

February 25, 2003

MEMORANDUM FOR MICHAEL J. GARCIA
ACTING COMMISSIONER
IMMIGRATION AND NATURALIZATION SERVICE

FROM: /s/ original signed
GLENN A. FINE
INSPECTOR GENERAL

SUBJECT: Review of the Immigration and Naturalization Service's
Removal of Aliens Issued Final Orders, I-2003-004

The Office of the Inspector General has completed a follow-up review of the Immigration and Naturalization Service's (INS) effectiveness at removing aliens issued final removal orders. Our follow-up review examined current removal rates and compared them to the removal rates described in our 1996 report, "Immigration and Naturalization Service's Deportation of Aliens After Final Orders Have Been Issued" (I-96-03). We also identified important nondetained, high-risk subgroups issued final removal orders, and examined the INS's effectiveness at removing them from the United States. The subgroups included criminals, asylum applicants, and aliens from countries identified by the Department of State as state sponsors of terrorism.

Our 1996 report focused on the weaknesses of the INS's removal of nondetained aliens issued final orders. In that review, we found that the INS removed 94 percent of our sample of detained aliens, but only 11 percent of nondetained aliens. We made five recommendations to improve the INS's effectiveness at apprehending and removing nondetained aliens.

In this follow-up review, we concluded that the INS has maintained its effectiveness at removing detained aliens, but continues to be unsuccessful at removing aliens who were not detained – especially aliens in the high-risk subgroups. We also found that the INS failed to take or complete agreed-upon corrective actions in response to our 1996 report.

Specifically, we found the INS maintained its high rate of removal for detained aliens – 92 percent – but it removed only 13 percent of all nondetained aliens. Moreover, the INS removed only 35 percent of nondetained criminal aliens and 3 percent of nondetained aliens who were denied asylum applications.

We also examined a sample of nondetained aliens issued final orders who were citizens of countries identified as state sponsors of terrorism and found that the INS removed only 6 percent of these aliens. The INS also removed only 3 percent of denied asylum applicants from state sponsors of terrorism.

In addition, we found that the INS did not implement the actions it agreed to take in response to our 1996 report. The INS failed to establish absconder removal teams funded by Congress in fiscal year (FY) 1996, implement a supervised release program funded in FY 2002, and finalize the rule to improve its method of notifying aliens of their duty to surrender for removal.

We make eight recommendations in this report for the INS regarding the removal of nondetained aliens issued final removal orders. We provided INS Headquarters officials with a draft of this report on February 4, 2003, and requested that they provide us with comments by February 18, 2003. The INS has not provided written comments by the date of this memorandum.

If you have any questions about this report, please contact me on (202) 514-3435 or Paul A. Price, Assistant Inspector General for Evaluation and Inspections, on (202) 616-4600.

Attachment

cc: Kathleen Stanley
Liaison
Immigration and Naturalization Service

Vickie L. Sloan
Departmental Audit Liaison