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An examination of U.S. consular services abroad focused on the effectiveness and efficiency with which assistance to Americans arrested or detained abroad and nonimmigrant visa issuance were being performed and identified ways these two services could be improved. The quality and level of consular assistance provided to U.S. citizens detained or arrested abroad can and should be improved. There is a need for: greater emphasis by the Department of State on this service, more timely notification of arrests by the host country, and better training for consular personnel. Nonimmigrant visa issuance procedures were weak at a number of posts, a fact that could contribute to the already large illegal alien population in this country. Because consular relations with some countries have not been established by consular treaties and some treaties are not as specific as would be desirable, consular personnel did not always have a firm basis for conducting their activities. Certain data used by the State Department to determine consular staffing requirements were not accurate, and criteria used for evaluating the need for constituent posts are not as specific as they could be. (RRS)

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Mr. Fisher

UNITED STATES GENERAL ACCOUNTING OFFICE
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STATEMENT OF
CHARLES D. HYLANDER, DEPUTY DIRECTOR, INTERNATIONAL DIVISION
BEFORE THE
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS
HOUSE COMMITTEE ON INTERNATIONAL RELATIONS
ON
U.S. CONSULAR SERVICES ABROAD
AND OTHER DEPARTMENT OF STATE
ACTIVITIES

Mr. Chairman and Members of the Subcommittee:

We are pleased to have the opportunity to discuss with you today our report entitled "Consular Services Abroad Can Be Improved; Process of Evaluating Need for Posts Questioned." This report is one of a series of studies we have done over the past several years concerning Department of State activities. Some of the other studies we have completed involving the Department relate to (1) benefits and allowances for U.S. employees overseas, (2) holiday administration at U.S. posts abroad, (3) Federal foreign language training programs, (4) compliance with the Foreign Gifts and Decorations Act of 1960, and (5) the program for resettlement of Soviet refugees. In addition we are currently reviewing the Department's Office of Foreign Buildings and United States' participation in the International Joint Commission. I shall briefly discuss each of these assignments after I have completed my statement on our consular services report.

Consular services have always been an important part of the activities at U.S. posts abroad and represent the primary justification for a number of U.S. consulates general, consulates, and consular agencies. Over the past several years increasing attention has been focused on consular services by the public, media, and Congress. This interest has resulted primarily from the rising level of demand for consular services as the number of U.S. citizens living and traveling abroad increases, and because of the increased concern about the number of illegal aliens in the United States.

Our report on consular services examines the effectiveness and efficiency with which assistance to Americans arrested or detained abroad and nonimmigrant visa issuance were being performed at U.S. posts abroad and identifies ways in which the performance of these two services can be improved. We also reviewed the general status of U.S. consular treaties, certain data used to determine consular staffing requirements, and the process used by the Department to evaluate the need for its constituent posts. Briefly, the major findings and conclusions contained in our report are:

1. The quality and level of consular assistance provided to U.S. citizens detained or arrested abroad can and should be improved. The problems we noted in this area were related primarily to the need for (1) greater emphasis by the Department on this service, (2) more timely notification of arrests by the host country, and (3) better training for consular personnel.

2. Nonimmigrant visa issuance procedures were weak at a number of posts, potentially contributing to the already significant illegal alien population in this country.
3. United States consular relations with some countries have not been established by consular treaties and some existing consular treaties are not as specific as would seem desirable. Thus, consular personnel did not always have a firm basis for conducting their activities.
4. Certain data used by the Department of State to determine consular staffing requirements was not accurate.
5. The criteria used by the Department of State for evaluating the need for its constituent posts--consulates general, consulates and consular agencies--is not as specific as it could be, thus making decisions on the need to maintain certain posts difficult.

I would now like to discuss each of these areas in more detail.

U.S. CITIZENS DETAINED
OR ARRESTED ABROAD

Since the early 1970's the number of U.S. citizens held in foreign jails has risen from an estimated 1,000 persons to about 2,200 in 1977. The majority of these persons were arrested on drug related offenses. It is estimated that, on the average, over 2,000 U.S. citizens will be held in jails abroad during 1978.

Prompt and effective consular assistance to U.S. citizens arrested abroad is important to assure that these individuals receive fair and

just treatment and to assure that their human rights are protected. We found that the level and quality of consular assistance to these persons could be improved. In some countries, problems arose because consular officers were not promptly notified when arrests occurred. In other instances, consular assistance was inadequate because consular personnel (1) accorded a low priority to these services, (2) did not follow established Department procedures, and (3) lacked sufficient training. This service was also affected by circumstances over which officers had little or no control, such as the integrity of local attorneys. The assistance provided and problems experienced varied in the countries we visited; the most significant problems noted were in Mexico.

Let me cite some specific examples of problems we noted.

Of 44 American prisoners we interviewed in Mexico, 35 stated they had requested Mexican officials to notify American consular officials of their arrest; however, only two stated that the consulate was promptly notified. Case files reviewed in Mexico City showed that consular officials most frequently learned of arrests through local newspapers. This occurred even though an existing consular treaty to which Mexico and the United States are party provides that such notification be made if requested by the arrestee. Early notification and prompt presence of a consular official were particularly important in Mexico because many Americans alleged that they were beaten or otherwise abused at the time of their arrest. Similar delays in notification of arrests occurred in Germany and India; however, mistreatment or abuse were not alleged.

In several countries we found that once the post was notified of an arrest, consular personnel did not in all cases promptly visit the arrestee, maintain a frequent visitation schedule, follow up on allegations of abuse, or maintain pertinent case records.

Other problems which affected the quality of consular assistance were (1) consular officers often were not familiar with the legal system of the country, (2) standard information packages were not always provided to prisoners, (3) consular officers had difficulty in preparing lists of reputable attorneys, (4) officers were assigned to arrest and detention work for relatively short periods of time, and (5) prisons were widely dispersed in some countries, making visits time-consuming.

A frequent complaint made by U.S. prisoners was that they were not receiving adequate diet or medical care. There was little consular personnel could do in these situations beyond assuring that Americans were receiving treatment similar to other prisoners or seeking donations to supplement prison food or medical care. However, with the passage of Public Law 95-45 on June 15, 1977, a program was established to provide emergency food and medical care to U.S. citizens incarcerated abroad. We believe this program, although difficult to administer, should help to alleviate prisoner concerns about diet and medical care.

We made several recommendations to the Department to help improve the quality of consular services. These related to the (1) training of consular personnel in host country legal systems, (2) providing information to arrestees on their legal and judicial rights, (3) assigning arrest and detention officers on a relatively long-term basis, and (4) assuring that the consular posts are adequately staffed.

In commenting on our report the Department said it was developing a major program to overcome the problems we had noted in this area; and it pointed to specific actions it was planning to initiate on our various recommendations such as developing a training program for consular personnel on comparative criminal law and preparation of information packages for arrestees. Once fully implemented we believe the actions planned by the Department should result in an improvement in the quality of consular services to U.S. citizens detained or arrested abroad. The Department, however, disagreed with the need for longer term assignments for consular officers in the arrest and detention area. We believe the Department needs to reassess its position especially in countries where special problems exist.

As you know, Mr. Clairman, in 1977 the United States and Mexico ratified a treaty providing for an exchange of prisoners. In December of 1977, approximately 235 Americans and 38 Mexicans were involved in the first transfer under this treaty. Department officials estimate that from 50 to 100 Americans will be transferred from Mexico during February 1978, leaving about 250 to 300 Americans in Mexican jails. Department officials believe that the American prisoner population will remain within that range in the coming years.

Another thing that has changed the American prisoner situation in Mexico was the decision by the Attorney General of Mexico to not press charges against persons found to have "small" amounts of drugs for personal use.

These developments should reduce the number of U.S. citizens in Mexican jails, thus reducing the consular workload. This should result in a better quality of service to the remaining Americans in Mexico's jails and to other Americans who will require assistance in the future.

NONIMMIGRANT VISA ISSUANCE

Now let me turn to the issuance of nonimmigrant visas. The Commissioner of the Immigration and Naturalization Service has estimated that 5 percent of the nonimmigrant visitors to this country each year become overstays, remaining here to work and live. Based on recent INS entry statistics this would represent an average of 300,000 persons per year. I believe this highlights the need for consular officers' to effectively screen nonimmigrant visa applicants.

The practices and procedures for reviewing nonimmigrant visa applications and interviewing applicants need to be improved to assure that applicants meet eligibility requirements. We found that officers in some countries had relatively little time to review documentation and to interview applicants and had limited experience and knowledge in visa issuance procedures. Procedures to ensure that an applicant was not previously ineligible for a visa were not always followed. Adequate control was not always maintained over visa issuance equipment thus enhancing the chances for inappropriate use of the equipment.

These problems appeared to be due to a lack of staff to handle visa applications in the expeditious manner that is currently required by

the Department. Posts in several countries seemed to be emphasizing rapid service at the expense of effective screening. Other problems resulted from the lack of attention to Department regulations or from the lack of supervision of local employees by American consular officers.

We made several recommendations aimed at correcting these problems, and we are hopeful the Department will act on them.

We believe that some potential exists for increased effectiveness and efficiency of nonimmigrant visa operations by consolidating these operations at one or two posts in a country. We recognize that certain conditions must exist in the country--such as a low incidence of fraud, and reliable mail and transportation systems.

We compared the nonimmigrant visa operations at the U.S. Embassy in London--which is a centralized issuance point for much of the United Kingdom--with the nonimmigrant visa operations in the Federal Republic of Germany--where visas are issued at several posts. After reducing our data to a comparable base, we noted that the operation in London was handled with about 25 percent less staff resources than in Germany. Although Department officials have expressed some reservations, we recommended that the Department study the feasibility of consolidating nonimmigrant visa operations in Germany and other selected countries. Since the Department is in the process of developing a costly automated visa issuance system, the need to consider centralizing visa operations seems appropriate and timely.

NEGOTIATION OF CONSULAR TREATIES

Consular treaties are important to the effectiveness of U.S. consular officers in countries abroad. Consular treaties are negotiated to define

the rights, privileges, exemptions, and immunities of consular officers and to provide a firm foundation for the conduct of consular relations. Consular treaties normally set forth the procedures by which consular officers can provide needed assistance to citizens of their countries who are traveling and/or residing in foreign countries.

We found that the lack of U.S. consular treaties with a number of countries and the vague provisions in some existing consular treaties may have affected the ability of consular officers to provide assistance to U.S. citizens--especially those who were arrested or detained--and have caused other consular problems. We believe this situation has occurred primarily because the State Department has not emphasized the negotiation of consular treaties or the updating of older consular treaties.

There are 27 countries with which the United States has diplomatic relations but no consular treaty agreements, and another 14 countries for which consular relations are only partially defined.

We recommended and the Department agreed that (1) existing consular treaties be periodically reviewed to identify those which need clarification or modification and (2) consular relations in countries with which the United States has no consular treaties be reviewed to determine the feasibility of negotiating such treaties.

DEVELOPING CONSULAR STAFFING REQUIREMENTS

The Bureau of Consular Affairs annually prepares a document called the Consular Package. The Consular Package concept was initiated in 1972 to assist in deciding how to allocate consular staffing resources

during the Department's budget process. Through the use of the Consular Package budget technique, the Department annually develops a data base enabling it to justify to the Congress its need for increased consular positions.

One of the significant data inputs for the Consular Package is the information submitted by overseas posts on consular workload and staff resources. These submissions include information on the number of immigrant and nonimmigrant visa cases processed, citizenship and passport services rendered, special consular services cases handled, and the amount of time spent on each consular activity by the consular officers and local employees. The yearly submissions are one of the principal means by which the posts request and justify changes in their consular personnel staffing levels.

We reviewed the Consular Package submissions at the posts visited and found numerous inaccuracies in the data, most of which were attributable to the absence of uniform data collection procedures and adequate instructions for preparing submissions.

To improve the quality of information in the Consular Package to enhance its value as a budgeting tool as well as for other management purposes, we recommended that the Department develop a uniform system for collecting and preparing data for post submissions. The Department told us that it was not satisfied with the accuracy of some data submitted by the posts and that it had taken steps to improve procedures for data collection, reporting, and analysis.

CRITERIA FOR EVALUATING
CONSTITUENT POSTS

The 127 U.S. constituent posts abroad consist of 64 consulates general, 48 consulates, and 15 consular agencies. Information provided by the posts we visited showed that the annual cost of maintaining the posts varied from about \$100,000 to over \$2 million (including employee salaries). In view of resource constraints, we believe that sound justification must exist for maintaining posts already established, and the need to open additional posts must undergo close scrutiny.

We believe that the need for posts in certain countries we visited was marginal; a Department study also identified a number of posts as being of marginal need. Department officials responsible for evaluating the need for posts said that the criteria is highly subjective making final determinations difficult. We were unable to conclusively determine the need for these posts because the criteria used for evaluating the need for posts lacked specificity.

We recognize that not all the factors that should be considered can be quantified or defined in measurable terms--such as political considerations. We also recognize that factors other than specific levels of work may sometimes justify a post. However, we feel many factors do lend themselves to quantification and measurability (such as volume or level of activity and number of U.S. citizens in area) and therefore should be more definitively expressed in the criteria used for evaluating the need for a post.

We recommended that the Department develop more specific criteria for determining the need for its constituent posts. We believe the criteria should be sufficiently detailed to establish, where possible, measurable standards against which the need for the post can be evaluated.

This concludes my comments on our consular services report. I would now like to briefly talk about some studies we have done or have in process relating to other Department of State activities. A listing of these studies is furnished as an attachment to my statement.

BENEFITS AND ALLOWANCES OVERSEAS

The first study deals with the benefits and allowances system for U.S. employees overseas. In the latter part of 1974 we issued a report recommending fundamental changes in order to achieve a more uniform and equitable system for providing benefits and allowances to Government civilian employees overseas. In it we noted that at least 50 different benefits, allowances, and privileges were available to these employees, depending on their post and circumstances. We found, among other things, many differences in types and amounts of allowances available and paid to U.S. civilian employees overseas in different agencies and within the same departments.

As a result of our review, an Inter-Agency Committee on Allowances and Benefits for U.S. Employees Overseas was formed, members of which came from 20 different agencies. The Inter-Agency Committee issued its report in June 1977, making over 70 recommendations. Some of the recommendations could be implemented through changes to current regulations while others require changes in legislation. In addition, two working groups were established, one to draft proposed legislation

and the other to work on a system to gather cost data and to determine where and for what reasons the allowances and benefits are being paid.

These committees are currently pursuing their missions.

HOLIDAY ADMINISTRATION OVERSEAS

We have also done work on the related matter of holiday administration overseas. On March 17, 1975, we reported to the Congress on the need for improving holiday administration overseas and said, among other things, that the degree to which holidays were being observed appeared to be inappropriate or very simply, too many holidays were being observed. Based on our recommendations the Department of State asked its diplomatic and consular posts to review their holiday observance policies in the light of our report.

In a recent followup report we noted there has been very little improvement since our earlier report; however, the Civil Service Commission has recently drafted proposed guidelines for observing holidays in foreign areas. We believe that the proposed guidelines are sufficiently flexible to cover the varying circumstances within and between foreign countries and specific enough in intent so that, if properly implemented, they should reduce the number of lost workdays.

FOREIGN LANGUAGE TRAINING

Another personnel-related matter that we have examined is the foreign language proficiency of Department employees. In June 1976 we reported on the progress made by the Department of State and the United States Information Agency in response to our January 22, 1973, report to the Congress, "Need to Improve Language Training Programs and Assignments for U.S. Government Personnel Overseas."

Our 1976 report pointed out that improvements were still needed in language training programs and assignments in order to meet requirements for language-trained personnel at posts abroad. This was evidenced by the significant number of language designated positions which were not staffed by officers with appropriate language skills. We made recommendations to improve (1) assignment planning for language designated positions, (2) identification of positions requiring language skills, and (3) post language training programs. In responding to our recommendations, the Department and the Information Service noted that actions were taken or planned which were responsive to our recommendations.

FOREIGN GIFTS AND DECORATIONS

During the past several years, we have been concerned about compliance with the Foreign Gifts and Decorations Act of 1960. In a March 1975 report we noted deficiencies in the Act and in the Department of State's implementing regulations. At that time we suggested legislative changes designed to strengthen the Act and made recommendations to the Department to improve the administration of the Act.

A followup review last year showed that the legislation had not yet been changed and the Department had taken little action on our recommendations. In our June 1977 report covering this matter, we again suggested changes in the legislation.

In August 1977, Public Law 95-105, the Foreign Relations Authorization Act for Fiscal Year 1978, was enacted. This legislation amended the provisions relative to the receipt and disposition of foreign gifts and decorations and made substantial changes in the existing law regulating

the acceptance and retention by Federal employees of gifts and decorations from foreign governments. These changes generally followed those recommended in our recent report.

SOVIET REFUGEES

Another State Department program we have reviewed relates to resettling Soviet refugees. The United States spent \$155 million from 1972 through 1976 on programs to assist in resettling Soviet refugees. For calendar years 1971 through 1976, 131,000 persons emigrated from the Soviet Union: 106,000 went to Israel and 25,000 to other countries--most to the United States. For the first 11 months of calendar year 1977, 7,400 persons emigrated from the Soviet Union to Israel, representing about half of those coming out of Russia. We reviewed the operation and administration of the resettlement processes in Israel and the United States, care and maintenance en route, and the immigration process for refugees coming to the United States.

Although the U.S. resettlement grants were a small part of the total funds used in resettling Soviet refugees in Israel, they nonetheless contributed significantly toward their resettlement. The program's authorizing legislation did not define what resettlement was to include, but in Israel resettlement comprised a comprehensive and sophisticated program designed to facilitate the transition of immigrants into Israeli society, encourage them to stay, and prevent them from socially and economically lagging behind the general Israeli population. Thus, the grant funds were used in a widely diverse manner.

In view of the broad interpretation and application given to resettlement in Israel, we suggested that the Congress might wish to establish

more specific criteria for the use of future grant funds. This would clarify the types of activities the Congress would like to support in the future. We also suggested that the Congress might wish to decide whether expenditures should be generally related to the number of refugees and to fund unusual requirements for such things as infra-structure separately.

OFFICE OF FOREIGN BUILDINGS

We also have two assignments in process that I should mention. The first relates to the Department of State's Office of Foreign Buildings. The Foreign Service Buildings Act of 1926 authorizes the Secretary of State to acquire real estate abroad. The Secretary is also authorized to alter, repair, and furnish such buildings. The Office of Foreign Buildings (FBO) carries out these responsibilities for the Secretary.

Our review is directed at the Department of State's system for managing and maintaining world-wide real estate holdings in order to carry out its foreign affairs activities. We are looking into such functions as FBO's planning activities, requirement determination factors, standards and criteria for building, buying versus the leasing of buildings, property maintenance and repairs, and the management information system used to keep abreast of the Department's world-wide real estate assets.

Our report which we expect to issue in March 1978, is expected to show that improvements are required in most of these areas.

INTERNATIONAL JOINT COMMISSION

The other study is a review of United States participation in the International Joint Commission. The International Joint Commission was

established under the Boundary Waters Treaty of 1909 to assist the United States and Canada in solving problems regarding the use of waters along their common border. The Commission is composed of three members from the United States and three members from Canada who are supported by respective Secretariats. The Commission is designed to approve applications to use boundary waters, investigate border problems, and monitor the implementation of Commission orders and recommendations.

In our report which we expect to issue next week, we are (1) suggesting changes in the method of funding the U.S. portion of studies and investigations made by the Commission and (2) pointing to the need to increase the staffing of the U.S. Secretariat.

This concludes my prepared statement. I would be glad to answer any questions you might have on the matters I have discussed.

A LISTING OF SELECTED UNITED STATES
GENERAL ACCOUNTING OFFICE REPORTS AND ONGOING ASSIGNMENTS
RELATED TO DEPARTMENT OF STATE ACTIVITIES

REPORTS

1. Report to the Congress: "Consular Services Abroad Can Be Improved: Process of Evaluating Need for Posts Questioned," ID-77-52, 12/29/77.
2. a. Report to the Congress: "Fundamental Changes Needed to Achieve A Uniform Government-Wide Overseas Benefits And Allowances System For U.S. Employees," B-180403, 9/09/74.
b. "Appendix Supplement To Fundamental Changes Needed to Achieve A Uniform Government-Wide Overseas Benefits and Allowances System For U.S. Employees," B-180403, 10/10/74.
3. a. Report to the Department of State: "Administration of Holidays Overseas," ID-78-7, 12/12/77.
b. Report to the Congress: "Holiday Administration Overseas: Improvement Needed To Achieve More Equitable Treatment of Employees," ID-75-42, 3/17/75.
4. a. Report to the Department of State and United States Information Agency: "Improvements Needed In Language Training And Assignments For Personnel Overseas," ID-76-19, 6/16/76.
b. Report to the Congress: "Need to Improve Language Training Programs And Assignments For U.S. Government Personnel Overseas," B-176049, 1/22/73.
5. a. Report to the Congress: "Actions Recommended To Make The Foreign Gifts And Decorations Act More Effective," ID-77-31, 6/23/77.
b. Report to the Senate Committee on Foreign Relations: "Proposals To Strengthen The Foreign Gifts and Decorations Act Of 1966," ID-75-51, 3/26/75.
6. Report to the Congress: "U.S. Assistance Provided For Resettling Soviet Refugees," ID-76-85, 5/20/77.

ONGOING ASSIGNMENTS

1. Review of the Office of Foreign Building and State Department's Management of Overseas Real Estate
2. Review of the United States Participation in the International Joint Commission