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Commission Sensitive

MEMORANDUM FOR THE RECORD

**Event:** Interview of Tim Goyer, former INS manager of the Lookout Unit from 1997 through the changeover to DHS.

**Date:** Wednesday, October 1, 2003

**Special Access Issues:** [none]

**Prepared by:** Janice Kephart-Roberts on October 2, 2003

**Team Number:** 5 (Border Security)

**Location:** Offices of Customs and Border Protection of DHS (former Customs) in Ronald Reagan Building in Washington, D.C.

**Participants - Non-Commission:** Tim Goyer, CBP National Targeting Center



Christina Hamilton, CBP Chief Counsel's Office



SENSITIVE INFORMATION  
SAINT

**Participants - Commission:** Janice Kephart-Roberts  
Tom Eldridge

**Note:** no classification required

**Documents requested:** Hazmi/Midhar Lookouts

Data on TIPOFF hits per POEs.

**NOTES:**

*Interviewee.* Tim Goyer, former INS manager of the Lookout Unit from 1997 through the changeover to DHS. Currently Associate Chief Watch Commander at CBP's National Targeting Center.

*Biographical information.* Goyer has been with the INS since 1990 until the formation of DHS. From 1990-92 he was an inspector at JFK. From 1992-97, a supervisory inspector at Dulles. Since '97, Goyer was in headquarters INS as a staffer in the Carrier Consultant Program and subsequently as Director of the Carrier Consultant Program and the Lookout Unit within the Office of Inspection located in Rosslyn, VA. The Office of Inspection was run by Mike Hrinyak.

**Job description of INS Lookout Chief.** (reviewed 7/25/03 at NTC)

1. Describe liaison relationship with DOS TIPOFF, including how typically the TIPOFF "hit" process would work.

- a. How information inputed into NAILS. NAILS was INS lookout system for TIPOFF, housed in IBIS, the larger lookout database. Every week, TIPOFF staff would send to the LOU a CD with new referrals for entry into the database, along with original supporting intelligence. Once a week, unless there was intel of an imminent arrival, the LOU would go to a scif, review the materials for sufficient derogatory information and identifiers for entry into NAILS. The LOU also responsible for making the information properly available in the lookout system. INS relied wholly on State for intel and justification for nomination into TIPOFF.
- b. At POEs, when there was a "hit", the alien was required to be escorted to 2ndary where interviewed. Bob Neighbors would work with the POE inspector and act as a liaison with DOS. The inspector made the final decision as to whether to admit or not. Pre 9/11, JTTF would be called occasionally; now that call is automatic. Sometimes JTTF responds, sometimes not. There was never an instance when DOS was not responsive to a TIPOFF hit.
- c. The LOU would try to ease the burden of hits by reviewing the incoming passenger manifests (APIS) every morning.
- d. Tom Perrelli was chief until 1999. Never an instance when TIPOFF didn't get back to the Lookout Unit in a timely way on a hit.

## 2. As Director of Carrier Consultant Program.

Directed foreign airlines on how to detect use of fraudulent documents by those seeking to come to the US. The purpose of the program was to prevent aliens with improper documents from boarding; investigation of these persons lay elsewhere. Airlines picked based upon (1) datas from ports of entry; (2) fines by the National Fines Office; but (3) often airline driven.

Forensic Document Lab used for expert advice in training of documents. The program was initiated under IIRIRA. Training paid for via extraction of user fees (taxes applied to airline tickets). At one point helped develop an assessment for foreign airline staff, ie persons who worked for airlines or contractors to airlines. Selectees for the program were those who tended to bring in a higher quantity of improperly (ie willful or negligent) documented inadmissible aliens into the US.

In 1999 or 2000 Saudia, the Saudi airline, requested training due mostly to their concern about improperly documented third party nationals using their airline because S.A. tended to be a transit point for in the MidEast. Weren't really concerned about Saudis. The INS overseas office in Rome had oversight over this project. Kevin Murry was the assistant district director for investigations in Rome. Greg Smith is there currently.

Also trained in Jakarta, Indonesia and Bangkok, Thailand and Europe.

3. Direct National Fines Office. Penalizing carriers for permitting passengers to board planes without valid documents. De facto in charge here, but not technically.

**Technology available to Lookout Unit.** (NAILS, TECS, TIPOFF, etc.) Way to get into system was via NAILS.

**Information available to the Lookout Unit pre-9/11.** As the Lookout Unit was tied purely to the INS inspections function, and most TIPOFF persons had never been previously encountered by the service, the Lookout Unit had rare contact with the following entities. Anything supplemental Goyer used in the Lookout Unit was from database information available INS wide .

1. from within the INS
  - a. Intel
  - b. Inspections
  - c. Internal enforcement
  - d. Immigration benefits (applications pending, adjudicated)
2. from outside the INS
  - a. DOJ on CT criminal prosecutions of aliens
  - b. FBI on CT alien investigations within the US: TIPOFF talked to the SIOC (Strategic Information Operations Center). INR would talk, not INS. Nor did Lookout talk to the INS detailees to JTTFs pre 9/11. Now, such contact is on a case-by-case basis.
  - c. CTC
  - d. CIA on
    - i. CT alien activity outside the US OR
    - ii. terrorist aliens seeking entry to the US OR
    - iii. analysis of terrorist aliens seeking entry to the US: No direct contact, but vast majority of information in TIPOFF came from CIA
  - e. DIA
  - f. NSA
  - g. No fly list or other watchlists: doesn't believe the no fly list in IBIS pre-9/11
  - h. State dept (consular affairs, INR):  
Dealt with the following DOS INR people: Arriza, Ritter, Abby Johnson, John Wigmore. Worked with consular affairs on visa revocations. The tech people in consular affairs on "code carryovers" from CLASS.

#### **TIPOFF.**

1. When did INS gain access to TIPOFF? About 1991.
2. What (event) and who (DOJ, INS, DOS, White House?) precipitated INS gaining access to TIPOFF? Don't know, but believe it was first Gulf War.
3. Previous to TIPOFF, how did INS get terrorist related information? Don't know.

4. When was the first TIPOFF MOU signed with State? What were its key elements of importance to INS? Don't know.
5. Did the MOU have any drawbacks for the INS? Don't know.
6. Were the problems resolved with the 1999 MOU with State? *Place 1999 MOU in record. (Apparently this MOU provided the INS with more criminal TIPOFF data. Were there other changes as well?)* don't know.
7. What TIPOFF information did INS receive? Received all the original intelligence to determine (1) whether enough derogatory information to input into NAILS; and (2) whether adequate identifiers to input information into NAILS. Would do this analysis once per week in a scif, unless imminent chance of entry into US.
8. Was there a quid pro quo with the receipt of the TIPOFF data? What did INS supply to the State Dept in return for the TIPOFF data? Upon hits and thus secondary inspection, would copy all pocket litter, take photo and fingerprints and send back to originator of information. Thinks this is in the MOU.
9. Were any lookbacks ever conducted in the Lookout Unit: not before 9/11; since 9/11 have run the following look backs:
  - a. Ran all names within TIPOFF versus lane crossing sata. About 25 names that possibly entered where there was no contact with the POE. Mostly crime; none of the names were Al Qaeda. Don't know what happened with these 25; turned information over to NSU.
  - b. Ran Canadians in TIPOFF present here. No one was of particular interest; ran these names through the benefits database using TIPOFF intel.
  - c. In re to 9/11, put together immigration data on hijackers immediately after 9/11 and turned that information over to Mike Ryack in intelligence.
  - d. Not real familiar with Al Hazmi and Al Midhar cases, but will retrieve lookouts.
  - e. Only stats kept at the LOU were provided by State.
10. What type of help did the Lookout Unit provide to the special agents in the field and inspectors? None.

#### **Background of Lookout Unit.**

1. Why did the INS create the Lookout Unit? Don't know, other than as a vehicle for TIPOFF.
2. Where was the Lookout Unit in the overall INS structure? Under the Assistant Comm'r for Inspections, which reported through the Exec Comm'r for Programs to the Comm'r. We had 4 contractors and bob Neighbors as TIPOFF liaison and 1 program analyst.

3. To whom did you report and from whom did you receive direction?  
Reputed to Mike Hrinyka, who was the Deputy Ass't Comm'r for Inspections.
4. Did the Commissioner's office ever make direct inquiry into the Lookout Unit in any way? No.
5. Did Congress? The FBI? Main Justice? CIA? No.
6. Bob Neighbors. What were his dates of service? 1972-Jan.02  
When did he come back as a consultant and what was his job? Six months as contractor to LOU in 02.

Where is he now? FTTTF. Talk to him about Hazmi and Midhar. Goyer identified Neighbors as author of the 9/11 Hazmi lookout JKR showed Goyer.

**With 20/20 hindsight, is there anything INS could have done to help prevent 9/11 from happening?** Not sure there was a whole lot we could've done. If we'd followed the letter of the law in re to Atta, he was inadmissible b/c he'd abandoned a pending I-539 application by leaving the country during its pendency, but that wasn't the practice at POEs at the time. (Goyer was an inspector for 7 yrs at JFK and Dulles.) We've always relied on intel to tell us that an alien poses a threat, unless we find something on the alien's person leading us to believe otherwise.

**With 20/20 hindsight, is there anything more the Lookout Unit could have done to help prevent 9/11 from happening?** As to Hazmi and Midhar, both were already in the US when the lookouts went out, but we could've checked with the appropriate authorities to state they were here. We couldn't of done anything after that, however, as this was a CT case and FBI had sole jurisdiction.

**From your vantage point, does INS bear any responsibility for the events of Sept. 11?** *INS wasn't creative enough. There was tremendous laxity at the border. Interior, border and overseas functions should've been linked in a more coherent way. For the small number of people in TIPOFF, we should have been accounting for people, not stovepiping, so we could've tracked people through inspection, intel, enforcement, and benefits. "The failure to think of these things in hindsight seems plain."* Also, we wholly relied on intel agencies to tell us of the people we should be concerned about, and that shouldn't of been the case.

#### **Major policy trends at INS in the 90s.**

1. Abuse of the iNA and evolution of more sophisticated fraud in re to both documents and benefits, smuggling networks and asylum. These problems got worse throughout the 90s.

2. Increase in travel and visa waiver in the late 80s. European passports were abuses. Expedited removal (IIRIRA 1996) was extremely helpful, however, as there was no need to hold for adjudication.

**Issues at POEs in the 90s.** Technology was pretty good for the times. Biggest problem was POEs didn't have visa issuance information and thus had difficulty verifying visa information.

**Recommendations.** Would benefit from a coalition of unclassified databases such as visa revocations, visa issuance information, CLASS, TSA lists, and IBIS all available to be queried simultaneously, as well as travel history including fellow travelers.

RMAL. Thinks this Australian model for inspection of limited value here b/c US scale (# of POEs) so much larger than Aussies.

No fly list. A good thing if not too big.