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By Deborah Tedford

MONTERREY, Mexico (Reuters) - U.S. Consulate staff in the Mexican border city of Nuevo Laredo who have been charged with conspiracy to commit visa fraud sold visas on the sidewalk at up to \$1,500 a time, according to a court document seen on Thursday.

An affidavit by an investigator in the case said that for four months, four employees -- one U.S. citizen and three Mexicans -- drummed up business on the street outside one of the busiest consulates on the U.S.-Mexico border. The document, seen by Reuters, said the accused sold non-immigrant visas for fees many times their actual \$100 cost. One of the men -- Mexican Sergio Ochoa Alarcon -- stopped people as they headed into the consulate for appointments, telling them he could make sure their visa applications were approved in return for a bribe, the affidavit says.

Last week, the State Department shut down the consulate's visa unit and agents of the diplomatic security service interviewed consulate employees.

The four have appeared in a federal court in Texas where they have not yet entered a plea.

Bond was set at \$150,000 for Miguel Partida, 41, a naturalized U.S. citizen. Ochoa, 31, and fellow-Mexicans Benjamin Antonio Ayala Morales, 34, and Ramon Alberto Torres Galvan, 34, are being held in federal custody.

Although the alleged crimes were committed in Mexico, the four were arrested in the United States and charged in Texas.

Security has been a priority along the 2,000-mile border since Sept. 11, but Consul Thomas Armbruster has said there was little risk that anyone who received a fraudulent visa posed a national security threat.

Agents with the diplomatic security service received numerous tips that an employee was involved in a visa-selling scheme before the investigation began in May, according to the affidavit by Special Agent James Burke.

After making contact with prospective customers outside, Ochoa allegedly went into the consulate and gave the names to Partida.

He steered the applicants to the desk manned by Ayala, where their applications would be taken and they would be photographed and fingerprinted, according to the affidavit.

Partida issued the visas without ever interviewing the applicants, it states.

"Once the visa was issued, the applicant would pay the predetermined fee to ... Ochoa outside the consulate," the document states. "Ochoa, in turn, would split this fee with ... Ayala" and Partida, it said.

Torres' alleged role is not outlined in the affidavit.

Across the border from Laredo, Texas, the consulate received more than 300,000 applications for non-immigrant visas from tourists, students, scholars and border residents during 2001.

U.S. officials say the consulate should reopen soon.

"We believe that the office will be ready to open for appointments by the end of the week," Armbruster said.

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## Court tells US to stay execution of three Mexicans

<http://www.guardian.co.uk/international/story/0,3604,889602,00.html>

Andrew Osborn.Thursday February 6, 2003

The Guardian The way in which America treats foreign nationals it sentences to death was called into question yesterday after the United Nations' highest court ordered Washington to stay the execution of three Mexicans on death row.

Siding with Mexico, which had complained that its citizens' legal rights were routinely flouted by the US authorities, the international court of justice meeting in the Hague demanded that the US "take all measures necessary" to ensure that the three men in question were not put to death. Last month Mexico asked the court to stay the execution of all 51 of its nationals on death row and order retrials because, it claimed, they had not been informed of their full legal rights after their arrests.

The UN court - popularly known as the world court - agreed to consider the Mexican claims and signalled that it did not want any Mexicans executed before it finished considering the case, which is likely to take years. It specifically ordered that three executions be stayed because, it said, the men were in danger of being put to death "in the coming months or possibly even weeks". At issue is America's adherence to the 1963 Vienna convention, under which foreign nationals arrested abroad must be informed of their right to speak to their consular officials without delay. In the case of Mexicans, it is alleged, this is not done.

The three men granted a reprieve by the unanimous ruling are Cesar Fierro, Roberto Ramos and Osvaldo Torres Aguilera, all of whom have exhausted every avenue of appeal. Mexico, which is opposed to the death penalty on principle, says it is particularly concerned about the case of Fierro. He has been on death row since 1980 when he was 22 and confessed to murdering a taxi driver in Texas. His confession was later found to have been coerced and the police involved were accused of perjury. The US could barely conceal its anger at yesterday's ruling. Clifford Sobel, the US ambassador to the Netherlands where the court is based, said it would be "premature" to say whether the US would even comply.

Although the world court's decisions are legally binding and in theory carry the full clout of the United Nations, it cannot enforce its decisions and the US has disregarded them in the past. "It is important to note that this is not a ruling on the merits of the case," said Mr Sobel, adding that the US justice department would carefully study the ruling and comment on it as soon as possible. The US had argued previously that any court interference in the case would effectively turn it into a "general criminal court of appeal" and claimed that its own sovereignty would be infringed.

If Mexico's wishes were granted, Washington had claimed, it would amount to "a sweeping prohibition on capital punishment for Mexican nationals in the US regardless of US law". But the world court flatly rejected those arguments yesterday and said it was not questioning America's right to impose the death penalty "for the most heinous crimes". Court officials said they expected America to comply. If it did not, a spokeswoman said, it could complain to the UN security council which could impose sanctions on America.

Prosecutors Call Tyson Smuggling Trial a Case of 'Corporate Greed' NY Times (registration req'd) (Feb 6, 2003)

## Opinion & Editorials.

Tyson, the food chain-store-giant was implicated for smuggling (across the border) cheap labor.

Two diplomats indicted in US\_for visa fraud\_other western embassies = File ?

US inspector tried to smuggle 200 Indians!

<http://headlines.sify.com/3064news5.html>

Sat, Apr 24, 2004

Newark: A federal airport inspector pleaded guilty on Friday in a scheme to smuggle nearly 200 Indian nationals into the United States through Newark Liberty International Airport.

Terence Walden, 35, pleaded guilty in U.S. District Court to taking a \$4,000 bribe from a smuggler who needed help getting illegal immigrants past inspectors from the US Customs and Border Protection agency.

In a court appearance before US District Court Judge Dennis M Cavanaugh, Walden, a senior inspector with the agency, admitted keeping half the bribe and giving the other half to another inspector, Otis L Rackley.

Rackley was charged last year and is awaiting trial on charges of conspiracy to encourage illegal aliens to come to the United States and accepting bribes.

"I don't think its lost on anyone the serious security issues raised in this corruption scheme among a small group of individuals tasked with guarding our borders," US Attorney Christopher Christie said.

Rackley and three others were arrested in December after an investigation that began when a confidential witness told federal agents that Rackley was using his position at the airport to illegally admit aliens into US.

One of the others charged, Chetna Pandya, 59, pleaded guilty earlier this month, admitting she paid Rackley to provide illegal aliens with immigration documents and to help whisk them through customs.

Two others, Sudhir Passi, 38, and Shripad Shrotri, 45, are awaiting trial on conspiracy charges.

Both Walden and Pandya face up to 15 years in prison when they are sentenced. Walden was released on \$50,000 bail until his Aug. 9 sentencing.

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Fake drivers licenses easy to obtain

By Bob Hager and Bob Sullivan, MSNBC and NBC News

<http://www.msnbc.com/news/962326.asp?vts=090820031935>

Armed with fictitious birth certificates, utility bills, out-of-state licenses and other falsified documents, congressional investigators easily convinced motor vehicle agency employees around the country to issue genuine drivers licenses, a security flaw that could open the door to future terrorist attacks, a government report to be released Tuesday says.

THE REPORT from the General Accounting Office, Congress' investigative arm, will be released Tuesday at a Senate hearing on national security. Agents operating undercover in seven states and the District of Columbia, ultimately obtained drivers licenses at every agency where they applied during the investigation, which began in July 2002.

Fake driver's licenses could enable terrorists to board airplanes or open bank accounts without detection, the report suggests.

"As far as driver's license issuing is concerned we're no more safe from terrorists than we were before September the 11th," said Sen. Charles Grassley, R-Iowa, chairman of the Senate Finance Committee, which is holding Tuesday's hearings.

"The findings showed me that there isn't a state in the nation geared up to being concerned about fake IDs before giving a driver's license."

Investigators used obviously fake documents which should have been easily identified, Grassley said.

"It's very, very easy to get fake documents," Grassley said. "The documents that were used in the investigation were meant to be clearly fake ... and yet every one of them got a license."

The report comes on the heels of a study released last week by the Federal Trade Commission indicating incidence of identity theft is much higher than government officials had previously believed. An FTC survey estimated that 3.3 million people were victims of full-blown identity theft last year. Another 6.7 million people were hit by credit card fraud and other account takeovers.

Tuesday's hearing could renew debate about a national identity cards, says privacy expert Rob Douglas, who is

scheduled to testify at the hearing, and has seen a draft of the report.

"It's horrific how easily they did some of this," he said.

## DOCUMENTS NOT CONFISCATED

In many of the eight locations, investigators were initially turned away by motor vehicle employees who initially spotted problems with the applicants' documents. But the fake paperwork was never confiscated and law enforcement officials were never notified. So the agents merely left the motor vehicle office, addressed the problems, and re-applied -- often on the same day -- with success.

In Virginia, the first state tested, an undercover agent was at first turned away because the birth date on the fake birth certificate didn't match the birthday associated with the fraudulent social security number. The clerk handed the paperwork back to the agent and "apologized for being unable to assist him," according to the report.

Six days later, the same agent went to another motor vehicle office with a new set of paperwork, making sure the birthdays matched. He got the license.

Getting a Maryland license proved a bit trickier, but agents were able to beat the system there on their third DMV visit. On first attempt, the DMV clerk noticed the fake birth certificate did not include a state or county seal, and the texture of the paper was suspicious. But again, the fake documents were returned to the agent -- in direct violation of a Maryland DMV policy which tells workers there to confiscate such documents and send a Teletype within 15 minutes alerting all state offices of the suspicious transaction, the GAO report says.

A week later, agents were turned down again by a Maryland DMV because employees there said the agent didn't have the required documents to establish Maryland residency. On third visit, armed with a utility bill, the agent got a license.

Given heightened security concerns since the Sept. 11, 2001, terrorist attacks, Sen. Max Baucus, D-Montana, said he was surprised by the lack of vigilance by motor vehicle agencies.

"I think most surprising, is that ... people are pretty casual at department of motor vehicles," Baucus, the committee's top Democrat, said. "I expected after 9-11 that people would be a little more vigilant and understand that driver's licenses are pretty important."

## THREE LICENSES IN TWO DAYS

The most serious vulnerabilities appeared in California, where agents managed to complete the process to receive three temporary state driver's licenses within two days using the same fake information. On one occasion, after one agent failed the standard eye test, a second agent stepped in for him, passed the eye test, then handed the successful results to the first agent, who had his photo taken for the license.

Simultaneously, a third investigator was using the same data on another line in the same office; he also was issued a temporary license.

"No one at the DMV noticed that two individuals were simultaneously using the same fictitious name and same fraudulent supporting paperwork," the report says.

And perhaps more troubling, that undercover agent had already received a temporary license a day earlier from a different location, using the same name. On Aug. 20 of last year, the agent supplied a fake out-of-state West Virginia license as verification of identity and managed to get the California license. On Aug. 21, using the same name but a fake Texas license, he got a California license again, even after the clerk noticed the agent had received a temporary license the day before. The agent simply said he'd lost the first license, and the DMV clerk issued a second California license "without questioning the story further."

Other locations that ultimately failed the GAO test: Washington D.C., South Carolina, Arizona, Michigan, and New York.

## TRY, TRY AGAIN

While agents did have initial trouble getting their fake licenses on their first try, Douglas said that's even more cause for concern.

"The shocking thing is most states picked up they were forged documents but never did anything about it," he said. "That means there is no risk to the person trying to obtain the false driver's license."

The test was very realistic, said Douglas, whose American Privacy Consultants firm advises banks and other financial institutions on identity theft. Criminals often probe security controls several times until they find the right formula for success.

"That's the way the real bad guys work. They keep ping-pong away, looking for the soft underbelly of the security procedure."

In the weeks after Sept. 11, state-issued identifications cards -- principally driver's licenses -- drew much attention from security experts as a systematic weakness. With each state issuing its own forms of identification, there are hundreds of acceptable forms of state-issued photo ID.

"If one can get a counterfeit driver's license so easily today, we've got to do something about that," Baucus said.

For some, national ID cards would go a long way toward solving the problem. Oracle CEO Larry Ellison offered to donate the software needed to create national ID cards soon after the Sept. 11 terrorist attack. Opponents say such a card would endanger civil liberties and give the federal government too much data about individual citizens and their whereabouts.

But Douglas said the current situation -- he thinks there are about 400 state ID formats currently -- is untenable.

"Behind the scenes we need to have standardization so an ID card from Virginia can be verified using the same software as an ID card from California. To me that's common sense," Douglas said. "Otherwise, there are forms of identification that most people in their own state can't recognize, much less neighboring states."

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