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It's Too Easy for Terrorists

By Matt A. Mayer

At least four of the terrorists involved in last month's deadly Paris attacks were French citizens. This means that, under the terms of the Visa Waiver Program, they could have legally entered the U.S. with nothing more than their passports. After Paris the Obama administration [announced](#) updates to the program, such as better tracking of "past travel to countries constituting a terrorist safe haven" and "fines from \$5,000 to \$50,000 for air carriers that fail to verify a traveler's passport data." These measures aren't nearly enough.

The Visa Waiver Program allows as many as 20 million citizens from 38 countries—including Japan, Australia and much of Europe—to travel to the U.S. for up to 90 days without the extra layers of security attached to their procuring a visa at a U.S. consulate. The program has encouraged tourism and business that benefit America. It also allows Americans to travel abroad to these countries with minimal hassle.

But the program has two serious security gaps. The first is that the U.S. has become wholly dependent upon the competence and thoroughness of the countries that participate. Visitors' eligibility for entry under the Visa Waiver Program is determined by the Electronic System for Travel Authorization. But a 2012 [audit](#) by the Government Accountability Office found that roughly 364,000 people reached the U.S. in 2010 "without verified ESTA approval." This security gap, long ignored, has now become enormously important.

Over the past two years, thousands of European citizens have gone to Syria to fight with ISIS, and these killers are returning to Europe. Because they travel through covert channels, evading passport controls, in many cases European security agencies don't know who went where. These men and women can travel freely under the European Union's Schengen Agreement, which has done away with border controls among 26 European countries.

Getting into the Middle East from Europe—and back again to Europe—without being monitored by a European security agency has never been easier. And if these agencies don't know, we don't know. ISIS today is likely working hard to identify a group of Europeans who can reach America with only a perfunctory security check to launch an attack. That cannot be allowed to happen.

The second problem with the Visa Waiver Program is the ease with which Middle Eastern refugees arriving in Europe seem able to assume new identities. Press reports suggest that ISIS can produce forged documents, such as Syrian passports and

driver's licenses. We also know that refugees are discarding legitimate documents that would help identify who they really are and where they come from. After Paris, processing these refugees takes on new significance. Asking a terrorist if he has been to a certain country, such as Syria, is a mirage security measure.

One of the greatest security vulnerabilities is a "clean skin"—a real passport obtained using forged paperwork. Once a legitimate passport is procured, it is extremely difficult to discover who the holder really is. With the wave of refugees overwhelming European countries, which are struggling to process them and give them Western identification, the possibility of clean skins being granted is at an all-time high.

On Tuesday the House passed legislation to require anyone who traveled to Syria, Iraq, Iran or Sudan in the past five years to get a visa before entering the U.S. Congress should also adopt a Senate proposal requiring countries in the Visa Waiver Program to collect fingerprints from all travelers and for air carriers to send Homeland Security the Passenger Name Records (PNR) for all travelers headed here no later than 24 hours before their departure. And Congress should determine if the current PNR data collected is sufficient, or if additional data should be collected, even if this means tough new negotiations with the European Union.

These measures would enable the FBI and other three-letter security agencies to analyze biographical information and screen travelers against fingerprint databases. Consider, for example, a terrorist bomb-maker who remains at large after an attack. Law enforcement may not know his identity—but it likely will have his fingerprints from bomb fragments, and possibly where he made the bombs.

These changes may not catch a terrorist foot soldier. But they would increase the odds of detecting the masterminds and technicians who leave evidence of their activities.

The U.S. also needs to conduct a careful review of all 38 countries in the Visa Waiver Program. The goal? To determine if any should be excluded, based on the number of denied entries (a measure of the country's security strength), and the level of terrorist threats in them.

More broadly, the terrorist attack in San Bernardino raises questions about the security of the K1 visa, a permanent entry available for people married to American citizens. This

is how Tashfeen Malik gained entry to the U.S. A thorough review of this and other less obvious visas can help protect the country from dangerous visitors.

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