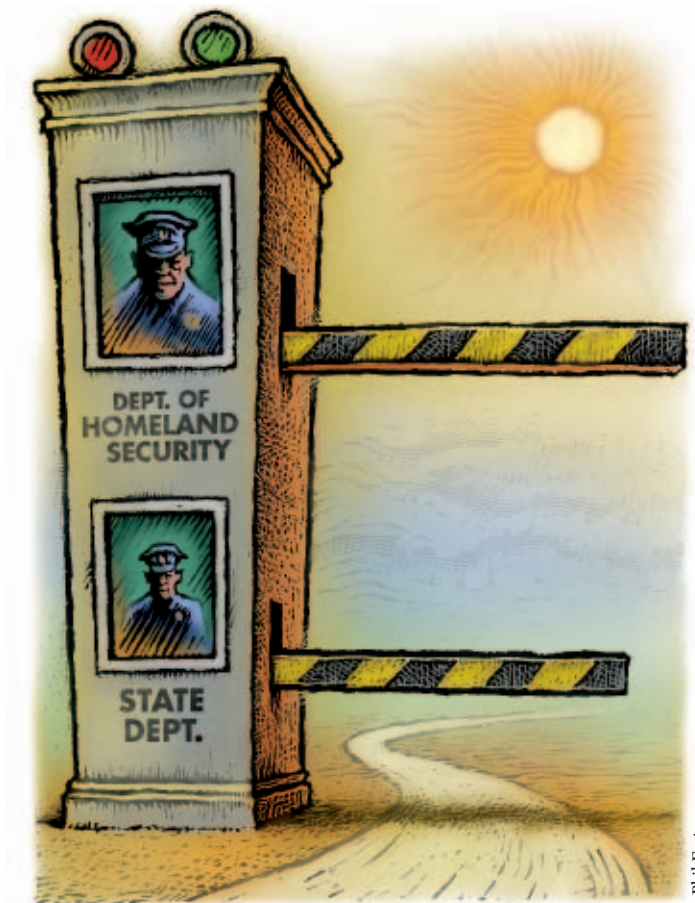


THE BRAVE NEW WORLD OF VISA PROCESSING



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THE EVENTS OF 9/11 AND STATE'S NEW PARTNERSHIP WITH THE DEPARTMENT OF HOMELAND SECURITY HAVE FOREVER ALTERED CONSULAR WORK.

BY SHAWN ZELLER

to be a State Department consular officer overseas is to have one of the most challenging of all Foreign Service positions. Besides its responsibility for issuing American passports and providing American citizen services overseas, the Bureau of Consular Affairs handles visas. These CA officers — often the junior-most Foreign Service employees — have to play both the role of welcoming envoy to the millions of visitors who want to come to the United States each year to have fun, to do business, or to study, and the role of stern security guard against terrorists and criminals who would do America harm. The pressure is, and always has been, immense.

Some officers have to interview upwards of 200 people a day, with as little as two minutes to size up a prospective visitor.

The Sept. 11, 2001, attacks ushered in perhaps the darkest period in the history of Consular Affairs, after it was revealed that the 19 hijackers had entered the country on State Department-issued visas. In 2002, Congress almost stripped the State Department of its non-immigrant visa processing role, despite Secretary of State Colin Powell's staunch opposition. While unsuccessful, the attempt was a crushing blow to State and to consular officers' morale.

In the end, the State Department held onto the visa processing function, for non-immigrants as well as immigrants. (Immigrant visa processing was not an issue in Congress: these visas are processed in coordination with Homeland Security's Bureau of Citizenship and Immigration Services, the new incarnation of the now-defunct Immigration and Naturalization Service, which has always held final responsibility in this area.) Congress did shift authority over non-immigrant visa policy, including application requirements, to the new Department of Homeland Security and gave DHS a final veto over individual visas. Last September, State and DHS signed a memorandum of understanding that divides up responsibility for overseeing and carrying out visa processing, and the two agencies are working hard to streamline procedures and coordination.

It is clear that the events of 9/11 and State's new partnership with DHS have forever altered consular work. "Visa issuance has changed completely," says Louise Crane, State Department vice president of the American Foreign Service Association. For the consular officer, it's meant more training on the front end, more rigorous interviewing on the job, and enhanced capabilities to identify terrorists through biometrics and ever-larger databases. For State, it's also meant far greater cooperation with, and in some cases reliance on, other government agencies.

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Most of all, it's meant a rebalancing of priorities within the Bureau of Consular Affairs. Always under pressure from the business and travel industry, colleges and universities, and foreign governments to move people through faster, CA has now made security paramount. And, thankfully, after years in which consular work was underfunded and

ignored, it now has the attention of Congress.

"It's a challenging time, but also a great time of opportunity. Everyone feels the work they are doing is more important than ever," says Janice Jacobs, deputy assistant secretary of State for visa services. "Everyone has a healthy attitude."

An Uneasy Partnership

An order for two distinct bureaucracies to work together efficiently on a complicated and sensitive mission would invite difficulty even under optimal circumstances. But the new partnership between CA and DHS was the result of a bruising battle over the non-immigrant visa function and, simultaneously, a wholesale shakeup and reorganization of domestic security agencies into the new DHS entity. Still, both Assistant Secretary of State for Consular Affairs Maura Harty and Homeland Security Under Secretary for Border and Transportation Security Asa Hutchinson have praised each other's leadership.

Under the memorandum of understanding with State allocating responsibility for oversight and execution of the visa process, DHS now establishes most non-immigrant visa application policies, such as documentation requirements, conditions under which an applicant may apply for a visa outside his or her home country, and instances when CA can waive the interview requirement. And, as Hutchinson said at a hearing last year, Homeland Security now holds a "trump card" over nearly every decision to approve a visa.

State retains full authority over granting diplomatic visas, as well as any visa case that may affect foreign policy. For example, State will continue to be responsible for determining who is allowed to travel to the United Nations headquarters in New York City. State will also identify legitimate exchange programs for visa

purposes, and will continue to set visa validity periods and fees. Jacobs says that, if necessary, the two department secretaries — Powell and Tom Ridge — are prepared to step in to resolve disputes.

Last year, DHS began deploying visa security officers to consulates and embassies overseas, starting with Saudi Arabia. The Saudi deployments, now complete, were the only ones explicitly mandated in the 2002 legislation creating the department. Still, DHS plans to expand the deployment of visa security officers to five more posts this year, and an additional five the following year, pending adequate funding and recruitment of officers. The officers' roles, as yet, are somewhat undefined. But Harty said last year that "DHS personnel abroad will act as coordinators of source information involving threats to the United States, particularly focusing on terrorist threats ... They will provide training and intelligence support to our consular officers."

Harty adds that DHS officers have been welcomed to the team, and that they and State's consular workers are now operating efficiently together. The two departments are coordinating weekly on the new U.S. VISIT system, which is designed to track the entry and exit of foreign travelers. And CA expects to meet its goal of implementing new biometric checks during the visa interview process by October.

All visa applicants will have to allow a consular officer to take two fingerprints before a visa will be issued. The departments also worked together extensively to implement the new Student and Exchange Visitor Information System (SEVIS), which tracks foreign students at U.S. colleges and universities. As a result of those efforts, a number of wanted criminals have been captured, and about 200 foreign students were turned back after it was discovered that they were not properly enrolled in the school they claimed to be attending.

The data collected during the biometric checks is run through the Consular Lookout and Support System (CLASS), which now contains nearly three times as many records as it did before 9/11 because of new agency data-sharing requirements passed by Congress. Visa applicants are then vetted against Homeland Security's Automated Biometric Identification System, which is known as IDENT. Any hits are sent to the FBI in Washington for further review. When a visitor arrives in the United States, the Homeland Security

officer at the port of entry scans the visa, takes another pair of fingerprints, and pulls up the photo submitted by the applicant and fingerprints Consular Affairs collected to make sure the person who applied for the visa is the same one arriving in the United States.

Through no fault of either State or DHS, another October deadline threatened to test the new partnership. In 2002 Congress also passed legislation requiring all 27 of the visa-waiver countries to begin issuing passports with biometric information embedded within them by October 2004. Because none of the countries are on track to do so and because of ongoing problems with the technology, Powell and Ridge asked Congress to extend the deadline by two years. In early August, President Bush signed legislation granting only a one-year extension, to October 2005. If not resolved, CA would have had to start processing visa applications for travelers from visa-waiver countries, which include all of our closest European and Asian allies — a potential logistical nightmare.

No One Was Prepared

The post-9/11 transition hasn't been easy. In 2002, new security procedures overwhelmed an understaffed consular work force and led to long waits overseas. Even though visa applications dropped dramatically after the terrorist attacks, backlogs grew because of the new procedures. For example, whereas CA had often waived the requirement that visa applicants show up in person for an interview, after the new rules almost all applicants — except for children, the elderly and diplomatic personnel — were required to undergo an interview.

Also in the interest of security, CA dropped a 30-day time limit for comment that it had previously imposed on other agencies, such as the FBI, that had asked to review a visa application. "None of the federal agencies involved in the clearance process, including State, were technically equipped to handle the volume of data that began to come in to us," Jacobs told the Senate Foreign Relations Committee last October.

The Government Accountability Office (formerly the General Accounting Office), Congress' watchdog arm, followed up with a series of critical reports that said CA management was slow in defining the new security standards, communicating them to its work force, and setting procedures for working with other

agencies. At the same time, business and higher education groups complained of corporate executives denied visas, business deals lost, and students delayed in their studies.

Jacobs makes no apologies for CA's focus on security, but says that she and Harty have reached out to business and education groups and have tried to speed processing. Harty has asked all embassy consular sections to educate visa applicants about what they should expect, and how to navigate the new procedures.

And when security gaps have been revealed, State has taken steps to plug them. For example, in 2002 the GAO criticized CA for not taking action quickly enough in warning domestic security agencies that a visa had been revoked — GAO said at the time that at least 30 individuals were in the United States on revoked visas. Now warnings go out in near-real time through State's CLASS system and Homeland Security's Interagency Border Inspection System (IBIS). Jacobs says that in 2003, word of every revocation reached DHS before the visa-holder's arrival. Similarly, when GAO reported that CA had sent visas to the FBI for security checks with improper coding — causing long delays — the agency invested \$1 million to upgrade computer systems. Now, when consular officers send sensitive applicant information to the FBI and other government agencies for review, it travels over secure lines, rather than by telegram.

Critics have also questioned CA about whether the two-fingerprint system used by U.S.-VISIT will be adequate over the long term. At a hearing in January, House Select Committee on Homeland Security member Norm Dicks, D-Wash., noted that the FBI uses a 10-print system in its criminal database, and that two prints are sometimes not enough to make a definitive match. "I know there is very strong feeling, both in the House and Senate, that two fingers are inadequate," Dicks said. Jacobs responded that the National Institute of Standards and Technology has determined that a two-print system is adequate for the time being, and if databases eventually return too many false positives, State can expand to an eight-print system.

One area where there is much less controversy than

One area where there is much less controversy than in years past is CA's need for more personnel.

in years past is CA's need for more personnel. After years of declining staffing, the bureau added 39 new full-time consular core positions above replacement for attrition in 2003, and another 80 this year. These new officers are going through a rigorous training course that includes four new ses-

sions on counterterrorism, one of which is given by Central Intelligence Agency personnel. One of the courses deals with visa fraud, while another focuses on interviewing skills. More experienced hands have also been required to undergo additional security training, and Harty has taken steps to standardize consular procedures so that the processes will be identical worldwide.

Overcoming Misperceptions

Harty and Jacobs have also worked tirelessly to overcome the misperceptions that they believe nearly cost State the visa function. The concern in Congress then was that "the State Department didn't understand well enough the importance of border security," Jacobs recalls, a perception she rejects. Ironically, Congress had shown little interest in or knowledge of consular operations for years, except perhaps to lobby for visas requested by constituents on behalf of foreign relatives, and had cut the consular budget and rebuffed the agency's efforts to upgrade.

Indeed, just a decade ago increased consular staffing was unthinkable. At that time, then-Assistant Secretary for Consular Affairs Mary Ryan had to beg Congress to allow the agency to retain the processing fees from visa applicants to fund its operations. At that time, consular officers had no modern lookout system; instead they checked names against a microfiche list of ineligible people that was usually outdated. Biometric checks were unheard of, and it was all the bureau could do to get Congress to agree to provide funding to let it roll out machine-readable visa systems at consular posts. In 1994, Ryan succeeded in convincing Congress, for the first time, to allow Consular Affairs to keep some of the fees that it collects from visa applicants and use the money to pay for infrastructure improvements. But congressional restrictions on the funding only made it possible to upgrade six posts with the machine-read-

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able systems each year.

At the same time, the pressure to speed processing of visas — from business and education groups as well as Congress — was relentless, eventually leading to Ryan's resignation. Just months before 9/11, in an effort to speed processing in Saudi Arabia, CA set up a program through which Saudis could submit visa application paperwork to travel agents, who would then forward the information for adjudication by consular affairs. Many of the applicants were not required to show up at a consular post for an interview. Similar programs already existed worldwide, but in Saudi Arabia the program was given the unfortunate name of "Visa Express." In 2002, under congressional pressure, Ryan stepped down after the program generated controversy.

In testimony before the 9/11 Commission early this

Even after 9/11, it took an act of Congress to require the FBI to share data with CA.

year, Ryan said she does not believe the express program harmed national security. But she also recalled the circumstances at the time of the program's creation: "It was an extremely difficult period. We were devastated by the budget cuts. We were devastated by the lack of junior officer intake."

And at the same time, federal law enforcement and intelligence agencies were reluctant to share their lookout data. Ryan said she was outraged to learn, after the attacks, that the FBI and CIA had information on two of the 9/11 hijackers — Khalid al-Midhar and Nawaf al-Hazmi — and had never shared that information with CA. The reason they hadn't: State is not a law enforcement agency. "I was outraged. I was furious. I'm still angry about it," she says. Even after 9/11, it took an act of Congress to require the FBI to share data with CA.

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Some Things Don't Change

One thing that hasn't changed since 9/11 is the lobbying efforts of travel and business industry groups, as well as colleges and universities, to encourage consular affairs to lower barriers to travelers. In June, a coalition of business groups including the Aerospace Industries Association, the American Council on International Personnel and the National Foreign Trade Council, issued a report saying that delays in visa processing have cost U.S. exporters more than \$30 billion since 2002. Of the 734 companies that responded to a survey commissioned by the coalition, 73 percent said they had experienced problems in the processing of business travel visas, including unexpected delays and denials; 60 percent said they had paid a price for processing delays, including lost sales and increased costs associated with moving personnel abroad to avoid travel problems; and 51 percent said that the problem was getting worse, not better.

"When legitimate foreign business executives and vital international customers cannot enter the U.S. to conduct normal business, it is our companies, our workers, our economy, and our international relations that pay the price," said National Foreign Trade Council President Bill Reinsch in a statement announcing the survey. The report recommended that reputable, well-known businesses be granted "gold card" status, allowing their business travelers access to expedited procedures; and that CA grant visas allowing business travelers to travel to the United States multiple times without renewing.

Theresa Brown, executive director of Americans for Better Borders, a business advocacy group affiliated with the U.S. Chamber of Commerce, says that foreign business travelers have been offended by the fingerprint requirement.

Meanwhile, in May, a group of 25 science and higher education organizations, including the American Association for the Advancement of Science, the National Academy of Sciences, and the American Council on Education, sent a letter to the White House, the FBI, the State Department, and the Department of Homeland Security, arguing that the more stringent visa process was interfering with legitimate research and scholarship. "The U.S. cannot hope to maintain its present scientific and economic leadership position if it becomes isolated from the rest of the world," the letter said.

The group recommended that visas be granted to students and scholars for longer periods of time to allow them to complete a course of study without having to apply for a visa renewal. It also said that students should be allowed to begin the process before taking temporary trips outside the United States, and that CA should provide applicants with a means of checking their status. Visa applicants waiting more than 30 days should be moved to the front of the waiting list, the group said.

A Delicate Balance

The primary cause of delays in student visa processing, according to the GAO, is the increased use of Visas Mantis checks, instituted after the 9/11 attacks. Students and scholars who plan to conduct research in a number of scientific disciplines deemed important to national security must undergo these additional checks. In the past, the FBI had 30 days to process the requests from Consular Affairs, but now the FBI must sign off on all approved visas no matter how long it takes. That's caused some headaches. The GAO found, for example, that improperly formatted requests had not gotten to the FBI and delayed processing in some cases for weeks.

Based on a random sample of Visas Mantis cases between April and June 2003, the GAO found that it took an average of 67 days for the security check to be processed. GAO auditors visited consular posts in China, India and Russia, and found that consular officers were often confused about when to apply Visas Mantis checks. Nor did they receive consistent or timely feedback on whether they were providing enough information in the security review requests they sent back to Washington. In some cases, applicants routinely waited two to three weeks just for an interview, with some cooling their heels for more than three months for a response.

But now, Jacobs says, CA's \$1 million investment in better technology is paying off with fewer errors in security review requests sent to the FBI, and the new standard operating procedures implemented by Harty have cleared up confusion over how to process Visas Mantis cases. A newly established team within CA in Washington ensures that applications flow more smoothly. Now, Jacobs says, 80 percent of all Visas Mantis checks are conducted within 30 days.

The statistics, though, still bear out some of the

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business and education groups' concerns. Foreign travel to the United States dipped by about 30 percent after the 9/11 attacks and is only now recovering. At the same time, Consular Affairs is definitely taking a tougher line with students and scholars. Visas Mantis checks have tripled since 2001 to more than 20,000 a year. In total, CA granted 474,000 student visas in 2003, down from 560,000 in 2001; and it approved only 74 percent of applications, compared to 80 percent before 9/11.

Procedures are being streamlined for other categories of visa-holders as well. In late June, the State Department announced that as of July 16 it would no longer accept applications for renewal of "E," "H," "I," "O," "L," and "P" visas by mail. Holders of these visas, who include entertainers, athletes, journalists, investors,

A coalition of business groups says that delays in visa processing have cost U.S. exporters more than \$30 billion since 2002.

executives and skilled and unskilled temporary workers, will have to go to U.S. embassies abroad where they can be fingerprinted and interviewed. The new policy could come under fire from companies who may have to pay for their employees to go abroad to be processed, but, according to State Department spokesman Richard Boucher, there are no plans to create an office in the U.S. to handle the renewals. "We want to do interviews. We want to do fingerprints. We're best set up to do that overseas," he says.

Ultimately, Jacobs says, "Consular Affairs has always had to balance the two goals: one is facilitating legitimate travel; the other is protection of U.S. borders." Jacobs is the first to admit that CA is still working on finding the perfect balance, but she believes just as firmly that the agency has come a long way. ■

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