



Department of Homeland Security Office of Inspector General

Efforts to Detect and Deter Fraud Committed by Immigration Services Officers



SEP 15 2010



**Homeland
Security**

Preface

The Department of Homeland Security (DHS) Office of Inspector General (OIG) was established by the *Homeland Security Act of 2002* (Public Law 107-296) by amendment to the *Inspector General Act of 1978*. This is one of a series of audit, inspection, and special reports prepared as part of our oversight responsibilities to promote economy, efficiency, and effectiveness within the department.

This report addresses the strengths and weaknesses of the effort to prevent fraudulent and criminal activity by Immigration Services Officers at U.S. Citizenship and Immigration Services. It is based on interviews with employees and officials of relevant agencies and institutions, direct observations, and a review of applicable documents.

The recommendations herein have been developed to the best knowledge available to our office, and have been discussed in draft with those responsible for implementation. We trust this report will result in more effective, efficient, and economical operations. We express our appreciation to all of those who contributed to the preparation of this report.



Richard L. Skinner
Inspector General

Table of Contents/Abbreviations

| | |
|---|----|
| Executive Summary | 1 |
| Background | 2 |
| Results of Review | 3 |
| OSI’s Progress on Employee Reporting Can Be Further Promoted | 3 |
| Recommendation | 5 |
| Management Comments and OIG Analysis | 6 |
| The Effectiveness of Wall Posters Can Be Increased | 6 |
| Recommendation | 8 |
| Management Comments and OIG Analysis | 8 |
| Greater Interaction Is Needed Between OSI and Field Offices | 9 |
| Recommendation | 11 |
| Management Comments and OIG Analysis | 11 |
| The Integrity Coordinating Committee Should Include Field Representatives | 11 |
| Recommendation | 12 |
| Management Comments and OIG Analysis | 12 |
| Policy Focus on Employee Discipline Would Be Beneficial | 12 |
| Recommendation | 13 |
| Management Comments and OIG Analysis | 13 |
| Training Should Present More Examples of Misconduct | 14 |
| Recommendation | 15 |
| Management Comments and OIG Analysis | 15 |

Appendixes

| | |
|---|----|
| Appendix A: Purpose, Scope, and Methodology..... | 16 |
| Appendix B: Management Comments to the Draft Report | 17 |
| Appendix C: Fifteen Examples of Misconduct That Must Be Reported..... | 20 |
| Appendix D: The Survey of Service Center ISOs | 21 |
| Appendix E: Major Contributors to This Report | 24 |
| Appendix F: Report Distribution | 26 |

Abbreviations

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|-----|----------------------------------|
| DHS | Department of Homeland Security |
| FSM | Field Security Manager |
| ICC | Integrity Coordinating Committee |
| ISO | Immigration Services Officer |
| LSO | Local Security Officer |
| OIG | Office of Inspector General |

OSI
USCIS

Office of Security and Integrity
United States Citizenship and Immigration Services

OIG

*Department of Homeland Security
Office of Inspector General*

Executive Summary

United States Citizenship and Immigration Services processes immigration benefit applications and petitions. Immigration Services Officers, who process benefit requests, sometimes commit fraudulent activities, such as accepting bribes or other favors in exchange for immigration benefits. The Office of Security and Integrity, created in 2007, leads the effort to detect and deter employee misconduct.

We evaluated current programs that detect and deter Immigration Services Officer malfeasance. Through numerous interviews with all levels of employees, and an online survey of 292 adjudicators selected at random, we gathered a wide variety of observations and suggestions regarding employee misconduct. As we examined the office's current practices, we identified ways to enhance training and promote the Office of Security and Integrity mission.

Although the current training program has emphasized employees' ethical responsibilities, a renewed directive from the uppermost managers on the existing requirement to report possible misconduct would further strengthen the effort. Greater interaction between the Office of Security and Integrity and the offices that process benefit applications would provide new perspectives on preventing employee fraud. We are making six recommendations to improve the Office of Security and Integrity's overall efforts to counter employee misconduct.

Background

United States Citizenship and Immigration Services (USCIS) processes applications for immigration and citizenship benefits. With a staff of 10,700 full-time employees and an annual budget of approximately \$2.6 billion, USCIS processes six million applications for immigration benefits each year. This makes USCIS the largest immigration service in the world.¹ Benefit applications are processed in four large service centers, at the National Benefits Center, at 26 district offices throughout the country, and at 46 field offices that are district subcomponents. Each day, these offices issue approximately 7,300 lawful permanent resident benefits and naturalize 3,400 new citizens.² Benefit applications are also processed abroad. However, we did not review foreign offices, as this was outside the scope of our assessment.

Immigration Services Officers (ISOs), also known as adjudicators, process benefit requests. Some adjudicators have committed fraudulent activities, such as accepting bribes or other favors in exchange for favorable case determinations. Since 2007, 10 USCIS employees or contractors have been convicted of criminal acts. We did not receive timely information regarding the number of instances of alleged employee misconduct in the first quarter of 2010.

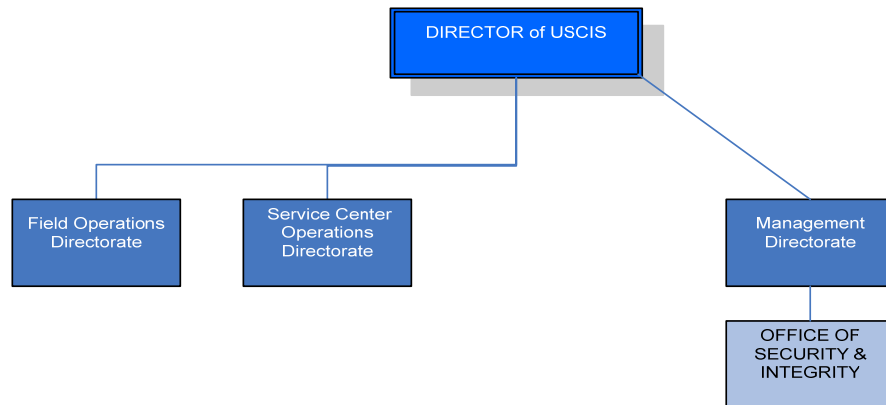
The most notable occurrence of ISO fraud was the Robert Schofield case. Schofield was a supervisory adjudicator who, over an 8-year period, falsified documents and received more than \$600,000 in bribes. Upon his conviction in April 2007, he was sentenced to 15 years in prison for bribery and falsifying naturalization certificates. Other adjudicators have been sentenced for sexual assault, inappropriately accessing official information, and other offenses.

The Office of Security and Integrity (OSI), created in 2007, leads the USCIS effort to deter and detect employee misconduct. OSI's mandate includes other duties, such as administering the USCIS personnel, physical, and administrative security programs. The Field Operations and Service Center Operations Directorates, which oversee the offices and centers that process benefits, are outside of OSI's chain of command, as illustrated in Figure 1.

¹ http://www.uscis.gov/files/nativedocuments/operations_data.pdf

² <http://www.uscis.gov/files/nativedocuments/dayinthelife.pdf>

Figure 1. Abbreviated USCIS Organization Chart



Adjudicator misconduct can affect national security. For example, as many as 700 persons were inappropriately given immigration benefits as a result of Schofield’s illicit schemes. Relatives of an individual who receive benefits through USCIS employee fraud may subsequently appear to be eligible for their own immigration benefits. This can create a cascading effect of fraud. OSI has worked with the USCIS Office of Transformation to improve information systems and identify those parts of the immigration process that adjudicators could exploit with the intent to use their position inappropriately.

Results of Review

OSI’s Progress on Employee Reporting Can Be Further Promoted

The USCIS Director Should Reiterate OSI Reporting Policy

OSI is logically positioned within USCIS as part of the Management Directorate. It has an enterprise-wide perspective and provides recommendations for improving all USCIS operations, not just those of the Field and Service Center Directorates.

For an employee wishing to report a colleague’s suspicious behavior, OSI serves as an entity outside the employee’s chain of command, to which the employee can anonymously report suspicious activities. OSI has established a reporting system that allows for an OSI or Office of Inspector General (OIG) investigation of misconduct allegations submitted by employees. Giving employees an opportunity to notify OSI of a colleague’s

suspicious behavior is central to program integrity. Many of our interviewees said that the Schofield case became so serious because individuals who knew of his questionable actions did not wish to confront him because he had supervisory authority.

OSI's reporting policy is clear. In an August 2009 memo to all USCIS employees, the Chief of OSI informed employees of their duty to report suspicious behavior or possible illicit activities. The memo provides 15 examples of misconduct "that must be reported immediately" to OSI or through the Department of Homeland Security (DHS) OIG Hotline. These improper behaviors include bribery, theft, and a range of actions that constitute a misuse of official position. Appendix C lists the 15 behaviors. OSI policy does not limit required reporting to these 15 examples.

However, OSI's position outside of the chain of command of adjudicators can inhibit some reporting. As part of our fieldwork, we conducted an online survey of 292 service center adjudicators. The survey results provide perspective on the implementation of OSI's reporting policy. Although 77% of survey respondents said that they would report suspicious activity, we found a range of opinions about where and how to report suspicious activity. Many employees do not understand that the policy specifically requires reporting outside of their management. Various interviewees and survey respondents said that USCIS has a rigid culture that stresses the local chain of command. Therefore, adjudicators have a natural tendency to report alleged misconduct to their own supervisors, rather than to OSI. Some survey respondents expressed confusion about where allegations of misconduct should be directed:

"Additional guidance needs to be made if the person in question is a supervisor. Should the person go directly to [OSI or the] OIG or should they go to the next person up the chain of command to discuss this issue?"

"I am not readily aware of the reporting protocol . . . I do not know who internally one would report concerns to, other than through my supervisor. I do feel confident that if faced with such a situation, I could find out who to contact through local management."

Some Field Security Managers (FSMs), OSI employees who work at benefit processing offices, said that local management may prefer that allegations be reported through supervisory channels.

These FSMs said that they would hesitate to clarify the reporting policy if local management did not stress the reporting scheme required in the August 2009 memo. Other FSMs said that field offices give employees an option to report to local management, or that the OSI reporting system was secondary if a district preferred that allegations go through an adjudicator's field managers. Our survey confirmed that many employees are more comfortable reporting to their own supervisor. Even though most adjudicators understood the allegation reporting policy, 22% of respondents answered that they would be very uncomfortable reporting allegations without first contacting a supervisor. Such a perspective is contrary to the immediate reporting duty established in USCIS policy.

An issue that relates to the reporting policy arose in many of our interviews and survey results: the protection of employees who report suspected misconduct from hostility and retribution. As with the reporting issue, we identified a range of opinion on what retribution or hostility an employee might suffer after reporting a colleague's suspicious behavior. Many adjudicators stated that they would hesitate to report misconduct because of the negativity surrounding whistleblowers. Based on our survey results, 33% of the responses indicated a fear that USCIS culture, which is focused on processing applications and adhering to the chain of command, would not support an informant. Various staff expressed concern about reporting misconduct, even though OSI's reporting process can be anonymous.

It is likely that the employees who expressed hesitancy and feared retribution were imagining themselves reporting one colleague to another, rather than making an anonymous report to OSI. Nevertheless, the range of opinion was too wide to ensure that employees feel empowered to report their suspicions.

The Director of USCIS should reiterate the reporting policy that OSI articulated in the August 2009 memo. This would help employees understand that reporting allegations to OSI or the OIG is the officially sanctioned process instead of reporting to a colleague or a superior.

Recommendation

We recommend that the Director, U.S. Citizenship and Immigration Services:

Recommendation #1: Issue guidance to all field offices that reiterates USCIS employee reporting responsibilities as discussed in the August 2009 Office of Security and Integrity memorandum.

Management Comments and OIG Analysis

USCIS concurred with all of our 6 recommendations. We evaluated written comments we received from OSI and made changes where appropriate. A summary of the USCIS response to our recommendations and our analysis is included below. A copy of the entire USCIS response is included as Appendix B.

Additional information that discusses actions taken on the recommendations should be included in the USCIS corrective action plan due within 90 days of the issuance of this report.

Management Comments to Recommendation #1

USCIS concurred with this recommendation. In the fourth quarter of Fiscal Year 2010, the USCIS Director will send quarterly messages to employees about the importance of and procedures for reporting possible misconduct.

OIG Analysis

Messages from the Director of USCIS will be an important means to informing employees about the need to report misconduct. This recommendation is *resolved* and *open* pending receipt of the first quarterly message on the reporting of alleged misconduct.

The Effectiveness of Wall Posters Can Be Increased

OSI has created a range of posters to remind employees of the importance of ethical conduct and the need to inform OSI about allegations of employee misbehavior. The posters create and maintain employee awareness about their responsibilities and the important role of each employee in protecting the integrity of USCIS programs. Posters usually include information on how to report employee misconduct or security violations to OSI. OSI makes available on its intranet site guidance to staff about displaying posters. Next to two misconduct-reporting posters on OSI's website, a message notes: "Prominently display this poster in all USCIS spaces not open or visible to the public."

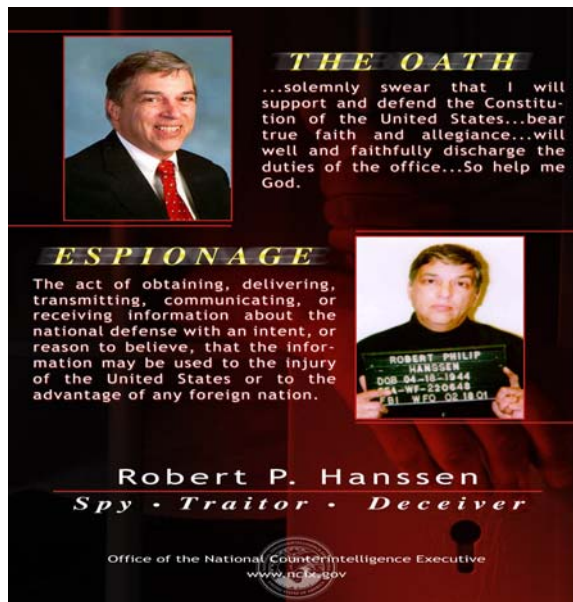
In our survey, 64% of the respondents said that they do not notice posters during their daily activities at the four service centers. Only 3% reported that there are a number of highly visible posters in their work environment. We visited various district offices and noticed that OSI

posters are not always prominently displayed. In some offices, we saw only smaller versions of a reporting poster, the larger version of which we saw in the OSI Office of Investigations headquarters. While visiting one office, we did see the large version of the poster, but it was located outside of the FSM's office in an infrequently used side hallway. The size and placement of OSI posters could be enhanced in most USCIS field offices to ensure that employees have reminders about their ethical and reporting responsibilities.

Posters highlighting the cases of convicted USCIS employees could further develop ethics and reporting messages. Employees would become aware of the criminal conduct of their former colleagues and the punishment received. Posters that feature specific, convicted adjudicators could be more meaningful for some employees than general directives to report suspicious activities.

Other federal agencies have used incidents of criminal employee conduct as a training tool. For example, the Office of the National Counterintelligence Executive, part of the Office of the Director of National Intelligence, has created such posters. Figure 2 is a poster that discusses Robert Hanssen, a Federal Bureau of Investigation employee who provided U.S. security information to the Soviet Union for 22 years. Hanssen is now serving a life sentence for betraying his country.

Figure 2. Robert Hanssen Conviction Poster



Source: Office of the National Counterintelligence Executive

One survey respondent suggested that USCIS create such posters to inform employees about the cost of violating the public trust. The respondent suggested that OSI—

“Make a poster showing actual Officers/Managers who have been caught and sent to prison. The poster would have them holding their prisoner number card, would briefly describe the offense committed, and the sentence given.”

This type of poster would instill a powerful message. OSI should create such posters to augment ethics and reporting lessons.

Recommendation

We recommend that the Chief, Office of Security and Integrity, in consultation with the Associate Directors of the Field Operations and Service Center Operations Directorates:

Recommendation #2: Create and display posters that describe the crimes and sentences of convicted USCIS employees as a means to facilitate ethics and promote misconduct reporting.

Management Comments and OIG Analysis

Management Comments to Recommendation #2

USCIS concurred with this recommendation. Based on the work of the Convictions Task Force, USCIS will create the posters envisioned in this recommendation. These posters will serve to reiterate employee reporting procedures. USCIS will work with counsel to ensure that the crimes are limited to those committed in the workplace, that USCIS does not violate privacy laws, and that publication of conviction details will not expose USCIS to liability.

OIG Analysis

We support USCIS’s continued efforts to learn from the expert analysis gained from task forces. The posters can be an important learning tool while protecting rights of convicted individuals. This recommendation is *resolved* and *open*. We anticipate closure after receiving examples of posters and related educational materials sent to USCIS field managers.

Greater Interaction Is Needed Between OSI and Field Offices

Task Forces That Study Previous Convictions Add Value

OSI uses task forces to examine previous cases of employee fraud and identify (1) how such conduct was possible and (2) corrective actions to lessen the chance of further malfeasance. Because of operational improvements that task forces identified, USCIS employees said it is less likely that adjudicators could hide illicit activities: There is much better control over an adjudicator's work, including the tracking of building access, greater security over naturalization certificates, and random assignment of cases. USCIS employees we interviewed and surveyed said that the risk of adjudicator misconduct has dropped significantly over the past few years.

During our fieldwork, a convictions task force held its first meeting to begin an examination of 10 cases where employee fraud led to criminal convictions. As with the task force that examined the Schofield case, OSI managers expect that the convictions task force will help to diminish the threat of employee fraud through process improvements. Another task force had previously examined how USCIS can better control adjudication stamps, which officially mark the status of particular benefit applications. Full control over access to facilities, naturalization certificates, and adjudication stamps can inhibit an adjudicator's ability to grant benefits improperly.

Field Security Managers Can Be More Thoroughly Supported

OSI needs to work with leadership in service centers and district offices to deter employee fraud. A work environment that inhibits fraud is the most effective way to protect USCIS customers and impede an employee's fraudulent schemes.

The FSM is the OSI official in each district office or service center. FSMs oversee security management practices in their entire district, including access control, protection of sensitive property, and threat management. Although FSMs cannot focus exclusively on employee misconduct, the relationship between FSMs and field office management is important to fostering a climate where adjudicators are comfortable talking to OSI.

FSMs offered a range of opinion on their ability to bring change to USCIS operations. Some FSMs view themselves as part of the district staff, and attend local management meetings. Other FSMs said that local managers view OSI's presence as a burden. One even suggested that it is a "constant battle" to keep staff informed about security procedures because of an inability to gain office management's respect for the FSM's role. FSMs we met who felt less integrated into the management of their office suggested that OSI's organizational position outside of the benefit processing chain of command leads district managers to believe that OSI does not contribute to the core function of the office: processing cases. Office managers believe that their production numbers are central to how headquarters views the office.

FSMs expressed some frustration with the Local Security Officer (LSO) program. The LSO is a field office employee, usually a senior adjudicator or mission support specialist, with security as a collateral duty. LSOs are not OSI employees, but they have a range of duties related to security and must work with the FSM to facilitate OSI's security management mission. District office FSMs oversee the work of, but do not supervise, the LSOs in the field offices. FSMs reported that it is difficult to have sufficient time with an LSO during visits to field offices, mainly because LSOs have other duties, such as processing benefit applications, which are a higher priority for district leadership. This makes a true partnership difficult and hinders the oversight of an office's security procedures, including access and information control that can be important steps to detecting an adjudicator fraud scheme. Some FSMs in districts that cover larger geographic areas said that they are unable to monitor all field office locations effectively. The FSMs generally said that LSOs, as employees of the district office, will allow OSI security efforts to wane rather than fall behind on adjudications or other regular work. An LSO's adjudication or office support functions can make it difficult for FSMs to spend enough time with the LSO to ensure that all security procedures are implemented.

Some FSMs suggested that more LSOs should be focused exclusively on security and employee training functions. During the annual budget process, OSI has requested that field offices provide full-time LSOs, rather than individuals who have other duties. FSMs need reliable local partners to perform the tasks now assigned to LSOs. With a revitalized LSO program, the FSM could expand work in ethics, reporting, and compliance training.

This expansion would be a way for OSI to foster additional collaboration within the district and field offices.

Recommendation

We recommend that the Chief, Office of Security and Integrity, in consultation with the Associate Directors of the Field Operations and Service Center Operations Directorates:

Recommendation #3: Redefine the Local Security Officer position to ensure that collateral security duties are completed in consultation with the Field Security Manager.

Management Comments and OIG Analysis

Management Comments to Recommendation #3

USCIS concurred with this recommendation. The Chief of OSI is reviewing a draft management directive that will improve the LSO program. Collaboration with Field Security Managers will be emphasized in this new policy, which will be the first official USCIS guidance on LSO duties. The policy is designed to serve as a reference for FSMs as they work with LSOs to improve security procedures.

OIG Analysis

This is a credible step that should improve the relationship between OSI and USCIS district and field offices. This will have positive effects on overall security, and should provide opportunities for FSMs to interact with field office staff. This recommendation is *resolved* and *open* pending finalization of the management directive.

The Integrity Coordinating Committee Should Include Field Representatives

OSI has established an Integrity Coordinating Committee (ICC) to create ethics training and review policy. The ICC, which meets several times a year, includes representatives from 10 headquarters offices, including OSI. The committee's facilitator said that the ICC's collaborative approach provides the views of operational components on various OSI programs. Their insight has improved training sessions and fostered better relationships.

The committee does not have representation from regional or district managers, although field leadership is vital to the implementation of OSI's mission. None of the field leaders we interviewed knew of the ICC's existence. Creating seats on the ICC for local managers would integrate field staff in the creation and implementation of OSI policies. Because of

the local viewpoints that district managers could offer, seats on the ICC for service center and district office managers would encourage greater cooperation between USCIS field operations and OSI. Increasing the number of ICC members would not require a major expansion of seats on the committee. One new seat for each of USCIS's four regions, for example, would allow local managers to advise the ICC on local perspectives.

Recommendation

We recommend that the Chief, Office of Security and Integrity:

Recommendation #4: Include Regional Office representatives on the Integrity Coordinating Committee.

Management Comments and OIG Analysis

Management Comments to Recommendation #4

USCIS concurred with this recommendation. In May 2010, USCIS field management was invited to join the ICC, which led to regional office representation in ongoing Committee activities.

OIG Analysis

This is another positive step that should improve OSI's relationships with USCIS field offices. The USCIS Intranet has not been updated to reflect the expanded membership on the ICC. This recommendation is *resolved* and *open*, with closure expected after we have been provided a revised ICC membership list.

Policy Focus on Employee Discipline Would Be Beneficial

Proper discipline for employees and contractors who engage in misconduct is an important part of an effective integrity program. Some of the staff we interviewed believed that many employee misconduct cases did not result in penalties severe enough to instill respect for the USCIS ethics and integrity message. The Schofield task force suggested that mandatory removal or reassignment be instituted for some offenses, but this policy was not adopted.

In employee misconduct cases resulting in administrative punishments, local managers and USCIS human resources personnel, rather than OSI, determine employee punishment. In the OSI investigative case files we reviewed, field leaders received reports from OSI investigations and were asked to take whatever disciplinary action they deemed necessary. Because they select and enforce the discipline imposed on noncriminal misconduct, district directors and other managers in field offices are

essential to making ethics and integrity an enduring part of the USCIS culture.

A process is under way to update a table of penalties that can guide managers in making disciplinary decisions. OSI expects that this new information will provide for more consistent and supportable discipline decisions. Field managers need such guidance to ensure more reasonable and consistent disciplinary decisions. Employees and contractors prone to misconduct must be seen as threats to USCIS program integrity. Although OSI is involved in credible work to shift the existing paradigm, the Director of USCIS must reiterate this message. The Director of USCIS is best positioned to inform operational offices of agency expectations. As the new table of penalties is created, USCIS must also provide regular information to all managers about the types of misconduct that led to disciplinary action, in addition to the expected discipline for particular offenses. By sharing more information about discipline cases and ensuring that actions are taken that might deter future misconduct, USCIS will create a climate of respect for its employee integrity initiatives.

Recommendation

We recommend that the Director, U.S. Citizenship and Immigration Services:

Recommendation #5: Create guidance reports for field managers related to the disposition of employee misconduct cases and the expected penalties for various types of misconduct.

Management Comments and OIG Analysis

Management Comments to Recommendation #5

USCIS concurred with this recommendation. A new management directive, which included a revised table of penalties, was released in June 2010. This new policy includes an expanded section related to OSI's focus on ethics and integrity. Efforts are also being made to reconfigure a database to improve information sharing related to employee discipline. These changes will allow managers to consult reports related to disciplinary actions taken against employees.

OIG Analysis

Consistent and credible employee discipline is an important step toward deterring employee misconduct. This recommendation is *closed*. No further reporting is necessary.

Training Should Present More Examples of Misconduct

OSI’s current training program was designed to deter workplace misconduct. Various tools inform employees of ethical expectations, including videos of Robert Schofield discussing his crimes and the consequences. OSI uses this video of Schofield in jail to stress that there is no place for criminal activities at USCIS. Other training materials include the August 2009 OSI Memo on Reporting Allegations of Misconduct or Other Inappropriate Behavior, and the “Integrity Begins with You” booklet. Also, small laminated cards (in Figure 3), designed to be carried by employees, include important ethical guidelines.

Figure 3. Laminated Pocket Card



Source: OSI website

Most USCIS staff we interviewed believe that the current training program is good, and that OSI’s general message is reaching its target audience. One supervisor said that her subordinates tend to explain their actions to avoid the appearance of impropriety. USCIS employees also suggested ways to improve training frequency, content, and use of visual learning tools. Most USCIS staff we interviewed had seen the Schofield video. Employees agreed that, while the video provided a shocking look at how a supervisor committed fraud and the consequences, it may lose some of its effectiveness over time. Some staff expressed an interest in viewing videos featuring more recent convictions, or cases with local connections. It was suggested that when employees view misconduct cases involving employees most like themselves, the educational benefit is greater.

OSI is updating the training program in cooperation with USCIS’ ethics office. Training podcasts are being created and made available on the OSI website. Some of the podcast topics, such as the appropriate employee response if offered a bribe, are directly relevant to the adjudications process. Our fieldwork suggested, however, that additional work is needed to focus on a variety of adjudication scenarios when the correct ethical choice is less clear.

Several interviewees suggested that additional guidance is needed in areas where fraud concerns are not obvious. Adjudicators expressed an interest in receiving additional information on handling gray-area situations. An example of such a case appears below.

An adjudicator is attending a family reunion. A relative approaches to say that his girlfriend is trying to become a U.S. citizen and the application is pending. She has not heard anything from USCIS. The relative wants to know if the adjudicator can check on the status of the application.

Although adjudicators have access to secure files and databases, they are prohibited from checking on the status of an application not related to their official duties. As OSI is developing more scenario-based training, it is important to ensure that new information is directly relevant to choices that adjudicators may face when the correct solution may not be obvious.

Recommendation

We recommend that the Chief, Office of Security and Integrity:

Recommendation #6: Update the current training program to include recent examples of employee misconduct and scenarios to address less obvious forms of misconduct.

Management Comments and OIG Analysis

Management Comments to Recommendation #6

USCIS concurred with this recommendation. Rollout of the revised training program is slated for September 2010. USCIS will be including scenarios designed to provide real-life examples for Immigration Services Officers. The training can be modified to ensure employees receive further instruction on misconduct issues as a way to expand OSI's educational efforts.

OIG Analysis

OSI's work to create a dynamic and relevant training program is a very important step to fostering a culture of ethical conduct. USCIS employees provided a variety of suggestions on ways to make the training program more interesting and informative. This recommendation is *resolved* and *open*, with closure expected after receipt of updated training materials.

Appendix A

Purpose, Scope, and Methodology

We initiated this review to determine USCIS' efforts to prevent adjudicator misconduct. We reviewed USCIS policies, data, and investigation reports. Our fieldwork did not include a review of how the OSI Office of Investigations tracks employee misconduct cases after allegations are reported.

We conducted 82 interviews, including Immigration Service Officers, district and field office personnel, and OSI managers. We visited seven district offices, one service center, and one regional office. We interviewed Field Security Managers in all four USCIS regions.

Our analysis included results from an online survey that was sent to 25% of Immigration Service Officers at the four USCIS service centers. We received 292 responses, a 67% response rate. A majority of the respondents had been adjudicating cases for more than 5 years. Survey questions dealt with ethics training, the visibility of ethics posters, whistleblowers, and USCIS vulnerability to employee misconduct. The results of the survey are discussed throughout the report; the survey appears in Appendix D.

We conducted our review between January and April 2010 under the authority of the *Inspector General Act of 1978*, as amended, and according to the *Quality Standards for Inspections* issued by the President's Council on Integrity and Efficiency.

Appendix B

Management Comments to the Draft Report

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director MS-2000
Washington, DC 20529-2000

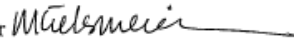


U.S. Citizenship
and Immigration
Services

AUG 12 2010

Memorandum

TO: Carlton I. Mann, Assistant Inspector General for Inspections
Office of Inspector General

FROM: Lauren Kielsmeier 
Acting Deputy Director

SUBJECT: USCIS Responses to OIG Draft Report Entitled *Efforts to Detect and Deter Fraud Committed by Immigration Services Officers*

USCIS appreciates the opportunity to review and comment on the draft report and generally agrees with the findings and recommendations identified by the OIG. Below are each of OIG's recommendations, followed by a more detailed USCIS response.

DHS-OIG recommends that the Director of USCIS:

Recommendation #1: Issue guidance to all field offices that reiterates USCIS employee reporting responsibilities as discussed in the August 2009 Office of Security and Integrity (OSI) memorandum.

USCIS response: USCIS concurs with the recommendation. Beginning in fourth quarter of fiscal year 2010, USCIS will send out a message to all employees from the USCIS Director on a quarterly basis. These messages will remind USCIS personnel of their responsibility to report misconduct and will reiterate the procedures for doing so.

Recommendation #2: Create and display posters that describe the crimes and sentences of convicted USCIS employees as a means to facilitate ethics and promote misconduct reporting.

USCIS response: USCIS concurs with the recommendation. OSI recently completed a task force designed to analyze the actions of 10 employees convicted of misconduct related to their official duties. OSI will use this information to create posters highlighting the consequences of misconduct (including incarceration, probation, monetary penalties, and job loss) and how to report it. OSI will also send out quarterly leadership announcements reminding field offices and services centers of the posters and including information on obtaining and displaying them for

Appendix B

Management Comments to the Draft Report

USCIS Responses to OIG Draft Report Entitled *Efforts to Detect and Deter Fraud Committed by Immigration Services Officers*

Page 2

maximum impact. In May 2009, OSI created an intranet page called "Trust Betrayed" that summarizes the cases of recently-convicted former USCIS employees, including the photographs of the defendants, the sentences imposed, and the monetary consequences of the misconduct. A link to this page will be included in the Director's message discussed in Response #1. Prior to the publication of these materials, OSI will consult with the Office of Chief Counsel (OCC) to ensure that the crimes are limited to those committed in the workplace, that USCIS does not violate privacy laws, and that publication of conviction details will not expose USCIS to liability.

Recommendation #3: Redefine the Local Security Officer (LSO) position to ensure that collateral security duties are completed in consultation with the Field Security Manager (FSM).

USCIS response: USCIS concurs with the recommendation. The OSI Chief is reviewing the draft Management Directive (MD) for the LSO Program. The draft MD outlines LSO performance accountability and integration into LSO performance work plans. The draft MD encourages collaboration with the servicing FSM and provides the proper structure for the LSO Program. This MD will be the first published official guidance defining the LSO Program and will be a reference resource for the FSMs to build on their partnerships with field LSOs.

Recommendation #4: Include Regional Office representatives on the Integrity Coordinating Committee (ICC).

USCIS response: USCIS concurs with the recommendation. In May 2010, the OSI Chief invited each of USCIS's Regional and Service Center Directors to designate a representative to the ICC. They have all done so, and those representatives have been included in all ongoing ICC activities.

Recommendation #5: Create guidance reports for field managers related to the disposition of employee misconduct cases and the expected penalties for various types of misconduct.

USCIS response: USCIS concurs with the recommendation. The Office of Human Capital and Training (HCT) had already been updating policy and guidance related to discipline and adverse actions. On June 28, 2010, USCIS approved and issued the Discipline and Adverse Action MD. This new MD provides basic guidance on the disciplinary process, the standards necessary for taking conduct-based actions, and the means of handling misconduct. The MD is a significant enhancement over the former (INS) policy and includes a more comprehensive Table of Offenses and Penalties that has a significantly expanded section on ethics and integrity.

In addition, the Labor and Employee Relations (LER) database is under reconfiguration for improvements in several areas, but more specifically in the reporting capabilities. Once all of the changes have been made, the LER branch will make available a mechanism to provide supervisors and managers with statistical reports on the types and number of disciplinary actions taken.

Recommendation #6: Update the current training program to include recent examples of employee misconduct and scenarios to address less obvious forms of misconduct.

Appendix B

Management Comments to the Draft Report

USCIS Responses to OIG Draft Report Entitled *Efforts to Detect and Deter Fraud Committed by Immigration Services Officers*
Page 3

USCIS response: USCIS concurs with the recommendation. The training program being finalized for rollout by September 2010 addresses less obvious forms of misconduct. For instance, one scenario addresses a situation similar to the OIG report's example of an employee's relative asking for help in ascertaining the status of an application; in the upcoming training, the only difference is that the employee's priest requests the favor. In addition, OSI intentionally developed the training so that it can be easily modified to highlight and address other issues as needed.

Appendix C

Fifteen Examples of Misconduct That Must Be Reported

- Fraud, corruption, bribery, and embezzlement;
- Theft or misuse of funds and theft of government property
- Perjury
- Physical assault
- Unauthorized release of classified information
- Drug use/possession
- Unauthorized use/misuse of sensitive official government databases
- Misuse of official position for private gain
- Misuse of a government vehicle or property
- Failure to properly account for government funds
- Unauthorized use/misuse of a government purchase or travel card
- Falsification of travel documents
- Falsification of employment application documents
- Misconduct by an employee at the GS-15 level or higher
- Arrest of an employee or contractor by law enforcement personnel, including your own arrest

Appendix D
The Survey of Service Center ISOs

1. How long have you been an ISO/adjudicator for USCIS/INS?

| | Number | Percent |
|------------------------------------|---------------|----------------|
| Less than 1 year | 5 | 1.7% |
| More than 1 but less than 3 years | 111 | 38.4% |
| More than 3 but less than 5 years | 18 | 6.2% |
| More than 5 but less than 10 years | 97 | 33.6% |
| More than 10 years | 58 | 20.1% |

2. At which Service Center do you currently work?

| | Number | Percent |
|------------|---------------|----------------|
| California | 74 | 25.7% |
| Nebraska | 84 | 29.2% |
| Texas | 55 | 19.1% |
| Vermont | 75 | 26.0% |

3. How well-trained do you feel about the ethical and legal expectations that have been placed on you?

| | Number | Percent |
|--|---------------|----------------|
| I feel very confident that I have received sufficient training regarding the expectations placed on me | 151 | 52.2% |
| I have received sufficient information and guidance | 107 | 37.0% |
| I would like to receive additional information and guidance | 28 | 9.7% |
| I am not trained at all on the expectations placed on me | 3 | 1.0% |

4. How much additional support is needed from USCIS and OSI for the Service to better detect possible criminal activity and fraud committed by ISOs?

| | Number | Percent |
|---|---------------|----------------|
| A tremendous amount | 11 | 3.8% |
| Some, but good progress is being made | 76 | 26.4% |
| I'm fully confident that USCIS and OSI are taking appropriate steps | 132 | 45.8% |

Appendix D
The Survey of Service Center ISOs

I'm not sure 69 24.0%

5. Have you ever been placed in an ethically compromised position related to your official duties (e.g., a neighbor asking you for a favor or another individual pressuring you to approve a petition?)

| | Number | Percent |
|-----|---------------|----------------|
| Yes | 38 | 13.2% |
| No | 250 | 86.8% |

6. The Office of Security and Integrity has provided posters for USCIS offices for purposes of ensuring that OSI reporting information is visible to employees. What is your assessment of the number and visibility of posters at your Center in work areas, break rooms, and other common areas?

| | Number | Percent |
|--|---------------|----------------|
| There are a number of highly visible posters around the Center | 9 | 3.2% |
| There are enough visible posters to make OSI reporting information visible on a regular basis to employees | 66 | 22.8% |
| Posters are displayed in certain areas, but they are relatively small and not easy to read | 28 | 9.7% |
| I do not notice posters much during the course of my daily activities | 186 | 64.4% |

7. Have you experienced difficulty with OSI when reporting possible improper activities or criminal activity committed by ISOs?

| | Number | Percent |
|-------------------------|---------------|----------------|
| Yes | 2 | 0.7% |
| No | 19 | 6.6% |
| I have not reported any | 267 | 92.7% |

8. Have you observed suspicious or unusual behavior from a supervisor or colleague that you believed could indicate unethical or illegal activity?

| | Number | Percent |
|-----------------------------------|---------------|----------------|
| Yes | 25 | 8.7% |
| No | 234 | 81.0% |
| I have not observed such behavior | | |

Appendix D
The Survey of Service Center ISOs

personally but other ISOs have told me
that they have observed such behavior 30 10.4%

9. Do you believe that the USCIS culture supports “whistleblowers,” those individuals who report possible malfeasance, fraud, or unusual/unexpected actions committed by supervisors or ISOs?

| | Number | Percent |
|-----|---------------|----------------|
| Yes | 191 | 66.8% |
| No | 95 | 33.2% |

10. If you suspected that a colleague was accepting a bribe or engaged in other illegal conduct, how comfortable would you be reporting your suspicions to OSI or the Office of Inspector General?

| | Number | Percent |
|--|---------------|----------------|
| I would be fully comfortable | 104 | 36.0% |
| It would make me somewhat uncomfortable, but I would report the information directly to OSI or the OIG without any problem | 120 | 41.5% |
| I would feel very uncomfortable reporting information without first contacting my supervisor | 65 | 22.5% |

11. Even with the efforts of OSI and the focus on ethical conduct at USCIS, how vulnerable do USCIS and its customers remain to fraudulent activity committed by the Service’s ISOs?

| | Number | Percent |
|--------------------------|---------------|----------------|
| Highly vulnerable | 19 | 6.6% |
| Somewhat vulnerable | 121 | 42.0% |
| Generally not vulnerable | 129 | 44.8% |
| Not vulnerable at all | 19 | 6.6% |

Appendix E
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Appendix F
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