



## CHRISTMAS BOMBER AND REVOCATION OF VISAS

*Posted on January 3, 2010 by Cyrus Mehta*

It has now become acceptable wisdom that the State Department should have revoked the visa of the Nigerian, Mr. Abdulmutallab, who attempted to detonate a bomb on the flight to Detroit on Christmas Day. Here is an extract from a New York Times editorial, *The System Failed* (<http://tiny.cc/FwCPz>), dated December 29, 2009:

"What makes this so much worse is that officials had something they can't always expect: fair warning. In mid-November, Mr. Abdulmutallab's father, a prominent banker in Nigeria, went to the American Embassy in Abuja to ask for help and warn them of his son's increasing "radicalization." The State Department, working with other agencies, had the power to revoke the son's visa or put a temporary hold on it. Officials say the warning was insufficient. That seems like a very bad judgment call."

On hindsight, when we have 20-20 vision, it may have been a bad judgment call on the part of the State Department for failing to revoke his visa. But is the State Department to bear the brunt of the blame? I don't think so. Take for example the case of someone, say a national of Nigeria, who possesses an F-1 student visa and is studying at Harvard University. He has a personal feud with his spouse and her family while on vacation in Nigeria. Her spiteful father decides that the best way to nail him is to falsely report to the US Embassy that he has become increasingly radical by associating with extremist Muslim clerics. After the drubbing that the US Embassy got with the Christmas bomber, they will likely take no chances and revoke his visa. He gets stuck and cannot return to study at Harvard even though the report was false and baseless.

In a world that is increasingly fearful of that one individual who can cause mayhem and destruction, it is all too tempting to take away immigration benefits or to deport foreign nationals on mere suspicions. Clearly, there can

be other layers of safeguards before revoking immigration benefits on mere suspicions. The New Times editorial goes on to add:

"The embassy did pass on the father's information, as required, to the National Counterterrorism Center and the son's name was added to a database of 550,000 people with some alleged terrorist connections. Officials decided that the warning wasn't enough to put him on the list of 14,000 people subjected to more thorough airport searches or to the 4,000-person "no fly" list. That was clearly a very bad call."

I agree that this was a very bad call. There was that one additional layer, the National Counterterrorism Center, which could have connected the dots and differentiated between the bomber and our hypothetical student at Harvard who got caught up in a family feud and became the victim of a false allegation. Even our hypothetical situation is an extreme case, and one fears that fearful consuls will refuse visas on very flimsy grounds. After all, our government had intelligence that Al Qaeda in Yemen was planning to use a Nigerian to attack the U.S. Clearly, the screening machines at the airports too failed when they could not pick up 80 grams of PETN on Mr. Abdulmutallab. We need smart intelligence to keep out terrorists, and not rely solely on immigration policy to do the job.

While we are all concerned about our safety and security, I urge our government to give pause, even after this incident, and not needlessly revoke visas, take away immigration benefits or refuse to grant immigration benefits on mere hunches and suspicions, and without probing further and connecting the dots.