

MER04020565

MEMORANDUM FOR THE RECORD

(R)

EVENT: Interview of Inspector [redacted] Customs and Border Protection

DATE: March 25, 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, 14<sup>th</sup> & Pennsylvania Ave. NW, Washington, DC

Participants: Non-Commission: [redacted] Customs Inspector, Differed Inspection, Miami; Alex Damen, Customs & Border Patrol Counsel's Office

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

Background:

JKR asked if [redacted] had been interviewed by anyone else regarding the Atta entry. She said the FBI interviewed her about 2-3 weeks after 9/11 when she discovered Atta came out of deferred inspection. The FBI agents were from the NE Miami Beach Office. She was also interviewed by the DOJ OIG twice.

[redacted] said they asked her if she could identify Atta's companions from pictures they were holding. The FBI had pictures from some illegal aliens they were holding in CROM (facility which holds illegal aliens in Miami area). She did not recognize them. They asked her to describe Atta – what he looked like and what he was wearing – and if she was willing to go under hypnosis which she agreed to but it never happened.

She was not interviewed by anyone from CPB or legacy INS. She was interviewed by her port director, Mr. Garafano, and her supervisor.

She started at INS in 1988 in Ft. Lauderdale as a temporary inspector – but worked 80 hours a week – in primary and secondary – seaport and airport – for 4 years. Her contract was terminated. She went to Miami in 1994 for a permanent position as an inspector. Went to FLETC in 1996 and became permanent full time inspector. Since 1995, she has been a permanent full time inspector both primary and secondary. Her shift is from 5 a.m. to 1 p.m.

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On May 2 2001, she was detailed from Miami airport to the District Office located 7880 Biscayne Blvd., 5<sup>th</sup> Floor. Her supervisor asked her to help in the Deferred Office because someone called in sick and they needed help.

Her training at FLETC was from approximately February 1996 to July 1996. She didn't remember if she received counterterrorism training. She said they learned a lot about document fraud. She didn't recall training on databases. She did remember mock primary and secondary inspections. She said she did not receive any cultural or behavioral training. There was language training in Spanish and they had firearms practice everyday. She carried a gun in Ft. Lauderdale but not in line.

Standard operating procedures used pre 9/11

[redacted] said if she was processing a large family going to Disney World, she wouldn't ask a lot of major questions. She would ask how long you are going stay, where; last time you were here and where did you stay. She didn't ask to see return tickets. She only had 45 seconds to ask questions. She would check every document – see if passports were valid; visas valid – would check with black light. Feels she is good with document fraud.

B1

Length of stay for B1s – standard length of stay. If they are here on business for 2, she would give 3 weeks. She wouldn't use pre-made stamps, just write it in.

B2s

Mandatory 6 months – could not shorten that time – only supervisor could. She had requested it in Miami a couple of instances, where person appeared to be intending immigrant because they were here for 6 months, left for 2 days and returned... Sometimes supervisor would make her change it back to more time.

Vocational students

I gave a year and one month.

F1

DS (duration of status) – to give students to study English

M1

Technical school– always a year and one month.

Janice asked if there was a port policy about referrals and how often it should happen. [redacted] didn't believe there was a port policy.

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Fraud

Pre 9/11 [redacted] would look for fraud in visas with birth dates. She didn't check travel stamps; most of the time in visas its birth dates and bio page.

[redacted] didn't know if anyone at the port knew Arabic.

Janice asked if there was someone on duty at the airport who had expertise in documents. [redacted] said yes.

Janice asked if she had much experience with Saudis or Egyptians, and [redacted] replied that at Miami you get everything. She said you are basically looking for people who are staying and working here, criminals . . . [redacted] said she has not gotten any TIPOFF hits pre or post 9/11; she has gotten Lookout hits.

Janice asked if she would be suspicious if someone is alone and not with family who is asking for a B2. She said yes and money is a big issue. She would ask them how much money they have with them, but she wouldn't count it in primary; she would if she was in secondary. If she had a problem she would refer to secondary. She said her hands are tied - supervisor would question why you want to limit stay if the person didn't overstay last time. If she couldn't understand them because of language problem, she would get refer to hard secondary where they could get an interpreter. She would not process them if she couldn't understand them. If they don't have visa or visa cancelled, refer to supervisor.

Deferred Inspection

Janice asked [redacted] how deferred inspection worked. [redacted] said if someone comes through airport and you run the person in the system and they have a record but no judgment in the database. He is asked to bring in his Judgment of Conviction records and inspector can see - if someone has immigrant visas and no pictures, they would be deferred to bring in pictures. If someone needs more time because they are sick they are deferred. Considered to be a continued inspection.

Janice asked if an immigration history is created if they get called up in deferred. [redacted] said each case is different because in deferred they actually have been admitted. These people have already been admitted so databases were checked at airport.

J - request to CHANGE I94 -

He was not deferred -he just walked off the street - sometimes people who are close to 6 months and want more time - told no.

ATTA

Janice stated that on May 2, 2001 [redacted] was detailed from 8:00 a.m. to the district office and worked to approximately 3:00 p.m.

[redacted] said it was close to lunch time – about 11:30ish. Three guys came in and came up to the counter. One of the 3 started asking questions about his friend – “both came in on same day and we need to get some information about his I-94.” I asked him if he was the one that needs help; he said no - I told him to sit down and I will help his friends. She told them the person who needs help should sign in. Atta signed in (the guy who started the conversation was not Atta). “This person who was a great looking kid – he didn’t look Arabic – looked Caucasian. Atta said my friend and I came in on the same day and I got 8 months and my friend only got 6 – my friend wants to get 8 months. I believe I took both passports to see if they had valid visas. [redacted] said even if the visas were expired, she couldn’t do anything because they were already admitted.

Janice showed [redacted] some photographs to try to identify Atta’s 2 companions, but [redacted] didn’t recognize them. [redacted] said he didn’t have accent, spoke perfect English (this was the first guy).

[redacted] said she went to her supervisor and her supervisor told her to go ahead and change Atta’s to 6 months because he should not have gotten 8 months - only 6 months. [redacted] made a notation on the back of the I94 (1955 was her inspector number). She said she had to backdate the I94 and admit him on January 10 until July 9. [redacted] said every time you change an I94 you have to write comments.

The I94 issued at Miami by inspector 1903 - the I94 issued in error; a new I94 was issued at Deferred Inspection at the District Office in Miami. [redacted] said she looked at the original I94 and saw the stamp number.

She said if you look over admission stamps in the passport, you will not find her inspector number because he had already been admitted.

[redacted] said she didn’t remember going through his entire passport. She said Atta didn’t say much; he was quiet. She told him someone gave you the wrong admission and I’m not giving your friend 8 months. When she asked her supervisor “it was wrong can I change it.” Atta understood everything she said. She told them they could apply for an extension with forms downstairs. They said thank you and left.

[redacted] said the whole encounter stuck in her mind because after they left she spoke to a colleague and said that Atta was an ugly man “like a bulldog.” She didn’t remember physical characteristics.

Janice if in this case she looked at databases. [redacted] said no because she didn’t have access to the district office’s databases because she was only there for the day. [redacted] asked the inspector to put the information in the computer for her but he didn’t. The top of the I94 gets sent to Texas.

Janice said to [redacted] that she had said in a prior interview with DOJ IG that she saw an I94 that looked fraudulent.

[redacted] said she never said that. The second time they asked me to identify the I94 . . . .  
"The one I had - there were no corrections over it - it was just B2 -8 months."

Janice said let me read to you what it said in regard to Atta's I94 . . . . [read from statement].

[redacted] said when I gave him the 6 months, there was never an issue of whether he had a fraudulent I94.

Janice said that [redacted] told the FBI there were 3 guys. She said yes. All 3 had same skin tone, same features. The guy who made the initial conversation, about a year ago the FBI was looking for some one named of Shugre Jarmi(sp?) - [redacted] said she called her boss - apparently the FBI thought he worked with Atta - and he left the country. She told Mr. Garafano - did not tell FBI - this man apparently was a legal resident, school teacher in South Florida.

[redacted] said the only I94 she changed was Atta's.

[redacted] began looking over pictures and documents of the other hijackers]

Janice said for the record - the I94 with the 1903 stamp on it does not look familiar to [redacted]

[redacted] confirmed she physically took out the old I94 and put the new one in his passport.

#### DHS

Janice asked [redacted] about what improvements she has/has not noticed with the new CBP. She said it was hard to say because immigration legacy INS is still doing immigration work, and customs is still doing customs work; she doesn't know if it's going to work - trying to do cross over - so much to learn -

Janice asked if [redacted] had trained in customs. She said very little. She said she works mostly at private side of airport - Executive. She is back at Fort Lauderdale for about a year and a half ago. She did Miami inspections through. November 2002 and returned to Ft. Lauderdale - customs and INS combined. Just an airport.

[redacted] said USVISIT is very good - get a lot of hits on mismatch.

She said there are not a lot of foreign students going through Ft. Lauderdale so she doesn't use SEVIS that much.

National Targeting Center - she hasn't used.  
Visa info photos - helpful.

Her message for Commissioner Bonner:

What do you have to do to get a supervisor position??

When some one comes through, you have to do customs, immigration and agriculture inspections.

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Phone discussion March 29, 2004 re identification of Shukrijumah with Atta on May 2, 2001.

[redacted] an immigration inspector normally working at Miami International, was detailed for one day on May 2, 2001 at the Miami District Immigration Office. She completed a deferred immigration inspection of Mohammad Atta on another date.

She states that Atta came in with two companions. One companion did not speak at all and she does not recall his identity. (She recognized none of the hijackers, although she thought al Shehhi looked familiar.) The other individual with Atta began the conversation. After reviewing the fbi website at [www.fbi.gov/terrorinto/adnan.htm](http://www.fbi.gov/terrorinto/adnan.htm), this is what [redacted] had to say: "I'm 75 percent sure that this is the same guy, Adnan G. El Shukrijumah.. He was clean cut, my skin complexion, looked Indian, like me. I don't recall size or amount of facial hair, but dark. He spoke perfect English."

He initiated the conversation. "My friends have a question about their I-94s (arrival records)." I asked him: "do you need to see immigration?" He said no. I said then go sit down. He did. I didn't talk to him again.

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