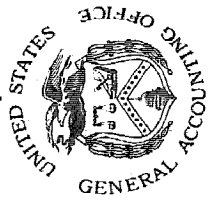


RELEASED

RESTRICTED — Not to be released outside the General Accounting Office, except on the basis of specific approval by the Office of Congressional Relations.

B-125051
9-10-74

090121



090121

Certain Activities Of The
New York District Office Of The
Immigration And Naturalization
Service, Department Of Justice,
And The Department Of State

B-125051

UNITED STATES
GENERAL ACCOUNTING OFFICE

~~906855~~ / [090121]

SEPT. 10, 1974



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

GENERAL GOVERNMENT
DIVISION

01 + The Honorable Elizabeth Holtzman
P House of Representatives

Dear Miss Holtzman:

In response to your requests of September 26 and November 30, 1973, we have obtained information on certain activities of the Immigration and Naturalization Service (INS), Department of Justice, and particularly the New York District Office.

As you requested, we did not submit the report to INS for official comments.

We plan no further distribution unless you agree or publicly announce the contents.

Sincerely yours,

A handwritten signature in cursive script that reads "Victor L. Lowe".

Victor L. Lowe
Director

C o n t e n t s

		<u>Page</u>
DIGEST		i
CHAPTER		
1	INTRODUCTION	1
	Scope of review	1
2	IDENTIFYING CARRIER VIOLATORS AND COLLECTING FINES	2
3	INS ACTION ON ALIENS ARRESTED BY NEW YORK CITY POLICE DEPARTMENT	4
	Procedures for processing arrest sheets	4
	Backlog of arrest sheets	5
	Processing of arrest sheets by area control investigations	6
4	ACCOUNTING FOR INCOME FROM FEES AND OVERTIME	7
	Income from fees	7
	Income from overtime	8
5	LEGALITY OF COLLECTING FEES FOR ADJUDICATIONS BY IMMIGRATION INSPECTORS WHEN CARRIERS PAY THEIR COMPENSATION	10
6	VISA-SCREENING PROCEDURES FOR TERRORISTS	14
	Department of State procedures	14
	INS procedures	16

A B B R E V I A T I O N S

CIN	Criminal Immoral and Narcotics
FBI	Federal Bureau of Investigation
GAO	General Accounting Office
INS	Immigration and Naturalization Service
NYDO	New York District Office

GENERAL ACCOUNTING OFFICE
REPORT TO THE
HONORABLE ELIZABETH HOLTZMAN
HOUSE OF REPRESENTATIVES

CERTAIN ACTIVITIES OF
1 THE NEW YORK DISTRICT OFFICE ⁰³⁰⁰⁹
OF THE IMMIGRATION AND
2 NATURALIZATION SERVICE, ⁵⁶
3 DEPARTMENT OF JUSTICE, ³⁷
4 AND THE DEPARTMENT OF STATE ³²
B-125051

D I G E S T

WHY THE REVIEW WAS MADE

On September 26, 1973, Congresswoman Holtzman requested GAO to report whether the Immigration and Naturalization Service's (INS') New York District Office (NYDO) was

- imposing and collecting fines from carriers which violated immigration laws,
- acting on receipt of arrest sheets submitted by the New York City Police Department, and
- accounting for income from overtime charges to carriers and application fees.

On November 30, 1973, the Congresswoman requested GAO to expand the review and provide information on

- INS practices and procedures for identifying and billing carrier violators,
- the NYDO working definition of "moral turpitude,"
- the legality of collecting fees for adjudications by INS inspectors when carriers pay their compensation, and
- screening procedures for identifying persons applying for visas who may be terrorists.

As she requested, GAO did not submit the report to INS for official comments.

FINDINGS AND CONCLUSIONS

GAO found that:

- Fines are being imposed and collected on carriers for violating immigration laws.
- The procedures and practices for identifying and billing carrier violators are adequate. (See ch. 2.)
- NYDO follows up on reports submitted by the New York City Police Department of aliens who have been arrested and therefore may be subject to deportation. However, there is a backlog in this work and NYDO does not investigate some of these cases for several months after receiving the arrest sheet.
- NYDO's working definition of "moral turpitude" is based on a lower Federal court's opinion. (See ch. 3.)
- NYDO is collecting application fees. However, some of the procedures for verifying and safeguarding remittances were not being followed, thus weakening internal controls. The District Director stated that action would be taken immediately to strengthen these controls.
- NYDO was accounting for income from overtime charges. (See ch. 4.)
- It is proper for INS to collect fees for adjudications by INS inspectors receiving extra

compensation for which the Government is reimbursed by a carrier. (See ch. 5.)

- The Department of State's visa-screening procedures are designed to identify undesirable applicants, such as terrorists. (See ch. 6.)

CHAPTER 1

INTRODUCTION

On September 26, 1973, Congresswoman Holtzman requested us to inquire into whether the Immigration and Naturalization Service's (INS') New York District Office (NYDO) was

- imposing and collecting fines from carriers which violated immigration laws,
- acting on receipt of arrest sheets submitted by the New York City Police Department, and
- accounting for income from overtime charges to carriers and application fees.

On November 30, 1973, the Congresswoman requested us to expand our review and provide information on

- INS practices and procedures for identifying and billing carrier violators,
- the NYDO working definition of "moral turpitude,"
- the legality of collecting fees for adjudications by INS inspectors when carriers pay their compensation, and
- screening procedures for identifying persons applying for visas who may be terrorists.

SCOPE OF REVIEW

This review was performed at the John F. Kennedy International Airport, New York City; the INS Regional Office, Burlington, Vermont; the INS District Office, New York City; a New York City pier; the INS Central Office, Washington, D.C.; and the Department of State, Washington, D.C. We interviewed INS and Department officials, examined documents, and observed INS personnel inspecting passengers arriving in New York City by airplanes and ships.

CHAPTER 2

IDENTIFYING CARRIER VIOLATORS AND COLLECTING FINES

Most fines are assessed under section 273 of the Immigration and Nationality Act (8 U.S.C. 1323) which imposes a fine against a carrier for bringing into the United States passengers without proper visas or other permits. The fine is \$1,000 for each such alien. During fiscal year 1973, fines collected from carriers amounted to \$1,084,238. Collections during September and October 1973 were about \$43,000 and \$97,000, respectively.

NYDO procedures and practices for verifying that passengers arriving by airplanes and ships had proper visas or other permits were adequate.

The U.S. Customs Service or the carrier's agent notifies INS of airplane and ship arrivals from foreign ports. NYDO requests a 24-hour advance notice on ship arrivals. Airlines' flight schedules also show arrivals from foreign countries.

To identify carrier violators, NYDO representatives inspect all passengers arriving by ship and plane from foreign countries. Each passenger must present proper documentation to an inspector before entering the United States. If a passenger does not have proper entry papers, the carrier is subject to a fine.

At the completion of ship inspection, all passengers receive a landing card stamped by the inspector. This is given to a guard at the gangplank, and the passenger reports to Customs. At the airport, passengers are escorted by airline officials to the INS- and Customs-controlled area for inspection.

Carrier violations identified by immigration inspectors at the port-of-entry are reported to NYDO. NYDO then sends a bill to the carrier with a notice of intent to impose a fine for violations. A copy is also sent to Customs which is responsible for collection. The carrier is given 30 days to pay the fine or submit a written defense stating why it should not be fined. If payment or written defense

is not received in 30 days, a final order to pay is sent to the carrier. Customs is then responsible for collecting the fine.

Each month Customs sends INS a schedule of collections showing carriers' payments. INS then closes out the individual carrier's open file indicating payment.

CHAPTER 3

INS ACTION ON ALIENS ARRESTED BY NEW YORK CITY POLICE DEPARTMENT

The Police Department submits to NYDO arrest sheets on arrested aliens. Although NYDO acts on these cases, a large backlog exists due to the lack of manpower.

If NYDO concludes, after investigating an arrested alien, that he may be subject to deportation, it forwards the case to the INS processing unit for deportation proceedings. Mainly as a result of investigating aliens reported on arrest sheets--between June and November 1973--NYDO sent about 250 cases to the processing unit.

Because of the time that it would require, we did not determine the disposition of these cases.

PROCEDURES FOR PROCESSING ARREST SHEETS

NYDO's Criminal Immoral and Narcotics (CIN) unit is responsible for reviewing and acting on arrest sheets submitted by the Police Department. The CIN unit obtains the arrest sheet which shows, among other things, the alien's name, place of birth, and nature of alleged crime. The unit receives about 125 to 150 arrest sheets each week, or about 7,000 a year.

A CIN supervisory investigator screens the sheets for the most serious crimes, especially those involving moral turpitude, and obtains a record check to see whether NYDO had a prior history on the arrested alien. Under section 241(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1323), an alien is subject to deportation if

- he is convicted of a crime involving moral turpitude committed within 5 years after entry and either sentenced to confinement in a prison or corrective institution for a year or more and

- at any time after entry he is convicted of two crimes involving moral turpitude, regardless of whether he is confined and regardless of whether convictions were in a single trial.

Neither the act nor INS regulations define "moral turpitude." NYDO, however, uses the interpretation of a lower Federal court as reported in the Administrative Decisions Under Immigration and Nationality Laws of the United States as a working definition of "moral turpitude." The opinion states that:

"Moral turpitude is a vague term. Its meaning depends to some extent upon the state of public morals. A definition sufficiently accurate for this case, however, is this:

An act of baseness, vileness, or depravity, in the private and social duties which a man owes to his fellow man or to society."

Each case selected is assigned as manpower becomes available. The remaining arrest sheets are filed as possible leads to identify illegal aliens.

After an investigation, the supervisory investigator reviews the case file. The case is either closed or forwarded to the processing unit for deportation proceedings. Depending on the type of aliens arrested, the following action may result:

1. Legal alien--If the alien is convicted as set forth under section 241(a)(4) of the act, he is subject to deportation. However, if he is not convicted of the charges, he is released by INS.
2. Illegal alien--For such an alien INS has two grounds for deportability. He can be deported if convicted as set forth under section 241 (a) (4) of the act or for being in an illegal status.

BACKLOG OF ARREST SHEETS

As of November 15, 1973, the CIN unit had about 2,600 arrest sheets received over 4 to 5 months for which no immediate followup was contemplated. The supervisor in charge estimated that about 1,600 of these sheets would be forwarded to the Area Control unit for followup as possible

leads to apprehend illegal aliens. The Area Control unit provides the principal thrust against the incursion of illegal aliens. The CIN unit will handle the remaining 1,000 sheets as manpower becomes available.

As of October 1973, the CIN unit had a backlog of 494 assigned criminal deportation cases to investigate. Five CIN investigators, whose workload involved 144 of the criminal deportation cases, stated that about 106 originated from arrest sheets. In addition, there were 298 old unassigned, low priority cases.

An INS official said the backlogs resulted from insufficient manpower and other high priority work. The bulk of the CIN unit's time is spent on referrals from the INS Central Office, other Government agencies, and character investigations.

PROCESSING OF ARREST SHEETS BY AREA CONTROL INVESTIGATIONS

The CIN unit reviews the current arrest sheets and refers those cases not involving moral turpitude to the Area Control unit for investigation. A form letter is sent to the alien's last known address ordering him to report within 10 days. When the alien reports to the Area Control unit, his status is determined and action is taken accordingly. If the letter is returned as "undeliverable," the sheet is discarded in accordance with instructions issued by the Northeast Regional Office to purge old leads on file. An INS official said the arrest sheets are discarded because the lead information is not valid, the crime is minor, and it is believed that the staff can be better used in other investigations. According to the official, in no case is an arrest sheet discarded without some action.

CHAPTER 4

ACCOUNTING FOR INCOME FROM FEES AND OVERTIME

NYDO is collecting application fees and overtime charges from carriers. However, in some instances, procedures for verifying and safeguarding funds from fees were not being followed fully. According to the NYDO Director, corrective action will be taken immediately. During fiscal year 1973 NYDO collected \$2,105,000 in fees and incurred about \$1 million in overtime which was reimbursed by the carriers.

INCOME FROM FEES

During fiscal year 1973, the Northeast Regional Office reported collections of about \$2,152,000 in the NYDO area-- \$2,105,000 in the main office and \$47,000 at other INS locations in New York City. At the main office the daily average fee collected for the fiscal year was about \$8,400. On the day we observed collections, the fees collected amounted to \$8,726, of which \$4,117 was in currency.

In some instances procedures for fee collections were not being followed.

--The accountable employee, according to NYDO procedures, is to unlock the register and remove the deposit copies of the receipt forms when the issuing employee transfers the remittance collected that day. This was not done; instead, the issuing employee maintained a key to the register and turned the deposit copies of the receipt forms over to the accountable employee. Also the accountable employee did not count the receipts until the subsequent day.

--The accountable employee is to check the opening and closing receipt numbers daily. However, this was done only on a spot-check basis.

--The verifying employee is to independently check the deposit receipt forms. However, the accountable employee counted them.

In addition, funds were transferred from each station by the accountable employee to an office freely accessible to the public where the counting of cash could be observed.

The NYDO Director stated that action would be taken immediately to strengthen controls.

INCOME FROM OVERTIME

Our review of the procedures relating to the accounting for income charges to carriers under the Compensation for Overtime Service by Immigrant Inspector Act of 1931 showed that controls for the accountability of overtime by NYDO and the Northeast Regional Office are adequate. Overtime is segregated in the budgetary and accounting records, and separate accounts are maintained for Government liability and carrier liability. For fiscal year 1973, the regional office spent about \$3.1 million for overtime. About \$1.9 million was reimbursed by nonexempt carriers and \$1.2 million was absorbed by the Government.

Airline carriers are exempt from overtime charges if they arrive within 1 hour earlier or an hour later than the scheduled time. Also there are other types of exempt conveyances; for example, international ferry, bridge, and highway vehicles. Overtime applicable to such exempt classes becomes Government liability. Ships and unscheduled aircraft arriving at New York from foreign ports are not exempt under the 1-hour rule.

Inspectors at Kennedy International Airport and NYDO's Seaport Section are given an Inspection Order and Report requiring them to work overtime under the act. When an inspector reports for duty, he signs a daily attendance report. The Inspection Order and Report is completed at the end of the day. The supervisor on duty signs and approves each report. This becomes the basis for payment of overtime to the inspector and the charge to the carrier. The report includes the date of inspection, the time worked, and the name of the carrier to be charged. At Kennedy, airplanes are logged in on the Inspection and Billing Register which, among other things, shows scheduled arrival time and actual time for purposes of billing carriers under the 1-hour rule. This is not done for ship arrivals because the carrier is charged for overtime regardless of time of arrival.

The Northeast Regional Office receives the Inspection Order and Reports from NYDO, reviews them for accuracy and completeness, and approves them. After prorating the inspector's charges where multiple inspections were made, a bill is sent to the carriers requesting that payment be made to the regional office. The office's accounts receivable as of December 31, 1973, showed that accounts over 6 months old amounted to about \$22,000. About \$15,000 of this was collected in January 1974.

The office's estimated monthly budget report for 1973 shows inspection overtime pay for carrier liability as a deduction from operating costs. Therefore, when remittances are received, the funds represent reimbursement to the appropriation account.

CHAPTER 5

LEGALITY OF COLLECTING FEES FOR ADJUDICATIONS BY IMMIGRATION INSPECTORS WHEN CARRIERS PAY THEIR COMPENSATION

INS inspectors who work 8 hours or less on Sundays or holidays receive 2 additional days' pay. Under certain circumstances the carrier which requested the overtime services pays this additional compensation. Should the services required by a carrier on a Sunday or holiday not require the use of a full 8 hours, INS reassigns personnel to other tasks until the entire 8 hours are completed. These noninspectional duties include adjudicating INS petitions and applications, for which INS receives a fee.

Section 1 of the act of March 2, 1931, as amended (8 U.S.C. 1353a), provides, in part:

"The Attorney General shall fix a reasonable rate of extra compensation for overtime services of immigration officers and employees of the Immigration and Naturalization Service who may be required to remain on duty * * * or on Sundays or holidays, to perform duties in connection with the examination and landing of passengers and crews of steamships, trains, airplanes, or other vehicles, arriving in the United States from a foreign port by water, land or air, such rates to be fixed on the basis of * * * two additional days' pay for Sunday and holiday duty * * *."

Section 2 of the act requires that such extra compensation, " * * * be paid by the master owner, agent or consignee of such vessel or other conveyance arriving in the United States from a foreign port * * *." (8 U.S.C. 1353b) Moneys so collected are deposited in the Treasury to the credit of the appropriation for the payment of salaries of INS personnel (8 U.S.C. 1353d). The rationale for such a practice is readily apparent. "* * * transportation companies should reimburse the Government for special services at unusual hours that advance their own interests" (H. Rept. 1720, 71st Cong., 3d sess. (1931).

However, carriers are not required in all instances to pay the extra compensation for INS inspections on Sundays or holidays. Compensation need not be paid for:

" * * * inspection at designated ports of entry of passengers arriving by international ferries, bridges, or tunnels, or by aircraft, railroad trains, or vessels on the Great Lakes and connecting waterways when operating on regular schedules." (8 U.S.C. 1353b)

Also, section 53 of the Airport and Airway Development Act of 1970, Public Law 91-258, approved May 21, 1970, 84 Stat. 236, 49 U.S.C. 1741, limits the maximum which may be paid for inspections of a private aircraft or private vessel on a Sunday or holiday to \$25. Whether or not the Government has been reimbursed by the carrier at all or to the full extent of the compensation is immaterial because the statute (8 U.S.C. 1353a) makes the Government liable for paying its employees their required compensation (United States v. Myers, 320 U.S. 561 (1944); Renner v. United States, 106 Ct. Cl. 676 (1946); Bishop v. United States, 174 Ct. Cl. 31, 355 F. 2d 617 (Ct. Cl. 1966). Taylor v. U.S., 106 Ct. Cl. 676 (1947) confirmed the right to premium compensation of officers inspecting foot and vehicular traffic at a land border port of entry where no reimbursement from a carrier could be anticipated. The situation can and does exist, therefore, where inspections are provided by INS employees on Sundays or holidays and they are compensated at the rate of 2 days' additional pay, while at the same time the Government has not been reimbursed at all or to the full extent of the compensation provided. In a Comptroller General decision, B-171621, August 2, 1971, addressed to the National President, American Federation of Government Employees, we concluded that INS can require its employees who provide inspections on Sundays and holidays to perform noninspectional duties, including adjudicating petitions and applications, to complete a full 8-hour duty tour.

Specifically we concluded that the matter of whether inspectors should be required on Sundays or holidays to perform duties not directly connected with the particular inspections for which they were summoned was for determination by INS and that, when such a determination is made,

there is no basis for paying additional compensation for noninspectional duties. The problem you present arises when these noninspectional duties include adjudicating petitions and applications for which INS receives a fee.

Fees for adjudicating applications and petitions should be set in accordance with title V of the Independent Offices Appropriations Act of 1952, 65 Stat. 290, 31 U.S.C. 483a. Commonly known as the "user charges" statute, this section provides in part:

"It is the sense of the Congress that any work, service publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency * * * to or for any person * * * shall be self-sustaining to the full extent possible, and the head of each Federal agency is authorized by regulation * * * to prescribe therefore such fee, charge, or price, if any, as he shall determine in case none exists, or redetermine, in case of any existing one, to be fair and equitable taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts, and any amount so determined or redetermined shall be collected and paid into the Treasury as miscellaneous receipts * * *."

Regulations governing this section (31 U.S.C. 483a) have been issued by the Office of Management and Budget (OMB) (OMB Circular No. A-25, Revised). Costs to an agency for providing a service are to be determined so that they cover the direct and indirect costs to the Government. The following are among the items to be included in computing costs:

"(1) salaries, employee leave, travel expense, rent, cost of fee collection, postage, maintenance, operation and depreciation of buildings and equipment, and personnel costs other than direct salaries; (2) a proportionate share of the agency's management and supervisory costs * * *."

Fees are then charged in an attempt to recoup costs. For that reason the maximum fee charged is " * * * to be governed by its total cost and not by the value of the service to the recipient." (OMB Circular No. A-25, p. 3)

The setting of fees for a particular service, therefore, involves a complex assessment of a multitude of factors, with the ultimate goal that the cost of the service approximate the fee charged. As would be expected when dealing with such a complex process, great latitude has been given to an agency's determination of a fee. It has been held that to sustain a contention that a fee schedule does not comply with statutory guidelines as to the cost to the Government, petitioners must show that the order assailed is unreasonable or arbitrary (Aeronautical Radio Inc., v. United States, 355 F. 2d 304 (7th Cir., 1964)). Another court has recognized the inherent difficulty of precisely apportioning the fee for a service with the cost of the service:

" * * * Bureau of the Budget [now OMB] Circular A-25 which provides 'the maximum fee for a special service will be governed by its total cost and not by the value of the service to the recipient' does not compel the [Federal Communications] Commission to precisely pro-rate its costs in performing the various services * * * and limit the fee for each service to its precise administrative cost. Indeed such precision would be difficult if not altogether impossible to achieve." (Clay Broadcasting Corp., of Texas v. United States, 464 F. 2d 1313, 1317-1318 (5th Cir., 1972))

Once user charges have been properly determined in accordance with the law and regulations, then considerations of fairness and justice require that the charge or fee be assessed and collected from all users of the service irrespective of who may be responsible for paying the compensation of the person adjudicating the application for the service.

We believe it is proper to collect fees for adjudicating applications and permits by INS inspectors receiving extra compensation for which the Government is reimbursed by a carrier.

CHAPTER 6

VISA-SCREENING PROCEDURES FOR TERRORISTS

The Department of State's visa-screening procedures and INS procedures are designed to identify undesirables, such as terrorists. INS has also been involved in investigating certain nonresident aliens in the United States, who may be potential terrorists. In these investigations, NYDO experienced difficulties in locating certain foreign students.

DEPARTMENT OF STATE PROCEDURES

According to Visa Office officials, the Department of State, through its normal visa-screening practices, attempts to identify terrorists and other undesirables. All applicants over the age of 16 are checked against a Lookout Book and/or through a computer bank in Washington. Computer terminals are located in several consulates that have a large volume of visa work.

The Lookout Book and the computer contain information such as name, place of birth, date of birth, and a code that signifies up to four or five grounds of ineligibility, any one of which applies or may apply to the person named. The names in this information system are (1) terrorists identified by the Department or other Government agencies and (2) other ineligible or potentially ineligible aliens who the Department has reason to believe may try to enter the United States. Department officials said no statistics are kept on the number of visa applicants denied as a result of the Lookout Book and/or computer check.

Consulates also have special screening procedures for all ethnic Arabs applying for visas except for persons under 12 or over 65 years of age. Provisions also exist for post-check screening of certain exempted categories of applicants, such as diplomats and persons who are personally and favorably known to the post. These procedures are coded "Operation Boulder" and were instituted on September 18, 1972, as a result, among other things, of the Arab terrorist attack at the 1972 Munich Olympic Games.

A consulate cannot act on a visa application by an ethnic Arab until the applicant has been screened by Washington or unless the case falls within one of the excepted categories. The screening procedure in Washington includes a record search at the Department of State and other appropriate agencies, such as the Central Intelligence Agency, Federal Bureau of Investigation (FBI), Secret Service, and INS. From September 18, 1972, through May 31, 1974, approximately 99,230 name checks were performed which have resulted in 18 visa denials on security grounds. The Office of Security, Department of State, has reviewed 3,368 INS case files and created 351 investigative files as a result of these checks. Statistics are not available to indicate the number of visa applicants who abandoned their visa applications after initial submission of the name check. Statistics are also not available on the number of refusals on nonsecurity grounds which may have developed as a direct result of the Boulder name check program.

In September 1972 the Secretary of State suspended the provision of waiving the passport and visa requirement for certain aliens being transported in immediate and continuous transit through the United States when such transit was in accordance with an agreement between the transporting line and INS. (This action was taken as a result of the general increased threat of terrorist activities.)

The agreement was to insure that such transit resulted in departure from the United States to a designated foreign country. In addition, the alien had to have in his possession travel documents establishing (1) his identity and nationality and (2) the ability to enter some country other than the United States. Before the suspension, an alien entering the United States under the above provision was required to depart within 10 days after his arrival.

This suspended provision was reinstated in July 1973. An alien now has to depart within 8 hours of his arrival or when transportation is available.

The only other special screening procedures for terrorists are those which may be implemented by individual

consulates to deal with special problems in their jurisdictions. An example of this is the special screening done by the consulates in the United Kingdom to deal with the Irish terrorists.

INS PROCEDURES

INS officials stated that screening procedures for terrorists consist primarily of checking people entering the country through the use of a Lookout Book and with other appropriate agencies when applicable. The book contains the names of people wanted for questioning by INS or other Government agencies. With the initiation of "Operation Boulder," INS also started emphasizing screening ethnic Arabs. For example, when an INS inspector finds a crewman of a ship without a visa who is an ethnic Arab, he is required to (1) send a "Boulder" coded message to the INS Central Office with copies to other appropriate agencies for record checks and (2) notify the local FBI office. He is detained onboard the vessel until he has been checked by the appropriate agencies.

INS also investigates nonresident Arab aliens in the United States. These investigations are assigned a priority corresponding to the following categories:

1. Those identified by the FBI, or other intelligence agencies, as members of Al Fatah.
2. All Arab overstay students in the United States--on the premise that they may be affiliated with, sympathetic with, or willing to carry out the mission of, Al Fatah.
3. All Arab students in the United States to verify their maintenance of status.
4. Other Arab overstays.

INS has conducted checks on approximately 17,000 individuals in these categories. We were told that in category 1, there were approximately 154 cases. As of January 23, 1974, approximately 85 of the 154 cases have been closed and the remaining 69 cases were still under

investigation. An INS report for November 1973 showed 337 cases still under investigation for Arab nonimmigrant overstays.

NYDO investigated 326 Arab students from September 1972 through March 1973 and could not locate 154, or 47 percent. Of the 172 students located, 15 had violated their status.