

June 19, 2004

National Commission on Terrorist Attacks
Upon the United States
301 7th Street, SW
Room 5125
Washington, D.C. 20407

Commissioner John F. Lehman:

I am responding to your opinion piece "Still Not Safe- What the 9/11 Commission Has Learned So Far," which appeared in the New York Post on May 11, 2004. I am an officer with Customs and Border Protection, formerly an Immigration Inspector with the Immigration and Naturalization Service, who admitted Marwan Alshehhi when he was referred for a secondary inspection at JFK International Airport in January 2001. Though your piece does not mention me by name you are definitely referring to me when you wrote "Not any of the 19 officers lost their jobs at Immigration for allowing the 19 terrorists-nine who presented grossly falsified passports-to enter the country."

I wish to respond to this quote. My comments refer only to my inspection of Alshehhi and not to any of the other 18 officers, though I am not endorsing your views with regard to any of these other officers. My first thought, is that I flew to Washington, D.C. in March 2004 to give testimony to the 9-11 Commission and you certainly could have leveled these charges to my face had you been so inclined. Since you failed to do so I will use this letter to give you some important information.

I was interviewed by the Office of the Inspector General and on page 5 of their Executive Summary of "The Immigration and Naturalization Service's Contacts with Two September 11, Terrorists: A review of the INS's Admissions of Mohamed Atta and Marwan Alshehhi, its Processing of their Change of Status Applications, and its Efforts to Track Foreign Students in the United States" they write in part "The evidence with respect to Alshehhi suggests that the inspector's admission of Alshehhi was not in violation of INS practices."

I obviously felt very bad that I admitted Alshehhi into this country and even worse about that terrible September day and I asked many of my supervisors and managers if I had made a mistake and I was assured by everyone that I did not. I specifically asked my chief 9-11 Commission interviewer, Janice Kephart-Roberts, if Alshehhi either had been a lookout or had presented a

fraudulent or an altered passport at the time I admitted him and was told no to both questions. I also posed the question if Alshehhi was inadmissible at the time of his entry and was told that it was still an open question. You see the only possible legitimate point of contention about the admissibility of Alshehhi was whether an alien can take flight training in the United States on a B-2 or B-1 visa. If the 911 Commission, more than two years after the event, is still mulling this over, I think I am entitled to some slack over a decision I made in less than 20 minutes without the enormous benefit of hindsight. If you need further evidence that I have not engaged in misfeasance you might consider the fact that I have been awarded numerous "sustained superior" awards. You might also ask [redacted] of the FBI-NYPD Joint Terrorist Task Force if I am the weak link in our border.

Your referring to nine of the terrorists presenting "grossly falsified passports" is I think quite misleading. There are many ways to falsify a passport, however, the only types of fraud that can be detected by even a skilled Officer are [redacted]

[redacted] It is quite unfair to blame officers for not realizing that a terrorist has assumed another person's identity or bribed some foreign government official to receive a passport that they were not legally entitled to. In this regard it is quite revealing that the former Immigration and Naturalization Service nor the current Customs and Border Protection Agency has ever communicated to its officers a forensic evaluation or review of the "fraudulent" passports utilized by the 911 terrorists. Now I realize much of this material is still classified but when does the government plan on letting the officers who admit people into this country in on the secret? While on this point I should also note that there has been no directive or instruction clarifying the grey area of the law concerning when vocational training —1 visas are required.

I find it amazing that confronted with the enormity of governmental failure exposed by this terrorist attack you specifically recommend the removal of the 19 officers who in many cases were in the wrong place at the wrong time and in most cases were functioning by the pre 911 rules. These officers were doing a job that none of the powerful interest groups in this country really want them to do. Of course neither the business groups seeking an endless flow of cheap labor nor the ethnic special interests seeking an endless flow of future voters want Americans to die in terrorist attacks but neither do they want to fundamentally change nor improve our immigration controls.

Of course everyone is glad that Officer Jose Melendez-Perez stopped the 20th terrorist but I think you may be learning the wrong lessons from this experience. Officer Melendez-Perez stopped an Arab male, who could not speak English, was hesitant to provide a United States address, was aggressive and uncooperative, and appeared to be underfinanced. He also appeared to have a physique and manner that suggested recent military training. Alshehhi was fluent in English, calm, well financed and at approximately 6 feet 1 inch and 235 pounds could have dropped a few pounds. Also significant was the fact that he had previously departed the United States before he was required to. In addition he was a citizen of the United Arab Emirates-not a country that we had associated at the forefront of terrorism. You apparently believe that Officer Melendez-Perez was the only officer doing his job and the other 19, including me, are lazy incompetents who are

stealing our salary and pensions. I think you are forming this judgement based on the brilliance that usually accompanies hindsight. If you believe that officers can consistently spot a terrorist through body language than your otherwise laudable attempts to think outside the box and to get our government institutions to change will fall short. I can virtually guarantee you that the next terrorist team that enters the United States will make none of the mistakes observed by Officer Melendez-Perez. In the last two months I have stopped several aliens who came up as a USVISIT Watch List hit who were able to obtain genuine passports and visas through fraud. If the Department of States could provide USVISIT technology to the Visa Issuing Posts, they would never have obtained visas. Just two weeks ago I stopped two citizens of Burkina Faso from entering the United States to attend, ostensibly as award winners, the Houston Film Festival. A phone call revealed that the festival was over, these two had never been invited, and the letter they presented to obtain their visa was counterfeit. Why could this not have been discovered prior to visa issuance? Making use of technology and an ounce of prevention at the earliest stages of the immigration process, which often starts at the Department of State, would reap huge benefits. If we continue to rely exclusively on CBP Officers who have at most about three minutes per alien inspection we will remain in deep trouble.

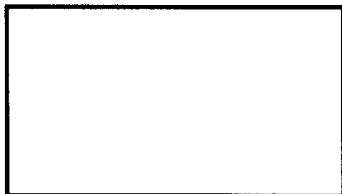
The sad fact is that there are at least 10 million illegal aliens in the United States right now and with increasing talk of a legislation that allow non immigrants to work legally in the United States that number will mushroom. There is no coherent strategy for reducing the number of illegal aliens entering or remaining in the United States at all. Despite the implementation of the very promising USVISIT technology the number of aliens stopped from entering the United States remains at about 300-400 a month when the true number of inadmissible is very likely 20 times that. The system is designed to catch the [REDACTED]

[REDACTED] It cannot stop the vast majority of first time entrants with legitimate passports, who are not lookouts, from staying in the United States forever. It also cannot stop aliens from conning overworked Visa Issuing Officers from using a wide array of fraudulent means to obtain a visa. With a standard admission of six months for aliens with a B-2(tourist visa) and with extensions of a stay liberally granted we are begging aliens to come and stay here. How many Americans prior to their retirement get to take a six-month vacation? The problem is made much worse by the ease in which illegal aliens obtain Driver's Licenses, social security cards, welfare, medicaid, medicare, Section 8 Housing etc. and the growing numbers of localities that have decreed themselves sanctuaries from immigration enforcement.

I agree with what I believe was the main point of your piece that our governmental institutions need to change in profound ways to deal with the threat of terrorism. However your pointed insinuation that nineteen stupid, incompetents, or lazy Immigration Officers failed to do their job is not supported by facts or logic.

Sincerely,

9/11 Law Enforcement
Sensitive



9/11 Law Enforcement Privacy

9/11 Law Enforcement Privacy

STAPLE HERE

ENGLISH

See Other Side

UNITED STATES OF AMERICA

17 Country of Citizenship
13 First (Given) Name
14 Family Name
16 Birth Date (Day/Month)

09/05/78

MARK W. A. N

ALSHEHHI

NOV 9 2000

UNTL

ADMITTED

CLASS

May 8 2000

U.S. IMMIGRATION

210 NEW

23195928 07

Departure Record

194

Immigration and Naturalization Service

Departure Number

22

UNITED STATES OF AMERICA

Issuing Post Name

DUBAI

SurName

ALSHEHHI

Given Name

MARWAN YOUSEF MOHAMED R-LEKRA

Passport Number

A0460773

Sex

M

Birth Date

09MAY1978

Nationality

UAE

Issue Date

18JAN2000

Expiry Date

17JAN2010

Entries

M

Annotation

27334344

VNAREAL SHEHHI << MARWAN YOUSEF MOHAMED R-LEKRA

A0460773 < ARE7805097M00011886320E < A86501882

Warning A nonimmigrant who accepts unauthorized employment is subject to deportation.

Important - Retain this permit in your possession; you must surrender it when you leave the U.S. Failure to do so may delay your entry into the U.S. in the future.

You are authorized to stay in the U.S. only until the date written on this form. To remain past this date, without permission from immigration authorities, is a violation of the law.

Surrender this permit when you leave the U.S.:

- By sea or air, to the transportation line;
- Across the Canadian border, to a Canadian Official;
- Across the Mexican border, to a U.S. Official.

Students planning to reenter the U.S. within 30 days to return to the same school, see "Arrival-Departure" on page 2 of Form I-20 prior to surrendering this permit.

Record of Changes

Port:

Departure Record

Date:

Carrier:

Flight #/Ship Name:

Visas

U.S. IMMIGRATION
210 NEW 289

30

MAY 29 2000

UNITED STATES OF AMERICA

Issuing Post Name: DUBAI

Passport Number: 20000180320001

Visa Type/Class: R B1/B2

Given Name: NARWAN-YOUSEF MOHAMED R-LEKRA

Birth Date: 09MAY1978

Nationality: UAE

Passport Number: A0460773

Issue Date: 18JAN2000

Expiry Date: 17JAN2010

Entries: M

Annotation: 27334344

VNAREAL-SHEHHI<<MARWAN<YOUSEF<MOHAMED<R<LEKRA
A0460773<1ARE7805097M0001188B32DE44A86501882

A0460773

Observer's Signature

This passport is an important document. It should be protected securely so as not to pass to an unauthorized person. Its loss or destruction should be reported to the issuing authority or to the nearest U. S. E. diplomatic mission abroad. Replacement passports will be issued only after thorough investigation.

Caution

- 1 Passports of the United Arab Emirates are issued by the directorates of Naturalization & Immigration or by the Diplomatic or Consular Missions of the U A E , accredited abroad
- 2 The validity of this passport is for five years from the date of issue
- 3 This passport is valid for all countries of the world

Important Instructions

هذا المصباح ويثبت ذات الهيبة. ويوجب المحافل غناءه حتى لا يتعرق فيه
بشء من الأذى له حسنه، وأما فقد أو تلف فحذف ابتداءً جهه ابتداءً
أو أن يثبت ثم يحذف له ابتداءً الامتارات الغريبة المصحفة في المتابع
وغيره من أمثاله. وحذرا لا يثبت إلا في التصحيح والتبويب.

[illegible]

卷之四

- نَسْبِدُ رَجُلًا إِنْ رَأَتْ سَمْفَى وَهِيَ الْأَسَارَاتُ الْعَرَبِيَّةُ لِلْمُتَحَدَّةِ مِنْ أَوْرَاتِ الْحَمِيَّةِ
وَالْهَيْدَةِ أَوْ النُّعْمَاتِ الدَّيْوَانِيَّةِ الْمُنْجِدَةِ لِلدَّوْلَةِ الْأَمَارَاتِ بِمَا خَارِجَ

٢- وهذا الجملة من صالح الشفيع إلى جميع أقطار العالم.

تذکرہ

هذا الحيوان يبقية ذات اهمية. ويحب المحاضلة غايه حتى لا يتبع في
بعض الايام له حملاه ، اذا فقد او تلف فيحب ابناءه جميعه اصلا

ولما جرى في ذلك اليوم من المصادفة والحوادث التي لا يمكن أن تتكرر في يوم آخر، أو أن يفتقد في يوم آخر، لم يبق لنا إلا أن نذكر في هذه المصاحفة ما كان في ذلك اليوم من المصادفة والحوادث التي لا يمكن أن تتكرر في يوم آخر، أو أن يفتقد في يوم آخر.

Important Instructions

Passports of the United Arab Emirates are issued by the directorates of Naturalization & Immigration or by the Diplomatic or Consular Missions of the U.A.E. accredited in the country.

2 The validity of this passport is for five years from the date of issue.

This passport is valid for all countries of the world

Caution

This passport is an important document. It should be preserved securely so as not to pass to an unauthorised person. Its loss or destruction should be reported to the relevant authorities.

to the issuing authority or to the nearest U A E diplomatic mission abroad. Replacement passports will be issued only after thorough investigation.

Observer's Signature

روضة المسكين

10

UNITED ARAB EMIRATES

PASSPORT جواز سفر



الإمارة العربية المتحدة

| | | | |
|--------------------------------|-----------------------|-----------------------------|--------------|
| Type | State | Passport No. | |
| P | ARE | A0460773 | ٠٤٦٠٧٧٣٢ |
| | | مروان يوسف محمد راشد لكرا ب | |
| Surname | | المعنة / القبط | |
| ALSHEHHI | | الشحي | |
| First Names | | | |
| MARWAN YOUSEF MOHAMED R.LEKRAB | | | |
| Occupation | | المهنة | |
| EMPLOYEE | | موظف | |
| Date of Birth | | تاريخ الميلاد | |
| 09/05/1978 | | ١٩٧٨/٠٥/٠٩ | |
| Sex | جنس | Place of Birth | مكان الميلاد |
| M | ذكر | RAS AL KHAIMAH | رأس الخيمة |
| Date of Issue | تاريخ الإصدار | تاريخ الإصدار | |
| 02/01/2000 | ٢٠٠٠/٠١/٠٢ | رأس الخيمة | |
| Date of Expiry | تاريخ انتهاء الصلاحية | Issuing Authority | |
| 01/01/2005 | ٢٠٠٥/٠١/٠١ | RAS AL KHAIMAH | |

P<AREALSHEHHI<<MARWAN<YOUSEF<MOHAMED<R<<<<<<
AO/ 7773<1ARE7805097M0501013000000000<<<<<08

Departure Number

913115033 08

Immigration and
Naturalization Service

U.S. IMMIGRATION
NEW YORK, N.Y.

9/11 Law Enforcement Privacy

I-94

Departure Record

JAN 18 2001

ADMITTED
(UNTIL)

(CLASS)

14. Family Name

A.L.S.H.E.H.H.I.

15. First (Given) Name

H.A.R.W.A.N.

17. Country of Citizenship

UNITED ARAB EMIRATES

16. Birth Date (Day/Mo/Yr)

09.05.78

MAY 17 2001

APHIS/FWS USE ONLY

WELCOME
TO THE
UNITED STATES

CUSTOMS USE ONLY

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICEFORM APPROVED
OMB NO. 1515-0041

CUSTOMS DECLARATION

19 CFR 122.27, 148.12, 148.13, 148.110, 148.111

Each arriving traveler or responsible family member must provide the following information (only ONE written declaration per family is required):

1. Family Name

ALSHEHHI

2. First (Given) Name

MARWAN

3. Middle Initial(s)



4. Birth Date (day/month/year)

09 | 05 | 78

5. Airline/Flight No. or Vessel Name or Vehicle License No.

957

6. Number of Family
Members Travel-
ing With You

1

7. (a) Country of Citizenship

UNITED ARAB EMIRATES

7. (b) Country of Residence

UNITED ARAB EMIRATES

8. (a) U.S. Address (Street Number/Hotel/Mailing Address in U.S.)

100001 W ATLANTIC BL

8. (b) U.S. Address (City)

CORAL SPRINGS

8. (c) U.S. Address (State)

FL, 33071

9. Countries visited on this trip prior to U.S. arrival

a. ~~EGY~~ EGYPT

b.

c.

d.

10. The purpose of my (our) trip is or was:
(Check one or both boxes, if applicable)☐ Business☒ Personal11. I am (We are) bringing fruits, plants, meats, food,
soil, birds, snails, other live animals, wildlife
products, farm products; or, have been on a farm
or ranch outside the U.S.:☐ Yes☒ No12. I am (We are) carrying currency or monetary
instruments over \$10,000 U.S., or foreign
equivalent:☐ Yes☒ No13. I have (We have) commercial merchandise, U.S.
or foreign: (Check one box only)☐ Yes☒ No14. The total value of all goods, including commer-
cial merchandise, I/we purchased or acquired
abroad and am/are bringing to the U.S. is:

\$ 1500

(U.S. DOLLARS)

(See the instructions on the back of this form under "MERCHANDISE" and use the space
provided there to list all the items you must declare. If you have nothing to declare, write "- 0 -".
in the space provided above.)

SIGN BELOW AFTER YOU READ NOTICE ON REVERSE

I have read the notice on the reverse and have made a truthful declaration.

X Marwan Alshehhi

060

U.S. IMMIGRATION

MIA

ADMITTED

02-05-2001

(Date (day/month/year))

U.S. Customs use only - Do not write below this line

INSPECTOR'S BADGE NUMBER

STAMP AREA

TIME COMPLETED

CLASS
UNTIL

Customs Form 6059B (012799)

9/11 Law Enforcement Privacy

REQ #20-1 and 2

000000608

NOTICE
ALL PERSONS ARE SUBJECT TO FURTHER QUESTIONING AND THEIR PERSONS, BELONGINGS, AND CONVEYANCE ARE SUBJECT TO SEARCH. (19 CFR 162.3 - 162.8)

The unlawful importation of controlled substances (narcotics, chemicals, prescription medicines, etc.) not accompanied by a prescription, etc.) regardless of amount is a violation of U.S. law.

To prevent the entry of dangerous agricultural pests and prohibited wildlife, the following are restricted: Fruits, vegetables, plants, plant products, soil, meats, meat products, birds, snails, and other live animals or animal products, wildlife and wildlife products. Failure to declare all such items to a Customs/Agricultural/Wildlife officer can result in penalties and the items may be subject to seizure.

The transportation of currency or monetary instruments, REGARDLESS OF AMOUNT, IS LEGAL; however, if you take out of or bring into the United States more than \$10,000 (U.S. or foreign equivalent), or a combination of the two in coin, currency, traveler's checks or bearer instruments such as money orders, personal or cashier's checks, stocks or bonds, you are REQUIRED BY LAW TO FILE a report on Form 4790 with the U.S. Customs Service. If you have someone else carry the currency or instruments for you, you must also file the report. FAILURE TO FILE THE REQUIRED REPORT OR FAILURE TO REPORT THE TOTAL AMOUNT YOU ARE CARRYING MAY LEAD TO THE SEIZURE OF ALL THE CURRENCY OR INSTRUMENTS, AND MAY SUBJECT YOU TO CIVIL PENALTIES AND/OR CRIMINAL PROSECUTION.

VISITORS (NON-RESIDENTS): must declare in Item 14 the total value of all articles intended for others and all items intended to be sold or left in the U.S. This includes all gifts and commercial items or samples. (EXCEPTION: Your own personal effects, such as clothing, personal jewelry and camera equipment, luggage, etc., need not be declared.)

U.S. RESIDENTS must declare in Item 14 the total value of ALL articles, including commercial goods and samples, they acquired abroad (whether new or used, dutiable or not; and whether obtained by purchase, received as a gift, or otherwise), including those articles purchased in DUTY FREE STORES IN THE U.S. OR ABROAD, which are in their possession at the time of arrival. Articles which you acquired on this trip mailed from abroad, (other than articles acquired in insular possessions and various Caribbean Basin countries) are dutiable upon their arrival in the U.S.

THE AMOUNT OF DUTY TO BE PAID will be determined by a Customs officer. U.S. residents are normally entitled to a duty free exemption of \$400 on those items accompanying them; non-residents are normally entitled to an exemption of \$100. Duty is normally a flat rate of 10% on the first \$1,000 above the exemption. If the value of goods declared in Item 14 EXCEEDS \$1400 PER PERSON, then list ALL articles below and show price paid in U.S. dollars or, for gifts, their retail value. Please describe all articles by their common names and material. For example: MAN'S WOOL KNIT SWEATER; DIAMOND AND GOLD RING, etc. Also, please have all your receipts ready to present to the Customs officer, if requested. This will help to facilitate the inspection process.

COMMERCIAL MERCHANDISE can be defined as articles for sale, for soliciting orders, or other goods not considered personal effects of the traveler.

IF YOU HAVE ANY QUESTIONS ABOUT WHAT MUST BE REPORTED OR DECLARED, ASK A CUSTOMS OFFICER

| IF NOT DECLARED, ASK A CUSTOMS OFFICER | | |
|---|-------|-------------|
| DESCRIPTION OF ARTICLES <i>(List may be continued on another Form 8059B)</i> | VALUE | CUSTOMS USE |
| | | |
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| TOTAL ▷ | | |

Paperwork Reduction Act Notice: The information collected on this form is needed to carry out the Customs, Agriculture, and Currency laws of the United States. We need it to ensure that travelers are complying with these laws and to allow us to figure and collect the right amount of duty and taxes. Your response is mandatory. The estimated average burden associated with this collection of information is 3 minutes per respondent. Send or mail and suggestions for reducing this burden should be directed to U.S. Customs Service, Information Services Group, Washington, D.C. 20229. DO NOT send completed forms to this office.

*U.S. GPO: 2000-585-353

Customs Form 6059B (012799)(Back)

U.S. Department of Justice
Immigration and Naturalization Service

Certificate of Eligibility for Nonimmigrant (M-1) Student
Status - For Vocational Students (OMB No 1115-0051)

Page must be completed and signed in the U.S. by a designated school official.

For Immigration Only Use

APPROVED

SSC

Visa issuing post

Date visa issued

M-1 to 19-1-2001

Reinstated, extension granted to:

SRC-0227650854

2. School (school district) name: Suffan Aviation International

School official to be notified of student's arrival in U.S. (Name and Title)

Nicole Antini, Student Coordinator

School address (include zip code)

400 East Airport Avenue Venice, FL 34285

School code (include 3-digit suffix, if any) and approval date:

111A 214F 1096.00 Approved on 06/22/90

3. This certificate is issued to the student named above for (check and fill out as appropriate)

a. ☐ Initial attendance at this school.

b. ☒ Continued attendance at this school.

c. ☐ School transfer.

Transferred from _____

d. ☐ Use by dependents for entering the United States

e. ☐ Other _____

4. Level of education the student is pursuing or will pursue in the United States. (Check only one)

a. ☐ High school b. ☒ Other vocational school

5. The student named above has been accepted for a full course of study at this school, majoring in Pro. Pilot Pro

The student is expected to report to the school not later than

(date) 09/01/00 and complete studies not later than

(date) 09/01/01 the normal length of study is 12 months

6. ☒ English proficiency is required.

☒ The student has the required English proficiency.

☐ The student is not yet proficient, English instructions will be given at the school.

☐ English proficiency is not required because _____

7. This school estimates the student's average costs for an academic term of 12 (up to 12) months to be:

a. Tuition and fees \$ 16,000.00

b. Living expenses \$ 9,300.00

c. Expenses of dependents \$ _____

d. Other (specify) \$ _____

Total \$ 27,300.00

8. This school has information showing the following as the student's means of support, estimated for an academic term of _____ months (Use the same number of months given in item 7).

a. Students personal funds \$ 27,300.00

b. Funds from this school \$ _____

(specify type)

c. Funds from another source \$ _____

(specify type and source)

Total \$ 27,300.00

9. Remarks: _____

10. School Certification I certify under penalty of perjury that all information provided above in items 1 through 8 was completed before I signed this form and is true and correct. I executed this form in the United States after review and evaluation in the United States by me or other officials of the school of the student's application, transcripts or other records of courses taken and proof of financial responsibility which were received at the school prior to the execution of this form, the school has determined that the above named student's qualifications meet all standards for admission to the school, the student will be required to pursue a full course of study as defined by 8 CFR 214.2(f)(5). I am a designated official of the above named school and I am authorized to issue this form.

Signature of designated school official:

Name of designated school official & title (print or type)
Nicole Antini, Student Co.

Date and place issued (city and state)

08/29/00 Venice, FL

11. Student Certification I have read and agreed to comply with the terms and conditions of my admission and those of any extension of stay as specified on page 2. I certify that all information provided on this form refers to me and is true and correct to the best of my knowledge. I certify that I seek to enter or remain in the United States temporarily, and solely for the purpose of pursuing a full course of study at the school named on item 2 of this form. I also authorized the named school to release any information from my records which is needed by the INS pursuant to 8 CFR 214.2(g).

Signature of student:

Name of student (print or type)

Marwan Alshehhi

Date

Signature of parent or guardian (if student is under 18)

Name of parent or guardian (print or type)

Date

Address of parent or guardian:

(street)

(city)

(state or province)

(county)

Form I-20M-N/I-20ID Copy (Rev. 5-3-90)N

For official use only

Microfilm Index Number

B-1B230

REQ #20-1 and 2

000000624
M-NFB-00000505

16:52:46 INS INSPECTION RESULTS 090403 12PM0907
TID=M7MV A477 NEW YORK, JFK AIRPORT, TERM 1 T2PRM907
FLIGHT#: AT 204 ROYAL AIR MAROC
DOC TYPE: P #: A0460773 CNTRY: MR MAURITANIA SEX: M
DNAME(LAST): ALSHEHHI FRST: MARWAN DOB: 050978
ID BY: E-INS INSPECTOR-B DTE: 01182001 TME: 1355
ASON: LEFT ONE WEEK AGO AFTER ENTRY IN MAY. HAS EXTENSION AND NOW RETURNING FOR
FEW MORE MONTHS FRST: DOB:
SNAME(LAST):
NATIONALITY: AE UNITED ARAB EMIRATES
DISPOSITION: B1 TEMPORARY VISITOR FOR BUSINESS (INCL PEACE CORPS)
CHARGE (CODED):
DEFERRED TO POE: LOOKOUT MATCH? (Y/N)
SECONDARY OFFICER: SPIGEL/D-INS INSPECTOR-B 01/18/2001 14:24
COMMENTS: REFERRAL CODE: 03 TRAVEL HISTORY/ROUTI
WAS IN US GAINING FLIGHT HOURS TO BECOME A PILOT. ADMITTED FOR FOUR MONTHS

(PF1=HELP) (PF2=FLD HELP) (PF3=MAIN MENU) (PF4=PREV MENU) (PF9=VIEW ACCESS)
(PF14=LINKLIST) (PF15=PREV LINKLIST) (PF16=PRINT) (PF17=HOME BASE)

9/11 Law Enforcement Privacy

N1XADT0W

1. IMMIGRANT INFORMATION SYS 1
DETAIL VIEW

DATE: 10/13/01
TIME: 11:55:12

LN: ALSHEHHI
PASSPORT NUMBER : A0460773
- ARRIVAL
MISSION NUMBER : 91311503308
MISSION CLASS : B1
ADMISSION DATE : JAN 18, 2001
ADMITTED TO DATE : MAY 17, 2001
PORT OF ENTRY : NEW YORK NY
INSPECTOR NUMBER : 9/11 Law Enforcement Privacy
VISA ISSUE POST : DUBAI
VISA ISSUE DATE : JAN 18, 2000
ARRIVAL CARRIER : AT ROYAL AIR MAROC
AIRLINE FLIGHT NUMBER : 00204 TRAVEL MODE: AIR
INTENDED STREET ADDRESS: 516 W LAUREL RD
INTENDED CITY ADDRESS : NOKOMIS STATE: FLORIDA
MICROFILM NUMBER :
DEPARTURE ACTUAL DEPARTURE CARRIER : NW
DEPARTURE DATE : APR 18, 2001 ACTUAL DEPARTURE FLIGHT #: 58
PORT OF DEPARTURE : MIAMI FL SCREEN HELP:
F1=NEXT PAGE PF2=PRIOR PAGE PF4=RETURN PF5=HELP PF6=MAIN MENU
F7=FIRST PAGE PF8=LAST PAGE PF10=INQUIRY
900022 FIRST PAGE DISPLAYED

MARWAN AL-SHEHHI

May 29, 2000 – Newark International Airport
SABENA – Flight # 537
Primary Inspector
[REDACTED]

- Telephonically interviewed by SA [REDACTED]
- Was given Kalkines warning
- Has been employed with INS since [REDACTED] – II at Newark Airport
- Had no recollection of processing Alshehhi through primary inspection on May 29, 2000
- B-2 visas are issued for a minimum of six-months with a one year maximum
- How would a primary II handle an passenger: Ask purpose of trip, length of stay, where are they visiting / residing while in U.S., check document - passport and visa, as well as any other documents relating to the entry
- Normally would ask about previous visits to U.S. if entry stamps are in the passport
- [REDACTED]
- Hard Secondary area: Computer queries are conducted by the secondary inspectors (NCIC, STSC, NIIS, CLAIMS, CIS, DACS, NAILS)
- If adverse action is required for criminal or administrative proceedings, then a supervisory II must be notified and the final decision comes from the supervisor
- B-2 tourist visas are issued normally for six months
- B-1 business visas normally up to six months – depends on amount of time needed – minimum is normally three months
- [REDACTED] receives follow-up training periodically – changes come down from HQ and district via cc-mail or memo's
- Primary Inspection process: Check documents, interview – purpose of visit, length of stay, where are you going to be living, swipe passport
- If there is a hit on the APIS screen, make comments and refer to secondary
- If passengers plans on attending flight school, back of I-94 there is a box for "prospective student" – can be admitted into the U.S. as a student
- If already attending flight school, and does not enter with an M-1, must go to secondary for further review
- Some passengers come to U.S. and say they are prospective students – normally would ask follow-up questions before admitting
- If intention was to return to a school already attending, and the passenger does not have the proper visa, that passenger is referred for secondary inspection
- Not sure about returning the students – depends on the person(s) circumstances – can issue a I-193 waiver - the ultimate decision must come from a supervisor if any adverse action must be taken

OIG004-0172

January 18, 2001 – JFK International Airport
Royal Air Morocco / Air France – Flight # 204

Primary Inspector

[REDACTED]

- Interviewed by SA [REDACTED]
- Was placed under oath
- [REDACTED]
- Was on duty and assigned to primary inspection on 01/18/01 at JFK
- Was shown a copy of the INS Inspection Results Report – [REDACTED] stated the following: SUBJ left one week ago after entry in May (2000). Has extension and now returning for a few more months. Secondary Officer – [REDACTED] stated the following: Was in US gaining flight hours to become a pilot. Admitted for four months
- [REDACTED] claims she recalls the entry by Al-Shehhi.
- The entries in Al-Shehhi's passport made no sense. Left one week ago. [REDACTED] felt Al-Shehhi was trying to "beat" the immigration system. Already lived in the US for several months, when didn't he have the proper visa in his passport *what visa did he need?*
- Don't recall seeing an I-20.
- Don't recall if Al-Shehhi verbally said he had an extension
- B-1 normally issued for a minimum of 3-months – stamps set for 3-months
- B-2 normally issued for a minimum of 6-months – stamp set for 6-months
- Not familiar with May 2000 entry by Al-Shehhi – B-2 until November 2000
- If entering on a B-1/B-2 and was attending flight school, Al-Shehhi would be required to have an M-1 visa upon arriving in U.S.
- Al-Shehhi had the wrong visa, referred to hard secondary for further review
- M-1 visa good for one year
- Extensions do cover B-1/B-2 visas. Don't recall Al-Shehhi showing any documents for an extension
- [REDACTED] felt the 4-month admission for Al-Shehhi was incorrect – possible mistake
- I-539 change of status is abandoned once the person leaves the US. Upon return to US, must file for a new I-539 with INS.
- B-1 – Supervisor with concurrence of Hard Secondary officer can take adverse action and deport. Adverse actions required approval from a Supervisor
- Chances of sending students back was minimal
- Option: Issue I-193 on spot / port of entry. Collect fee of \$170.00 (pre 9/11)
- At JFK, if person had I-20 and wrong visa – issue I-515 for 30 days and have person file through proper channels for proper visa (M-1)
- Hard Secondary decision – visa not correct for training school, trying to beat the system, B-2 when left US on 01/11/01, returns on 01/18/01 as B-1, living in US and didn't bother to obtain a proper visa, [REDACTED] would have recommended deportation. However, final decision falls with a Supervisor.

OIG004-0173

- U.S. Customs forms has box marked for pleasure or business, verify which box was checked and compare with visa
- Don't recall questioning Al-Shehhi about extension
- At JFK, [] has seen students from Korea and China returned to their country for not having the proper visa. Compared to Miami [] said JFK probably receives more students annually
- [] said JFK had a lot of problems with students coming to the US and not leaving after completing their education / visa expires.
- If a person enters through JFK with bad documents, they are automatically sent to Hard Secondary
- Primary II only views APIS screen for lookouts – time factor, Primary IIs have some many seconds to clear a person
- Hard Secondary has the databases for checking the person's background / purpose of visit further
- School's don't report back to INS re: students attendance or completion of training / education (not required)
- Primary IIs don't stamp the I-94 or passport with "Admitted until date" if there was a problem. The person is referred to Hard Secondary, whereby the II in Hard Secondary would stamp the documents if the person were going to be admitted.
- After 9/11 – all waiver cases or adverse actions are handled at the APD level

Secondary Inspector – JFK

[]
Interviewed by SA [] on March 25, 2002 at JFK

- Was given Kalkines Warning and placed under oath
- Has been employed with INS since [] – JFK entire time
- Since 1990, has worked Hard Secondary exclusively
- Had a vague recollection of the Alshehhi interview on January 18, 2001
- Shown copy of INS Inspections Result Report: " Was in US gaining flight hours to become a pilot. Admitted for four months
- Doesn't recall an I-20 being presented
- Must have a valid passport and visa in order to enter U.S.
- In the past, has admitted people going to flight school on B-1, or M-1
- Bulk of people (50 –60 % attending flight school are from the middle-east (UAE specifically)
- State Department issues visas – B-1 / B-2's issued at same time
- Don't recall if Alshehhi had a valid M-I visa
- Don't recall Alshehhi mentioning any change or extension (I-539)
- Once in secondary, would normally run CLAIMS – not sure if CLAIMS was ran in this case
- If person files for a change of status to M-1, can still remain in U.S. and attend school pending final approval

OIG004-0174

- If person leaves U.S., that person abandons the I-539 application
- Don't recall if NIIS was queried
- Admitted as B-1, not worried about Alshehhi working in U.S.
- As per notes in INS Inspections Report, did not view Alshehhi as an illegal
- Alshehhi must have said something about flight school – being honest
- Because Alshehhi said he was attending flight school, no grounds for removal
- B-1's are issued for a minimum of three months up to a maximum of one year
- Issued Alshehhi four months because he may have requested four months – can do as II
- B-1 Business visa – can attend seminars and training coincidental to travel
- Understanding from reading report, Alshehhi already finished flight school and assumed he wanted to log in some extra flight hours – nothing out of the norm
- Didn't feel the admission of Alshehhi was a mistake
- Don't recall telling a supervisory II about the handling of Alshehhi case
- Don't recall taking any adverse action against Alshehhi, therefore did not need concurrence from a supervisor
- With a valid B-1, a pending I-539, no grounds for removal
- No fraud with documents, not hiding the fact that an I-539 had been filed previously
- No reason to believe Alshehhi was looking to reside in the U.S.
- Grounds for removal include: Criminal background/ record or public health concern
- Also: fraudulent documents, wrong immigrant visa, overstay – by filing I-539 Alshehhi was not considered an overstay
- B-1 / B-2's in terms of practice – B-1's very lax. State Dept. in some cases will make notation on B-1 visa about attending flight school – don't need M-1
- Standard issue of B-1 / B-2 visa is 10 years
- Don't recall Alshehhi saying he was a pilot
- STSC – shows school approved by INS – when I-20 was filed / issued- Signatory for school
- NIIS – INS database used to track non-immigrants entries and exists from the U.S.
- CLAIMS – entries generate a receipt because a fee must be collected at the time of filing an application – change of status monitored through CLAIMS
- Don't recall seeing a U.S. Customs deck
- If had to issue a I-193 waiver, which don't recall issuing one to Alshehhi, a supervisory II must be notified and a final decision would have to come from a supervisor
- In Alshehhi's case, Spiegel felt Alshehhi did not need and M-1 to attend this type of flight training – B-1 was suffice
- Believed Alshehhi logged in flight hours professionally and was looking for additional flight training
- Looking at INS Inspections report, [] believes Alshehhi spent 20 minutes sitting and 9 minutes to process

- If questioned Alshehhi about pending I-539, [] would have queried CLAIMS and NUIS
- During secondary inspection with Alshehhi on 01/18/01 – [] felt he was not rushed – Don't recall Alshehhi complaining about the process
- Viewed Alshehhi as another student attending flight school from UAE
- Prior to 9/11, students for UAE were not viewed as terrorists
- Don't recall seeing any "hits" or "lookouts" on Alshehhi
- UAE have financial background and normally attend flight schools in U.S.
- Some flight schools allow training with B-1 / B-2 and not necessarily with an M-1
- Have not seen any recent memo's from INS regarding M-1 visas – last time [] seen anything about M-1 visas was at the academy at FLETC. This area has always been a "gray" area with INS

May 2, 2001 – Miami International Airport
Northwest Airlines – Flight # 57
Primary Inspector
 []

9/11 Law Enforcement Privacy

- Interviewed by telephone from MIA. Present were SAs [] and [] and Steve Fallowfield
- No Kalkines warning was issued, nor was [] placed under oath
- Don't recall processing Alshehhi through primary inspection on May 2, 2001
- Don't recall Alshehhi
- Don't recall sending Alshehhi to hard secondary
- If there was no secondary activity for Alshehhi on May 2, 2001, then Alshehhi was admitted with no problems
- If Alshehhi was entering the U.S. in order to attend flight school on a B-1 / B-2 visa, Alshehhi would have been referred to secondary for further inspection and verify school.
- Don't recall seeing any I-20 from Alshehhi
- B-2 issued for minimum of 6 months, maximum up to one year
- B-1 issued for a minimum of three months
- The visa must match the intention of the visit. If attending vocational training, Alshehhi would need an M-1 visa
- I-539 if filed, and departs the U.S., the I-539 is not abandoned. Must have the proper visa
- Normally would ask more follow-up questions if passenger has wrong visa. If further inspection is needed to verify school and check databases, passenger is referred to secondary
- If passenger has a valid passport and B-1/B-2 visa, but has no I-20 or wrong visa, can issue an I-193 waiver
- Pre 9/11 – Depended on the student's circumstances. If adverse action had to be taken, a supervisor had to be notified and the final decision would come from a supervisory II

OIG004-0176

- Have seen passengers told to return and get proper visa
- If passenger did to have money to pay for I-193 (\$170.00), the passenger would be told to return to his/her country and get the proper visa
- Have seen the I-193 fee waived
- Have never seen an I-515 (for deficient I-20) issued to a student
- You either have the right visa or go to secondary
- Unapproved I-20 – automatically referred to secondary

OIG004-0177

MEMORANDUM FOR THE RECORD

EVENT: Interview of Inspector [redacted] Primary Inspector re Marwan al Shehhi, JFK International Airport *primary 1-18-01*

DATE: March 26, 2004

Special Access Issues: None

Prepared by: Janice Kephart-Roberts, Joanne M. Accolla

Team Number: 5

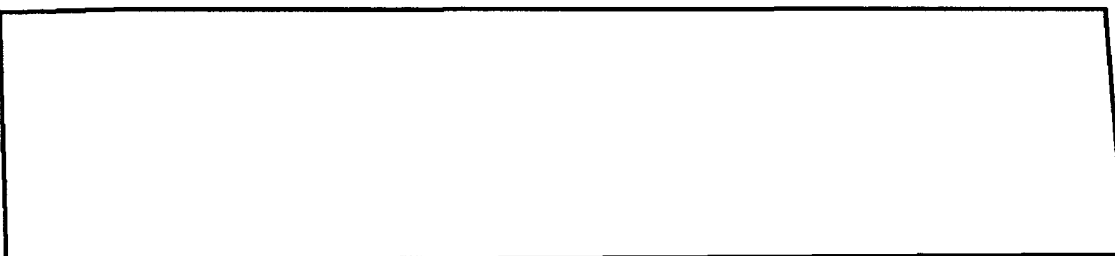
Location: U.S. Customs and Border Protection, Ronald Reagan Building,
14th & Pennsylvania Ave. NW, Washington, DC

Participants: Non-Commission: [redacted] Customs Inspector, JFK
International Airport; Alex Damen, Customs & Border Protection Counsel's Office

Participants: Commission – Janice Kephart-Roberts, counsel
Joanne M. Accolla, Staff Assistant

Background:

Interviewed by 2 officers from DOJ IG, called me in [redacted] (over the phone); told them to come in person to verify identity; March 22, 2002 – not FBI, DHS, CBP, White House.



[redacted] Primary and maritime back at JFK (Lookouts). Entered NAILS and DAX (deportable alien cases) cases into lookout system – sent over by the FBI – did this before and after Miami. Physically entered information in system. Did get lookouts for terrorist – especially after bombing (maybe first WTC 93). Did this in west wing of maritime office – now in terminal one – they do inspection of passengers and ships – cruise ships, cargo ships. Whenever there wasn't a flight in the room, she did data entries. Maybe four other inspectors as well. Thought NAILS system was helpful.

FLETC

Don't recall getting training in counterterrorism; did get training in document fraud, rep from FDL came; can't recall training in databases; did have mock primary inspections; language training in Spanish; don't recall cultural training but did have behavioral training. [REDACTED] Firearms training. Did not carry firearms unless boarding cargo ships. Never in primary.

SOP Primary Inspections

Pre 9/11, USCs just conversation about where you were, etc. Non USCs, wanted to know if we could communicate, where you are going, how long will you be here, (same questions on I-94). Review documents by swiping visa (swipe passport only if machine readable). On the VWP, you can swipe. [REDACTED] Databases were done in secondary. TEXT check done. When she first started, if system was down, you would check the SLOB book. Enter manual passport number if machines not working.

Standard length of stay for B1s – recall it being one month; than when at Miami, it was 3 months. When she returned to JFK it was 3 months. She had stamp with inspector number. Level of discretions with B1s, when she gave 1 month. If they said training was going to take 6 weeks, if it looked legitimate, she would give them 3 months. If they asked for 4 months, she would refer to secondary because not enough time on primary to discuss in depth.

B2s – 6 months. Discretion to lessen or increase would be done with advice of supervisor.

Vocational students – M1 – length of time plus 30 days not to exceed a year; J1 duration of stay; F1 same.

Processing time at JFK – [REDACTED] to process people. No repercussions if you did not meet that time.

Policy re referrals to secondary: no

Documents fraud – [REDACTED]

[REDACTED]

Continued training on how to do removal case, adverse action cases.

Treatment of Saudis and Emirates

Pre 9/11 didn't know why there were so many A2s. Why do they come here and go to our air force bases? And even with NSEERS they still get A2s. Didn't see them treated differently. We usually do Saudi flight at Delta terminal. Didn't think there were Arabic speakers at JFK to her knowledge – tried to get help with airline, which is an unfortunate thing.

Targeting/Profiling

[REDACTED] Any doubt – go to secondary.

Al Shehhi

Remembers inspection – because he didn't want to go into secondary. I was on a 6 a.m. to 2 p.m. shift in terminal one. Held for overtime. Line of flights coming in at the same time; Royal Emeriti, Lufthansa, Air France, Alitalia, etc. "The whole room was full. I think there were refugees there as well. Only hard secondary at JFK unless Miami that has soft and hard secondary. He comes to my line by himself to my knowledge. Looked at him and felt something bad – didn't like his looks, don't know why. Saw stamp that he got someplace else – he had gone home or entered another country – said you just left here – he spoke English well enough. I have business he said. You just left I said – I knew he was here for – he said he had an extension – I said I don't care – if you had extension why are you coming back in a week's time. I typed in computer what I felt and referred him and he didn't want to leave booth. What is your problem I said – he said "no" – I had to get out of the booth and take him because I thought he would bolt. Sat him on the side. I told someone in secondary unit that he didn't want to come here and he might try to get out of here. He made me remember him – if he was smart he wouldn't have done that."

From report: "Subject left one week ago after entry in May has extension and now returning for a few more months."

JKR – he had paperwork with him.

[REDACTED] – he wanted me to look at it but I didn't have time – too busy. My concern he was illegally living and working here.

Thought he had an extension of stay not a status adjustment – would have sent him to secondary any way.

JKR - If he had told you he was doing some flight training, would that have been a legitimate B1 activity?

☐ I don't care. I'm angry again just talking about this.

JKR – normally in adjudication if he is here to do flight training, does he have correct visa?

☐ I would have through he should have had an F1 or M.

JKR – concern that he was alone?

☐ no. Customs declaration?

JKR – no destroyed.

☐ Did not check if he had return ticket. Only if they are on visa waiver program, I check. My inspector number was at the time ??? I didn't stamp anything because I didn't admit him.

JKR – did he say how long he wanted to stay?

☐ no don't recall

JKR from you perspective, in primary, what were options for secondary inspector to do with this guy?

☐ I thought he could be 7A.

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JKR – would that have been enough for removal?

☐ yes

JKR – what if you knew he had pending I539 application to change status to M1 but left country while it was pending?

☐ it's voided.

JKR – if you knew he overstayed visa for 6 weeks

☐ definitely a 7A if you overstayed – if there is a reason for something you could do 275. If you were ill, there are exceptions.

JKR – did you give him 4 months on business was right?

☐

JKR – if you knew he was student and had I20 but wrong visa, would you have could you defer?

☐ - yes

JKR - remove someone with wrong visa

☐ - no - could have given them 30 days to apply for another visa from State Dept.

JKR - reads DOJ IG notes: "If visa was not correct . . . visa not correct, trying to beat system . . . living in US. . . ☐ would have recommended deportation."

☐ - I would have given him a 7A - would have cancelled visa.

Sees a lot of F1s .

JKR - do you need supervisory approval for deferred inspections?

☐ - sure - we don't do too many of those any more.

DHS

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I like the USVISIT but want it to include the Visa Waiver countries - especially since Al Shehhi came from Germany.

JKR - do you recognize these stamps?

☐ - no "I did not admit this person."

Uses the National Targeting Center. Is familiar with SEVIS.

JKR - have you ever seen Data-share - visa photos -

☐ - good stuff.

Message to Bonner

USVISIT on VW countries.

[REDACTED] Al SHEHHI

Primary inspector at JFK International Airport on January 18, 2001
September 11 Commission Interview March 26, 2004

Use of name in report: The Commission would agree, if you want, that the Commission will not use your name or your personal information without prior consultation with DHS/CBP about the information we seek to use. Unless we really feel the need, we won't use your name. However, we will not make the flat promise that we will not under any circumstances use your name.

Background.

Who else has interviewed you: DOJ OIG, FBI, DHS, CBP.

Familiar with [REDACTED] We've been up to JFK a couple of times....

- Do you recollect the inspection of Al Shehhi on January 18, 2001?

Marwan Al Shehhi primary inspector.

On January 18, 2001.

FLETC.

- When did you train? How long? *4 mos.*
- Training in CT? *don't recall*
- Document fraud? *FDL*
- Databases? *no can't recall*
- Mock secondary inspections?
- Cultural training?
- Behavioral training? *yes.*
- Language training?
- Firearms? *no. Only ships. Boarding cargo ships. Never in primary.*

Normal primary.

- Please describe the procedures you employ in primary screening, including questions asked, documents reviewed, and databases checked.
- *Length of stay for B1s:* was there a standard length of stay given pre 9/11? Was that a port decision, or national operating policy? If you gave less than the standard time, were there professional repercussions?
- *Length of stay for B2s:* was there any discretion in length of stay granted B2s pre 9/11?
- *Length of stay for vocational students:* what was your understanding of the rule? Did the one year limitation include the 30 days to leave, or was the 30 days tacked on at the end of the stay so that the stay in reality was 13 months?
- *Processing time at JFK:* was there a standard processing time? [REDACTED]

[REDACTED] Any professional repercussions if did not meet that processing time?

- Was there a port policy about referrals to secondary; a certain criteria that had to be met to refer to secondary?

Review of passport and visa.

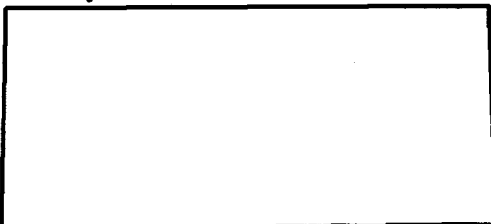
- What do you look for on the document to determine whether fraud or not?
- Can you read Arabic stamps/cachets? Is there always someone available with expertise in documents and stamps?
- Have you received any training in reading documents other than FLETC prior to 9/11?

Treatment of Emirates and Saudis.

- How did inspectors view Saudis pre 9/11? Ever considered a threat to national security?
 - At JFK, did you ever notice that any particular nationalities were treated any differently than others?
 - What about Saudis in particular?
 - How did the treatment affect adjudication of Saudis?
 - If you could not communicate with a Saudi, what would you do?
 - Were there any Arabic speakers in INS inspections at JFK?
 - Would the airline help you out?

Profiling.

- What unusual characteristics about an alien applying for admission would cause you concern and referral to secondary?

- 

- What would be the nature of your concern; what would you think was wrong?

Why al Shehhi referred.

- Do you recollect al Shehhi (did in DOJ OIG interview)?
- **Primary inspection report (show travel document copies and report):**
 - Electronic printout of "INS Inspection Results" reads: (read data fields)
 - Do you recall whether you got any help in translation or whether you could communicate in English with al Shehhi?
 - "Subject left one week ago after entry in May. Has extension and now returning for a few more months."
 - "Subject left one week ago after entry in May." Where did you get the departure information? In the system or in his travel document? Why was that important? What does that indicate?

- "Has extension." What kind of extension? How did you know? What is the concern here? Did he show you any documentation? (SHOW I-20)
- "Now returning for a few more months." What is the concern here?
- Any recollection of whether he mentioned he was attending flight school? Any recollection if he showed you an I-20? Mentioned that still in school?
- Is a continuation of flight training fit into a legitimate B1 activity?
- Would the fact that he is alone raise any concerns?
- Did he exhibit any behavioral characteristics during the screening that you recall?
- Did you check whether he had a return ticket?
- Do you recall whether he could speak English?
- Was there consideration given that perhaps he was a student with the wrong visa type?
- **Customs declaration (show).**
 - What about the declaration of \$1500? Did you seek to verify funds
 - Did you review the Customs dec and stamp it?
 - Did stamp no. [] belong to you? Did you stamp admission until May 2001?
 - Any reason why al Shehhi would have dated the Customs deck 2/5/2001?
 - If the decl doesn't include a statement on intended length of stay, do you ask for that information?
- **I-94 (show).**
 - Did you stamp the I-94? Did stamp no. [] belong to you?
 - Al Shehhi told you only requested one month stay. Did you have any discretion to give him less than six months?
- **NonImmigrant Information System (show).**
 - Did you complete this information? Inspector no. again is 2886.
- **Secondary inspection.**
 - From your perspective sitting in primary, what were the various options for a secondary inspector with someone like al Shehhi who had left a week ago, had extension and was now returning for a few more months. In other words, what type of information would you be seeking?
 - If this was all the information you could gather, would that be enough of a basis to seek voluntary or expedited removal?
 - What if you knew he'd had a pending I-539 application to change his status from B1/B2 to M1, but then left the country while it was pending? Would that have affected the adjudication?
 - What if you knew he had overstayed by a month prior to leaving in mid January and returning on January 18?

- What if he mentioned attending flight school but you had information in SEVIS that he had completed schooling and acquired his commercial pilot license?
- Would normal procedures at JFK required IDENTing with fingerprint and a photo? Was this a port or national policy as far as you knew?
-
- Would documents be reviewed, including travel stamps? Was there anyone at JFK skilled in reading stamps?
- And if you were interested in seeking voluntary or expedited removal, would you feel comfortable approaching your supervisor to make that request?

Changes at DHS.

What changes do you see on the front line with the new CBP?

With the separation from ICE?

What is lacking that you really need to be able to do your job better?

Familiarity with National Targeting Center.

What effect has US VISIT had on entry and the inspection process?

Use and value of SEVIS.

Adequate access to DOS visa via the Consular Consolidated Database.

If you had a message for Commissioner Bonner what would it be?

16:52:46 INS INSPECTION RESULTS 090403 12MRM907
TID=M7MV A477 NEW YORK, JFK AIRPORT, TERM 1 T2PRM907
FLIGHT#: AT 204 ROYAL AIR MAROC
DOC TYPE: P #: A0460773 CNTRY: MR MAURITANIA SEX: M
DNAME(LAST): ALSHEHHI FRST: MARWAN DOB: 050978
RERD BY: [REDACTED] INS INSPECTOR-B DTE: 01182001 TME: 1355
SON:
LEFT ONE WEEK AGO AFTER ENTRY IN MAY. HAS EXTENSION AND NOW RETURNING FOR
FEW MORE MONTHS FRST: DOB:
SNAME(LAST):
NATIONALITY: AE UNITED ARAB EMIRATES
DISPOSITION: B1 TEMPORARY VISITOR FOR BUSINESS (INCL PEACE CORPS)
CHARGE (CODED):
DEFERRED TO POE: LOOKOUT MATCH? (Y/N)
SECONDARY OFFICER: [REDACTED] INS INSPECTOR-B 01/18/2001 14:24
COMMENTS: REFERRAL CODE: 03 TRAVEL HISTORY/ROUTI
WAS IN US GAINING FLIGHT HOURS TO BECOME A PILOT. ADMITTED FOR FOUR MONTHS

(PF1=HELP) (PF2=FLD HELP) (PF3=MAIN MENU) (PF4=PREV MENU) (PF9=VIEW ACCESS)
(PF14=LINKLIST) (PF15=PREV LINKLIST) (PF16=PRINT) (PF17=HOME BASE)

9/11 Law Enforcement Privacy

MEMORANDUM FOR THE RECORD

EVENT: Interview of Inspector [REDACTED] (secondary inspector for Al Shehhi entry)
JFK International Airport

DATE: March 22, 2004

Special Access Issues: None

Prepared by: Janice Kephart-Roberts, Joanne M. Accolla

Team Number: 5

Location: U.S. Customs and Border Protection, Ronald Reagan Building,
14th & Pennsylvania Ave. NW, Washington, DC

Participants: Non-Commission: [REDACTED] Customs Inspector, JFK Intl. Airport
Alex Damen, Customs & Border Protection Counsel's Office

Participants: Commission – Janice Kephart-Roberts, counsel

Joanne M. Accolla, Staff Assistant

Background:

[REDACTED]

Basically, did not touch on law, touched on special topics – terrorism, interviewing techniques, firearms, drug interdiction, law enforcement oriented.

FLETC

Section of terrorism training at FLETC – day or less. Goal of class – explain what terrorism was, overview of terrorist organizations, Muslim brotherhood, etc., pointed out

this is a real threat; hijackings, attacks on airports in Rome and Milan. Course was interesting but as a practical tool for someone on primary didn't give very much in the way of tools— point was awareness, goals of groups, role of nation states supporting them, travel patterns.

Special Ops training course core did not change but added more recent terrorist attacks —

J — Ramsey Youseff brought up

☐ yes, it was brought up- I was at the airport when this happened; I knew the inspector involved.

J — do you recall seeing "Redbook" —filled with caches

☐ — a book of faces of terrorists — remember seeing that —

J — travel documents in it

☐ — yes — I remember 2 books — one with faces I think put out by CIA — in the 1980s. There was also —

— anything that would help them (pre-9/11).

J — another book — one for most wanted terrorists — and another one we know as the Redbook that had caches from known terrorists.

☐ — yes, I've seen that — and others from the FDL,
Hard pressed to know when = I think late 1980s.

J — Special ops training — interviewing techniques focus:

☐ — not a very big section I think 4 hours don't recall it being terrible useful — more helpful to people who have not done this at all. Not an advance course on body language.

J — did you ever get impressive course on interviewing techniques

☐ — frankly , no

J — write well and think clearly can write good sworn statements.

J — document fraud — where and when training

☐ — quite a bit — basic academy and in journeyman and special ops classes. Bad documents — continuing process;

J — databases — did you get training and the variety available

☐ - yes big database user - training at FLETC at journeyman and special ops - it is best hands on - for the most part to be good at databases you have to be in front of the computer and use it. I use it - pre and post 9/11 - couldn't function in secondary without using this stuff.

J - question about special ops - firearms training - how many hours

☐ - I would say it was considerable - about a week - maybe total of 14 hours.

J - why is that important for an inspector

☐ - I think the inspection program for a number of years, many people in Washington who felt inspectors should be a covered (law enforcement) position. My personal opinion - for most of my career, did not wear a weapon at work. Only senior inspectors who are law enforcement wear - about 42 of them at JFK. Feeling on part of agency that this should be a covered job - you are handcuffing people, searching people - so for many years, I qualified with weapon but did not bring it to work. Emphasis on firearms was an attempt to up our law enforcement profile so that one day we would be covered people. I think that was the reason why. After 9/11, everyone was told to bring arms to work.

J - mock secondary inspections -

☐ - did those in IOBTC - but difficult to do
Writing and structuring sworn statements. Widely diverse student body

J - behavioral training

☐ - some - I think IOBT did -

J - language training

☐ - Spanish in IOBTC. I'm not fluent; big part of the training; currently it is dropped from curriculum.

J - Arabic speakers who did not speak language

☐ - same thing we do with people from Senegal, rely on ground agents of airline; in early days a problem; because there wasn't a coherent language bank available. Now we have Spanish speakers, Arabic speakers; in early days it was tough to find someone who spoke the language; later on - 9 years ago - language bank you can call - 26 federal plaza - and they have interpreters from 8-5; after hours, you could call and get a referral to language specialist.

Lot of inspections that take place with the inspectors not speaking to person -

J - how many years only primary

☐ - probably from 1978 to 1984 probably exclusively primary. Later on, split between primary and secondary. After academy, it was almost exclusively secondary.

J - on primary inspection - basic procedures employed, i.e. questions, databases checked, etc

☐ - the only thing you could access was TEXT includes all of CLASS, a name check system ; run the name through TEXT -

Wouldn't take very long especially if it was machine readable passport or visa. Ask for passport, ticket I-90; look at person and picture - make sure it matches;

If you are dealing with European countries, passports not stamped on exist from US so you can't gauge how long they have stayed. We were given handout on how to interpret Arabic - late 1980s. There was inspector [redacted] did this on his own - took class in Arabic - tried to break down Arabic alphabet so you could recognize month, date and years (since deceased) - he was the first and only person that I know of to do this - for awhile I could - not really -

J - looked at passport, I94 and customs - sometimes the ticket?

☐ - you have to tailor primary -
you might not look at ticket - depending how many people on line and time of day -

J - length of stay for B1 pre 9/11

☐ - yes typically 3 months- you had some discretion -

J - port policy?

☐ - not sure

J - did you have a stamp for 3 months

☐ - yes but prior to getting visa waiver stamps, we had only one admission stamp and you would stamp 3 months for B1 and visa waiver program; then we got separate visa wavier stamp.

J - so if someone says they are attending a conference for 3 weeks

☐ - they get stamped 3 months

J - on b1s, if you gave less than 3 months any repercussions

☐ - hard question to answer, I don't think - not 100% sure

J - on B2s

☐ - we were told 6 months

J - any discretion that you were aware of giving B2s less than 6 months

☐ - yes in secondary, inspector could limit your stay with supervisory approval, and that was a policy. There was a time when inspectors had absolute discretion on how long to admit -

J - length of stay for vocational students - your understanding of rule

☐ - one year was maximum for M1 - if course was less than a year it was a total of 12 months

J - standard processing time at JFK? Disembarking from plane; through booth?

☐ - there was a [redacted] to some extent - don't remember time frames. When I started few permanent inspectors, period in early 1980s when things got insane - sometimes took 2 1/2 hours on a Saturday in July. Resulted in massive hiring. At one point, Sandy Schumer got involved. Airline industry was complaining - people missing connecting flights. In recent years waiting time much less. Inspectors cannot control time - sometimes 4/5 flights ahead of you. You were expected to complete primary inspection in [redacted] - (checking papers - performance appraisal record from 2002) one of the things on appraisal was a time "subject admits aliens at the rate of . . ." to make highest grade you would have to process quickly). It measures performances by mistakes = negatively system - causes problems. A lot of inspectors afraid of being in secondary because afraid of making mistakes.

J - in 2001, your understanding of time frame at the booth was 2 minutes?

☐ - I don't think at that point - much of this is not enforced -

Performances standards in 2002 - hasn't changed yet since agencies have merged.

Excellent - [redacted] aliens/hour

Rates as fully successfully [redacted] aliens/hour and error rate of

J - if that's the case you are rating you on this but you are not working in primary?

☐ - a bit of an absurdity, also rated on maritime but haven't worked maritime since 1991. It needs adjustment.

J - performance standards for secondary - INS/NY district, inspections branch -

"Incumbent is required to process more complex and sensitive cases when referred. Such cases include those related to alien or narcotics smuggling, criminal activity, terrorism and use of fraudulent documents. Incumbent must be able to fully utilize all of the resources within the secondary area including but not limited to all INS accessible computer databases, photophone, intelligence material, microscope and document cameras, etc. Incumbent must be able to complete all cases in an efficient manner . . . clearly and completely summarizing all pertinent facts."

"Inadequacies result when incumbent fails to more complex cases, or fails to do so in a manner that utilizes all of the material resources available in secondary or fails to complete cases with adequate detail, correct grammar, or sufficient development of all information; or fails to process cases in accordance with established guidelines; or fails to maintain awareness of activity in secondary area and keep the supervisor advised of important developments therein."

"Performances EXCELLENT when inadequacies are noted in 2-4 instances, FULLY SUCCESSFUL 5-8 instances; MINIMALLY SATISFACTORY 9-13 instances during the rating period." Rating period is April 1, 2001 - March 31, 2002.

☐ - if you don't have more than 2-4 mistakes in one year, you get excellent rating. This is the performance work plan.

Mine has been outstanding for most years; cash awards

J - cash awards based on?

☐ - sustaining outstanding - doing a lot of work in secondary and doing cases well;

☐ - takes in consideration knowledge of law, databases, drawing correct conclusions, etc.

Excellent is inspection ever ☐ minimally successful zone is ☐

(Janice getting copy of document)

J - is this national policy or NY >

☐ - I assumed it was nationwide.

J - was there always some available in secondary who was expert in stamps, caches?

☐ - all of some degree of expertise

J - policy to have someone on board?

☐ - no, I don't know if anyone is designated expert - generally if you are in secondary you should have good knowledge of stamps and caches. Most are good, some excellent; some poor. Problem with document fraud, amount of material we get is overwhelming.

We have several volumes of books from FDL, problem in primary is if you have very good visual memories; often best indicators are ☐

J - ☐

☐ - not always, did it when I thought fraud was a possibility

J - treatment of UAE and Saudis - pre 9/11 how viewed

☐ - rich most of them, usually fairly well educated; sometimes arrogant, you would run into princes; basically you didn't say Saudis - terrorists.

J - were they treated any differently

☐ - I would say they were regarded - you couldn't imagine them getting a job in US - these are guys who don't work in their own country - they weren't a problem; here to go to school, visit family - generally not seen as intending immigrant.

J - what about UAE

☐ - frankly we thought of them as a small Saudi Arabia -

J - view of Saudis of UAE - how did it effect adjudication of them

☐ - think if they were in the booth and they had tickets and visas, you admitted them; unless they come up as a LOOKOUT - they were admissible

J - what if you couldn't communicate with them

☐ - happened all the time, you could get Saudia rep - the number of inspectors who speak Arabic are few - used to be 3, now 2

J - option to refer to secondary

☐ - there is, but if Egypt Air comes in - you might refer 30 people to secondary which makes them in essence primary. Certain triage reality that comes to these things. If someone thought there was something run, they would refer. You can't use secondary to translate primary questions normally. The system would break down.

J – profiling , targeting – what unusually characteristics would cause you concern to refer to secondary

☐ [Redacted]

J – what about funding

☐ [Redacted]

Its totality of circumstances.

J – ability to speak English?

☐ – you would expect them –

[Redacted]

J – rpe/911 seeking training as a pilot?

☐ – the idea that I thought, did not buzz us at all. Most of the M1 training for pilots came from Persian gulf; only path for becoming pilot either military or training in US.

J – what if they didn't have correct visa for activity.

☐ – I think the problem here is there are some grey areas on non-immigrant visas; policy overruns specifics of law; vocational training – as time went on especially in the 1990s – people come for B1s and B2s – coming for training on a M1 purpose on a B1 or B2. Over time the line that what you could do with B1 or B2 expanded to M1 because courses (certifications) were 2-4 weeks. A blurring of certain types of B1 activities into B2.

J – would choice be made by primary to give B1 or B2 ?

☐ – very often it is. Some would be admitted B1 or B2 – lot of inspectors would give them the B1.

J – forgot to ask you – who else has interviewed you re Al Shehhi admittance.

☐ – OIG once – for about 2 hours March 25, 2002 at JFK.

J – FBI?

☐ – no

J – DHS –

☐ no, outside of the OIG this is the first time anyone has asked me to speak about this

J - January 18, 2001 - entry of Al Shehhi - have your notes from DOJ IG
What was your admission stamp

☐ then.

J - I will show you nonimmigrant system print out, INS inspection print out - looks like they have your number - also showing the I94 for Marwan Al Shehhi and the customs declaration as well as the best photocopies from I539 application which show visa page and I-94 and basic passport information.

☐ - have reviewed this stuff - secondary disposition, 3 admissions; claims matter - May 29, 2000, Jan 18, 2001 (mine); and third time ; application for adjustments/extensions - was available at the time.

J - your admission stamp was ☐ and your positive

☐ - this is my handwriting

Admission stamp on (I94 and customs declaration for the January 18, 2001 application.

J - do you have memory of this interview.

☐ - yes I do - I remember where I was in secondary, 6 - 6/12;

J - did you recall him before you learned that you processed him

☐ - no but when OIG came and I pulled this up I remembered

J - head dress, mustache

☐ - no headdress - conventional western clothes; glasses; facial hair.

J - overall demeanor

☐ - he was in secondary; not aggressive, 10-12 minutes I inspected him; he waited he was called; he answered questions; he spoke English well; I remember essentially problem was - did e liver here, changing that - asked purpose of trip; offered more information than I could obtain from computers - said he was here for flight training had been here before _ Huffman Aviation - and essentially my memory - he was finished with flight school - but wanted to log more hours in sky - he conveyed the idea he was finished with classes

J - did he say he had commercial license

☐ don't remember that might have assumed that

☐ - I remember he was from UAE, impression he had money - looked up first 2 admission - confirmed overstay - (Janice said her documents don't say that)(his admission time was until end of November, he didn't leave until January 11 and comes back January 18 - may be information didn't make it into system quickly

J - was first entry in May of 2002 b1 or b2

☐ - b2

J - what do you do with confirmed overstay

☐ - if I can prove it, you're going home.

J - so if that said confirmed overstay, you would have sent him home?

☐ - Big but - here he apparently came in May 2 - he come in May 29, 2000 and is admitted until January and files for application to change status to M1 - By September he files for change of status - now at JFK and you are admitted and you file to change of status or extension of stay, you are allowed to stay until the services you a decisions - if you leave prior to decision, he would have been overstay.

J – you weren't familiar with headquarters letter that came out in August 2000, I believe by Tom Cook, that said if i539 and it is abandoned,

☐ – does it mean you overstayed? Murky area – strange part about that ruling says here's a guy who could stay months more and would have been legal, but by leaving early becomes a 7A1.

J – that's the problem with backlog

So your caveat was that there was appending application there.

☐ – going back before you have to in my mind is someone – argues against you being immigrant without immigrant visa. People who go back that worked in your favor because they are not aware of law.

J – not sure about that part –

☐ you applied for extension – he said I waited months – and I went back.

Seemed reasonable to me. By seeing that he left before, and I noted that it was granted 7A1 (immigrant without immigrant visa).

J – so you took ☐ primary inspection – INS inspection results ☐ – was primary inspector and she said “subject left one week ago after entry in May has extensions and now returning for a few more months.”

☐ – she doesn't have access to that system – Toggling between systems (primary inspectors not supposed to do that)

J – so were basically looking to verify what ☐ was saying – looking at him as possible intending immigrant

☐ – yes correct – checked to see if he filed extension –

Here 's somebody who filed timely, he had right to stay months more than he did; he returned to (don't remember checking to see) remember looking at his passports – in and out of his country, trip to Germany, Saudi Arabia, can't recall other European stamps. I remember asking how much money he had – had substantial amount of money -3 credit cards – seems he had more than \$2000 maybe \$3000(stopped counting after 2000.– didn't go through his suitcase – someti

J – do you recall looking I-94 (stamp was not ☐ and address

☐ – I remember forms were filled out

J – did you see return ticket, flight itinerary

☐ – no specific memory of this – if I went as far as XCLAIMS I would have looked at return ticket.

J – do you recall him showing you I-20? Did you ask for I-20 to verify his story

☐ don't recall if I asked for this – not really sure I saw this

J – did you ask for verification for flight school attendance

☐ – no – I didn't have any doubt he did go to school – I didn't think he was using a change of status to remain here as a B-2. My belief he was coming back for flight 5 hours

J - did you ask him how many flight hours?

☐ - he asked for 4 months - initially I was going to give him 3 - he seemed to have specific

J - did you ask him where he was going to get hours?

☐ - I think I was operating on assumption that he was essentially getting private hours by instructor -

J - any verification

☐ - don't recall asking for it

J - normal process in secondary, [REDACTED]

☐ - [REDACTED]

J - was it required at JFK to IDENT every secondary

☐ - no - now it would be a different thing - before NSEERS - I would only IDENT if fraudulent document or thought of previous deported

J - if you had SEVIS available then, would you have checked it

☐ - yes I would have checked especially if someone said he was going to school

J - if he said he had completed flight training

☐ - given that, I felt he had means to do what he wanted to do, and willingness to go back to home country before he had to, I probably would have changed anything

J - how do you know of willingness to return?

☐ - if I went as far as to pull up CLAMS, I would have checked return ticket

J - would it have made difference going somewhere else then UAE

☐ - a return to Frankfurt might have raised questions

J - putting this all he comes in as B2 in May 2000, he applies for I539 in September; his B2 overstay until November; get pilot license in mid-Dec. he then leaves with pending application, Jan. 11 - does not go back to home country to somewhere else - comes back Jan. 18 - pending application is then moot if he finishes schooling -

☐ - I have no way of knowing it - if I had access to those facts - yes pending application moot. When he told me he wanted to log flight hours, I'm finished with school part, I think I presumed private lessons. But implication was that he was finished and wanted more hours. Don't know if all 4 months was for flying, but some touring.

J - so how did you figure out how to admit as B1-orB2

☐ - I made that decision

In my case, it might have been quick way - I- he asked for a finite amount of time - why would someone ask for just a month if

J - did you ever ask whether he had M1 visa -

☐ - I don't recall if I asked - no I believe - was he changing from B1 to M1? - I must have asked - I remember something to the effect - waiting a long time for INS and just when home.

J - anything in this case that would have sought an expedited removal? Where might

☐ - if he had just overstayed, he would have gone for a 275 - port policy, I generally if non-fraud, non-criminal just overstay and cannot prove employment, they allow people the application - [REDACTED]

[REDACTED] - if there was no extension of stay, I think it would have turned into a 275.

J – its something we are looking at – (i.e. overstaying waiting for hearing form INS)

☐ giving example of Hungarian lady – extension of stay thing is out of control – more and more people stay in US for incredible amount of time. – if there was strict rule about this –

J – what's solution

☐ I think to drastically reduce the reasons for a 539 – you are hooked up to chem. Drip or in a coma –

J – in other words stay your time, if not you are an overstay

☐ yes – frankly you need specific guidance – legally define 7A1 – any alien who spends 80% of a 3 year period in the US should be deemed to be a 7A1 – because grey area is growing – you need some kind of rule – 212A 7A1- otherwise it comes down to everyone's judgment.

☐ shows something from JFK – part of reason 212A – 235A – exception – unlawful presence – comes down to if someone is lawful admitted – re rule of overstay – this language is one of the exceptions passed around JFK in training. "Arriving Aliens" – not dated – some supervisor gave it to me. His interpretation is if you file a non-frivolous application – time you spend in US after filing a 529 is not held against you.

There are some things we should stop doing – application of stay should be extremely limited.

9/11 Law Enforcement Privacy

J – is there anything I didn't ask you about this entry

☐ I think I covered it all – in contract to Melendez – Al Shehhi didn't give impression coming out of boot camp – he filled out forms very well, his demeanor was not aggressive or nervous, he seemed to add extra information –

J – familiar with – 2 documents here – think they came from JFK – what is a waiver And Initial admissions on M1 Students – familiar before 9/11

☐ to be frank with you no; essentially waivers were routinely given at JFK (pre9/11

J – if the information you had- he said he was done with flight school and here to log more hours – so no basis for deferred inspection and granting waiver in this particular case – discretionary waiver under 212d3 –

☐ would he have gone the 193 given the facts? I have spoken to the supervisor – ☐
☐ if I had gone to you with these facts –do you think we would have done adverse action – he said no – and I don't think we would have asked for waiver

At JFK over the years, waivers became routine – the only time we didn't give waivers was if there were other reasons.

I remember typically one a day – 30 a month –

J – looking for ways to get them in?

Yes

I193 given for emergent reasons only - in the last 2 years people who have gotten I1923 in are 10 instead of the hundreds given before.

☐ – policy which has developed contrary to law –

J – so instead of (93 waiver you are using ‘ ☐ –

☐ – its an end run around the I93 rules – done for purely humanitarian reasons.

J – how do you enforce it on the back end –

☐ – basically good faith – sometimes we have had problems if health gets bad

J – Atlanta, LAX, Miami does this?

☐ – don’t know – I believe if management at JFK – I don’t think anyone at headquarters knows of this. It tends to be done for visa waiver countries but not for other nationalities.

Never done for a ☐

J – what changes do you seem on front line with CBP

☐ – most impressive I have seen – that have mattered most – technology – the other thing – was the decision in 1993-94 to detain as a matter of policy everyone who asks for political asylum –

J – base d on Ramsey Yousef

☐ – probably – absurd situation where you had as many as 1000 a month asking for political asylum with bad documents or no documents, given a hearing date 3 months in the future – 95% not showing up for hearing. When they started detaining them, the

number was gong done. That and technology and huge impact on what happens at airport.

J – the guy who inspected Ramsey Youseff

Mark Cozine – now at ICE special agent

J – summary of what you recall about incident of letting Ramsey Youseff

☐ – RJ came in with other guy and believe had Swedish passport. Asked for political asylum don't recall details and basically was policy given appointment for a few months for hearing – never showed up – attempted to blow up WTC – and left for Pakistan And the other guy got prosecuted for state level for bad ID and is in prison in upstate NY.

J – family with National Targeting center –

☐ – yes

J – do you use

☐ – very often –

J – given you info you didn't have before

☐ – at JFK we have passenger analysis unit – a few months ago when we run into TIPOFF we call PAU and they make phone calls to various agencies – wanted to restrict flexibility in the field – call PAU let them handle it – consistent approach to terrorist lookout –

I was working ins secondary the week before I came here – we had 3 or 4 lookouts with TIPOFFs hits – lawful permanent residents – were they terrorist before lawful permanent residents – ☐ –

J – with these hits have come up – they

☐ – they were not biometric hits they were name hits

NCIC has been available since 1990 at JFK –

J – value of US VISIT

☐ – so far value has been mostly preventive – ☐

[REDACTED]

J do you use consular database (CCD)

☐ - yes I have - and used it in Malawi case.

J - SWEVIS

☐ - used it - its somewhat awkward - it can be improved design - content was pretty good - but problem a time lag - doesn't coordinate with state dept.

J - anything else you need to add

May need

[REDACTED]

[REDACTED]

J - you may find they are working on biomet5ircs

☐ - yes -

☐ on the day Al Shehhi was in secondary, at 13:55 - showed Janice all people who were in secondary on that day/time

[redacted]

**Secondary inspector at JFK International Airport on January 18, 2001
September 11 Commission Interview March 26, 2004**

Use of name in report: The Commission would agree, if you want, that the Commission will not use your name or your personal information without prior consultation with DHS/CBP about the information we seek to use. Unless we really feel the need, we won't use your name. However, we will not make the flat promise that we will not under any circumstances use your name. *Name only policy recommendations or factual info that requires a quote.*

Background.

Who else has interviewed you: DOJ OIG, FBI, DHS, CBP.

Familiar with [redacted] We've been up to JFK a couple of times....

- Do you recollect the inspection of Al Shehhi on January 18, 2001?

Marwan Al Shehhi, secondary inspector. *ALL DISCUSSION PRE 9/11.*

On January 18, 2001.

FLETC.

- When did you train? How long?
- Training in CT? *thinks so • unusual travel*
- Document fraud? *• literature*
- Databases? *by database user • under \$*
- Mock secondary inspections? [redacted]
- Cultural training? *behavioral training*
- Language training?

Normal primary.

- SOP
- Please describe the procedures you employ in primary screening, including questions asked, documents reviewed, and databases checked.
 - *Length of stay for B1s:* was there a standard length of stay given pre 9/11? Was that a port decision, or national operating policy? If you gave less than the standard time, were there professional repercussions?
 - *Length of stay for B2s:* was there any discretion in length of stay granted B2s pre 9/11?
 - *Length of stay for vocational students:* what was your understanding of the rule? Did the one year limitation include the 30 days to leave, or was the 30 days tacked on at the end of the stay so that the stay in reality was 13 months?
 - *Processing time at JFK:* was there a standard processing time? [redacted]
[redacted] Any professional repercussions if did not meet that processing time?
 - Was there a port policy about referrals to secondary; a certain criteria that had to be met to refer to secondary?

Review of passport and visa.

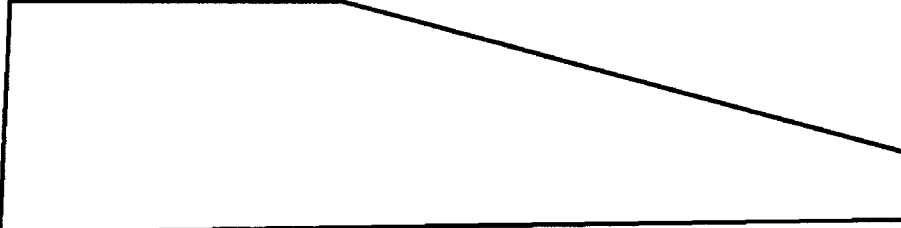
- What do you look for on the document to determine whether fraud or not?
- Can you read Arabic stamps/cachets? *Is there always someone ~~Can anyone at~~ available to u?*
- Have you received any training in reading documents other than FLETC prior to 9/11? *As expertise in documents & stamps?*

Treatment of Emirates and Saudis.

- How did inspectors view Saudis pre 9/11? Ever considered a threat to national security?
 - At JFK, did you ever notice that any particular nationalities were treated any differently than others?
 - What about Saudis in particular?
 - How did the treatment affect adjudication of Saudis?
 - If you could not communicate with a Saudi, what would you do?
 - Were there any Arabic speakers in INS inspections at JFK? *at the airlines?*
 - Would the airline help you out?

Profiling.

- What unusual characteristics about an alien applying for admission would cause you concern and *result in a* referral to secondary?

- 

- What would be the nature of your concern; what would you think was wrong?

Why al Shehhi referred. *"Please state your admission stamp no. on Jan 18, 2001"*

- Do you recollect al Shehhi (vaguely did in DOJ OIG interview)?
- Primary inspection report (show travel document copies and report):
 - Electronic printout of "INS Inspection Results" reads: (read data fields)
 - Do you recall whether you got any help in translation or whether you could communicate in English with al Shehhi? *○ Did you seek to verify primary inspection info.*
 - "Subject left one week ago after entry in May. Has extension and now returning for a few more months."
 - "Subject left one week ago after entry in May." *Why would that be important?* Where did you get the departure information? In the system or in his travel document? Why was that important? What does that indicate?
 - "Has extension." What kind of extension? How did you know? What is the concern here? Did he show you any documentation? (SHOW I-20)
 - "Now returning for a few more months." What is the concern here?

Did you verify?

Did you ask questions in this regard?

- Any recollection of whether he mentioned he was attending flight school? Any recollection if he showed you an I-20? Mentioned that still in school?
- Is a continuation of flight training fit into a legitimate B1 activity?
- Would the fact that he is alone raise any concerns?
- Did he exhibit any behavioral characteristics during the screening that you recall?
- Did you check whether he had a return ticket?
- Do you recall whether he could speak English?
- Was there consideration given that perhaps he was a student with the wrong visa type?

- **Secondary inspection.**

- Were you shown the I-20?
- Aware of Tom Cook memo on I-539 pending applications deemed abandoned if left country while pending? ~~(Show document)~~
- Were you aware of the guidance on M-1s? (Show document)
- Read INS Inspection Results into the record: "Was in US gaining flight hours to become a pilot. Admitted for four months."
- Did he tell you whether he had already received his pilot's license? Did he tell you whether he had completed school, or was still attending?
- *Who makes decision as to whether to admit as B1 or B2?*

- **Secondary inspection.** *If II, can make that decision + reverse the primary?*

- From your perspective sitting in primary, what were the various options for a secondary inspector with someone like al Shehhi who had left a week ago, had extension and was now returning for a few more months. In other words, what type of information would you be seeking?
- If this was all the information you could gather, would that be enough of a basis to seek voluntary or expedited removal?
- What if you knew he'd had a pending I-539 application to change his status from B1/B2 to M1, but then left the country while it was pending? Would that have affected the adjudication?
- What if you knew he had overstayed by a month prior to leaving in mid January and returning on January 18?
- What if he mentioned attending flight school but you had information in SEVIS that he had completed schooling and acquired his commercial pilot license? *Did you ask how many flight hours he intended per week to gain?*
- Would normal procedures at JFK required IDENTing with fingerprint and a photo? Was this a port or national policy as far as you knew?
-
- Would documents be reviewed, including travel stamps? Was there anyone at JFK skilled in reading stamps?
- And if you were interested in seeking voluntary or expedited removal, on a day to day basis, would you feel comfortable approaching your supervisor to make that request?

How long did you spend interviewing al Shehhi?

REQUEST
LOG IN
SHEET for



- **Customs declaration (show).**
 - What about the declaration of \$1500? Did you seek to verify funds
 - Did you review the Customs dec and stamp it?
 - Did stamp no. belong to you? Did you stamp admission until May
2001?
 - Any reason why al Shehhi would have dated the Customs deck 2/5/2001?
 - If the decl doesn't include a statement on intended length of stay, do you ask for that information?
- **I-94 (show).**
 - Did you stamp the I-94? Did stamp no. belong to you?
 - Al Shehhi told you only requested one month stay. Did you have any discretion to give him less than six months?
- **NonImmigrant Information System (show).**
 - Did you complete this information? Inspector no. again is

Changes at DHS.

What changes do you see on the front line with the new CBP?

With the separation from ICE?

What is lacking that you really need to be able to do your job better?

Familiarity with National Targeting Center.

What effect has US VISIT had on entry and the inspection process?

Use and value of SEVIS.

Adequate access to DOS visa via the Consular Consolidated Database.

If you had a message for Commissioner Bonner what would it be?

MONDAY

3.22.04

Background.


Ramzi Yousof: Mark Cozine, sp agent/ICE
NY District.


9/11 Closed by Statute

What look at at primary.

- ① TECS by name + passport reached ~~it~~ independently.
MRV or MR passport
- ② Passport, F-94, + ticket
customs declarations.
- ③ Look at person + photo
- ④ Passport for doc hand.
- ⑤ Purpose of trip.
85% time end
- ⑥ Odd travel or prior US travel
- ⑦ Handout in late '80s of ^{Arabic} travel stamps for
non Arabic speakers.
Not really.

9/11 Law Enforcement
Sensitive

Fraud 

Audio made of .

Can't use today to translate; many can't talk to.

Path to Paradise

Mark Cosine inspected him.

- ~~xxx~~ - photos of Swedish passport
- requested political asylum
- given

testified at trial.



U.S. Customs and
Border Protection

MAR 24 2004

9/11 Law Enforcement Privacy

Janice Kephart-Roberts
c/o National Commission on Terrorist
Attacks Upon the United States
301 7th Street, SW
Room 5125
Washington, DC 20407

Dear Ms. Kephart-Roberts:

During your interview with CBP Officer [redacted] on March 22, 2004, Officer [redacted] showed you screenprints that included secondary dispositions of passengers arriving at Terminal 1, JFK on January 18, 2001. General Attorney Willem A. Daman from CBP's Office of Chief Counsel immediately expressed concerns regarding potential privacy issues; therefore, the screenprints were not provided to you at the time of the interview.

My staff has consulted with the Office of Chief Counsel and the Law Disclosure Branch in the Office of Regulations and Rulings, and we were advised that due to privacy concerns, CBP cannot disclose the names of U.S. Citizens (USC), Lawful Permanent Residents (LPR) and First-Time Immigrants (DV1) included on the screenprints. Therefore, my staff has redacted the names of all USCs, LPRs, and DV1s on the enclosed "Secondary Disposition Selection List."

If you need any additional information, please contact Lynn Fallik of my staff at (202) 927-3651.

Sincerely,

A handwritten signature in black ink, appearing to read "Jayson P. Ahern".

Jayson P. Ahern
Assistant Commissioner
Office of Field Operations

Enclosure

cc: Laurence Castelli, Disclosure Law Branch

11:58:38
TID=M7M1

SECONDARY DISPOSITION SELECTION LIST
A477 NEW YORK, JFK AIRPORT, TERM 1

032504 T2MK6405
T2PK6423
PG: 1

| CONVEYANCE | PASSENGER | DOB | NATIONALITY | DATE | TIME | DIS | EXCL |
|------------|-----------|--------|--------------|----------|------|--------|------|
| | | | | RFRD | RFRD | CDE | CHG |
| VS -25 | | 070775 | JAPAN | 01182001 | 0000 | WT | |
| JL -47 | | 082972 | BRAZIL | 01182001 | 0738 | LPR | |
| JL -47 | | 032974 | BRAZIL | 01182001 | 0740 | B2 | |
| JL -47 | | 022570 | BRAZIL | 01182001 | 0744 | DE | |
| JL -47 | | 042399 | BRAZIL | 01182001 | 0748 | IN | |
| JL -47 | | 041681 | BRAZIL | 01182001 | 0750 | LPR | |
| JL -47 | | 072647 | BRAZIL | 01182001 | 0750 | LPR | |
| JL -47 | | 010263 | COLOMBIA | 01182001 | 0753 | B1 | |
| JL -47 | | 090444 | BRAZIL | 01182001 | 0756 | B2 | |
| KE -81 | | 103172 | KOREA, REPUB | 01182001 | 1012 | B2 | |
| KE -81 | | 071558 | KOREA, REPUB | 01182001 | 1017 | LPR | |
| KE -81 | | 101672 | KOREA, REPUB | 01182001 | 1019 | F1 | |
| KE -81 | | 100829 | KOREA, REPUB | 01182001 | 1019 | IN-LPR | |
| KE -81 | | 013050 | KOREA, REPUB | 01182001 | 1024 | C1 | |

PLACE A 'V' IN FRONT OF THE RECORD YOU WANT TO VIEW AND PRESS ENTER

*** M O R E ***

(PF1/PF2=HELP) (PF3=MAIN MENU) (PF4=PREV MENU) (PF7=PREV PAGE) (PF8=NEXT PAGE)

11:59:31
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SECONDARY DISPOSITION SELECTION LIST
A477 NEW YORK, JFK AIRPORT, TERM 1

032504 T2MK6405
T2PK6423
PG: 2

| CONVEYANCE | PASSENGER | DOB | NATIONALITY | DATE | TIME | DIS | EXCL |
|------------|-----------|--------|---------------|----------|------|-----|------|
| | | | | RFRD | RFRD | CDE | CHG |
| KE -81 | | 061955 | KOREA, REPUB | 01182001 | 1032 | B1 | |
| JL -6 | | 091380 | JAPAN | 01182001 | 1056 | F1 | |
| SQ -26 | | 090364 | INDIA | 01182001 | 1101 | C1 | |
| JL -6 | | 031365 | JAPAN | 01182001 | 1102 | WT | |
| AF -22 | | 032060 | LEBANON | 01182001 | 1108 | IN | |
| SQ -26 | | 091176 | PHILIPPINES | 01182001 | 1112 | LPR | |
| AF -22 | | 022069 | FRANCE | 01182001 | 1115 | WT | |
| AF -22 | | 030250 | MAURITANIA | 01182001 | 1116 | LPR | |
| AF -22 | | 082371 | FRANCE | 01182001 | 1116 | WT | |
| SQ -26 | | 021277 | INDONESIA | 01182001 | 1118 | AS | |
| LH -400 | | 091848 | GERMANY (UNIF | 01182001 | 1335 | WT | |
| LH -400 | | 100153 | SLOVENIA (SV | 01182001 | 1336 | WT | |
| LH -400 | | 030459 | YEMEN ARAB RE | 01182001 | 1345 | LPR | |
| LH -400 | | 050878 | ITALY | 01182001 | 1346 | F1 | |

PLACE A 'V' IN FRONT OF THE RECORD YOU WANT TO VIEW AND PRESS ENTER

*** M O R E ***

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9/11 Personal Privacy

12:00:08
TID=M7M1

SECONDARY DISPOSITION SELECTION LIST
A477 NEW YORK, JFK AIRPORT, TERM 1

032504 T2MK6405
T2PK6423
PG: 3

| CONVEYANCE | PASSENGER | DOB | NATIONALITY | DATE | TIME | DIS | EXCL |
|------------|------------|--------|---------------|----------|------|-----|------|
| | | | | RFRD | RFRD | CDE | CHG |
| LH -400 | [REDACTED] | 091964 | INDIA | 01182001 | 1346 | IN- | LPR |
| LH -400 | [REDACTED] | 030175 | INDIA | 01182001 | 1347 | IN- | LPR |
| LH -400 | [REDACTED] | 110868 | INDIA | 01182001 | 1348 | F1 | |
| LH -400 | [REDACTED] | 032376 | PAKISTAN | 01182001 | 1350 | B2 | |
| LH -400 | [REDACTED] | 031857 | YEMEN ARAB RE | 01182001 | 1351 | B1 | |
| AT -204 | [REDACTED] | 053078 | MOROCCO | 01182001 | 1352 | F1 | |
| AZ -604 | [REDACTED] | 050475 | INDIA | 01182001 | 1353 | F1 | |
| AT -204 | [REDACTED] | 011774 | MOROCCO | 01182001 | 1354 | LPR | |
| AT -204 | [REDACTED] | 010869 | MOROCCO | 01182001 | 1355 | LPR | |
| AT -204 | [REDACTED] | 050978 | UNITED ARAB E | 01182001 | 1355 | B1 | |
| AT -204 | [REDACTED] | 000075 | MALI | 01182001 | 1356 | 999 | |
| AT -204 | [REDACTED] | 120759 | MOROCCO | 01182001 | 1356 | LPR | |
| AT -204 | [REDACTED] | 021771 | MOROCCO | 01182001 | 1359 | LPR | |
| AT -204 | [REDACTED] | 040558 | CONGO | 01182001 | 1401 | B1 | |

PLACE A 'V' IN FRONT OF THE RECORD YOU WANT TO VIEW AND PRESS ENTER

*** M O R E ***

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12:01:26
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SECONDARY DISPOSITION SELECTION LIST
A477 NEW YORK, JFK AIRPORT, TERM 1

032504 T2MK6405
T2PK6423
PG: 4

| CONVEYANCE | PASSENGER | DOB | NATIONALITY | DATE | TIME | DIS | EXCL |
|------------|------------|--------|---------------|----------|------|-----|------|
| | | | | RFRD | RFRD | CDE | CHG |
| AT -204 | [REDACTED] | 031676 | MOROCCO | 01182001 | 1402 | LPR | |
| LH -400 | [REDACTED] | 120573 | YEMEN ARAB RE | 01182001 | 1407 | LPR | |
| AT -204 | [REDACTED] | 081474 | MOROCCO | 01182001 | 1407 | LPR | |
| AT -204 | [REDACTED] | 101771 | MOROCCO | 01182001 | 1412 | IN | |
| AT -204 | [REDACTED] | 060669 | MOROCCO | 01182001 | 1414 | DV1 | |
| AT -204 | [REDACTED] | 040760 | MOROCCO | 01182001 | 1415 | LPR | |
| AT -204 | [REDACTED] | 061071 | MALI | 01182001 | 1418 | B2 | |
| AT -204 | [REDACTED] | 030171 | MOROCCO | 01182001 | 1418 | LPR | |
| AT -204 | [REDACTED] | 020869 | MALI | 01182001 | 1420 | B1 | |
| AT -204 | [REDACTED] | 122081 | MOROCCO | 01182001 | 1420 | F1 | |
| AT -204 | [REDACTED] | 041675 | MOROCCO | 01182001 | 1420 | LPR | |
| AT -204 | [REDACTED] | 000072 | MALI | 01182001 | 1422 | B1 | |
| AT -204 | [REDACTED] | 041277 | MOROCCO | 01182001 | 1435 | ML | |
| AT -204 | [REDACTED] | 080999 | MOROCCO | 01182001 | 1435 | ML | |

PLACE A 'V' IN FRONT OF THE RECORD YOU WANT TO VIEW AND PRESS ENTER

*** M O R E ***

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SECONDARY DISPOSITION SELECTION LIST
A477 NEW YORK, JFK AIRPORT, TERM 1

032504 T2MK6405
T2PK6423
PG: 5

| CONVEYANCE | PASSENGER | DOB | NATIONALITY | DATE | TIME | DIS | EXCL |
|------------|-----------|--------|---------------|----------|------|----------|------|
| | | | | RFRD | RFRD | CDE | CHG |
| AT -204 | | 050994 | MOROCCO | 01182001 | 1436 | ML | |
| AT -204 | | 091495 | MOROCCO | 01182001 | 1436 | ML | |
| AT -204 | | 010166 | NIGER | 01182001 | 1437 | B1 | |
| OS -501 | | 052551 | SWITZERLAND | 01182001 | 1452 | LPR | |
| OS -501 | | 071780 | EGYPT | 01182001 | 1452 | B2 - LPR | |
| OS -501 | | 101377 | YUGOSLAVIA (I | 01182001 | 1452 | AS | |
| OS -501 | | 112184 | YUGOSLAVIA (I | 01182001 | 1454 | B1 | |
| OS -501 | | 113080 | ALBANIA | 01182001 | 1454 | AS | |
| OS -501 | | 070576 | YUGOSLAVIA (I | 01182001 | 1454 | RE | |
| OS -501 | | 111583 | YUGOSLAVIA (I | 01182001 | 1455 | B1 | |
| OS -501 | | 120877 | YUGOSLAVIA (I | 01182001 | 1455 | RE - LPR | |
| OS -501 | | 011576 | YUGOSLAVIA (I | 01182001 | 1456 | AS | |
| OS -501 | | 112482 | UKRAINE | 01182001 | 1456 | IN - LPR | |
| OS -501 | | 021085 | YUGOSLAVIA (I | 01182001 | 1457 | RE | |

PLACE A 'V' IN FRONT OF THE RECORD YOU WANT TO VIEW AND PRESS ENTER
*** M O R E ***

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12:01:46
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SECONDARY DISPOSITION SELECTION LIST
A477 NEW YORK, JFK AIRPORT, TERM 1

032504 T2MK6405
T2PK6423
PG: 6

| CONVEYANCE | PASSENGER | DOB | NATIONALITY | DATE | TIME | DIS | EXCL |
|------------|-----------|--------|---------------|----------|------|-----|------|
| | | | | RFRD | RFRD | CDE | CHG |
| OS -501 | | 101877 | POLAND | 01182001 | 1500 | IN | |
| OS -501 | | 112762 | YUGOSLAVIA (I | 01182001 | 1501 | AS | |
| OS -501 | | 091068 | YUGOSLAVIA (I | 01182001 | 1503 | AS | |
| OS -501 | | 052085 | YUGOSLAVIA (I | 01182001 | 1503 | RE- | LPR |
| OS -501 | | 050167 | AUSTRIA | 01182001 | 1504 | IN- | LPR |
| OS -501 | | 040681 | YUGOSLAVIA (I | 01182001 | 1510 | RE | |
| TK -1 | | 091166 | TURKEY | 01182001 | 1610 | C1 | |
| TK -1 | | 092472 | CANADA | 01182001 | 1611 | E2 | |
| TK -1 | | 091076 | IRAN | 01182001 | 1612 | F1 | |
| TK -1 | | 121672 | TURKEY | 01182001 | 1613 | F1 | |
| TK -1 | | 011499 | TURKEY | 01182001 | 1614 | LPR | |
| TK -1 | | 032056 | TURKEY | 01182001 | 1614 | LPR | |
| OA -411 | | 100471 | GREECE | 01182001 | 1624 | B2 | |
| OA -411 | | 100266 | GREECE | 01182001 | 1629 | LPR | |

PLACE A 'V' IN FRONT OF THE RECORD YOU WANT TO VIEW AND PRESS ENTER
*** M O R E ***

(PF1/PF2=HELP) (PF3=MAIN MENU) (PF4=PREV MENU) (PF7=PREV PAGE) (PF8=NEXT PAGE)

2:01:52
TID=M7M1

SECONDARY DISPOSITION SELECTION LIST
A477 NEW YORK, JFK AIRPORT, TERM 1

032504 T2MK6405
T2PK6423
PG: 7

| CONVEYANCE | PASSENGER | DOB | NATIONALITY | DATE | TIME | DIS | EXCL |
|------------|------------|--------|---------------|----------|------|--------|------|
| | | | | RFRD | RFRD | CDE | CHG |
| VS -3 | [REDACTED] | 080947 | UNITED STATES | 01182001 | 1658 | USC | |
| VS -3 | [REDACTED] | 102681 | UNITED STATES | 01182001 | 1702 | USC | |
| VS -3 | [REDACTED] | 120553 | TRINIDAD AND | 01182001 | 1703 | LPR | |
| VS -3 | [REDACTED] | 052071 | UNITED KINGDO | 01182001 | 1704 | ML | |
| VS -3 | [REDACTED] | 121538 | IRAN | 01182001 | 1709 | B2-LPR | |
| VS -3 | [REDACTED] | 123074 | ISRAEL | 01182001 | 1722 | F1-LPR | |
| AZ -610 | [REDACTED] | 030276 | ITALY | 01182001 | 1745 | WT | |
| AZ -610 | [REDACTED] | 093045 | UNITED STATES | 01182001 | 1747 | USC | |
| AZ -610 | [REDACTED] | 122977 | ITALY | 01182001 | 1748 | F1 | |
| AZ -610 | [REDACTED] | 051346 | ITALY | 01182001 | 1749 | B2 | |
| JL -48 | [REDACTED] | 012363 | JAPAN | 01182001 | 1750 | LPR | |
| AZ -610 | [REDACTED] | 052241 | ITALY | 01182001 | 1752 | LPR | |
| JL -48 | [REDACTED] | 062164 | PHILIPPINES | 01182001 | 1754 | B2 | |
| AZ -610 | [REDACTED] | 092174 | ITALY | 01182001 | 1755 | C1 | |

PLACE A 'V' IN FRONT OF THE RECORD YOU WANT TO VIEW AND PRESS ENTER

*** M O R E ***

(PF1/PF2=HELP) (PF3=MAIN MENU) (PF4=PREV MENU) (PF7=PREV PAGE) (PF8=NEXT PAGE)

12:01:58
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SECONDARY DISPOSITION SELECTION LIST
A477 NEW YORK, JFK AIRPORT, TERM 1

032504 T2MK6405
T2PK6423
PG: 8

| CONVEYANCE | PASSENGER | DOB | NATIONALITY | DATE | TIME | DIS | EXCL |
|------------|------------|--------|---------------|----------|------|--------|------|
| | | | | RFRD | RFRD | CDE | CHG |
| JL -48 | [REDACTED] | 032974 | UNITED KINGDO | 01182001 | 1755 | B1 | |
| JL -48 | [REDACTED] | 022775 | HONG KONG | 01182001 | 1755 | B1 | |
| AZ -610 | [REDACTED] | 040365 | ITALY | 01182001 | 1757 | WT | |
| AZ -610 | [REDACTED] | 021970 | ITALY | 01182001 | 1800 | LPR | |
| AZ -610 | [REDACTED] | 102166 | ITALY | 01182001 | 1802 | B2 | |
| AZ -610 | [REDACTED] | 070758 | ITALY | 01182001 | 1807 | IN | |
| LH -404 | [REDACTED] | 072872 | UNKNOWN | 01182001 | 1915 | AS | |
| LH -404 | [REDACTED] | 043071 | SPAIN | 01182001 | 1915 | IN-LPR | |
| LH -404 | [REDACTED] | 070963 | CROATIA | 01182001 | 1925 | B2 | |
| LH -404 | [REDACTED] | 052965 | UKRAINE | 01182001 | 1929 | LPR | |
| LH -404 | [REDACTED] | 100958 | UKRAINE | 01182001 | 1930 | LPR | |
| LH -404 | [REDACTED] | 072481 | RUSSIA | 01182001 | 1935 | IN | |
| LH -404 | [REDACTED] | 120961 | UKRAINE | 01182001 | 1937 | AS | |
| VS -9 | [REDACTED] | 110275 | CANADA | 01182001 | 2138 | B2 | |

PLACE A 'V' IN FRONT OF THE RECORD YOU WANT TO VIEW AND PRESS ENTER

*** M O R E ***

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12:02:05
TID=M7M1

SECONDARY DISPOSITION SELECTION LIST
A477 NEW YORK, JFK AIRPORT, TERM 1

032504 T2MK6405
T2PK6423
PG: 9

| CONVEYANCE | PASSENGER | DOB | NATIONALITY | DATE RFRD | TIME RFRD | DIS CDE | EXCL CHG |
|------------|------------|--------|---------------|--------------|--------------|------------|-------------|
| VS -9 | [REDACTED] | 050679 | JAMAICA | 01182001 | 2140 | DE- | LPR |
| VS -9 | [REDACTED] | 050374 | LEBANON | 01182001 | 2141 | ML | |
| AF -8 | [REDACTED] | 011373 | HUNGARY | 01182001 | 2154 | LPR | |
| AF -8 | [REDACTED] | 061771 | ETHIOPIA | 01182001 | 2210 | AS- | LPR |
| AF -8 | [REDACTED] | 111868 | UKRAINE | 01182001 | 2212 | RE- | LPR |
| AF -8 | [REDACTED] | 052376 | RUSSIA | 01182001 | 2213 | RE- | LPR |
| KE -85 | [REDACTED] | 092658 | SRI LANKA (FO | 01182001 | 2220 | L1 | |
| KE -85 | [REDACTED] | 030689 | KOREA, REPUBL | 01182001 | 2229 | B2 | |
| VS -25 | [REDACTED] | 020170 | UNKNOWN | 01182001 | 2349 | LPR | |
| VS -25 | [REDACTED] | 102074 | UNKNOWN | 01182001 | 2349 | LPR | |
| VS -25 | [REDACTED] | 071379 | ISRAEL | 01182001 | 2357 | LPR | |

PLACE A 'V' IN FRONT OF THE RECORD YOU WANT TO VIEW AND PRESS ENTER

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9/11 Personal Privacy

(9) 12/ ALIENS PREVIOUSLY Removed.-
(A) Certain aliens previously removed.-

(i) Arriving aliens.-Any alien who has been ordered removed under section 235(b)(1) or at the end of proceedings under section 240 initiated upon the alien's arrival in the United States and who again seeks admission within 5 years of the date of such removal (or within 20 years in the case of a second or subsequent removal or at any time in the case of an alien convicted of an aggravated felony) is inadmissible.

(ii) Other aliens.-Any alien not described in clause (i) who-

(I) has been ordered removed under section 240 or any other provision of law, or

(II) departed the United States while an order of removal was outstanding, and who seeks admission within 10 years of the date of such alien's departure or removal (or within 20 years of such date in the case of a second or subsequent removal or at any time in the case of an alien convicted of an aggravated felony) is inadmissible.

(iii) Exception.-Clauses (i) and (ii) shall not apply to an alien seeking admission within a period if, prior to the date of the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, the Attorney General has consented to the alien's reapplying for admission.

(B) 13/ ALIENS UNLAWFULLY PRESENT.-

(i) In general.-Any alien (other than an alien lawfully admitted for permanent residence) who-

(I) was unlawfully present in the United States for a period of more than 180 days but less than 1 year, voluntarily departed the United States (whether or not pursuant to section 244(e)) prior to the commencement of proceedings under section 235(b)(1) or section 240, and again seeks admission within 3 years of the date of such alien's departure or removal, or

(II) has been unlawfully present in the United States for one year or more, and who again seeks admission within 10 years of the date of such alien's departure or removal from the United States, is inadmissible.

(ii) Construction of unlawful presence.-For purposes of this paragraph, an alien is deemed to be unlawfully present in the United States if the alien is present in the United States after the expiration of the period of stay

2129 (9)(B)(iv)

authorized by the Attorney General or is present in the United States without being admitted or paroled.

(iii)

Exceptions.-

(I) Minors.-No period of time in which an alien is under 18 years of age shall be taken into account in determining the period of unlawful presence in the United States under clause (I).

(II) Asylees.-No period of time in which an alien has a bona fide application for asylum pending under section 208 shall be taken into account in determining the period of unlawful presence in the United States under clause (i) unless the alien during such period was employed without authorization in the United States.

(III) Family unity.-No period of time in which the alien is a beneficiary of family unity protection pursuant to section 301 of the Immigration Act of 1990 14/ shall be taken into account in determining the period of unlawful presence in the United States under clause (I).

(IV) Battered women and children.-Clause (i) shall not apply to an alien who would be described in paragraph (6)(A)(ii) if "violation of the terms of the alien's nonimmigrant visa" were substituted for "unlawful entry into the United States" in subclause (III) of that paragraph.

(iv) Tolling for good cause- In the case of an alien who-

(I) has been lawfully admitted or paroled into the United States,

(II) has filed a nonfrivolous application for a change or extension of status before the date of expiration of the period of stay authorized by the Attorney General, and


(III) has not been employed without authorization in the United States before or during the pendency of such application, the calculation of the period of time specified in clause (i)(I) shall be tolled during the pendency of such application, but not to exceed 120 days.

DISCLOSURE STATEMENT

This information is personal. It must be appropriately safeguarded from improper disclosure and it should only be made available for review by appropriate management levels having a need to know.

Name of Employee: _____

Position Title, Pay Plan, Series, Grade: Immigration Inspector (Special Operations) GS-1816-11Organization: USINS New York District, Inspections BranchRating Period (from / to): April 1, 2001 – March 31, 20029/11 Law Enforcement
Privacy**ACKNOWLEDGEMENT OF DEVELOPMENT, DISCUSSION AND APPROVAL OF PERFORMANCE WORK PLAN**

| | | |
|---|-------------------------------|--------------------------------|
|  | Rating Official's Signature | Reviewing Official's Signature |
| | Date | Date |
| | PROGRESS REVIEW RECORD | |
| | Employee's Signature | Employee's Signature |
| Supervisor's Signature | Supervisor's Signature | Supervisor's Signature |
| Date | Date | Date |

INSTRUCTIONS

PERFORMANCE WORK PLAN, PROGRESS REVIEW RECORD, PERFORMANCE ACHIEVEMENTS, INDIVIDUAL ELEMENT RATINGS, AND EMPLOYEE APPRAISAL RECORD

PART I—PERFORMANCE WORK PLAN (PWP)

1. RESPONSIBILITIES:

- A. THE RATING OFFICIAL must develop or review the Performance Work Plan (PWP):
 1. At the beginning of each appraisal period; and
 2. With participation by the employee; and
 3. Sign the first page of the Performance Appraisal Record; and
 4. If for non-SES employees, obtain approval of the PWP by the Reviewing Official (*unless there is no higher level official*); and
 5. Provide a copy of the PWP to the employee.
- B. THE EMPLOYEE must sign the first page of the Performance Appraisal Record to acknowledge:
 1. Participation/consultation in the development of the PWP (if PMRS or SES employee); and/or
 2. Understanding of the PWP.
- C. THE REVIEWING OFFICIAL must:
 1. Review the PWP to ensure consistency between individual elements; and
 2. Ensure that the standards for individual elements are generally consistent between all the PWP's of PMRS employees for whom he/she serves as Reviewing Official; and
 3. Sign the first page of the Performance Appraisal Record.

2. PROCEDURES The PWP must meet the following requirements:

- A. Job elements must be written clearly, concisely and in sufficient detail to be meaningful; and
- B. The PWP must indicate whether an element is critical or noncritical (*a critical element is of sufficient importance that inadequate performance requires remedial action*); and
- C. If any of the critical elements are designated as carrying more weight or importance than the other critical elements, the greater weight of such elements must be specified in the PWP; and
- D. Performance standards must be written, as a minimum, at the Fully Successful level for each job element. (*Bureau or organization level implementation instructions may require performance standards to be written at additional levels.*)

PART II—PROGRESS REVIEW RECORD

1. PURPOSE. At least one formal progress review, normally at the mid-point of the rating cycle, must be conducted to:
 - A. Determine if the elements and standards of the PWP remain appropriate; and
 - B. Discuss progress in terms of meeting the standards; and
 - C. Identify any areas in which improvement is necessary to meet the Fully Successful level.

2. PROCEDURES.

- A. At the conclusion of the progress review, the Rating Official and the employee will sign the PWP to indicate the progress review was conducted; and
- B. If the job elements and standards remain appropriate and performance does not require remedial action, no further formal action is required; **HOWEVER**
- C. If the PWP is found to be in need of modification, the Rating Official will amend the PWP appropriately; and, if for non-SES employees, the Rating Official must obtain approval of the amendment by the Reviewing Official (*unless there is no higher level official*); and/or
- D. If the employee's performance requires remedial action, the Rating Official will take appropriate steps including the initiation of formal actions, pursuant to the procedures in the Departmental performance appraisal policy issuances.

PART III—PERFORMANCE ACHIEVEMENTS AND PART IV—INDIVIDUAL ELEMENT RATINGS RESPONSIBILITIES:

THE RATING OFFICIAL must appraise the employee's performance on each critical (*and, if appropriate, noncritical*) element on which the employee has had a chance to perform by:

1. After reviewing his/her notes, briefly comparing each employee's achievements against performance standards; and
2. Assigning individual element ratings to each of the elements. (See Part VI, Rating Level Definitions, paragraph 1).

PART V—EMPLOYEE APPRAISAL RECORD

1. RESPONSIBILITIES

- A. THE RATING OFFICIAL must complete the appraisal record by:
 1. Recording in concise language each element from the PWP onto the Employee Appraisal Record, indicating which elements are critical and weighted, if appropriate; and
 2. Transferring each element rating on to the Employee Appraisal Record; and
 3. Assigning an appropriate overall rating, taking into account the strengths and weaknesses of each individual element (See Part VI, Rating Level Definitions, paragraph 2); and
 4. Signing the appraisal record; and
 5. For SES employees, providing a copy of it to the executive, giving an opportunity to respond in writing and request a higher level review, or
 6. For non-SES employees, obtaining review and approval of the rating by a higher level official in the organization (*unless there is no higher level official*). This review and approval must occur **BEFORE** communication of the final rating to the employee; and
 7. Including any appropriate recommendation regarding pay, retention, reassignment, or other applicable personnel actions.

(Continued on reverse)

B. THE REVIEWING OFFICIAL must:

1. Approve or adjust the tentative rating forwarded; and
2. For SES employees, sign and forward the form and accompanying documents to the Organization Head for transmittal to the Performance Review Board; or
3. For non-SES employees, sign the form and return it to the Rating Official for presentation to the employee.

C. THE RATING OFFICIAL SHOULD:

1. Discuss the final performance rating with the employee; and
2. Ask the employee to sign the Employee Appraisal Record; and
3. Give the employee a copy of the Employee Appraisal Record, retaining a copy for himself/herself; and
4. Send the original Performance Appraisal Record (*PWP, Progress Review Record, Performance Achievements, Individual Element Rating Record, and Employee Appraisal Record*) in its entirety, to the servicing administrative or personnel office (as appropriate) for processing and retention.

D. THE EMPLOYEE SHOULD:

1. Sign the Employee Appraisal Record indicating the rating was discussed with him/her; and
2. Understand that such signature by him/her does not constitute agreement with the rating assigned, nor forfeit any rights to grieve the rating.

PART VI-RATING LEVEL DEFINITIONS

1. **INDIVIDUAL ELEMENT RATING LEVELS.** The rating assigned on each individual element of the job may be Outstanding, Excellent, Fully Successful, Minimally Satisfactory, or Unacceptable.

A. **OUTSTANDING.** Performance on an individual critical or noncritical element of the job which clearly demonstrates a level of achievement which exceeds to an exceptional degree of performance standards for Fully Successful established at the beginning of, or modified during, the rating period. Performance at this level so exceeds what is normally required of the job that it is deserving of special recognition.

B. **EXCELLENT.** Performance on an individual critical or noncritical element of the job which markedly exceeds the performance standards for Fully Successful established at the beginning of, or modified during, the rating period.

C. **FULLY SUCCESSFUL.** Performance on an individual critical or noncritical element of the job which completely meets, or exceeds to a limited degree, the performance standards for Fully Successful established at the beginning of, or modified during, the rating period. Essentially, performance is right "on target."

D. **MINIMALLY SATISFACTORY.** Performance on an individual critical or noncritical element of the job which just falls short of the performance standards for Fully Successful established at the beginning of, or modified during, the rating period. Performance at this level shows significant deficiencies that require correction.

E. **UNACCEPTABLE.** Performance on an individual critical or noncritical element of the job which is substantially below the performance standards for Fully Successful established at the beginning of, or modified during, the rating period. Usually the employee's performance will show serious deficiencies in terms of quantity, quality, timeliness of work, or manner of performance.

2. **OVERALL RATING LEVELS.** The adjective used to describe the overall performance level of the employee taking into account both strengths and weaknesses on each individual job element. The overall rating level assigned may be Outstanding, Excellent, Fully Successful, Minimally Satisfactory, or Unacceptable.

A. **OUTSTANDING.** Overall performance in which the employee consistently performs in an exceptional manner with respect to established performance standards. In the Individual Element Ratings, the employee must demonstrate "Outstanding" performance in a majority of the critical elements of the position and demonstrate "Excellent" performance in all other critical elements of the position, and no Individual Performance Element may be less than "Fully Successful."

B. **EXCELLENT.** Overall performance in which the employee consistently performs in a manner which exceeds to a marked degree established performance standards. In the Individual Element Ratings, a majority of the critical elements must be rated "Excellent" or higher and no Individual Performance Element may be less than "Fully Successful."

C. **FULLY SUCCESSFUL.** Overall performance in which the employee consistently performs in a manner which meets or exceeds to a limited degree the established performance standards. In the Individual Element Ratings, a majority of the critical elements must be rated "Fully Successful" or higher; no more than one critical element can be rated "Minimally Satisfactory"; and no Individual Performance Element may be less than "Minimally Satisfactory."

D. **MINIMALLY SATISFACTORY.** Overall performance which is marginally acceptable. It is demonstrated by "Minimally Satisfactory" performance in more than one critical element of the position provided that no critical element has been rated "Unacceptable." Performance at this level is deficient in important aspects of the job and requires improvement.

E. **UNACCEPTABLE.** * Overall performance deemed to be unsatisfactory. In the Individual Element Ratings, performance in one or more critical elements has been rated "Unacceptable."

3. In the event the critical elements are evenly divided between two rating levels, the rating official may select the more appropriate of the two levels (*provided other applicable minimum requirements for the level selected are met*).

* - For SES (due to statutory provisions) this overall rating level is termed "UNSATISFACTORY"

PARTS I-IV
PERFORMANCE WORK PLAN, PROGRESS REVIEW RECORD,
PERFORMANCE ACHIEVEMENTS, AND INDIVIDUAL ELEMENT RATINGS

EMPLOYEE NAME: _____ PAGE 1 OF 14

ORGANIZATION: USINS New York District, Inspections Branch

PART I-PERFORMANCE WORK PLAN (PWP)

**A. JOB ELEMENT NUMBER AND TITLE (CRITICAL/NONCRITICAL/WEIGHING,
IF APPROPRIATE):**

Job element no. 1: Conducts Secondary Inspections of Applicants for Admission to the United States.

☒ Critical

☐ Noncritical

B. PERFORMANCE STANDARDS(S):

Under the general supervision of a Supervisory Immigration Inspector, the incumbent conducts inspections of the full range of referrals from primary concerning questions of admissibility, fraudulent documents, paroles, immigrant visa packages, etc. However, the incumbent is required to process the more complex and sensitive cases when referred. Such cases include those related to alien or narcotics smuggling, criminal activity, terrorism and use of fraudulent documents. Incumbent must be able to fully utilize all of the resources within the secondary area including, but not limited to, all INS accessible computer databases, photophone, intelligence material, microscope and document cameras; etc. Incumbent must be able to complete all cases in an efficient manner, with all written reports, including I-275s, memos to file, I-213s, etc., clearly and completely summarizing all pertinent facts. Reports must be logical and grammatical, and include information needed to help develop profiles and patterns, which will enable more effective enforcement. Incumbent is required to maintain an awareness of all activity within the secondary area to which assigned, and to keep the duty supervisor abreast of all important cases or incidents therein, as well as act as a 'secondary team' leader by providing instruction and advice to journeyman or trainee inspectors working with him or her on a given shift.

Inadequacies result when incumbent fails to process the more complex secondary cases; or fails to do so in a manner that utilizes all of the material resources available in secondary; or fails to complete cases with adequate detail, correct grammar or sufficient development of all information; or fails to process cases according to established guidelines; or fails to maintain awareness of activity in secondary area and keep the supervisor advised of important developments therein. Performance is EXCELLENT when inadequacies are noted in 2 to 4 instances, FULLY SUCCESSFUL 5 to 8 instances, MINIMALLY SATISFACTORY 9 to 13 instances during the rating period.

PART II-PROGRESS REVIEW RECORD (Progress Review Summary)

PART III-PERFORMANCE ACHIEVEMENTS (Briefly compare employee's achievements against performance standards)

PART IV-INDIVIDUAL ELEMENT RATING (see page 2 of the instructions for the definitions of the Individual Rating Levels)

OUTSTANDING[] EXCELLENT[] FULLY SUCCESSFUL[] MINIMALLY SATISFACTORY[] UNACCEPTABLE[]

PARTS I-IV
PERFORMANCE WORK PLAN, PROGRESS REVIEW RECORD,
PERFORMANCE ACHIEVEMENTS, AND INDIVIDUAL ELEMENT RATINGS

EMPLOYEE NAME: _____ PAGE 3 OF 14

ORGANIZATION: USINS New York District, Inspections Branch

PART I-PERFORMANCE WORK PLAN (PWP)

**A. JOB ELEMENT NUMBER AND TITLE (CRITICAL/NONCRITICAL/WEIGHING,
IF APPROPRIATE):**

Job element no. 2: Conducts Maritime Inspections; Coordinates and Participates in Ship Searches,
Reinspections and Musters.

☒ Critical

☐ Noncritical

B. PERFORMANCE STANDARDS(S):

Incumbent is assigned to perform inspections of vessels with a history of bringing stowaways to the U.S. or with a high incidence of crew desertions. Coordinates and participates in searches of targeted vessels, reinspections and musters of detained crew and makes recommendations regarding assessment of penalties for noted violations. Maritime inspections are to be conducted in the same proper and efficient manner as is standard at the airport. All documentation peculiar to ships' inspections will be properly prepared and submitted the next working day. ETAs must be verified through Maritime prior to departing for the inspection with a view toward keeping transportation and 'lost time' to a minimum. All delays and diversions must be reported to the supervisor.

Inadequacies result when incumbent fails to prepare for and conduct vessels searches in a diligent manner, thereby negating possible assessment of penalties, or fails to complete and submit reports, recommendations or other required paperwork in a timely and correct manner, or fails to keep transportation and lost time to a minimum through inadequate contact with Maritime. Performance is EXCELLENT when inadequacies are noted in 2 to 3, FULLY SUCCESSFUL 4 to 5, MINIMALLY SATISFACTORY 6 to 7 instances during the rating period.

PART II-PROGRESS REVIEW RECORD (Progress Review Summary)

PART III-PERFORMANCE ACHIEVEMENTS (Briefly compare employee's achievements against performance standards)

PART IV-INDIVIDUAL ELEMENT RATING (see page 2 of the instructions for the definitions of the Individual Rating Levels)

OUTSTANDING[] EXCELLENT[] FULLY SUCCESSFUL[] MINIMALLY SATISFACTORY[] UNACCEPTABLE[]

PARTS I-IV
PERFORMANCE WORK PLAN, PROGRESS REVIEW RECORD,
PERFORMANCE ACHIEVEMENTS, AND INDIVIDUAL ELEMENT RATINGS

EMPLOYEE NAME: _____ PAGE 5 OF 14

ORGANIZATION: USINS New York District, Inspections Branch

PART I-PERFORMANCE WORK PLAN (PWP)

**A. JOB ELEMENT NUMBER AND TITLE (CRITICAL/NONCRITICAL/WEIGHING,
IF APPROPRIATE):**

Job element no. 3: Participates in Surveillance and Enforcement Activities in and Adjacent to the Federal Inspection Areas.

- ☒ Critical
☐ Noncritical

B. PERFORMANCE STANDARDS(S):

Under the general supervision of a Supervisory Immigration Inspector, incumbent ensures carrier compliance with pertinent laws and regulations, and may be assigned to monitor deplaning of certain flights and maintain integrity of sterile corridors. Reports patterns of violations and irregularities in order to compile an intelligence database with regard to air carriers and their crewmembers and representatives. Recommends assessment of penalties when appropriate, and recommends changes in local procedures to combat illegal entry of aliens at the port. In uniform or in civilian attire, incumbent mingles among passengers in the FIS queuing area to identify suspect passengers. Handles sensitive inspections involving travel of prominent individuals and foreign dignitaries. Escorts criminal aliens to detention facilities or to departing aircraft as assigned.

Inadequacies result when incumbent fails to take proper action regarding the arrival of inadmissible aliens, thereby allowing such aliens to gain entry or a carrier to evade legal penalties, or fails to communicate important developments to the duty supervisor, or fails to complete assignments in reasonable time, or takes any actions which are inappropriate, inadequate, discourteous or which reflect negatively on this Service. Performance is EXCELLENT when inadequacies are noted in 2 to 3, FULLY SUCCESSFUL 4 to 5, MINIMALLY SATISFACTORY 6 to 8 instances during the rating period.

PART II-PROGRESS REVIEW RECORD (Progress Review Summary)

PART III-PERFORMANCE ACHIEVEMENTS (Briefly compare employee's achievements against performance standards)

PART IV-INDIVIDUAL ELEMENT RATING (see page 2 of the instructions for the definitions of the Individual Rating Levels)

OUTSTANDING[] EXCELLENT[] FULLY SUCCESSFUL[] MINIMALLY SATISFACTORY[] UNACCEPTABLE[]

PARTS I-IV
PERFORMANCE WORK PLAN, PROGRESS REVIEW RECORD,
PERFORMANCE ACHIEVEMENTS, AND INDIVIDUAL ELEMENT RATINGS

EMPLOYEE NAME: _____ PAGE 7 OF 14

ORGANIZATION: USINS New York District, Inspections Branch

PART I-PERFORMANCE WORK PLAN (PWP)

**A. JOB ELEMENT NUMBER AND TITLE (CRITICAL/NONCRITICAL/WEIGHING,
IF APPROPRIATE):**

Job element no. 4: Studies, Evaluates, Gathers and Disseminates Intelligence Information.

- ☒ Critical
☐ Noncritical

B. PERFORMANCE STANDARDS(S):

Incumbent is required to maintain awareness of all trends and patterns relating to illegal activities of aliens, including drug and alien smuggling, terrorism, document fraud and other sensitive national security issues. Employee must use available intelligence reports and bulletins published by INS and other sources, as well as computer information systems including NAILS, TECS, NCIC, NLETS, EPIC, APIS, OASIS, etc. This information must be evaluated and correctly interpreted when processing relevant secondary cases. Incumbent must also complete all secondary cases in such a manner that all available intelligence data is extracted and included in the case report, i.e., memo to file, I-275, I-215, etc.

Inadequacies result when incumbent fails to process secondary cases in a manner that reflects an awareness of relevant and current intelligence information, or fails to access all available sources of intelligence information when processing these cases, or fails to gather and report any and all intelligence information available from aliens, airline shipping agents and other individuals or sources with whom he or she comes into contact. Performance is EXCELLENT when inadequacies are noted in 2 to 4 instances, FULLY SUCCESSFUL 5 to 8 instances, MINIMALLY SATISFACTORY 9 to 13 instances during the rating period.

PART II-PROGRESS REVIEW RECORD (Progress Review Summary)

PART III-PERFORMANCE ACHIEVEMENTS (Briefly compare employee's achievements against performance standards)

PART IV-INDIVIDUAL ELEMENT RATING (see page 2 of the instructions for the definitions of the Individual Rating Levels)

OUTSTANDING[] EXCELLENT[] FULLY SUCCESSFUL[] MINIMALLY SATISFACTORY[] UNACCEPTABLE[]

PARTS I-IV
PERFORMANCE WORK PLAN, PROGRESS REVIEW RECORD,
PERFORMANCE ACHIEVEMENTS, AND INDIVIDUAL ELEMENT RATINGS

EMPLOYEE NAME: _____ PAGE 9 OF 14

ORGANIZATION: USINS New York District, Inspections Branch

PART I-PERFORMANCE WORK PLAN (PWP)

**A. JOB ELEMENT NUMBER AND TITLE (CRITICAL/NONCRITICAL/WEIGHING,
IF APPROPRIATE):**

Job element no. 5: Provides Training to Journeyman and Trainee Inspectors.

- ☒ Critical
☐ Noncritical

B. PERFORMANCE STANDARDS(S):

Incumbent is required to conduct both formal and informal training of journeyman and trainee inspectors in primary and secondary inspection techniques, document fraud, terrorism, alien and drug smuggling, and Post Academy law and Spanish. The informal instruction is usually given in the form of immediate feedback to primary inspectors who may have unnecessarily referred a case to secondary or to secondary inspectors who may not be familiar with all the intricacies of available computer databases and requirements for proper completion of various secondary cases. Formal classroom instruction is assigned as needed by the supervisory training officer.

Inadequacies result when incumbent fails to notify the training supervisor of program deficiencies, or fails to provide constructive and professional informal instruction when the need is present, or fails to properly prepare for and adequately present formal classroom instruction, or fails to bring any academic problems with an individual trainee to management's attention. Performance is EXCELLENT when inadequacies are noted in 2 instances, FULLY SUCCESSFUL 3-4 instances, MINIMALLY SUCCESSFUL 5 to 7 instances during the rating period.

EMPLOYEE NAME: _____
B. PERFORMANCE STANDARD(S), Continued

PAGE NO. 10

PART II-PROGRESS REVIEW RECORD (Progress Review Summary)

PART III-PERFORMANCE ACHIEVEMENTS (Briefly compare employee's achievements against performance standards)

PART IV-INDIVIDUAL ELEMENT RATING (see page 2 of the instructions for the definitions of the Individual Rating Levels)

OUTSTANDING[] EXCELLENT[] FULLY SUCCESSFUL[] MINIMALLY SATISFACTORY[] UNACCEPTABLE[]

PARTS I-IV
PERFORMANCE WORK PLAN, PROGRESS REVIEW RECORD,
PERFORMANCE ACHIEVEMENTS, AND INDIVIDUAL ELEMENT RATINGS

EMPLOYEE NAME: _____ PAGE 11 OF 14

ORGANIZATION: USINS New York District, Inspections Branch

PART I-PERFORMANCE WORK PLAN (PWP)

**A. JOB ELEMENT NUMBER AND TITLE (CRITICAL/NONCRITICAL/WEIGHING,
IF APPROPRIATE):**

Job element no. 6: Conducts Primary Inspections of Applicants for Admission to the United States.

- [x] Critical
[] Noncritical

9/11 Law Enforcement
Sensitive

B. PERFORMANCE STANDARDS(S):

Under the moderate supervision of a Supervisory Immigration Inspector, the Inspector conducts a primary examination of applicants for admission into the United States and determines whether the applicant may be immediately admitted without more intensive secondary inspection.

EXCELLENT PERFORMANCE would be achieved when the Inspector processes aliens per hour, or USCs. Excellent performance also requires an error rate of only 6-10 inspection actions requiring supervisory correction or counseling per year. (Deficiencies requiring corrective action include, but are not limited to, erroneous admission, frivolous secondary referrals, improperly endorsed arrival documents, improper soundex technique, poor communication, both verbally and in writing, discourteous or inappropriate actions or remarks, etc.)

FULLY SUCCESSFUL performance, aliens or USCs per hour and an error rate of 11-15 per year.

MINIMALLY SUCCESSFUL, aliens or USCs per hour and an error rate of 16-20 per year.

EMPLOYEE NAME: _____
B. PERFORMANCE STANDARD(S), Continued

PAGE NO. 12

PART II-PROGRESS REVIEW RECORD (Progress Review Summary)

PART III-PERFORMANCE ACHIEVEMENTS (Briefly compare employee's achievements against performance standards)

PART IV-INDIVIDUAL ELEMENT RATING (see page 2 of the instructions for the definitions of the Individual Rating Levels)

OUTSTANDING[] EXCELLENT[] FULLY SUCCESSFUL[] MINIMALLY SATISFACTORY[] UNACCEPTABLE[]

PART V
EMPLOYEE APPRAISAL RECORD

EMPLOYEE NAME: _____ PAGE 13 OF 14

ORGANIZATION: USINS New York District, Inspections Branch

SOCIAL SECURITY NO: _____ RATING PERIOD: APRIL 01, 2001 - MARCH 31, 2002

Check One:

SES ☐ PMRS ☐ OTHER ☒

Check One:

ATTORNEY ☐ NON-ATTORNEY ☐

| Element No. | Critical Noncritical | Job Element Title (Brief Concise) | Weighing (if app) | Element Rating | | | | |
|-------------|----------------------|---|-------------------|----------------|---|----|----|---|
| | | | | O | E | FS | MS | U |
| 1. | C | Conducts Secondary Inspections | | | | | | |
| 2. | C | Conducts Maritime Inspections | | | | | | |
| 3. | C | Participates in Surveillance and Enforcement Activities | | | | | | |
| 4. | C | Studies, Evaluates, Gather & Disseminates Intelligence | | | | | | |
| 5 | C | Provides Training to Journeyman & Trainee Inspector | | | | | | |
| 6 | C | Conducts Primary Inspections | | | | | | |

THIS IS A: RATING OF RECORD ☒ INTERIM RATING ☐

OVERALL PERFORMANCE RATING: (see page 2 of the instructions for the definitions of the overall Rating Levels.)

OUTSTANDING ☐ EXCELLENT ☐ FULLY SUCCESSFUL ☐ MINIMALLY SATISFACTORY ☐
UNACCEPTABLE ☐ (UNSATISFACTORY for SES)

RATING OFFICIAL COMMENTS ON OVERALL RATING (IF ANY): _____

EMPLOYEE NAME: _____ PAGE ¹⁴ OF ¹⁴

FOR ALL EMPLOYEES:

RATING OFFICIAL'S SIGNATURE REVIEWING OFFICIAL'S SIGNATURE EMPLOYEE'S SIGNATURE

(SIGNATURE)

(SIGNATURE)

(SIGNATURE)

(DATE)

(DATE)

(DATE)

NOTE: If you, as an employee, anticipate contesting any aspect of your rating(s), you are responsible for contacting your administrative or personnel office immediately for specific procedures to be followed.

FOR SES EMPLOYEES ONLY:

APPROVAL BY HEAD OF OFFICE, BOARD, DIVISION OR BUREAU:

(SIGNATURE)

(DATE)

(TITLE)

PERFORMANCE REVIEW BOARD ACTION:

CONCUR ☐ NONCONCUR ☐

(SIGNATURE)

(DATE)

CHAIRMAN, PERFORMANCE REVIEW BOARD

FINAL ACTION BY DEPUTY ATTORNEY GENERAL ON

(DATE)

APPROVED ☐ DISAPPROVED ☐

- (iv) the alien did not engage in any unauthorized employment before the E/S application was filed or while it was pending;
- (v) the alien was required to leave the U.S. while the E/S application was pending because of urgent reasons.

Inspector's Field Manual § 15.15(k)(1). Atta and Alshehhi arguably meet these standards, if they could articulate any urgent reasons for their departures.

Another alternative for students is to obtain an I-515 form which allows the alien to be admitted for 30 days pending verification of certain information. This is for aliens who have established admissibility, but lack a sufficient I-20. Within 30 days, the student must submit a new I-20. This process allows the alien 30 days in which to present evidence of admissibility as an M-1 student. Evidence is presented at the local District Office for Adjudication, before a Supervisory District Adjudications Officer (confirm title).

In addition to waivers, the law provides for an "exceptions", whereby certain aliens are not subject to inadmissibility under certain circumstances. For example, while INA § 222(g) automatically voids the nonimmigrant visa of an alien who remained in the U.S. beyond the authorized period of stay, it provides exceptions for aliens admitted for duration of stay (D/S). Nonimmigrants admitted for D/S who leave the U.S. while their I-539 application for Extension of Stay of Change of Status is pending are not subject to Section 222(g) of the Act, if no status violation was found that would have resulted in the termination of the period of stay authorized by the AG. Also, D/S nonimmigrants whose C/S or E/S applications were denied for reasons other than a status violation are not subject to Section 222(g) of the Act. Inspector's Field Manual (from Inserts), § 17.5(d)

Even when a nonimmigrant alien is not admitted, he may be offered the opportunity to voluntarily withdraw his application for admission per form I-275 (and avoid extradited removal with a ? year ban on reentry) unless there are other related underlying reasons for proceeding with extradited removal, such as long-term or repeated overstay, or other egregious immigration violations. Inspector's Field Manual § 15.15(l).

Who may initiate a waiver? Who must approve a waiver (does it differ from port to port)?

At both Miami and New York, the secondary inspector's first level supervisor (Supervisory Immigration Inspector) may initiate the waiver. Prior to 9/11/01, in both Miami and New York, the SII had to get approval at the next level (which is called the Watch commander in Miami, and the Assistant Area Port Director in New York). Currently, in light of new national policy as of November, 2001 which severely limited waivers, approval at even higher levels is required. (Is it currently District Director level in both areas?)

2nd time
Problem exists
Form I-275
Reasons
If go
to Consulate
(NO BAN)

WHAT IS DEFERRED INSPECT. (I-546) would this
APPLY & is it an option -

OIG004-0045

What are the unwritten port policies on granting waivers?

New York's primary concerns were whether the student had a criminal history, a history of overstays, or appeared to be attempting to commit fraud or to immigrate without an immigrant visa. It also significantly helped the alien's case for a waiver if, despite the fact of missing documents, he had attempted to comply with legal requirements in other respects (such as by filing an application for extension of stay and for a change in status).

New York Assistant Port Director John Mirandona stated that there were a number of options for dealing with Atta and Alshehhi, including waiver, 30-day deferral for additional info, or some of the Field Manual exceptions for B-2 or B-1 visas. He felt that the last option would be to send him home.

Senior Inspections officials in Miami agreed that pre-9/11, the prevailing m.o. was to "find a way" to admit someone like Atta or Alshehhi.

(More details to follow, with specific references to individuals)

Are there any other conditions for a waiver? A fee? Is it always required?

The fee for I-193 waivers granted at Ports of Entry was \$170.00 in cash, until _____. On _____, it was increased to \$195.00. However, INS has the discretion to waive any application or petition filing fees if the applicant establishes that he/she is unable to pay the fee. See 10/9/98 INS Fee Waiver Guidance. The INS considers a number of prescribed factors in determining whether the alien meets the criteria for "inability to pay." The alien submits an application or unsworn declaration that that is signed and dated and includes the statement: "I declare under penalty of perjury that the foregoing is true and correct" – requesting a fee waiver and stating the reasons why he/she is unable to pay the filing fee. INS may also require certain documentation. Id.

How have waiver policies changed since 9/11.

We were told that waivers are far less prevalent at both NY and Miami since 9/11. JFK APD John Mirandona said that JFK used to regularly grant waivers regularly for people who forgot visas and even passports. However, that changed drastically after 9/11. On 11/28/01, INS HQ (Michael Pearson) issued a memo to all ports stating the new policy that:

Aliens shall not be paroled for deferred inspection, otherwise paroled into the United States, or granted a waiver of any documentary requirement without the express approval of the District Director, Deputy District Director, Assistant District Director for Inspections, or Assistant District Director for Examinations.

OIG004-0046

District Directors, Deputy District Directors, Assistant District Directors for Inspections, and Asst. District Directors for Examinations, shall only parole for deferred inspections, otherwise parole into the U.S., or grant a waiver of any documentary requirement on a case-by-case basis after all appropriate databases checks have been completed. Such discretion should only be applied where inadmissibility is technical in nature (i.e., documentary or paperwork deficiencies), or where the national interest, law enforcement interests, or compelling humanitarian circumstances require the subject's entry in the United States, and where the alien is likely to comply with the terms of the exercise of discretion.

This authority shall not be delegated. This guidance does not change the existing statutory and regulatory standards for parolees and documentary waivers.

JFK provided stats showing the following stats for nonimmigrant waivers for air and sea passengers:

| <u>Month</u> | <u>air passengers</u> | <u>sea passengers</u> |
|--------------|-----------------------|-----------------------|
| 10/00 | 65 | 35 |
| 11/00 | 84 | 0 |
| 12/00 | 116 | 44 |
| 01/01 | 152 | 63 |
| 02/01 | 126 | 72 |
| 03/01 | 111 | 38 |
| 04/01 | 130 | 64 |
| 05/01 | 122 | 58 |
| 06/01 | 132 | 58 |
| 07/01 | 141 | 44 |
| 08/01 | 128 | 34 |
| 09/01 | 136 | 22 |
| 10/01 | 54 | 0 |
| 11/01 | 40 | 0 |
| 12/01 | 23 | 0 |
| 01/02 | 7 | 1 |
| 02/02 | 0 | 0 |

OIG004-0047

Initial Admission of M-1 Students

An M-1 student is admitted for the length of the course plus 30 days in which to depart or for one year whichever is less. An M-1 student is always admitted to a specific date which is never longer than one year. An M-1 student is never admitted for D/S.

I-20M-N

On initial entry, an M-1 student must present a yellow I-20M-N. (Any other kind of I-20 will require the issuance of an I-515.) (These procedures are for 5-1-83 revision)***

Page 1: write the I-94 admission number in the box provided;
write in the admission block "M-1" and the date to which you are admitting the student; stamp the box

Page 2: is the INS' instructions to the school and the student.

Page 3: is a duplicate of page 1 and is to be returned to the student;
be sure that the entire I-94 admission number is visible and legible;
no additional notations are required; stamp with admission stamp & endorse block

Page 4: student will use the reverse for subsequent applications for admission.

I-94

Endorse both sections of the I-94 with "M-1" and the date to which the student is admitted and stamp them.

Attach the Arrival section to the lower left corner of page 1 of the I-20M-N.

Passport

Write the I-94 admission number along the side of the M-1 visa.

For passport validity, see regulations governing the validity of F-1 passports.

***NOTE: For I-20M-N (rev. 5-3-90), refer to procedures and disposition of I-20A-B with exception of endorsing "M-1" with a specific date to which admitted.

Return page 3 to the student. (Stamp the admission block and endorse "M-1" to a specific date
Retain page 1 with any supporting documents stapled underneath them.
Staple the Arrival portion of form I-94 to page 1 in the lower left corner.

OIG004-0048

Returning M-1 Students

This section applies to M-1 students who have previously been admitted on or after 8/1/8, in accordance with the revised student admission procedures. The student should present his passport, a valid M-1 visa, a new I-94, and either page 4 of his old I-20M-N properly endorsed or a new I-20M-N.

I-20M-N

If the student presents a new I-20M-N endorse it in the same manner as for an initial admission.

If the student presents a properly endorsed page 4, return it to him/her.

In order for page 4 to be properly endorsed, ALL of the requested information under the block "For Reentry of Student" must be completed. If any of the information is missing, an I-515 must be issued. The endorsement of the designated school official is valid for SIX months.

If a returning M-1 student presents an I-20M-N for a school other than the one he was previously authorized to attend, he should be carefully questioned because an M-1 student is not allowed to transfer schools after the sixth month of his program.

I-94

The admission number on the student's new I-94 MUST be crossed out on both the arrival and departure sections, and the original admission number MUST be substituted for it in the appropriate spaces (just below the now crossed out admission number).

If the original admission number of a returning M-1 student cannot be determined, send the student to secondary.

M-2 Dependents

An M-2 dependent is the spouse or minor child of an M-1 student.

An M-2 dependent traveling with the principal is admitted for the same length of time as the principal M-1. The I-94s will be stamped and endorsed "M-2" with the date to which the M-1 was admitted. If an I-515 is issued to the principal, the dependents will also be admitted for 30 days. The principal is instructed to submit the I-94s of the dependents as well as his/her own.

Do not issue an I-20 ID to an M-2 dependent or record the admission number in the passport.

An M-2 dependent traveling alone may present a page 4 of I-20M-N properly endorsed under the block "For Entry of Spouse and Children". A properly endorsed page 4 is valid for SIX months from date of endorsement. If it is not properly executed or is more than six months old, issue an I-515. Return page 4, properly endorsed or otherwise to the M-2. Do not complete the block for the admission number as it pertains only to the M-1.

Practical Training

In general, the same rules apply as for F-1s except that the front of the I-94 will reflect the date that the practical training ends plus 30 days in which to depart or one year, whichever is less. An M-1 may only be granted a total of SIX months for practical training.

I-515

An I-515 is a form which is issued to a student who has established admissibility, but who is lacking or has a deficient I-20. Deficiencies include but are not limited to missing starting or finishing dates, missing signatures of school officials, student's arriving late for start of classes (less than 2 weeks late).

Check the box on the I-515 which indicates that a new I-20 must be submitted. Write in the date which is thirty days from the admission date in the box provided. Circle the address of the closest INS office (which can be determined from the school file number on page 1 of the I-20.)

Admit the student and any dependents for 30 days. On the reverse of both sections of the I-94 write "I-515 issued".

Record the admission number in the passport if it is not already there.

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