DEPARTMENT OF HOMELAND SECURITY

Office of Inspector General

Review of the
Immigration and Customs
Enforcement's
Compliance Enforcement Unit

Office of Inspections and Special Reviews

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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 by the OIG as part of its DHS oversight responsibilities to promote economy, effectiveness, and efficiency within the department.

This report assesses the strengths and weaknesses of the Bureau of Immigration and Customs Enforcement's Compliance Enforcement Unit operations. It is based on interviews with employees and officials of relevant agencies and institutions, direct observations, and a review of applicable documents.

The recommendations have been developed to the best knowledge available to the OIG, and have been discussed in draft with those responsible for implementation. It is our hope that 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

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Abbreviations

ADIS   Arrival and Departure Information System
ASAC   Assistant Special Agent in Charge
CBP   Bureau of Customs and Border Protection
CEU   Compliance Enforcement Unit
CEU HQ Compliance Enforcement Unit Headquarters
DHS   Department of Homeland Security
DOS   Department of State
DOJ   Department of Justice
FTE   Full Time Equivalent
FY   Fiscal Year
HSA   Homeland Security Act of 2002
ICE   Bureau of Immigration and Customs Enforcement
INS   Immigration and Naturalization Service
NCIC   National Crime Information Center
NIIS   Non-Immigrant Information System
NSEERS National Security Entry Exit Registration System
OIG   Office of Inspector General
P.L.   Public Law
POE   Port of Entry
RAC   Resident Agent in Charge
ROI   Report of Investigation
SAC   Special Agent in Charge
SEVIS   Student and Exchange Visitor Information System
SEVP   Student and Exchange Visitor Program
SOP   Standard Operating Procedures
TECS   Treasury Enforcement Communication System
US-VISIT United States Visitor and Immigrant Status Indicator Technology
VWP   Visa Waiver Program

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Executive Summary

We conducted this review to evaluate the efficiency and effectiveness of the Bureau of Immigration and Customs Enforcement (ICE) Compliance Enforcement Unit (CEU) in identifying, locating, and apprehending aliens who have violated the purpose and terms of their admission into the United States. Based on our review of the number of cases referred to CEU and the procedures and systems used to collect, analyze, and process these referrals, we identified several deficiencies in the CEU process.[1]

CEU depends on systems that are incomplete. The most ambitious, US-VISIT, does not have an established exit control capability at this time.[2] These systems produce many "leads" that are incomplete or inaccurate; i.e., are not actionable. In our test sample of leads closed by CEU HQ, 96 percent of the leads proved to be invalid.

The sum of deficiencies in the systems, in CEU's output, and other factors in the apprehension and removal process result in a minimal impact in reducing the number of overstays in the United States. From January 2004 to January 2005, CEU received 301,046 leads from US-VISIT, SEVIS, NSEERS, and the Department of State. CEU processed 142,816 of these leads. CEU closed 138,652 because it determined the alien had left the United States, was "in status," or no address information was available to make an apprehension likely.

Of the 142,816 leads, CEU referred the remaining 4,164 to the field. These resulted in 671 apprehensions. Once an apprehension is made, the responsibility to detain, adjudicate, and remove visa violators is transferred to other offices within ICE, including the Office of Detention and Removal and the ICE Office of the Principal Legal Advisor. Additionally, the Executive Office of Immigration Review within the Department of Justice (DOJ) presides over these immigration cases. Studies suggest that very few of the

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[1] We evaluated the procedures and systems CEU used as of June 2004. Any changes or enhancements to those procedures and systems since that time are not reflected in this report unless used to address specific findings and recommendations.

[2] US-VISIT, SEVIS, and NSEERS are acronyms for different systems used to track various categories of foreign visitor to the United States. Each system's full name and its coverage is described later in this report.

671 aliens apprehended will actually be removed unless they also have a criminal history and are detained.[3]

Nevertheless, we identified business practices that CEU can improve. Of the 14,495 US-VISIT, SEVIS, and NSEERS referrals that we examined, CEU had not completed the processing of 7,053 (49 percent) of these leads in a two-month period. This situation exists because CEU is unable to keep pace with the large volume of lead referrals and because not all referral data was actionable.

CEU did not process all violator leads that it did complete in a timely manner due to vague performance measures and processing inefficiencies. As a result, violators have a greater chance to avoid apprehension and disappear into the U.S. population because addresses and other locator information for aliens can be perishable.

Finally, two procedural issues hinder CEU's ability to adequately document and consistently process violator leads: (1) The need to establish the basis for closing over half of the leads in our test sample; and, (2) inefficiencies in distributing policies to ICE field offices. The absence of effective policy dissemination is illustrated by the need for investigative guidelines for the ICE field offices on how to document the various actions taken on CEU cases.

We are recommending that CEU:

- Ensure that data quality issues are addressed, in conjunction with officials from the various lead referral systems, and that validity checks are performed to increase the number of "actionable" leads referred to CEU.

- Assess the CEU workflow process, establish and closely monitor processing performance measures to ensure that CEU staff is working efficiently, and determine when staffing adjustments are needed to ensure timely processing of all violator leads.

- Ensure that adequate justification exists for lead closure and that this justification is documented.

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[3] INS only removed 13 percent of nondetained aliens under final orders. Office of the Inspector General, Department of Justice, "The Immigration and Naturalization Service's Removal of Aliens Issued Final Orders," Rep. No. I-2003-004, 12 February 2003.

- Redistribute policy and guidance documents to ICE field offices and consolidate current policy memoranda into a set of Standard Operating Procedures (SOPs) for distribution to all ICE field offices; and, establish an ICE-wide resource for access to the CEU SOPs, as well as other current information regarding CEU activities.

Background

The Immigration and Naturalization Service (INS) estimated that there were seven million illegal aliens living in the United States in January 2000 and that this estimate would grow by 350,000 a year.[4] At the same time, the United States Census Bureau estimated that there were eight million illegal aliens living in the United States and estimated a growth rate of half a million a year. Using these 2000 estimates and projections, the illegal-alien population in 2004 would approximate nine to ten million. Another study, based on the March 2004 Current Population Survey, estimated an undocumented population of 10.3 million in March 2004 and nearly 11 million as of March 2005.[5]

Undocumented aliens customarily are divided into two categories: those who enter without inspection, usually by clandestine entry; and those who are permitted entry based on a visa or other legal basis and then violate the terms of their permission, called "overstays." Estimates of the number of overstays vary from 33 percent[6] to 50 percent[7] of the total undocumented alien population. Applying the smaller percentage (33 percent) to the most current undocumented alien population estimate (11 million) suggests that there may be over 3.6 million overstays in the United States today.

On November 25, 2002, the Homeland Security Act of 2002 (HSA) was signed into law, creating DHS.[8] Effective March 1, 2003, the functions of INS were transferred to DHS. With the establishment of DHS, the functions and jurisdictions of several border and security agencies were merged into the

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[4] Office of Policy and Planning, U.S. Immigration and Naturalization Service, "Estimates of the Unauthorized Immigration Population Residing in the United States: 1990 to 2000," 6 (January 2003)

[5] Jeffrey S. Passel, "Estimates of the Size and Characteristics of the Undocumented Population," 1, Pew Hispanic Center (March. 21, 2005).

[6] "Estimates of the Unauthorized Immigration Population Residing in the United States: 1990 to 2000," *supra* note 1, at 6 (January 2003).

[7] "Foreign Visitors Who Violate the Terms of their Visas by Remaining in the United States Indefinitely," Hearing Before the Subcommittee on Immigration and Claims of the House Committee on the Judiciary, 104th Cong., 1st Session, Serial No. 2, 21 (February 24, 1995) (testimony of Executive Associate Commissioner James A. Puleo).

[8] P.L. 107-296.

Border and Transportation Security (BTS) Directorate within DHS. ICE is the investigative arm of BTS.

In an effort to reduce the number of illegal aliens residing in the United States who had violated the terms of certain types of visas, ICE established the CEU in June 2003. Primarily the National Security Entry Exit Registration System (NSEERS), the Student and Exchange Visitor Information System (SEVIS), and the United States Visitor and Immigrant Status Indicator Technology (US-VISIT) identify visa violators. These three systems are designed to track a specific segment of the non-immigrant population and provide CEU with information concerning visa overstays. Additionally, CEU supports enforcement actions necessary as a result of visa revocation actions taken by the Department of State (DOS). Between early January 2004 and early January 2005, CEU HQ received over 300,000 violator leads from these programs.

The CEU Headquarters (CEU HQ) Office is the interface between program offices (source systems) that identify potential visa violators and ICE field agents who attempt to locate and apprehend those whom CEU determined have violated the terms of their stay in the United States.[9] There are 27 ICE Special Agent in Charge (SAC) offices located nationwide, many of which have sub-offices (Resident Agent in Charge (RAC) offices), which are tasked to investigate leads forwarded to them by CEU HQ.

A substantial part of CEU's work is to check various governmental and public (support systems) databases to determine if potential violators have departed the United States; have changed, or are in the process of changing, their immigration status; have reestablished program compliance; or can otherwise be accounted for (in custody or removal proceedings).[10] CEU HQ closes as many cases as possible based on information in the support systems. While performing these checks, CEU also collects information that is useful to ICE field agents in locating the violator should the lead be forwarded to the field for investigation.[11] In short, much of the work CEU HQ performs depends on the accessibility and reliability of data in both source and support data systems.

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[9] Source systems refer potential visa violator leads to CEU. US-VISIT, NSEERS, SEVIS are source systems. Visa revocation and biometric referrals are also considered source systems.
[10] See Appendix E for a description of relevant support systems.
[11] This includes information such as visa numbers, driver's license numbers, and addresses.

CEU HQ has 11 permanent and 7 detailed staff members and is managed by a CEU Chief. Key to CEU operations is the support provided by a contractor. To expedite the contracting process, ICE used an existing Blanket Purchase Agreement to secure the contractor's services. The contract between ICE and the contractor is a fixed labor rate contract with a performance end date of September 30, 2005. There are 26 contract personnel assigned to CEU HQ and, with the exception of one computer programmer and one contractor supervisor, all are research analysts. Under the contract, the contractor conducts records checks to determine if aliens are in violation of their immigration status and, if they are in the United States, uses the visa violator information to generate investigative leads for ICE field offices.

CEU HQ uses Leadtrac, a software program developed by the contractor, to collect, catalog, process, and track visa violator data. Leadtrac imports data in a Microsoft Excel format. Leadtrac serves as an interface between data provided from the various source systems and data ultimately inputted into the Treasury Enforcement Communication System (TECS) to transmit leads to the field for investigation.

In Fiscal Year (FY) 2004, CEU was authorized 51 full-time equivalent (FTE) positions. Sixteen positions were assigned to CEU HQ and 35 were distributed among 22 ICE field offices. A CEU HQ official said that not all ICE field offices have designated CEU agents, but that those field offices still investigate CEU cases with existing resources. It is the goal of CEU to have at least one CEU agent assigned to each ICE field office. Both CEU HQ and ICE field office management officials agreed that there are more than 51 agents working CEU cases, although we were unable to confirm this at the time we performed our field visits.[12]

CEU has been authorized 130 agents in FY 2005 but has been unable to hire authorized personnel due to a hiring freeze. Additionally, CEU has requested funding for 79 FTEs to process SEVIS cases. Funding for these 79 FTEs will come from recently imposed SEVIS (student and school) fees.

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[12] Although TECS can be used to track an ICE agent's case hours, TECS was not used to transmit CEU cases to the field until April 2004. When we performed our field visits, only one of our test sample periods encompassed cases transmitted to the field using TECS. Therefore, ICE field office personnel could only provide us with estimated CEU work hours. Additionally, TECS was new to ICE personnel who were not from the legacy U.S. Customs Service. Therefore, at the time of our field visits, many ICE agents were still learning how to use TECS. Finally, ICE field agents were not consistently tracking their work hours by individual CEU case but rather by type, such as NSEERS, SEVIS, or US-VISIT or other general categories.

Source Systems

Student and Exchange Visitor Information System (SEVIS)

In 1996, Congress directed INS to develop an electronic system to collect information on foreign students and the schools that they attend.[13] In October 2001, U.S. authorities discovered that several of the September 11, 2001, terrorists had entered the United States on student visas. Thereafter, Congress directed the INS to fully implement SEVIS by January 1, 2003.

SEVIS is an automated, web-based system used to maintain information on international students and exchange visitors in the United States and to identify foreign students and exchange visitors who have violated the terms of their visas. SEVIS is managed by the Student and Exchange Visitor Program (SEVP) office, part of ICE. SEVP receives leads on SEVIS violators from a variety of sources, such as participating U.S. educational institutions.

Participating educational institutions enter and update SEVIS records via internet access. Currently, more than 7,300 U.S. schools and 1,400 exchange visitor programs are registered in SEVIS. More than 770,000 student and exchange visitors (F-1, M-1, and J-1 visa categories) were registered in SEVIS as of July 2004.[14] SEVP relies on schools to put forth a "good faith effort" when entering student data into SEVIS, especially student termination notifications. These institutions must be certified for SEVIS compliance every two years.

Foreign students can violate immigration status by failing to enroll in the participating institution or not maintaining a sufficient academic course load.[15] U.S. schools and exchange visitors program sponsors are required to notify the SEVP office about foreign students or exchange visitors who do not comply with requirements; such as maintaining a full course load. Those students' or exchange visitors' records should be terminated by school or program officials in SEVIS. Foreign students have five months to apply for reinstatement after violating SEVP regulations. Students are considered terminated in SEVIS and subject to arrest and removal until officially

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[13] P.L. 104-208; U.S. Code, Title 8, Section 1221 note.

[14] Within these categories, F-1 visas represent academic students, M-1 visas represent vocational students, and J-1 visas represent exchange visitor students. SEVIS also maintains records on dependents who accompany a primary SEVIS participant into the United States. According to a SEVP official, over 120,000 such dependents are registered in SEVIS. Each SEVIS dependent's record is "linked" to the primary SEVIS participant's record and if the primary SEVIS participant is terminated, all of the dependents' records are automatically terminated.

[15] Code of Federal Regulations, Title 8, Section 214.2(f).

reinstated. The SEVP office refers an average of 500 termination leads per week to CEU in 2004.

National Security Entry/Exit Registration System (NSEERS)

Initiated September 11, 2002, by the Department of Justice (DOJ), NSEERS is an entry-exit system for certain temporary foreign visitors (non-immigrant aliens). Visitors admitted under certain types of visas and from specific countries were required to register, be fingerprinted through NSEERS, and provide DOJ with detailed information relating to the visitors' background and purposes of their visits. Visitors staying in the United States for more than 30 days were initially required to re-register every 30 days, while visitors who remained in the United States for more than one year were required to re-register on a yearly basis. Since most of the visitors registered in NSEERS are students, on business travel, or visiting relatives in the United States, the re-registration process was developed to verify locations, activities, and confirm departures.

When DHS was created, NSEERS was transferred from DOJ to DHS and placed within ICE. In December 2003, NSEERS 30-day and annual re-registration requirements ceased. Individuals registered in NSEERS are now only required to appear for re-registration when deemed necessary by DHS. Aliens who fail to register their departure with NSEERS or fail to comply with DHS re-registration requests are referred to CEU. NSEERS referred an average of 358 leads per week to CEU in 2004.

U.S. Visitor and Immigrant Status Indication Technology (US-VISIT)

US-VISIT is a result of the Immigration and Naturalization Service Data Management Improvement Act of 2000. The system is an automated entry-exit system intended to record the arrival and departure of certain temporary foreign visitors crossing U.S. borders.[16] US-VISIT enrollment requires foreign visitors to have both index fingers scanned and a digital photograph taken to verify identity. The exit feature of US-VISIT is still being piloted at only select ports of entry (POE), making it difficult to track visitor departures. Those who do not register their departure with US-VISIT are deemed unconfirmed overstays. US-VISIT referred 2,405 unconfirmed overstay records per week to CEU in 2004.

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[16] P.L. 106-215, Section 110; U.S. Code, Title 8, Section 1365.

<u>Biometric Referrals</u>

US-VISIT also generates leads termed biometric referrals. Biometric referrals typically originate from warrants created by local law enforcement agencies, which are monitored by ICE through the National Crime Information Center (NCIC).[17] NCIC attempts to match the fingerprints of aliens who are wanted by law enforcement officials or have committed crimes with those who have already entered the United States. If a match is confirmed between NCIC and US-VISIT, a biometric referral lead is generated and processed by CEU. When the lead is sent to an ICE field office for investigation, ICE field agents can either pass the information to local law enforcement agencies or they can attempt to locate and apprehend the individual. Between January 23 and July 20, 2004, CEU received a total of 68 biometric referrals.

<u>Visa Revocations</u>

Another source of violator leads is visa revocations from DOS. Unlike NSEERS, SEVIS, and US-VISIT (including biometric referrals), visa revocation leads derive from an agency external to DHS. DOS issues visas at consular posts abroad to allow nonimmigrants to travel to the United States for a specific purpose and for a specified amount of time. After the issuance of a visa to an alien, DOS may at any time revoke the visa for reasons such as prior U.S. immigration orders for exclusion, deportation, or voluntary departure that were entered against the alien, or criminal conviction for an offense involving moral turpitude.[18]

Until recently, a lawfully admitted alien in possession of a revoked visa was not necessarily in violation of immigration law. An alien with a revoked visa could remain lawfully in the United States if the visa was valid at the time of admission. CEU processed visa revocation leads for ICE field agents to investigate to determine whether the subject aliens had violated any immigration laws. With the passage of the National Intelligence Reform Act of 2004, in December 2004, an alien with a revoked nonimmigrant visa is illegally present in the United States.[19] An alien with a revoked visa is now subject to removal whether the visa was revoked before, on, or after the effective date of the law.

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[17] See Appendix E for a description of support systems.
[18] U.S. Code, Title 8, Section 1182; Immigration and Nationality Act, Section 212.
[19] P.L. 108-458, Section 5304; U.S. Code, Title 8, Section 1227.

DOS notifies DHS when it revokes a visa. Upon revocation, a DOS consular officer completes and forwards a Certificate of Revocation, including a statement of the reasons for revocation, to CEU.[20] Between December 8, 2003, and July 6, 2004, DOS referred a total of 344 visa revocation leads to CEU. Of these 344 leads, 207 (60.2 percent) derived from visas revoked generally for "National Security" reasons. Of the 207 leads, 162 were for visas revoked on "Security and Related Grounds", 28 were for visas revoked for connections to terrorist activities, and 17 were for visas revoked for nonspecified "National Security" reasons.[21] Conversely, 126 of the 344 leads (36.6 percent) were for visas revoked for "Non-National Security" reasons, such as misrepresentation of facts on immigration applications.[22] Eleven of the 344 leads were revoked for unspecified "Visa Revocation" reasons.

CEU Lead Processing

SEVIS, NSEERS, and US-VISIT program offices electronically provide potential visa violator leads to CEU on a weekly basis.[23] These leads are provided in a Microsoft Excel format that CEU HQ imports into the Leadtrac system. Visa revocations and biometric referral leads are provided to CEU as those cases are identified by the DOS and the US-VISIT program office respectively. Visa revocation and biometric referral information is manually entered into Microsoft Excel by CEU personnel and then imported into Leadtrac in the same manner as leads from the other three source systems. From these five sources, CEU receives an average of 5,789 leads on a weekly basis. At this point, CEU requests only the necessary information from source systems for Leadtrac to:

- Detect and eliminate duplicate records from within a system or duplicate information on the same individual across systems;

- Ensure the import process was successful by matching the number of records in the Microsoft Excel file with the number of records imported; and

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[20] Code of Federal Regulations, Title 22, Sections 41.121 and 41.122.
[21] U.S. Code, Title 8, Section 1182; Immigration and Nationality Act, Sections 212 (a)(3) and 212 (a)(3)(B).
[22] U.S. Code, Title 8, Section 1182; Immigration and Nationality Act, Sections 212(a)(6)(C).
[23] Refer to Appendix A for a workflow diagram.

- Prioritize the files based on programmed criteria established by CEU.[24]

Once leads are imported into Leadtrac, they are designated as either Priority or Non-Priority. Priority leads consist of those aliens from countries of national security concern and other designated priority criteria, while Non-Priority includes all other generated leads.[25]

Leads are then checked by contract analysts against support systems to determine if the lead is valid and viable. Valid leads are those confirmed by CEU HQ during the workflow process to have violated the condition of their stay in the United States, and for which there is no information available to determine if the violator has (1) departed the United States; (2) has changed, or is in the process of changing, immigration status; (3) has reestablished program compliance; (4) is in custody or proceedings; or, (5) has otherwise been accounted for. Viable leads are those for which there is adequate information to attempt to locate the violator, such as a specific address, school, or other contact information available from the various source and support systems. Contract analysts perform these checks and CEU staff review the analysts' work and determine the appropriate course of action.

In late April 2004, the SEVP office and CEU instituted an additional review to validate leads derived from SEVIS. SEVP officials wanted to ensure accurate analysis and thorough investigation of leads were being performed so that foreign students, who were paying school tuition and SEVIS fees, were not wrongly subjected to unnecessary investigation, detention, or deportation based on incomplete or faulty data in SEVIS. This review was also designed to conserve CEU field investigative resources by resolving as many SEVIS leads as possible before forwarding them to the field for investigation.[26] The SEVP review process takes place after the contract analysts process the SEVIS violator leads.

If CEU determines that the leads are not valid or not viable, they are closed. If CEU determines that the leads are valid and viable, they are first entered

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[24] For example, of the numerous fields contained in SEVIS, NSEERS and US-VISIT databases, only 29, 30, and 15 fields respectively are sent to CEU to be imported into Leadtrac. These fields include information such as name, birth date, country of birth, country of citizenship, gender, date of entry, class of admission, and travel document numbers.
[25] Special interest countries include Afghanistan, Algeria, Bahrain, Bangladesh, Egypt, Eritrea, Indonesia, Iran, Iraq, Jordon, Kuwait, Libya, Lebanon, Morocco, North Korea, Oman, Pakistan, Qatar, Somalia, Saudi Arabia, Sudan, Syria, Tunisia, United Arab Emirates, Yemen, and other countries based on national security concerns.
[26] Although the SEVP office records the number of cases resolved by SEVP, we did not evaluate these cases to determine the basis for SEVP resolution.

into the National Automated Immigration Lookout System (NAILS) for the purpose of alerting U.S. immigration officers at U.S. POEs, for example, of immigration violators who may attempt to enter the United States while the lead is being investigated.[27] Afterwards, these leads, along with the investigative research performed by CEU HQ, are transmitted via TECS to the appropriate ICE field office for investigation. Using TECS allows CEU HQ and ICE field office personnel to monitor case progress.[28] Leads are transmitted to ICE field offices with one of three priority designations: Urgent, Immediate, and Priority.[29]

Once assigned to an ICE field office, the SAC assigns the lead to the Assistant Special Agent in Charge (ASAC) who forwards the lead to a designated group supervisor for action.[30] The supervisor assigns the lead to a case agent for investigation. The process of opening a CEU case in TECS requires the investigation to be acknowledged and an initial status report, termed a Report of Investigation (ROI), to be filed within a specified amount of time depending on the designated priority level. Thereafter, the case agent submits a status report to the supervisor on each open CEU case every 30 days, or as otherwise directed, in TECS. Field investigations result in one of the following:

1. The violator is located and arrested.

2. The violator is located but found to be in compliance. Due to delays in updating source or support data systems, as well as the time to process cases to the field, there are occasions when documents provided by the alien and verified by appropriate officials reveal that an alien has re-established program compliance.

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[27] NAILS is a database containing past immigration law violators who may be inadmissible to the United States and is checked during primary border inspections. SEVIS is a secondary border inspection system that may not always be checked by U.S. Customs and Border Protection Inspectors. Therefore, to better ensure that student or exchange visitors are properly screened before being admitted into the United States, CEU enters SEVIS leads directly into NAILS using SEVIS lead data that was imported into Leadtrac.

[28] Another advantage to using TECS is the "call up" feature. A "call up" is essentially an electronic notification or reminder that some action is required on a case. For example, a "call-up" will be initiated if ICE field office personnel do not acknowledge receipt of a case within a specified timeframe or if a status report is due on an open case. This notification is transmitted to appropriate ICE field office management officials and CEU HQ officials. Although CEU HQ officials said that performance measures have not yet been established, TECS does provide a means for CEU HQ or ICE field office management personnel to monitor agent performance and establish office performance measures.

[29] Leads are prioritized as: **Urgent** – Action should be taken without delay, **Immediate** – Action should commence within 24 hours of receipt, and **Priority** – Action should commence within seven days of receipt. Of the 128 leads sent to the field in our test sample, only seven leads were transmitted to the ICE field offices as either Immediate or Urgent.

[30] ICE RAC office procedures may differ slightly.

3. The violator is located and status is adjusted to achieve compliance. Generally, if compliance can be achieved, the violator is directed to take the necessary action to do so.[31]

4. The violator is not located but departure from the United State is verified through contacts made during the investigation or subsequent source or support data system checks.

5. The violator is not located but leads exist within another ICE field office's area of responsibility. This normally results in the lead being returned to CEU HQ for reassignment to another ICE field office.

6. An ICE case agent determines that all leads have been exhausted. Procedures vary between ICE field offices, but generally, initial leads are pursued and if a subsequent re-check of available databases provides no additional lead information, the case is recommended for closure.

When the ICE case agents conclude cases, they prepare closing ROIs in TECS and submit them to their supervisors. The supervisors review the case agents' reports and, if they agree with their conclusions, forward the ROIs to CEU HQ.[32]

Field Processing of CEU Leads

We visited five ICE field offices to examine files and interview ICE officials. Based on a detailed review of leads assigned to the field, 76 of the 128 cases (59 percent) had been closed.[33] ICE field offices took, on average, 61 days to close those investigations.[34] Of the closed cases,

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[31] Most cases in our sample indicated that the alien had applied for a change in immigration status or extension of current status or stay before being contacted by an ICE agent.

[32] Although the SAC or ASAC can monitor case progress in TECS, they are not required to be involved in the case closure process.

[33] During our review, we received case status information at three different points in time, (1) at the time we initially received general lead status information, (2) the time we received detailed reports on leads that were sent to the field, and (3) during our field visits. Therefore, leads that were initially listed as "Open" may have been subsequently closed between these points in time. When we received information indicating that a lead had been closed (from our field visits), we updated the spreadsheet we used to track these leads. Leads closed by ICE field offices we did not visit after we received the detailed reports are not included in this count. Therefore, 76 leads is the minimum number of leads in our sample that were closed. In fact, a CEU's workload activity from January 6, 2004, to January 14, 2005, reports that ICE field agents had closed 95 percent of assigned cases.

[34] See Appendix C.

- 10 resulted in arrests;
- 19 determined that the violator was in compliance;
- 10 were adjusted to achieve compliance;
- 21 verified that the subject had left the country;
- One identified the subject as being in another ICE field office's area of responsibility;
- 14 were returned to CEU HQ noting that all leads had been exhausted; and
- One subject was noted as processed for removal from the United States.

Due to a large number of variables in handling CEU cases in the field, we did not form an opinion on whether this processing time was reasonable. For example, the average 61-day timeframe to close a CEU investigation included processing times for leads that were sent to ICE field offices that received a high volume of leads, such as the New York field office. Both CEU HQ and field office officials acknowledged that these offices were not adequately staffed to investigate such a high number of leads in a timely manner. As noted earlier, cases were also sent to ICE field offices that did not have designated CEU agents assigned requiring that those offices investigate these cases with existing resources.[35] An ICE field office official said that if the initial investigation of a lead was unsuccessful, they would allow the case to "go cold" and, at a later date, reinvestigate the case to try and locate the subject. This would extend the time to close the case.

Some ICE field offices, such as the Washington, DC office, were frequently directed to support other federal law enforcement agencies, such as the Federal Air Marshals Service and U.S. Secret Service, thereby delaying the investigation of CEU cases. Other offices had local, long-term ICE field office investigative priorities that competed with CEU case investigations, including marriage fraud and human rights violations.

Additionally, in April 2004, CEU began transmitting CEU cases to the field using TECS. For most ICE field offices that were legacy INS offices, TECS was a new system. Consequently, many ICE field office personnel had to become proficient with TECS as well as with the other programs or databases that they needed to check during the course of an investigation, such as SEVIS.

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[35] We noted that six of the 128 cases sent to the field in our sample were sent to ICE field offices that did not have an assigned CEU agent.

Results of the Review

Efforts to Identify Visa Violators and Overstays Result in Few Apprehensions

The U.S. government invigorated its efforts to manage the population of non-immigrants coming to the United States in the aftermath of the terrorist attacks of September 11, 2001. The existing non-immigrant entry-exit control system, which was never very effective,[36] was augmented with additional measures intended to improve national security. These measures included enhanced security background checks by DHS and DOS when an alien applied for a visa; additional screening of in-bound passenger manifest data against terrorist databases and watch lists; additional checks and reviews at POEs, which include the collection and entry of a considerable volume of data into various databases; monitoring compliance with visa terms; and, identifying and apprehending visa violators. This process, which included the development and deployment of US-VISIT, SEVIS, and NSEERS, was implemented at considerable expense and for the specific purpose of tracking the arrival, activities, and departures of non-immigrants. The newly established CEU is one part of this much larger system designed to ensure that non-immigrants comply with the terms and conditions of their stay in the United States. In order for the system to function as intended, all of the components must operate effectively.

The initial screening functions are preventative and seek to identify those non-immigrants who should not be admitted into the United States. Once admitted into the United States, various programs monitor non-immigrant compliance. When compliance violations are identified, enforcement functions, including those performed by CEU, must identify, locate, and apprehend violators. Once apprehended, violators must be detained, adjudicated, and removed. However, the data strongly suggest that this overall effort yields a small number of apprehended or removed non-immigrants.

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[36] See the following reports from the Department of Justice Office of the Inspector General: *The Immigration and Naturalization Service's Automated I-94 System*, Rep. No. 01-18 (August 2001) (reviewing INS subsequently abandoned $31 million effort to acquire an automated system to track entry and exit reports); *[INS] Monitoring of Nonimmigrant Overstays*, Rep. No. I-97-08 (September 1997) (finding INS often could not identify overstays and did not have an effective enforcement strategy to apprehend overstays); *Follow-Up Report on INS Efforts To Improve The Control of Nonimmigrant Overstays*, Rep. No. I-2002-006 (April 2002) (reporting that departure records still were incomplete and INS failed to ensure airline production of accurate and complete records).

Between January 2004 and January 2005, CEU received 301,046 leads (potential visa violator/overstays) from US-VISIT, SEVIS, NSEERS, and DOS (visa revocations). CEU processed 142,816 (47 percent) of these leads. The other 158,230 leads (53 percent) had not been processed and were pending with CEU, either assigned to an analyst or waiting to be assigned to an analyst.

With respect to the leads CEU had finished processing, 138,652 were closed because CEU determined the alien had left the United States, was "in status," or no address information was available to make an apprehension likely. CEU referred 4,164 leads to ICE field offices for investigation. These referred leads resulted in 671 apprehensions.

Despite the considerable expenditure of time and resources and the government's emphasis on controlling U.S. borders, the non-immigrant entry-exit control system has not significantly improved DHS's ability to manage the non-immigrant population. A DOJ study estimated that only 13 percent of non-detained aliens were removed after apprehension, completion of immigration proceedings, and issuance of a final order of removal.[37] Applying this percentage to the 671 apprehensions resulting from CEU leads, derived from SEVIS, NSEERS, US-VISIT, and visa revocations for a one-year period, suggests that the actual removal of visa violators identified by CEU is miniscule.[38]

Significant Number of Leads Remain Unprocessed

Of the 14,495 US-VISIT, SEVIS, and NSEERS referrals we examined, 7,053 (49 percent) had not completed the workflow process in at least two months.[39]

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[37] Department of Justice Office of the Inspector General, *The Immigration and Naturalization Service's Removal of Aliens Issued Final Orders of Removal*, Rep. No. I-2003-004, 12 (February 2003). INS removed a much higher percentage of detained aliens (92 percent), but aliens who committed only an overstay violation seem less likely to be detained than other categories of violators.

[38] DHS reports that it removed 186,151 aliens in FY 2003, a total for all administrative reasons and operations. Office of Immigration Statistics, Department of Homeland Security, "2003 Yearbook of Immigration Statistics," 160 (Sept. 2004) (Table 42). The 671 apprehensions total is based on the statistical report CEU furnished the OIG covering the period January 2004 to January 2005. The number of apprehensions should increase as CEU continues to investigate leads that originated during that period.

[39] For the purposes of our analysis, the workflow process begins after leads are imported into Leadtrac, as discussed previously, and concludes when CEU HQ closes the lead without sending it to the field or when CEU HQ transmits the lead to the field. The workflow process itself includes two subcategories, leads that have been imported into Leadtrac and are waiting to be worked (Pending), and those that were actually being worked but had not completed the workflow process (In Progress).

Specifically, 5,875 leads (of which 787 were designated as Priority) were waiting to be processed and the remaining 1,178 were in the workflow process but had not completed it at the time CEU provided us with the lead data.[40] This time lag is significant because the longer it takes for a lead to complete the workflow process, the greater the chance for perishable locator information to become obsolete, thereby reducing the chances of apprehending visa violators. Although CEU has a work prioritization criterion based on national threat intelligence, it receives a new list of violators every week. Our concern is that many lower priority leads of potential visa violators may never be processed.

This situation exists because CEU could not keep pace with the large volume of lead referrals. In addition, not all lead referrals were actionable. Consequently, we question CEU's effectiveness in identifying, locating, and apprehending potential violators.

Large Volume of Leads

The following table summarizes the status of US-VISIT, SEVIS, and NSEERS leads at four selected points in time.

	December 2003	February 2004	April 2004	June 2004	Total
Leads beginning the workflow process	793	6,291	5,569	1,842	14,495
Not completed	80	2,524	3,703	746	7,053
Closed by CEU HQ	691	3,751	1,865	1,067	7,374
Assigned to Field	22	16	1	29	68
Total	793	6,291	5,569	1,842	14,495

Table 1: US-VISIT, SEVIS, and NSEERS Lead Status[41]

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[40] For the 787 Priority leads waiting to be processed, the first step in this process took at least four months for 382 leads, three and a half months for 241 leads, and two months for 164 leads. For the 5,088 Non-Priority leads waiting to be processed, the first step in this process took at least six months for 80 leads, four months for 1,649 leads, and two months for 3,359 leads.

[41] Data from the early December 2003, February 2004, and April 2004 weekly test periods were received on June 15, 2004. Data for the June 2004 weekly test period was received on September 17, 2004. In both instances, the status of the leads on the date we received the sample data, June 15, 2004, and September 17, 2004, respectively, was the basis for our analysis.

Of the 14,495 US-VISIT, SEVIS, and NSEERS referrals that were received, 7,053 leads (49 percent) were not completed. A significant number and percentage of leads remained incomplete for an extended period of time.

The following table summarizes the status of biometric referral and visa revocation leads CEU received between December 1, 2003, through July 20, 2004.

	Biometric Referrals	Visa Revocation	Total
Leads beginning the workflow process	68	344	412
Not completed	8	97	105
Closed by CEU HQ	41	204	245
Assigned to Field	19	43	62
Total	68	344	412

Table 2: Biometric Referral and Visa Revocation Lead Status

For biometric referral and visa revocation leads, 105 of the 412 leads (25 percent) that were received had not been completed. As of July 22, 2004, this included:

- Two biometric referrals and seven visa revocation referrals that CEU received four months earlier;

- Twenty-six visa revocation referrals that CEU received three months earlier;

- Twenty-one visa revocation referrals that CEU received two months earlier;

- Nine visa revocation referrals that CEU received a month earlier, and

- Six biometric referrals and 34 visa revocation referrals that CEU had received within the same month.

Not all leads are actionable

Based on our interviews with CEU and US-VISIT program officials as well as our analysis of the processing of SEVIS and Visa Revocations leads, incomplete or inaccurate data is being referred to CEU.

US-VISIT referrals are based on a list of unconfirmed overstay records generated weekly from Customs and Border Protection's (CBP) Arrival and Departure Information System (ADIS).[42] These unconfirmed overstay records are a result of comparing expired arrival records to departure records. When there are no matching records, subject aliens are considered unconfirmed overstays in ADIS and are presumed to be illegally present in the United States. US-VISIT program officials acknowledged that a large percentage of unconfirmed overstay records identified in ADIS are a result of incomplete or inaccurate data. According to an internal US-VISIT memorandum, dated May 5, 2004:

> "From 5 January 2004 through 22 April 2004, ADIS provided approximately 60,000 unconfirmed overstay records to ICE CEU. Of the approximately 18,000 records that were processed by the CEU, only 40 were found to be sufficient for assignment to the field. To date no arrests have resulted from these leads."

In the June 2004 test period the US-VISIT office referred 8,683 leads to CEU, however, only 712 (8.2 percent) were imported into Leadtrac. A CEU HQ official responded to our inquiry for an explanation that due to the excessive volume of records and the data integrity issues from leads received from US-VISIT, the majority of these leads are not put into Leadtrac.

Critical to ADIS' ability to match records is the accuracy of the data and the record matching criteria programmed into the system. A January 2005 ADIS Data Quality report lists capturing sufficient data at the POE, ensuring carriers are providing accurate manifests, and minimizing typographical errors as priorities for greater ADIS accuracy. According to ICE agents in field offices we visited, the data quality of NSEERS and US-VISIT leads is problematic because CBP inspectors fail to collect the necessary information to track down overstays or input incorrect information into border systems due to pressures to speed up POE processing. Highlighting the need to ensure adequate information is collected at the time an alien enters the United States was an example shared by an ICE field office official. This official said that one case they received involved an alien whose address was listed as a "Hyatt" in the San Francisco area. There are six Hyatt hotels in the San Francisco area.

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[42] See Appendix E for a description of support systems.

Additionally, ADIS data is received after being exchanged with several other electronic systems, including systems used by the commercial carriers. As a result, errors can occur as data is transferred between systems. This can cause incomplete or inaccurate data being populated into ADIS, thereby minimizing the probability of matching inbound and outbound data. Finally, effective record matching criteria directly affects how successfully ADIS is in identifying incoming and outgoing passengers. According to the US-VISIT program office, an enhanced version of ADIS's record matching criteria is being tested.[43]

Further, ADIS receives more arrival records than departure records. Two reasons given for this is that POE inspection officials do not verify departures and ADIS only addresses air and sea travel, not land travel through land POEs. Additionally, although ADIS stores entry, exit, and status management data captured by some legacy systems, it does not interface with the Non-Immigrant Information System (NIIS) or contain all of the departure information found in the Advance Passenger Information (API) departure records in TECS.

Consequently, until data quality enhancements are full implemented, record matching criteria are optimized, the "Exit" portion of the US-VISIT "Entry-Exit" system is fully developed and implemented at all POEs, and ADIS is integrated with all systems that track arrival and departure records, a significant amount of CEU's limited resources will continue to be spent on investigating potential visa violators who have, in fact, already left the country.

The US-VISIT program office and CEU have recognized this situation and have suggested several ways to address it. Some recommendations include establishing a predictive analysis capability to help identify "true" unconfirmed overstays, establish a data assurance unit, and further examine the causes for incomplete departure data in ADIS.

SEVIS leads are generated based on records that school and university officials terminate. On a weekly basis, the SEVP office extracts all the records that have been terminated since the last extraction and transmits that data to CEU. ICE field agents from different SAC offices expressed concern

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[43] Gender information is currently not included as a field in the ADIS matching algorithm. However, this information is often used to evaluate possible false positives or false negatives within ADIS.

that SEVIS access by school officials would result in inaccurate and outdated SEVIS records, thereby resulting in extra investigative work.

The fact that aliens have up to five months to apply for reinstatement after their SEVIS record is terminated means that compliance enforcement action may be delayed or even unnecessary because a SEVIS violation does not necessarily constitute an immigration violation. Although students can take this opportunity to evade federal authorities, until a cause for removal is established, the reinstatement of an alien's student status is primarily an immigration services issue.

As mentioned earlier, the SEVP office does not review terminated leads before they are sent to CEU for processing. Only after CEU has completed its initial processing does the SEVP review take place. Consequently, CEU's limited resources are spent processing SEVIS violators whose records may have been improperly terminated or who are in the process of being reinstated. SEVP officials said that this review sequence was established because the SEVP office did not have the staff to evaluate terminated records before sending them to CEU.

Since SEVP is part of ICE, ICE could reverse the SEVP review process and require SEVP to perform at least a cursory review of terminated leads before they are referred to CEU. This modification would reduce the amount of time CEU spends reviewing improper SEVIS lead referrals.

Finally, visa revocation leads were not always actionable. Before the December 2004 passage of the National Intelligence Reform Act of 2004, a lawfully admitted alien in possession of a revoked visa had not necessarily committed an immigration violation. Therefore, unless it was established that the violator was not in the country, CEU's limited resources were expended to investigate visa revocation leads to determine whether the alien was in violation of any immigration laws. Now that all visa revocation leads are actionable, ICE field agents can take immediate action on visa violators who they locate.

We recommend that the Assistant Secretary for Immigration and Customs Enforcement:

Recommendation 1: Ensure that data quality issues are addressed with officials from the various lead referral systems, and that validity checks are performed to increase the number of "actionable" leads referred to CEU.

Leads Are Not Processed in a Timely Manner

Of those leads that were closed, CEU HQ does not process all received violator leads in a timely manner nor did they have specific processing goals. Based on our 10 percent testing, it took CEU HQ an overall average of 47 days to close leads after they were received from source systems.[44] Leads that on average took longer than 47 days to process included:

- SEVIS leads that took on average 78 days to close,

- Visa Revocations leads that took on average 51 days to close, and

- NSEERS leads that took on average 49 days to close.

Delays in processing leads resulted from CEU HQ's vague performance measures and inefficiencies in the workflow process.

<u>Vague performance measures</u>

Even if only "actionable" leads were referred to CEU, there is no indication that CEU could keep pace with such a refined caseload based on the time that it took a contract specialist to process a lead, the number of leads to be processed, and the number of contract personnel available. Based on a review of CEU's workload activity from January 6, 2004, to January 14, 2005, the average number of leads CEU received per week from all sources was 5,789. The average number of leads closed by CEU HQ per week was 2,666 and the average number of leads assigned to ICE field offices was 80 per week. Consequently, 47 percent of CEU's weekly caseload is being closed or sent to the field. Therefore, staffing adjustments or enhanced processes are needed to address these workload demands.

The CEU operation is supported by a fixed labor rate contract with. Since a fixed rate contract does not provide the contractor with incentives to maximize efficiency, performance measures are needed to evaluate whether the contractor is working efficiently and to determine if resource levels are adequate. A CEU official said that contract performance measures, regarding the time to process leads from source systems, are vague and that CEU

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[44] See Appendix B. These timeframe are for leads that were closed by CEU HQ without being sent to an ICE field office. For similar timeframes for leads that were sent to the field, refer to Appendix C.

primarily monitors the numbers of leads processed per month by the contractor. According to the Statement of Work within the Blanket Purchase Agreement (BPA) states that the contractor is prepared to incrementally offer as required contract labor resources in support of this project in quantities needed to support the project and provide, where possible, volume discounts.[45] Nevertheless, additional contractor staff has not been added. Consequently, until a workflow analysis is performed, CEU is unable to accurately determine whether existing resources are working efficiently or if additional staff is needed to keep pace with the volume of leads referred to CEU.

Inefficiencies Within the CEU HQ Process

We identified significant inefficiencies within the CEU HQ workflow process and several points in the CEU workflow process in which unexplained delays occurred.[46] These inefficiencies can provide visa violators more time to avoid apprehension because important data in the violator leads, especially address information of the alien, are perishable.

While CEU HQ took an average of 47 days to close all leads after they were received from source systems, the most significant process delay was the average of 25 days between the time the leads were imported into Leadtrac and the time they were assigned to the contract analysts for research. Given that, on average, it only took an contract analyst 19 days to research and forward leads to CEU personnel for review and disposition, the 25 day delay in assigning the lead to the contract analyst after importation into Leadtrac is significant to the overall processing time. According to the BPA's scope of work, CEU's SOP, and processing data fields in Leadtrac, the contract personnel are responsible for importing leads into Leadtrac, assigning them to a contract analyst, and forwarding the resultant information to CEU permanent staff for lead disposition. According to CEU's SOP for "Violator Lead Processing", the "contract team leader will assign all Priority leads immediately after importation to a validation team."

The time it took contractor staff to perform this step varied by source system. It took an average of 58 days to assign the 26 SEVIS leads to the contract analysts.[47] CEU HQ officials could not explain why this step took almost two

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[45] The BPA for FY 2005 has an estimated value of $4,020,130.80, with incremental funding of $902,532.70.

[46] Most internal processing date fields in CEU's Leadtrac system were blank. Therefore, we could only evaluate certain steps in the process. Since most of the leads in our sample were Priority or national security leads, the processing timelines reflect the most expeditious lead processing. A complete description of our analysis is in Appendices B and C.

[47] See Appendix B.

months to complete because workflow processing timeframes were not monitored.

There were also significant delays in assigning NSEERS leads to the contract analysts. This is especially troubling because these potential violators are from countries that the United States has designated as national security concerns. For the 117 NSEERS leads in our sample, it took the contractor an average of 33 days to assign those leads to contract analysts after they were imported into Leadtrac. In addition, for the 14 NSEERS leads in our sample that were sent to the field, it took the contractor an average of 65 days to assign the leads to the contract analysts. Again, CEU HQ officials could not explain why the assignment process took over two months to complete, primarily because they did not monitor processing times for individual steps within the workflow process.

The delay in accomplishing this administrative step is critical because the contract analysts cannot begin researching visa violator leads until they are assigned. These delays allow visa violators to avoid apprehension and to "disappear" into the U.S. population. Reducing the amount of time to assign leads to the contract analysts would maximize CEU's ability to locate visa violators before the lead data become obsolete.

We recommend that the Assistant Secretary for Immigration and Customs Enforcement:

Recommendation 2: Assess the CEU workflow process, establish and closely monitor processing performance measures to ensure that CEU staff is working efficiently, and determine when staffing adjustments are needed to ensure timely processing of all violator leads.

CEU Procedures Need Improvement

CEU policies and procedures do not include a requirement for justifying lead closure and are not always distributed to ICE field offices**.**

No Basis for Lead Closures

Of the 255 closed cases that we reviewed, 134 leads (53 percent) were closed by CEU HQ with no justification, with questionable justification, or without being adequately documented. Additionally, it appeared that departure

verifications of aliens possessing certain types of visas were not being performed.[48]

- Seventy-five leads, 61 of which were NSEERS leads, were closed without any information or basis provided from the support systems checks. According to 73 leads, the alien had departed, but there was no information to support this conclusion. According to the two other leads, there was no indication that the subjects had departed the United States. Nevertheless, the leads were closed.

- Twenty-seven leads had a questionable basis for closure. For example, leads indicated that they were reported in error but provided no further explanation. Other leads provided general information such as "Departure," "subject has an EAD valid until 2006," "I-129 Valid," or "attending Howard University," but did not specify when those entries were made or identify the sources of those statements.[49] Of the 27 leads, 15 were NSEERS leads.

- Twenty-seven leads confirmed the entry of an individual as a ship or airline crewmember, but were closed as "Not Valid - Crewmember" or "Not Valid-Lead Reported in Error." Seventeen of these leads were D-1 visa holders. The remaining ten leads had B-1, B-2, or C-1 visas.[50] According to applicable federal regulations, nonimmigrant crewmembers with D-1 status are exempt from reporting "to an inspecting officer of the Department of Homeland Security at any port-of entry" prior to departing the United States.[51] Therefore, closing leads belonging to the 17 D-1 visa holders was appropriate. However, no similar exemptions extended to crewmembers possessing B-1, B-2, or C-1 visas. Consequently, we question why these leads were closed

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[48] The 255 leads in our sample included 26 leads from SEVIS, 117 from NSEERS, 20 from visa revocations, 87 from US-VISIT, and 5 biometric referrals. The 134 leads without verifiable information included 11 leads from SEVIS, 99 from NSEERS, 1 from visa revocations, and 23 from US-VISIT.

[49] EAD refers to an employment authorization document. I-129 refers to a petition for a nonimmigrant worker to come to the U.S. temporarily to perform services or labor, or to receive training. Employers may also use this form to petition for an extension of stay or change of status for an alien.

[50] A B-1 visa is issued to an alien having residence in a foreign country, for which they have no intention of abandoning and who is visiting the United States temporarily for business or pleasure. A B-2 visa is issued to an alien having a residence in a foreign country who will be visiting the United States temporarily for pleasure. A C-1 visa is issued to an alien in immediate and continuous transit through the United States. The alien has to possess a common carrier ticket or other evidence of transportation arrangements to the alien's destination; have sufficient funds to complete the transit journey; and have permission to enter a country, other than the United States, following the transit through the United States.

[51] Code of Federal Regulations, Title 8, Section 264.1(f)(8).

using the same justification as for those aliens possessing D-1 visas. We also question whether these aliens adjusted their reason for being in the United States and remained in the country after their ship or airline departed the country. Finally, since all 27 leads were summarily closed as "Not Valid - Crewmember" or "Not Valid-Lead Reported in Error", we question whether there is any assurance that any of these aliens departed the United States. Thirteen of the D-1 visa holders and all ten B-1, B-2, and C-1 visa holders were NSEERS leads.

In response to examples of these leads that we provided to CEU HQ, a CEU HQ official said that, in several instances, the information justifying closure was not in Leadtrac. However, the CEU official provided specific departure information from systems that had been checked before closing the lead. Based on this additional information, the subject aliens had departed the United States up to eleven months prior to the lead being closed. Consequently, we question why the specific departure information was not cataloged in Leadtrac at the time the lead was closed. In response to other examples we provided, CEU reiterated the basis for closure ("Not Valid – Crewmember", "Not Valid-Lead Reported in Error", "In Compliance") without providing a more detailed explanation. Therefore, we continue to question the basis for closing these leads.

We recommend that the Assistant Secretary for Immigration and Customs Enforcement:

Recommendation 3: Ensure that adequate justification exists for lead closure and that this justification is documented.

Inconsistent Availability of Policies and Procedures

We determined that CEU policies and procedures governing ICE compliance enforcement activities are distributed to ICE field offices in an ineffective manner. From July 2003 to April 2004, CEU HQ distributed 13 memoranda to all ICE SAC offices.[52] These memoranda covered CEU operations including guidance on processing CEU violator leads, NSEERS interview procedures, student violator leads, and the degree of investigative discretion that ICE Special Agents can use in resolving CEU violator leads. None of the ICE field offices were able to verify the receipt of all 13 memoranda. Only four memoranda were available at all of the ICE field offices we visited. The

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[52] See Appendix D.

incomplete distribution of key CEU policy memoranda could result in inefficient or unreliable handling, closing, or reporting of CEU cases.

CEU HQ was unaware that ICE field offices had not received all documented changes to policies and procedures on compliance enforcement activities. To address this shortcoming, on November 18, 2004, CEU HQ said they would compile a complete list of all policy memoranda to be re-distributed to all ICE field offices.

Furthermore, ICE field office officials had conflicting, inconsistent views on the degree of guidance that CEU provides in conducting compliance enforcement investigations. Some ICE field office officials said they received adequate, complete, and clear guidance from CEU on how to process investigations. When CEU HQ developed new policies, the ICE field offices received the new policy via email, CEU HQ confirmed the receipt, and conference calls were held so that ICE field offices could address any related questions.

Conversely, a majority of ICE field offices highlighted the lack of consistent, available information on how to conduct CEU cases. For example, we identified three cases where ICE field agents verified that SEVIS violators were attending school and therefore filed closing ROIs indicating that the violators were in compliance. However, a subsequent SEVP office review of these cases indicated that, unless the schools incorrectly terminated these records and were in the process of rectifying the errors, it did not appear as if steps had been taken to correct the SEVIS violations. According to the SEVP office, the subjects did not have active SEVIS records and therefore still appeared to be out of status. While the violations could have resulted from actions outside of the SEVP office's control, such as the student failing to submit a request for reinstatement, these examples emphasize the need for procedural guidance to address the students' status in a timely and appropriate manner.

ICE field agents said that a centralized CEU resource, such as an online information clearinghouse, would improve the dissemination of CEU investigative SOPs. A resource containing updated CEU SOPs would also assist ICE field offices in resolving CEU cases by providing easy access to user manuals, "best practice" procedures, and policy directives. This centralized resource would define which policies are currently applicable and which were superceded by new policies. Standardized availability of information and reports used by ICE field offices, from a centralized resource,

would greatly enhance the field's ability to consistently investigate and close CEU cases. These actions will ensure that ICE personnel who handle CEU leads have the most current and complete policy and procedural information available.

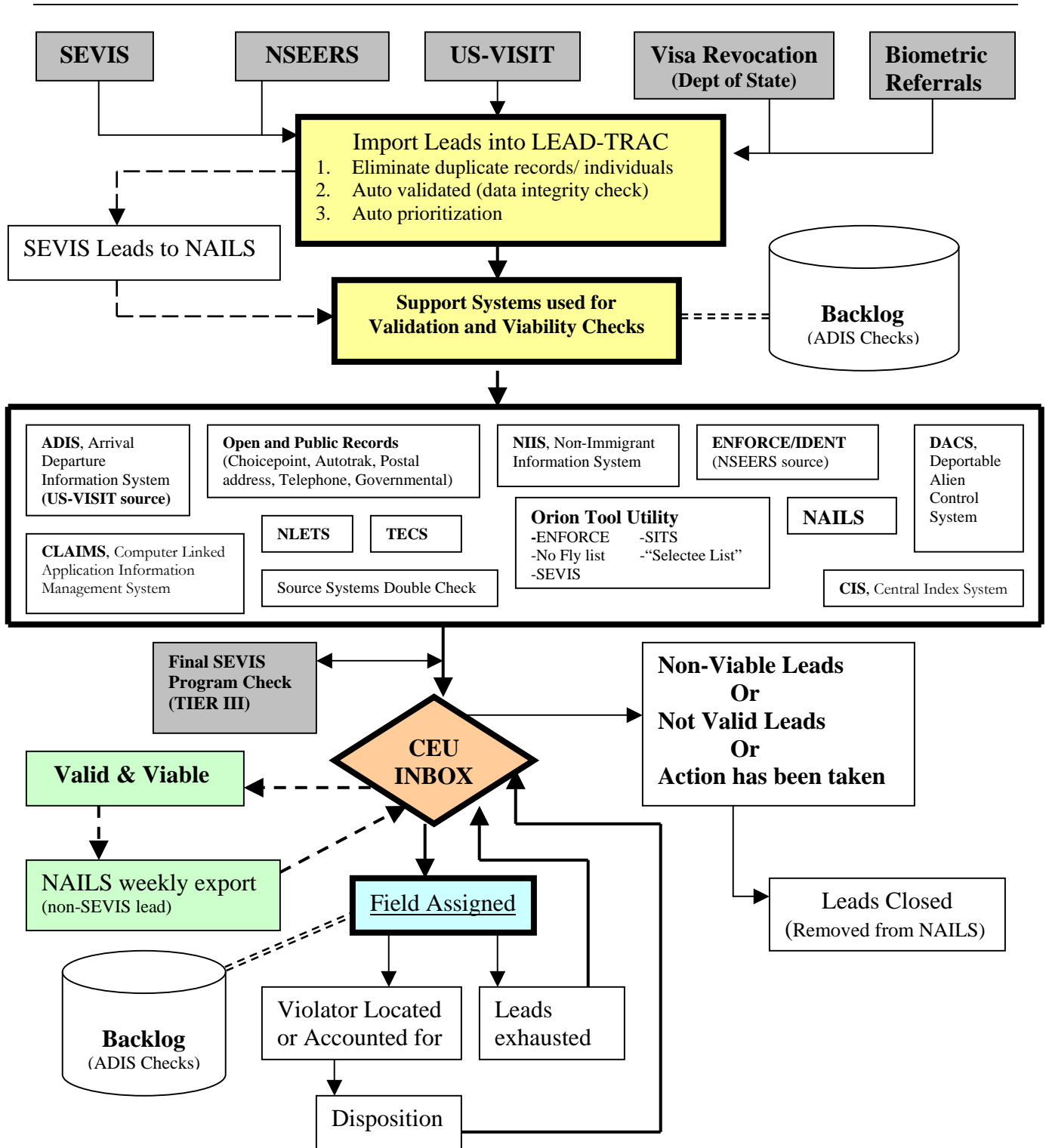We recommend that the Assistant Secretary for Immigration and Customs Enforcement:

Recommendation 4: Redistribute policy and guidance documents to ICE field offices, consolidate current policy memoranda into a set of Standard Operating Procedures (SOPs) for distribution to all ICE field offices, and establish an ICE-wide resource for access to the CEU SOPs as well as other current information regarding CEU activities.

Management Comments and OIG Analysis

We issued our draft report on June 16, 2005, and met with ICE officials on July 13, 2005, to discuss the report. They provided us with technical comments and we made changes to the draft report, as appropriate. We received ICE's formal written comments on September 14, 2005. Below is a summary of ICE's responses to the report's recommendations and our analysis of ICE's responses.

Recommendation 1: Ensure that data quality issues are addressed, in conjunction with officials from the various lead referral systems, and that validity checks are performed to increase the number of "actionable" leads referred to CEU.

ICE said that CEU would continue to work with the NSEERS, SEVP, and US-VISIT programs to address data quality issues and ensure that the most accurate, actionable information is available to CEU. ICE's response did not address what steps will be taken to increase the number of "actionable" leads from Department of State (DOS).

According to ICE, SEVP and US-VISIT have taken steps to strengthen system interfaces to reduce the number of non-actionable leads reviewed by CEU. However, specific examples of the steps taken were not provided. Further, ICE stated that until US-VISIT's exit component is fully deployed, CEU will continue to receive non-actionable unconfirmed overstay leads from US-VISIT but efforts to mitigate this problem will be addressed by US-VISIT's Data Integrity Group. US-VISIT created the Data Integrity Group to address data integrity issues and identify valid overstay leads for investigative action. However, we are not clear if the Data Integrity Group is actually serving to identify valid leads generated by the US-VISIT or if it is only prioritizing leads before forwarding them to CEU.

ICE's actions are responsive to this recommendation but we require further clarification to explain what steps are being taken to increase the number of "actionable" leads from DOS, describe the specific steps taken by SEVP and US-VISIT to increase the number of actionable leads referred to CEU, and identify what specific action US-VISIT's Data Integrity Group is taking to identify actionable US-VISIT leads. Please provide us this additional information regarding this recommendation.

Recommendation 1 – Resolved - Open

Recommendation 2: Assess the CEU workflow process, establish and closely monitor processing performance measures to ensure that CEU staff is working efficiently, and determine when staffing adjustments are needed to ensure timely processing of all violator leads.

ICE stated that CEU has refined how it prioritizes leads that pose the greatest potential threat to national security and public safety. We agree with this process but we need to clarify that our analysis of the workflow process was based on leads already closed by CEU, most of which were designed as "Priority leads", the highest priority designation used by CEU at the time of our test sampling. The project manger overseeing the contract has taken steps to monitor and improve employee performance. CEU will make staffing adjustments to address increased workloads by adding additional research analysts and when necessary, may use detailed ICE investigators. This will facilitate research of additional leads. CEU has a SEVP liaison assigned to review SEVP leads before they are transmitted to the field for investigation.

ICE's actions meet the requirements of this recommendation. Therefore, we are closing this recommendation and no further action is required.

Recommendation 2 – Resolved - Closed

Recommendation 3: Ensure that adequate justification exists for lead closure and that this justification is documented.

ICE stated that it discovered that a major contributor to this problem was that several large groups of leads that were batch closed were missing closure justifications. CEU has addressed this deficiency. CEU is in the process of upgrading the Leadtrac database to better account for each lead, and will ensure enough information is contained in the Leadtrac record to support the closure reason.

ICE's actions meet the requirements of this recommendation. Therefore, we are closing this recommendation and no further action is required.

Recommendation 3 – Resolved - Closed

Recommendation 4: Redistribute policy and guidance documents to ICE field offices, consolidate current policy memoranda into a set of Standard Operating Procedures (SOPs) for distribution to all ICE field offices, and establish an ICE-wide resource for access to the CEU SOPs as well as other current information regarding CEU activities.

ICE stated that CEU policy and guidance memoranda are either currently available through ICE's proprietary website or are in the process of being added. Additionally, CEU will make field managers responsible for CEU operations aware that CEU related policy memoranda are available online. ICE also provided two agents from each SAC office with training on CEU operations and how to access SEVIS and US-VISIT information. As many CEU leads are sent directly to RAC offices, we believe that agents assigned to ICE RAC offices would also benefit from this training.

ICE's actions are responsive to this recommendation. Please inform us when all CEU policy and guidance memoranda are available on ICE's proprietary website and describe the steps that ICE intends to take to provide CEU training to agents in RAC offices

Recommendation 4 – Resolved – Open

| SEVIS | NSEERS | US-VISIT | Visa Revocation (Dept of State) | Biometric Referrals |

Import Leads into LEAD-TRAC
1. Eliminate duplicate records/ individuals
2. Auto validated (data integrity check)
3. Auto prioritization

SEVIS Leads to NAILS

Support Systems used for Validation and Viability Checks

Backlog (ADIS Checks)

ADIS, Arrival Departure Information System **(US-VISIT source)**

Open and Public Records (Choicepoint, Autotrak, Postal address, Telephone, Governmental)

NIIS, Non-Immigrant Information System

ENFORCE/IDENT (NSEERS source)

DACS, Deportable Alien Control System

CLAIMS, Computer Linked Application Information Management System

NLETS   TECS

Source Systems Double Check

Orion Tool Utility
-ENFORCE   -SITS
-No Fly list   -"Selectee List"
-SEVIS

NAILS

CIS, Central Index System

Final SEVIS Program Check (TIER III)

CEU INBOX

Non-Viable Leads Or Not Valid Leads Or Action has been taken

Valid & Viable

NAILS weekly export (non-SEVIS lead)

Field Assigned

Leads Closed (Removed from NAILS)

Backlog (ADIS Checks)

Violator Located or Accounted for

Leads exhausted

Disposition

ICE CEU HQ Office Average CEU Processing Time Frames						
	Number in test sample	Days to assign lead to contract analyst	Days between contract analyst and CEU Decision	Days required to close	No basis for closure	Questionable Basis for Closure
SEVIS	26	58	11	78	8	3
NSEERS	117	33	7	49	60	38
Visa Revocations	20	7	49	51	0	1
USVISIT	87	27	11	42	6	17
Biometric Referrals	5	0	16	16	0	0
Total/*Average*	255	*25*	*19*	*47*	*74*	*59*
Median		27	11	49		

ICE CEU HQ Office Median Processing Time Frames						
	Number in test sample	Days to assign lead to contract analyst	Days between contract analyst and CEU Review	Days required to close	No basis for closure	Questionable Basis for Closure
SEVIS	26	64	6	80	8	3
NSEERS	117	22	5	43	60	38
Visa Revocations	20	3	44	53	0	1
USVISIT	87	20	7	35	6	17
Biometric Referrals	5	0	15	15	0	0
Total/*Average of Medians*	255	*22*	*15*	*45*	*74*	*59*
Median of Medians		20	7	43		

ICE Field Office Average Investigative Time Frames						
Source System	Number in test sample	Total closed of test sample	Days to assign lead to contract analyst	Days between assignment to contract analyst and SAC	Days for SAC to investigate	Total days required to close
SEVIS	31	22	4	37	73	114
NSEERS	14	9	65	14	51	132
Visa Revocations	41	17	3	20	57	74
USVISIT	23	18	27	23	36	85
Biometric Referrals	19	10	10	17	89	105

Total/*Average*	**128**	**76**	*22*	*22*	*61*	*102*
Median			10	20	57	105

ICE Field Office Median Field Investigative Time Frames						
Source System	Number in test sample	Total closed of test sample	Days to assign lead to contract analyst	Days between assignment to contract analyst and SAC	Days for SAC to investigate	Total days required to close
SEVIS	31	22	1	33	50	89
NSEERS	14	9	73	12	41	125
Visa Revocations	41	17	1	17	63	73
USVISIT	23	18	1	19	27	70
Biometric Referrals	19	10	0	20	81	107

Total/*Average of Medians*	**128**	**76**	*15*	*20*	*52*	*93*
Median of Medians			1	19	50	89

Date	Subject	Field Office A	Field Office B	Field Office C	Field Office D	Field Office E
4/9/2004	Use of TECS II in Compliance Enforcement Cases	X	X	X	X	X
4/8/2004	Policy and Procedures for Notification of NSEERs Special Registration Interviews	X	X	X	X	X
3/12/2004	NSEERS Special Registration Interviews	X	X	X		
1/7/2004	US-VISIT Rollout	X	X	X	X	
12/10/2003	National Security Entry Exit Registration System (NSEERS) Policy Update	X	X	X	X	X
11/28/2003	Changes to the National Security Entry Exit Registration System (NSEERS)	X	X	X	X	X
10/17/2003	Notification of Changes to National Security Entry Exit Registration System (NSEERS) Interview Procedures	X	X	X	X	
9/16/2003	Field Agent Discretion in Compliance Enforcement	X	X		X	
8/13/2003	Supplemental Guidance of Action Lead Referral (ALR)		X		X	X
7/17/2003	Additional Guidance of Special Registrations, or National Security Entry Exit Registration System (NSEERS) Discretionary Waivers		X	X	X	X
Undated	Student Violators Leads (on DHS Letterhead)		X		X	X
Undated	August 1, 2003 Deadline for SEVIS				X	
Undated	Policy Update to National Security Entry Exit Registration System (NSEERS) Interview Procedures (Supercedes September 5, 2002 SOP)		X	X	X	

When leads are generated through the SEVIS, NSEERS, US-VISIT, visa revocation or biometric referral processes, CEU uses 14 different support systems to validate information provided in the leads and to collect additional information that will assist ICE field agents in locating the visa violators. CEU uses these support systems to find recent addresses, name variations, and the most current, up-to-date, information on aliens who have entered the United States with a visa.

1. <u>Arrival and Departure Information System (ADIS)</u> – matches arrival and departure information for reporting purposes. ADIS sends all available arrival information on students to SEVIS, enabling ICE to notify the schools that a new foreign student has arrived and should be at their school within 30 days. In practice, the arrival and departure records are based on passenger manifest information that carriers transmit to CBP.

2. <u>Consular Lookout and Support System (CLASS)</u> - the DOS name-checking system for visa and passport applications. Instituted in March 1991, CLASS is accessed by DOS diplomatic posts to check the names of all passport and visa applicants. CLASS contains a visa database with the names of aliens who have applied for a U.S. visa, including aliens who were refused visas. DOS consular posts must check each visa applicant's name through CLASS before a visa is issued.

3. <u>Central Index System (CIS)</u> - the master records management system that collects and distributes automated biographical information on aliens. The system contains the physical status of alien files (A-file) and provides tracking capability for files that are transferred to various INS locations. CIS provides automated information regarding certain classes of aliens and identifies the location of an alien's A-file. CIS also provides information for Federal and state entitlement programs and is a source of data for many DHS mission functions.

4. <u>Computer Linked Application Information Management System (CLAIMS)</u> - provides the information systems infrastructure to support the processing and maintenance of applications and petitions for immigration benefits.

5. <u>Deportable Alien Control System (DACS)</u> - a mainframe system that tracks the status of illegal aliens under removal proceedings, including detention status. The system provides an automated database that assists in the deportation or detention of aliens in accordance with immigration and nationality laws. It also serves as a docket and control system concerning the status and/or disposition of deportable aliens. Information is maintained on the alien's entry and departure status until the alien is either granted a stay, deported, or relief is granted. If the alien is detained or is jailed for criminal actions, additional information pertinent to the offense is maintained.

6. <u>Enforcement Case Tracking System (ENFORCE)</u> - an event-based case management system that is used to track and manage the reporting of enforcement cases. It integrates and supports functions including alien processing, biometric identification, allegations and charges, preparation and printing of appropriate forms, data repository, and interface with the national database of enforcement events. ENFORCE supports alien apprehension processing for both Voluntary Return and Notice to Appear actions

7. <u>National Automated Immigration Lookout System II (NAILS)</u> - a central mainframe computer system that identifies past immigration violators who may be inadmissible to the United States. NAILS II facilitates the inspection and investigation processes by providing retrieval of biographical or case data on individuals who should not be permitted to enter the United States.

8. <u>National Crime Information Center (NCIC)</u> - a nationwide information system that supports U.S. criminal justice agencies (local, state, and federal). Established in 1967, NCIC is accessible by U.S. law enforcement agencies around the country, with services extending to the patrol car and mobile officer. NCIC allows users to search the active databases and access the system's historical data. The system's capabilities include identifying persons convicted of a crime in the United States; a mug shot file; records of individuals who are convicted sexual offenders or violent sexual predators; and, an index of individuals incarcerated in the federal prison system.

9. <u>NetLeads</u> –a database program, developed for the former INS, which performs multiple system checks simultaneously.

10. <u>Non-Immigrant Information System (NIIS)</u> - provides information on arrivals and departures, to support the controlled admission of non-immigrants to the United States through ports of entry, and to track non-immigrant departures for identifying potential overstays. NIIS provides automation support for tracking non-immigrant foreign nationals' arrivals and departures.

11. <u>Open Records (Autotrack/Choicepoint)</u> – private companies construct databases of public and private information on individuals. This information includes credit card, child support, housing, and healthcare history. The private companies sell access to their databases.

12. <u>Treasury Enforcement Communication System (TECS)</u> - the principal information system supporting the border management and law enforcement mission of CBP and other federal law enforcement agencies. TECS screens incoming persons, vehicles, vessels, and aircraft; provides investigative and prosecution support for agents; tracks resource utilization for the Office of Investigations; tracks seized assets, fines, penalties and legal cases; identifies and analyzes patterned behavior for agency intelligence analysts; and provides logistics support.

13. <u>Secondary Inspection Tool (SIT)</u> – a part of US-VISIT, SIT captures an individual's initial enrollment overseas during the visa issuance by DOS, and the entry encounter during the individual's inspection by CBP. Information available through SIT includes name, date of birth, dates of entry, document number, and photograph.

14. <u>United States Postal Service (USPS)</u> – a federal mail delivery system, USPS maintains records of last known addresses and current addresses for all individuals living in the United States.

We conducted this review to evaluate the effectiveness of CEU in identifying, locating, and apprehending aliens who have violated the purpose and terms of their admission into the United States. Specifically, we examined the systems, processes, performance measures, and procedures used to accomplish this mission. We interviewed CEU HQ, NSEERS, SEVIS, US-VISIT, and DOS program staff. We collected and analyzed organizational, procedural and statistical information. We examined how NSEERS, SEVIS, US-VISIT, visa revocations, and biometric referral data is used in this process.

We examined CEU data from all source systems to assess the volume of leads generated by these systems and determined the status of leads in the CEU process. Specifically, we analyzed data from the NSEERS, SEVIS, and US-VISIT source systems at four different points. The four time periods representing these points, which we judgmentally selected for testing, were from early December 2003 and early February, April, and June 2004.[53] Due to a relatively low number of visa revocation and biometric referral leads, and because these leads are sent to CEU as they are identified, we requested all leads originating from these two source systems since December 1, 2003.

Using the lead data CEU provided from the NSEERS, SEVIS, and US-VISIT source systems for the February, April and June 2004 time periods, and all visa revocation and biometric referral leads provided, we judgmentally determined that 10 percent of the leads closed by CEU HQ would constitute a reasonable sample to perform a more detailed analysis of internal workflow processing. We used appropriate statistical techniques to randomly select our 10 percent sample of closed leads. We randomly sampled violator leads from each source system, but these results cannot be projected to the universe of CEU violator leads. With this information, we (1) established a timeline of processing activities; (2) identified steps in the process that took a significant amount of time to complete or steps that could be taken to close more leads at the CEU HQ level; (3) identified any additional or redundant steps in the

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[53] December 1, 2003, represents the early stages of CEU HQ operability. We intentionally selected a period when the major contributor to the CEU workload (US-VISIT) was not providing lead information to CEU. This sample was pulled to review the overall case workload and not for the test sampling of leads. February 1, 2004, represents the early stages of office operability shortly after US-VISIT began referring leads to CEU. April 1, 2004, represents current office operability, but allowed enough time for leads to be closed or sent to the field. We received the detailed sample data for these three test periods in mid-June. We received the detailed sample data for the early June 2004 test period in mid-September 2004.

process; and, (4) analyzed the justification used to close leads at the CEU HQ level.[54]

We reviewed all leads sent to the field for investigation during periods we selected for testing to identify CEU HQ case processing time frames and determine the status of each case. For cases assigned to the ICE field offices that we visited, we also examined the basis for case closures.[55]

We performed our fieldwork between May and December 2004. Our fieldwork was conducted at CEU HQ in Washington, D.C. and at ICE field offices in Los Angeles, CA; New York, NY; San Francisco, CA; Santa Ana, CA; and Washington, D.C. Our interviews with officials from the NSEERS, SEVIS, and US-VISIT program offices took place in Washington, D.C.

This review was scheduled as part of our annual work plan. Our work was conducted 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.

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[54] Instead of performing any further review of leads for the early December 2003 timeframe, we chose to review sample data from the June 2004 timeframe because this was more representative of current processing timeframes and procedures.

[55] The test sample data for the June 2004 data from SEVIS, US-VISIT, and NSEERS were received after we had completed our field visits. Therefore, leads from this timeframe were not discussed with field office personnel. Field offices selected were based on those that received the higher number of leads during the initial test periods we selected.

Office of the Assistant Secretary

U.S. Department of Homeland Security
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**U.S. Immigration
and Customs
Enforcement**

MEMORANDUM FOR: Richard Skinner
                  Inspector General
                  Department of Homeland Security

THRU: Randy Beardsworth
                  Acting Under Secretary
                  Border and Transportation Security

FROM: Michael J. Garcia
                  Assistant Secretary

SUBJECT: OIG Draft Report: Review of the Immigration and Customs Enforcement's Compliance
Enforcement Unit (CEU), ISP Draft Report 34

U.S. Immigration and Customs Enforcement (ICE) submits the following comments regarding the
Office of the Inspector General Draft Report on the subject above.

Recommendation 1: Ensure that data quality issues are addressed, in conjunction with officials
from the various lead referral systems, and that validity checks are performed to increase the number
of "actionable" leads referred to CEU.

ICE Response: CEU will continue to work with the Student and Exchange Visitor Program (SEVP)
and the United States Visitor Indicator Status Technology (US-VISIT) program to address data
quality issues and ensure that the most accurate, actionable information is available to CEU. SEVP
and US-VISIT have taken steps to strengthen system interfaces to reduce the number of non-
actionable leads reviewed by CEU. In addition, SEVP provides CEU with information on completed
data fix requests that have been approved and now reflect the corrected status in SEVIS. This action
allows CEU to close such leads, thereby saving investigative resources. Until US-VISIT is fully
deployed on exit, CEU will continue to receive

non-actionable unconfirmed overstay leads from US-VISIT. To help mitigate this, US-VISIT has created a Data Integrity Group to address data integrity issues and identify valid overstay leads for investigative action by CEU.

CEU will also review the information received from NSEERS to determine what, if any, additional coordination efforts can be taken to increase the number of actionable leads.

Recommendation 2: Assess the CEU workflow process, establish and closely monitor processing performance measures to ensure that the CEU staff is working efficiently, and determine when staffing adjustments are needed to ensure timely processing of all violators.

ICE Response: CEU utilizes its resources to identify the highest threat leads and processes those leads for field assignment. In October 2004, CEU changed the priority criteria used to determine which leads are worked and in what order. CEU uses a threat matrix to focus on leads that pose the greatest potential threat to national security and public safety, does not follow the "first in, first out" model, and may process some leads that were received after others, based on the threat matrix. As an example of the dynamic nature of lead receipt and referral, CEU received a biometric referral from US-VISIT on an individual wanted for the rape of a 14-year-old. CEU received, reviewed and assigned the lead to the appropriate Special Agent in Charge (SAC) office on the same day, due to the serious nature of the offense. As this example demonstrates, CEU does not process a lead based on how long ago it was received, but rather, on its threat or public safety potential.

The project manager for SRA/Orion, which contracts with CEU, has instituted several measures to track the performance of the research analysts. Each analyst is required to review a minimum of 20-25 leads per day. The number of leads reviewed is tracked by the project manager and periodically reviewed by CEU staff. In addition, CEU will make staffing adjustments when necessary. CEU has brought additional detailed agents to work when warranted, and is planning to increase its number of research analysts. This will facilitate research of additional leads.

The report also suggests that SEVP review leads prior to referral to CEU. SEVP is a program office; CEU is responsible for the enforcement of SEVIS and as such is responsible for reviewing terminated records to determine if there is a violation and if it warrants field assignment. SEVP has assigned a liaison to CEU to assist in the review process prior to the assignment of leads to the field for investigation.

Recommendation 3: Ensure that adequate justification exists for lead closure and that this justification is documented.

ICE Response: One of the main points raised in this report is that 53 percent of the 255 leads reviewed did not have a reason for closure. CEU previously identified this as a problem in May 2004 and adjusted the process so that a lead could not be closed without indicating a reason for closure. Additionally, CEU discovered several large groups of leads that were batch closed and missing closure reasons. CEU has addressed this deficiency. CEU is in the process of upgrading the Leadtrac database to better account for each lead, and will ensure enough information is contained in the Leadtrac record to support the closure reason.

Recommendation 4: Redistribute policy and guidance documents to ICE field offices, consolidate current policy memos into a set of SOP's for distribution to all ICE field offices, and establish an ICE wide resource for access to the CEU SOP.

ICE Response: ICE Office of Investigations (OI) policy and guidance memoranda are available to the field on the OI proprietary Web site. All memoranda related to CEU field operations are on this Web site or in the process of being added. CEU again will ensure that field managers responsible for CEU operations are aware that these memoranda are available online. In addition to policy memoranda, Headquarters (HQ) CEU provides information and guidance to field offices via e-mail, and specific case instructions are provided in the Report of Investigation sent to the field. CEU cases are administrative immigration investigations and do not require any additional standard operating procedures (SOPs) from CEU. HQ CEU SOPs are for HQ processing and not applicable to field operations. Recently, CEU arranged for two agents from each SAC office to receive training on CEU operations and how to access SEVIS and US-VISIT information.

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Department of Homeland Security

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DHS Program Examiner

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Congressional Oversight and Appropriations Committees as Appropriate