

WebMemo



Published by The Heritage Foundation

No. 3241
May 4, 2011

Combating Passport Fraud: The Right Steps for the State Department

Jena Baker McNeill and Paul Rosenzweig

The Department of State is currently seeking public comment on its proposal to create a new biographical questionnaire for U.S. passport applicants. Reforms in the passport-issuance process are indeed necessary to prevent the misuse of passports by criminals and terrorists. However, the proposed questionnaire goes too far in requesting that all passport applicants fill out an extensive survey of their life details, ranging from whether an applicant's mother was employed to whether she received pre-natal or post-natal care.

Recognizing that there are legitimate situations in which a particular applicant might warrant additional scrutiny (e.g., an applicant lacking a birth certificate), the Administration should rethink the nature, scope, and application of the biographical questionnaire and design one that is reasonable in terms of data sought and from whom the information is requested. This should be accompanied by reforms in information sharing between the State Department and other federal agencies to better connect the dots in terrorism and criminal investigations. Finally, the Department of State should ensure that reforms in the passport process do not discourage legitimate travelers from traveling.

Passport Problems. The Government Accountability Office (GAO) accurately described the passport problem in a 2005 report entitled *State Department: Improvements Needed to Strengthen U.S. Passport Fraud Detection Efforts*. Six years later, the Department of State is still struggling to prevent

passport fraud. In 2010, the GAO conducted an undercover investigation during which it submitted seven fake passport applications. Of the seven applications, three passports were issued, two were issued but “recovered before delivery,” and two were denied. The GAO concluded that “State does not consistently use data verification and counterfeit detection techniques in its passport issuance process” and that gaps in information sharing between federal agencies still exist.

It is essential that the U.S. eliminate gaps in the issuance process. “Fraudulently obtained passports help enable criminals to conceal their movements and activities,” according to the GAO, and “[p]assport fraud is often intended to facilitate other crimes, including illegal immigration, drug trafficking, and alien smuggling.”

A Step Too Far. The GAO's examination of the passport-issuance process demonstrates loopholes that should be closed. This may, understandably, include revisions in the biographical questionnaire. It also may be essential that the State Department ask probing questions of particular applicants, especially those who fail to offer adequate documentation such as a birth certificate.

This paper, in its entirety, can be found at:
<http://report.heritage.org/wm3241>

Produced by the Douglas and Sarah Allison
Center for Foreign Policy Studies

Published by The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002-4999
(202) 546-4400 • heritage.org

Nothing written here is to be construed as necessarily reflecting
the views of The Heritage Foundation or as an attempt to
aid or hinder the passage of any bill before Congress.

However, the proposed questionnaire is too extensive and is nearly equivalent to a form one might fill out in seeking a government clearance. For instance, the proposed questionnaire would require applicants to answer:

- “Was there any religious or institutional recording of your birth or event occurring around the time of birth?”
- “Did your mother receive post-natal or pre-natal medical care?”
- “List your mother’s residence one year before your birth.”
- The date and place of birth of siblings, children, parents, and stepparents.

There is no need for the government to verify this level of information for all passport applicants, much less to do so for every applicant, given the limited resources available. This runs the real risk that the information collected will be nothing more than a massive data-collection exercise rather than an effective tool for screening out criminals and terrorists.

The Right Steps. The State Department, in conjunction with such other federal agencies as the Department of Homeland Security (DHS) and the Department of Justice (DOJ), should take the following steps:

- **Improve information sharing.** The Christmas Day plot after-action report demonstrated that there were still gaps in information sharing between federal agencies in terms of connecting the dots in intelligence. The Administration needs to fix this interagency problem and encourage the State Department and other U.S. law enforcement and intelligence agencies to share information better on both passport and visa-issuance matters. In particular, State Department passport data should be made readily avail-

able to DHS and DOJ for border screenings and terrorist investigations.

- **Examine the biographical questionnaire.** While the proposed biographical questionnaire is too intrusive for wholesale use for all passport applicants, changes may indeed be necessary to close gaps in the passport-issuance process. A revised proposal should be offered.
- **Expand the Visa Waiver Program.** Countries that are members of the Visa Waiver Program (VWP) are required to sign information-sharing agreements with the United States—one of which is an agreement to share information on lost and stolen passports. Such information can help the U.S. and its allies track down terrorists and criminals around the globe who are using fake or fraudulently obtained passports. The U.S. should support VWP expansion by switching to the use of a country’s overstays (the number of visitors who fail to leave the country when their visa expires) as a standard for admission rather than the visa refusal rate (a number based on the amount of visas rejected by U.S. consular officers because they suspect that an individual might be inclined to overstay his visa), which is a more subjective and therefore less reliable indicator of whether someone represents a security risk to the United States.

The accuracy and trustworthiness of passports and visas should be a global concern. Stopping bad guys from traveling is one the best ways to dismantle terrorist and criminal networks.

—*Jena Baker McNeill is Senior Policy Analyst for Homeland Security in the Douglas and Sarah Allison Center for Foreign Policy Studies, a division of the Kathryn and Shelby Cullom Davis Institute for International Studies, and Paul Rosenzweig is Visiting Fellow in the Center for Legal and Judicial Studies and the Allison Center at The Heritage Foundation.*