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BORDER SECURITY

Improvements Needed to Reduce Time Taken to Adjudicate Visas for Science Students and Scholars

Statement of Jess T. Ford, Director
International Affairs and Trade





Highlights of GAO-04-443T, a testimony before the Committee on Science, House of Representatives

Why GAO Did This Study

Each year thousands of international science students and scholars apply for visas to enter the United States to participate in education and exchange programs. They offer our country diversity and intellectual knowledge and are an economic resource. At the same time, the United States has important national security interests in screening these individuals when they apply for a visa. At a House Committee on Science hearing in March 2003, witnesses raised concern about the length of time it takes for science students and scholars to obtain a visa and about losing top international students to other countries due to visa delays. GAO reviewed 1) how long it takes a science student or scholar from another country to obtain a visa and the factors contributing to the length of time, and 2) what measures are under way to improve the process and decrease the number of pending cases.

What GAO Recommends

GAO is making a recommendation to the Secretary of State, in coordination with the Director of the FBI and the Secretary of Homeland Security, to develop and implement a plan to improve the security check process known as Visas Mantis to avoid unnecessary delays in visa issuance. State commented it had taken some action to improve the Visas Mantis process and it would study our recommendation to make further improvements.

www.gao.gov/cgi-bin/getrpt?GAO-04-443T.

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

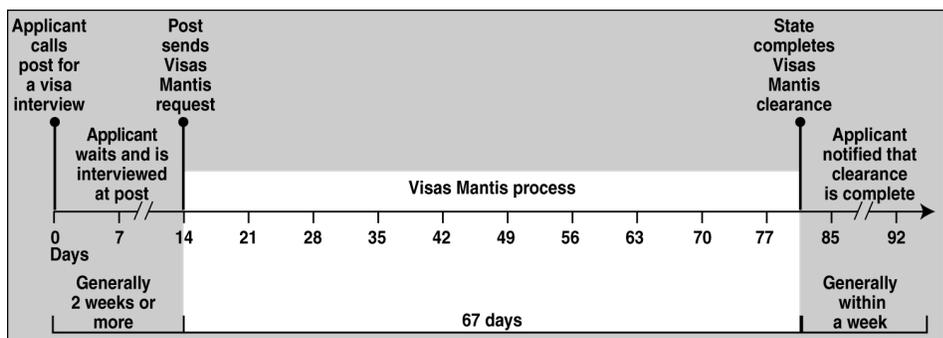
BORDER SECURITY

Improvements Needed to Reduce Time Taken to Adjudicate Visas for Science Students and Scholars

What GAO Found

State Department (State) cannot readily identify the time it takes for a science student or scholar to obtain a visa. State has not set specific criteria or time frames for how long the visa process should take, but its goal is to adjudicate visas as quickly as possible, consistent with immigration laws and homeland security objectives. GAO found that the time it takes to adjudicate a visa depends largely on whether an applicant must undergo an interagency security check known as Visas Mantis, which is designed to protect against sensitive technology transfers. Based on a random sample of Visas Mantis cases for science students and scholars sent from posts between April and June 2003, GAO found it took an average of 67 days for the security check to be processed and for State to notify the post. In addition, GAO's visits to posts in China, India, and Russia in September 2003 showed that many Visas Mantis cases had been pending 60 days or more. GAO also found that the way in which Visas Mantis information was disseminated at headquarters level made it difficult to resolve some of these cases expeditiously. Furthermore, consular staff at posts GAO visited said they were unsure whether they were contributing to lengthy waits because they lacked clear guidance on when to apply Visas Mantis checks and did not receive feedback on whether they were providing enough information in their Visas Mantis requests. Another factor that may affect the time taken to adjudicate visas for science students and scholars is the wait for an interview.

Average Time Frames for Visas Mantis Adjudication Process, April to June 2003



Source: GAO analysis of State Department documents and visa operations.

While State and Federal Bureau of Investigation (FBI) officials acknowledged there have been lengthy waits for visas, they report having measures under way that they believe will improve the process and that they are collaborating to identify and resolve outstanding Visas Mantis cases. In addition, State officials told GAO they have invested about \$1 million to upgrade the technology for sending Visas Mantis requests. According to State officials, the new system will help to reduce the time it takes to process Visas Mantis cases.

Mr. Chairman and Members of the Committee:

I am pleased to be here to discuss the report we are issuing today on the need for improvements to the visa process to reduce the time it takes to adjudicate visas for science students and scholars.¹ Citizens of other countries seeking to enter the United States temporarily for study, exchanges, business, tourism, and other reasons generally must apply for and obtain a U.S. travel document, called a nonimmigrant visa, at U.S. embassies or consulates abroad before arriving at U.S. ports of entry. Since September 11, 2001, visa operations have played an increasingly important role in ensuring our country's national security. In deciding who should and should not receive a visa, consular officers must balance the need to facilitate legitimate travel with the need to protect the United States against persons whose entry could be harmful to U.S. national interests. For example, consular officers need to delicately balance U.S. national security interests with other interests such as promoting U.S. education and cultural exchanges, business, tourism, and the overall health of our economy. As part of the visa application process, many applicants with a science background, including students and scholars, must undergo an interagency security check, known as Visas Mantis, before being issued or denied a visa. A Visas Mantis check is required by the State Department (State), the Federal Bureau of Investigation (FBI), and other interested Washington agencies when there are potential concerns that the visa applicant may engage in the illegal transfer of sensitive technology, which could undermine U. S. national security.

At a hearing held by the House Committee on Science on March 26, 2003, witnesses raised concern about the length of time it takes for science students and scholars to obtain a visa and about losing top international students to other countries due to visa delays. You asked us to review 1) how long it takes a science student or scholar from another country to obtain a visa and the factors contributing to the length of time, and 2) what measures are under way to improve the process and decrease the number of pending cases.

¹U.S. General Accounting Office, *Border Security: Improvements Needed to Reduce Time Taken to Adjudicate Visas for Science Students and Scholars*, GAO-04-371 (Washington, D.C.: Feb. 25, 2004).

Summary

State cannot readily identify the time it takes for a science student or scholar to obtain a visa.² According to State officials, the department has not set specific criteria or time frames for how long the visa process should take, but its goal is to adjudicate visas as quickly as possible, consistent with immigration laws and homeland security objectives. We found that a key factor that can contribute to the length of time for adjudicating visas is whether an applicant must undergo a Visas Mantis security check. While State's systems do not allow it to keep aggregate data on the number of Visas Mantis cases, State does have information on individual cases,³ which we used to conduct our own analysis. We conducted a random sample of Visas Mantis cases for science students and scholars between April and June 2003 and found that it took an average of 67 days for the security check to be processed and for State to notify the post. Also, we visited posts in China, India, and Russia in September 2003 and found that many Visas Mantis cases had been pending 60 days or more. We also found several factors that made it difficult to expeditiously resolve some Visas Mantis cases. For example, in some instances, Visas Mantis cases sent by posts did not get to the FBI for its security check because of improperly formatted requests. Also, interoperability problems among the systems that State and FBI use contribute to the time taken to process a Visas Mantis case. In addition, the consular staff at the posts we visited told us that they lacked clear guidance on when to apply Visas Mantis checks and did not receive feedback on whether they were providing enough information in their Visas Mantis requests. Finally, we found that the wait for an interview also may affect the time it takes to adjudicate visas for science students and scholars.

State and FBI officials acknowledge that there have been lengthy waits but report having measures under way that they believe will improve the process and resolve outstanding cases. For example, officials from State's Bureau of Consular Affairs and the FBI told us they are working together

²State data are not available on the number of visas that were issued or denied to science students and scholars or the length of time it takes to issue visas to these people. Consular Affairs officials told us that State's systems can track aggregate student or scholar data by F (students) and J (exchange visitors) visa categories, but they cannot narrow their query search to specifically identify science students or scholars.

³During our review, State data were not available on the overall number of Visas Mantis cases or on the Visas Mantis cases by visa category. State's systems can track the visa process for individual Visas Mantis cases but do not allow for aggregate queries of Visas Mantis cases.

to identify and resolve outstanding Visas Mantis cases. These officials also told us that State has invested about \$1 million to upgrade its technology for transmitting Visas Mantis requests, and the system is expected to be functional later this year. According to State officials, the new system will help to reduce the time it takes to process Visas Mantis checks.

State claims that the time taken to adjudicate visas for science students and scholars has decreased from last year. While this may be true, the data presented by State in support of its claim continues to show that some applicants still face lengthy waits. We acknowledge that there may be valid reasons for taking long periods of time on some visa applications, given the national security concerns that may be involved. However, we believe it is important that State and the FBI continue to make improvements to avoid unnecessary delays. Therefore, our report recommends that the Secretary of State, in coordination with the Director of the FBI and the Secretary of Homeland Security, develop and implement a plan to improve the Visas Mantis process in order to avoid unnecessary delays in visa issuance. In developing this plan, State should consider actions to establish milestones to reduce the current number of pending Visas Mantis cases; develop performance goals and measurements for processing Visas Mantis checks; provide additional information to consular posts that clarifies guidance on the Visas Mantis program; and work to achieve interoperable systems and expedite the transmittal of data between agencies.

Mr. Chairman, my statement today will elaborate further on the waits that may occur when Visas Mantis security checks are conducted and on the measures State and the FBI are implementing to improve the process.

Background

Visa applicants, including science students and scholars, generally begin the visa process by scheduling an interview at a consular post. On the day of the appointment, a consular officer reviews the application, interviews the applicant, and checks the applicant's name in the Consular Lookout and Support System (CLASS).⁴ The consular officer then decides if the applicant will need a Security Advisory Opinion, which provides an opinion or clearance from Washington on whether to issue a visa to the

⁴CLASS is a State Department name check database that posts use to access critical information for visa adjudication. The system contains records provided by numerous agencies and includes information on persons with visa refusals, immigration violations, and security concerns.

applicant and may include a Visas Mantis check. In deciding if a Visas Mantis check is needed, the consular officer determines whether the applicant's background or proposed activity in the United States could involve exposure to technologies on the Technology Alert List, which lists science and technology-related fields where, if knowledge gained from work in these fields were used against the United States, it could be potentially harmful.⁵

After a consular officer decides that a Visas Mantis security check is necessary for an applicant, several steps are taken to resolve the process. The consular officer prepares a Visas Mantis cable, which contains information on the applicant, and then transmits the information to Washington for an interagency security check. The State Department's Bureau of Nonproliferation, the FBI, and other agencies review the information contained in the cable and then provide a response on the applicant to the Consular Affairs section of State headquarters.⁶ The Bureau of Nonproliferation and other agencies are given 15 working days to respond to State with any objections. However, State has agreed to wait for a response from the FBI before proceeding with each Visas Mantis case.

Once State headquarters receives all the information pertaining to an applicant, Consular Affairs summarizes the information and transmits a response to the consular post. A consular official at post reviews the response and decides, based on the information from Washington, whether to issue the visa to the applicant.

⁵Under Section 212(a)(3)(A)(i)(II) of the Immigration and Nationality Act, an applicant is rendered inadmissible if there is reason to believe that the applicant is seeking to enter the United States to violate U.S. laws prohibiting the export of goods, technology, or sensitive information from the United States. 8 U.S.C. § 1182(a)(3)(A)(i)(II).

⁶The Visas Mantis program allows all participating agencies to provide information and raise any particular concerns that they may have regarding an applicant and/or the applicant's proposed activity in the United States. According to State, the key role of the Visas Mantis process is to protect U.S. national security, particularly in combating the proliferation of weapons of mass destruction, their delivery systems, and conventional weapons.

Security Check Is Major Contributing Factor to Length of Time It Takes to Adjudicate Visas

State cannot readily identify the total length of time it takes for a science student or scholar to obtain a visa. However, in discussions with State officials, we learned that a key factor that contributes to the length of time is whether an applicant must undergo a Visas Mantis.

To obtain visa data on science students and scholars, and to determine how long the visa process takes, we reviewed all Visas Mantis cables received from posts between April and June 2003, which totaled approximately 5,000. Of these cases, 2,888 pertained to science students and scholars, of which approximately 58 percent were sent from China, about 20 percent from Russia, and less than 2 percent from India.

We drew a random sample of 71 cases from the 2,888 science student and scholar visa applications to measure the length of time taken at various points in the visa process. The sample of 71 cases is a probability sample, and results from the data in this sample project to the universe of the 2,888 science visa applications. We found that visas for science students and scholars took on average 67 days⁷ from the date the Visas Mantis cable was submitted from post to the date State sent a response to the post.⁸ This is slightly longer than 2 months per application, on average. In the sample, 67 of the visa applications completed processing and approval by December 3, 2003. In addition, 3 of the 67 completed applications had processing times in excess of 180 days. Four of the cases in our sample of 71 remained pending as of December 3, 2003. Of the 4 cases pending, 3 had been pending for more than 150 days and 1 for more than 240 days.⁹

In addition to our sample of 71 cases, State provided us with data on two samples it had taken of Visas Mantis case processing times. Data on the first sample included 40 visa cases taken from August to October 2003; data on the second sample included 50 Visas Mantis cases taken from November and December 2003. State indicated that both samples show

⁷The 95 percent confidence interval for the average number of days to process a science visa application is between 50 and 84 days.

⁸According to State, factors that contribute to the length of time it takes to process a Visas Mantis check include investigations by clearing agencies or requests for additional applicant information. Once State sends a response regarding a Visas Mantis check, the post has to contact the applicant to issue or deny the visa. However, we did not attempt to determine how long this process takes.

⁹We assessed the reliability of the sample data provided by State by tracing a statistically random sample of data to source documents. We determined that the data were sufficiently reliable for the purposes of this report.

improvements in processing times compared with earlier periods in 2003. However, based on the documentation of how these cases were selected, we were unable to determine whether these were scientifically valid samples and therefore we could not validate that processing times have improved. For the first sample, the data show that 58 percent of the cases were completed within 30 days; for the second sample, the data show that 52 percent were completed within this time frame. In addition, the data for both samples show that lengthy waits remain in some cases. For example, 9 of the 40 cases had been outstanding for more than 60 days as of December 3, 2003, including 3 cases that had been pending for more than 120 days. Also, 9 of the 50 cases were still pending as of February 13, 2004, including 6 that had been outstanding for more than 60 days. State officials commented that most of the outstanding cases from both samples were still being reviewed by the agencies.

During our fieldwork at posts in China, India, and Russia in September 2003, we also obtained data indicating that 410 Visas Mantis cases submitted in fiscal year 2003 were still outstanding more than 60 days at the end of the fiscal year.¹⁰ In addition, we found numerous cases—involving 27 students and scholars from Shanghai—that were pending more than 120 days as of October 16, 2003.

Several Factors Contribute to the Length of Time It Takes to Resolve Visas Mantis Cases

We found that several factors, including interoperability problems among the systems that State and FBI use, contribute to the time it takes to process a Visas Mantis case. Because many different agencies, bureaus, posts, and field offices are involved in processing Visas Mantis security checks, and each has different databases and systems, we found that Visas Mantis cases can get delayed or lost at different points in the process.¹¹ We found that in fiscal year 2003, some Visas Mantis cases did not always reach their intended recipient and as a result, some of the security checks

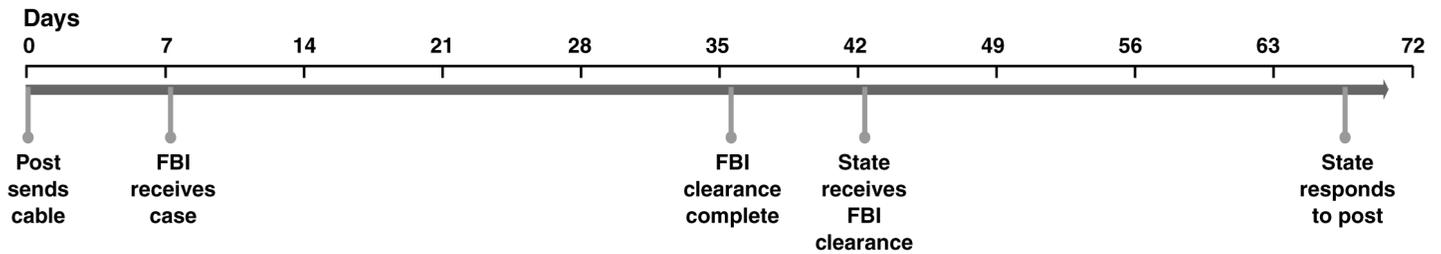
¹⁰Outstanding cases include those where the posts had not heard back from State headquarters and those where State had responded to the posts by indicating that additional information or review time was needed. The number of outstanding Visas Mantis cases is based only on F and J Visas Mantis cases for the posts in China but includes other visa categories for the remaining posts we visited.

¹¹Posts have no way to ensure that State receives the Visas Mantis request, State has no systematic check to know if the FBI receives the cases, and the FBI has no way to ensure that its results are forwarded to the posts. Information regarding a case may potentially be sent back and forth between different agencies and offices several times before a decision can be made on whether to issue a visa.

were delayed. For example, we followed up with the FBI on 14 outstanding cases from some of the posts we visited in China in September 2003 to see if it had received and processed the cases. FBI officials provided information indicating that they had no record of receiving three of the cases, they had responded to State on eight cases, and they were still reviewing three cases. FBI officials stated that the most likely reason why they did not have a record of the three cases from State were due to cable formatting errors. State did not comment on the status of the 14 cases we provided to the FBI for review. However, a Consular Affairs official told us that in fall 2003, there were about 700 Visas Mantis cases sent from Beijing that did not reach the FBI for the security check. The official did not know how the cases got lost but told us that it took Consular Affairs about a month to identify this problem and provide the FBI with the cases. As a result, several hundred visa applications were delayed for another month.

Figure 1 illustrates some of the time-consuming factors in the Visas Mantis process for our sample of 71 cases. While the FBI received most of the cases from State within a day, seven cases took a month or more, most likely because they had been improperly formatted and thus were rejected by the FBI's system. In more than half of the cases, the FBI was able to complete the clearance process the same day, but some cases took more than 100 days. These cases may have taken longer because (1) the FBI had to investigate the case or request additional information from State; (2) the FBI had to locate files in field offices, because not all of its files are an electronic format; or (3) the case was a duplicate, which the FBI's name check system also rejects. In most of the cases, the FBI was able to send a response—which it generally does in batches of name checks, not by individual case—to State within a week. The FBI provides the results of name checks for Visas Mantis cases to State on computer compact disks (CDs), a step that could cause delays. In December 2003, a FBI official told us that these CDs were provided to State twice a week. However, in the past, the CDs were provided to State on a less frequent basis. In addition, it takes time for data to be entered in State's systems once State receives the information. In the majority of our sample cases, it took State 2 weeks or longer to inform a post that it could issue a visa. State officials were unable to explain why it took State this long to respond to post. Officials told us that the time frame could be due to a lack of resources at headquarters or because State was waiting for a response from agencies other than the FBI. However, the data show that only 5 of the 71 cases were pending information from agencies other than the FBI.

Figure 1: Average Time Frames for Visas Mantis Cases, April to June 2003



Note: Calculation of mean processing times and associated standards of error for sample of Visas Mantis cases, April to June 2003.

Time interval	Average processing time in days	Standard error in days	Number of completed applications	Range of processing time in days
Post sends cable and FBI receives case	7.9	2.3	71	1 to 82
FBI clearance complete	28.9	6.8	70	0 to 321
State receives FBI clearance	6.1	0.8	70	1 to 45
State responds to post	23.6	3.2	67	0 to 141

Source: GAO analysis of State Department documents and visa operations.

Post Officials Seek Clearer Guidance and More Feedback

During our visits to posts in September 2003, officials told us they were unsure whether they were adding to the wait time because they did not have clear guidance on when to apply the Visas Mantis process and were not receiving feedback on the amount of information they provided in their Visas Mantis requests. According to the officials, additional information and feedback from Washington agencies regarding these issues could help expedite Visas Mantis cases. Consular officers told us that they would like the guidance to be simplified—for example, by expressing some scientific terms in more easily understood language. Several consular officers also told us they had only a limited understanding of the Visas Mantis process, including how long the process takes. They told us they would like to have better information on how long a Visas Mantis check is taking so that they can more accurately inform the applicant of the expected wait.

Consular officers at most of the posts we visited told us they would like more feedback from State on whether the Visas Mantis cases they are sending to Washington are appropriate, particularly whether they are sending too many or too few Visas Mantis requests. They said they would like to know if including more information in the security check request would reduce the time to process an application in Washington. Moreover, consular officers indicated they would like additional information on some

of the outstanding Visas Mantis cases, such as where the case is in the process. State confirmed that it has not always responded to posts' requests for feedback or information on outstanding cases.

Wait for an Interview Can Also Add Significant Time

Aside from the time it takes to process Visas Mantis checks, an applicant also has to wait for an interview. State does not have data or criteria for the length of time applicants at its overseas posts wait for an interview, but at the posts we visited in September 2003, we found that it generally took 2 to 3 weeks. Furthermore, post officials in Chennai, India, told us that the interview wait time was as long as 12 weeks during the summer of 2003 when the demand for visas was greater than the resources available at post to adjudicate a visa. Officials at some of the posts we visited indicated they did not have enough space and staffing resources to handle interview demands and the new visa requirement that went into effect on August 1, 2003. That requirement states that, with a few exceptions, all foreign individuals seeking to visit the United States need to be interviewed prior to receiving a visa. Factors such as the time of year an applicant applies for a visa, the appointment requirements, and the staffing situation at posts generally affect how long an applicant will have to wait for an interview.

Agency Officials Cite Improvements

State and FBI officials acknowledged that visa waits have been a problem but said they are implementing improvements to the process and working to decrease the number of pending Visas Mantis cases. For example,

- State and FBI officials told us that the validity of Visas Mantis checks for students and scholars has been extended to 12 months for applicants who are returning to a program or activity and will perform the same functions at the same facility or organization that was the basis for the original Visas Mantis check.
- FBI officials said that to address delays stemming from problems with lost case files or systems that are not interoperable, the FBI is working on automating its files and setting up a common database between the field offices and headquarters. They also told us they have set up a tracking system within the FBI for all Security Advisory Opinions, including Visas Mantis cases.
- Consular Affairs officials told us that State has invested about \$1 million on a new information management system that it said would reduce the time it takes to process Visas Mantis cases. They described the new

system as a mechanism that would help strengthen the accountability of Visas Mantis clearance requests and responses, establish consistency in data collection, and improve data exchange between State and other agencies involved in the clearance process. In addition, officials said the system would allow them to improve overall visa statistical reporting capabilities and data integrity for Mantis cases. The new system will be paperless, which means that the current system of requesting Visas Mantis clearances by cable will be eliminated. State officials told us that the system is on schedule for release early this year and that the portion relating to Security Advisory Opinions will be operational sometime later this year. However, challenges remain. FBI officials told us that the name check component of the FBI's system would not immediately be interoperable with State's new system but that they are actively working with State to seek solutions to this problem. Nonetheless, FBI and State have not determined how the information will be transmitted in the meantime. We were not able to assess the new system since it was not yet functioning at the time of our review.

- Officials from Consular Affairs and the FBI told us they are coordinating efforts to identify and resolve outstanding Visas Mantis cases. For example, they have been working together on a case-by-case basis to make sure that cases outstanding for several months to a year are completed. However, State officials said they do not have a target date for completion of all the outstanding cases, which they estimated at 1,000 in November 2003.
- In addition to improvements to the Visas Mantis process, State officials told us that they are monitoring post resource needs and adding staff as needed. These officials also told us that State added 66 new officers in 2003 and plans to add an additional 80 in 2004.

In conclusion, Mr. Chairman, agency officials recognize that the process for issuing a visa to a science student or scholar can be an important tool to control the transfer of sensitive technology that could put the United States at risk. They also acknowledge that if the process is lengthy, students and scholars with science backgrounds might decide not to come to the United States, and technological advancements that serve U.S. and global interests could be jeopardized. Our analysis of a sample of Visas Mantis cases from April to June 2003 show that some applicants faced lengthy waits. While the State Department and the FBI report improvements in Visas Mantis processing times, our analysis of data from the posts we visited in September 2003 and our contact with post officials in January 2004 show that there are still some instances of lengthy waits. State's and FBI's implementation of the Visas Mantis process still has gaps

that are causing wait times for visas. State's new information management system could improve the Visas Mantis process. Nevertheless, it is unclear whether the new system will address all the current issues with the process.

To help improve the process and reduce the length of time it takes for a science student or scholar to obtain a visa, we are recommending that the Secretary of State, in coordination with the Director of the FBI and the Secretary of Homeland Security, develop and implement a plan to improve the Visas Mantis process. In developing this plan, the Secretary should consider actions to

- establish milestones to reduce the current number of pending Visas Mantis cases;
- develop performance goals and measurements for processing Visas Mantis checks;
- provide additional information through training or other means to consular posts that clarifies guidance on the overall operation of the Visas Mantis program, when Mantis clearances are required, what information consular posts should submit to enable the clearance process to proceed as efficiently as possible, and how long the process takes; and
- work to achieve interoperable systems and expedite transmittal of data between agencies.

In commenting on our draft report, State said it had taken some actions to improve the Visas Mantis process and it would study our recommendation to make further improvements.

Mr. Chairman, this concludes my prepared statement. I would be happy to answer any questions you or other members of the committee may have.

Contact and Acknowledgments

For future contacts regarding this testimony, please call Jess Ford or John Brummet at (202) 512-4128. Individuals making key contributions to this testimony included Jeanette Espinola, Heather Barker, Janey Cohen, and Andrea Miller.

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