
IV. Core Function: Immigration

In 1998, the Department successfully bolstered its immigration enforcement activities while assuring continued opportunity and access for lawful immigrants. Controlling our borders 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 strengthened its enforcement activities, improved data availability and accuracy through automated technologies, improved customer services, expedited the removal of illegal aliens, and expanded community outreach initiatives.

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 Decisionmaking Processes.

During 1998, the INS continued to develop and deploy its enforcement case management and biometric identification system, ENFORCE-IDENT, providing technical capability to all asylum offices to help prevent identity fraud in the asylum claims process. The INS deployed ENFORCE-IDENT to 194 locations, nearly doubling the 1998 target of 100 locations and exceeding the target of ensuring processing capability at all key southwest border sites.

The INS continued to deploy upgrades of office automation platforms to support all INS offices. With installations at 285 sites in 1998, INS exceeded its 1998 target of 223 sites, bringing the total sites covered to 760. Additionally, both permanent and temporary versions of more than 1.2 million Alien Files have been consolidated and streamlined to eliminate duplicative material. This number significantly exceeds the INS' goal of 300,000 for 1998.

Management Challenge: Management of Automation

The INS has had a material issue with managing its massive automation effort since 1997, characterized by a lack of management control and consistent business processes. This deficiency has hurt the management of information technology, which is key to INS' ability to improve its mission performance and administration. The INS has developed a specific plan to solve these problems. Plan milestones cover project tracking, manager training, insertion of tracking in contracts, project planning, and budget execution management. These milestones will be implemented by the end of September 2000.

Goal 4.2: Deliver Services to the Public in a Timely, Consistent, Fair, and High Quality Manner.

Over the past year, the INS focused on reengineering its naturalization process. These changes laid the groundwork for INS to enhance the integrity of the naturalization application process and deliver better services to its customers. Its significant accomplishments are summarized below:

- The INS began implementing phase 4 of the Naturalization Quality Assurance Practices and Procedures on September 1, 1998. These controls—a series of systematic checks on all aspects of naturalization processing, from receipt of applications to swearing in of new applicants—are designed to prevent the naturalization of ineligible applicants and ensure the availability and accuracy of all information prior to granting citizenship.
- The INS has transitioned to full direct mail processing at its four service centers for new naturalization applications. This approach saves money and provides more time for staff in district offices to interview and test applicants.
- The INS opened 126 Application Support Centers (ASCs) for in-house fingerprinting and implemented a mobile fingerprint operation using 45 vehicles to cover 82 points of service. Applicants fingerprinted at the ASC gave INS customer service a rating of “excellent or good” 99 percent of the time.

-
- The INS decreased the number of unprocessed applications during the last 4 months of the year, processing 260,000 naturalization applications—58,000 more than it received. In addition, each district office developed and implemented a plan for reducing its own backlog.
 - The INS developed *A Guide to Naturalization*, to serve as a single source of comprehensive naturalization information. The INS expects this guide to improve customer service, allow applicants and applications to be better prepared, reduce counter and telephone center volume, and improve early applicant eligibility screening.

Management Challenge: Certificates of Naturalization

The Department's Office of the Inspector General found that the INS was not sufficiently controlling its Certificates of Naturalization—the documents that prove citizenship in the United States. These certificates are so valuable on the street as to constitute a major material issue. The INS developed new procedures for use in the field during the year and is working on an automated system to inventory the forms and provide other checks and balances for all aspects of the process: ordering, storing, requesting, and distributing these valuable documents. This issue should be closed by the end of June 1999.

Management Challenge: Internal Controls in Naturalization Program

One of INS' material issues is a lack of controls and quality assurance in its naturalization program. In recent years, the number of applications for naturalization quadrupled, and INS responded with a major national effort to complete action on the requests in a reasonable time. But the combination of volume and streamlined procedures weakened controls and made it more likely that people were mistakenly given citizenship. Because this issue went to the heart of its service mission, INS attacked it vigorously. By the end of this year, INS had hired a contractor to help review all case files from the period in question, reengineered the entire naturalization process, and improved the ongoing process and quality assurance to reduce program risk. The reengineered process was scheduled to be implemented by the end of the fiscal year; all case file reviews were completed by the end of the calendar year.

Goal 4.3: Secure the Land Border, Ports-of-Entry, 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.

Immigration cases accounted for 21 percent of all criminal cases filed by the U.S. Attorneys during 1998, up from 18 percent in 1997 and only 6 percent in 1992. The five U.S. Attorneys' offices along the southwest border filed 57 percent of all immigration cases during 1998.

The Southwest Border Strategy continued to affect illegal alien traffic at the border, forcing the traffic to distant areas that are more difficult for the aliens to reach. The difficult terrain gives the INS an advantage in detecting and apprehending illegal entrants. Overall apprehensions along the southwest border totaled more than 1.5 million in 1998, 10.8 percent more than in 1997.

The INS' heightened presence along the southwest border also resulted in the seizure of much greater amounts of marijuana entering the United States. In 1998, 860,818 lbs. of marijuana were seized by Border Patrol Agents—an increase of 88 percent over 5 years ago.

Overseas offices assist in the prevention of illegal entry by identifying malafides before they arrive in the United States. Also, the detection of fraudulent documents by INS employees, airline personnel, and foreign immigration officers overseas is an important deterrent to illegal entry. To this end, INS overseas offices trained more than 14,000 individuals in techniques for the detection of document fraud, far exceeding the 1998 goal of 9,304.

Finally, the INS in 1998 launched a comprehensive Border Safety Initiative designed to make the border safer for migrants, officers, and border residents. The initiative includes three elements: prevention, search and rescue, and identification. Prevention efforts inform and warn potential crossers of the realities and dangers of particular routes. Search and rescue operations target hazardous areas where migrants occasionally become lost, abandoned, and distressed due to the difficult terrain, climate, and the willingness of smugglers to lead them into and abandon them in dangerous territory. Identification operations help local officials identify those who have died while attempting to cross the border.

Efforts Aimed at Alien Smugglers and Drug Carriers, Criminal Aliens, and Fraudulent Documents

During 1998, the Department coordinated the first series of wiretaps used in alien smuggling investigations conducted by the INS. The underlying offenses that made this feasible were included in the recent list of predicate offenses for the use of electronic surveillance.

Goal 4.4: Facilitate Lawful Travel and Commerce Across the Borders of the United States.

The INS nearly doubled its FY 1998 goal to reduce waiting times at airport ports-of-entry by providing primary inspection for 97 percent of commercial flights within the congressionally mandated 45-minute limit and clearing 61 percent of commercial flights in 30 minutes or less.

The INS and Customs implemented a new model of management coordination based on the San Ysidro Port-of-Entry to better facilitate management of U.S. ports-of-entry. Baseline data is being gathered to set measurable objectives for each of the ports and to improve the entire inspections process.

Management Challenge: Monitoring Alien Overstays

INS has a material issue with keeping track of foreign visitors who enter the United States and overstay their approved time. This is a significant percentage of the illegal alien population in the United States. INS' systems do not provide information on the overstay population and have never specifically targeted this population for enforcement. INS is working on this important issue, which involves not only its own procedures and data, but also cooperation with transportation carriers and the Department of State. INS had anticipated solving the information and policy problems by the end of October 1998.

Goal 4.5: Maximize Deterrence to Unlawful Migration and Enforce Immigration Laws within the Interior of the U.S. 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.

The expedited removal provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 permit the prompt removal of persons who arrive at ports-of-entry without proper documents or who seek to enter the United States by fraudulent means. In 1998, the Department, through the work of INS, continued to expeditiously remove deportable aliens through an improved removal process and use of its expedited removal program. It also stepped up worksite enforcement activity, targeting businesses that knowingly hire unauthorized workers and freeing up jobs for authorized workers. The Department strengthened its overseas enforcement activities by working with foreign countries to uncover smuggling and other criminal activities affecting illegal immigration.

Increasing the Number of Removals

The Department expeditiously removed an increased number of deportable aliens from the United States without protracted litigation, achieving 170,574 final order removals in 1998 and exceeding the year-end goal by roughly a third. Also in 1998, the INS removed from the United States 48 percent more deportable/inadmissible aliens than in 1997. The INS' expedited removals program comprised 49 percent of 1998 final order removals.

Sustained focus on criminal removals yielded 55,776 of these removals in 1998. The Institutional Removal Program (IRP), implemented in 1998, encompasses many institutional activities and

should result in INS' accurately assessing and removing greater numbers of deportable criminal alien inmates in the future.

Under the auspices of the DOJ Prisoner Exchange Program, the Bureau of Prisons worked with INS' Office of Enforcement Operations and the U.S. Marshals Service to return 208 foreign inmates from BOP facilities to 12 different countries and 47 American citizens from foreign prisons to the United States. Transferred inmates will complete their sentences in their native countries. The transfer of qualified applicants to their home countries relieves prison overcrowding in Federal and state prisons and allows for more prudent spending of incarceration dollars. The Department also has worked to secure removal orders on prisoners who are lawful permanent residents of the United States and thus barred by treaty from transfer to Mexico.

Management Challenge: Identification and Removal of Criminal Aliens

The INS has been criticized for an ineffective program to identify and remove criminal aliens, which focuses on the Institutional Hearing Program (IHP). This is a material issue because expedited removal of criminal aliens is a key element of the INS' mission. During 1998, the INS completed an analysis of the process it uses to carry out this task, including staffing needs and automation tracking needs. The INS must establish controls to identify criminal aliens and deport them while they are still in jail, which includes putting the automated tracking system called ENFORCE-IHP into its field offices. The INS plans to complete this Just Works-winning redesign by the end of September 1999.

Increasing the Percentage of INS Worksite Enforcement Activities and Identifying Jobs for Legally Authorized Workers

Under U.S. law, businesses may not hire any individual who is not authorized to work in the United States. The INS is responsible for conducting worksite enforcement activities to investigate, fine, or present for prosecution those employers who violate the law. In 1998, the INS presented for prosecution 127 criminal cases against serious employment violators.

In addition to targeting employers who knowingly hire unauthorized workers, the INS last year concentrated its efforts on disrupting and dismantling the criminal infrastructure that encour-

ages and profits from illegal migration. The INS focused on smugglers, counterfeit document producers, transporters, and employers who provided aliens the means to enter illegally and find employment in industries within the United States, with consequent losses of employment opportunity for authorized workers. In 1998, the INS presented 325 fraud cases and 1,554 smuggling principals for prosecution, and accomplished 3,213 task-force-related apprehensions.

Administrative Law Judges (ALJs) in the Office of the Chief Administrative Hearing Officer closed 83 employer sanctions cases, 21 unfair immigration-related employment practices cases, and 4 civil penalty document fraud cases. More than 63 percent of the sanctions cases were resolved through settlements, while more than 32 percent were decided on the merits. ALJs set fines amounting to \$197,575 during the year and issued 21 subpoenas by request of the Civil Rights Division's Office of Special Counsel.

To reduce the potential for fraud, the INS issued a proposed rule to simplify the employment verification process for employers. This rule will reduce the number of acceptable documents for the Employment Eligibility Verification Form from 25 to 13. In addition, the INS launched three new pilot programs for employers, including two in cooperation with the Social Security Administration, to test the feasibility of new approaches to electronic employment verification. In addition to criminal cases, the INS identified a total of 44,474 jobs for authorized workers, 15 percent more than in 1997.

Disrupting and Dismantling Overseas Smuggling Operations

Throughout 1998, INS worked with the U.S. State Department and officials in several countries to uncover and break an international alien smuggling and money-laundering cartel. This smuggling investigation was the largest in U.S. immigration history and succeeded in completely dismantling the entire organization and its smuggling pipeline.

Goal 4.6: Expedite the Adjudication of Immigration Cases while Ensuring Due Process and Fair Treatment for All Parties.

The Department succeeded in getting provisions of the Illegal Immigration Reform and Immigrant Responsibility Act upheld through dismissal of a longstanding 45,000-member class action.

This dismissal upheld a provision that limited the court's jurisdiction and is crucial to ending disputes regarding the amnesty offered by the 1986 Immigration Reform and Control Act.

Expedited Hearing of Cases by Immigration Judges

Immigration Courts received a total of 266,000 cases during the year, including 62,451 asylum cases and 13,878 criminal alien cases. Immigration Judges completed 14,281 criminal alien cases—94 percent prior to the alien's release from incarceration, a key Department goal. Immigration Judges also completed 75,623 asylum cases, including 27,975 expedited cases under EOIR's priority case processing initiative. Of the expedited cases, 90 percent were completed within the 180-day time limit required by asylum reform regulations and statute. In addition, the Board of Immigration Appeals published a number of precedent-setting decisions related to asylum issues. Several of these decisions addressed the critical issue of credibility, including one that set forth in detail the circumstances under which an Immigration Judge's credibility

Management Challenge: Asylum Program

This material issue has been corrected. New requests for asylum have dropped from 130,000 in 1993, when the backlogs started to grow, to 35,000 in 1998. INS has a plan to detain and deport denied asylum seekers, has added staff to adjudicate cases, and has improved its management system for identifying asylum cases.

Management Challenge: Management of Immigration Bonds

Aliens who are released post a bond to guarantee their appearance at legal proceedings. However, the aliens often do not appear and the bonds are "breached." For some years, the INS has had a material issue with keeping track of the bonds, knowing when they had been breached, retrieving the alien, and collecting the bond that was owed. To address this problem, the INS is working on BEMIS, the Bond Management Information System, and developing improved procedures to keep track of these bonds and enforce them. The issue is expected to be corrected by January 2000.

IHP a Model of Efficiency

The Institutional Hearing Program (IHP), a 1998 "JustWorks" Award winner for innovation, expedites alien removal hearings by identifying and processing deportable criminal aliens for removal while they are serving their sentences in the prison system. EOIR and the INS used videoconference technology to connect selected Immigration Courts with remote INS facilities to reduce travel time and expenses and enable the courts to manage their caseloads more efficiently. The IHP program has saved the taxpayer hundreds of thousands of dollars in detention costs and has eliminated backlogs of hundreds of unprocessed cases.

determination should be given deference. The decisions also provided important guidance to Immigration Judges and INS asylum officers for assessing the reliability of testimony and evidence presented in asylum cases.

Goal 4.7: Improve the Development and Implementation of Immigration-Related Policies and Practices by Incorporating Input from State and Local Communities and Groups, Including Law Enforcement Agencies.

In 1998, the INS convened the Krome Service Processing Center (SPC) Liaison Project that involved monthly meetings between the Miami District Office, local attorneys, and community advocacy groups. The INS implemented several recommended initiatives, including a detainee handbook in English, Spanish, and Creole, designed to inform detainees of facility rules, services, and procedures. It also implemented a system that allows attorneys to schedule appointments with detainees 1 day in advance and reduces wait times for attorneys to 20 minutes. The INS has established a law library on detention center grounds for attorneys and detainees, and has created a separate communications system to give detainees access to pro bono attorneys and incoming messages.

The INS is also developing partnerships with Federal and state officials to improve its responsiveness and to allow local law enforcement agencies to perform detention and transportation functions. The INS is also working closely with U.S. Attorneys to aggressively prosecute those criminal aliens who return to the United States after formal removal.