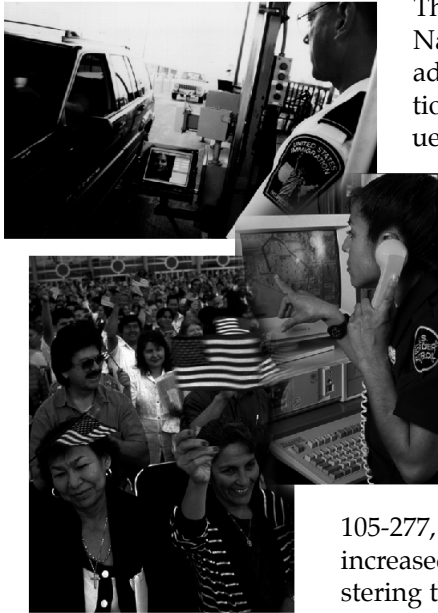




Immigration

IV

IV CORE FUNCTION FOUR: Immigration



The Immigration and Naturalization Service (INS) administers the Nation's immigration laws. In FY 1999, INS continued its steady progress toward achieving ambitious enforcement and service delivery goals, even in the face of unprecedented growth and significantly expanded workload responsibilities. In the past 5 years, its budget more than doubled, reaching an appropriated and fee-funded budget totalling approximately \$3.9 billion in FY 1999 (P.L.

105-277, 106-31), as the overall workforce increased to more than 28,000. Administering the Nation's laws depends on the coordinated efforts of several Department

components, including the INS, the Executive Office for Immigration Review (EOIR), the Civil Division, and the U.S. Attorneys' offices. Through the work of these agencies, the Department accomplished its Strategic Goals of (1) increasing data availability and accuracy through automated technologies, (2) improving service delivery to the public, (3) securing U.S. borders against illegal migration, (4) facilitating lawful travel and commerce, (5) deterring unlawful migration, (6) expediting the removal of illegal aliens, and (7) expanding community outreach initiatives.

Management Challenge

INS Organizational and Management Issues

In 1997, the U.S. General Accounting Office (GAO) identified a number of long-standing management problems at INS. INS has taken steps to address these problems, including analyzing roles, responsibilities, and communication among its component offices. Based on this analysis, and in conjunction with the INS restructuring initiative, plans are under way to clarify and realign the current organizational structure to create clear lines of authority and accountability at all levels. INS has updated and electronically promulgated its Administrative Manual to serve as an easily accessible, central repository of administrative policy. INS is also in the process of rewriting all of its field manuals containing policies and procedures on how to implement immigration laws. These updated manuals are being distributed electronically to serve as an accessible, central repository of field guidance.

STRATEGIC GOAL 4.1

Enhance the integrity and integration of data and data systems operated by the INS in order to establish fully integrated data systems supporting the enforcement and service functions of the INS; enhance the sharing of relevant data with other Federal agencies; and support INS management and decision-making processes.

INS continues to reinvent its organizational and management processes to knit together the agency's major functions and interrelationships. It continues to reengineer its data systems to better handle records and information, to improve decision-making, and to share relevant data with other Federal and state agencies. Through modernized financial management systems and state-of-the-art identification technologies and other automated processes, INS is improving performance in many functional areas. It has better control of resources and is getting information to the public in a more timely manner. It is also expediting the arrival of legal entrants while better detecting and deterring illegal ones. The Performance Goals under this Strategic Goal reflect these priorities as they address data and systems integrity and data systems usage in INS.

PERFORMANCE GOAL 4.1.1

DATA AND SYSTEMS INTEGRITY

INS will continue efforts to improve the accuracy and timely availability of data used to provide information to the public and to ensure that immigration-related benefits and enforcement actions are based on correct and complete information. Specifically, INS will increase the integrity of mission-critical data in its key information systems, will increase the effective use of automation in the processing of benefits applications and Service actions; will provide automated data processing (ADP) technical training and assistance to users; and will modernize and increase the integrity of alien file (A-file) records and information.

INS is working toward full implementation and deployment of a new financial management system that will replace a 20-year-old system unable to meet current needs. The new financial management system will provide INS with proper funds control and accountability over financial resources and processes. In FY 1999, INS began to build interfaces to legacy systems that the Federal Financial Management System (FFMS) will eventually replace, enabling the agency to collect all financial data for control and reporting purposes. In FY 1999, INS achieved its goal of receiving a qualified audit opinion, certified by an independent accounting firm.

During FY 1999, INS continued to deploy enabling technologies to support its enforcement and service missions. The agency's technology infrastructure project has now reached more than 800 sites, 97 percent of the total sites to be addressed. The infrastructure project provides a full suite of office automation capabilities and electronic mail services to more than 30,000 INS

employees and support contractors. This infrastructure provides common automation tools and consistent platforms on which to introduce new enforcement and benefits systems.

Performance Goal 4.1.1

Data and Systems Integrity

Performance Indicator	1997 Actual	1998 Actual	1999 Planned	1999 Actual
(1) Auditor findings on new Financial Management System (FFMS) (INS)	Material Weakness	Material Weakness	Qualified Opinion	Material Weakness
(2) Number of employees trained* (INS)	28,806	31,374	10,000	12,606
(3) [Cumulative] number of sites receiving ADP office automation installations or upgrades (INS)	NA**	760**	18 (additional)	808 (total) 48 (additional)

*This measure has been revised to "Number of hardware/software training incidents" for future reports, because training is more accurately tracked as training "interventions" or "incidents," as one employee may receive more than one training incident.

**These figures have been changed to correct errors in the FY 1999 Summary Performance Plan.

Data Source: (1) Independent auditor's report. (2) and (3) INS Office of Information Resources Management project reports and training data.

Management Challenge

Management of Automation Programs

INS has had difficulty with timely and accurate information about its information technology (IT) activities, especially significant given its sizable capital commitment to IT. However, INS has made substantial progress since the 1998 report. For instance, it has established an IT Investment Review Board (IRB) to oversee the selection, evaluation, and control of its IT investments, as well as an Executive Steering Committee to review and prioritize proposed investments. Automated systems are used to track contract funding and project expenditures, and program area portfolio managers are responsible for managing systems within a business-aligned portfolio. Senior management and the IRB approve the IT annual budget, which is managed by INS' IT organization. An operational assessment of IT business practices is complete, and those the existing IT organization can support are being implemented (e.g., multi-year project plans and consistent reporting of cost, schedule, and performance by project). INS has formed a user group to evaluate project management requirements and is defining project manager training requirements (expected to be consistent with DOJ guidance). Standard operating procedures for these improvements should be completed by September 2000.

PERFORMANCE GOAL 4.1.2

DATA SYSTEMS DEPLOYMENT AND USAGE

INS will maintain major data systems that support immigration-related enforcement and benefits functions (ENFORCE, CLAIMS, and IDENT); strive for high usage rates of these systems by INS enforcement employees; and increase the impacts resulting from increased deployment and use.

In FY 1999, INS continued to bring systems on-line to speed up processing time, improve the quality of case adjudications, and make data more readily available. These systems include ENFORCE, IDENT, and CLAIMS, all of which saw increased deployment and use in FY 1999:

- Deployment of the ENFORCE system, which provides initial processing information on apprehended individuals, now includes full coverage of Border Patrol sectors on the southwest border. INS upgraded ENFORCE software at all southwest border sites, where it was used to process 91 percent of all cases.
- The IDENT system can identify individuals through biometric information. Where it was available, IDENT was integrated into daily operations so that by the end of FY 1999, 84 percent of apprehensions were entered into the IDENT system.
- CLAIMS 4.0, an automated system that supports application processing for immigration benefits, provides increased uniformity and process consistency, which allow better case tracking and resolution. As CLAIMS 4.0 is deployed, it will complement INS' other reengineering and backlog reduction efforts. During FY 1999, INS deployed the CLAIMS 4.0 naturalization case module to 27 additional sites—for a total of 38 out of a targeted 60 sites. The sites receiving systems installations represented 54 percent of all new naturalization cases being processed.

Performance Goal 4.1.2	Data Systems Deployment and Usage			
Performance Indicator	1997 Actual	1998 Actual	1999 Planned	1999 Actual
(1) [Cumulative] number of INS locations to which designated mission-critical systems are deployed (INS)				
ENFORCE/IDENT	244	370	423	433
CLAIMS	0	11	60	38
(2) Usage of designated mission-critical systems where deployed (INS)				
ENFORCE (% of cases)	NA	80%	85%	91%
IDENT (% of apprehensions)	56.4%	85%	88%	84%
CLAIMS (% of applications)	NA	36%	58%	54%
Data Source: (1) Contractor listings. (2) Combined data from INS ENFORCE/IDENT, CLAIMS transaction databases, and PAS.				

Explanation For Not Meeting Target

(1) and (2) For FY 1999, deviation from planned performance targets for IDENT and CLAIMS was slight. For CLAIMS deployments, the original target was reduced so funds could be redirected to aid other naturalization backlog efforts. There was no effect on overall activity or performance.

Management Challenge

Delivery Bonds

Either an eligible alien, or someone acting on his or her behalf, may post a delivery bond to secure release from detention. The bond obligor agrees, upon receipt of a timely demand, to surrender the alien at a specified time, date, and place. Failure to fulfill this obligation results in a "breach" of the bond and a forfeiture of the penal amount. Collection of these moneys is relatively simple for cash and Treasury bonds, as the Government holds full collateral and a power of attorney to execute on that collateral. For years, however, INS has had difficulty collecting amounts due for breaches of surety bonds. Multiple reasons account for this difficulty, but INS itself is responsible for a significant percentage of them. To address this problem, INS has conducted training in its largest district offices to ensure that detention and deportation officers know how to handle breached bonds. INS' largest district offices have designated bond control specialists (and a backup) to resolve breach problems early in the process. INS has established better communication with the Surety Bond Branch of the Department of the Treasury, which regulates surety companies, and has redesigned and implemented a new bond contract for clarity and conformity to the new laws. Finally, with improvements to the new financial management system, INS will be able to track bonds and automatically bill companies when bonds are breached.

STRATEGIC GOAL 4.2

Deliver services to the public in a timely, consistent, fair, and high-quality manner.

In its dealings with the public, INS is mindful that every application it touches can determine a person's future. To increase its overall effectiveness and to provide better service to its varied customers, INS has directed efforts toward improving district office processes and productivity. Through reengineering major processes, training and empowering field staff to improve service delivery, and continuing to set and achieve customer service goals, INS will continue to bring positive changes to the areas of public information, worksite verification, inspections, and naturalization. This Strategic Goal looks at two Performance Goals dealing with reengineering immigration services and providing services to Federal, state, and local governments.

PERFORMANCE GOAL 4.2.1

REENGINEERING IMMIGRATION SERVICES

DOJ will support INS' continuing reengineering efforts aimed at improving program integrity and delivering benefits services that are timely, consistent, fair, and of high quality, especially in the area of naturalization case-work, by improving current processing times for these services to 6 months.

INS continued reengineering efforts to improve the way services are delivered to customers (see Figure 12). In FY 1999, 872,000 people were sworn in as new, naturalized U.S. citizens (see figure 13). INS met its target of a 12-month average for processing naturalization cases, down from 27 months in FY 1998, while maintaining rigorous quality control procedures for 99 percent of cases. In FY 1999, INS met its goals for:

- Completing 1.2 million naturalization cases and reducing case processing time to 12 months.
- Responding to customer requests for forms within 5 days.
- Implementing additional naturalization quality procedures, along with appropriate oversight provisions, to further ensure integrity.

By year's end, INS completed a nationwide review of A-file records, and established, built out, and staffed a new National Records Center. Historical A-files from archive centers around the Nation were also centralized into a facility adjacent to the new INS National Record Center. Improvements in accessibility of A-file information, both from hardcopy files and from more timely, updated, and complete automated files, will significantly support the benefits application process and the timely provision of information to INS customers.

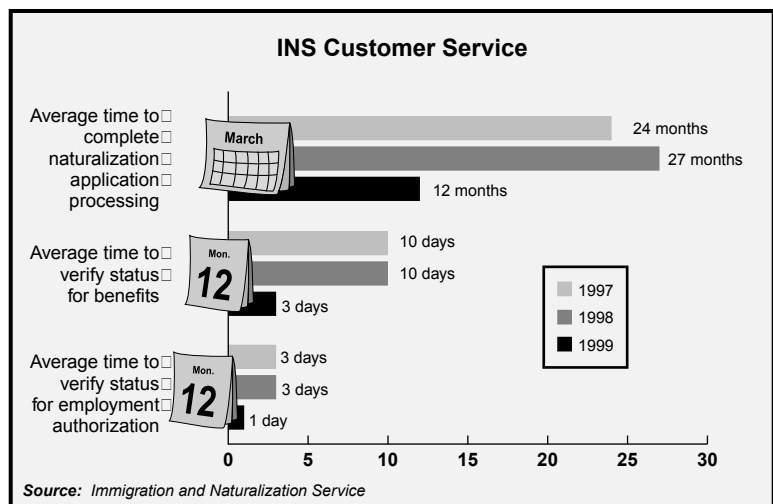


Figure 12

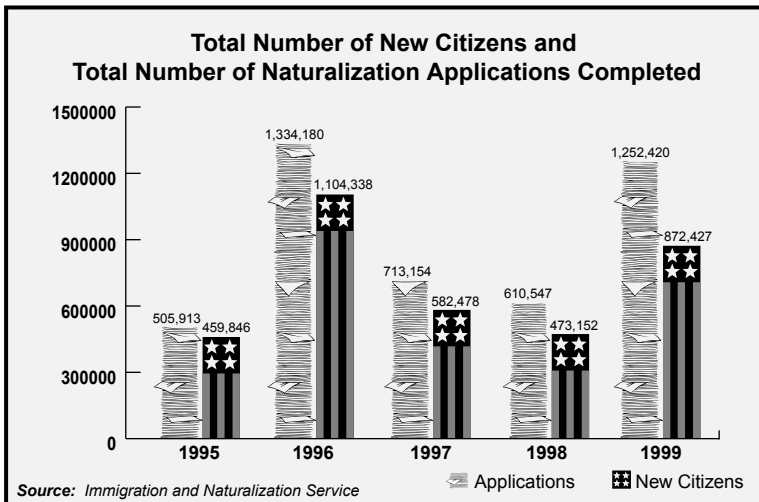


Figure 13

Performance Goal 4.2.1		Reengineering Immigration Services		
Performance Indicator	1997 Actual	1998 Actual	1999 Planned	1999 Actual
(1) [Average prospective case processing time (Naturalization)]* (INS)	24 months	27 months	12 months	12 months
(2) Average time to respond to customers' requests for forms (INS)	6 days	6 days	5 days	5 days

*Projected processing times are computed based on the current level of pending applications and the average level of completions during the last 3 months. Because projected processing times are computed based on past completion levels and do not consider the effect of planned improvements, this measure may not correlate to waiting times actually experienced by applicants in the future. In FY 1999, average processing time was reduced by 15 months while INS completed more than 1.2 million cases. New high-level quality controls were met in over 99 percent of the cases worked.

Data Source: (1) G-22.3 and .3 Report of Field Operations, Examinations Activity Report, PAS, and IDMS. (2) INS telephone system data.

Management Challenge
Monitoring Alien Overstays

Nonimmigrants required to depart the United States upon the expiration of their authorized period of stay but fail to do so are termed "overstayers." Since 1983, INS has collected information on numbers of nonimmigrant arrivals and departures and matched up individual records to estimate the number of overstayers. Despite a system redesign in 1996, INS is still not able to produce reliable overstay estimates. It has implemented an automated Arrival Departure Information System, which is a database specifically designed as a repository for automated arrival/departure records, to augment the data collection component of the existing manual process. Initial indications show the automated system to be more reliable. It will help to alleviate data entry errors and should enhance collection of complete records. When the automated system is fully deployed, INS anticipates that the collection of reliable, complete arrival and departure data will become increasingly possible. Although the system will be fully capable of providing reliable data, INS will

still rely heavily on the cooperation and participation of the airlines. Without their commitment to ensuring accurate arrival data at check-in and to collecting and promptly providing departure records, INS cannot ensure data integrity. Also, this system will only provide data on individuals who arrive and depart by air; those who arrive or depart by either land or sea will not have complete records. Additional improvements in coordinating with the State Department's visa issuance process are still needed to fully address the alien overstay problem.

PERFORMANCE GOAL 4.2.2

SERVICE TO FEDERAL, STATE, AND LOCAL GOVERNMENTS

Consistent with DOJ's efforts to provide high-quality services to its customers, INS will improve the effectiveness and timeliness of its alien status verification services for other Federal, state, and local governments, and for employers, and will maintain the number of verification pilot projects mandated by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 at 5,500 employers, while improving response time for the verification of employment authorizations.

INS is the sole repository of status information on aliens and is called upon to provide status verification for aliens seeking benefits or employment. In FY 1999, INS responded to congressional requirements to pilot verification support for employers. It also continued to meet goals for timely processing and enhanced services for government entities needing information to determine eligibility for their benefit programs (see Figure 12). In FY 1999, INS achieved average response times of 3 days for status verification and 1 day for benefits and employment authorization.

In response to a mandate in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, INS initiated a Citizen Attestation pilot program in Arizona, Maryland, Massachusetts, Michigan, and Virginia. The intent is to test the viability of a status verification program in which job applicants attest to their U.S. citizenship.

Performance Goal 4.2.2		Service to Federal, State, and Local Governments			
Performance Indicator	1997 Actual	1998 Actual	1999 Planned	1999 Actual	
(1) Average response time for status for verification for benefits (INS)	10 days	10 days	3 days	3 days	
(2) Average response time for status for verification of employment authorization (INS)	3 days	3 days	1 day	1 day	

Data Source: (1) ASVI. (2) Pilot Tracking System database.

STRATEGIC GOAL 4.3

Secure the land borders, ports-of-entry (POEs), and coasts of the United States against illegal migration through effective use of technology and personnel resources focused on enhancing the deterrence to entry and apprehending and removing those who attempt to enter illegally.

Enforcement activities between the POEs are fully integrated with those taking place in the ports themselves. This approach supports the Nation's economy and safeguards potential entry points against criminals and contraband. At the same time, INS has been able to dramatically reduce wait times for those trying to cross the border legally. This Strategic Goal includes two Performance Goals that address INS efforts to control the border and efforts to hamper border and international smuggling.

PERFORMANCE GOAL 4.3.1

CONTROLLING THE BORDER

DOJ will continue supporting and implementing the INS' Border Patrol Strategic Plan. Specifically, INS will maintain control in areas where deterrence strategies have been successfully implemented and increase its flexibility to respond to new areas of concern. It will also increase the level of operational effectiveness within identified zones of the southwest border with regard to illegal alien border crossing and drug interdiction.

The Department's multiyear immigration enforcement strategy treats the entire 2,000-mile southwest border as a single, seamless entity. Several multiyear INS operations enhance border enforcement efforts. These include Operation "Gatekeeper" in San Diego, California; Operation "Hold the Line" in El Paso, Texas; Operation "Rio Grande" in McAllen, Texas; and Operation "Safeguard" in Tucson, Arizona. The initial phases of these operations typically result in increased apprehensions, reflecting the use of more agents and enhanced technology. Then as an operation takes hold over an area and causes a deterrent effect, the numbers of apprehensions decline. This effect has occurred in a major portion of the San Diego Sector, as well as in Nogales, Arizona, and at El Paso and Brownsville, Texas. To illustrate, from FY 1993 to FY 1999, apprehensions, as a percent of all of the southwest border, went from 44 percent to 12 percent in the San Diego Sector, and from 24 percent to 7 percent in El Paso. Total apprehensions along the southwest border exceeded 1.5 million in FY 1999, a small increase over FY 1998.

Also apprehended were vast quantities of drugs. In FY 1999, along the southwest border, Border Patrol agents seized nearly 1.2 million pounds of all drugs (marijuana, cocaine, and heroin), compared to approximately 880,000 pounds seized in FY 1998—an increase of 35 percent. Further, in keeping with the INS Border Safety Initiative intended to prevent loss of life in the high-risk crossing corridors, Border Patrol rescuers saved more than 1,000 people in 200 rescue incidents. Data compiled from

the last 2 years revealed a 12-percent decrease in migrant deaths. Finally, continuing the hiring program begun in FY 1994, INS increased its on-board strength by 369 Border Patrol agents in FY 1999.

Performance Goal 4.3.1		Controlling the Border		
Performance Indicator	1997 Actual	1998 Actual	1999 Planned	1999 Actual
Level of operational effectiveness in targeted "zones" along the Southwest border (INS)	NA	Zones identified	Baseline to be established	Baseline being established*
*INS is reviewing and analyzing the data.				
Data Source: Manual reports from INS sectors.				

PERFORMANCE GOAL 4.3.2

HAMPERING BORDER AND INTERNATIONAL SMUGGLING

DOJ will continue to strengthen INS' capability to apprehend and deter persons attempting illegal entry by hampering the efforts of alien smugglers and drug carriers.

To prevent illegal entry by malafide travelers, INS uses the assistance of overseas offices, which help identify illegal migrants before they arrive in the United States. The detection of fraudulent documents by INS employees, airline personnel, and foreign immigration officers is an important deterrent. In 1999, INS intercepted more than 9,100 malafide travelers and offshore migrants on their way to the United States, exceeding the target by 11 percent. INS also assisted 119 offshore prosecutions through fraudulent document detection and profiling training, exceeding the 1999 target by 12 percent.

Performance Goal 4.3.2		Hampering Border and International Smuggling		
Performance Indicator	1997 Actual	1998 Actual	1999 Planned	1999 Actual
(1) Increase in malafide travelers and offshore migrants intercepted on route to the United States. Deter illegal immigration by increasing the number of interceptions of malafide travelers and offshore migrants en route to the United States.]* (INS)	NA**	8,120	8,201	9,124
(2) Offshore prosecutions assisted by INS [personnel and supported by fraudulent document detection and malafide traveler profiling training] (INS)	105	105	106	119
*This indicator has been reworded to clarify its meaning.				
**Correction of clerical error in FY 1997 report.				
Data Source: (1) and (2) G-23.34 Report of Field Operations, Foreign Office Report, PAS, and IDMS.				

STRATEGIC GOAL 4.4

Facilitate lawful travel and commerce across the borders of the United States.

Over the last year, INS helped to facilitate traffic through increased use of prescreening approaches for passenger and vehicle traffic and through automated information and other technologies. INS also continued to improve customer service at land borders and international airports through strengthening partnerships with other Federal agencies to create a seamless inspections process.

PERFORMANCE GOAL 4.4.1

FACILITATION OF PORT TRAFFIC

DOJ, in cooperation with other Federal agencies servicing POEs, will reduce waiting times at airports and land POEs. The targets are to clear 72 percent of commercial air flights through primary inspection in 30 minutes or less and, 80 percent of the time that land border POEs are open, to have wait times not exceed 20 minutes.

AND¹⁵

PERFORMANCE GOAL 4.4.2

PORT AUTOMATION

DOJ will also support INS efforts to increase its use of automated facilitation technologies (e.g., INSPASS, dedicated commuter/SENTRI lanes).

INS has adopted a balanced, integrated enforcement approach that combines the complementary efforts of several agencies to expedite the identification, apprehension, and removal of illegal aliens, while facilitating the entry of legal crossers. Through cooperative approaches to passenger inspections, aided by new technologies and automated processes, legitimate travelers—such as commuters and business people—enter the country without protracted waits. Security is not compromised, however, because the new systems, designed to ease the burden for low-risk entrants, also identify and intercept illegal ones. Two major INS programs—one for airports and one for land borders—continued to improve the U.S. inspections process in FY 1999 and called on the cooperative efforts of INS, the U.S. Customs Service (USCS), the State Department, and the Animal and Plant Health Inspection Service (APHIS) at both air and land POEs—without compromising safety.

In FY 1999, INS worked jointly with the State Department to share visa and application information to better identify fraudulent information and improve the visa issuance process in general. At the airports, advanced biographical information was obtained on international air passengers through the use of a technology called Advance Passenger Information Systems (APIS). APIS, a joint project involving INS, USCS, and APHIS,

¹⁵ These two performance goals have been combined for reporting purposes.

greatly expedites passenger processing. In fact, this technology enables most international air passengers to clear the primary inspection process in 30 minutes or less, while also allowing for improvements in enforcement and regulatory processes.

At land POEs, Dedicated Commuter Lanes (DCLs) yielded impressive results. Conducted jointly with USCS, the DCL concept provides expedited entry for pre-approved, frequent border travelers/commuters, who apply to cross the border in a special "quick-check" DCL lane. These travelers have passed rigorous background checks that qualify them for expedited entry and minimal inspection.

Introduction of the Secure Electronic Network for Travelers Rapid Inspection (SENTRI) system has further expedited entry through the DCLs. In FY 1999, INS installed SENTRI at the El Paso, Texas, POE, which means SENTRI is now operating at two ports. Additionally, in FY 1999, a modification of the SENTRI system automated DCLs at two sites on the U.S.-Canada border, with nearly 5 percent of vehicles inspected there using these systems.

Another system facilitating expedited entry for pre-approved, enrolled travelers is the INS Passenger Accelerated Service System, or INSPASS. This system uses biometric technology that reads digitized images of human identifiers, such as fingerprints and hand geometry, to reliably distinguish legitimate crossers from "imposters." Pre-enrolled INSPASS travelers can enter the country in seconds simply by inserting a card into an ATM-type machine at airports and other POEs. By expediting the entry of legitimate crossers, technologies like INSPASS and SENTRI free up inspections personnel to focus on high-risk entrants. INSPASS was expanded during FY 1999 and is now operating at eight sites.

Performance Goal 4.4.1	Facilitation of Port Traffic			
Performance Indicator	1997 Actual	1998 Actual	1999 Planned	1999 Actual
(1) Percent of total commercial air flights to clear primary inspection in 30 minutes or less	NA	61%	72%	74%
(2) Percent of land border wait times that did not exceed 20 minutes	NA	97%	80%	96%

Data Source: (1) and (2) Manual reports from INS POE offices.

Performance Goal 4.4.2**Port Automation**

Performance Indicator	1997 Actual	1998 Actual	1999 Planned	1999 Actual
Percent of travelers inspected by automated systems equipped with INSPASS and SENTRI				
INSPASS	NA	NA	Baseline	.64%
SENTRI	NA	NA	Baseline	4.80%

Data Source: G-22.1 Report of Field Operations, Inspections Activity Report, PAS, and IDMS.

STRATEGIC GOAL 4.5

Maximize deterrence to unlawful migration and enforce immigration laws within the interior of the United States through effective and coordinated use of resources to reduce the incentives of unauthorized employment and assistance; remove deportable/inadmissible aliens expeditiously; address interior smuggling and benefit and document fraud; and increase intergovernmental cooperation and the integration of activities among law enforcement entities at all levels of government.

In FY 1999, INS developed an interior enforcement strategy designed to systematically combat illegal immigration inside the United States. This strategy concentrates resources on investigations of cases having the broadest impact on the criminal networks and the infrastructure supporting alien smuggling, fraud, or illegal employment. Although INS has stepped up efforts in recent years, more work needs to be done to enforce immigration laws—not only to prevent illegal immigration, but also to deal with the ramifications of illegal immigrants throughout the justice system. In 1999, 178,168 undocumented immigrants, a third of whom have criminal records, were expelled from the United States. This number reflects a 3-percent increase over 1998, during which 172,515 deportations occurred. Of these totals, 76,656 and 89,267 were expedited removals in FY 1998 and FY 1999, respectively. To develop unified strategies for the interior enforcement of Federal immigration laws, the Attorney General in July 1999 asked the U.S. Attorneys to coordinate with INS regional and/or district directors to address how to accomplish the following:

- Identify and remove criminal aliens and minimize recidivism.
- Deter, dismantle, and diminish smuggling or trafficking of aliens (see sidebar).
- Respond to community reports and complaints about illegal immigration and build partnerships to solve local problems.
- Minimize immigration benefit fraud and other document abuse.

Mexican Citizen Sentenced in Smuggling Case

In the Eastern District of California, a Mexican citizen legally residing in Fresno was sentenced to more than 5 years in prison for his role in smuggling illegal aliens into the United States. He pled guilty in October 1998 to heading a smuggling ring that, between August 1996 and January 1998, brought more than 100 illegal aliens into the country. The defendants charged each alien a fee of \$1,200-\$1,400 and hid them inside the dashboard and floorboards of passenger vans. The aliens passed undetected through the San Ysidro Port-of-Entry and continued on to destinations in other parts of California and the western United States.

- Block and remove employers' access to undocumented workers.

The strategy seeks to increase internal coordination among the various INS enforcement disciplines and forge closer ties with other Federal agencies and state and local law enforcement.

PERFORMANCE GOAL 4.5.1

REMOVALS

DOJ will increase the number of removals from the United States above the number of removals projected in previous years.

INS continued to emphasize removing deportable aliens from the United States without protracted litigation, achieving 178,168 final order removals in FY 1999. This achievement exceeded the goal by approximately 48 percent. The performance results for indicator 4.5.1(2) do not include expedited removals, which came to 76,656 and 89,267 in FYs 1998 and 1999, respectively. The success of INS removal efforts largely resulted from the expedited removals program, which comprised 50 percent of final order removals for the year.

Sustained commitment by INS yielded 62,838 removals of criminal aliens in 1999. Removals were carried out in part through INS' expanded cooperation with other law enforcement agencies. The most important of these initiatives is the Institutional Removal Program (IRP)¹⁶ implemented in FY 1998 and designed to identify and process deportable inmates before their release from Federal, state, and local institutions. This program should result in removal of greater numbers of deportable criminal alien inmates in the future. In FY 1999, the IRP led to the removal of 19,730 alien inmates, 17 percent above the goal. In addition, INS removed more than 4,000 criminal alien inmates on a "fast track." These are aliens who received a removal order within 1 day of release. The GAO continues to show keen interest in the removal of criminal aliens, reporting on INS' efforts in this area in two studies: *Criminal Aliens: INS' Efforts to Remove Imprisoned Aliens Continue to Need Improvement* (GGD-99-3, October 16, 1998) and *Criminal Aliens: INS' Efforts to Identify and Remove Imprisoned Aliens Continue to Need Improvement* (T-GGD-99-47).

Performance Goal 4.5.1				Removals
Performance Indicator	1997 Actual	1998 Actual	1999 Planned	1999 Actual
(1) Total number of final order criminal alien removals (INS)	49,813	55,541	50,000	62,838
(2) Total number of final order non-criminal alien removals [excluding expedited removals] (INS)	40,979	39,565	14,000	26,063
Data Source: DACS.				

¹⁶ The Institutional Removal Program is also known as the Institutional Hearing Program.

Management Challenge

Efforts to Identify and Remove Criminal Aliens

INS has been criticized for weaknesses in its Institutional Removal Program, also known as the Institutional Hearing Program. The purpose of the IRP is to identify and remove criminal aliens by means of administrative or hearing processes before their release from custody. To address these concerns, INS implemented new policy guidance clarifying the roles and responsibilities of special agents working in the IRP, developed a staffing model to target where to concentrate resources, and established better controls over how aggravated felons are tracked, to more quickly identify and deport them while they are in prison. INS is also addressing immigration agent attrition to ensure adequate staffing for the IRP, and will incorporate the IRP process into the main automated enforcement case tracking system ENFORCE. These improvements will be completed by September 2000.

PERFORMANCE GOAL 4.5.2

WORKSITE ENFORCEMENT

DOJ will assist employers with compliance in sanctions law while improving the detection of illegal presence and fraud. INS will increase the use of intelligence information, leads, and estimates to develop better cases.

The GAO, in a report titled *Illegal Aliens: Significant Obstacles to Reducing Unauthorized Alien Employment Exist* (GGD-00-33), dated April 2, 1999, observed INS to be moving in the right direction in its employer sanctions efforts, despite facing significant obstacles. The Worksite Enforcement program completed its transition to a policy focusing on systemic, organized, and multiple violation activity, rather than on individual alien cases. INS presented for prosecution 182 criminal cases against serious violators in 1999.

Performance Goal 4.5.2	Worksite Enforcement			
Performance Indicator	1997 Actual	1998 Actual	1999 Planned	1999 Actual
(1) Number of criminal sanctions cases presented against employers (INS)	146	127	NA	182
(2) Percentage of fines issued to employers who knowingly hire or continue to employ unauthorized workers to total fines in sanctions cases (INS)	60%	59%	60%	64%

Data Source: (1) LYNX. (2) Manual reports from INS field offices.

Operation Over the Rainbow II

This alien smuggling investigation crippled a criminal syndicate responsible for smuggling as many as 150 Chinese nationals per month into the United States across the northern U.S. border. It is estimated that these criminals, who charged a fee of \$47,000 per person, had the ability to earn up to \$169 million over 2 years. The investigation revealed that the aliens were smuggled into Canada using fraudulent documents. They were

then transported to New York City through an Indian reservation that straddles the U.S.-Canadian border. The criminal alien smugglers were indicted and charged.

PERFORMANCE GOAL 4.5.3

INTERIOR ANTI-SMUGGLING

DOJ will continue the implementation of the National Anti-Smuggling Strategy, and will begin to monitor the shifts in "vertical" smuggling corridors. INS will continue enforcement activity coordinated with intelligence, border, and overseas initiatives to prevent, identify, disrupt, and dismantle smuggling, terrorist, and organized crime and related overseas document fraud organizations.

In FY 1999, INS increased its anti-smuggling activities and its program against benefit and document fraud by presenting criminal cases for prosecution and increasing the use of forfeiture. Smuggling operations give illegal aliens the chance to find employment in U.S. industries, which takes employment opportunity from legitimate job seekers. In FY 1999, these efforts continued. A total of 7 major interregional smuggling cases and 1,967 principals were presented for prosecution. Operations such as "Over the Rainbow" targeted illegal smuggling with notable success (see sidebar).

Performance Goal 4.5.3

Interior Anti-smuggling

Performance Indicator	1997 Actual	1998 Actual	1999 Planned	1999 Actual
Cases presented for prosecutions and assets seized from smugglers and fraud organizations and facilitators and apprehension of criminal and terrorist aliens (INS)				
a. Major, interregional smuggling cases presented for prosecution	NA	6	NA	7
b. Principals presented for prosecution for alien smuggling-related violations	1,304	1,547	NA	1,967
c. Large-scale benefit and document fraud cases presented for prosecution against organizations and facilitators	120	120	NA	378
d. Principals presented for prosecution for benefit or document fraud from organizations and facilitators	NA	NA	NA	636
e. Number of smuggling, fraud, and worksite cases accepted for prosecution with inclusion of forfeiture or parallel civil forfeiture	NA	NA	Baseline	16

Data Source: G-23.19.1 Report of Field Operations. Investigations Activity/Case Management Report, PAS, manual reports from INS field offices, and CATS.

STRATEGIC GOAL 4.6

Expedite the adjudication of immigration cases while ensuring due process and fair treatment for all parties.

The Executive Office for Immigration Review is responsible for interpreting immigration laws and conducting administrative hearings and appellate reviews on a wide variety of immigration issues. It also ensures fairness, competence, and efficiency

in decisions on the status of individual aliens in the United States. The Department seeks to expedite adjudication of immigration cases while preserving the system's fairness. This Strategic Goal's one Performance Goal addresses various aspects of the Department's immigration review process.

PERFORMANCE GOAL 4.6.1

IMMIGRATION REVIEW

Immigration Judges will complete 95 percent of expedited asylum, IHP, and detained cases within target timeframes. These timeframes are: (1) asylum cases within 180 days of filing by aliens with the DOJ; (2) IHP cases prior to aliens' release from incarceration; and (3) detained cases within 30 days of filing with the Immigration Court.

In FY 1999, total EOIR adjudications included 245,916 cases completed by immigration judges and 22,827 appeals completed by the Board of Immigration Appeals (BIA). Precedent-setting decisions include the following:

- An alien remains convicted for immigration purposes even where the conviction has been expunged, dismissed, vacated, or otherwise removed under a state rehabilitative statute.
- A conviction for committing serious nonpolitical crimes in his or her home country can bar a refugee from obtaining withholding of removal (see sidebar).

In addition, BIA published an interim decision addressing whether victims of domestic violence are eligible for asylum by claiming persecution under the statutory category of "membership in a particular social group."

Immigration Courts completed 65,891 asylum cases, including 25,398 expedited cases under EOIR's priority case processing initiative—88 percent within the mandated 180-day time limit. INS met its goal of processing 75 percent of new asylum reform cases within 60 days while exceeding the goal to process expedited removal cases within 14 days. Both averaged over 84 percent. Further, in response to the crisis in Kosovo, INS committed a team of asylum officers to process Kosovars on-site for possible refugee status and eventual resettlement in the United States. Along with processing more than 18,000 Kosovars on-site, INS processed an additional 14,000 at Fort Dix, New Jersey. In response to the interdiction at sea of several boatloads of Chinese off Tinian Island in the Northern Mariana Islands, INS pre-screened several hundred potential asylum-seekers. It also processed more than 76,000 applications for temporary protected status from Nicaraguan and Honduran victims of Hurricane Mitch.

Under the IHP—a coordinated effort by EOIR, INS, BOP, and state departments of corrections to conduct removal hearings for aliens incarcerated for criminal offenses—immigration judges completed nearly 12,800 criminal alien cases, 91 percent

Operation "Fineprint"

In November 1998, more than 2 million fake identification documents were seized in Los Angeles in the largest document seizure in INS history. The seized documents, with an estimated street value in Los Angeles of \$800 million, were headed for distribution points around the country.

before the alien's release. IHP has 76 hearing locations in 63 state, 10 Federal, and 3 municipal institutions. Of these, 15 facilities (11 BOP-operated and 4 contractor-operated) functioned as IHP hearing and release sites in FY 1999. An additional 14 facilities (12 BOP-operated and 2 contractor-operated) functioned solely as IHP release sites.

Performance Goal 4.6.1	Immigration Review			
Performance Indicator	1997 Actual	1998 Actual	1999 Planned	1999 Actual
Immigration Court cases received and completed within target timeframes (EOIR)				
Asylum Cases	90%	90%	95%	88%
IHP Cases	91%	94%	95%	91%
Detained Cases	91%	91%	95%	84%
Data Source: ANSIR.				

Explanation For Not Meeting Target

The actual percentage of asylum, IHP, and detained cases completed within target time frames fell a few points short of FY 1999 targets, a slight deviation that did not affect overall program integrity.

STRATEGIC GOAL 4.7

Improve the development and implementation of immigration-related policies and practices by incorporating input from a broad range of internal and external contacts.

During FY 1999, INS concentrated on reaching out to stakeholders in the communities it serves by expanding community relations efforts. In continuing to seek ways to improve high-quality dialogue and information exchanges with stakeholders, INS conducted educational and feedback meetings on immigration issues, customer service, and proposed regulations and procedures. It held more than 4,300 meetings with community groups in 1999, tripling the numbers of meetings held in 1998. Also, community relations officers nationwide acknowledged nearly 100 percent of complaints received within 30 days. In addition, 98 percent of all district offices and Border Patrol sectors developed community relations plans.