

March 2011

# BORDER SECURITY

## DHS's Visa Security Program Needs to Improve Performance Evaluation and Better Address Visa Risk Worldwide



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## Why GAO Did This Study

Since 2003, the Department of Homeland Security's (DHS) Visa Security Program (VSP) has participated in the visa process by reviewing applications at some embassies and consulates, with the intention of preventing individuals who pose a threat from entering the United States. The attempted bombing of an airline on December 25, 2009, renewed concerns about the security of the visa process and the effectiveness of the VSP. For this report GAO assessed (1) the ability of DHS's Immigration and Customs Enforcement (ICE) to measure the program's objectives and performance, (2) challenges to VSP operations, and (3) ICE efforts to expand the VSP program. To evaluate the VSP, we reviewed VSP data, guidance, and the ICE's 5-year expansion plan. We also interviewed ICE officials, and observed VSP operations at 6 posts overseas.

## What GAO Recommends

GAO made several recommendations designed to address weaknesses we identified in the VSP. DHS concurred with the recommendations that the VSP provide consular officer training and develop a plan to provide more VSP coverage at high-risk posts. DHS did not concur with the recommendations that the VSP collect comprehensive data on all performance measures and track the time spent on visa security activities. GAO continues to maintain that these recommendations are necessary to accurately assess VSP performance.

View [GAO-11-315](#) or key components. For more information, contact Jess Ford at (202) 512-4268 or [fordj@gao.gov](mailto:fordj@gao.gov).

## BORDER SECURITY

### DHS's Visa Security Program Needs to Improve Performance Evaluation and Better Address Visa Risk Worldwide

## What GAO Found

ICE cannot accurately assess progress toward its VSP objectives. ICE outlined three primary objectives of the VSP—identifying and counteracting potential terrorist threats from entering the United States, identifying not-yet-known threats, and maximizing law enforcement and counterterrorism value of the visa process—and established performance measures intended to assess VSP performance, including situations where VSP agents provide information that results in a consular officer's decision to deny a visa. ICE's VSP tracking system, used to collect data on VSP activities, does not gather comprehensive data on all the performance measures needed to evaluate VSP mission objectives. In addition, data collected by ICE on VSP activities were limited by inconsistencies. ICE upgraded its VSP tracking system in April 2010 to collect additional performance data, but the system still does not collect data on all the performance measures. Therefore, ICE's ability to comprehensively evaluate the performance of the VSP remains limited. While ICE can provide some examples demonstrating the success of VSP operations, ICE has not reported on the progress made toward achieving all VSP objectives.

Several challenges to the implementation of the VSP affected operations overseas. DHS and the Department of State (State) have issued some guidance, including several memorandums of understanding, to govern VSP operations. However, some posts experienced difficulties because of the limited guidance regarding interactions between State officials and VSP agents, which has led to tensions between the VSP agents and State officials at some posts. In addition, most VSP posts have not developed standard operating procedures for VSP operations, leading to inconsistency among posts. Additionally, the mandated advising and training of consular officers by VSP agents varies from post to post, and at some posts consular officers received no training. Finally, VSP agents perform a variety of investigative and administrative functions beyond their visa security responsibilities that sometimes slow or limit visa security activities, and ICE does not track this information in the VSP tracking system, making it unable to identify the time spent on these activities.

In 2007, ICE developed a 5-year expansion plan for the VSP, but ICE has not fully followed or updated the plan. For instance, ICE did not establish 9 posts identified for expansion in 2009 and 2010. Furthermore, the expansion plan states that risk analysis is the primary input to VSP site selection, and ICE, with input from State, ranked visa-issuing posts by visa risk, which includes factors such as the terrorist threat and vulnerabilities present at each post. However, 11 of the top 20 high-risk posts identified in the expansion plan are not covered by the VSP. Furthermore, ICE has not taken steps to address visa risk in high-risk posts that do not have a VSP presence. Although the expansion of the VSP is limited by a number of factors, such as budgetary limitations or limited embassy space, ICE has not identified possible alternatives that would provide the additional security of VSP review at those posts that do not have a VSP presence.

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## **Abbreviations**

DHS	Department of Homeland Security
DS	Bureau of Diplomatic Security
ICE	Immigration and Customs Enforcement
MOU	memorandum of understanding
SAO	security advisory opinion
TECS	Treasury Enforcement and Communications System
VSP	Visa Security Program

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United States Government Accountability Office  
Washington, DC 20548

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March 31, 2011

The Honorable Joseph I. Lieberman  
Chairman  
The Honorable Susan M. Collins  
Ranking Member  
Committee on Homeland Security and Governmental Affairs  
United States Senate

Since its establishment in 2002, following the September 2001 terrorist attacks on the United States, the Department of Homeland Security (DHS) has been responsible for the issuance of visa policy.<sup>1</sup> In 2003, DHS implemented the Visa Security Program (VSP), and has since deployed DHS officials to certain U.S. embassies and consulates to strengthen the visa process by working with Department of State (State) officials in reviewing visa applications.<sup>2</sup> However, the attempted bombing of Northwest Airlines flight 253 on December 25, 2009, by a Nigerian citizen in possession of a valid U.S. visa renewed concerns about the security of the visa process.

In 2005, we reported on VSP activities in Saudi Arabia—at that time, the only country where DHS had implemented the program—and on the department’s plans to expand the program to other countries.<sup>3</sup> To help ensure effective management of the VSP and its expansion, we recommended that the Secretary of Homeland Security develop a strategic plan that includes, among other things, information on criteria for selecting locations for expansion. We also recommended that the Secretary maintain performance data that could be used to assess the program’s impact at each post.<sup>4</sup> In response to our recommendations, DHS’s Immigration and Customs Enforcement (ICE), which oversees the

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<sup>1</sup>The Homeland Security Act of 2002 (P.L. 107-296) established DHS and gave the Secretary of Homeland Security authority to issue regulations with respect to the issuance and refusal of visas.

<sup>2</sup>Section 428 of the Homeland Security Act authorizes the Secretary of Homeland Security to assign DHS employees to consular posts overseas to support the visa process through various functions.

<sup>3</sup>GAO, *Border Security: Actions Needed to Strengthen Management of Department of Homeland Security’s Visa Security Program*, [GAO-05-801](#) (Washington, D.C.: July 2005).

<sup>4</sup>In this report, we use the word “post” to identify U.S. embassies and consulates.

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program, developed a 5-year expansion plan and deployed a tracking system to capture performance data. As of December 2010, ICE had established VSP units at 19 posts in 15 countries.

In response to your request, this report (1) assesses the ability of DHS to measure the program's objectives and performance, (2) identifies potential challenges to VSP operations overseas, and (3) examines DHS efforts to expand the VSP program.

To conduct our evaluation, we reviewed relevant legislation, such as the Homeland Security Act of 2002, and documentation including internal guidance and interagency memorandums. To assess ICE's ability to measure the objectives and performance of the VSP, we reviewed the VSP mission objectives and performance measures identified by ICE. We also reviewed data from VSP's tracking system, and compared the data collected with the performance measures to identify the ability of ICE to assess its performance and progress toward the identified objectives. To evaluate the challenges to VSP operations, we reviewed the issued guidance governing the implementation of the VSP. We met with ICE and State officials in Washington, D.C., and interviewed VSP agents and consular officials, via telephone and e-mail, at 13 VSP posts that were operational as of April 2010 to identify some VSP operational challenges. We also visited six U.S. embassies and consulates with VSP operations to observe VSP operations. To assess ICE's efforts to expand the VSP, we reviewed the VSP 5-year expansion plan and compared the expansion with the plan. We also reviewed the criteria for the selection of posts identified for expansion. We also interviewed ICE and State officials regarding the expansion plan and the challenges of expanding the VSP.

We conducted this performance audit from March 2010 through March 2011 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## Background

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### Legislative Authority for the Visa Security Program

The Homeland Security Act of 2002 established DHS and gave the agency responsibility for visa policy. Specifically, the act granted DHS the authority to issue regulations on, administer, and enforce the Immigration and Nationality Act and other immigration and nationality laws relating to the functions of U.S. consular officers in connection with the granting and denial of visas. Section 428 of the act also authorized DHS to immediately assign personnel to Saudi Arabia to review all visa applications prior to final adjudication, and authorized DHS to assign officers to other locations overseas to review visa applications. Section 428 designated the following functions for DHS officers assigned overseas:

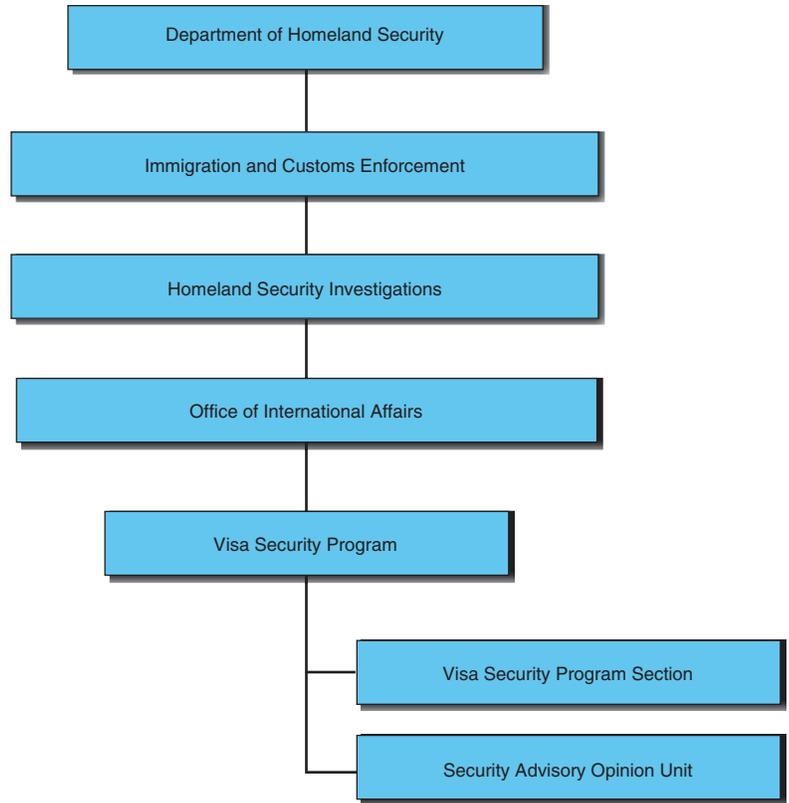
1. provide expert advice and training to consular officers regarding specific security threats relating to the adjudication of individual visa applications or classes of applications,
2. review visa applications either on the initiative of the employee of the department or at the request of a consular officer, or other persons charged with adjudicating such applications, and
3. conduct investigations with respect to consular matters under the jurisdiction of the Secretary of Homeland Security.

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### Establishment of the Visa Security Program

DHS designated ICE to handle the operational and policy-making responsibilities outlined in section 428 in January 2004. Subsequently, ICE established the Office of International Affairs and gave it responsibility for overseeing the Visa Security Program. Figure 1 shows the organization of the Visa Security Program within DHS.

**Figure 1: Organizational Chart of DHS and the VSP**



Source: GAO analysis of DHS documents.

## Primary Guidance Governing Visa Security Program Operations

Since the establishment of the Visa Security Program, ICE and State have issued four primary forms of guidance governing VSP operations overseas: (1) a 2003 memorandum of understanding (MOU) concerning implementation of the Homeland Security Act; (2) a 2004 MOU on administrative aspects of assigning personnel overseas; (3) a 2008 cable directing State Bureau of Diplomatic Security (DS) officers,<sup>5</sup> VSP agents,

<sup>5</sup>The State Department Bureau of Diplomatic Security is responsible for personal protection, protection of facilities, investigations, threat analysis, and training. Overseas, Diplomatic Security personnel include regional security officers, who are responsible for the security of facilities, personnel, and information at U.S. overseas facilities, and assistant regional security officer-investigators, who focus on investigations into passport and visa fraud at posts with high levels of fraud.

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and the senior consular officer at each post to develop standard operating procedures; and (4) a 2011 MOU delineating the roles and responsibilities of VSP agents, consular officers, and diplomatic security officers in daily operations of VSP at posts overseas.

*2003 MOU.* In 2003, DHS and State issued a memorandum of understanding to govern the implementation of section 428. In accordance with the legislation, the memorandum outlined the following responsibilities of DHS officers assigned to posts overseas to perform visa duties:

- *Advising and training consular officers.* DHS employees are to provide expert advice to consular officers regarding specific security threats relating to visa adjudication and provide training to consular officers on terrorist threats and detecting applicant fraud.
- *Reviewing visa applications.* DHS employees have the authority to review visa applications on their own initiative or at the request of consular officers, and provide input on or recommend security advisory opinion requests.
- *Conducting investigations.* DHS employees are authorized to conduct investigations on consular matters under the jurisdiction of the Secretary of Homeland Security, as well as conduct and support investigations under other DHS authorities.

*2004 MOU.* In 2004, ICE and State signed a MOU on administrative aspects of assigning personnel overseas. Among other things, this MOU described administrative support, security, facilities, security awareness training, and information systems for VSP personnel.

*2008 cable.* In 2008, State issued a cable in which ICE and State directed VSP posts to develop standard operating procedures. The cable stated that these standard operating procedures should include, but not be limited to,

- chain of command;
- clearance procedures for cables and other correspondence;
- dispute resolution practices;

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- specific coordination procedures among the fraud prevention unit, VSP agents, and the regional security officer;
  - procedures for determining case selection;
  - specific hours of operation and other coordination issues;
  - stating how electronic reviews will be conducted and documented;
  - stating how physical reviews will be conducted and documented;
  - coordination of procedures for handling expedited or exceptional visa cases;
  - procedures for sharing and documenting applicant information constituting grounds for ineligibility; and
  - procedures for VSP applicant interviews and re-interviews.

*2011 MOU.* On January 11, 2011, ICE and State issued a MOU that explains the roles, responsibilities, and collaboration of VSP agents, consular officers, and diplomatic security officers in daily operations of VSP at posts overseas. The MOU outlines the following, among other things:

- general collaboration between ICE and State for VSP operations;
- roles and responsibilities of VSP agents and consular officers and routine interaction between the officers and agents;
- development of formal, targeted training and briefings by VSP agents for consular officers and other U.S. government officials at post;
- clarification of the dispute resolution process; and
- collaboration between diplomatic security officers and VSP agents on visa and passport fraud investigations.

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## Visa Adjudication Process

The review of visa applications by VSP agents is incorporated into the visa process at overseas posts where the VSP is located. After consular officers interview an applicant and review the relevant supporting documentation, they make a preliminary determination about whether to issue or refuse

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the visa or refer the case to Washington for additional security clearances.<sup>6</sup> The VSP agents screen the applicant information against DHS's Treasury Enforcement and Communications System (TECS) database to identify applicants that potentially match records of individuals who are known threats to the United States.<sup>7</sup> The VSP agents then perform a vetting process on a smaller number of applications, based upon a threat-based targeting plan. During vetting, the VSP agents perform checks against additional law enforcement and other databases, and review the applications and supporting documentation for evidence of fraud or misrepresentation, indicators of potential national security risks, criminal activity, and potential illegal immigration risks. During the review, the VSP agents may also consult consular officers and other law enforcement officials as needed. On the basis of these reviews, the VSP agents will either agree with the consular officer's original decision or recommend refusal of the visa. The consular officer decides to issue or deny the visa.<sup>8</sup> If the consular section chief and the VSP agents disagree on a case, a dispute resolution process is started to render a final determination of the application.

Several other agencies stationed overseas have roles in the visa process. For example, State regional security officers assist the consular section by investigating passport and visa fraud detected through the consular officers' reviews of visa applications and supporting documents. In addition, officials from the Federal Bureau of Investigation overseas can assist consular officers when questions about an applicant's potential criminal history arise during adjudication. DHS's Bureaus of Citizenship and Immigration Services and Customs and Border Protection have responsibility for some immigration and border security programs overseas. For example, consular officers may seek advice from these officials on issues such as DHS procedures at U.S. ports of entry.

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<sup>6</sup>The security advisory opinion process is a multi-agency review process that collects additional information on applicants to provide a recommendation to posts to issue or refuse a visa.

<sup>7</sup>TECS is an updated and modified version of the former Treasury Enforcement Communications System, which is principally owned and managed by U.S. Customs and Border Protection. TECS is an automated enforcement and antiterrorism database that provides information for law enforcement and border security purposes, and can exchange information automatically with other U.S. government systems.

<sup>8</sup>Prior to adjudication, every visa application undergoes biometric and biographic clearances against several databases, including Facial Recognition, Consular Lookout and Support System, and Terrorist Screening databases.

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## Expansion Plan for the Visa Security Program

ICE's 5-year plan for expanding the VSP, which ICE released in consultation with State in 2007, states that global visa risk is substantial and that the VSP must be expanded in order to mitigate threats identified through the visa process and to address visa risk. The plan also includes the following principles to guide the program's expansion:

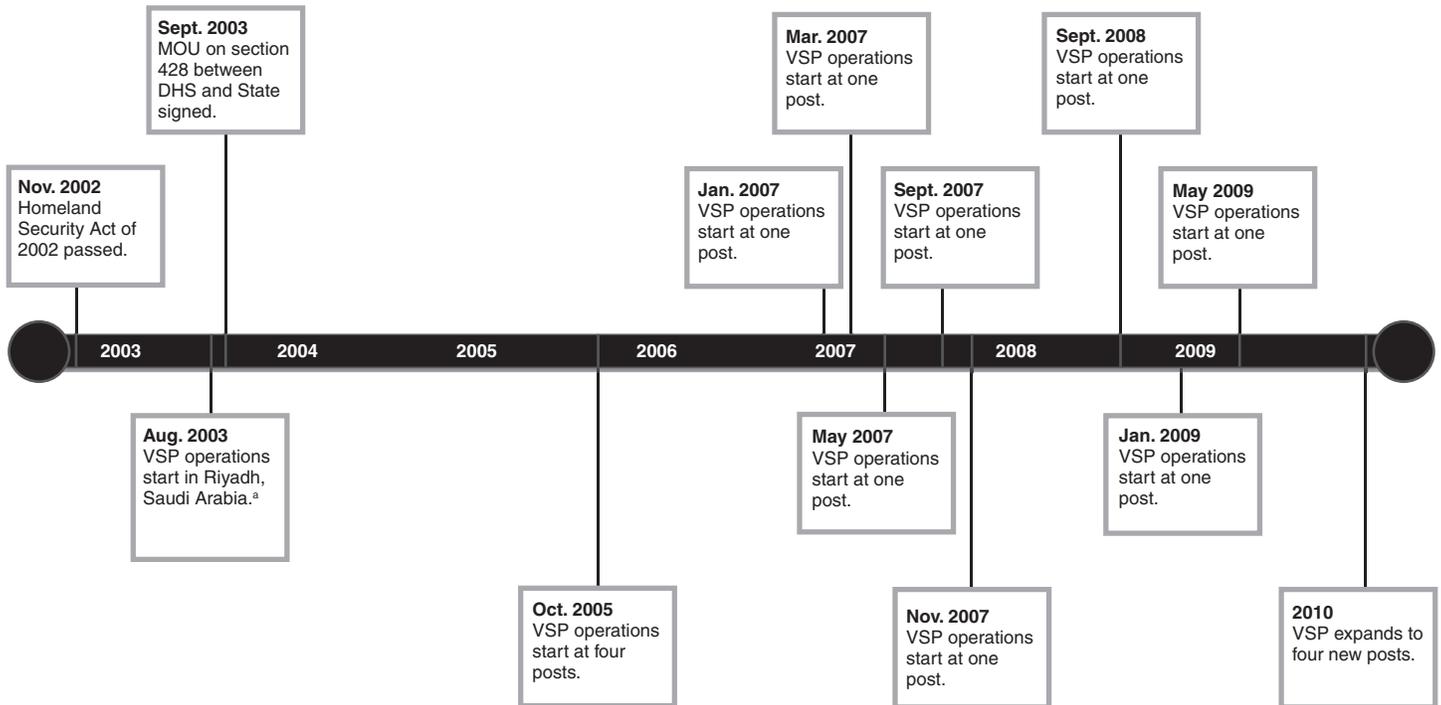
- concentrate expansion on risk by deploying personnel sooner to the highest-risk visa-issuing locations;
- develop a global capacity by expanding to select high-risk posts in diverse regions; and
- cover the highest-risk visa activity while incorporating dynamic conditions such as funding, personnel, and logistical issues such as the availability of space.

The 5-year plan also includes the following site selection methodology to inform the expansion process:

- *Initial quantitative risk analysis.* ICE and State developed a list of 216 visa-issuing locations that are ranked according to risk. The underlying analysis incorporates information on terrorist activity, DHS enforcement and removals, host government circumstances, corruption, visa activity, and several other factors.
- *Interagency and interdepartmental consultation.* Throughout the site selection process, ICE coordinates with State, law enforcement and intelligence communities, and other components of DHS. This coordination helps to establish mutual understanding among interested parties and to inform and refine the decision-making process.
- *Site assessments.* ICE selects a smaller number of locations for on-site assessments to further improve communication and gather information about local conditions at post.
- *Final evaluation and selection.* Using all of the information gathered, ICE makes a final evaluation and selection for new VSP unit locations.

Figure 2 shows a timeline for the establishment of the VSP and the expansion of the program. As of December 2010, ICE had established VSP units at 19 posts in 15 countries.

**Figure 2: Timeline for the Establishment and Expansion of the VSP**



Source: GAO analysis of DHS documents.

Note: Locations are not specified for security reasons.

<sup>a</sup>VSP operations start at other posts in Saudi Arabia in October 2003.

## Visa Security Program Funding

For fiscal years 2007 through 2010, ICE reported that approximately \$94 million in appropriated funds was allotted for the Visa Security Program. Of these amounts, in fiscal years 2009 and 2010, Congress specified that \$6.8 million and \$7.3 million, respectively, would remain available for 1 additional year. In fiscal year 2010, the Visa Security Program received \$30.7 million in appropriated funds, and the agency requested \$30.7 million in the fiscal year 2011 budget request.

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## ICE Remains Unable to Accurately Measure the Performance of the Visa Security Program

ICE does not maintain comprehensive performance data to accurately evaluate progress toward all VSP mission objectives. In 2007, ICE outlined three primary objectives of the Visa Security Program in its 5-year expansion plan and identified and established performance measures intended to assess performance toward the stated objectives. However, the initial VSP tracking system did not gather data on all the performance measures and mission objectives identified in the VSP expansion plan. Although ICE upgraded the VSP tracking system in April 2010 to collect additional performance data, the system still does not collect data on all the performance measures, hampering ICE's efforts to comprehensively evaluate the performance of the VSP. While ICE can provide some examples demonstrating the success of VSP operations, ICE has not produced reports identifying the progress made toward achieving VSP objectives. In addition, data collected by ICE on VSP activities prior to 2010 were limited by inconsistencies.

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## ICE Unable to Accurately Assess the Value of the VSP

From 2003 to 2010, ICE did not maintain comprehensive data on its identified performance measures to fully assess progress toward VSP objectives. As we reported in 2005, ICE did not maintain data on VSP activities in order to assess the program's performance since its establishment in 2003.<sup>9</sup> In the fall of 2005, in response to GAO recommendations, ICE developed a database to track VSP workload and to serve as a performance management tool. The initial VSP tracking system, which was operational until 2010, collected information on the results of the review of visa applications by VSP agents, including tracking the number of visas screened, the number of visas vetted, and the number of visas recommended for denial by VSP agents.

While the initial tracking system allowed ICE to track VSP workload and assist with performance assessment, the VSP did not establish program objectives until 2007. The Government Performance and Results Act of 1993 requires agencies to develop objective performance goals and report on their progress.<sup>10</sup> In addition, GAO's *Standards for Internal Control in the Federal Government* state that U.S. agencies should monitor and evaluate the quality of performance over time.<sup>11</sup> ICE's 5-year expansion

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<sup>9</sup>GAO-05-801.

<sup>10</sup>P.L. 103-62.

<sup>11</sup>GAO, *Standards for Internal Control in the Federal Government*, GAO/AIMD-00-21.3.1 (Washington, D.C.: November 1999).

plan for the VSP, issued in 2007, identified three primary mission objectives to enhance national security and public safety:

1. identify and counteract threats before they reach the United States,
2. identify not-yet-known threats to homeland security, and
3. maximize the law enforcement and counterterrorism value of the visa process.

Furthermore, the expansion plan indicates that the program must measure its performance and demonstrate the value it contributes to homeland security, with mechanisms in place to adequately and accurately measure its performance. ICE identified six categories of performance measures to assess the progress toward the objectives of the program (see table 1):

**Table 1: Objectives and Performance Measures of the Visa Security Program**

VSP objective	VSP activities	Performance measures	Description
Identify and counteract threats before they reach the United States	Review of visa applications	1. Recommendations for refusal	Any instance in which a VSP agent provides input, advice, or information that results in a consular officer's decision to deny a visa to an ineligible applicant.
		2. Additional enforcement outputs	Represents the generation of additional law enforcement value, including terrorist watchlist entries, intelligence reports, investigative leads, and identification of terrorist trends and tactics.
		3. Derogatory information removal	This measure reflects the removal of derogatory information by VSP agents that assists the travel of legitimate, eligible applicants.
Identify not-yet-known threats	Initiate investigations	4. Open/closed investigations	Captures the number of investigations opened and closed and the hours spent supporting domestic and foreign investigations.
Maximizing law enforcement and counterterrorism value	Advice and training	5. Consular and other training	Tracks the expert advice and training provided to consular officers.

VSP objective	VSP activities	Performance measures	Description
	Information sharing and liaison	6. Assistance and liaison provided	Measure the ways in which VSP agents liaise with other law enforcement, intelligence, and host country officials.

Source: DHS 5-year expansion plan.

The VSP tracks and reports on activities through reports submitted regularly by VSP agents at overseas posts, through the activities recorded in the TECS database, and through the VSP tracking system. The VSP tracking system is used by ICE to monitor and report on performance of its VSP agents overseas.

While ICE developed a VSP tracking system before the expansion plan identified the VSP objectives in 2007, ICE did not modify the system to collect data related to the performance measures and objectives in the expansion plan. The initial VSP tracking system tracked the results of one of the six identified performance measures—the number of recommendations for refusal—and the system did not track the other five performance measures (see table 1). Furthermore, the initial VSP tracking system did not collect performance data to evaluate progress toward two of its overall objectives, identifying not-yet-known threats and maximizing law enforcement and counterterrorism value.

According to VSP officials, in April 2010, ICE implemented a new data tracking system intended, among other things, to better track performance, to better reflect the work performed by the VSP agents overseas, and to provide management with improved reports to better evaluate the VSP activities performed overseas. However, the new system does not collect performance data on three of the measures identified in the plan: (1) investigations opened or closed and hours spent supporting investigative activity, (2) consular and other training provided, and (3) assistance and liaison provided by VSP agents. Furthermore, while ICE has some information regarding the hours charged to VSP activities at posts, it cannot accurately determine the time VSP agents spend on non-VSP activities. An ICE official indicated that some activities are recorded outside of the VSP tracking system. For example, training for consular officers performed by VSP agents are often included in the weekly reports submitted to ICE. In addition, some of the liaison activities and assistance VSP agents provide to local law enforcement is captured in TECS and other DHS reports, such as search, arrest, and seizure reports. However, ICE does not track these activities systematically and cannot evaluate the comprehensive effort of these activities. ICE has requested upgrades to

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the VSP tracking system to capture additional data on training and liaison activities, but according to an ICE official, because of development delays, the system upgrades are not complete.

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### ICE Does Not Produce Reports Evaluating VSP Performance

ICE has reported on the results of some VSP activities, but these reports do not address all of the VSP performance measures and therefore do not show progress toward each of the VSP mission objectives. For example, ICE annual reports and DHS's performance report for fiscal years 2008 to 2010 address only one of the six VSP performance measures—the number of visa applications denied because of recommendations from VSP agents. For example, ICE reported that the VSP recommended refusal of more than 900 visa applications in fiscal year 2008. ICE has presented some anecdotal examples of VSP participation in the visa process. For example, in testimony in 2009, the Assistant Secretary of ICE stated that the review of a specific visa applicant revealed information that resulted in the denial of the applicant's visa on the basis of national security. However, because these reports do not address all VSP performance measures, they do not comprehensively show progress toward all of the VSP objectives identified in the expansion plan.

According to ICE officials, the VSP reviews monthly statistical reports on the activities performed by the VSP agents at each post, which allows management to identify discrepancies in the VSP activities and eliminate potential errors in the system. According to ICE, reports and information from the VSP tracking system are routinely used to inform budget decisions as well as other resource decisions including permanent and temporary duty staffing of VSP posts.

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### VSP Data Collected at Posts Have Not Been Reliable

VSP data collected through the initial tracking system are significantly limited by inconsistencies. As we reported in 2005, ICE had not maintained measurable data to fully demonstrate the impact of VSP agents on the visa process.

We have reported that for agencies to be able to assess progress toward performance goals, the performance measures, and the quality of the data supporting those measures, must be reliable and valid.<sup>12</sup> Our analysis of

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<sup>12</sup>GAO/GGD-10.1.20, *The Results Act: An Evaluator's Guide to Assessing Agency Annual Performance Plans* (Washington, D.C.: April 1998).

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VSP data collected at posts in fiscal years 2007 to 2010 identified significant limitations to the data's reliability. For example, at one post the data recorded for the category "sum of post-adjudication: vetted" rose from 1,630 applications in fiscal year 2007 to 28,856 in fiscal year 2008, and then decreased to 2,754 in fiscal year 2009. In addition, another post recorded in fiscal year 2007 that VSP agents screened and vetted over 13,000 applicants that received security advisory opinions, but recorded zero applicants in the security advisory opinion categories in any subsequent year. ICE officials indicated that ICE did not provide guidance to the VSP agents on the proper use of the tracking system, which likely resulted in inconsistent use of the system. Furthermore, according to an ICE official, the accuracy of the data in the tracking system is contingent upon VSP agents at post entering the data and using the system consistently across all posts. ICE officials acknowledged that turnover of VSP agents at many posts likely resulted in inconsistent use of the tracking system.

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## Several Challenges Affect Visa Security Operations Overseas

The Visa Security Program faces several key challenges in implementing operations at overseas posts. First, limited guidance from headquarters regarding VSP operations has led to confusion and inconsistency among posts. Both VSP and consular officials indicated that ICE and State have issued limited official guidance about how VSP agents, consular officers, and DS officials should interact with one another at post or resolve disputes concerning specific visa applications. Second, VSP agents' advising and training of consular officers, as mandated by section 428 of the Homeland Security Act, varies from post to post, and some posts provided no training to consular officers. Third, VSP agents perform a variety of investigative and administrative functions beyond their visa security responsibilities, including criminal investigations, attaché functions, and regional responsibilities. Fourth, ICE's use of 30-day temporary duty assignments has created challenges and affected continuity of operations at some posts. Last, ICE does not provide language or country-specific training for its agents serving overseas, thereby limiting agents' ability to conduct interviews and coordinate with host country officials.

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## VSP and Consular Interaction Has Been Difficult at Some Posts, and ICE Has Provided Limited Guidance for Such Interaction

Some VSP posts reported difficulties in the interactions between VSP agents and consular officers at post, and ICE and State had provided limited guidance in this regard. During our visits to several posts in 2010, both VSP agents and consular officers at several posts we visited indicated that difficulties arose from confusion surrounding the VSP-consular relationship. For example, a consular official at one post stated that he does not know how to interact with the VSP agents or what to do with the information VSP agents provide on visa applicants, particularly when that information is insufficient to render an applicant ineligible for a visa. This official suggested State's Visa Office provide yearly guidance on the VSP-consular relationship and instructions on how to use information from the VSP tracking system reports. At another post, disagreement over how the consular section should share information with law enforcement agencies at post led to significant tension between VSP agents and DS officials. One consular official at this post stated that tension between VSP agents and DS officials at post sometimes prevents the consular section from receiving information in a timely manner. At a third post, the Consular Chief stated that VSP agents and consular officials rarely interacted with one another and that visa applications sometimes "disappeared" in the VSP unit. Consular officers at this post stated they did not understand the VSP's mission.

ICE had issued limited guidance for VSP-consular interaction. ICE guidance, including the 2003 joint DHS-State MOU and the 2008 cable, does not explicitly address VSP-consular interaction at posts. The 2003 MOU states that DHS, in consultation with State, will develop policies and procedures for DHS employees' overseas functions, but does not detail such policies. The 2008 cable directs VSP posts to develop standard operating procedures for a number of operational areas requiring interaction among VSP, consular officers, and DS officials, such as chain of command, dispute resolution practices, specific coordination procedures between VSP agents and State officials at post, and case selection procedures. However, the cable does not include guidelines for such procedures. The most recent ICE-State MOU, issued in January 2011, addresses roles, responsibilities, and collaboration at VSP posts abroad. Specifically, the new MOU provides additional information on routine interaction between VSP agents and consular officers at post. For example, it indicates that interviewing officers can request VSP screening prior to an interview, VSP can request cases to be put on hold for additional investigation, and the consular chief may ask VSP to expedite cases.

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## Most VSP Posts Have Not Developed Standard Operating Procedures

Most of the VSP posts had not developed written standard operating procedures as recommended by the 2008 ICE-State cable. Two of the 13 posts had developed written standard operating procedures, but those procedures did not include all of the components identified in the 2008 cable. Nine of the 13 consular sections and 13 of 13 VSP units reported having developed informal standard operating procedures, but the scope and content of these procedures varied widely. VSP agents at 1 post told us that they were waiting for the issuance of the 2011 MOU before developing standard operating procedures and hoped that the MOU would provide additional operational guidance. At 1 post, VSP agents said that they had declined to develop standard operating procedures with the consular section and told consular officials that headquarters did not want them to develop “post-specific” standard operating procedures.

The 2008 cable issued by ICE and State—intended to address consular concerns about the VSP, according to VSP officials—recommends that VSP posts develop standard operating procedures. The 2008 cable also directs regional security officers and VSP agents to work with consular officers to establish post-specific procedures to manage fraud investigations that comply with the 2003 MOU. However, VSP officials told us that they later instructed VSP agents to postpone development of post-specific standard operating procedures pending completion of the new MOU with State. The 2011 MOU states that ICE and State may develop post-specific standard operating procedures or other agreements regarding VSP operations, adding that these procedures may further refine, but must remain consistent with, the roles, responsibilities, and collaboration described in previous guidance.

At posts that had developed standard operating procedures, consular officers stated that these procedures had improved the VSP-consular relationship. For example, a VSP agent at 1 post developed standard operating procedures with both the consular section and DS officials. The standard operating procedures at this post address the timing of VSP screening and vetting activities, how much time those activities will take, and points of contact in each agency. One VSP agent at this post described the process of developing these standard operating procedures as “painless,” and the Consular Chief at post indicated that the VSP agents’ reviews of visa applications were helpful because they provided a second review of visa applicants. In addition, a State official at another post that had developed standard operating procedures stated that having written guidance is crucial to a good relationship and valuable for new consular officers.

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## Advising and Training Performed by VSP Agents Varies among Posts

Although the Homeland Security Act requires DHS to advise and train consular officers, VSP agents' training and advising of consular officers varies among posts. Section 428 of the Homeland Security Act directs VSP agents to provide "expert advice and training to consular officers regarding specific security threats relating to the adjudication of individual visa applications or classes of applications." In addition, the 2003 and 2011 MOUs also state that VSP agents will provide training to consular officers.

Five of the 13 consular sections we interviewed stated that they had received no training from the VSP agents in the last year, and none of the VSP agents we interviewed reported providing training on specific security threats. At posts where VSP agents provided formal training for consular officers, topics covered included fraudulent documents, immigration law, human smuggling, and interviewing techniques.<sup>13</sup> In addition, 6 of the 13 VSP agents interviewed provided introductory briefings to new consular officers during the past year, but the VSP agents at the other 7 posts did not provide these briefings. VSP agents at 3 posts stated that they do not have time to deliver advice and training to consular officers. At 1 post, VSP agents refused to allow consular officers to observe VSP screening and vetting activities on the ground that they did not have a law enforcement "need to know." At the embassy in Riyadh, consular officers generally agreed that the VSP agents do not provide advice and training and are not proactive in developing such programs. Additionally, Riyadh consular officers stated that the VSP agents do not advise them on the security situation, current trends, or types of information to collect to assist the agents.

During our site visits and interviews, consular officers at several posts stated that they do not understand either the VSP's mission, or what the VSP agents do, or what types of information they collect. Officers at 6 of 13 consular sections interviewed requested additional training on the VSP's procedures and activities. For example, in Riyadh, consular officers generally agreed that greater knowledge of VSP activities would inform their interviews of visa applicants. At 1 post the VSP agents provided lunchtime briefings on patterns or trends with implications for visa issuance, as well as an orientation for all new consular officers and allow consular officers to observe screening and vetting activities. The Consular

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<sup>13</sup>In our structured interview, we provided several examples of training, including "briefings, brown bags, hands-on exercises, reports or other written products" We asked both the VSP agents and the consular section to determine whether these sessions were "formal" or "informal."

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Chief at this post stated that the training was very useful to consular officers and provided a better appreciation for how the VSP operates.

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### Guidance for Visa Dispute Resolution Mechanism Has Not Helped Resolve Some VSP-Consular Disagreements

Although ICE and State have developed formal and informal procedures for resolving disputes about specific visas, both VSP and consular officials stated that these procedures are sometimes insufficient for resolving such disputes. Disagreement between VSP and consular officials about specific visa applications is generally infrequent, and posts usually resolve these disputes through informal discussions between VSP and consular officials. However, 4 of 6 posts we visited reported disagreements about specific visa cases that could not be resolved informally at the post, and that in some cases, unresolved disputes have led to tension at post.

ICE and State officials told us that the two agencies sometimes have different interpretations of visa law, such as criteria for ineligibility based on “fraud or misrepresentation” or “crimes of moral turpitude.” VSP officials also told us that they sometimes disagree with consular officials as to what degree of “association” with a terrorist is sufficient to render an applicant ineligible for a visa. Further, according to State officials, ICE and State have differing understandings of the VSP’s jurisdiction under the Homeland Security Act.

Although the 2003 MOU outlines a dispute resolution mechanism, both ICE and State officials told us in May 2010 that this mechanism is not sufficient. The 2003 MOU states, “If the chief of section or supervisory consular officer does not agree that the visa should be refused or revoked, the post will initiate a request for a security or other advisory opinion and the DHS employee will be consulted in its preparation.” The MOU goes on to state that no advisory opinion will be issued thereafter without the full consultation of State and DHS. However, both VSP and consular officials told us that this process has not always worked well in practice and that security advisory opinions sometimes do not result in the resolution of the dispute. According to ICE and State officials, because the Secretary of Homeland Security has not delegated authority to refuse visas under section 428 of the Homeland Security Act, any irreconcilable dispute about a visa application ultimately must be elevated to the Secretary level for final resolution. ICE and State officials stated that to supplement this process, ICE and Consular Affairs officials at headquarters have sometimes used other informal methods to reach agreement on the adjudication of a visa. For example, ICE and State tried to resolve disagreements at the unit chief level when possible.

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The 2011 MOU addresses some of these issues by specifying that posts can raise disputes to the Managing Director of the Visa Office and the Assistant Director of ICE Homeland Security Investigations–International Affairs and, subsequently, to the State Assistant Secretary for Consular Affairs and the Director of ICE.

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### VSP Agents' Performance of Nonconsular Activities Sometimes Constrains Visa Security Operations

In some cases, VSP agents' performance of activities unrelated to visa security has limited their ability to carry out visa security activities. VSP agents perform a variety of investigative and administrative functions in addition to their visa security workload, such as conducting nonconsular investigations, serving as ICE's official presence in the region, and performing the duties of DHS attachés. According to ICE officials, VSP agents perform non-VSP functions only after completing their visa security screening and vetting workload. However, both VSP agents and State officials at some posts told us that these other investigative and administrative functions sometimes slow or limit VSP agents' visa security-related activities.

Existing guidance for VSP agents' performance of other non-VSP functions is limited. Section 428 of the Homeland Security Act states that one of the functions of VSP employees assigned to overseas posts is to conduct investigations with respect to consular matters under the jurisdiction of the Secretary of Homeland Security. For example, VSP agents may uncover and follow up on leads as a result of their screening and vetting activities. While the 2003 MOU between DHS and State states that DHS employees may conduct investigations with regard to consular matters under the jurisdiction of the Secretary of Homeland Security, those officials shall not conduct investigations that are within the jurisdiction of the Bureau of Diplomatic Security or the State Inspector General. Furthermore, VSP agents have the same position description as other ICE agents and have the authority to perform a wide range of tasks unrelated to visa security, including the ability to investigate a wide range of cases within ICE's jurisdiction. For example, VSP agents pursue cases related to bulk cash smuggling or human rights violations. According to ICE officials, ICE has not issued formal guidance that dictates how VSP agents should spend their time. ICE officials told us that, in some cases, requests to VSP agents come directly from other agencies, not from ICE itself. The 2011 MOU states that the primary responsibility of VSP agents is visa security. However, the 2011 MOU acknowledges that ICE personnel perform functions of regional or worldwide scope related to the post where they are assigned and that VSP agents may be called upon to perform other functions in support of the consulate.

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ICE officials told us that, at most Visa Security Program posts, the VSP units represent the only ICE presence at post, and that some VSP agents have ICE responsibilities for other countries in the region. ICE officials told us that VSP agents are frequently tasked with collateral requests to assist other ICE offices with investigations. For example, as part of an ongoing investigation into a U.S.-hosted Web site, one VSP agent assisted in the arrest of two individuals who were producing and distributing child pornography. VSP agents are also tasked with a variety of attaché functions, including serving as the liaison between ICE and other U.S. government agencies. For example, as the only DHS representative in Saudi Arabia, the VSP in Riyadh is also responsible for supporting the Coast Guard, Transportation Security Administration, official visitors, and detention and removal operations. In addition, the regional responsibilities of the VSP agent may require the agent to work on other investigations or respond to collateral requests in other countries in the region. At one post, VSP agents told us that these responsibilities were essentially nominal and involved very little additional work. In Riyadh, these regional responsibilities involved frequent travel throughout the region to perform other investigations.

ICE officials told us that agents pursue these other investigations only after completing Visa Security Program responsibilities. However, consular officers at some posts told us that these additional investigations interfered with completion of visa security work and made ICE agents less available to consular officers. For example, at one post, the VSP agent told us he was sometimes unable to complete his screening and vetting activities because of other ICE responsibilities. At another post, VSP agents worked alongside other ICE agents, and the VSP agent at this post told us he focused primarily on visa security work. In our interviews, VSP agents' estimates of the amount of time spent on nonvisa requests and investigations ranged from 5 percent to 40 percent. ICE does not track the time VSP agents spend on both its visa security activities and its nonvisa requests and investigations. While the VSP expansion plan identifies the hours spent performing investigations as a performance measure, ICE can not accurately determine the amount of time that VSP agents spend on investigative and visa security activities, as its systems do not distinguish between the time VSP agents and other ICE officials spend on investigations at post. Furthermore, the VSP tracking system does not collect data on the time VSP agents spend on visa security activities. ICE cannot identify the time VSP agents spend on visa security operations or on the other investigation and attaché functions performed by VSP agents stationed overseas.

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VSP agents' additional investigations also overlap with consular and DS investigations at some posts, leading to confusion in the consular section. According to the 2008 joint ICE-State cable to VSP posts, VSP agents' responsibility to identify the potential exploitation of the visa process by terrorists frequently overlaps the responsibilities of consular units investigating fraud and criminal investigations. According to one State official, all three units have a general understanding of their respective jurisdictions but sometimes interpret these jurisdictions differently. Generally, consular fraud investigations begin with consular officers, who check for fraudulent documentation and application information. When consular officers notice organized fraud activity, they refer the case to the post's Fraud Prevention Unit. When this organized activity is criminal, the post's DS office launches an investigation. When the activity is terrorism-related, the post's VSP agents investigate. However, some posts we visited had experienced tension between VSP agents and other law enforcement agency officials at post. For example, at one post, the VSP agents and DS officials disagreed about whether the VSP agent had authority and responsibility to conduct investigations locally. Consular officials at another post wanted a DS officer to serve as a liaison between VSP and the consular section. The 2011 MOU describes the types of cases that fall under the jurisdiction of diplomatic security investigators and VSP agents, and states that cases that fall under the responsibility of both parties will require the officials to notify each other.

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### Staffing Shortages and Use of Temporary Duty Agents Have Caused Difficulties at Some Posts

Staffing shortages, and a reliance on temporary duty VSP agents to fill such shortages, have led to difficulties at some posts. Consular officers at 3 of 13 posts we interviewed discussed challenges caused by this use of temporary duty agents. For example, the VSP unit in Riyadh used two temporary duty agents per month in fiscal year 2009 and one temporary duty agent per month in fiscal year 2010. Although ICE officials indicated that the VSP filled its positions in Riyadh as of December 2010, both VSP and consular officials stated that this reliance on temporary duty agents affected continuity of operations. One consular official pointed to a "severe lack of coverage" for consular operations in Riyadh, because the unit was not fully staffed and relied on temporary duty agents. Consular officers stated that agents in Riyadh are rarely available to answer questions and that the value of these temporary duty agents was limited, because it took them several weeks of their 30-day tour to learn VSP policies and procedures. Additionally, consular officers stated that temporary duty agents' grounds for recommending refusal of visa applications were sometimes inconsistent or insufficient. Lack of staff at VSPs in Jeddah and Dhahran also created delays and forced consular

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officers to re-adjudicate cases because VSP agents delayed an application beyond the point where consular “name checks” of applicants expire. According to one VSP official, reliance on temporary duty agents limits continuity of operations at post.

The Visa Security Program’s 5-year plan identified recruitment of qualified personnel as a challenge and recommended incentives for VSP agents as critical to the program’s mission, stating, “These assignments present significant attendant lifestyle difficulties. If the mission is to be accomplished, ICE, like State, needs a way to provide incentives for qualified personnel to accept these hardship assignments.” However, according to ICE officials, ICE has not provided incentives to facilitate recruitment for hardship posts.<sup>14</sup> ICE officials stated that they have had difficulty attracting agents to Saudi Arabia, and ICE agents at post told us they have little incentive to volunteer for Visa Security Program assignments. ICE officials in headquarters stated that opportunities to gain international experience and earn danger pay are the primary recruitment incentives for VSP service. Additionally, according to ICE officials, some hardship posts, such as Riyadh, now allow spouses to accompany agents during their tour. However, according to an ICE official, ICE does not offer career and financial incentives for personnel at hardship posts, such as Washington, D.C.-based locality pay or priority consideration for onward assignments, which State Foreign Service Officers receive when posted at the same locations.<sup>15</sup>

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### VSP Agents Do Not Receive Language Training, and Additional Training May Be Helpful

VSP agents generally do not receive foreign language training before deployment overseas. Section 428 of the Homeland Security Act allows that, to the extent possible, VSP agents shall be provided the necessary training to enable them to perform their designated functions—reviewing visa applications, and conducting investigations on consular matters—including training in foreign languages, interview techniques, and fraud detection techniques, in conditions in the particular country where each employee is assigned, and in other appropriate areas of study. The 2003

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<sup>14</sup>State has designated roughly two-thirds of its 268 overseas posts as hardship posts. Staff working in such locations often encounter harsh environmental and living conditions that can include inadequate medical facilities, limited opportunities for spousal employment, poor schools, high levels of crime, and severe climate.

<sup>15</sup>Locality pay is a salary comparability benefit, typically available to domestic federal employees only to attract workers in the continental United States to the federal government versus the private sector.

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MOU states that DHS training and assignment policies will emphasize identification or development of personnel with the ability to speak the host country language and “experience in or knowledge of the host country and extensive understanding of terrorism or other homeland security concerns in the host country.” The 2011 MOU states that whenever practical, VSP staff should receive interagency training and, prior to deployment, should undergo orientation including, if possible, appropriate specialized consultations and briefings with Consular Affairs and Diplomatic Security officers.

ICE provides some training for VSP agents. ICE trains agents for Visa Security Program duties in a 3-week training course, sponsored by ICE and two other DHS divisions and conducted three times per year at the Federal Law Enforcement Training Center in Glynco, Georgia. This training includes, among other things, interview techniques, VSP systems, document examination, and terrorist trends.

However, ICE does not have a program for language training and has not established language training as a requirement for VSP agents. To date, VSP agents at one post have received language training. This was because, at one post, the Chief of Mission required language training as a condition for approving the VSP’s request to send personnel to post. According to a VSP agent who received this training at the start of his deployment, language skills were “critical” because he was able to interact with host country law enforcement and conduct interviews. Both the VSP agent and Consul General at this post recommended that all VSP agents receive language training. According to ICE officials, ICE’s ability to provide language training for VSP agents is limited by budgetary constraints. Because some VSP agents serve 1- or 2-year tours, language training can be an expensive investment given the amount of time an agent would actually use this training. ICE officials told us that, when possible, they deploy ICE agents with existing language skills. ICE also indicated that self-study language training is available for VSP agents.

According to some consular officers and VSP agents, VSP agents who have prior experience with immigration law may be better able to advise consular officers than officers whose training on the subject is limited to the VSP training course. For example, a consular official at one post stated that she found VSP agents with backgrounds in the former Immigration and Naturalization Service to be particularly helpful because they have extensive expertise on immigration law. All ICE agents receive basic instruction on immigration law, and ICE provides additional instruction to its agents during VSP training. One VSP agent stated he was unsure

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whether this training would provide sufficient expertise in immigration law for less experienced agents. VSP agents do not attend State's Consular General training at the Foreign Service Institute, although VSP agents and consular officials at some posts stated that attending such training would be beneficial. VSP agents at several posts also expressed a desire for more frequent opportunities to share problems, techniques, and best practices with headquarters and other VSP units.

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## ICE Has Not Fully Adhered to the VSP Expansion Plan

Although ICE developed a plan to expand the VSP to additional high-risk visa-issuing posts, ICE has not fully adhered to the plan or kept it up to date. The VSP 5-year expansion plan, developed in 2007, identifies 14 posts for expansion between 2009 and 2010, but 9 of these locations have not been established, and ICE has not updated the plan to reflect the current situation. Furthermore, ICE has not fully addressed remaining visa risk in high-risk posts that do not have a VSP presence. ICE, with input from State, developed a list of worldwide visa-issuing posts that are ranked according to visa risk. Although the expansion plan states that risk analysis is the primary input to VSP site selection and that the expansion plan represents an effort to address visa risk, ICE has not expanded the VSP to some high-risk posts. For example, 11 of the top 20 high-risk posts identified by ICE and State are not covered by VSP. The expansion of the VSP may be limited by a number of factors—including budget limitations and objections from State officials at some posts—and ICE has not identified possible alternatives that would provide the additional security of VSP review at those posts that do not have a VSP presence.

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## VSP Expansion Plan Has Not Been Fully Followed or Updated

Although ICE has expanded the VSP to a total of 19 posts in 15 countries, the agency has not fully followed the 5-year expansion plan. ICE's plan identified 14 posts for expansion in 2009 and 2010, but ICE did not establish VSP units at 9 of these 14 posts. Further, ICE officials stated that 3 locations planned for 2011 may not be opened because of budget constraints. Moreover, the expansion plan has not been updated since its release in 2007, although ICE officials said that the expansion plan will be revised in 2011. In the expansion plan, ICE notes that the locations it identifies for expansion reflect its best current assessment of the factors relevant to decision makers and that evolving variables, including changes in risk and the results of site assessments to determine the feasibility and timing of deployment, may affect, among other things, the ultimate selection of locations for VSP expansion. The plan states that ICE will continue to update its assessment of conditions based on the most current information and intelligence.

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A number of factors have limited the VSP's expansion and consequently its coverage of global visa risk. According to ICE officials, expansion of the VSP has been constrained by budget limitations, difficulties in obtaining visas to certain countries, State's mandate to reduce personnel overseas, and objections from State officials at some posts for reasons such as limited embassy space and security concerns. For example, space limitations and security concerns are currently hindering VSP's expansion to a high-risk post of interest to ICE officials. The inability to obtain visas to another country is preventing ICE officials from conducting a preliminary site assessment at a possible expansion post in that country.

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### ICE Has Not Taken Steps to Address Remaining Visa Risk

ICE has not consistently located VSP units at the posts identified as highest risk and has not ensured VSP coverage for the posts without a VSP unit, leaving significant gaps in the program's capacity to address global visa risk. The VSP expansion plan states that global visa risk is substantial and that the VSP addresses threats that could exploit the visa process. ICE, in consultation with State, ranked 216 overseas posts based upon the visa security risk posed at each location. However, 5 of the 19 established VSP units are located at posts other than the 50 posts in the top tier, or critical quartile, of the agencies' rankings of high-risk posts. One established location ranks 70th on the list, while another ranks 86th. ICE officials explained that certain posts were opened to achieve regional coverage for other ICE activities. Moreover, of the 20 posts identified by ICE and State as highest risk, 11 do not have a VSP unit.

ICE officials stated that visa risk at posts without a VSP presence is addressed through the security advisory opinion (SAO) process, which provides in-depth screening and vetting of certain visa applicants at posts worldwide, regardless of whether the post has a VSP unit.<sup>16</sup> SAOs are initiated when an applicant meets certain predefined criteria or when a consular officer requests an SAO for a specific visa application. Officials from several agencies, including ICE and State, participate in certain categories of SAO reviews in Washington, D.C. However, while the SAO process can mitigate some visa risk at those locations without a VSP unit, it does not ensure the breadth of coverage provided by VSP agents through

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<sup>16</sup>SAOs provide an opinion or clearance from Washington on whether to issue a visa to an applicant. These clearances are required for a number of reasons, including whether an applicant's name appears as a "hit" in the name-check system, or if the applicant's country of origin is a state sponsor of terrorism.

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the routine screening and vetting of applicants who are not subjected to the SAO process.

ICE's expansion plan does not identify ways in which to address this lack of VSP coverage at the remaining high-risk posts it identified. However, ICE officials in headquarters indicated that they have used TECS, the primary database used by VSP agents to screen and vet visa applicants, to conduct screening and vetting domestically when a VSP unit at a post experienced computer problems or temporary personnel shortages. TECS interfaces with other law enforcement databases can be accessed by ICE officials. Similarly, one VSP agent stated that agents can perform screening and vetting for other posts in the event of a computer systems outage. In addition, ICE officials stated that they are currently developing a system that will make the screening and vetting process more automated and will provide information to consular officers in advance of the visa applicant's interview and adjudication decision. Further, several ICE and State officials at post indicated that the screening and vetting of visa applicants could be performed domestically on a permanent basis.

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## Conclusion

The Visa Security Program is intended to build additional security into the visa process by incorporating a law enforcement function at posts with the highest risk. However, the program is hampered in its efforts to strengthen visa security globally. A lack of comprehensive performance data collected since the establishment of the VSP in 2003 hinders ICE's ability to evaluate and report on the extent to which the VSP enhances the security of the visa process. Although ICE officials state that they have made improvements to their data tracking systems, the agency cannot demonstrate the progress of the VSP prior to 2010 toward its stated objectives of enhancing public safety and national security. Furthermore, the responsibility of VSP agents to perform investigations unrelated to visa security may limit their ability to carry out visa security activities, their primary responsibility, further affecting the relationship with consular officials, and may limit the VSP's performance and its ability to enhance national security and public safety. In addition, the VSP is not contributing to the visa process at many high-risk posts. As a result, there is a significant gap in the additional scrutiny that VSP provides in the visa process among many posts considered to be of high risk. ICE has not considered other options to strengthen security at those posts where VSP does not have a physical presence. The VSP will be limited in its goal to minimize global visa risk until DHS addresses the challenges of guidance, staffing, and data collection, and provides coverage and support to those high-risk posts without VSP agents at post.

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## Recommendations for Executive Action

To ensure that the Visa Security Program enhances the security of the visa process at posts overseas, we recommend that the Secretary of Homeland Security take the following four actions:

1. ensure that the VSP tracking system collects reliable data on all performance measures, to allow ICE to accurately evaluate VSP performance and report to Congress on progress toward the VSP mission objectives;
2. issue guidance requiring VSP agents to provide training for consular officers as mandated by section 428 of the Homeland Security Act;
3. develop a mechanism to track the amount of time spent by VSP agents on visa security activities and other investigations, in order to determine appropriate staffing levels and resource needs for VSP operations at posts overseas to ensure visa security operations are not limited; and
4. develop a plan to provide VSP coverage at high-risk posts where the possibility of deploying agents may be limited.

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## Agency Comments and our Evaluation

We provided a draft of our report to DHS and State. DHS provided written comments about the draft, which are reproduced in appendix II. State did not provide official comments on the draft. In addition, DHS and State provided technical comments, which we incorporated as appropriate.

DHS agreed with our recommendation that the department issue guidance instructing VSP agents to provide training to consular officers as mandated by section 428 of the Homeland Security Act. In addition, DHS concurred with our recommendation that it develop a plan to provide coverage for posts that lack a VSP presence and indicated that it is taking steps to address this recommendation.

DHS did not agree with our recommendation that it ensure that the VSP tracking system collected reliable data on all performance measures. In its written comments, DHS stated that the VSP currently captures all the required performance metrics identified in its 5-year expansion plan through the VSP tracking system and TECS. Although we acknowledge that ICE is collecting some data on the performance measures identified in the VSP expansion plan, our analysis showed that the data were not sufficient to accurately demonstrate the progress made toward the stated objectives. As we report, the 5-year expansion plan identifies six

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performance measures to assess VSP performance. The documents that ICE provided us indicate that ICE has collected comprehensive data on three of the performance measures, but not on the three remaining performance measures. Specifically, ICE did not provide us evidence that it collected data on the assistance and liaison activities performed by VSP. Furthermore, although ICE collects some information on the hours that VSP agents spend on investigations and the training they provided to consular officials, the VSP tracking system and TECS do not collect comprehensive data on the activities performed by all of its VSP agents abroad. Without collecting comprehensive data on the performance measures identified by ICE, DHS cannot accurately demonstrate progress toward its stated objectives of enhancing national security. Therefore we have retained our recommendation.

DHS did not agree with our draft recommendation to issue operational guidance for VSP posts. DHS stated that the 2011 MOU provides general guidance for the visa process and the development of standard operating procedures. We acknowledge that the MOU between ICE and State, signed on January 11, 2011, clarifies the respective roles and responsibilities of VSP agents and consular officers at post and states that posts may develop standard operating procedures that were identified in the 2008 cable. Therefore, we are removing our draft recommendation from the report. However, although the 2011 MOU and the 2008 cable provide a basis for developing effective standard operating procedures, we remain concerned that, during our review, most posts had not developed these procedures. Only 2 of 13 posts we contacted had developed standard operating procedures as recommended in the 2008 cable. At the 2 posts that developed standard operating procedures, consular officers stated that procedures had improved the consular-VSP relationship. It is critical for DHS to encourage posts to develop standard operating procedures to improve the VSP-consular relationship and strengthen VSP operations at posts.

DHS also did not agree with our recommendation to develop a mechanism to track the amount of time that VSP agents spend on visa security activities and other investigations. DHS states that ICE currently tracks case investigation hours through TECS, and that adding the metric to the VSP tracking system would be redundant. DHS's response does not address our finding that ICE does not have a mechanism that allows the agency to track the amount of time VSP agents spend on both investigation hours and hours spent on visa security activities. Although ICE states that its system tracks case hours of its agents, we found, based on ICE documentation, that ICE cannot accurately determine the amount of time

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that VSP agents spend on investigative and visa security activities. First, the reports that ICE provided us show the hours ICE officials spent on investigative and noninvestigative activities, but do not distinguish between the hours logged by VSP agents and hours logged by other ICE officials at posts abroad. During our structured interviews, VSP agents indicated that the time they spent on activities other than visa security reviews ranged from 5 to 40 percent. Second, our analysis of the VSP tracking system, which is intended to track visa-related activities of VSP agents, identified significant limitations to the reliability of the data. Thus, ICE does not maintain accurate data on the time VSP agents spend on visa security activities at posts. The VSP is intended to add additional security to the visa process through the screening and vetting of visa applications by experienced law enforcement officers. Without accurate data to determine the amount of time VSP agents spend on the visa security activities, ICE will not be able to determine whether the current allocations of staffing and resources at posts are adequate to carry out the visa security reviews and thereby fulfill the VSP objective of enhancing national security and public safety. Therefore, we have not changed our recommendation.

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As agreed with your offices, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. At that time, we will send copies to the Secretaries of Homeland Security and State, as well as other interested Members of Congress. In addition, this report will be available at no charge on the GAO Web site at <http://www.gao.gov>.

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If you or your staff have any questions, please contact me at (202) 512-4128 or [fordj@gao.gov](mailto:fordj@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made major contribution to this report are listed in appendix III.

A handwritten signature in black ink that reads "Jess T. Ford". The signature is written in a cursive style with a large, looping initial "J" and a distinct "T" and "F".

Jess T. Ford  
Director, International Affairs and Trade

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# Appendix I: Scope and Methodology

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To assess the ability of the Department of Homeland Security (DHS) to measure the objectives and performance of the Visa Security Program (VSP), we reviewed VSP mission objectives and performance measures identified in Bureau of Immigration and Custom Enforcement's (ICE) 5-year expansion plan. We reviewed data from the VSP tracking system, used to collect information on daily VSP activities, and compared the data collected from the system with the measures and mission objectives identified in the expansion plan. On the basis of inconsistencies of the data from the reporting systems prior to 2010 that we identified through our analysis of the reports and confirmed with ICE officials, we determined that the data that we received were not sufficiently reliable for the purposes of this report. We also reviewed performance reports from DHS and ICE that included references to the VSP. In addition, we met with ICE officials in Washington, D.C., who manage the VSP. We also observed VSP agents at six U.S. embassies and consulates conducting their daily screening and vetting activities and using the VSP Tracking System.

To identify challenges to the VSP's capacity to accomplish its goals, we reviewed the Homeland Security Act of 2002, which authorized DHS to assign DHS employees to posts overseas to support the visa process through various functions. We also reviewed documentation including the 2003 memorandum of understanding (MOU) between DHS and the Department of State (State) governing the implementation of section 428 of the Homeland Security Act; the 2004 administrative MOU; the 2008 cable directing VSP units to develop standard operating procedures; the 2011 MOU explaining the roles, responsibilities, and collaboration of VSP agents and other officials at posts overseas; VSP's training curriculum; and the VSP expansion plan. We met with ICE officials in Washington, D.C., who manage the VSP and State officials from the Bureaus of Consular Affairs and Diplomatic Security. We also visited six U.S. embassies and consulates with established VSP units where we interviewed and observed VSP agents, State officials from the Bureaus of Consular Affairs and Diplomatic Security, and chiefs of mission or deputy chiefs of mission. In order to allow for post-by-post comparison, we administered a set of structured interview questions to both the VSP units and consular sections in person at the six previously mentioned posts and by phone at an additional seven VSP locations. The five most recently established VSP posts, as well as one unit that underwent recent personnel turnover, were not included in our review.

To examine DHS's efforts to expand the Visa Security Program, we reviewed relevant documents such as the VSP 5-year expansion plan, which includes the mission and contributions of the program, criteria for

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selecting new expansion posts, cost estimates for establishing and maintaining VSP posts, and projected budget information. In addition, we reviewed the ranked list of visa-issuing posts identified by ICE, in consultation with State. We then compared the expansion plan and the ranked list of posts with the VSP's actual expansion between 2005 and 2010. In addition, we reviewed the requests submitted by ICE to overseas posts for expansion of the program. Our interviews with ICE and State officials at 13 VSP locations worldwide and in Washington, D.C., also informed this analysis.

# Appendix II: Comments from the Department of Homeland Security

U.S. Department of Homeland Security  
Washington, DC 20528



**Homeland  
Security**

March 21, 2011

Jess Ford  
Director, International Affairs and Trade  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Re: Draft Report GAO-11-315: "BORDER SECURITY: The Department of Homeland Security's Visa Security Program Needs to Improve Performance Evaluation and Better Address Visa Risk Worldwide"

Dear Mr. Ford:

The Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE) appreciate the opportunity to comment on the draft report. We have addressed each recommendation separately below:

**Recommendation 1:** Ensure that the VSP tracking system collects reliable data on all performance measures, to allow ICE to accurately evaluate VSP performance and report to Congress on progress toward the VSP mission objectives.

**Response:** DHS does not concur. The Visa Security Program (VSP) captures all required metrics associated with its five-year plan through the VSPTS and Treasury Enforcement Communications System (TECS). The VSPTS and TECS are the two systems of record for VSP. Currently, the VSPTS records: recommendations for refusal, additional enforcement outcomes, derogatory information removal, opened investigations (with supplementary information such as case hours regarding investigations recorded into TECS), and assistance and liaison activities. Consular and other training is reported to the ICE Homeland Security Investigations, Office of International Affairs (HSI OIA) directly from ICE Attaché offices in a weekly metrics report. This formalized procedure for reporting training would make reporting in the VSPTS redundant.

**Recommendation 2:** Issue additional operational guidance for VSP posts, including standard operating procedures for the visa process and the dispute resolution process.

**Response:** DHS does not concur. The 2011 "Memorandum of Understanding among U.S. Immigration and Customs Enforcement of the Department of Homeland Security and the Bureaus of Consular Affairs and Diplomatic Security of the Department of State on Roles, Responsibilities and Collaboration at Visa Security Units Abroad" (MOU) recognizes that the circumstances at each post are unique. The MOU provides general guidance and recommends that management at each post negotiate a local standard operating procedure (SOP) to fit their needs. ICE headquarters' program managers assist posts in developing these SOPs according to post specific needs. Standard procedures across all posts would prove overly restrictive, given

the dynamic environment of overseas operations. Each VSP post currently has an individualized plan that is specific to their location.

**Recommendation 3:** Issue guidance requiring VSP agents to provide training for consular officers as mandated by section 428 of the Homeland Security Act.

**Response:** DHS concurs. While VSP headquarters can provide general training guidance for all posts, it is incumbent upon each ICE Attaché and corresponding Department of State (DOS) manager to identify post-specific training needs relative to their respective environments.

**Recommendation 4:** Develop a mechanism to track the amount of time spend by VSP agents on visa security activities and other investigations, in order to determine appropriate staffing levels and resource needs for VSP operations at posts overseas to ensure visa security operations are not limited.

**Response:** DHS does not concur. ICE currently tracks case hours through existing ICE systems which are standardized throughout the agency. TECS is the system of record that tracks case investigation hours of all ICE agents worldwide. Adding this function to the VSPTS would be redundant.

**Recommendation 5:** Develop a plan to provide VSP coverage at high-risk posts where the possibility of deploying agents may be limited.

**Response:** DHS concurs. ICE is actively addressing this recommendation.

ICE identified alternatives for VSP review at high risk posts that currently do not have a physical VSP presence. ICE currently participates in the interagency Security Advisory Opinion (SAO) process, which reviews the highest risk visa applicants, covering all worldwide posts.

ICE is currently enhancing its IT systems, in coordination with U.S. Customs & Border Protection (CBP) and DOS. These changes will allow the screening and reviewing of all applicants at all posts worldwide. Use of TECS and CBP's Automated Targeting System (ATS), in addition to improved transfer of information with DOS's Consular Consolidated Database (CCD) and Visa Opinion Information System (VOIS) will enhance communication within DHS (ICE / CBP) and DOS, thereby strengthening the layered defense strategy.

Both the physical presence of ICE special agents abroad and worldwide coverage via IT enhancements are integral parts of VSP. IT enhancements will enable ICE to conduct visa security investigations at all existing ICE Attaché offices thereby providing coverage to an additional 34 high risk posts in furtherance of the VSP expansion plan.

DHS generally concurs with Government Accountability Office (GAO) recommendations three and five; however, DHS does not concur with recommendations one, two and four. DHS is taking corrective actions to address the overall recommendations. Thank you for the opportunity

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to comment on this Draft Report. We look forward to working with you on future Department of Homeland Security issues.

Sincerely,



Jim H. Crumpacker  
Director

Departmental GAO/OIG Liaison Office

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# Appendix III: GAO Contact and Staff Acknowledgments

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## GAO Contact

Jess T. Ford, (202) 512-4128 or [fordj@gao.gov](mailto:fordj@gao.gov).

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## Staff Acknowledgments

In addition to the contact names above, Anthony Moran (Assistant Director) and Jeff Miller, Ashley Vaughan, Dave Bieler, Katie Bernet, Amanda Miller, Mary Moutsos, Sushmita Srikanth, and Brian Egger made key contributions to this report.

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