



United States Department of Justice
Immigration and Naturalization Service
Office of Policy and Planning

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FAX TRANSMISSION COVER SHEET

Date: 7/30

To: Steve Wernath

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Subject: _____

Discussion:

Sender: B. Strack

YOU SHOULD RECEIVE 12 PAGE(S), INCLUDING THIS COVER SHEET. IF
YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL 202-514-3242.

Here's what I could pull together tonight. Some
of it is redundant, since I didn't know what
level of detail you need. (Also, we got another
Hammer Award for Olympics inspections efforts.)

I don't have anything handy on future
plans - I'll try to send more in the morning.

IMMIGRATION AND NATURALIZATION SERVICE

MAR 28 1996

VANGUARD EFFORTS

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EXECUTIVE SUMMARY

The Immigration and Naturalization Service (INS) was designated as a Vanguard agency by the President in implementing customer service initiatives. Several other Federal agencies have also been designated as a Vanguard, with each agency's leader committing to improving services to its customers. The Commissioner, together with the heads of the U.S. Customs Service and the Department of Agriculture, has agreed to:

- Team up to beat the International Civil Aviation Organization's standard of 45 minutes from block time to exit in every major international airport;
- Develop and meet a similar standard for land border crossings; and
- Use technology to strengthen enforcement.

The INS' response to the Vanguard challenge is the following:

Border Process Reengineering

- A joint reinvention effort with the U.S. Customs Service, U.S. Department of Agriculture Animal and Plant Health Inspection Service (APHIS) and the U.S. Department of State to reengineer the primary inspections process at air and land border Ports-of-Entry in order to meet the Vanguard commitment.
- Established teams have developed recommendations to improve efficiency, effectiveness, and cycle times of the primary inspections process at airports and on the northern and southern borders.
- Recommendations will be tested this year at the following locations: Airports - Los Angeles, Houston, Boston, New York, Chicago, Newark, Washington Dulles and Dallas; Northern Border -Blaine, Buffalo and Champlain; and Southern Border - Brownsville, Nogales and San Ysidro.
- Headquarters-based managers within the INS, Customs and APHIS were responsible for the development of program measurements to assist the reinvention teams as they assess the impact of their proposed changes to the passenger inspection process and so that the locally established measures have some consistency among the ports. The framework's philosophy for the measurements consists of three dimensions of measurement in which the measures attempt to assess how well we perform our missions (effective) how well we utilize our resources (efficiency), and how we treat the traveling public (waiting times and customer perceptions).
- Training of local teams has begun an interagency Port Quality Improvement Committees established in each pilot site.

Miami International Airport Reinvention Laboratory - This is a joint reinvention effort with the U.S. Customs Service, U.S. Department of Agriculture Animal and Plant Health Inspection Service, the airlines, Dade County Aviation Department and the three Federal Inspections Services bargaining units. The Miami Laboratory Team will take advantage of the recommendations developed in the Border Process Reengineering initiative, but will also have the flexibility to add to or modify the recommendations to best suit operations at MIA.

OTHER NATIONAL PERFORMANCE REVIEW INITIATIVES

Secure Electronic Network for Travelers' Rapid Inspection (SENTRI) - This was the first joint reinvention laboratory involving the Departments of Justice and Treasury, and is among the first interagency laboratories since the NPR initiative began. Also assisting in this joint reinvention effort are the Federal Bureau of Investigation, Drug Enforcement Administration and the U.S. Attorney for the Southern District of California. SENTRI permits Federal inspection personnel to screen, select and enroll applicants for participation in the SENTRI pilot using a set of criteria developed to satisfy law enforcement needs at the border. SENTRI utilizes emerging technology to enhance enforcement and facilitation by installing radio transponders in the vehicles of frequent, low-risk border crossers.

Customer Service Reinvention Laboratories - Detroit, Michigan, and El Paso, Texas. The El Paso and Detroit District Offices were designated by the Department of Justice Performance Review as two District Offices within INS to become Customer Service Reinvention Laboratories. The goals and objectives of these Laboratories are to improve the overall effectiveness of all District programs by redesigning and/or reengineering processes, and to improve the overall effectiveness of the services and products by making it a more customer service responsive delivery system for the Districts and Ports-of Entry. The objectives are to enhance the flow of people and improve the quality and accessibility of those services to the public.

Citizenship USA - Citizenship USA is the largest effort in history to help eligible immigrants become U.S. citizens. Through this special initiative, the INS aims to become current with citizenship applications nationwide by the end of September; assure that the overall process for filing an application through the oath ceremony is completed within 6 months; implement major improvements in the process; and expand and strengthen INS partnerships. This nationwide effort is concentrating resources on the five Districts with the largest pending caseloads, which together hold 75% of the pending applications: Los Angeles, New York, Miami, San Francisco, and Chicago.

IMMIGRATION AND NATURALIZATION SERVICE

11-13-95

NATIONAL PERFORMANCE REVIEW ACTIVITIES

As a "Vanguard" agency in the Department of Justice, the Immigration and Naturalization Service submits the following summary of its reinvention laboratories:

Location - OTAY MESA:

Through the Secure Electronic Network for Travelers' Rapid Inspection (SENTRI) Laboratory, INS will develop the first secure, automated dedicated commuter lane at Otay Mesa, CA, employing an experimental process for border inspections of low-risk border crossers.

Location - MIAMI:

At Miami's International Airport, INS is adapting the NPR Border Process Reengineering Initiative to develop a plan specifically designed to enhance service at this port of entry.

Location - EL PASO AND DETROIT DISTRICT OFFICES:

In customer service laboratories, INS will design and test back-to-basics models of customer-oriented service delivery that facilitates and improves the quality and accessibility of services.

Location - Chicago, Los Angeles, Miami, New York, and San Francisco:

Citizenship USA is the INS initiative to reinvent the naturalization process by simplifying and streamlining procedures and by creating partnerships with community-based organizations.

"Hammer" Award:

The INS Dallas District Office received a "Hammer" Award for "Operation Jobs." In addition, the Ford Foundation honored the Dallas District with an Innovation in American Government award for the same activity.

On November 20, an INS team will receive a "Hammer" Award for reinventing the process of issuing Border Crossing Cards to eligible Mexican nationals to facilitate their entry into the U.S.

IMMIGRATION AND NATURALIZATION SERVICE

11-1-95

NATIONAL PERFORMANCE REVIEW ACTIVITIES

NPR "Hammer" Awards: Significant reinvention activity has already occurred at INS, and has been recognized for excellence through presentation of five "Hammer" Awards. These were given in recognition of:

- Assisting employers in replacing illegal workers with legally authorized workers in Dallas;
- Providing "Meals Ready to Eat" for INS detainees in the San Diego District;
- Improving the adjudications process at the Eastern Regional Service Center;
- Improving leadership, direction, resource allocations and process execution in the Los Angeles District; and
- Providing employees with better access to management, also in the Los Angeles District.

Reinvention Laboratories: INS has initiated the following Reinvention Laboratories:

OTAY MESA: Through the Secure Electronic Network for Travelers' Rapid Inspection (SENTRI) Laboratory, INS will develop the first secure, automated dedicated commuter lane at Otay Mesa, CA, employing an experimental process for border inspections of low-risk border crossers.

MIAMI: At Miami's International Airport, INS is adapting the NPR Border Process Reengineering Initiative to develop a plan specifically designed to enhance service at this port of entry.

EL PASO AND DETROIT DISTRICT OFFICES: In customer service laboratories, INS will design and test back-to-basics models of customer-oriented service delivery that facilitates and improves the quality and accessibility of services.

NATURALIZATION: Citizenship USA is the INS initiative to reinvent the naturalization process by simplifying and streamlining procedures and by creating partnerships with community-based organizations.

DOJ COMPONENT LABORATORIES: INS participates with other DOJ components in the following joint laboratories: Freedom of Information and Privacy Act, Computer Security Technology, Detainee Health Services, Airfleet Management, Debt Collection, and Joint Automated Booking Stations.

Department of Justice Employee Innovation Teams: INS participates with other DOJ components in the following innovation teams: Worklife Issues, Performance Appraisal, Automation of Standard Forms, DOJ Training Institute, Internal Communications, Asset Forfeiture, Adverse Actions, and Background Investigations.

Best Practices Awards Program: INS participates in identifying and publicizing the very best administrative and operational initiatives with a view toward replication at other locations.

OCT 27 1995

**IMMIGRATION AND NATURALIZATION SERVICE
NATIONAL PERFORMANCE REVIEW ACTIVITIES**

INS REINVENTION LABORATORIES:

(Reinvention Laboratories are pilot projects designed to implement a more effective and cost-efficient method of performance. They are designed to promote redesign of basic processes, and encourage creativity and risk-taking. They last between a year and two years.)

INS SPONSORED LABORATORIES:

The following Reinvention Laboratories are sponsored solely by the INS. These projects focus on processes that are specific to INS.

OTAY MESA - SECURE ELECTRONIC NETWORK FOR TRAVELERS' RAPID INSPECTION (SENTRI)

The SENTRI reinvention laboratory expects to develop the first secure, automated Dedicated Commuter Lane (DCL) and pilot it at the Port-of-Entry at Otay Mesa, California.

SENTRI will employ an experimental process for border inspections which will apply to a defined and, initially limited, group of low-risk border crossers. It will permit federal inspection personnel to screen, select and enroll applicants for participation in the pilot using a set of criteria developed to satisfy law enforcement needs at the border. When low-risk participants approach the border to enter the United States, they will travel over a dedicated, vehicular lane, and the SENTRI system will electronically inspect the enrolled drivers and/or passengers, and their vehicles. This project should substantially accelerate border crossings through the application of technology.

MIAMI - AIRPORT OPERATIONS

The Miami Reinvention Laboratory will develop a plan utilizing the recommendations developed in the NPR Border Process Reengineering Initiative and local recommendations specifically suited to Miami airport operations.

The Miami Lab Team will include field representatives from INS, U.S. Customs Service (USCS), and Animal and Plant Health Inspection Service (APHIS), as well as the airlines and airport authority. In addition, union representatives from the three agencies will participate on the Team.

Local representatives from INS, USCS, APHIS, and the airport community met on September 19 to begin work on the Reinvention Lab and discuss the team organizational structure and membership.

EL PASO AND DETROIT DISTRICT OFFICES

This Reinvention Laboratory will consist of two separate teams of INS employees working in the Detroit and El Paso District Offices. Their objective will be to design and test models of a customer-driven service delivery system for their respective locations in order to facilitate the flow of people and improve the quality and accessibility of services to the public.

Through the dedication of additional resources and waiving certain regulations and administrative constraints where appropriate, experiments will be launched in reorganizing the office physical layout, streamlining administrative processes, extending service hours to promote greater public access to services, and empowering managers and employees to solve recurring and exigent problems. Customer feedback will be continually elicited on all administrative processes.

An Executive Reinvention Board, comprised of senior INS officials and chaired by the Deputy Commissioner, oversees the efforts of the two District Office employee teams who are responsible for recommending and implementing needed changes in local practices and procedures.

The project is supported with an integrated package of training and technical assistance in strategic process management and customer service strategies provided by two inter-related consultant groups. The project was launched in June with a general meeting, where team building and problem solving training was provided to team members and senior managers.

NATURALIZATION

The demand for naturalization benefits has dramatically increased beyond the capacity of INS to adjudicate within a reasonable time. INS anticipates the number of applications to reach unprecedented numbers of crisis proportion this fiscal year. The surge comes at a time when INS is also seeing significant increases in demand for other types of immigration benefits.

On April 1, 1995, in response to the Commissioner's naturalization initiative to streamline the process, a re-engineering team was formed to include INS field personnel, a union representative, HQ staff and was facilitated by Business Process Re-Engineering consultants. The team pioneered a new approach for leveraging electronic meeting capabilities to achieve quality results in a short period of time. A strategic plan to re-engineer the naturalization process was completed on May 12, 1995.

To address the naturalization crisis the Naturalization Re-Engineering Strategic Plan calls for a pilot program to provide the field an opportunity to experiment with alternatives for achieving the best results. The pilot program will initially begin with a two-pronged approach: 1) demonstrate that it is possible to clear the current backlogs, and 2) set up an environment where new behaviors, new technology, new roles, and new procedures can be experimented with to achieve the desired results.

The new naturalization vision requires major alterations to the current processing procedures. Under the new paradigm applicants will be interviewed on an exception basis, eligibility testing will be standardized and largely performed outside the traditional INS process, paper-processing will be held to a minimum and all necessary information will be maintained in electronic form (imaging, on-line data bases). The interpretations of eligibility laws will be revisited to ensure defensible decisions that make sense in today's world.

The pilots will be located in Los Angeles, San Francisco, New York, Chicago, and Miami.

JOINT DOJ COMPONENT LABORATORIES:

The following Reinvention Laboratories are joint initiatives in which INS participates with other DOJ components. These focus on processes that are common to various other government agencies or several DOJ components. INS participates in the following joint component Laboratories:

Freedom of Information and Privacy Act;
Computer Security Technology;
Detainee Health Services;
Airfleet Management;
Debt Collection; and
Joint Automated Booking Stations.

EMPLOYEE INNOVATION TEAMS

Employee Innovation Teams are problem solving teams that work on multi-component issues identified by the Department. The Teams are trained in team development, problem analysis, and work-improving processes. They study a particular problem in a short period of time (normally 120 days). INS participates with other DOJ components in the following innovation teams:

Worklife Issues;
Performance Appraisal;
Automation of Standard Forms;
DOJ Training Institute;
Internal Communications;
Asset Forfeiture;
Adverse Actions; and
Background Investigations.

BEST PRACTICES AWARDS PROGRAM

INS is soliciting nominations from its workforce to submit to the Department of Justice those initiatives that demonstrate the National Performance Review principles of putting customers first, cutting red tape, empowering employees to get results, and getting back to basics. The "Best Practices" Program identifies and publicizes the very best administrative and operational initiatives with a view toward replication at other locations.

INS NATIONAL PERFORMANCE REVIEW AWARDS

The INS has received five "Hammer" Awards from the Vice-President for some of these efforts. One initiative - "Operation Jobs" from Dallas, Texas, also has received the Innovations In American Government Award from the Ford Foundation and The John F. Kennedy School of Government at Harvard University.

OTHER NPR INITIATIVES

In addition to the above DOJ sponsored NPR initiatives, INS has implemented numerous other efforts at the various field locations which emphasize the NPR principles. Currently, INS is establishing an inventory of all these initiatives in order to review them and determine which could be replicated in other locations.



Executive Message

On behalf of the Immigration and Naturalization Service (INS), I am proud to present our revised Customer Service Standards. INS serves United States families and employers by administering the immigration and nationality laws. INS assists those who have a legal right to enter the United States as visitors, immigrants, and refugees, and grant them the benefits for which they are eligible. We also enforce laws against illegal entry and deport those who violate their terms of entry. Our goal is to build and maintain the public's confidence in the Government's ability to administer the immigration laws fairly but firmly.

This brochure outlines the INS commitment to customer service. It is our responsibility to realize that behind every case is an individual, and this individual has the right to receive professional, efficient, and courteous service. Customer service is a top priority, and we are committed to providing our best service to our customers.

Doris Meissner
Commissioner

Your Views

Your ideas and suggestions are important to us. We welcome your comments at any time. If you wish to provide feedback on our services:

- Contact an INS supervisor at your location
- Deposit a comment card or any piece of paper in a comment box
- Mail your feedback to:

INS Executive Secretariat

Attention: Customer Service Comments
Immigration and Naturalization Service
425 "I" Street, N.W.
Washington, DC 20536

Your feedback will be referred to the appropriate official within 2 working days. If you would like us to contact you, please include your name, address, and/or telephone number. We need your views in order to serve you better, and we appreciate your cooperation.



Examinations

1. INS employees will provide high-quality services to our diverse customers. By April 1996, District Offices will establish and implement an ongoing staff development program that emphasizes the following:
 - Cross cultural awareness
 - Consistent application of policy and procedure
 - Multi-functional trainings
 - Use of available technology to improve service.
2. INS will distribute informational materials and commonly used forms through community service providers, public agencies, and telephone systems for the convenience of our customers.
3. INS will provide improved service to requests for information through the **ASK IMMIGRATION** phone number (202) 514-4316. The recorded message format will be reduced from 58 items to 10, and menu length reduced from nine minutes to one.
4. The processing of all INS applications will be fair, accurate, and consistent throughout the Service. This will be achieved by re-engineering the processing of naturalization and adjustment applications to accomplish the following:
 - Provide applicants for naturalization and adjustment with a receipt within 30 calendar days
 - Enhance computer system capabilities so that status inquiries can be completed within 30 calendar days
 - Complete action on adjustment applications within 4 months
 - Complete action on naturalization applications within 6 months.

Re-engineering the processes for all other applications and petitions will include establishing timeframes for completion of actions.

5. INS will accelerate customers' access to benefit services with the primary objectives being to:
 - Greet customers promptly upon arrival
 - Direct customers to appropriate personnel
 - Deliver services in the community when possible.
6. By April 1996, INS will establish a formal process for resolution of customer feedback and complaints. Information about this process will be posted prominently in public areas, will be translated into languages spoken by significant numbers of customers, and will include the name and address of a designated official to whom feedback and complaints can be sent. All written complaints will be acknowledged within 30 days and resolved promptly.
7. INS will uphold the following customer service standards at Ports-of-Entry:
 - Treat you, our customer, with professionalism and respect
 - Work with customers, facility managers, and other Federal agencies to provide excellent customer service while enforcing the laws of the United States
 - Provide a supervisor to address your inspection-related concerns before you leave the inspection area
 - Make every effort to minimize your wait for an inspection

Joint Inspections INS/U.S. Customs Service

- Respond to your written inquiries as quickly as possible. INS will mail you a written response within 10 working days, or respond by phone within 5 working days
- Improve inspection processes while providing you with the highest level of customer service.

Enforcement - Investigations

8. INS will ensure that local, state, and other Federal law enforcement agencies are:
 - Able to contact INS Investigations units during both duty and non-duty hours. To accomplish this, each District Office will:
 - Develop a list that includes contact names and telephone and fax numbers for both duty and non-duty hours
 - Disseminate these contact lists to all enforcement agencies within the District Office's jurisdiction by December 31, 1995, with updates as needed.
 - Aware of the response capability of INS Investigations units. To accomplish this, each District Office will:
 - Prepare guidelines describing INS Investigations units response capabilities
 - Disseminate these guidelines to all law enforcement agencies within the District Office's jurisdiction by December 31, 1995, with updates as resources and policy changes require.
 - Provided with an ongoing open exchange of information. To accomplish this, each District Office will establish a formal mechanism to:
 - Exchange intelligence information related to criminal alien activity within the District Office's jurisdiction
 - Periodically offer formal training on INS law enforcement activities.



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INS

Customer Service Standards



Meeting
the
Challenge

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NAPA Recommendations
that are addressed by INS Reorganization
Talking Points

Recommendation 1: *INS should make the successful execution of field operations the primary focus of its planning and budgeting processes. It also recommends giving the regional directors a greater role in determining future priorities, goals, and performance expectations.*

- In conjunction with the reorganization proposal, the Office of Budget proposes to revise the budget team concept. The Office of Budget will draft an initial budget document, and then convene team meetings in each region, as well as with Headquarters management, to review and discuss the preliminary draft budget proposal.
- The Office of Budget will request appropriate stakeholders to submit INS-wide spring budget initiatives that are based on priorities, annual performance targets, and workload as defined by the Executive Management Team and approved by the Commissioner. Appropriate stakeholders are defined as Regional Directors (who will gain input from their respective District and Sector offices) and the Headquarters Management Team.
- Requesting preliminary written input for inclusion in a draft budget document will allow management at the regional and field level the opportunity to prepare a document that is reviewed and prioritized in advance of the process, and provide them with a second opportunity to refine their input at the team meeting stage.
- Focus groups have been conducted in each region as part of the FY 1997 Priorities Rollout on (1) FY 1999 priorities and (2) Strategic Planning.
- INS is working towards creating a comprehensive performance cycle in which the experience of the Field serves as feedback for development of future plans and can be systematically considered.

Recommendation 4: *INS should develop a strategic plan and commissioner's priorities with detailed assumptions leading to action plans by major program areas with five-year dollar projections.*

- The Office of Planning has assumed a leadership role in development of plans and measures in partnership with the Office of Programs through provision of guidance and technical assistance, performance monitoring and tracking, and oversight of the planning and measurement process.

- The proposed 1997 reorganization consolidates the Offices of Programs and Policy & Planning into a new Office of Policy and Programs. The consolidation of these programs under one Executive Associate Commissioner will promote greater coordination of policy, planning, and program development and evaluation activities and facilitate a continuous cycle of planning, program development, measurement, and evaluation as required by the Government Performance and Results Act.

Recommendation 5: *INS should develop performance measures tied to accomplishing the Commissioner's priorities and the five-year program plans, and also develop its program evaluation capability to ensure that the agency can effectively determine whether it is moving toward its goals.*

- The Office of Planning has turned its attention to the multi-year, long-range planning needs of INS.
- The Office of Planning is revising the 1994 Strategic Plan according to the standards required by the Government Performance and Results Act, and is strengthening the cultural support and participation of managers in planning. The Office of Planning has provided technical assistance to program offices to develop multi-year plans that link the Strategic Plan with the annual priorities and with non-priority cross-cutting activities.
- The Office of Planning has assisted with development of program performance goals and measures to ensure that measurements are tied to long-range plans rather than driven by resources.
- The proposed 1997 INS reorganization includes the establishment of the Office of Statistics and Evaluation. In addition to the collection and maintenance of high level statistical information, this office will also be responsible for providing technical support and expertise in program evaluation and analysis for existing and/or proposed INS programs.

Recommendation 6: *INS should clarify the roles and relationships of headquarters policy and planning, budget, programs, and field operations offices with regard to planning, budgeting, and performance measurement.*

- The principles of the proposed 1997 INS reorganization are designed to:
 - * clarify roles and responsibilities between programmatic and operational branches;
 - * consolidate policy and program development, review, and planning;
 - * strengthen the chain of command by strengthening the regions and increasing the roles and responsibilities of the Regional Directors and the Office of Field Operations.

- With GPRA implementation in the fall of 1997, each office's role will become more defined. As HQOPP takes a leadership role in GPRA, particularly in developing planning capability throughout the Service, the teamwork between the Office of Budget and HQOPP that has been ongoing will continue to be essential.
- In addition, the 1997 reorganization consolidates the Offices of Programs and Policy & Planning into a new Office of Policy and Programs. The consolidation of these programs under one Executive Associate Commissioner will promote greater coordination of policy, planning, and program development and evaluation activities and facilitate a continuous cycle of planning, program development, measurement and evaluation.

Recommendation 7: *INS should consider formally assigning responsibility for GPRA implementation to the OPP. INS should also equip OPP with the leadership, resources, and skills needed to effectively carry out this function.*

- HQOPP has the leadership of key functions related to GPRA implementation, including planning, policy, statistics and data integrity, and customer service.
- HQOPP is currently engaged in activities that will address GPRA strategic and annual plan requirements. Specifically, HQOPP is:
 - * Developing the FY 1999-2005 INS Strategic Plan;
 - * Providing technical assistance to program offices in development of multi-year program plans, and
 - * Developing the FY 1998 and FY 1999 annual priorities.
- With the proposed reorganization, the Office of Policy and Programs will establish an Office of Statistics and Evaluation. As the Office of Policy and Programs expands its evaluation capacity, it will be able to fulfill GPRA's requirement that evaluations be used to improve program effectiveness.

Recommendation 8: *The Deputy Commissioner should ensure that INS create a long-term management agenda and calendar that outlines specific actions in areas such as planning, budgeting, performance measures, accounting, and information technology that are required to effectively fulfill the INS mission, meet the Commissioner's priorities, and produce credible data for both executive and legislative branch decision-making.*

- INS is working towards creating a comprehensive performance cycle in which the experience of the Field serves as feedback for development of future plans and can be systematically considered.
- The Office of Planning has developed a recurring calendar to track major events in the Priorities, Budget, and GPRA cycles. The calendar, along with other related materials, are under development and review by the Executive Staff and the

Commissioner. Further consultation and refinements will be needed to institutionalize the process and provide appropriate support to Field and Headquarters management to enable them to use these tools to integrate activities within INS.

Recommendation 9: *INS and reviewing officials in the administration and in Congress should adopt a simpler decision unit structure by consolidating decision units on a programmatic basis.*

- The NAPA straw man proposal for 5 decision units is an excellent starting point for consolidating decision units. In conjunction with the proposed reorganization, the Office of Budget will develop a simplified decision unit structure to allow field managers more flexibility in the use of their funds. The current decision unit structure places too many constraints on INS field managers and limits their flexibility to use their resources effectively.

Recommendation 13: *INS should establish a rigorous selection process for team members, using criteria such as expertise in given areas, perspective and prior experience, and advise team members of their selection and duties well in advance of their service.*

- INS agrees with this recommendation. The Office of Budget proposed and implemented several changes to the process specifically intended to enable the team's work to be both meaningful and effective. Specific examples of reforms to the budget process included, but are not limited to: development and distribution of a Budget Team Orientation book; training in advance via a conference call; improvements in the team member selection process; and most importantly, Executive Staff approval of an enhanced role and responsibility of individual team members.

Recommendation 14: *INS should plan now to change the formulation process for the inevitable day of zero-sum or cut-back budgets.*

- INS agrees with this recommendation. As part of the FY 1999 process, INS expanded on the concept of base reviews to a limited extent. INS will attempt to expand on this function for the FY 2000 process.
- The spring call for budget proposals will also request that, where appropriate, offsets be provided, and base projects be re-prioritized to allow for new projects.
- However, until a new financial management system is in place, it will be difficult to access more than the capital expenditures in the INS budget with any precision.

Recommendation 15: *INS should consider both the base and enhancements in a budget formulation process focused on accomplishing goals within the context of a strategic plan and five-year program plans.*

- INS agrees with this recommendation. As part of the FY 1999 process, INS expanded on the concept of base reviews to a limited extent. INS will attempt to expand on this function for the FY 2000 process. However, until a new financial management system is in place, it will be difficult to access more than the capital expenditures in the INS budget with any precision.
- The Office of Budget is using the strategic plan and priorities framework to drive the formulation and execution of program budgets. HQOPP has worked with the Office of Budget to establish linkages between performance targets and resources, but more work needs to be done at each level of the organization to prevent day-to-day operational concerns from detracting from strategic direction.

Recommendation 17: *INS should review major components of the base and enhancements budgets, for example, large procurements, to specifically consider them during the formulation process.*

- INS agrees with this recommendation. INS has recently merged the advanced procurement planning process with the spending plan information. This will allow the budget office to have information in advance of the development of the budget execution plan. For the FY 2000 process, this information will be made available to the budget teams for consideration in the budget formulation process. In this way, all procurements in excess of \$300,000 will be available for review at the earliest stages of the process.

Recommendation 21: *INS should build upon its initiative of having the field provide input to the enhancement staff deployment plan by also soliciting their input to the base budget execution plan. Field input on both plans should be within headquarters provided guidelines on resources limitation to prevent the wish lists.*

- [Response tasked to Office of Budget, Execution Branch and Office of Field Operations, ORMB.]

Recommendation 22: *INS should develop a means to allocate the PS&B funds based upon realistic hiring and attrition rates. Alternatively, INS should consider retaining all PS&B funds (other than overtime) in the Budget Office and allocating only FTEs or other appropriate staff resources to the field.*

- Beginning with the FY 1998 Budget Execution Plan, all PS&B funds would be managed by the Office of Budget and not allocated to the EACs. Instead, all organizations would be given positions based on the Table of Organization, full time equivalents (FTEs) to fund Other-than-Permanent staff, and overtime. This would allow for quicker redistribution of surplus resources for other priority requirements.

Recommendation 23: *INS, should, in conjunction with new procedures for PS&B allocation and a revised budget formulation procedure, identify major spending items, plan to allocate funds for contracts, procurements, and other non-personal service items when possible at an earlier point in the year.*

- [Response tasked to Office of Budget, Execution Branch and Office of Administration, Procurement Branch.]

Recommendation 24: *INS should eliminate the current spending plan concept and develop, under the procurement office's direction, a new advance procurement plan which will meet the needs of both the budget and procurement offices.*

- While the advanced procurement plan has been instituted for FY 1998, elimination of the spending plan items is contingent upon the implementation of the new automated procurement and financial management systems.

Recommendation 31: *INS should establish a process for deciding the bulk of its program changes at an early stage of the year, consistent with the operating plan process recommended above.*

- [Response tasked to Office of Budget, Front Office.]

Recommendation 32: *INS should make clear that when the Budget Office issues instructions, it is speaking for the Commissioner.*

- [Response tasked to Office of Budget, Front Office.]

Recommendation 35: *INS should create a new CFO position, responsible for the budget office, financial management, and financial reporting.*

- Under the proposed INS reorganization, the Office of Management will be restructured to focus management responsibility and reduce a layer of oversight. The Executive Associate Commissioner for Management will facilitate improved communications between the Offices of Budget and Financial Management, and serve as INS' Chief Financial Officer. In that role, the EAC will continue to improve and enhance financial management within INS by streamlining the authority, responsibility, and span of control for budget and financial management.
- In addition, implementation of proposals submitted by the Office of Budget would substantially improve the efficiency and effectiveness of the INS budget process. These proposals include:
 - * All PS&B funds would be managed by the Office of Budget (and not allocated to the EACs), beginning with the FY 1998 Budget Execution Plan.

- * Provide Regional Directors with greater flexibility in managing their general expense funds by eliminating the recurring accounts and giving those resources to Regional Directors as additional general expense funds.
 - * Transfer responsibility for management of the Mandatories to the Office of Budget.
 - * The Office of Budget would manage Set-Asides for overseas rotations and employee relocations, and allocate quarterly based on the operating plans submitted by the EACs, Regions, or Foreign Operations.
 - * Allocate general expense funding by quarter and monitor its usage.
 - * Eliminate the use of Spending Plan Items and instead develop and implement a Service-wide Advanced Procurement Plan.
- **The single most important factor affecting the successful implementation of the proposal recommended above is the redefinition of roles of the Office of Budget and other resource management staffs within the reorganization plan.**

Recommendation 36: *INS should transfer from the MRS to the Budget Office the responsibility, together with the necessary staff, for estimating and allocating all mandatory overhead items.*

- The Office of Budget proposes to transfer the responsibility for management of the Mandatories to the Office of Budget. Mandatories are uncontrollable costs that must be paid and cross all EACs. The Office of Budget will develop its own calculation for mandatories based on prior years' costs that are adjusted for annualizations, reprogrammings, transfers, and costs changes and would consult with the EAC-Management, Management Resources Staff before final decision are made.

Recommendation 37: *INS should review the process to estimate, allocate, and manage recurrings and set-asides, and assess whether responsibility should be transferred to the Budget Office or remain with the MRS. The review should also determine whether recurrings should be included in regular GE allocations.*

- The Office of Budget proposes eliminating the recurring accounts and giving those resources to the Regional Directors as additional general expense funds. With the consolidation of the Administrative Centers under the Regional Directors, and the additional general expense funds, the Regional Directors would have more flexibility to manage all of their general expense funds to best meet their mission requirements.
- The Office of Budget proposes that the set-asides for overseas rotations and employee relocations be managed by the Office of Budget and allocated quarterly based on the operating plans submitted by the EACs, Regions, or the Office of Foreign Operations.
- The Office of Budget proposes allocating general expense funding by quarter and monitoring usage. EAC's would be required to provide operating plans for the use of

general expense funds. Funding that could not be justified based on spending rates and operating plans would then be used for the Commissioner's priorities such as facilities build-out, vehicles, etc. (This proposal would not be implemented until a new financial management system is in place.)

Recommendation 38: *INS should delegate authority for determining all sector and district allocations to the RDs and transfer from the ORMB to the Budget Office responsibility for allocating and managing funds designated for field use.*

- The proposed INS reorganization provides for increased spending authority and flexibility to Regional Directors and decreased dependence of Regional Directors on HQ Field Operations budget decisions. Increased authority will be accompanied by closer monitoring of milestones, operational performance, and the use of quarterly priority reviews to hold the Regional Directors accountable for the use of funds.

Recommendation 39: *INS should clarify the roles, responsibilities, and authorities of headquarters program and field operations offices and assess whether resources are adequately distributed to each of the offices to enable them to fulfill their responsibilities.*

- The proposed INS reorganization addresses this recommendation directly. The reorganization consolidates the non-operational aspects of the Office of Programs within the Office of Policy & Planning into a new Office of Policy and Programs. This realignment is consistent with the principles guiding restructuring of the Office of Field Operations.
- The reorganization proposes not only to move some residual operational activities from the Office of Programs to Field Operations, but also to clarify and integrate programmatic efforts. This will be accomplished by realigning units along functional lines rather than along operational lines as in the past. New divisions reporting to the Associate Commissioner for Program Development include: Border Management; Enforcement Programs; Adjudications and Services; Status Verification; and Information Systems Requirements.
- The reorganization establishes an integrated structure within the Office of the Executive Associate Commissioner for Field Operations. The Executive Associate Commissioner is supported by two Associate Commissioners – for Enforcement Operations and Service Operations -- each of whom serve a dual role.
 - * The Associate Commissioner for Enforcement Operations will be responsible for Investigations, Removals, Intelligence, Detention, Asset Forfeiture, and the Law Enforcement Support Center.

- * The Associate Commissioner for Service Operations will be responsible for Inspections, Adjudications and Naturalization, Service Center Operations, Telephone Centers, Forms Centers, and the National Fines Office.
- The reorganization delegates greater authority and accountability to Regional Directors and provides them an expanded role in planning and budget processes.
- As the reorganization proceeds, organizational and manpower analysis will be conducted as functions and personnel are aligned with the new INS organizational structure.

Recommendation 40: *INS should formally integrate the program offices into the budget execution process by requiring that their staffing, overtime, and GE distribution recommendations on base and enhancements be submitted to the Budget Office prior to making the regional distributions.*

- [Response tasked to Office of Budget, Execution Branch and Field Operations, MRS.]

DRAFT -

Transfer of INS Functions to State
Implications for Consular Affairs

Immigration
INS Reform
State Dept.

If the recommendations of the Commission on Immigration Reform to transfer the benefits functions of INS to the Department of State are accepted and acted on by the Administration and the Congress, the changes would have a major impact on the Department of State. This paper analyzes in general terms how the Bureau of Consular Affairs (CA) and INS overlap in some functions relating to immigration and U.S. citizenship, what transferred INS functions would be completely new, and how we might reengineer the immigration system to maximize efficiency, while assuring the integrity of the services provided. A more detailed analysis of the impact of combining certain INS operations with State will only be possible with close cooperation with INS. The recommended changes would also have a significant effect on the Bureau of Population, Refugees and Migration, the Bureau of Democracy, Human Rights and Labor and the Office of the Legal Adviser, that are not addressed by this paper. Report language in the House version of the CJS Appropriations bill directs the Attorney General to review the Commission's recommendations in consultation with State, Labor and OMB; and requires an OMB plan to transfer some of the responsibilities of INS to other Departments and Agencies in FY 1999.

The taxpayers and the Administration would be ill served if the impact of moving INS benefits programs to State only resulted in transferring the same problems cited by the Commission to a new organization. This change only makes sense if we can dramatically improve the level of service to the public by streamlining functions, eliminating redundancies, and reducing fraud.

Scope of the Merger

The Immigration and Naturalization Service maintains four service centers and 34 district offices. The service centers, which process most of the services related to aliens in the U.S. and prequalification for visa applicants abroad, are staffed by about 2,000 employees. Half are INS employees and half are contractors. An undetermined number of employees of the district offices, who perform benefits adjudications, would also be transferred to State under the Commission's recommendations. In FY-1996, INS approved 1.7 million visa petitions, 45,000 changes of nonimmigrant status, 505,000 permanent residents, 875,000 employment authorizations, and 1.1 million naturalizations. INS also processed 60,000 refugee applications worldwide and 62,000 applications for political asylum by aliens in the U.S.

By way of comparison, the Bureau of Consular Affairs has 1050 direct and 300 contract employees in the U.S. Most of these (860 direct and 140 contract) are involved

in passport issuance in Washington and at the fifteen regional offices throughout the U.S. These offices issued 5.7 million passports in FY 1996 and expect to issue 6.3 million in FY-97. About 185 employees in Washington support citizen services abroad or provide policy guidance and support for visa operations. Four CA employees and 140 contract employees staff the National Visa Center in New Hampshire. Abroad, 464 Foreign Service officers and 1,647 Foreign Service nationals provide a number of consular services. In FY-96, our officers abroad issued 6.2 million non-immigrant visas and 423,000 immigrant visas. Consular staff overseas also issued 300,000 passports and assisted several thousand Americans in emergency cases. They also provide voting assistance, administration of federal benefits and other services to over 3,000,000 U.S. citizens, who reside abroad.

Immigrants and Visitors

Application for an immigrant or temporary worker visa generally requires at least two principal steps. The applicant's sponsor must file a visa petition, which is adjudicated by the INS. Then, if INS approves the petition, it is sent to the State Department. The applicant then applies for a visa with a Department consular officer, who often may review whether the initial petition was properly approved.

Under the Commission's proposal, State would adjudicate both the petition and the visa application, thereby creating an opportunity to:

- streamline the process,
- avoid redundancies, such as consular review of previously approved petitions,
- achieve greater consistency in adjudications, and
- initiate anti-fraud investigations at the beginning of the process, when they are most efficient and cost-effective.

There are two broad immigrant visa categories: family-based and employment/skill-based. The process of immigrating to the U.S. usually begins when a close relative or future employer files a petition with INS on behalf of the alien to establish entitlement to an immigrant visa category. Petitioning employers, in most cases, must first request certification from the Department of Labor that there are no available workers to fill the position. Visa petitions are generally processed by mail at one of the four INS service centers, but some are submitted in person at INS district offices, or at U.S. consular offices abroad. Except in some cases where the beneficiary is already in the U.S., INS forwards all approved petitions to State's National Visa Center (NVC) in New Hampshire. Once the case is ready for processing, NVC then forwards the petition to the appropriate overseas consular post. Paper thus changes hands many times under the current process.

Once an immigrant visa is available, the alien beneficiary applies at a consular office abroad or, if the alien is physically present in the U.S., he/she may be allowed to apply at a domestic INS office for "adjustment of status." After adjustment of status is

approved or the alien is admitted to the U.S. with an immigrant visa, INS generates an alien registration card ("green card") and mails it to the alien's U.S. address. Visas for temporary workers are processed in a similar way, although the alien does not receive permanent residence.

Although State and INS have worked to reduce duplication of effort, many redundancies for both applicants and the government remain. One advantage of consolidation would be the opportunity to develop more efficient information systems that would eliminate the need to reenter data, or even to retain a paper file for most of the process. Having one agency process all immigrants, regardless of whether they apply abroad or in the U.S., should help ensure greater consistency in eligibility determinations and would facilitate the process of allocating visa numbers and complying with annual numerical limitations on immigrants.

One area that would need closer examination is the labor certification process. In performing the certification function, the Labor Department must analyze the domestic labor market. Labor Department officials rely heavily on the labor departments in the fifty states, with which they have regular contacts. The State Department, however, does not have the necessary state-level contacts or the domestic labor market expertise required to perform the labor certification function. While we might take on the employees from Labor, this would add to the burden of absorbing the INS employees and would bring us far afield from the Department's traditional diplomatic and consular functions. It should be noted that the Commission on Immigration Reform has separately proposed replacing the current labor certification process with a system that relies largely on the good faith of the employer to meet certain stated commitments. This would simplify the process and make it easier for State to take over the function. However, there appears to be little enthusiasm on the Hill for the Commission's proposed labor certification reform and, in the absence of such a reform, moving the labor-certification portion of the immigrant visa process to State would pose many hurdles.

The process of issuing visitors visas for business or tourism would change little since this process is now performed almost entirely abroad at consular offices. The difference would be that, once in the U.S., an alien who wanted to extend a stay or change activity, i.e., from tourism to study, would seek permission from the Department of State rather than from INS. Having State adjudicate both the initial visa application and subsequent requests in the U.S. to change or extend status should help ensure greater consistency in eligibility determinations and would more readily ensure that all necessary security checks and other background checks are done --- a step which INS sometimes overlooks with aliens already in the U.S. An important objective of joining INS and State immigration functions would be to assure access to computerized alien immigration records by U.S. officials at any time, anywhere in the world. Such a system would improve service for legitimate visitors and make it easier to detect fraud. INS or a successor organization would still retain authority for the apprehension and removal of overstays, but their efforts would be enhanced by better record keeping to provide leads to the alien's activities and whereabouts.

Naturalization and Passports

The adjudication of claims of nationality at birth and naturalization are logical areas for consolidation. In fact, in the area of nationality at birth and derivative naturalization, INS and State administer the same law. We currently work closely with INS, and have periodic meetings to attempt uniformity in interpretation and implementation of laws. In addition, we clear on each other's instructions and guidelines. Even though we differ on only a few issues, without consolidation, there is a better chance for inconsistency in interpretation and forum shopping. State adjudicates claims of nationality at birth by an objective documentary review. The adjudication for naturalization requires a similar review of statutorily imposed objective requirements. Cross training of passport examiners and consular officers in naturalization work, and INS adjudicators in passport issuance, would be relatively easy. The challenge would come in improving procedural steps for naturalization such as file location, fingerprinting and scheduling of applicants for naturalization.

In processing naturalization cases, an adjudication officer must look for four legal requirements: sufficient residence/physical presence; good moral character; the ability to read, write, and speak English, and understand the fundamentals of American history and government; and support for democratic principles of government. The review is objective, and usually adjudicated by review of evidentiary documents. INS contracting with private organizations for testing in English and civics and the designation of private businesses to take fingerprints has been problematic in the past. There are a number of testing services with a national infrastructure and proven results that could probably perform these functions with integrity and at no expense to the government. Likewise, it should be possible to contract for support services such as data entry and file maintenance as the Department of State already does for immigrant visa applicants.

The current backlog in naturalization cases is a result of two major factors: 1) a wave of aliens, who became permanent residents after the amnesty of the 1986 Immigration Act, became eligible for naturalization, and 2) changes in federal programs, which have cut benefits for non-citizens, creating a financial incentive to naturalize rather than to remain a permanent resident. The surge in demand for naturalization occurred at the same time the INS received statutory authority to adjust the status of over 400,000 illegal aliens who had managed to qualify for legal immigration. Prior to FY 1995, these applicants were required to apply for immigrant visas at consular offices abroad. Although INS services are fee funded, INS used a large portion of the retained fees to support immigration enforcement rather than investing heavily in systems and people to improve adjudication services. The result was a dramatic increase in backlogged work and public scandals over irregularities and misperceptions in the naturalization process. This is one of the most compelling lessons for State as we contemplate taking responsibility for INS functions.

INS district offices in New York, Miami, San Francisco and Los Angeles all handled well over 100,000 naturalizations in FY-96. This compares with some domestic passport agencies, which process hundreds of applicants daily (although the naturalization process is more cumbersome and time consuming), or with large immigrant visa sections abroad, which process 300-400 applicants daily. Applicants who meet all requirements on their naturalization appointment date are then scheduled to take an oath of allegiance, either in court or at an INS administered ceremony. By incorporating the issuance of the naturalization certificate into the application process, as we do for passports and visas, we could greatly streamline the process. Since most naturalized citizens apply for passports, we would incorporate the passport application process into the naturalization procedures for those who wanted a passport, thereby eliminating the need for a separate application.

When an application for naturalization is denied, INS supports a review process which includes both statutory and regulatory reviews of adverse decisions. These include appeals from determinations to administratively revoke naturalization; appeals from decisions to cancel a Certificate of Citizenship; and hearings on denials of naturalization. The INS by statute sues in Federal Court to revoke naturalization. Like State, INS may be sued by an individual who challenges a holding of non-citizenship in Federal District Court for a declaration of citizenship. Passport revocations, which usually involve people abroad are subject to administrative review, followed by appeal to an independent board for individuals challenging loss of nationality. Most of the few cases involving loss of nationality or denial of passports are resolved without going to court. Although the Commission on Immigration Reform has recommended an independent appeals board, there should still be an internal appeals process to resolve as many cases as possible before seeking recourse to an outside body.

The naturalization file and the passport file, currently stored separately and by agency, should be consolidated into a "citizens file," located at one place, easily accessible and identifiable. The current naturalization certificate is a large paper document with a photograph and signature. It does not incorporate modern security features such as those in the U.S. passport or alien registration card. It is not convenient to carry around, which poses a problem for the naturalized citizen who may be asked to present evidence of citizenship. We would look at modernizing the documentation of naturalized citizens to make it fraud resistant and more convenient to carry. We would also look at all citizenship documentation to streamline the process, automate the recordation and eliminate duplication.

Insuring Integrity

Consolidating State and INS' Anti-Fraud Work

INS' current anti-fraud work suffers from poor management, a failure to integrate the work into normal application processing, and very spotty intelligence sharing.

Separation of authority between adjudicators and investigators and a break in the chain of processing when petitions are sent abroad for final action hinders fraud detection. These impediments have demoralized INS service center personnel dealing with fraud and encouraged the filing of visa petitions that should be easily detected as spurious, but which have been routinely approved.

The State Department's fraud prevention program at our 15 regional passport agencies would serve as a model of how to properly integrate anti-fraud work into adjudication. Each passport agency employs a Fraud Program Manager (FPM) who integrates intelligence, training and operational support into the process. The FPM can count on effective policy coordination, training and intelligence support from Washington via CA/FPP as well as automated anti-fraud data base systems created and maintained by the Bureau of Consular Affairs. Together with investigative assistance from the Bureau of Diplomatic Security, this system is relatively seamless in deterring fraud throughout the passport process. While the INS "product line" is more varied than our passport operation, there is no reason why the FPM model could not be applied with equal efficiency to INS' benefits work.

INS is a very good collector of intelligence on fraud patterns, alien smuggling, and other criminal activities that count on fraud to succeed, but they are poor at getting the information out to the line adjudicators who can do something about it. State is better at moving such information to where it is needed expeditiously, and using it sensibly to make eligibility decisions. Better training of INS adjudicators is essential to detecting and deterring fraud. We would look to the National Foreign Affairs Training Center that has taught consular officers the basics of their trade (including anti-fraud work) for fifty years to provide training for INS employees joining State.

Consolidation of fraud work would bring synergy and allow for regulatory streamlining to reduce the redundancies caused by two agencies having jurisdiction over the same process. Merging State and INS databases would provide adjudicators with more rapid and accurate information on foreign applicants, while bringing the entire process under one roof would eliminate the disconnect between visa petition adjudication in the United States, and the visa approval abroad. The domestic adjudicator would then have support for anti-fraud work prior to petition approval, where it is most effective.

INS and State bring different strengths that would combine to enhance the integrity of the final product. State officers have language skills and foreign area experience that cannot be replicated by a domestically based service, and which are invaluable in adjudicative work on everything from visa petitions to asylum claims, while INS officers are strong in legal and evidentiary standards and criminal intelligence collection. State's overall management structure and culture are both more centralized and less hierarchical than that of INS, with more frequent and more open contact between operations and policy makers at all levels. Working together, the two sides would sidestep turf battles and separate chains of command that have frustrated cooperation in the past.

Reviewability of Consular Decisions

One of the most controversial aspects of the Commission's plan is its proposal to allow appellate review of certain visa refusals. Under current law, visa refusals are subject to review by a supervisory consular officer at post, but there is no formal appeal beyond that point. However, the applicant is free to reapply and seek to overcome the initial decision. The applicant may also request that CA's Visa Office review the case. Although the Visa Office can only issue an "advisory opinion" to post and has no authority to direct a consular officer to issue a visa, the Visa Office's advisory opinion on legal issues is binding on the consular officer. The advisory opinion process thus allows the Visa Office to help ensure uniform application of the law and provides an opportunity to correct legal errors at post. The current system places the decision and principal review in the hands of overseas consular officers, who understand the alien's culture and the context of the application and are therefore in the best position to determine the alien's eligibility.

Under the legal doctrine of consular nonreviewability, courts generally will not hear suits based on overseas visa denials. This doctrine is based on the principle that Congress has broad powers to control entry of aliens into the U.S. and that such powers generally should not be limited by judicial review. Because Congress vested consular officers abroad with exclusive authority for adjudicating visa applications, the Department rarely faces visa-related suits and, when it does, these suits are usually quickly dismissed. In contrast, aliens already in the U.S. enjoy much greater procedural protections. INS enforcement actions and many benefits-related decisions, such as employment-based and certain family-based immigrant petition cases, are subject to administrative review by bodies such as the DOJ's Board of Immigration Appeals (BIA) and INS's Administrative Appeals Unit (AAU), and such determinations ultimately may end up in federal court. Consequently, INS and DOJ must devote substantial resources to the administrative appeals process and litigation.

The Commission proposes the establishment of a new Board of Immigration Review, which would be independent of DOJ, INS, and State, and would hear appeals from both INS enforcement actions and State benefits decisions. The proposed Board appears to be patterned on the structure of the current BIA. The Board would have several levels of review, with decisions of the highest level subject to review in the federal courts. The classes of cases subject to review would generally remain the same, with one very critical exception: the Commission proposes allowing U.S.-based visa petitioners to appeal consular decisions to deny visas to aliens sponsored by the petitioner. Allowing appeals in petition-based visa cases would be a radical departure from current practice, and would lead to increased workload and litigation.

The Commission proposes permitting review in petition-based visa cases because it believes that the U.S. petitioner has a valid U.S. interest that needs protection through

appellate review. However, it is questionable whether the Commission's petition-based distinction would survive judicial scrutiny. First, many applicants in non-petition cases have U.S. sponsors or other U.S. contacts, and it is likely that such U.S.-based individuals would argue that they have an equally compelling interest and should have the same right of review as U.S.-based petitioners. Second, the Commission's proposal would allow appeals in any petition-based case, even if the basis for the refusal had nothing to do with the petitioner, but instead, related to some ineligibility on the part of the alien, such as drug trafficking, prior criminal history, or excludable medical condition. An alien refused on one of these same grounds in a non-petition case might rightly ask why he/she has no right of appeal when the same determination would be subject to review in a case involving a petition. Based on these arguments, courts may find the Commission's petition-based distinction arbitrary and might well allow review in non-petition cases.

If this were to happen, it might lead to loss of consular non-reviewability across-the-board, which would have a chilling effect on consular processing and would greatly increase workload and resource requirements.

Personnel, Facilities, Systems, Budget and Fees

State and INS have similar domestic operations which separate services for which personal appearance is required, e.g., first time passport applications, and large processing centers for work that does not require personal appearance, such as, passport renewals. We would have to look closely at how to reconfigure current State and INS operations in the U.S. Operations at the State Department's National Visa Center in New Hampshire would blend well with INS service centers that handle primarily immigration related work for which no personal appearance is required. The Commission strongly recommends moving the INS benefits adjudication out of District Offices to separate INS enforcement functions from benefit adjudication. Finding new facilities and designing them to efficiently accommodate large numbers of customers would be challenging and costly. One approach would be to combine INS and passport regional offices at some locations into consular service centers that would share facilities and personnel. Service centers would need to be in all major urban areas with high immigrant populations. We would want facilities designed to accommodate large numbers of customers efficiently and comfortably. Benefits work at INS offices abroad would be handled in expanded consular sections, but INS or its successor would continue their enforcement related missions abroad, for example, countering immigrant smuggling.

One way State makes it more convenient for Americans to apply for passports is to enlist a network of approximately 4500 acceptance agents, who accept applications on a part time basis in return for a portion of the passport fee. These agents are specially designated U.S. postal clerks, county and state court clerks and personnel technicians in the U.S. Armed Forces. Two-thirds of all passport applications in the U.S. are made to acceptance agents. The acceptance agents make sure applications are completed correctly, take oaths, accept fees and provide information to the customer. A similar

arrangement for providing immigration services might also be feasible. Contractors perform extensive non-adjudicative services for both State and INS. For State, these functions, which include fee collection, data entry, mail handling and file retrieval, are performed under the supervision of State Department personnel with excellent results. We would explore new possibilities of extending outsourcing to improve service to customers.

The integration of State Department consular employees and INS career employees would be a major challenge. True integration will require developing a leadership cadre of Civil Service and Foreign Service employees who have served in both domestic and overseas immigration/consular positions. We would need to expand and strengthen our personnel offices to support a much larger employee base and develop the policies to facilitate integration. We would also have a union with which to negotiate any changes in performance standards, job descriptions and working conditions. We expect that early efforts to streamline INS/State visa operations would free up a number of INS adjudicators to be available for deployment in consular positions overseas. We would want to crosstrain INS and State consular staff through overseas and domestic excursion tours and other programs. INS employees would naturally be wary of being transferred to another agency in much the way employees of ACDA and USIA are. Unlike these agencies that perform similar and complimentary functions, INS and State perform functions much more alike and under the same statutes. The key to reducing the natural anxieties of INS employees is to focus on the mission of improving service, increasing professional opportunities through training and new assignment possibilities, and offering employees the opportunity to participate in reinventing their organizations.

INS benefits programs are principally fee-funded; user fees are offset against appropriated funds. User fees collected for benefits services also support INS enforcement activities. To make integration work, it would be essential to extend INS fee retention authority to State and to negotiate an equitable distribution of those fees to offset the cost of improved services. This thorny issue will require legislation. INS and CA fee issues raise the over-arching questions of whether the new consular and immigration operations should be fully fee-funded. Operationally, fee-funding would require development of a cost-based accounting system, which the Department does not currently have. Whether a cost-based accounting system would be integrated into or operate parallel to the Department's financial management system would be a major issue to be resolved by Congress, OMB, State, INS, and Treasury.

Systems Integration

INS has a plethora of independently designed systems performing various functions. Many of these systems are not immediately compatible with other INS systems and will probably be costly and difficult to integrate with each other and with State Department systems. It is not clear where INS stands in ensuring that its systems are Year 2000 compliant, but given the large number of applications and systems involved, it seems likely that INS' Y2K effort is more complex than that facing CA. The high cost of systems integration and Y2K concerns make it likely that in the near to medium term CA would need to run INS applications and systems in parallel to existing consular applications.

In the long run, an INS/State merger provides CA with an opportunity to integrate and rationalize systems in ways that should promote efficiency and lower recurring costs. Although potentially facing a major system redevelopment effort, the reward could be high because CA could control access to data (central index) currently unavailable to the Bureau. Given the role of inspection and enforcement personnel in generating and using lookout information, it is not clear that the proposed reorganization will have any impact on CLASS or on the architecture of DataShare, other than possibly to simplify the flow of DataShare information prior to overseas adjudication.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

INS Reform

*EAC stuff
(+) Other
Comments*

**Legislative Reference Division
Economics-Science-General Government Branch**

TO: *Gay Quin, Julie Fernandez*

AGENCY: _____

FROM: ~~**JEFFREY WEINBERG**~~ *Ingrid Schrader*
(Tel(202)395-3457 Fax(202)395-3109)

2 **PAGES FOLLOW THIS COVER SHEET**

COMMENTS:

For Justice review, State Dept
comment on INS draft bill.
Please advise.

JUN-24-1998 17:34 TO:114 - STATE

FROM: SCHROEDER, L.

P. 3/34

LRM ID: IMS371 SUBJECT: JUSTICE Draft Bill on Immigration and Naturalization Service
Restructuring Act of 1998

RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or

(2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Ingrid M. Schroeder Phone: 395-3883 Fax: 395-3109
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant): 395-3454

FROM:

10/26/98 (Date)Vanessa Harrison (Name)State (Agency)(647-4463) (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

☐ Concur

☐ No Objection

☐ No Comment

☐ See proposed edits on pages _____

☐ Other: _____

☒ FAX RETURN of 1 pages, attached to this response sheet



United States Department of State

Washington, D.C. 20520

June 23, 1998

SUBJECT: JUSTICE Draft Bill on Immigration
and Naturalization Service Restructuring Act

We do not believe that the drafters of this proposal intend to limit in any way the law enforcement authorities of the Secretary of State and the Diplomatic Security Service. We request that this intention be clarified by amending section 102 to add the following:

(g) Department of State. Nothing in this Act shall be construed to preclude or limit in any way the powers, authorities, or duties of special agents of the Department of State and the Foreign Service under section 2709 of title 22, United States Code, or of the Secretary of State under section 4801, et seq. of title 22, United States Code, to investigate illegal passport or visa issuance or use.

We propose that the following be added to the section by-section analysis at the appropriate place:

Section 102(g). This section clarifies that nothing in this Act shall be construed to limit in any way the law enforcement authorities of the Secretary of State and the Diplomatic Security Service.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

6/29

*Legislative Reference Division
Economics-Science-General Government Branch*

TO: Greg Jones, Julie Fernandes

AGENCY: _____

FROM: ~~JEFFREY WEINBERG~~ Ingrid Schröder
(Tel(202)395-3457 Fax(202)395-3109)

9 PAGES FOLLOW THIS COVER SHEET

COMMENTS:

OMB staff comments on INS

Restructuring draft bill.



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

Draft

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

Dear Mr. President:

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

X This 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 ~~the~~ enforcement and service operations are appropriately coordinated and supported. X 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.

The key provision of the bill are to:

- X • 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.

The Honorable Albert Gore

Page 2

- 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.
- Establish a Chief Financial Officer to improve financial, accounting, and budget execution systems.
- ~~Develop a new form of overtime pay within INS' enforcement occupations to achieve parity with other Federal law enforcement agencies and to minimize the use of administratively uncontrollable overtime.~~

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

It would ^{Senate} be appreciated if you would lay this draft bill before the House. An identical proposal has been transmitted to 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.

The Honorable Albert Gore
Page 3

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

Attachments

cc: Honorable Trent Lott
Majority Leader

A BILL

To provide for the restructuring of the Immigration and Naturalization Service, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.—This Act may be cited as the "Immigration and Naturalization Service Restructuring Act of 1998".

SECTION 2. PURPOSES.—The purposes of this Act are to—

(a) Advance the effective enforcement of our immigration laws at our borders and in the interior, and the efficient provision of immigration and citizenship services.

(b) Untangle INS' overlapping and frequently confusing organizational structure by replacing it with two clear operational chains of command—one for enforcement and one for providing services—from the highest level of the agency to the lowest.

(c) Create two parallel operational divisions which can each focus on its unique management, knowledge, skills and abilities, while also retaining the essential functions for guiding and coordinating these operations.

(d) Improve customer-oriented immigrant services by:

- (1) Creating new local service offices;
- (2) Establishing new, distinct lines of accountability of authority for services;
- (3) Setting clear standards for customer service; and,
- (4) Using technology to improve efficiency and customer service.

(e) Strengthen enforcement operations by:

- (1) Establishing a single, coordinated enforcement mission;
- (2) Integrating enforcement, and strengthening accountability;
- (3) Organizing enforcement areas by function, including Border Patrol, inspections, investigations and removals, detention and enforcement

support; and,
(4) Developing overtime pay parity with other Federal law enforcement agencies:

(f) Provide for efficient integration of service and enforcement by:

(1) Creating an administrative and technical backbone of support for enforcement and service; and,

(2) Developing and managing essential immigration records, computer systems, training and shared administrative functions.

SECTION 3. DEFINITIONS.—For purposes of this Act, the following definitions shall apply—

(a) the term "INA" refers to the Immigration and Nationality Act of 1952, as amended up to the effective date of this Act.

(b) the term "INS" means the Immigration and Naturalization Service.

SECTION 4. EFFECTIVE DATE. Except as otherwise provided by this Act, this Act shall take effect on October 1, 2000.

TITLE I—AGENCY ORGANIZATION

SECTION. 101. AGENCY ORGANIZATION.—The Immigration and Naturalization Service [the Service] shall be responsible for administering the immigration laws of the United States. The Service will be organized in a way that ensures the effective implementation of enforcement strategies at the border, the interior of the country, and overseas, and the timely and efficient provision of immigrant services and benefits with complete integrity. The Service will be structured along programmatic lines and composed of an: (1) Office of Immigrant Services, (2) Office of Enforcement Operations, and (3) Office of Shared Services.

(a) **Headquarters Operations** — The Service will be lead by a Commissioner and Deputy Commissioner who will focus on immigration enforcement and service policy and establish a framework to implement national priorities. In addition, headquarters operations will be responsible for policy formulation, strategic planning and the development of agency goals, objectives and performance targets; agency-wide management support and coordination; budget formulation and execution; public affairs; Congressional relations; general counsel; and internal audit.

(1) **Chief Financial Officer** -- A Chief Financial Officer (CFO) will be established for the effective and efficient management and accountability of Service resources. The CFO will coordinate budget formulation, execution and agency-wide financial management operations. To address the Service's diverse funding sources, the CFO will ensure sound agency-wide financial management systems and processes. The CFO will ensure that immigrant services and enforcement operations have clearly separated and defined resource streams.

(2) **Strategic Planning and Statistical Measures** -- A director of the strategy unit will be responsible for policy formulation, developing the long term-strategy for the Service and facilitating the process of designing programs to execute that strategy. This office will create long-range strategic and performance measurement plans, in cooperation with relevant program components. In addition, this office will be responsible for establishing and strengthening Federal immigration statistical policy and measurement operations.

(b) The Office of Immigrant Services will be headed by a Senior Executive who will report directly to the ~~Office of the~~ Commissioner. The ~~director~~ of the Office of Immigrant Services will be responsible for establishing an operational chain of command dedicated solely to immigration services, focusing comprehensively on providing quality, timely and efficient services to the immigrant community and institutions requiring immigrant services. The ~~director~~ will be responsible for all aspects of INS service and benefit operations and the Office of Immigration Services will be organized around four functional goals: (1) ensuring timely processing and courteous service for the immigrant community through nationally-established customer service standards, (2) providing efficient, accurate benefit processing from remote service centers and service area operations, (3) ensuring secure documents with uncompromising integrity, and (4) serving the refugee and asylee population through humane and timely service and benefits. Additionally, the ~~director~~ of the Office of Immigrant Services is responsible for coordinating, with the Office of Shared Services, the effective acquisition and utilization of shared support items including information technology, financial management, facility construction, personnel and training. The responsibilities and duties of the ~~director~~ of the Office of Immigrant Services shall include:

Executive Associate Commissioner
(EAC)

OFFICE

EAC

EAC

(1) **Service Area Operations** -- Service area operations will be located in immigrant communities around the United States. The ~~director~~ of the Office of Immigrant Services will develop and maintain performance measures to ensure that offices within each area provide efficient and consistent service, while maintaining the integrity of application processing. These offices will provide a variety of services to applicants, including fingerprinting, photographing, and interviewing applicants. Some offices will be configured as full-service offices and others will serve as satellite locations. All will have a standard appearance with customer-oriented features.

(2) **Service Center Operations** -- Service center operations will include centralized automated processing and adjudication for applications and petitions that do not require immigrant interviews. In addition, the service centers will provide front-end fee receipt, data entry and scheduling for applications and petitions that require interviews. The ~~director~~ will be responsible for the collection of all management reporting information relative to the service centers, for

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budget formulation and execution for the service center budgets, for ensuring the accuracy and quality control of the adjudication of benefits at the service centers, for all employee hiring and grievance issues at the centers and for monitoring, overseeing and executing the mail file and data entry operations.

(3) Telephone Center Operations – The Service will operate a coordinated telephone assistance system to respond to customer inquiries. The ~~director~~ ^{EAL} of the Office of Immigrant Services will be responsible for designing and operating a telephone system that relies on all assets of the Service to ensure that customer inquiries are promptly and accurately addressed. This will include operating and maintaining the telephone centers, any contract call-answering facilities, and utilizing an overflow telephone call assistance capacity designed to access information officers at the service centers as needed.

X (c) The Office of Enforcement Operations will be headed by a Senior Executive who will report directly to ~~the Office of~~ the Commissioner. The ~~director~~ ^{Executive Associate Commissioner (EAL)} of the Office of Enforcement Operations will be responsible for establishing an operational chain of command dedicated solely to immigration enforcement, focusing comprehensively on illegal immigration problems at the border and in the interior of the U.S., and ensuring better linkages of enforcement operations through a single point of accountability for performance. The ~~director~~ ^{EAL} of the Office of Enforcement Operations will be responsible for all aspects of the Service's enforcement and border management operations including international enforcement efforts and will be organized around four functional goals: managing by the Border Patrol of the border between ports-of-entry; (2) conducting inspections and managing all port of entry operations; overseeing investigations and removals; and coordinating and managing detention and enforcement support. Additionally, the ~~director~~ ^{EAL} of the Office of Enforcement Operations is responsible for coordinating, with the Office of Shared Services, the effective acquisition and utilization of shared support items including information technology, financial management, facility construction, personnel and training. The responsibilities and duties of the director of the Office of Enforcement Operations will include:

(1) Border Management – (4) ^{EAL}

By placing both Border Patrol and Inspection activities under a single ~~director~~ ^{(3) EAL} of the Office of Enforcement Operations, the Service will be able to provide seamless border enforcement along the Nation's borders, and will be better able to coordinate operations with other Federal and governmental agencies along the border.

(a) The Border Patrol will perform its current border management and control functions of deterring illegal immigration and apprehending illegal aliens between ports of entry. In addition, the Border Patrol will continue to work with Federal, State and local law enforcement agencies to effectively administer laws related to the interdiction of drug trafficking activities.

(b) Port of Entry management is a key component of border management due to the interrelationship between activities at and between land border ports of entry. The ~~director~~ ^{OFFICE} will be operationally responsible for carrying out these duties in compliance with applicable law and

policy and will be responsible for effectively monitoring resource utilization and maintaining accurate performance measures for these activities. *ERZ*

(2) Interior Enforcement and Removals – The director of the Office of Enforcement Operations will be responsible for consolidating investigations, intelligence and deportation functions into one coordinated multi-disciplinary component to focus on illegal alien removals and to vigorously combat immigration document fraud, smuggling and illegal employment in the workplace. This consolidated approach will ensure swift and proper apprehension, incarceration and removal of those illegally residing and working in this country. *ERZ*

(3) Detention and Enforcement Support – The director of the Office of Enforcement Operations will be responsible for ensuring logistical coordination for the incarceration and transportation of criminal and illegal aliens. The director will be responsible for effectively managing the Service's bed space at both Service-owned and contract detention facilities. Additionally, the director will be responsible for effectively acquiring bed space from State and local entities to ensure the Service can detain and transport individuals it apprehends. *OFFICE*

X (d) The Office of Shared Services will be headed by a Senior Executive who will report directly to the ~~Office of the~~ Commissioner. The director of the Office of Shared Services will be responsible for establishing an operational chain of command dedicated to meeting the support requirements for both the enforcement and service operational components. The director of the Office of Shared Services will be responsible for the effective provision of shared administrative and support services to ensure that each side of the agency has the appropriate administrative and technological tools to do its jobs in the most effective and cost-efficient way. The director will accomplish this through four functional goals: (1) establishing and maintaining a records management system that accurately and efficiently documents immigration status; (2) ensuring information and enforcement technology enhancements and initiatives are developed and maintained to operational component specifications; building and maintaining a superior recruiting, hiring and training operation to meet Service employment requirements; and building and managing a Service physical plant to adequately support agency housing needs. The responsibilities and duties of the director of the Office of Shared Services will include: *OFFICE* *Executive Associate Commissioner (ERZ)* *ERZ*

ERZ (1) Automation and Technology – The director of the Office of Shared Services will be responsible for ensuring that the Service establishes and maintains state-of-the-art information resources capability to carry out agency enforcement and service functions. The director will be responsible for deploying and monitoring technology and ensuring that the Service's workforce operates as effectively as possible with these tools. The director will also establish and promulgate agency-wide policy relative to the acquisition and deployment of technology capabilities in coordinating with the operational components of the Service. *OFFICE*

(2) Centralized Records Management – The director will be responsible for maintaining a centralized repository for all Service records and will be responsible for establishing a ~~a greater~~ high level of data integrity in existing electronic records and managing the transition to an electronic records environment. *OFFICE* *high X*

OFFICE

Agency

(3) Personnel and Training — The director will be responsible for tracking the hiring of all categories of Service personnel and ensuring that all employees receive proper training in a timely manner. Specialized training courses and a full spectrum of basic, advanced, and continuing education will be established to ensure a professional workforce. *<The responsibility for the recruiting hiring & promulgation of personnel information will reside in this office.*

(4) Administrative Support — The director will be responsible, in coordination with the operational components of the Service, for planning, constructing and renovating all required Service facilities and equipment, including Border Patrol stations, detention facilities, Immigrant Services offices and general support office space. The director will also be responsible for logistics; procurement; and environmental, occupational and health activities of the Service.

SEC. 102. SAVINGS PROVISIONS

OFFICE

OFFICE

(a) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Attorney General, the Commissioner of the INS, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date); shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorization official, a court of competent jurisdiction, or operation of law.

(b) Proceedings.—This Act shall not affect any proceedings and any application for any benefits, service, license, permit, certificate, or financial assistance pending on the date of the enactment of this Act before an office whose functions are transferred by this Act, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(c) SUITS.—This Act shall not affect suits commenced before the date of the enactment of this Act, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

6/29

*Legislative Reference Division
Economics-Science-General Government Branch*

TO:

Greg Jones

AGENCY:

FROM: **JEFFREY WEINBERG**
(Tel(202)395-3457 Fax(202)395-3109)

1 PAGES FOLLOW THIS COVER SHEET

COMMENTS:

OMB staff comments on INS

Restructuring draft bill.

OMB staff comment
6/29/98

p. 5 In 101(d) that describes the Office of Shared Services, there is no provision describing the role that this office will play in supporting centralized information resources management, including oversight of Paperwork Reduction Act responsibilities. Information issues are hinted at but not made central, and this seems a critical need for this office. Recommend that INS develop such a provision.

In addition, should any mention be made of a policy office that will cut across the agency for regulatory development?

p. 10 In (e) why is it necessary for the statute to tell the AG to regulate on internal matters such as callbacks and overtime? Doesn't the AG have this authority already?