

**1****Introduction: Factual Overview of the September 11 Border Story**

Terrorists travel for many reasons, including to train, communicate with other terrorists, collect funds, escape capture and interrogation, engage in surveillance of potential targets, and commit terrorist attacks.<sup>1</sup>

To avoid detection of their activities and objectives while engaging in travel that necessitates using a passport, terrorists devote extensive resources to acquiring and manipulating passports, entry and exit stamps, and visas. The al Qaeda terrorist organization was no exception. High-level members of al Qaeda were expert document forgers who taught other terrorists, including Mohamed Atta, the 9/11 ringleader, their tradecraft.<sup>2</sup>

The entry of the hijackers into the United States therefore represented the culmination of years of practice and experience in penetrating international borders. We introduce our monograph with a retelling of the September 11 events from the perspective of border security as we understand it today.

***The conspirators***

Twenty-six al Qaeda terrorist conspirators—eighteen Saudis, two Emiratis, one Egyptian, one Lebanese, one Moroccan, one Pakistani, and two Yemenis—sought to enter the United States and carry out a suicide mission.<sup>3</sup> The first of them began to acquire the means to enter two years and five months before the 9/11 attack.

***Intelligence about terrorist travel***

Three hijackers were known or knowable by intelligence authorities as al Qaeda terrorists in early 2000, but their biographical information was not fully developed and communicated to border authorities for watchlisting at U.S. consulates abroad (by the State Department) and at the border (by immigration and customs border inspectors). The travel plans of all three also were known or knowable in 2000, in part because of cooperation from Arab and Asian country intelligence services and border authorities.

The 19 hijackers used 364 aliases, including different spellings of their names and noms de guerre.<sup>4</sup> As they passed through various countries, their names were recorded by governments and their intelligence and border authorities.

Three were carrying Saudi passports containing a possible extremist indicator present in the passports of many al Qaeda and other terrorists entering the United States as early as the first World Trade Center attack in 1993. This indicator had not been analyzed by the CIA, FBI, or our border authorities for its significance. Indeed, passports seized by the FBI in terrorist investigations were not routinely made available to the CIA for analysis.

Two hijackers were carrying passports that had been manipulated in a fraudulent manner. They contained fraudulent entry-exit stamps (or cachets) probably inserted by al Qaeda travel document forgers to hide travel to Afghanistan for terrorist training. Our analysis of their travel patterns suggests that several more hijackers whose passports did not survive the attacks were likely to have had similar false stamps in their passports. The existence and significance of these stamps was not known to border authorities.

Two Saudis were carrying passports that might have been provided to them by a family member working in the Saudi passport ministry. The Saudi passport authority was rife with patronage and security weaknesses known by then to the State Department and CIA, but they were not the subject of intelligence analysis, diplomatic or security policy, or countermeasures.

### *Visas*

The 19 hijackers applied for 23 visas and obtained 22. Five other conspirators were denied U.S. visas. Two more obtained visas but did not participate in the attack for various reasons.

They began attempting to acquire U.S. visas in April 1999, two years and five months before the attack. Consular officers were unaware of the potential significance of an indicator of potential extremism present in some al Qaeda passports, had no information about fraudulent travel stamps that are associated with al Qaeda, and were not trained in terrorist travel tactics generally.

Two Yemenis were denied visas in Yemen for reasons of U.S. immigration law unrelated to terrorism. At the same time, two Saudi hijackers obtained visas in Saudi Arabia. When these two Saudis later showed up in Afghanistan, they were selected for the mission in part because they already had U.S. visas. Later, most of the operatives selected were Saudis, who had little difficulty obtaining visas.

In early 2000, four conspirators sought U.S. visas to learn how to become pilots in the plot. An Egyptian and a Lebanese obtained visas easily in Berlin, because they had established ties to Germany and so did not look like intending immigrants. Both presented new passports. A Yemeni who wanted to be a pilot was repeatedly turned down for a visa because he did not have strong ties to Germany, failed to complete the necessary paperwork, and looked like an intending immigrant.

Thirteen of the hijackers presented passports less than three weeks old when they applied for their visas, but the new passports caused no heightened scrutiny of their visa applications.

Two hijackers lied on their visa applications in detectable ways, but were not further questioned about those lies.

Two hijackers were interviewed for reasons unrelated to terrorism. Most simply had their applications approved and their passports stamped with a U.S. visa. Consular officers were not trained to detect terrorists in a visa interview. Terrorism concerns were handled through the watchlist, and all the conspirators' names were checked against the terrorist watchlist without producing a match.

One Saudi, one Moroccan, and one Pakistani were each denied visas for reasons unrelated to terrorism. The last conspirator, the Pakistani, was denied on August 27, 2001, in the United Arab Emirates.

The mastermind of the operation, Khalid Sheikh Mohammed, used a travel facilitator to acquire a visa on July 23, 2001, in Jeddah, Saudi Arabia, using an alias.

### *Ports of entry*

Once the operation was under way, the conspirators attempted to enter the United States 34 times over 21 months, through nine airports. They succeeded all but once. Border inspectors at U.S. airports were unaware of the potential significance of indicators of possible terrorist affiliation in conspirators' passports and had no information about fraudulent travel stamps possibly associated with al Qaeda. No inspectors or agents were trained in terrorist travel intelligence and document practices. The culture at the airports was one of travel facilitation and lax enforcement, with the exception of programs to interdict drug couriers and known criminals.

When they began to arrive at the U.S. airports in January 2000, the pilots traveled alone. With the exception of two of the hijackers, the "muscle" operatives arrived between late April and late June 2001. They came in groups of two or three, and in four cases were screened by the same inspector.

All but one of the hijackers presented visitor visas that immigration inspectors used to decide whether to admit them as tourists or on business. All but two of the nonpilots were admitted as tourists and were granted automatic six-month stays. This allowed them to maintain a legal immigration status through the end of the operation. One of the two nonpilots admitted on business was granted a one-month stay; he, along with another of the nonpilot operatives, was in violation of immigration law for months before the attack.

The one pilot who came in on a student visa never showed up for school, thereby violating the terms of his U.S. visa. Another of the pilots came in on a tourist visa yet began flight school immediately, also violating the terms of his U.S. visa. This pilot came in a total of seven times on a tourist visa while in school. In both cases, the pilots violated the law after their entry into the United States.

Five hijackers attempting entry were referred by primary inspectors for a more intensive review by secondary inspectors. One pilot was referred at two entries, in one case by a customs inspector trained to look for drug couriers, and in the other by an immigration inspector thinking the pilot might be an intending immigrant. One pilot was referred for having the wrong visa and one nonpilot hijacker for failing to have a visa. Two others were referred for failing to complete their arrival and customs forms and for being unable to communicate with the inspectors. No lookouts or visa revocations were posted alerting border authorities to the terrorist association of two of the hijackers until after each has entered the United States for the last time.

Four hijackers were admitted after the secondary inspectors who interviewed them were unable to, or did not, verify information supplied by the operative, misunderstood the law, or failed to follow procedures. One was interviewed at length by a border inspector. The inspector concluded, on the basis of his hostile and arrogant behavior and contradictory statements, that he was unlikely to comply with U.S. immigration law and posed a risk. He was denied entry. The inspector was backed up by his superior, but acted in the face of a general expectation of leniency toward Saudi citizens at that airport.

These entries occurred during a period when approximately 20 million people applied for visas, and more than 10 million people came into the United States through 220 airports of entry.

### *In the United States*

Three hijackers filed applications for change of status to extend their stays in the United States and stayed in compliance with U.S. immigration laws through September 2001. These were among nearly 600,000 new applications received in September 2000 and were added to a backlog of 3 million others. Two pilots attached the same supporting financial documents to their immigration benefit applications and were adjudicated by the same official in the summer of 2001.

The pending but unadjudicated benefits applications assisted two hijackers in persuading border inspectors to admit them during secondary inspections when they tried to reenter the United States. The adjudications were premised on the validity of their attendance at flight school, but in fact this school should not have been certified to accept foreign nationals. Another hijacker's application allowed him to stay in the United States legally for an extra six months.

While the applications were pending, one hijacker appeared at an Immigration and Naturalization Service (INS) office in Florida and requested a longer length of stay for a companion—possibly another hijacker—that would have enabled the other man to remain through September, when his own visa expired. The inspector refused that request, and realizing that the length of stay granted this hijacker during his secondary inspection was too long, rolled it back to midsummer 2001. The hijacker departed the United States in July and returned again ten days later, thereby acquiring a new length of stay that extended beyond September 11, 2001.

On August 23, 2001, the CIA provided biographical identification information about two of the hijackers to border and law enforcement authorities. The CIA and FBI considered the case important, but there was no way of knowing whether either hijacker was still in the country, because a border exit system Congress authorized in 1996 was never implemented.

One of the two overstayed his visa by less than six months. Without an exit system in place at the border tied to law enforcement databases, there was no way to establish with certainty that he remained in the United States. Thus, there was no risk that his immigration law violations would be visible to law enforcement, and there was no risk of immigration enforcement action of any kind.

### *Immediate response to the attacks*

Immediately after the 9/11 attacks, immigration and customs leadership jointly put in place their agencies' most stringent security precautions, in the process nearly shutting down our borders; the backed-up traffic at the land borders caused a commercial crisis. Because resources were already strained, thousands of other enforcement officials in the National Guard, Border Patrol, and state and local police were needed to help border authorities reduce wait times for those seeking U.S. entry for tourism or business.

Under Justice Department direction, the FBI and the INS initiated a series of counterterrorism-related security programs using immigration law violations as a predicate to interview, detain, and in many cases deport aliens from countries with possible ties to al Qaeda. Also at the urging of the Justice Department, the State

Department, together with the FBI, initiated a series of programs to heighten scrutiny of visa applicants from countries with an al Qaeda presence.

In the weeks after September 11, after the national airspace reopened, at least ten flights of Saudi nationals departed the United States. One flight sponsored by the Saudi government carried relatives of Saudi fugitive Usama Bin Ladin. Passengers on the flights were screened by the FBI prior to their departure, but allegations of high-level government involvement spurred theories that passengers received special treatment.

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<sup>1</sup> Intelligence report, interrogation of a detainee, Oct. 23, 2002. After Ramzi Binalshibh failed to obtain a U.S. visa in May 2001, Usama Bin Ladin (UBL) asked Binalshibh to act as a contact between himself and Mohamed Atta to relay operational details that were too sensitive to trust to telephone or email. His travel in this capacity illustrates the importance of “courier” travel to al Qaeda planning and operations. To facilitate his travel, KSM provided Binalshibh with a genuine Saudi passport in the name of Hasan Ali al Assiri and a round-trip ticket to Kuala Lumpur, Malaysia, where he was supposed to meet Atta. While in Kuala Lumpur, Binalshibh applied for a Yemeni passport. When Atta was delayed, Binalshibh went to Bangkok. Because Atta was still unable to meet him, Binalshibh traveled to Amsterdam on his Yemeni passport, took a train to Hamburg, and bought a ticket to Spain to meet Atta. Intelligence report, interrogation of a detainee, Oct. 1, 2002. Binalshibh finally met up with Atta in early July 2001 in Spain to discuss sensitive operational aspects of the 9/11 plot. Specifically, Binalshibh told Atta that UBL’s instructions were to attack the U.S. Congress, the World Trade Center, and the Pentagon, the “symbols of America.” Atta told Binalshibh, who passed the information to UBL through KSM, that planning had been completed with no problems and it could be operational in five to six weeks.

<sup>2</sup> CIA analytic report, Analysis of Passports, Nov. 20, 2002, p. 1, 3. Atta, who reportedly learned these techniques in Afghanistan, cleaned Ramzi Binalshibh’s passport of its Pakistani visa and travel cachets.

<sup>3</sup> In addition to the 19 hijackers, the seven other conspirators who sought visas were Mohamed al Kahtani (a Saudi), Saeed al Ghamdi (a Saudi, not the hijacker), Mushabib al Hamlan (a Saudi), Zakariya Essabar (a Moroccan), Ali Abdul Aziz Ali (a Pakistani), Ramzi Binalshibh (a Yemeni), and Tawfiq bin Attash (a Yemeni, also known as Khallad). An eighth individual who was a possible pilot in the 9/11 operation, Zacarias Moussaoui, entered under the Visa Waiver Program.

<sup>4</sup> CIA analytic report, “Name Variants and Aliases of 11 September Hijackers and Associates,” Mar.2004.