



# U.S. Immigration and Customs Enforcement

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**STATEMENT**

**OF**

**GARY L. COTE**

**DEPUTY ASSISTANT DIRECTOR FOR INTERNATIONAL AFFAIRS  
HOMELAND SECURITY INVESTIGATIONS  
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
DEPARTMENT OF HOMELAND SECURITY**

**REGARDING A HEARING ON**

***“VISA SECURITY: PREVENTING TERRORISTS  
FROM ABUSING U.S. IMMIGRATION POLICY”***

**BEFORE THE**

**U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON THE JUDICIARY  
SUBCOMMITTEE ON IMMIGRATION POLICY AND ENFORCEMENT**

**Wednesday, May 11, 2011 - 1:30 p.m.  
2141 Rayburn House Office Building**

## **INTRODUCTION**

Chairman Gallegly, Vice-Chairman King, Ranking Member Lofgren, and distinguished Members of the Subcommittee:

On behalf of Secretary Napolitano and Assistant Secretary Morton, thank you for the opportunity to discuss the international efforts of U.S. Immigration and Customs Enforcement (ICE) to protect the nation. Today, I will discuss the important role that the Visa Security Program (VSP), along with the Department of State, plays in protecting the homeland by helping to identify individuals who present a risk before they can travel to the United States. The VSP places DHS law enforcement officers in United States embassies abroad to work collaboratively with Department of State (DOS) consular officers and Diplomatic Security Agents to secure the visa adjudication process. Before describing the VSP and our plans for expanding the program, I would like to discuss ICE's international efforts more generally.

### ***ICE's Presence Overseas***

ICE is the second largest federal investigative agency and has a significant international footprint. Through our Office of International Affairs (OIA), we have personnel in 69 offices in 47 countries. ICE personnel in these offices collaborate with our foreign counterparts and federal partner agencies in joint efforts to disrupt and dismantle transnational criminal organizations engaged in money laundering, contraband smuggling, weapons proliferation, forced child labor, human rights violations, intellectual property rights violations, child exploitation, human smuggling and trafficking, and facilitate the repatriation of individuals with final orders of deportation.

In fiscal year (FY) 2010, ICE opened offices in four additional locations. We consider this information to be sensitive, and would be happy to discuss specific locations in a closed setting. ICE's OIA is responsible for administering and staffing the VSP.

### ***The Visa Security Program***

Section 428 of the Homeland Security Act (HSA) of 2002 authorized the Secretary of Homeland Security to administer and enforce the Immigration and Nationality Act (INA) and other laws relating to visas; refuse and revoke visas for individual applicants in accordance with law; assign DHS officers to diplomatic posts to perform visa security activities; initiate investigations of visa security-related matters; and provide advice and training to consular officers. In short, the HSA directed DHS to assist in the identification of visa applicants who may attempt to enter the United States for illegitimate purposes, including illegal immigration, criminal, and terrorism-related activities.

The visa adjudication process is often the first opportunity to assess whether a potential visitor or immigrant presents a threat to the United States. The U.S. Government has long recognized the importance of this function to national security. DHS regards the visa process as an important part of its broader security strategy, and VSP is one of several programs focused on minimizing global risks.

ICE agents assigned to Visa Security Units (VSUs) are experienced law enforcement agents who focus on select applicants and any connection the applicants may have to terrorism. Each individual VSU, with input from the Department of State, develops a targeting plan based on assessed conditions and threats. Through the VSP, these trained law enforcement agents conduct a thorough review of applicants of concern in order to assess whether these individuals

pose a security threat to the United States. The background checks conducted by VSUs may include a review of the documents submitted by the applicant; automated checks of the Consular Lookout and Support System (CLASS) and other databases; interviews with the applicant; and assessment of local information in order to understand whether the applicant's affiliations raise any flags.

DHS does not participate in all visa adjudications; rather, DHS becomes a part of the process following initial screening of an applicant in countries where a VSU is present. VSP efforts complement the consular officers' initial screening, applicant interview and review of the application and supporting documentation. ICE agents conduct automated screening of criminal and terrorist databases with proactive law enforcement vetting and investigation. This is accomplished by conducting targeted, in-depth law enforcement-focused reviews of individual visa applications and applicants prior to issuance, as well as recommending refusal or revocation of applications when warranted.

ICE now has VSUs at 19 high-risk visa adjudication posts in 15 countries. In FY 2010, ICE agents screened 815,000 visa applicants at these 19 posts and, in collaboration with their DOS colleagues, determined that 104,000 required further review. Following the review of these 104,000 applications, ICE recommended refusal of more than 1,300 applicants. In every instance, DOS followed the VSU recommendation and refused to issue the visa. VSP recommendations have also resulted in DOS visa revocations.

### ***Overseas Coordination with DOS***

Effective border security requires broad information sharing and cooperation among U.S. agencies. On January 11, 2011, ICE signed a Memorandum of Understanding (MOU) outlining

roles, responsibilities and collaboration between DHS and the DOS Bureau of Consular Affairs and the Diplomatic Security Service. The MOU governs the day-to-day operations of VSUs at U.S. embassies and consulates abroad. To facilitate information sharing and reduce duplication of efforts, ICE and DOS support collaborative training and orientation prior to overseas deployments. Once they are deployed to overseas posts, ICE and DOS personnel work closely together in working groups; coordinating meetings, trainings and briefings; and engage in regular and timely information sharing. The VSP's presence at U.S. embassies and consulates augments an important law enforcement element to the visa review process. Additionally, this relationship serves as an avenue for VSP personnel to assist Consular Officers and other U.S. Government personnel to recognize potential security threats in the visa process.

### ***Expansion of the Visa Security Program***

Under the direction of the Homeland Security Council, beginning in May 2008, ICE and DOS collaborated on the development of the VSP Site Selection Methodology and came to an agreement on current site selection criteria, which is based on risk. The process for selecting a particular site for a VSU begins with an ICE site evaluation, which includes a quantitative analysis of threats posed by applicants at a particular consular office, as well as a site assessment visit. The ICE site assessment and proposal are then entered into the formal nomination process and, prior to deployment of personnel, must be reviewed and approved by the Chief of Mission at a particular post in a manner consistent with National Security Decision Directive-38 (NSDD-38) and its implementing guidelines.

ICE continues to evaluate the need to screen and vet additional visa applicants at high-risk visa issuing posts other than the 19 posts at which the agency currently operates. At this

time, the Administration has not proposed additional VSP locations. However, ICE will continue to conduct joint site visits with DOS to identify locations where deployment is required based on emerging threats. My counterparts at DOS and I are engaged in determining a common strategic approach to the broader question of how best to collectively secure the visa issuance process. We look forward to continuing to report back to you with updates on this process.

### ***Recent Successes***

To put the VSP discussion in perspective, I would like to provide a brief example of the results of this program. In December 2010, ICE agents were involved in the identification and investigation of a transnational alien smuggling organization that facilitates the illegal travel of Somali nationals into Yemen and onto other western locations including the United States. ICE agents received information from the ICE Attaché office in Amman, Jordan that two Somali nationals had been intercepted in Amman attempting to travel to Chicago using counterfeit travel documents. ICE agents contacted local officials of the Yemeni and Somali governments to investigate how the counterfeit documents had been obtained and how the subjects had transited Yemen. The information developed was shared with other U.S. agencies at post in Sana'a via the Law Enforcement Working Group, as well as ICE domestic offices and the appropriate FBI Joint Terrorism Task Force. While the joint investigation is ongoing, efforts to date have eliminated this scheme as a method of entry to the United States.

### ***The Visa Security Program's Security Advisory Opinion Unit (SAOU)***

The Security Advisory Opinion (SAO) process is the mechanism administered by DOS, with the support of other government agencies, to provide consular officers advice and

background information to adjudicate visa applications abroad in cases of security or foreign policy interest. In May 2007, Congress mandated the creation of a Security Advisory Opinion Unit (SAOU) within the VSP. VSP now supports the broader SAO process and the SAOU's findings are incorporated into the overall SAO recommendation used by consular officers worldwide to adjudicate targeted visa applications of national security or foreign policy interest.

The SAOU is currently operating a pilot program that screens selected visa applicants and communicates any potential admissibility concerns to DOS. The SAOU currently has co-located personnel at the Human Smuggling and Trafficking Center and U.S. Customs and Border Protection's National Targeting Center-Passenger, and also has personnel assigned to the National Counterterrorism Center and the Central Intelligence Agency. The integration of the SAOU into these centers and agencies allows for real-time dissemination of intelligence between the various stakeholders in the visa adjudication process.

## **CONCLUSION**

Chairman Gallegly, Vice-Chairman King, Ranking Member Lofgren, and distinguished Members of the Subcommittee: thank you again for the opportunity to testify today and for your continued support of ICE and our law enforcement mission.

I would be pleased to answer any questions you may have.