

# Declaration of Carson Wu

## DECLARATION OF CARSON WU

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I, Carson Wu, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am employed by the Department of State (Department) in the Bureau of Consular Affairs' Visa Services Office as the Acting Director of the Office of Screening, Analysis and Coordination (SAC). I joined the Department in 2004 as a Foreign Service Officer, serving in China, Thailand, India, Brazil, Afghanistan, the United Kingdom, and Washington, DC. I have been in my current position since 2022.
2. SAC is the Department's office with primary responsibility for screening noncitizens who apply for U.S. visas for potential security-related grounds of visa ineligibility. SAC coordinates with other bureaus within the Department, U.S. law enforcement and intelligence agencies, and other U.S. government partners on matters involving national security, technology transfer, counterintelligence, human rights violations, and U.S. sanctions. After coordinating with these other interested agencies, SAC analysts provide consular officers with Security Advisory Opinions (SAO) responses related to grounds of visa ineligibility and inadmissibility under section 212(a)(3) of the Immigration and Nationality Act (INA). The following declaration explains the SAO process and is based on information acquired by me in my official capacity in the performance of my official functions.

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## Background Interagency Vetting Processes

1. After September 11, 2001, the Department along with its federal intelligence agency and law enforcement partners engaged in a years-long effort to improve the collection, sharing, and utilization of terrorist identity and other critical national security information to inform the vetting of, *inter alia*, foreign nationals applying for immigrant and nonimmigrant visas to the United States. In response to numerous Executive Branch, Congressional, and Department initiatives, the Department in coordination with multiple federal partners has developed, implemented, and continuously refined a watch-listing and vetting enterprise in support of the Department's highest priority - to protect national security and the traveling public.

2. One of the lessons that the U.S. government internalized after September 11, 2001, is that it is essential to the national security of the United States that the security vetting apparatus, which supports a consular officer's decision to issue or refuse a visa, must have and review all necessary information to reach the right conclusion. Thus, the screening, analysis, and coordination, which underpins the SAO process, requires that each interested agency must have sufficient time to ensure the Department, which is the United States' first line of defense for the entry of foreign nationals who are applying for visas, has confidence in its recommendations to a consular officer regarding security-related grounds of visa ineligibility. Accordingly, the Department cannot truncate or circumvent the decision-making process.
3. The Department requires personal interviews for most applicants, employs analytic interviewing techniques, and incorporates multiple biographic and biometric checks in the visa process. Underpinning the process is a sophisticated global information technology network that shares data within the Department and with other federal law enforcement and intelligence agencies.
4. Every security-related visa review, from counterterrorism and counterproliferation, to espionage, requires the application of highly specialized subject matter expertise across multiple federal agencies, as well as the latest in automated review. When automated processes or the determination of a consular officer indicate a possible match between a visa application and derogatory information held in U.S. government records, an interagency process is launched to determine 1) whether the visa applicant is truly a match to the record, and 2) whether the information is both reliable and of a nature that will support a finding of ineligibility under the terrorism or other national security grounds in Section 212(a)(3) of the INA.

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## **Consular Officer Identifies Potential Security-Based Visa Ineligibility**

1. The Department views every visa decision as a national security and public safety decision. Therefore, the Department applies its security screening process to every visa applicant in all visa classifications.
2. Security screening begins when a visa applicant submits an online application form, whether a DS-160 for nonimmigrant applicants or a DS-260 for immigrant visa applicants. Consular officers, as well as our intelligence and law enforcement partners, analyze data in advance of the visa interview, including the detection of potential non-biographic links to derogatory information that is an indicia of potential visa ineligibilities.
3. When a visa applicant appears before a consular officer to make a visa application, the consular officer collects the visa applicant's fingerprints and confirms biographical data provided. Additionally, the applicant is required to answer the officer's questions related to the applicant's eligibility for a visa.
4. Before a visa may be issued, consular officers are required by statute to perform a check of automated lookout systems, which are used to help officers identify noncitizen visa applicants about whom the U.S. government may have information that indicates a possible basis of visa ineligibility.

5. All visa applicant data is screened against the Department's Consular Lookout and Support System ("CLASS"), an online database containing approximately **36 million records** of persons, including those found ineligible for visas and persons about whom exists derogatory information, drawn from records and sources throughout the U.S. government. CLASS is populated, in part, through an export of the Terrorist Screening Database and the federal terrorism watchlist. CLASS employs sophisticated name-searching algorithms to identify matches between visa applicants and derogatory information contained in CLASS.
6. Consular officers are also required to request SAOs for reasons other than a systems lookout. During the interview, consular officers also pursue case-relevant inquiries pertaining to the applicant's identity, qualifications for the particular visa category in question, prior visa applications or travel to the United States, and any information pertaining to possible grounds of visa ineligibilities, including security-related grounds of ineligibility under INA section 212(a)(3). The Department provides guidance to officers on certain factual predicates that may require additional security review. In any case where an officer uncovers facts that would require additional security vetting, the officer is required to submit an SAO to initiate additional security vetting. Officers also have discretion to request SAOs in any case where the officer concludes additional vetting is warranted.
7. Consular officers may not issue a visa unless they are satisfied that the applicant is eligible for the visa. In any case in which a SAO is required, a consular officer must wait for a response, which will provide a recommendation on whether sufficient information exists to support a security-related ineligibility finding.

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## SAC Resources and Operations

1. SAO requests submitted by consular officers are handled by one of two divisions in SAC: the Counterterrorism Division or the Screening Division.
2. The Counterterrorism Division consults with multiple law enforcement and national security agencies including the Department of Homeland Security, Federal Bureau of Investigation, Central Intelligence Agency, National Security Administration, and Department of Defense and other U.S. Government agencies on SAOs regarding possible espionage, terrorism, totalitarian party membership or other national security concerns. It also works closely on SAOs with other interested U.S. agencies.
3. The Counterterrorism Division has **22 analysts**, each assigned to review visa applicants from a particular country or region. Staffing this way allows the analysts to develop specialized subject matter expertise on unique security-threats relevant to the country or region covered. On the other hand, there are a limited number of analysts who specialize in each region of the world.

4. The Counterterrorism Division handles approximately **55,000 SAO requests annually**, down from approximately 115,000 SAO requests annually before moving nonimmigrant screening to the National Vetting Center platform. At present, the Counterterrorism Division has about **47,000 SAO requests pending**.
5. The Screening Division works with relevant Department offices and other U.S. agencies to render SAOs on security-issues other than terrorism and communism. The Screening Division has **15 analysts**, each assigned to different areas of specialization.
6. The Screening Division handles approximately **75,000 SAO requests annually**. At present, the Screening Division has about **19,000 SAO requests pending**.
7. When SAC receives a response from another agency indicating a security-related issue that could provide a basis for visa ineligibility, the SAC analysts must evaluate that information to determine if it rises to the level of a ground of visa ineligibility under 212(a)(3). If the analyst assesses that the derogatory information is sufficient to provide a basis for a visa ineligibility finding, the analyst will prepare a memo for Visa Office management approval, and subsequently will provide a recommendation to the consular officer who is responsible for making the final decision on visa eligibility. In cases where the Department analyst and officials at clearing partner agencies view the derogatory information differently, the matter may need to be elevated to the leadership of the respective agencies for resolution. Until the various agencies agree on the recommendation to provide the consular officer in the SAO, the consular officer cannot reopen the visa application.
8. Further, completion of SAO responses depends on the extent of review and coordination required, the amount of derogatory information, which other agencies have responsive information, the timing of when each partner agency completes its review, and a variety of other factors, such as emergent circumstances such as COVID, SAO request volume, or the need to facilitate travel in the national interest (e.g., for the U.S. government to comply with international obligations to facilitate travel to the United Nations) or to address emerging threats, and foreign policy priorities. Because of the complexity of this process, SAO requests can be neither addressed nor resolved in a first-in-first-out basis. That said, generally, security vetting is concluded in **75 percent** of visa cases requiring additional security vetting in approximately **120 days**. Security vetting is concluded in over **90 percent** of all cases requiring additional security vetting in **less than 24 months**.

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I declare under the penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge.

**/S/ Carson Wu**

**January 5, 2024**

Carson Wu Acting Director of Screening, Analysis and Coordination Bureau of Consular Affairs, Visa Office United States Department of State

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