

Opening Statement of Ranking Member Henry Cuellar
Ten Years after 9/11: Can Terrorists Still Exploit our Visa System?
Subcommittee on Border and Maritime Security
Committee on Homeland Security
September 13, 2011

I am pleased that the Subcommittee is meeting today to examine the issue of visa security, which is particularly appropriate as we recently marked the ten-year anniversary of the terrorist attacks of September 11, 2001.

The 9/11 hijackers did not sneak into this country, but rather entered the United States on visas.

More recently, the attempted bombing of an airliner by Umar Farouk Abdulmutallab on Christmas Day 2009 refocused attention on vulnerabilities in the visa process.

Since 2001, the Department of Homeland Security (DHS) and Department of State, with direction from Congress, have taken important steps to strengthen visa security, including efforts to identify and enforce overstays, individuals who were admitted to the United States legally -- either with or without a visa -- but then overstayed their authorized periods of admission.

Of the approximate 11.5 million to 12 million unauthorized resident alien population, the most recent estimates propose 33-48% are overstays.

Five of the nineteen September 11, 2001 hijackers were overstays.

There should be no argument against the vital importance of the work completed by the Immigration and Customs Enforcement (ICE), Counterterrorism and Criminal Exploitation Unit (CTCEU), whose primary responsibility is overstay enforcement.

In addition to CTCEU overstay investigations, the primary responsibility for apprehending and removing overstays, as well as aliens who do not have lawful immigration status, rests with ICE Enforcement and Removal Operations (ERO).

It is my understanding that certain individuals subject to orders of removal from the U.S. are often delayed due to their respective host governments' relations with the U.S.

Consequently, host countries refuse to accept the return of their nationals or use of lengthy delay tactics.

I look forward to hearing more from the State and GAO about U.S. formal relations with these recalcitrant countries, why visas continue to be issued to individuals from such countries and at what rate, as well as recommended steps for improvements and actions that are being taken.

Also within DHS, ICE has stood up Visa Security Units (VSUs) at high-risk visa-issuing posts overseas.

It's my understanding that historically there has been some tension between ICE and State regarding getting new VSUs established.

I hope to hear from the two agencies about whether they have made progress in overcoming those obstacles.

Customs and Border Protection (CBP) also plays an important role in preventing terrorist travel to the U.S.

They have established Immigration Advisory Program (IAP) units at key overseas airports to help screen travelers to the U.S.

Also, I have visited CBP's National Targeting Center and have seen the good work they are doing, along with their interagency partners, pre-screening individuals en route to this country.

Many believe that given its security mission and resources, DHS should play an even greater role in visa processes.

At a minimum, we need to make the most of our limited visa security resources, and ensure that all agencies are doing their part.

I look forward to hearing from our DHS and State witnesses about how their agencies can work cooperatively to prevent those who would seek to do us harm from traveling to the U.S.

It is worth noting that despite all the attention on vulnerabilities along the southern border, an estimated 40 percent of those currently in the U.S. illegally entered legally through the proverbial front door but have overstayed.

We know that the overwhelming majority of those who enter this country do so for legitimate purposes.

Even of those who enter this country illegally or enter legally but overstay, the majority mean this country no harm.

However, a decade after 9/11, the fact remains that there are terrorists and others who seek to enter the United States for nefarious purposes. I look forward to a good, frank dialogue on this important homeland security matter.