



UNCLASSIFIED

U.S. Department of State

Office of Inspector General

**Review of Nonimmigrant Visa Issuance
Policy and Procedures**

Memorandum Report ISP-I-03-26, December 2002

**This report has been redacted pursuant to the Freedom of Information Act
(5 U.S.C. 552) for public release.**

UNCLASSIFIED

RESOURCES

The review found that data concerning the number of consular officers assigned to adjudicate requests for NIVs is not readily available. The present assignment process properly assigns consular officers to consular positions, not to functions within the positions. It further assigns consular cone officers to other, non-consular positions and does not calculate the time spent by non-consular junior officers doing consular work or officers on rotational assignments. Given all the variables, it is not possible to estimate staff hours devoted to NIV processing within the time period of this review. The resource assumptions made throughout this report are based on the collective experience of the team members.

Recommendation 15: The Bureau of Consular Affairs, in conjunction with the Bureau of Human Resources, should study the utilization of staff hours assigned to the various consular functions to create a baseline for the number of hours needed to perform the consular work. (Action: CA, in coordination with M/DGHR)

Workspace Problems

Many consular sections have inadequate workspace. Access is sometimes poorly controlled and often difficult due to security concerns. Interview windows are frequently totally inadequate with little or no privacy and arrangements that make speaking or hearing almost impossible. Many booths are outdated and do not have space for terminals that would allow the officer to do name checks or make online case notes. Line of sight for supervision is often not available, even in recently renovated sections.

Training

The Enhanced Border Security and Visa Reform Act of 2002¹⁵ requires that, "all consular officers responsible for adjudicating visa applications, before undertaking to perform consular responsibilities, receive specialized training in the effective screening of visa applicants who pose a potential threat to the safety or security of the United States. Such officers shall be specially and extensively trained in the identification of aliens inadmissible under section 212(a)(3) (A) and (B) of the Immigration and Nationality Act, interagency and international intelligence sharing regarding terrorist and terrorism, and cultural sensitivity toward visa applicants."

Visa adjudicators should be able to interview applicants in their native language and be familiar with local culture and conditions, but they are often sent to post without language training or area studies. The Department intentionally restricts language training for first- and second-tour officers, because it is reluctant to invest much time and money in an

¹⁵ Pub. L. No. 107-173 (2002).

UNCLASSIFIED

untenured officer who might not make the Foreign Service a career. In addition, training in some "hard" languages is necessarily lengthy, requiring up to two years -- a long time for a career candidate trying to establish professional competence and gain tenure.

The Department considers a speaking and reading level of 3 on a 5-point scale (S-3/R-3) to be a professional competency. Average students reach the 3/3 level after four or five months of concentrated full-time training, if they are learning one of the "easy" languages such as French or Spanish. To reach the same level in a "hard" language, such as Chinese or Arabic, normally takes two years of full-time study. The second year is taught overseas in a country where that language is spoken.

Many language-trained consular officers have reported that the training was not tailored to their needs, particularly interviewing. Little or no training is given in making effective use of an interpreter, although FSN visa clerks often translate on the visa line.

[-----

-----]

-----]

"Area studies" courses, which familiarize students with the social and political cultures of a region, generally do not provide the information visa officers most need. Post-specific language insights and interviewing techniques, acquired during a two- or three-year assignment, are rarely passed on to successors because of pervasive staffing gaps.

Recommendation 16: The Department should require language training for consular positions, and all consular officers should be required to be able to communicate at least at the basic level (S-2/R-2). (Action: M/DGHR)

Recommendation 17: The Department should finalize and implement plans to adapt language training to serve better the needs of consular officers, including interviewing techniques. (Action: M/FSI)

Recommendation 18: The Department should assign officers with appropriate Middle East languages and area knowledge to major visa-processing posts outside the Middle East. (Action: M/DGHR)

Visa officers' interview skills are sometimes weak. [-----

-----]

-----]

UNCLASSIFIED

NFATC informed OIG that it has plans to expand interview training courses for consular officers.

Recommendation 19: The Department should fund the development of interview training to implement plans to use expert outside specialists to train consular officers in identifying applicants who, in particular, are terrorists or who are otherwise untruthful, and expand the basic consular course to include this additional training. (Action: M/FSI)

CLASS and the Visas Viper Program

The Department created the visas viper program in August 1993 in response to the need to improve information sharing among foreign policy, intelligence and law enforcement agencies of the U.S. government. Current Viper instructions are contained in 2002 State 157320. The program is designed to increase terrorism reporting from Foreign Service posts abroad by providing a consular channel for “watch listing” suspected terrorists who may at some future time apply for a visa to the United States. To qualify for watchlisting there must be information that would provide “reasonable suspicion” that the individual has or might engage in terrorism against the United States or its interests, but it does not require that the individual have ever applied or attempted to apply for a visa in the past.

Visas viper information is collected at each visa issuing post by terrorist lookout committees often called Visas Viper Committees. These committees included a broad range of mission elements. The committee is chaired by the DCM and a consular section representative acts as coordinator. Names and biographic information on persons believed eligible for watchlisting are submitted by cable to Washington, and a decision is made by the Bureau of Information and Research as to their inclusion.

The names of those identified as potential terrorists are added to CLASS. CLASS is the single watch list available to consular officers adjudicating visas, and every visa applicant must be name checked prior to adjudication and issuance. CLASS is the best tool available to consular officers to prevent visa issuance to terrorists.

OIG conducted a review of the visas viper process as part of this survey of visa issuance procedures. The findings and recommendations are contained in a classified portion of this report. For the purposes of this unclassified portion the findings can be summarized as follows. The visas viper program is a valuable tool in the war on terrorism and the effort to strengthen American security. More resources should be devoted to the program, however, and the guidance should be clearer. The headquarters of the participating agencies should have a larger role in the program and give it a higher priority.

Summary

Until the events of September 11, the visa process was seldom considered a major element of national security. This is so despite the fact that after the first attack on the World

UNCLASSIFIED

UNCLASSIFIED

Trade Center, Congress mandated the issuance of machine readable visas and CLASS name checks worldwide, while authorizing a visa application fee to provide funding to make this possible. The Visas Viper Program was also created. The post-September 11 era should have witnessed immediate and dramatic changes in CA's direction of the visa process. This has not happened. A fundamental readjustment by Department leadership regarding visa issuance and denial has not taken place. The Department still does not fully appreciate the consular function as part of a coordinated national effort to manage border security and implement the INA, both to prevent the travel of those who might present risks to the United States and its citizens and also to facilitate legitimate travel. CA continues to experience shortcomings that include:

- Lack of uniformity in visa processing from post to post, and
- Lack of a planning staff to develop and advance options for consular input into border security initiatives and directions.

If the visa process is to be made more secure, it must be considered as a part of a larger process beginning with the visa process and continuing through the admission of aliens to the United States and tracking them while they remain in this country. As Congress recognized when it mandated worldwide implementation of machine readable NIVs, financial and human resources must be provided to realize these changes. The Department at every level must rethink its approach to this task and devote the necessary resources and effort to it. New leadership in the Bureau of Consular Affairs is committed to continuing efforts to minimize the vulnerabilities in visa processing.

This review was begun before the passage of legislation creating the Department of Homeland Security and vesting it with major responsibilities with regard to visas. Nevertheless, the findings of this report and the recommendations remain valid no matter where the ultimate authority for visa policy and issuance resides.

UNCLASSIFIED

UNCLASSIFIED

ABBREVIATIONS

CA	Bureau of Consular Affairs
CLASS	Consular Lookout and Support System
DCM	Deputy chief of mission
FPU	Fraud Prevention Unit
FSN	Foreign Service national
HR	Bureau of Human Resources
INA	Immigration and Nationality Act
NIV	Nonimmigrant visa
NSEERS	National Security Entry Exit Registration System
OIG	Office of Inspector General
TARP	Travel Agents Referral Program

UNCLASSIFIED

UNCLASSIFIED

APPENDIX A

LIST OF VISA ISSUING POSTS

As of 10/01/01

COUNTRY	POST	SERVICES
ALBANIA	TIRANA (E)	ALL
ALGERIA	ALGIERS (E)	LIMITED NIV & IV
ANGOLA	LUANDA (E)	NIV
ARGENTINA	BUENOS AIRES (E)	ALL
ARMENIA	YEREVAN (E)	NIV
AUSTRALIA	CANBERRA (E)	ALL
	MELBOURNE (CG)	NIV
	SYDNEY (CG)	ALL
	PERTH (CG)	ALL
AUSTRIA	VIENNA (E)	ALL
AZERBAIJAN	BAKU (E)	NIV
BAHAMAS	NASSAU (E)	ALL
BAHRAIN	MANAMA (E)	ALL

UNCLASSIFIED

UNCLASSIFIED

BANGLADESH	DHAKA (E)	ALL
BARBADOS	BRIDGETOWN (E)	ALL
BELARUS	MINSK (E)	NIV
BELGIUM	BRUSSELS (E)	ALL
BELIZE	BELIZE CITY (E)	ALL
BENIN	COTONOU (E)	ALL
BERMUDA	HAMILTON (CG)	ALL
BOLIVIA	LA PAZ (E)	ALL
BOSNIA AND HERZEGOVINA	SARAJEVO (E)	NIV
BOTSWANA	GABORONE (E)	NIV
BRAZIL	BRASILIA (E)	NIV
	RIO DE JANEIRO (CG)	ALL
	SAO PAULO (CG)	NIV
	RECIFE (C)	NIV
BRUNEI	BANDAR SERI BEGAWAN (E)	NIV
BULGARIA	SOFIA (E)	ALL
BURKINA FASO	OUAGADOUGOU (E)	ALL

UNCLASSIFIED

BURMA	RANGOON (E)	ALL
BURUNDI	BUJUMBURA (E)	NIV
CAMBODIA	PHNOM PENH (E)	ALL
CAMEROON	YAOUNDE (E)	ALL
CANADA	OTTAWA (E)	NIV
	CALGARY (CG)	NIV
	HALIFAX (CG)	NIV
	MONTREAL (CG)	ALL
	QUEBEC (CG)	NIV
	TORONTO (CG)	NIV
	VANCOUVER (CG)	NIV & K
CAPE VERDE	PRAIA (E)	ALL
CENTRAL AFRICAN REPUBLIC	BANGUI (E)	NIV
CHAD	N'DJAMENA (E)	NIV
CHILE	SANTIAGO (E)	ALL
CHINA	BEIJING (E)	NIV
	GUANGZHOU (CG)	ALL

UNCLASSIFIED

UNCLASSIFIED

	SHANGHAI (CG)	NIV
	SHENYANG (CG)	NIV
	CHENGDU (CG)	NIV
COLOMBIA	BOGOTA (E)	ALL
COMOROS	PORT LOUIS (E)	NIV
CONGO, DEMOCRATIC REPUBLIC OF THE	KINSHASA (E)	ALL
CONGO, REPUBLIC OF THE	KINSHASA (E)	ALL
COSTA RICA	SAN JOSE (E)	ALL
COTE D'IVOIRE	ABIDJAN (E)	ALL
CROATIA	ZAGREB (E)	ALL
CUBA	HAVANA (USINT)	ALL
CYPRUS	NICOSIA (E)	ALL
CZECH REPUBLIC	PRAGUE (E)	ALL
DENMARK	COPENHAGEN (E)	ALL
DJIBOUTI	DJIBOUTI (E)	ALL
DOMINICAN REPUBLIC	SANTO DOMINGO (E)	ALL
ECUADOR	QUITO (E)	NIV

UNCLASSIFIED

UNCLASSIFIED

	GUAYAQUIL (CG)	ALL
EGYPT	CAIRO (E)	ALL
EL SALVADOR	SAN SALVADOR (E)	ALL
ERITREA	ASMARA (E)	NIV AND K
ESTONIA	TALLINN (E)	NIV
ETHIOPIA	ADDIS ABABA (E)	ALL
FIJI	SUVA (E)	ALL
FINLAND	HELSINKI (E)	ALL
FRANCE	PARIS (E)	ALL
GABON	LIBREVILLE (E)	ALL
GAMBIA, THE	BANJUL (E)	NIV
GEORGIA	TBILISI (E)	NIV
GERMANY, FEDERAL REPUBLIC	BONN (E)	NIV
	BERLIN (BO)	NIV
	FRANKFURT (CG)	ALL
GHANA	ACCRA (E)	ALL
GREECE	ATHENS (E)	ALL

UNCLASSIFIED

UNCLASSIFIED

GRENADA	BRIDGETOWN (E)	ALL
GUATEMALA	GUATEMALA CITY (E)	ALL
GUINEA	CONAKRY (E)	NIV
GUINEA-BISSAU	LISBON (E)	NIV
	DAKAR (E)	IV
GUYANA	GEORGETOWN (E)	ALL
HAITI	PORT-AU-PRINCE (E)	ALL
HONDURAS	TEGUCIGALPA (E)	ALL
HONG KONG	HONG KONG (CG)	ALL
HUNGARY	BUDAPEST (E)	ALL
ICELAND	REYKJAVIK (E)	ALL
INDIA	NEW DELHI (E)	ALL
	MUMBAI (CG)	ALL
	CALCUTTA (CG)	ALL- (IV:IR3, IR4,SB1)
	CHENNAI (CG)	ALL
INDONESIA	JAKARTA (E)	ALL
	SURABAYA (CG)	NIV

UNCLASSIFIED

UNCLASSIFIED

IRELAND	DUBLIN (E)	ALL
ISRAEL	TEL AVIV (E)	ALL
	JERUSALEM (CG)	ALL
ITALY	ROME (E)	NIV
	MILAN (CG)	NIV
	NAPLES (CG)	ALL
JAMAICA	KINGSTON (E)	ALL
JAPAN	TOKYO (E)	ALL
	NAHA (CG)	ALL
	OSAKA KOBE (CG)	NIV
JORDAN	AMMAN (E)	ALL
KAZAKHSTAN	ALMATY (E)	NIV
KENYA	NAIROBI (E)	ALL
KOREA	SEOUL (E)	ALL
KUWAIT	KUWAIT (E)	ALL
KYRGYZSTAN	BISHKEK (E)	NIV
LAOS	VIENTIANE (E)	ALL

UNCLASSIFIED

LATVIA	RIGA (E)	NIV
LEBANON	BEIRUT (E)	LIMITED NIV
LESOTHO	MASERU (E)	NIV
LIBERIA	MONROVIA (E)	ALL
LITHUANIA	VILNIUS (E)	NIV
LUXEMBOURG	LUXEMBOURG (E)	NIV
MACEDONIA (FORMER YUGO REPUBLIC OF)	SKOPJE (E)	NIV
MADAGASCAR	ANTANANARIVO (E)	ALL
MALAWI	LILONGWE (E)	ALL
MALAYSIA	KUALA LUMPUR (E)	ALL
MALI	BAMAKO (E)	NIV
MALTA	VALLETTA (E)	ALL
MARSHALL ISLANDS	MAJURO (E)	NIV
MAURITANIA	NOUAKCHOTT (E)	NIV
MAURITIUS	PORT LOUIS (E)	NIV
MEXICO	MEXICO DF (E)	NIV
	CIUDAD JUAREZ (CG)	ALL

UNCLASSIFIED

	GUADALAJARA (CG)	NIV
	MONTERREY (CG)	NIV
	TIJUANA (CG)	NIV
	HERMOSILLO (CG)	NIV
	MATAMOROS (C)	NIV
	MERIDA (C)	NIV
MICRONESIA	KOLONIA (E)	NIV
MOLDOVA	CHISINAU (E)	NIV
MONGOLIA	ULAANBAATAR (E)	NIV
MOROCCO	CASABLANCA (CG)	ALL
MOZAMBIQUE	MAPUTO (E)	NIV
NAMIBIA	WINDHOEK (E)	NIV
NEPAL	KATHMANDU (E)	ALL
NETHERLANDS	THE HAGUE (E)	NO VISAS ISSUED
	AMSTERDAM (CG)	ALL
NETHERLANDS ANTILLES	BRIDGETOWN (E)	ALL (FOR NATIONALS OF SABA ST
NEW ZEALAND	AUCKLAND (CG)	ALL

UNCLASSIFIED

UNCLASSIFIED

NICARAGUA	MANAGUA (E)	ALL
NIGER	NIAMEY (E)	ALL
NIGERIA	LAGOS (E)	ALL
NORWAY	OSLO (E)	ALL
OMAN	MUSCAT (E)	ALL
PAKISTAN	ISLAMABAD (E)	ALL
PALAU	KOROR (E)	NIV
PANAMA	PANAMA CITY (E)	ALL
PAPUA NEW GUINEA	PORT MORESBY (E)	ALL
PARAGUAY	ASUNCION (E)	ALL
PERU	LIMA (E)	ALL
PHILIPPINES	MANILA (E)	ALL
POLAND	WARSAW (E)	ALL
	KRAKOW (CG)	NIV
PORTUGAL	LISBON (E)	ALL
	PONTA DELGADA (C)	ALL
QATAR	DOHA (E)	ALL

UNCLASSIFIED

UNCLASSIFIED

ROMANIA	BUCHAREST (E)	ALL
RUSSIA	MOSCOW (E)	ALL
	ST. PETERSBURG (CG)	NIV
	VLADIVOSTOK (CG)	NIV
	YEKATERINBURG (CG)	NIV
RWANDA	KIGALI (E)	NIV
SAMOA	AUCKLAND (CG)	NIV
SAO TOME & PRINCIPE	LIBREVILLE (E)	ALL
SAUDI ARABIA	RIYADH (E)	ALL
	JEDDAH (CG)	NIV
SENEGAL	DAKAR (E)	ALL
SEYCHELLES	PORT LOUIS (E)	NIV
SIERRA LEONE	CONAKRY (E)	NIV
SINGAPORE	SINGAPORE (E)	ALL
SLOVAK REPUBLIC	BRATISLAVA (E)	NIV
SLOVENIA	LJUBLJANA (E)	NIV
SOUTH AFRICA	PRETORIA (E)	DIPLOMATIC AND OFFICIAL

UNCLASSIFIED

	CAPE TOWN (CG)	NIV
	DURBAN (CG)	NIV
	JOHANNESBURG (CG)	ALL
SPAIN	MADRID (E)	ALL
SRI LANKA	COLOMBO (E)	ALL
SURINAME	PARAMARIBO (E)	ALL
SWAZILAND	MBABANE (E)	NIV
SWEDEN	STOCKHOLM (E)	ALL
SWITZERLAND	BERN (E)	ALL
SYRIA	DAMASCUS (E)	ALL
TAJIKISTAN	ALMATY OR TASHKENT	NIV
	MOSCOW (E)	IV
TANZANIA	DAR ES SALAAM (E)	ALL
THAILAND	BANGKOK (E)	ALL
	CHIANG MAI (CG)	NIV
TOGO	LOME (E)	ALL
TRINIDAD AND TOBAGO	PORT OF SPAIN (E)	ALL

UNCLASSIFIED

UNCLASSIFIED

TUNISIA	TUNIS (E)	ALL
TURKEY	ANKARA (E)	ALL
	ISTANBUL (CG)	NIV
TURKMENISTAN	ASHGABAT (E)	NIV
UGANDA	KAMPALA (E)	NIV
UKRAINE	KIEV (E)	NIV
UNITED ARAB EMIRATES	ABU DHABI (E)	ALL & BEIRUT FILES
	DUBAI (CG)	NIV
UNITED KINGDOM	LONDON (E)	ALL
	BELFAST – NORTHERN IRELAND (CG)	NIV
URUGUAY	MONTEVIDEO (E)	ALL
UZBEKISTAN	TASHKENT (E)	NIV
VENEZUELA	CARACAS (E)	ALL
VIETNAM	HANOI (E)	NIV EXCEPT B VISAS
	HO CHI MIN CITY (CG)	ALL
YEMEN	SANAA (E)	ALL
ZAMBIA	LUSAKA (E)	ALL

UNCLASSIFIED

ZIMBABWE	HARARE (E)	ALL
OTHER		
DEPARTMENT OF STATE	CA/VO/P/D	RE-ISSUES E,H,I,L,O AND P P P VISAS
USUN	New York	G VISAS ONLY
TAIWAN (AIT)	Taipei	ALL

The Taipei office of the American Institute in Taiwan, although an unofficial instrumentality, has been authorized to process visa applications for residents of Taiwan.

(E) - Embassy (CG) - Consulate General (C) - Consulate

(USINT) - U.S. Interests Section (BO) - Branch Office

(IV) - Immigrant Visa (NIV) - Nonimmigrant Visa

UNCLASSIFIED

APPENDIX B

LIST OF POSTS VISITED

ABU DHABI
ALGIERS
AMMAN
ANKARA
BRUSSELS
CAIRO
DAMASCUS
DHAKA
DOHA
DUBAI
FRANKFURT
ISLAMABAD
ISTANBUL
JEDDAH
KUALA LUMPUR
KUWAIT
LONDON
MANILA
MONTREAL
MOROCCO
PARIS
RIYADH
SANAA
SINGAPORE
TORONTO
TUNIS
VALLETTA

UNCLASSIFIED

UNCLASSIFIED

APPENDIX C

LIST OF POSTS WITH TRAVEL AGENCY REFERRAL PROGRAMS

AIT TAIWAN
ASUNCION
ATHENS
BRASILIA
BRATISLAVA
BUDAPEST
CAPETOWN
CARACAS
GUAYAQUIL
ISTANBUL
JERUSALEM
JOHANNESBURG
KRAKOW
KUALA LUMPUR
LISBON
MILAN
MONTEVIDEO
MOSCOW
NAHA
NICOSIA
OSAKA
PANAMA
PONTA DELGADO
PORT AU PRINCE
PRAGUE
QUITO
RIO DE JANEIRO
SANTIAGO
SAO PAULO
SEOUL
SHANGHAI
SINGAPORE
SYDNEY
TEGUCIGALPA
TEL AVIV
TOKYO
TORONTO
VALLETTA

UNCLASSIFIED

COMMENTS FROM AFFECTED BUREAUS

Consular Affairs (CA)	(8 pages)
Foreign Service Institute (FSI)	(2 pages)
Intelligence and Research (INR)	(1 page)
Overseas Buildings Operations (OBO)	(note)
Human Resources (HR)	(4 pages)

UNCLASSIFIED

UNCLASSIFIED

December 11, 2002

UNCLASSIFIED
MEMORANDUM

To: OIG - Mr. Clark Kent Ervin

From: CA - Maura Harty

Subject: Draft Inspection Memorandum Report on Visa Issuance Policy and Procedures

Thank you for the opportunity to comment on the discussion draft of the OIG report on "Review of Visa Issuance Policy and Procedures." In general, we found it a balanced and thoughtful report on the conduct of consular operations against the backdrop of heightened security threats. Indeed, many of the recommendations are initiatives that we have already undertaken.

The report naturally focuses on changes required to improve US border security, but I believe it is important to also acknowledge the security enhancements made both before and after the events of September 11, 2001. We believe that a casual reader should have access to a balanced picture and so have provided an attachment that lists just some of the improvements to the visa process made since 9/11 as well as additional initiatives CA has undertaken. Viewed as a whole, I believe the measures already taken and initiatives underway in large measure parallel the spirit and thrust of your report. This is clearly a work in progress and CA's new leadership team is determined to improve every aspect of the Bureau's performance in the war against terrorism.

The consular world changed on 9/11 and we are determined to do all that we can to ensure the security of our nation's borders and the integrity of our visa process. We are also working hard to implement the sweeping changes of the USA Patriot Act and the Enhanced Border Security Act. The establishment of the Department of Homeland Security will also entail fundamental changes in the visa and border security policies of the United States. In other words, our list of initiatives is just a

UNCLASSIFIED

UNCLASSIFIED

partial snapshot of a process of review and improvement that will remain an ongoing effort by the Bureau of Consular Affairs.

With that in mind, let me offer the following specific comments on your draft report.

Background and Summary

I believe the "Background and Summary" on pages 1 and 2 is unfair in its description of a visa process "inadequate to meet the threat." While we are working everyday to further enhance our efforts and capabilities, TIPOFF, the Consular Consolidated Database (CCD), the Arabic algorithm in CLASS, the Visas Mantis program and in fact all special advisory opinion procedures, the MRV system and its Lincoln visa successor, and the many other enhancements to CA systems and procedures reflect a long-term focus on adjusting consular processes to meet the threats identified by the border security agencies and the intelligence community. We have a vibrant approach to challenge and to change. I believe the summary statement gives short shrift to "on the ground realities." In all cases when a threat has been identified with a degree of specificity that allows practical counter measures to be taken by consular sections, those programs are implemented.

Waiver of Personal Appearance

The section entitled "Policy Issues" begins with the discussion of waivers of personal appearance, rightly identified as an area where changes are needed to meet the realities of the post 9/11 world. CA has been reviewing this issue and expects to promulgate new regulations in the next several weeks. Final action is pending until the interview policy can be reviewed thoroughly, taking into account resources as well as other needed changes in the visa process such as enhanced consular training in interview techniques and additional security screening procedures.

In the discussion of this issue (on page 5 in the current draft) a link is made between consolidating consular operations and pressure to waive personal appearance. The point is valid. I believe it would be clearer if the issue of long-distance travel, sometimes across international borders, were explicitly mentioned. The same paragraph goes on to mention visa referral policies and ends with the line "applicants assume that a referral will guarantee the issuance of a visa." While we cannot control what an applicant thinks, this reference leaves the impression that visa referrals are a weakness without clarifying what the term means. Specifically, any negative

UNCLASSIFIED

UNCLASSIFIED

reference to the referral program should be balanced by pointing out that it is fundamentally a management control technique to formalize the process and provide accountability when information on prospective travelers is available to others in the mission.

Concerning Recommendation 1, CA believes that policies and procedures for waiving personal appearance should be written in CA and reviewed for appropriateness by Chiefs of Mission. CA plans to implement shortly worldwide standards stricter than those envisioned in the OIG recommendation, with the provision that exceptions to established procedure must be approved in writing by the DAS for Visa Services.

Travel Agency Referral Program

The next policy issue addressed is the use of travel agencies in the visa application process. Although I understand that the phrase "travel agency referral program," or "TARP," appeared in some reporting on this issue, this title is misleading. Travel agents in almost all cases are considered tools to assist applicants in completing their applications properly, obtaining properly formatted photographs, and submitting the application to consular sections for processing. In nearly all cases, a case submitted through a travel agent might just as well have been mailed or hand-carried in - there is no material difference in the way it is processed. All applications are vetted and all applicants namechecked.

The second paragraph on page 6 includes the statement "there is no standing guidance on validation studies from CA." FPP's intranet website contains detailed instructions on conducting a validation study in 98 State 046225. This guidance still stands, and is amplified in FPP's training during our FPM course, our segment in the Advanced Consular Course, and our FSN workshop.

CA concurs that posts need more explicit guidance in the use of travel agencies and is currently developing an approach that is considerably more restrictive than that reflected in the draft's Recommendation 2. CA is reviewing the degree to which it is appropriate to use travel agencies as "force multipliers" to facilitate document preparation and public outreach and will provide standard guidance to the field on this issue.

CA Oversight and Procedural Guidance

The discussion of standard operating procedures begun on page 7 reflects our thinking on this important issue. CA, both in the

UNCLASSIFIED

UNCLASSIFIED

context of working with the Department of Homeland Security and as an ongoing management review, intends to consolidate and standardize guidance to the field.

On this same subject, the OIG should be aware that CA has initiated a program to use automated link analysis and research tools available through DS to perform fraud checks on employment-based IV petitions at the National Visa Center. A civil service Fraud Program Manager is currently being hired for NVC, and a formal fraud unit will be established within the next few months. After experience with these tools is gained at NVC, VO intends to expand fraud program activities to KCC, working with employment-based NIV petition cases.

CA concurs whole-heartedly with Recommendation 3 concerning standardized operating procedures. We expect to work closely with the Department of Homeland Security in this area over the coming months. (We note that Recommendation 3 is not entirely consistent with the first recommendation, which favors local SOP's. CA believes that consistent, Department-generated procedures are more appropriate.)

Recommendations 4 through 6 deal with the clearance process. CA agrees that both U.S. national security and concern for appropriate allocation of border security resources require the ongoing review and refinement of clearance procedures. CA has been intensely engaged with the interagency community on this issue since the events of 9/11 and expects to continue this effort to ensure effective and meaningful screening of prospective travelers to the US. As it is unlikely that all screening criteria can be made unclassified, CA endorses any effort to facilitate consular section access to classified material.

Executive Oversight

As the draft rightly points out, the issue of review of issuances and refusals at smaller posts without senior consular management is a concern. CA has recently issued revised guidance to the field on this issue and expects the issue of accountability and adequate training of supervisors to continue to require our attention. (CA guidance largely implementing this recommendation is contained in 9 FAM 41.121; 41.113; and Appendix G 101.6(c), in addition to ALDAC messages State 45437, dated March 8, 2002 and entitled "New Procedures for Refusal of Nonimmigrant Visas," State 111136 dated June 8, 2002 and entitled "New FAM Notes on Spot Checking Issued Nonimmigrant Visas, and State 147564 dated August 1, 2002, entitled "New Visa

UNCLASSIFIED

UNCLASSIFIED

Accountability at Small Posts.”) We also have begun consulting with FSI and the DG’s office on additional training for Deputy Chiefs of Mission in consular oversight functions.

We believe that the discussion at the top of page 10 concerning the visa referral process and the Visas Condor clearance is misleading. One sentence reads: “The beneficiaries [of Class A referrals] are specifically excluded from a new security advisory opinion requirement.” It is important to note that, although Class A referral cases may be excluded from the Visas Condor clearance, this is done at the discretion of the interviewing consular officer. The word “specifically” should be changed to “may be.” The same holds true for waiver of personal appearance and interview. Although interview is normally waived for Class A referral cases, consular officers may always require personal appearance when it appears necessary.

Current guidance on the referral system makes it clear that referring officers are responsible for the cases that they refer and that permanent records of referrals made will be kept (through the automated NIV system). However, CA concurs with the suggestion in Recommendation 8 to establish a system of formal accountability certification and identification of other interested parties in the mission.

As the OIG is aware, exemptions from the NSEERS registration requirement already require the certification of the Chief of Mission, DCM or Principal Officer. Recommendation 9 suggests that same procedure be put in place for exemptions from the Visas Condor clearance, with the implication that an explicit link to the referral process is maintained. Although CA is not opposed to more stringent standards for exemptions from special clearance requirements, it is not clear whether it is useful to continue the linkage to the visa referral process. We will study this issue in the coming months.

Staffing

Recommendation 10 concerns the discontinuation of the practice of assigning junior officers to rotational positions in consular sections. CA supports this recommendation, although we acknowledge the training value that these positions provide and note that this recommendation requires support from HR.

Recommendation 11 endorses the expansion of alternative staffing programs. This is at variance with CA’s own efforts to identify a role for Consular Associates that allows them to support

UNCLASSIFIED

UNCLASSIFIED

consular processing without being involved in visa adjudication. We believe that there will be plenty of new work once biometric requirements are added to the mix in 2004.

Recommendation 12 concerns the review and reclassification of consular position descriptions. CA endorses this recommendation.

Recommendation 13 suggests that only consular officers who have already completed at least one consular assignment be assigned to one-person consular sections. CA strongly supports this recommendation, but implementation is dependent on factors beyond our control.

Recommendation 14 concerning review and possible regionalization of consular work meshes with ongoing CA activity in this area.

Likewise, the review of the regional consular officer program called for in Recommendation 15 is already a CA priority.

Resources

CA/EX, through the annual consular package and other mechanisms, engages in continual review of consular resource requirements. Of particular concern during the past year is the impact of security-driven changes in personnel rules affecting the responsibilities of FSN and non-traditional American personnel (such as consular associates) in consular sections. Recommendation 16 addresses these issues.

Training

CA acknowledges the value of Recommendations 17, 18 and 19 concerning language training and assignments and looks forward to working with HR and FSI in these areas. In fact, we have already begun discussion of these issues with senior management.

The addition of specific interview training to the basic consular course as suggested in Recommendation 20 is important and in fact has already been done.

I defer to FSI to provide further details concerning this initiative.

CLASS and the Visas Viper Program

Finally, concerning the Visas Viper program originally introduced in 1993, a consolidated national watch list and interoperable databases have been the subject of attention throughout the USG since the events of 9/11. CA believes strongly, as noted in the report, that properly coordinated

UNCLASSIFIED

UNCLASSIFIED

intelligence is the real key to protecting America's borders and looks forward to working with other border security and intelligence agencies and the Department of Homeland Security to make the Visas Viper program as robust as possible.

Concluding Summary

The report's conclusion raises similar concerns as those cited earlier in the "Background and Summary" section. CA and at times the Department are faulted in isolation for actions or inactions that are but a piece of a total picture that includes the entire national security and immigration policy apparatus of the United States government. Can improvements be made? Of course. And the new CA management team is dedicated to that very goal.

The Bureau has made major improvements to the visa process and worked tirelessly with other agencies toward our common goal of a more secure America. The summary which begins on page 15 incorrectly states that there have been no "immediate and dramatic" changes in the visa process. One small statistic of great importance is the fact that the CLASS namecheck system virtually doubled in size post-9/11 - virtually doubling the possibility of identifying a person of interest for the law enforcement and intelligence communities. Additional examples are to be found in the tab appended ("CA initiatives to improve security of visa process").

Once again, we appreciate the opportunity to comment on the draft provided to us. We hope in the future to return to a longer time-frame in which to respond, but understand current exigencies. We look forward to working with your staff on this and future projects.

UNCLASSIFIED

UNCLASSIFIED

December 11, 2002

MEMORANDUM

TO: OIG – Clark Kent Ervin

FROM: FSI – Katherine H. Peterson

SUBJECT: Draft Inspection Memorandum Report on Visa Issuance Policy and Procedures

Below, please find FSI's comments on recommendations 17 and 19 in the draft inspection memorandum report. If you have any questions, please contact Ms. Catherine J. Russell, Executive Director for Management at [-----(b)(6)-----]

FSI Response to OIG Draft Inspection Memorandum Report on
Visa Issuance Policy and Procedures

Recommendation 17: Language training should be adapted to serve better the needs of consular officers and should include interviewing techniques. (Action: M/FSI)

FSI concurs with the recommendation. Currently in most language curricula, there are specialized modules developed in coordination with posts and FSI's Consular Training Division. Language students assigned to consular positions are given the opportunity to work with consular modules in the latter stages of their scheduled training. The topics include interview practice on the topics of immigrant and nonimmigrant visas as well as arrests, deaths, welfare-and-whereabouts of U.S. citizens, and telephone inquiries. There is also work with documents such as birth and marriage certificates, government forms, etc. FSI is currently updating consular tradecraft materials in Arabic in consultation with posts and CA, and plans to expand consular tradecraft training throughout the language school. These materials will increase the emphasis on interviewing skills.

Recommendation 19: The Department should fund the development of interview training materials designed to satisfy visa officers' needs and expand the basic consular course to include this additional training. (Action M/FSI)

FSI concurs with this recommendation. As noted by the OIG, the Consular Training Division has already augmented the training previously provided on interviewing in ConGen. In addition, we have developed a plan to use the expertise of an outside expert on interviewing, which is intended to give ConGen students additional, substantial help in identifying illegitimate travelers/applicants. We hope to give our students the benefit of the knowledge of the best interviewing experts in the U.S.

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED
MEMORANDUM

To: OIG - Mr. Clark Kent Ervin
From: INR - Christopher A. Kojm
Subject: OIG Draft report on visa processing
Reference: OIG Memo dated 12/4/2002

Thank you for the opportunity to comment on the OIG draft memorandum report titled "Visa Issuance Policy and Procedures."

Recommendation 5 of the draft report tasks INR, in conjunction with the Visa Office, to review clearance procedures instituted since 9/11 and "determine which clearance requirements are providing improved security." INR should be removed from this recommendation as a primary action office. INR does not have the ability to undertake such a review nor is the Bureau in a position to provide the judgments sought.

We understand that CA is currently engaged in such a review. INR, at the request of D/HS, in the past has acted to facilitate the drafting of Intelligence Community threat assessments with regard to specific country clearance requirements. We are fully prepared to continue this function as requested, as well as to perform other intelligence liaison functions as appropriate.

Please let me know if OIG proposes not to revise the draft recommendation as requested.

UNCLASSIFIED

UNCLASSIFIED

OBO has indicated that it has no comments on the draft memorandum report at this time.

UNCLASSIFIED

UNCLASSIFIED

MEMORANDUM

TO: IG - Clark Kent Ervin

FROM: M/DGHR - Ruth A. Davis

SUBJECT: Draft OIG Review of Visa Issuance Policy

We appreciate the opportunity to review the OIG's draft report and to offer preliminary comments. We recognize that this review was conducted in a short time frame and that additional study of these issues within the Department will continue. This report should add to the body of knowledge being created from completed and ongoing internal reviews and the recent GAO review. HR has participated in this process and continues to work with CA to ensure that consular staffing issues are addressed.

In general, we note that many of the recommendations are sweeping and would have serious resource and assignment implications. Therefore, we have not been able in this short timeframe to do a serious analysis of the issues.

However, we provide our initial comments on the specific recommendations below.

Recommendation 10: The Department should discontinue most junior officer rotational assignments that include one year in a consular section, and instead assign each junior officer to two-year consular tours.

We will review the JORP program with this recommendation in mind. Such a review will be in the context of ensuring adequate training of junior officers and review of their responsibilities to ensure that in the new environment, they are prepared for the increasingly complex work of visa adjudication. We believe that the JORP program provides many career enhancing and morale building benefits that should not be discarded unless it is clear that those junior officers are less able to handle visa duties. No junior officer is single-handedly expected to adjudicate visa requests of such complexity that an additional twelve months of experience will make a material difference in their performance.

However, there may be other approaches that would respond to the concern. We believe that supervision is key - regardless of how long junior officers spend in the section - to ensuring that junior officers perform well. We recognize that increased responsibilities, combined with the mid-level staffing gap, have made for stressful, demanding jobs for mid-level consular supervisors. If we continue to receive the resources to support the Diplomatic Readiness Initiative, we would expect that workload would be eased by the increased staffing.

UNCLASSIFIED

UNCLASSIFIED

Recommendation 11: The Bureau of Human Resources should utilize all alternate staffing programs that are available, including hiring language-qualified employees on limited non-career appointments, to adjudicate visa applications and staff consular sections.

We continue to believe that State Department junior officers who have passed a vigorous screening process prior to entry are our very best resource to adjudicate visa applications and staff consular sections. The most important characteristic is the integrity of the consular officer. That is why we recruit the best talent for the Foreign Service and seek those who are motivated by service, who are prepared for a career-long commitment, who can put consular work in a broader context, and who we can train in the additional specific skills required.

We are also focusing our recruiting more intently on candidates who may already possess critical language skills. For example, we recruit heavily at universities with strong language programs and among participants in the National Security Education Program.

While language is important, it is not the primary skill required, and it is one that can be taught. Our goal is to fully staff consular sections with the brightest officers, who have all the training and skills required for this critical responsibility.

Recommendation 12: The Bureau of Human Resources, in conjunction with the Bureau of Consular Affairs, should review all consular positions to determine appropriate position classifications in light of new complexities in consular work, security concerns, and anti-terrorism initiatives.

HR will be undertaking such a review.

Recommendation 13: The Department should establish procedures to ensure that only officers who have completed at least one consular assignment should be assigned to a one-person consular section.

We agree that having first-tour officers staff one-person consular sections is not the optimal situation. However, highly experienced regional consular officers who provide guidance and training through regularly scheduled visits to posts support these officers.

Recognizing the additional threat since 9/11, we are closely monitoring assignments to these posts. As more experienced officers become available through DRI related intake, we will make every effort to assign experienced officers to one-person consular posts. Some positions will be upgraded to mid level as the mid-level officer ranks begin to grow.

Recommendation 17: The Department should require language training for consular positions and all consular officers should be required to be able to communicate at least at the basic level (S-2/R-2).

We make it a priority for every officer assigned to a consular position abroad to have the language skills necessary to do the job. Every year we conduct a review of positions abroad to determine what the language designation of each position should be. The designation is made

UNCLASSIFIED

UNCLASSIFIED

according to the assessed need for language use at each post. In “hard” languages, a 2/0 is generally required when there is no assessed need for reading ability.

Our commitment to providing language training is strong. In the past year we granted only 8 full and 10 partial language waivers to officers assigned to consular positions abroad. Officers who are assigned with a partial language waiver continue their language training at post. In the last year we have increased the training time for junior officers in most of these hard languages from 23 to 36 weeks.

The single most important factor in expanding the ability of the Foreign Service in languages is additional personnel and resources.

Recommendation 19: The Department should assign officers with appropriate Middle East languages and area knowledge to major visa-processing posts outside the Middle East.

We will work with CA and with posts to identify language requirements and to make appropriate assignments to those positions taking into account other priorities and resources.

Recommendation 14: The Department should assess and reallocate consular workloads worldwide and, where missions do not have sufficient consular work to justify a full time consular position, to the extent possible, the work should be performed regionally. Any duties that must be performed in country should be assigned to a tenured officer.

Recommendation 15: The Department should conduct a worldwide review to determine where regional consular positions, vested with supervisory responsibilities and mandated to visit each post quarterly, are appropriate and create the appropriate positions.

Recommendation 16: The Bureau of Consular Affairs, in conjunction with HR, should study the utilization of staff hours assigned to the various consular functions to create a baseline for the number of hours needed to perform the consular functions in the post-9/11 environment.

The HR Bureau has worked closely with CA on the preparation and updates of the consular workload portion of the Overseas Staffing Model, which provides the initial assessment of requirements. We will continue this close relationship and will continue to use our workforce planning tools to assess staffing needs stemming from changes in visa processing requirements.

UNCLASSIFIED