



DEPARTMENT OF STATE

**WRITTEN STATEMENT
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**BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON HOMELAND SECURITY
SUBCOMMITTEE ON BORDER AND MARITIME SECURITY**

**HEARING
ON
ELEVEN YEARS LATER: PREVENTING TERRORISTS FROM
COMING TO AMERICA**

SEPTEMBER 11, 2012

Good morning Chairwoman Miller, Ranking Member Cuellar, and distinguished Members of the subcommittee. It is a solemn occasion for me to testify here today on the 11th anniversary of September 11th. I thank you for calling this hearing today, and for your unwavering commitment to visa security and prevention of terrorist travel.

The Department of State (the “Department”) remains dedicated to the protection of our borders, and has no higher priority than the safety of our fellow citizens at home and abroad. We are the first line of defense in border security, because the Department is often the first U.S. government agency to have contact with foreign nationals wishing to visit the United States. Since the terrorist attacks of September 11, 2001, we and our partner agencies have built a multi-faceted security screening process that extends our ability to review traveler information well before any potential threat reaches our borders. The lessons learned from that tragic day and subsequent terrorist attempts have not been ignored.

One of the most important improvements since 2001 is the enormous expansion of interagency cooperation, information sharing, and teamwork. Multiple federal agencies responsible for border security, including the Department, share increasing amounts of data and coordinate lookout and screening activities. Likewise, we see today an unprecedented level of information sharing with like-minded foreign governments. We and our partner agencies are committed to a layered approach to border security. This approach enables the U.S. government to track and review the visa eligibility and status of foreign visitors from their visa applications throughout their travel to, sojourn in, and departure from, the United States.

Security Improvements in the Visa Application Process

Often, a foreign visitor’s first step in traveling to the United States is applying for a visa at a U.S. embassy or consulate abroad. The Department has built a visa system that leverages state-of-the-art technology, extensive information sharing, highly skilled and trained consular officers, and interagency cooperation to facilitate legitimate travel and trade without compromising our nation’s security.

The Department constantly refines and updates the technology that supports the adjudication and production of U.S. visas. Under the Biometric Visa Program, before a visa is issued, the visa applicant’s fingerprints are screened against two

key databases. The first database is the Department of Homeland Security's (DHS) Automated Biometric Identification System (IDENT), which has a watchlist containing available fingerprints of terrorists, wanted persons, and immigration law violators, as well as the entire gallery of more than 100 million individuals who have applied for visas, immigration benefits, and admission to the U.S. under the Visa Waiver Program (VWP), to combat identify fraud. The second database is the Federal Bureau of Investigation's (FBI) Integrated Automated Fingerprint Identification System (IAFIS), which contains more than 50 million criminal history records. More than 10,000 matches of visa applicants with records on the IDENT watchlist are returned to posts every month, normally resulting in visa refusals. In 2011, IAFIS returned more than 66,000 criminal arrest records to posts.

The Biometric Visa Program partners with DHS' US-VISIT Program to enable Customs and Border Protection (CBP) officers at ports of entry to match the fingerprints of persons entering the United States with the fingerprints that were taken during the visa application process at overseas posts and transmitted electronically to DHS IDENT. This biometric identity verification at ports of entry has essentially eliminated the previous problems of counterfeit and photo-substituted visas, as well as the use of valid visas by imposters.

The Department was a pioneer in the use of facial recognition techniques and remains a leader in operational use of this technology. Consular officers use facial recognition technology to screen all visa applicants against a watchlist of photos of known and suspected terrorists obtained from the FBI's Terrorist Screening Center (TSC), as well as the entire gallery of visa applicant photos contained in the Department's Consular Consolidated Database (CCD). Currently, more than 109 million visa applicant photos are enrolled in our facial recognition database. Facial recognition screening has proven to be effective in combating identity fraud.

The online DS-160 nonimmigrant visa application form is used worldwide, and we currently are piloting the online DS-260 immigrant visa application form. These new online forms provide consular and fraud prevention officers the opportunity to analyze data in advance of the visa interview, enhancing their ability to make decisions. The online forms offer foreign language support but applicants must respond in English, to facilitate information sharing between the Department and other government agencies, who are able to view visa application data in foreign and domestic locations.

All visa applicants are checked against our automated Consular Lookout and Support System (CLASS), which contains 27 million records of persons found ineligible for visas, or against whom potentially derogatory information exists. CLASS employs strong, sophisticated name-searching algorithms to ensure matches between names of visa applicants and any derogatory information contained in CLASS. This robust searching capability has been central to our procedures since automated lookout system checks were mandated following the 1993 World Trade Center bombing. We use our significant and evolving experience with searching mechanisms for derogatory information to improve the systems for checking our visa issuance records constantly.

The amount of information contained in CLASS has grown more than 400 percent since 2001 – largely the result of improved sharing of data among the Department, federal law enforcement agencies, and the intelligence community. Almost 70 percent of CLASS records come from other agencies, including information from the FBI, DHS, DEA, and intelligence from other agencies. CLASS contains unclassified records on known or suspected terrorists (KSTs) from the Terrorist Screening Database, which is maintained by the TSC, and holds unclassified data on KSTs nominated by all U.S. government sources. We also run all visa applicants' names against the CCD in order to detect and respond to derogatory information regarding visa applicants and visa holders. The CCD contains more than 143 million immigrant and nonimmigrant visa records going back to 1998. A system-specific version of the automated CLASS search algorithm runs the names of all visa applicants against the CCD to check for any prior visa applications, refusals, or issuances.

In 2011, we deployed the Enterprise Case Assessment Service, a visa fraud tracking tool that provides a platform to store fraud-related research that used to be stored outside of consular systems. Should fraud be confirmed during the course of a visa interview, consular officers can record that data in this tool, and it will be permanently available to consular officers worldwide should the referenced individual re-apply for a visa. Future iterations of this tool will track fraud in other consular services, such as U.S. passport applications, and will enable us to track the activities of third-party document vendors and visa fixers.

Innovations in the Security Advisory Opinion Process

The Department's Security Advisory Opinion (SAO) mechanism provides consular officers with the necessary advice and background information to adjudicate cases of visa applicants with possible terrorism or other security-related ineligibilities.

Consular officers receive extensive training on the SAO process, including modules on cultural and religious naming conventions, which assist them in identifying applicants who require additional interagency vetting. The SAO process requires the consular officer to suspend visa processing pending interagency review of the case. Most SAOs are triggered by clear and objective circumstances, such as CLASS name check results, nationality, place of birth, or residence.

In addition, in cases where reasonable grounds exist regardless of name check results, consular officers may suspend visa processing and institute SAO procedures if they suspect that an applicant may be inadmissible under the security provisions of the Immigration and Nationality Act (INA).

In the last quarter of 2012, in conjunction with our interagency partners, we will pilot major improvements to the way we process SAO requests. These changes will not only broaden our applicant screening for possible terrorist connections, but will also greatly enhance our ability to weed out false matches and more effectively focus vetting resources.

Changes to the Visas Viper Program

Our overseas posts provide information on foreign nationals with possible terrorist connections through the Visas Viper reporting program. Following the December 25, 2009 attempted terrorist attack on Northwest Flight 253, we strengthened the procedures and content requirements for Visas Viper reporting. Chiefs of Mission are responsible for ensuring that all appropriate agencies and offices at post contribute relevant information for Viper nominations. These enhanced Visas Viper directives also included guidance on advanced name searches to identify information regarding previous or current U.S. visas, which must be included in Visas Viper cables; instructions regarding procedures and criteria used to revoke visas; and reiterated guidance on consular officers' use of the discretionary authority to deny visas under section 214(b) of the INA, with specific reference to cases that raise security and other concerns. Instruction in appropriate use of this authority has been a fundamental part of consular officer training for several years.

Continuous vetting

The Department has been continuously matching new threat information with our records of existing visas since 2002. We have long recognized this function as

critical to the way we manage our records and processes. This system of continual vetting evolved as post-9/11 reforms were instituted, and is now performed in cooperation with the TSC. All records added to the Terrorist Screening Database are checked against the CCD to determine if there are matching visa records. Matches are sent electronically from the Department to TSC, where analysts review the hits and flag cases for possible visa revocation. In addition, we have widely disseminated our data to other agencies that may wish to learn whether a subject of interest possesses a U.S. visa.

Cases under consideration for revocation are forwarded to the Department by our consular offices overseas, CBP's National Targeting Center (NTC), and other U.S. government entities. As soon as information is established to support a revocation (i.e., information that could lead to an inadmissibility determination), a "VRVK" entry code showing the visa revocation is added to CLASS, and to biometric identity systems. This information is shared immediately with the DHS lookout systems used for border inspection and vetting. As part of its Pre-Departure and Immigration Advisory Programs, CBP uses these VRVK records, among others, to recommend that airlines not board certain passengers on flights bound for the United States.

The Department receives daily requests to review and, if warranted, revoke visas from aliens for whom new derogatory information has been discovered since the visa was issued. Our Operations Center is staffed 24 hours a day, seven days a week, to address urgent requests, such as when a potentially dangerous person is about to board a plane. In those circumstances, the State Department can and does use its authority to revoke the visa prudentially, and thus prevent the individual from boarding.

The Department has broad and flexible authority to revoke visas and we use that authority widely to protect our borders. Since 2001, the Department has revoked approximately 62,000 visas for a variety of reasons, including nearly 6,000 for suspected links to terrorism. Most revocations are based on new information that has come to light after visa issuance. Because individuals' circumstances change over time, and people who once posed no threat to the United States can become threats, revocation is an important tool. We use our authority to revoke a visa immediately in circumstances where we believe there is an immediate threat. At the same time, we believe it is important not to act unilaterally, but to coordinate expeditiously with our national security partners in order to avoid possibly disrupting important investigations. Individuals whose visas are revoked may reapply at a U.S. embassy or consulate abroad; their reapplication would be subject to complete interagency security vetting to determine their eligibility for a visa.

The Assistant Regional Security Officer, Investigator Program

The Bureau of Diplomatic Security (DS) Assistant Regional Security Officer, Investigator (ARSO-I) Program adds an important law enforcement element to the Department's visa security capabilities. There are currently 105 ARSO-I positions approved for 93 consular sections overseas, specifically devoted to working with our foreign law enforcement partners to combat travel document fraud and other law enforcement issues. These highly trained law enforcement professionals add another important dimension to our border security efforts, and we are working with DS to identify additional locations for ARSO-I placement.

ARSO-Is train our foreign partners in the recognition of fraudulent travel documents and work closely with immigration and airline security officials assigned at foreign airports. They teach courses at our International Law Enforcement Academies, networking with foreign law enforcement partners and learning about vulnerabilities in foreign visa and passport systems. DS agents share this information with each other, resulting in additional investigations and opportunities to shut down human smuggling and trafficking networks that could potentially be exploited by terrorists. ARSO-Is have trained over 50,000 foreign law enforcement personnel, resulting in stronger global enforcement efforts targeting illicit methods of travel.

ARSO-Is work very closely with consular fraud prevention managers, sharing information and participating in joint training sessions to ensure that adjudicating consular officers possess up to date information on fraud trends in their country. They are complemented by DS agents working domestically on visa and passport fraud criminal investigations and analysis. Investigations that originate overseas often have a U.S. nexus, and close collaboration between overseas and domestic DS agents has resulted in many U.S. based prosecutions.

Cooperation with the Visa Security Program

The Department of State believes that the Visa Security Program (VSP), under which DHS establishes Visa Security Units (VSU) staffed with U.S. Immigration and Customs Enforcement (ICE) special agents at certain overseas consular posts, is another valuable component of the U.S. government's overall border security program. We have a close and productive partnership with DHS, which has authority for visa policy under section 428 of the Homeland Security Act, and are fully supportive of the mission and future of the VSP.

The VSP increases the utility of the visa application and interview processes to detect and combat terrorism, criminality, and other threats to the United States and the traveling public. ICE special agents assigned to VSUs provide on-site vetting of visa applications and other law enforcement support to our consular officers. When warranted, DHS officers assigned to VSUs will conduct targeted, in-depth reviews of individual visa applications and applicants prior to issuance, and recommend refusal or revocation of applications to consular officers. We work very closely with DHS to ensure to the maximum possible extent that no terrorist receives a visa or is admitted into our country.

As the VSP has matured over the past few years, VSU personnel have moved beyond a singular focus on visa application review. Working with their law enforcement colleagues assigned to our various missions, they have contributed their expertise and resources to enhance our response to all kinds of threats to the visa and immigration processes including human smuggling and trafficking.

In Washington, we work very closely with our VSP colleagues on day-to-day issues affecting the operations of the program, as well as longer-term issues related to the expansion of the program to select overseas posts. VSP officers in Washington review our visa databases and advise posts of emerging information about visa holders. Another important aspect of our Washington partnership is coordinating VSP expansion to more posts. The Department's Bureaus of Consular Affairs (CA) and Diplomatic Security (DS) have a Memorandum of Understanding (MOU) with ICE governing VSU-Department of State interactions with visa sections. This MOU outlines procedures for resolving the very few disputed visa cases that emerge from the VSU review process, and collaboration between ICE/VSU agents and their DS law enforcement colleagues assigned as Regional Security Officers (RSOs) or ARSO-Is.

Currently, 19 VSUs are active at posts in 15 countries. In administering and expanding the VSP, the Department works collaboratively with DHS, pursuant to an October 2004 MOU between the Department and the VSP on the "Administrative Aspects of Assigning Personnel Overseas," and National Security Decision Directive 38 (NSDD-38). This directive outlines factors to be considered by Chiefs of Mission when considering requests by a U.S. government agency to create a new position at a post abroad. NSDD-38 gives Chiefs of Mission responsibility for the size, composition, and mandate of U.S. government agency staff under his or her authority.

Before submitting an NSDD-38 request, ICE officials, with the support of senior Department officers from CA and DS, conduct a post-specific, on-site assessment. The visit provides an opportunity for the team to consult with officials at post to validate the interagency assessment of the risk environment, determine the feasibility and timing of establishing an office, and brief the Chief of Mission on the role of the VSU. In 2012, joint Department/DHS teams conducted assessment visits to two potential VSU sites, and follow-on NSDD-38 requests currently are under consideration by the Department of State.

Layered Security and Data Sharing

As I have previously stated in my testimony, the Department embraces a layered approach to security screening. In addition to our support of the VSP, the Department and DHS have increased resources significantly, improved procedures, and upgraded systems devoted to supporting the visa function over the past seven years. DHS receives all of the information collected by the Department during the visa process. DHS's US-VISIT is often cited as a model in data sharing because the applicant information we provide, including fingerprint data, is checked at ports of entry to confirm the identity of travelers. DHS has access to our entire CCD. A menu of reports tailored to the specific needs of each particular unit is supplied to elements within DHS, such as ICE's agents assigned to VSUs.

All of our visa information is available to other U.S. government agencies for law enforcement and counterterrorism purposes, and our systems are specifically designed to facilitate tailored and comprehensive data sharing with our partners. We give other agencies immediate access to more than 14 years of visa data for these purposes, and they use this access extensively in the course of conducting law enforcement and/or counterterrorism investigations.

Working in concert with DHS, we proactively expanded biometric screening programs and integrated this expansion into existing overseas facilities. In partnership with DHS and the FBI, we established the largest fingerprint screening program on the globe. These efforts require intense ongoing cooperation from other agencies. We successfully forged and continue to foster partnerships that recognize the need to supply accurate and speedy screening in a 24/7 global environment. As we implement process and policy changes, we are always striving to add value in both border security and in operational results. Both dimensions are important in supporting the visa process.

In addition, every post that issues visas has at least one fraud prevention officer and locally employed staff devoted specifically to fraud prevention and document security. We have a large Fraud Prevention Programs office in Washington, which works closely with DS. We have fraud screening operations which use sophisticated database checks at the Kentucky Consular Center in Williamsburg, Kentucky, and the National Visa Center in Portsmouth, New Hampshire. Their role in flagging questionable applications and applicants who lack credibility, present fraudulent documents, or give us false information adds a valuable dimension to our visa process.

Facing the Terrorist Threat

We face an evolving threat of terrorism against the United States, but the multi-agency team effort, based upon broadly shared information, provides a solid foundation for securing U.S. borders. The people and tools we use to address this threat are sophisticated and flexible. The interagency community continues to automate processes to reduce the possibility of human error, and enhance our border security screening capabilities.

Our response to these threats accounts for the cultural and political environment in which they arise. Our officers are well-trained, motivated, and knowledgeable. Our information is comprehensive and accurate. Our criteria for taking action are clear and coordinated. The Department remains fully committed to fulfill our essential role on the border security team.

Enhanced Cooperation with Foreign Partners

The U.S. government's information-sharing initiatives ensure that we and our international partners are in constant contact regarding the threat of terrorist travel. The Department plays a key role in all of these international initiatives.

Homeland Security Presidential Directive 6 (HSPD-6), among other things, called for enhancing information sharing with our foreign partners, starting with those countries participating in the Visa Waiver Program. Through July of this year, the Department, in collaboration with the TSC, has negotiated more than 40 agreements or arrangements facilitating the bilateral exchange of terrorism screening information. These agreements enhance the data in our U.S. government's known or suspected terrorist watchlist and strengthen our counterterrorism cooperation.

We also have entered into arrangements for the sharing of visa information with foreign governments, consistent with the requirements of section 222(f) of the INA. Since 2003, there have been arrangements in place with Canada for such sharing under certain circumstances. With DHS, the Department is participating in a pilot program, through the Five Country Conference (United States, Australia, Canada, New Zealand, and the United Kingdom) for identification of some travelers based on biometric matching. We are in negotiation with the governments of Canada and the United Kingdom for agreements that would provide a legal basis for us to implement arrangements for the automated sharing of visa refusal data and for systematic confirmation of an applicant's identity through biometric matching. We expect both agreements to be completed this year, and similar agreements with Australia and New Zealand in 2013.

We have been and remain a close partner of DHS in API and PNR discussions overseas, in particular with respect to the talks with the European Union leading to the PNR Agreement that entered into force on July 1, 2012. Together, all of these programs are helping achieve the goal of constraining terrorist mobility and ensuring the security of travelers. This is our obligation to the American people.

Conclusion

The Department's border security agenda does not conflict with our support for legitimate trade and travel. In my testimony for your subcommittee and for the subcommittee on Travel and Tourism of the Senate Committee on Commerce, our message is the same: the United States' long-term interests and security are served by continuing the flow of commerce and ideas that are the foundations of prosperity and security. Exposing international visitors to American culture and ideals is the best way to decrease misperceptions about the United States. Fostering academic and professional exchanges keeps our universities and research institutions at the forefront of science and technology.

The Department continues to refine its intensive visa application and screening process requiring personal interviews, employing analytic interview techniques, incorporating multiple biographic and biometric checks, all supported by a sophisticated global information technology network. We have visa offices in virtually every country of the world, staffed by consular officers drawn from the Department's professional, mobile, and multilingual cadre of Foreign Service Officers. These officials are dedicated to a career of worldwide service, and provide the cultural awareness, knowledge, and objectivity to ensure that the visa function remains the frontline of border security. Each officer's experiences and

individual skill set are enhanced by an overall understanding of the political, legal, economic, and cultural development of foreign countries in a way that gives the Department of State a special expertise over matters directly relevant to the full range of visa ineligibilities.

The Department's global presence, foreign policy mission, and personnel structure give us singular advantages in executing the visa function throughout the world. Our authorities and responsibilities enable us to provide a global perspective to the visa process and its impact on U.S. national interests. The issuance and refusal of visas has a direct impact on our foreign relations. Visa policy quickly can become a significant bilateral problem that harms broader U.S. interests if handled without consideration for foreign policy equities. The conduct of U.S. visa policy has a direct and significant impact on the treatment of U.S. citizens abroad. We are in a position to anticipate and weigh all those factors, while always keeping border security as our first priority.

This concludes my testimony today. I will be pleased to take your questions.