

SUBCOMMITTEE ON NATIONAL SECURITY, EMERGING THREATS,
AND INTERNATIONAL RELATIONS

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Statement of Rep. Christopher Shays June 18, 2003

We are a welcoming nation. But those from around the world who would visit the United States must ask permission to come here. They apply for a visa. When they do, we have the sovereign right, and the sworn duty, to deny entry to anyone who might pose a threat to our security. Today we ask: If a visa is issued erroneously, or before disqualifying information on possible terrorist connections is obtained, what happens then?

The answer: too little. Revocation of a visa remains a trifurcated bureaucratic shuffle with little imperative for corrective action. The Departments of State, Homeland Security (DHS) and Justice bring disparate practices, informal customs and clashing cultures to what should be a seamless process. As a result, one available screen against potentially violent invaders remains dangerously porous, leaving Americans avoidably vulnerable to terrorists in our midst.

In an earlier report on visa screening as an antiterrorism tool, the General Accounting Office (GAO) found some aliens, whose visas had been revoked on terrorism grounds, might have entered the U.S. anyway. So the Subcommittee, joined by Senator Charles Grassley of Iowa, asked GAO to look more closely at the strengths and weaknesses of the post-September 11th visa revocation process.

The GAO findings released today describe limited progress and systemic problems. While law enforcement and intelligence data is being forwarded to the State Department's electronic watch list more routinely, the Department often shares information on visa revocations slowly and inconsistently, if at all. DHS immigration officials may not know they are admitting someone on a revoked visa. The FBI has no legal or operational incentive to pursue aliens on the basis of a revoked visa alone. It is not even considered a counterterrorism matter.

The legal, procedural, and technical relics of a simpler age hamper those involved in issuing visas, controlling entry to the US and monitoring foreigners among us. A reason good enough to deny applicants' entry into the US is not sufficient cause to remove them once they're here. Even when notifications are timely, visa revocation actions are faxed or cabled, leading to downstream errors and misinterpretation. Suspicions about terrorist connections are not always detailed in the revocation notice, making it difficult to pursue removal under immigration laws.

The product of this disjointed approach to visa revocations? GAO concludes thirty or more people who should not have been admitted to the United States due to terrorism concerns may still be among us, undetected and undeterred.

Immigration screens have to be as strong as the global enemy they are meant to catch. Twenty-one months after the September 11th attacks, revocation of a visa has to be more than a paper process, a "file and forget" exercise. All the 9-11 terrorists had visas. If the next Al Qeda cell manages to get in, they should not breach our shores carrying revoked entry documents. To be effective as an antiterrorism tool, visa revocations have to be timely, well founded, consistently posted to watch lists and acted upon by law enforcement officials until the foreigner's status is determined.

Today, the GAO, State Department, DHS representatives and the FBI will sit as one panel to help us examine the visa revocation process in a detailed and constructive way. We are grateful for their participation in this hearing, and we look forward to their testimony.