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Opportunities For The Immigration
And Naturalization Service
To Reduce Costs Of
Returning Aliens To Mexico B-125051

Department of Justice

**BY THE COMPTROLLER GENERAL
OF THE UNITED STATES**

AUG. 26, 1971

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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-125051

Dear Mr. Attorney General:

This is our report on opportunities for the Immigration and Naturalization Service to reduce costs of returning aliens to Mexico. 86

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This review was made pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

This report is also being sent to Senators Birch Bayh, Fred R. Harris, Henry M. Jackson, Edward M. Kennedy, Bob Packwood, and John G. Tower; Representatives John N. Happy Camp, Philip M. Crane, Fletcher Thompson, and Richard C. White; and John S. Monagan, Chairman, Legal and Monetary Affairs Subcommittee, Committee on Government Operations, House of Representatives, in response to inquiries they have made regarding our review. 4 10 B

Copies are being sent to the Director, Office of Management and Budget.

Sincerely yours,

~~Noting~~ Comptroller General
of the United States

The Honorable
The Attorney General

D I G E S T

WHY THE REVIEW WAS MADE

The General Accounting Office (GAO) made this review to evaluate actions taken by the Immigration and Naturalization Service to reduce the costs of transporting aliens to Mexico.

FINDINGS AND CONCLUSIONS

Although the Service has reduced the cost of transporting Mexican aliens in the Southwest Region, GAO believes that further reductions can be made by using Service-owned buses exclusively. (See p. 4.)

The Southwest Region does not request financially able Mexican aliens being deported to pay the cost of their transportation from the point of apprehension to the Mexican border. In contrast, the Northeast, Northwest, and Southeast Regions do request aliens to pay for their transportation. The Department of Justice attributed the difference to the vast number of Mexican aliens apprehended within the Southwest Region and did not consider it operationally feasible to require aliens apprehended within that region to pay the cost of their transportation. (See pp. 8 and 10.)

The Service purchased, through the General Services Administration (GSA), seven buses that were not adequate for the intercity transportation of aliens. GAO believes that the problems encountered were caused by inadequate procurement specifications. The Service and GSA improved procedures in a later procurement of 20 additional buses to ensure that the buses serve the intended purposes. (See pp. 11 and 12.)

RECOMMENDATIONS OR SUGGESTIONS

Because of the Department's actions (see below), GAO made no recommendations.

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Department informed GAO that the Service was rapidly extending the use of buses in substitution for the more expensive movement by plane. The Department informed GAO also that it intended to study the feasibility of using the planes to meet department-wide needs for the rapid movement of persons. (See p. 6.) GAO's review did not extend to department-wide

AUG. 26, 1971

transportation needs. Therefore, GAO is expressing no opinion on whether the planes should be retained for such purposes. GAO suggests, however, that the study contemplated by the Department include the alternative of using commercial or military planes for transporting prisoners and Department personnel in case of civil disturbances. (See pp. 6 and 7.)

The Department informed GAO further that it was not operationally feasible to request aliens apprehended within the Southwest Region to pay for transportation within the United States and that steps were being taken to recommend appropriate legislative changes. Pending action by the Congress, the Service intended to operate in its same manner. (See p. 10.)

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ABBREVIATIONS

GAO	General Accounting Office
GSA	General Services Administration
INS	Immigration and Naturalization Service

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CHAPTER 1

INTRODUCTION

The Immigration and Naturalization Service (INS) is responsible for the administration and enforcement of the immigration and nationality laws relating to the admission, exclusion, and deportation of aliens and to the naturalization of aliens lawfully resident in the United States. The INS activities consist primarily of (1) inspection, (2) detention and deportation, (3) naturalization, (4) border patrol, and (5) investigation. The activities are performed in the central office in Washington, D.C.; four regional offices; and 36 district offices, four of which are in foreign countries.

In fiscal year 1970 about 274,000 aliens in violation of the Immigration and Nationality Act were apprehended within the Southwest Region which includes the States of Arizona, California, Colorado, Hawaii, Nevada, New Mexico, Oklahoma, Texas, Utah, and Wyoming. Most of these aliens were Mexican nationals.

The policy of the INS Southwest Regional Office is to return Mexican aliens to locations near their homes. This requires transporting the aliens to border towns and to the interior of Mexico.

The transportation of aliens within the United States is accomplished principally by use of INS--owned buses and planes; chartered commercial buses are used when needed. Aliens are transported from the border to the interior of Mexico by Mexican buses and trainlift. The Mexican Government pays the cost of the trainlift. Aliens who are financially able are requested to pay for their transportation on the Mexican buses. INS pays for the transportation of those aliens who are financially unable, or who refuse, to pay for their transportation.

CHAPTER 2

OPPORTUNITY TO REDUCE COSTS BY TRANSPORTING ALIENS

IN INS-OWNED BUSES INSTEAD OF INS-OWNED PLANES

During fiscal year 1967 INS operated five airplanes, primarily in the movement of aliens within the United States. Three of the planes had been purchased in 1965, and the other two had been obtained from military sources at no cost.

As a result of a review in fiscal year 1968, we reported to the Commissioner, INS, that, in our opinion, substantial savings could be realized by using INS-owned buses instead of using INS-owned planes for transporting Mexican aliens. While that review was in process, an INS official informed us that INS had taken several actions to improve its method of transporting aliens, including (1) a reassessment of operational requirements and the subsequent transfer of two of its five planes to another Government agency, (2) a revision of routes for more productive use of its remaining three planes, (3) the selective use of buses for transporting aliens in areas where it was feasible to do so, and (4) the award of a contract for transportation by buses instead of transportation by planes for movement of aliens within Mexico.

During fiscal year 1969 the three remaining planes flew about 23.8 million passenger-miles at a cost of about \$1 million. The type of plane operated during 1969 and the capacity of each type follows.

<u>Type of plane</u>	<u>Capacity</u>
Douglas DC-6	97
Convair 440	50
" 340	44

The use of the planes for the period April through September 1969, based on flight reports, follows.

<u>Route</u>	<u>Flight hours</u>	<u>Percent of total</u>
Within California	575	30
" Texas	715	37
Between Texas and Arizona	182	10
" California and Arizona	103	5
Between California and Texas	141	7
Other locations	<u>207</u>	<u>11</u>
Total	<u>1,923</u>	<u>100</u>

During this 6-month period about 22,000 aliens were transported by INS-owned planes. The cost of operating the planes ranged from 4.2 cents to 5.4 cents a passenger-mile compared with our estimate of 2.4 cents a passenger-mile for a 63-passenger capacity, INS-owned, bus. On the basis of this difference, we estimated that, for the 6-month period, the cost of transporting the aliens by plane was about \$227,500 more than if they had been transported by bus.

The cost of operating the planes was based on data obtained from INS and included expenses for gasoline, oil, maintenance and repairs, and salary and travel costs for pilots and guards. It did not include depreciation which, if included, would have increased the cost. Our estimate of the cost of operating INS-owned buses was developed on the basis of INS data and included the costs of gasoline, oil, maintenance and repairs, drivers' and guards' salaries and travel, and depreciation.

During fiscal year 1970 the Southwest Region was using 28 INS-owned buses and three planes to transport aliens. The passenger capacity of the buses ranged from 20 to 56. In November 1969 the Southwest Regional Office contracted, through GSA, for the purchase of 20 new 63-passenger buses. INS disposed of 13 buses having passenger capacities ranging from 30 to 66, many of which frequently were not operated because of mechanical breakdowns. Therefore the Southwest

Regional Office had substantially increased its capability to move aliens by bus. In our opinion the total movement of aliens could have been accomplished by bus had the increased bus fleet been available during the 6-month period we selected for examination.

Southwest Regional officials informed us that factors other than costs must be considered in determining whether to use planes or buses for the transportation of aliens. They stated that INS' primary responsibility was law enforcement rather than transportation of persons and that consideration must be given to (1) security requirements for moving aliens that are illegally in the United States and (2) flexibility provided by the availability of planes to meet unexpected needs to make additional trips.

During fiscal year 1969 thousands of aliens were moved by bus, many between the same points served by the planes. The Southwest Regional officials, however, did not furnish any evidence of security problems that had been encountered through the use of buses. In addition, chartered bus service was available to assist in meeting unexpected needs and had been used successfully, including times when the planes were not operating.

AGENCY COMMENTS

In commenting on our draft report, the Assistant Attorney General for Administration, Department of Justice, informed us by letter dated October 1, 1970, that INS was rapidly extending the use of buses in substitution for the more expensive transportation of aliens by plane. He informed us also that the Department intended to study the feasibility of using the planes to meet department-wide needs for the rapid movement of persons. He cited the movement of prisoners and the movement of Department employees in case of civil disturbances or riots which required their presence as examples of situations in which the use of the planes was being considered.

Our review did not extend to department-wide transportation needs. Therefore, we are expressing no opinion on whether the planes should be retained for such purposes. We

suggest, however, that the study contemplated by the Department include the alternative of using commercial or military planes for transporting prisoners and Department personnel in case of civil disturbances.

CHAPTER 3

ALIENS GRANTED VOLUNTARY DEPARTURE NOT REQUESTED TO PAY FOR THEIR TRANSPORTATION WITHIN THE UNITED STATES

Generally aliens apprehended in the Southwest Region were assembled at selected locations near points of apprehensions where preliminary processing was conducted including the preparation of an apprehension record and a description of funds and other property in their possession. The aliens were then transported, at Government expense, by INS-owned planes and/or buses to Mexican border detention facilities. Aliens determined to be eligible for voluntary departure who resided in the interior of Mexico and who were financially able to pay for their transportation were requested to purchase their own tickets on Mexican buses from the border into the interior of Mexico. If a financially able alien refused to pay for his transportation, he could be held for a deportation hearing.

Our review of the records pertaining to the 276 aliens transported from the Livermore, California, sector of the Southwest Region during a 7-day period in January 1970, showed that 178 were financially able to pay for the cost of their transportation; 48 of whom had been apprehended more than once. Of the 178 aliens who were able to pay for the cost of transportation, about 50 percent had more than \$100 cash and/or checks in their possession at the time of apprehension; one repeater had about \$1,550.

In the INS Northeast, Southeast, and Northwest Regions, Mexican aliens illegally in the United States were transported from the point of apprehension to an INS district or suboffice for processing. Aliens financially able to pay for their transportation and desirous of being granted voluntary departure were requested to pay the cost of their transportation into Mexico from the INS district or suboffice. For example, an alien apprehended in Chicago, Illinois, who was eligible for voluntary departure and was financially able to depart at his own expense was requested to pay and paid the cost of his transportation from Chicago to the interior of Mexico.

The policy followed in these three regions was pursuant to section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) which provides:

"In the discretion of the Attorney General *** deportation proceedings, *** need not be required in the case of any alien who admits to belonging to a class of aliens who are deportable under section 241 if such alien voluntarily departs from the United States at his own expense, or is removed at Government expense as hereinafter authorized ***. If any alien who is authorized to depart voluntarily under the preceding sentence is financially unable to depart at his own expense and the Attorney General deems his removal to be in the best interest of the United States, the expense of such removal may be paid from the appropriation for the enforcement of this Act."

We have noted that a substantial percentage of the aliens apprehended in the Northeast, Southeast, and Northwest Regions who were financially able to pay for their own fare into Mexico from the INS district or suboffice elected to do so. For example, during calendar year 1970, 41 percent of the aliens apprehended in the Northwest Region paid for the cost of their transportation.

AGENCY COMMENTS

We had some question as to whether the procedure followed in the Southwest Region was contemplated by the Immigration and Nationality Act. Therefore, in a draft of this report, we proposed to the Commissioner, INS, that

--the Southwest Region be directed to require those aliens financially able and desirous of being granted voluntary departure to pay for the cost of their transportation in the United States or

--in the event that the Commissioner determined that such a requirement would not be in the best interest of the Government because of the cost which might result or because it was not feasible due to the large number of Mexican aliens apprehended in the Southwest Region, he inform the Congress of the circumstances and request that consideration be given to revising the act.

By letter dated October 1, 1970, the Assistant Attorney General for Administration informed us that the Department had recognized that there was a difference in the method of handling the transportation of Mexican aliens between the INS Southwest Regional Office and the other three regional offices. He attributed the difference to the vast number of aliens located in the Southwest Region compared with the lesser number located in the other regions.

He stated that to detain and process aliens for return to Mexico at the place of their apprehension, rather than at an INS detention facility, and to require them to pay their transportation from the apprehension point was not considered operationally feasible in the Southwest Region. He stated also that it was believed that many aliens, especially experienced illegal entrants, would refuse to pay transportation costs from an interior point in the Southwest Region although financially able. He pointed out that INS does not have the authority to force aliens to pay and, under the law, would be required to conduct deportation hearings for aliens financially able to pay but who refused. The hearing process would result in detaining aliens for longer periods.

He concluded by stating that steps were being taken to recommend appropriate legislative changes to the Congress and that, pending action by the Congress, INS intended to continue operating in its same manner.

In view of the action being taken by INS to place this matter before the Congress, we are making no recommendation.

CHAPTER 4

PROCEDURES FOR PROCUREMENT OF BUSES IMPROVED

During the period November 1968 through July 1969, the Southwest Regional Office purchased, under contracts awarded by GSA, seven buses at a unit cost of about \$26,000 that could not be used for the intended purpose.

Although the buses were purchased for the transportation of aliens for distances up to 600 miles between cities, they lacked sufficient power to serve this purpose adequately and could be used only for short trips. Also the buses had inoperative air-conditioning and heating systems and noisy mufflers which did not meet the State of California motor vehicle requirements.

In our opinion the problems were attributable to inadequate procurement specifications.

During our review INS was negotiating to purchase, through GSA, 20 additional buses at a cost of about \$44,000 each for travel between cities.

To ensure that the problems encountered with the seven buses would not be experienced in the procurement of the 20 additional buses, we brought this matter to the attention of the Commissioner, INS, and to the Commissioner, Federal Supply Service, GSA, in April 1970.

The Associate Commissioner, Management, INS, and the Commissioner, Federal Supply Service, GSA, informed us in May 1970 that certain actions had been taken to preclude recurrence of the problems experienced with the seven buses. The actions included:

1. Close liaison between the two agencies in the preparation of specifications and in the determination and approval of the contract award.
2. Cooperation from the Army Materiel Command for technical advice and assistance in the development of specifications and performance compliance.

3. A preaward conference to determine whether the selected contractor had the necessary qualifications to produce the buses.
4. A postaward conference to reach full understanding with regard to all contractual terms.
5. Periodic inspections of the contractor's quality of workmanship and conformance with specifications.

Also we were informed that the first bus had been accepted in May 1970 after it had met all the operational requirements. The Associate Commissioner, Management, INS, stated that, subsequent to acceptance, the bus had been driven 570 miles with a full load of passengers and that it had performed exceptionally well and had passed all required performance tests.

Both agencies' officials attributed the lack of problems in the procurement of the 20 buses to the cooperation between the two agencies. The GSA official stated that the team effort devoted to this procurement would be continued in future procurements of special-type vehicles.

CONCLUSION

Because INS and GSA have recognized the need to ensure that buses being procured will serve the intended purposes and have implemented procedures to provide this assurance, we are not making any recommendations.

CHAPTER 5

SCOPE OF REVIEW

Our review included an examination of the practices and procedures for transporting Mexican aliens by the INS Southwest Regional Office and an evaluation of actions taken by INS to reduce costs since our review in 1968.

We reviewed the legislation and INS policies concerning the transportation of aliens. We examined pertinent records and interviewed officials at the INS Southwest Regional Office, San Pedro, California; its detention facilities at El Centro, California, and El Paso, Texas; and its central office, Washington, D.C.

APPENDIX



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

Address Reply to the
Division Indicated
and Refer to Initials and Number

October 1, 1970

Mr. Max A. Neuwirth
Associate Director, Civil Division
United States General Accounting Office
Washington, D. C. 20548

Dear Mr. Neuwirth:

Reference is made to your request for comments on the General Accounting Office draft report titled "Opportunities to Reduce Costs of Returning Aliens to Mexico, Immigration and Naturalization Service, Department of Justice."

The Immigration and Naturalization Service is continuing to reassess its operational requirements to achieve the most economical means of moving the larger number of Mexican aliens that the Service is now encountering. The Service has recently increased its fleet of buses by seven and is rapidly extending utilization of the buses in substitution for the more expensive movement by plane. However, the Department has under consideration the use of a coordinated airlift to cover Department-wide needs for rapid movement of persons. The movement of prisoners and the movement of Department personnel in case of civil disturbance or riots requiring their presence are examples of situations in which the use of the planes is being considered. To this end, representatives of the Bureau of Prisons, United States Marshals' Offices, and the Immigration and Naturalization Service will meet to study the feasibility of using the airplanes for these purposes.

It is recognized that there is a difference in the method of handling the transportation of Mexican aliens between the Southwest Region of the Immigration and Naturalization Service and its other three Regions. This difference is attributable to the vast number of aliens located in the Southwest Region as compared to the lesser numbers located in the other Regions.

APPENDIX I

Generally, the alien who is financially able and who seeks voluntary departure prior to proceedings is required to pay for his own transportation to Mexico from the place at which he is finally granted voluntary departure. In the Northeast, Southeast, and Northwest Regions the alien is brought from the place of his apprehension to an interior district or sub-office, granted voluntary departure from that point, and required to pay his fare into Mexico from that point. In the Southwest, the Mexican alien is moved to a detention facility near the Mexican border at Government expense, regardless of where in the region he is located initially. At the facility, the Mexican alien's case is finally processed. If it is determined that he should be granted voluntary departure and it is found that he is financially able to pay his own fare, he is required to purchase bus transportation from the facility to an interior location in Mexico.

To detain and process aliens for return to Mexico at the place of their apprehension, rather than at our own Service facility, and to require them to pay their transportation from that point, is not considered operationally feasible at this time. The Service position is and has been for the past several years that movement of deportable aliens from their place of apprehension to our Service facilities is for custodial and Service processing purposes only and does not constitute a movement of such aliens in connection with their ultimate voluntary departure. It is believed that many aliens, especially experienced illegal entrants, would refuse to pay transportation costs from an interior point in the Southwest Region although financially able. The Service does not have authority to force them to pay and would be required under the law to conduct a deportation hearing. The hearing process would result in detaining aliens for longer periods. Since the Service facilities are already operating at capacity, additional detentions would have to be accomplished in a non-Service facility. The high cost of lodging and meals at other than our own facilities, particularly in consideration of the large number of aliens located in the Southwest Region, and the need for reference to intelligence data located at our facilities would substantially increase our operating costs.

The Central Office of the Immigration and Naturalization Service has the responsibility for establishing the policy relating to the payment of transportation costs by Mexican aliens. In that connection, continuous review of the situation is being conducted to insure that the most effective and inexpensive method is being used. The situation is receiving particular attention now because of the anticipated huge increase of illegal Mexican aliens. Should the review of the situation disclose a more effective and inexpensive alternative method of operation, the Central Office will not hesitate to institute the necessary changes. This problem has been facing the Service for many years and its present operation represents the better parts of earlier practices. Because of the high cost which could result from compliance with your recommendation that the alien pay his transportation cost from the point of apprehension to the Service facility, steps are being taken to recommend appropriate legislative changes to Congress as suggested in your report. Pending action by the Congress, the Service intends to operate in its present manner with regard to this situation.

We appreciate the opportunity to comment on the proposed report to the Congress and we will keep you advised of future developments concerning the above matters. One copy of the draft report is returned herewith, as requested.

Sincerely,



L. M. Pellerzi
Assistant Attorney General
for Administration

Enclosure

Copies of this report are available from the U. S. General Accounting Office, Room 6417, 441 G Street, N W., Washington, D.C., 20548.

Copies are provided without charge to Members of Congress, congressional committee staff members, Government officials, members of the press, college libraries, faculty members and students. The price to the general public is \$1.00 a copy. Orders should be accompanied by cash or check.