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United States General Accounting Office
Washington, DC 20548

May 18, 2004

The Honorable F. James Sensenbrenner, Jr.
Chairman
Committee on the Judiciary
House of Representatives

Subject: *Visa Operations at U.S. Posts in Canada*

Dear Mr. Chairman:

On October 21, 2002, we reported that consular staff at posts around the world held different views on balancing national security and customer service in the process of adjudicating visas.¹ Since then, the Department of State's Bureau of Consular Affairs has underscored the importance of visa operations in protecting our nation's security and implemented many changes in visa processing to tighten security screening for applicants worldwide.

Because of Canada's proximity to the United States and the fact that many nationals from countries of concern apply for U.S. visas in Canada, you asked us to obtain the views of U.S. consular officers in Canada regarding the visa process. In response, we are providing information from consular staff who adjudicate U.S. visas in Canada regarding their perceptions of the importance of national security in the visa process, including impediments that could interfere with efforts to make security a top priority in visa processing. We interviewed 19 consular officers² and managers at the four largest visa-issuing posts in Canada: the embassy in Ottawa and consulates in Toronto, Montreal, and Vancouver.³ We conducted our work between January 2004 and March 2004 in accordance with generally accepted government auditing standards.

¹A visa is a travel document that allows a foreign visitor to present himself or herself at a port of entry for admission to the United States. In this report, we use the term "visa" to refer to nonimmigrant visas only. The United States also grants visas to people who intend to immigrate to the United States. See U.S. General Accounting Office, *Border Security: Visa Process Should Be Strengthened as an Antiterrorism Tool*, GAO-03-132NI (Washington, D.C.: Oct. 21, 2002) for more information on the visa adjudication process.

²We interviewed all consular officers currently involved in nonimmigrant visa processing, plus some additional officers who had done such processing the year before.

³Mission Canada comprises the embassy in Ottawa; consulates in Vancouver, Toronto, Montreal, Halifax, Calgary, and Quebec City; and a U.S. presence in Winnipeg. The embassy and the six consulates issue nonimmigrant visas. Montreal issues both immigrant and nonimmigrant visas.

Results in Brief

Consular officers and managers at U.S. posts in Canada said that, despite rising workloads and more labor-intensive processing requirements, they are placing an emphasis on security in visa operations. All of the officers with whom we spoke reported that security was their first concern in visa adjudication. Some officers said security was their top priority because they would consider themselves personally accountable if they failed to notice an applicant who posed a security risk. Other officers cited the Bureau of Consular Affairs' standardized guidance as the source for their focus, while others credited post management with instilling a pro-security tone for visa operations. The officers acknowledged some challenges that could interfere with efforts to make security a top priority in visa processing. For example, some officers reported that new post-September 11 processing requirements for visas were more labor intensive, and they expressed concern that the requirements could reduce the time available for face-to-face interviews with some applicants. While most officers felt that they had enough time to screen applicants carefully for possible security risks, some of the newer officers at posts expressed concern about their ability to remain vigilant if the workload increased. This problem was most severe in Toronto, where workload was high and the consulate's poor space configuration cramped operations.

Background

Since Canadian citizens generally do not need a visa to travel to the United States,⁴ consular officers at visa-issuing posts in Canada process visas almost exclusively for third-country nationals who are residing in, or visiting, Canada. Many of these third-country nationals have "landed immigrant" status in Canada, a status similar to permanent residency in the United States. Consular officers also renew work and student visas for aliens residing in the United States who prefer to apply at a post in Canada rather than travel to their home country. Posts in Canada handle a diverse applicant pool. Nationals of more than 180 countries applied for visas in Toronto in 2003, and more than 165 nationalities applied in Montreal. The wide range of nationalities creates a unique challenge for consular officers, who must be familiar with official documents from many countries and have an understanding of circumstances that affect each nationality's eligibility for a visa. Some third-country national applicants are from countries of concern and require additional security clearance processes.

The Bureau of Consular Affairs implemented many changes in visa processing after September 11 in an effort to tighten security screening for applicants worldwide. These changes include requiring interviews for the vast majority of visa applicants, new security clearance processes for certain types of applicants, and collecting fingerprints from most visa applicants.⁵ The Bureau has issued guidance to keep posts worldwide

⁴Citizens of Canada do not need visas except under certain circumstances. 22 C.F.R. § 41.2(a). For example, if a Canadian is the fiancé/fiancée of a U.S. citizen, he/she must be in possession of a nonimmigrant visa. 22 C.F.R. § 41.2(k).

⁵State is installing digital fingerprint scanners at posts worldwide. All four posts we visited in Canada were equipped with the scanners.

apprised of these policy and procedural changes. Since February 2003, Consular Affairs has issued more than 60 Standard Operating Procedures in an effort to standardize visa operations worldwide.

In addition to worldwide changes to visa processing, Consular Affairs implemented changes after September 11 that affected only posts in Canada. For example, in March 2003, the United States began requiring that landed immigrants living in Canada from Commonwealth⁶ countries and Ireland obtain visas to enter the United States. Prior to March 2003, certain landed immigrants in Canada who originally came from Commonwealth countries (including India, Pakistan, and Malaysia) and Ireland were not required to have a visa or passport to visit the United States when entering from Canada. The change increased the workload at posts in Canada, particularly in Toronto.

Consular Officers Said They Are Prioritizing Security

Overall, the consular managers and officers we interviewed said they are emphasizing security concerns in visa processing over all other factors. One consular manager said security concerns trump all other issues in Canada, such as facilitation of trade and commerce. Several consular officers reported that they would hold themselves personally accountable if they issued a visa to an applicant who posed a security risk to the United States. None of the consular officers said they felt pressured by their managers to issue visas in cases where they felt the applicant posed a security risk. One officer reported that she believes Consular Affairs' overarching policy is for consular officers always to err on the side of caution. Consular staff in Ottawa pointed to the results of several validation studies as confirmation that they are making good decisions on visa applicants. The staff attempted to contact approximately 300 individuals who had received visas between January 2002 and November 2003 to verify whether they had returned to Canada after using their visas to visit the United States; aside from one individual who they determined had remained in the United States, they ascertained that all the rest had returned to Canada.

Consular officers cited several sources of guidance from the Bureau of Consular Affairs as being helpful in determining how to balance national security and customer service. Some consular officers said the Standard Operating Procedures were particularly helpful. Consular managers cited the benefit of attending conferences for consular section chiefs at the embassy in Ottawa. At these conferences, managers discussed implementation of post-September 11 changes to visa processing and ways that posts in Canada could implement them smoothly. One consular manager said that his policy to prioritize security came directly from the Ambassador in Ottawa, who said that border security was the most important issue for posts in Canada.

⁶The Commonwealth is a voluntary association of more than 50 countries primarily composed of the United Kingdom and its former colonies.

Some Challenges Could Affect Focus on Security

Although consular officers said that they placed an emphasis on security above all else in their visa processing, they reported some challenges that may negatively affect their ability to remain vigilant. Post-September 11 processing requirements for visas require more labor-intensive work for consular officers, such as fingerprinting applicants and processing special security clearance requests. In addition to the increased time it takes to adjudicate a visa applicant, the number of applications increased at posts in Canada, causing backlogs for appointments and long hours for some consular staff. While officers said they would always take the time they felt necessary to rule out any security concerns on an application, some also reported that workload pressures could affect their vigilance. From our observations at the busiest post, Toronto, we also questioned whether officers could remain alert after long days adjudicating visas.

The post in Toronto expected an initial doubling of its workload for nonimmigrant visas with the imposition of the visa requirement for landed immigrants and an annual increase thereafter of 10 to 20 percent. Post management reported that Toronto saw a substantial increase in applications and that the increased numbers may last for 2 years. Toronto's consular package⁷ for fiscal year 2003 stated that post-September 11 special processing requirements for visas made operations less efficient and were negatively affecting employee morale. Toronto expanded the hours during which visa interviews are conducted to an all-day schedule. Some officers we interviewed spoke of the busy summer of 2003 as "agonizing" and said they had considered leaving the Foreign Service. One officer said that he told managers in both Toronto and Ottawa that he could not perform the required security aspects of his job at that pace. One consular manager also commented that officers told him they would like more time to scrutinize cases. He said that, as new consular officers, they had to learn to make decisions faster. He did not think he was causing them to make less security-conscious decisions, but he acknowledged they were under a lot of stress. Toronto's busy visa operations are exacerbated by insufficient space and poor physical configuration of the consulate. The Consul General and the consular section chief in Toronto, as well as the Minister Counselor for Consular Affairs in Ottawa, acknowledged Toronto's staff and space problems and said they were being addressed. Canada's Mission Performance Plan for fiscal years 2005 and 2006 requested an additional consular officer for Toronto for each of these years and for a redesign of office space to ameliorate these problems.

The post in Montreal expected a doubling of nonimmigrant visa workload when the visa requirement for landed immigrants went into effect but only saw a modest 5 percent increase in fiscal year 2003, according to the post's consular package. Officers in Montreal said the number of visa applicants they processed daily was reasonable. However, the post's consular package for fiscal year 2003 reported that post-September 11 changes in visa processing affected the amount of time that officers spent on case adjudication and that if State continued to introduce labor-intensive processing changes

⁷All visa-issuing posts submit consular packages annually to State's Bureau of Consular Affairs. The packages contain a post's summary report on all areas of consular work.

without providing offsetting resources, it would eventually erode the amount of time that officers could spend face-to-face with applicants. The post estimated that officers may be devoting 40 percent less time to actual case adjudication than they did before September 2001.

The post in Vancouver saw a 20 percent increase in visa applications due to the visa requirement for landed immigrants and noted that post-September 11 visa processing required additional handling for all cases, reducing efficiency at the post and causing an appointment backlog.⁸ The consular manager reported that he took security concerns very seriously, yet he also wanted to reduce the appointment backlog because delayed appointments increased the post's workload by requiring officers to respond to calls from applicants (or their attorneys) asking about the backlog. He told us he sets the number of appointments the post accepts to try to reduce the appointment backlog. Even when fingerprint scanners were installed at post in October 2003, adding to the adjudication time per case, he said the number of appointments per day was kept steady.

Agency Comments and Our Evaluation

The Department of State provided written comments on a draft of this report (see enclosure). State agreed with GAO's characterization of visa operations at U.S. posts in Canada. State noted a number of actions it had taken to address issues in Toronto, including the authorization of funds to hire new consular staff and funds for State's Bureau of Overseas Buildings Operations to conduct a review of the physical infrastructure. Furthermore, the Bureau of Consular Affairs said it planned to send a Consular Management Assistance Team to Toronto in May 2004 to assess the consular section and make recommendations on how to improve the operation.

Scope and Methodology

To prepare this report, we conducted work at the Department of State, Department of Homeland Security, and Federal Bureau of Investigation in Washington, D.C. We conducted fieldwork at the U.S. embassy in Ottawa and at the consulates in Toronto, Montreal, and Vancouver. We (1) interviewed management and consular officials at State Department headquarters, as well as management personnel in charge of operations at the U.S. embassy and consulates, including the U.S. Ambassador to Canada and all Consuls General; (2) obtained input from all 19 consular officers and managers at the four posts who were involved in nonimmigrant visa processing using a standard list of questions with follow-up interview questions; and (3) interviewed law enforcement officials at posts. We spent significant time observing visa processing and attending interagency meetings at post. We collected and reviewed data from each post on workload statistics and refusal rates. As we used this information for background purposes only, we did not assess the reliability of the data. We also obtained each post's consular package, the Bureau of Consular Affairs' worldwide guidance for visa operations, and State's Office of the Inspector General reports.

⁸All posts we visited used an appointment booking system to control the number of applicants who arrived per day. Consular managers set the number of appointments that the posts accepted each day.

We are sending copies of this report to other interested Members of Congress. We are also sending copies to the Secretary of State. We will make copies available to others upon request. In addition, the report will be available at no charge on the GAO Web site at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-4128 or at fordj@gao.gov. Kate Brentzel, John Brummet, Lori Kmetz, Janey Cohen, Mary Moutsos, and Martin De Alteriis contributed to this report.

Sincerely yours,

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

Enclosure

Comments from the Department of State



United States Department of State
Assistant Secretary and Chief Financial Officer
Washington, D.C. 20520

Ms. Jacqueline Williams-Bridgers
Managing Director
International Affairs and Trade
General Accounting Office
441 G Street, N.W.
Washington, D.C. 20548-0001

APR 27 2004

Dear Ms. Williams-Bridgers:

We appreciate the opportunity to review your draft report, "Visa Operations on U.S. in Canada," GAO Job Code 320235.

The enclosed Department of State comments are provided for incorporation with this letter as an appendix to the final report.

If you have any questions concerning this response, please contact Elizabeth Pratt, Special Assistant, Bureau of Consular Affairs, at (202) 663-1152.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher B. Burnham".

Christopher B. Burnham

cc: GAO – Kate Brentzel
CA – Catherine Barry
State/OIG – Mark Duda
State/H – Paul Kelly

Department of State Comments on GAO Draft Report
“Visa Operations on U.S. Posts in Canada”
(GAO Job Code 320235)

Thank you for allowing the Department of State the opportunity to comment on the draft report “Visa Operations at U.S. Posts in Canada,” which addresses the views of U.S. consular officers in Canada regarding the visa process.

We appreciate the observations commending our worldwide improvements to visa processing and the effectiveness of the guidance to officers through our series of cables on Standard Operating Procedures. We were also pleased that the report reflected the consular officers’ consistent dedication to meeting the priority goal of protecting U.S. borders by ensuring that the security of the visa function was paramount.

Commenting on the growing workload at the Canada posts, particularly Toronto, the Report notes that some officers fear that their vigilance might be impaired since they are required to interview greater numbers of applicants and are responsible for more labor intensive steps in the visa process, such as biometric collection. We understand that the additional steps in the visa process can be daunting, but have tried to reassure consular officers that we understand they will need more time to do their jobs. We have also sought to provide the additional resources needed to match increased workload. Toward this end, we have reviewed the Consular Package submitted by the Canada posts and have already implemented steps to provide more resources.

As the largest visa processing post in Canada, Toronto has experienced the greatest increase in workload. The Bureau of Consular Affairs has already responded to Toronto’s need for assistance. In response to their request, we authorized, \$40,500 to hire three Locally Engaged Staff (LES) on six-month appointments to help with the surge in workload resulting from the change in visa requirements for certain Landed Immigrants who previously did not require visas. We also provided \$9,000 to expand the countertops to accommodate biometrics collection equipment, and \$36,000 to create an Eligible Family Member (EFM) position to assist with biometrics collection.

At this time, Toronto has informed us that further staff increases are not feasible because of the limited space available in the Consular Section. We have already scheduled a visit by a Consular Management Assistance Team (CMAT) to Toronto (May 4-7) in order to assess the situation there and to determine what additional resources are needed. In addition, State Department's Office of Overseas Buildings (OBO) has allotted \$20,000 for a space study to suggest improvements to consular operations in Toronto.

Once again, we appreciate the opportunity to comment on the draft provided to us.

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