HOUSE COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON NATIONAL SECURITY, EMERGING THREATS,
AND INTERNATIONAL RELATIONS

TESTIMONY OF
JOHN E. LANGE
DEPUTY INSPECTOR GENERAL
U.S. DEPARTMENT OF STATE AND
BROADCASTING BOARD OF GOVERNORS

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Mr. Chairman and Members of the Subcommittee:

Thank you for the opportunity to provide the Office of Inspector General's (OIG) observations about the Department of State's progress since 2002 in strengthening the visa process as an antiterrorism tool. As you know, OIG has been following this issue and working with the Department in the aftermath of the September 11th attacks as the Department[1] transforms visa operations into a first line of defense against international terrorism.

OIG's observations are based on a body of work conducted since October 2001 that includes regular overseas inspections at 165 visa issuing posts, inspections of several components of the Bureau of Consular Affairs (including its three functional directorates of Passports, Visas, and Overseas Citizens Services), and several management reviews that were scoped to examine specific aspects of the visa process. Key among this body of work was OIG's December 2002 report entitled, *Review of Nonimmigrant Visa Issuance Policy and Procedures (ISP-I-03-26),* which identified areas for strengthening the visa process. Using that report as a baseline, all subsequent OIG work measured the Department's progress in strengthening nonimmigrant visa operations worldwide. My statement today highlights OIG's major findings and recommendations based on key reports on this subject and comments on the Department's progress in implementing those recommendations. Other Department measures are not addressed in my statement; that I will leave to the Bureau of Consular Affairs in describing its activities.

Background

OIG conducted a worldwide survey in October 2002 that targeted visa management issues to determine (1) the adequacy of visa policies for satisfying national security requirements, (2) procedures for waiving personal appearance interviews and the involvement of travel agencies in the process (where applicable), (3) the adequacy of training for consular officers and staff for focusing on national security when adjudicating visa applications, and (4) the adequacy of resources for meeting additional visa processing requirements. The survey was conducted as part of a review, which is

[1] OIG consular reviews have included the Bureaus of Consular Affairs, Diplomatic Security, Human Resources, and numerous embassies and consulates.

fully reported in *Review of Nonimmigrant Visa Issuance Policy and Procedures (ISP-I-03-26, December 2002).*

The report identified four areas where the visa process needed strengthening, including (1) improved executive oversight and supervisory leadership, (2) increased consular section staffing, (3) specialized national security training, and (4) the need for adequate consular workspace and facilities for implementing new visa process requirements. Fraud in travel documents is a systemic challenge for the Department in consular work. Therefore, OIG identified fraud prevention programs as a fifth key topic imperative for examining visa processing issues.

OIG continues to measure these aspects of the visa process, which form the basis for questionnaires that inspection teams use for all on-site inspections of consular sections at posts abroad. Overall, the Bureau of Consular Affairs has made extensive strides in strengthening the visa process since the horrific events of September 11th – a day that profoundly changed U.S. border security policy.

Executive Oversight and Supervisory Leadership

The December 2002 report identified inadequate oversight of consular officers' visa adjudications of nonimmigrant visas and the need for standard visa policies and procedures worldwide. (It should be noted that this review was conducted prior to the passage of the Homeland Security Act and establishment of the Department of Homeland Security.) At that time, consular policy was not clear about the need to prioritize national security concerns over other factors in managing visa operations in the post September 11th environment. However, more recent OIG reviews indicate that the Bureau of Consular Affairs has made substantial improvements for standardizing visa policy and procedures.

- Since 2002, the Bureau has repeatedly reinforced the consular oversight responsibilities for chiefs of mission by sending an annual cable from the Assistant Secretary for Consular Affairs. This practice provides a regular reminder to chiefs of mission of their responsibilities and reaffirms current visa policy and procedures. The Bureau of Consular Affairs and OIG also lecture every new ambassadorial training session regarding the importance of overseeing the consular function. The Bureau also instituted a mandatory annual certification of management controls.

- In response to an OIG recommendation, the Bureau of Consular Affairs reissues annually its visa referral policy and has instructed posts to do the same, sending a copy of the post referral policy to the Visa Office for review and filing. This also reminds chiefs of mission about establishing and implementing appropriate referral policy at posts. It also ensures that newly arriving officers are familiar with post policy and procedures and that the chiefs of mission take active roles in overseeing the process.

- OIG's *Nonimmigrant Visa Adjudication: the Visa Referral Process (ISP-CA-05-56)* report issued in March 2005, discussed the dramatic improvement in the referral system that is now codified, more transparent, and more accountable than before, with ambassadors and deputy chiefs of mission clearly responsible for a mission's referral system and its integrity. Further work is required in that consular officers need more training for appropriately dealing with referral requests.

- The March 2005 review was done at congressional request based on concern over whether undue influence was being exerted on consular officers while adjudicating visa referrals. However, the March 2005 report pointed out that 96 percent of the visa officers surveyed said that their post management supported their visa referral decisions.

Consular Section Staffing

In 2002, OIG identified inadequate staffing levels of consular sections as the single most serious impediment to effective management of nonimmigrant visa processing, worldwide. In fact, OIG noted that using entry-level staff via rotational assignments hindered the Department from appropriately addressing its consular staffing needs because newly experienced personnel were transferred to other duties after only a year on duty.

Although some improvements have occurred, determining adequate staffing has become increasingly complex due to ongoing changes in U.S. visa processing requirements. As a result, resolving recommendations in this area has proven to be challenging.

- OIG's 2002 report recommended that the Department take steps to develop a staffing model. The Department employs staffing models to measure its consular section staffing challenges, such as the extra workloads for visa officer positions, including the increased number of personal interviews, the increased need for security clearances on many categories of applicants, and the new fingerprinting requirement. Every two years, the Department updates the consular portion of the Overseas Staffing Model to account for workload changes. For example, in 2004, work rates were increased by 19 percent to take into account changes in visa processing.

  OIG inspection observations would lead us to caution that a "one size fits all" model does not suit the differences in the type of visa clientele and mix of processing requirements found in overseas posts. Moreover, American officers have acquired many processing responsibilities previously tasked to locally employed staff. As a part of routine inspections, OIG is advising that consular managers carefully analyze their workloads and give due consideration to the accuracy of their staffing needs.

- In 2002, OIG recommended that the Bureau of Human Resources discontinue in most cases the practice of assigning entry level officers to consular sections in rotational positions that involve only one year in a consular section and instead assign each entry level officer to a two-year tour. OIG found that consular section chiefs were almost universally opposed to one-year assignments because it turns them into perpetual training officers, or even worse forces them to use entry level officers to bear the burden of training new arrivals. OIG's 2002 work described the problem at Embassy Riyadh regarding entry-level staff handling consular responsibilities as a rotational assignment even though they lacked experience and had inadequate supervision and training. The conditions were inefficient for the post as well because vested time for training and orienting new consular officers lasted for only one year.

The Department has told OIG has it has agreed to factor into its human resource planning the effect of such rotational positions on consular operations, and it has taken steps to mitigate the problem. OIG continues to monitor the implementation of the Department's response to these recommendations.

National Security Training

The Department has made substantial strides in training consular officers to operate in the post September 11th environment and has addressed requirements spelled out in the Enhanced Border Security and Visa Reform Act.

- In the 2002 report, OIG recommended that the Department develop special analytical interview training using outside specialists to provide consular officers with interview techniques needed to help identify visa applicants, who are a potential threat to national security. Soon thereafter, the Department's Foreign Service Institute extended its Basic Consular Course to include added emphasis on visa security. As part of this new focus on national security, the expanded curriculum now also includes half-day programs on counterterrorism at the Central Intelligence Agency and at the Foreign Service Institute as well as the OIG-recommended course on interviewing techniques. OIG consular inspectors went so far as to take this expanded course and found that it materially improved training and addressed requirements spelled out in the Enhanced Border Security and Visa Reform Act.

  As part of a recent OIG review of nonimmigrant visa procedures *(Nonimmigrant Visa Adjudication: Standards for Refusing Applicants, ISP-CA-05-58, March 2005)* we surveyed 368 visa officers at posts worldwide. Over 95 percent reported they had received training at the Foreign Service Institute or at post in analytical interviewing techniques.

- In cabled instructions, in Foreign Service Institute courses, and soon in the completely revised Consular Management Handbook, as well as updates to the Foreign Affairs Manual, the Bureau of Consular Affairs is also directing posts to

exchange information regularly with relevant agencies in the mission and to use them in briefing newly arrived officers. OIG found many posts were following this directive and arranging with other mission elements to provide current, region-specific training on law enforcement, counterterrorism and techniques for detecting possible terrorist or criminal connections. OIG considers this type of training a significant break from practices followed before the events of September 11th.

- Another important improvement in visa officer training has been a clarification of the interpretation of section 214(b) of the Immigration and Nationality Act, which goes beyond a finding of ineligibility only for intending immigration. OIG has recommended that training modules be developed at the Foreign Service Institute to ensure complete adherence to consistent interpretation. FSI's consular training division has begun providing all consular training students laminated reference cards containing the text of sections 101(a) (15)(b), 214(b), and 291 of the Immigration and Nationality Act for quick reference.

  According to OIG survey results obtained in the above-mentioned March 2005 report, 75 percent of consular section chiefs confirmed that they are instructing interviewing officers to use section 214(b) in this manner even when applicants can demonstrate they have no intention to immigrate to the United States.

- The 2002 report specifically recommended that the Department (1) require language training for consular positions and that all consular officers be able to communicate at the basic level; (2) implement plans to adapt language training to serve better the needs of consular officers, including interviewing techniques; and (3) assign officers with appropriate Middle East languages and area knowledge to major visa processing posts in that region and certain other posts.

  In March 2004, the first entry-level officers hired by the Department under the Critical Needs Language program began training. In December 2004, the Bureau of Human Resources reported to the OIG there was an 18 percent increase in Language Designated Positions and, as a result of this hiring program, over 50 percent of new officers had language proficiency upon their entry on duty. These numbers, OIG is informed, are holding at about the same level for new entrants in 2005.

Consular Workspace and Facilities

As noted in the 2002 report, many consular sections have had longstanding, inadequate workspace. The Department has created ways to be responsive. Over the past three years, many urgently needed planned renovations for consular spaces worldwide were completed using funds from a special three-year initiative that will end in fiscal year 2005. Via the Consular Improvement Initiative, some Bureau of Overseas Building Operations funds were earmarked for consular renovation projects aimed at enlarging consular waiting rooms and visa sections for handling the increased in-person visa

applicant workloads and meet other new post September 11th workspace demands for visa processing.

OIG inspections of key visa posts such as embassies Seoul (2003), Cairo (2004), and Islamabad (2005) have noted that these renovations play an important part in easing the heavy burdens but noted that more needs to be done. OIG continues to identify consular sections with urgent workspace needs and reports them to the Bureaus of Consular Affairs and Overseas Building Operations. Therefore, the Consular Improvement Initiative will need to be funded beyond this fiscal year in order to continue strengthening the urgent security needs of the nonimmigrant visa program. This type of flexible funding is necessary for responding to rapid changes in nonimmigrant visa trends that the Bureau of Overseas Building Operations more long-term budget process cannot handle.

Fraud Prevention Programs

Fraud in travel documents is a long-standing challenge to effectively securing our nation's borders and, hence, is, relevant to OIG's monitoring of the visa process. OIG has studied the issue of fraud prevention particularly in the aftermath of September 11th and issued a report in November 2004, entitled, *Management Review of Visa and Passport Fraud Prevention Programs, ISP-CA-05-52*, after conducting an extensive evaluation of the joint fraud prevention programs of the Bureaus of Consular Affairs and Diplomatic Security.

Those two bureaus were lauded for their joint initiative in creating 25 overseas investigative positions, staffed by Assistant Regional Security Officer Investigators (ARSO/Is), who produced clear, positive results in detecting and deterring fraud and corruption in both visa and passport functions. The Bureau of Consular Affairs has also acknowledged the importance of fraud prevention with new initiatives such as an excellent fraud prevention web site and an e-room to serve as a forum for exchanging intelligence and ideas concerning fraud prevention. In spite of numerous communications to the field, however, some consular officers stated that mission management and consular managers have not been effectively informed of the importance of antifraud efforts and their direct bearing on border security.

The conclusions contained in that review clearly highlighted the importance of fraud prevention for meeting the nation's new security needs. During recent inspections, OIG reviewed some of the major changes and innovations that the Bureau of Consular Affairs has made toward reshaping the visa and passport processes to meet post-September 11, 2001, security requirements.

Conclusion

It is clear from our inspections and reviews that the Department has made substantial improvements to consular operations that have strengthened the nonimmigrant visa process since September 11th. OIG remains concerned, however, that personnel resources devoted to this process still need to be commensurately enhanced.

OIG is impressed with the progress made by the Bureau of Diplomatic Security in establishing effective fraud prevention operations at 25 consular posts. We will continue to monitor the Bureau of Consular Affairs' compliance with recommendations to restructure and retool its Office of Fraud Prevention Programs.

Thank you and I am pleased to address your questions.