



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

July 29, 1997

ADMINISTRATOR
OFFICE OF
INFORMATION AND
REGULATORY AFFAIRS

MEMORANDUM FOR ERSKINE BOWLES

THROUGH: Franklin D. Raines

FROM: Sally Katzen

SUBJECT: Heads-up on INS Proposed Rule on Adjustment of Application/Petition Fees

We are about to complete review of a DOJ proposed rule that raises the immigration application fees on applications and petitions filed with the INS (for example, the naturalization application fee will increase from \$94 to \$225, and the employment authorization filing fee will rise from \$70 to \$100). The INS application and petition processes are funded entirely by these fees; there are no appropriated funds. An INS survey of the current processes indicated that current fees do not cover costs now, nor will they for FY 1998.

Because some of the proposed fee increases are substantial, this proposal will likely receive criticism from some immigrant advocacy groups. There may also be criticism from the Hill because INS' fee account appears at present to have a large surplus; in fact, there is no surplus as the funds in the account are committed to applications already in the pipeline or to services already rendered.

We agree with INS that fees should be set at a level that will cover the total cost of these applications and petitions, and that they should be set using a sound methodology. We believe the proposal achieves these goals.

Please call if you have any questions.

cc: Maria Echaveste
Rahm Emanuel
Thurgood Marshall, Jr.
John Hilley
Ann Lewis
Sylvia Mathews
Bruce Reed
Victoria Radd
Barry Toiv
Michael Waldman
Ken Apfel
Larry Haas


Maria Echaveste

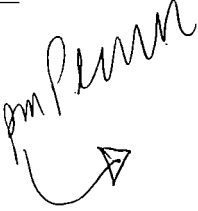
08/11/97 07:27:13 PM

Record Type: Record

To: Jose Cerda III/OPD/EOP

cc: Elena Kagan/OPD/EOP

Subject: INS/Naturalization fees briefing on 8/13

1:30 pm Penn


Jose--I want to be sure that you got an invitation to a meeting OPL has organized for WEeds on the proposed hike in the naturalizations fees (from \$95 to \$225--these numbers are way confidential). We're bringing in about a dozen folks who work on naturalization and will have INS talk about their proposed rule that they want to publish in the next week or so. We want INS to walk them through the process by which INS determined what the appropriate amount will be (this is legislatively driven inasmuch as there are no appropriations for naturalization -- I am told). INS has already been telling people informally that there will be a hike (maybe as much as \$200 was reported in the Washington Times over the weekend). There will also be some discussion regarding setting standards for determination of fee waivers (apparently INS has never had a uniform set of standards, allowing local district offices to make their own determinations, if you can believe it). Some hill staff has also been invited since some members will be screaming too. Lastly--do you know who on the VP's NPR staff is looking at the INS reorganization issues--that person may also want to just hear the discussion--but I leave that to DPC and NPR to decide. Just let Mark Hunker know if you're coming. Thanks.

U.S. Department of Justice
IMMIGRATION AND NATURALIZATION SERVICE
Washington, DC 20536



Contact: Media Services
Office of Public Affairs
(202) 514-2648 Fax: (202) 514-1776
Internet: www.ins.usdoj.gov

NEWS RELEASE

November 26, 1997

Bill Enactment Launches New Naturalization Process and Fingerprint Procedures

WASHINGTON – President Clinton's signing today of the fiscal 1998 Department of Justice Appropriations bill will provide the Immigration and Naturalization Service (INS) with the funding necessary to make critical improvements to the naturalization process. These improvements will help guarantee the integrity of the citizenship program, improve customer service, and ultimately reduce the backlog of pending cases. One of the most important components of the improved process is a new fingerprinting program.

According to INS Commissioner Doris Meissner, "The new funding Congress has provided to continue building our infrastructure and change our fingerprint procedures will make a dramatic difference in our ability to provide better customer service and guarantee integrity in granting citizenship."

New Streamlined Fingerprinting Procedures

Under the existing system, INS accepted fingerprints taken by either the Service, Designated Fingerprint Services (DFS), or law enforcement agencies. Under the terms of the legislation, effective December 3, 1997, the Service can only accept fingerprints taken by the Service, registered law enforcement agencies, or United States consular or military offices abroad. A regulation will be issued shortly that formally terminates the DFS program.

Under the new process, fingerprints for naturalization applications will now be taken at INS fingerprinting centers, known as "Application Support Centers" (ASCs). The first ASCs are scheduled to open in the coming weeks. Effective December 3, 1997, naturalization applicants will file their applications without a fingerprint card. INS will contact naturalization applicants by mail after it receives their applications. The notice will designate a specific window of time in which applicants should come in to an ASC to have their fingerprints taken.

By taking fingerprints in-house, INS will be better able to prevent fraud and improve efficiency. The new procedures will help INS move toward its goal of ensuring that biographical information about each applicant is captured correctly, that

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INS Announces New Naturalization Process and Fingerprint Policy

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the fingerprints are those of the applicant, and that the prints are clear enough to be read by the Federal Bureau of Investigation (FBI).

Under the DFS system, the majority of fingerprints were rejected due to incomplete or inaccurate biographical information or administrative errors. As a result, many applicants required multiple reprinting, delaying the completion of their FBI background checks. The new procedures will greatly reduce inconvenience to applicants of having to retake their prints and it will reduce the further delays caused by the need to have them resent to INS and then on to the FBI.

The new fingerprinting process will not increase an applicant's waiting time because the background check will be completed during the time the applicant would normally wait for an interview to be scheduled. The new procedures for processing fingerprints will reduce the turnaround period for completing FBI background checks.

"These changes are important steps toward our goal of processing applications in a timely fashion," Meissner said, "while also ensuring that the background checks are complete. We know that in the last year, the increasing number of citizenship applications, combined with the procedures we put in place to ensure integrity, have slowed down the process. This has caused some understandable frustration among the people we serve. We ask for their continued patience as we make a transition to a better system."

New Fingerprinting Instructions for Individuals Applying For Other Immigration Benefits

Applicants for benefits other than naturalization should obtain fingerprints from state and local law enforcement agencies that are registering with INS. In order to minimize the impact of the elimination of DFS services, INS is registering an additional 250 law enforcement agencies as fingerprint sites. Eventually, applicants for all benefits will be able to have their fingerprints taken by INS.

Application Support Centers in Immigrant Communities To Take Fingerprints

In the next several weeks, INS will begin to open Application Support Centers in the six major metropolitan areas—Chicago, Los Angeles, Miami, Newark, N.J., New York and San Francisco—that account for approximately 70 percent of citizenship applications. Over the course of the next several months, INS plans to open a total of more than 80 offices nationwide. It will choose sites by taking into account the density of immigrant populations; availability of public transportation, highways and parking; and accessibility for people with disabilities. INS is now working with state and local governments and community-based organizations to identify appropriate locations.

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The Application Support Centers will be staffed by contractors whose function initially will be solely to take fingerprints. They will be hired and trained by INS, cleared by the FBI, and overseen by INS personnel.

"In addition to improving integrity and efficiency, our focus at these neighborhood-based fingerprint centers will be on providing better customer service," Meissner said. "We will have weekend and evening hours to make the services as convenient as possible."

INS aims to ensure that accessibility to fingerprint services is not significantly diminished by the new fingerprint process. It is establishing a fleet of vans that will serve as mobile fingerprinting centers, in addition to the permanent sites. The vans will make regularly scheduled visits to areas not served by the Application Support Centers. INS plans to work with local communities to arrange stops for homebound applicants, those in nursing homes, and others with special needs. INS is also prepared to fill gaps in coverage by supplementing mobile services with support from existing INS facilities and law enforcement agencies.

According to Meissner, "We believe that we can provide sufficient coverage throughout the country so that people who need to submit fingerprints to apply for immigration benefits will be able to obtain fingerprinting services within a reasonable distance of their homes."

Technology to Improve Fingerprinting

INS has developed and is now testing new systems for streamlining the fingerprinting process, including:

- **Electronic fingerprint machines** that will help to reduce errors in printing that occur manually; and
- **Bar codes on fingerprint cards and applications** that ensure the results of FBI background checks are correctly linked to applications; use of the bar codes also will reduce the number of cases delayed by manual data entry errors.

Restructuring the Process Using Automation and Standardization

In addition to the new, streamlined fingerprint process, new infrastructure and technology will help improve the integrity of the naturalization application process and make it more efficient.

- **Up-to-date computer systems** in all offices that handle naturalization applications by the end of December. Six months ago, half of the offices handling naturalization applications lacked adequate computer systems.
- **New CLAIMS 4.0 software** to process all naturalization applications. This software program has been designed to ensure consistency and includes checks and balances that prevent applications from moving forward before all of the necessary steps

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12/1/97

INS' Efforts to Streamline the Naturalization Process

Prior to recent reforms, the naturalization process used an antiquated system, which was overwhelmed in the past year with the increases in applications for naturalization. At times in some locations, the estimated backlog on the naturalization process reached an unacceptable two years. This past May, INS undertook an unprecedented effort to comprehensively and fundamentally restructure the naturalization process. The Service is taking measures to repair or replace automated information systems, to introduce full customer direct mail services at the four Service Centers, to speed up the centralization of naturalization files, to introduce a streamlined fingerprint process, and to establish better controls over customer scheduling in the districts. A reengineered naturalization program will enable the Service to meet its dual goals of safeguarding the integrity of the citizenship process while ensuring that customers receive effective and timely consideration of their applications. This restructuring effort aims to reduce the time it takes to complete the naturalization process, from the submission of the application form to the oath of citizenship, to six months.

With the signing of the fiscal 1998 Department of Justice Appropriations bill, the INS will receive a \$211 million funding increase necessary to see these reform efforts through. The funding will be used to reduce the current application backlog, to enhance automation, and to add staff and other resources to continue naturalization re-engineering efforts.

FY96: entered 1.35 mill
reapt
FY97 1.56 mill
1620
increases

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have been completed, including the FBI background check. This software will generate receipts for applicants and will make it possible for INS to implement a variety of methods for applicants to obtain information on demand about the status of their cases.

- **Expansion of direct mail**, under which an application is sent directly to one of INS' highly automated Service Centers for clerical processing, allowing INS district offices to focus on conducting interviews.

Backlog Reduction

In addition to various technological and process improvements, INS is taking a number of critical steps to reduce the backlog of pending naturalization applications.

INS is now developing individualized backlog reduction plans for each of its district offices. Nationwide plans, which will be completed by December 31, involve analyzing critical problems and redirecting resources as needed to resolve those problems. The new legislation also provides funds to INS to hire additional staff to help address the backlog.

Meissner said that despite the growing backlogs in pending naturalization cases and the new supervisory checks that were instituted to ensure integrity in the citizenship process, the agency had actually completed more than 700,000 cases in fiscal year 1997—a larger number than in any previous year except 1996.

Background

By 1996, INS was faced with an unprecedented increase in citizenship applications. Receipts historically at the 300,000 level annually had risen to more than 1.2 million in 1996. INS became aware that its systems did not permit the agency to be certain that each applicant's FBI background check had been completed prior to INS granting citizenship. An INS review overseen by KPMG Peat Marwick, an outside auditing firm, of the 1.049 million naturalizations granted between August 1995 and September 1996 found that approximately 6,000 cases required further review to determine if revocation is appropriate. We have identified approximately 300 cases who appear to have disqualifying felony convictions and we are reviewing the remaining 5,700 cases for potential misrepresentations or other disqualifying conditions.

INS received more than 1.6 million citizenship applications in the fiscal year ended September 30, 1997, an increase of 34 percent over 1996.

June 19,1998

TO: John Morton 4-9077
James Castello 4-9077
Julie Fernandes 456-5581

FR: Julie Anbender

RE: Los Angeles Naturalization

ADDITIONAL DISTRIBUTION

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U.S. Department of Justice
IMMIGRATION AND NATURALIZATION SERVICE
Washington, DC 20536



Contact: Media Services
Office of Public Affairs
(202) 514-2648 Fax: (202) 514-1776
Internet: www.ins.usdoj.gov

NEWS RELEASE

June 18, 1998

New Phase of Naturalization Improvements Begins in Los Angeles

District Office to Add New Resources, Re-Fingerprint Thousands of Citizenship Applicants

LOS ANGELES – Immigration and Naturalization Service Commissioner Doris Meissner announced a new phase of improvements to the nation's citizenship process that will begin in Los Angeles and move to INS offices across the country.

"Over the past year, we have made significant gains in improving the quality and integrity of the naturalization process," Commissioner Meissner said. "Today in Los Angeles we are entering a new phase that will focus on improving timeliness and customer service. Nationwide, we are determined to develop a more user-friendly system for naturalization applicants."

INS District Director Richard Rogers said the initiative, which will boost resources and deploy more personnel to address the backlog of citizenship cases, will allow his office to continue to process applications for U.S. citizenship and other benefits that are caught in the INS backlog.

"This effort will allow us to reach out to those applicants whose cases are stalled and get them started again," Rogers said. "We have already significantly increased the number of cases we are processing each week, and now we will be able to improve on that progress."

In addition, starting the week of June 15, INS began mailing notices to individuals in southern California whose fingerprints need to be retaken in order for their applications to move forward.

Individuals who receive the notices either submitted fingerprints that could not be read by FBI machines or are now more than 11 months old. According to INS policy, individuals whose fingerprints were taken 15 months ago must resubmit them for an FBI background check to determine whether they are still eligible for U.S. citizenship. The notices will instruct these individuals to appear at a designated location during a specific week to have their fingerprints taken again, free of charge.

In the last several months, the District has already implemented a variety of programs to reduce the backlog, including:

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New Phase of Naturalization Improvements Begins in Los AngelesPage 2

- **Increased processing of applications.** The Los Angeles District completed 19,663 applications in March 1998—as compared to 4,484 in December 1997.
- **Increased interviews.** Currently Adjudications Officers are conducting nearly 1,000 interviews a day, three times the number conducted six months ago.
- **Opened nine Application Support Centers** in Los Angeles for fingerprinting.
- **Increasing** the adjudications officers assigned to naturalization from 48 to 80 beginning in February 1998.
- **Increasing** the number of clerks assigned to naturalization from 55 to 81 beginning in February 1998.
- **Participated in the creation of a new nationwide in-house fingerprinting process** to minimize errors and speed processing.

Commissioner Meissner detailed several additional efforts already underway in the Los Angeles district, including the following:

- **Adding** about \$600,000 in overtime and general backlog reduction expenses;
- **Hiring** more high school and college students to provide clerical support;
- **Re-hiring** retired INS officers who possess valuable adjudications experience;
- **Continuing to increase** the number of adjudications officers and clerks assigned to completing backlogged cases;
- **Initiating** a centralized system for reviewing and expediting cases “on hold” to bring them to completion; and
- **Renovating** existing structures to acquire additional building space to house additional staff.

INS' Los Angeles District serves the counties of: Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo and Ventura.

- INS -

**U.S. Department of Justice
IMMIGRATION AND NATURALIZATION SERVICE**

FACT SHEET

6/18/98(rev.)

Los Angeles Re-Fingerprinting Initiative

District Office to Re-Fingerprint Thousands of Citizenship Applicants

Starting the week of June 15th and continuing for several months, the Immigration and Naturalization Service's Los Angeles district office will mail letters and scheduling notices to individuals whose fingerprints need to be retaken in order for their applications to move forward.

Individuals who receive the letters either submitted fingerprints that could not be read by FBI machines or that are now more than 11 months old. Individuals whose fingerprints were taken 15 months ago must resubmit them for an FBI background check to determine whether they are still eligible for U.S. citizenship. The letters and notices will instruct these individuals to appear at a designated location during a specific week to have their fingerprints taken again, free of charge.

Details of the Program

- Citizenship applicants whose fingerprint checks have expired, or will expire soon, will begin to receive notices in the mail to appear at one of INS' application support centers in the Los Angeles area.
- Those centers are in the following locations: Bellflower, Buena Park, El Monte, Laguna Niguel, Oxnard, Pomona, Riverside and Van Nuys.
- Notified individuals will be able to report to a specific location during the stated hours in a seven-day period.
- Applicants who cannot report during that time may report on any Wednesday before the date specified in their fingerprinting notice.

The Los Angeles re-fingerprinting initiative will continue at least through September in order to accommodate all individuals in the backlog. Those individuals who have been naturalized, but receive a notice in the mail to be re-fingerprinted, should disregard the notice.

Background

The number of applications for U.S. citizenship has risen to unprecedented levels in recent years due to changes in federal and state laws. Those applications have quadrupled between 1992 and 1997, when 1.6 million people applied for citizenship. The surge in applications, together with improvements made recently to the citizenship process, have created a backlog at INS offices around the country, where similar efforts to the Los Angeles re-fingerprinting effort will soon begin.

(more)

Los Angeles Re-fingerprinting Initiative**Page 2**

INS estimates that between 150,000 and 200,000 people in the Los Angeles District need to have their fingerprints retaken for INS to complete work on their cases. This represents about 25 percent of the national caseload.

Key Points for Applicants

- Only those individuals who receive a written re-fingerprinting notice from the INS should report to the specific Application Support Center (ASC) listed.
- Individuals should report to the ASC listed only during the specified seven-day period, or on any Wednesday within 84 days of receiving the notice. Please do not report prior to the date listed on your notice.
- Applicants should closely follow the stated instructions for which documents they need to bring with them to the ASC.
- The re-fingerprinting initiative will be conducted at no cost to applicants.
- The staff at the INS ASC will only be able to answer questions about re-fingerprinting and will not be able to answer any questions about the status of your application. For questions about your case, please contact the INS Customer Service Number directly at (402) 437-5218.

– INS –

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Q&A

Naturalizat

INS

(For Internal Use Only)

**KPMG Reports: Qs and As
Feb. 9, 1998, Press Briefing**

Q: Will you seek to revoke the citizenship of the individuals whose case files were pulled for the random sample and have been determined to be improperly naturalized because of felony arrests or other disqualifying conditions?

A: Cases that reflect case decision errors related to felony or CIMT arrests or convictions have already been turned over to the Office of General Counsel for review and institution of revocation proceedings where appropriate. In the vast majority of other cases where the review suggests that improper case decisions may have been made, the reasons for those errors, such as processing applications that were filed too early, are not appropriate for revocation. INS will not be engaging in additional review of those cases.

Q: Why is there a discrepancy between the 6,319 cases found in the criminal history review and 11,548 cases out of the population that KPMG estimates lacked Good Moral Character? What happened to the other 5,000+ cases?

A: The GMC review in the Random Sample Review was broader than the Criminal History review. The Random Sample Review considered whether any type of arrest, including INS administrative and minor and old misdemeanors, was not disclosed. Because of the serious nature and high legal hurdles associated with revocation, the Criminal History Review focused ultimately on felony arrests and convictions, other potentially disqualifying arrests and convictions, and other more recent and serious arrests and convictions, or a failure to disclose such serious crimes.

Q. What about the estimated 920,733 cases—almost 90 percent—where the case decision couldn't be reviewed because of a lack of sufficient documentation in the file?

A. 4,805 cases in the random sample did not have sufficient documentation—mostly due to lack of evidence that the fingerprint card was sent to the FBI. However, based on the Criminal History Review, we are confident that all 1,049,876 applicants naturalized had fingerprint or name checks conducted by the FBI, and we know what the results of those checks were, because the FBI provided us with the rap sheets. Therefore, as part of the Criminal History Review, we have already reviewed any of the files from the projected 921,000 that had serious criminal histories that would warrant review for possible revocation.

Q: The overwhelming majority of those who the report suggests were improperly naturalized were people who filed their applications too early. Did INS have any kind of informal policy allowing people to file early?

A: No. The statute determines when applicants are allowed to file. INS did not and does not have any informal policy modifying the statutory requirement.

Q. How can you explain the number of people whose applications were accepted and processed before they were statutorily eligible to apply?

A. It appears that many applications were not returned to applicants but were instead placed in the cue for later processing. This could have been due to a lack of clerical support to return the large numbers of applications being filed prematurely, the fact that large and growing backlogs made it likely that the applicants would have become eligible before their interview, and because of a reluctance to have applicants pay the \$95 filing fee again.

Q: The review found that in 2 cases, people who did not meet the English and civics requirements were nonetheless naturalized. Is there any explanation for why those people were naturalized?

A: In both cases, the adjudicators recommended denial of the application. It appears that clerical error was responsible for these two cases going forward for naturalization.

Q: Did you have any idea that the number of processing errors was so large across the board before you implemented NQP?

A: Any time that an organization is dealing with an enormous volume of applications, in a largely paper-driven environment, with procedures that require decision-making by humans, there is the potential for error. INS believes that the completion of direct mail, improvements in automation, and a consistently applied, standard N-400 procedure—such as the NQP—will significantly reduce processing errors.

Q: Doesn't this confirm the view that Citizenship USA was a program that sloppily rushed through potential new voters and threw integrity to the wind?

A: No. The naturalization process primarily suffered from a lack of standardization and automation. The reviews demonstrate that less than 1% of the approximately 1.3 million applications that were processed for naturalization during this period resulted in applicants with disqualifying criminal histories being naturalized. INS of course regrets that even this small number were improperly naturalized, and has taken all steps possible to ensure that citizenship will be revoked in appropriate cases.

Q: Does that mean you believe that these same kinds of processing errors were happening before CUSA?

A: Given the paper-driven nature of the task, and the lack of emphasis on documentation of case decisions, it is inevitable that there were processing errors prior to the creation of CUSA.

Q: How well did Newark perform on its NQP audit—are you confident that it is no longer making the kinds of mistakes it had been making?

A: The Newark District Office was found to be compliant—it had no failures in any of the four critical control areas audited by KPMG. The dramatic improvement in the Newark office's performance is a good indication of the effect NQP has had in addressing the types of problems identified in the KPMG reports.

Q: Are you referring the 38 improper cases from the deportation and exclusion review to the INS revocation team?

A. Yes, the 38 cases have already been referred to the revocation team for further review.

Q. The random sample review projected that 38,845 people, or 3.7 percent of those naturalized between August 1995 and September 1996, were "presumptively ineligible," a category previously used to describe only 369 people with a disqualifying conviction. Why is there a discrepancy?

A. The term "presumptively ineligible" is used in two different reports. In general, it describes any case that contained evidence in the file of a prima facie disqualification. In the Criminal History Case File Review, presumptively ineligible was used to describe those cases that contained evidence of a prima facie disqualification based on a disqualifying conviction. In the Random Sample Case File Review, however, it was used to describe ALL cases that contained evidence of a prima facie disqualification of any kind, the majority of which pertained to cases where the applicant had filed early. As the KPMG report on the criminal history review indicates, the classification "presumptively ineligible" is not an absolute indication that the cases in that category were improperly granted naturalization or are subject to revocation.

Q: The next largest category of those presumptively ineligible in the random sample—59—were those who failed to establish good moral character. Does that mean they were criminals?

A: No. Most had failed to disclose either an INS administrative violation or a non-disqualifying arrest.

Q: Why were 46 cases from the criminal history review included in the random sample projections?

A: The random sample was drawn from the full universe of 1,049,867 cases. When the sample was drawn, 46 cases included in the Criminal History Review were randomly selected for inclusion in the Random Sample Process File Review.

Q: You still haven't found the 180,000 cases naturalized without a complete background check?

A: As the Justice Department said last May, the decision was made not to seek voluntary submission of fingerprints from the 180,000. Instead, INS and KPMG conducted the criminal history review, which determined that 6,319 cases, or 0.6 percent of the 1,049,867 naturalized between August 1995 and September 1996, should be reviewed for possible revocation.

Q: Has anyone's citizenship been revoked? Does INS notify any other federal or state agency that a person's citizenship has been revoked?

A: To date there have been six final decisions revoking naturalization. We are currently preparing letters to the Department of State's Office of Passport Services and to the governors of the states in which the individuals reside. (NOTE: Two of these individuals are seeking further administrative review.)

Q: How many Notices of Intent to Revoke (NOIRs) have been issued to date from the Charleston review?

A: As of January 1, 1998, INS completed final review on 2,158 cases and found 1,481 of these to be appropriate for revocation. NOIRs have been issued in 1,481 of these cases.

Q: What happens now to those cases?

A: The Service must first verify that the person has been properly served with the NOIR. Once personal service is accomplished, the individual has 60 days to respond to the NOIR in writing. If the individual responds in writing without requesting a hearing, the Service will issue a final decision from the central revocation facility. If the individual requests a hearing, the file will be sent to the district office for the hearing. After the hearing has been conducted, a final decision will be drafted and returned to the central revocation facility for review and issuance.

Q: Where are the administrative hearings held, by whom?

A: The hearings will be held in the district office where the individual currently resides. Hearings will be conducted by immigration examiners authorized to conduct naturalization hearings.

Q: INS earlier said the Charleston review would be completed by December 1. Why hasn't it been?

A: The December 1, 1997, estimate was offered at the beginning of the process, before any significant experience had been gained in the exercise of the administrative revocation power. It has since become apparent that the process must be carried out somewhat differently from the initial plan, primarily because of a more substantial need for additional field investigation than originally foreseen. As a result, it became infeasible to finish the issuance of all the NOIRs before having to devote attention to the later phases of the administrative process for the earliest of the NOIRs; i.e., to the preparation and holding of hearings and the drafting and issuance of final decisions. The revocation team therefore shifted from the original December 1, 1997, deadline to a plan for rolling issuance of NOIRs on a schedule meant to meet the two-year limitations period on initiation of administrative revocations, while devoting resources to completion of hearings and decisions on those cases for which early NOIRs were issued. Issuance of NOIRs will therefore continue through the summer and early fall of 1998, but the process is monitored to assure, wherever possible, the issuance and service of the NOIR before the two-year mark in the particular case.

Q: Can an individual appeal a revocation beyond the INS administrative process?

A: Yes, an individual is entitled to *de novo* review in federal district court.

Q: Does revocation subject an individual to removal?

A: The removal process is independent from the administrative revocation of naturalization process. After the completion of the administrative revocation process and any appeal to the federal district courts, the Service will review each case to determine if removal is warranted.

Q: How many lawyers and examiners has INS had working on revocations?

A: The central revocation unit has a central staff of six individuals—two attorneys, two examiners, and three investigators. There are also an average of eight attorneys, five examiners, and three investigators on detail to this unit. We anticipate increasing the personnel to meet the increased caseload for the duration of the project. The team of INS lawyers, examiners and investigators reviewing the remaining cases recently relocated to INS headquarters in late January.



HERE'S AN INTERESTING FAX...

... From the Office of Public Affairs
IMMIGRATION & NATURALIZATION SERVICE

425 I Street, NW, Washington, DC 20536



(202) 514-2648



(202) 514-1776



www.ins.usdoj.gov

Date: 2/10/98

Fax to: Leanne, White House

Fax Number: 456-7028

From: Andrew L. Lluberes, 202-307-2331, 514-9320 (fax)

Pages (Including Cover):

Comments: Q&As you requested from Julie Anbender



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

425 I Street
Washington, DC 20536
202-514-3242

FAX TRANSMISSION COVER SHEET

Date: 6-12-98

To: Julie Fernandez

Fax: 456-5581

Immigration
Positives]

From: Jackie Vassanelli
202-305-8539
202-305-0134 (Fax)

Comment: From Bob Bach

YOU SHOULD RECEIVE 2 PAGE(S), INCLUDING THIS COVER SHEET. IF
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June 12, 1998

Comments on Speech

Julie Fernandez, 456 -

I've just read the President's speech for Portland. It's a wonderful expression of our positive commitment to immigration.

I have two comments, one for addition, one for deletion.

1. On page 3: the paragraph that begins "But we must remember: the vast majority of immigrants are here legally." It then goes on to talk about money contribution. The financial issues are very controversial and could prompt editorials against the speech just on that point – the debate is already in reporters' files. I suggest something like the following:

But we must remember: the vast majority of immigrants are here legally, and have come here because we invited them. As a nation, we support legal immigration because it is how our families reunite with their spouses and children, an act so important to financial well-being and preparing the next generation for success. We support legal immigration when our employers need new skills and workers that help build our economy, creating new and better jobs for our citizens. And we support legal immigration to uphold our humanitarian commitments to protect people from persecution and risk to life in troubled spots around the world. Immigration has as much to do with our citizens' values and desires as it does the hopes and dreams of people living abroad.

2. On page 2: the paragraph that begins "Now, the strength of our ideal and our character is being tested again..."

The lines "Today, largely because of immigration, there is no majority race in Hawaii..." To end of that paragraph. This is a controversial statement that provokes reaction rather than embraces change. It is also not necessarily demographically true. Historically, people have changed their racial identification over time. It may not occur in the next few years, although in the Census more and more people are answering "American" and not providing a racial designation. My point is simply, the three sentences here could be deleted without at all harming the speech or missing an opportunity.

I hope these are helpful.

Bob Bach

Study Indicates INS Naturalized Thousands of Ineligible Applicants

By William Branigin
Washington Post Staff Writer

The Immigration and Naturalization Service yesterday released the results of a new study showing that the agency apparently granted U.S. citizenship to more than 38,000 immigrants over a 13-month period despite evidence they failed to meet one or more basic requirements.

The study, conducted last fall by the INS and the KPMG Peat Marwick accounting firm, also showed that INS offices made at least one processing error in more than 90 percent of the naturalization cases reviewed.

The INS said the problems, associated with naturalizations from August 1995 through September 1996, have since been corrected. Critics of the agency said the survey suggests that a breakdown in the citizenship process during that period was worse than previously indicated.

The study, a randomly selected sample of the naturalization cases, was presented to Congress yesterday along with two separate KPMG Peat Marwick reviews of the citizenship program and a plan by the Coopers & Lybrand consulting firm for revamping the entire naturalization system.

In the sample of 5,438 naturalizations drawn from the period under review, the INS-KPMG Peat Marwick study found the INS had made at least one of 25 possible processing errors in 90.8 percent of the cases. The average was two errors per case. The mistakes ranged from omitting a notation in the file to failing to document the required criminal background check.

Three INS offices—Miami, New York and Newark—had error rates of 99 percent or higher. In 71 percent of the surveyed cases, the files failed to show that the applicant met the "good moral character" requirement, usually because there was no indication that a fingerprint card had been sent to the FBI.

The review also found that 87.7 percent of the 1.05 million naturalization cases during the review period lacked sufficient documentation to support a proper decision. However, INS officials said this did not mean all those applicants were unqualified. The study found that 3.7 percent of the new citizens—or 38,850 of the total naturalized—were "presumptively ineligible" because they failed to meet a basic requirement, such as five years of legal residency, good moral character or passage of civics and English tests.

In about two-thirds of those cases, the problem was that the application was filed before the immigrant had completed the residency requirement. Of those who filed before they were eligible, however, 96 percent had met that requirement by the time they took the oath of citizenship, the study found.

It said the second largest group of improper naturalization decisions involved failures to establish good moral character. The study projected that about 11,550 new citizens may have been ineligible because they had disqualifying criminal convictions or failed to reveal arrests for crimes, including misdemeanors.

This figure is higher than the 6,319 cases identified for possible revocation of citizenship in a separate KPMG Peat Marwick "criminal history review," because that study weeded out misdemeanor cases.

Since the studies were undertaken, "we believe the problems have been by and large corrected," said Stephen R. Colgate, assistant attorney general for administration. "We are addressing the errors of the past and are improving the process considerably," he told a news conference at the INS to announce the studies and the new naturalization plan.

Rep. Lamar S. Smith (R-Tex.), chairman of the House Judiciary Committee's immigration subcommittee, was less forgiving. Each new study presents "a more frightening snapshot of how far wrong the politicized program went," he said in a written statement. He repeated charges that the White House manipulated the INS's 1995 "Citizenship USA" program for political advantage in the 1996 elections.

Smith vowed to push a bill to codify safeguards in the citizenship process.

Sen. Spencer Abraham (R-Mich.), chairman of the Senate immigration subcommittee, called the errors "appalling" and said any redesign of the naturalization system must ensure total compliance with eligibility requirements.

Superabundant protestations

BRUCE FEIN

The most damning evidence against President William Jefferson Clinton's heated denials of perjury and obstruction of justice is captured by Shakespeare's timeless insight into human nature voiced in "Hamlet": "The [president] doth protest too much, methinks."

It is possible that Mr. Clinton's genetic inheritance is a mutation of human nature. The nation's high priest in the bully pulpit — the president — may be as chaste of wrongdoing as was Odysseus's Penelope of infidelity. That is why the investigation should continue and final judgment on Mr. Clinton's alleged culpability be suspended.

Indeed, the whole matter of an alleged attempt to cover up the truth in the pending Paula Jones lawsuit through perjury, suborning perjury, intimidation of witnesses, and obstruction of justice should be removed from Independent Counsel Kenneth Starr's bailiwick to the impeachment jurisdiction of the House Judiciary Committee for a speedier and more open resolution. The committee enjoys every investigatory tool held by the independent counsel, including the powers to compel witnesses to testify under oath, to punish witness recalcitrance, to grant immunity from criminal prosecution, to conduct sensitive sessions in secrecy, and to override Mr. Clinton's claims of executive privilege in hopes of concealing pertinent evidence.

Vice President Al Gore should be watched like a hawk as the presidential drama unfolds. Any distancing from his past role as best supporting actor — Mr. Gore has earnestly and unreservedly proclaimed his belief in President Clinton — would signal that the vice president sees a political corpse over the horizon.

Has Mr. Clinton been acting like an innocent lamb?

If he had been confident of telling the truth under oath in denying to his best recollection an affair with Monica Lewinsky and of any intimate tryst in the Oval Office, then why did he command his personal secretary Betty Currie to a meeting to review his version of events and at least to hint that hers was the same? That behavior betrays a sense

of guilt for at least three reasons.

It is universally accepted that different persons will honestly recount discrepant versions of the same event because memories differ. It would thus be odd (even incriminating) if Mrs. Currie's recollection of Mr. Clinton's relationship with Miss Lewinsky were a carbon copy of the president's sworn testimony. Modest discrepancies would be expected by the independent counsel. Why was he worried over what Mrs. Currie might say if he knew he had testified honestly, albeit perhaps with innocent errors in recollection? To paraphrase Iago in "Othello," trifles light as air are to the guilty confirmations strong as proofs of holy writ.

Moreover, Mr. Clinton was flirting with dynamite by the simple fact of contacting Mrs. Currie to discuss her future testimony. Any lawyer worth his salt would advise his client to remain galaxies away from other witnesses precisely to avoid the natural incriminating inference of coaching, subornation of perjury, or intimidation. Mr. Clinton has neither asserted nor insinuated that he approached Mrs. Currie on the advice of his lawyer Robert S. Bennett (whose fees indicate celestial wisdom). As a lawyer and graduate from the esteemed Yale Law School, Mr. Clinton was thus violating another cardinal precept inculcated in every novice: Never be a lawyer in your own case!

Finally, Betty Currie is Mr. Clinton's version of President Richard Nixon's Rosemary Woods. She is a close and longstanding Clinton loyalist who would never economize on the truth to her disadvantage. Mr. Clinton thus would have been unworried over Mrs. Currie's testimony unless he feared the truth would be incriminating.

Also inexplicable is Mr. Clinton's alleged retrieval of personal gifts to Miss Lewinsky, including a hat pin and a brooch, and a dress, to escape the grasp of a subpoena to the former white House intern. Even Mr. Clinton's most ardent defenders do not suggest the retrieval was the fallout of broken non-carnal intimacy

with Miss Lewinsky. If the gifts were but untroublesome tokens of platonic friendship, then why would Mr. Clinton risk the grave charge of a criminal cover-up by aiding the circumvention of a subpoena?

The first lady was a lawyer on the impeachment staff of the House

Judiciary Committee during President Nixon's Watergate cover-up travails, and probably has counseled Mr. Clinton about the deadliness of tampering with justice. According to the president, the first lady is very smart, and is almost unerringly observant and prescient. Why would he invite at least the appearance of a coverup of his relationship with Miss Lewinsky unless the president believed the truth would be even worse?

Additional curios in Mr. Clinton's

behavior abound. He proclaims an inability publicly to amplify on his defense because to do so would violate some law or court order. That evasion is flatly false. No court decree, gag order or law prevents Mr. Clinton from fully and fastidiously presenting his side of events through press conferences, interviews or otherwise.

Mr. Clinton has repeatedly and fervently denied what he styles as the "legal" accusations against him, yet there has been no indictment or formal legal charges lodged either by Mr. Starr or the grand jury. In other words, at present, there are no legal accusations to deny. Has a guilty conscience spurred Mr. Clinton to dream that presentiment, like Lady Macbeth's cry of "Out, damned spot! out I say!" in seeking

to rub her hands clean of blood?

Mr. Clinton insists a desire for full disclosure of the facts, yet resists a pardon for Miss Lewinsky's past alleged perjury and obstruction of justice that would remove any constitutional limits on her testimony. (The pardon would not protect against perjurious testimony thereafter). Neither the public nor the independent counsel, moreover, is clamoring for a Lewinsky prosecution.

In sum, Alger Hiss had his Richard Nixon, and Nixon had his John Dean, but William Jefferson Clinton apparently learned nothing from their examples.

Bruce Fein is a lawyer and freelance writer specializing in legal issues.



HERE'S AN INTERESTING FAX...

... From the Office of Public Affairs
U.S. IMMIGRATION & NATURALIZATION SERVICE

425 I Street, NW, Washington, DC 20536



(202) 514-2648



(202) 514-1776

Date: 9/12/97

Fax to: LEANNE SCHIMABUKURO

Fax Number: 456-~~8~~ 7028

From: Eric C. Andrus 202/514-8080/2648 FAX: 202/514-9833

Pages (Including Cover): 4

Comments: UPDATE ON NATURALIZATION.

— ERIC

PROGRESS REPORT

9/18/97 rev.

Naturalization Improvement Efforts Underway

Status of Applications

As of July 31, the Immigration and Naturalization Service (INS) had received 1,405,000 naturalization applications this fiscal year, a 51 percent increase over the same period in fiscal 1996 and a 33 percent increase over the 1,058,000 applications received in all of fiscal 1995.

In April, Commissioner Doris Meissner directed that, until a full audit is completed to ensure that new quality assurance procedures have been effectively implemented at offices throughout the country, all applications will be verified by a supervisor for eligibility before receiving final approval.

Program Goals:

■ Maintain Integrity and Improve Timeliness and Customer Service

The new INS Office of Naturalization Operations, created four and half months ago to strengthen the integrity of the naturalization system and improve customer service, is making considerable progress on its plan to fully automate and standardize naturalization procedures across the country by the summer of 1998. INS has submitted its blueprint for the improvements and proposal to fund them to Congress for its approval.

Once automation and standardization are complete at 80 offices around the country, INS will be able to start toward its goal of processing applications within a six-month time frame, while ensuring that the fingerprint check process and other procedures that guarantee quality assurance are complete.

■ Reduce the Backlog

By December 31, INS will have implemented individualized plans for each office to reduce the backlog in naturalization applications. Offices will have the assistance of roving processing teams that will be able to help overcome major problems. INS Headquarters also will provide funds for overtime where needed to achieve reduction goals.

■ New Plan to Automate and Standardize

• Nationwide Automated System

All naturalization applications will be processed through one automated nationwide system. This will mark a major departure from the system now in place, where INS field offices use a variety of computer systems or, in some cases, a manual system to process naturalization applications. A fully automated system will allow INS to

Prepared by the Office of Public Affairs (202) 514-2648

process each application the same way in all INS offices, ensuring uniformity and reducing confusion.

Timeframe: Complete by spring 1998.

Status: INS' data processing system "CLAIMS 4.0" will replace all other automated or manual systems by spring 1998.

- **Fingerprinting**

In order to increase reliability, the fingerprinting process will be returned to INS offices. Ultimately, electronic scanners will replace the manual process. The fingerprints will be taken by specially trained contractors under the supervision of INS staff.

Timeframe: April 1998 at all sites.

Status: Pilot programs to begin in Baltimore in October, Miami and Arlington, Va., in November and Los Angeles, San Francisco, New York and Chicago by the end of the year.

- **Standardize Using Direct Mail**

All applications will be filed by direct mail with INS' highly automated four service centers, consolidating a process now done by INS offices across the country.

Timeframe: All 80 naturalization sites by April 1998

Status: Now being used by four district offices

- **Improve Applicants' Access to Information**

INS will utilize the latest technology, including the Internet and toll-free telephone service, to make the process readily accessible and easier to understand. The process will include printed material, including application forms available on the Internet, that spell out the services an applicant should expect and receive from INS.

Timeframe: Spring 1998

Status: Strategy developed.

- **Naturalization Fee**

In a review of all INS fees, the agency has determined that the cost of processing applications is not currently reflected in the naturalization fee and others. Commissioner Meissner has pledged that the agency will not move forward with a fee increase until she is personally satisfied that significant improvement in service has been achieved.

- **Implementation of Quality Assurance**

The Office of Naturalization Operations developed naturalization quality procedures (NQP), provided for the training of all naturalization personnel in the NQP,

began implementing the procedures June 30, and is conducting ongoing internal field office reviews to ensure compliance. An interim report by the independent consulting firm of KPMG Peat Marwick said the training and dissemination of the new procedures went smoothly; KPMG will begin a full implementation audit October 6.

■ Coopers & Lybrand Re-Engineering Proposal

The work of the Office of Naturalization Operations will be integrated into the long-term re-engineering effort being undertaken by Coopers & Lybrand LLP. Attorney General Janet Reno announced the selection of Coopers & Lybrand as the redesign consultant for the re-engineering project March 20. They were tasked with the entire naturalization process in order to enhance the integrity of the naturalization program, streamline the process, reduce paperwork and improve customer service. The first phase of their work—data gathering and process redesign—will be completed soon.

cc Jose
Teanne ?

FAX

U.S. SENATOR PATTY MURRAY

DATE:

7/17/97

→ Immigration
Naturalization

TO:

CYNTHIA RICE 456.7431

FROM:

GREG WILLIAMSON 224.2415

CITIZENSHIP DELAYS
IN SEATTLE.Thanks,
GregPAGES SENT (INCLUDING COVER SHEET): 3

PLEASE CONTACT OUR OFFICE IF YOU ARE MISSING PART OF THIS TRANSMISSION.

111 RUSSELL SENATE OFFICE BLDG
WASHINGTON, DC 20510
(202) 224-2621
FAX (202) 224-0238

230 WESTMOLE AVENUE
SUITE 503
EVERETT, WA 98201
(206) 259-6515

2988 JACKSON FEDERAL BUILDING
915 2ND AVENUE
SEATTLE, WA 98174
(206) 553-5545

W. 601 1ST AVENUE
SUITE 500
SPOKANE, WA 99201
(509) 624-9515

140 FEDERAL BUILDING
500 W. 12TH STREET
VANCOUVER, WA 98660
(360) 696-7797

402 E. YAKIMA AVENUE
SUITE 390
YAKIMA, WA 98901
(509) 453-7462

senator_murray@murray.senate.gov
www-http://www.senate.gov/~murray/

DATE: July 16, 1997

TO: Greg Williamson

FROM: Vivian Luna

RE: Issues Relating to Citizenship Delays

Post-It* Fax Note	7671	Date 7/16/97	# of pages 2
To Greg Williamson		From Vivian Luna	
Co/Dept. Sen. Murray's office		Co. City & Seattle - Mayor	
Phone #		Phone # (206) 684-0333	
Fax # (206) 224-0238		Fax # (206) 684-5360	

8,180 w/o Senate restoration

2,442 if we keep Sen language

I trust that you received my earlier fax outlining the numbers of immigrants impacted by the loss of SSI benefits. While numbers can fluctuate, these numbers are what our State DSHS Office of Refugee and Immigrant Assistance have provided to us.

Following is a listing of various issues that we have repeatedly heard of from various community groups and advocates relating to the delays in citizenship processing. I am limiting this outline to those issues addressing the Immigration and Naturalization Service's (INS) customer service and responsiveness. There are other much more complicated issues relating to public charge, INS presence at county health clinics, etc. which are also of tantamount concern but would require more extensive briefing and background and would fall outside the scope of your request.

Delay Issues

Fingerprint processing time--many applicants have submitted fingerprints over and over again only to have prints rejected even though INS has been alerted that fingerprints will be unclear due to wearing away of prints in applicant's previous occupation--i.e. typist, seamstress. There is no exception to the FBI clearance check requirement, even for elderly applicants who are less likely to have a criminal record that would possible prevent naturalization.

Lost Files--this continues to happen and applicants are put through additional time consuming repeat application processes.

Disability Exception for Naturalization Application--confusion continues as to how INS decides whether or not an exception is granted, i.e. primary care physician who in the ordinary practice of medicine can diagnose a patient for depression find that diagnosis is questioned by INS staff when submitted since they are requiring that such diagnosis be done by licensed clinic psychologist or psychiatrist.

Inconsistent Interviews--while INS examiners are presumably following a standardized checklist for conducting the naturalization interview, this does not guarantee against examiners conducting sometimes unfair or mean-spirited interviews. Some examiners will not allow an applicant to even finish the interview if they subjectively feel that the applicant's English is not adequate.

total application time is
8-9 months, plus.

INS Inaction on a Case--as applications and interviews have increased, the INS struggles to keep up with the requirement that it make a decision on a case within 20 days of the naturalization interview. In Seattle, people used to be able to take the oath on the same day of the interview. Now there is a delay and time gap before the oath can be administered. This places an additional burden on elderly applicants.

Training for INS Staff regarding Policies--advocates have shared that there is a lack of comprehensive training for INS staff so that they are all apprised of the various changes in policies and implementing these consistently and in a standardized fashion. Also lack of information for INS staff can delay action on processing of naturalization exams.

Ad Hoc Decision Making--advocates have also raised issues of concern that decisions are made which are not necessarily based on any policy/procedure thereby exposing applicants to arbitrary decision making.

Waiver of Application Fee for Low Income Applicants--there is confusion on when and how this happens. What is ironic is that the State factors in the \$95 application fee as part of the contract amount it will reimburse service providers who provide naturalization services. However, the targeted population are those persons who are at risk of losing SSI and would be low income to begin with. Proof of SSI benefit receipt does not seem to spur INS to adopt some type of standardized waiver fee process. If someone applies for a waiver, that application goes through additional review, thereby delaying the processing time.

There is a general overall concern from the advocate community that the INS is not customer service friendly. Applicants face an unresponsive system of rigidity and inaccessibility which further compounds the anxiety that many applicants face in the naturalization process. Even in dialogue we have had with INS representatives during Washington State Task Force on Immigration and Naturalization meetings, there is a definite resistance to possible ways of resolving some problems. (This task force is convened by the State Department of Health Services, other State staff, representatives from the community colleges, local government and community representatives from throughout the state.)

We have heard of successful partnering relationships between the INS and the community in cities such as San Francisco and Chicago. This raises the possibility that such a scenario could exist in Seattle. Whether at the state or local government level or the advocate community level, we are all trying to work with the INS. However, we have made little headway. Is there a way of ensuring some measure of accountability by having access to an INS contact at the DC headquarters office? There is a perception that there is no accountability of district offices to DC. Having a DC contact is one request that I have heard from the advocate community.

I hope that the above provides you with a brief overview of the magnitude of the problem. Thank you for your work, Greg.



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

File —
Immigration
Naturalization/Fees

July 29, 1997

ADMINISTRATOR
OFFICE OF
INFORMATION AND
REGULATORY AFFAIRS

MEMORANDUM FOR ERSKINE BOWLES

THROUGH: Franklin D. Raines *[Signature]*

FROM: Sally Katzen *[Signature]*

SUBJECT: Heads-up on INS Proposed Rule on Adjustment of Application/Petition Fees

We are about to complete review of a DOJ proposed rule that raises the immigration application fees on applications and petitions filed with the INS (for example, the naturalization application fee will increase from \$94 to \$225, and the employment authorization filing fee will rise from \$70 to \$100). The INS application and petition processes are funded entirely by these fees; there are no appropriated funds. An INS survey of the current processes indicated that current fees do not cover costs now, nor will they for FY 1998.

Because some of the proposed fee increases are substantial, this proposal will likely receive criticism from some immigrant advocacy groups. There may also be criticism from the Hill because INS' fee account appears at present to have a large surplus; in fact, there is no surplus as the funds in the account are committed to applications already in the pipeline or to services already rendered.

We agree with INS that fees should be set at a level that will cover the total cost of these applications and petitions, and that they should be set using a sound methodology. We believe the proposal achieves these goals.

Please call if you have any questions.

cc: Maria Echaveste
Rahm Emanuel
Thurgood Marshall, Jr.
John Hilley
Ann Lewis
Sylvia Mathews
Bruce Reed
Victoria Radd
Barry Toiv
Michael Waldman
Ken Apfel
Larry Haas