

**Testimony of Deputy Assistant Secretary for Visa Services  
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**“Creating Secure Borders and Open Doors: Review of Department of  
Homeland Security-State Department Collaboration on Visa Policy”**  
**House Government Reform Committee**  
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Mr. Chairman, Ranking Member, Members of the Committee:

Thank you for inviting me to testify on the cooperation and collaboration not only between the State Department and the Department of Homeland Security on the implementation of U.S. visa policy but also among all federal agencies charged with protecting our borders. We are very pleased to review the tremendous progress in the last year since the State Department and the Department of Homeland Security signed a Memorandum of Understanding to define the new relationship between our respective departments and our roles in visa policy and implementation in accordance with Section 428 of the Homeland Security Act of 2002. I shall address the following areas of progress on visa operations: security advisory opinion process (SAO); inter-agency information sharing; State’s Biometric Visa Program and its integration with US-VISIT; DHS-State review of Visa Waiver Program countries; and the integration of DHS’s Visa Security Officers in consular operations.

We have made great progress in improving the inter-agency security clearance process in recent months by moving from a paper-based system to electronic transmission, thereby greatly enhancing response times and accountability. The SAO Improvement Project (SAO IP) has been fully implemented at all posts and has produced noticeable efficiencies in SAO processing. As SAO requests and responses now flow electronically, there is no longer any possibility for a case to get “lost” which could occur in the old cable-based system. Electronic transmission means that SAO requests and responses are being sent and received in near real time with a much lower risk of transmission delays that could happen with the cable-based system. SAO IP also provides us with excellent reporting functions that allow us to track individual cases throughout the process and monitor our own as well as other agencies’ clearance performance. The reports also provide a wide array of useful statistics based on visa type, post, date and SAO category.

As a result of a joint State-DHS initiative, Visas Mantis SAO procedures have been greatly streamlined. Since that date, the Department has sent more than 2,000 clearances on Mantis cases to posts, mostly in China and Russia. The effect has been to clear up many longstanding cases. The vast majority of Mantis cases are being turned around well within 30 days, and at the present time only 2% of Mantis cases have been pending for longer than 30 days. These remaining cases are pending either additional information from the applicant or further input from one of the clearing entities. The Visa Office's Mantis team, which is devoted exclusively to processing Visas Mantis SAOs, is diligently working through these cases, one by one, to bring them to a swift resolution. Finally, working closely with DHS, we expect to take further steps to improve the Mantis screening process.

Information and data sharing is one of the best tools in the U.S. government's arsenal to combat terrorism. Since 9/11, the Department of State, working with other agencies, has made significant improvements to our ability to share information. Thanks to this new level of collaboration, the data holdings in our consular lookout system now total 19.6 million records on people potentially ineligible to receive visas, nearly triple what we had prior to September 11. We have more than eight million records from the FBI alone in our system that we use to check names of visa applicants, and in some cases criminal history records, prior to visa issuance. Further, we have developed MOUs with DHS and other agencies to standardize our information sharing arrangements. The majority of the data in the consular lookout system now derives from other agencies, especially those in the law enforcement and intelligence communities.

We are providing Customs and Border Protection (CBP) inspectors at ports of entry with electronic Non Immigrant Visa (NIV) data via US-VISIT and both Immigrant Visa (IV) and NIV data via IBIS so that they can view the electronic files we have of every visaed passenger entering the United States. This database permits examination of detailed information in near-real time on all visas issued, including the photographs of NIV applicants. We are also sharing our Consolidated Consular Database (CCD) with the CBP's National Targeting Center (NTC), a 24/7 operation, and the FBI. Finally, we have offered to provide CBP secondary inspectors with direct access to the CCD, as we have already done at both the NTC and the Forensic Documents Laboratory.

Many DHS databases are invaluable to consular adjudication for detecting inadmissible aliens, finding fraud, and improving the efficiency and security of case management. As part of the effort to expand data sharing with DHS (via Datashare, US-VISIT and the CCD directly), we are working with DHS to acquire additional overstay information from US-VISIT and also Citizenship and Immigration Service's (CIS) case management records. Having readily available information on the history of an applicant's previous stay in the United States, or that of family members, would be very useful in screening new applications. For instance, if an applicant misrepresents the period of his or her prior stay in the United States, this would have an immediate bearing on qualification for a new visa. Similarly, if applicants are denied admission at a port of entry, this information should be immediately available to consular officers for further investigation or future adjudications.

The Department of State also joined in the establishment of the Terrorist Screening Center (TSC) that integrates terrorist watchlists and serves as the centralized point of contact for everyone from the police officer on the beat here in the U.S. to the consular officer in the farthest reaches of the globe. Together with the Terrorist Threat Integration Center (TTIC), which maintains the principal database on known and suspected international terrorists in a highly classified form, we rely on the TSC to ensure consular officers have access to the information they need to deny visas to those who would do us harm. We are proud that these institutions rest on a foundation that the Department of State laid in the form of TIPOFF, a pioneering system in the use of classified information for screening purposes. The TIPOFF database with its approximately 130,000 records, more than double the amount since September 11, is now housed at TTIC. TTIC and TSC together eliminate the stove-piping of terrorist data and provide a more systematic approach to posting lookouts on potential and known terrorists.

Together with DHS, we are creating a biometric system to track the entry and exit of foreign visitors by using electronically scanned fingerprints and photographs. This new system begins with consular officers collecting electronically scanned fingerprints and photographs at consular sections abroad for use in conducting background checks prior to visa issuance and enrolling the individual into DHS's US-VISIT entry and exit system and continues with the US-VISIT program at ports of entry and departure. When State collects an applicant's fingerprints, they are compared against multiple

databases prior to visa issuance. Upon arrival in the United States, these visa travelers' identities are verified through the US-VISIT program. CBP inspectors compare the biometrics collected at the port of entry to the ones submitted at the visa-issuing post. This one-to-one fingerprint comparison ensures that the person presenting the visa at the port of entry is the same person to whom the visa was issued. The global deployment of the Biometric Visa Program is a truly unprecedented undertaking; there has never before been a biometric enrollment of millions of people from such a wide variety of cultures in countries around the world. The enrollment rollout began in September 2003 and will finish in October 2004. I am pleased to report that the program is now operational at more than 201 visa-adjudicating posts. The program will be in effect at all 211 visa-adjudicating posts by October 26 of this year.

Since we have only recently begun to incorporate biometrics into the U.S. visa adjudicating process, we have taken steps to ensure the continued integrity of those visas issued without biometrics. There are currently some 20 million valid nonimmigrant visas that are not biometric visas. To ensure the integrity of these valid visas that do not have associated biometric data captured at visa issuance, we have upgraded our visa Datashare program for use at primary inspection under US-VISIT. Under visa Datashare, the biographic data and photo from the issued nonimmigrant visa are stored in DHS' IBIS system electronically for retrieval. When the CBP officer scans the visa at primary inspection, the photo and biographic data of the applicant are extracted from that database and projected on the screen. If the traveler has altered the photo on the visa, the CBP officer will be able to make a visual comparison with the original photo. If the visa is a complete counterfeit, nothing will appear on the CBP officer's screen. In this way, we can combat fraud and protect the integrity of the U.S. visa even for older visas without biometrics.

We also began issuing biometric immigrant visas and will have this program operational at all immigrant visa-adjudicating posts during this October. For immigrants, the undertaking has been even more complex. Not only are biometrics being collected from all immigrants, but also in conjunction with biometric immigrant visa enrollment a machine-readable immigrant visa is being issued for the first time, security advisory opinions are being processed electronically, and the processing of immigrant visas and diversity visas has been merged into a single system. As with NIVs, there will be reliable datashare with DHS so that the CBP inspector at the

port of entry can verify the identity of the traveler and the authenticity of that individual's status as a new immigrant.

Without optimal cooperation with the Department of Homeland Security, the Biometric Visa Program would not be a success. Teams from State and DHS have been meeting weekly or more often since July 2003, including late on Christmas and New Year's Eves, to establish the Biometric Visa-IDENT interface, and also to enhance the visa Datashare connection so that visa data is now available to CBP Officers at primary inspection at ports of entry. These complex system integration efforts are working effectively to prevent persons from entering the United States with photo-substituted or counterfeit visas.

The State Department is also working closely with DHS and other agencies as part of an Interagency Working Group to review information on Visa Waiver Program (VWP) countries. Following admission to VWP, a country's continued participation depends upon successful completion of a joint State-DHS review of the effect on U.S. national security and law enforcement of the country's participation in the program. Under the Enhanced Border Security Act of 2002, each VWP country must be reviewed every two years and demonstrate through the review that it continues to meet all VWP qualifications. Since the reviews first began in 2001, two countries (Argentina and Uruguay) have been removed from the program. Italy and Portugal were recently reviewed, and therefore are not part of the current process. Consular personnel joined DHS on every review trip and the follow-on analysis. Site visits have been made to all of the other 25 countries not recently reviewed, and the Working Group anticipates providing reports on these VWP countries to Congress in October. We are also working closely with DHS in the development and implementation of the U.S. biometric passport program in conjunction with the biometric passport requirements of the VWP countries.

Almost one year ago, on September 29, the Departments of State and Homeland Security signed a Memorandum of Understanding (MOU) based on Section 428 of the Homeland Security Act. The MOU is a roadmap for our cooperation in a new area of common endeavor and so far has proved a reliable guide. However, even before the MOU was signed, the two Departments had a history of cooperation beginning with the implementation of Section 428 of the Homeland Security Act and the deployment of DHS officers overseas. To demonstrate the importance we place on our

cooperation with DHS as we moved into an area new for both Departments, we designated an ambassador to liaise with the Visa Security Unit. She accompanied the first DHS officers who established their offices in Riyadh and Jeddah, Saudi Arabia and set the tone for future coordination. In addition, she traveled with VSU teams on trips that evaluated and selected additional sites for Visa Security Officers. On these visits the joint State-Homeland Security team met with ambassadors, deputy chiefs of mission and other members of the country team to ensure that they understood the Memorandum of Understanding and the role of Section 428 officers.

While the consular sections in Riyadh and Jeddah are the only ones required by law to have VSU officers, we expect deployments in the future to additional countries. In Riyadh and Jeddah, we have worked closely with DHS to insure that the officers posted there were welcomed into the Embassy family. Space in both the unclassified and classified sections of the Embassy and Consulate was made available to them as well as access to Department databases. Within these two consular sections, there is daily interaction between the two Departments including informal consultations and training in consular sections as well as with other members of the Country Team. We expect this level of cooperation to exist when DHS officers take up their duties at other Embassies.

While the presence of VSU officers overseas is perhaps the most visible sign of the new relationship between the Departments of State and Homeland Security, we are working to implement other parts of the MOU. For example, the MOU calls for DHS officers to provide training to consular officers in certain areas such as counter-terrorism, anti-fraud techniques, etc. To this end, at least two DHS officers will attend the visa portions of the consular training curriculum at FSI. They will then be able to develop training materials to meet any needs they determine are not being met now. In addition, DHS established criteria for the selection of additional posts for the placement of VSU officers as well as the criteria for the selection of officers to fill the positions. We are working closely with DHS to establish responsibilities for Visa Security Officers (VSO) and “rightsizing” parameters so that Chiefs of Mission have the information they need to make an appropriate decision on VSO officer staffing at their missions in accordance with NSDD-38.

In the area of data sharing, DHS officers in Riyadh and Jeddah were given immediate access to the Consolidated Consular Database as soon they

arrived at post. We are now working on final steps of an MOU to give DHS officers at headquarters the same access. We are also making modifications to the date fields in order to accommodate DHS needs. Along with this access, we anticipate that DHS officers will take on an enhanced role in the Security Advisory Opinion process.

With our partner agencies in the U.S government, we continue to seek every day better ways to improve on what we have accomplished to make our nation's borders more secure. Working together, our goal is to establish procedures that will provide a sound basis for maintaining an effective, efficient visa process that secures America's borders from external threats while continuing to promote legitimate travel to the U.S. Thank you.