



Highlights of [GAO-06-115](#), a report to the Chairman, Committee on the Judiciary, House of Representatives

## BORDER SECURITY

# More Emphasis on State's Consular Safeguards Could Mitigate Visa Malfeasance Risks

### Why GAO Did This Study

Issuing a U.S. visa to a foreign citizen in exchange for money or something of value is a crime that can facilitate entry into the United States of unqualified persons, including those who may wish to do our country harm. Internal controls make it difficult for an employee to commit visa malfeasance without being detected, but, despite these safeguards, visa malfeasance does occur. GAO examined (1) State's internal controls to prevent nonimmigrant visa malfeasance and if they are being implemented and (2) visa malfeasance cases from 2001-2004 and factors cited by State and the Department of Justice (Justice) that contributed to visa malfeasance and affected investigations and prosecutions.

### What GAO Recommends

To improve the safeguards over the visa process GAO recommends that the Secretary of State develop strategies to achieve strict compliance with internal controls and improve existing mechanisms to combat visa malfeasance. We also recommend that the Secretary of State and the Attorney General determine whether seeking additional overseas search authorities is warranted to facilitate investigations of visa malfeasance.

State agreed with the conclusions in our report and is taking steps to implement the recommendations.

[www.gao.gov/cgi-bin/getrpt?GAO-06-115](http://www.gao.gov/cgi-bin/getrpt?GAO-06-115).

To view the full product, including the scope and methodology, click on the link above. For more information, contact Jess T. Ford at (202) 512-4128 or [fordj@gao.gov](mailto:fordj@gao.gov).

### What GAO Found

State has a set of internal controls to prevent visa malfeasance and has taken actions to improve them; however, these internal controls are not being fully and consistently implemented by the posts we visited. While State's controls are consistent with accepted control standards, we found noncompliance with required supervisory oversight at 6 of the 11 posts we visited. This included failure to inventory items used to issue visas, review visa decisions, and follow State's procedures when issuing visas for applicants referred by officers within the post. Lack of full compliance with internal controls increases vulnerability to visa malfeasance. State recently established two headquarters entities to monitor post visa operations. While stronger oversight should help strengthen compliance with internal controls, State has not developed automated software to sort and analyze abnormalities in visa issuances that could indicate potential malfeasance.

The Bureau of Diplomatic Security substantiated 28 visa malfeasance cases between 2001 and 2004 involving U.S. employees. The suspects were fired, chose to resign, or were arrested. State investigators could not tell us how many opened cases were referred to Justice for possible prosecution because they had not been routinely collecting that information. In fact, their case records did not permit investigators to identify malfeasance trends or consular managers to identify internal control weaknesses needing attention. Justice's Public Integrity Section successfully prosecuted 10 U.S. government employees. State Diplomatic Security and Justice officials noted that their investigations and prosecutions were impeded by constraints on evidence gathering. Additionally, investigators can not obtain U.S. search warrants to search consular officer's offices or residences overseas. Justice and State are discussing the possibility of pursuing legal changes and other means to address these constraints.

#### Selected Key Internal Control Requirements and Status of Implementation

Issue	Requirement	Implementation
Control of accountable items	State's internal controls call for the maintenance of careful records on the use of controllable items.	Most posts did not reconcile the differences between inventory records and stocks of blank visas on hand quarterly as required, although daily reconciliations were routinely performed.
Criteria for post-referred applicants	State requires posts to establish a formal post-wide referral system, reissue the procedures annually, and ensure that the applicants meet the departmentwide criteria specified on the forms.	Compliance with State's referral policies and procedures were not consistently followed at seven of the posts we reviewed. Moreover, four posts did not have the required post policy to supplement State policies.

Source: GAO.