

STATEMENT

OF

**JAMES W. ZIGLAR
COMMISSIONER
IMMIGRATION AND NATURALIZATION SERVICE**

BEFORE THE

SENATE APPROPRIATIONS SUBCOMMITTEE ON TREASURY AND GENERAL GOVERNMENT

REGARDING

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MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE,

I want to thank you for the opportunity to testify today on "Northern Border Security." This is my first appearance before the Congress since assuming the post of Commissioner of Immigration and Naturalization. I am pleased that the Senate provided my first opportunity to return to Capitol Hill in an official capacity. I very much enjoyed my tenure as the Senate Sergeant at Arms from November 1998 to August 2001. It was an experience and opportunity for which I will be forever grateful.

Although I have served as Commissioner for only two months, I have not viewed that as a liability in responding to the tragic events of September 11, primarily because of the highly professional career public servants who have provided me with mature advice and assistance. These tragic events, however, have provided an opportunity for me to examine, with a fresh eye, the management, personnel, technology, and policy capabilities of the INS. Most Americans do not realize the challenges that we face. More than five hundred million people cross our borders every year; and the vast majority of those five hundred million enter the United States through visa waiver programs or other exemptions from the normal visa process; most Americans do not realize that it is not the INS that issues visas to foreigners who wish to visit the United States; the INS has 4,775 inspectors to process these hundreds of millions of visitors who arrive at our borders every year; the INS has 1,977 investigators throughout the country who are available to deal with persons who have entered illegally, have overstayed their visas or otherwise have violated the terms of their status as visitors in the United States.

Despite the workload challenges and accomplishments of the INS, changes are still needed to ensure efficient and effective operations. The structure of the organization and the management systems that we have in place are outdated and, in many respects, inadequate for the challenges we face. Our information technology systems must be improved in order to ensure timely and accurate determinations with respect to those who wish to enter our country and those who wish to apply for benefits under our immigrations laws. The management restructuring of the INS is on its way—a mandate the President and the Congress have given me—and the improvement of our information technology systems is being planned and can be accomplished with the help and support of Congress.

Mr. Chairman, I would like to take this opportunity to send a message to the men and women of the INS and to the public for whom they work: I have never been so proud of a group of people with whom I have been associated as I am of our Special Agents, Detention and Deportation Officers, Inspectors, Intelligence Officers, Border Patrol Agents, Attorneys, and numerous other individuals both at headquarters and in the field in response to the events of September 11. Within hours of the attacks, the INS was working closely with the FBI to help determine who perpetrated these crimes and to bring those people to justice. Within 24 hours, under "Operation Safe Passage," INS deployed several hundred Border Patrol agents to eight major U.S. airports to increase security, prevent further terrorist incidents and restore a sense of trust to the traveling public. At America's ports of entry, INS inspectors continue to work tirelessly to screen arriving visitors, while encouraging the flow of legitimate commerce and tourism. Meanwhile, despite the tragedies and the disruptions, our service operations have managed to complete over 35,000 naturalizations nationwide and process thousands of other applications since September 11. America should be proud of the extraordinary effort of these men and women.

A New Focus on our Borders and Intergovernmental Cooperation

The tragic events of September 11 have pushed the security and management of our borders onto center stage. While I am here today primarily to discuss the northern border, we must keep in mind the need for sound operations on both borders. Moreover, we must remember that the

various agencies of the U.S. government must work together, and with our allies, to achieve a safer and more prosperous America and world. I think the excellent cooperation between INS, the FBI and the U.S. Customs Service, particularly during this crisis, is an example of that necessary cooperation. We have a special relationship with the Customs Service due to our shared responsibilities at the ports of entry. In recent weeks, we have worked especially closely with them in coordinating and consulting on security status at ports of entry, exchange of information and data, and the deployment of personnel.

The Northern Border

I would like to begin by addressing what appears to me to be a common misperception about our northern border, namely that it is “unprotected” and “undefended.” The fact is that we presently have approximately 965 Border Patrol Agents, Inspectors and support personnel on the northern border. They do an excellent job in carrying out their responsibilities. However, more could be done along the northern border.

The good news is that we have an important partner on the northern border who has been very helpful—and that is Canada. For example, due in part to the excellent system Canada has put in place to share information with us, in the first six months of fiscal year 2001 more than 4,000 criminal aliens, or half of all criminal aliens intercepted at all United States ports of entry, were caught at northern border ports. There are numerous other examples where cooperative efforts with the Canadians have helped protect the northern border. Nevertheless, there is plenty of room for improvement.

The focus of the last few years has been on the southwestern border. As a result, the growth in INS resources has continued to be deployed to stop the illegal flow of immigration in this area. We have made dramatic improvements along the southwestern border and have gained control in many areas and we will be looking at how to deploy the additional 570 Border Patrol agents that the President proposed and the House and Senate have supported.

Today, the INS has 498 inspectors at northern border ports of entry and 334 Border Patrol Agents assigned to the northern border. Of the 113 northern border ports, there are 62 small ports that do not operate on a 24-hour basis. About 35-40% of these select ports process fewer than 30 thousand entries per year, but still require the dedication of valuable resources. In addition, it should be noted that the INS and the U.S. Customs Service share responsibility for staffing primary inspection lanes at many land border ports. However, when secondary inspections are necessary, primary inspectors often must temporarily close down lanes, thereby disrupting the regular flow of individuals and commerce across the border.

Currently we are reviewing any security deficiencies, our enforcement posture at ports of entry, and how to facilitate the flow of commerce to determine how we can improve. Resources could be assigned as needed to allow for 1) implementation of special initiatives with U.S. Customs and with Canada at higher risk ports; 2) conducting more thorough primary inspections without impeding traffic flow; and 3) engaging in targeted control processes to apprehend violators, including criminal aliens and suspected terrorists.

Technology can also play a critical role and has proven to be a “force multiplier” that can provide detailed, real time information concerning border activity. This is essential to border enforcement operations given the threats and challenges are different all along the northern border, and different challenges require different approaches. Our shared border with Canada runs nearly 4,000 miles and is filled with rugged terrain. Advanced technology can also help inspectors fulfill

their dual mission of preventing unlawful entry and facilitating the movement of legitimate tourism and commerce.

Steps to Improve Security

Even before September 11, we were examining how we can improve the INS, at all levels. As part of our restructuring initiative, I encouraged our employees at all levels to think “outside the box” as to how we can better accomplish our mission. They responded with a number of creative ideas, some of which we are still evaluating. However, within the context of what is already known to be “doable” and effective, we are considering a series of solid measures that would strengthen our enforcement capabilities. We are working within the Administration to determine how to implement these measures. Some of our ideas are as follows:

Border Patrol

- As requested in the President’s budget, increase the number of Border Patrol agents and support staff along the northern border, while not neglecting the continued needs along the southwest border. Such increases should also include necessary facilities infrastructure and vehicles.
- Provide additional agent support equipment and technology enhancements. Unfortunately, neither the Senate nor the House currently is funding the President’s request at \$20 million for “force multiplying technology.”
- Expand access to biometric identification systems, such as IDENT.

Inspections

- In the Inspections area, as we proposed in our FY 2002 budget, we believe we should increase the number of Inspectors at our Ports of Entry.
- Require inspection of all International-to-International Transit Passengers (ITI) so that all travelers who arrive in the United States are inspected and clearly identified.

Information and Technology Initiatives

- Require carriers to submit Advance Passenger Information before boarding passengers (whether the passenger is heading to the United States or attempting to depart the United States) to prevent known terrorists, criminals, and inadmissible passengers from boarding.
- Make Advance Passenger Information data more widely available to law enforcement agencies, enhancing the ability to identify potential threats prior to departure for or arrival in the United States, as well as to prevent the departure of individuals who may have committed crimes while in the United States.
- Implement the National Crime Information Center Interstate Identification Index (NCIC III) at all ports-of-entry so that aliens with criminal histories can be identified upon arrival in the United States. NCIC III should also be available at all consular posts, INS service centers and adjudication offices to help identify aliens who pose a potential threat.
- Improve lookout system checks for the adjudications of applications at INS service centers.

- Improve INS infrastructure and integration of all data systems so that data on aliens is accessible to inspectors, special agents, adjudicators, and other appropriate law enforcement agencies. This initiative is ongoing.

Personal Issues

- Waive the calendar-year overtime cap for INS employees to increase the number of staff-hours available by increasing the overtime hours people can work. This proposal is included in the Administration's Terrorism Bill.

Other Initiatives

- Re-examine and potentially eliminate the Transit Without Visa Program (TWOV) and Progressive Clearance to prevent inadmissible international passengers from entering the United States.
- Reassess the designation of specific countries in the Visa Waiver Program to ensure that proper passport policies are in place. This initiative will require the concurrence of and joint participation by the Department of State.
- Share with the Department of State visa data and photographs in electronic form at ports-of-entry so that visa information will be available at the time of actual inspection.
- Evaluate alternative inspection systems that allow for facilitation of low risk travelers while focusing on high-risk travelers.
- And review the present listing of designated ports-of-entry, in concert with the U.S. Customs Service, to eliminate unnecessary ports. This will allow the INS to deploy more inspectors to fewer locations making for a more efficient use of resources.

Database Improvements

In addition to the measures cited above, I have instructed my staff to move forward expeditiously on two database improvement projects mandated by Congress. While neither of these are panaceas, they would represent improvements over the status quo.

First, there has been much attention paid to student visas in recent weeks. Today, the INS maintains limited records on foreign students and is able to access that information on demand. However, the information is on old technology platforms that are insufficient for today's need for rapid access. That is why we are moving forward with the Student Exchange Visitor Information System (SEVIS), formerly known as CIPRIS. Objections primarily by the academic establishment have delayed its development and deployment. However, with the events of September 11, that objection has virtually disappeared and INS plans to meet, and hopefully beat, the Congress' date of 2003 to start implementation of SEVIS with respect to all foreign nationals holding student visas. I hasten to add that there is a critical need to review and revise the process by which foreign students gain admission to the United States through the I-20 certification process.

Second, substantial attention also has been paid to entry and exit data. Currently, INS collects data on the entry and exit of visitors. However, the data first must be transferred by hand from paper to electronic form. This is an extremely inefficient way of processing data and delays access to the data by weeks and months. Knowing who has entered and who has departed our country in as timely a manner as is possible is an important element in enforcing our laws. The Data Management Improvement Act, passed in 2000, requires INS to integrate entry-exit data collection in

electronic form at airports and seaports by the end of 2003, and at the 50 largest land ports of entry by the end of 2004. The legislation also requires a private sector role to ensure that any systems developed to collect data do not harm tourism or trade.

Cooperation with Canada and Mexico

Finally, I would like to say a few words about our nation's relationship with our neighbors, Canada and Mexico. I would like to thank the Canadian people for opening their hearts to United States citizens and others who were temporarily unable to return to the United States as a result of the tragic events of September 11 and the resulting diversion of flights to Canada. I would also like to thank the government and people of Mexico for their help in this crisis, both in the law enforcement area and in also ensuring that planes could be diverted safely to Mexico during the crisis.

The United States and Canadian tradition of cooperation and coordination has been long-standing, and is critical to the security of the northern border. This tradition was further promoted with the United States-Canada Accord on "Our Shared Border" on February 24, 1995. Along with commercial goals, the Accord also addresses common security issues.

The United States and Canada coordinate anti-terrorist efforts through the Bilateral Consultative Group on Counter-Terrorism (BCG). Established in 1988, the BCG annually brings together senior policy representatives from agencies and departments involved in the fight against terrorism. In addition, inter-agency and interdepartmental cooperation goes on daily between officials on both sides of the border to advance practical, on-the-ground cooperation. As further evidence of cooperation and support during this time of crisis, the Government of Canada has pursued a number of initiatives since the events of September 11, including taking measures to tighten its asylum process and further enhancing its intelligence sharing with the State Department and the INS. We are grateful for Canada's help and support.

Looking Ahead

It has been said that after September 11 "everything has changed." I hope that is not true. America must remain America, a symbol of freedom and a beacon of hope to those who seek a better life for themselves and their children. We must increase our security and improve our systems but in doing so we must not forget what has made this nation great – our openness to new ideas and new people, and a commitment to individual freedom, shared values, innovation and the free market. If, in response to the events of September 11, we engage in excess and shut out what has made America great, then we will have given the terrorists a far greater victory than they could have hoped to achieve.

Thank you for this opportunity to appear, Mr. Chairman. I look forward to your questions.