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MEMORANDUM FOR THE RECORD

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(R)

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Team Number: 5

Location: GSA Building, 301 7th Street, S.W.

Participants - Non-Commission:

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Documents/handouts received by the Commission: None

Other contacts referred to:

Principal Deputy Assistant Secretaries during Ryan's tenure: David Hobbs, Ruth Davis, Maura Harty, Donna Hamilton, and George Lannon.

TEXT:

This was the first of two interviews with Ambassador Ryan.

Ms. Ryan became the Assistant Secretary (AS) of Consular Affairs (CA) in June 1993. She retired from the State Department July 12, 2002. Her background is that she has a BA and a Masters in international relations from St. Johns University.

Prior to serving as AS of CA, she served as Deputy AS CA in 1990.

Priorities

Ryan's priorities when she arrived were: (1) protection of American citizens abroad, (2) the visa process, (3) passport issuance, and (4) international adoption and (5) parental abduction.

CA always viewed itself as the “outer ring” of border security.

Passports During her tenure, they photo digitized the passport, meaning the photo was captured digitally and then printed as part of the document (versus attached to it) -- “a real advance.” Ryan said they also tried and failed to improve security of the birth certificate – the document underlying the passport.— by having them issued only at the State level. Fraud in so-called breeder documents continued to be a problem.

Fraud Prevention Within CA there is a Fraud Prevention Program (CA/FPP) which provides guidance to posts on fraud trends. During Ryan’s tenure, she stepped up enforcement of visa fraud rings based, for example, on fraudulent passports, fraudulent identification, fraudulent claims of professional qualifications, and corrupt government officials. Ryan said the H1B visa program and Diversity Lottery were “filled with fraud.”

Headline issues of the 1990s

We asked Ryan to describe for us the “headline issues” of the 1990s for CA – the one’s that got the most attention, for example, from Congress. She described them as follows.

There was “tremendous congressional interest” in the adoption and abduction issues, but Congress did not always understand the other side, for example, fraud concerns in the foreign adoption process. The stories were “heartbreaking.” The parents and members of Congress could not fathom why State could not, for example, get back a child abducted and taken to a country that did not abide by the Hague Convention. There were “lots of hearing and meetings” on these topics in the 1990s.

Congress also exerted lots of pressure on refused visas. Some were “tricky” involving Cubans and, for example, Syrian Jews. There was a lot of interest and concern from Congress. However, Ryan said members of Congress “never asked” her about visas the State Department had granted, that is, until September 11.

Congress was concerned about illegal immigration, particularly along the Southwest Border. Ryan said she made alien smuggling a priority, describing it as “the new slavery.” She sought to raise the issue’s profile, particularly trafficking in women and children who were “so terribly victimized.” She also saw this as a “very corrupting practice” since it often involved a need to bribe border guards, etc. Ryan said there was little receptivity to her cause in foreign countries since the smugglers heading for the U.S. were not staying in those countries, just passing through.

Intelligence to CA policymakers

We asked Ms. Ryan to describe how she got intelligence information on, for example, the activities of UBL worldwide. She said she and her staff assistants got written materials each day from INR at around 7 a.m. These were the Secretary’s Morning Summary (SMS) and the National Intelligence Daily (NID) (which later became Senior Executive Intelligence Brief (SEIB)).

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Ryan said she read these intelligence materials for two main reasons: (1) to see if there was TIPOFF materials to go to INR for inclusion in that watchlist, and (2) to see if there was information needed to alert U.S. citizens to threats abroad.

This second reason deserves amplification because Ryan describe it as a very significant part of her work at CA – the protection of American Citizens abroad, in part, through timely warning of possible terrorist threats. She said that this commitment arose after the Pan Am 103 bombing when it was suggested that some government officials had learned about a possible threat to the flight involved and taken action to avoid it, while the general public had not received this information. Ryan often had to push to get this information out to U.S. citizens. She would meet with regional State bureaus, and these regional bureaus would then often go to the CIA to get the threat information declassified for release to the general public.

Ms. Ryan said that she does not remember ever reading in the intelligence she got about Usama Bin Laden or Al Qaeda members attempting to get visas to come to the U.S.

She recalls hearing about “chatter” but recalls that concern about attacks was directed abroad.

Hazmi and Mihdhar

When she learned that government agencies knew things about these two hijackers and that this information was never passed to the TIPOFF program until it was too late to prevent them from getting visas, she was “outraged.”

Budget context of the 1990s

Before the implementation of the MRV fees, CA suffered “draconian budget cuts.” We asked Ryan why she thought this occurred. She said it “seemed to me that there was a deliberate attempt to make the administration look bad, and underfunding was one way to do that.” As a result of these cuts, CA was not hiring to attrition, not promoting those worthy of promotion (and so losing senior talent), and suffered four years of slow hiring.

“The slogan was to do more with less, to the point where we were doing everything with nothing,” Ryan said.

When the MRV fees started flowing in 1994, they allowed CA to better staff consular positions. These fees were required to be “border security related.” Ryan used these fees to fund DS and INR who were working on the TIPOFF watchlist.

The value of interviews

Ryan said the interview is “sometimes useful for identifying problem applicants.” More useful, however, Ryan believes, is information available to the consular officer from other sources. When we put it to Ryan to give us her opinion on the value of an interview in ferreting out terrorists, she said, “I don’t think you are going to identify a terrorist in a visa interview.”

When we pressed her on this, she acknowledged that her view of the value of the interview is based in part on her view of resources actually available for interviewing. In other words, as we

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deduce from Ryan's answers, she operated in a budget context in which it was inconceivable that CA would ever get the resources it needed to interview a large percentage of visa applicants in any depth. Therefore, it is hard for her to even imagine a world where the consular officer had time to conduct thorough interviews like a law enforcement officer would do of a potential suspect.

Visa policy communicated to posts in the 1990s

In general, Ryan said she only wanted consular officers to "follow the law." This meant, she said, that consular officers could not rely on a "funny feeling" to deny a visa, not merely state the person was a "bad case." An officer could, of course, use 214(b) to deny a visa based on the applicant's failure to overcome the intending immigrant presumption, but the officer had to be able to say why they believed this.

The INA allows a consular officer to issue a visa without an interview, but any refusal on 214(b) grounds required an interview first.

Ryan said the goal during the 1990s was to "do more with less" and to "work smarter." She was constantly emphasizing to posts to concentrate their efforts on areas that needed attention. For example, they should try to correlate their interview rates with their approval rates. In other words, Ryan said, if a post had a 98% approval rate [roughly the truth for Saudi Arabia and the UAE] then the post should not be interviewing 98% of applicants. By contrast, if the post had a high refusal rate, then they (CA) expected a high interview rate.

This kind of advice was contained in the Consular Best Practices Handbook, a series of cables to posts compiled into one book describing all the ways to use resources more efficiently in administering the consular function. Travel agency referral programs – like Visa Express – were one Best Practice identified in this handbook.

Some changes in policy resulted from the Blind Sheikh episode (discussed infra). For example, the consular computer systems were redesigned to prevent a visa from being issued unless a name check was run on the applicant through the Consular Lookout and Support System (CLASS), including the TIPOFF terrorist watchlist.

With regard to ambassadors, Ryan tried to emphasize to them they should not get involved in visas because, "if they did the first visa, then they would do nothing but visas." Instead, she advised ambassadors during their training to ask the consul general to interview an applicant if there was some kind of political pressure exerted on the ambassador about a particular case.

How visa policy developed at post

While the law was the law, visa policy was post-specific to some degree, based on the characteristics of the local population.

Information from INS on overstay rates

Because consular officers base their decisions on assumptions about the "risk" a particular applicant presents of overstaying their visa, we asked Ryan how CA got information from the

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INS on overstay rates. She said the INS "didn't have current overstay data" and could not tell when someone had left the United States. As a result, State didn't have this information either and didn't use it in their decisionmaking.

Occasionally, the INS would send back information to the post about someone they had turned around, for example, materials found on the person indicating they were an intending immigrant. However, Ryan said there was no agreement to her knowledge that the INS provides information to State on either overstay rates or change of status applications.

Relations with other agencies

We asked Ms. Ryan what contact she had with other agencies and bureaus while the AS of CA. She told us she had "no direct contact with anyone in the FBI." She said CA tried to get the FBI to provide CA with NCIC data, but that the FBI would not consider them law enforcement and so would not provide this data, a problem solved by the Patriot Act.

She emphasized that CA "depended on all law enforcement and intelligence community agencies for information to put into the lookout system." In connection with this lookout system, State was a member of the Interagency Border Inspection System (IBIS). Through IBIS, State shared its lookout information with the U.S. Customs Service (Customs) and the Immigration and Naturalization Service (INS).

CA had relations with the Department of Justice (DOJ) only through INS.

Ryan described how she "worked hard" to improve relations in Washington between CA and the INS. She said that relations between the two agencies had historically been good at posts overseas, but not in Washington. Her improvement efforts were not formal, more relational, in that she worked with INS Commissioners Meissner and Ziglar and with INS Deputy Commissioner Chris Sale on upcoming congressional hearings and generally sought to improve information flow between their two agencies.

Her only contact with Customs was through the IBIS system, and she did not know Customs officials at headquarters as well as INS personnel.

She had some involvement with the Coast Guard. She recalled being invited to a breakfast with Admiral Loy to discuss Homeland Security and the issue of crewmen visas. This was a one-time meeting late in the Clinton administration.

With regard to both the CIA and the FBI, her relations were essentially the same. She wanted from them the names of "people we wouldn't otherwise know who were people who should not get visas."

Relations within State

INR CA's relations with the Bureau of Intelligence and Research (INR) were "excellent.

After the First World Trade Center bombing, when it became apparent that the lookout system on microfiche had not been checked, and that some people in the embassy in Cairo had

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information about the Blind Sheikh that had not been shared, she sought to fix the lookout system.

Her approach was to get the law changed to allow the State Department to collect fees for the issuance of its Machine Readable Visa (MRV) and to use the money from these fees to automate the systems CA used as quickly as possible. In Ryan's view, Congress said, "let's fix a systemic problem." The MRV fees started to flow into CA in 1994.

9/11 Agency Internal Matters

DS Her relations with the Bureau of Diplomatic Security (DS) were also good. She would speak with the AS and their Deputy often. In addition, the Principal Deputy AS (9PDAS) of CA had monthly meetings with DS and the State Office of Inspector General (OIG) on two topics (1) threats to Americans and embassies abroad, and (2) malfeasance by State employees that was investigated by these two State bureaus.

9/11 Agency Internal Matters

S/CT Her relations with the Secretary's Counterterrorism Coordinator (S/CT) also were good. Her interactions with them revolved around discussions of threats to American citizens abroad.

PRM She worked with them on the orderly departure program from Vietnam, but "not otherwise that I can remember."

INM/INL Worked with them on one particular case involving a high ranking individual in a foreign government who INL believed was a drug trafficker. "There was a lot of bad feeling." CA was caught in the middle between the head of INL – Bob Gelbard – and the Ambassador of the country in question. Ryan recalled a concern about libel litigation if State denied the person a visa and it were revealed the reason was as discussed above.

Regional Bureaus Ryan recalled that she discussed many administrative matters with the regional bureaus such as how many positions CA would have at post.

Other groups who influenced CA's actions

Travel agents' Association, Air Transport Association, universities who had large numbers of foreign students, the Immigration Lawyers Association, business groups