS to help this happen. Thank you very much.

MILLER: Thank you very much, Mr. Stana. I appreciate all the testimony of all the witnesses, and I know we have a lot of questions and one of the things that I -- was struck me as you were all testifying is the common theme about sharing information et cetera and working together with your sister agencies with the various -- with your partners and having good partnerships and that and that is a -- a theme in my office.

And I think certainly in the -- most members offices that was a -- a critical element of the 9/11 Commission recommendations about having -- moving from the need to know to the need to share and getting out of our respective silos et cetera, et cetera, and we -- we talked about that all the time, and it is very important certainly. In fact, I think that's why our committee staff which you also close together you just does master (ph) together because you all work so closely together so.

But, you know, it is -- as I mentioned, the first and foremost responsibility to federal government provide for the common defense is actually in the constitution securing our borders as a constitutional mandate of the Congress and that is what this committee is all about and -- and so we want to work with the administration in every way possible to secure our borders.

I really do not look at it as a Republican or Democratic issue or what (inaudible). I see these in very nonpartisan terms. I'm delighted that because this committee has been very, very vocal about continuing the presence of a national guard as a force multiplier for CBP and -- and board of patrol et cetera along the South -- Southern border that -- that administration just recently has agreed to do so for some period of time. I think we could use more but still admits a very, very excellent positive step forward I think.

And Mr. Cohen as you were outlining today, I don't know whether serendipity or whatever and you don't need to comment on that, but certainly the timing of having the administration talked about things that the this committee has been pushing for, for some period of time in regard to the visa program announcing those today on the -- as we're having this hearing does strike me as a bit interesting and very welcome, very welcome.

So, we are delighted to hear about those kinds of things, and I guess I would start Mr. Cohen with you. I'm sort of trying to take some notes as you were outlining this. So, there maybe a couple of questions in this, but you mentioned that you had 1.6 million names (ph) that you started with and about 800,000 of those you found then had left which was an interesting numbers.

So, we really didn't know about that until you started this which is OK and then 839,000 left of that which you have done so several thousands sent to ICE. We're just trying to understand where we are and this whole vetting

REP. CANDICE S. MILLER HOLDS A HEARING ON TERRORIST EXPLOITATION OF U.S. VISA SYSTEM

process. You could flash out your testimony a little bit with that because you mentioned also the Congress is gonna get the data inferences (ph) by country and some of the other metrics that you outlined.

I'm interested to know when that might be. I thought you said six, 12 months, but I'm interested in that and, you know, I guess just generally, there's no secret about the painful economic transition that is happening nationally and all of us are concerned about the budget deficit, and what we want to do of course is prioritize our expenditures so that we are doing what we need to do with the resources that we have.

And I think by using technology, that was gonna be a question, I had before you outlined here about the biometric forms and some of the biometric and biographic -- of course using the biographic information, but the biometric forms whether that's iris scan, retinal scans, however -- what you have called them, the fingerprints, all of these different kinds of things.

I'm a big believer in utilizing technology as a cost effective -- cost efficient and in this case the national security efficiency metrics, as well as an overlaid, and so I'm -- I was delighted to hear you talked about that. So, I don't know if I'm making my question clear, but I'm just trying to understand exactly what it is that you've outlined for us today because what you said is essentially what we've been trying to get at I think as a committee.

COHEN: Thank you, Madam Chairman.

I think you're right. I mean there are a couple of factors that have come to play that have allowed us to come here today and be able to describe what I -- I think is a pretty fully baked approach to how we're gonna do with this issue. I think the level of cooperation that has matured across not only the department but across the federal (ph) interagency across the law enforcement communities, the intelligence community, as well as the immigration community coupled with quite frankly a maturation of information systems whether there were information systems of the NCTC, information systems of the intelligence community, the information systems used by US-VISIT, ICE, and CBP and State Department.

There has been a maturation over the last several years, and I would argue that what I started to describe earlier probably could have not occurred several years ago. So, how did we get to where we are today? Earlier this year, for many of the reasons you all have outlined earlier. The Secretary pulled CBP, ICE and US-VISIT together and said we need that the 1.6 million records that are commonly referred to as the overstay backlog from a national security in public safety perspective.

We have to get it done, and we have to get it done now, and that -- that we all came together, and we reached out to our Intelligence Community colleagues, and we came up a way to leverage existing technical capabilities of that from a public safety and national security perspective to those records.

The first step was US-VISIT running through their systems that 1.6 million records and that is how they were able to eliminate the first (inaudible) of that data to determine if they have left the country or they had actually changed their immigration status. The remaining records a portion of those were considered confirmed potential overstay and based on existing protocols that 82,000 -- those 82,000 records would have been more fully evaluated under the -- the preexisting manual database checks and protocols that existed through the ICE prioritization process.

So, what we did this time is we took those 82,000 records, and the remaining 757,000 records which under the prior paradigm would never been fully vetted and we ran them through the NCTC systems and then we then will leverage the capabilities of the automated targeting system to query not only law enforcement and other immigration databases, but we leveraged the intelligence-driven targeting rules that ICE -- excuse me, that CBP has utilized this in the course of their general business.

Out of that -- those 839,000 records we were able to identify subset that were potentially public safety or national security threat, and working with ICE and CBP and the Intelligence Community, we were able to essentially go through each and everyone of those 2000 records. A subset of those several hundreds were potential leads that ICE eventually rounded down to the point where we were talking about dozens.

REP. CANDICE S. MILLER HOLDS A HEARING ON TERRORIST EXPLOITATION OF U.S. VISA SYSTEM

So, we started with 1.6 million records and ended up with dozens of new investigations. Now, some of those several hundreds were preexisting investigations, some had died, some were in jail, we think they were overstays because they were actually in jail but in -- in some had we determine had left the country because we are querying different databases like INTERPOL databases et cetera, but we were able to automate that public safety and national security vetting process.

We brought the same group together to say, "OK, so we do the same thing from a location in immigration perspective." Current capabilities did not allow that to build of that -- that -- those 757,000 records from a location and immigration status perspective would have required time consuming manual databases -- a database query, excuse me. And so, we put this team -- focused this team on coming up with a design on how we could automate those processes as well.

That work has been underway for several months now. I think we've come up with a concrete plan and as we looked at what would resolve when we put that plan into motion, which we estimate will take between six to 12 months will have phased (ph) and results along that time period. We not only will be able to fully vet from -- on an ongoing basis any other potential overstays or visa applicants or visa holders or people requesting other immigration benefits from a public safety or national security perspective.

But we will also have this enhanced biographic exit capability with added biometric features such better utilization of fingerprint identification numbers and other biometrics. We couple that with research being done by our SNT (ph) on biometric data collection capabilities from an exit perspective. You have a foundation for biometric exit capability in the future.

MILLER: Well, I for one can now tell you how much better I feel now than I did at the beginning of this hearing listening to your explanation and as you've been talking about your process here, and I guess just one followup when you're talking about follow on sometimes followup, these two most important words in English language, and you had this large group that you began with 1.6 million and as you went through your various iterations and down to -- to couple of hundreds apparently that are continuing with some sort of investigative process there.

How will you do in following up so we never get to that huge back up again? So, you'll be able to maybe you told me that but didn't quite get it how are you gonna continue to do this so that will not happen in the future. We'll be able to, in real time, understand if there's a significant threat to national security not six months after the fact (ph).

COHEN: So, for me, one of the most exciting parts of this has been to watch how us we brought more clarity to the -- to the technological capabilities that can come. We interlink these systems that that has caused a parallel excitement on the operational side. ICE has been working with CBP and others have been rethinking the way that they track day to day.

So, instead of us being reactive on overstay list -- being a potential overstay list being created -- it being prioritized based on preexisting prioritization standards. CBP and the -- the technologies will be working -- developing essentially a hot sheet (ph) which on day to day will look at new derogatory information coming in, new immigration -- information coming in, new travel information coming in, and we'll -- we'll essentially create a dashboard available to ICE as they on a day-to-day basis that will provide them insights about those public safety and national security risks that are either overstays or existing visa holders.

So, ICE is actually -- this has -- this has provided an opportunity for ICE as they are able to free up more personnel from these database queries to be more imaginative and creative on how they use they existing investigator resources and maybe I would defer to Mr. Edge if he wants to add any more to that.

MILLER: Mr. Edge?

EDGE: Thank you very much, Chairman Miller.

REP. CANDICE S. MILLER HOLDS A HEARING ON TERRORIST EXPLOITATION OF U.S. VISA SYSTEM

That is certainly a very accurate assessment. The part that US- VISIT begins we're able to take after all these leads have been fully evaluated and vetted through various databases and then we form those leads out to our various offices in the field, and we have 265 offices on the domestic side and 70 offices internationally.

So, once those leads are sent out to the field our agents are able to conduct investigations and very detailed investigations based on the quality of the information that we've been -- we received. So, it certainly has worked very well. We certainly see that it's going to continue to work. We also have received well over 194,000 leads not only from US-VISIT but from the SEVIS process as well, and we've initiated 7272 investigations as a result. That's pretty significant, certainly something that we haven't been doing over the past since the inception of the -- the agency and as trying to combat terrorism.

As a result, we've also been able to make 2194 arrest. So, the information that we're getting now has really been allies carefully resulting in some significant results and as Mr. Cohen indicated, we're able to conduct some quality investigations by gathering this information and sending it to additional databases in the Intelligence Community as well as our -- our counterparts in the law enforcement world.

MILLER: Thank you very much. I would just conclude my question in here by once again observing that this is really how Congress is suppose to act what we are doing oversight, we are asking various questions hopefully getting the agencies to respond and you certainly are responding, and I think in a very appropriate manner. So, I'm appreciative to hear all of this today, and with that, I would like to recognize our Ranking Member, Mr. Cuellar for his questions.

CUELLAR: Thank you very much, Chairman. I have two sets of questions. One has to do with the time that after an alien is ordered to be removed, how it takes for that person to stay, and members I would ask you to look at the handouts and I believe Diana is gonna put an overhead also. What's the average time for -- to get the travel document issuance before they are removed, so, (inaudible) State Department?

And the other one is an issue that was brought up at the committee last week I believe about a Mexican-based school that taught students how to fly. They were in South Texas and instead of being there on student visas they were there learning being taught on tourist visas itself (ph) and then again, so why this came about because one of the Mexican pilots -- training pilots went over in buzz (ph) some of the boaters (ph) and one of the places and had created that type of activity to bring this up.

So, I'll first to the travel as you know when an alien other than the Mexican national (ph) is order to remove from the United States, the consular office here from the alien's country of origin must issue a travel document. This travel document allows the alien to return to his or her country and are necessary to affect the order removed of aliens from the United States that there are some countries like Guatemala, Honduras and some other (inaudible) the DR that have electronic travel document to make that to move a lot faster.

And of course with Mexico overall, we have a good working relationship we'll take them rather quickly, but as you can see up there, they are certain countries and this is only just a few Pakistan takes 92 days, this is after -- just to get the travel documents, China 147 days, India 160 days, Bangladesh 192 days, Zimbabwe 257, Cambodia 300 days, Vietnam 337, Iraq 391 days and again I note from the State Department because, and I wanna thank John Morton because he's the one who brought up this issue about a year ago.

We said that with the State Department, and I -- we were given the diplomatic reasons why the State Department couldn't move on but at the same time keep in mind that that will cost us money because anytime they stay here in the U.S., it will cost us money, and this is from the time an order was given, this is not before the time this is after. So, if you got all those it sort of cost the taxpayers thousands and thousands and thousands of dollars to keep those folks here.

The -- the chart as I mentioned those were the recalcitrant countries that are just slow in accepting the (inaudible) back, and they will give up different reasons. They are good at giving information, so they can get their visas but when we wanna send them back, they'll give you all these reasons and -- and my -- my only thing is this, you know, if we can give -- they've given reasons again why it's difficult to get these countries to -- to get them to

REP. CANDICE S. MILLER HOLDS A HEARING ON TERRORIST EXPLOITATION OF U.S. VISA SYSTEM

accept the folks back and what's being done by the U.S. and order this day -- delays a consideration when determining whether to issue visas to individuals for certain countries.

My thing is if they're taking a hard time to take back these folks then when we gave them visas why are we get - continue giving them visas when at the end they're gonna take their time, and I really thank that the State Department should consider that and should we consider restricting visas issuance to those countries, and so they begin to -- begin to accept their nationals and a more timely visas.

And I again, I'm Georgetown Graduate School (inaudible) always to understand all the diplomatic reasons, but again, as a taxpayer and as a member of Congress who represents all those folks, I think that's something that we need to play a little bit more hardball with those countries that are taking the time and cost, and there's a lot of money.

The second part of that question is the -- the situation that we had in South Texas, how can students who come in take flying less in small planes so we know what happened in 9/11 either they are coming in to learn. They are here on tourist visas and not student visas and then of course when we talked to the FAA and Homeland Security, you know, everybody will say, "Well, you know, we don't do this, we don't do this, we don't do that, that's their responsibility, not our responsibility," and it goes to what the Chairwoman and Chairman Thompson has been -- and all of us has been talking about -- all members of the committee has words (ph) of coordination.

I mean that -- at the end of the day, the American taxpayers doesn't wanna know what agencies blame, what agency. They want to know, what are results, and how you keep this safe. So, first part of the question is the recalcitrant agent -- countries, and I guess we'll start with the State Department.

RAMOTOWSKI (?): Thank you, Congressman. Let me say that the State Department is acutely aware of the seriousness of this issue. We share your concern and we are taking all positive -- all possible steps to improve the situation with respect to recalcitrant countries and together with our interagency partners, we've established high level working group to workout the strategy for dealing with the most egregious countries.

In addition to that, former Undersecretary Burns now Deputy Secretary instructed all RT (ph) submission to do what they could to produce positive responses in the recalcitrant countries.

CUELLAR: Can I ask you a question? Since April, I think it was in April of 2011 that we met in my office with the State Department and -- and John Morton has anything been done except establish a working taskforce with all due respect, I mean that with all respect, I appreciate all the help that you and Secretary Clinton are doing. Anything been done since that time besides to incur (ph) more taxpayer's dollars? Is the taskforce the only thing that's been done?

RAMOTOWSKI (?): Well, these -- these issues are also being addressed case by case with the Foreign Consular Officers here in Washington and again, our staff works with ICE and the other agencies involved to try to encourage the foreign countries to take back more of these individuals. But as you recognized it's a difficult process. There are many issues at stake and the progress isn't -- hasn't been as rapid as we were all like.

I would point out too that our new Ambassador to China former Secretary of Commerce, Gary Locke, is personally aware of and engage in this issue, and he's determined to see more progress with respect to China. So, we are doing everything that we can and let me close by saying that for us this is a very serious issue.

CUELLAR: I appreciate that. Could we put a little bit more pressure on them at the beginning instead of the end?

RAMOTOWSKI (?): We will try our best.

CUELLAR: We'll follow up the second question on the second round on that just thinking about that particular case in South Texas.

Thank you, Madam Chair.

REP. CANDICE S. MILLER HOLDS A HEARING ON TERRORIST EXPLOITATION OF U.S. VISA SYSTEM

MILLER: I thank the gentleman. The chair now recognizes the other gentleman from Texas, Mr. McCaul.

MCCAUL: Thank you, Madam Chair.

Fifteen of the hijackers came from Saudi Arabia, and when I looked at the Visa Security Program, it does not have 11 of the top 20 high-risk post included -- including Saudi Arabia. But it seems sort of interesting to me and so Mr. Edge and Mr. Cohen, can you explain to me why Saudi Arabia is not on this -- part of this program?

EDGE: I believe Saudi Arabia is a part of the program as we speak today.

MCCAUL: They -- they are.

EDGE: Yes, they are.

MCCAUL: Then perhaps I had some misinformation.

Let me continue with -- Mr. Cohen, I'm glad that after 10 years later we are making progress on our exit program. When do you plan to have that fully implemented?

COHEN: We anticipate that the capabilities that I described earlier will be implemented within six to 12 months.

MCCAUL: And will that include also biometric?

COHEN: It will include enhanced biographic with certain biometric elements included as I referenced earlier, more expanded use of information captured on the front end, think of forensic et cetera, and we are also -- it will also include in that same time period more advancements in research on biometric technologies we can use here as part of the (inaudible).

MCCAUL: OK, that the -- I agree with Madam Chair that certainly good news as for the Congress in our oversight working with you actually is a positive experience.

Let me move on to visa overstays. The secretary announced that criminal aliens are high priority for deportation. As a former federal prosecutor, I certainly understand that with limited resources. On the other hand, she seemed to infer that noncriminal aliens that were having visa overstays could stay in this country and apply for work permits.

First of all, Mr. Edge, can you -- can you respond to that? Is that the administration's position?

EDGE: (Inaudible) position as a law enforcement agency is to take the information that we acquired from the SEVIS Program and US- VISIT and focus on those overstays that are posed the most threat -- potentially are the most dangerous to our country.

MCCAUL: And I -- I get that. I agree with that but I -- I was disturbed by the inference that the nine criminal aliens are overstaying could stay here and apply for work permits. Was that an accurate statement on part of this administration?

EDGE: I'm not familiar with that statement, but I have to defer to the department.

MCCAUL: OK and then perhaps I need to ask the secretary, you know, herself that question.

Mr. Stana, if that was -- if that is a policy for this administration do you think that would pose threat in any way to our security?

STANA: Well, given with the theme of the hearing -- the integrity of the visa process it certainly calls (ph) up to question. You know, listening to the new -- new program that ICE and DHS is putting together I think it's a stepping (ph) -- I'd welcome the opportunity to take a look at it and raises a whole host of questions but if we're still gonna focus on the national security and public safety folks which is the thing to start with still leaves the vast majority of

REP. CANDICE S. MILLER HOLDS A HEARING ON TERRORIST EXPLOITATION OF U.S. VISA SYSTEM

people on touch, and it gives the impression that once you're in the country you're in unless you act out (ph) and then you might get caught.

MCCAUL: Because as I look at some of these where there are hijackers or high profile terrorist violators and many of them were noncriminal aliens here on a visa overstay.

STANA: Well, on the fact that the Christmas Day bomber went through the visa process, there's many of which were in place in December of 2009 apparently got in -- on the airplane, got a visa, just calls the question how much question has to be raised before you deny boarding.

MCCAUL: So, Mr. Edge, I hope you can get back to me on that question in terms of what is the administration's position or perhaps Mr. Cohen, you may have an answer to that.

COHEN: Yes, Mr. Congressman -- I mean Congressman, so first and foremost because of resource issues primarily the administration prioritizes the targeting of those visa overstays that representing national security or public safety risk. Through the capabilities that I've described earlier as we are better able to identify people who are actually confirmed overstays meaning we have assess that they are actually located in this country, and they have not changed their immigration status, we then as we do now, we'll have the ability to provide that information so they can be input it by CBP and others into their systems and State Department into their systems.

So, if there is a second encounter, meaning they are arrested, meaning that they seek to apply for another visa, they seek to apply for other types of (inaudible) that the information that they are overstay will be available to those CBP officers or others.

MCCAUL: Well, again, yeah, majority of the hijackers were overstay noncriminal. (Inaudible) the blind shake responsible for the '93 World Trade Center bombing was a visa overstay without a criminal record. So, I think it is important, and I'm concerned that, you know, that's why I look forward to hearing the administration -- I'm concerned about sending a message out there that if you're noncriminal alien, it's OK to stay. In fact, you know, you can apply for work permit as well.

COHEN: If I may Congressman one last point, you make an excellent point about whether information about the hijackers where in databases like NCIC because they've been arrested, but there was on many of the hijackers or on several hijackers with derogatory information or other law enforcement information that under this new construct would come to the attention of authorities information and since then information that may reside in other repositories of the Intelligence Community other than say the TSDB.

So what we are seeking to do is expand our ability to vet visa information or overstay -- information regarding potential overstays against a much broader set of law enforcement or intelligence information than we have done so in the past.

MCCAUL: I look forward to working with you on that, then thank you for you testimony.

MILLER: Thank you. The chair now recognizes the gentleman from Virginia, Mr. Rigell.

RIGELL: Thank you, Madam Chairwoman, and thank you all to our panel. I appreciate the work that you're doing. You know, that we've had no major domestic terrorist attacks since 9/11. Certainly is a -- is a high degree of success and we recognized that.

You know, also though at the same that we have approximately 4.5 million illegal immigrants here who came here on a visa and then overstay that is -- that is unquestionably a failure, and I'm going to -- my short time -- try to see how we link performance with -- an accountability with performance here.

Mr. Ramotowski sir, yes sir, I too have a difficult last name to pronounce. OK, what is the approximate number of countries whose citizens are eligible to apply for visa to come to the United States?

RAMOTOWSKI: Well, this is (inaudible) all countries are -- are eligible to apply to travel to the United States.

REP. CANDICE S. MILLER HOLDS A HEARING ON TERRORIST EXPLOITATION OF U.S. VISA SYSTEM

RIGELL: OK, so any -- any country.

RAMOTOWSKI: Yes.

RIGELL: OK, now among that range of countries then surely there is some disparity between those countries whose citizens who are, you know, have a higher percentage of violating our visa conditions than others, right?

RAMOTOWSKI: That's correct.

RIGELL: OK, could you please identify for us then those top five countries.

RAMOTOWSKI: I don't have the statistics here sir on -- on the number of visa overstay by country. We'd have to get back to you on that.

RIGELL: OK, if you would please and not so much by the -- the -- the well -- I -- I would like it to be actual number but also as a rate -- a percentage because those countries who -- they would indicate to me that if we have the top five countries I would say what's taking place at our offices, there are State Department offices there or embassies to understand what's taking place there.

Now, on that -- as a followup with the actual personnel side, actually approving of visa is by definition a judgment call. We're trying to predict future human behavior inherently difficult. We have some mechanisms that helped us with that and the biometrics that we're working on -- on all of those things but at -- at the end of the day, it's a judgment call, and it would stand a reason wouldn't it that some -- some folks are -- are better with that and others, wouldn't it?

RAMOTOWSKI: That's correct.

RIGELL: OK, what -- what processes and procedures do we have in place that would help us discriminate in -- in the most positive sense of the word, those personnel who are really good at this and others who clearly aren't very good at it.

RAMOTOWSKI: Well, again, Congressman, we have layered approach to the training of our personnel, and as I've mentioned in my statement, they receive an intensive Basic Consular Course when they joined the Foreign Service that includes training and interview techniques, behavior detection and all of our Consular automated systems.

Many of them also do consultations with other law enforcement agencies before they go out to their post. When they arrived in country, and I should also point out that they are given training in their language and culture and areas that this -- of the regions to which they are sent. When they arrived in country, senior consular personnel are charged with overseeing their professional development and monitoring their work...

RIGELL: I -- I appreciate and I -- I really don't wanna be rude by interrupting you we have such little time here, and this is a very important question for me. Let say for example that there's 500 visas approved by a particular person, and their failure rate is in the 12 percent range and -- and generally let's say that's pretty good compared to maybe the average for that country. But there's another person over time you see has a 42 percent failure rate. That is 42 percent of the visas here she approves actually end up overstaying.

I'm trying to -- I'm trying to help our government to have this -- this culture of accountability. So, you described a lot of things there, but I did not hear how we circle back around and try to track performance not to punish someone but to -- to -- to help those -- to elevate those who are doing well and maybe -- if we do have a person is not having a particularly good track record on this that we either help them to become better or frankly we remove them.

RAMOTOWSKI: Well, Congressman, as -- as I was saying we do have a process for evaluating our personnel. It's a continuous process and individuals who do not perform to the service's expectations can be denied tenure and -- and remove from service.

REP. CANDICE S. MILLER HOLDS A HEARING ON TERRORIST EXPLOITATION OF U.S. VISA SYSTEM

RIGELL: I -- I thank sir. And I just would circle back maybe around in some written questions that I submit to understand better the metrics of that -- if there are actual metrics of -- of violations.

Thank you, Madam Chairman.

MILLER: Thank you, gentleman. The chair will now recognize the gentleman from Florida, Mr. Bilirakis.

BILIRAKIS: Thank you, Madam Chairman -- Chairwoman. I appreciate you giving me the opportunity for -- to speak today.

According to the Homeland Security Department's number to more than 7300 foreign students have left school early for various reasons but illegally remained in the United States, more than 800,000 students in the U.S. participate in the Student and Exchange Visitor Program. Most of them come here for noble intentions while not all would be terrorist come to the U.S. under they guise of a -- a student visa.

We have seen examples for several half. I know everyone -- well, we have examples right here. For this reason, I have longed advocated for legislation, the Student Visa Security Improvement Act, which I introduced to ensure a student visas are issued to those genuinely interested in obtaining an education, and it seeks -- it seeks to ensure that once allowed into the country on a student visas, students are actually here to study and do not draw off the radar.

So, I have a couple of questions here. Secretary Ramotowski, to what extent do the State Department coordinate with DHS to review and screen student applications for security concerns?

RAMOTOWSKI: Congressman, student visa applicants are screened through the same intensive process that all of these applicants are screened with -- with some additional features. They have their fingerprints taken and screened through our biometric fingerprint systems. There we also use facial recognition technology to screen those applicants.

We conduct an intensive visa interview with consular officers in the local language or in English, and in addition to that, we utilize extensively the immigration and customs enforcements see this system to ensure that the student is attending a registered school and has in fact completed the registration process at that school.

And as I mentioned in my remarks, after the visa is issued, there is a continuous vetting process of all issued visas such that if at any time the derogatory information surfaces from any source law enforcement or intelligence, it can be promptly analyzed and the visa can be reviewed for possible revocation. So, yes we worked very closely with Homeland Security and our other partner agencies on these cases.

BILIRAKIS: Well, why is it then that we have 7300 students that are here - well former students that are here illegally in the United States, how can we help you - with that issue?

RAMOTOWSKI: I think Congressman that I obviously can't speak for them but individuals overstay for a variety of reasons and we are continuing reviewing our processes and our posts abroad to ensure that if there is a change in the country, perhaps economic activity and economic crisis or something of that sort that our officers are fully aware and they make their visa adjudication decisions that there might be other factors encroaching on individual's decision whether to comply with our immigration laws or not. We were never knowingly issue anyone who is unqualified or intention (ph) to overstay in the United States a visa.

BILIRAKIS: Are we searching for those individuals, those 7300 that are located here in the United States? Do we have any idea where they are?

RAMOTOWSKI: I'll defer to my Homeland Security colleagues on that one.

EDGE: If I may Congressman, ICE is working very closely with the Department of State and sharing our various databases, so currently we have more than 10,364 institutions as a part of the SEVP program and we follow up with the various institutions on a regular basis to determine if the students are remaining in school. So, those

REP. CANDICE S. MILLER HOLDS A HEARING ON TERRORIST EXPLOITATION OF U.S. VISA SYSTEM

students that are - have certainly are out there as overstays, their names are being vetted through the various systems that we highlighted earlier in our testimony today, and they are being prioritized. And we certainly would be looking for the most egregious ones, those that post a threat to our national security.

BILIRAKIS: Thank you. For the entire panel, to what extent are some fraudulent educational institutions able to serve as visa mills and as back door into the country, what tools exist or are needed to close this loophole for the entire panel?

STANA: Well, I'll start off. I think what my other panelist said was probably what we all wish for, and we all hope that the information provided by the educational institutions is - is accurate and there is no fraud. Our works has shown however that - that's just not the case, sometimes information, which ICE depends on to do its case work, is submitted late and deceived us or not at all. The students themselves don't update the information that they have to update about their job status, so it may appear they're still in school.

There is fraud involved Mr. Bilirakis. I think you mentioned, that's what you're alluding to. Universities, there was one in the - in the paper I think and I'm saying this was fraudulent. The University of Northern Virginia that was alleged to be of the type that you're - you're saying. So, I think that we had to take more steps than we have in the past to make sure that this is as seamless as we'd like to it to be. Right now, it is not. There are too many inaccurate - inaccuracies in the data, and there are too many cases of fraud in connection with these schools. Other people taking the students test for them. People not checking photo IDs when they should and so on.

RAMOTOWSKI: I would just like to add Congressman that, that underlines the importance of the personal interview that our officers conduct in our embassies and consulates because although someone may submit a fraudulent test paper, a highly trained consular officer can often note discrepancies in the interview that would open a line of inquiry and lead to the denial of that visa. In our high fraud post, we also have fraud prevention units and fraud prevention managers and they are dedicated to ensuring the integrity of the visa system. They investigate questionable cases and provide the results of those investigations back to the visa officers. So, we take this concern very seriously and we work closely again with Homeland Security in maintaining the integrity of the process.

BILIRAKIS: Madam Chair, I know my time is expired. I have one additional question but I'll wait for the second round.

MILLER: OK, thanks gentleman and the chair now recognizes the gentleman from South Carolina, Mr. Duncan.

DUNCAN: Thank you Madam Chairman and thank you for the timeliness of a - of this hearing. It never ceases to amaze me that when we schedule a hearing on a topic like this, we see the administration react and in a positive manner, and that's a good thing. There was an article today about (inaudible) border security checks to reduce visa overstays may have been brought up earlier but, yes, it's a good thing that we're having a - an impact, so thank you for that.

And I wanna address my question, I guess it could go to Mr. Edge or Mr. Cohen or Mr. Stan but visa overstay is definitely a topic that concern folks in my home state of South Carolina because we - we know that we got to do a better job than what we do in this country. When you see statistics such as a backlog of 1.6 million people have overstayed their visa - visas in the U.S. And recently you all vetted those through multiple channels which I'll talk about in a minute, there's still 839,000 people here that I think Mr. Cohen said the department vetted everyone for potential national security and public safety concerns but there's 839,000 people here that have overstayed their visa in violation of the sovereignty of the United States of America and I just have to say why? Why do we still have 839,000 people here who are here illegal?

COHEN: Great question Congressman and you made a really important point. The sad fact is that we do not know until we go through a manual vetting process what number of that 839,000 actuaries that are still in this country or have changed immigration status. And that is why the capabilities I described earlier is so important because in the past, because of resources use and the lack of technical capabilities, it required a U.S. visit, ICE to manually do a series of manual database checks that was incredibly time consuming. So, there were large numbers of records

REP. CANDICE S. MILLER HOLDS A HEARING ON TERRORIST EXPLOITATION OF U.S. VISA SYSTEM

that were never evaluated. Now, those people may have left. They may have changed status. We just did not know that ...

(CROSSTALK)

DUNCAN: Can you pause right there and explain to me as freshman Congressman what change in status is? What you meant by that?

(CROSSTALK)

COHEN: Change in status is they came into the country under a visa, they may have change their immigration status, they may have extended their visa, they may have reapplied for a new visa, they may have applied for a new visa with slight variant in their name.

(CROSSTALK)

DUNCAN: Wouldn't that we know if they applied for a change in status, that they are no longer here as a student and they changed, and you take them out of that category, wouldn't that be automatic?

COHEN: In some cases yes, in some cases the way that the systems had been designed in years passed, that information was not immediately apparent. It would require an individual, an investigator, or researcher to go into multiple systems to determine that whether that (inaudible).

(CROSSTALK)

DUNCAN: So, if Tom Davis comes into this country from Ireland and - and he realizes he is here on a student visa, he overstates his visa, he's gotten a job or he is now consulting for a company, he also change that status to here for business reasons or whatever and he comes to your office and says I wanna change my immigration status. Tom Davis from Ireland, here's my Social Security number, here's my whatever identifying factor that you have. You can't electronically with all the abilities we have today take that Tom Davis out of that category and put him on other and he would not be listed in the 839,000 people that we're talking about now? Is that difficult?

COHEN: The way the systems were designed in the past, yes sir. And that is what we're fixing and in - and there's one example I can talk to you about, about the 839,000 records that we did vet, where we found an individual who came based on a visa applied for by her husband. She then changed status and got a visa on her own, and she is a - a very good student at a Southern University and the system would not have automatically pick that up and did not, and that is what we'll be fixing through this new capability - this - this interlinking of systems that I referred to earlier Congressman.

DUNCAN: It's very obvious to me that - that we got a broken visa system for overstays based on these numbers. When you - you vet it over half of them through multiple channels and said OK, those guys are going back to their country, we still have 839, 2000 of which warrant further investigation because they probably here for made, who God knows what but I believe that we got to pursue in this nation, in my last seconds here, a biometric countercheck, so that we know when someone leaves this country that they have left.

And if they - if they haven't shown up and left the country within their stated time, then we put them in a category they're here illegally, and we started running down their last address, at least or taking care of securing our country. The sovereignty of this nation is very, very important to me and is no wonder we see instances like we recently saw where the member of a certain family who has been here overstayed a visa for a very, very long time, so very timely. Thank you. I yield back.

MILLER: And thank you gentleman for those comments and I think the gentleman is - demonstrated a frustration that many of us feel. When you see an administration who has just recently announced their policy that say they are not going to deport illegal aliens, no illegal aliens unless they think that they are public safety threat. So, that is a very unfortunate back door amnesty, however you wanna categorize it. It is a - end run around the legislative process and I'm now speaking to other members of Congress.

REP. CANDICE S. MILLER HOLDS A HEARING ON TERRORIST EXPLOITATION OF U.S. VISA SYSTEM

I don't speak any comment from any of our panelists. I'm talking about the administration announced policy that I have vehemently stated I have a lot of problem with. And I think that's going to add to our problem, is going to incentivize others to get here, to stay here, and knowing that unless they - they really do something criminal, even a DUI, the problem apparently is not enough criminal activity would be a public safety threat to deport individuals. That is a significant problem I believe to our national security here.

And to the political will of the American people who have demonstrated over and over again, they want to secure our borders and they want to get rid of a lot of the illegal aliens who are here, whether they overstay or what have you. And I would just comment to Mr. Stana because you've mentioned here. One thing that you said that I - I thought was very interesting, when you said the amount of the budget that we are spending to protect, secure our borders and yet here we have 40 percent plus of all the illegals that are in the country are overstay from their visa and you just mentioned specifically with ICE, that you're only spending 3 percent of your budget on these overstay, when there are 47 percent some of the problems that we have.

So I would just ask Mr. Stana, you mentioned about the information Mr. Cohen gave today and you looking forward to evaluating that, will the GAO just go ahead and evaluate this, or would you - are you looking for a letter from our subcommittee or how - what will trigger your analysis and recommendation?

(CROSSTALK)

STANA: We will (inaudible) a study, would be a letter from the subcommittee or committee and if ...

(CROSSTALK)

MILLER: You're going to have it very shortly then.

STANA: If both sides will do it, it would be advantageous. There are number of questions were raised. I think this is definitely a step in the right direction but there are questions about timeliness and reliability when you're using biographic versus biometric. The rest of the system has to be resourced to be able to move people along the line to deportation if that's the goal. And of course you mentioned the immigration impact, aside from the national security impact, and when that part of the tail would - would - would be resourced as well, so there are lots of questions. As I say, it's a step in the right direction, it's something that I'm sure you'd been looking for, for a while. I just like to see how reliable the system would be.

MILLER: Very good but a letter would be forthcoming, and I also wanna mention again about the Christmas Day bomber. Obviously, I come from Southeast Michigan, that particular incident has sort of faded from the national radar screen but I tell you has not faded in - in my immediate market because as we speak, the Christmas Day bomber who is now his own attorney, he's his own attorney and they're going through jury selection, and it makes me crazy.

Everyday, I'm watching this guy going after we Mirandized him, we sent him to the University of Michigan, the best burn center in the entire nation and now, he's going through this entire process. And how much - the city of Detroit actually is having to pay for security, et cetera for this guy going through our system when he should be, in my opinion, I'm not, again, I'm talking to other members of Congress. I'm not looking for any comment from any of you. This is an administration - administrative stated policy, they should - this individual in my estimation should be treated as an enemy combatant.

They are looking at the battlefield in asymmetrical terms and in that particular day, the battlefield received 19A of that Northwest Flight and that was the battlefield in his mind, and I think our - we - we hurt ourselves by not appropriately responding to that but I - I guess this a question in regards to him because it's my understanding that running the name through the NCIC database et cetera, that his name was introduced after his father came to the embassy in Nigeria, et cetera, was misspelled. So, how has that - I mean will that happen again, what do we - what steps have we taken to correct that?

REP. CANDICE S. MILLER HOLDS A HEARING ON TERRORIST EXPLOITATION OF U.S. VISA SYSTEM

RAMOTOWSKI: Madam Chairman, we've taken a number of steps to ensure that, that will never happen again. The database that we used to store the records for issued visas has fuzzy logic for name searches such that, a future search, a current search with the misspelling will still return all possible records in closed matches. In addition to that, our embassy in Nigeria had forwarded a - a telegram as was noted here to Washington indicating that the father had come in and had concerns about his son's dealings with extremist in Yemen.

That was sent as a Visas Viper message. At that time, the interagency watch list and guidance did not call for the automatic watch listing of that sort of information. That's been change and at this point, I have no doubt whatsoever that Mr. Abdulmutallab would had been watch listed, would be watch listed now and the State Department in turn has changed its revocation policy. Upon received of the Visas Viper message of that kind now, we automatically review the issued visa for revocation, and act upon it, unless law enforcement or intelligence agency has formally asked us not to take action.

So, we corrected many of - all of the State Department issues that were identified in the aftermath of the Christmas Day bomber. And most important of all is the continuous vetting of issued visas. Like I mentioned in my remarks, at anytime the watch listing system can be updated with new, derogatory information from whatever source and that will be vetted against the database of issued visas. So if there's any match to a possible visa holder, we will review that and revoke it.

MILLER: Thank you very much. I appreciate that information and very comforted to hear of those corrections being made. And my final question, I would ask of Mr. Ice (sic) and you mentioned, Mr. Edge, excuse me from ice, you mentioned about the Visa Security Units and being in 19 countries, et cetera and I know you talked a little bit about how is that happening at some of the high risks embassies and the consulates, et cetera. And I thought it was interesting listening to Mr. Ramotowski talked about the Department of State and how you handle your agents in regards to language skills and various kinds of things.

I'm just wondering how you do with having your agents with the language skills in these various areas and also because we're - again we're talking about budgetary considerations, I'm not sure but I would guess that it is very, very expensive to set up, to stand up such a - a unit in any of the consulates or embassies. And is there any way of replicating, maybe not 100 percent but doing - I'm not sure how many others you would like to have in a perfect world, what's your optimal number actually is, is there any way of replicating that stateside to assist you from the budgetary standpoint but really helping us prioritize again from the national security perspective?

EDGE: Well certainly the agency could always do more with more but the Congress has been very, very helpful to us in setting up the current visa security programs in - in the various countries that we have been them in. And also hearing my counterparts statements a little while ago from the consular perspective of the interviews that take place, during those interviews in high risk post around the world, we would certainly have an ICE agent, special agent who is highly trained in investigations and interview techniques to sit with our Department State counterpart.

It would be a joint effort to determine whether or not admissibility should be granted and a visa should be issued. As far as the expansion of the program, it caused about \$2.2 million to open up an office and \$2.2 to continue the full operation of such a post. So, we're - we're doing the best we can and we would welcome the continued support of the Congress in - in meeting the requirements of our mission but our attempt to push the borders out and - and do a lot of this work overseas as well as a lot of the vetting that we spoke about earlier on the domestic side, will certainly bolster our borders in countless ways.

MILLER: Thank you and perhaps GAO could take a look at how that might happen stateside as well to do some of those kinds of things, not to tell you your business but ...

(CROSSTALK)

STANA: Yes, actually we have. We've looked at some of the efforts they have to not only do they work overseas but tried domestically to do some of the screening via computer matches and there was one item which I think was dropped from the budget before, it went to OMB. I think it was \$17 million line item which would've enable base (ph) our match - matching law enforcement databases to visa applications which would have done the initial

REP. CANDICE S. MILLER HOLDS A HEARING ON TERRORIST EXPLOITATION OF U.S. VISA SYSTEM

screening worldwide, \$17 million. Given the numbers he was talking about, it seemed like it might be a bargain. We haven't a look at it to see if it was a bargain but the numbers were right.

MILLER: Very good, I appreciate you outlining that and I'm sure my staff has taken a note of that, and we're going to look at it as we proceed to our budgetary process here in the future. And at this time, the chair would now recognize Mr. Cuellar, our ranking member for his questions.

CUELLAR: Thank you. Before I ask my question, you know, just to be fair to this current administration, everything depends on resources. And I think what President Bush saw, what President Clinton, and Bush No. 1, all saw the same thing, you can do as much as what members of Congress give you. Isn't that correct?

EDGE: That's correct Congressman.

CUELLAR: OK, isn't it true also that the current administration has deported more criminal aliens than any other administration?

EDGE: That's correct sir.

CUELLAR: By a larger number, is that correct?

EDGE: That's correct.

CUELLAR: All right, thank you. Let me go back to the original question I had but before I ask you, this thing about the flight training school in South Texas, Mr. Stana I appreciate everything GAO, I'm one of the big fan of what you all do. In your testimony Mr. Stana you stated that the 2010 airlines complied with the requirements to verify ESTA approval for almost 98 percent of the visa Waiver Programs Passengers prior to boarding. However, the remaining 2 percent of about 364,000 travelers travel without this Visa Waiver Program without ESTA approval. Tell me what happen here in - in your opinion?

STANA: What seems to have happened in those cases, first off the statistics went up to 99 percent. I think when we look at that program to 98 percent figure was from a slightly prior (ph), so it's getting better all the time. In that case, I think it was a computer glitch where the computer was down, they couldn't get the ESTA verifications in on time. I have no idea how many of these ESTA inquiries result in a do not board or stop for people. I don't think that data is tracked. I might be mistaken but I don't think that data is tracked but what we did see is that there were about 650 out of the, you know, number you cited that caused enough concern that upon reflection they said that they shouldn't be allowed to board but the computer is down.

They couldn't get the assurances before, the person boarded the plane, also I should note that there's a timing issue here. You could submit the ESTA paperwork up to two years before a flight and something could happen to you within those two years. You get a drunk driving conviction or something which would result in a - inability to board. And all this really mean is, you've to go to the consulate to get a visa manually and sit this one out in visa waiver country.

CUELLAR: Thank you. Gentlemen for the other questions dealing with the South Texas unless (inaudible).

(CROSSTALK)

WINKOWSKI: If I could just add, just a little clarity there. When we started up with the ESTA **system**, we relied on the carrier's to program the **system**, so they could get a no board message. That took a little while No. 1. No. 2, all ESTA applications are - are vetted on a - on a continued basis like - like the visa. So if you have an individual that's applied for an ESTA, the ESTA it's good for two years and if something happens in between that time, that individual then is - is denied the ESTA and is notified to go to the embassy for a visa.

CUELLAR: Thank you. Talk to me about South Texas, how does a foreigner come into the United States, go to a flying school, a training school on a tourist visa, instead of a visa and then how do we get agencies, to start pointing a finger to each other and we can't seem to coordinate? And, you know, apparently there were no terrorist ties to

REP. CANDICE S. MILLER HOLDS A HEARING ON TERRORIST EXPLOITATION OF U.S. VISA SYSTEM

the students at least from what I've been told but it's just a little concerning that some other country can come in and do, you know, - somebody from another country could come in and do the same thing and get some flight training. Whoever wants to handle this.

EDGE: In this particular instance, Ranking Member Cuellar, certainly the SEVP program didn't provide us with the information because the flight school is not registered with the program. You know, PRATT (ph) was not a member, a certified school at that time in September. What we have to do a better job of certainly is to communication with our fellow federal agencies. In this case, the FAA when they recognized that there are in fact people who are here on visitor's visas, a V1 or V2 who are enrolled in flight school, when that should certainly be an F visa.

(CROSSTALK)

CUELLAR: Yes.

EDGE: M - M visa were a J visa, which would be more appropriate for that type of training. If that were the case, we certainly would have had little more vetting and we would have been able to take a break on closer look at things. What we're doing now is taking a look at the flight schools itself and conducting an investigation and the particulars of which I will be more than happy to offer you a briefing on outside the scope of this hearing, to give a complete in-depth update but there certainly work to be done.

CUELLAR: OK, thank you and I appreciate, and I appreciate a briefing at a later time on that. I would ask you to do that. Gentleman, my time is up. I wanna thank all of you. I know that from the GAO and I hope they listen to your good recommendations and hopefully you'll take that in a constructive way what the GAO has given you and to all of you I really appreciate what you all do to keep our country. Thank you. Thank you Madam Chair.

MILLER: Thank you gentleman. The chair now recognizes the gentleman from Florida.

BILIRAKIS: Thank you Madam Chairwoman, I appreciate it very much. For the panel or whoever would like to respond, what percentage of visa applicants are interviewed personally?

RAMOTOWSKI: Congressman, I have to take that question back. It varies by country and there is no set percentage that we apply. Most first time applicants in most countries are interviewed. Renewal applicants under certain circumstances can qualify for a waiver of that interview. If they are renewing their visa in the same category within 12 months of the prior visas expiration. So, it would vary by country and by - by post.

BILIRAKIS: If you could get that information to me, I really appreciate very much.

(CROSSTALK)

RAMOTOWSKI: Yes sir.

BILIRAKIS: OK, with regards to the following up with - from the - the question that Chairwoman asked with regard to the Visa Security Units. I understand there are about 50 high risk units identified by DHS and with ICE and the Department of State and there are 19 employees, could you please provide this committee with a progress report regarding the updated MOU between DHS and state.

EDGE: Certainly sir, we would be able to provide that in writing at your request and we do have 57 high risk issuing post and 19 are fully operational at this point in time.

BILIRAKIS: OK, if you could get that to me, I really appreciate it. Thank you. I yield back Madam Chair.

MILLER: Thank you gentleman. The chair now recognizes the gentleman from South Carolina.

DUNCAN: Thank you Madam Chairman and first off and let me say I'm Scot-Irish and I used Ireland earlier in a - an example only and I don't want the folks in Ireland to - to say I was targeting their country. That happen one time

REP. CANDICE S. MILLER HOLDS A HEARING ON TERRORIST EXPLOITATION OF U.S. VISA SYSTEM

when I mentioned northern border and the Canadian press wrote something that I was talking - get misconstrued. And so no, no ire intended to Ireland at all and gentlemen let me say first also that my ire is not directed at you or the agencies but rather I reflect the very passionate frustration of many, many Americans when it comes to immigration issues.

And is in particular something that should be easy for us from the folks in South Carolina looking at what government does and they say this issue - this related immigration should be easy because we're allowing guests to come into our country. We're giving them access through the visa process. It's not like they're just walking across our southern border, coming here and that's a whole another issue of immigration but we're issuing a visa. So, it should be easier to make sure they don't overstay because we're giving them the ability to come here. And I know I'm simplifying matters in a lot of ways.

Mr. Winkowski, you've been sitting down there very patiently and I don't have a question for you but I wanted to say, thank you to you also. I met Chief Fisher a number of times and appreciate what you guys do and my staff would like me to ask you a question but I'm really interested in the fact that if we got visa security program, if it is designated to be risk based and the program is supposed to be active in the riskiest of countries, while 11 of the top 20 high risk post not included, and at high-risk posts where there are no visa security agents, what is the consular process for ensuring terror threats do not receive a visa, and I guess I'll direct that to Mr. Edge.

EDGE: Well the process to determine what posts are high-risks certainly is determined by the funding that is available. We also worked very closely with the Department of State to determine at what posts would warrant based on the visa applications and other metrics, what posts would warrant a visa security unit overseas.

DUNCAN: OK.

(CROSSTALK)

RAMOTOWSKI: Let me follow up Congressman.

(CROSSTALK)

DUNCAN: Yes, go ahead.

RAMOTOWSKI: From the State Department's perspective, we screen all our applicants as if they are high risk in a sense that you can't guarantee where the next threat will come from. And so all of our posts and all of our officers are trained to use our systems, to conduct intensive interviews and to be prepared to refuse visas to individuals who seek to do us harm, regardless of where in the world they actually applied for a visa. And in this era of globalization, you can't predict where the next case will come from.

DUNCAN: OK, Mr. Stana, what checks are not done with that regard?

STANA: You mean if the VSU is not in the post?

DUNCAN: Yes sir.

STANA: It's just like Mr. Ramotowski said, they do a certain amount of - of vetting. The added security from the ICE person being there comes from their ability to use their law enforcement experience to maybe query another data set that isn't normally queried or ask the kinds of questions that a law enforcement background should give you. But I would like to make one other point Mr. Duncan, I think your point is a good one with the 11 to 20, you know, high risk post not being staff by VSUs, on the other end, there's a large number of the bottom 25 percent posts that are staff with VSUs.

I mean there might be irrational reason why they would be there but it would be good to reexamine that in the light that maybe some of those folks in the bottom 25 percent risk category, at least some of them might be better serve being in a top risks post.

REP. CANDICE S. MILLER HOLDS A HEARING ON TERRORIST EXPLOITATION OF U.S. VISA SYSTEM

DUNCAN: All right. I know overseas services are very expensive and so we got CBP folks that oversees locations and consular affairs. Is there a way or are you looking at maybe bringing some of those people home that are - that are stationed there and working more closely with U.S. based, where as a flat world, we got x-rays being looked at, that are taken here, looking that overnight in another country. It's a 24-hour cycle, so are we considering some of that to make it more cost efficient. And I'll ask Mr. Winkowski on that.

WINKOWSKI: Yes Congressman, that's a very good question. What we done in - in customs and border protection is we've taken a - a hard look at our immigration advisory program that we have in eight countries of about 40 - 40 officers. And we continue to evaluate the need to have officers in - in certain locations as well as the need to have them in a different location. So for example in Korea, we have made a decision that we could - we did not need to have individuals at the airport in Korea, rather we can handle virtually your point of the world being flat that we can handle it out of our - our regional carrier liaison group out of Honolulu.

So, what happens is as that if advanced information and a pre- departure information is sent to the systems that particular unit looks at that, identified individuals that we believe are high risks or has a visa that's been revoked perhaps as a - a TSDB perhaps as a some type of (inaudible) issue and then we coordinate with the host government and airlines to prevent that person from going on - on the aircraft. Conversely, there's other locations for example Heathrow, very active, a lot of (inaudible) flights in from areas of strategic importance and - and we see a need to have those people there. So, we're continuing to evaluate on a regular occurring basis because as you point out earlier (ph), it's very, very expensive.

DUNCAN: So you got a good relationship with the host country is what you're saying.

(CROSSTALK)

WINKOWSKI: Yes we do, we have very, very good relationship with the country.

DUNCAN: Madam Chairman, is there a way we can get the GAO to make sure a request and make sure that the ultimate - the most technology is being used to keep the calls down but at the end of the day, we don't want any bomber to get on the plane and come to this country and - and create harm. So I appreciate what they do but also I want to make sure we get the most paying for the buck for the taxpayer. Thank you.

MILLER: Absolutely and we'll talk to the GAO about that, perhaps incorporate some of those request in this letter that we'll be drafting very shortly. I thank the gentleman. I thank certainly all of the panelists. I think this has been an excellent hearing and as we started at the outset talking about, here we are on the 10th anniversary of the horrific, horrific attacks on our nation of 9/11 and whether or not the terrorists can continue to exploit our visa system. And it is clear from the testimony that we had today that we have come a very long way and I think we're making enormous progress. And again as Mr. Cohen has outlined today, a huge step forward but you know, the largest room is always a room for improvement and we have to continue to do that.

And again it's Congresses' responsibility to provide the oversight to the various agencies and it's our responsibility as well to budget the dollars and to make sure that the agencies understand our priorities and that we all work together cooperatively. And the - and I think we need to obviously continue to highlight some of our progress but also not be afraid to take a very candid focus on what we need to do as a nation to continue to secure our borders, to - for as I mentioned at the outset under our constitution, our constitutional responsibilities to secure our borders and to keep our citizens safe.

So, I would also mention to the members that if they have any additional questions, the hearing record will be held open for 10 days. And they can submit those questions for the record. Again, we thank all of our witnesses for coming today. Committee is adjourned.

END

Classification

REP. CANDICE S. MILLER HOLDS A HEARING ON TERRORIST EXPLOITATION OF U.S. VISA SYSTEM

Language: ENGLISH

Subject: NATIONAL SECURITY (91%); US REPUBLICAN PARTY (90%); BORDER CONTROL (90%); US DEMOCRATIC PARTY (90%); TERRORISM (89%); PASSPORTS & VISAS (78%); US FEDERAL GOVERNMENT (78%); SEPTEMBER 11 ATTACK (78%); WITNESSES (78%); TESTIMONY (78%); SPECIAL INVESTIGATIVE FORCES (78%); GOVERNMENT ADVISORS & MINISTERS (73%); FEDERAL INVESTIGATIONS (73%); COUNTERTERRORISM (72%); GOVERNMENT CONTROLLERS & AUDITORS (67%); EXCISE & CUSTOMS (53%)

Industry: GOVERNMENT CONTROLLERS & AUDITORS (67%)

Person: MICHAEL T MCCAUL (89%); SCOTT RIGELL (89%); PETER T KING (89%); JEFF DUNCAN (89%); BEN QUAYLE (89%); PAUL C BROUN (89%); CANDICE S MILLER (89%); BRIAN HIGGINS (73%); BENNIE THOMPSON (73%); HANSEN CLARKE (73%); HENRY CUELLAR (73%); LORETTA SANCHEZ (73%)

Geographic: TEXAS, USA (94%); DISTRICT OF COLUMBIA, USA (79%); UNITED STATES (79%)

Load-Date: September 14, 2011

End of Document