

CHRONOLOGY OF INS RESTRUCTURING

September 30, 1997	U. S. Commission on Immigration Reform (CIR) releases its report to Congress on "Becoming an American: Immigration and Immigrant Policy. Included in the report is the separation of the INS. (TAB J)
September 30, 1997	President Clinton establishes a working group lead by the Domestic Policy Council to evaluate the Commission's report and propose a plan that would improve the executive branch's administration of the Nation's immigration policy. Booz-Allen & Hamilton is hired by INS/DOJ to examine the Agency's structure and operations of INS.
March 9, 1998	Booz Allen & Hamilton releases final recommendations on the organization restructuring of INS – "A Framework for Change" set forth the guiding principles for a new INS structure. (TAB A)
March 24, 1998	Commissioner Meissner's communications to all INS employees on INS restructuring. (TAB C)
March 30, 1998	In compliance to P.L. 105-119 - the Attorney General Reno formally presents to Congress the Administration's plan to restructure the INS - to better enable the Service to accomplish its mission of enforcing the Nation's immigration laws. (TAB A)
March 31, 1998	Commissioner Meissner testifies before House Appropriations Subcommittee on Commerce, State, Justice on the Administration's plan to improve the functions of the INS. (TAB E)
March 31, 1998	Alexis Herman, Secretary of Labor and Madeleine K. Albright, Secretary of State endorses the Administration's plan to restructure the INS. (TAB A)

April 1, 1998	Congressman Watt sends letter to Chairman Smith urging the Chairman that any evaluation of proposals or extent of any such restructuring should be made by the Immigration and Claims Subcommittee of the House Judiciary Committee. (TAB H)
May 7, 1998	Booz Allen & Hamilton releases their final report – “Restructuring Workplan” on the organization restructuring of INS. (TAB J)
May 21, 1998	Commissioner Meissner testifies before the House Subcommittee on Immigration and Claims on “Alternative Proposals to Restructuring the Immigration and Naturalization Service”. (TAB E)
June 11, 1998	Commissioner Meissner testifies in a series of three hearings before the Senate Subcommittee on Immigration on “INS Reform: the Service-side” (TAB E)
July 17, 1998	Congressman Rogers introduces H.R. 4264, to establish the Bureau of Enforcement and Border Affairs within the Department of Justice. (TAB I)
July 29, 1998	Commissioner Meissner testifies before the Senate Subcommittee on Immigration on “INS Reform: the Enforcement-side” (TAB E)
July 29, 1998	On behalf of the Administration, the Department of Justice transmits to Congress a draft bill entitled, the “Immigration and Naturalization Service Restructuring Act of 1998.” (TAB B)
July 30, 1998	Congressman Watt introduces H. R. 4363, “Restructuring of the Immigration and Naturalization Service, and for other purposes.” (TAB B)
July 30, 1998	House Subcommittee on Immigration and Claims mark-up H. R. 4264, establish the Bureau of Enforcement and Border Affairs within the Department of Justice.
July 30, 1998	13 Members of the Congressional Hispanic Caucus sent letter to Chairman Smith, House Subcommittee on Immigration and Claims outlining its opposition to H. R. 4264. (TAB I)

August 4, 1998	Department of Justice sends letter to Chairman Hyde, House Judiciary Committee outlining its opposition to H. R. 4264. (TAB I)
August 21, 1998	INS contracted with <u>PricewaterhouseCoopers (PwC)</u> to <u>develop a plan for how the proposed INS would look and operate at all levels.</u>
August 31, 1998	Senator Kennedy introduces S. 2428, "Restructuring of the Immigration and Naturalization Service, and for other purposes". (TAB B)
September 16, 1998	Commissioner Meissner testifies before the Senate Subcommittee on Immigration on INS Reform: Detention Issues. (TAB E)
September 23, 1998	Senators Hatch, Leahy, Abraham and Kennedy sent letter to Chairman Gregg and Senator Hollings, Committee on Appropriations, Commerce, State, Justice outlining their intentions to fully reexamine the INS' functions and develop legislation. (TAB H)
October 7, 1998	16 Community Based Organizations sent letter to President Clinton expressing concerns and needs for hearings to facilitate bipartisan review and discussion on reorganizing the INS. (TAB H)
October 7, 1998	Commissioner Meissner announces Mr. <u>Robert Gardner</u> , Director, Office of Restructuring to <u>work with</u> PwC's proposal and <u>lead the next phase of the restructuring efforts.</u> (TAB D)
October 9, 1998	Senators <u>Bailey Hutchison and Domenici</u> sent letter to Majority Leader Lott <u>expressing opposition to legislation</u> that reorganizes the INS may be in the Omnibus Appropriations bill. (TAB)
October 12-23, 1998	PwC and Commissioner's Office Representatives Site Visits (Seattle, San Diego, Miami, New York-Newark, Burlington)
October 26-30 1998	Commissioner Meissner outlines INS restructuring proposal at annual Commissioner's Conference. (TAB C)

November 9-20, 1998	PwC facilitation of INS Employees Design Teams for Field Ideas (Two Teams Each: Enforcement, Shared Services, Immigrant Services)
December 16, 1998	First Meeting of PwC External Advisory Board
December-January	Design Analysis/Formulation of Options
March 1999	Detailing of Options
Late March 1999	Expected Submission of Detailed Option to Congress

THE WHITE HOUSE

WASHINGTON

March 30, 1998

The Honorable Harold Rogers
Chairman
Subcommittee on Commerce, Justice, State,
and the Judiciary
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

For the last several years, the Administration and Congress have shared the goal of significantly strengthening the Nation's immigration system. While the Immigration and Naturalization Service (INS) has made important progress, the Administration recognizes that the recent changes in the breadth and scope of the agency's mission require a rethinking of its structure.

In its report accompanying P.L. 105-119, the House Appropriations Committee directed the Attorney General to review the recommendations of the Commission on Immigration Reform (CIR) and develop a plan that would result in greater effectiveness and efficiency in the performance of the core functions of the Federal immigration system. The President, also responding to the CIR report, asked the Domestic Policy Council (DPC) to "evaluate carefully the [CIR] proposal and other reform options designed to improve the executive branch's administration of the Nation's immigration laws." In conducting this review, the DPC, working closely with the Office of Management and Budget, consulted with the Departments of Justice, Labor, and State, the INS, staff of the CIR, immigration experts and advocacy groups, and other White House offices, including the National Security Council.

The Administration review concluded that the CIR report correctly diagnosed many of INS' longstanding problems -- insufficient accountability between field offices and headquarters, competing priorities within field offices, lack of consistency, a need for greater professionalism, overlapping organizational relationships, and significant management weaknesses. These problems have hampered the ability of the INS to more effectively pursue the principal tasks that Congress and the Administration expect the INS to perform: effective enforcement of our immigration laws both at our borders and in the interior and the efficient provision of immigration and citizenship services. Improving the ability of the INS to pursue these critical priorities must be the guiding principle of any reform plan.

After careful consideration and study, we have concluded that the most effective way to adhere to this guiding principle is to implement dramatic and fundamental reforms within the INS. The Administration's reform plan will untangle the INS' overlapping and confusing organizational structure and replace it with two clear organizational chains of command -- one to accomplish its enforcement mission and the other to provide immigration-related services. By retaining both of these functions within a single agency, the Administration's reform plan will ensure that both the enforcement and service operations are appropriately coordinated and supported by headquarters. The Administration's reform plan will strengthen accountability and improve efficiency and effectiveness by allowing each of the two chains of command to focus on its unique requirements.

The key features of the Administration's plan are to:

- Effect an operational split between enforcement and services, resulting in two distinct, clear lines of authority from the field to headquarters, with an INS Commissioner continuing to be responsible for overall agency operations.
- Eliminate the current field structure in which district offices serve both enforcement and service functions, and replace it with separate enforcement and service offices that bring the right mix of staff and skills to local service caseloads and enforcement needs.
- Improve the quality of the workforce by creating separate enforcement and service career paths for INS employees, so that the best employees can move up the ladder and be rewarded for high performance.
- Restructure management operations to ensure an effective "shared support" operation (e.g., records and data management, technological support, employee relations, and administrative support) that will serve both the enforcement and the service sides of the agency.
- Establish a Chief Financial Officer to improve financial, accounting, and budget execution systems.

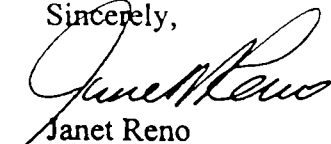
In addition to implementing the restructuring plan noted above, the Administration will continue its efforts to identify and take appropriate remedial action to eliminate any remaining areas of duplication or inadequate coordination between the INS and the Departments of Labor and State.

During its review, the Administration carefully evaluated the CIR recommendations. The CIR concluded that the INS' dual responsibility of welcoming legal immigrants and deterring illegal immigration has resulted in "mission overload." To address this issue, the CIR recommended disbanding the INS and reallocating its primary responsibilities to the Departments of Justice, State and Labor. We believe those recommendations would only compound the current problems with the Nation's immigration system.

First and most important, this reallocation would hinder the coordination and communication necessary to maintain the integrity and efficiency of both immigration enforcement and immigration service operations. To be most effective, all immigration policy and management should remain within one agency at the Justice Department. Second, such a substantial reallocation of authority could require a lengthy transition, exacerbating existing concerns about long delays in immigration activities.

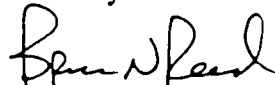
The Administration's plan is a fundamental change in the way the INS conducts business. The restructuring -- from top to bottom -- will address long-standing concerns about lines of authority and responsibility, consistency of policies and procedures, and performance within the INS. It will result in improved enforcement coordination, career paths that support greater professionalism, and measurable changes in the way INS provides services to the immigration community. Most important, it will greatly improve the ability of the INS to effectively and efficiently perform its duties. We look forward to working with you and other members of Congress to implement this restructuring plan and to ensure successful, long-term improvements in the Nation's immigration system.

Sincerely,



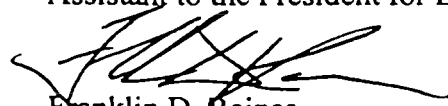
Janet Reno

Attorney General



Bruce N. Reed

Assistant to the President for Domestic Policy



Franklin D. Raines

Director

Office of Management and Budget

Enclosures

Identical Letters Sent To:

The Honorable Spencer Abraham
The Honorable Judd Gregg
The Honorable Ernest Hollings
The Honorable Edward Kennedy
The Honorable Alan Mollohan
The Honorable Lamar Smith
The Honorable Melvin Watt

A FRAMEWORK FOR CHANGE: The Immigration and Naturalization Service

Background

America has always been a nation of immigrants, and this Administration is proud of the significant progress we have made toward improving this Nation's immigration system. Over the last five years, the INS has worked hard to curtail illegal immigration through tougher border control, reform of a badly abused asylum system, and removing record numbers of criminal and other illegal aliens. The agency has also worked to redesign and strengthen the naturalization process. While the INS has made important progress, the Administration recognizes that the recent changes in the breadth and scope of the agency's mission require a rethinking of its structure.

In its final report to Congress last fall, the Commission on Immigration Reform (CIR) called for significant reform to our Nation's immigration system. The major thrust of the CIR's proposed reform would move many immigration functions to the Department of State and Labor and would consolidate all immigration enforcement into a new Federal law enforcement agency within the Department of Justice.

In response to the CIR's recommendations, the President asked the Domestic Policy Council (DPC) to "evaluate carefully the [CIR] proposal and other reform options designed to improve the executive branch's administration of the Nation's immigration laws." In conducting this review, the DPC, working closely with the Office of Management and Budget, consulted with the Departments of Justice, Labor, and State, CIR staff, immigration experts and advocacy groups, and other White House offices, including the National Security Council. This review examined organizational and restructuring options including those formulated by the CIR and members of Congress. From this effort, the Administration established a new framework for reform, and the Justice Department contracted with a management consulting firm to provide an independent assessment of structural options and assist in making the Administration's framework "operational."

The Administration's Framework for Change

The DPC review process concluded that the CIR report correctly diagnosed many of INS' longstanding problems -- insufficient accountability between field offices and headquarters, lack of consistency, need for greater professionalism, overlapping organizational relationships, and significant management weaknesses. These problems have hampered the INS' ability to effectively enforce our immigration laws both at our borders and in the interior, and efficiently provide immigration and citizenship services. Improving the ability of the INS to pursue these critical priorities must be the goal of any reform plan.

After careful consideration and study, the Administration concluded that the most effective way to achieve this goal is to implement dramatic and fundamental reforms *within* the INS. The Administration's reform plan untangles INS' overlapping and frequently confusing organizational structure and replaces it with two clear organizational chains of command -- one for accomplishing its enforcement mission and one for providing services. Each operation would be headed by an Executive Associate Commissioner (EAC) who would report directly to the Commissioner through the Deputy Commissioner.

The plan will eliminate the current field structure in which regional district offices serve both enforcement and service functions and will replace it with separate enforcement and service offices that bring the right mix of staff and skills to local service caseload and enforcement needs. The result will be an INS organization with strengthened accountability and improved efficiency and effectiveness. The plan will allow each operation to focus its unique knowledge, skills, and abilities, while also retaining the essential integration functions needed to coordinate these operations.

Improved Customer-Oriented Services

- **Creates new local service offices.** The new immigration services operation would locate new service offices in immigrant communities around the country. These offices would focus on providing efficient and effective service, while maintaining the integrity of application processing. The offices would provide a range of services including: providing information to applicants, taking fingerprints and photographs, testing, and interviewing. Depending on community needs, some offices would be configured as full-service centers and others could serve as satellite locations to perform specific functions. These new service facilities would have a standard "look and feel" with clear signs, comfortable waiting rooms, evening and weekend hours, and other customer-friendly features.
- **Establishes accountability and clear lines of authority.** The heads of the local service offices would report to an Area Service Director. The Area Service Director would report directly to the Executive Associate Commissioner for Immigration Services. Area Service Directors would have the flexibility to move case processing responsibilities among offices within their area to maximize efficiency.
- **Establishes clear standards for customer service.** The Area Service Directors would be held accountable for meeting a nationally-established standard for timely processing and courteous service at all locations throughout the area.

- **Offers high-tech answers.** This new framework provides high-tech ways for people to receive better service through remote service centers. As part of this restructuring effort, INS will re-examine the capabilities of the four service centers that handle the automated, bulk processing workload of the current district offices. These centers currently take applications, create electronic records of them, and conduct the pre-processing necessary before an examination is administered. Under the new structure, more work would be shifted to the service centers, thus allowing local offices to focus on core activities which require interaction with customers. In addition, the capabilities of the centralized phone centers which will provide information to applicants and the public will also be examined.

A Strengthened and Integrated Enforcement Operation

- **Establishing a single, coordinated enforcement function.** The plan creates an operational chain of command dedicated solely to immigration enforcement, focuses comprehensively on illegal immigration problems at the border, and establishes better linkages with interior enforcement through a single point of accountability for performance. This approach would strengthen professionalism and improve results. This structure also would ensure priorities are shared and allow close coordination of day-to-day operations among each enforcement discipline.
- **Integrating enforcement and strengthening accountability.** The new enforcement operations areas would combine all functions related to the enforcement of immigration laws. Each enforcement area would be organized according to four functions, and led by a single director. The Area Enforcement Director would report directly to the Executive Associate Commissioner for Enforcement.
- **Organizing enforcement areas by function.** The enforcement areas would be organized around four functional goals: managing the border; inspections and management at ports of entry; investigations and removals; and detention.
 - 1) Border Patrol. The Border Patrol would perform its current border management functions of deterring illegal immigration, apprehending illegal aliens, and working to dismantle smuggling rings.
 - 2) Inspectors. By putting inspectors in the enforcement chain of command, the plan recognizes the critical role that ports of entry play in INS' border management strategy. This would give the ports a stronger role in the enforcement side of the agency and inspectors a direct reporting relationship to the Area Enforcement Director.

3) Investigations and Removals. This plan would also bring investigators, intelligence officers, and deportation officers into one multi-disciplinary component to focus on removals and the pursuit of fraud, smuggling, and illegal employment at the workplace. Offices in the field would be located in areas with the greatest demand for those functions -- similar to the traditional Special or Resident Agent-in-Charge (SAC/RAC) law enforcement model used by the FBI.

4) Detention and Enforcement Support. This framework would improve the logistical coordination of transporting criminal and illegal aliens and detaining them in long-term facilities by centralizing the current district office detention and transportation operations. Under the new framework, this component would be better able to manage open bed space at INS and contract facilities and improve and monitor conditions at these facilities.

Shared Support

- **Providing the right tools.** The “shared support” operation (e.g., records and data management, technological support, employee relations, and administrative support) would serve as the administrative and technological backbone upon which both enforcement and service operations depend under the new framework. Under this new structural framework each side of the agency has the appropriate administrative and technological tools to do its jobs in the most efficient and cost-effective way. These would range from new computer software systems that are “user-friendly” for enforcement agents and service officers, to appropriate training to strengthen professionalism.
- **Improving accountability.** Under this restructuring plan the shared support function will be held accountable for meeting the needs of the enforcement and service operations in a timely and effective manner.
- **Managing essential records.** An important cohesive function of the shared support operation is the management of all of INS’ files and electronic databases. INS’ records are the foundation of its work -- whether in law enforcement or the provision of services to its customers. For example, the information contained in those records tells an INS deportation officer that an individual has overstayed his visa and the last address at which he might be found. It also tells an adjudicator whether a person has ever entered without inspection, therefore jeopardizing the alien's eligibility to become a legal permanent resident.

New "Strategy" Office

- **Setting priorities and assessing results.** The Administration's proposed structure includes the creation of a small, new "strategy" unit that would focus on setting priorities, long-range strategic planning, and policy development, as well as analyzing the effectiveness of their implementation. The unit would draw heavily on staff from headquarters and the field, as well as create subject area task forces to draw on the expertise of individuals accountable for each program.

New Chief Financial Officer Role

- **Enhancing accountability and efficiency.** The new structure establishes a Chief Financial Officer to ensure effective allocation, control, and monitoring of the agency's finances. This would enhance accountability for managing the agency's resources and ensure that immigrant services and enforcement have clearly separated and defined resource streams.

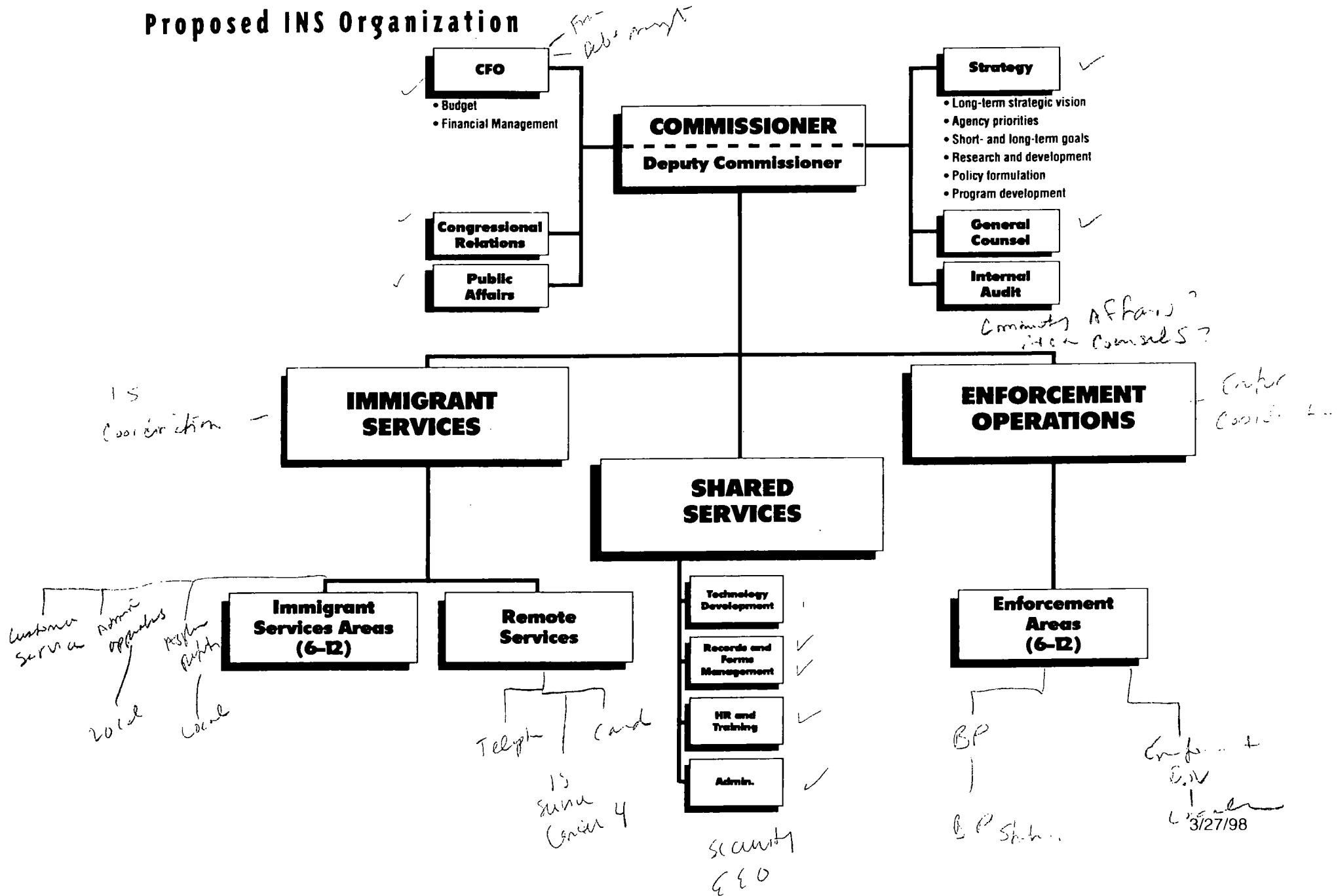
Other Management Improvements

INS recognizes that a fundamental restructuring is only one aspect of improving its ability to build a more effective organization. As part of its reform efforts, the agency also is planning management initiatives such as fundamentally redesigning outdated business processes and the creation of new training opportunities for employees.

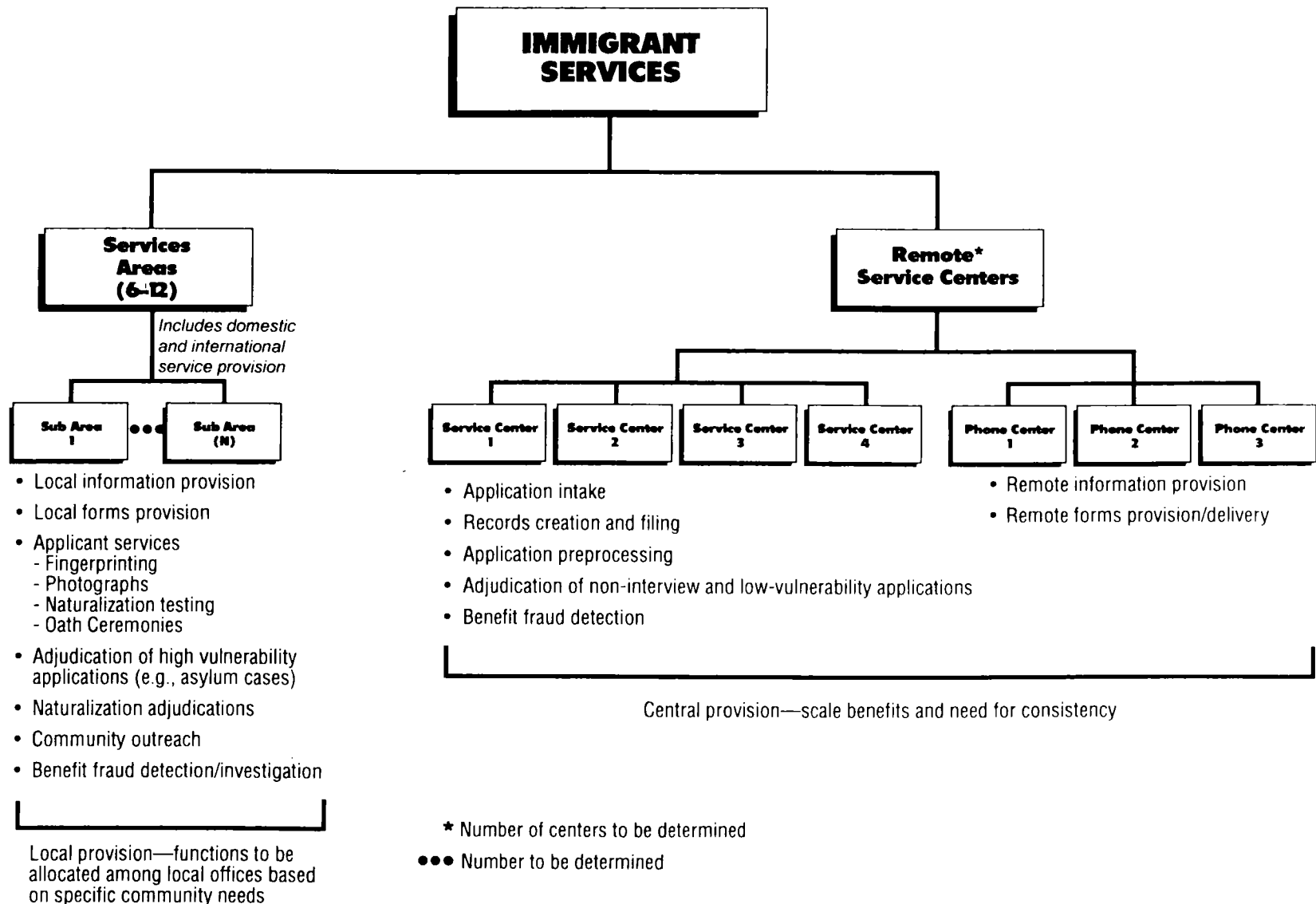
Conclusion

Preserving our country's tradition as a Nation of laws and a Nation of immigrants requires one agency with clearly defined operational lines of authority and accountability. This new structure will allow our Nation to better control its borders and provide improved service and benefits to the immigrant community. The Administration's plan is a bold initiative to strengthen the INS' capacity to accomplish this critical mission.

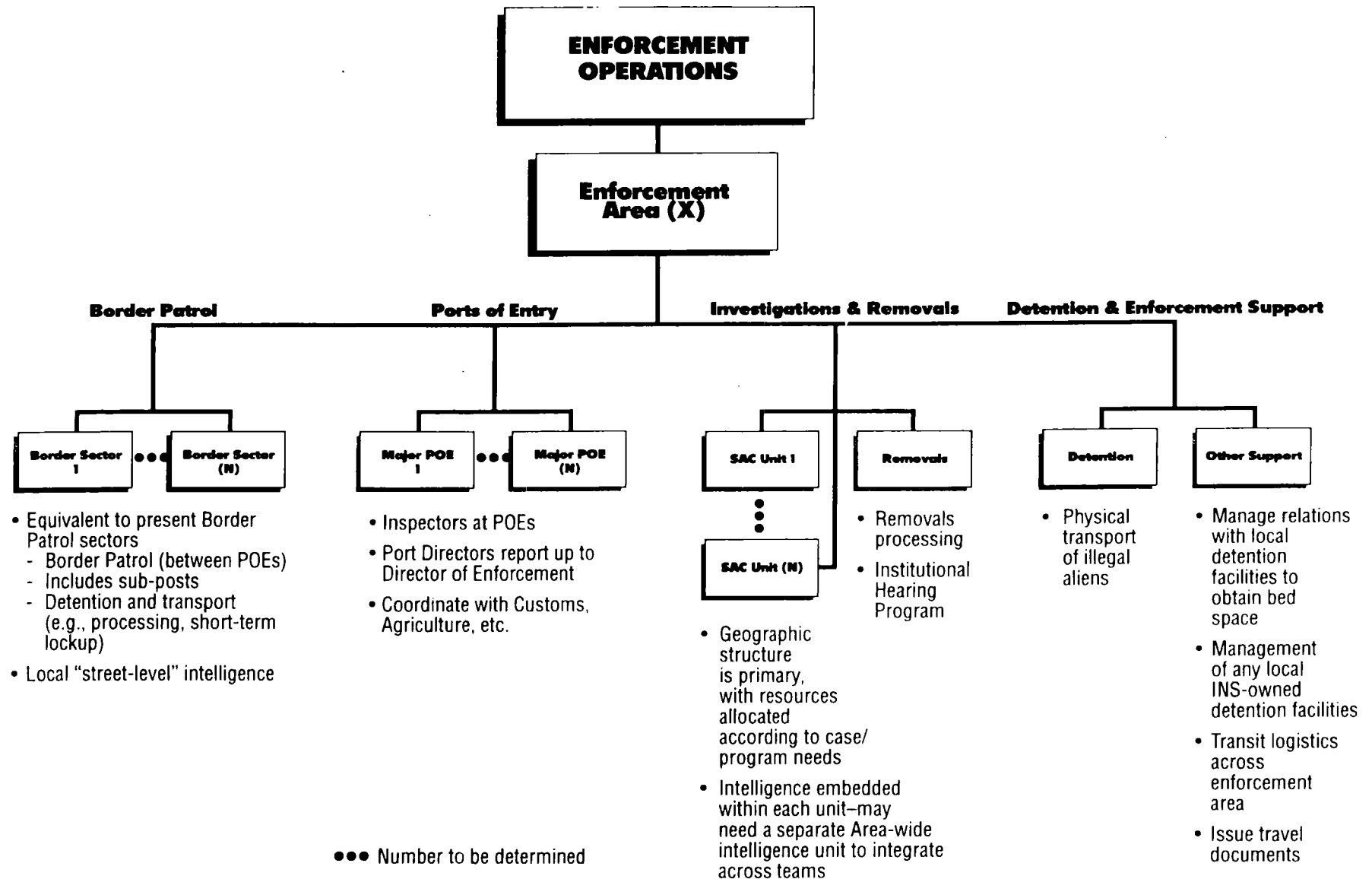
Proposed INS Organization



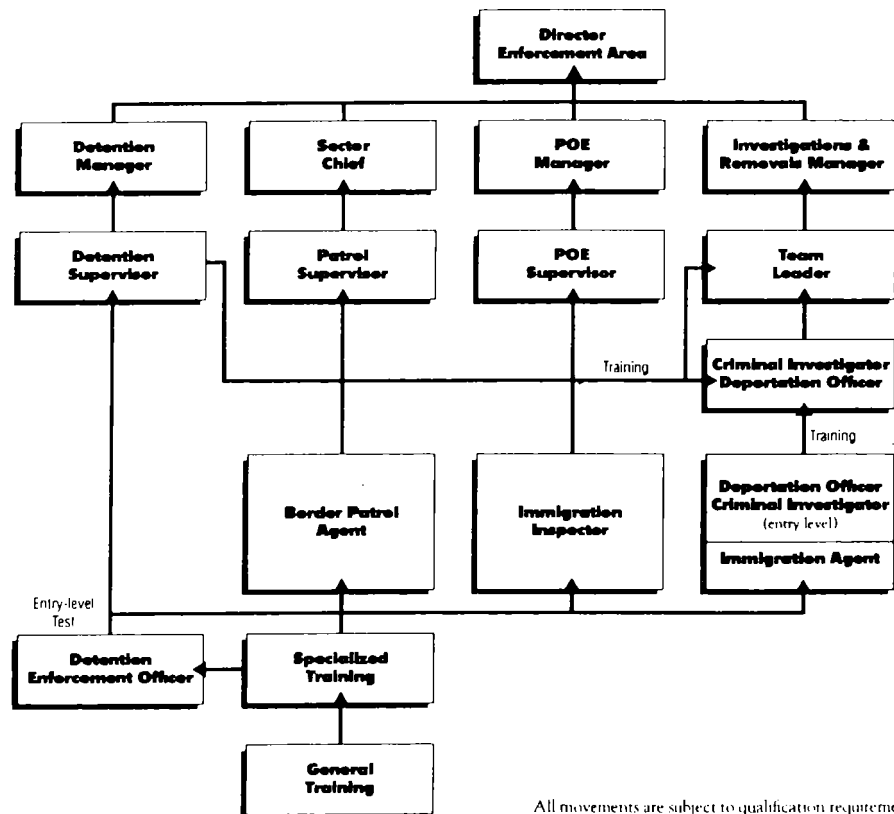
Immigrant Services Area Structure



Enforcement Area Structure

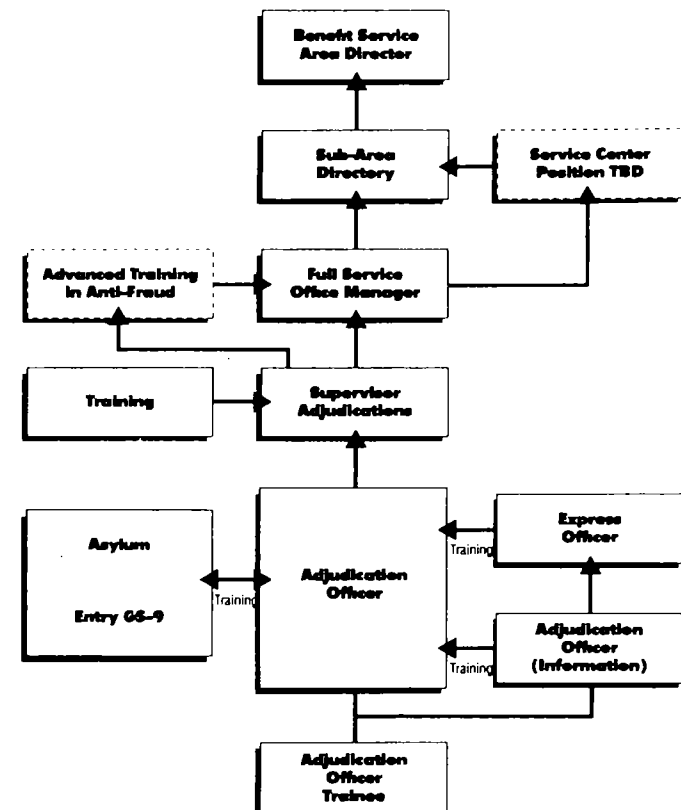


Proposed Enforcement Operations Career Path



All movements are subject to qualification requirements

Proposed Immigrant Services Career Path



Immigration and Naturalization Service (INS) Restructuring Plan

Questions and Answers

Q. What is the Administration's plan for restructuring the INS?

- A.** The Administration's restructuring plan will make federal immigration activities more effective by separating enforcement and service operations within the INS -- from headquarters to the field -- while preserving the necessary integrating functions for supporting and coordinating both operations. The key features of the Administration's plan are:
- Effect an operational split between enforcement and services, resulting in two distinct, clear lines of authority from the field to headquarters, with an INS Commissioner continuing to be responsible for overall agency operations.
 - Eliminate the current field structure in which district offices serve both enforcement and service functions, and replace it with separate enforcement and service offices that bring the right mix of staff and skills to local service caseloads and enforcement needs.
 - Restructure management operations to ensure an effective "shared support" operation (e.g., records and data management, technological support, employee relations, and administrative support) that will serve both the enforcement and the service sides of the agency.

The result will be an INS organization with strengthened accountability and improved efficiency and effectiveness. The plan will allow each operation to focus its unique knowledge, skills, and abilities, while also retaining the essential integration functions needed to coordinate these operations.

Q. Is the Administration's plan just another shuffling of the boxes within the current organization?

- A.** The Administration's plan is a fundamental change in the way the INS conducts business. It involves a total overhaul of both enforcement and service operations. One of the most dramatic features of this plan is the replacement of the district field structure with separate enforcement and service areas. This clear delineation of functions will address long-standing concerns about lines of authority and responsibility, consistency of operations, and performance within the INS. It will result in improved enforcement coordination and measurable changes in the way INS provides services to the immigrant community.

Q. The INS has long-standing, substantial problems. Why, then, did the Administration not follow the Commission on Immigration Reform (CIR) recommendation to dismantle the agency?

A. The CIR recognized the complexities of INS' dual responsibilities of welcoming legal immigrants and deterring illegal immigration. They believed that one agency responsible for both functions represented a weakness and resulted in "mission overload." To address this situation, the CIR recommended dismantling the agency and sending functions to the Department of Labor and State.

The Administration's plan recognizes the necessary integration between enforcement and services -- to operate effectively -- as a strength to be maintained within one agency and within the Department of Justice. The restructuring plan reflects that belief but untangles INS' overlapping and frequently confusing organizational structure and replaces it with two clear organizational chains of command -- one for accomplishing its enforcement mission and one for providing services. Each operation would be headed by an Executive Associate Commissioner (EAC) who would report directly to the Commissioner through the Deputy Commissioner. The plan also eliminates the current field structure in which regional district offices serve both enforcement and service functions and replaces it with separate enforcement and service offices that will bring the right mix of staff and skills to local service caseload and enforcement needs.

The Administration also recognizes that a fundamental restructuring is only one aspect of improving INS' ability to build a more effective organization. As part of its reform efforts, INS is planning management initiatives such as fundamentally redesigning outdated business processes, improving fiscal and accounting systems and establishing career paths and new training opportunities for employees.

Q. What process was used to development this restructuring proposal? What was the role of the Department of Justice and the White House? For what purpose was the management consultant -- Booz-Allen Hamilton -- engaged?

A. The President, upon the release of the final report of the CIR, directed the Domestic Policy Council to "carefully evaluate the [CIR] proposal and other reform options designed to improve the executive branch's administration of the Nation's immigration laws." The significant milestones in this process included:

- Senior officials from the Department of Justice and other Executive Branch agencies determined that the Administration's review, under the auspices of the Domestic Policy Council (DPC) should focus on developing a realistic and achievable restructuring proposal. The DPC was instructed to examine the strengths and weakness of the CIR recommendations and the legislative proposal introduced by Congressman Reyes as part of this review.
- The DPC held a series of meetings with representatives of the Departments of

Justice, Labor, and State, the Immigration and Naturalization Service, CIR staff and commissioners, Carnegie Foundation, and immigration advocacy groups to discuss organizational options and review the organizational recommendations in the CIR and Reyes proposals.

- The DPC, based on the finding of their review and working with the Office of Management and Budget, developed a series of principles for a restructured immigration operation including: 1) a single agency responsible for the conduct of both enforcement and service functions; 2) a separation of enforcement and service functions within this agency from the field through headquarters; 3) clear lines of authority, accountability, and responsibility; and 4) a policy development focus in headquarters with operations conducted by the field. These principles were outlined in the President's FY 1999 budget.
- These principles were elaborated into a organizational framework in consultation with INS, Justice and other affected agencies for comment. This framework became the foundation for the Administration's restructuring proposal.
- The Department of Justice contracted with Booz-Allen & Hamilton to develop the model into an operational plan for restructuring the INS. In conducting its review, Booz also reviewed the CIR and Reyes proposal and drew upon knowledge of the organizational structures of the FBI, Social Security Administration and U.S. Customs Service. They also studied INS mission requirements, and using an analytical model, concluded that a functional separation of INS' enforcement and service operations, while maintaining the strong linkage between these functions, was the best approach to restructuring the INS.

Q. Has the Department estimated the cost of implementing this restructuring plan? What is the estimated cost in FY 1999 and 2000?

A. Many elements of the INS restructuring plan have not been finalized, pending consultation with INS line managers on the development of an effective field structure and discussions with Congress on the scope and content of this restructuring proposal.

Resources requested in the President's FY 1999 budget include significant increases in enforcement related support and investments in enforcement and service infrastructure. These investments are necessary regardless of the organizational structure and will allow the INS to restructure without incurring significant additional costs. We believe that appropriation funding, as reflected in the Administration's budget estimates for the INS, will be adequate to support the Administration's restructuring plan. INS' fee structure was established -- and is being revised -- to reflect the full cost of providing immigrant services. Fees will be adjusted as necessary to meet future program costs. All future resource requests for the INS will be based on funding the growth necessary for the INS to meet its mission requirements.

Q. The Booz-Allen & Hamilton study recommends reclassifying inspectors as law enforcement personnel. Such a change would require legislation and provide law enforcement pay and benefits to INS inspectors. Does the Administration support this recommendation?

A. The CIR recommend that a single law enforcement officer job series be established that combined Border Patrol agents, inspectors, and detention officers into one uniform service. The Booz report recommends the reclassification of inspectors as enforcement positions.

The Administration's restructuring plan does not propose establishing a single INS uniform enforcement officer corps, as recommended by the CIR, or changing the classification of the inspector job series, as suggested by Booz. The plan consolidates the management and oversight of border management functions (Border Patrol, inspections, investigations and detention) under area enforcement directors, who in turn report to an Executive Associate Commissioner for Enforcement in a single chain of command. The plan envisions a career path for INS enforcement occupations that supports this consolidation.

The INS is reviewing options to ensure law enforcement officers, with similar duties, receive comparable pay and benefits. This study will provide a clear assessment of pay disparities between enforcement agents performing similar tasks and provide guidance to promote increased professionalism and positive morale. Since the issue of inspector pay and benefits affects not only INS but other federal agencies, INS will work with the Office of Personnel Management as it analyzes inspector compensation issues.

Q. What is the reporting chain of command for the Border Patrol? Under the Administration's plan does the Border Patrol continue to have a secondary reporting relationship to the Border Patrol Chief or will Border Patrol sectors report through similar chains of command as inspectors, investigator and detention officers?

A. Establishing clear lines of authority and accountability are key principles of this restructuring plan. The restructuring proposal creates an Executive Associate Commissioner for Enforcement (EACE) who reports to the Commissioner. The EACE is responsible for the management and coordination of all INS enforcement operations including the Border Patrol, inspections, detention and investigations. The Chief of the Border Patrol will serve under the Executive Associate Commissioner and assist in the management of all enforcement operations. Also under the EACE will be operational area enforcement directors (AED) responsible for geographic subdivisions across the nation. The AEDs will be responsible for the line-management of enforcement activities within a specific geographic area including Border Patrol sectors, ports-of-entry, detention and interior enforcement.

The restructuring proposal will ensure a clear chain of command within enforcement operations. Border Patrol agents will report to Border Patrol sector chiefs; chiefs will report to their respective EAD; and EADs will report to the EACE. In the Administration's restructuring proposal, the Border Patrol Chief will be the direct chain of command for Border Patrol agents.

Q. Does the Administration's plan differ from the Booz-Allen & Hamilton report on INS restructuring in any way? If so, why did the Administration choose to ignore the advice of its own consultant?

A. The management consulting firm of Booz-Allen & Hamilton reviewed the organizational structure of other Federal agency with comparable functions (Customs, Social Security and FBI) and the recommendations of the CIR to assist the Administration in making its restructuring framework "operational." The Booz report has proposed a number of recommendations which are not incorporated in the final plan.

A significant Booz recommendation, which is not part of the restructuring proposal, is to reclassify INS inspectors as law enforcement officers. Before such a recommendation can be considered, the INS must analyze inspector compensation and benefit issues and compare work responsibilities with other law enforcement personnel. Such a proposal will impact on other agencies besides the INS and as a result must be developed in consultation with and approved by the Office of Personnel Management. INS has not conducted this review at this time. The Administration, however, is reviewing a Department of Justice proposal to ensure that inspectors are treated comparably regarding pay and benefits.

In addition, the sub-headquarters field organization proposed for enforcement and services has not been fully developed. To implement a successful field structure reorganization will require the involvement and expertise of INS employees and managers. These individuals know how enforcement and service operations work on the ground. Before the INS field structure can be finalized this knowledge must be incorporated into the Administration's plan. This process, part of the proposed phased implementation of the restructuring plan, will ensure employee buy-in on the reorganization concept and a field structure that works.

INS TAKES NEXT STEPS TOWARDS COMPREHENSIVE RESTRUCTURING

Background

- The Immigration and Naturalization Service has entered a contract with PricewaterhouseCoopers to begin the first formal phase of the strategic restructuring of the Service that when complete will result in a new, improved INS.
- The INS has begun to improve the way it does business -- with the desire to improve its delivery of immigrant services and to strengthen its enforcement of the U.S. immigration laws.
- However, much work remains to be done. As the INS is charged with an ever-increasing benefit services caseload and unprecedented demands on its enforcement role, it has undergone an explosive growth in staffing and experienced a severe strain on its organizational structure. In order to best meet these challenges and to prepare for the new demands of the 21st century, the Service has engaged in a comprehensive reexamination of its core operations and infrastructure.
- Over the course of the last several years, several plans to reorganize the INS have been proposed by various stakeholders including the report of the Commission on Immigration Reform last fall and those recently presented by Members of Congress. The INS has valued the ideas contained within the various plans and agreed with the need for significant change.
- As a result, the Administration, working with the assistance of Booz-Allen, unveiled its proposal for a new INS earlier this year. *A Framework for Change* set forth the guiding principles for a new INS structure -- one that clearly separates the agency's enforcement and service functions so as to create two distinct lines of authority from the field to headquarters. The Administration's proposal will strengthen accountability and improve efficiency and effectiveness by allowing each of the two chains of command to focus on its unique requirements.
- Key features of the Administration Plan are to:
 - Create two clear chains of command to focus on the INS' distinct enforcement mission and its provision of immigration services.
 - Eliminate the current field structure in which district offices serve both enforcement and service functions, and replace it with separate enforcement and service offices.

- Improve the quality of the workforce by creating separate enforcement and service career paths for INS employees.
 - Restructure management operations to ensure an effective "shared support" operation that will serve both the enforcement and service sides of the agency.
 - Establish a Chief Financial Officer
 - Improve coordination with the Departments of Labor and State
- In improving customer-oriented services, the new framework would establish accountability and clear lines of authority, establish clear standards for customer service, bring in the right technology for better servicing, and create new local service offices to better reach those most in need.
 - In strengthening enforcement operations, the new framework would establish a separate operational chain of command for enforcement to better coordinate immigration enforcement both at the border and in the interior, would integrate the many enforcement areas into this single command, and would consolidate enforcement areas by function.
 - In short, preliminary planning efforts have reinforced the need to move to a division of the agency's structure to correlate with its two distinct missions. The next step is to engage in the detailed planning of the Administration's reform proposal.

INS-PricewaterhouseCoopers Partnership

- Assisting INS in its detailed planning will be PricewaterhouseCoopers -- a proven leader in the management consulting business that has worked extensively with the INS in the past in redesigning its records processing, helping create a new examination and user fee structure, and facilitating an improved process for the transportation of criminal aliens.
- Most recently, PricewaterhouseCoopers has been working with the INS on its top priority -- the redesign of its naturalization process. The naturalization management reforms are expected to greatly improve customer service while safeguarding the integrity of the process.

Two Step Restructuring Process

- The INS has contracted for management support for a two tier process -- a detailed planning phase and, once approved, a comprehensive implementation phase.
- The first phase of the restructuring will be the most comprehensive effort undertaken to date and is expected to take six months. Working with designated INS personnel, PricewaterhouseCoopers will engage in the detailed planning of how the new INS will look and operate at all levels and develop an implementation plan -- a true blueprint for action -- with a clear timeline for action in Phase II.

- Major action items to be completed in Phase I include:
 - solicitation of additional views and ideas of various stakeholders on reform plan
 - interviews of key INS management personnel and data collection
 - development of detailed implementation plan
 - development of comprehensive change management strategy
 - development of staffing patterns for offices in both Headquarters and the Field
 - redesign of key operational processes
 - restructuring of senior management positions and career paths
- Upon successful completion of this first phase of detailed planning, the INS will be ready to engage in consultations with Congress and other stakeholders about how best to proceed with the implementation phase of its restructuring.
- INS is confident that it will benefit from the same strong quality of services that PricewaterhouseCoopers has provided in the past and will emerge stronger and better equipped to meet its increased responsibilities as it enters the 21st century.

***Restructuring and Reform of the Immigration and Naturalization Service (INS)
Comparison of the Administration and Commission on Immigration Reform (CIR) Proposals***

<i>CIR Recommendation</i>	<i>Administration Restructuring Proposal</i>	<i>Rationale</i>
<i>Immigration Enforcement:</i> Places responsibility for immigration enforcement at the border and in the interior of the U.S. in a new Bureau for Immigration Enforcement at the Department of Justice (DOJ).	Within the INS an Executive Associate Commissioner (EAC) for Enforcement Operations will be established with line responsibilities for all enforcement functions (Border Patrol, inspections, investigations, detention, and intelligence) reporting directly to the INS Deputy Commissioner/Commissioner. This functional split between enforcement and service operations extends from the field right to headquarters.	Consolidates border and interior enforcement into a single enforcement unit, while preserving integration/synergy between enforcement and service functions by keeping them within the INS. Establishes clear lines of authority and divisions of responsibility between these two operations. Maintains a single immigration focal point within the Department of Justice.
Bureau Director appointed for a set term (5-years).	INS Commissioner remains a Presidential appointee with no set term.	Ensures agency-head has the confidence of the Attorney General and President.
Bureau personnel should be upgraded to receive law enforcement pay and benefits commensurate with those of other DOJ law enforcement components.	The INS is reviewing pay options to ensure law enforcement officers, with similar duties, receive comparable pay and benefits.	The study will provide a clear assessment of pay disparities between enforcement agents performing similar tasks and provide guidance to promote increased professionalism and positive morale.
Establish a Uniformed Service Enforcement Branch that merges INS Inspectors, Border Patrol and detention offices into one uniformed service. Investigations/intelligence would constitute a "white-collar" division within this new bureau.	Consolidates all enforcement functions under area enforcement directors, but maintains distinct functions of Border Patrol agents, inspectors, investigators, and detention officers.	Union representatives and affected employees will be involved in the development of any pay reform proposal, which will require legislation and a phased implementation process. The Administration is also studying options for common entry level training and career paths for enforcement officers.
All uniformed officers (Border Patrol, inspections, and detention) within a particular geographic area would be under the authority of a single integrated enforcement manager.	All functional enforcement operations (Border Patrol, inspections, investigations, detention, and intelligence) will be consolidated into enforcement units under a single chain of command and report to an area enforcement director and EAC for Enforcement Operations.	Provides a single point of responsibility and accountability for enforcement operations and allows the agency to focus on integrated enforcement on a national or global scale. This approach is similar to a traditional law enforcement organizational model.
Establish a "Removal Officer" position that integrates the functions of investigations and deportation.	Investigations and deportation officers will be merged into an investigation and removal unit under an enforcement area director. The merits of merging the two occupational series are still under consideration.	Close coordination, oversight, and management will ensure the best use of this staff to expedite the removal of illegal aliens.

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<i>CIR Recommendation</i>	<i>Administration Restructuring Proposal</i>	<i>Rationale</i>
Field offices structured to address comprehensively the immigration enforcement challenges within that locality.	In place of the current district office structure, the plan consolidates all enforcement operations under an area enforcement director. The area enforcement director will report directly to the EAC for Enforcement Operations. Border Patrol agents will report to Border Patrol chiefs; inspectors will report to port-of-entry directors. These enforcement officers, along with investigation and removal personnel, will report to an area enforcement director who coordinates enforcement activities within a geographic area.	Creates an unambiguous enforcement chain of command with well-defined reporting relationships and a manageable span of control.
Regional offices would be retained for administrative and management oversight of field office operations.	Regional offices will be restructured to be operational rather than administrative. Instead of three regional offices, the plan creates geographic enforcement areas. Each area enforcement director will report directly to the EAC for Enforcement Operations.	Provides direct operational oversight of enforcement activities to better achieve coordination and execution of enforcement priorities.
<i>Immigration Services:</i> Adjudication of eligibility for immigration-related applications (immigrant, limited duration admissions, asylum, refugee, and naturalization) in the Department of State under the jurisdiction of a new Undersecretary for Citizenship, Immigration, and Refugee Admissions.	Within the INS an Executive Associate Commissioner (EAC) for Immigrant Services will be established consisting of all immigrant benefit and service functions reporting directly to the INS Deputy Commissioner/Commissioner. This functional split between immigrant service and enforcement operations extends from the field to headquarters.	Establishes a single immigration service organization but preserves integration/synergy between enforcement and service functions by keeping them within the INS. Establishes clear lines of authority and divisions of responsibility between these two operations. Maintains a single immigration focal point within the DOJ.
Establish a Bureau of Immigration Affairs at the Department of State to manage the immigration process including domestic adjudication/examination (work authorization/adjustment of status) and employment verification.	Naturalization functions included within a restructured EAC for Immigration Services.	Immigration enforcement responsibilities are integral to the benefit review and adjudication process. Neither mission can be conducted effectively if placed in separate agencies. Both enforcement and service operations enforce the same law (Immigration and Nationality Act) and consistent outcomes, require common processes, data collection, and employee cross-training.

<i>CIR Recommendation</i>	<i>Administration Restructuring Proposal</i>	<i>Rationale</i>
Establish a Bureau of Refugee Admissions and Asylum Affairs at the Department of State responsible for overseas refugee admissions and refugee and asylum functions conducted by the INS.	Functions included within a restructured EAC for Immigration Services.	Same as above. INS and State will initiate an operational review to minimize overlap and duplication within INS and State-run visa, refugee, and asylum programs.
Establish a Bureau of Citizenship and Passport Affairs at the Department of State responsible for naturalization and determinations of citizenship and passport issuance.	Functions included within a restructured EAC for Immigration Services.	The State Department is not equipped to conduct the service and enforcement processes required in the naturalization program. Moreover, this reallocation of functions to State may conflict with its foreign policy mission. The naturalization redesign addressed the concerns raised by the CIR while retaining this responsibility within the INS.
Establish Quality Assurance Officers to oversee records management, procedure monitoring, fraud investigations, and internal review.	INS has expanded its INSpect program to assist in internal review and audits. The EAC for Immigration Services will establish an office to monitor and ensure quality service, benefit processes, products, and operations.	The naturalization redesign has established quality assurance checks throughout the process. The redesign incorporates sweeping changes in processes, records management, data flow and retention, and customer service as measures of integrity.
Establish a field structure that uses existing INS Regional Service Centers and State's National Visa Center and create a local office structure that is separate from immigration enforcement offices.	Local service offices will move from the current district office configuration to a community-based operation modeled on immigrant population density data. Service offices will not necessarily be located in the same location as enforcement operations. The EAC for Immigration Services will also rely heavily on direct mail to existing INS service centers.	The naturalization redesign study has recommended direct-mail to service centers for benefit processing and INS is implementing these recommendations. Beginning April 15 all naturalization processing will be direct-mail and phased implementation of direct mail processing for all other benefit applications is planned for completion over the next two years.
<i>Immigration-related Functions:</i> Consolidate enforcement of immigration-related employment standards in the Department of Labor.	Enforcement of immigration-related labor and employment standards will be shared between the Department of Labor (DOL) and INS. DOL and INS will develop an MOU to improve coordination and promote more effective worksite enforcement and worker protection.	Will provide a mechanism for more effective enforcement of immigration-related labor laws.

<i>CIR Recommendation</i>	<i>Administration Restructuring Proposal</i>	<i>Rationale</i>
All worksite investigations to ascertain employers' compliance with employment eligibility verification requirements should be conducted by the Department of Labor.	The authority to verify compliance for violations of employment eligibility will be shared between INS and DOL. The Administration is studying options for more effective DOL involvement in worksite enforcement of immigration-related labor standards.	Will provide a mechanism for the more effective enforcement of employment verification requirements.
Upon the adoption of an expedited process for the admission of both immigrant and temporary workers, DOL should be given responsibility and resources for enhanced monitoring of employers' fulfillment of the attestation terms they filed to bring in workers.	DOJ and DOL will work together to develop reforms to the current immigration-related employment programs to streamline the certification process and strengthen employer monitoring.	DOL is evaluating its immigration structure in order to streamline the current processes while ensuring labor protections. With sufficient delegation of authority from DOJ, DOL will further streamline the certification process and increase its enforcement of employer obligations.
<i>Administrative Review:</i> Administrative review of all immigration-related decisions should be consolidated and considered by a newly-created independent agency, the Agency for Immigration Review.	Maintains the current review and appeals mechanism.	The Administration is studying options to consolidate some review and appeals functions currently in the INS and DOL into the Executive Office of Immigration Review under the Attorney General.
Organization headed by a Presidentially appointed Director with no say in the substantive decisions reached on cases considered by any division or component of the agency.	Maintains the existing Department-head appeal process/final decision.	Placement of the adjudication process within a Department ensures executive oversight of administrative appeals and uniform and consistent national immigration policy.
<i>Agency-wide Reforms:</i> The Commission urges the Federal Government to make needed reforms to improve management of the immigration system.	Significant management improvements have been accomplished at INS over the past five years. This restructuring plan addresses a number of management and process weaknesses that remain within INS.	INS has accomplished major management, system, and process improvements in the face of a highly visible and growing mandate, large increases in resources and staffing, and unceasing historic demands for immigrant services.

<i>CIR Recommendation</i>	<i>Administration Restructuring Proposal</i>	<i>Rationale</i>
Set more manageable and fully-funded priorities (realistically-achievable short and long-term goals and greater numerical specificity on expected annual outcomes to which agencies should be accountable).	The INS has developed strategic performance plans and measures in both enforcement and service operations. We believe that these plans and measures are manageable and will accurately capture agency performance. As measures are refined, annual outcomes can help judge performance and highlight strengths and weaknesses that require management attention.	INS' FY 1999 Budget justification provides measurable performance goals in enforcement and service operations. The goal is result-oriented performance measures that allow management to judge performance in the aggregate and provide line-managers with the data necessary to do their job effectively.
More fully develop the capacity for policy development, planning, monitoring, and evaluation. Domestic Policy Council (DPC) responsible for overseeing Federal immigration policy development.	The Administration plan will consolidate long-term immigration planning within its strategic planning office reporting to the Commissioner. This group will coordinate agency-wide policy development. The DPC has established a policy-level group that includes immigration-related agencies and Executive Office of the President staff. This group looks at short and long-term immigration policy issues and concerns and coordinates the development of the Administration's position on immigration matters.	Will improve Government-wide immigration policy development and oversight.
Improve systems of accountability and measures of performance.	The key feature of this restructuring plan is to build clear lines of responsibility and accountability within the INS. The restructuring will ensure that line managers have the necessary tools to do the job effectively and performance can be measured. Current confusing and overlapping organizational relationships will be eliminated and replaced with clear lines of command in enforcement, services, and within the administrative support functions -- vital to INS' operational effectiveness.	Much of the work INS performs requires close coordination between enforcement and services. Under this restructuring coordination is maintained while reporting relationships remain clear so that policy can be developed, coordinated, and applied consistently.

<i>CIR Recommendation</i>	<i>Administration Restructuring Proposal</i>	<i>Rationale</i>
Improve the recruiting and training of managers. Expand the ranks of skilled and properly trained supervisors and managers.	INS has consolidated its recruitment effort to ensure consistency and quality and has emphasized the importance of basic, advanced, and management training. Training is a core element of the Commissioner's professionalism initiative. Performance in meeting training goals is measured by INS and DOJ. INS has sought to infuse new skills and thinking by hiring from both public and private sectors.	Consolidated and consistent recruiting has been achieved by establishing a central operation in Minneapolis, MN for hiring. Similarly, INS has established a management training facility in Dallas, TX, and equipped the Border Patrol training facility in Charleston, S.C. In concert with the establishment of these facilities is the creation of advanced and management training modules for enforcement, service, and professional staff.
Strengthen the customer service orientation. Establish a separate career track for benefit and service operation employees.	This restructure establishes separate career paths for enforcement and service personnel.	Lack of a clear career paths for enforcement and service personnel means INS often loses its best employees. By creating a separate career path for enforcement and service operations, this restructuring will increase retention and, therefore improve overall morale.
Use fees for immigration services more effectively. Fees should reflect true costs, cover the costs of services provided, result in timely and courteous service, and provide flexibility in their use to meet changing service requirements and demands.	This restructuring, combined with the naturalization redesign, should address this concern. INS completed an activity-based-costing (ABC) review of its benefit fee structure which has resulted in a proposed fee increase that accurately estimates the cost of providing benefits. INS will begin to conduct a "base" funding examination of its fee structure in FY 1998 to ensure benefit and service fee receipts support service-related operations. The establishment of a Chief Financial Officer within INS, combining budget and financial operations, will also strengthen its ability to manage appropriated and fee-receipt funds.	Fees should reflect true costs, cover the costs of services provided, result in timely and courteous service, and provide flexibility in their use to meet changing service requirements and demands. The base funding review of its fee structure and the ABC review should help assure all interested parties that fees reflect true costs and that they support fee services.

THE SECRETARY OF STATE
WASHINGTON

March 31, 1998

Dear Mr. Chairman:

The Department of State is committed to an immigration system that serves the best interests of the American people as well as legal immigrants, foreign visitors and those who may seek citizenship. The Department supports the Administration's proposals to reorganize the Immigration and Naturalization Service to better fulfill its dual mandate of providing services to legitimate applicants and enforcing U.S. immigration laws. The Department will continue to work with INS to minimize any duplication in our shared responsibility for the admission of aliens to the United States and to expand cooperative information-sharing initiatives like the State/INS DATASHARE project.

The Department has met with the Domestic Policy Council to review the recommendations of the Commission on Immigration Reform (CIR). The CIR proposal to transfer INS' service and benefit responsibilities to the Department would require taking on new functions that entail a substantial workload increase. Moreover, such a transfer would occur at a time when Congress is also considering a consolidation of other agencies with the Department. We believe the Administration's efforts can achieve the same goals that the CIR sought without the disruption and risk inherent in dismantling an organization like the INS.

We want to continue to work with you and the Subcommittee toward our common goal of an immigration system that serves the needs of the nation by welcoming legal immigrants, effectively deterring those who attempt to enter illegally, and providing services and benefits in a timely and effective manner.

The Honorable
Harold Rogers, Chairman,
Subcommittee on Commerce, Justice,
State, the Judiciary, and Related Agencies,
Committee on Appropriations,
House of Representatives.

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The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

A handwritten signature in dark ink, appearing to read "Madeleine Albright", followed by a stylized flourish or checkmark.

Madeleine K. Albright

U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR
WASHINGTON, D.C.

MAR 31 1998

The Honorable Harold Rogers
Chairman, Subcommittee on the Departments of Commerce,
Justice, State, the Judiciary, and Related Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

The Department of Labor was pleased to participate in the review led by the Domestic Policy Council (DPC) of the recommendations of the Commission on Immigration Reform (CIR) and in the development of this restructuring plan for the Immigration and Naturalization Service (INS).

The Department endorses this reform strategy and believes it represents the most effective way to achieve long-term and lasting improvements in Federal immigration policy formulation and execution. The restructuring plan fosters clear lines of authority and responsibility in immigration enforcement and service operations which will promote better communication and coordination between the INS and the Department.

The CIR recommended shifting the enforcement of immigration-related employment standards from the INS to the Department of Labor - which already has most of this responsibility. However, we believe that improved coordination between the two agencies and more effective and mission-sensitive Departmental involvement in worksite enforcement of immigration-related labor standards are the best way to achieve the results the CIR seeks. Under the leadership of the DPC, INS and DOL staff are developing plans to achieve more effective worksite enforcement consistent with the two agencies respective missions. In addition, the Department is currently evaluating other reforms, such as restructuring its internal immigration activities, that offer promise for significant streamlining and improvement of Departmental processes. We will continue to explore ideas to improve the Department's administration of our own enforcement and service responsibilities.

The Department will continue to participate in the INS restructuring initiative to ensure a coordinated and carefully crafted policy that improves the Nation's immigration system and serves all our people, especially U.S. workers and their families.

The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

A handwritten signature in black ink, appearing to read "Alexis M. Herman". The signature is fluid and cursive, with the first name "Alexis" being more prominent and the last name "Herman" following in a similar style.

Alexis M. Herman



**U.S. Department of Justice
Office of Legislative Affairs**

Office of the Assistant Attorney General

Washington, D.C. 20530

July 29, 1998

The Honorable Albert Gore, Jr.
President
United States Senate
Washington, D.C. 20510

Dear Mr. President:

Enclosed herewith is a draft bill entitled, the "Immigration and Naturalization Service Restructuring Act of 1998." The draft bill contains provisions to implement dramatic and fundamental reforms within the INS.

When enacted, this draft bill will untangle the INS' overlapping and confusing organizational structure and replace it with two clear organizational chains of command - one to accomplish its enforcement mission and the other to provide immigration-related services. By retaining both of these functions within a single agency, the Administration's reform plan will ensure that both enforcement and service operations are appropriately coordinated and supported. In addition, this legislation will strengthen accountability and improve performance by allowing each of the two chains of command to focus on its unique requirements.

Key provisions of the draft bill would:

- Effect an operational split between enforcement and services, resulting in distinct, clear lines of authority from the field to headquarters, with an INS Commissioner continuing to be responsible for overall agency operations;

- Eliminate the current field structure in which district offices serve both enforcement and service functions, and replace it with separate enforcement and service offices that bring the right mix of staff and skills to local service caseloads and enforcement needs;

- Improve the quality of the workforce by creating separate enforcement and service career paths for INS employees, so that the best employees can move up the ladder and be rewarded for high performance;

- Restructure management operations to ensure an effective "shared services" operation (e.g., records and data management, technological support, training, and

administrative support) that will serve both the enforcement and the service sides of the agency; and

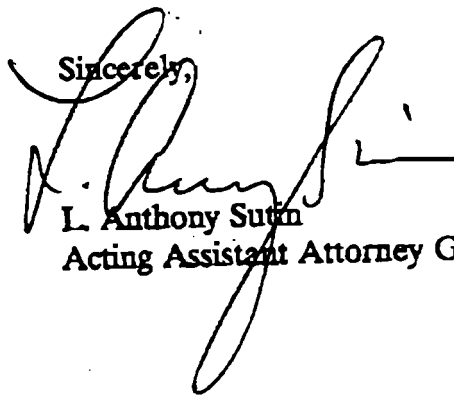
– Establish a Chief Financial Officer to improve financial, accounting, and budget execution systems.

The bill draft bill fundamentally changes the way the INS conducts business. Most importantly, it will greatly improve the ability of the INS to perform its duties effectively and efficiently and to provide measurably improved services to the immigrant community.

We would appreciate it if you would lay this draft bill before the Senate. An identical proposal has been transmitted to the Speaker of the House of Representatives.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposal to the Congress from the standpoint of the Administration's program. We look forward to working with you and other members of Congress to implement this legislation and to ensure successful, long-term improvements in our Nation's immigration system.

Sincerely,



L. Anthony Sutin

Acting Assistant Attorney General

Enclosure

cc: The Honorable Trent Lott
Majority Leader

**PHOTOCOPY
PRESERVATION**



U.S. Department of Justice
Immigration and Naturalization Service

425 I Street, NW
Washington, DC 20536

MAR 24 1998

Dear INS Employee:

With your help, and the support of Congress, the Immigration and Naturalization Service (INS) has achieved more progress in the last five years toward addressing our nation's immigration challenges than during any period in recent history.

But while we have made great strides in carrying out our mission, sweeping social, economic, and legislative changes have made the nature of the immigration challenge significantly more far-reaching and complex. Those developments, together with the agency's unprecedented growth, a doubling of our budget and a 50 percent increase in our work force in 5 years, demand that we revisit the way we do business.

Some, including the Commission on Immigration Reform, have called for dismantling INS altogether and parceling out our duties to other Federal agencies to perform. The Administration, the Attorney General, and I believe that this is not the way to proceed.

INS tasked Booz·Allen & Hamilton, an internationally recognized management consulting firm, with studying the agency's structure and operations. As part of that effort, Booz·Allen interviewed INS managers and staff from headquarters, regional and field offices. The firm also examined the operational structure of three other federal agencies, the FBI, US Customs, and the Social Security Administration. As a result of that study, we are proposing significant changes in INS' organizational structure to enable the agency to carry out its mission more effectively.

First, and foremost, we believe that the responsibility for carrying out our nation's immigration mandate must remain, as it has for more than a century, under one roof. At the same time, however, we recognize that the agency's phenomenal growth, together with the growing demands inherent in our mandate, necessitate dramatic changes in INS' structure and performance.

Our framework for change calls for creating a formal separation between INS' service and enforcement operations, both in headquarters and the field. The decoupling of service and enforcement is designed to enhance efficiency, create more clear cut lines of authority, and strengthen accountability, issues which must be addressed if we are to sustain our record of progress.

As part of this effort, INS is also looking closely at an array of other issues, including long-needed pay and overtime reforms and specialized training needs. Restructuring provides an appropriate context to tackle those concerns.

There are still many decisions which need to be made about the implementation of the new organizational framework, particularly regarding the new, specialized career paths in the service and enforcement areas. The restructuring itself is just one facet of our ongoing comprehensive effort to create the most positive, productive working environment possible for INS employees.

The Administration has strongly endorsed the new organizational framework. The next step will be presenting it to Congress for consideration. This is a crucial time for all of us in the agency, and as decisions are made, I will seek your input and ensure that you are kept closely informed.

The agency's achievements are the direct result of the dedication and professionalism of you and every one of our 27,000 plus employees around the world. I am committed to seeing that you get the tools and support you need to do the best job possible on behalf of the American people.

Sincerely,

A handwritten signature in black ink, appearing to read "Doris Meissner". The signature is fluid and cursive, with a large, sweeping initial "D".

Doris Meissner
Commissioner

MEMORANDUM TO: **MANAGEMENT TEAM
REGIONAL DIRECTORS
DISTRICT DIRECTORS
CHIEF, U.S. BORDER PATROL
CHIEF PATROL AGENTS
SERVICE CENTER DIRECTORS
ADMINISTRATIVE CENTER DIRECTORS
OFFICERS IN CHARGE
CHIEF, U.S. BORDER PATROL ACADEMY
CHIEF, U.S. IMMIGRATION OFFICER ACADEMY**

FROM: **THE COMMISSIONER**

SUBJECT: **INS Restructuring**

In April, I presented to you and the Congress, the Administration's proposal for restructuring the INS. (See *A Framework for Change*.) The plan is based on my and the Administration's strong belief that INS should continue to be a single agency but that our extraordinary growth and new mandates demand a new structure so we can further strengthen performance and accountability in carrying out our service and enforcement missions. The proposal calls for dividing the Service into two separate chains of command, one charged with carrying out our immigrant services mission, the other our enforcement mission. The two new chains of command, each reporting to the Deputy Commissioner and Commissioner, would be supported by a new Shared Services entity to provide technology, records, training and many other support functions.

Because the issue of INS restructuring is of utmost importance to all of us, I want to provide you with an update of recent developments so you have an accurate picture of where we stand today, where we must go in the year ahead and how we plan to get there together.

Where We Stand

This is an unprecedented time for our agency. Our issues and our work are at the forefront of the major demographic and economic trends we will face in a new century. We have been faced with huge workload increases that affect broader and more numerous publics. New legislative mandates have increased our responsibilities. At the same time, we have undertaken ambitious goals for ourselves -- effective border management, redesigning our naturalization process, reforming our asylum system, and modernizing our infrastructure. And all of this has occurred during a period of tremendous growth where we have seen our budget more than double and dramatic increases in our staffing. These multiple demands have severely strained our organizational capabilities and have focused attention on our management structure. This attention has led some to question our ability to discharge our mission and even our existence as

an agency.

Scrutiny over the suitability of our current structure is legitimate. Although we do not agree with the restructuring ideas that have been proposed, it is time to reexamine our fundamental responsibilities. I am proud of our progress but I also believe we must continue to improve performance and address our shortcomings. We must make a commitment to structural changes that will equip us to do the best job possible in the years ahead and to solve other problems -- such as pay disparity and career path structure -- that we have struggled with for years. In short, we have a responsibility to build on our gains and work together to continue to change for the better. Restructuring provides an opportunity to do just that.

The current status of restructuring is as follows:

- Legislation

The Administration's proposal is contained in H.R. 4363, sponsored by Senator Edward Kennedy and Representative Mel Watt. The proposal embodies the principles set forth in *A Framework for Change*.

Representative Harold Rogers introduced H.R. 4264, a bill that separates the INS into two separate agencies in the Department of Justice. The Rogers bill has been voted out by the House Subcommittee on Immigration and is ready for consideration by the Judiciary Committee. The Administration opposes this bill.

The Senate Immigration Subcommittee intends to develop legislation to restructure INS during the coming months for consideration when Congress returns in 1999. In preparation, the Subcommittee has held three hearings since June to develop information on key issues related to restructuring. I testified at each hearing and expect to work with the Committee as it develops legislation next year for Senate consideration.

- INS Actions

I have appointed Robert Gardner to be the Director of Restructuring in the Office of the Commissioner to lead the next phase of planning for the restructuring effort. Mr. Gardner, Chief Financial Officer at the Veterans Benefits Administration, will join the Service on October 26. He brings extensive background from a career in government service where his experiences, including work at OMB and in the Department of Justice, represent the skills we need to move our restructuring planning agenda forward in a responsible way.

In addition, we have signed a contract with PricewaterhouseCoopers (PwC), a management consulting firm with extensive INS experience, to provide analytic support and management expertise, under the direction of the Director of Restructuring, to INS during the next stages of planning for restructuring.

Where We Are Going

We are now taking up where we left off in the Spring with detailed planning in anticipation of Congressional action next year. PwC will assist in the planning to develop a blueprint of how the INS would look and operate at all levels under the *Framework for Change* proposal.

Major action items to be completed in the coming four to six months include:

- solicitation of additional views and ideas of various stakeholders on reform plan
- interviews of INS personnel and data collection
- development of staffing patterns for offices in both Headquarters and the Field
- redesign of key operational processes
- restructuring of senior management positions and career paths
- development of detailed implementation plan
- development of comprehensive change management strategy

The Director of Restructuring, working with PwC, will be tasked with managing the planning for a restructuring process. Their work will be overseen by a Senior Policy Board which will consist of executive staff from the INS and the Justice Department. The Restructuring Director will serve as a project manager, coordinator and facilitator as PwC gathers data on our organization and develops a detailed organization design.

Getting There Together

As we begin to blueprint the framework set forth in the Administration proposal, we will need your participation and your collaboration. You are the experts in the field and we need your best thinking to shape the INS of tomorrow.

Beginning the week of October 12, PwC teams will be conducting several week-long site visits in the field -- New York, Miami, Seattle, San Diego and Burlington -- to gather data and solicit your ideas on how best to structure the functions that are to be separated. In addition, the PwC team will be attending the Commissioner's Conference during the last week in October, to give an overview of their process and to generate a broader leadership discussion as we enter the design phase.

Following the Commissioner's Conference, PwC will conduct week-long design team meetings with members from across the enforcement, service and shared support fields to develop options for organizing each line of service and to analyze strengths and weaknesses of those options. Plans call for there to be six design teams (two enforcement, two services and two shared support). Field staff who are on the teams will play an integral role in providing the information

and perspective needed to arrive at the best design.

We know that the three most important rules in restructuring are communication, **COMMUNICATION, COMMUNICATION!** Throughout the process, we will do all we can to let you know what is occurring, find out what concerns you, and address and quell rumors. Currently, we are setting up an e-mail system, a newsletter and regular meetings convened by the Regional Directors to establish effective information flows.

The restructuring we have proposed will change parts of our core organizational structure. It will not be easy. Once Congress acts, implementation will take two to three years. We will work through the transition together. The new structure will provide new career paths and new management positions that will provide excellent avenues for professional growth and advancement. It is premature at this stage to ascertain what this means for every individual. However, you have my assurance that we will make every attempt to address the needs of each and every employee and manager in the best manner possible. We want this to be a "win-win" for everyone and we will outline the principles that will guide the personnel implications of restructuring as early as possible in the planning process.

Conclusion

The proposal I have outlined to you represents real, fundamental reform. It will not solve all of our problems nor will it be perfect. At the same time, it recognizes that the unique nature of the immigration system involves interconnected, mutually reinforcing functions that require a single agency. A one-agency approach best integrates our enforcement and service functions and presents an opportunity to fix services, do law enforcement the right way, answer a number of longstanding pay and compensation problems, and enrich the jobs and professional opportunities of our workforce of tomorrow.

Change will occur. The challenge is whether we lead and shape that change or whether it is imposed upon us by others. I believe we must shape our future ourselves. I ask you to work together with me in shaping that future.

Thank you.



U.S. Department of Justice
Immigration and Naturalization Service

Office of the Commissioner

425 I Street NW.
Washington, DC 20536

October 1998

TO: ALL COMMISSIONER'S CONFERENCE PARTICIPANTS

Welcome to the Commissioner's Conference 1998. We hope that you will find the Conference productive and useful to your work as members of the INS Leadership Team during the coming year.

In discussing the work to be accomplished this year, it is helpful to remember that we are back in Denver, five years after the 1993 Strategic Planning Conference that identified then current problems and proposed recommendations for action. As many of you may recall, those findings informed the development of the INS Strategic Plan: *Toward INS 2000: Accepting the Challenge* which has charted our course during the past five years. In assessing our situation today, we should be mindful of the progress we have made since 1993, of the concerns we have confronted and overcome, of the opportunities we have pursued resulting from an increased interest in immigration policy matters.

Since 1993, the legislative and financial resources made available to the Service to accomplish its mission have been greatly enhanced. With these resources, we have been able to address many long-standing problems and produce significant results. This progress is nowhere as great as in the renewed control of our borders, the successful reengineering of the asylum program, the rapid incorporation of new staff into the Service, and the enhanced access to new and better technology that has increased staff productivity and the quality of our work.

Although we have moved on from the "Challenge ..." theme of previous Conferences, perhaps at no other time in recent INS history has the agency been challenged as it will be this coming year. Focusing on the twin challenges of organizational transition and "change," and enhanced expectations of "performance," the theme of this year's Conference is "Managing Change, Strengthening Performance."

Last year, winds of change were already blowing. Various restructuring options were proposed and heightened expectations for improved results were expressed. Since then, some restructuring decisions have been made, and the requirements of the Government Performance and Results Act (GPRA) have gone into full force and effect. In the coming year, these changes and expectations constitute a new context for the work of INS.

In March, the Administration proposed a restructuring plan for INS that splits the Service functionally into two separate chains of command -- enforcement and immigrant services, both

under the roof of the Immigration and Naturalization Service. This split, which is subject to Congressional action, would take several years to fully implement. Other restructuring plans being discussed in Congress would dismantle INS and create separate enforcement and services agencies.

I recognize that restructuring the agency provokes powerful opinions from most INS staff members, and evokes uncertainty over future responsibilities, long-term career expectations, and other changes in the workplace. As the INS Leadership Team we will have to manage this uncertainty together, keeping each other and staff throughout the agency as informed as possible of progress and timeframes. That process is underway and will continue and intensify.

Additionally, your job as leaders will be to keep staff focused on performance and producing specific, measurable and verifiable results. The tremendous budget increases over the past several years mean that Congress and others have increased interest in what we are accomplishing with these enhanced resources.

In the year ahead, the new Immigration Services Division within the Office of Field Operations is becoming a reality. Reengineering the naturalization program will continue, and productivity must increase. In addition, the Service will initiate an enhanced agencywide focus on improving customer service at all levels of operations, including: making accurate and reliable information more easily available to staff members and to our external customers, improving the quality of our decisionmaking, and increasing the sensitivity with which we interact with our customers. We will develop new information resources and guides and identify additional avenues for its dissemination, especially focusing on enhancing the usefulness of our Intranet and Internet Websites as resources to our internal and external customers. Improving customer service at INS, including outreach to all of our constituencies, is a must for all of us during the coming year. This emphasis is not a separate program; rather, it is a way of acting every day and in every way that is sensitive, respectful and responsive to our customers.

Within enforcement this year, we have broadened out strategic goals by developing the Interior Enforcement Strategy and the Border Coordination Initiative. Our performance plans and goals for FY 1999 require us to strengthen our performance and enhance results in critical mission areas of border management, interior enforcement, and naturalization. We are also committed to continue improving institutional infrastructure, further enhancing professionalism, and more rapidly centralizing INS records. An important landmark will be to celebrate the 75th Anniversary of the Border Patrol in May 1999.

The Agenda of this year's Conference reflects the dual but complementary focuses on managing change while strengthening performance. Under change, one of the first items on the Agenda is a progress report on the status of the restructuring contract and the work expected to be completed during this year. We will also have time for questions and answers, so that you can bring back to your office the latest word on restructuring proposals and the expected timeframes for implementation.

Also on the Agenda is a panel discussion among the Regional Directors and the union counterparts in their regions. These panels will focus on ways in which the Labor-Management Partnership has produced results to date, and how more can be forthcoming in the future.

The rest of the agenda consists of three 3-hour blocks whereby participants will be able to discuss major developments, issues and concerns about change and performance. These discussions will focus on the three main functional areas of Border Management, Interior Enforcement, and Immigrant Services, and include possibilities to discuss support provided by Management services for FY 1999. Outlines of these four sessions, of which participants will choose three to attend, are included in this Notebook.

Everything we do this year will be magnified. Our successes will be magnified, but so will our shortcomings. Each of us must accept responsibility for building the new INS, for making it all that it can be both now and in the future. No one person can accomplish this alone. Working together, and working locally but thinking Servicewide, I am confident that we can indeed both manage change and strengthen our performance this coming year – and approach INS 2000 with increased enthusiasm and continued dedication to accomplishing our unique and important mission.

A handwritten signature in cursive script, reading "Doris Meissner". The signature is written in dark ink and is positioned above the printed name and title.

Doris Meissner
Commissioner

D

PHOTOCOPY
PRESERVATION



NEWS RELEASE

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October 7, 1998

INS Appoints Director of Restructuring to Oversee Planning Process

WASHINGTON, D.C. – The Immigration and Naturalization Service (INS) has appointed Robert Gardner, currently chief financial officer at the Veterans Benefits Administration, to serve as Director of Restructuring, beginning on Oct. 26.

Working within the Office of the Commissioner, Gardner will oversee the next phase of a planning process to elaborate on the Clinton Administration's proposal to fundamentally restructure the agency.

The Administration's "Framework for Change," unveiled in March, seeks to eliminate the organizational obstacles that are hampering the agency's efforts to improve customer service and strengthen enforcement of the nation's immigration laws. Under the plan, the service and enforcement functions of INS will be divided into two distinct chains of command, each headed by a senior official and providing a single point of accountability.

INS has also contracted PricewaterhouseCoopers (PwC) to work with the agency to develop a blueprint for how the new INS would look and operate at all levels under its plan. Actual implementation of the plan is subject to congressional action.

"Restructuring INS will help to meet the current challenges we face as a result of the agency's unprecedented growth and to address new demands that have changed the scope and complexity of our work in recent years," Commissioner Doris Meissner said. "With a basic framework for a restructured INS already developed, we are now moving forward to produce a detailed blueprint of the new structure. Gardner and PwC will carry out this process."

Citing Gardner's extensive background in government service, Meissner said, "We are indeed fortunate to find someone of his caliber to oversee this crucial effort. He has the experience and expertise we need to move our restructuring planning agenda forward in a methodical, responsible way."

"I look forward to working with Congress to garner support for implementing INS restructuring," she added.

(more)

Under Gardner's direction, PwC will work with INS field managers and senior staff to assess staffing needs for offices in both headquarters and the field, to redesign key operational processes, and to redefine senior management positions and career paths. The plan will also include a detailed implementation strategy with a specific timeline. Actual implementation, however, is subject to congressional action.

"I'm committed to working with the real experts—the agency's current employees—to ensure that the new structure that emerges from this process is capable of meeting today's demands and tomorrow's challenges," Gardner said. "INS has recently made substantial progress in a number of key areas. I think many people will be surprised by the dramatic improvements to service and performance that restructuring at this time can bring."

PwC has recently worked with INS on a number of projects, including redesign of the agency's records processing and naturalization system. "Given the productive partnership we have already established," Meissner said, "I'm confident that we will be able to develop a restructuring plan that is both comprehensive and feasible."

– INS –

Immigration and Naturalization Service Restructuring Office Charter

Introduction

This charter provides specific information on the mission and purpose of the INS Restructuring Office, including its responsibilities. It covers the second phase of INS restructuring, which includes current work under way and all work anticipated through March 1999. This charter will be updated appropriately as the third phase begins in mid to late 1999.

Mission and Purpose

INS has established the Restructuring Office within the Commissioner's Office to direct the second phase of planning for the agency's restructuring effort. The agency is moving ahead with the Administration's decision to separate enforcement and immigration services functions within one agency, which will lead to improved performance and increased results for immigrants and the general public.

The Restructuring Office consists of INS employees and PricewaterhouseCoopers contracted staff. Their charge is to develop the blueprint of how the agency will look and operate at all levels under the *Framework for Change* proposal completed last spring. Their goal is to complete work on this phase of the implementation plan by March, 1999 and present it to the Congress for approval. Upon approval by the Congress, the office will begin the third phase of the project, which would last two years as the actual changes in organization are implemented across INS.

Responsibilities:

1. Leadership:

- Lead and manage all restructuring project activities.
- Support INS Senior Policy Board in its primary decision-making role for the restructuring project.
- Represent the Commissioner and Deputy Commissioner in matters pertaining to the restructuring project.
- Establish clear accountability for the status and progress of the restructuring project.

2. Communications:

- Using a wide variety of various communication methods, provide all INS employees with frequent information on the progress of the restructuring project.

- Develop opportunities for further solicitation of ideas and feedback from a wide variety of interested sources, both internal and external.
- Coordinate and foster frequent contact with Congressional, OMB, union, and various other stakeholders regarding the progress of the restructuring effort.

3. Project Management:

- Develop, maintain, and revise as necessary a detailed restructuring strategy with supporting project management workplan to guide the overall project.
- Provide analytic support and management expertise for the project.
- Coordinate data gathering and compilation of various products to enable development of the restructuring plan.
- Facilitate development of detailed organizational options leading to final selection of the best design approach.

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**TESTIMONY
OF
DORIS MEISSNER
COMMISSIONER
IMMIGRATION AND NATURALIZATION SERVICE
DEPARTMENT OF JUSTICE**

BEFORE THE

**SUBCOMMITTEE ON IMMIGRATION
COMMITTEE ON THE JUDICIARY
U.S. SENATE**

CONCERNING

INS REFORM: DETENTION ISSUES

SEPTEMBER 16, 1998

226 DIRKSEN SENATE OFFICE BUILDING

2:00PM

Introduction

Thank you Chairman Abraham, and members of the Subcommittee, for the opportunity to appear before you today to discuss the Immigration and Naturalization Service's (INS) Detention Program -- where we have come from, where we are today, and what has to be done to get where we need to be.

Strengthening this country's capacity to detain and remove criminal and other deportable aliens is one of the key components of INS' comprehensive strategy to deter illegal immigration and to protect public safety. The Detention Program is a critical component of both the border and interior enforcement efforts of INS. Without an effective program, apprehending deportable aliens becomes a training exercise, lacking credibility and producing little result.

Establishing an effective Detention Program, however, requires more than simply enhancing our capacity to detain and remove deportable aliens. We must ensure that this capacity is being exercised consistently and humanely nationwide. Additionally, we have to be sensitive to the unique circumstances of those asylum seekers who are placed in our detention system and guarantee that their claims are adjudicated as expeditiously as possible. People who come to this country yearning to breathe free should not languish behind bars.

INS' Detention Operations

The purpose of detention is to ensure the appearance of aliens who are awaiting the disposition of their cases or removal from the United States and to protect communities from those who may pose a danger. INS detains aliens who are under immigration proceedings at its own detention facilities called Service Processing Centers (SPCs), contract detention facilities

(CDFs), contract juvenile shelters, local government detention facilities, and Bureau of Prison (BOP) facilities.

This Administration, with strong support from the Congress, has taken significant steps to reverse years of neglect in the Detention Program. Over the past several years, this commitment has been backed by significant increases in resources devoted to the detention and removals efforts. From FY 1994 through FY 1998, funding from all sources increased from \$239 million to \$733 million, and the number of positions rose from about 1,900 to about 3,400. This represents an increase of about 200% in our funding, and about 80% increase in personnel.

INS' program is the fastest growing detention operation within the Department of Justice. The agency maintained an average of approximately 6,600 beds in FY 1995 and about 8,600 beds in FY 1996. Last year, our capacity grew to about 12,000 beds, and as of September 1, we were using approximately 16,000 beds. This represents an increase of about 140% in the number of beds since FY 1995. Our growth could not have been accomplished without the close cooperation we maintain with local governments, which provide us with about half our detention capacity.

In the past, illegal immigrants faced little risk of being caught, and if they were apprehended, chances that they would be removed were also limited. This was true even for aliens who committed crimes while in the United States. Today, the situation is vastly different, due to our increased detention capacity and improved removal efforts.

Removing individuals who are here unlawfully underscores our commitment to restoring credibility to the nation's immigration laws. We are also making the streets of our communities safer by removing an increasing number of aliens who have been convicted of drug trafficking or

other serious criminal offenses. During the first 10 months of this fiscal year, we removed criminal aliens at a rate of more than 1,000 per week, putting us on track to remove more criminal aliens this year than the total number of criminal and non-criminal aliens removed in FY 1995. This year we expect to formally remove more than 165,000 aliens, including criminal aliens, or about 50% above last year's efforts.

The increase in detention capacity alone does not tell the whole story. INS' detention operations are characterized by large numbers of aliens moving through the detention system in short periods of time. The number of aliens being taken into detention and processed, as represented by the number of initial admissions to a detention facility, has increased significantly over the last four years. In FY 1995, the number of initial admissions was about 86,000 while in the subsequent two years it was about 108,000 and 142,000, respectively. This fiscal year the number of initial admissions will exceed 150,000.

The average length of stay for an alien in INS custody is about 34 days, although stays range from a mere couple of days to many years. Mexican nationals, on average, stay in detention for much shorter periods, while other nationals may remain for months or even years. Applications for relief from removal, difficulties in obtaining travel documents from the alien's country of origin, and efforts by some aliens to prevent removal contribute to the length of stay.

INS' detention operations are complex because of the diverse populations within the two categories of detainees -- criminal aliens and non-criminals. We detain adult males and females, juveniles, and even families. Each of these groups presents complex security, administrative, and social issues to our detention program managers. Our facilities and employees must be prepared to deal with individuals who have committed murder while in the United States, as well as asylum seekers, and families that include minors. Detainees may come directly from a

federal, state, or local prison, from a Border Patrol operation, from an Investigations' anti-smuggling or employer sanction operation, or from enforcement efforts by Inspections personnel at an airport or other port of entry.

Our detention priorities reflect this complex mission. The removal of aliens who have committed crimes in the United States has been, and will remain, our top enforcement priority. Consequently, we manage our detention facilities to ensure that space is available for criminal aliens who pose a danger to the community or a risk of flight.

With the passage of the Illegal Immigration and Immigrant Responsibility Act (IIRIRA) of 1996, Congress expanded this priority by requiring that virtually any alien who is subject to removal on the basis of a criminal conviction, without regard to age or circumstances, be detained without bond. Aliens in this category may not be released under the new law, regardless of whether they are likely to appear for proceedings and pose no danger to the community. Moreover, aliens who have been ordered removed from the United States must be detained until they are removed or until 90 days have passed, regardless of the basis for the order and the prospects that their home country will accept his return.

Even with the significant increases in resources, INS will be unable to meet the custody requirements of IIRIRA. The agency has limited detention resources to address both mandatory detention and to support of border control, anti-smuggling, and work-site enforcement. In our system, aliens subject to mandatory detention have first priority for all available detention space. This includes criminal aliens subject to mandatory detention because of their crimes and aliens with final orders of removal, as well as arriving aliens at ports of entry who are inadmissible under the Immigration and Nationality Act (INA) and are subject to expedited removal proceedings.

Mandatory Custody

In each of the past two years, I have found it necessary to invoke the Transition Period Custody Rules (TPCR) to suspend the full application of the mandatory detention provisions of IIRIRA. Under TPCR, INS and the immigration courts may release a lawfully admitted alien who is deportable for a criminal offense after considering the nature of the offense, the likelihood that the person will appear for further proceedings, including removal; and what danger that the person may pose to the community. The regulation leaves no discretion for release in cases involving certain specified serious offenses.

TPCR expires on October 8, but INS continues to lack sufficient detention capacity and personnel to comply fully with the provisions of IIRIRA and maintain a comprehensive and balanced enforcement effort at the borders and in the interior.

Currently, approximately 9,600 of our 16,000 available beds, about 60% of our capacity, are occupied by criminal aliens. Of the remaining 6,400 spaces about 1,100 beds are being used to support airport enforcement operations, 400 are for shelter and foster home beds to house unaccompanied juveniles, and about 4,900 beds support the remaining border and interior enforcement operations.

We recognize that it would be unreasonable to fund the capacity to detain every alien during the course of removal proceedings. Consequently, we are actively exploring alternatives to detention for ensuring that aliens for whom release from custody is deemed appropriate appear for their scheduled hearings and ultimately for removal if it is so ordered. We have enlisted the Vera Institute, a highly regarded non-profit organization that provides support to New York City's probation and parole programs, to examine the effect on that supervised release has

on appearance rates. The Appearance Assistance Project, a pilot program now in its second year, will be evaluated regarding the effect it had on regular reporting requirements, assistance in navigating the process, and help with obtaining representation can have on appearance rates.

Prosecutorial Discretion

In other contexts, Mr. Chairman, you have suggested that INS exercise its prosecutorial discretion not to remove certain aliens when the requirements of IIRIRA impose particular hardships. We agree that in some limited circumstances, prosecutorial discretion will afford some measure of temporary relief. However, the mandatory custody provisions present a different dilemma. Most of the people for whom custody is mandatory are people we want removed from the United States. However, in some cases, no purpose is served by maintaining the person in custody during the entire process. Accordingly, while we agree that we have discretion to determine whether to pursue removal, we firmly believe that determination should not be dictated by whether the person's custody will be mandated by the statute.

An extension of the TPCR would also offer some flexibility in dealing with long-term detainees whose home countries refuse to issue travel documents and take them back. We currently detaining about 2,500 of these individuals in our facilities or local jails under contract to INS. They pose special security and administrative problems in our detention program because our system is not designed for long-term detention. Unlike the typical correctional system, in which prisoners obtain all educational and vocational programs and rehabilitation services, our mission is to provide secure and humane detention to those individuals under immigration proceedings. We have begun efforts, with the support of the Department of Justice, to house the long-term, non-removable criminal aliens in BOP facilities. The BOP has the appropriate facilities and staff to handle criminal aliens convicted in the United States of very serious crimes and who are likely to remain in custody for many years.

Detention of Asylum Seekers

One point of concern that has often been raised involves the sensitivities surrounding the detention of asylum seekers. INS has long been committed to the idea that the government should seek to avoid the needless detention of asylum seekers. In 1992 INS initiated the Asylum Pre-Screening Officer (APSO) Program to identify asylum seekers in detention whose claims were sufficiently promising to weigh in favor of their release while their claims were being heard by an immigration judge. Aliens whose claims met the screening standard and who were considered unlikely to abscond or to pose a threat to the community could be considered for release. The program was implemented to make wiser use of limited detention space and to avoid the unnecessary detention of asylum seekers.

In the past two years there have been significant developments in the detention arena which have affected the treatment of detained asylum seekers, who make up roughly 5% of the population in INS custody. The first involves the expedited removal provisions of IIRIRA. APSO mainly covered aliens who were placed into exclusion proceedings at ports of entry, essentially the same group covered by the expedited removal provisions of IIRIRA, which also uses the same screening mechanism—the “credible fear of persecution” standard— as APSO. Arriving aliens who are inadmissible under section 212(a)(6)(C) or 212(a)(7) are subject to expedited removal. If such a person indicates either an intention to apply for asylum or a fear of persecution, an asylum officer will determine whether the alien has a credible fear of persecution. The statute requires that the person be detained until found to have a credible fear. INS’ policy, however, is to favor release of persons who meet the screening standard and who do not appear to pose a risk of flight or a danger to the community.

INS has added additional safeguards within the process to ensure that asylum applicants will be afforded the opportunity to prepare for the credible fear interview. Persons who are referred are brought to an INS detention facility -- rather than being interviewed immediately after the secondary inspection -- and they are given 48 hours in which to rest and to consult with a person or persons of their choosing.

In the past, an arriving alien who presented him/herself at a port of entry without the necessary documents or who attempted fraud would be placed in exclusion proceedings. Often the asylum applicant's exclusion hearing would be scheduled much later and the person would be detained pending his immigration proceeding. Since the change in the law, aliens who pass the credible fear test are placed in an immigration hearing in much shorter order. The process calls for District Directors to consider automatically whether to release an asylum seeker who meets the credible fear test and such persons are often released if they have ties to the community and a source of support. Further refinements are needed to this release policy, and we have instructed the districts to supply us with statistics necessary to determine what further improvements should be made nationally.

The second major development that affects asylum seekers is INS' publication of new detention standards for its SPCs and contract facilities. These standards are not limited to asylum seekers, but their situation is directly improved because of new standards that cover areas such as access to legal material and telephones; visitation policy; and group legal rights presentations. Asylum seekers who are detained are generally held in INS-controlled facilities covered by these standards.

While INS strives to detain asylum seekers in its own facilities, this is not always possible. Many asylum seekers come into our custody in areas that do not have an INS facility. It is

administratively difficult, and costly, to transport every alien to an INS detention facility. Furthermore, INS does not have the capacity to house all detainees in its own facilities, and we only have two facilities solely dedicated to detaining non-criminal aliens. They are the CDFs at Elizabeth, New Jersey (300 beds), and Queens, New York (200 beds). Additionally, concerns may arise when detainees are transported to INS facilities that distance them from their families, friends, legal counsel, and other members of their support group.

Conditions of confinement in our facilities, as well as in local detention facilities, are another area of concern, especially as it affects women, juveniles, and asylum seekers. This is an area of particular concern to me, and I must emphasize that INS is committed to providing a safe and humane environment for all individuals held in its custody. It is our policy to treat all aliens in custody with dignity and respect.

Within our own facilities INS maintains a policy that non-criminal aliens and those aliens with minimal criminal history must be housed separately from career and dangerous criminal aliens. Where a facility is responsible for housing both criminal and non-criminal aliens, intermingling of populations is limited through proper identification and classification of all detainees. To ensure consistency in the application of our policies, we updating our Detention Operations Manual, a major effort that comes in the midst of an unprecedented expansion of our detention capacity and responsibilities.

We have issued 17 new Detention Standards, and we are in the process of drafting another 22 standards that will complete our manual. These standards deal with such issues as detainee visitation policies, classification of detainees, access to legal materials, detainee grievances, marriage requests, religious practices, etc. We have used INS policies, BOP policies and expertise, as well as American Correctional Association (ACA) detention standards

to develop our own standards. Our new standards comply with and often exceed ACA standards. The ACA standards are recognized as the national standards in the field of corrections, and they address very specific conditions of confinement that ensure detainee rights are not violated.

The various county and local detention facilities INS uses must follow state and local standards for the humane treatment of those in detention. In addition, INS conducts a comprehensive jail inspection prior to housing INS detainees in a particular detention facility and annually thereafter. Facilities that do not meet our minimum standards must take necessary corrective action or INS will not use them. We are revising our jail inspection standards to incorporate the principles and spirit of the detention standards promulgated for our own facilities.

While local jails provide less INS control, the rapid increase in funding for detention has left INS with no alternative but to rely increasingly on local facilities. Where we have a large presence in a local detention facility, INS attempts to have its detainees segregated from the rest of the population housed at that facility, and have INS staff on site to deal with the aliens in custody. However, there are instances where some of our detainees, both criminals and non-criminals, may not be segregated from individuals serving sentences. Nevertheless, these local jails use classification systems that apply equally to criminals and non-criminals in determining housing assignments. Classification systems are not based solely on a detainee's criminal history. The classification decision takes into account all available information relevant to a detainee's potential threat to other detainees, facility staff, and himself or herself. Thus, it is possible and appropriate for a non-criminal alien with a history of assaults and violent behavior while in custody to be housed with a criminal who exhibits similar behavior.

Detention of Juveniles

In expanding our detention capacity, we have paid particular attention to the housing of juveniles. Over the last three years we have increased our juvenile detention capacity by about 250 beds, which more than doubled our available space. Also, in the past year we have trained all of our officers who come in contact with juveniles on the proper handling of their needs. INS' policy is to place each detained juvenile in the least restrictive setting appropriate to the minor's age and special needs. We are also concerned that such a setting be consistent with INS interests to ensure the minor's timely appearance before INS and the immigration courts, while protecting the minor's well being and that of others. We are very proud of the progress we have made in this area, and we constantly emphasize the need to house juveniles in state-licensed facilities that meet strict requirements to provide for their medical, educational and recreational needs.

Access to Representation and Legal Materials

Another important area where we are making very substantial progress is that of improving aliens' access to representation and legal materials. In the past year-and-a-half we have worked very closely with the American Bar Association (ABA) to improve legal access for detained aliens. Working with the ABA, we published detention standards in January that cover detainee visitation, telephone access, access to legal materials, and group legal presentations. Additionally, on March 5, I implemented INS' Program for Ensuring Access to Detained Aliens. This program includes working with the ABA on implementing the detention standards that deal with access, developing a strategy to increase pro bono representation for detained aliens, and familiarizing all of the parties with the revised procedures.

As part of this process, representatives of INS, the ABA, and private practitioners visited four INS detention facilities and one local jail. Our hope is that these visits, coupled with regional and local meetings, will result in enhanced cooperation at the local level. Also, meetings with INS Internal Audit staff have been held to ensure that access procedures are being evaluated in INSPECT (an internal review process designed to ensure quality, accountability and professionalism at all INS field offices) reviews. Additionally, I appointed the Senior Counsel for Detention and Deportation, Office of Field Operations, as INS Headquarters Facilitator for this program. We are making great strides and are fully committed to the success of this program.

In order to improve access and facilitate telephone communication by the detainees we awarded a contract in late July to Public Communications Service (PCS), under which state-of-the-art telephone systems will be installed in INS detention facilities that will allow detainees to make collect and debit calls at a reasonable cost, as well as free phone calls to consulates, pro bono organizations, and immigration courts. The system will also facilitate detainees' efforts to contact their families, friends and legal counsel. We expect this new system to be fully operational in all our facilities by the end of the calendar year.

Other Recent Accomplishments

The Detention Program cannot be characterized only by its significant growth in the last several years. We must also look at efforts to improve the quality of its service, the increase in its effectiveness and efficiency, as well as measures taken to improve its cost effectiveness. I have already discussed our efforts to update and improve our detention standards and to improve access to detained aliens. I wish to point to some other significant accomplishments during the past year.

Earlier this year we opened a new 450-bed detention facility in Batavia, New York. It is the first time that we have been able to build a new detention facility, as opposed to modernizing and/or expanding existing structures inherited from other government entities. This modern, state-of-the-art facility is a Federal Detention Center operated by INS but housing both INS detainees as well as United States Marshals Service (USMS) pre-trial detainees. It is the first time that an INS facility regularly houses individuals that are not under immigration proceedings. The facility was constructed to meet current ACA accreditation standards, and provides outstanding working and living conditions for our employees and detainees.

We also opened two new 200-bed dormitories at the El Paso SPC, a 300-bed dormitory at the Krome SPC, and a 200-bed dormitory at the Port Isabel SPC. Three additional 200-bed dormitories will be constructed by next year at the Port Isabel, which is only part of the overall efforts to completely modernize all structures at this SPC. All of these new buildings are being constructed to meet ACA standards.

At the El Paso SPC, the construction of a clinic, new kitchen, new processing structure, and deportation/EOIR building is almost complete. Additional construction projects at the Krome, El Centro, and Florence SPCs are also underway. These construction projects represent efforts to modernize our facilities and improve both the working conditions for employees and living conditions for detainees.

We have contracted with the ACA to receive pre-accreditation assessments and training for the detention facilities that had not started the accreditation or re-accreditation process. So far, two out of the nine SPCs and three out of the six CDFs are accredited, and our goal is to accredit all facilities. The accreditation program offers INS the opportunity to evaluate its operations against national correctional standards, remedy deficiencies, and upgrade the quality

of services being provided. Receiving accreditation demonstrates a good faith effort to improve conditions of confinement and a commitment to a safer and more humane environment for personnel and detainees. In addition, eight SPCs and two CDFs have received accreditation from the National Commission on Correctional Health Care (NCCHC), while three SPCs have also received accreditation from the Joint Commission for the Accreditation of Healthcare Organizations (JCAHO). These latter two bodies establish acceptable standards for health care, and visibly demonstrate our commitment to improving detainee-patient care quality.

INS has an Inter Agency Agreement with the United States Public Health Service (PHS) to provide medical care to individuals in our custody. Our relationship with PHS dates back to 1891 at Ellis Island, although their direct support at our facilities dates back to 1981. In the past year we have expanded clinical services to 24-hours, seven days per week, and have established a managed care program to contain our health care costs. We started a pilot fiscal intermediary project at our SPCs, to pay our medical claims. So far this fiscal year, we have saved \$2.1 million. We plan to expand this project to all the detention facilities used by INS, which should allow us to save 25% cost in our health expenditures.

INS has been successful in introducing video teleconferencing (VTC) technology to the detention process to conduct remote hearings for detained aliens and alien inmates participating in institutional hearing programs. We have equipped, or are in the process of equipping, 15 of EOIR's courts and a number of remote hearing sites. With VTC, the government realizes savings as a result of fewer detainee movements to court; shorter stays in detention; and reduced travel by judges, court staff, and attorneys. Additionally, there are intangible benefits such as greater flexibility and efficiency in scheduling hearings as well as improved security. Because of its success, we are exploring the use of VTC instead of in-person consular interviews to expedite the issuance of travel documents. Additionally, we plan to test telemedicine (use of

video equipment by a doctor to make a diagnosis from a remote location) to decrease costs and improve the overall quality of medical care for detainees.

Additionally, we are cutting costs by establishing transportation hubs tied to the Justice Prisoner and Alien Transportation System (JPATS), which will also improve our ability to remove aliens in the most expeditious manner. The use of JPATS has increased by more than 400% over the last four fiscal years, and we expect to move over 55,000 aliens this fiscal year. We expect to increase its use by approximately 10,000 movements, next fiscal year. JPATS flights allows us to return criminal and other illegal aliens to their home countries in a more secure and cost effective manner than by using commercial airlines.

By using JPATS we prevent the problems that could occur in the rare instances when some aliens being removed on commercial airlines do not behave appropriately, thus disrupting the public's travel and the work of airline employees. The use of JPATS also increases our effectiveness in the use of escorts for removals. Currently, we are using 18-21 JPATS repatriation flights per month, and we expect to increase this number by about 20% in FY 1999. Repatriation flights to Central and South America and the Caribbean basin are now routine and we expect JPATS flights to other parts of the world to become routine next fiscal year.

In addition to issuing several standards related to detention operations at our SPCs and CDFs, we have published two standards relating to escorts and the use of restraints. Among their many provisions, these two standards provide specific guidelines to our employees when aliens are transported by ground or air must be escorted, the number of escorts required, the type of restraints to be used, and the circumstances under which restraints can be used. Both the employee unions and representatives of the airline industry participated in the drafting of these standards.

Facing the Future

As I indicated earlier in my testimony, we are grateful for the strong support that both this Administration and Congress have provided. It has allowed us elevate the Detention and Deportation Program from stepchild status to that of an integral member of our enforcement family. However, despite the substantial progress we have made and the hard work, dedication and creativity of the Detention staff, INS' current structure is impeding efforts to make this family function even more effectively. And, this is an obstacle that no amount of resources can overcome.

Detention and deportation, however, is not our only program hampered by this outmoded structure; it impedes performance throughout the agency by restricting accountability and by creating confusion about roles and responsibilities. The only way to cast off this shackle is by fundamentally restructuring INS. We have proposed to do this by dividing the enforcement and service functions of the agency into distinct, separate chains of command, each with a single point of accountability for performance.

We want to create enforcement areas that bring detention and deportation together with the other enforcement disciplines -- Border Patrol, inspections, investigations, and intelligence -- under a single enforcement director. Currently, these components do not answer to the same person until you reach the top levels of the agency, which is far too high in the chain of command to establish the close coordination necessary for effective enforcement.

Operation Gatekeeper and Operation Rio Grande have been successful, in part, because Detention and Deportation personnel work closely with Border Patrol to meet the bed space and transportation needs of these operations. They have been able to achieve a high level of

coordination in spite of our current structure, not because of it. We must support our hardworking personnel. Given the increasingly complex challenges we face, we can no longer leave this to chance; coordination of day-to-day enforcement activities must be the rule, not the exception.

Restructuring will not only improve coordination between Detention and Deportation and our other enforcement disciplines, it will also strengthen internal logistics by replacing the thirty-some offices currently involved in arranging transportation and detention for apprehended aliens with a consolidated group of new Detention and Enforcement Support offices. As a result of these internal and external improvements, we will be able to remove criminal and illegal aliens in a more efficient, economical, and expeditious manner.

Detention will also be enhanced by the fact that our proposal, unlike other restructuring plans, will preserve the vital synergy between enforcement and services by keeping these two inter-connected and interdependent functions under one roof. Take the case of asylum seekers, for example. Proper and prompt adjudication of asylum claims requires us to be sensitive to the unique circumstances and needs of asylum seekers from the moment they enter the country. Maintaining the ties between enforcement and services will ensure that all immigration officers develop this needed sensitivity.

In short, restructuring will advance our efforts to protect both the American public and aliens in our custody.

This concludes my formal statement on the Detention Program of INS. I thank you for the opportunity to appear before you and hope that we will earn your support for enhancing this critical program. Mr. Chairman, I would be happy to answer any questions that you and Members of the Subcommittee may have.



U. S. Department of Justice

Immigration and Naturalization Service

TESTIMONY OF

DORIS MEISSNER
COMMISSIONER

IMMIGRATION AND NATURALIZATION SERVICE

before

SENATE JUDICIARY COMMITTEE
SUBCOMMITTEE ON IMMIGRATION

regarding

INS REFORM: THE ENFORCEMENT SIDE

WEDNESDAY, JULY 29, 1998
226 SENATE DIRKSEN OFFICE BUILDING

Mr. Chairman and Members of the Committee:

Last month I appeared before the Committee to discuss the service side of the Immigration and Naturalization Service (INS). I am equally pleased to have the opportunity today to discuss our efforts to enforce the nation's immigration laws -- the nature of this mission, our strategy for carrying out these responsibilities, the success we have achieved to date, and the changes we need to make to meet future challenges.

The Enforcement Challenge

INS' primary enforcement functions are to prevent people from entering the country illegally and to find and remove those who are living and working here illegally. This mission has always been far-reaching and complex. However, in recent years, as a result of sweeping social, economic, and political changes at home and abroad, the challenges the agency faces in enforcing the nation's immigration laws have grown in scope and nature -- even since I began my tenure as Commissioner.

The pressures on our borders have never been greater. The global economy is increasing the flow of people and products into the country. Accelerated by advances in transportation and communications, by trade agreements, and by our nation's enviable position as the world's preeminent economic power, this flow makes it more challenging for us to deter illegal immigration while facilitating legal traffic.

The end of the Cold War and the collapse of communism in Eastern Europe and the former Soviet Union have created new sources of immigration. Whether they come from these regions or other parts of the globe, many immigrants entering the country illegally are no longer doing so on their own or as part of a small, makeshift group; they are being smuggled in by sophisticated networks linked to other international organized crime such as drug trafficking and terrorism.

Sweeping new mandates such as IIRIRA have also resulted in complex changes to prior ways of dealing with illegal immigration.

Goals of Enforcement

To meet our responsibilities to the nation, we need to address our enforcement challenges comprehensively. This requires both sufficient manpower and equipment and a coherent, comprehensive strategy that establishes priorities and ensures resources are deployed in the most

efficient and effective manner possible. Unfortunately, INS never had either adequate resources or a comprehensive plan for enforcing the nation's immigration laws, not even before recent developments made our mission more daunting.

Since 1993, the Clinton Administration, with the strong support of Congress, has been committed to reversing decades of neglect. Over the past six years, this commitment has been backed by unprecedented increases in personnel, equipment, and advanced technology. Between 1993 and the current fiscal year, annual spending on enforcement activities increased by 180 percent, rising from \$933 million to \$2.6 billion. That is four times the rate of increase in spending on services.

At the same time, we formulated and implemented an aggressive, pro-active enforcement strategy. This strategy is built on several principles, namely integration, cooperation, consistency, professionalism, and accountability.

Integration

INS has a number of enforcement disciplines -- Border Patrol, Inspections, Investigations, Intelligence, and Detention and Deportation -- whose work is supported by our trial attorneys. Most illegal activities, however, do not respect the artificial boundaries that had been created within our enforcement program. The increasingly sophisticated nature of these activities makes the need for better coordination more pressing. Our strategy recognizes that enforcement cannot be enhanced without moving toward integrating the various enforcement disciplines.

Cooperation

Even if our enforcement functions were thoroughly integrated, it would not be sufficient to meet the complex challenges we face. Internal coordination has to be coupled with external cooperation. That is why working in closer cooperation with other federal agencies, as well as state and local law enforcement, is a key goal of our enforcement effort.

At the border, we cannot succeed without a coordinated strategy. The Border Patrol works with the DEA and U.S. Customs Service to address drug smuggling. All of our enforcement personnel need to have effective working relationships with other Department of Justice counterparts -- including the FBI, the U.S. Marshal Service, the Bureau of Prisons, and the U.S. Attorneys Office.

At the ports of entry, our inspectors need to work closer with their colleagues from Customs to thwart illegal immigration and contraband and to facilitate the legal flow of people and commerce. Our enforcement personnel must also play lead roles in multi-agency task forces established to combat alien smuggling, terrorism and other organized crimes.

Illegal activities do not stop at the borders and neither should our cooperative enforcement efforts. Restoring control to the Southwest border, for example, requires an excellent working relationship with Mexican officials. But it is not just in Mexico that we need to forge closer ties with our foreign counterparts. We have to do it worldwide.

Consistency

No enforcement strategy can be effective if it is not implemented on consistent basis. Clear standards must be drafted, communicated effectively across field office, and evaluated to ensure consistent application. We have to go after alien smugglers operating in the Midwest with the same determination we show along the Southwest border. Criminals producing fraudulent documents in Los Angeles should face the same high risk of being caught and prosecuted as those working in Chicago.

Professionalism

Crucial to consistent enforcement is having highly professional personnel in all locales. To this end, INS has made a major commitment to improve training for all enforcement officers, as well as to supplying the necessary resources. Proper training is more than giving instruction in the latest law enforcement techniques and providing an understanding of the roles all members of the enforcement team are expected to play. It also means ensuring that your personnel are caring, compassionate people who treat everyone they encounter with the respect they deserve. At the end of our enforcement arm, there needs to be a helping hand.

Accountability

Professionalism also requires accountability. Mechanisms must be established to guarantee that the skills and tools provided are applied properly, in terms of both efficiency and compliance with the law.

In addition to being held answerable for how they carry out their duties, everyone on our enforcement team, from the top of the agency on down, must be accountable performance results. After all, the only way to measure the success of a strategy is by the results it produces.

We, as well as Congress and the American people, need to know whether the considerable investment being made to enhance enforcement is paying sufficient dividends. This means setting performance goals and making sure they are met.

Achieving Results

By almost any measure, there is no question that our efforts to enhance enforcement have accomplished a great deal. While we have accomplished more in the area of border control and management in the past five years than had been accomplished in decades, we have also made

strides in the nation's interior and overseas.

The First Southwest Border Strategy

Nowhere else is the success of our strategic approach to enforcement more visible than along the Southwest border. Before 1993, there was no comprehensive plan for controlling this 2,000-mile frontier -- and it showed.

The number of personnel stationed there was insufficient, and the Border Patrol agents and Inspectors we did have lacked proper vehicles, radios and other basic equipment. As a result, illegal immigrants came across the border undeterred, as did illicit drugs. At the same time, traffic entering the country legally encountered interminable delays at ports of entry.

In short, the border was in chaos.

To restore the rule of law, we developed the Southwest Border Strategy. Its goal is unambiguous: a border that works, one that deters illegal migration, drug trafficking, and alien smuggling while facilitating legal migration and commerce.

To meet this goal, we initiated unparalleled growth in personnel and resources. Between October 1993 and July of this year, the number of the Border Patrol agents and Inspectors along the Southwest border has more than doubled.

We bolstered these numbers by providing our officers with the tools and infrastructure they need to do their jobs. Vehicle fleets and communication systems have been upgraded and expanded. Computers, once a rarity, are now considered basic equipment, as are infrared scopes. We also installed dozens of miles of fence and lighting and several high-tech systems.

Establishing a border that works also required us to change our approach to enforcement. Beginning with Operation Hold the Line in El Paso in 1993, and spreading to operations in Arizona, California, and Texas, we have been deploying Border Patrol agents in key crossing corridors. We also replaced the agency's reactive approach to illegal crossings with a pro-active posture by positioning Border Patrol agents directly on the border. Agents who once spent most of their time and energy chasing down illegal immigrants after they had crossed into the United States are now focused on deterrence.

We also changed our approach to port management along the Southwest border. Working with the Customs Service and other agencies, we developed a port management model that treats each port of entry as a single, seamless entity. As with our border control strategy, a critical element of the new port management plan has brought together business and community leaders. This was done through Port Quality Improvement Councils which meet on a regular basis to

address port-wide issues.

Today, as a result of expanding personnel and resources and, most important, developing a coherent strategy for deploying them, the situation is as different as night and day.

Deterrence is working. For example, in our San Diego Sector apprehensions reached a 17-year low of 283,889 in FY 1997. And there was one 24-hour period in Imperial Beach, once the favorite area for crossing, when not a single person was apprehended, an accomplishment that was unthinkable prior to Operation Gatekeeper.

Apprehension numbers aren't the only measure of the positive impact of enhanced border control. Border operations have contributed to falling crime rates in San Diego, El Paso, Brownsville, and elsewhere. As part of our Southwest Border Strategy, we are committed to enhancing the quality of life in all border communities.

We are also conducting a new, border-wide safety campaign that aims to warn migrants about the very real dangers associated with illegal crossings, especially when they are being led by ruthless smugglers who put profits before people. We have an obligation to not only educate people about the dangers but also to assist those who don't heed these warnings.

With brutal heat gripping the Southwest this summer, the importance of this public safety campaign, represents a prime example of a balanced and humane border enforcement effort, couldn't be clearer. Almost daily, I receive reports of Border Patrol agents who have rescued immigrants from life-threatening situations.

Living up to our commitment to make all border communities -- from Brownsville to Nogales to San Diego -- safer, more vital places to live requires more than just reducing the flow of illegal immigrants. We need to improve how the ports of entry -- the economic life lines of these communities -- function. They depend on the smooth flow of legal immigrants and commerce.

As part of our port management strategy, we set a goal of a 20-minute average wait for commuters. At San Ysidro, one of the largest and busiest ports in the world, this may have seemed like an impossible dream given that commuters at the port waited for as long as two hours or more. The dream, however, has been realized. Today, the average wait is less than 20 minutes, at the same time that our enforcement capabilities have been enhanced.

For low-risk, frequent travelers, the improvement has been even more impressive. Using various advanced technologies, we have established a program for these commuters known as the Secure Electronic Network for Travelers' Rapid Inspection (SENTRI). After a rigorous screening

process before enrollment. SENTRI travelers are now able to cross the border in under three minutes. Based on our success in San Diego, we are now expanding SENTRI to Detroit and Buffalo, and we are developing plans to install the system in Nogales.

Interior Enforcement Strategy

The strategic approach to enforcement that has greatly enhance border control is also being applied to interior enforcement. The agency's first-ever Interior Enforcement Strategy, soon to be implemented, will provide the increased coordination and a proactive posture needed to improve our capabilities to enforce immigration law at worksites, disrupt smuggling rings, and remove criminal and other illegal aliens.

Reducing the Power of the Job Magnet

While strengthened border enforcement prevents significant numbers of illegal aliens from entering the country, worksite enforcement is the primary means of reducing the power of the jobs magnet to draw illegal aliens to the United States. By discouraging illegal workers from crossing the border into the United States and sanctioning employers who hire those who do get across, we send a clear message: American jobs belong to legal workers.

In FY 1997, about 38,000 illegal workers were removed from worksites across the country, and more than 27,000 unauthorized workers have been removed through the first nine months of this year. We don't want to lose these jobs. That is why the Service is worked with Virginia officials to develop a program for sharing information from enforcement operations to promote the hiring of U.S. citizens and other legal workers. We are currently developing similar programs in California and Florida.

Too many employers are ready and willing to hire undocumented workers, often for substandard wages and under conditions that range from improper to inhumane. We need to intensify our worksite focus on business owners to ensure that swift, decisive action is taken against those who flout the nation's immigration laws. And we are this doing through criminal and administrative proceedings.

We have also just adopted a new worksite enforcement strategy that maximizes our limited investigatory resources by focusing them on industries with the greatest concentration of illegal workers and employers who engage in the most egregious violations of immigration laws.

Many employers who hire illegal workers do so unwittingly, fooled by high-quality counterfeit documents. To assist their efforts to determine whether a prospective employee truly is authorized to work in the United States, we have developed new, state-of-the-art Employment Authorization Documents and Green Cards. These high-tech cards are the most sophisticated documents we have ever produced, and they are virtually counterfeit proof.

The fight against fraudulent documents has also been aided by the expansion of our Forensic Document Laboratory, the best facility of its kind in the world. We are also currently testing various employment verification systems in several historically problematic industries, like meat-packing in Iowa and Nebraska.

Stopping Smugglers

Illegal aliens are often brought to worksites by smugglers, who use extortion, torture, rape, and even murder to collect exorbitant fees which run as high as \$40,000 per alien. Because they are part of international organized crime groups, smugglers are well-financed and well-equipped. Detecting and dismantling these operations requires a web of enforcement that reaches from the border, and beyond, to the worksite.

Working in close coordination with the FBI, U.S. Coast Guard, and other agencies, we scored some major victories in the fight against those who traffic in human lives. In March, the principal organizer of the notorious alien-smuggling ship *Golden Venture*, which ran aground in New York five years ago with 282 victims on board, was convicted in federal court. Two months earlier, three men from the People's Republic of China were sentenced in Boston to lengthy prison terms for attempting to smuggle 109 aliens into the United States aboard the ship *Xing Da*.

Anti-smuggling efforts aren't limited to deterring illegal aliens at the border and removing those elude us from worksites. We also have to target the transportation systems and networks of safe houses that are used to move aliens through the nation's interior. To accomplish this, we have forged closer ties with state and local law enforcement.

Expanding Detention and Removals

For years, illegal immigrants faced little risk of being caught, and, if they were apprehended, chances that they would be removed were also limited. This was even true for aliens who committed crimes while in the United States.

The situation today is vastly different. That is not only because we have dedicated more resources to detention and removals -- the bulk of which goes to processing criminal aliens -- but also because we ensured these programs are fully coordinated internally and with enforcement activities. This turnaround has also been aided by our expanded cooperation with other law enforcement agencies, including programs to conduct removal hearings in federal and state prisons and to identify criminal aliens at local jails.

Removing individuals who are here unlawfully underscores our commitment to restoring credibility to the nation's immigration laws. And, by deporting an increasing number of aliens

who have been convicted of assault, robbery, drug trafficking or other criminal charges, we are making the streets of our communities safer. During the first eight months of FY 1998, we removed criminal aliens at a rate of more than 1,000 per week, putting us on track to remove more criminal aliens this year than total aliens removed in 1995.

In addition to formal removals, more than 36,000 voluntary removals were conducted in the first six months of FY 1998. These cases involve deportable aliens who, after being apprehended by the INS in the interior of the country, agree to return to their home country without going through formal proceedings. This saves us both time and money.

We wouldn't have been able to increase the number of removals if we didn't expand our capacity to detain and deport illegal aliens -- criminal and non-criminal alike. By working closely with other law enforcement agencies, we were able to add more than 1,200 detention spaces in the first half of FY 1998. At the end of May, the average daily number of aliens in detention was 16,000, more than 90% higher than in FY 1995.

In expanding our detention capacity, we have paid particular attention to the needs of juveniles. Over the past two-and-a-half years, we have added 400 beds for juveniles. We also adopted a policy that requires all minors to be housed in state-licensed facilities that meet strict requirements to provide for their medical, educational and recreational needs.

Early identification and detection of criminal aliens is facilitated by the Law Enforcement Support Center (LESC). This agency resource provides state and local law enforcement officials with 24-hour access to the information they need to determine the INS status of foreign-born suspected they have arrested. And the LESC staff passes arrest information is passed on to our field offices.

Our efforts to conduct removals in the most expeditious and cost-effective manner are aided the Justice Prisoner and Alien Transport Service -- the use of which has increased by 500% over the past four years. JPATS flights allow us to return criminal and other illegal aliens to their home country more rapidly and using fewer personnel than via commercial airlines. Removals are also expedited by our expanded presence overseas.

A First Line of Defense Overseas

The contribution of INS' 39 overseas offices to the agency's enforcement efforts is far greater than just assisting with the removal of criminal aliens. These offices, one-third of which opened since last October, serve as the nation's first line of defense against alien smuggling and illegal transit.

Through Operation Global Reach, we are building a comprehensive enforcement network

to stop these activities in transit and at their source. A critical element of Global Reach is strengthening both cooperation with our host-nation partners and their capacity to detect and deter illegal activity. Just since October, we have trained more than 5,700 foreign law enforcement, immigration, and airline officials in fraudulent document identification and anti-smuggling techniques.

The accomplishments of Operation Global Reach are striking. So far this fiscal year, our overseas offices have intercepted nearly 6,500 migrants and assisted 66 prosecutions in the United States. By halting illegal immigrants before they reach the United States, our international operations allow us to avoid the cost of administrative and criminal proceedings, detention, and removal. Savings in the first six months of this fiscal year alone have totaled \$6.5 million.

Thwarting Terrorism

Our overseas offices also play an important role in the agency's efforts to combat terrorism. We once addressed terrorism in an ad-hoc manner, forging partnerships with other members of the law enforcement and intelligence communities on an as-needed basis. The bombing of the World Trade Center was tragic proof that this approach was ineffective.

Today, INS has a full-time counterterrorism team, known as the National Security Unit. Special Agents assigned to the Unit work closely with both the FBI's Joint Terrorism Task Force and the CIA's Counterterrorism Center. By establishing a specialized unit and forging permanent partnerships with the FBI, CIA, and other agencies, we can exercise more effectively the anti-terrorism authorities given to us by Congress in recent years.

Fighting against terrorism is closely linked to our anti-smuggling efforts because international terrorist organizations are known to use alien smuggling operations to support and further their criminal objectives. We have also found that criminal and administrative prosecutions for immigration violations are highly effective tools to penetrate and disrupt these organizations. Last August, for example, two brothers believed to be members of a terrorist group were arrested by INS agents for allegedly engaging in marriage fraud to obtain Green Cards.

Greater Professionalism

Our success at home and abroad would not have been possible if our enforcement officers weren't well-trained professionals. Border Patrol agents, for example, don't set foot in the field until they have completed a basic training course that is among the most thorough and rigorous in federal law enforcement. The Service is deeply committed to providing all personnel with the best training possible -- not just basic training, but advanced courses as well. We want to ensure that before someone is assigned to a post they possess all the skills necessary to carry out their job and that their skills remain well honed.

As I mentioned earlier, there is more to professionalizing your work force than simply providing proper training and tools. No amount of resources will guarantee effective performance unless you take steps to ensure that they are being used efficiently and in compliance with the law. For us, this meant expanding and strengthening our Office of Internal Audit (OIA).

Within OIA, we have established the INSpect program to identify and solve problems before they become crises. Under this program, every INS office will be subject to a top-to-bottom review by a team drawn from the Service's best and brightest. These reviews allows us to identify not only problems but also good local practices that should be implemented throughout the agency.

We have also moved to enhance the protection of the civil rights of individuals who come in contact with law enforcement officers. Working with the Citizen's Advisory Panel, appointed by the Attorney General, we have made our complaint procedures more accessible and effective. We have developed a standard complaint form, ensured that posters that describe how to report abuses are displayed in the public areas of all field offices, and established a toll-free hotline.

It is clear that these are critically important functions. I hope I can count on your support to not only keep OIA functioning in FY 1999, but also to expand its operations.

Meeting Future Challenges

The progress INS has made in enforcing the nation's immigration laws demonstrates that, when we are given the resources and develop focused strategies, we can attain dramatic results. However, there is a barrier to achieving even greater success that no amount of resources or strategic planning can surmount -- INS' current structure.

This out-dated structure impedes performance by hampering accountability and professionalism and by creating confusion about roles and responsibilities. That is why we have proposed a fundamental restructuring that divides the primary functions of the agency -- Enforcement and Services -- into distinct, separate chains of command, each with a single point of accountability for performance.

As hard as we have tried to build a seamless web of enforcement, the agency's current structure prevents us from weaving a web that is strong enough to fight increasingly sophisticated and well-financed crime syndicates.

We want to establish enforcement areas that bring Border Patrol, inspections, investigations, detention and intelligence under a single enforcement director. Currently, the

various enforcement components do not answer to the same person until you reach the top levels of the agency. This is too high in the chain of command for effective coordination of the day-to-day operations of these components. It also creates problems in establishing clear-cut accountability.

Within each enforcement area, the area director would be given the flexibility to allocate resources wherever they are most needed. This will sharpen the focus of our enforcement operations and allow us to respond rapidly to changes in the patterns of criminal activities. Enforcement directors will also have the ability to enhance coordination with other law enforcement agencies, which will bolster our continued efforts to implement a comprehensive border-control strategy with other federal agencies.

Our ability to pursue illegal activities that cross geographic boundaries will be strengthened as well because all area directors will report directly to the executive associate commissioner for enforcement operations. Unhampered by layers of bureaucracy, the EAC will be able to directly coordinate all activities and guarantee consistency in our enforcement practices nationwide.

For example, when Border Patrol agents now catch a "coyote" leading illegal aliens across the border, the case all too often ends simply with his deportation or incarceration-- a minor inconvenience for a well-organized smuggling operation. By restructuring our enforcement operations, however, we will be better equipped to follow the tracks of the coyote to both ends of the smuggling operation -- the organizers and the employers who benefit from it -- and bring down the full force of the law on all those involved. As a result, smuggling rings would be dismantled permanently, not merely disabled temporarily.

We need to be able to develop more cases like the successful investigation of Atlantic Finishing, a Georgia-based apparel manufacturer. This two-year probe conducted by the Border Patrol office in Las Cruces, New Mexico, in collaboration with INS' Atlanta office, culminated in April when the company president and 10 other defendants pleaded guilty to involvement in an interstate smuggling ring. It was the first-ever case of its kind.

Criminal and illegal aliens caught in our tighter, stronger enforcement web will be removed more efficiently, more expeditiously, and more economically. This is because restructuring will improve the logistics of detention and removals. The thirty-some offices currently involved in coordinating transportation and detention space for apprehended aliens will be replaced by a consolidated group of new Detention and Enforcement Support offices.

Port management also will be strengthened under our proposal. Because ports of entry play an increasingly important role in stopping illegal activities, they will be placed clearly in the

enforcement chain of command with fewer layers through which they need to report. This will allow better coordination between ports, as well as with other INS enforcement officers, enhancing their ability to deter terrorists and other criminal and to detect fraudulent document and smuggling operations.

In addition, restructuring will enhance professionalism. New career opportunities will be created. Paths for advancement will be better defined. And we will be able to provide comparable pay and benefits for comparable work. With these improvements, we can recruit the highest caliber people available and, more important, retain our best enforcement officers.

Finally, our proposal will preserve the vital synergy between enforcement and services. These two functions are inter-connected and interdependent and need to be kept under the same roof. This is something other restructuring plans fail to do, creating a fatal flaw in those proposals. The detection and investigation of document fraud, for example, involve both sides of the agency and require careful coordination between them.

This synergy is facilitated through shared records and common processes. The new structure will strengthen these bonds by establishing a new system of shared support that will serve as the administrative and technological backbone for both enforcement and services. The new shared support operation builds on the sophisticated, integrated technology that INS has developed and installed in the last several years, thus maximizing the return on the considerable investment Congress and the public have made to upgrade the agency's shared technologies and to improve our records management.

I hope we will earn your support for enhancing our enforcement of the nation's immigration laws and building on our successful efforts to date. Thank you.

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U. S. Department of Justice

Immigration and Naturalization Service

TESTIMONY OF

**DORIS MEISSNER
COMMISSIONER
IMMIGRATION AND NATURALIZATION SERVICE**

BEFORE THE

**SUBCOMMITTEE ON IMMIGRATION
COMMITTEE ON THE JUDICIARY
U.S. SENATE**

CONCERNING

INS REFORM: THE SERVICE SIDE

**JUNE 11, 1998
226 DIRKSEN HOUSE OFFICE BUILDING
2:00PM**

Introduction

Thank you Mr. Chairman and Members of the Subcommittee. I'm very pleased that you have chosen to use today's hearing to focus on the issue of service at Immigration and Naturalization Service (INS).

Our customers are diverse and the services they seek from us are compelling. Every decision we make has the potential to have a substantial impact on the lives of the people we serve.

The work we do every day can mean the difference between whether a mother and daughter may be reunited after years apart, whether a couple separated by an ocean will be able to marry, whether a couple living here can adopt a foreign child, if a business can hire a much needed employee or whether a university can enroll a top foreign student. Our work will determine as profound an issue as whether people can come to this country to make their own American dreams come true to as basic an issue of whether they will be inspected quickly enough when they arrive here to make their connecting flights.

To be frank with you, the issue of customer service has not gotten as much attention as it deserves. As Commissioner, I can tell you that we are clearly not where we want to be in providing service to our customers.

We are not as timely as we want to be.

We are not always as courteous as we should be.

In fact, the history of the agency, despite the thousands of committed and hardworking employees has never had a culture that truly emphasizes the importance of service and rewards it, although there clearly needs to be one.

We are committed to changing that. And we are doing so.

We have already laid some good groundwork. Now we hope to win your support for fundamentally restructuring INS to build customer service into the way we do business everyday.

We want to take an institution with a weak track record for service and turn it into a world class service agency.

We want to bring the same level of emphasis to bear on the services side of INS as we did on the enforcement side to produce the same kind of results.

What will it take?

We need to reach the following goals:

First, we must establish and enforce high standards of service consistently nationwide – so that individuals are not advantaged or disadvantaged, as they are now, by where they live. People in Boston should get the same high level of service as those in Detroit.

We must use modern technology and business practices to maximize efficiency.

We must improve our customer's access to information-whether it is getting a citizenship application or the status of a Green Card request-so that they can use the phone or Internet rather than coming to our office in person.

We must locate our offices conveniently to the people and communities we serve. These offices must be customer friendly - in the way they look, feel and operate.

We must develop a better trained work force of individuals who choose to develop a career in service—not as it is now, where the best way to climb the career ladder of INS is through proving yourself as an enforcement officer.

Our experience in fixing the broken asylum system in 1995 demonstrates our ability to institute meaningful reform. We developed a new service-oriented model of handling asylum applicants' claims in a careful and timely manner, by separating asylum functions out of busy District offices and into new Asylum offices where we recruited, trained and equipped a new "Asylum Corps" to handle the unique nature of the job. These changes produced dramatic results.

Reaching these goals agency-wide relies on two basic things: building our infrastructure and overhauling our structure.

Let me give you an overview of where we started, where we have come, and where we must go.

History

As you know, this Administration made immigration a priority from the beginning. The difficulty was that INS had been so badly neglected, that for the first two years our energies were almost solely devoted to conducting triage to solve critical problems that had undermined immigration enforcement in this country altogether.

Five years ago, the Southwest border was completely out of control, the asylum system was badly abused and criminal and illegal aliens had little fear of ever actually being deported. Since then, with the Congress' support, we have made tremendous progress addressing those urgent illegal immigration problems.

It is not that customer service issues were off the radar screen. It is just that they were not flashing as brightly or urgently as the enforcement problems that had to become our first priority.

How Today's Backlogs Began

In FY 1995, needs on the services side of the agency became more clear as they became more urgent. That is when we were hit with an avalanche of applications that we have never been able to climb out from under.

Congress had just passed a new law, 245(i), that enabled people to adjust their status through INS in the U.S. --rather than overseas through State Department consulates. In just the first 10 weeks after it was enacted, we received 180,000 applications. As a result, by the end of 1995, the number of people applying to INS for status changes more than doubled.

In that same year, the political climate for immigrants began to change. Proposition 187 had just passed in California and the country was beginning a new round of debate about the future of legal immigration. Literally hundreds of thousands of additional people began to apply for citizenship to secure their status.

Since I began my tenure, the number of people applying for status adjustment and naturalization has doubled and the waiting times for citizenship and other adjudications have increased to completely unacceptable levels.

Workload

In addition, our workload goes beyond adjudicating applications for immigration benefits.

The range and scope of our customer service responsibilities is very broad and the number of people we serve - in some way- each day is also on the rise.

For example, with international trade and travel on the rise, we inspect over a million people a day coming in through our land, sea and air ports.

We take an average of 14,000 calls a day through our Phone and Service Centers.

We interview thousands of people a day in our district offices.

We fill requests for about 3,000 forms a day through our Forms Center.

We provide information to nearly 8,000 people daily on our website.

We produce about 5,000 state of the art Green Cards and work authorization permits daily.

What We Can Do About It

We want to not only handle this growth in demand for services—we truly want to EXCEL at it.

The challenges we face on the services side are not unlike the ones we faced five years ago. Just as the nation had failed to create an immigration agency capable of truly enforcing the immigration laws, we had also failed to create an agency capable of delivering modern day services.

We had never built the proper infrastructure.

In recent years, we have begun to construct one. But we now recognize that infrastructure alone is not going to be enough, given the tremendous growth in the size of the agency and the new mandates we are responsible for handling.

We have just completed working with management experts at Booz, Allen and Hamilton and determined that to truly create a service oriented organization capable of realizing the goals I outlined earlier, we need a fundamentally new structure.

We need to separate INS service and enforcement functions so that each side has a clear chain of command that develops a sharper focus on its responsibilities, while still supporting a joint mission.

The service side of the agency has long been overshadowed by enforcement and must be able to grow on its own with its own staff who focus on service delivery and who are held accountable for it.

Our restructuring proposal calls for eliminating today's regional and district offices and replacing them with offices tasked solely with either service or enforcement responsibilities. Service offices would be responsible for handling all adjudications and providing information. We would bolster our ability to help people without their needing to physically come to our offices. Where we do need to see people in person, we would make it more convenient by locating our facilities closer to our customers.

Enforcement offices would be organized with staff from multiple enforcement disciplines to comprehensively address the challenges at the border and in the interior of the country and be located where there are enforcement vulnerabilities.

We would create two different chains of command from the top of the agency to the smallest offices in the field. This would strengthen accountability by creating clear reporting relationships and manageable spans of control.

We would develop clear career paths—one for service and one for enforcement--in order to recruit, train and retain the best employees with the right skills and abilities for their jobs.

With an entire chain of command whose top priority is delivering service, we can set standards for what customers can expect nationwide and hold our staff accountable for meeting them. We can develop consistent standards for how long it should take a naturalization applicant to get to an oath ceremony and how many minutes it should take to find out by phone how to apply.

The Administration's restructuring proposal will ensure the best return on investment from new technological platforms and lead to better record keeping methods, better ways of providing information, more outreach to customer groups, and improved facilities.

Let me tell you the status of these and how our restructuring proposal will support them--starting with the technological tools that really define our capabilities to function.

BUILDING BLOCKS

They determine our efficiency, our speed and the way we share information between INS offices and with our customers.

This means installing both basic computers and high tech information systems.

Automation

We have made enormous inroads bringing the agency's computer capabilities up to date—especially when we started a decade late.

Remember what businesses and government agencies were like when every staff person didn't have a personal computer? When using e-mail or accessing databases was still a novelty? When records were stored in file rooms in manila folders and not in computers where they could be called up for reference in a matter of seconds? When each local office couldn't communicate by computer or share case files?

This is what INS looked like until too recently. Our productivity and service capabilities were hamstrung by the fact that many offices lacked basic tools, such as personal computers.

In the last five years, we have been able to put computers on the majority of desks. By the end of next fiscal year, we hope to complete our work of making a computer available to every employee whose work could be more effective or effective by using one. This has tremendously improved the way we do business.

We have also designed computer programs that have reduced the amount of paperwork that created bottlenecks. And we have created other computer innovations for which we have received top awards from Federal Computer News and other recognition.

This year, we have begun installing a comprehensive, new computer database and tracking system, called CLAIMS 4, that will allow our offices to share individual case information and enable our staff and our customers to quickly check the status of cases. It will also help strengthen our quality assurance process by ensuring that cases move forward only when each step in the application process is appropriately completed.

Despite these leaps forward, we are still behind the technological curve. In 1998, with 25 million files located in 80 offices all around the country, we are still reliant on paper case files.

Centralized Records

We are in the process, however, of centralizing all of these records so that we can improve the way we store and handle customers' case information.

Outdated, decentralized record keeping is the reason for lost files-- a problem that creates delays for people at the beginning and end of the application process. If we can't find a naturalization applicant's permanent file, for example, our Service Center must wait three months before creating a temporary file and moving the application forward. If the permanent file is never found, that person's case must be reviewed by a supervisor before it is granted -- an extra step that can further slow down the case.

In November, we asked Congress to approve a comprehensive plan to move our paper records out of file rooms into a central facility where they will be reconciled with information in our automated computer databases. This will allow INS to rely more on electronic data available. This proposal is still pending.

In the meantime, offices like Los Angeles need workspace for the new staff they have hired to help reduce the case backlog. L.A. has rooms literally filled to the ceiling with boxes of files that need to be archived -- space that could be used to house new employees.

We hope to move forward to resolve the physical storage issues and overcome the problems of lost files.

Remote Services

In addition to strengthening the way we handle the information that relates to our customers internally, we have begun to create better ways of communicating with them externally.

We want to make sure that people don't have to come to an INS office every time they need information. Three years ago, our customers had few options but to visit a district office and wait in line or try repeatedly to get through busy telephone lines. The stories I heard about people running up huge long distance bills while they waited on the telephone for us were nightmarish. Today, while those stories are not as common, they are still too frequent.

Although there is now a much better phone system in place for many of our customers, it is still not good enough, particularly in the Western part of the country. We have given our customers the option of telephoning a centralized information office or using the Internet to get basic facts and forms, but both our Western Phone Center and our Website need to be improved.

Phone Centers

In 1996, we created two Phone Centers where customers can call for answers on eligibility for benefits, application procedures and individual case status. The Eastern Phone Center enables people for the first time to call INS toll free 24 hours a day for recorded messages and from 8-6 for personal assistance. This year we had planned to make the same toll-free service available to our customers in the West, but had to reduce the funding we had set aside for it, when Congress directed that we reallocate \$38 million in base fee resources to improve the naturalization process.

We carefully monitor our performance at each of these centers because we want to deliver service that is on par with industry standards, and while we're not there yet, we're not too far off in the Eastern Phone Center. The industry standard is to answer calls within 45 seconds, and we know we are doing so for calls coming into our eastern center. In addition, the average industry standards for those callers who hang up before their call is answered is 2%, and our rate is 6%.

Unfortunately in the West, where we have far fewer staff to answer fewer lines, we are falling terribly short of meeting the industry standards.

Website

In addition to these phone options, INS launched a Website in August 1996 and augmented it last October. We are still working to improve it. It was recently ranked by a search engine company as in the top 5% of federal Websites for usage. It averages 233,000 visitors each month. Customers are downloading 55,000 forms per month. Individuals can pull forms down directly or request that

they be sent to a specific address. While we realize not everyone has access to this service, immigration advocates and attorneys can make these requests as well.

Forms Centers

In addition to information access, we are also committed to ensuring that customers have quick access to the forms they need. In the last year, we have expanded the capabilities of our Form Centers to respond faster to requests. This year, our average response time is 3 to 5 days -- a vast improvement over last year's when requests took as long as 10 days to fill.

Facilities

While we work to improve the number of options customers have to obtain information from INS without going to an actual INS office, we are in the midst of both revamping our current offices and rethinking the way to use them in the future. We want them to be easier for the immigrant community to access and more customer oriented once they are there.

For example, when we began to require applicants to have their fingerprints taken at an INS facility last year, we created new offices known as Application Support Centers (ASCs) in communities across the country. These offices, like our asylum offices whose sole purpose is to serve applicants, are the pre-cursor for the kind of facilities we want to create under our restructuring plan.

Under restructuring, we want to develop "Immigrant Services" offices that will provide a range of services from fingerprinting to interviewing to testing. Depending on community needs, some offices may be configured as full-service centers and others will serve as satellite locations to perform specific functions.

Like the Application Support Centers, they will be located in immigrant communities, where public transportation and parking is accessible. Each is being designed with standard, customer-friendly features, like comfortable waiting areas, clear signage and some evening and weekend hours.

We are carefully monitoring our service at these fingerprinting centers using customer service surveys that are forwarded to us weekly. I am pleased to report that in the last week of May, 98% of our customers rated the "helpfulness" and "courtesy" of staff either excellent or good. 93% found information posted on signs to be excellent or good and 95% of them spent less than an hour getting fingerprinted.—65% under a half hour.

We estimate that more than two million people will use the ASCs on a yearly basis.

Unfortunately, we do not have the same quality at the rest of our facilities. Overall, the agency needs one-third more space than we currently occupy, which means we are quite literally busting out at the seams. No major office is in what you or I would define as good enough shape for our employees or for the people we serve.

Most of the larger offices are being renovated or have plans to be renovated. Even some new offices are outgrowing their current space. Many of these growth issues would be aided by restructuring – given that new offices won't require housing all of the functions currently required of them.

Border Facilitation

Customer service is not just about how we provide better service to the immigrant community. It is also about how we interact with commuters and other travelers who cross our borders every day.

In the last several years, we have made tremendous improvements in reducing the amount of time people must wait at U.S. port of entry to be inspected.

For example, it was not uncommon for airplane passengers to wait for inspection for over an hour in line. Now wait times there and at other international airports are consistently within the 45 minutes mandated by Congress.

In addition, in working to facilitate cross-border commerce and reduce wait times for commuters between Mexico and the United States, INS set its own goal of 20-minute wait times at land ports. We have met this goal most dramatically at the world's busiest land border port in San Diego, where commuters used to wait for more than two hours.

We have also piloted the SENTRI at the San Diego/Tijuana border, a dedicated commuter lane for low-risk, frequent travelers that utilizes various technologies and enables pre-screened enrollees to further reduce their wait times to under three minutes. Based on this success, INS is currently exporting this technology to other border ports of entry including those in Michigan, Texas and New York.

Community Relations Officers

While utilizing technology is critical and helpful to cutting down the time it takes, we need to make the effort to listen to our customers and respond to their needs to truly be customer-oriented.

We have put a premium on local offices building relationships with the communities they serve. In the last several years, many more of our offices have established community advisory groups or other outreach mechanisms, and our regional offices and largest districts have hired community relations officers. By doing so, we have increased our understanding of community issues and customer service needs.

In the past, INS relied mostly on individual contacts to communicate new information to the public. In recent years, INS has established a range of partnerships with stakeholders—state and local governments and business and trade associations--to ensure that critical information gets to the audiences who need it. These networks helped communicate major provisions of the 1996 immigration law and important new initiatives.

Staffing

Taking the time to understand and work with the community, as well as giving each customer the time and attention he or she deserves is in large part a function of having the right number of staff and the right staff to do the job.

We currently lack sufficient staff dedicated to service functions. We need adjudicators to examine applications, information officers to handle applicants' questions and administrative staff to provide clerical help and simply answer the phones.

The huge rise in applicants has not been matched by a concurrent increase in staff to process their paperwork and interview them. This has not only contributed to longer waiting times, but it has also consumed the time and attention of staff, making it harder for them to give each customer the quality of service they deserve.

Congress has allowed us to use funding for temporary staff, but we want to invest training and time in full-time employees to ensure they feel invested in us and our customers, and that they are truly accountable to both.

We must be able to offer people permanent positions and opportunities for advancement in order to recruit and retain the best people. And we must be able to hold our staff accountable for the service they offer. It must be timely, efficient and courteous.

Under our restructuring proposal, by creating a new chain of command in which staff is responsible solely for service delivery, we will be able to increase accountability and expand the advancement possibilities for people who consistently meet the standards we expect of them.

Resource Limitations

New staff and the other infrastructure building blocks require new investments. Let me explain what INS' limitations are in making them.

Fundamentally, INS does not have the additional funding or the flexibility in using available receipts to meet these growing needs.

Staff, computers and other tools for service functions are underwritten by our customers themselves through the fees they pay into the Exams Fee Account. These vital resources do not receive any appropriated funds. The Exams Fee Account is the sole source of funding. The problem with that is: after conducting an extensive study of our fee structure, INS now knows the fees we are collecting do not cover the real cost of doing business.

Secondly, when we do have available receipts that can be used to improve services, we need to ask Congress for permission first.

Those requests are not always granted and are not always timely. For example, as I mentioned earlier we have tried for several years to hire full-time adjudicators and clerks to stabilize the workforce that processes naturalization applications.

As you are well aware, we are now in a very troubling Catch 22 situation. We know we must increase fees to improve customer service, but we also want our customers get the service they deserve. Without the proposed fee revision, we will not be able to maintain the current service level, and will also not have sufficient funding for improvements.

To make matters worse, for several years, we were able to subsidize funding with 245(i) penalty revenue; however, in January 1997, Congress redirected these funds to detention activities, resulting in a loss of \$130 million to the Exams Fee Account.

I often hear our critics cite the enormous influx of new resources INS has been given in the last several years. They wonder why we are not doing a better job on the service side.

But the new Border Patrol agents, scopes and sensors that have helped stem the flow of illegal immigrants at the Southwest border do not help the hundreds of thousands of legal residents who have been waiting to become citizens.

New detention space, buses and deportation officers have certainly helped remove record numbers of people here illegally, but they have not impacted the backlog in the thousands of people waiting to adjust their status to live here legally.

In other words, in the enforcement arena, where INS has been given new resources to do our job, we have performed successfully. On the service side, where there are not adequate resources to do the job, we CAN not perform the way we want to--or the way we are expected to.

Nonetheless, INS can certainly make some improvements without more money or more staff.

It doesn't take new resources to be courteous. And I am all too aware of the complaints we receive about rudeness. There is no excuse for that.

While our staff is trained and expected to behave courteously at all times, I plan to recommit the agency to improving the way we deal with our customers on a daily basis. Beginning this fall, employees in our large district offices will participate in a customer service training effort. We will follow that up with a series of initiatives to engage all INS employees in efforts to take a customer friendly approach to everything we do.

For example, we will follow through with the Vice President's directive to communicate more clearly in simple English and not bureaucratic language that is often confusing. This summer we will start an effort to make our written communication with customers clearer and more consistent across the country.

Conclusion

Mr. Chairman, I have now given you an overview of how much work has been done and how much there truly is left to do to improve services that INS performs.

Whether it is centralizing our records or creating accountability for quality, we are committed to delivering better service. All of these pieces I have outlined will enable us to transform INS into a service-oriented agency.

I am confident that the barriers to better service can be removed by continuing to build the infrastructure and by restructuring the agency.

It is a big challenge, but it is one we are committed to overcoming.



Office of the Commissioner

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TESTIMONY OF
DORIS MEISSNER
COMMISSIONER
IMMIGRATION AND NATURALIZATION SERVICE
DEPARTMENT OF JUSTICE

BEFORE THE
COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON IMMIGRATION AND CLAIMS
U. S. HOUSE OF REPRESENTATIVES

CONCERNING
ALTERNATIVE PROPOSALS TO RESTRUCTURE
THE IMMIGRATION AND NATURALIZATION SERVICE
MAY 21, 1998
ROOM 2237 RAYBURN HOUSE OFFICE BUILDING
9:30 AM

Mr. Chairman, and Members of the Subcommittee, today we are hearing from distinguished Members of this body and others who have put forward their ideas for change.

I am also pleased to be here to discuss this critical issue. It is not really about the structure of INS so much as it's about how this nation best manages its immigration policy.

And that is a question which I have grappled with for many years.

First, in the Ford and Carter administrations, where I served in the Justice Department overseeing INS.

Next, for five years in the Reagan administration at INS, serving as Acting Commissioner and as an Executive Associate Commissioner, and then from the sidelines at the Carnegie Endowment. And now, back in the thick of it, as Commissioner for the last four and a half years.

Fortunately, what is most striking about most of the proposals for change is not how different they are, but, in fact, how similar.

All of us basically agree on the diagnosis of INS' problems. We just differ-- in varying degrees--on how to fix them.

It is a certainly a question worth struggling over and worthy of a sound and serious debate. Particularly in 1998 and particularly as we approach the next century.

We must answer this important question now.

Why?

Not only because the performance of INS has clearly been impeded by an out-of-date structure that has hampered accountability and professionalism and allowed confusion about roles and responsibilities.

But also because the challenges the nation faces on the immigration front have grown and changed dramatically in the last several years--even since I began my tenure as Commissioner. So much so, that I think it is fair to say that not since the turn of the last century has the administration of the Nation's immigration laws posed so many challenges.

The global economy is increasing the flows of money, people and products across our borders. The opening up of Eastern Europe has led to new sources of immigration—and also new centers of organized crime that smuggle people and contraband into our country. Social, political and economic changes across the world in the last several years have put tremendous pressures on our borders.

Meanwhile the public policy debate over immigration in our own country helped to create an unprecedented interest in becoming a citizen.

And, as you know, Mr. Chairman, the sweeping 1996 immigration law has created broad new authorities and mandates for INS-- for which we have created 60 new regulations to administer and trained nearly 20,000 employees to implement.

All of these changes have added up to exponentially increasing demands upon the INS for both enforcement and service.

Given the breadth of these changes, the fact that the agency's structure must be consistent with the challenges it faces in the next century and the clear willingness of Members of Congress to take up this issue, I welcome the opportunity to do something about it.

Mr. Chairman you and your colleagues have expressed repeated frustration that INS does not seem to be changing fast enough. As the person in charge of bringing about change, I can honestly tell you, I share that frustration.

The sheer growth of the agency -- having essentially doubled in size in less than five years--demands a change in structure.

Maintaining the status quo is clearly not an option.

The Administration's Process

Last year, Congress asked the Attorney General and I to look at the proposal that the Commission on Immigration Reform put forward to improve the management of the federal immigration system, as well as alternatives, and to report back with a recommendation.

The Attorney General and I saw that request as a real opportunity for INS. And in fact, the Administration seized upon it.

At the President's direction, the Domestic Policy Council reviewed the Commission's proposal and others. Working with OMB and consulting with various Executive branch agencies and immigration experts outside of government, the DPC evaluated reform ideas. It concluded that the Commission had correctly diagnosed INS' problems, but had not found the right solution for solving them.

To complement that work, the Justice Department hired Booz Allen and Hamilton, a management consulting firm, to help us create a framework for change... to reconstruct the agency in ways that enable INS to vastly improve its enforcement of the law and its service to its customers.

That framework, which I will describe to you today, fundamentally reforms INS to its core.

The plan is sound. It is bold and it is feasible.

While it eliminates the field structure we have today, it keeps immigration functions that must be carefully coordinated together under one roof.

Its hallmark is simple – accountability and results.

Accountability for reporting to a specific supervisor in a streamlined chain of command;

Accountability for treating our customers courteously and efficiently; and

Accountability for producing a clear-cut set of results.

We recognize that structure is not a panacea for all of INS' problems. It can't be. We know we can improve our management practices without structural change, and we must. But we also know that a simplified structure works.

When accountability is built into structure, performance improves.

Let me explain.

The Administration's Proposal

The plan essentially reconstructs INS. It builds a strengthened law enforcement operation and a new service-oriented organization within one agency by splitting enforcement and services functions into two distinct chains of command.

One will concentrate on combating illegal immigration at the border, in the interior and even outside the U.S. in source countries. The other will focus on providing improved services to immigrants and their families in the communities where they live.

We will separate these functions from the top level of the agency in Washington down to the field offices around the country -- with a Commissioner continuing to be responsible for overall agency operations.

We will eliminate the three current regional offices and establish a handful of new, supervisory Enforcement Area or Service Area offices to oversee either local enforcement or service activities throughout the country. This will give these supervisory offices more manageable spans of control and alleviate the current difficulty of overseeing large numbers of staff with too many tasks in too many states. By narrowing the scope of each supervisory office, we will strengthen oversight of the field and improve our ability to coordinate and shift resources among local offices to where the most immediate needs are.

We will also eliminate the 33 district offices and instead, create new, smaller offices designed to perform specialized functions within either the enforcement or service arena. These offices will be located in the cities, towns or rural areas with the greatest enforcement vulnerabilities or service caseloads.

In order to preserve the critical coordination of service and enforcement operations, we will create a "Shared Support" operation to serve as the backbone for their joint administrative and technological needs. For example, both sides must share records --on applicants for immigration services and individuals who have violated immigration laws.

Enforcement Operations

On the enforcement side, we will be better able to handle the inter-related challenges of managing the border, removing criminal and illegal aliens, enforcing worksite laws and dismantling smuggling and phony document rings because we will approach these problems in a fundamentally different way. The new structure will enable us to deal with them with more urgency, with sharper focus, with better trained personnel and with improved coordination.

For example, we will create "Investigations and Removals" offices around the country that will bring investigators, intelligence officers and deportation officers into one component. This will allow us to take a more multi-disciplinary and coordinated approach to increasing removals of criminal and illegal aliens, particularly in the interior of the U.S., taking down more smuggling and fraud rings, as well as better targeting cases with criminal violations in worksites.

Along these same lines, improved coordination among the enforcement disciplines will benefit the operation of the ports of entry, particularly since the role of the ports in stopping illegal activity has increased. We will put the ports clearly in the enforcement chain of command with fewer layers through which they need to report. This will allow better coordination among the ports, as well as with other INS enforcement officers in order to improve their look-outs for criminals and terrorists and to detect fraudulent document and smuggling operations.

The Border Patrol will improve its coordination with investigators, intelligence officers and inspectors on whom they must increasingly rely. This integrated approach will strengthen its hand in the fight against the increasingly sophisticated and well-organized crime syndicates attempting to bring people and contraband across the border.

In the last several years, INS has apprehended and removed record numbers of criminal and illegal aliens—efforts requiring quick and efficient coordination for transporting individuals and detaining them. The restructuring will improve the logistics of detention and removals by creating a handful of new offices that will provide "Detention and Enforcement Support" throughout the field --instead of having thirty-some offices each with responsibilities for these functions. These centralized offices will be better able to track open bed space at detention facilities and improve and monitor the conditions in them.

The new field structure is designed to meet the needs of a modern enforcement agency dealing with the kinds of crimes that span the nation and the world.

Immigrant Services

The new customer service structure also addresses the realities of the increasing demands INS has faced for immigration services. Our proposal will enable INS to provide high levels of service at every office across the nation on a consistent basis. Our customers will no longer be advantaged or disadvantaged in dealing with INS based on where they live. Applicants in Charlotte will be able to expect the same standard of service as applicants in San Antonio.

We will establish Customer Service offices around the country, providing an array of functions from fingerprinting to interviewing and located in immigrant communities to make it more convenient for people to access INS.

These offices will have a consistent look and feel nationwide, with clear signs, comfortable waiting rooms and customer friendly hours.

We will develop and train a cadre of service oriented professionals whose performance is rated, in part, on responsiveness to customers. The directors of these offices will be held accountable for ensuring that their staffs meet nationally-established standards for timely processing and courteous service.

Each local facility will be overseen by an office with the ability to move workloads among and between local counterparts in order to ensure that each office can meet its needs.

The new framework also provides high-tech ways for people to receive better service through remote service centers. These centers currently take applications, create electronic records of them, and conduct the pre-processing necessary before an examination is administered. Under the new structure, more work would be shifted to the service centers, thus allowing local offices to focus on core activities which require interaction with customers.

Why One Roof

Some say that all that the INS must do is simply too overwhelming for one agency.

I say these tasks are too interconnected to be handled by more than one agency. Our immigration system has one mission and taking apart the agency will only divide the problems, not solve them. The reasons why are: accountability, synergy and efficiency

Improving accountability is key. And we simply cannot improve accountability by dispersing important functions into different agencies with different priorities, procedures and leadership.

In addition, the enforcement and services functions of the agency are inter-connected and interdependent. Issues like the detection and investigation of document fraud involve both sides of the agency and require careful coordination between them.

There is synergy created by using each side to target these problems since they both share records and common processes. In the last several years, INS has developed and installed a range of sophisticated, integrated technology systems for service provision and enforcement purposes. Recordkeeping systems that four years ago existed only on paper in individual files are being automated and centralized in order to be accessible to any appropriate INS official throughout the country. The federal government should get a full return on the investment we have made in building these common integrated platforms.

Finally, we can strengthen law enforcement and improve customer service far more quickly and efficiently by splitting these functions up within one agency, than by creating entirely new bureaucracies within other organizations.

Conclusion

Mr. Chairman, our restructuring plan is a common sense approach to INS' problems.

It fundamentally changes the way INS conducts business from the top levels of the agency to the smallest offices in the field.

As the person in charge of setting the agency's priorities, I can tell you that now is the time.

When I took over the agency five years ago, it had been so badly neglected that we had to urgently triage a number of problems that had seriously undermined immigration enforcement in this country altogether. As you know, the Southwest border was completely out of control, the asylum system was badly abused and criminals and illegal aliens with deportation orders had little fear of ever actually being deported.

With the Administration's commitment and Congress' support, we have made tremendous progress addressing those urgent illegal immigration problems that face the agency. Now, we can devote attention to fixing the problems inherent in the agency itself.

The difficulties we encountered trying to keep up with the crush of citizenship applications and maintain the integrity of the process was a stark reminder of our need to reassess our management practices and our structure. Under this proposal, naturalization will get the separate care and handling that it requires.

We project that we can begin putting this new structure into place immediately and have it completed within three years.

I sincerely hope we will earn your support for moving forward.

As I said earlier, the world has changed, the challenges confronting INS have changed, .
now we must change too.

**ORAL STATEMENT OF
INS COMMISSIONER DORIS MEISSNER
HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON THE DEPARTMENTS OF COMMERCE, JUSTICE,
STATE & JUDICIARY
3/31/98**

Thank you Mr. Chairman and Members of the Subcommittee for the opportunity to discuss the President's Fiscal Year 1999 budget request for the INS.

I want to start by thanking you for the support you have given us over the last several years. The new resources you provided are producing significant and concrete results at a time in which the immigration challenges facing the federal government have never been greater. Social, political and economic changes in the last several years have put tremendous enforcement pressures on our borders and created record level demands for immigration services. Nonetheless, we have made important differences in communities around the country:

Like in Brownsville Texas, where Operation Rio Grande is credited with helping to restore order and commerce in the downtown area.

In Storm Lake, Nebraska where our efforts to identify illegal workers in meat packing plants have helped return \$11 an hour jobs to American workers.

And in New York City, where we worked with federal and local law enforcement officials to obtain nearly 20 felony smuggling convictions in the

exploitation of dozens of hearing and speech impaired Mexicans who were being held in virtual slavery.

These accomplishments are no accident. Last fiscal year, we set many tough performance goals and... Mr. Chairman, we met them.

- We set a goal of continuing to deter border crossers in San Diego and apprehensions there last year were at a 17 year low.

- We set a goal of removing 93,000 illegal aliens with criminal records or with outstanding removal orders. We topped our goal by 20,000 having removed 113,000 criminals or removable aliens

- We set a goal of hiring and training more than 5,000 thousand people and we did.

- We set a goal of focusing our work site enforcement efforts on bigger cases and those with criminal violations. We exceeded our goals in completions of criminal cases by 29% and administrative cases by 25%.

- We set a goal to reduce the backlog of asylum cases and to keep current on new case receipts. Last year, we processed nearly 140,000 asylum cases, a 160% increase over 1994, and we reduced the case backlog to under 400,000 for the first time in three years .

The year was a productive one -- not just from the standpoint of how we met specific performance goals, but for a number of other reasons as well.

We made a key internal change by bringing in an entirely new team of senior managers to head the agency --a new Deputy Commissioner, a new Executive Associate Commissioner for Field Operations, three new Regional Directors and a new Chief of the Border Patrol .

And we began enforcing a complex, sweeping new law that gives significant new authorities to INS. We implemented the Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA), which required retraining half our staff, writing and implementing more than 60 regulations, and creating 70 new forms.

We also began putting into place a new infrastructure for the naturalization program. When I appeared before you last April, the naturalization program was in critical condition. The number of citizenship applications had tripled -- our system was simply not equipped to handle the crush. No one voiced greater concern about the lapses in reliability and credibility than you Mr. Chairman.

In response, we established a separate organization within INS headquarters to focus solely on naturalization. By streamlining the chain of command, we have

restored accountability and made significant progress toward building a citizenship program that is both customer-oriented and secure.

We instituted stringent new quality assurance procedures, including requiring verified FBI fingerprint checks for every naturalization applicant. A December audit by KPMG Peat Marwick has validated that these new procedures are working and that this is system in which Congress and the public can have confidence.

A year ago, more than half of the citizenship fingerprint cards prepared by outside providers were being rejected by the FBI as unreadable. That created unnecessary delays for applicants and raised concerns about the integrity of the process. Since the termination of the Designated Fingerprint Services program four months ago at your direction, we have completely revamped the fingerprinting process -- bringing it in-house to 120 of our own centers and adding new technology to prevent data entry mistakes and reduce delays. The result -- today the fingerprint rejection rate is only 2%.

A year ago, the majority of citizenship applications were being mailed to our overburdened district offices for pre-processing -- a system which contributed to delays and inefficiency. By mid-April, all naturalization applications will be

mailed directly to our four highly automated Service Centers – freeing up district personnel to focus on adjudicating applications..

Once INS lacked the resources it needed to do the job. Now we are proving that, when we are given the resources we can do the job.

We are not all that we CAN be. We are not all that we are GOING to be, but one thing is clear, we are not what we WERE.

We clearly recognize that we can do better... and that we must. Sticking with the status quo is not an option.

Mr. Chairman, you have expressed your frustration that INS does not seem to be changing fast enough. As the person in charge of leading this fast-growing agency, I can honestly tell you that I share your frustration. You asked the Attorney General and I to look at the proposal that the Commission on Immigration Reform put forward to improve the management of the federal immigration system, as well as others and to report back to you with an alternative/a recommendation.

The Attorney General and I have treated your request as a real opportunity for INS-- and the Administration seized upon it. In recent months, several organizations and individuals have also put forward proposals for restructuring INS. At the President's direction, the White House Domestic Policy Council

reviewed the Commission's proposal and others – working with OMB, consulting with various Executive branch agencies and immigration experts outside government to evaluate reform ideas.

What is most striking about the various reform proposals are not the differences, but the similarities. When you get down to it, we all share a similar goal -- a more efficient, effective immigration system.

Based on its review, the Administration determined that the Commission and others had correctly diagnosed many of INS' long-standing problems. With that in mind, we are seeking to improve accountability, consistency, and professionalism by fundamentally restructuring the INS.

Working with the Department of Justice, INS hired a leading management consulting firm to provide an independent assessment and to help INS design a better structure.

Our proposal untangles INS' overlapping and frequently confusing organizational structure and replaces it with two clear chains of command -- one chain will accomplish our enforcement mission and the other will provide services to legal immigrants and their families. The proposal calls for changing the existing field structure of regions and districts – creating new jurisdictions tailored to meet local service and enforcement needs. Finally, it establishes a shared

support operation to serve as the administrative and technological backbone upon which the enforcement and service operations depend.

On the enforcement side, our new framework would lead to improved results by ensuring that priorities are shared and that day-to-day operations are closely coordinated among each enforcement discipline. We would achieve this by establishing new jurisdictions around the country called Enforcement Areas. The Enforcement Areas would oversee all enforcement-related functions, including Border Patrol, Inspections, Investigations, and Deportation.

On the service side, our goal is to create an organization geared toward providing consistent and high quality service at every INS office nationwide. There should be no advantage or disadvantage for individual applicants dealing with this agency based on where they live. We plan to establish neighborhood-based Customer Services offices across the country, providing an array of services from fingerprinting to interviewing. These offices will be staffed by a service-oriented professionals and their directors will be held accountable for meeting nationally established standards for timely processing and courteous service.

By retaining both of these functions within a single agency the reform plan would ensure that both enforcement and service operations are appropriately coordinated and supported by headquarters.

To ensure the necessary coordination and integration and to promote efficiency, we would establish a Shared Support operation that would serve as the administrative and technological backbone for both the enforcement and service sides of the agency.

The new organizational framework also offers benefits to INS staff. For the first time, clear career paths would be established for enforcement and service personnel, allowing the agency to attract, promote, and retain the best-qualified employees.

As for the cost of this proposal, it will be minimal. For example, since we are responding to heightened demands in enforcement and service, we have already requested substantial resources in FY99 for field office space, construction of additional facilities, as well as new staff. Any cost of the restructuring proposal will be absorbed within this growth and future growth. Those resources will provide the necessary foundation for implementing the new structure.

We believe this is a cost-effective, common-sense approach that will maximize the return on the investment that the Congress and public have made in the agency.

For fiscal year 1999, we are seeking a total of \$4.2 billion and 31,499 positions. This number represents a \$390 million dollar increase in funding over this year's spending level and adds more than 2,600 positions. The details of my budget request are in my long statement which I have submitted for the record.

With this money, we will continue to produce results and build on the progress we have made in the last several years. We will do what you and the American people expect of us -- protect our nation's tradition as a nation of immigrants and a nation of laws.