

SOCIAL POLICY

cc: France
Julie
Leanne

Immigration — — 002
structural reform

Immigration
INS

IMMIGRATION

Backlog, Management Woes Fuel GOP Drive To Dismantle Agency

But Immigration and Naturalization Service plan to streamline and restructure may counter Republican plans

In recent years, the Immigration and Naturalization Service (INS) has been about as unpopular on Capitol Hill as any federal agency. Its most determined detractors want to tear it apart and start over. Its defenders — or what passes for such — can only muster the faintest praise: that it could be worse, and will be if critics get their hands on it.

This year, Republicans in Congress are intent on restructuring the agency, but first they must develop a consensus among themselves on how to do it, then overcome objections from the Clinton administration.

Rep. Harold Rogers, R-Ky., chairman of the Appropriations subcommittee that funds the INS, which is part of the Justice Department, has been soliciting support for a proposal to terminate the agency and hand its functions to other parts of the government. Other Republicans agree that an overhaul is needed, but they want to move cautiously.

Such proposals are rooted in years of dissatisfaction with the agency's performance in handling its dual missions of trying to keep out illegal immigrants while welcoming those who come here lawfully. Since Republicans took control of Congress in 1995, they have been the loudest critics of INS, led by advocates of stringent immigration control such as Rep. Lamar Smith, R-Texas. But many Democrats acknowledge that some of the complaints are not unfounded.

Rogers' plan, which he hopes to include in the fiscal 1999 appropriations bill funding the departments of Commerce, Justice and State, would split the INS up and hand its functions over



Immigrants wait outside the Immigration and Naturalization Service Building in Los Angeles, Sept. 29, 1997. The INS is proposing changes of its own to counter GOP splitting up the agency.

to three other departments. Its border enforcement functions would remain in the Justice Department but would be better integrated with other law enforcement agencies. Visas and naturalization would be given to the State Department. And policing of illegal immigrants in the workplace would be given to the Labor Department.

Rogers recommends the split for two reasons. First, he said, the INS has botched so many missions that it is in need of radical restructuring. Second, its problems stem from the fact that it has two distinct — and sometimes conflicting — missions.

"They have a mixed mission," said Rogers. "At once they are charged with serving immigrants and at the same time enforcing the laws against those immigrants."

Rogers' proposal is based on recommendations made last year by the bipartisan U.S. Commission on Immigration Reform, a panel that was created through 1990 legislation (PL 101-649) to recom-

mend changes to American immigration policy. Its recommendation to split up INS was its last before disbanding. (1990 Almanac, p. 488)

The Clinton administration and INS officials adamantly oppose the split, arguing that there is an inherent inter-relationship between enforcement and immigrant processing, and splitting them into different departments would be a disaster. An agent considering a visa application, for example, needs to know in a timely manner if an applicant has entered the country illegally, or been convicted of a crime. A split would only compound the problems INS has had in coordinating its work with other agencies within the Justice Department, they argue.

The INS is pushing a number of management reforms as an alternative. Or Feb. 9, agency officials announced a plan to streamline and improve its naturalization programs. By April, the INS is expected to release a management plan covering the entire agency.

Years of Problems

In criticizing the INS' general operations, lawmakers cite the agency's inability to reduce the ranks of illegal immigrants, estimated at around 6 million and its growing backlog of legitimate applications for visas and citizenship.

More specific criticism has centered on an INS effort to beef up naturalizations, known as Citizenship USA, during which approximately 180,000 people were granted citizenship in late 1995 and 1996 without proper background check (1997 Weekly Report, p. 595)

An outside audit by the accounting firm KPMG Peat Marwick, released Feb. 9, said 369 had been convicted of crim-

By Dan Carney

and should have their citizenship revoked. Another 5,964 had problems in their applications that could lead to revocation of citizenship. Most of these had been arrested for crimes and lied about it on their applications. The arrests themselves would not be grounds for denying an application, but lying on an application on such a serious matter would normally disqualify the applicant on the grounds that he or she lacked "good moral character." Just what to do with this group now that they have citizenship is still being studied.

After examining all qualifications for citizenship, the accounting firm also suggested the number of people who were given citizenship in error might be even higher. A random sampling of 6,438 of the more than 1 million naturalizations found problems with 3.7 percent. If extrapolated to the entire pool, that would be 38,860. Most of those were guilty of only technical offenses. But more than 11,000 could be considered to have failed the "good moral character" test.

Republicans argue that these problems were caused by pressure from the White House to naturalize as many citizens as possible before the 1996 election, with the thinking that the majority of those voting would select Democratic candidates. The INS vigorously disputes this charge, but freely concedes the program was mismanaged.

Among people reliant on the INS for their future, the agency comes under attack for the opposite reason. They criticize it for not processing citizenship applications fast enough for the overwhelming percentage of the applicants that are law-abiding. The current backlog, said Robert K. Bratt, executive director of naturalization operations, is more than 1.1 million. The bulk of the backlog is the result of a surge in applications, he said. But the effort to correct past errors has contributed as well.

A similar backlog occurred in the early and mid-1990s for permanent resident visas, when applications skyrocketed as a result of the 1986 Immigration Reform and Control Act (PL 99-603). In both instances, citizenship and visas, the INS did not see the wave of applicants about to hit them.

Lack of candor has also enraged INS critics. In 1996, INS managers at the Krome Detention Center south of Miami intentionally deceived a congressional fact-finding mission. In order to reduce overcrowding at the center before the arrival of the delegation, about 45 detainees were transferred to other facilities and 58 were released into the

community, according to an inspector general's report.

With a list of problems this long, interest in reforming the INS is widespread. But agreement on how to proceed is nowhere to be found. Rogers has had some discussions with the Republican leadership and other members who have jurisdiction over immigration



policy, and he hopes to write an INS split into his appropriations bill this year. But he is far from having the kind of support he would need.

"There's no consensus yet," said Rogers. "But we've just begun."

Opposition to his plan is coming from some unlikely sources, namely fellow INS critics. Smith, who chairs the Judiciary Committee's Immigration Subcommittee, and is one of the INS' most persistent foes, is urging a careful assessment.

A Top-to-Bottom Review

Smith is not impressed by anything he considers a quick fix. He said the agency's problems need to be rooted out through ongoing oversight and a management overhaul.

Any attempt to restructure the INS, he said, "needs to go beyond just moving people around or changing the organizational flow chart."

Similarly, Spencer Abraham, R-Mich., chairman of the Senate Judiciary

Immigration Subcommittee, is planning hearings but expects no immediate action. Judd Gregg, R-N.H., chairman of the Appropriations subcommittee that funds the INS, agrees with Smith that a thorough assessment is needed before overhauling the agency, an aide said.

Advocates for immigrants say the enforcement and naturalization branches of INS need to work together and that breaking the agency apart would undermine its overall mission. They also suspect an ulterior, divide-and-conquer motive on the part of those who want to break it up, saying that anti-immigrant forces in Congress would be in a better position to manipulate immigration policy if enforcement were placed in one part of the government and naturalization in another.

Pro-immigrant groups also say that those who want to break up the agency are simply trying to reduce immigration by neutering the agency that oversees it.

"It seems the INS serves as a proxy for immigration," said Frank Sharry, executive director of the National Immigration Forum, a pro-immigration group.

The INS may be the only agency that is at once unpopular in Congress and growing by leaps and bounds. Its budget has swelled by 166 percent in five years — nearly \$4 billion is proposed for fiscal 1999 — as Congress has placed greater emphasis on controlling the flow of illegal immigrants into this country. In some cases, Congress has given the agency more agents than it has asked for and says it can properly train. That is one indication that while the INS is a target of criticism in Congress, its enforcement mission is clearly a popular one on Capitol Hill.

The agency, meanwhile, is proposing changes on its own, including a beefed-up screening process to be undertaken when an application for citizenship is first received, and an enhanced fingerprinting system. Under the fingerprinting system, the INS itself would be responsible for all of the prints, which would be digitally recorded and sent electronically to the FBI for a background check.

INS Commissioner Doris Meissner said the agency was determined to "take every step possible to make sure the same mistakes are not made again."

A second report on the overall management structure of the INS is due by April 1. That report is expected to address the divided mission problem raised by Rogers by more clearly separating the enforcement and service portions of the INS. At the same time, it will oppose any formal split. ■

INS



Elena Kagan
12/10/97 07:48:16 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP
cc:
Subject: INS reform

fyi for 9:00 meeting

----- Forwarded by Elena Kagan/OPD/EOP on 12/10/97 07:48 AM -----



Julie A. Fernandes
12/09/97 06:54:13 PM

Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Laura Emmett/WHO/EOP, Leanne A. Shimabukuro/OPD/EOP
Subject: INS reform

Elena,

In light of your meeting tomorrow morning with Commissioner Meissner and OMB, the following outlines a few questions that we think we should consider at this stage in our review:

1. As you know, there is an outstanding issue of whether we want the budget document to include any statement about INS reform. It is possible that the statement could be very general (talking about our commitment to create a strong delineation between services and enforcement, to better both, building on our successes, etc.) in a way that indicates our goals, without committing to any specifics (though OMB may want it to be more detailed.) Also, we should be mindful of our possible desire to get congressional support for whatever we propose, and therefore not make a budget statement that limits our options or that appears final. Either way, we should finalize as soon as we can what the WH approach will be going into the end of January and the return of Congress.
2. Related to the first, we should decide when (if ever?) we should begin our legislative effort.
3. INS has almost finalized a contract bid process for an outside management assessment of the current INS structure, the INS proposal for reorganization, and other proposals (unclear on whether this includes CIR recommendation). According to Bob Bach, the contract could be signed as early as next week (though we had referred to this as the Booze Allen review, the contract has not yet been awarded). The assessment will take approximately 2 months.

While the assessment could potentially help us to flesh out details with the proposal flowing out of our review process, we are concerned that the assessment could work at cross purposes with our

efforts. We want to be sure that the assessment is not a tool for INS to predetermine the outcome of our process, or something they could use to beat back our recommendations. Bob has assured us that their goal is not to simply to have this assessment rubber stamp their proposal.

Ideally, the assessment could be a tool to help us to answer difficult or technical management questions (e.g., looking at other agency reorganizations and management structures such as Customs). We recommend seeking assurances from the Commissioner that they will work with us once the contract is awarded to make sure the assessment complements, not conflicts, with our process.

Thanks,

julie & leanne

INS Reorganization

In response to the September 1, 1997, release of the final report of the Commission on Immigration Reform (CIR), the President directed the Domestic Policy Council (DPC) to review the CIR report and recommend ways to improve and streamline Federal immigration policy development and management. The DPC working group will use the President's FY 1999 budget as the vehicle to transmit the President's proposal to the Congress. Towards that end, the following organizational option for the INS has been developed. This reorganization proposal permits INS to meet the fundamental programmatic challenges facing the agency in a way that addresses the concerns identified by the CIR while permitting INS' core functions to remain intact. The Department and INS are requested to address this organizational proposal as part of any appeal.

Restructure Headquarters:

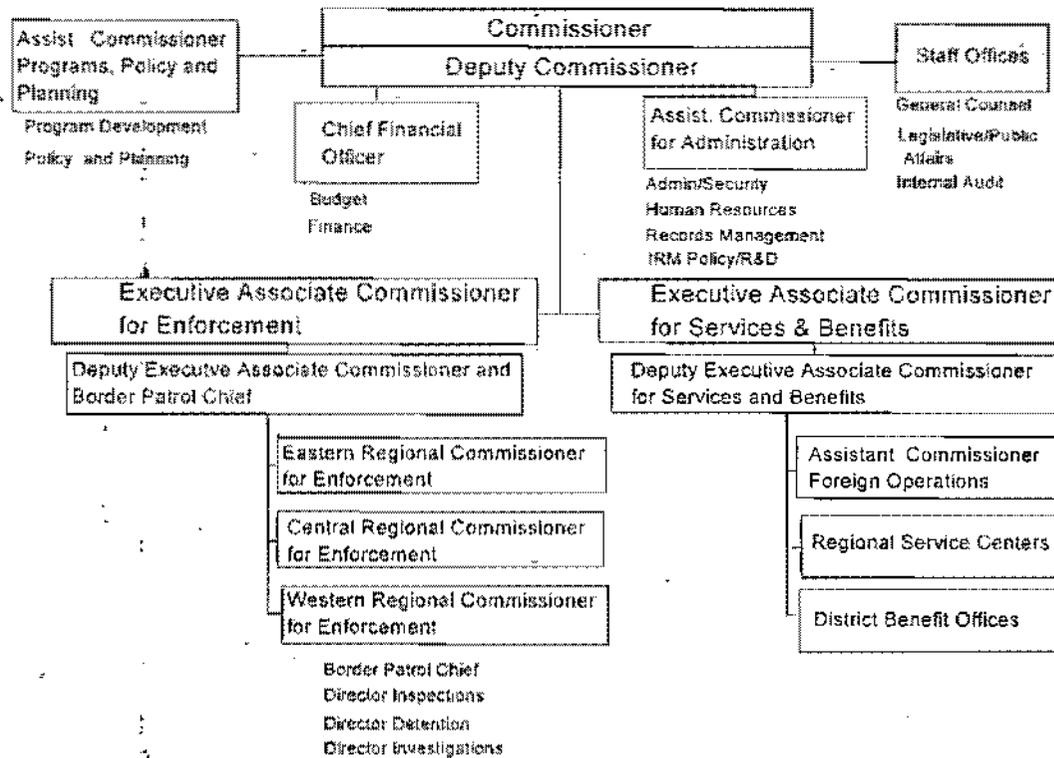
Up until 1993, INS operated with insufficient resources, weak or non-existent management systems and processes, and lackluster internal management. Since then INS has made progress implementing major changes to enforcement and benefit systems, improving management practices, and upgrading staff capabilities at a time when resources and responsibilities have grown significantly. Instead of dismantling an improved INS as recommended by the CIR, an effort should be made to build on the accomplishments of the past four years. What INS requires is a streamlined organizational structure based on programmatic priorities and clear lines of authority, responsibility and accountability. Such a structure would focus attention and assign responsibilities to those charged with carrying out INS' dual enforcement and benefit roles. We believe these dual but interrelated responsibilities should remain within one agency and properly within DOJ. A future INS organization should have these features:

INS Headquarters, lead by a Commissioner and Deputy Commissioner, would focus on policy, strategic planning and management support (finance, records, Information Resource Management (IRM) policy and R&D); budget formulation; and compliance with policy and procedures. All line management and operational authority for agency-wide support systems like finance, budget, IRM policy, R&D, and records management would be consolidated in Headquarters.

- Reflecting the importance of INS' fee and fine account receipts (\$1.4+ billion) and the deficient condition of INS' financial operations, a separate Chief Financial Officer (CFO) would be established and report directly to the Commissioner. The CFO organization would include agency-wide budget formulation and execution.
- IRM policy and standards and all R&D initiatives would be consolidated within Headquarters. Operational and support IRM functions would report to the respective program offices.

INS

- A small policy and planning office would develop long-range strategic plans, perform GPRA implementation and monitoring, and improve INS' important statistically policy and measurement responsibilities.
- Headquarters Administration should focus on consolidating records management, improving agency facilities, and managing a streamlined administrative service center operation to effectively meet the needs of field operations.



Programmatic Focus:

While the CIR recommends splitting the agency, a programmatic split that maintains the enforcement/benefit link necessary to function effectively accomplishes the same goal. The reorganization would separate **Enforcement** and **Services** under the leadership of two **Executive Associate Commissioners (EAC)**. The creation of these two EACs would ensure that clear lines of authority, responsibility and accountability exist in program operations, help bring a field perspective to Headquarters decision making, and reduce stovepipe operations currently

prevalent in enforcement operations. The CIR recommendation to merge INS' enforcement agents (Border Patrol, inspection and detention) into one uniform service and a white-collar investigative service should be implemented. This reorganization supports this evolutionary initiative by putting the Border Patrol Chief in a direct line of authority for all enforcement activities and operations organized along Border Patrol sector and regional boundaries. The CIR also calls for higher visibility and focused management attention on the provision of services and benefits to immigrants, and to ensure organizational safeguards exist so that fee account receipts support fee-related activities. The division of responsibilities as proposed under this reorganization and improved financial systems will help achieve these goals. Under this proposed organizational structure, the EACs for Enforcement and Services would be responsible for the following:

Executive Associate Commissioner for Enforcement would coordinate all enforcement operations and staff (Border Patrol, investigation, inspections, intelligence and detention).

- A Deputy Executive Commissioner, who is also the Border Patrol Chief, would have line authority for all enforcement activities to ensure coordination between enforcement components.
- Three Regional Enforcement Commissioners would be responsible for coordinating INS enforcement functions within the regions. A Deputy Regional Commissioner would also be the Regional Border Patrol Chief with line authority in that region.
- INS enforcement functions would be organized along the Border Patrol sector model with sector chiefs for each function reporting to the region.

Executive Associate Commissioner for Services and Benefits would be responsible for providing efficient service and effective and accurate delivery of benefits to the immigration community.

- Regional Service Centers, which will play an expanded role as direct mail benefit processing comes on line, will report to this EAC.
- Foreign Operations, which has dual benefits and enforcement responsibilities for refugees, asylees and international anti-terrorism efforts would report to this EAC.
- All existing District Office operations (31 district offices or the expanded 80 suboffices currently under development) would report directly to the Deputy EAC. This direct reporting relationship will ensure that standards are consistent agency-wide and these standards and operating procedures are understood and applied consistently within all of INS' districts.

December 4, 1997 (Final)

STATEMENT OF WORK

Support to the Department of Justice to Provide Organizational Structure Alternatives for the Immigration and Naturalization Service to Rationalize its Continuing Enforcement and Service Functions

I. Purpose and Objectives

The purpose of the series of tasks listed in the following statement of work is to work and consult closely with Department of Justice and Immigration and Naturalization Service managers and designated staff to: (a) examine all pending INS reorganization proposals advanced by both INS and major external groups; and (b) develop alternative proposal(s). The objective of the proposal(s) should be maintaining, in a single agency, rationalizing and more clearly delineating INS' enforcement and service missions, and the development of management, organizational and structural approaches for ensuring their compatibility, mutual support and productive interaction.

II. Statement of Work

A. Background.

The Immigration and Naturalization Service has one of the most demanding missions in the Department of Justice and within the entire Federal Government. The effective performance of its critical border enforcement and benefit service functions continue to be high Administration, Congressional, and public priorities. As a public organization, INS has been confronted with some of the most extraordinary conditions in which to operate in recent Federal public administration.

Since 1993, INS has experienced a dynamic policy and statutory environment, including extensive increases in its duties authorized under new laws; large staff and budget enhancements; ever-higher public demand for services which is driven by factors beyond the agency's control and which often cannot be anticipated; and the commensurate substantial executive and management responsibilities to accommodate, plan and direct policy and operations according to these conditions. An example of INS' forward-looking executive initiatives in this environment is its undertaking and managing one of the most significant national office automation and interconnected enforcement/services information systems changes in government.

The Department of Justice and Immigration and Naturalization Service leaderships have used many successful approaches to streamline INS' administrative infrastructure; ensure the best, state-of-the-art technological support for its Border Patrol and other law enforcement officers; and to implement a customer-driven approach to its strategic planning and operational decisions. Similarly, it has also significantly reformed and transformed many elements of its organizational structures to deliver better services and improve its enforcement capabilities in response to complex challenges noted above. Implementation of such continued and rapid structural innovations is exceedingly difficult in any public organization, as well as in private firms. Of necessity, however, INS has moved proactively, although not without inevitable criticism and some dislocations attendant upon any such decisive and ambitious structural transformations, to create a national organizational design that employs sophisticated information systems, sound public administration methodologies, and state-of-the-art fiscal and growth management strategies to accomplish its mission.

At present, the Department and the INS wish to examine the cumulative contributions of the recent reorganizations and changes, which include those in progress such as the National Fingerprint Centers, streamlined, effective naturalization procedures, and international border technologies that are successfully preventing illegal immigration. Together with these the Department and INS wish to examine pending reorganization proposals including internal INS proposals, and external proposals, such as the ones set forth by the Commission on Immigration Reform, the Office of Management and Budget, and the Reyes bill (H.R. 2588 Border Security and Enforcement Act of 1997). While these proposals and others share several common reorganizational elements, they run the gamut from internal INS streamlining to the separation and removal of certain INS current functions, such as enforcement and service responsibilities, and placing them in different agencies, such as the Departments of State or Labor or in another DOJ entity.

Given the diversity of such proposals and the request from Congress to the INS to develop a plan to effectively manage immigration control efforts, the Department and the INS wish to examine all reorganization proposals and develop organizational alternative(s) which would uphold the organizational integrity of the INS while accommodating any further proactive structural changes that would sustain and increase the agency's successful performance of its enforcement and service duties.

B. In response to this Statement of Work, the contractor shall perform the following services.

The contractor shall propose a scope and methodology for a thorough examination of the existing organizational structure of the INS, for the review of all pending proposals to reorganize INS, and for the development of an alternative reorganization proposal or proposals. The contractor shall develop a project plan, with an accompanying schedule for its completion, that includes a timeline and an estimate of resources required to perform project tasks. The project shall include, but is not limited to, completion of the following tasks:

Task 1. Review Phase

Review, synthesize and summarize all pending proposals to reorganize INS, including those INS has developed and considered, as well as those proposed by others, such as the Commission on Immigration Reform (CIR), the Office of Management and Budget (OMB), and the Reyes bill.

Task 2. Interviews and Data Collection

Consult with all parties advocating the various pending reorganization proposals.

Conduct structured interviews with INS policy managers, headquarters staff.

Conduct selected field site visits to INS field offices within a 250 mile geographic radius of Washington, D.C. to observe INS field operations and conduct interviews.

Conduct structured interviews with INS clients within the Department of Justice, such as the Office of Immigration Litigation, Civil Division.

Conduct structured interviews with officials from government and non-government outside organizations and interested parties, including the Departments of State and Labor, the Office of Management and Budget (OMB), the CIR, the Domestic Policy Council (DPC), the General Accounting Office (GAO), and the National Academy of Public Administration (NAPA).

Convene a series of focus groups in Washington, D.C. for key INS policy and senior management officials, including field-based officials, such as Regional Directors, District Directors, Chief Border Patrol Agents, Regional and District Counsels, and INS Headquarters officials, including the Commissioner and other senior managers.

Task 3. Benchmarking

Consult with other Government agencies which have both enforcement and service functions, such as the Social Security Administration (SSA), the U.S. Customs Service, the Internal Revenue Service (IRS), and the Departments of State and Labor, to gather pertinent information on how these agencies manage these functions, how they are organizationally structured and their applicability to INS.

Task 4. Development of Alternative Reorganization Proposal(s)

Develop an alternative reorganization proposal or a range of proposals whereby the current enforcement and service functions of INS continue to be carried out by the INS under the authority of the INS Commissioner. These alternative proposals should build upon the naturalization process redesign work currently being performed for INS by the consulting firm of Coopers and Lybrand, with particular attention paid to effective customer service. In addition, any proposed alternative organizational structure should:

- Identify the interconnecting relationships among and appropriate placement of INS' core enforcement and service functions, such as: (1) border and interior enforcement, and detention; (2) enforcement of immigration-related employment standards; (3) adjudication of immigration and citizenship benefits; (4) administrative review of decisions made by front line agents; (5) new INS initiatives; and (6) any impact on INS based on its projected workload and related factors over the next several years. Each reorganization proposal must clearly recognize how these dual responsibilities interrelate and demonstrate how they are compatible and co-exist appropriately.
- Examine the management and field structures required, including the roles and responsibilities of INS Headquarters, Regional Offices, District Offices, and single mission organizations of the INS such as Asylum Offices, Service Centers, and Border Patrol Sectors, and their interconnectivity.
- Identify and analyze organizational proposal implementation issues, such as how position grade, pay structures, career paths/development, between the enforcement function positions and service function positions would be affected. Seek equitable pay and career opportunities for enforcement and service personnel.

III. Progress Reports and Status Reporting

The contractor shall provide detailed, written progress reports to, and meet bi-weekly with, a Senior Policy Board of INS officials to brief on project progress, solicit input, and receive guidance.

IV. Period of Performance

The duration of this project will be two months, beginning on December 31, 1997. The contractor's final report will be due to the Department of Justice by March 1, 1998.

V. Government Support

The contractor will receive the following Government support for the performance of these tasks:

A. Documentation. Access to reports, studies, data and related materials necessary to perform these tasks.

B. Technical Assistance. Points of contact will be designated from applicable INS and DOJ offices to ensure consistency in areas related to data exchange and verification and other liaison matters. This assistance normally will be available only during normal business hours.

C. INS Senior Policy Board Input. The contractor will meet bi-weekly with a Senior Policy Board of INS officials to discuss progress and problems related to the successful completion of these tasks and deliverables in accordance with the approved workplan and schedule. The INS policy board will provide assistance and guidance to the contractor as necessary. The MPS Contracting Officer's Technical Representative will also attend the Senior Policy Board meetings.

VI. Government Contacts

A. Contracting Officer's Technical Representative

Terry M. Simpson (primary)
Robert J. Comiskey (secondary)
Management and Planning Staff
Justice Management Division

B. Point of Contact - Immigration and Naturalization Service

Robert L. Bach
Executive Associate Commissioner
for Policy and Planning
Immigration and Naturalization Service

VII. Deliverables

In performance of the above tasks and in accordance with the above purpose and objectives, the contractor shall submit the following deliverables:

<u>Deliverables</u>	<u>Due Date after Award</u>
develop structure for the review	1 week
define data requirements	3 weeks
develop/present draft report	6 weeks
develop/present final report	8 weeks

VIII. Proposals

Proposals should be submitted by C.O.B., Thursday, December 18, 1997, to the Department of Justice, Management and Planning Staff, Suite 1400, National Place Building, 1331 Pennsylvania Avenue, N.W., Washington, D.C. 20530.

Proposals will be reviewed by a panel including representatives of the Management and Planning Staff and the Immigration and Naturalization Service.

EVALUATION CRITERIA

Criteria are listed in descending order of importance.

1. Demonstrated comprehensive knowledge of the principles and tools of organizational re-design and re-structuring.
2. Demonstrated understanding of Federal governmental organizations with extensive field structures.
3. Demonstrated staff of senior level consultants with extensive experience in law enforcement issues.
4. Corporate experience related to similar work with other law enforcement organizations -- Federal, State, local, or private sector and record of past performance.
5. Corporate capability to mount an effort of this magnitude within a limited period of time.
6. Reasonability of estimated cost based upon the technical proposal.
7. Understanding of the issues related to strategic change management and demonstrated ability to design a strategy to overcome the barriers to change.
8. Demonstrated understanding of civil service and law enforcement personnel and compensation systems and professional career development.