

September 4, 2003

The Honorable Tom Ridge  
Secretary  
U.S. Department of Homeland Security  
Washington, DC 20528

Dear Secretary Ridge:

We are writing to express our strong opposition to your Department's decision to classify Immigration Information Officers as a "commercial activity", and to subject potentially more than 1100 of those jobs to an immediate competition with contractors. Immigration Information Officers (IIOs) perform a variety of substantive governmental functions throughout the country; they adjudicate claims, expedite the orderly flow of applications of lawful immigrants, and police against fraudulent applications and other indications of illegality. These jobs qualify as "inherently governmental" in every sense of the term, and we urge you to consider the significant harms that would result if the IIOs were privatized.

The decision to subject these jobs to possible privatization would have been objectionable enough prior to the September 11, 2001, terrorist attacks. It defies belief in their wake. In the aftermath of the attacks, the Bureau of Citizenship and Immigration Services (BCIS) faces greater burdens than ever before in its attempt to process immigration and naturalization applications while ensuring that terrorists do not abuse our immigration system. Information Officers have provided invaluable help in performing criminal background checks on applicants and reviewing applications for potential fraud. Indeed, the agency's job description requires that IIOs have the "[s]kill to identify fraudulent documents in order to prevent persons from appealing for benefits for which they are not eligible," a skill that is obviously all the more important in this era. They are also required to have "[k]nowledge and skill in interviewing techniques and observation of applicants in order to determine if an applicant is misrepresenting the facts in order to appear eligible for a benefit." Weeding out potential fraud in our immigration system must remain a responsibility of government employees, especially when the perpetrator of the fraud may be a dangerous criminal or terrorist.

Immigration Information Officers also help to ensure that applicants for immigration benefits receive correct information and assist more senior adjudicators in processing applications. They increase efficiency, by, as their job description states, exploring "all avenues of assistance available to the customer; determin[ing] the benefit most advantageous if more than one exists, and try[ing] to motivate the customer to file the appropriate application(s)." It is important to note that these positions require "knowledge of the exclusion and deportation regulations" and "knowledge and familiarity with the immigration and nationality laws." In other words, these positions require extensive knowledge and the use of discretion – they are not mechanical in nature.

Our offices have relied for years on the expertise of these experienced and dedicated civil servants, in resolving our constituents' often complex immigration-related problems. It is hard to imagine how a low-bidding contractor could immediately train its workforce to approximate the knowledge and dedication of the long-serving IIOs. When dealing with immigration matters, mistakes can have drastic consequences for individuals and businesses. Considering the President's repeatedly-stated intention to provide more efficient services for lawful immigrants, we believe that the last thing the Department of Homeland Security should do is to replace knowledgeable immigration professionals with contract employees.

The decision to subject the jobs to a public private competition represents a continuation of plans already made in the Justice Department, when the IIOs worked for the old Immigration and Naturalization Service. The plans were drawn up to implement the Administration's extreme outsourcing agenda, which required agencies to compete or convert 15% of the jobs listed on their FAIR Act inventories by September 30, 2003. On July 24, 2003, the Administration finally announced that it would comply with the law prohibiting arbitrary numerical quotas. Nevertheless, your Department has not revisited its earlier decision to place IIOs on the FAIR Act inventory and subject them to an immediate competition. The only possible conclusion is that federal employees will continue to suffer the effects of illegal numerical quotas long after they have been purportedly abolished.

Finally, you are presumably sensitive to the crippling effect on morale this decision will have on BCIS personnel. With the Department of Homeland Security still struggling to consolidate its many agencies and diverse staff, we question why the Department's management would prioritize the Administration's outsourcing agenda rather than focus on matters more relevant to protecting the homeland against terrorism.

We urge you to reconsider the Department's decision to commercialize the jobs of Immigration Information Officers. Thank you for your attention to this matter, and we look forward to your response.

Sincerely,

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Joseph I. Lieberman  
U.S. Senator

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Patrick J. Leahy  
U.S. Senator

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Robert C. Byrd  
U.S. Senator

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Edward M. Kennedy  
U.S. Senator

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Frank Lautenberg  
U.S. Senator

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Harry Reid  
U.S. Senator

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Patty Murray  
U.S. Senator

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Daniel K. Akaka  
U.S. Senator

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Barbara A. Mikulski  
U.S. Senator

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Christopher J. Dodd  
U.S. Senator

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Hillary Rodham Clinton  
U.S. Senator

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Jeff Bingaman  
U.S. Senator

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James M. Jeffords  
U.S. Senator

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Richard J. Durbin  
U.S. Senator

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John Edwards  
U.S. Senator

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Thomas R. Carper  
U.S. Senator

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Russell D. Feingold  
U.S. Senator

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Mark Pryor  
U.S. Senator

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Maria Cantwell  
U.S. Senator

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E. Benjamin Nelson  
U.S. Senator

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Jack Reed  
U.S. Senator

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Barbara Boxer  
U.S. Senator

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Paul S. Sarbanes  
U.S. Senator

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Jon S. Corzine  
U.S. Senator

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Tim Johnson  
U.S. Senator

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John F. Kerry  
U.S. Senator

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Ron Wyden  
U.S. Senator

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Byron L. Dorgan  
U.S. Senator

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Ernest F. Hollings  
U.S. Senator

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Carl Levin  
U.S. Senator

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Tom Daschle  
U.S. Senator

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Dianne Feinstein  
U.S. Senator

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Mary L. Landrieu  
U.S. Senator

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Blanche L. Lincoln  
U.S. Senator