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## A wake-up call for the Senate

By Kris W. Kobach

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The revelation of the terrorist plot to bomb JFK Airport should be a jolting wake-up call to the U.S. Senate -- a reminder that the plotting of alien terrorists cannot be ignored as the Senate considers a massive amnesty for 12 million to 20 million illegal aliens.

The four alleged JFK Airport terrorists include two nationals of Guyana, one of Trinidad and one former Guyanan who was granted U.S. citizenship.

And let's not forget the accused Fort Dix Islamic terrorists who were arrested in May. Five were aliens from Yugoslavia and Jordan. A sixth, from Turkey, had obtained U.S. citizenship. Of the five aliens, three were illegals who had snuck across the border near Brownsville, Texas.

It is undeniable that our immigration policy is a central facet of our anti-terrorism policy. Virtually all of the terrorists targeting this country are aliens who need to be in the United States to carry out their attacks.

Unfortunately, the authors of the Kennedy amnesty bill don't see the connection between immigration laws and terrorism. As a result, the bill creates two wide-open doors for alien terrorists.

Before looking at these vulnerabilities, consider two things we know about the modus operandi of al Qaeda and other radical Islamic terrorist organizations: (1) they prefer to operate in the United States using the cover of a legal status if possible, and (2) they are adept at fraudulently obtaining legal status.

For example, all 19 September 11 hijackers entered the United States legally. They used their passports and visas as breeder documents to obtain 63 driver's licenses. With these valid IDs, they were able to travel openly and board airplanes easily. With legal status, a terrorist can operate with more freedom, secure in the knowledge that a traffic violation won't lead to deportation. He can also exit and re-enter the country, enabling international terrorist networks to support him more easily.

The ability of terrorists to obtain legal status by fraudulently applying for amnesty is also well established.

A case in point: Mahmoud "the Red" Abouhalima. He fraudulently obtained legal status under the 1986 amnesty that was supposed to be limited to seasonal agricultural workers. He was actually driving a cab in New York City. He was also a ringleader in the 1993 terrorist attacks against the World Trade Center, and he used his new legal status to travel abroad for terrorist training. His brother Mohammed -- a fellow terrorist involved in the plot -- also obtained legal status under the 1986 amnesty.

These are not isolated cases. A 2005 study by Janice Kephart, counsel to the September 11 commission, found that 59 out of 94 foreign-born terrorists (about two in three) successfully committed immigration fraud to acquire or adjust legal status.

So, we know that terrorists will seek amnesty under the Senate bill. Unfortunately, the legislation creates two huge doorways for them to get it.

First, the bill limits the government's ability to stop a terrorist operating under his real name, because it allows the government only one business day to do a "background check." If the U.S. Citizenship and Immigration Services (USCIS) adjudicator can't find any terrorist connection in time, the alien receives a probationary "Z" visa, allowing him to work and roam the country at will.

This might work if the government had a single, readily searchable database of all the world's terrorists. But we don't. Much information exists only on paper, while foreign governments are the source for other data. Twenty-four hours simply isn't enough time. It's a terrorist fast track.

Moreover, as a practical matter, the adjudicators wouldn't even have 24 hours. As the Government Accountability Office reported in 2006, USCIS is already stretched to the breaking point, receiving approximately 6 million applications for immigration benefits (asylum, green cards, etc.) annually. As a result, the GAO concluded, failure to detect fraud is already "an ongoing and serious problem." It's so bad that an informal "six-minute rule" is in place -- spend no more than six minutes looking at any application.

Assuming (conservatively) that 12 million illegal aliens apply for the amnesty within the year allowed, it would triple the annual workload, from 6 million applications to 18 million. Consequently, applications for the amnesty would receive only a few minutes of scrutiny. Terrorist applications would sail through.

The second doorway is just as troubling. The Senate bill also fails to stop terrorists who invent an entirely "clean" identity. Because the bill contains no requirement that the alien produce a secure foreign passport proving that he is who he says he is, terrorists will easily game the system.

A terrorist could walk into a USCIS office and offer a completely fictitious name -- one without any negative information associated with it. In other words, a terrorist could declare that his name is "Rumpelstiltskin," produce two easily forged scraps of paper indicating that he was in the country before Jan. 1, 2007, and walk out with a probationary Z visa -- complete with a government-issued ID card backing up his false identity.

Don't expect proponents of the bill to fix that loophole. The majority of the 12-20 million illegal aliens do not possess a passport. Requiring them to present one would disqualify too many aliens for the pro-amnesty crowd.

Consequently, dozens of terrorists will receive amnesty if the bill becomes law.

The bust of the JFK Airport terrorists is a timely alarm. Let's hope our Senators don't hit the snooze button.

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