

MFR 04021450

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MEMORANDUM FOR THE RECORD

Event: [redacted] 9/11 Working-level Employee

Type of event: Interview

Date: February 20, 2004

Special Access Issues: Witness had his lawyer [redacted] present; lawyer [redacted] had to be excused during a portion of the interview because we discussed classified material.

Prepared by: Tom Eldridge

Team Number: 5

Location: GSA, 301 7th Street, S.W., Room 5125

Participants - Non-Commission: 9/11 Personal Privacy

Name	Agency/Title	Phone
[redacted] 9/11 Working-level Employee		

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Participants - Commission:

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Documents/handouts received by the Commission: None 9/11 Working-level Employee

Other contacts referred to: [redacted] Dennis Imwald, Michael Polt, Brian Flora, Elizabeth Wolfson, Ed Gaffney

TEXT:

Background

[redacted] 9/11 Personal Privacy

[redacted] 9/11 Personal Privacy

Training before going to Germany

We asked [redacted] what training he received in interviewing. He said there was a module of a couple of days on interviewing. He did recall it involved role-playing.

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□ said he made an effort to personalize the interviewing training outside the bounds of the course. For example, because he knew he was going to Germany he supplemented this portion

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We asked □ if he had training from the intelligence agencies on interviewing techniques. He said he recalled that he received one day maximum on what the various intelligence agencies do, and had one site visit to an intelligence agency. He said he received nothing country-specific. However, he was encouraged to follow-up □ and he did do this.

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We asked □ what information he received in training about terrorism. Terrorism, he said, was listed as one among many topics, including criminals trafficking in persons, and money laundering. He said he received information about the threat of terrorism directed against U.S. installations overseas. However, he did not recall much information about the threat of terrorism involving individuals coming to the U.S. He said the WTCI case was mentioned, but it was stated that

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Training did include a discussion of State's response to the WTCI with regard to technology upgrades. □ impression was that State had to be forced to make the upgrades to its systems. His view was that interested congressmen (he named Gillman) forced State to go to a fully automated lookout system. In □ view, the CLASS system still had "a lot of holes in it" in 1998. He mentioned, for example, that State was still authorizing the use of the Distributed Name Check (DNC) system when the post's real-time link to CLASS was down, something that occurred with some frequency.

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□ and got to see the kinds of routine pressure applied by higher-ups in the visa process. He emphasized, however that the front office in Berlin was good on these issues. The "front office was very hands off in terms of putting on pressure on consular officers to issue visas," □ said. He said that "every few month" a case came up where someone would weigh in on it. "Nothing improper was done."

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His view of the lack of pressure was confirmed during his consular rotation. He noted that, while there was "always a secondary review process for approvals and denials . . . I never felt any pressure" to issue a visa.

Value of the consular rotation

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We asked [] his views on a number of topics, including the value of the consular rotation. He indicated that he believed it was "useful, but not optimal." He said that short rotations for people not intending to stay in the consular cone made some sense, but that long assignments – he mentioned that they could run as high as four years – would be a "career demotivator."

He mentioned that the message sent by senior management about the consular function was important. For example, he said that the DCM (Michael Poll) almost never visited the consular section to see how they were doing. [] said that more frequent visits would have sent the message that consular work was more highly valued by senior management.

Visa issuing personnel in Berlin

Brian Flora was the Minister Counselor for Consular Affairs. He was in charge of all of Germany. This was shortly after the move from Bonn to Berlin.

Dennis Imwald was Consul. He was in charge of American Citizen Services (ACS) and the visa section in the Berlin consular district. This district included Hamburg, which had been added to the Berlin consular district in the move of the capital. There were also consulates which issued visas in Frankfurt, Munich, and possibly Dusseldorf, [] said. Under Imwald was **Elizabeth Wolfson**, an ACS officer who would sometimes back up the consular staff if they were overwhelmed.

[]

[] was a full-time consular associate. []

[]

Six staff members worked in the NIV section processing visa applicants. All six were German nationals. [] said they were the front line for processing.

Berlin visa policy and process

[] said that much of the visa policy was not written policy. Rather, it was learned from listening to superiors and FSNs and was based on experience.

[] said they received applications in Berlin primarily by either mail or by deposit into a drop box in the embassy. It did happen that people could apply in person for accelerated adjudication under certain circumstances spelled out in written policy – such as for an emergency business trip or a family or medical emergency – in which case they would accept the application in person and process it that day. However, [] said this was very unusual because of the nature, he said, of the German people. "They plan ahead," [] said.

Some Germans did require visas, [] said. They were Nazis and some former East German security personnel (STASI).

Otherwise, the NIV work was primarily for Third Country Nationals (TCNs). [redacted] said they had TCNs from over 130 countries apply each year. "Everything from Cameroon to Zambia." Said [redacted] "Germany is a much a nation of immigrants as is the U.S. or the U.K." [redacted] suggested that Berlin was about one third immigrants. He mentioned that there are many Turks because of the guestworker program.

[redacted] said their goal was to try and screen out applicants at "high risk" to interview. This was the direction he received from senior management in Berlin and from management in the Department. By "high risk" he meant high risk for a variety of things, including risk of migration, criminal activity, malfeasance, trafficking in persons, or prior visa problems."

The sorting process worked as follows: First, FSNs would sort through the applications and put the high risk apps into a pile. [redacted] said the FSNs were very good at this task, and tha one of them had an almost uncanny ability to identify problem applicants. [redacted] said he had this person -- named [redacted] -- designated the first full-time fraud investigator in Berlin specifically to address these concerns. He said she had a "very good street sense."

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The High Risk Pile

For individuals whose applications were placed in the high risk pile, most of them were interviewed. They were sent a letter to alert them to the need to schedule an interview. They would then call a service to set up the interview. The interview was scheduled fairly quickly, but could be as much as a month after their application. Interviews also could be scheduled the same day if the person presented a good reason. About a quarter of these emergency applicants were businessmen on last-minute travel.

Routine processing pile

For individuals whose applications did not scream "Interview me!" [redacted] said they were looking for good risks, that is, a reason why someone qualified statutorily to get a visa to come to the U.S. by overcoming the presumption of 214(b) and the paperwork demands of 221(g).

Policy for TCNs

For third country nationals in general, [redacted] said that a TCN met the threshold for consideration if they had been resident in Germany for a minimum of 18 months to two years. If they met this somewhat loose threshold, then the consular officer would look to the applicant's family, job, and school status to see whether they presented a good visa risk.

Once someone had met the threshold, then the consular officer would look at and weigh the 26 data fields on the application form, everything from their nationality to what are they doing in Germany as part of the visa determination.

TCNs from State Sponsors of terrorism were not treated this way. They were generally denied visas to come to the U.S.

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However, citizens countries from the Persian Gulf states were treated differently from citizens from countries in North Africa, Russia, or Pakistan, to name three.

[redacted] said that, in this respect, the policy toward TCNs in Berlin mirrored the policy toward citizens of those countries in their own countries. If Yemenis could not get a visa in their own country, then it was hard for them to get one in Germany. Conversely, if an applicant could go back to their country and obtain a visa easily, then they were more likely to get a visa in Germany.

A prior denial would "kick someone out instantly." This fact, relevant to Ramzi Binalshibh, shows the power of precedent in the visa application process.

Still, to a large extent, there was no substitute for making inquiry to determine whether, for example, the applicant was in Germany as part of a program to study there supported by their home country or were just a street vendor.

When we asked [redacted] whether TCN applicants in the routine interview pile were interviewed, he said "it definitely did happen." He estimated 15-30% of routine processing applicants were interviewed.

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Missing or incomplete data

[redacted] said that FSNs routinely would call up an applicant to get data in the event the field had been left blank. "We worked hard to make sure the applications were to the greatest extent complete," [redacted] said.

Use of 221(g)

We asked [redacted] to explain when and under what circumstances [redacted] would use 221(g) refusal for a visa applicant. [redacted] said that 221(g) was used as a "quasi-refusal in order to avoid interviewing" some visa applicants. In the event that the applicant had an incomplete application or it looked like the applicant did not have a strong enough application on its face, then the embassy would send a letter denying the applicant under 221(g) and, in essence, hope they would go away.

This approach was taken as part of the consular section's plan – explicitly described to and cleared by main State, according to [redacted] – to "improve response time in the face of increasing demand" for U.S. visas in Berlin.

[redacted] said that Berlin had requested another consular position (an FS3) when [redacted] [redacted] This request was prompted in part by the fact that Dusseldorf had closed for visa business during this time period and the applicants were rerouted to Berlin. This request was turned down by main State.

The 221(g) refusal was treated by Berlin as something that could be overcome if the applicant wanted to press their case and make it. The applicant had a year to perfect their application under 221(g).

They did not use 221(g) for the high risk cases, those seen as a bad risk for criminal activity or other reason. These applicants were interviewed so they could be denied under 214(b).

[redacted] said there was no ambivalence about the use of 221(g) in this fashion at the Berlin post. He said that other posts, e.g. London, used it in this way as well.

The interview

[redacted]

The interview would have two parts really. First, the FSN would ask the applicant a few questions when they arrived at the office. The FSN would then provide information to the consular officer who would use it to aid in their interview conducted thereafter that same day.