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Congressional Testimony

Testimony of Steve McCraw, Assistant Director of The Office of Intelligence, FBI Before the House Judiciary Subcommittee on Immigration, Border Security, and Claims on Consular ID Cards June 26, 2003 "Consular ID Cards in a Post-9/11 World"

Chairman Hostettler, Ranking Member Jackson-Lee, and Members of the Subcommittee, the Federal Bureau of Investigation is pleased to have the opportunity to appear before you today to discuss the important issue of consular ID cards. The Department of Justice and the FBI have been charged by the President, with the support of Congress, to protect the American people from the continuing threats of terrorism and the crimes associated therewith. It is in the context of our post-9/11 world that we present our views and concerns to the Subcommittee today.

Over the past two years, we have all seen a dramatically increased effort to promote and utilize consular ID cards as forms of identification for foreign nationals who are present in the United States. The Government of Mexico has been particularly aggressive in marketing the use of its consular ID card, the Matricula Consular. As a result of the extensive efforts to promote the use of the Matricula Consular, a number of other foreign countries are now considering the issuance of their own consular ID cards. The crucial element in the acceptance of any consular ID card is the ability to verify the actual true identity of the bearer of the card. In today's post-9/11 world, this element is all the more important because, in order to protect the American people, we must be able to determine whether an individual is who he purports to be. This is essential in our mission to identify potential terrorists, locate their means of financial support, and prevent acts of terrorism from occurring.

Since Mexico's Matricula Consular is currently the predominant consular ID card in existence, I will focus my comments today on this particular card. It is believed that consular ID cards are primarily being utilized by illegal aliens in the United States. Foreign nationals who are present in the U.S. legally have the ability to use various alternative forms of identification "most notably a passport" for the purposes of opening bank accounts, gaining access to federal facilities, boarding airplanes, and obtaining a state driver's license. In addition, foreign nationals who are present in the United States, either legally or illegally, have the ability to obtain a passport from their own country's embassy or consular office.

The U.S. Government has done an extensive amount of research on the Matricula Consular, to assess its viability as a reliable means of identification. The Department of Justice and the FBI have concluded that the Matricula Consular is not a reliable form of identification, due to the non-existence of any means of verifying the true identity of the card holder. The following are the primary problems with the Matricula Consular that allow criminals to fraudulently obtain the cards:

First, the Government of Mexico has no centralized database to coordinate the issuance of consular ID cards. This allows multiple cards to be issued under the same name, the same address, or with the same photograph.

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Second, the Government of Mexico has no interconnected databases to provide intra-consular communication to be able to verify who has or has not applied for or received a consular ID card.

Third, the Government of Mexico issues the card to anyone who can produce a Mexican birth certificate and one other form of identity, including documents of very low reliability. Mexican birth certificates are easy to forge and they are a major item on the product list of the fraudulent document trade currently flourishing across the country and around the world. A September 2002 bust of a document production operation in Washington state illustrated the size of this trade. A huge cache of fake Mexican birth certificates was discovered. It is our belief that the primary reason a market for these birth certificates exists is the demand for fraudulently-obtained Matricula Consular cards.

Fourth, in some locations, when an individual seeking a Matricula Consular is unable to produce any documents whatsoever, he will still be issued a Matricula Consular by the Mexican consular official, if he fills out a questionnaire and satisfies the official that he is who he purports to be.

In addition to being vulnerable to fraud, the Matricula Consular is also vulnerable to forgery. There have been several generations of the card; and even the newest version can be easily replicated, despite its security features. It is our estimate that more than 90 percent of Matricula Consular cards now in circulation are earlier versions of the card, which are little more than simple laminated cards without any security features.

As a result of these problems, there are two major criminal threats posed by the cards, and one potential terrorist threat.

The first criminal threat stems from the fact that the Matricula Consular can be a perfect breeder document for establishing a false identity. It is our understanding that as many as 13 states currently accept the Matricula Consular for the purpose of obtaining a drivers' license. Once in possession of a driver's license, a criminal is well on his way to using the false identity to facilitate a variety of crimes, from money laundering to check fraud. And of course, the false identity serves to conceal a criminal who is already being sought by law enforcement. Individuals have been arrested with multiple Matricula Consular cards in their possession, each with the same photograph, but with a different name. Matching these false Matriculas are false driver's licenses, also found in the criminals' possession. Such false identities are particularly useful to facilitate the crime of money laundering, as the criminal is able to establish one or more bank accounts under completely fictitious names. Accounts based upon such fraudulent premises greatly hamper money-laundering investigations once the criminal activity is discovered. As the Subcommittee is well aware, the FBI is particularly concerned about fraudulent financial transactions in the post 9/11 environment, given the fact that foreign terrorists often rely on money transferred from within the United States.

The second criminal threat is that of alien smuggling, a crime that has resulted in many deaths within the past year. Federal officials have arrested alien smugglers who have had as many as seven different Matricula Consular cards in their possession. The cards not only conceal the identity of the smuggler, they also serve as a magnet for the victims who are enticed to entrust their lives to the smugglers, believing that the Matricula Consular that awaits them will entitle them to all sorts of benefits within the United States.

These criminal threats are significant, but it is the terrorist threat presented by the Matricula Consular that is most worrisome. Federal officials have discovered individuals from many different countries in possession of the Matricula Consular card. Most of these individuals are

citizens of other Central or South American countries. However, at least one individual of Middle Eastern descent has also been arrested in possession of the Matricula Consular card. The ability of foreign nationals to use the Matricula Consular to create a well-documented, but fictitious, identity in the United States provides an opportunity for terrorists to move freely within the United States without triggering name-based watch lists that are disseminated to local police officers. It also allows them to board planes without revealing their true identity. All of these threats are in addition to the transfer of terrorist funds, mentioned earlier.

In addition, it is important to note that the White House Homeland Security Council is currently chairing an interagency working group that is developing recommendations on Federal policy for Federal acceptance of these cards as well as guidance to state and local governmental agencies on acceptance. The interagency group is examining policy for acceptance of all consular identification cards. They are also specifically examining counterfeit and fraud concerns with the Mexican consular identification card that would impact its acceptance for identification purposes. The Department of Justice is an active participant in that group.

The events of 9/11 forever changed our world. As unpleasant as it may be, we must face the realities of our current world as they relate to protecting the people of the United States. This requires continual vigilance, particularly when it comes to being able to detect and deter those who might abuse the system to directly cause harm, or those who might aid and abet the financing of terrorist operations. Thank you.

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