GAO

United States General Accounting Office

Report to the Chairman and Ranking Minority Member, Committee on Science, House of Representatives

February 2004

BORDER SECURITY

Improvements Needed to Reduce Time Taken to Adjudicate Visas for Science Students and Scholars

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Highlights

Highlights of GAO-04-371, a report to the Chairman and Ranking Minority Member, Committee on Science, House of Representatives

BORDER SECURITY

Improvements Needed to Reduce Time Taken to Adjudicate Visas for Science Students and Scholars

Why GAO Did This Study

Each year thousands of international science students and scholars apply for visas to enter the United States to participate in education and exchange programs. They offer our country diversity and intellectual knowledge and are an economic resource. At the same time, the United States has important national security interests in screening these individuals when they apply for a visa. At a hearing held by the House Committee on Science on March 26, 2003, witnesses raised concern about the length of time it takes for science students and scholars to obtain a visa and about losing top international students to other countries due to delays in the visa process. GAO reviewed 1) how long it takes a science student or scholar from another country to obtain a visa and the factors contributing to the length of time, and 2) what measures are under way to improve the process and decrease the number of pending cases.

What GAO Recommends

GAO is making a recommendation to the Secretary of State, in coordination with the Director of the FBI and the Secretary of Homeland Security, to develop and implement a plan to improve the security check process known as Visas Mantis. State commented that it had taken some action to improve the Visas Mantis process and it would study our recommendation to make further improvements.

www.gao.gov/cgi-bin/getrpt?GAO-04-371.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Jess T. Ford at (202) 512-4128 or fordj@gao.gov.

What GAO Found

State Department (State) data are not available on how long it takes for a science student or scholar to obtain a visa. While State has not set specific criteria or time frames for how long the visa process should take, its goal is to adjudicate visas as quickly as possible, consistent with immigration laws and homeland security objectives. During this review, GAO found that the time it takes to adjudicate a visa depends largely on whether an applicant must undergo a security check known as Visas Mantis, which is designed to protect against sensitive technology transfers. Based on a random sample of Visas Mantis cases for science students and scholars sent from posts between April and June 2003, GAO found it took an average of 67 days for the security check to be processed and for State to notify the post. In addition, GAO's visits to posts in China, India, and Russia in September 2003 showed that many Visas Mantis cases had been pending 60 days or more. GAO also found that the way in which Visas Mantis information was disseminated at headquarters made it difficult to resolve some of these cases expeditiously. Furthermore, consular staff at posts GAO visited said they were unsure whether they were contributing to lengthy waits because they lacked clear guidance on when to apply Visas Mantis checks and did not receive feedback on whether they were providing enough information in their Visas Mantis requests. Another factor that may effect the time taken to adjudicate visas for science students and scholars is the wait for an interview. The wait time at posts GAO visited was generally 2 to 3 weeks but could be longer depending on the time of the year.

Average Time Frames for Visas Mantis Adjudication Process, April to June 2003
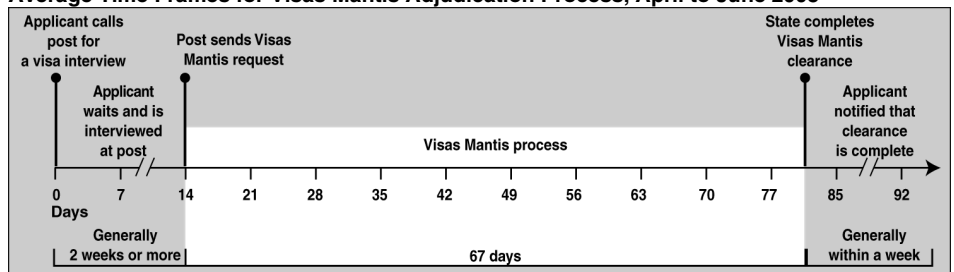
Source: GAO analysis of State Department documents and visa operations.

While State and Federal Bureau of Investigation (FBI) officials acknowledged there have been lengthy waits, they report having measures under way that they believe will improve the process and that they are collaborating to identify and resolve outstanding Visas Mantis cases. In addition, State officials told GAO they have invested about $1 million to upgrade the technology for sending Visas Mantis requests. According to State officials, the new system will help to reduce the time it takes to process Visas Mantis cases. But despite State's plans to improve the Visas Mantis process, challenges remain. For example, the FBI's systems will not immediately be interoperable with State's. GAO was unable to assess State's new system since it was not yet functioning at the time of the review.

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Abbreviations

CLASS	Consular Lookout and Support System
FBI	Federal Bureau of Investigation
INA	Immigration and Nationality Act
OSTP	Office of Science and Technology Policy
SAO	Security Advisory Opinion
TAL	Technology Alert List

United States General Accounting Office
Washington, DC 20548

February 25, 2004

The Honorable Sherwood Boehlert
Chairman
The Honorable Bart Gordon
Ranking Minority Member
Committee on Science
House of Representatives

Each year thousands of international science students and scholars apply for visas[1] to enter the United States to participate in education and exchange programs. Foreign science students and scholars offer our country diversity and intellectual knowledge and are also an economic resource. At the same time, the United States has important national security interests in carefully screening science students and scholars who apply for visas. At a hearing held by the House Committee on Science on March 26, 2003, various witnesses raised concerns about the length of time it takes for a science student or scholar to obtain a visa. Moreover, university officials in the United States have expressed concern about losing top international students to other countries due to delays in the visa process. Visa decisions need to be made as quickly as possible to ensure that the United States remains a viable place for study and scientific exchanges; at the same time, visa decisions must be consistent with immigration laws and homeland security objectives.

You requested that we (1) determine how long it takes a science student or scholar from another country to obtain a visa and the factors that contribute to the length of time and (2) review what measures are under way to improve the visa issuance process and decrease the number of pending cases.

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[1]In this report, we use the term "visa" to refer to nonimmigrant visas only. The United States also grants visas to people who intend to immigrate to the United States. A visa is a travel document that allows a foreign visitor to present himself or herself at a port of entry for admission to the United States. Citizens of 27 countries that participate in the Visa Waiver Program; Canada and certain other locations are not required to obtain visas for business or pleasure stays of short duration. See U.S. General Accounting Office, *Border Security: Visa Process Should be Strengthened as an Antiterrorism Tool*, GAO-03-132NI (Washington, D.C.: Oct. 21, 2002); and U.S. General Accounting Office, *Border Security: Implications of Eliminating the Visa Waiver Program*, GAO-03-38 (Washington, D.C.: Nov. 22, 2002).

Based on our review of State Department (State) data systems regarding visas, we determined that visa data are collected for students (F visas) and for exchange visitors (J visas), but State's data systems do not track science applicants within these categories. Thus, data are not available to report how long it takes science applicants to obtain a visa. However, we identified a security review procedure as the factor most likely to affect the timeliness of science student and scholar applicant visas. Consequently, we focused our review on the length of time it takes an applicant to acquire a visa if he or she must undergo a security review. Using State documents, we were able to compile data on science applicants for this analysis. We also reviewed relevant documents and interviewed officials at the Departments of State and Homeland Security and at the Federal Bureau of Investigation (FBI) in Washington, D.C. In addition, we observed visa operations and analyzed data obtained at seven consular posts in three countries—China, India, and Russia. We chose these countries in consultation with your office because they are a major source of science students and scholars visiting the United States. Appendix I provides more information on our scope and methodology, including limitations to State data we reviewed.

Results in Brief

State Department data are not available on how long it takes for a science student or scholar to obtain a visa. While State has not set specific criteria or time frames for how long the visa process should take, its goal is to adjudicate visas as quickly as possible, consistent with immigration laws and homeland security objectives. During our review, we found that the time it takes to adjudicate a visa depends largely on whether an applicant must undergo a security check known as Visas Mantis. Based on a random sample of Visas Mantis cases for science students and scholars sent for review between April and June 2003, we found that it took an average of 67 days for the security check to be processed and for State to notify the post. In addition, our visits to posts in China, India, and Russia in September 2003 showed that many Visas Mantis cases had been pending 60 days or more. We also found that the way in which Visas Mantis information was disseminated at the headquarters level made it difficult to resolve some Visas Mantis cases expeditiously. For example, in some instances, Visas Mantis cases sent by posts did not get to the FBI for its security check because of improperly formatted requests. Furthermore, consular staff at the posts we visited said they were unsure whether they were contributing to lengthy waits because they lacked clear guidance on when to apply Visas Mantis checks and did not receive feedback on whether they were providing enough information in their Visas Mantis requests. Another factor that may affect the time taken to adjudicate visas

for science students and scholars is the wait for an interview. The wait time at posts we visited was generally 2 to 3 weeks, and officials in Chennai, India, told us that the wait was as long as 12 weeks during the summer of 2003.

While State and FBI officials acknowledged that there have been lengthy waits, they report having measures under way that they believe will improve the process and resolve outstanding cases. Both State and FBI have set up inquiry desks to answer questions about the status of pending visa applications. In addition, officials from State's Bureau of Consular Affairs and the FBI told us they are working together to identify and resolve outstanding Visas Mantis cases. These officials also told us that State has invested about $1 million to upgrade its technology for transmitting Visas Mantis requests, and the system is expected to be functional later this year. According to State officials, the new system will help to reduce the time it takes to process Visas Mantis cases. However, despite State's plans to improve the Visas Mantis process, challenges remain. For example, according to both FBI and State officials, the FBI's systems will not be immediately interoperable with State's new system. As a result, data exchange between State and FBI may continue to cause lengthy waits. FBI officials told us they are actively working with State to seek solutions to this problem but have not determined how the information will be transmitted in the meantime. We were not able to assess the system since it was not yet functioning at the time of our review.

To help improve the process and shorten the length of time it takes for a science student or scholar to obtain a visa, we are recommending that the Secretary of State, in coordination with the Director of the FBI and the Secretary of Homeland Security, develop and implement a plan to improve the Visas Mantis process.

We provided a draft of this report to the Departments of State and Homeland Security and to the FBI. In commenting on our draft report, State indicated that it had taken a number of recent actions to improve the Visas Mantis process and has started to implement portions of our recommendation. For example, State said that it has started to provide feedback to posts regarding the information contained in Visas Mantis cables and is providing expanded briefings on the Visas Mantis process to new consular officers. State also said that it would study our recommendation to explore possibilities for further improvements to the Visas Mantis security check process. The Department of Homeland Security and the FBI did not comment on our recommendation.

Background

The 1952 Immigration and Nationality Act (INA), as amended, is the primary body of law governing immigration and visa operations.[2] Among other functions, the INA defines the power given to the Attorney General, the Secretary of State, immigration officers, and consular officers; delineates the categories of and qualifications for nonimmigrant visas; and provides a broad framework of operations through which foreign citizens are allowed to enter the United States. The Homeland Security Act of 2002 establishes the role of the Department of Homeland Security in the visa process, and a subsequent Memorandum of Understanding between the Secretaries of State and Homeland Security further outlines the visa issuance authorities.[3] According to the memorandum, the Department of Homeland Security is responsible for establishing visa policy, reviewing implementation of the policy, and providing additional direction, while the State Department is responsible for managing the visa process and carrying out U.S. foreign policy.

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[2]The 1952 Immigration and Nationality Act (P.L. 82-414; 8 U.S.C. §1101 et seq.) has been amended several times, most recently by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104-208), the USA PATRIOT Act of 2001 (P.L. 107-56), the Enhanced Border Security and Visa Entry Reform Act of 2002 (P.L. 107-173), and the Homeland Security Act of 2002 (P.L. 107-296).

[3]*Memorandum of Understanding Between the Secretaries of State and Homeland Security Concerning Implementation of Section 428 of the Homeland Security Act of 2002*, September 30, 2003.

Process for Adjudicating Visas

The visa adjudication process has several steps (see fig. 1). Visa applicants generally begin the visa process by scheduling a visa interview.[4] On the day of the appointment, a consular officer reviews the application, checks the applicant's name in the Consular Lookout and Support System (CLASS),[5] and interviews the applicant. Based on the interview and a review of pertinent documents, the consular officer determines if the applicant is eligible for nonimmigrant status under the Immigration and Nationality Act.[6] If the consular officer then determines that the applicant is eligible to receive a visa, the applicant is notified right away and he or she usually receives the visa within 24 hours.[7]

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[4]Depending on the post, applicants can set up a visa interview by calling a designated number or using an online scheduling system. There are some special programs at posts where an applicant does not need to call for an appointment and can appear at the post on designated days or at designated times for a visa interview. In addition, in select cases, some applicants may not be required to appear for an interview.

[5]CLASS is a State Department name check database that posts use to access critical information for visa adjudication. The system contains records provided by numerous agencies and includes information on persons with visa refusals, immigration violations, and terrorism concerns.

[6]The term nonimmigrant generally refers to a foreign national seeking to enter the United States temporarily for one of the specific purposes allowed under the INA. The most common reason for denial of a visa is that the applicant intends to come to the United States and remain. Section 214(b) of the U.S. Immigration and Nationality Act presumes that every alien is an immigrant until he or she establishes that he or she is eligible to nonimmigrant status under the INA. Often this means establishing, in addition to other criteria, that the alien has sufficient social or economic ties to compel him or her to return home after visiting the United States. See 8 U.S.C. §1184(b) and 8 U.S.C. §1101(a)(15).

[7]At some posts the visa is issued to the applicant shortly after the interview or in the afternoon if the interview was in the morning, while at other posts, the visa is issued the next day.

Figure 1: Visa Adjudication Process
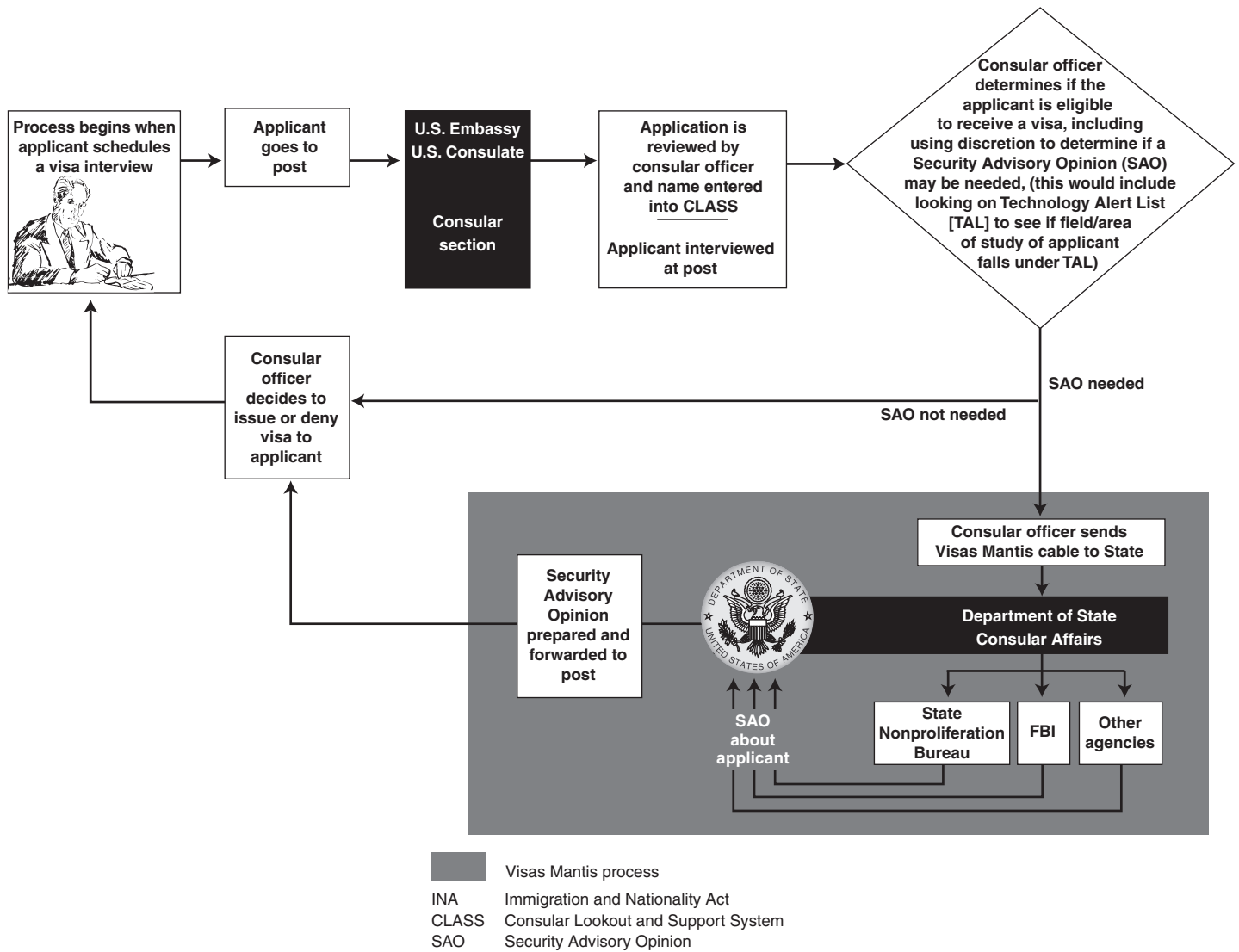
Source: GAO analysis of State Department documents and visa operations.

In some cases, the consular officer decides that the applicant will need a Security Advisory Opinion (SAO), which provides an opinion or clearance from Washington on whether to issue a visa to the applicant. SAOs are required for a number of reasons, including concerns that a visa applicant may engage in the illegal transfer of sensitive technology. An SAO based on sensitive technology transfer concerns is known as a Visas Mantis and, according to State officials, is the most common type of SAO applied to

science applicants.[8] It is also the most common type of SAO sent from most of the posts we visited in China, Russia, and India.

In deciding if a Visas Mantis check is needed, the consular officer determines whether the applicant's background or proposed activity in the United States could involve exposure to technologies on the Technology Alert List (TAL). The list includes science and technology-related fields where, if knowledge gained from research or work in these fields were used against the United States, it could potentially be harmful.[9] If a Visas Mantis is needed, the consular officer generally informs the applicant that his or her visa is being temporarily refused under Section 221(g) of the U.S. Immigration and Nationality Act,[10] pending receipt of security clearance.

After a consular officer decides that a Visas Mantis is necessary for an applicant, several steps are taken to resolve the process. The officer drafts a Visas Mantis cable, which contains information from the applicant's application and interview. The cable is then generally reviewed by a consular section chief or other consular official at post, who then approves the Visas Mantis cable for transmission to Washington for an interagency security check. Once the cable is sent, the State Department's Bureau of Nonproliferation, the FBI, and other agencies review the information in the cable and provide a response on the applicant to the Consular Affairs section of State headquarters.[11] The Bureau of Nonproliferation and other agencies are given 15 working days to respond to State with any objections. However, State has agreed to wait for a response from the FBI before proceeding with each Visas Mantis case.

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[8]Visas Mantis applies to all visa categories including student, business, and tourist applicants.

[9]Under Section 212(a)(3)(A) of the INA, an applicant is rendered inadmissible if there is reason to believe that the applicant is seeking to enter the U.S. to violate U.S. laws prohibiting the export of goods, technology, or sensitive information from the United States. 8 U.S.C. § 1182(a)(3)(A)(i)(II).

[10]According to the State Department's consular training guide, generally 221(g) is applied when an applicant lacks required documents, or some visa processing is incomplete.

[11]The Visas Mantis process allows all participating agencies to provide information and raise any particular concerns that they may have regarding the applicant and/or the applicant's proposed activities in the United States. According to State, the key role of the Visas Mantis process is to protect U.S. national security, particularly in combating the proliferation of weapons of mass destruction, their delivery systems, and conventional weapons.

State's Bureau of Consular Affairs receives all agency responses pertaining to an applicant, summarizes them, and prepares a response to the consular posts. A cable is then transmitted to the post which indicates that State does or does not have an objection to issuing the visa, or that more information is needed.[12] Generally, a consular official at post reviews the cable and, based on the information from Washington, decides whether to issue the visa to the applicant. The officer then notifies the applicant that the visa has been issued or denied, or that more information is needed. According to consular officials, in the vast majority of the cases the visa is approved. However, even when the visa is issued, the information provided by the consular posts on certain visa applicants is very useful to certain agencies in guarding against illegal technology transfer. As a result, according to the State Department, the Visas Mantis program provides State and other interested agencies with an effective mechanism to screen out those individuals who seek to evade or violate laws governing the export of goods, technology, or sensitive information. This screening, in turn, addresses significant issues of national security.

Availability of State Data

State Department data are not available on the number of visas that were issued or denied to science students and scholars or the length of time it takes to issue visas to these people. Consular Affairs officials told us that State's systems[13] can track aggregate student or scholar data by F and J visa categories, but they cannot narrow their query search to specifically identify science students or scholars.[14] Table 1 shows the number of visas issued and denied for students and scholars seeking visas by selected nationalities in fiscal year 2003.[15]

[12]A cable requesting more information is sent to post when State or other agencies involved in the Visas Mantis process require additional information, such as an itinerary, on a visa applicant.

[13]There are several systems that the Consular Office uses to input and track visa information. For example, the Consolidated Consular Database includes information on all visa applications and visa issuances; and the Visa Information System and Tracking of Applicants database is used for all Security Advisory Opinions including Visas Mantis cables.

[14]The F visa category applies to students in an academic or language training program, while the J visa category applies to exchange visitors.

[15]The data from State are used for background purposes only. Therefore, we did not assess the reliability of the data.

Table 1: Number of Student and Exchange Visas Issued and Denied in Fiscal Year 2003 by Selected Nationality

Nationality	Students (F visas)		Exchanges (J visas)	
	Issued	Refused	Issued	Refused
South Korea	34,697	8,119	14,218	1,507
China (mainland) and Taiwan	31,322	22,995	10,171	7,003
Japan	25,962	1,387	11,377	305
India	20,320	17,973	5,311	1,718
Brazil	7,625	1,761	8,297	520
Germany	5,376	1,122	22,600	923
Great Britain	3,536	874	17,354	1,052
Russia	1,645	1,325	17,185	8,412
Poland	1,243	906	20,675	2,637
All others	103,853	71,733	156,472	30,537
Total	**235,579**	**128,195**	**283,660**	**54,614**

Source: GAO analysis of State Department visa data.

In addition, State data are not available on the overall number of Visas Mantis cases in fiscal year 2003 or on the Visas Mantis cases by visa category.[16] State's systems can track the visa process for individual cases but do not allow for aggregate queries of Visas Mantis cases. For example, State does not have data on how many Visas Mantis cases involved student visas.[17] State also lacks data on the number of science students and scholars that undergo a Visas Mantis security check. Furthermore, State did not have aggregate data on the time frame for adjudicating a visa that required a Visas Mantis security check.

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[16]State estimates that for fiscal year 2003, there were approximately 212,000 SAO cases processed. In addition, State estimates that about 2.2 percent of all visa applications result in an SAO, but it could not provide a percentage specific to Visas Mantis.

[17]State officials told us that their systems are used for tracking of case processing and were not designed to capture specific information, such as how many students and scholars undergo a Visas Mantis check.

Length of Time to Adjudicate Visas Is Unknown; Security Check Is Major Contributing Factor

The length of time for a science student or scholar to obtain a visa is not known, but a key factor in the time frame can be attributed to whether an applicant must undergo a Visas Mantis check. Since State could provide information on individual cases, we conducted our own sample of Visas Mantis cases that we obtained from State for the period between April and June 2003 and found that for these applicants, it took an average of 67 days for the security check to be processed and for State to notify the post of the results. Furthermore, our visits to posts showed that as of October 1, 2003, 410 Visas Mantis cases submitted by 7 posts in fiscal year 2003 were still pending after more than 60 days.[18] We also found that interoperability problems among the systems that State and FBI use contributed to the time taken to process a Visas Mantis check. In addition, officials at posts we visited told us they were unsure whether they were adding to the lengthy waits by not having clear guidance on when to apply the Visas Mantis process and not receiving feedback on the amount of information they provided in their Visas Mantis requests. Aside from the time it takes to process Visas Mantis checks, we found during our fieldwork that an applicant also has to wait for an interview. Post officials and representatives of higher education scientific and governmental organizations indicated that delays in processing visas for science students and scholars could negatively affect U.S. national interests.

Analysis of State Data Indicates Lengthy Waits

To obtain visa data on science students and scholars, and to determine how long the visa process takes, we reviewed all Visas Mantis cables received from posts between April and June 2003,[19] which totaled approximately 5,000. Of these cases, 2,888 pertain to science students and scholars, of which approximately 58 percent were sent from China,[20] about 20 percent from Russia, and less than 2 percent from India. Appendix II provides additional information on the number of science student and scholar cases sent from each post.

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[18]We define pending as any visa application that has neither been issued nor denied.

[19]For more information on our methodology for obtaining the Visas Mantis sample, see appendix I.

[20]Post officials in Beijing told us that the number of Visas Mantis cases from China sent during our sample period was less than what it has been for corresponding months in previous years. They stated that the outbreak of SARS significantly reduced the number of visa applicants at all posts in China.

We drew a random sample of 71 cases from the 2,888 science student and scholar visa applications to measure the length of time taken at selected points in the visa process. The sample of 71 cases is a probability sample, and results from the data in this sample project to the universe of the 2,888 science visa applications. We found that visas for science students and scholars took on average 67 days[21] from the date the Visas Mantis cable was submitted from post to the date State sent a response to the post.[22] This is slightly longer than 2 months per application, on average. In the sample, 67 of the visa applications completed processing and approval by December 3, 2003. In addition, 3 of the 67 completed applications had processing times in excess of 180 days. Four of the cases in our sample of 71 remained pending as of December 3, 2003. Of the 4 cases pending, 3 had been pending for more than 150 days and 1 for more than 240 days as of December 3, 2003.[23]

In addition to our sample of 71 cases, State provided us with data on two samples it had taken of Visas Mantis case processing times. Data on the first sample was provided on December 11, 2003, and included 40 visa cases taken from August to October 2003. Data on the second sample was provided on February 13, 2004, and included 50 Visas Mantis cases taken from November and December 2003. State indicated that both samples show improvements in processing times compared to earlier periods in 2003. Based on the documentation of how these cases were selected, we were unable to determine whether these were scientifically valid samples and therefore we could not validate that processing times have improved. For the first sample, the data show that 58 percent of the cases were completed within 30 days; for the second sample, the data show that 52 percent were completed within this time frame. In addition, the data for

[21]The 95 percent confidence interval for the average number of days to process a science visa application is between 50 and 84 days.

[22]According to State, factors that contribute to the length of time it takes to process a Visas Mantis check include ongoing investigations by clearing agencies or requests for additional applicant information. Once State sends a response regarding a Visas Mantis check, the post has to contact the applicant to issue or deny the visa. However, we did not attempt to determine how long this process takes.

[23]In December 2003, the Assistant Secretary for Consular Affairs reported that the time frame in our sample and the ensuing months represented the peak season in the Visa Office as the demands pertaining to students and other summer travel generated large numbers of SAO requests. She also indicated that the processing environment during our sample time frame no longer exists, and that the Visa Office is responding to post within 30 days on every case, provided that there is timely input from the agencies reviewing the case.

both samples show that lengthy waits remain in some cases. For example, 9 of the 40 cases had been outstanding for more than 60 days as of December 3, 2003, including 3 cases that had been pending for more than 120 days. Also, 9 of the 50 cases were still pending as of February 13, 2004, including 6 that had been outstanding for more than 60 days. State officials commented that most of the outstanding cases from both samples were still being reviewed by the agencies. Moreover, for one case sent in December 2003, the FBI showed no record of the Visas Mantis request.

Post Data Show Lengthy Waits in Visas Mantis Cases

While Consular Affairs officials were not able to query their systems for aggregate Visas Mantis data, we were able to obtain aggregate data from the posts we visited. During our field visits, we found most posts track Visas Mantis cases they send to State. Some posts designate a consular official to track Visas Mantis cases while others had no designated officers for this purpose. Overall, we found that most posts kept a spreadsheet on the Visas Mantis cases, which generally contained Visas Mantis applicant data such as when the cable was sent to State and when a response was received at post. However, we found no standard method for data or tracking. In addition, we found that most posts did not have accurate data on the number of Visas Mantis cases they sent to headquarters in a fiscal year. Posts could provide us with F and J visa category data but could not break down the data by science students and scholars.

During our fieldwork at posts in China, India, and Russia, we obtained data indicating that 410 Visas Mantis cases submitted by 7 posts in fiscal year 2003 were still outstanding more than 60 days as of October 1, 2003.[24] In addition, we found numerous cases—including 27 from Shanghai—that were pending more than 120 days as of October 16, 2003.[25] The following are examples of data we collected during our fieldwork regarding the processing of Visas Mantis cases:[26]

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[24]Outstanding cases include those where the posts have not heard back from State headquarters and those where State has responded to the posts by indicating that additional information or review time is needed. The number of outstanding Visas Mantis cases is based only on F and J Visas Mantis cases for the posts in China but include other visa categories for the remaining posts we visited.

[25]The 27 cases pending from Shanghai are student and scholar cases.

[26]Appendix III provides additional data on the posts we visited.

- In September 2003, the three posts we visited in China had approximately 174 security checks for students and exchange visitors that had been pending between 60 and 120 days, and 49 that had been pending for more than 120 days.[27] In Shanghai in fiscal year 2003, it took approximately 47 days for a Visas Mantis case for a student or scholar to be processed from the time a cable was sent from post to the time the visa was issued.

- Approximately 25 percent of Chennai's Visas Mantis cases in fiscal year 2003 took between 60 and 120 days to process, and 58 percent took more than 120 days to process from application date to the date a response was received from Washington. Further, the average time for Visas Mantis cases to be processed in Chennai in fiscal year 2003 was approximately 5 months or 144 days. Post officials told us that the processing time has improved; however, the data show there are still lengthy waits in Chennai. For example, of the 6 visa applications submitted in October 2003 that required a Visas Mantis check, 4 were still pending as of January 9, 2004, and the other 2 took an average of 55 days to process.[28]

- Of the Visas Mantis applications completed in Moscow in fiscal year 2003, approximately 21 percent took between 60 and 120 days, and 10 percent took more than 120 days to process. In September 2003, Moscow had 544 outstanding Visas Mantis cases. Of these cases, about 28 percent had been pending more than 60 days. In addition, in fiscal year 2003, the average time to adjudicate a visa[29] for those requiring a Visas Mantis security check was 53 days.

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[27]The data we obtained from Beijing included all pending SAO cases, not just Visas Mantis cases. However, according to a consular officer, almost all were Visas Mantis cases.

[28]The processing time frames for Chennai cases are from the application date to the date of response from Washington. It does not include the time between the response to post and visa issuance.

[29]This refers to the time between when the visa application was received at post to when the post received the Visas Mantis response from State for completed cases. This does not include the interview wait time or the time it takes to issue the visa once the response is sent back from Washington.

Systems Are Not Interoperable and Can Lead to Delays between Points in Process

Because many different agencies, bureaus, posts, and field offices are involved in processing Visas Mantis security checks and each has different databases and systems, we found that Visas Mantis cases can get delayed or lost at different points in the process.[30] We found that in fiscal year 2003, some Visas Mantis cases did not always reach their intended recipient and, as a result, some of the security checks were delayed. For example, we followed up with the FBI on 14 outstanding cases from some of the posts we visited in China in September 2003 to see if it had received and processed the cases. FBI officials provided information indicating that they had no record of 3 of the cases, they had responded to State on 8 cases, and they were still reviewing 3 cases. FBI officials stated that the most likely reasons why they did not have a record of the 3 cases from State were due to cable formatting errors and duplicate cases that were rejected from the FBI database.[31] State did not comment on the status of the 14 cases we provided to the FBI for review. However, a Consular Affairs official told us that in fall 2003, there were about 700 Visas Mantis cases sent from Beijing that did not reach the FBI for the security check. The official did not know how the cases got lost but told us that it took Consular Affairs about a month to identify that there was a problem and provide the FBI with the cases. As a result, several hundred visa applications were delayed for another month.

Figure 2 illustrates some of the time-consuming factors in the Visas Mantis process for our sample of 71 cases. While the FBI received most of the cases from State within a day, 7 cases took a month or more, most likely because they had been improperly formatted and thus were rejected by the FBI's system.[32] In more than half of the cases, the FBI was able to complete the clearance process the same day, but some cases took more

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[30]Posts have no way to ensure that State receives the Visas Mantis request, State has no systematic check to know if the FBI receives the cases, and the FBI has no way to ensure that its results are forwarded to the posts. Information regarding a case may potentially be sent back and forth between different agencies and offices several times before a decision can be made on whether to issue a visa.

[31]Posts enter visa applicant information into State's system, which then generates a Visas Mantis cable. If the post does not format the cable according to the standard State specifications, the FBI's system will not recognize the information in the cable. Examples of duplicates in the FBI's system may include (1) any application that shows up more than once within 120 days and (2) more than one application with the same name and date of birth.

[32]The FBI considers improperly formatted cables an error and asks State to resend the cable.
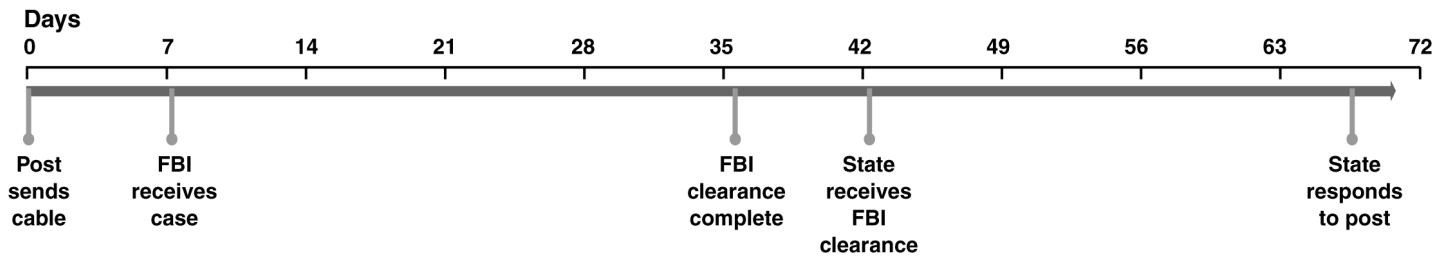
than 100 days.[33] These cases may have taken longer because (1) the FBI had to investigate the case or request additional information from State; (2) the FBI had to locate files in field offices, because not all of its name check files are electronic; or (3) the case was a duplicate, which the FBI's name check system also rejects. In most of the cases, the FBI was able to send a response—which it generally does in batches of name checks, not by individual case—to State within a week. The FBI provides the results of name checks for Visas Mantis cases to State on computer compact disks (CDs), which could cause delays. In December 2003, a FBI official told us that these CDs were provided to State twice a week. However, in the past, the CDs were provided to State on a less frequent basis. In addition, it takes time for data to be entered into State's systems once State receives the information. In the majority of our sample cases, it took State 2 weeks or longer to inform post that it could issue a visa. State officials were unable to explain why it took State this long to respond to post. Officials told us that the time frame could be due to a lack of resources at headquarters or because State was waiting for a response from agencies other than the FBI. However, the data show that only 5 of the 71 cases were pending information from agencies other than the FBI. Appendix IV provides additional information on the distribution of processing time for our sample of Visas Mantis cases.

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[33]For additional information on the distribution of FBI processing times see figure 4 in appendix IV.

Figure 2: Average Time Frames for Visas Mantis Cases, April to June 2003

Days

| 0 | 7 | 14 | 21 | 28 | 35 | 42 | 49 | 56 | 63 | 72 |

Post sends cable | FBI receives case | FBI clearance complete | State receives FBI clearance | State responds to post

Note: Calculation of mean processing times and associated standards of error for sample of Visas Mantis cases, April to June 2003.

Time interval	Average processing time in days	Standard error in days	Number of completed applications	Range of processing time in days
Post sends cable and FBI receives case	7.9	2.3	71	1 to 82
FBI clearance complete	28.9	6.8	70	0 to 321
State receives FBI clearance	6.1	0.8	70	1 to 45
State responds to post	23.6	3.2	67	0 to 141

Source: GAO analysis of State Department documents and visa operations.

Post Officials Seek Clearer Guidance and Feedback on Visas Mantis Cases to Expedite Process

During our fieldwork, some consular officials expressed concern that they could be contributing to the time it takes to process Visas Mantis requests because they lacked clear guidance on determining Visas Mantis cases and feedback on whether they were applying checks appropriately and providing enough data in their Visas Mantis requests. According to the officials, additional information and feedback from Washington regarding these issues could help expedite Visas Mantis cases.

Currently, State provides some guidance to posts on Visas Mantis requirements and processing, including how to use the TAL to determine if a visa applicant should undergo a security check.[34] However, consular officers told us that they would like the guidance to be simplified—for example, by expressing some scientific terms in more comprehensible language. Several consular officers also told us they had only a limited understanding of the Visas Mantis process, including how long the process takes. They told us they would like to have better information on how long

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[34]U.S. Department of State, *Using the Technology List: Update* (Washington, D.C.: Aug. 12, 2002) and U.S. Department of State, *Standard Operating Procedures No. 22: Revision to Visas Mantis Clearance Procedure* (Washington, D.C.: June 5, 2003).

a Visas Mantis check is taking so that they can more accurately inform the applicant of the expected wait. Since our visits to posts, State has issued additional updated guidance on applying the TAL.[35] However, after receiving the new guidance, consular officials at some posts told us that although it was an improvement, the updated guidance is still confusing to apply, particularly for junior officers without a scientific background.

Consular officers at most of the posts we visited also told us they would like more feedback from State on whether the Visas Mantis cases they are sending to Washington are appropriate, particularly whether they are sending too many or too few Visas Mantis requests. They said they would like to know if including more information in the security check request would reduce the time to process an application in Washington. Moreover, consular officers indicated they would like additional information on some of the outstanding Visas Mantis cases, such as where the case is in the process. State confirmed that it has not always responded to posts' requests for feedback or information on outstanding cases. Officials at State's Bureau of Consular Affairs told us that their office facilitates the Visas Mantis process but is not in a position to provide feedback to consular posts on the purpose of Visas Mantis or how the information is being used. However, officials from the FBI and State's Bureau of Nonproliferation told us that Consular Affairs should take the lead in providing feedback to posts because it administers the program and supervises the consular officers.

Wait for an Interview Can Add Significant Time

In addition to the time needed for Visas Mantis checks, another contributing factor in the length of time it takes to adjudicate a visa is how long an applicant must wait to get an interview appointment at post.[36] State does not have data or criteria for the length of time applicants at its overseas posts wait for an interview, but at the posts we visited in September 2003, we found that it generally took 2 to 3 weeks. Furthermore, post officials in Chennai, India, told us that the interview wait time was as long as 12 weeks during the summer of 2003 when the

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[35] U.S. Department of State, *Standard Operating Procedure 41: Using the Technology Alert List* (Washington, D.C.: Oct. 1, 2003).

[36] There are other contributing factors to the length of time it takes to adjudicate a visa — for example, when a consular officer asks an applicant for additional documentation or information, such as proof of income or, in the case of student applicants, school acceptance information.

demand for visas was greater than the resources available at post to adjudicate a visa.[37] Officials at some of the posts we visited indicated they did not have enough space and staffing resources to handle interview demands and the new visa requirement. Factors such as the time of year an applicant applies for a visa, the appointment requirements, and the staffing situation at posts generally affect how long an applicant will have to wait for an interview.

All the posts we visited had high and low seasons in which the visa application volume fluctuated. For example, June was the busiest month in Chennai, India, in 2000, 2001, and 2002, with the average number of visa applicants exceeding 18,000.[38] By contrast, Chennai saw an average of 10,000 visa applicants in October during these same years. During the summer months of 2003, the high demand for visas was compounded by the new visa interview requirement State established in May 2003.[39] The new requirement, which went into effect on August 1, 2003, states that, with a few exceptions, all foreign individuals seeking to visit the United States need to be interviewed prior to receiving a visa. As a result, interview volumes have increased at some posts we visited. For example, in September 2002, consular officials in Chennai interviewed 25 percent of visa applicants, but by August 2003, that number had increased to 75 percent and was projected to continue to rise. In addition, a consular official in Moscow estimated that the volume of interviews increased from about 60 percent before August 2003 to about 90 percent in December 2003. However, the interview requirement did not have a significant effect on posts in China since the posts were already interviewing about 70 percent of the visa applicants.

In early summer 2003, Consular Affairs requested that posts give priority to students and exchange visitors when scheduling visa interviews. Below are the wait times at each post we visited and some of the initiatives the posts have taken to accommodate applicants.

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[37]According to Consular officials, the wait time for an interview in Chennai, India averaged about 3 to 4 weeks and was 12 weeks for a short period of time during the summer of 2003.

[38]Data for 2000-2002 are the most recent available.

[39]U.S. Department of State, *Border Security—Waiver of Personal Appearance for Nonimmigrant Visa Applicants— Revision to the Regulations* (Washington, D.C.: May 21, 2003).

China	At the time of our field visit in September 2003, two of the three posts we visited in China had a 2-week wait for an interview. However, applicants at one post were facing waits of about 5 to 6 weeks. The extended waits for interviews were due to an imbalance between demand for visas and the number of consular officers available to interview applicants and staff to answer phone lines. Consular officials told us that to reduce these waits, they were relying on temporary duty help and also planned to request an additional consular officer at post. To facilitate the issuance of visas to students who underwent a Visas Mantis security check, one post in China opened on one weekend to issue hundreds of visas and also allowed students and scholars to fax in requests for expedited interviews.[40] In such cases, interviews were scheduled within a matter of days.
India	During our field visit in September 2003, consular officers in New Delhi and in Chennai told us that the wait for an interview was 2 to 3 weeks at each post. However, during the 2003 summer months, the wait was as long as 12 weeks in Chennai. To help reduce lengthy waits, applicants were allowed to interview at the U.S. Embassy in New Delhi or at the U.S. Consulate in Calcutta. In addition, the posts we visited instituted longer interview hours, as well as overtime for consular staff and the use of temporary staff to conduct interviews to reduce interview wait times for all applicants. According to consular officials in Chennai and New Delhi, some lengthy waits were attributed to staffing shortages. In a May 2003 assessment conducted by Consular Affairs, State officials concurred that staffing levels in Chennai's consular section are below what is necessary to meet a rapidly increasing workload. Since late summer 2003, the consulate in Chennai has reserved interview appointments on Fridays for students and temporary workers. However, an official at the consulate in Chennai told us that unless students who go through a Visas Mantis security check apply 2 to 3 months in advance, a significant portion of them will start school late.
Russia	Consular officials in Moscow told us that at the end of September 2003, the wait for an interview was 1 week, while in St. Petersburg the wait averaged 2 to 3 weeks. In Moscow the recent additions of new junior officers and longer interviewing hours have helped officers keep up with current visa demands. Both posts have also arranged for some visa

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[40]Because the post had received hundreds of security check responses from Washington within a short time frame, consular officers were not able to issue the visas within normal post hours.

applicant groups, such as business applicants and official delegations, to be interviewed separately. In addition, a consular official in Moscow told us that the post is able to accommodate most requests for students or scholars who need an expedited appointment.[41] In St. Petersburg, approximately 5 to 10 interview slots per day are reserved for students and scholars.

Officials, Groups Note Impact of Visa Delays

Although we did not attempt to measure the impact of the time it takes to adjudicate a visa, consular officials and representatives of several higher education, scientific, and governmental organizations expressed concern that visa delays could be detrimental to the scientific interests of the United States. Although they provided numerous individual examples of the consequences of visa delays, they were unable to measure the total impact of such lengthy waits.

Embassy officials in Moscow told us that visa delays are hindering congressionally mandated nonproliferation goals. Department of Energy officials at post explained that former Soviet Union scientists have found it extremely difficult getting to the United States to participate in U.S. government-sponsored conferences and exchanges that are critical to nonproliferation. Furthermore, many officials with whom we spoke cited specific examples where scientific research and collaboration was delayed or prevented due to delays in obtaining a visa. National Aeronautics and Space Administration officials at post also noted that up to 20 percent of their time is spent dealing with visa issues when they should be focusing on program issues.

During our field visits, Beijing's Deputy Chief of Mission and consular officials at the embassy and consulates in China stated that visa delays could have a negative impact on student and scholar exchanges. They told us that the lengthy waits to obtain a visa might lead Chinese students and scholars to pursue studies or research in countries where it is easier to obtain a visa. A consular chief in Chennai, India, agreed, saying that lengthy waits are also causing Indian students to decide to study in countries where it is easier to get a visa and, therefore, the United States could lose out on intellectual knowledge these visa applicants bring to our country. Further, embassy officials in Beijing reported that visa delays in

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[41]In late 2003, Moscow also instituted an online appointment system to more efficiently schedule interviews.

nonproliferation cooperation and scientific exchange could have enormous and lasting consequences.

Finally, research organizations and associations of American universities have cited the difficulties their international students and faculty are having in obtaining visas. According to a survey conducted by a national scientific organization, applicants from 26 different countries, most notably Russia and China, have been delayed or prevented from entering the United States.[42] Another survey conducted by a national educational association reported that hundreds of students and scholars experienced delays in receiving a visa or were denied a visa.[43] According to several surveys, scientific research was postponed, jobs were left unstaffed, and conferences and meetings were missed as a result of the delays.

Agency Officials Cite Improvements

FBI and State officials acknowledged that lengthy visa waits have been a problem, but said they are implementing improvements to the process and working to decrease the number of pending Visas Mantis cases. Improvements include implementation of customer service initiatives, coordination between agencies to identify and resolve outstanding cases, and upgrades in information systems. In addition, State and FBI officials told us that the validity of Visas Mantis checks for students and scholars has been extended to 12 months.[44]

State, FBI, and consular officials at posts have made customer service improvements related to Visas Mantis checks that allow them to address questions and provide information to people inquiring about a status of a visa case. For example, consular officials at some of the posts we visited told us that they have established inquiry lines at post for visa applicants

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[42]American Physical Society, *Survey of Physics PhD-granting Departments* (College Park, Md.: September 2002).

[43]Association of American Universities, *AAU Survey on International Students and Faculty* (Washington, D.C.: November 2003).

[44]Following an interagency consultation, State authorized a 12-month validity clearance for Visas Mantis applicants who are returning to a program or activity and will perform the same functions at the same facility or organization that was the basis for the original Visas Mantis check. This means that a student or scholar who had received a visa after a Visas Mantis check could reapply for a new visa without having to undergo another Visas Mantis check, provided that certain conditions are met. U.S. Department of State, *Standard Operating Procedure No. 45: Revision to Visas Mantis Clearance Process* (Washington, D.C.: Oct. 7, 2003).

to check the status of their case and remind consular officials that their case is still pending. This also helps consular officers to monitor cases that have been outstanding. In addition, State set up an inquiry desk at the beginning of 2003, and the FBI set one up during the summer of 2003 to accommodate calls from the public about the status of pending visa applications that have been submitted for Visas Mantis checks.[45] State has set up a separate e-mail address for inquiries from agencies involved in Visas Mantis processing. Consular Affairs officials also told us they have set up an inquiry line where post officials can obtain additional information on outstanding cases. However, some post officials told us that they would still like more information on how long the Visas Mantis check takes.

Officials from State's Consular Affairs and the FBI told us they are coordinating efforts to identify and resolve outstanding Visas Mantis cases. For example, Consular Affairs officials have been working with FBI officials on a case-by-case basis to make sure that cases outstanding for several months to a year are completed. However, State officials said they do not have a target date for completion of all the outstanding cases, which they estimated at 1,000 in November 2003.[46] According to these officials, while about 350 of these outstanding cases required further review or more information, State has not yet begun working to reconcile them.

FBI officials also told us that to address some of the delays on their end, such as those that occur due to problems with lost case files or inoperable systems, the FBI has taken several actions to improve its Visas Mantis clearance process. For example, the officials indicated that the FBI is working on automating its files and setting up a common database between the field offices and headquarters.[47] FBI officials also told us that they have set up a tracking system for all SAOs, including Visas Mantis

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[45]State officials also told us that an applicant can verify that State is reviewing the application, but it does not provide any detailed information about how long it will take or where the application is in the process.

[46]In November 2003, State officials estimated that there were about 2,000 to 2,200 Visas Mantis cases pending in its system. Half of these cases had just recently been entered into the system, while the other half had been pending in the system for some time.

[47]In January 2004, FBI officials told us that they were working on acquiring funding to set up a central records repository so that FBI case records could be housed in one place.

cases.[48] In addition, they said the FBI has established new procedures to deal with name check files the agency cannot locate within a certain amount of time. In a July 2003 letter to State, the FBI said it would notify State after 90 days that it could proceed with visa processing in the event that the FBI could not locate relevant files and there were no security concerns.

Consular Affairs officials told us that State has invested about $1 million on a new information management system that it said would reduce the time it takes to process Visas Mantis cases. They described the new system as a mechanism that would help strengthen the accountability of Visas Mantis clearance requests and responses, establish consistency in data collection, and improve data exchange between State and other agencies involved in the clearance process.[49] In addition, officials said the system would allow them to improve overall visa statistical reporting capabilities and data integrity for Visas Mantis cases. The new system will be paperless, which means that the current system of requesting Visas Mantis clearances by cable will be eliminated. Through an intergovernmental network known as the Open Source Information System, the new system will allow most government agencies involved in the Visas Mantis process, such as the FBI, to obtain visa applicant information and coordinate Visas Mantis responses. State officials told us that the system is on schedule for release early this year, and that the portion relating to SAOs will be operational sometime later this year. However, challenges remain. FBI officials told us that the name check component of the FBI's system would not immediately be interoperable with State's new system, but that they are actively working with State to seek solutions to this problem. However, FBI and State have not determined how the information will be transmitted in the meantime. We were not able to assess the new system since it was not yet functioning at the time of our review.

In addition to improvements to the Visas Mantis process, State officials told us that they are taking some actions to continue to monitor the resource needs at post. To alleviate concerns about staffing, Consular

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[48]The tracking system allows FBI officials to see where a Visas Mantis case is in the name check process at the FBI.

[49]The new system is aimed at improving the entire SAO process, which includes Visas Mantis. For the purpose of this report, we focus only on the Visas Mantis portion of the system.

Affairs officials told us that temporary adjudicating officers are sent to the posts as needed. These officials also told us that State added 66 new officers in 2003 and plans to add an additional 80 in 2004.[50] However, the decision to add these new officers was made before the new August 2003 interview requirements were implemented and thus it is unknown if there are enough resources for the task at hand. In addition, post officials told us that State plans to expand some consular sections, such as in Chennai, India, where the consulate is scheduled to undergo an expansion in spring 2004.

Conclusions

Agency officials recognize that the process for issuing a visa to a science student or scholar can be an important tool to control the transfer of technology that could put the United States at risk. They also acknowledge that if the process is lengthy, students and scholars with science backgrounds might decide not to come to the United States, and technological advancements that serve U.S. and global interests could be jeopardized. Our analysis of a sample of Visas Mantis cases from April to June 2003 show that some applicants faced lengthy waits. While the State Department and the FBI report improvements in visa processing times, our analysis of data from the posts we visited in September 2003 and our contact with post officials in January 2004 show that there are still some instances of lengthy waits. State's and FBI's implementation of the Visas Mantis process still has gaps that are causing lengthy waits for visas. Consular officers believe that if they receive clearer guidance and feedback on Visas Mantis cases, they could help reduce the time it takes for Washington to process applications and provide better information to applicants. Finally, State and FBI do not have interoperable systems that would help complete security checks of visa applicants more quickly. State's new information management system could improve the Visas Mantis process. Nevertheless, it is unclear whether the new system will address all the current issues with the process.

Recommendation for Executive Action

To help improve the process and reduce the length of time it takes for a science student or scholar to obtain a visa, we are recommending that the Secretary of State, in coordination with the Director of the FBI, and the Secretary of Homeland Security, develop and implement a plan to improve

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[50]In fiscal year 2003, Consular Affairs established 39 consular officer positions funded with Machine Readable Visa fees. In addition, 27 consular officer positions were established with Diplomatic Readiness Initiative funding.

the Visas Mantis process. In developing this plan, the Secretary should consider actions to

- establish milestones to reduce the current number of pending Visas Mantis cases;

- develop performance goals and measurements for processing Visas Mantis checks;

- provide additional information through training or other means to consular posts that clarifies guidance on the overall operation of the Visas Mantis program, when Mantis clearances are required, what information consular posts should submit to enable the clearance process to proceed as efficiently as possible, and how long the process takes; and

- work to achieve interoperable systems and expedite transmittal of data between agencies.

Agency Comments and Our Evaluation

We provided a draft of this report to the State Department, the Federal Bureau of Investigation, and the Department of Homeland Security. State's and FBI's written comments are presented in appendix V and VI, respectively. The Department of Homeland Security did not provide official written comments, but provided technical comments that we have incorporated in the report where appropriate.

The State Department commented that it is committed to providing the best possible visa services while also maintaining security as its first obligation. State indicated that it had taken a number of recent actions to improve the Visas Mantis process that we believe are positive steps in implementing our recommendation. For example, State said that it has started to provide feedback to posts regarding the information contained in Visas Mantis cables and is providing expanded briefings on the Visas Mantis process to new consular officers at the National Foreign Affairs Training Center. State also said that it would study our recommendation to explore possibilities for further improvements to the Visas Mantis security check process.

State emphasized the importance of the Visas Mantis clearance process in protecting U.S. national security and acknowledged that in the past some visa applicants have been required to wait long periods to obtain a visa. However, as a result of recent improvements, State claims that most security checks are now being completed within 30 days and therefore our
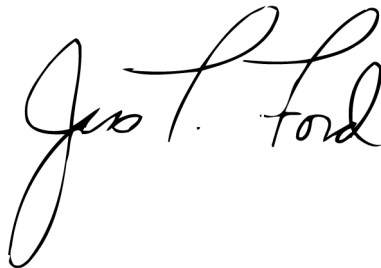
analysis of Visas Mantis cases from April to June 2003 does not represent current processing times. State commented that it had recently conducted two samples of Visas Mantis cases that show improvements in processing times. However, we were unable to independently validate either sample. In addition, the data for both samples show that lengthy waits remain for some cases. Moreover, because State's sample selection methods were different from ours, and because its samples would have a wide margin of error, its samples cannot demonstrate improvements in processing times. Thus we are not in a position to conclude that the Visas Mantis processing turnaround times have improved.

The Federal Bureau of Investigation did not comment on our recommendation. The FBI acknowledged that the visa program was overwhelmed in the summer of 2002. However, the FBI believes that it is now processing the name checks more quickly and today only a few applicants encounter a significant wait for the FBI to complete the security review process. The FBI indicated that it is working closely with State and other agencies to improve the Visas Mantis process.

As agreed with your office, unless you publicly announce the contents of this report earlier, we plan no further distribution until 7 days from the report date. At that time we will send copies of this report to interested congressional committees and to the Secretary of State, the Director of the FBI, and the Secretary of Homeland Security. We also will make copies available to others upon request. In addition, the report will be available at no charge on the GAO Web site at http://www.gao.gov.

If you or your staff has any questions concerning this report, please contact me at (202) 512-4128. Additional GAO contacts and staff acknowledgments are listed in appendix VII.

Jess T. Ford, Director
International Affairs and Trade

Appendix I: Scope and Methodology

To determine (1) how long it takes a science student or scholar from another country to obtain a visa and the factors that contribute to the length of time and (2) what measures are under way to improve the visa issuance process and decrease the number of pending cases, we collected data from agencies in Washington, as well as at U.S. embassies and consulates overseas, and conducted interviews with agency officials. We reviewed the Immigration and Nationality Act and associated legislation, the State Department's Foreign Affairs Manual, and cables and other related documents from State's Bureau of Consular Affairs. In addition, we reviewed State's data on visa applications and issuances worldwide and for selected posts. We also requested data from State to conduct a sample of Visas Mantis cases to help us determine the number of science students and scholars that were undergoing a Visas Mantis security check and how long those applicants waited for a visa. In Washington, we interviewed officials from the Departments of State, Homeland Security, and Justice. At State, we met with officials from the Bureau of Consular Affairs, the Bureau of Nonproliferation, the Office of the Science and Technology Adviser to the Secretary, and the Office of Science and Cooperation in the Bureau of Oceans and International Environmental and Scientific Affairs. At the Department of Homeland Security, we met with officials from the Directorate of Border Transportation and the Office of Policy and Planning. At the Department of Justice, we met with officials from the Federal Bureau of Investigation's Name Check Unit and country desk officers for China and Russia. We requested meetings with officials from the Central Intelligence Agency and the White House Office of Science and Technology Policy (OSTP), but they declined to meet with us. However, OSTP provided us with written answers to questions pertaining to its involvement in visa policies for science students and scholars.

Based on our review of State Department data systems regarding visas, we determined that visa data are collected for students (F visas) and for exchange visitors (J visas), but State's data systems do not track science applicants within these categories. Thus, data are not available to report how long it takes science applicants to obtain a visa. However, agency officials identified a special security review procedure known as Visas Mantis as the factor most likely to affect the timeliness of science student and scholar applicant visas. Consequently, we focused our review on the length of time it takes an applicant to acquire a visa if he or she must undergo a security review. Using State documents, we were able to compile data on science applicants for this analysis.

To obtain data for our sample of Visas Mantis cases, we asked State in July 2003 to provide us all the incoming Visas Mantis cables for the first 6

months of 2003. State indicated that our request would yield approximately 9,000 cables, and that such a large volume would be too time consuming to compile. To address State's concern, we requested Visas Mantis cables from April 1 through June 30, 2003. We requested these 3 months because they were the most recent months from our initial request and would include some of the summer student visa applicants. Because Consular Affairs did not have electronic, aggregated data on Visas Mantis cases, they provided us with 5,079 hard copy cables submitted during that time period. We reviewed the cables to determine which ones pertained to a science student or scholar or other categories, including business. The science student and research scholar category included applicants studying at universities or conducting research at universities, national laboratories, and medical centers. We included applicants attending conferences, symposiums, workshops, and meetings hosted or sponsored by universities, professional institutes, and other organizations. We did not include in our sample universe business-related cables, cables that were incomplete, and cables that were duplicates.

We entered all the data from the cables into an Excel spreadsheet, gave each a GAO number for control and identification purposes, and verified that there were no duplicates. We ended up with 2,888 Visas Mantis entries in the Excel database. From these 2,888 Visas Mantis cases, we took a computer-generated random sample of 124 cases and requested further data on those cases and their time frames from State. State replied that our request was too labor intensive and asked that we modify it. Therefore, we took a smaller subsample of 71 cases from the 124.

Of the 71 cases we received from State, 67 were processed by December 3, 2003. Four cases were still pending. The 71 cases yielded an average completion time of 67 days. This estimate is accurate to within plus or minus 17 days at the 95 percent level of confidence. We assessed the reliability of the sample data provided by State by tracing a statistically random sample of data to source documents. We determined that the data was sufficiently reliable for the purposes of this report.

State created its own two randomly selected samples of Visas Mantis cases. However, based on the documentation of how these records were selected, GAO was not able to determine whether these were scientifically valid samples whose results project to the entire population of all science student and scholar visa applications. As such, results reported by the

agency from these application records should be treated as testimonial information from a judgmental[1] sample rather than data from a probability sample.

We conducted fieldwork at seven visa-issuing posts in three countries—China, India, and Russia. We chose these countries because they are leading places of origin for international science students and scholars visiting the United States. We limited our review to nonimmigrant visa applicants. During our visits at all of these posts, we observed visa operations, reviewed selected Visas Mantis data, and interviewed consular staff about visa adjudication procedures. In China, we met with consular officers at the U.S. Embassy in Beijing and the consulates in Shanghai and Guangzhou. We also met with the Deputy Chief of Mission, as well as officers from the Office of Environment, Science, Technology, and Health in Beijing. In India, we visited the U.S. Embassy in New Delhi and the U.S. consulate in Chennai. We met with consular officers at both posts as well as the Consul General in Chennai and officials from the FBI and the Office of Environment, Science, and Technology in New Delhi. In addition, we met with three students who had outstanding visa applications in Chennai; a Honeywell business representative; and administrators, professors, and students at the Bharath Institute of Higher Education and Research in Chennai. In Russia, we visited the U.S. Embassy in Moscow and the U.S. consulate in St. Petersburg and met with consular officials there. While in Moscow, we also met with officials from the economic section of the embassy, Office of Environment, Science, and Technology, the Department of Energy, and the National Aeronautics and Space Administration. In addition, we spoke with a representative of the International Science and Technology Center in Moscow. While in the field, we collected data and reviewed documents pertaining to the visa process for science students and scholars at all posts. Because post tracking and recording of Visas Mantis data varied, we could not make post comparisons of Visas Mantis cases.

Finally, to gather information on the visa issues that science students and scholars face, we spoke with representatives from educational organizations, including the National Academies, the Association of International Educators, the American Council on Education, and the Association of American Universities. We also obtained information from

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[1]A judgmental sample is a nonprobability sample because the elements are handpicked and expected to serve the research purpose.

the American Physical Society and the International Institute for Education.

We conducted our work from May 2003 through January 2004 in accordance with generally accepted government auditing standards.

Appendix II: Visas Mantis Cases for Science Students and Scholars

This appendix provides information on the Visas Mantis cables State received from posts between April and June 2003. Table 2 shows the breakdown of the 2,888 Visas Mantis cases we identified pertaining to science students and scholars. In our sample, we identified a total of 57 posts that had sent one or more Visas Mantis cables to Washington.

Table 2: Visas Mantis Cases for Science Students and Scholars, April to June 2003

Post	Number of Visas Mantis cables
Shanghai, China	701
Beijing, China	600
Moscow, Russia	505
Guangzhou, China	197
London, United Kingdom	75
Chengdu, China	74
Hong Kong, China	67
Dubai, United Arab Emirates	51
Toronto, Canada	41
Kiev, Ukraine	38
St. Petersburg, Russia	37
Krakow, Poland	36
Cairo, Egypt	34
Tokyo, Japan	34
Chennai, India	33
Havana, Cuba	32
Berlin, Germany	26
Bern, Switzerland	24
Yekaterinburg, Russia	24
Madrid, Spain	23
Shenyang, China	23
Ankara, Turkey	19
Stockholm, Sweden	17
Bucharest, Romania	14
Frankfurt, Germany	11
Damascus, Syria	10
Brussels, Belgium	9
Hanoi, Vietnam	9
Melbourne, Australia	9
Mumbai, India	9

Post	Number of Visas Mantis cables
New Delhi, India	9
Ciudad Juarez, Mexico	8
Singapore	8
Amsterdam, the Netherlands	7
Istanbul, Turkey	7
Montreal, Canada	7
Ottawa, Canada	7
Mexico, Mexico	6
Seoul, South Korea	6
Oslo, Norway	5
Amman, Jordan	4
Lisbon, Portugal	4
Osaka-Kobe, Japan	4
Paris, France	4
Tel Aviv, Israel	4
Calgary, Canada	2
Dublin, Ireland	2
Jerusalem, Israel	2
Vienna, Austria	2
Athens, Greece	1
Beirut, Lebanon	1
Bogota, Colombia	1
Johannesburg, South Africa	1
Matamoros, Mexico	1
Minsk, Belarus	1
Taipei, Taiwan	1
Vladivostok, Russia	1

Source: GAO analysis of State Department Visas Mantis cables.

This appendix provides selected visa statistical information for the posts we visited in China, India, and Russia. Table 3 shows the number of visas issued, visa refusal rates, and interview wait times at posts.

Table 3: Visa Statistics from Posts in China, India, and Russia

	Beijing	Shanghai	Guangzhou	New Delhi	Chennai	Moscow	St. Petersburg
Number of U.S. consular officers[a]	7	4	4	4	7	7	2
Number of visa applications in FY 2003[b]	129,927	71,859	53,247	88,525	166,676	98,553	17,771
Number of visas issued in FY 2003[b]	76,165	44,821	28,602	56,820	120,535	63,541	14,302
F-1[c] issued in FY 2003	5,233	4,852	1,667	3,981	7,544	918	147
J-1[d] issued in FY 2003	1,861	1,268	371	1,541	1,222	11,384	1,666
Number of visas refused in FY 2003[b]	53,762	27,038	24,645	30,580	46,065	35,012	3,469
Overall refusal rate FY 2003	41%	38%	46%	36%	28%	35%	20%
F-1[c] refusal rate FY 2003	63%	44%	61%	40%	50%	51%	44%
J-1[d] refusal rate FY 2003	57%	42%	54%	24%	29%	39%	25%
Wait time for interview in September 2003	2 weeks	5-6 weeks	2 weeks	2-3 weeks	3 weeks	1 week	2-3 weeks
Wait time for interview in December 2003	About 4 weeks	About 4 weeks	3 weeks	None	3 weeks	4-5 days	4-5 days

Source: GAO analysis of data provided by posts in China, India, and Russia.

[a]This number only includes Foreign Service officers working in the Non-Immigrant Visa Unit of the Consular Section.

[b]For the posts in China, the data we obtained does not cover the entire fiscal year; it covers the period from October 2002 through August 2003.

[c]The F category of visa is designated for students.

[d]The J category of visa is designated for exchange visitors.

Appendix IV: Distribution of Processing Time for Sample of Visas Mantis Cases

This appendix provides information on the distribution of processing time for our sample of Visas Mantis cases.

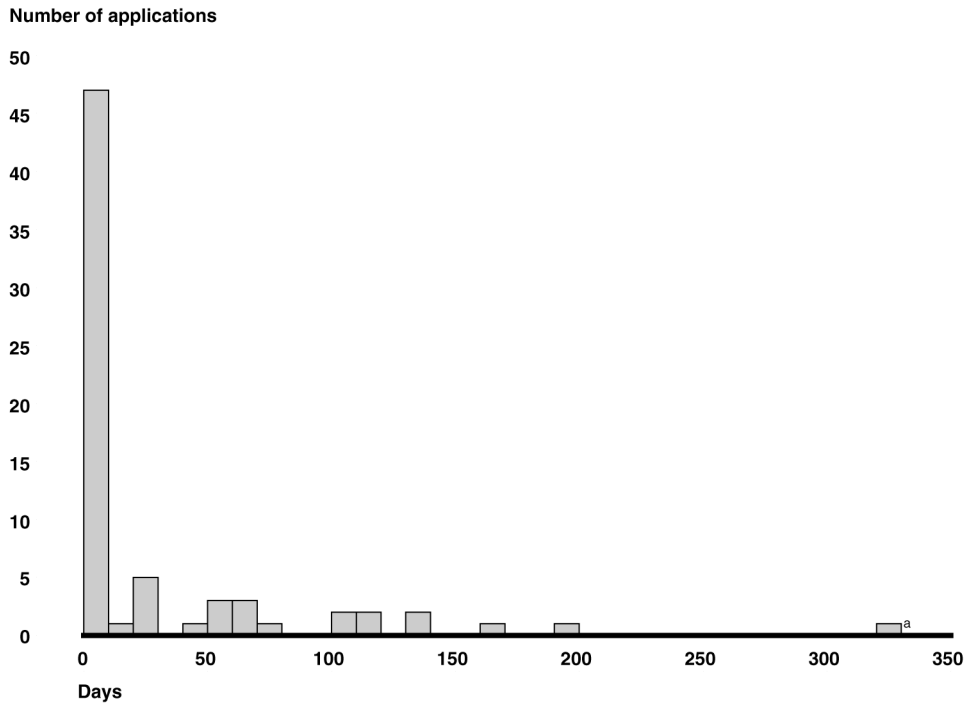**Figure 3: Distribution of Days from Transmission by Post to Receipt by FBI**
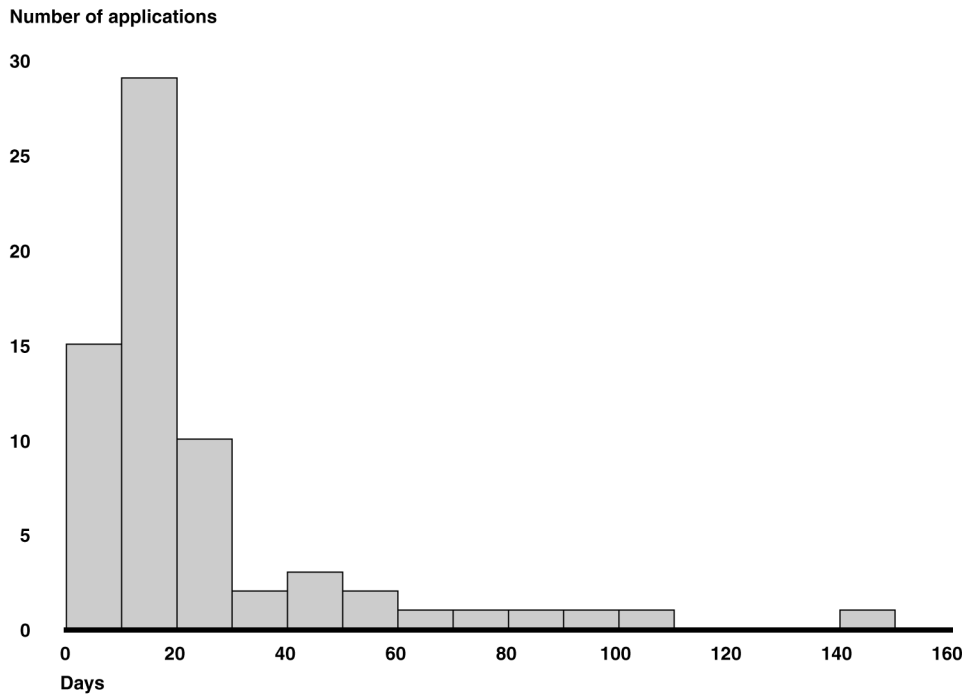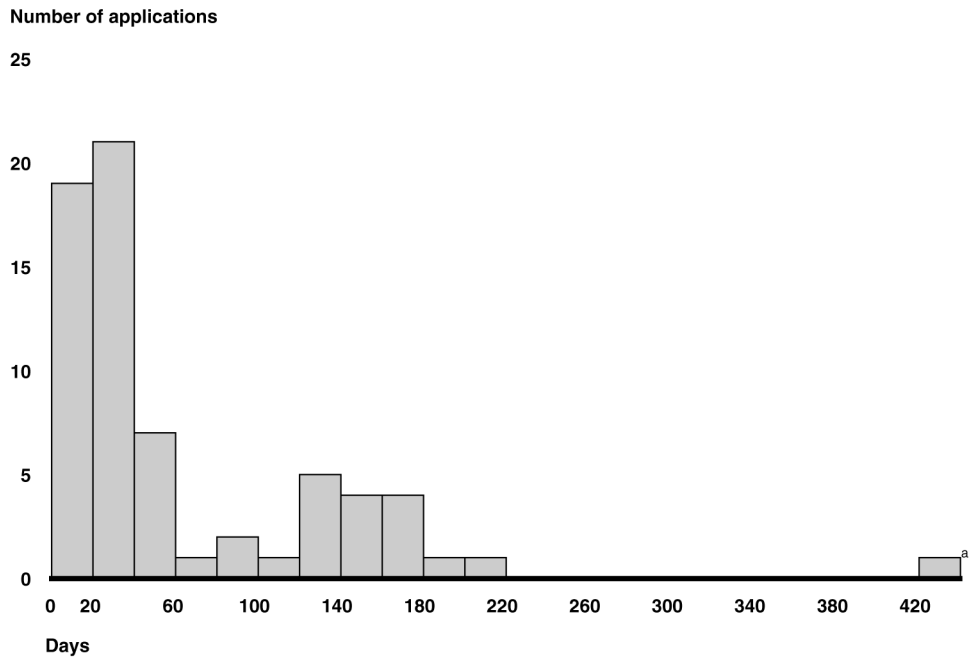

Source: GAO analysis of State Department data.

Notes: The width of the bar = 5 days.

Total number of cases = 71.

Figure 4: Distribution of Days from Receipt by FBI to Completion of Clearance

Number of applications

Source: GAO analysis of State Department data.

Notes: The width of the bar = 10 days.

Total number of cases = 70.

[a]The application was resent during our sample. We used the original Visas Mantis application date of July 2002.

Figure 5: Distribution of Days from Clearance by FBI to Receipt by State
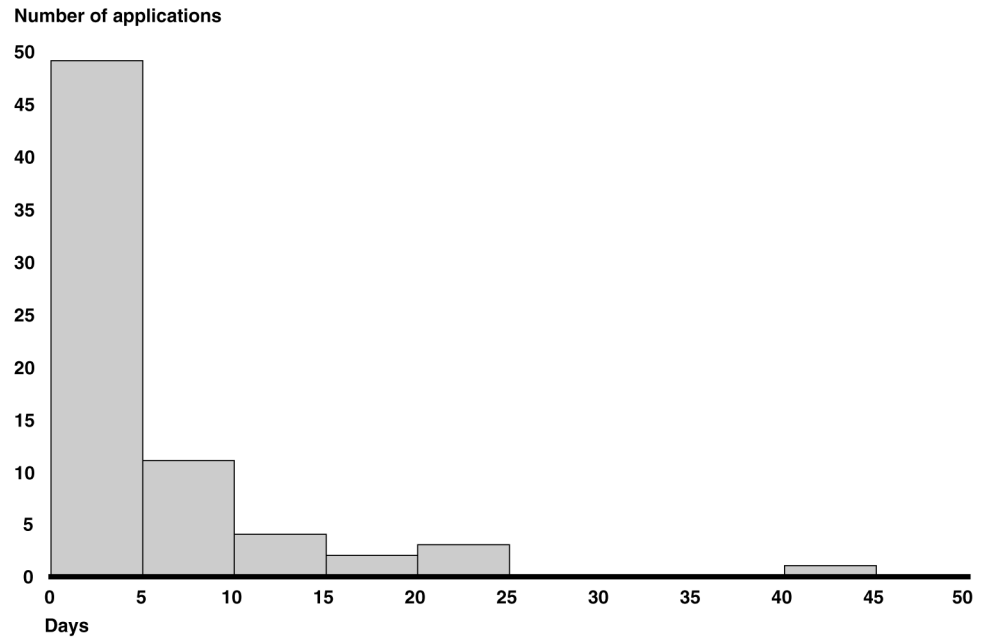
Number of applications

Source: GAO analysis of State Department data.

Notes: The width of the bar = 5 days.

Total number of cases = 70.

Figure 6: Distribution of Days from Receipt by State to State's Response to Post

Number of applications

Source: GAO analysis of State Department data.

Notes: The width of the bar = 10 days.

Total number of cases = 67.

Figure 7: Distribution of Total Days from Transmission by Post to Response from State

Number of applications

Source: GAO analysis of State Department data.

Notes: The width of the bar = 20 days.

Total number of cases = 67.

[a]The application was resent during our sample. We used the original Visas Mantis application date of July 2002.

Appendix V: Comments from the State Department

United States Department of State

Assistant Secretary and Chief Financial Officer

Washington, D.C. 20520

FEB 1 1 2004

Dear Ms. Williams-Bridgers:

We appreciate the opportunity to review your draft report, "BORDER SECURITY: Improvements Needed to Reduce Time Taken to Adjudicate Visas for Science Students and Scholars," GAO-04-371, GAO Job Code 320188.

The enclosed Department of State comments are provided for incorporation with this letter as an appendix to the final report.

If you have any questions concerning this response, please contact Paul Doherty, Division Chief, Bureau of Consular Affairs, at (202) 663-1246.

Sincerely,

Christopher B. Burnham

cc: GAO – John Brummet
CA – Maura Harty
State/OIG – Luther Atkins
State/H – Paul Kelly

**Department of State Comments on GAO Draft Report
BORDER SECURITY:
Improvements Needed to Reduce Time
Taken to Adjudicate Visas for Science Students and Scholars
(GAO-04-371, GAO Code 320188)**

The Department of State appreciates the opportunity to review and comment on the GAO draft report, "Border Security: Improvements Needed to Reduce Time Taken to Adjudicate Visas for Science Students and Scholars." We have a strong commitment to providing the best possible services to our country and this program is one of the many ways we do so. The balance between "secure borders and open doors" is delicate. While our first obligation is to the security of the nation, we also owe appropriate service to the legitimate traveler who wishes to come to this country. With that background, State has a number of observations for your consideration.

See comment 1.

The report seems to assume that all nonimmigrant visa applicants are qualified for a U.S. visa. They are not. The Immigration and Nationality Act (INA) presumes that all nonimmigrant visa applicants are intending immigrants. They must convince the consular officer that they intend to return to a residence in their home country after a temporary visit to the United States. In addition, our experience with Visas Mantis cases indicates to the interagency community that some applicants are also ineligible because they intend to enter the U.S. to obtain sensitive technology illegally, thereby creating a potential threat to U.S. national security.

See comment 2.

The report does not recognize the key role of the Visas Mantis screening process in protecting U.S. national security, particularly in combating the proliferation of weapons of mass destruction, their delivery systems, and conventional weapons. The President has made reference repeatedly to the fact that the U.S. Government attaches high priority to nonproliferation efforts. The Visas Mantis program is an important tool in achieving the President's nonproliferation goals. Through the Visas Mantis process, the U.S. has prevented the entry to the U.S. of foreign nationals seeking to undermine our national security.

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The role of the Department of State in the Visas Mantis process stems from the requirement of Section 212(a)(3)(A) of the Immigration and Nationality Act (INA) that renders ineligible for a visa:

"Any alien who a consular officer or the Attorney General knows, or has reasonable ground to believe, seeks to enter the United States to engage solely, principally, or incidentally in any activity (I) to violate any law of the United States relating to espionage or sabotage or (II) to violate or evade any law prohibiting the export from the United States of goods, technology, or sensitive information."

The Visas Mantis screening process for aliens who might fall within the purview of Section 212(a)(3)(A) of the INA was established some years ago, in recognition of the need to prevent the transfer of sensitive technology abroad. In this process, the State Department's Bureau of Consular Affairs (CA) acts in a coordinating role among clearing agencies from the major law enforcement and intelligence communities and responds to Visas Mantis Security Advisory Opinion (SAO) requests submitted by consular officers at posts abroad. The Department's Bureau of Nonproliferation (NP) as well as the FBI and other agencies review all SAO requests.

The screening process of Visas Mantis cases is in-depth and conducted with careful scrutiny of the applicant, his/her purpose of visit, academic background, employment history and associations. It is not a perfunctory namecheck. Some clearing agencies have agreed to a 15 working-day processing period and the goal of all parties is to complete their respective reviews within that time frame. State engages actively with all agencies in the process to ensure that cases do not languish or suffer an inexplicable delay.

Given the importance of the Visas Mantis screening process to our national security, the Department's NP bureau carefully reviews each Visas Mantis SAO and responds to CA within 10 working days. In some cases, analysts require further information from posts. Obtaining the requested information from the applicant and getting it back to Washington can take time. Sometimes, other clearing agencies do not provide State with timely clearance on Visas Mantis cases. As the report correctly states, technological problems have accounted for some of the delays and you can be assured that we are tirelessly working through the technology challenges implicit in inter-agency programs.

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Let us outline for you the steps the Visa Office has taken to meet the challenge of Visas Mantis processing every step of the way.

The events of September 11, 2001 triggered broader non-Mantis security clearance requirements for visa applicants later that year and throughout 2002. The Visa Office's Coordination Division (CA/VO/L/C), which acts in a coordinating capacity among the various Visas Mantis clearers, was faced with a significant increase in workload as new clearance requirements were added. Staffing was at first inadequate to handle the workload increase. However, the Department brought in additional human resources to help with the new workload realities and we continue to add resources to the Coordination Division.

Originally, the geographic analysts in CA/VO/L/C handled their own Visas Mantis cases in the same way that other clearances are processed. At the end of 2002, we decided to centralize the Visas Mantis function in order to increase the efficiency of the process. In January 2003 we created a three-person Visas Mantis team. We subsequently added additional personnel and now have a five-person Visas Mantis team. The team is exclusively dedicated to processing Visas Mantis cases.

We are confident that the Visas Mantis team is sufficiently staffed to handle the present workload. Should we decide additional resources are required, however, we will add them.

See comment 3.

The Draft Report focuses on Visas Mantis cases that posts submitted in April, May and June of 2003 and the results show some delays in the Department's processing of these cases, which we do, of course, regret. However, we have conducted our own studies of Visas Mantis processing for subsequent time frames and believe we can demonstrate a positive and improving level of performance. We did a study of 40 randomly-selected cases that posts submitted in August, September and October, 2003 and it shows improved turnaround time from the earlier study. The GAO team received a copy of this study. More recently, we have done another random study of 50 cases from the November and December 2003 time frame and the results show clearly that the turnaround time has improved even more and is well within 30 days in nearly all cases. The GAO report fails to note that processing times continue to drop. In addition, it still

See comment 4.

counts as outstanding those cases where the applicant never responded to requests for further information or provided incomplete information. Other cases are "outstanding" due to ongoing investigations by U.S. authorities. In neither case is the delay a fault of the process. In the former instance, the traveler has failed to

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work with us to reach a determination on visa eligibility. In the latter case, an agency charged with nonproliferation responsibilities is attempting to do its job.

Our more recent Visas Mantis reviews demonstrate that the GAO Draft Report is a snapshot in time and an analysis of past performance during a challenging time when agencies were still reacting to the after-effects of September 11, 2001. Our studies clearly show that the turnaround times have improved dramatically. The Department invite you to review them to ensure the most balanced product possible. We were slow. We have taken strong measures to improve – and we will continue to do so.

Throughout 2003, we worked closely with the FBI to iron out many of the interoperability problems with our systems. We have addressed a number of issues and developed a plan to eliminate the source of several persistent problems related to the transmission of data, particularly the method used to transmit data between consular officers overseas and the FBI.

To meet the interoperability challenge, the Department is making a substantial investment (one million dollars) in the development of an SAO Improvement Project (SAO IP), a new automated system that will allow posts to make requests and other agencies to respond to them electronically. The cable-less system will eliminate errors in the transmission of data that have occurred in the past and will complete data transmission in near real-time. The pilot program for the new system has been tested successfully at several posts and we have already begun distributing the new system software to the field. We hope to have all posts up and running with the new system in the coming months.

As the GAO report states correctly, SAO cable formatting errors have been the cause of some delays in responses. The possibility of such errors occurring will no longer exist once SAO IP is implemented. Working with our partner agencies, we have identified three other points at which transmission errors can occur at present. We have also together identified solutions to these problems and are aggressively pursuing the requisite technical fixes.

The report recommends that we develop performance goals and measurements for processing Visas Mantis checks. Our performance goal, whenever possible, is 15 working days from the date of receipt of the SAO by Washington agencies, after which the Visa Office sends a response to post as quickly as possible upon receipt of other agency clearances. Some of the factors that can contribute to longer processing times have already been described.

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The report further recommends that the Department provide clarified guidance to consular officers in the field about the Visas Mantis clearance process. The Technology Alert List (TAL) annual guidance cable to the field describes in some detail the procedures that consular officers should follow in preparing Visas Mantis cases. The TAL is a list of some 200 technologies that are designated through the interagency process as sensitive ones. The TAL cable also lists the specific technology fields to which consular officers should be alert. Despite the thorough guidance contained in the TAL cable and our expectation that consular officers use good analytical skills and judgment when deciding whether or not to submit a Visas Mantis SAO, we are aware that some consular officers in the field might benefit from more direction.

Recently we established a quality-control procedure with NP whereby analysts from that bureau provide the Coordination Division with feedback for posts on individual Visas Mantis cables. NP has started identifying for the Coordination Division cables that they have found well-prepared and contain all of the pertinent information NP analysts need to make an informed recommendation on visa eligibility. For example, NP recently praised a cable from a China post as an excellent example of what a Visas Mantis cable should contain for an applicant coming to a conference in the United States. NP also points out cables that do not contain sufficient information on which to reach a recommendation. It also called to the Coordination Division's attention the fact that one post was submitting Visas Mantis cables for applicants whose purpose of travel to the U.S. did not fall within the purview of the TAL. In all instances, the Coordination Division passes NP's comments on to the relevant post as a means of providing feedback and guidance to the post's consular officers. In December 2003, NP began providing regular Visas Mantis briefings for new consular officers at the National Foreign Affairs Training Center. At CA's expense, NP will participate in the China Consular Conference in February 2004 and brief on the Visas Mantis process to consular officers.

We would like to comment on several other points in the report.

See comment 5.

The chart on the report's introductory page is misleading. It counts processing time from the date of application when, in fact, there can be lag time for a variety of reasons between the date of application and the date the SAO is submitted to Washington for interagency review. Some of these reasons are: the consular officer may have asked the visa applicant to provide more information, has decided to consult other experts on the Embassy or Consulate staff, or is

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conducting fraud-prevention checks. Consular officers submit SAO cases to
Washington for a Visas Mantis clearance only if all other potential ineligibilities
have been resolved.

See comment 6.

See comment 7.

The report generally presents a misleading impression of delays although we
believe that our mutual goal is as efficient a process as possible. For instance, on
page 7, it states that in fiscal year 2003, 410 Visas Mantis cases were still pending
after more than 60 days. This number represents only 2.5% of the total number of
Visas Mantis cases submitted in fiscal year 2003. The fact is that, at the present
time, the processing time for most Visas Mantis cases is well within 30 days.
Some of the statistics in the Report, particularly in the section on pages 9-10 that
discusses delays at posts, also give a misleading impression. For example, the
report states that 67% of October 2003 Visas Mantis cases from Chennai were still
pending on January 9 and that the other 33% of cases took an average of 55 days to
process. The impression given is one of a significant delay situation at Chennai
when, in fact, the total number of Chennai October 2003 cases was 3.

The Department appreciates the opportunity to comment, and we hope that
the final report will accurately reflect the fact that the Visas Mantis program serves
important national interests, and that the Department of State, working with other
agencies, has made considerable progress in making the program more effective
and streamlined, while continuing to protect the U.S. national security at a critical
time in our history.

We intend to study the report's recommendations carefully to explore
possibilities for further improvements to the Visas Mantis screening process.

The following are GAO's comments on the State Department's letter dated
February 11, 2004.

GAO Comments

1. The report does not assume that all nonimmigrant visa applicants are
   qualified for a visa as indicated in footnote 6 on page 5 and discussion
   on pages 5-6. To further clarify that some applicants are eligible for a
   visa and some are not, we modified our discussion of the visa
   adjudication process as presented in figure 1.

2. We acknowledge the importance of the Visas Mantis screening process
   in protecting U.S. national security. We discuss the utility and value of
   the Visas Mantis process on pages 7-8. In addition, we modified
   footnote 11 on page 7 to indicate State's views on the importance of
   the Visas Mantis process.

3. On December 11, 2003, State provided us with a study of 40 randomly
   selected Visas Mantis cases that posts submitted in August, September,
   and October 2003. In addition, on February 13, 2004, State provided us
   with another random study of 50 cases from November and December
   2003. We discuss both samples on pages 11-12 and how the data was
   developed.

4. We added wording to footnote 22 on page 11 to acknowledge that in
   some cases the length of time to process a Visas Mantis check is not
   under the control of State.

5. We modified the chart on the introductory page to clarify that the Visas
   Mantis processing time begins when the post sends a Visas Mantis
   cable request to Washington. The chart shows the total length of time
   it could take an applicant to obtain a visa if a Visas Mantis security
   clearance is needed.

6. Our data for the 410 Visas Mantis cases pending after more than 60
   days is based on information collected at 7 posts. We were not able to
   determine the total number of Visas Mantis cases sent in fiscal year
   2003 from these posts. In addition, at the time of our review State was
   not able to provide data on the total number of Visas Mantis cases sent
   from all posts in fiscal year 2003.

7. We modified the text on page 13 of the report to reflect the number of
   cases pending from Chennai, India. The information was provided by
   consular officials at post. For our analysis of Visas Mantis processing

time frames, we used the date of application, not the date the Visas
Mantis request was submitted, as stated in footnote 28.

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

February 5, 2004

Mr. Jess T. Ford
Director, International Affairs and Trade
General Accounting Office
Washington, D.C. 20548

Dear Mr. Ford:

This represents the FBI's response to your draft report, "Improvements Needed to Reduce Time taken to Adjudicate Visas for Science Students and Scholars" (GAO-04-371/320188), dated January 22, 2004:

General comments: The GAO study mirrors testimony by the FBI before three Congressional committees and sub-committees and information informally provided by the FBI to Congressional members and their staffs. The visa program was overwhelmed in the summer of 2002. During the subsequent months the FBI and other agencies cooperated closely in a series of technological and internal and external process improvements that brought stability and predictability to the process. The FBI is able to track the status of each Mantis application during the security review process. Today, only a few applicants encounter a significant wait for the FBI to complete its security review. These waits are primarily due to delays encountered in retrieving FBI record information from locations outside of Washington, D.C.

See comment 1.

The GAO study does not accurately reflect the challenges related to the State Department's technology improvements. The FBI and State are developing interoperability between their systems. In the interim, the phased increase in use of electronic media by the State Department to submit names from its new database (versus cables from individual posts) is eliminating delays attributable to format errors.

Below are more specific comments to the GAO report:

See comment 2.

Page 2: "Data are not available on how long it takes for a science student or scholar to obtain a visa." This statement is accurate for the overall process, but not for the FBI security review process. The FBI tracks and has available the status of each Mantis application. Recommend, "State Department data are not available on how long it takes for a science student or scholar to obtain a visa."

See comment 3.

Page 2: "While State and FBI officials acknowledged that there have been lengthy waits, they report having measures under way they believe will improve the process and resolve outstanding cases." After the problems of summer-fall 2002, the FBI implemented a number of improvements to its visa screening process. By spring 2003 the FBI had eliminated significant waits for all but a very small number of Visa Mantis applicants and, in cooperation with State, began resolving "stale" cases.

See comment 1.

Page 2: "As a result, data exchange between State and FBI may continue to cause lengthy waits." The FBI and State are developing interoperability between their systems. In the interim, the phased increase

Mr. Jess T. Ford

in use of electronic media by the State Department to submit names from its new database (versus cables from individual posts) has eliminated delays attributable to format errors.

See comment 4.

Page 10, footnote 30: The FBI ensures that State receives its response. Recommend the first sentence of the footnote be modified in part to read, "...and the FBI has no way to ensure that its results are forwarded to the posts."

See comment 5.

Page 11, Page 12, Figure 2: Discussion of times to process Visa Mantis on Page 11 and illustrated by Figure 2 should reference the chart Appendix IV, Figure 4, Page 26. This latter chart provides a more insightful analysis of FBI's performance in reviewing Visa Mantis applications.

Page 17, footnote 45: The FBI data system counts 850 pending Visas Mantis as of January 28, 2004. This number reflects all Visa Mantis submitted to the FBI since June 26, 2002. (The date the FBI automated its visa screening process.) The FBI name check system accurately reflects submissions not just from State, but also from 70 other government entities.

Please feel free to contact me at 202-324-2901 if you have any further questions.

Sincerely yours,

Steven C. McCraw
Assistant Director
Inspection Division

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The following are GAO's comments on the Federal Bureau of
Investigation's letter dated February 5, 2004.

GAO Comments

1. Because State's new system is not currently operational, we did not
   assess its technology improvements and therefore could not assess
   whether the information in State's new database is eliminating delays
   attributable to format errors. We discuss that FBI is working together
   with State to achieve interoperability between their systems on page
   23 of the report.

2. We modified the draft to reflect that State Department data are not
   available on how long it takes for a science student or scholar to
   obtain a visa.

3. We discuss FBI's improvements to its visa screening process, including
   cooperation with State on pages 21-23.

4. We modified the text in the footnote on page 14 to reflect that the FBI
   has no way to ensure that its Visas Mantis security check results are
   forwarded to the posts.

5. We added a footnote on page 15 to reference the distribution of FBI's
   processing times.

Appendix VII: GAO Contacts and Staff Acknowledgments

GAO Contacts	Jess Ford (202) 512-4128 John Brummet (202) 512-4128
Staff Acknowledgments	In addition to the above named individuals, Jeanette Espinola, Heather Barker, Janey Cohen, and Andrea Miller made key contributions to this report. Martin de Alteriis, Carl Barden, Laverne Tharpes, and Mary Moutsos provided technical assistance.