Terrorism and Lapses in Enforcement

Secure visas as a first line of defense

by Frank Kavanaugh

Among the intelligence and law-enforcement failures that preceded September 11, perhaps no oversight was as glaring as the lapses in immigration enforcement that enabled terrorists to obtain and overstay simple visas.

Rep. Thomas G. Tancredo (R-Colo), chairman of the Congressional Immigration Reform Caucus, got to the heart of the matter. "Porous borders cause enormous problems and completely prevent our ability to maintain any kind of security," he said. "The defense of the nation begins with the defense of its borders."

Illegal immigrants number at least seven million, possibly eight

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million, and that population is growing by 500,000 a year, according to the 2000 census. The new total showed that the number of "undocumented" immigrants had at least doubled since 1990, as millions of immigrants arrived during the boom years of the last decade. More than seven million tourists, business visitors, foreign students and temporary workers arrived last year as non-immigrants. But the Immigration and Naturalization Service (INS) acknowledges that it lacks a reliable tracking system to determine how many of these visitors left the country after their visa expired.

Each year there are 300 million border crossings into the United States. Most of these are legitimate visitors, but we lack the ability to track them all. Among the seven million, 500,000 foreign nationals entered on student visas. The foreign-student visa system is under-regulated, subject to deception and other problems that leave it wide open to abuse by terrorists and other criminals. Why was Mohammed Atta, the leader of the September 11 attacks, readmitted through Miami airport on January 10, 2001, even though his visa had expired? Atta had traveled freely to and from the United States during the preceding two years. One of the nineteen hijackers, Hani

Hanjour, had traveled on a student visa, failed to show up for school, and remained in the country illegally.

In retrospect, it is clear that it was a major mistake to admit foreign nationals and then fail to track their whereabouts. Most of the time we have no clue as to who is here, what they are doing, or if they have complied with their visas. As many as 225,000 illegal aliens settle in the United States each year. Most fade into the woodwork, and INS policy has been to leave illegals alone – including visa overstays.

We have no national system to ensure that the half-million foreigners holding student visas are, in fact, currently enrolled in the school to which they were admitted. Their U.S. sponsors are 15,000 universities, colleges, and vocational schools, such as those that offer aviation and other specialized training. The INS says it does not know the whereabouts of some 314,000 persons who have been ordered deported.

Public sentiment now leans to guarding the nation's borders more tightly against illegal immigrants, and to preventing those who enter legally from overstaying their visas. A Zogby International poll shows that Americans think a dramatic increase in border control and

greater efforts to enforce immigration laws would help reduce the chance of further attacks. A convert to the new model is Doris Meissner who, as INS commissioner from 1993-2000, consistently argued for more immigration. Now, she says, in the best Washington finger-pointing style, that U.S. border control begins with the U.S. embassies and consulates abroad that screen for and issue the visas.

It's scandal that the fingerprint databases of the INS and the FBI aren't fully compatible and thus cannot share information vital to our nation's security. Names are compared with terrorist watch lists, but organizations such as the Federation for American Immigration Reform (FAIR) want deeper background checks on applicants. We need better intelligence sharing, including creation of a joint INS/State Department/FBI/CIA real-time lookout database on foreigners in the United States. Technology can solve the problem with an integrated information system.

Would such a system have provided the INS with the CIA warning issued in late August that two men with al Queda ties had entered the United States. With such access might the INS have detained one man while the FBI tracked the other, whose name and San Diego address could have turned up in a search of the California Department of Motor Vehicles database? Might that address have led agents to the other San Diego-based terrorist who participated in the September 11 attacks?

We need to be able to verify the identities of people seeking to enter our country. Biometric technology in the form of "smart cards" or high-tech visa cards can use fingerprints and facial recognition or retina scans to match individuals to the identities they claim. The cost in equipment and personnel will be high. American taxpayers will have to bear part of the burden, but it surely isn't too much to ask that those seeking to enter our country pay the bulk of the expense.

Another tracking tool would be a computerized system to allow employers to verify whether a new hire has the right to work in the United States. Such a system would counteract the thriving "business" of forged social security cards and birth certificates. The INS has several pilot programs in this direction, but opposition has arisen from pro-immigration organizations as well as from employers seeking cheap labor. Every change will be expensive. But we are now in a post-September 11 America that looks differently on the real costs of the status quo.

In short, tougher document requirements are a must. Federal identification papers such as pilots' licenses, visas, and immigration work authorization cards will have to be fraud- and tamper-resistant. They will have to contain biometric data along with a visa's expiration date. In fact, the INS was ordered in 1996 to develop a tracking system and was given until December 20, 2003, to complete it. Current Commissioner James Ziglar has said the system can be operational a year earlier for an extra $36.8 billion from Congress. That money is likely to be forthcoming. As Sen. Diane Feinstein (D-Calif) points out,

> *We recognize America's openness to newcomers contributes to our strength as a nation, but in these unpre-cedented times we have seen terrorists take advantage of that openness. We must now restore balance to our immigration policy by adding some prudent steps to ensure Americans will be safe at home.*

Powerful special interests are wary of any move to clamp down on foreign visitors. Tourists from abroad pump billions of dollars into the country every year. Some labor sectors, especially technology, benefit from educated, highly skilled foreign workers, although demand has slackened along with the economy. The half-million foreign students are a significant source of income and diversity for American campuses.

Nevertheless, it seems clear that the INS will be unable to reform itself and safeguard the homeland without a pause in the pace of immigration. The least that Americans have a right to expect is a well-organized system for managing the movement of those seeking to enter our sovereign nation. •