

5

Planning and Executing Entry for the 9/11 Plot

5.1. The State Department

Overview

After the 9/11 attacks, as the country struggled to comprehend the enormity of the tragedy, one question was asked over and over: “How did these people get in?” In the search for government officials potentially responsible for failing to prevent the attacks or, worse, enabling them, the spotlight turned on the State Department. The hijackers needed visas to apply for entry to the United States, and it was the State Department that supplied the hijackers with those visas: 15 in Saudi Arabia, 2 in the United Arab Emirates, and 2 in Germany. But for State’s actions, critics argued, the 9/11 attacks could not have taken place. When the visa applications of the hijackers were scrutinized, and some were disseminated in the media, State drew fire for approving incomplete applications, particularly for the 15 Saudi hijackers. The department’s officials were also criticized for speeding the process of issuing visas and interviewing few if any applicants in Saudi Arabia and the UAE, where 17 of the 19 hijackers acquired their visas. With its reputation as a friend of foreigners, State was an easy target.

Our investigation has determined that some of the criticism leveled against the State Department was warranted. State officials did approve incomplete visa applications and did expedite the issuance of visas, requiring few interviews of Saudi and Emirati applicants during a time of rising extremism in Saudi Arabia and, during the summer of 2001, heightened threat reporting in the Middle East generally. However, the reasons for the State Department’s adoption of these visa policies in Saudi Arabia, the UAE, and Germany have never been adequately explained. More specifically, no one has discussed the differences in visa policy between the Jeddah and Riyadh visa posts in Saudi Arabia, the extent to which individual consular officers in were actually aware of the extremist threat, and the true effect on visa issuance of the ill-named Visa Express Program. We explore these topics in this section.

As noted in the previous chapter, the basis for immigration law applied by the State and Justice Departments before 9/11 was the Immigration and the Nationality Act (INA) and its accompanying regulations. To comply with the portions of these laws regarding visa applications, the Department of State created a form to be completed by all applicants. Form OF-156 consisted of 35 questions covering each applicant’s biography, visa and travel history, purpose for visiting the United States, intended destination, means of financial support, and occupation. Applicants were also asked if they fell within certain categories of persons who are inadmissible to the United States, including those afflicted with a communicable disease “of public health significance” and those who “seek to enter the United States to engage in export violations, subversive or terrorist activities, or any unlawful purpose.”

Visa Policy in Berlin

September 11 hijacker, ringleader, and pilot Mohamed Atta and his fellow pilot hijacker Ziad Jarrah received their visas in Berlin, Germany, in May 2000.¹ Conspirator Ramzi Binalshibh tried and failed to obtain a visa in Berlin around the same time. German citizens do not need a visa to come to the United States for business or pleasure, because they qualify for the Visa Waiver Program (VWP). All three 9/11 conspirators, however, were so-called third country nationals (TCNs)—that is, persons living in a country other than their own. Thus, because they did not hold passports from another VWP country, they were required to apply for a visa to come to the United States.

With rare exceptions, TCNs applied for a U.S. visa by mail or through a drop box at the embassy in Berlin. In addition to the application, they were required to submit their passport, some proof of residence status from the local German police district where they lived, and documents indicating their source of income. This was more documentation than was typically required of Emirati or Saudi Arabian citizens applying in their home countries, as the discussion of those countries, below, will make clear. The application papers would be reviewed by a State local employee who would categorize them according to their qualifications for a visa.

Consular officers working in Berlin at that time told us that if the papers indicated that the applicant “might be an intending immigrant we would interview that person. Our focus was on stopping intending immigrants.”² The basic criteria used to screen out intending immigrants centered on the applicant’s ties to Germany. In general, all TCNs with “less than 18 months to two years of residence were interviewed,” a consular officer told us. If they met this threshold, then the consular officer would look to additional factors—including nationality, family, job, and school status—to see whether applicants presented a good visa risk.³ These criteria were not put in writing but rather were conveyed to officers orally in training when they arrived at the Berlin post to perform consular work.

Individuals who clearly demonstrated they were qualified for a visa were put into a “routine processing” pile. Applicants who clearly did not qualify were put into a “high-risk” pile.⁴ The Consular Lookout and Support System (CLASS)—State’s automated lookout and watchlist system—was checked early in the process as part of the data input for each applicant, and any derogatory information was taken into account.⁵ For example, a prior refusal for a visa would “kick someone out instantly.”⁶

Applicants in the high-risk pile were sent a letter alerting them of the need to schedule an interview. If the interview confirmed the officer’s initial suspicion, then they were denied a visa, and that denial was recorded in the CLASS system. Applications considered routine were processed in a number of ways. As a consular officer described it to us, if the application was strong—that is, if the applicant had submitted all the necessary paperwork and had overcome the presumption of being an intending immigrant—then he or she was issued a visa. If, however, the application was in some way incomplete, consular staff would do one of two things. Sometimes, they would call up the applicant to get the missing data.⁷ In other cases, when they believed the applicant had not yet met the

INA's statutory burdens, they would send the applicant a letter stating that the application had been denied under INA section 221(g) and inviting the submission of additional supporting information.

A consular officer we interviewed told us that by putting the ball back into the court of the visa applicant, they reduced their workload. They described the technique as a “quasi-refusal in order to avoid interviewing” some visa applicants.⁸ An applicant who wanted to continue the visa application had one year within which to submit additional documentation and seek an interview. If this supplemental material succeeded in persuading the officer that the original 221(g) denial was in error, then this denial could be “overcome” and a visa issued.

If, on the other hand, the applicant's interview failed to demonstrate to the officer that he or she qualified for a visa, then the applicant could be denied a visa as an intending immigrant under INA section 214(b), a denial with far greater significance. Although such a denial could be overcome, its presence in an applicant's electronic records made consular officers adjudicating future applications regard them more closely. A denial under the more general 221(g) did not carry the same weight, since it could be based merely on an applicant's failure to submit necessary paperwork. Because of the way they used 221(g)—as a delaying tactic when applications were questionable—Berlin consular officials considered it “one case” when an applicant applied, received an initial denial on 221(g) grounds, and then pursued his or her application through to an interview followed by a denial under 214(b).

Citizens of countries that were relatively advanced economically stood a better chance of obtaining a visa. Conversely, applicants whose home countries were more impoverished were more likely to be seen as potential economic immigrants to the United States. In this respect, Berlin visa policy toward third country nationals mirrored the policy toward citizens of those countries in their own countries.⁹

But TCNs who were long-term German residents were basically treated like German citizens. As participants in the Visa Waiver Program, German citizens did not fill out visa applications or apply for visas to travel to the United States. All they needed was a passport. Berlin considered third country nationals who were successful students in Germany to be good visa risks.¹⁰ Their view was that German was a difficult language and matriculation in a German university was a major accomplishment, both factors that provided TCNs with an incentive to return to Germany.¹¹

Visa Policy in the United Arab Emirates

Two of the 9/11 hijackers—Marwan al Shehhi, the pilot of United Airlines 175, and Fayeze Banihammad, a hijacker on the same flight—acquired their visas in the United Arab Emirates.

Beyond the visa law contained in the INA and Department of State regulations, visa policy in the UAE was not codified in writing; rather, it was conveyed to incoming

consular officers by their colleagues and supervisor.¹² Like their colleagues serving in other posts around the world, consular officers in the UAE were not trained to use the visa application to screen for terrorists or to conduct visa application interviews to discover terrorists. They were also not familiar with al Qaeda.¹³

There had never been a terrorist attack in the UAE, nor had any UAE national been a terrorist before 9/11, one consular officer told us.¹⁴ Consequently, consular officials did not consider UAE nationals to be security risks before 9/11, although there were some concerns with their passport issuance regime.¹⁵ UAE passports, while of “excellent quality,” often contained inaccurate information.¹⁶ For example, the year of birth often reflected the person’s vanity rather than reality, and before 1970 births in the country were not recorded. In addition, people were issued UAE passports that falsely listed the UAE as their birthplace.¹⁷ Passports also were issued through patronage from tribal sheikhs.¹⁸

Nevertheless, UAE nationals generally enjoyed a high standard of living and were not considered likely economic immigrants. One consular officer told us that Emiratis were considered “low-risk applicants who had lots of money, left the UAE to escape the summers, and were Western-oriented [people] who simply wanted to visit the U.S. There was little fear of Emiratis overstaying their visits.”¹⁹ Emirati nationals had “an incredibly low refusal rate.”²⁰ Indeed, before 9/11, consular officials in the UAE had tried on at least two occasions to have the UAE included in the Visa Waiver Program, pointing to the applicants’ strong economic status and low refusal rate. Officials believed the only reason these attempts failed was that the UAE was unwilling to reciprocate and allow Americans to enter it without a visa, one of the program’s requirements.²¹ The INS provided no negative feedback about Emiratis from encounters with them at ports of entry.²² State thus considered the UAE a de facto visa waiver country, and concentrated on facilitating the issuance of visas to them.²³

One result of this attitude was a very low interview rate before 9/11. One consular officer observed, “I would guess that about 95 percent of the Emiratis . . . were not interviewed”; they were “almost never interviewed unless we got a ‘hit’ on the CLASS lookout system indicating derogatory information about the applicant.”²⁴ Said another, “Virtually all UAE nationals were the beneficiaries of personal appearance waivers.”²⁵ This officer, who served in the consular section for more than a year before 9/11, told us that they “did not do one interview of an Emirati during my time.”²⁶ UAE nationals submitted their applications through a travel agency referral program akin to Saudi Arabia’s Visa Express Program (discussed below) or through a drop box at the embassy. Their applications were almost always approved.²⁷

Another result was consular officers’ lack of interest in carefully scrutinizing all aspects of the visa application. In the view of a number of officers, questions regarding occupation, financial support, address in the United States, and purpose of visit “shed little light on the applicant’s intentions,” and were “not important” because “the UAE looks after the financial needs of its nationals.”²⁸

Visa Policy in Saudi Arabia

This place really is Wonderland.

—Tom Furey, consul general in Riyadh, Saudi Arabia, June 2001

Fifteen of the 9/11 hijackers acquired their visas in Saudi Arabia at either the U.S. consulate in Jeddah or the U.S. embassy in Riyadh, the only two visa-issuing posts in Saudi Arabia. Because visa policy in Saudi Arabia has been the focus of much controversy and criticism since the 9/11 attacks, we explore it as some length. Though visa policy in Saudi Arabia is in many ways similar to that in other Persian Gulf countries, including the UAE, Saudi policy and practices also exhibit some unique aspects.

Visa policy in Saudi Arabia derived from several sources. The law—the INA and its accompanying regulations—applied in every foreign post. In addition, each country’s policy was shaped by larger U.S. foreign policy interests. One high-ranking U.S. diplomat who served in Riyadh described the U.S.-Saudi relationship as having “very deep roots; it was a close relationship rooted in common interests.” Pertinent facts included Saudi Arabia’s status as the world’s largest oil producer and the largest market for U.S. goods and services in the Middle East, as well as the U.S. and Saudi interest in a stable Middle East.²⁹

These common interests resulted in what one senior consular official serving in Saudi Arabia described as “a culture in our mission in Saudi Arabia to be as accommodating as we possibly could.”³⁰ Another explained that the “liberal visa policy” supported U.S. policy goals, such as encouraging good relations with wealthy future leaders of Saudi Arabia.³¹ When we asked consular officials whether they felt pressure from their superiors or others to issue visas, they answered that pressure was applied from several sources, including the U.S. ambassador, Saudi government officials or businesspeople, and members of the U.S. Congress.³² Some officials told us, however, that this pressure was no different from what they experienced at other posts and did not affect them.

Visa applicants in Saudi Arabia fell into two distinct groups who applied in roughly equal numbers: Saudi citizens and third country nationals.³³ Because the socioeconomic profiles of these groups were perceived differently by State consular personnel, visa policies for the groups differed.³⁴ Although none of the September 11 hijackers were third country nationals, the TCN policy is relevant for understanding visa policy applied to Saudi citizens.

Third Country Nationals. TCN visa applicants were considered a high risk of becoming intending immigrants. Prior to June 2001, they were generally required to apply for their visas in person, and about 75 percent were interviewed.³⁵ Indeed, consular officials we interviewed uniformly said that they interviewed most TCN nonimmigrant visa applicants, who sought to come to the United States for pleasure, business, or school. Officers said this policy was due to TCNs’ low social and economic status in Saudi Arabia.³⁶ TCN applicants were often servants of Saudi citizens—maids, butlers, or “tea

boys” whom the Saudis sought to bring with them to the United States.³⁷ Much of the work in Saudi Arabia was performed by third country nationals brought to Saudi Arabia specifically for that purpose, who needed a Saudi sponsor to enter or leave the country.³⁸ If TCNs did not present letters from their Saudi employer in support of their application, then they were, in the words of a consular officer, a “clear refusal.”³⁹ Consular officials also requested that TCNs supply proof of ties to their home country, bank statements, and clear evidence of their intended destination in the United States.⁴⁰ Consular officials described attempts by Saudi citizens to help their servants acquire visas in order to aid their illegal immigration to the United States.⁴¹

In fact, some of the most egregious examples of consular officials being pressured to issue visas concerned the applications of TCNs who were servants of the Saudi royal family or of Saudi diplomats. In one case, U.S. Ambassador Wyche Fowler ordered a consular officer to issue a visa to a diplomat’s servant even though the diplomat refused to provide proof he was paying his servants minimum wage as required by U.S. law. The diplomat was “a Saudi . . . a Saudi!” Fowler said, adding, “they never pay them what they say anyway.”⁴² In a more serious incident, Fowler, frustrated with the consul general’s insistence that servants of the Saudi royal family come in for visa interviews, ordered him to leave Saudi Arabia within 24 hours. Fowler then gave him a poor performance rating, on the grounds that he was not cooperating with embassy policies.⁴³ The consul general apparently retired to avoid having the negative performance rating made a permanent part of his record.⁴⁴

Generally, TCNs would apply for a U.S. visa using a passport from their birth country; but during the 1990s, evidence of fraud by TCNs in the visa process grew. Non-Saudis who are not employed have no lawful permanent residence status in the Kingdom, and the Saudi government’s stated policy was to replace foreign workers with Saudi nationals.⁴⁵ In addition, the government began a campaign in 1997 to expel millions of illegal aliens living within its borders.⁴⁶ As a result, TCNs began fraudulently applying for U.S. nonimmigrant visas to avoid being sent back to their countries of origin. According to memos and cables prepared by consular officers in the year 2000,

Some Saudi businessmen have provided assistance to illegal employees in the form of false employment letters or even passports. Saudi VIPs have included unqualified TCNs in their entourage when applying for visas. *Fraudulent Saudi passports have become a concern.* Saudi Arabia issues Saudi travel documents to non-citizens with the only difference being an Arabic notation on page six of the passport. *In addition, it appears that Saudi citizens have sold their passports containing valid NIVs [nonimmigrant visas].* Several have been detected being used as far afield as Mali. Both Jeddah and Riyadh have detected photo-substituted Saudi passports being submitted by TCNs with NIV applications.⁴⁷

When a TCN was detected using a Saudi passport, one consular official said, “we’d cull those out” and give them greater scrutiny.⁴⁸

These cases in which TCNs were involved in passport and visa fraud demonstrated that the TCNs were significant risks for becoming intending immigrants. However, more systematic attempts by consular officials to investigate whether a representative sample of TCN visitor visa applicants stayed in compliance and returned to Saudi Arabia were unsuccessful, “since most employers did not cooperate with consulate survey efforts.”⁴⁹ One official described an “informal tickler system, though, especially for servants of Saudis,” to make sure they did, in fact, return as their visas required.⁵⁰

Evidence that we reviewed suggests that the concerns expressed above about the fraudulent use of Saudi passports did not significantly influence degree the visa policy applied to Saudi citizens.

Saudi Citizens. Prior to September 11, 2001, it was State Department policy that Saudi citizens, *as a group*, had overcome the presumption under section 214(b) of the INA that every alien is to be considered an immigrant “until he establishes to the satisfaction of the consular officer, at the time of application for a visa . . . that he is entitled to nonimmigrant status.”⁵¹ This presumption applied to any concern that Saudi citizens were at risk of becoming *economic* immigrants to the United States. One consular officer who issued a visa to a 9/11 hijacker said, “It was factual, as far as our statistics showed, that they just weren’t economic immigrants, they went, they spent a lot of money, they went on their vacations, they loved to go to Florida and then they came back.”⁵²

Consular officers were not given written guidance that the 214(b) presumption had been overcome,⁵³ although the policy was recognized in written materials about consular work produced in Saudi Arabia before September 11.⁵⁴ Consular officers in Saudi Arabia were advised of this policy orally when they arrived at the post.⁵⁵ They were told that Saudi Arabia met the criteria for inclusion in the Visa Waiver Program because of its citizens’ low visa refusal rates and that the country had applied for inclusion in the program. But, like the UAE, the Saudis refused to reciprocate and allow U.S. citizens to travel to Saudi Arabia without a visa.⁵⁶ Thus, although Saudi Arabia was not technically a part of the VWP, consular officers were told it was unwritten State Department policy to consider Saudi Arabia a “virtual visa waiver” country.⁵⁷

This virtual visa waiver policy led to a number of outcomes. First, since most Saudi applicants were presumed to be eligible for a visa, consular officers did not generally demand that they fully complete their visa application forms.⁵⁸ Second, unlike applicants from Middle Eastern countries who applied in Germany, Saudis generally were not required to present supporting documentation such as proof of financial means, proof of academic standing, or proof of home address. Third, most Saudi citizens were not required to appear for a personal interview.

According to one high-ranking consular official in Riyadh, the State Department’s Bureau of Consular Affairs (CA) and the Visa Office leadership within CA were well aware of this policy and tacitly agreed that personal appearances generally could be waived for Saudi citizens.⁵⁹ As discussed earlier, consular officers relied on a check of

the TIPOFF terrorist watchlist to prevent terrorists from obtaining visas. Thus, under this policy, a Saudi citizen who was a terrorist not included in the TIPOFF watchlist stood a very good chance of acquiring a U.S. visa without ever having a face-to-face encounter with a U.S. consular official and without presenting a fully completed visa application or any supporting documentation.

Implicit within the policy decision to consider Saudi Arabia a virtual visa waiver country was an assumption that Saudi citizens were not security risks. Inclusion in the *actual* Visa Waiver Program before 9/11 required that both the State and Justice department weigh not only visa overstay and refusal rates but also the security risks posed by citizens of the particular country being considered for inclusion in the program. By treating Saudi Arabia as if it were in the Visa Waiver Program, State arguably had arrogated to itself that portion of the visa waiver calculation. And even before 9/11, evidence was accumulating that this assumption was in error. The CIA had analyzed and reported on Saudi Arabia's Islamic awakening as early as 1993.⁶⁰

Beyond this judgment that Saudis were not security risks was a determination that they were not economic risks either. INS records show little evidence that Saudi citizens overstayed their visas or tried to work illegally in the United States. For example, out of a total of 1,387,486 deportable aliens located by the INS in fiscal year 2001, only 36 were Saudi nationals.⁶¹ Nevertheless, there were significant signs of economic stagnation in Saudi Arabia before September 11, 2001. As early as 1991, consular officers noted that "while many Saudis are well off[,] . . . a surprising number of the younger generation [are] scraping by on incomes which cannot support the large families and high prices typical of Riyadh."⁶² Indeed, studies indicate that Saudi per capita income peaked at \$16,700 in 1981 (when U.S. per capita income was \$13,960), and had dropped to around \$8,000 by 2000.⁶³ Furthermore, the Saudis had a "youth bulge," with a significant percentage of their population under 30 years of age and unemployed.⁶⁴

Consular officers who adjudicated the visas of the 9/11 hijackers said they were aware of these strains. One testified that there was a growing concern about Saudis "because, with the economic problems of Saudi Arabia and the population explosion, you've got the potential . . . that . . . people . . . might not, you know, want to stay in Saudi Arabia. . . . We realized that Saudi Arabia has big economic problems, it's getting worse, because they've got an unbelievable population growth. And so, therefore, we need to keep that in mind as we're looking at Saudi applicants."⁶⁵

Nevertheless, most consular officials in Saudi Arabia did not regard unemployment as an impediment to getting a visa, since "they have a terrible unemployment problem in Saudi Arabia, and a lot of people have money but they don't have jobs."⁶⁶ At other posts, an applicant's lack of employment would have been significant; but according to consular officials in Saudi Arabia, there it was not, because Saudis were not actually looking for jobs. Said one consular officer, "It's their choice to be unemployed."⁶⁷ Another was more blunt: "The Saudis do not work."⁶⁸ Though this viewpoint was widespread it was not universal. One consular officer in Saudi Arabia before September 11, concerned about issuing visas to people with no apparent economic prospects, recalled, "We were issuing

visas to people who, if you just covered the ‘nationality’ block on the application form with your thumb, we would deny in any other country.”⁶⁹

Saudis were not completely excused from visa interviews. Formal communications between the Riyadh embassy and the Department of State described the policy as one of “interview by exception.”⁷⁰ This term was borrowed from the title of a cable in the *Consular Best Practices Handbook*, which urged visa-issuing posts to calibrate visa policy so as to interview only those applicants who truly needed to be interviewed.⁷¹

In general, “interview by exception” meant that Saudi citizens were interviewed only if their applications contained something out of the ordinary or an indication of visa ineligibility, such as an applicant failing to include the necessary INS form (I-20) to support a request for a student visa. An interview might also be triggered by an applicant indicating a desire to stay beyond the ordinary six-month period authorized by the INS for tourists, or, as in one instance described to the Commission, an applicant stating on his application that the purpose of his visit was “terrorism” when he meant “tourism.”⁷² In the specifics of this approach, there were some significant differences between the two visa-issuing posts, Riyadh and Jeddah.

The Difference between Jeddah and Riyadh. Our investigation has revealed a lack of uniformity in Saudi interview policy. It changed over time according to personnel changes at Jeddah and Riyadh, security threats to the embassy and consulate, and difference in consular management. We also found that some consular officers serving in Jeddah believed before 9/11 that Saudi citizens posed potential security risks to the United States and that they therefore more carefully scrutinized Saudi visa applicants.

Despite the disparities in the accounts of consular officers, there is strong evidence that for several years prior to September 11 a more aggressive policy of interviewing visa applicants was in place at the consulate in Jeddah than at the embassy in Riyadh. Many pilgrims arrived and passed through Jeddah, sometimes called “Gateway to the Hajj,” on their way to the Muslim holy sites; a rich assortment of individuals entered the consulate, some of whom applied for visas. Partly for these reasons, consular officers serving in Jeddah were particularly sensitized to the possibility that Saudis could be security threats to the United States. This sensitivity in turn led to a policy—more or less in evidence at various times—under which Jeddah consular officers were “tougher” than those in Riyadh on Saudi applicants.⁷³

A consular officer who served in Jeddah in 1996 estimated that they interviewed 50–60 percent of Saudi visa applicants.⁷⁴ A consular officer in Jeddah two years later told us that they interviewed “a majority” of male Saudi visa applicants between the ages of 16 and 40. When we asked why, the latter officer said that they knew who Usama Bin Ladin was, they knew that he was dangerous, and they were concerned about the possibility that Saudi visa applicants might be intending to go to the United States to participate in terrorist attacks.⁷⁵ When we asked this consular officer if State Department personnel in Saudi Arabia lacked any reason to believe that Saudi citizens were security threats to the United States, he responded, “That’s absurd; that’s patently ridiculous.”⁷⁶ He pointed out

that the U.S. embassies in East Africa had been attacked days before his arrival in Jeddah. Security concerns were high.⁷⁷

Their practice, according to this officer, was to look for potential extremists: Saudi applicants who had long beards, a short robe, or other indicators of fundamentalism and fundamentalist Muslim clerics who were seeking a visa to chant the Qur'an in a U.S. mosque around the time of Ramadan would receive greater scrutiny. In addition, even an applicant who did not look like an extremist who was from a location known to have produced extremists, such as al Qassim Province, "and he doesn't have a good explanation, and he wants to go to the U.S. for an extended stay, that person didn't get a visa."⁷⁸ Though these individuals would be denied visas for security reasons, the officer told us he would use 214(b)⁷⁹—that is, the section of the INA that states, "Every alien . . . shall be presumed to be an immigrant until he establishes to the satisfaction of the consular officer, at the time of application for a visa, and the immigration officers, at the time of application for admission, that he is entitled to a nonimmigrant status[.]"

Another officer corroborated the existence of an interview policy in Jeddah in 1998 that focused on potential Muslim extremists. He said it was instituted "in about August 1998, a month after I arrived," and described the policy somewhat differently. He said they would interview 100 percent of Saudi citizens who were first-time student visa applicants, 80 percent of all students, and 5 percent of all other Saudi applicants.⁸⁰

By contrast, officers in Riyadh at that time seem not to have displayed the same level of concern about Saudi visa applicants posing a potential security risk. As discussed earlier, Saudis were generally seen as good visa risks, exempt from the presumption of intending immigrants under INA section 214(b). Riyadh consular officers, including those who issued visas to the September 11 hijackers, said that they reviewed the visa applications of Saudi citizens and interviewed them "if something was unusual or indicated that we had a concern,"⁸¹ such as an applicant answering "yes" rather than "no" to one of the ineligibilities on the visa form.⁸² Another officer said they would interview the applicant if the application "looked odd" or "funny," or the applicant "hadn't been clear about where he was going."⁸³

Although officers in both posts appear to have scrupulously used the State Department's CLASS name-check system to screen visa applicants for any connections to terrorism, the evidence suggests that consular officers in Riyadh apparently did not pursue potential terrorists beyond that system as assiduously as did the officers in Jeddah. Their approach may have contributed to the creation of the Visa Express Program, discussed below.

The 1998 interview policy in Jeddah apparently continued, though somewhat less aggressively, into the early fall of 2000. According to one officer, whom we will call "Tom," when he arrived in August 2000 they were interviewing a significant percentage of Saudi citizen visa applicants and all first-time students.⁸⁴ "Tom" told us that they were suspicious of Saudi citizens who were from locations where they knew extremists lived and who had only a vague notion of where they were headed in the United States.⁸⁵ They further believed that previous assumptions about the eligibility of Saudis for visas needed

to be rethought because of the downturn in the Saudi economy.⁸⁶ For these reasons, this officer who processed visa applications on a part-time basis in Jeddah turned down a significant percentage of Saudi visa applicants as well as third country applicants.⁸⁷

The other consular officer at Jeddah during this time period, whom we will call “Steve,” took a different approach to adjudicating visa applicants. “Steve”—who worked full-time and processed most of the approximately 30,000 applications handled in Jeddah every year—told us he was “never really afraid of Saudis.” Moreover, they never made the connection between the known presence of al Qaeda members in Saudi Arabia and the possibility that the Saudis applying for visas were terrorists.⁸⁸ “Steve” sought to adhere to the “tougher” Jeddah visa policy, and he interviewed all first-time student visa applicants.⁸⁹ However, he believed that “Tom”—whose approach led to large numbers of rejections—was denying Saudi applicants “for the wrong reasons.”⁹⁰

Documents supplied to us by the State Department corroborate “Tom’s” contention that his refusal rate for Saudi citizens was higher than “Steve’s” while they served together in Jeddah.⁹¹ Apparently because, as “Steve” put it, some of “Tom’s” denials to visa applicants were made “for the wrong reasons,” “Tom” was rebuked by the Consul General in Jeddah for denying too many Saudi visa applicants.⁹² “Tom” and his supervisor told us that notwithstanding this criticism, “Tom” did not alter his approach to visa adjudication during his time in Jeddah, and that his approach was “validated” by the events of September 11.⁹³ “Steve” issued visas to 11 of the 9/11 hijackers.

This disagreement between consular officers in Jeddah reflected a disagreement we observed in a number of locations about the proper use of INA section 214(b)—the intending immigrant provision. “Tom”—and other consular officers stationed in Jeddah whose views were discussed earlier—believed that suspicions about an applicant that caused the officer to view the individual as a security concern were sufficient under INA section 214(b) to deny him or her a visa. “Steve” and others, in contrast, were uncomfortable with this approach and believed it was inconsistent with the proper interpretation of INA section 214(b). This lack of clarity about the proper interpretation of section 214(b) was noted as well by the General Accounting Office in their study of visa issuance to the 9/11 hijackers.⁹⁴

Thus, although Saudi visa policy before 9/11 was that Saudi citizens as a group had overcome the presumption of Section 214(b) that all visa applicants they were *economic* immigrants, some consular officers in Jeddah nevertheless sought to give Saudi citizens greater scrutiny because of *security* concerns, which arose from their knowledge of extremist activity in Saudi Arabia and the connections between Saudi citizens and the al Qaeda terrorist organization.

Such was the situation when Thomas Furey arrived in late 2000 to take over management of all consular functions in Saudi Arabia as Consul General in Riyadh. As will become clear, the opinions of consular officers who were concerned about Saudi citizens as terrorists did not reach Furey’s ears before the 9/11 attacks.

Visa Express. When Thomas Furey became the Consul General on September 11, 2000, his initial impressions were that the Riyadh visa operation was “chaotic”⁹⁵ and “dysfunctional.”⁹⁶ Morale was low. Because visa applications were increasing by about 5 percent per year, consular officers were overworked, often processing applications until 8 P.M. The waiting room could not hold the masses of applicants who came each day; sometimes there were fistfights between Saudi citizens and third country nationals.⁹⁷ Meanwhile, large crowds caused problems for the Saudi and U.S. guards both inside and outside the embassy compound.

A consular officer serving in Riyadh at that time agreed with Furey’s general observations, describing the atmosphere as “total chaos, which you cannot imagine.”⁹⁸ “The crowds were unbelievable,” he said.⁹⁹ The consular operation in Jeddah was similarly overworked. One officer and one part-time officer received about 30,000 visa applications a year. During the busy summer season, the section routinely processed 450 applicants every day.¹⁰⁰

At the same time that Furey made these observations about the state of visa processing in Riyadh, he also came to several other conclusions based on his discussions with other embassy personnel:

- Saudis, and all other citizens of the countries who form the Gulf Cooperation Council, had overcome the presumption of INA section 214(b) because they did not overstay their visas, did not work in the United States, were not deported by the INS, and did not commit crimes in the United States.¹⁰¹
- Saudis often did not submit their applications in person.
- Saudis had a very low interview rate.
- Saudis had a very low refusal rate (below 2 percent).
- There were many security threats to the embassy and consulates in Saudi Arabia.
- Saudis were not security risks.¹⁰²

Furey was adamant in his interview with the Commission that he did not think Saudis were security risks when he arrived in Riyadh, or at any time before 9/11.¹⁰³ It is difficult to understand how the strong views of consular officers in Jeddah about the security risk posed by Saudi citizens—views informed by growing intelligence supporting their outlook and by commonsense conclusions from recent events, such as the East Africa bombings—could apparently be unknown to the most senior State Department official making visa policy in Saudi Arabia. A number of factors seem to have been at work.

First, Consul General Furey believed, as did Assistant Secretary of State for Consular Affairs Mary Ryan, that if there was intelligence information he needed to know about possible terrorism threats, he would have received it. However, he apparently did not receive any such information from either intelligence or consular officials. Furey told the Commission that had he been told Saudis were a security risk—something he said he learned on September 11, 2001—he would not have established the Visa Express Program. Second, Furey, like most others in the State Department, apparently believed that border security should be addressed primarily through improved automated consular

systems and reliance on the TIPOFF terrorist watchlist. And third, Furey seems not to have solicited the views of his consular staff on this topic.

Before serving in Riyadh, Furey had been Ministerial Counselor for Consular Affairs (1997–2000). In Mexico City, Furey supervised the largest consular operation in the world: 150 consular officers and 350 Foreign Service nationals, or local staff, handling 2 million nonimmigrant visa applications in 2000.

Furey discussed the problems he observed in Riyadh with officials in the Bureau of Consular Affairs in Washington. His superiors made clear to him that his troubles did not justify having more consular officers; rather, the difficulties were caused by a lack of efficiency.¹⁰⁴ Furey, determined to address the problems he was observing, consulted with embassy staff and his predecessor in the Riyadh post. He also turned to the *Consular Best Practices Handbook* for guidance.¹⁰⁵ In seeking ways to improve visa processing in Saudi Arabia, Furey drew heavily on the “mandate” contained in cable number 6 of the handbook to use “waiver of personal appearance programs, drop boxes and prescreening approaches to cut down on the number of applicants who have a full interview.”¹⁰⁶

As an initial matter, Furey sought to set up an appointment system for Saudi visa applicants as directed by cable 10.¹⁰⁷ Unfortunately, Furey said, the appointment system outlined there relied on a “900 number”—a fee-for-service phone reservation system—whose use was illegal in Saudi Arabia. Furey examined the possibility of accepting visa applications through the Saudi postal system, but learned that it was considered too unreliable for transporting passports.¹⁰⁸

Furey then pursued the recommendation in cable 7 of the *Best Practices Handbook*: “Drop Box and Personal Appearance Waiver (PAW) Programs.” This cable addressed the core advice of handbook—reducing resources consumed by reducing the number of interviews: “Elimination of the personal interview clearly saves time and resources and spares applicants the inconvenience of appearing in person.”¹⁰⁹ Although the cable refers to a “drop box,” the term is clearly used loosely. For example, two approved forms of “drop boxes” discussed were “mail-in applications” and “third-party screening,” which included travel agency referral of visa applications.¹¹⁰

First, in the fall of 2000 Furey installed a literal drop box on the Riyadh embassy wall through which people could submit their visa applications. This alone could not address all the inefficiencies associated with visa adjudication in Saudi Arabia. For example, information still had to be entered into a computer by consular personnel after the applications and passports were dropped off at the embassy.¹¹¹

Furey then worked to develop a program combining several “best practices.” He combined a form of drop box with the personal appearance waiver for certain classes of applicants, third-party screening by travel agencies who would receive the applications, “interviews by exception,” remote data entry, and off-site fee collections.¹¹²

The concept was simple. Instead of going to the U.S. consulate to apply for a U.S. visa, the person would fill out an application at one of ten approved travel agencies. The travel agency would collect the application, the visa application fee, and the applicant's passport and deliver these documents to the embassy in Riyadh or to the consulate in Jeddah; it would then pick up the package of documents on the following day. If the application was approved, the agency would be responsible for returning the passport, now containing a visa, to the applicant. If the consular officials determined that an interview was necessary, the travel agency would be responsible for providing the applicant with a letter of notification from the consular section. Applicants were rejected only after an in-person interview.

The consular officers developing Visa Express solicited proposals from more than 20 travel agencies seeking to participate in the program.¹¹³ Consular officials screened them in ten major categories, including experience, computer capability, commitment to advertising, office security, geographic breadth of branch networks, and general reputation nationally or regionally.¹¹⁴ According to the official overseeing the program's development, the prospective participants were vetted by "all elements of the embassy."¹¹⁵ The agencies selected signed memoranda of understanding with the U.S. government.¹¹⁶ Once the ten agencies were chosen, consular officials spent seven months developing and implementing a training program for them.¹¹⁷ Visa Express was mandated to begin Kingdom-wide on June 1, 2001, for all Saudis and for TCNs who had previously traveled to the United States.

The cable heralding its arrival described why this program was adopted in Saudi Arabia:

Embassy Riyadh, in coordination with consulates general in Jeddah and Dahrhan, has launched a new, mandatory service for processing nonimmigrant visas. Naming the new program "U.S. Visa Express," Embassy Riyadh established the service to reduce the number of public visitors entering the posts. The program draws on CA Best Practices—travel agencies as NIV reception agents, remote data entry, and interview by exception. As a result, the workload on the consular sections' staff has been made manageable, customer service to NIV applicants has improved, and general post security has improved. The program has transformed the U.S. consular scene throughout Saudi Arabia.¹¹⁸

The cable makes clear that security concerns played a significant role in the creation of the Visa Express Program. However, these concerns were connected not to Saudi citizens with terrorist ties, but to the physical security of posts in Saudi Arabia and the Middle East generally. Nor were they entirely new. The drive to alter visa policy had grown significantly following the embassy bombings in Kenya and Tanzania in August 1998.¹¹⁹

As we mentioned in chapter 4, after the 1998 embassy attacks, Accountability Review Boards were established by Secretary of State Madeleine Albright to examine the facts and circumstances surrounding the bombings.¹²⁰ One of their recommendations was that

the Department of State should increase the number of posts with full-time regional security officers (RSOs), who should be trained in “terrorist methods of operation” and provided “with the ability to examine their areas of responsibility from the offensive point of view, to look for vulnerabilities as seen through the eyes of the attacker.”¹²¹

From August 2000 through the summer of 2001, the RSO in Riyadh looked at the embassy and saw the large crowds congregating outside and inside as a security threat. He was “very much in favor of ideas to minimize people coming into the embassy unnecessarily.” One RSO in Riyadh during this time told the Commission that “people were very sensitive to the fact that we were the most targeted embassy on Earth.” During the height of the travel season, as 800 people a day came into the embassy in Riyadh to apply for visas. When Furey suggested there might be a way to significantly lower this number through the Visa Express Program, the RSO said he “jump[ed] at the opportunity to lower it to 50 [a day].”¹²²

On June 26, 2001, Furey wrote to Mary Ryan touting the security virtues of the program:

The number of people on the street and coming through the gates should be only 15 percent of what it was last summer. The RSO is happy, the guard force is happy, the public loves the service (no more long lines and they can go to the travel agencies in the evening and not take time off from work), we love it (no more crowd control stress and reduced work for the FSNs) and now this afternoon [we] discovered the most amazing thing—the Saudi Government loves it.¹²³

Thus, in late June 2001, when intelligence indicated that al Qaeda was planning a major attack against U.S. interests in the near future, the Visa Express Program in Saudi Arabia was expanded to include all applicants in Saudi Arabia.¹²⁴

This extension generated some controversy in Jeddah. The consular officer processing most applications believed it created havoc with the visa workflow in the busy summer months of 2001.¹²⁵ It also established uniform procedures in the two visa issuing posts. In so doing, the program largely ended the differences in visa and interview policy between Jeddah and Riyadh.¹²⁶

At the same time, Visa Express eliminated an important aspect of visa work that had existed before its creation: the ability of consular officers and staff to eyeball visa applicants when they presented their applications. It also became impossible for the consular officer to select an individual for an interview on the basis of some concern—including one related to security—without drawing attention to the decision. In other words, the Visa Express Program removed the element of surprise from visa interviews. Whereas previously a consular officer could decide to interview an applicant for any reason, or—as one said they sometimes did—for no reason, after the program’s implementation, the consular officer was required to send formal notice to the applicant via a travel agency that an interview was requested.¹²⁷

Visa Express required those making visa decisions to rely heavily on paper. One consular officer in Jeddah in the summer of 2001 worried that the program created a built-in bias to issue a visa to an applicant whose documents looked good and even to someone whose application was borderline.¹²⁸ He worried that applying this program, with its over reliance on the paper application, to third country nationals—as was mandated in late June 2001—would allow someone who should be denied a visa under 214(b), the intending immigrant provision, to slip through.¹²⁹

Although Visa Express did lessen the intelligence that might be gleaned from the physical presence of particular applicants in the embassy or consulate, Saudi citizens often did not submit their applications in person even before the program began. The precise percentage who formerly submitted their applications via third parties before the implementation of Visa Express cannot be determined, because the State Department did not collect the relevant data. Consul General Furey said he believed that a “majority” of Saudis submitted their applications through third parties before Visa Express.¹³⁰ A consular officer in Jeddah believed that a “significant percentage” of Saudis did not submit their applications in person.¹³¹ This officer also pointed out that some groups had expeditors who worked for them. For example, one individual routinely came into the Jeddah consulate to expedite visas for all members of the air crews of Saudi Arabian Airlines. In addition, “all 15,000” members of the Saudi royal family used a designated expeditor.¹³²

Officials involved in adjudicating visas in Saudi Arabia during and after the implementation of Visa Express have stated emphatically that the program did not change the frequency with which people were interviewed or the approval rates of Saudi applicants.¹³³ One officer in Riyadh stated that they interviewed “the same people that we were looking at before.”¹³⁴ The General Accounting Office similarly concluded that the Visa Express Program “did not affect the likelihood that Saudi applicants would be interviewed.”¹³⁵ Others, however, including one officer who served in Jeddah and who saw Saudi citizens as potential security threats, told the Commission that drop box programs were a “bad idea” because they removed most Saudi visa applicants from the view of consular officers evaluating their cases.

We have not found any evidence that the Visa Express program increased the approval rates for either Saudi or TCN visa applicants in Saudi Arabia between June 2001 and September 11, 2001. In general, it lengthened by at least one day the time needed to process visa applications.¹³⁶

While Visa Express may not have changed the quantity or quality of the interviews conducted in Riyadh, the same was not true in Jeddah. Specifically, it eliminated the program to interview first-time student visa applicants; more generally, the Jeddah consulate’s more aggressive interview policy came to an end.

Four of the 9/11 hijackers were issued their visas in June 2001, during the Visa Express program, and all applied in Jeddah: Saeed al Ghamdi, Khalid al Mihdhar, Abdul Aziz al

Omari, and Salem al Hazmi. In addition, 9/11 mastermind Khalid Sheikh Mohammed acquired a visa in Jeddah in July 2001 using an alias.

Armed with their visas, all that stood between the hijackers and the United States was an immigration inspection.

5.2 The Immigration and Naturalization Service

Overview

A review of the entries and immigration benefits sought by the hijackers paints a picture of conspirators who put the ability to exploit U.S. border security while not raising suspicion about their terrorist activities high on their operational priorities. Evidence indicates that Mohamed Atta, the September 11 ringleader, was acutely aware of his immigration status, tried to remain in the United States legally, and aggressively pursued enhanced immigration status for himself and others.

Despite their careful efforts to understand and operate within the legal requirements, however, the hijackers were not always “clean and legal.” For example, they utilized fraudulent documents and alias names as necessary. And when the hijackers could, they skirted the requirements of immigration law. Ziad Jarrah, for example, failed to apply to change his immigration status from tourist to student, and Satam al Suqami failed to leave the country when his length of stay expired. They thus were vulnerable to exclusion at ports of entry and susceptible to immigration law enforcement action. In this section, we explore how the hijackers succeeded in making it through U.S. airports of entry in 33 of 34 attempts, drawing on interviews of the immigration and customs inspectors who had contact with the hijackers, immigration law, port of entry policy, training, and resources available to inspectors in primary and secondary inspections.

Commission Interviews

To more fully understand how and why the hijackers were permitted entry on 33 occasions and refused entry only once, the Commission interviewed 26 of the 38 inspectors involved in 28 of the attempted entries.¹³⁷

One inspector told the Commission that the FBI interviewed her in regard to her deferred inspection of Atta on May 2, 2001, but never followed up with a promised second interview, which might have provided the FBI with an identification of at least one of Atta’s companions that day.¹³⁸

Eight of the 11 inspectors who had contact with Atta and Shehhi in their seven entries and one deferred inspection, including the one mentioned above, were interviewed previously by the Department of Justice’s Office of the Inspector General (DOJ OIG) during late 2001 and early 2002 in preparation for Justice’s May 2002 report, “The Immigration and Naturalization Service’s Contacts with Two September 11 Hijackers.” A few of the inspectors were interviewed by the inspector general’s office multiple times. The Commission has copies of these DOJ OIG interviews.

To our surprise, many of the inspectors we interviewed, almost two and a half years after September 11, had never been interviewed by the FBI or the DOJ OIG and were often

unaware that they had admitted a hijacker. Thus, except in a few cases, memories were lost. Nevertheless, it is possible to note some common themes.

In general, these interviews underscored a critical lack of counterterrorism training, a lack of standard operating procedures at airports, and wide variations in inspectors' understanding and application of immigration law to travelers seeking entry.

Hijacker Immigration

Inspections in Context. Prior to 9/11, immigration inspections were not considered a counterterrorism tool. Rather, they were viewed in the context of travel facilitation. As a result, inspectors often did not have the tools, training, or clear guidance in immigration law that they required in order to properly do their jobs. They were unable, for example, to verify that the identity of the person seeking admission was the same as that of the person who acquired a U.S. visa, because they did not have access to the photo each visitor was required to submit along with his or her visa application at a U.S. embassy or consulate overseas.¹³⁹

Nor were immigration inspectors given any information about terrorist indicators in documents that could have enabled them to recognize the anomalies we know existed in some of the hijackers' passports. After the early 1990s, inspectors, senior INS management, and the intelligence community collectively did not associate terrorists with fraudulent documents.¹⁴⁰ As a result, inspectors looked for generic document fraud about which they had information, while they remained oblivious to some fairly obvious terrorist alterations and indicators.

Inspectors were mainly concerned about three types of travelers: intending immigrants, criminals, and drug couriers, all of whom were known to present fraudulent documents. Most inspectors interviewed by the Commission said that they relied on equipment such as black lights to help them detect certain types of passport fraud, but it was often broken. One inspector said he was so frustrated with equipment being out of order that he bought his own to use on the job. Travel stamps were reviewed merely to determine whether a prior visitor had overstayed or was intending to overstay the terms of the visa. Marwan al Shehhi, for example, was referred to a secondary immigration inspection out of concern that he was an intending immigrant.

Equally problematic was the immigration inspectors' lack of discretion in determining a tourist's length of stay. Tourists in the United States on visas, such as the hijackers, were automatically allowed to stay in the country for six months and were not required to present a return ticket. Even if a tourist asked for only a two-week stay, the inspector was legally required to grant six months. Indeed, it was this six-month stay rule that enabled 13 muscle hijackers to legally remain in the United States in the spring and early summer of 2001.

In contrast, an inspector had complete discretion to determine the length of stay for a business traveler. Individual airports, and even inspectors at those airports, had different standards for allotting time to these business visitors. For example, most but not all of the inspectors from JFK in New York and Miami International thought that one month was the standard length of stay for a business visitor. At Newark, however, one inspector gave business travelers one month, another 90 days, and another up to six months. Most

thought that these policies were port-specific, but some believed them to be national.¹⁴¹ These local variations explain why on January 10, 2001, Atta was initially granted a one-month business stay by an inspector at the Miami airport, but on February 25, 2001, Jarrah was granted a six-month business stay by an inspector at Newark.¹⁴²

The four pilots, who went into and out of the United States 17 times, were admitted on business four times. Only one muscle hijacker, Suqami, was given a one-month stay as a business traveler when he entered at Orlando on April 23, 2001, with Waleed al Shehri. Both hijackers had filled out their Customs declarations stating that they intended a 20-day stay. The immigration arrival record did not require information about the length of stay, however; and since immigration inspectors checked the Customs declarations only for completeness and not for substance, the 20-day stay request was ignored—to their advantage, in fact.

Indeed, the 30-year INS veteran inspector who admitted both hijackers told the Commission that the Customs declaration had no bearing on the length of stay he gave Suqami, which was based solely on Suqami's answer regarding the purpose of his visit.¹⁴³ That Suqami was limited to a business instead of a tourist stay meant that he and Nawaf al Hazmi (who overstayed his tourist visa despite filing for an extension of his stay in July 2000) were the only operatives who had overstayed their authorized lengths of stay as of September 11.

Particularly significant for the 9/11 story is the lack of secondary training for inspectors. As we detailed in the chronology, the hijackers (and Kahtani) were referred to a total of six secondary inspections, four by immigration and two by Customs. Inspectors interviewed by the Commission all said they learned the criteria for secondary inspections at their assigned airport. Because of the lack of standardized training and guidance in this area, each inspector looked for different red flags for referrals to secondary. For example, some inspectors were adamant that a traveler's apparent lack of adequate funding for a certain length of stay was a "bread-and-butter" case of referral to secondary; others did not consider this set of facts to be noteworthy. Insufficient funding was part of the basis of referral for Saeed al Ghamdi, but was not seen as significant by the inspector who admitted him.

Most, however, agreed that a pattern of entries and exits from the United States that looked like the traveler was actually living in the United States would be cause for a more in-depth interview. Such a pattern was exhibited by Atta on his last entry into the United States on July 19, 2001. The inspector that admitted him told us that upon reviewing Atta's travel history, he likely would have asked Atta more questions to determine if he was in fact living in the United States.¹⁴⁴ Assuming that these questions were asked, Atta's answers must have satisfied the inspector that he was admissible, since he was not referred to secondary.

All of the inspectors agreed that failure to have the proper visa for the stated purpose was a solid basis for referral to secondary. Thus, when Atta entered on January 10, 2001, and told the immigration inspector that he was still a student while he was traveling on a tourist visa, he was referred to secondary. Some inspectors added that in the pre-September 11 atmosphere of facilitation at the ports, Atta most likely would have been admitted with a waiver for a fee or a deferred inspection, even if he did not technically

qualify for the admission. Admitting Atta as a tourist, however, should not have been an option for the secondary inspector. In addition, every inspector said that giving a tourist a stay of more than six months required a supervisor's approval. Atta was given an eight-month length of stay without such approval.

Immigration inspectors also agreed that forms—the immigration arrival record called an I-94 and the customs declaration—were always checked for completeness. Immigration inspectors checked the I-94 but not the Customs declaration for substance: the latter was the responsibility of the customs inspectors. The forms were also not always compared for consistency. Thus, Fayeze Banihammad got away with using two completely different names on his I-94 (“Fayeze Rashid Ahmed Hassan”) and his customs declaration (“Banihammad”). In addition, inspectors differed significantly on constituted a “complete” I-94 form. Some wanted a full address. Others accepted “Hotel Orlando FL,” which was used by Saeed al Ghamdi in a secondary inspection; it satisfied the inspector, who admitted him.

Customs Inspections of the Hijackers. At airports, about 5 percent of travelers were subject to a customs inspection of their personal effects, which occurred only after their admission through the immigration inspection line. The customs inspectors were required to report declared amounts of currency greater than \$10,000. Majid Moqed and Ahmed al Ghamdi, who arrived together at Washington Dulles International Airport on May 2, 2001, were the only hijackers whose surviving customs declarations¹⁴⁵ reported an amount in excess of \$10,000.¹⁴⁶ There is no record of the required electronic report that should have been generated about Ghamdi's declaration. On 4 of the 13 hijacker Customs declarations available to the Commission, the question was left blank. While our focus is on the admission of the hijackers through immigration, this evidence suggests that Customs inspections of the hijackers were, at best, incomplete.

Customs, unlike INS, had access to advanced passenger manifests before a flight arrived. They reviewed these for criminal indicators, mostly with an eye to preventing narcotics trafficking. Five different hijackers' names were on advanced passenger manifests voluntarily provided by the airlines and reviewed by Customs prior to the hijackers' reaching U.S. soil.¹⁴⁷ None of these hijackers was on a watchlist, so their names did not set off any alarm bells.

Pressures to Facilitate Travel

It is important to note that the hijackers' entries occurred in an environment of “travel facilitation.” Much pressure was placed on immigration inspectors to process travelers rapidly. Individuals were refused entry only rarely, with many airports permitting “waivers” or “deferrals” of documents normally required for admission. In some cases, such as entries by Atta on January 10, 2001, at Miami International Airport and Shehhi on January 18 at Newark International Airport, the inspectors did not recall nor did records indicate that they asked either hijacker to provide any documentation to support their stories about attending school and acquiring additional pilot training.¹⁴⁸

Pressure was applied by embassies and by members of Congress who wrote letters requiring INS to justify decisions to deny entry in specific cases. The travel industry—and, according to inspectors, the airlines in particular—loudly insisted on efficient passenger processing. Most inspectors said that their supervisors would monitor

processing times and “remind” inspectors to keep within 45 seconds for each passenger. One inspector stated that if processing times were not kept to a minimum, a supervisor would threaten to send the inspector back to training. Indeed, immigration inspectors were graded on how fast airline passengers were processed and how many “nonfrivolous” referrals to secondary immigration inspections they made.¹⁴⁹

Driving this emphasis on speed was a 1990 congressional guideline that limited the total amount of time for a visitor to disembark from a plane and be processed through immigration inspection to 45 minutes, regardless of the number of passengers on the flight.¹⁵⁰ Supervisors were expected to calibrate the number of staff to the number of arriving passengers. The practical effect of this guideline was that inspectors, depending on the port of entry, generally had between 30 seconds and one minute to decide whether a visitor was admissible, and if so, how long that visitor was legally allowed to stay in the country. Both determinations by the inspector were important, as a violation either of the terms of admission or of length of stay would render the visitor’s status in the United States illegal.

The prevailing view at the time was that the role of immigration was to facilitate the rapid entry of visitors to the United States. With few exceptions, speed was everything. Neither the INS nor others in government ever viewed the agency as having a pivotal role in preventing terrorist entry into the United States.

Inspector Training

The problems of the environment of facilitation in which the inspectors worked were compounded by a weak training regime. Indeed, the deficiencies in the immigration inspection process that we have discussed stem largely from inadequate training. Throughout the 1990s, immigration inspectors such as those the Commission interviewed were often hired on a temporary basis. They worked long hours for a year and more without any formal training in immigration law or policy and received no information about terrorists.¹⁵¹ Only when an inspector was hired as a full-time INS employee did he or she receive the standard four-month immigration inspector training at the Federal Law Enforcement Training Center (FLETC) in Glenco, Georgia. A few inspectors received further training when promoted or given special operations assignment.

These inspectors all similarly characterized their training, which occurred from the 1970s through 2000. The inspectors did not recall substantial differences in training as the 1990s progressed, although information had become available that terrorists had entered, stayed, and committed violent acts in the United States. The focus was on passing tests. One inspector who received his training in 2000 said that “at FLETC, it is not about how much you learn—it was learn this now and pass the test, and then get rid of it. It was expected you would learn what you needed to at the port.”¹⁵²

Counterterrorism Training. The counterterrorism mission that seems so obvious today was barely acknowledged then. For example, although non-Spanish speaking inspectors received five weeks of Spanish-language instruction—which was important—there were only a few hours devoted to terrorism; these focused on Usama Bin Ladin after the 1998 bombings of the American embassies in Dar es Salaam, Tanzania, and Nairobi, Kenya.¹⁵³ Indeed, no inspector interviewed by the Commission, whether a 30-year veteran or a student of multiple trainings, ever recalled receiving any operational guidance on the role

of the immigration inspector in counterterrorism. None recalled seeing “The Threat Is Real,” a film intended to educate border inspectors on the travel document tactics of terrorists, which was produced by the CIA in the early 1980s.¹⁵⁴ The film, as noted above, was based on the Redbook, the terrorist document manual last published in 1992 (discussed in chapter 3). Three inspectors were aware of the Redbook’s existence, but only one had ever seen it.¹⁵⁵

Primary and Secondary Inspection Training. Significantly, only about a half-day over the four-month course was devoted to conducting mock primary inspections. Inspectors did not receive any training in secondary inspections until they reached their assigned airport. All received training in land border inspections. The lack of training in conducting primary immigration inspections is somewhat surprising, for it is this initial inspection that identifies potentially inadmissible travelers.

Document Fraud Training. Course materials were offered on document fraud generally, including training from the Forensic Document Lab on anomalies and security features to look for in travel documents. None of this training was specific to known terrorist document fraud. Most inspectors thought this limited training was valuable, but the critical continuing education on document fraud was rare. Instead, most ports left it up to the inspectors to review the binders of fraudulent document alerts issued by the Forensic Document Lab on an as-needed basis. The task was so cumbersome and the numbers of passengers awaiting processing so great that the inspectors rarely had a free moment to assimilate new information on fraud, let alone review binders of fraud alerts that contained information on passports and visas in every language in the world.

The Commission did learn that a dedicated Arabic-speaking inspector at JFK Airport in New York in the mid-1990s produced a “bluebook” that translated into English commonly used Arabic, Farsi, Yemeni, and Saudi travel documents and stamps.¹⁵⁶ This bluebook was never disseminated outside of JFK, however, although it was appreciated by the inspectors we interviewed who were familiar with it.

Database Training. Similarly, although there was training in the existence of the 20-plus databases available in primary and secondary immigration and customs inspection, immigration inspectors were not taught the content and value of these databases. Thus most inspectors who had contact with the hijackers did not know that suspected terrorists were included in these databases and that they should be looking for them. All the inspectors said INS databases, including lookouts, were learned on the job. There was also only limited behavioral training and no cultural training to help inspectors better discriminate between legitimate and mala fide travelers.

The Preferential treatment of Saudis¹⁵⁷

Inspectors from Orlando, Los Angeles, and Dulles International airports all recalled an unwritten policy of preferential treatment enjoyed by Saudis prior to September 11. In these airports, which admitted eight hijackers and refused one, Saudi travelers generally received less scrutiny. They were often escorted to the front of the immigration lines by airline personnel.

In Orlando, one inspector recalled being presented with the travel documents of an entire Saudi family by his supervisor and asked to process them all even if he personally interviewed only one or two of the family members. This, he said, happened on multiple occasions. Another inspector remembered being told he had “better be careful” in seeking to refuse entry to Saudis, since the pressure from the port, the Saudi embassy, and Congress was strongly in favor of facilitating their admission. Upon request, female Saudis would be interviewed by female inspectors, in deference to Saudi culture. Another inspector from Los Angeles International Airport recalled an incident prior to September 11 when he was required to board an arriving private Saudi 727 jet and process all the travel documents in the back of the jet, and to do so quickly and without a thorough examination of the travelers. He reluctantly complied.

At other ports that admitted hijackers, inspectors reported no preferential treatment of Saudis. No inspector considered Saudis a threat to national security. Almost all the Saudis they screened could speak English. In fact, most shared the common perception that Saudis were U.S. allies, spent a lot of money in the United States, did not overstay their visas, did not work here, and were generally good travelers to admit. The only problem that might have occurred was an occasional overstay of a student visa, for which waivers would be given “95 percent of the time.”

Immigration Violations Committed by the Hijackers in the United States

Once a non-U.S. citizen is admitted to the United States, he or she remains subject to U.S. immigration laws and may be deported if any are violated. The hijackers violated many laws while gaining entry to, or remaining in, the United States.

- **Every hijacker** submitted a visa application falsely stating that he was not seeking to enter the United States to engage in terrorism. This was a felony, punishable under 18 U.S.C. § 1546 by 25 years in prison and under 18 U.S.C. § 1001 by 5 years in prison, and was a violation of immigration law rendering each one inadmissible under 8 U.S.C. § 1182(a)(6)(c).
- **The hijackers**, when they presented themselves at U.S. ports of entry, were terrorists trained in Afghan camps who had prepared for and planned terrorist activity to further the aims of a terrorist organization—al Qaeda—making every hijacker inadmissible to enter the United States under 8 U.S.C. § 1182(a)(3)(b).
- At least two (**Satam al Suqami** and **Abdul Aziz al Omari**) and possibly as many as seven of the hijackers (**Suqami**, **Omari**, **Mohand al Shehri**, **Hamza** and **Saeed al Ghamdi**, **Ahmed al Nami**, and **Ahmad al Haznawi**) presented to State Department consular officers passports manipulated in a fraudulent manner, a felony punishable under 18 U.S.C. § 1543 by 25 years in prison and a violation of immigration law rendering them inadmissible under 8 U.S.C. § 1182(a)(6)(c).
- At least two hijackers (**Suqami** and **Omari**) and as many as eleven of the hijackers (**Suqami**; **Omari**; **Waleed**, **Wail**, and **Mohand al Shehri**; **Hani Hanjour**; **Majed Moqed**; **Nawaf al Hazmi**; **Haznawi**; and **Hamza** and **Ahmed al Ghamdi**) presented to INS inspectors at ports of entry passports manipulated in a fraudulent manner, a felony punishable under 18 U.S.C. § 1543 by 25 years in prison and a violation

of immigration law rendering them inadmissible under 8 U.S.C. § 1182(a)(6)(c).

- **Ziad Jarrah** attended flight school in June 2000 without properly adjusting his immigration status, thereby violating his immigration status and rendering him inadmissible under 8 U.S.C. § 1182(a)(7)(B) each of the subsequent six times he reentered the United States between June 2000 and August 5, 2001.
- **Hanjour** did not attend school after entering on a student visa in December 2000, thereby violating his immigration status and making him deportable under 8 U.S.C. § 1227(a)(1)(B).
- **Mohamed Atta** failed to present a proper M-1 (vocational school) visa when he entered the United States in January 2001. He had previously overstayed his tourist visa and therefore was inadmissible under 8 U.S.C. § 1182(a)(7)(B).
- **Nawaf al Hazmi** and **Suqami** overstayed the terms of their admission, a violation of immigration laws rendering them both deportable under 8 U.S.C. § 1227(a)(1)(B).

Were the Hijackers' Legal Violations Detectable?

As the accompanying text box clearly indicates, all of the hijackers violated some aspect of immigration U.S. law. The key question is whether these violations could have been detected by U.S. border security officials at the time the hijackers presented themselves for review and inspection. We know the following:

- At least three of the hijackers (**Khalid al Mihdhar** and **Nawaf** and **Salem al Hazmi**) were in the information systems of the intelligence community and thus potentially able to be watchlisted. Had they been watchlisted, their terrorist affiliation could have been exposed at the time they applied for a visa (in the case of Mihdhar and Salem al Hazmi) and applied for admission at a port of entry (in the case of all three) a decision could have been made to deny them entry or to track them in the United States.
- At least two of the hijackers, and possibly as many as seven, presented travel documents to the State Department manipulated in a fraudulent manner that indicated possible association with al Qaeda. We do not believe that the consular officers who reviewed these documents were aware of this manipulation or were told to be on the lookout for evidence of it.
- **Three** of the hijackers had passports that contained an indicator of Islamist extremism and thus were worthy of additional scrutiny. We do not believe that the consular officers who reviewed these documents were aware of this indicator of extremism or were told to be on the lookout for it.
- Two of the hijackers made false statements about prior visa and travel history on their visa applications during the course of the plot. These lies were potentially detectable. The State Department did have the ability to determine whether an applicant had applied previously for a nonimmigrant visa. However, prior to September 11, because its computer system did not automatically display this information in connection with a visa application, the consular officer would have had to specifically look for it.

5.3 Fair Verdicts

The State Department

The State Department began the 1990s with a consular corps largely untrained to address the threat of transnational terrorism. It used outdated and insecure technology to produce visas, with a patchwork of name-check technology systems at 230 visa-issuing posts overseas, and with an innovative but funding- and information-starved terrorist watchlist known as TIPOFF. Moreover, the budget picture was bleak, as resources declined and demand for visas was expected to grow. State's Bureau of Consular Affairs suffered disproportionately from these budget cuts because many consular positions were customarily filled by junior Foreign Service officers—and they simply were not being hired. The only positive news was the temporary decline in visa demand in the early 1990s caused by growth of the Visa Waiver Program.

The State Department received a wake-up call when it was discovered that it had issued visas to come to the United States to the terrorists involved in the World Trade Center bombing in 1993, and that the spiritual leader of the group—Sheikh Omar Abdel Rahman—obtained a visa despite being on a watchlist. State's outdated technology and poor controls over watchlist screening had allowed the visa to be issued.

In response to the shock of that attack, the State Department took some significant steps during the 1990s to improve its ability to counter terrorism. Specifically, the department

- established the Visas Viper Program to force better interagency information sharing on known or suspected terrorists;
- improved the security of its visa technology;
- Modernized its name-check technology by establishing a real-time connection to the watchlist located in Washington and by creating several language algorithms; and
- made available TIPOFF terrorist data to the INS—for use at the ports of entry—and to foreign partners Canada and Australia.

Many of these changes were accomplished because of the 1994 law that allowed State to fund its border security initiatives with fees collected from applicants for the machine-readable visa (MRV). For example, State used MRV fees to fund antifraud programs in the Bureau of Diplomatic Security. Unfortunately, these funds did not arrive quickly enough to prevent damage to State's counterterrorism capabilities from the continued budget shortfalls.

In response to the 1998 East Africa embassy bombings, State spent more than \$3 billion to improve overseas embassy security. And while overseas embassy security had been in desperate need of improvement—a fact well-known since the Beirut bombings a decade earlier—the \$3 billion spent after the 1998 bombings and before 9/11 to improve U.S. facilities appears in hindsight to demonstrate that we were fighting the last war. While

embassy security was being improved, State took steps to streamline its work processes in ways that cut back on the scrutiny given individual visa applicants. Posts were encouraged to reduce interviews and speed processing of applications. Reducing face-to-face contact with visa applicants through programs such as Visa Express was even seen as enhancing security by reducing the crowds that potentially threatened our overseas facilities.

Despite its acknowledgment that consular officers were the “outer ring” of border security, during the 1990s State strongly resisted the notion that consular officers were responsible for ferreting out terrorists in visa interviews. State never sought to increase the training for consular officers to identify terrorists or unravel their travel trails by carefully examining their often-fraudulent documents. State also refused to give consular officers the latitude to deny visas to individuals they suspected might be terrorists, fearing that this discretion would be abused. Instead, consular officers were trained to spot intending economic immigrants, not terrorists, and to leave decisionmaking about potential terrorists to officials in Washington.

Faced with increasing demand for visas and pressure to improve customer service, State began to rely too much on technology and a terrorist watchlist name check to prevent terrorists from obtaining visas. Senior State officials trusted intelligence community agencies to provide data on terrorist identities for inclusion in the watchlist, but no law required that this information be given to State. Assistant Secretary of State for Consular Affairs Mary Ryan was naïve about the willingness of the intelligence community to supply this critical information, believing that it was being provided to State when in fact, for at least three hijackers, it was not.

Citizens of wealthy Persian Gulf nations or third country nationals from the Middle East with established lives in Germany were seen by State as good visa risks because they rarely overstayed their terms of admission or sought to work in the United States. The U.S. foreign policy interest in stable relations with the oil-rich Gulf countries also played a role. Even though al Qaeda leader Usama Bin Ladin had held Saudi citizenship, Saudi funding for terrorism was well established, and CIA personnel working shoulder to shoulder with State consular officials were well aware of the presence of Saudi extremists in Saudi Arabia, State Department personnel in Saudi Arabia and in Washington never acted to increase the scrutiny given Saudi visa applicants.

Indeed, it was not until July 2002 that the State Department reversed course and ordered that all visa applicants be interviewed. Today, consular training for interviewing techniques to spot terrorists is still in its infancy, and State still has not fully operationalized knowledge of terrorist travel practices.

Ultimately, the individual consular officers who adjudicated visas for the 9/11 hijackers were following State Department policy. They were not trained to spot terrorists. They were told not to give great scrutiny to applicants with the hijackers’ socioeconomic backgrounds. They believed their job was to deny visas to intending immigrants and to check all applicants against the terrorist watchlist, and they did these tasks scrupulously.

It is difficult to blame them for acting according to and within the discretion of policies provided them by their superiors. However, it is striking that they and their superiors—senior consular officials in Washington and in Saudi Arabia—did not recognize the yawning disconnect between the increasing terror threat in Saudi Arabia, which reached a peak in the summer of 2001, and their actions in response to that threat, which reduced the number of face-to-face encounters with Saudi visa applicants.

In all aspects of State’s approach to counterterrorism—its successes and its failures, its improvements and its lapses—Congress was directly complicit. State officials told us that prior to 9/11, members of Congress rarely if ever questioned consular officers’ decisions to issue visas. In fact, they told us, consular officers’ most frequent correspondents were members of Congress advocating on behalf of constituents seeking the issuance of visas. It was Congress (with White House support) that, starved the State Department of resources and that, persuaded that border security deserved greater attention, provided the lifeline of MRV fee collection.

In any case, though the decisions to issue visas now seem questionable, in every case State consular officers followed their standard operating procedures and adhered to the visa policy as they understood it. For the five conspirators and would-be hijackers who were denied visas, in every case those denials appear to have been grounded in concerns other than terrorism—usually the fear that they were intending immigrants. Those 9/11 hijackers and co-conspirators not pulled from the stream of visa applicants and interviewed were spared because consular officers believed they satisfied the legal requirements for obtaining a visa. In each case, consular officials performed a name check using their lookout database, including the TIPOFF watchlist. At the time these people applied for visas, none of them—or at least none of the identities given in their passports—was in the database.

The Immigration and Naturalization Service

The INS has no articulated counterterrorism policy.

—Senate Judiciary Committee report (1998)

Under the Immigration and Nationality Act, the INS has always had the statutory responsibility to determine who may enter, who may remain, and who must be removed from the United States. However, neither INS leadership nor any other entity in government ever fully recognized that within INS’s overall responsibility to determine admission for all travelers was an important responsibility to exclude and remove terrorists, a task that no other agency could perform.

The failure of the INS to recognize the value of its immigration authority in identifying and removing terrorists was manifested throughout the agency. It stemmed from a general lack of a counterterrorism strategy. As we have seen, the fledgling INS counterterrorism activities of the late 1990s were carried out by a handful of dedicated employees in middle management whose resources were minimal and whose strategies and recommendations were mostly ignored. But the INS was not alone in failing to

identify a counterterrorism role for itself. The White House was concerned in the 1990s with human smuggling and trafficking, illegal entries, naturalization backlogs, refugee crises, employer sanctions, criminal alien deportations and detention space, and INS restructuring. Even when presidential decision directives assigned a role to the INS in countering terrorism, the INS was not sent those directives. Attorney General Reno and her deputies, along with Congress, made their highest priorities shoring up the Southwest border to prevent the migration of illegal aliens and selectively upgrading technology systems. And while some parts of the Justice Department were preoccupied with counterterrorism investigations, its leadership never saw a significant role for INS in counterterrorism other than to support the FBI.

Programs initiated by Congress with a counterterrorism capability, notably foreign student tracking and an entry-exit system at the ports of entry, never received adequate support from the Congress or the INS leadership and so never materialized. Financial and human resources were also lacking. The budget for interior enforcement remained static in the face of an overwhelming number of immigrants outside the legal framework. Many INS agents were overwhelmed and disheartened.

Immigration benefits applications were backlogged for months and even years. Technology moneys were spent, but often for stand-alone computer systems that lacked essential information. As a result, the officers adjudicating these applications did not have access to immigration or law enforcement histories of applicants requesting extended stays or naturalization or to intelligence information. Thus, immigration benefits were obtained by many terrorists in the 1990s even when they were being investigated or prosecuted as terrorists by other personnel in the Justice Department.

These immigration cases against suspected terrorists were often mired for years in bureaucratic struggles over alien rights and the adequacy of evidence. The quality of intelligence within the agency was low; Commissioner Meissner had never heard of Usama Bin Ladin until after she left government service.

The verdict for the INS as an institution is that a poorly organized agency with a poor public image and low self-esteem never received adequate support from within its own leadership, its parent Justice Department, the Congress, or the White House to take itself seriously or be taken seriously as having a key role in counterterrorism. Thus no one at the White House or in the Justice Department noticed that INS leadership was unaware of the White House after-action work on the northern border in 2000 or of the July 5, 2001, White House meeting of enforcement agencies to discuss the heightened state of threat under which the rest of the government was operating. Meanwhile, the hijackers were seeking entry into the United States—and succeeding in an atmosphere in which the priority was neither enforcement nor counterterrorism.

Given the lack of a defined counterterrorism role for the INS, it should not be surprising that training for inspectors at ports of entry lacked a counterterrorism component. That training did not, for example, include information on terrorists' use of fraudulent travel documents, which forensic specialists stopped examining in the early 1990s, or the

critical role of the inspector in preventing terrorists' entry. Our study also suggests that training in immigration law, procedures, and regulations was similarly insufficient. Indeed, immigration law was, and remains, so intricate and confusing that some inspectors lacked a clear understanding of issues of admissibility, and therefore mistakenly admitted some hijackers into the country. Other inspectors were simply worn down by the culture of facilitation, in which travelers with questionable admissibility were almost inevitably given the benefit of the doubt and admitted.

Different conclusions can be drawn regarding a few of the immigration inspections of some of the hijackers. Most immigration inspectors, operating under severe time constraints and an expectation of facilitation, and lacking standard operating procedures and basic visitor information, conducted fair adjudications. The primary immigration inspectors who referred Atta, Shehhi, Saeed al Ghamdi, and Kahtani to secondary inspection to be questioned further used the tools available to them and their training to make good decisions.

But the secondary inspectors for the first three men failed to ask the kinds of questions that might have elicited information that the hijackers could not substantiate. For example, Atta's secondary inspector misjudged him as a tourist, even though Atta presented him with a student/school form as a basis for entry. Rather than admit him as a tourist, which he did, this inspector could have given Atta a deferred inspection to gather his school papers and return to an INS district office in 30 days to verify his status. Atta would have been unable to do so, since he had received his pilot's license a month earlier. The inspector also violated length of stay requirements by giving Atta an eight-month stay without a supervisor's approval. It took an astute inspector at the Miami INS District Office to roll back his length of stay to July 9, 2004, after Atta unwittingly made a mistake in seeking a longer length of stay for a fellow hijacker. When Kahtani was refused entry, the secondary inspector had a weaker legal basis for denial than existed for Atta. But he took the time to determine mala fide intent and, basing his decision on evidence Kahtani intended to immigrate to the United States, he denied him entry, thereby preventing at least one hijacker from participating in the plot.

¹ Atta is believed to have piloted Flight 11 and Jarrah Flight 93.

² DOS OIG MOC, Consular Officer No. 9, Feb. 5, 2003. The names of consular officers, immigration inspectors, and intelligence officials have been changed or omitted, in accordance with Commission policy and agreements.

³ Consular Officer No. 9 interview (Feb. 20, 2004).

⁴ Ibid.

⁵ Consular Officer No. 9 interview (Feb. 20, 2004).

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

¹⁰ DOS OIG MOC, Consular Section Chief Levy and ACS Officer Wolfson, Jan. 27, 2003.

¹¹ Ibid.

¹² Consular Officer No. 10 interview (Mar. 1, 2004); DOS OIG MOC, Consular Officer No. 7, Feb. 11, 2003; DOS OIG MOC, Consular Officer No. 10, Jan. 19, 2003.

¹³ DOS OIG MOC, Consular Officer No. 10, Jan. 19, 2003; Consular Officer No. 10 interview (Mar. 1, 2004).

-
- ¹⁴ Consular Officer No. 10 interview (Mar. 1, 2004).
- ¹⁵ *Ibid.*, stating “From a security standpoint, we viewed them as safe bets.”
- ¹⁶ DOS OIG MOC, Consular Officer No. 10, Jan. 19, 2003.
- ¹⁷ *Ibid.*
- ¹⁸ Consular Officer No. 10 interview (Mar. 1, 2004).
- ¹⁹ DOS OIG MOC, Consular Officer No. 7, Feb. 11, 2003.
- ²⁰ *Ibid.*
- ²¹ Consular Officer No. 10 interview (Mar. 1, 2004); DOS OIG MOC, Consular Officer No. 10, Jan. 19, 2003.
- ²² DOS OIG MOC, Consular Officer No. 7, Feb. 11, 2003.
- ²³ DOS OIG MOC, Consular Officer No. 10, Jan. 19, 2003.
- ²⁴ DOS OIG MOC, Consular Officer No. 7, Feb. 11, 2003.
- ²⁵ DOS OIG MOC, Consular Officer No. 10, Jan. 19, 2003.
- ²⁶ Consular Officer No. 10 interview (Mar. 1, 2004).
- ²⁷ *Ibid.*, estimating that 70% used the drop box and 30% the travel agency.
- ²⁸ DOS OIG MOC, Consular Officer No. 7, Feb. 11, 2003; DOS OIG MOC, Consular Officer No. 10, Jan. 19, 2003.
- ²⁹ Albert A. Thibault, Jr. interview (Nov. 5, 2003).
- ³⁰ Arthur M. interview (Oct. 14, 2003).
- ³¹ Testimony of Consular Officer No. 1 before the U.S. House of Representatives, Aug. 1, 2002.
- ³² Carl C. interview (Oct. 29, 2003). Consular officials in Saudi Arabia and in Washington uniformly told the Commission that they could not recall receiving any letters from Congress urging them *to deny* visas before 9/11. Rather, consular officials told the Commission that members of Congress were their most faithful correspondents and were constantly urging them *to issue* visas to individuals in Saudi Arabia who were constituents’ family members or other individuals with connections to their legislative districts.
- ³³ Consular Officer No. 6 interview (Oct. 14, 2003); Consular Officer No. 11 interview (Dec. 30, 2003).
- ³⁴ *Ibid.*
- ³⁵ This statistic is an estimate prepared by consular officials in Saudi Arabia at the request of the General Accounting Office and memorialized in GAO workpapers. The difficulty in measuring this more precisely is that the State Department electronic record-keeping system did not record whether a visa applicant was interviewed prior to September 11, 2001. Travis Farris interview (Sept. 29, 2003).
- ³⁶ Carl C. interview (Oct. 29, 2003).
- ³⁷ Consular Officer No. 11 interview (Dec. 30, 2003).
- ³⁸ *Ibid.*
- ³⁹ *Ibid.*
- ⁴⁰ *Ibid.*
- ⁴¹ Carl C. interview (Oct. 29, 2003).
- ⁴² DOS memo to Riyadh Consul General Allen K., May 7, 2000.
- ⁴³ GAO record, telephone interview of Allen K., July 10, 2002.
- ⁴⁴ *Ibid.*
- ⁴⁵ DOS cable, Jeddah 001185, Dec. 10, 2001.
- ⁴⁶ DOS cable, “Riyadh Fraud Issues,” Aug. 4, 2000.
- ⁴⁷ *Ibid.* (emphasis added).
- ⁴⁸ Carl C. interview (Oct. 29, 2003).
- ⁴⁹ DOS cable, Jeddah 001225, Nov. 9, 1999.
- ⁵⁰ DOS email, from Allen K. to Judith McCloskey, Aug. 5, 2002.
- ⁵¹ INA sec. 214(b), 8 U.S.C. sec. 1184(b); testimony of Consular Officer No. 1 before U.S. House of Representatives Committee on Government Reform, Aug. 1, 2002.
- ⁵² Testimony of Consular Officer No. 3 before U.S. House of Representatives Committee on Government Reform, Aug. 1, 2002.
- ⁵³ Tom Furey interview (Dec. 5, 2003); testimony of Consular Officer No. 2 before U.S. House of Representatives Committee on Government Reform, Aug. 1, 2002.
- ⁵⁴ See DOS cable, Riyadh Fraud Issues, Aug. 2000, stating “Saudis are generally good visa risks, and most Saudi applicants are processed without interview.”

-
- ⁵⁵ DOS OIG MOC, Consular Officer No. 11, Jan. 20, 2003; testimony of Consular Officer No. 3 before U.S. House of Representatives Committee on Government Reform, Aug. 1, 2002.
- ⁵⁶ Consular Officer No. 11 interview (Dec. 30, 2003); DOS OIG MOC, Tom Furey, Jan. 28, 2003.
- ⁵⁷ Consular Officer No. 11 interview (Dec. 30, 2003); DOS OIG MOC, Consular Section Chief Miguel O., Jan. 23, 2003; testimony of Consular Officer No. 3 before U.S. House of Representatives Committee on Government Reform, Aug. 1, 2002, stating “It was the same way that that’s the presumption for many Europeans;” Tom Furey interview (Dec. 5, 2003), stating Saudis were treated like citizens of countries in the Visa Waiver Program and for the same reasons.
- ⁵⁸ DOS OIG MOC, Consular Officer No. 11, Jan. 28, 2003.
- ⁵⁹ DOS OIG MOC, Tom Furey, Jan. 28, 2003; DOS OIG MOC, Catherine Barry, Dec. 13, 2002, quoting Ms. Barry as saying that both Saudi Arabia and the UAE were “de facto visa waiver countries.”
- ⁶⁰ CIA research paper, “Saudi Arabia’s Islamic Awakening,” Feb. 1993.
- ⁶¹ INS record, 2001 Statistical Yearbook, Table 58 (Deportable Aliens Located by Status at Entry and Region and Country of Nationality Fiscal Year 2001). This was fewer than from Liechtenstein (42) and Norway (49), and contrasts with the 1,315,678 from Mexico.
- ⁶² DOS cable, Riyadh 10070, Nov. 25, 1991.
- ⁶³ GAO analysis of economic data on Saudi Arabia, prepared by Bruce Kutnick, July 16, 2002.
- ⁶⁴ (S) CIA research paper, “Saudi Arabia’s Islamic Awakening,” Feb. 1993.
- ⁶⁵ Testimony of Consular Officer No. 2 before U.S. House of Representatives Committee on Government Reform, Aug. 1, 2002.
- ⁶⁶ Testimony of Consular Officer No. 3, before U.S. House of Representatives Committee on Government Reform, August 1, 2002.
- ⁶⁷ Testimony of Consular Officer No. 2, before U.S. House of Representatives Committee on Government Reform, Aug. 1, 2002; testimony of Consular Officer No. 3 before U.S. House of Representatives Committee on Government Reform, Aug. 1, 2002, stating “they weren’t looking for jobs even though they were unemployed.”
- ⁶⁸ Testimony of Consular Officer No. 4 before U.S. House of Representatives Committee on Government Reform, Aug. 1, 2002.
- ⁶⁹ DOS OIG MOC, Consular Officer No. 13, Jan. 23, 2003.
- ⁷⁰ DOS memo, Tasker #252, prepared in the summer of 2000, “Best Practices already in effect at post include... interview by exception for applicants from Saudi Arabia, Bahrain, Oman, Qatar, Kuwait, and the United Arab Emirates;” Consular Officer No. 11 interview (Dec. 30, 2003).
- ⁷¹ DOS cable, “Interviews by Exception,” 98 State 160236.
- ⁷² Consular Officer No. 11 interview (Dec. 30, 2003)
- ⁷³ This view is supported by findings of the General Accounting Office which compiled statistics on the refusal rates for Riyadh and Jeddah during the year before September 11, 2001. According to the GAO, consular officers in Riyadh refused .15 percent of Saudi citizen visa applicants during the period from September 11, 2000 to April 30, 2001, while consular officers in Jeddah refused approximately 1.07 percent of Saudi citizen applicants in the same time period. For reasons discussed, *infra*, the interview rate for Saudi citizens applying in Jeddah probably dropped beginning in September 2000, so the difference may have been greater before that date.
- ⁷⁴ Consular Officer No.5 interview (Mar. 2, 2004); DOS Office of Inspector General Memorandum of Conversation, Consular Officer No. 5, Feb. 5, 2003.
- ⁷⁵ Consular Officer No. 12 interview (Feb. 24, 2004).
- ⁷⁶ *Ibid.*
- ⁷⁷ *Ibid.*
- ⁷⁸ *Ibid.*
- ⁷⁹ *Ibid.*
- ⁸⁰ Consular Officer No. 6 interview (Oct. 14, 2003).
- ⁸¹ Testimony of Consular Officer No. 1 before U.S. House of Representatives Committee on Government Reform, Aug. 1, 2002.
- ⁸² *Ibid.*
- ⁸³ Testimony of Consular Officer No. 2 before U.S. House of Representatives Committee on Government Reform, Aug. 1, 2002.
- ⁸⁴ Consular Officer No. 13 interview (Feb. 24, 2004).

-
- ⁸⁵ Ibid.
- ⁸⁶ DOS OIG MOC, Consular Officer No. 13, Oct. 9, 2002.
- ⁸⁷ DOS OIG MOC, Consular Officer No. 11, Jan. 20, 2003.
- ⁸⁸ Consular Officer No. 11 interview (Dec. 30, 2003).
- ⁸⁹ DOS OIG MOC, Consular Officer No. 11, Jan. 20, 2003.
- ⁹⁰ DOS OIG MOC, Consular Officer No. 11, Jan. 20, 2003.
- ⁹¹ Consular Officer No. 14 interview (Feb. 2, 2004).
- ⁹² DOS OIG MOC, Consular Officer No. 13, Jan. 23, 2003; Consular Officer No. 14 interview (Feb. 2, 2004). Consular Officer No. 13's supervisor said that he had taken "a lot of flack" about Consular Officer No. 13's high refusal rate. He said there had been "overt hostility" to Consular Officer No. 13's high refusal rate before 9/11.
- ⁹³ Consular Officer No. 14 interview (Feb. 2, 2004); Consular Officer No. 13 interview (Feb. 24, 2004).
- ⁹⁴ GAO report, "Visa Process Should be Strengthened as an Antiterrorism Tool," GAO-03-132NI, Oct. 2002, stating "For example, consular officers held different opinions about whether they should use INA section 214(b) to refuse visas to questionable applicants, that is, those who either did not appear credible or who could not convince them of the purpose of their visit, regardless of the applicant's income or ties to a residence abroad. Many consular officers told us they were using the provision for this purpose. Consular managers and individual consular officers whom we interviewed differed on whether consular officers should be using INA section 214(b) to screen applicants in this manner."
- ⁹⁵ DOS OIG MOC, Tom Furey, Jan. 28, 2003.
- ⁹⁶ Tom Furey interview (Dec. 5, 2003); DOS OIG MOC, Tom Furey, Jan. 28, 2003.
- ⁹⁷ Tom Furey interview (Dec. 5, 2003).
- ⁹⁸ Testimony of Consular Officer No. 2 before the U.S. House of Representatives, Committee on Government Reform, Aug. 1, 2002.
- ⁹⁹ Ibid.
- ¹⁰⁰ DOS OIG MOC Consular Officer No. 11, Jan. 20, 2003.
- ¹⁰¹ The Gulf Cooperation Council countries are: Saudi Arabia, Bahrain, Kuwait, Oman, Qatar and the United Arab Emirates.
- ¹⁰² Tom Furey interview (Dec. 5, 2003).
- ¹⁰⁴ Ibid.
- ¹⁰⁵ Ibid.
- ¹⁰⁶ DOS cable no. 6, The Context for Best Practices, Oct. 1997.
- ¹⁰⁷ DOS cable no. 10, Non-Immigrant Visa Appointment Systems, State 227586, Nov. 1997.
- ¹⁰⁸ Tom Furey interview (Dec. 5, 2003).
- ¹⁰⁹ DOS cable no. 7, Drop Box and Personal Appearance Waiver (PAW) Programs, Nov. 1997.
- ¹¹⁰ Ibid.
- ¹¹¹ Testimony of Consular Officer 2 before the U.S. House of Representatives Government Reform Committee, Aug. 1, 2002.
- ¹¹² DOS cable no. 19, Interviews By Exception, 98 State 160236, Aug. 1998; DOS cable no. 9, Remote Data Entry, State 223398, Nov. 1998; DOS cable no. 4, Off-Site Fee Collection, State 059404, Apr. 1997.
- ¹¹³ DOS cable, "U.S. Visa Express Program Transforms NIV Scene in Saudi Arabia," Riyadh 02326 (Aug. 19, 2001).
- ¹¹⁴ Ibid.
- ¹¹⁵ Tom Furey interview (Dec. 5, 2003); testimony of Consular Officer No. 2 before the U.S. House of Representatives Government Reform Committee, Aug. 1, 2002.
- ¹¹⁶ See, e.g., Memorandum of Understanding Between Kanoo Holidays Travel Company in Saudi Arabia and the United States Embassy in Riyadh and U.S. Consulate General in Jeddah, Saudi Arabia Concerning U.S. Visa Express (Nonimmigrant Visa Service).
- ¹¹⁷ DOS cable, "U.S. Visa Express Program Transforms NIV Scene in Saudi Arabia," Riyadh 02326 (Aug. 19, 2001); testimony of Consular Officer No. 2 before the U.S. House of Representatives Government Reform Committee, Aug. 1, 2002.
- ¹¹⁸ DOS report, "U.S. Visa Express Program Transforms NIV Scene in Saudi Arabia," Riyadh 02326, Aug. 19, 2001.

¹¹⁹ Testimony of Consular Officer No. 2 before the U.S. House of Representatives Government Reform Committee, Aug. 1, 2002.

¹²⁰ DOS Report of the Accountability Review Boards on the Embassy Bombings in Nairobi and Dar Es Salaam, Jan. 1999. In his introduction to the Report, Review Boards Chairman Admiral William J. Crowe said the following: “In our investigation of the bombings, The Boards were struck by how similar the lessons were to those drawn by the Inman Commission over 14 years ago. What is most troubling is the failure of the U.S. Government to take the necessary steps to prevent such tragedies through an unwillingness to give sustained priority and funding to security improvements.”

¹²¹ *Ibid.*, Recommendations 7 and 8.

¹²² Kevin O. interview (Feb. 12, 2004).

¹²³ DOS email from Tom Furey to Mary Ryan, dated “Tuesday, June 26, 2001, 8:06 a.m.”

¹²⁴ Testimony of Consular Officer No. 2 before the U.S. House of Representatives Government Reform Committee, Aug. 1, 2002.

¹²⁵ Testimony of Consular Officer No. 3 before the U.S. House of Representatives Government Reform Committee, Aug. 1, 2002. In a cable this officer drafted but did not send during this time period, the officer stated, “requiring all applicants to apply through travel agents has gummed-up the process in Jeddah. The NIV officer must now review the applications of those who were previously ineligible for Visa Express twice, once on paper and then again several days later at the window.” The officer recommended returning Visa Express to the “original guidelines (Saudi nationals and TCNs with prior visas).” Visa Express in Jeddah—Suggested Modifications (undated).

¹²⁶ Consular Officer No. 11 interview (Dec. 30, 2003); State OIG MOC with Consular Officer No. 11, Jan. 20, 2003, “The program also eliminated the need for interviews of first time student visa applicants.”

¹²⁷ Testimony of Consular Officer No. 3 before the U.S. House of Representatives Government Reform Committee, Aug. 1, 2002.

¹²⁸ Consular Officer No. 11 interview (Dec. 30, 2003).

¹²⁹ Testimony of Consular Officer No. 3 before the U.S. House of Representatives Government Reform Committee, Aug. 1, 2002; Visa Express in Jeddah—Suggested Modifications (undated), “It also created incentives to issue ‘borderline’ cases in order to decrease interview workload.”

¹³⁰ Tom Furey interview (Dec. 5, 2003).

¹³¹ Consular Officer No. 11 interview (Dec. 30, 2003).

¹³² *Ibid.*

¹³³ Testimony of Consular Officer No. 4 before the U.S. House of Representatives Government Reform Committee, Aug. 1, 2002, p. 10, “Nothing changed. Only the way the applications were coming to me,” Tom Furey interview (Dec. 5, 2003), Visa Express did not change Saudi interview policy since “[t]hey were already not being interviewed.”

¹³⁴ Testimony of Consular Officer No. 4 before the U.S. House of Representatives Government Reform Committee, Aug. 1, 2002.

¹³⁵ GAO report, “Border Security: Visa Process Should be Strengthened as an Antiterrorism Tool,” GAO-03-132NI (Oct. 2002), p. 19, fn. 29. Although the State Department’s Inspector General concluded that “the consular officers who issued visas to the terrorist hijackers . . . acted in accordance with policies that prevailed at their missions at the time the visas were issued,” the State OIG did not specifically address whether the Visa Express Program affected the quality or quantity of interviews in Saudi Arabia. DOS OIG report, “Review of the Issuance of Visas to the September 11, 2001, Terrorists,” ISP-CA-03-27 Mar. 2003.

¹³⁶ All the Memoranda of Understanding between the U.S. Government and the Visa Express travel agencies contained language mandating that “the American embassy and consulate agree to return the processed visas (barring any need for personal interview of applicant) the following day.”

¹³⁷ Commission work product, results of interviews with 26 border inspectors who had contact with the 9/11 hijackers, “Answers Regarding Primary Inspections Prior to 9/11” (May 20, 2004); Commission work product, results of interviews with 26 border inspectors who had contact with the 9/11 hijackers, “Answers Regarding Red Flags Resulting in Secondary Inspections” (May 20, 2004). The remaining 12 inspectors were no longer employed by the INS (now in the Department of Homeland Security) and were unavailable to the Commission. Our interviews were conducted between March and June 2004.

¹³⁸ The inspector told us she is “75 percent sure” his companion was Adnan Shuhkrijumah, now on the FBI’s most wanted list of terrorists. Immigration inspector of Mohamed Atta on May 2, 2001 interview (Mar. 25, 2004).

¹³⁹ Because none of the hijackers was from a visa waiver country, they all had to obtain visas.

¹⁴⁰ Despite the well-known information about the use of fraudulent travel documents in the prosecutions of the Blind Sheikh and the World Trade Center conspirators, the Department of Justice failed to make systematic use of this information as a counterterrorism tool.

¹⁴¹ Commission work product, results of interviews with 26 border inspectors who had contact with the 9/11 hijackers, “Answers Regarding Primary Inspections Prior to 9/11” (May 20, 2004).

¹⁴² The inspector subsequently changed his mind and sent Atta to secondary where he—incorrectly—received an eight-month tourist stay.

¹⁴³ Commission interview of immigration inspector for Suqami and al Shehri’s April 23 inspection (May 19, 2004). Other inspectors verified that the I-94 arrival record and customs declaration had little to no bearing on the length of stay determination. Sometimes a return ticket would be requested as well, but this was not a consistent request by inspectors since return tickets are not required by law as they are, for example, in the United Kingdom.

¹⁴⁴ Commission interview of immigration inspector for Atta’s July 19 inspection (May 17, 2004). Atta came to the United States first in June 2000 and was admitted for six months. He overstayed his six month length of stay by five weeks, and left again in early January 2001, returning January 10, 2001. Atta left again after six months in early July 2001, and returned July 19, 2001, staying until the execution of the plot.

¹⁴⁵ Of 34 attempted hijacker entries, only 13 of these declarations were available for Commission review. This is because Customs’ declarations are all paper and destroyed every six months. None of the information is made a permanent electronic record, which is what the INS does with I-94 arrival records, manually downloading them into an entry database.

¹⁴⁶ The answers to questions about how much currency the hijackers were carrying did not result in secondary inspections. Seven hijackers declared less than \$10,000. The currency amounts on the declarations of Majid Moqed and Ahmed Al Ghamdi, was initially left blank and then later apparently completed by an inspector, who circled that both Moqed and al Ghamdi possessed more than \$10,000 in cash.

¹⁴⁷ This information was provided by a DHS intelligence office to the Commission.

¹⁴⁸ In general, the information contained in this section is derived from Commission work product, results of interviews with 26 border inspectors who had contact with the 9/11 hijackers, “Answers Regarding General Questions” (May 20, 2004).

¹⁴⁹ Indeed, no inspector interviewed by the Commission could read Arabic, or ever checked the authenticity of travel stamps in passports. Arabic speakers were rare at ports of entry in general and if an inspector could not communicate with a visitor, the inspector would either reluctantly rely on an airline representative for translation, if someone was even available, or refer the traveler to a secondary immigration inspection where an interpreter was available by phone. A lack of communication skills was the basis of the referral of Kahtani.

¹⁵⁰ Immigration and Nationality Act § 286.

¹⁵¹ In general, information in this section is derived from Commission work product, results of interviews with 26 border inspectors who had contact with the 9/11 hijackers, “Answers Regarding Training Prior to 9/11” (May 20, 2004).

¹⁵² Primary inspector of Saeed al Ghamdi interview (Mar. 25, 2004).

¹⁵³ Inspectors also received extensive firearms training. However, no inspector interviewed was ever permitted to carry a firearm while conducting airport line inspections. Firearms were carried in secondary inspection areas, general aviation and sea cargo inspections.

¹⁵⁴ This was the only version ever produced.

¹⁵⁵ Two were familiar with the later version of the book, the Passport Examination Manual, which focused on generic document fraud, not documents used by terrorists.

¹⁵⁶ Secondary inspector of Marwan al Shehhi on Jan. 18, 2001 interview (Mar. 22, 2004). The Commission obtained a copy of this bluebook from JFK airport immigration officials.

¹⁵⁷ Information in this section is derived from Commission work product, results of interviews with 26 border inspectors who had contact with the 9/11 hijackers, “Answers Regarding General Questions” (May 20, 2004).