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MEMORANDUM FOR THE RECORD

**Event:** Tom Furey, Former Consul General and Acting DCM , Riyadh, Saudi Arabia, **Type of event:** Interview of Thomas Patrick Furey

**Date:** December 5, 2003

**Special Access Issues:** None

**Prepared by:** Tom Eldridge

**Team Number:** 5

**Location:** Room 7516, State Department – Video Teleconference with London

**Participants - Non-Commission:**

<u>Name</u>	<u>Agency/Title</u>	<u>Phone</u>
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**Documents/handouts received by the Commission:** None

**Other contacts referred to:** None

**TEXT:**

We interviewed Mr. Furey by videoteleconference from his office in London, U.K. It was 10:30 a.m. our time, and 3:30 p.m. London time. Mr. Furey was at a table in the Embassy auditorium with 250 empty seats in front of him.

Mr. Furey served in Mexico City as Ministerial Counselor for Consular Affairs from 1997 - 2000. There he supervised the largest consular operation in the world, handling 2 million NI visa applications per year in 2000. He supervised 120 consular officers and 350 FSNs doing visa work. While in that job, he referred to the Best Practices Handbook "often" in order to make the operation as efficient as possible.

Furey arrived in London August 23, 2001 where he assumed his current duties as the Consul General. Prior to that, from September 10, 2000 to July 17, 2001, he was the Consul General in Riyadh, Saudi Arabia. In addition, from April 19 – July 17, 2001, he was the Acting DCM in Riyadh. Charles Brayshaw preceded Furey in the DCM job and moved up to be the Charge D'Affaires when the ambassador (Fowler) left in April.

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As Consul General in Riyadh, he both supervised directly the consular functions in Riyadh, and he was a secondary supervisor over the consuls general and their operations in Jeddah and Dhahran. He reviewed the evaluations of those individuals.

Serving under him in Riyadh were [redacted] who was his deputy. Also [redacted] who was the Junior Officer in charge of NIVs, [redacted] who was in charge of IVs, and [redacted] a Consular Associate who assisted with NIV interviews.

We asked Furey about his initial impressions of Riyadh and the visa operation. He said:

1. Consular officers were overworked, often processing applications until 8 p.m. in the evening. Morale was very low.
2. The set up was dysfunctional
3. The waiting room was inadequate for the hordes of people who showed up. Saudis would shove TCNs out of the way to get to the windows because they believed it was beneath them to stand in line with TCNs. He said people were getting into fist fights in the waiting room.
4. There were large crowds outside the embassy causing problems for the Saudi police outside and U.S. employee guards inside. Furey believed the crowds could cause guards to cut corners on screening entrants to the compound. The RSO Bill Lamb was "very much in favor of ideas to minimize people coming into the embassy unnecessarily"

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6. Visa applications were increasing at a rate of about 5 % per year.

It cannot be emphasized enough that Furey heard NOTHING [redacted] during his tenure there -- including his time as DCM -- indicating that Saudis were a security risk.

Furey talked with his predecessor Alan Kepchar about how to solve these problems. At that time, there was no model for setting up an appointment system without using a 900 number. The 900 number would allow the caller to pay a fee for the service of setting up an interview. The Saudis had not legalized 900 numbers. Also, the consensus was that the Saudi mail system was not reliable for sending passports. Accordingly, Furey gravitated toward a drop-box system through which an applicant would drop off their application without coming into the embassy. In other words, instead of controlling how applicants came into the embassy, they decided to screen the applications.

We asked Furey whether he ever talked with CA HQ about the problems he was having in SA. We specifically asked whether he ever asked for more resources to help with his problems. He said he never did so explicitly. Rather, he said that in talking about the problem as a whole, it was clear to him the perception back in Washington was that his problems did not justify having more consular officers. Rather, the problem was a lack of efficiency.

Furey said the view -- expressed in the Best Practices Handbook -- was that if the post had a pool of applicants with a historically low refusal rate, then the post should not be interviewing all those applicants.

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Furey emphasized that the interview policy for Saudis when he arrived was that they were not interviewed, and no policy change occurred on this subject from any policy he subsequently adopted, i.e., Visa Express. "They were already not being interviewed."

Note: Furey said he believed that a "majority" of Saudis did not bring in their applications themselves. Rather, they had an expediter, driver, or business employee do it for them.

Saudi Visa Policy

Furey agree with our statement that Saudis as a group were considered to have overcome the presumption of inadmissibility in 214(b). This was true for citizens of all nations in the GCC. The reasons for this presumption were (1) they did not overstay their visas, (2) they did not work in the U.S., (3) they were not deported by the INS, (4) they did not commit crimes and get criminal convictions in the U.S, and (5) they were not considered security risks. The consensus was that they qualified for a visa.

Visa policy for TCNs was different because TCNs had more variety in their situation. Some were good risks, and some were more likely to be intending immigrants.

These policies were not written down. "No one articulated a policy, per se," but the refusal rate for Saudis had been low (he thought below 1 %) for longer than anyone could remember.

Furey disagreed with the assertion that Saudis received preferential treatment. He said Saudis were treated like cits of countries in the Visa Waiver program and for the same reasons.

Furey felt that the law always allowed a CO to deny a visa to an individual based on the CO's belief that the person was lying to them.

Visa Express

Much ink has been spilled on Visa Express. In the creation of Visa Express, Furey drew upon all of the above. The conclusion he drew was that the most feasible way to increase efficiency and security was to use travel agencies as drop-boxes.

The prospective agencies were vetted by "all elements of the embassy." There were many more that applied to participate and were not accepted. They selected those who had the best reputations and complied with their security concerns such as having safes to hold the passports. They also wanted agencies spread throughout the country. CO [redacted] had the lead on this project. [redacted] oversaw selection and training of the travel agencies participating in the program.

We asked Furey how there was oversight of the travel agencies. He said the FSNs would report on a daily basis about agency compliance with the program's requirements. For example, agencies would input the name put down by Saudis on their application, but Saudis would frequently transliterate their name. Agencies would need to be told to use the name on the

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passport. Another issue was incomplete applications. FSNs would send back some incomplete applications and tell them to have the applicant fill it in completely.

Furey said incomplete applications had been a problem before VE, but that they did not always have time to catch the incompleteness in a way that allowed for meaningful correction. We pressed Furey on this point. Why, we asked, couldn't the incompleteness be caught when the application was submitted? After all, the form was not very long before 9-11. Furey said it was a question of resources and could be viewed in the context of the broad CA budget problems of the 1990s. Even though someone was at a window accepting visa applications, that person, Furey said, did not always have time to screen the applications for completeness. Instead, the FSNs would be taking cash from applicants for the visa fees, or doing data entry, or assisting COs interviewing people. Meanwhile, the applicants and their expeditors would be fighting over who got to drop off their application. Applications with large blanks could be caught, but completeness was not achieved uniformly at the time of submission before VE.

We asked Furey about the timing of the introduction of VE in SA. He said it was mandatory as of June 1, 2001. He said this was for Saudis and for TCN renewals. Then, there

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embassy and mission in Saudi Arabia. There continued to be large numbers of TCNs at the embassy gates posing a threat and an attractive target for terrorists. The RSO continued to believe that the crowds were a target and caused stress on the guards. Furey said there were many emergency action committee meetings. As a result, Furey ordered VE to become mandatory for the whole country in late June 2001.

Furey said the travel agencies were "just a messenger service." We pressed him on this point, asking whether they were performing any screening. He maintained they were not. We asked whether they were not told to cull from the applications those that were incomplete or did not contain the required paperwork. He said they were told to do these things. We asked, for example, whether they were told to make sure the student visa applicant had an I-20 attached, and not to submit the application until they did. He said that was true. Nevertheless, he maintained that the travel agencies had "no authority to screen out" applications by, for example, advising the applicants that they were unlikely to be approved. He said they were not making a preliminary adjudication, but rather were making sure the applicant was meeting the basic requirements for an application.

We asked whether what the agents did was not similar to a consular officer making a determination under Section 221(g) of the INA. He said it was not because the CO was saying that the applicant "had gotten to first base" in the visa process by issuing a 221(g) denial, whereas the travel agency -- by not turning it in to the embassy -- was saying the applicant had not even gotten to first base. This explanation lacked logical force.

With regard to the issue of incomplete applications, Furey said there was no State Department instruction that said that putting down the word "hotel" for one's destination was unacceptable. He said VE did lead to more complete applications, something borne out by our review of the hijackers who got their visas in June 2001.

With regard to the fact that several of the hijackers lied on their visa applications, Furey said that it was the first he had heard this -- a SIGNIFICANT POINT. When told one had lied

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about whether they had been to the U.S., he said that was unusual because most applicants would have trumpeted this fact as proof they were good visa risks. Likewise, the fact that they had applied for an been approved for a U.S. visa previously would have been in their favor, so to lie about that, as several of the hijackers did, would have been unusual. Furey said the State computer system would not bring up a prior approved visa for an applicant – and thus flag this anomaly – before 9-11, only a refusal.

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We asked Furey whether he had ever heard discussed the fact that someone might lie on their application in order to hide the fact that they had a new passport. He said this had never been brought to his attention.

Jeddah and Visa Express

Furey said he knew that people in Jeddah were not particularly enthusiastic about the idea of visa express, but that he was not sure he ever understood their concerns. He said they told him they were overwhelmed by people in their waiting room. He asked them if they had other ideas for solving their problems, and they had none.

[Note: Furey was familiar with the unusual interview policy in Jeddah. See MFR of [Redacted]]

The dismantling of Visa Express

We asked Furey what he thought about the dismantling of VE in July 2002. To the writer's surprise, he said this was "absolutely" a good idea. Furey said he now feels that interviewing all applicants is the correct way to go. Furey said that the visa interview is both a tool for the CO to help in making a good decision, and a "weak link" that can be exploited by the terrorist. He acknowledged that the CO is rarely going to catch a terrorist in an admission that they are a terrorist. However, the interview is still a tool, and one that should not be given up. Waiving it creates a weak link and terrorists will be looking for the weak link.

"It should have been done in the past, but resource constraints appear to have been the dominating factor in the visa adjudication process."

With regard to SA, Furey said, "I knew something about Saudi Arabia on September 12 that I didn't know on September 10 – Saudi visa applicants can be security risks."

Furey said that the prior attacks in SA he heard had been perpetrated by [Redacted] Khobar and the 1995 OPM-SANG bombings.

Document Fraud

We asked Furey what capability he had in Riyadh to identify document fraud among visa applicants. He said that in London, he has British employees who are so skilled as to be forensic document scientists at detecting fraud. By contrast, in Riyadh he had no such expert. CA/FPP

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was covering the whole world and not particularly focused on Riyadh. He described the Saudi passport [redacted] and not machine readable.

#### Best Practices

Were all about managing process in the most efficient way in an era of a shortfall of resources. MRV's enabled State to get automated and produce the CLASS system. Nevertheless, there were perpetual funding and personnel shortfalls. In Furey's view, CA did "extraordinary things to take an incredibly dysfunctional process and make it right."

Furey said SecState Powell has made a lot of progress in making up these shortfalls with his Diplomatic Readiness Initiative.

#### For the future

Furey said that he felt the "most important tool we can use" is biometrics. They are a "huge step forward in increasing the integrity of the whole process." Soon, everyone can be checked against the 14 million record INS database (IDENT) containing fingerprints of overstays, criminal aliens, and EWIs.

Furey also felt that COs do need and have been getting more "systematic" training in how to interview to detect deception. He said that the expectations for the visa interview are unrealistic because you are asking the CO to "predict the future."

Furey sees visa waiver as a "weak link." See Richard Reid. Other weakness he sees is the U.S. passport. If he were AQ, he would recruit either a visa waiver country citizen or a U.S. citizen. U.S. cits don't need a passport to enter from the Western hemisphere, and this is a weakness.

Furey says his understanding is that DHS personnel abroad are just checking people against DHS databases, and he asks himself why they simply can't just make those databases available to the State people.

The fact that Furey thinks in these terms – looking for "weak links" in the visa and border security process – itself reflects a shift in thinking. Before 9-11, people involved in consular work knew their work affected border security, but considered their job to involve security concerns only as far as their checking the name check function in CLASS prior to adjudicating a visa (with whatever attendant security advisory opinion followed) and their role in the Visas Viper program. "Security" was not a Best Practice. Yet it would be terribly unfair to suggest that State's inattention to security led to 9-11. It was State who created the only true terrorist watchlist, and it was State who created the only worldwide automated border security system (CLASS and the CCD). It is not that consular staff at State did not concern themselves with security. Rather, consular personnel saw security as compartmentalized and injected into their work at the two discreet points – name check and viper – and were comfortable having security delegated to the National Security agencies providing information to those programs. Today, consular administrators view themselves as involved at all times in security and the search for "weak links."

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