

GAO

Testimony

Before the Immigration and Claims Subcommittee,  
Committee on the Judiciary, House of Representatives

---

For Release on Delivery  
Expected at 9:30 a.m. on Wednesday  
April 30, 1997

NATURALIZATION OF  
ALIENS

INS Internal Controls

Statement of Norman J. Rabkin  
Director, Administration of Justice Issues  
General Government Division



---

---

# Naturalization of Aliens: INS Internal Controls

---

Aliens who apply to the Immigration and Naturalization Service (INS) to become naturalized citizens have to meet certain requirements, such as being of good moral character (e.g., not being convicted of certain felonies). To determine whether aliens applying for citizenship have been convicted of a crime that would preclude them from being naturalized, INS submits the aliens' fingerprints to the FBI, which is to determine if the person with those fingerprints has a criminal history record on file.

Between September 1995 and September 1996, some aliens with certain disqualifying criminal felony convictions were improperly naturalized probably because INS adjudicators were not made aware of the results of the FBI check of the aliens' criminal history records. In addition, both the Department of Justice's Inspector General and GAO have identified problems with the fingerprinting component of the process. For example, individuals intent on hiding their criminal records could have had someone else complete the INS fingerprint card and then submit the prints as their own.

In November 1996 the INS Commissioner announced changes designed to enhance the naturalization process in several key areas. To try to deal with the problem of adjudicators making decisions without having a definitive response from the FBI on the completed criminal history checks, the Commissioner ordered that no aliens were to be approved for naturalization until INS positively knew that they had no disqualifying felony convictions. In addition, the Commissioner ordered that no naturalization cases were to be scheduled for hearings or oath ceremonies until all changes were "in place and working." Previously, INS had issued regulations establishing internal controls to help ensure that people applying for naturalization were using their own fingerprints. However, an April 17, 1997, report by Peat Marwick showed that INS has not ensured that its field units were carrying out the Commissioner's instructions.

GAO believes that its work on the fingerprinting aspects of the process and other aspects of INS management, and the Peat Marwick report, raise questions about the extent to which INS can today assure itself and the Congress that it is granting citizenship to only those applicants who deserve it.

# Naturalization of Aliens: INS Internal Controls

---

Mr. Chairman and Members of the Subcommittee:

I am pleased to be here today to discuss the Immigration and Naturalization Service's (INS) process for naturalizing aliens, including its fingerprinting procedures. My statement will outline the problems that we and others have identified with these processes and the changes INS has made, including the internal controls INS has designed in its revised processes.

To prepare this statement, we reviewed (1) INS regulations and internal instructions regarding the naturalization and fingerprint processes; (2) the February 1994 report issued by the Justice Department's Inspector General (IG) and our December 1994 report on the fingerprint process; and (3) the April 17, 1997, report by Peat Marwick on INS' implementation of changes to its naturalization process. We discussed a draft of this statement with INS officials and incorporated their comments where appropriate.

---

## Background

Aliens who apply to INS to become naturalized citizens have to meet certain requirements, such as residing in the United States for at least 5 years as legal permanent residents, demonstrating a knowledge of the English language and American civics, and being of good moral character (e.g., not being convicted of certain felonies). To demonstrate adequate knowledge of English and civics, aliens are tested by either INS or testing entities approved by INS. To determine whether aliens applying for citizenship have been convicted of a crime that would preclude them from being naturalized, INS submits the aliens' fingerprints to the FBI, which is to determine if the person with those fingerprints has a criminal history record on file.<sup>1</sup> Depending on the severity and timing of their felony convictions, aliens with criminal history records may be denied citizenship.

Aliens applying for naturalization are to be scheduled for hearings after they submit their applications. According to INS, the current policy is that the hearing dates are not to be set until a definitive response has been received from the FBI on completed criminal history checks.

---

<sup>1</sup>INS charges a fee to process aliens' applications. Included in the fee is a charge by the FBI for checking its records for a possible criminal history of the alien.

---

## Problems With the Naturalization Process

Between September 1995 and September 1996, INS received about 1.3 million naturalization applications; almost 1.05 million aliens were naturalized. During that period, INS initiated a number of changes to its procedures in an effort to streamline the process and reduce growing backlogs. While these changes greatly increased the volume of applications processed and approved, some aliens with certain disqualifying criminal felony convictions were improperly naturalized probably because INS adjudicators were not made aware of the results of the aliens' criminal history records.<sup>2</sup>

In addition, other problems associated with the naturalization process have been identified. Media reports in mid-1996 alleged that private companies on which INS relied to test applicants' knowledge of English and civics had been submitting fraudulent results; in congressional testimony last September, INS acknowledged that it had a problem.<sup>3</sup>

---

## Problems With the Fingerprint Process

Prior Justice IG and GAO audit reports have identified problems in the naturalization process that relate to obtaining and checking fingerprints. In February 1994 the IG reported that (1) individuals intent on hiding their criminal records could have someone else complete the INS fingerprint card and then submit the prints as their own, (2) INS examiners had inappropriately approved some applications after assuming that applicants had no criminal history because no criminal history records were included in the aliens' files when the examiners adjudicated the cases, and (3) INS frequently did not submit new sets of fingerprints to the FBI when the original sets of prints were rejected by the FBI as illegible.<sup>4</sup>

In our December 1994 report,<sup>5</sup> we described how INS was planning to correct the problems reported by the IG. We noted, however, that INS had not been monitoring its offices' progress in correcting the problems. We also pointed out that INS' assumption that no record of a criminal history in an applicant's file meant that the person had no record could prove to be incorrect because the results of criminal history reports might have been

---

<sup>2</sup>Justice has an ongoing study to determine the extent to which aliens were improperly naturalized.

<sup>3</sup>Statement of T. Alexander Aleinikoff, Executive Associate Commissioner for Programs, before the House Committee on Government Reform and Oversight, Subcommittee on National Security, International Affairs and Criminal Justice; September 10, 1996.

<sup>4</sup>U.S. Department of Justice Office of Inspector General, Alien Fingerprint Requirements in the Immigration and Naturalization Service (Feb. 16, 1994).

<sup>5</sup>INS Fingerprinting of Aliens: Efforts to Ensure Authenticity of Aliens' Fingerprints (GAO/GGD-95-40, Dec. 22, 1994).

delayed or not filed in a timely manner. We found that under INS' procedures at the time of our review, examiners could not determine whether FBI fingerprint checks had been completed because, at INS' request, the FBI returned a report only if a criminal history record was found. According to INS district officials, without a control to ensure that the FBI had completed a fingerprint check, some aliens with disqualifying felony convictions had their naturalization applications inappropriately approved.

Accordingly, we recommended that INS obtain the results from the FBI of all its record and fingerprint checks, including those for aliens who do not have criminal history records. Because INS had told its district offices to correct problems identified by the IG but had not monitored the district offices' efforts to follow those instructions, we also recommended that INS monitor the district offices' progress to comply with INS directives. At that time, INS agreed to implement both of our recommendations.

---

## Changes to the Naturalization Process

In a November 29, 1996, memorandum, the INS Commissioner announced changes designed to enhance the naturalization process in several key areas. To try to ensure that the problems discussed previously had been corrected, the Commissioner ordered that no naturalization cases were to be scheduled for hearings or oath ceremonies until all changes were "in place and working." To try to deal with the problem of adjudicators making decisions without having a definitive response from the FBI on the completed criminal history checks, the Commissioner ordered that no aliens were to be approved for naturalization until INS positively knew that they had no disqualifying felony convictions. In addition, the Commissioner's memorandum ordered the following controls:

- Adjudicators were to complete a work processing sheet for all naturalization applications to record the specific steps taken during the naturalization process (e.g., that the adjudicator determined that the alien met the English requirement).
- Supervisors were to conduct enhanced supervisory reviews for such situations as applicants with criminal histories or complex cases involving other statutory determinations.
- Quality assurance reviews were to be conducted monthly until a permanent quality assurance program was developed and validated by the Office of Programs. The interim program was to involve, among other things, a review of the procedures and eligibility determinations of a number of randomly selected cases at every INS site processing

naturalization applications. A headquarters team was to visit each of the five major naturalization sites (Chicago, Los Angeles, New York, Miami, and San Francisco, which processed about 75 percent of all pending naturalization cases) and other offices as deemed necessary to review the quality assurance program and completion of the checklists.<sup>6</sup>

In September 1996 INS established controls regarding the process for testing applicants' knowledge of English and civics. The national organizations INS relies on to conduct the testing were ordered to strengthen their monitoring and quality control plans, submit monthly reports to INS, and conduct at least one annual inspection visit to each testing site. Further, INS hired a contract inspection service to conduct about 80 site inspections during 1996.

Finally, Justice contracted with Peat Marwick to review the implementation of the November 1996 changes to the naturalization process and with Coopers and Lybrand to propose an overall redesign of the naturalization program.

---

## Changes to the Fingerprint Process

On June 4, 1996, INS issued regulations regarding who could take fingerprints of applicants for immigration benefits. Basically, INS implemented a system that relies on a combination of its own offices and "designated fingerprint services"—law enforcement agencies and private fingerprint entities that INS would certify as being acceptable.<sup>7</sup> Beginning March 1, 1997, INS was to accept fingerprint cards prepared only by designated services.<sup>8</sup>

The regulations establish the conditions under which the private entities are to be certified. For example, each employee who would be allowed to take fingerprints had to be trained in fingerprinting procedures by INS or the FBI. In addition, these employees were to undergo an identification and criminal history check. The regulations also provide instructions on how to verify the identity of the person being fingerprinted.

---

<sup>6</sup>Subsequently, according to INS officials, the Peat Marwick review was substituted for the INS headquarters team review.

<sup>7</sup>On July 14, 1994, the Senate Committee on Appropriations directed that INS implement a fingerprint collection system which permits only trained INS employees, recognized law enforcement agencies, or INS-certified outside entities to take fingerprints.

<sup>8</sup>The June 1996 regulations called for INS to begin accepting fingerprints from only designated facilities as of January 1, 1997. According to INS officials, the effective date was slipped to March 1.

Also, INS set up several internal controls to help ensure that fingerprints are properly taken:

- Employees of the outside organizations must receive the training from INS or the FBI to properly take aliens' fingerprints.
- Monitoring is to be done by INS district and regional directors and by the national contractor INS hired to provide monitoring support.
- People who take aliens' fingerprints are to check their identity by comparing the information on the aliens' fingerprint card with the aliens' passport, a driver's license or state-issued photo identification, or some other INS-acceptable document.

---

## Peat Marwick's Report

On April 17, 1997, Peat Marwick issued its report on its interim survey of selected INS offices'<sup>9</sup> implementation of the changes ordered by the Commissioner last November. Among its findings were:

- There was continued lack of quality control in the completion of the fingerprint cards. Peat Marwick reported that INS was experiencing a growing backlog of cases that were classified "not found" as a result of the failure of the matching effort between INS and FBI.
- The use of the designated fingerprint services had done little to increase the accuracy of the data on the fingerprint cards.
- Despite the requirement that adjudicators were not to schedule a naturalization case for a hearing until they received a definitive response from the FBI regarding the criminal history record search, Peat Marwick was often unable to verify that this control was being followed by the adjudicators.

In addition, Peat Marwick identified two other findings dealing with the dissemination of the November 1996 procedures and staff training. First, Peat Marwick discovered three different versions of the procedures had been distributed throughout INS.<sup>10</sup> It pointed out that generally staff at the first-line supervisor level and below were not informed of the reasons for the changes. Second, with respect to training, Peat Marwick reported that

---

<sup>9</sup>According to the Peat Marwick report, between February 19 and March 26, 1997, it visited 4 INS service centers, and 20 sites which represent about 85 percent of INS' naturalization processing capacity. It assessed the (1) dissemination of the Commissioner's November 29 memorandum throughout the organization, (2) quantity and quality of training conducted to facilitate understanding of the memorandum, and (3) degree to which the policies and procedures had been implemented.

<sup>10</sup>One version was a copy of the memorandum signed by the Commissioner, another was an unsigned electronic version of the memorandum with different attachments, and the third was an early version drafted for the Deputy Commissioner's signature.



---

there were no policies or curriculum established regarding the recording of attendance for accountability purposes. According to the report, this was a major contributing factor in INS' inability to implement fully the November 1996 procedures.

As a result of Peat Marwick's report, INS announced that it would be making improvements in three general areas to ensure that each district is effectively implementing the November 1996 procedures: (1) strengthening communication, coordination, and oversight; (2) improving training of all staff involved in implementing the new procedures; and (3) improving fingerprint processes. According to INS, a full-scale, 60-day audit is being planned.

---

## Observations

The Peat Marwick report shows that INS has not ensured that its field units were carrying out the Commissioner's instructions. It also highlighted the need for INS to do a better job of monitoring its field offices to ensure that they are properly and completely meeting the Commissioner's expectations.

We have not examined the extent to which INS has carried out its plans to monitor the performance of the outside organizations involved in the naturalization process. However, our past work on the fingerprinting aspects of the process and other aspects of INS management, and the recent Peat Marwick report, raise questions about the extent to which INS can today assure itself and the Congress that it is granting citizenship to only those applicants who deserve it.

---

Mr. Chairman, this concludes my prepared statement. I would be pleased to answer any questions.

---

### Ordering Information

The first copy of each GAO report and testimony is free. Additional copies are \$2 each. Orders should be sent to the following address, accompanied by a check or money order made out to the Superintendent of Documents, when necessary. VISA and MasterCard credit cards are accepted, also. Orders for 100 or more copies to be mailed to a single address are discounted 25 percent.

**Orders by mail:**

U.S. General Accounting Office  
P.O. Box 6015  
Gaithersburg, MD 20884-6015

**or visit:**

Room 1100  
700 4th St. NW (corner of 4th and G Sts. NW)  
U.S. General Accounting Office  
Washington, DC

Orders may also be placed by calling (202) 512-6000  
or by using fax number (301) 258-4066, or TDD (301) 413-0006.

Each day, GAO issues a list of newly available reports and testimony. To receive facsimile copies of the daily list or any list from the past 30 days, please call (202) 512-6000 using a touchtone phone. A recorded menu will provide information on how to obtain these lists.

For information on how to access GAO reports on the INTERNET, send an e-mail message with "info" in the body to:

[info@www.gao.gov](mailto:info@www.gao.gov)

or visit GAO's World Wide Web Home Page at:

<http://www.gao.gov>

---

**United States  
General Accounting Office  
Washington, D.C. 20548-0001**

**Bulk Rate  
Postage & Fees Paid  
GAO  
Permit No. G100**

**Official Business  
Penalty for Private Use \$300**

**Address Correction Requested**

---