

MEMORANDUM FOR THE RECORD

(R)

EVENT: Interview of Inspector [REDACTED] Primary Inspector re Marwan al Shehhi, JFK International Airport

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.

Had own business – bar tender and owner of bar for 27 years; June 30, 1991 started at JFK as inspector, grade 5, full time. Attended FLETC in April 1992 through August 1992. Returned to JFK. Worked primary line primarily certainly year before FLETC. After FLETC, doing post academy classes while at JFK – more training. More in depth case work, continuing education; also maritime training. Started doing secondary occasionally – in and out. You helped along when asked. At JFK until October 1997. Transferred to Miami Intl. as GS11. Stayed there for 2 years – came back to JFK in 1999. 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.

SENSITIVE INFORMATION DELETED
SANITIZED COPY

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. Look for [redacted] Firearms training. Did not carry firearms unless boarding cargo ships. Never in primary.

SOP Primary Inspections

Pre 9/11, USC's just conversation about where you were, etc. Non USC's, 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. Used [redacted] when available. 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 - 45 seconds to process people. No repercussions if you did not meet that time.

Policy re referrals to secondary: no

Documents fraud - [redacted] tended to look at the latest stamps. Travel stamps from other countries were looked at - like Libyan, Sudan, and China. Really don't like the caches. We used to have a really book to check at JFK - all Arabic caches - a blue covered book. Terry Bramsky had something to do with the book - senior supervisor at JFK. This was about 8-10 years ago and kind of disappeared. Had some certain concerns about some caches. [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

Unusual characteristics - length of time, number of times here, passport; didn't care about amount of money (wouldn't count it on primary). 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.

- 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.

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?

- don't want to answer that.

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

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.

9/11 Working-level Employee