

**Statement of Mr. Jayson P. Ahern
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Bureau of Customs and Border Protection
Before the
House Committee on Government Reform, Subcommittee on National
Security, Emerging Threats and International Affairs
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Good morning Mr. Chairman and Members of the Subcommittee. It is a privilege to appear before you today to discuss the Bureau of Customs and Border Protection's role in visa revocations. I would like to briefly discuss the BCBP organization.

As you know, on March 1, 2003, immigration inspectors and the Border Patrol from the Immigration and Naturalization Service (INS), agricultural inspectors from the Animal and Plant Health Inspection Service (APHIS), and customs inspectors from the U.S. Customs Service merged to form the Bureau of Customs and Border Protection – BCBP – within the Border and Transportation Security (BTS) Directorate of the Department of Homeland Security. Now, for the first time in our country's history, all agencies of the United States government with significant border responsibilities have been brought under one roof. With our combined skills and resources, we will be far more effective than we were when we were separate agencies.

Secretary Ridge, Under Secretary Hutchinson, Commissioner Bonner, and I, have established clear, understandable chains of command for all BCBP personnel, and have directed that field operations not be interrupted.

We want to learn from our legacy organizations and at the same time we are looking to bring new innovations to border management. To that end a full-time Transition Management Office has been put in place to help address the challenges that come from the standup of any new organization. That office is staffed with representatives from all the incoming agencies.

The priority mission of BCBP is to prevent terrorists and terrorist weapons from entering the United States. This extraordinarily important priority mission means improving security at our physical borders and ports of entry, but it also means extending our zone of security beyond our physical borders – so that American borders are the last line of defense, not the first line of defense. In sum, the BCBP’s missions include apprehending individuals attempting to enter the United States illegally; stemming the flow of illegal drugs and other contraband; protecting our agricultural and economic interests from harmful pests and diseases; protecting American businesses from theft of their intellectual property; and regulating and facilitating international trade, collecting import duties, and enforcing U.S. trade laws. We must perform our all important security mission without stifling the flow of legitimate trade and travel that is so important to our nation’s economy.

As the single, unified border agency of the United States, BCBP’s mission is vitally important to the protection of America and the American people. In the aftermath of the terrorist attacks of September 11th, numerous initiatives were developed to meet our twin goals of improving security and facilitating the flow of legitimate trade and travel. Our strategy in implementing these initiatives – and accomplishing our twin goals – involves a number of factors, including

- (A) improving targeting systems and expanding advance information regarding people and goods;
- (B) pushing our “zone of security outward” by partnering with other countries, through our Container Security Initiative (CSI);
- (C) pushing our “zone of security outward” by partnering with the private sector under our CTPAT initiative;
- (D) deploying advanced inspection technology and equipment;
- (E) increasing staffing positions for border security;
- (F) working in concert with other agencies;
- (G) integrating systems to improve business processes and information sharing.

The BCBP's role in the visa revocation process is to prevent holders of revoked visas from gaining entry to the U.S. Identifying and preventing the entry of persons, be they using fraudulent documents, concealing their true intentions about the purpose of their visit or because they have had their visa revoked is a key responsibility of the BCBP.

A visa is revoked when information is discovered that either renders the bearer ineligible to possess a visa, or casts substantial doubt on the bearer's continuing eligibility to retain the visa. A visa may also be revoked by the Department of State (DOS) without finding the bearer ineligible for a visa, but simply as a prudential matter when the possibility of an ineligibility is recognized. By revoking the visa "prudentially," the bearer is required to reapply for a visa, and have his eligibility formally determined, before he can travel to the United States. The actual visa, once issued to the individual, is usually at large and could be used if inspectors at ports of entry are not aware of the revocation. This critical information is communicated to BCBP inspectors and made available at the port of entry through the Interagency Border Inspection System (IBIS).

The BCBP has reviewed the General Accounting Office's (GAO) report and its recommendations on the visa revocation process. This process is an extremely important element of protecting our country and we take the GAO's recommendations seriously. Of the three recommendations, we find two to be particularly relevant to BCBP. One GAO recommendation of significant relevance to BCBP is to develop specific policies and procedures for the interagency visa revocations process to ensure that notification of visa revocations for suspected terrorists and relevant supporting information is transmitted from DOS to immigration and law enforcement agencies, and their respective inspection and investigation units, in a timely manner. Also of some relevance to BCBP is GAO's recommendation to determine if any persons with revoked visas on terrorism grounds are in the United States, and if so whether they pose a security threat. BCBP provides information regarding the entry of

revoked visa holders into the United States to BICE to assist BICE's investigation of the security risk posed by such individuals

The BCBP has already begun to work with DOS, BCIS and BICE to address concerns raised by the General Accounting Office. Since DHS now has the lead for setting visa policy, BCBP, BICE and BCIS will work together to develop specific policies addressing the visa revocation process. DHS will work closely with DOS to implement these policies. Together, we will make sure the procedures are in place to ensure timely agency notification- so that revocations get into the lookout system.

In cases where the DOS cannot physically notate the visa and thus render it invalid for travel, we need a lookout in the Interagency Border Inspection System (IBIS) to ensure that if the subject arrives at a POE, the inspector will know that the visa is not valid. A special lookout code has been developed for this purpose.

Visa revocations are effectuated by 'Certificates of Revocation', signed by the Deputy Assistant Secretary of State for Visas Services. Under the current practice, such revocations do not become effective until a subject who is in the U.S. departs, nor does a revocation automatically equate to removal grounds under the Immigration and Nationality Act (INA). Nevertheless, notification from the Department of State that it has determined to revoke a visa upon the departure of the individual from the U.S. alerts us to the fact that an individual in the U.S. poses a possible risk. At BCBP, our key concern is visas revoked for national security reasons. Like all revocations, these are transmitted to BCBP in two ways:

- By an automated interface from DOS to the BCBP lookout systems
- By facsimile transmission to the National Lookout Unit, with a cable transmission as a back up

The automated interface consists of DOS' Consular Lookout and Support System (CLASS) connection to the BCBP Interagency Border Inspections System (IBIS) on a real-time basis. As a redundancy, DOS sends revocations by facsimile transmission and by cable to the BCBP for entry into the legacy INS National Automated Immigration Lookout System (NAILS), which interfaces with IBIS as well. In this way, we have back-up procedures to ensure this critical information is available to BCBP Officers.

The BCBP is committed to strengthening the electronic interface, which we believe provides the best solution and a transparent, verifiable record of actions. The BCBP has taken the initiative to work with the DOS to find ways to improve this electronic interface to ensure visa revocation records are placed in the system for access by the BCBP inspector at the port of entry. Again, the BCBP is committed to improving this process; we will continue to work with BICE, BCIS, DOS and other agencies to provide better security for the American public.

Protection of the nation is our highest duty and we actively seek improvements of our own practices and work with other agencies to fulfill our mission. We know that this new agency, BCBP, faces great challenges in merging the border agencies and in fulfilling both our priority and traditional missions. But, now that all the Federal Inspection Services and the Border Patrol have been unified in BCBP, under the Department of Homeland Security, we are in a far better position to meet those challenges and accomplish those goals. We will be far more effective working together, than we were as separate agencies in different departments. We will learn all we can from our legacy agencies and we will bring new innovation to border management.

BCBP is working to successfully meet the challenges we face, and will play a key role in the Department of Homeland Security by better securing our border against the terrorist threat.

Thank you again for this opportunity to testify. I would be happy to answer any of your questions.