

MFR 04020563

(R)

MEMORANDUM FOR THE RECORD

EVENT: Interview of Inspector [REDACTED] (Secondary Inspector for Atta entry)  
Miami International Airport

DATE: March 26, 2004

Special Access Issues: None

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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, Miami Intl. Airport  
Alex Damen, Customs & Border Protection Counsel's Office

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

Background:

Previously interviewed by DOJ IG and Internal Affairs of Immigration (local internal affairs at INS from Waterdale) multiple times. Cannot recall if anyone from Tom Ridge's office interviewed him or CBP; FBI – maybe, wasn't identified – don't know who is who at the interviews – it was a blur. Said he couldn't tell one person from another – everyone was wearing suits.

Went into army from high school, around 1978 – 1981. Joined the Coast Guard a year or so later for 13 years until about 1992. Went into Immigration from Coast Guard. Miami Intl. inspector – full time inspector. Went to FLETC in 1993 for 4 months. Stationed at Miami Intl. and have been permanently assigned there from 1992 to present. Started on primary line for about a year or 2 – around 1994 you go little by little to secondary – training in primary as skill level increased you were sent to secondary to learn that. Started interviews in secondary around 1994 interspersed between hard and soft secondary.

Said he did not really receive continued training. Learned about changes in policy and law via memos. FDL fraud alerts put on clip board in hard secondary. Didn't know if there was a binder with FDL alerts to check.

FLETC training – no training in counterterrorism per se – had a generic class as an overview – did not provide operational help – it was an hour class. Document fraud

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training was limited at the academy – about an hour or 2. Database training was limited – did get some training in TEXT. Mock primary inspections – one class – one for the border and one for an airport scenario. This was only in primary. No cultural training; one behavioral class, can't remember what was covered. Language training in Spanish for one month. Firearms training – everyday for about a week. Was not required to carry fire arm only during TDF (Terrorism Detection and Fraud)– certain teams go to airplane because aliens on aircraft. They were there when I joined the service. A number of years – late 1990s – was detailed to TDF occasional. Also used fire arms for escort removal or shuttling people to detention center. Did not have weapon in the line or secondary.

### SOP for Normal Primary

Pre 9/11: passenger comes up – swipe passport or visa; how long in US, what are your intentions, how long did you stay last time. Look at visa to see if there are alterations; [redacted] Security features depending on what type of visa it is. Use the black light when it is functioning. Databases – text check being done – a regular hit put in by inspectors or from another airport looking for subject staying for 6 months possible living here illegal or possible drug – referred to secondary. TIPOFF hits were automatic hard secondary. Had one or 2 pre 9/11. Don't know how they were adjudicated.

Length of stay for B1s pre 9/11 – generally about 30 days. Had one pre-made stamp that he used or wrote in by hand. If they asked for 2 weeks, I would give one month. If they asked 3 months, it is discretion of officer to give up to 6 months.

Length of stay for B2s pre 9/11 – you can give up to a year; generally 6 months. Gave beyond 6 months sometimes. This would happen generally in secondary. If you wanted to give less than 6 months, you have to refer because 6 months is standard B2 admission. As a primary officer, I have referred to secondary.

Vocational Students – my understanding was 13 months.

Generally would process them as fast as you can move them – general understanding was the faster the better – with our evaluations there is a time set – I think US 60 per hour; for aliens, not sure. If you want to pass an evaluation you tried to do that.

Pressure to process quickly – everybody felt it – pressure came from headquarters down – felt it was national policy. Did not feel there was a port policy about referrals to secondary; just needed to make sure referrals were good and not frivolous – counted on your evaluation. Have to have basis for referral. Valid referrals are for length of stay, possibly entry stamps from their country, text hit, etc.

Documents pre 9/11 looked for [redacted] and visa checked for fraud, looking for [redacted] Looked at [redacted] Arabic stamps and caches did not receive training and cannot read them. Did not receive other than FLETC formal training on fraud – it was “on the job” training. Have used the Forensic

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Document Lab once or twice pre 9/11. Depending on what stamps or countries, felt comfortable – i.e. [redacted] you know what numbers are and how to deal with it.

Not familiar with Saudi or UAE documents – did not see many of them.

Treatment of Saudis and Emirates

View of Saudis pre 9/11, general feeling amongst inspector – wasn't very look that we had finished Desert Storm – they are just like any other alien – nothing highlighted them vs. people from other countries. Primary concern about being admissible was – out of status, altered document, hit, overstay. In secondary, a little bit deeper because you are conducting interviews and could go the full gambit. No Arabic speakers available on primary or secondary line – have to call for translators. The airlines did not help with Arabic.

Targeting/Profiling

Not concerned if traveling alone on B2 visa; if you have over \$10,000 sent to Customs. People coming in stay with family members so \$\$ not a concern or removable.

If someone comes in for 6 months a few times, leaves for a few days and wants 6 months again, does that peak you interest. Depending who they are, how old there are – what is spread between 6 months – do they have money. So doesn't necessarily raise concerns.

If I can't communicate with someone in primary, try to go with French (we have people that speak French). Arabic speaker back then the general procedure unless you see document fraud, you admit them – even if you can't communicate – you can check their ticket and money.

Didn't always look for return ticket - treated it as a discretionary request. If they didn't have proper visa, they were referred to secondary.

Atta

On January 10, 2001, [redacted] said he was primarily working hard secondary. Does not recollect interviewing Atta.

JKR – in the first DOJ IG interview, vague interview, any recollection now? [redacted] said no.

JKR: So we will do this based on documentation.

JKR – secondary officer [redacted] January 10, 2001 at 1800. (went to primary at 1703). “Subject applied for M1 I.S. Adjusted status. No overstay/no removal grounds found.” My understanding he applied for M1 – doesn't remember if it was a database check –

Would you have relied on Atta?

If he had paper, I would take paper – but could do both.

JKR would you normally check Claims –

– you do any of the above.

JKR – if he has an I20 and presents to you, then that's sufficient and you don't feel need to check student school system and Claims?

– it's up to inspector – if he feels it warrants, he can check further; or he can accept documentation. I don't not recall anything about inspection

“IS” means in status.

JKR – adjusted status – what do these 3 things mean.

– he adjusted from one status to another by filing from M1 – looks like it was approved so he was not out of status and no overstay. Would normally check to see if he is overstay.

JKR – Conclusion “no removal grounds found?”

– yes

JKR – When you get report in secondary, do you have the screen that primary inspector wrote?

– yes

JKR what do you do with information normally?

– can't recall if I checked data bases – might have.

JKR – For flight training school attending – would you have verified? – with student school system given you information he was still in school?

– maybe or may be not.

JKR – I'm asking because we got information from system. Updated August 2001. 7/17/01 current class date. If his application had been pending and not approved, would the student school system if it is current hold the information about the status?

– maybe yes, maybe no.

JKR – would CLAIMS normally be checked for status of application in January?

– we have applications in CLAIMS that were approved that we still can't find.

JKR – overstays hit the databases?

- there is no such thing

JRK - about departure date - lag time getting that information

- if the I94 W was turned in, if the airline did it properly, if it was inputted.

JKR - one of the things you said in prior interviews with Miami field office of DOJ IG - Rita Haney - was you recalled Atta referred to hard secondary as a possible overstay, you checked records and . . . . and applied for change of status from tourist to student." Curious about extension because we haven't received any documents about extension.

- don't recollect.

JKR - let's say data systems had all information; hypothetical: Let's look at stamps first. because its confusing

- could be my handwriting - stamp number 1648 - don't recall if its mine because I have had 13 or 14.

JKR -  stamp dated 1/10/2001. Written on top of B1 is written B2. Void written above it. If primary made mistake and put stamp in but then sent to secondary, would primary write void.

- sometimes the primary guys do it - no set policy.

JKR - records indicate this was your stamp - can you distinguish what number is?

917? - don't know - I would guess "9" -

JKR the NIIS report indicates September 08 - doesn't seem to match.

- I don't know

Stamped, handwritten used. Everything that is red is standard.

JKR - and all the rest hand written?

- yes

JKR - on this one - it looks like US Immigration Miami - its 1903 not your stamp - the dates are stamped in instead of handwritten 2/9/01 - but crossed out - new date and entry type entered - SOP to change I94 and passport if you needed to make change of admission status in secondary?

Change both? You can do that or do entire I94 over again. Don't know if that's my handwriting.

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Hypothetical: you were under impression that Atta had applied for M1 and was in status and had adjusted status. What was your understanding of pending application if someone leaves the country with application still pending?

- depends on application

JKR to change from tourist to M!

- I think it would still be in status.

JKR - if you knew Atta had overstayed visa for one week and left and came back - would it have affected your adjudication?

- was an extension filed?

JKR - pending application was filed

- you are still in status as far as the overstay goes.

JKR - if you had been able to determine he had finished his schooling even though he had given I94 to inspector?

- if student said that he was finished with school, - the system could have said he was finished but he is not - have to go on his word. Working with student system that was a piece of garbage - nothing factual - arbitrary - claims filed late - it was useless. Have to use it - but what you get out of it to base adjudication - not good.

JKR - if you had seen in CLAIMS that he had not adjusted status?

- Claims holds anything you are filing for

JKR - we know he applied for change of status

If he left country while change of status pending, it would not have changed adjudication because we have people applying for F1 ? If you come as a student you are in US for - not my understanding (check tape).

What if he says he is full time student and he has M1 not B2 - does it affect adjudication?

- might have adjusted it here -

JKR - in system it has as pending, not adjusted - is it a problem

RW: -----

Regular practice to let people in a different rubric than a M1 -  
Can you come in and take English classes, yes.

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JKR – difference from full time or occasional school

– fine line – what is full time

JKR – would you have asked questions about where he is attending school, what type of school

– I don't think so

JKR – if he says where he is attending, look up to see if it is a certified school?

– if you can find it. Would ask how long you are attending. Depends on school – university you go for semester hours. You have guys coming in for one class at aviation school – depends on school set up – it could be M1, depending on facts.

JKR if he is attending flight school and he sought to adjust status to attend flight school, would you think he was going full time?

– not necessarily – yes or no.

JKR – when indications look like he is full time –

– still gray – because you have people coming from all over the world because it is cheaper – some come for night flying, instrument flying, a class – grey area – because they don't run like college institution.

JKR – is there a fix for grey area – to make it easier to adjudicate?

– clarify the law – set strict limits on B2 – because it is too vague – incidental to a B2 is wide open – what is definition of “incidental.”

JKR – what if you eliminated “incidental” all together?

– don't see how you could.

JKR – law has changed since 9/11 – can't request change of status as student while you are here – have to go back abroad to do it.

JKR – what helps you in secondary – to have all facts in front of you – to do adjudication

– a student system that is accurate – SEVIS is a lot better than what we had – USVISIT will take care of overstays in the future – CLAIMS is still not up to date because of massive amount of petitions.

JKR – what about biometrics – would it help in secondary? Consolidated Visa Data Base?

we love it - its great – it will pick up altered visas. – it's a great tool.

JKR – in situation where someone comes back in as a student, would you have checked pocket litter?

no

IDENT?

no

Would have IDENT if you had suspected fraud, drugs, or doing a case then you enroll them.

JKR – check to see how much money – in a situation where they are going back to school

maybe yes or maybe no.

JKR – as far as you are concerned, flight school could fit into either B1 or B2?

if you are coming in for simulator training, it's a B1

JKR – personal training with flight instructor

B2 or could be M depending on how it is structured.

JKR -so it could be a B2 for 6 months.

Other recommendations on clearing up grey areas:

with regard to visas or removal charges?

I have said before, it is very easy to look after the fact to say they should be removed.

You cannot remove someone because he was rude, suspicious.

If it was lack of money, I would have thrown out lots of people. So money can't be a base.

JKR – what do you think overall policy on adjudications? Was there pressure to admit – did you feel it was difficult to go to supervisor not to admit

Yes.

9/11 Working-level Employee

JKR – because INA says the opposite – the burden of proof on alien – but in practice it is on the inspector and the U.S.

Was there a lot of public pressure for admitting people?

– yes

JKR – any particular embassies?

no – just overall.

DHS

Familiar with National Targeting Center – have used it and is helpful

Changes on line since CBP has taken over: USVISIT extremely positive

JKR – has any of the policies or pressures changed since CBP

– its improving – facilitation is not primary issue as it was in the past; border security is now primary issue. Happier with the way it is now.

JKR – if someone like Mr. Atta, came before you now, what do you think would be the adjudication assuming the change in your databases and information available to you now, i.e. SEVIS and overstay information.

– In today's climate, if anything was violated, he would be gone. If we have data systems that work, the attitude of service less likely to facilitate and give waivers on the assumption that everything has been approved.

JKR – would you have considered a deferred or paroled for 30 days to verify his status?

– don't know

JKR – did you use parole very often?

– If you defer, you are deferring inspection – means get your paperwork together. A parole is a deferral.

JKR – on statement that  wrote “he is attending flight school” – would you ever try to verify that any other way other than school system – would you pick up phone?

– you could – can't recall I did that for a flight school. Did that once in awhile for other schools.

If Atta had come up as done with school, would it have affected your adjudication??

As coming in as a b2?

- don't think so

JKR - you find out he lies and has B2 which is legitimate as tourist? Does it raise questions as why is lying?

- if there is inconsistency, it would - hit all the databases you can to get to the bottom of it. You would interview him - and ask him why did you say this and why did you say than - and if the answers are inconsistent, then - if you don't have anything concrete on INA - then he is being admitted. Now, if you verified that he lied, he would be in a world of hurt considering his country of origin- on the legal side - is there anything to remove him - massive questions.

JKR - would it affect your questioning if he had been here 8 months, left for a week and came back to ask for another 6 months -

- tried to figure out if he has been working in US illegally or living here. If you can't prove it, you can't bar him.

JKR - if you take a sworn statement from him and you can get him for lying under oath?

- no, it's a criminal charge. Misrepresenting a material fact - back in the grey again.

- it's getting better - take a while to work things out the merge with Customs - technology wise, attitude - here to do job and not for airlines .

Current position is  Still at Miami International.

RW - don't remember if DOJ IG showed documents

9/11 Working-level Employee