



**U.S. Department of Justice**  
Immigration and Naturalization Service

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**STATEMENT**

**OF**

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**U.S. IMMIGRATION AND NATURALIZATION SERVICE**

**BEFORE THE**

**SENATE COMMITTEE ON FINANCE**

**REGARDING**

**COMBATING TERRORISM:**  
**PROTECTING THE UNITED STATES**

**10:00AM**  
**215 DIRKSEN SENATE OFFICE BUILDING**  
**JANUARY 30, 2003**

Good morning Mr. Chairman and Members of the Committee. Thank you for the opportunity to appear before this committee today to discuss the Immigration and Naturalization Service's (INS) commitment to combating terrorism.

The INS responded to the September 11, 2001, terrorist attacks with an immediate and sustained dedication of effort by performing direct law enforcement activities, providing identification and intercept capabilities, increasing border security, supplying intelligence information, completing investigative and detention functions with the goal of strengthening national security, and working even more closely with our fellow law enforcement agencies.

Allow me briefly to describe how, since September 11<sup>th</sup>, INS is strengthening border security, enhancing our interior enforcement efforts, and working in coordination with the new Department of Homeland Security.

### **Ports-of-Entry**

INS along with other federal law enforcement agencies are responsible for 368 land, sea, and air Ports-of-Entry (POEs) covering more than 8,000 miles of land and coastal borders. Our lead role in the admissibility and control of aliens is fundamental to the security of the United States, so, one can understand the magnitude of INS' responsibility. Since September 11<sup>th</sup>, Immigration Inspectors at our POEs have focused on providing heightened security, at first with INS' Threat Level One operating procedures and now with our color-coded Alert Level operating guidance. Threat Level One commitments included: staffing all small and remote land ports 24 hours a day, 7 days a week; completing record checks of those seeking admission; completing enhanced checks of vehicles as they cross the land borders; and working with the U.S. Coast Guard and other agencies to safeguard our seaports.

Because of September 11, 2001, there was an increased focus on our Northern Border POEs, this resulted in more than 250 Inspectors, an increase of nearly 55%, being added along our Northern Border.

In order to support and sustain last year's Threat Level One operations in terms of monitoring and securing our land POEs, we requested and received support from the Department of Defense (DoD). This request was supported through \$34 million provided in the first Counter Terrorism Supplemental Appropriation passed by Congress.

The DoD supplied National Guard personnel and equipment to land border POEs to provide a heightened security presence, assisted INS officers in physical inspection of vehicles, and helped perform traffic management and pedestrian control duties. Between the POEs, the DoD supplied logistical and technical support to sector intelligence centers, helicopters in six sectors, and assistance in deploying sensing and surveillance equipment. INS has effectively used this partnership to maintain Threat Level One anti-terrorism operations to protect the integrity and security of our border.

Most recently, INS has implemented the National Security Entry Exit Registration System (NSEERS). The NSEERS program requires certain nonimmigrant aliens from designated countries to be fingerprinted, interviewed and photographed by the INS at POEs at the same time they apply for admission to the United States. In addition, other aliens who are identified from intelligence sources or who match certain pre-existing criteria determined by the Attorney General or Secretary of State may also be enrolled in NSEERS.

NSEERS promotes several important national security objectives:

- It allows the United States to run the fingerprints of aliens seeking to enter the U.S. or present in the U.S. against a database of known terrorists.
- It enables the INS to determine instantly whether such an alien has overstayed his/her visa.

- It enables the INS to verify that an alien is living where he said he would live, and doing what he said he would do while in the United States, and to ensure that he is not violating our immigration laws.

During the enrollment process, specific biographic information, itineraries and addresses are collected. If aliens registered at POEs remain in the United States longer than 30 days, they must return to an INS office for an interview to confirm their address and activities in the United States. Registrants must also complete a departure check when they leave the country.

In addition to the POE enrollment process, there is another class of aliens subject to special registration, known as "Domestic Registrants." Domestic Registrants are certain nonimmigrant aliens who were admitted to the United States prior to the inception of the new registration program, have since remained and who, when designated by the Attorney General, must report to an INS office to be registered. The purpose is to gather the same information that may have been collected at the POEs had those aliens arrived after the effective date for NSEERS. These requirements do not apply to United States citizens, lawful permanent residents, refugees, asylees, certain asylum applicants or aliens who entered without inspection. The goal of NSEERS is to secure our borders, by intercepting terrorists and criminals at the POEs, by identifying aliens who deviate from their stated purposes once they enter the country, and by identifying instantly aliens who overstay their visas. The process has operated effectively with participation of more than 74,000 temporary foreign visitors from more than 151 countries. INS officers have made every effort to minimize any delay or inconvenience to those individuals required to register under this program. Currently, our average processing time for registration at the port of entry is only 18 minutes.

As of January 23, 2003, NSEERS has led to the identification and apprehension of 7 suspected terrorists. In addition, under the NSEERS program, we have apprehended or denied admission to more than 341 aliens at our ports of entry who present law enforcement threats due to felony warrants or prior criminal or immigration violations rendering them inadmissible. These individuals would have entered the country had NSEERS not been in place.

Thus far, 26,334 individuals have been registered through the domestic enrollment program and 2,776 of those individuals have been charged with status violations. 84 of these individuals remain in custody and 21 have serious criminal histories. Among these individuals are an alien from a state sponsor of terrorism who was here illegally and had been convicted three times of assault with a deadly weapon and an alien from a state sponsor of terrorism who was here illegally and had been convicted twice of child molestation. In addition, as a result of evading the 30 day reporting requirement, we investigated and apprehended a Saudi Arabian flight student in Florida, who has now been placed in removal proceedings.

Effective border enforcement starts overseas. Through an initiative with the Department of State, we have deployed more than 100 immigration officers, most of them Inspectors, to consulates and airports abroad to aid local authorities in identifying and intercepting individuals attempting to enter the United States by means of fraud.

As part of our ongoing efforts to enhance public safety and national security, the INS announced this month that it will require all commercial carriers to submit detailed passenger manifests to the INS electronically before an aircraft or vessel arrives in or departs from the United States. Section 402 of the Border Security and Visa Entry Reform Act of 2002 requires the submission of Advanced Passenger Information (API) on all passengers arriving by sea or air. Passenger information that must be submitted in advance includes: complete name; date of birth; citizenship; gender; passport number and country of issuance; country of residence; U.S. visa number, date and place of issuance (where applicable); alien registration number (where applicable); address while in the United States; and such other information the Attorney General, in consultation with the Secretary of State and the Secretary of Treasury, determines to be necessary for the enforcement of the immigration laws and to protect safety and national security. The advance

submission requirement will help the INS verify the identities of individuals being transported and enforce U.S. immigration laws. This program will assist inspectors in our Passenger Analytical Units (PAUs) in reviewing passenger manifests prior to an aircraft or vessel's arrival. These units generate useful information for Inspectors engaged in determining whether an alien seeking admission to the United States is in fact admissible. Using the Advanced Passenger Information System (APIS) in conjunction with the Interagency Border Inspection System (IBIS), INS PAU Inspectors are able to analyze precisely the passenger arrival and departure information.

Combined with other passenger information systems or information obtained through on-line airline reservation systems, Inspectors can make associations between suspected fraud and smuggling activity and, through link analysis, identify individual enforcement targets before they arrive in the United States for inspection. This critical work assists the INS in identifying illegal aliens, criminals, and terrorists prior to their arrival at a U.S. POE.

We have worked with the State Department to expand data sharing to ensure that Immigration Inspectors have access to the issued visa information in the Consolidated Consular Database. Because of this cooperative effort, an alien's photograph from the time of visa issuance and visa information is now available in INS Secondary Inspection to help determine if an alien is engaging in fraudulent conduct. We will continue to work with the Department of State to expand our exchange of information.

In the aftermath of September 11<sup>th</sup>, INS worked with other agencies and the Office of Homeland Security to develop 7 interagency security enhancements initiatives for the refugee program. These heightened security enhancements included additional databases, records and fingerprint checks, and pre-flight notification to the FBI. By implementing these measures, we balanced protecting ourselves against people who seek to harm the United States with our commitment to provide resettlement to those in need of protection.

The INS, other Department of Justice components, and the State Department developed new criteria for scrutinizing visa applicants, which are now in place. Together, we are reassessing the eligibility of certain countries to participate in the Visa Waiver Program (VWP). For example, the Attorney General terminated Argentina's participation in the VWP in February 2002, and we have joined with the State Department to tighten regulations regarding various entry procedures that under ordinary circumstances facilitate travel, but which could be exploited to do harm to the United States.

Current law, states that U.S. citizens do not need passports to travel in the Western Hemisphere, except to Cuba.

### **Immigration Enforcement with the United States**

INS has always emphasized, and will continue to emphasize national security by protecting our country's borders and through enforcement of our immigration laws. In late 1997, INS designated a Counter Terrorism Coordinator for the INS' involvement with other agencies in the federal effort against international terrorism. In 1999, the National Security Unit (NSU) was formally created within the Office of Field Operations. In 2000, the Office of the General Counsel created the National Security Law Division to work hand in hand with the NSU. This Division is charged with the coordination of legal advice for all national security cases, programs and law enforcement actions performed by the Immigration and Naturalization Service. These two offices work together to ensure that alien terrorists, human rights abusers and other non-citizens that pose a threat to the security of the United States are placed in removal proceedings and removed from the country. The NSU Office of Field Operations was designated on September 14, 2001 within the Office of Field Operations to coordinate the investigation and possible detention of individuals related to the attacks of September 11th. The attacks on September 11th refocused the INS' strategic approach to its interior enforcement responsibilities. The INS is committed, as the highest priority of its interior enforcement strategy, to ensure domestic security using all the

immigration law enforcement tools at its disposal. There are several notable examples of this approach.

As a result of a new emphasis on worksite enforcement targeting national interest industries and infrastructure, there has been a significant increase in employer-related case completions. Specifically, soon after September 11th, the INS launched Operation Tarmac, an operation designed to enhance security at our nation's airports. Operation Tarmac has been undertaken in cooperation with a variety of Federal agencies, as well as airport authority management officials. Operation Tarmac consists of proactive worksite enforcement investigations into the hiring practices of companies employing individuals who work at airports and who have direct access to commercial aircraft and other secure areas. It is designed to ensure that these individuals are authorized to work in the United States and that employers are complying with the employment eligibility verification requirements. Particular attention is devoted to companies that provide security at major airports throughout the United States.

Operation Tarmac has proven to be an important enforcement operation. For example, the INS has audited more than 224,000 Employment Eligibility Verification Forms (Forms I-9) at more than 3,000 airport businesses; and, to date, over 900 unauthorized aliens have been arrested, and over 680 have been charged with criminal violations of law. Operation Tarmac has resulted in the prosecution of individuals who have violated criminal immigration statutes and in the removal of unauthorized aliens from airport worksites. Operation Tarmac also provides fraudulent document training to security officials responsible for granting access badges to secure areas.

INS also initiated Operation Glowworm, using the same goals and methodologies to enhance the security of our nation's nuclear power facilities. INS field officers have already investigated 89 nuclear plants and facilities and 65,000 permanent and contract employees with direct plant and facility access.

With international interest on Super Bowl XXXVII at San Diego, California, the INS launched Operation Game Day in support of public security and safety. Operation Game Day targeted the Security Guard and transportation (Taxi, Limousine and Shuttle Drivers) industries in the San Diego area that had close or unrestricted access to Super Bowl activities including Qualcomm Stadium. The INS reviewed employment authorization records of approximately 11,000 security guards and checked indices for approximately 3,500 licensed taxi drivers working in the San Diego area. Operation Game Day resulted in the arrest of 45 security guards and 24 taxi or limousine drivers from countries all over the world for either criminal or immigration violations of law.

The INS Anti-Smuggling Program is focused on dismantling smuggling organizations with links to terrorism and other smuggling organizations that pose a risk to the national security of the United States. Information available to the INS indicates terrorist organizations often use human smuggling organizations to move around the globe. Investigations of these organizations play a vital role in the INS' overall homeland security efforts.

Our efforts to focus our anti-smuggling resources on domestic security led to the initiation of Operation Southern Focus. In January 2002, the INS initiated a multi-jurisdictional enforcement initiative targeting significant alien smuggling organizations specializing in the movement of U.S.-bound aliens from countries that are of interest to the national security of the United States. The INS believes that alien smuggling organizations may wittingly or unwittingly be utilized to clandestinely smuggle terrorists around the globe. Many targets of Operation Southern Focus were believed to be responsible for smuggling hundreds of aliens. Since the inception of this operation, eight significant alien smugglers have been arrested and charged with alien smuggling violations, and significant alien smuggling pipelines have been severely crippled.

INS participation in the Joint Terrorism Task Forces (JTTFs) continues to be one of the key elements in the INS' efforts to combat international terrorism in the interior of the United States. The INS has 153 agents stationed at 55 JTTF locations. JTTF agents serve as a critical component in the effort to root out terrorists and their supporters. INS Special Agents working with the JTTFs have played a significant role in recent terrorist investigations nationwide. Working closely with the FBI and other agencies within the multi-agency task forces, INS Special Agents serve the United States' security efforts by proactively investigating, targeting, and arresting known terrorists, terrorist organization leaders, members, and associates. The INS' Special Agents assigned to the JTTFs have conducted approximately 6,800 joint INS/FBI interviews since September 11, 2001 and play a critical role in our domestic security efforts.

On January 28, 2002, the INS initiated the Absconder Apprehension Initiative (AAI). The AAI is an aggressive strategy to locate and apprehend aliens with unexecuted administrative final orders of deportation or removal who have failed to appear for scheduled immigration proceedings or have failed to surrender for removal as ordered. The first phase of this initiative is focused on apprehending, interviewing, and removing approximately 5,900 aliens from countries where al Qaeda is known to operate or recruit. The second phase of this initiative is focused on the apprehension and removal of more than 300,000 aliens with unexecuted final orders of removal. In order to help locate these aliens, we are entering their names into the National Crime Information Center (NCIC) so that we add the weight of other Federal, state, and local law enforcement officers to this mission.

Ensuring that foreign students comply with the terms of their visas is also critical to our nation's security. To accomplish this, we have developed and deployed the Student and Exchange Visitor Information System (SEVIS). It is an Internet-based system that integrates and incorporates information directly from schools, exchange programs, INS systems, and Department of State data. This system will greatly improve our ability to track foreign students. In fact, schools are required to report the failure of a foreign student to enroll within 30 days after the school's registration deadline. Additionally, starting today, January 30, 2003, any new foreign student must be entered and issued forms from SEVIS, and only INS or Department of State approved schools or programs can access SEVIS. SEVIS will enable us to track foreign students in the United States with far greater speed and accuracy by maintaining critical, up to date information about foreign students and exchange visitors, and ensure that they are properly maintaining their status during their stay in this country.

### **The Border Patrol**

Following the events of September 11<sup>th</sup>, the Border Patrol undertook a number of enforcement initiatives to assist in supporting and augmenting U.S. national security. Upon the initiative of the INS, 317 Border Patrol Agents were detailed to 9 airports across the country within 36 hours of the attack. As all of you know, September 11, 2001, also resulted in a renewed focus on our Northern Border and its security. The Border Patrol responded by detailing additional agents and air assets to the 8 Northern border sectors to augment existing capabilities and expand coverage within the sectors' areas of responsibilities. The Border Patrol worked in cooperation with the U.S. Coast Guard conducting joint operations on the Great Lakes and surrounding waterways to deter illegal entry and apprehend violators.

On the Northern Border, the Border Patrol is working with the Royal Canadian Mounted Police (RCMP), Citizenship and Immigration Canada, Canada Customs and Revenue Agency and U.S. Customs to establish Integrated Border Enforcement Teams (IBETs) at several key locations. IBET teams serve as a "force multiplier" by combining team personnel, resources and technology from many agencies, both Canadian and American, to enhance border integrity and security at our shared border. IBETs operate as intelligence-driven teams to address terrorism and identify and arrest persons who pose a threat to national security or who engage in other criminal activity. For the first time in INS history, a permanent Border Patrol Agent position has been authorized to be assigned to RCMP headquarters in Ottawa, Ontario in Canada. Understanding the critical need for permanent staffing and equipment increases to strengthen security on our Northern

Border, with your support, we increased the number of remote video surveillance cameras, fixed-wing airplanes, and helicopters to our list of “force multipliers” along the Northern Border. We have also added 245 experienced Border Patrol Agents to the Northern Border, an increase of over 70% since September 11, 2001, in addition to the more than 250 Inspectors added to Northern Border POEs that I mentioned earlier.

The INS is actively engaged in direct cooperative actions with both Canada and Mexico to secure our collective borders. Last December 2001, INS actively engaged in an Office of Homeland Security-led international conference in Ottawa, Canada, that included representatives from the Departments of Justice, Transportation, Defense, State, and of the Treasury. An important product of that conference was a Smart Border Declaration signed by then Homeland Security Director Tom Ridge and Canadian Deputy Prime Minister John Manley. The Declaration includes 30 initiatives aimed at enhancing security along our shared border. The INS was a major contributor to this agreement. Turning to our southern border, in the context of 20 meetings held in Washington, Mexico City and Monterrey, since September 11, U.S. and Mexican representatives have developed a comprehensive and unprecedented dialogue on border safety, regularization and other border security issues.

On March 22, 2002 then Governor Ridge, the then INS Commissioner Ziglar, and other senior Administration officials traveled to Mexico City, Mexico to develop broad-based proposals for strengthening our joint security and to build on recent cooperative efforts with the Mexican government. At that meeting, we signed the U.S. – Mexico Border Partnership. The 22-point U.S. – Mexico Border Partnership Action Plan focuses on three areas: infrastructure development, the secure flow of people, and the secure flow of goods. INS is working with the Department of State and other agencies to provide appropriate law enforcement training, technical and material foreign assistance to Mexican authorities in implementation of the Action Plan. This agreement affirms our commitment and cooperation to safe and orderly borders by endorsing a series of specific actions intended to serve our common security in the years to come. By working together, the United States, Canada and Mexico will ensure more secure borders. We will continue to deploy agents, technology and support resources to meet our long-term border management objectives to maintain and extend control along the Southwest Border and increase control along the Northern Border.

### **Conclusion**

The INS’ mission of deterring illegal migration and combating immigration-related crime has never been more critical to our nation’s efforts to ensure the safety of the American public. As you know, the INS will transition to the new Department of Homeland Security on March 1, 2003. Once there, the INS will be divided between its service and enforcement components, and the organization we all know as the INS will cease to exist. The new agencies that carry out our nation’s immigration mission will be different. The men and women of the INS are preparing for this significant change. One thing is certain, what will not change is the determination and dedication of the men and women of the INS to secure our borders and make our nation safe.