



## Testimony

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Subcommittee on Immigration and Claims  
House of Representatives

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# IMMIGRATION AND NATURALIZATION SERVICE

## Overview of Management and Program Challenges

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# Immigration and Naturalization Service: Overview of Management and Program Challenges

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GAO and others have identified management and program challenges that have troubled the Immigration and Naturalization Service (INS) for years. GAO's management reports in 1991 and 1997 and related reviews have indicated that urgent attention should be given to INS' management challenges. GAO pointed out significant issues related to INS' (1) strategic planning process; (2) organizational structure; (3) communications and coordination; and (4) financial management processes.

More specifically, GAO said that:

- INS' strategic planning required sustained management attention and commitment;
- INS' reorganization had created some uncertainty about organizational roles and responsibilities;
- INS' internal communications and coordination were problematic, as evidenced by its outdated policies and procedures on how to implement immigration laws; and
- INS' financial management processes were weak, including outdated accounting systems, weak internal controls, and a lack of management emphasis on financial management.

In addition to these management challenges, program implementation issues at INS have been the focus of much of GAO's work. GAO's reports on these issues have been related to INS' efforts to:

- stem the flow of illegal aliens across the Southwest Border;
- identify and remove criminal aliens from the country;
- process applications for naturalization;
- enforce workplace immigration laws; and
- process aliens for expedited removal.

GAO recognizes that addressing these management and program challenges can be difficult. In carrying out its mission, INS has to contend with issues of foreign policy (e.g., U.S. readiness to provide asylum to political refugees); domestic policy (e.g., the tension between the need for cheap labor that immigrants have historically met and the protection of employment and working standards for U.S. citizens); and intergovernmental relations (e.g., between the federal government, which sets policy on immigration, and state and local governments, which largely bear its costs and consequences). Sustained top-level management commitment and monitoring are necessary to ensure that these challenges are addressed appropriately.

# Immigration and Naturalization Service: Overview of Management and Program Challenges

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Mr. Chairman and Members of the Subcommittee:

I am pleased to be here today to discuss work we have done addressing management and program challenges at the Immigration and Naturalization Service (INS). These challenges have been related to INS' strategic planning process, organizational structure, communications and coordination, financial management, and program implementation. For the most part, our testimony is based on products that we have issued on these matters since 1991. Attached to my statement is a bibliography of this work.

INS' mission involves carrying out two primary functions. One is an enforcement function that involves preventing aliens from entering the United States illegally and removing aliens who succeed in doing so. The other is a service function that involves providing services or benefits to facilitate entry, residence, employment, and naturalization of legal immigrants.

To enable INS to better implement and enforce immigration laws, Congress significantly increased its resources during the past several years. For example, between fiscal years 1993 and 1998, the number of onboard staff at INS increased from about 19,000 to nearly 31,000. During the same period, INS' budget more than doubled from \$1.5 billion in fiscal year 1993 to about \$3.8 billion in fiscal year 1998. Funding increases have continued in fiscal year 1999 with Congress providing over \$3.9 billion.

Earlier this year, we reported on management challenges and program risks in the Justice Department.<sup>1</sup> Most of the challenges and risks that we identified were in INS. However, we noted that, in carrying out its responsibilities, INS has to contend with issues of foreign policy (e.g., U.S. readiness to provide asylum to political refugees); domestic policy (e.g., the tension between the need for cheap labor that immigrants have historically met and the protection of employment and working standards for U.S. citizens); and intergovernmental relations (e.g., between the federal government, which sets policy on immigration, and state and local governments, which largely bear its costs and consequences).

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## Management Challenges

Several of our past reports have identified significant management challenges that have troubled INS for years. Those challenges have been related to INS' (1) strategic planning process; (2) organizational structure;

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<sup>1</sup> Performance and Accountability Series: Major Management Challenges and Program Risks: Department of Justice (GAO/OCG-99-10, Jan. 1999).

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(3) communications and coordination; and (4) financial management processes.

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## INS' Strategic Planning Process

In 1991, we reported that INS lacked a strategic plan and that past priority management processes were not successful.<sup>2</sup> We also stated that past efforts to implement agencywide planning systems lacked sustained top management support, managers were not held accountable for achieving goals and objectives, and priorities were not used in planning for decisionmaking. Three years later, INS developed and issued a strategic plan to better focus its attention on key mission and operational priorities. The plan identified eight major strategic priorities, including such challenges as facilitating compliance with immigration laws, deterring unlawful migration, and reengineering INS work processes.

In fiscal year 1995, INS implemented a priorities management process intended to facilitate the achievement of the strategic priorities identified in the plan. Specific annual goals related to strategic priorities were identified for special management attention, including the establishment of objectives, time frames, and performance measures. In fiscal year 1996, to further focus management attention on the most important goals, INS ranked the annual goals according to their priority. By assigning senior INS managers specific responsibility for achieving the annual priority goals, INS intended to establish better organizational and individual accountability. In 1997, we said that these efforts appeared to be consistent with the intent of the Government Performance and Results Act. However, we also concluded that, while INS' initial steps in developing a strategic plan and management priorities had been positive, our past work at INS had indicated that, to be successful, such initiatives would require sustained management attention and commitment.<sup>3</sup>

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## INS' Organizational Structure

In 1991, we reported that, historically, INS leadership had allowed INS' organizational structure to become decentralized without adequate controls.<sup>4</sup> Specifically, its regional structure had created geographical separation among INS programs and hampered resource allocation and consistent program implementation. The field structure to carry out INS' enforcement functions was bifurcated between districts and Border Patrol sectors, resulting in uncoordinated, overlapping programs. In addition,

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<sup>2</sup>Immigration Management: Strong Leadership and Management Reforms Needed to Address Serious Problems (GAO/GGD-91-28, Jan. 23, 1991).

<sup>3</sup>INS Management: Follow-up on Selected Problems (GAO/GGD-97-132, July 22, 1997).

<sup>4</sup>GAO/GGD-91-28, January 23, 1991.

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INS' 33 district directors and 21 Border Patrol chiefs were supervised by a single senior INS headquarters manager.

In 1994, with the appointment of a new Commissioner, INS implemented an organizational structure intended to remedy at least two problems with the 1991 structure. First, the Commissioner thought the agency's field performance was uneven and poorly coordinated. In particular, the headquarters operations office had an unrealistically large span of control because of its responsibility for overseeing the operations of 33 district offices and 21 Border Patrol sectors. Second, the Commissioner believed that program planning, review, and integration had suffered because the operations office was preoccupied with matters that should have been handled by field managers and therefore could not focus on program planning. To address these and other problems, the reorganization established Executive Associate Commissioner (EAC) positions for (1) policy and planning, (2) programs, (3) management, and (4) field operations. The EAC for Field Operations had overall responsibility for managing INS' operational field activities through three regional directors, who were delegated budget and personnel authority over INS' district directors and Border Patrol chiefs in their respective areas.

In 1997, we reported that the reorganization had succeeded in shifting some management authority to officials closer to the field activities, and many INS managers that we interviewed perceived the reorganization as a positive step in providing oversight to the field units.<sup>5</sup> However, the implementation of the headquarters reorganization also appeared to have created some uncertainty among INS managers and field staff about the relative roles and responsibilities of some of the EACs. This uncertainty had been amplified by internal questions about possible staffing imbalances among the offices. For example, we found that no analysis had been done to determine the appropriate number of staff needed for the office of programs, given the reassignment of some its new responsibilities to other offices.

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## Internal Communications and Coordination

INS' Commissioner stated that the 1994 reorganization would build communication capabilities. However, communication continued to be a problem at INS. We reported in 1997, as we did in 1991,<sup>6</sup> that INS' headquarters and field managers generally viewed headquarters as not being in touch with events, problems, and concerns in the field. Part of the

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<sup>5</sup>GAO/GGD-97-132, July 22, 1997.

<sup>6</sup> GAO/GGD-97-132, July 22, 1997; and GAO/GGD-91-28, January 23, 1991.

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communications challenge involved uncertainty among INS managers about the roles and responsibilities of headquarters executives, which in turn caused uncertainty about proper channels of communication for obtaining policy guidance or implementing program initiatives. Headquarters' efforts to resolve concerns about roles, responsibilities, and communication processes were not successful. For example, there was still confusion among field managers regarding roles and responsibilities, and inconsistent versions of guidance on naturalization procedures were distributed to field offices. INS did not intend to issue written guidance on appropriate communication channels and coordination methods between offices until it obtained a decision on how the agency would be restructured.

Lack of up-to-date policies and procedures had also contributed to INS' communications challenges. For example, at the time of our 1991 report, field manuals containing policies and procedures on how to implement immigration laws were out-of-date and had not been updated by the time of our 1997 report. As a result, INS employees were burdened with having to search for information on immigration laws or regulations in multiple sources, which sometimes resulted in their obtaining conflicting information. The lack of current manuals also led some field officers to create policy locally, thus compounding coordination difficulties. However, during the past 2 years, INS has published an administrative manual and established a timetable through January 2001 for issuing five field manuals.

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## Financial Management

The financial statement audit of INS' fiscal year 1998 Statement of Financial Position and the related Statements of Operations and Changes in Net Position resulted in a disclaimer of opinion. The auditor reported that INS had not maintained appropriate accounting records and relevant documentation to support certain balances in the financial statements. In addition, INS' internal control structure was not adequate to ensure that its assets were properly safeguarded from loss, damage, or misappropriation, and that transactions were accurately and completely recorded. Accordingly, the auditor could not perform sufficient audit procedures to determine whether the financial statements were affected by these conditions. The auditor identified five material weaknesses<sup>7</sup> with respect to (1) the fund balance with the Treasury reconciliation process, (2) fixed assets, (3) accounts payable, (4) deferred revenue, and (5) INS' financial

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<sup>7</sup> A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that errors or irregularities in amounts that would be material to the financial statements may occur and not be detected promptly by employees in the normal course of performing their duties.

management systems. INS has taken action to address some of its financial management problems, including engaging a contractor to reconcile the fund balance differences with Treasury.

With respect to INS' financial management systems, the auditor reported that the systems (1) were not integrated, resulting in significant delays and burdensome reconciliation efforts; (2) had significant internal control weaknesses—including computer control problems—affecting the accuracy and reliability of financial information; and (3) limited, rather than enhanced, effective decisionmaking.

In 1991, we reported that INS' budget development process, which had evolved with weak controls over expenditures and revenues, significantly impeded INS management's ability to address program weaknesses. In addition, we said that INS did not have fiscal accountability over its resources. Its outdated accounting systems, weak internal controls, and lack of management emphasis on financial management had contributed to this situation. As we reported again in 1993 and more recently in 1997,<sup>8</sup> INS' financial management systems' weaknesses made it difficult for the agency to monitor the status of its budget and to make sound budgetary decisions. For example, in March 1995, INS' budget office projected that the field offices would have about \$115 million in surplus funds through the rest of the year. Upon subsequent input from INS' field offices, it turned out that the field offices would experience a \$5 million shortfall for the remainder of the year.

Earlier this year, concerned that INS would incur a budget shortfall, the House Appropriations Committee asked that we examine INS' fiscal condition for fiscal year 1999. Based on discussions with officials from INS, the Justice Department, and the Office of Management and Budget, and based on our analysis of INS budget documents, we concluded that INS was not experiencing an overall budget shortfall for fiscal year 1999.<sup>9</sup> However, we noted that the hiring policy that INS followed in fiscal year 1998, and the reduced revenues from INS' Examinations Fee revenues, contributed to reduced discretionary funding in fiscal year 1999.

In 1997, INS selected a new financial management system but did not first analyze its financial management processes, as required by the Clinger-

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<sup>8</sup> Immigration Issues: Making Needed Policy and Management Decisions on Immigration Issues (GAO/T-GGD-93-18, Mar. 30, 1993); and GAO/GGD-97-132, July 22, 1997.

<sup>9</sup> INS Budget: Overhiring and Decline in Revenues Have Created Fiscal Stress (GAO/T-GGD/AIMD-99-129, Mar. 24, 1999).



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Cohen Act of 1996,<sup>10</sup> to ensure that the new system did not automate outmoded, inefficient business processes. Instead of developing and implementing a risk management plan, as we had recommended, INS tasked its contractor with helping to ensure that risks associated with implementation of the new system would be identified and necessary steps taken to mitigate them. According to INS, it had an urgent need to replace its financial management system, which was over 19 years old and did not have the functionality needed for INS to efficiently manage and account for its resources, and INS believed that this was a prudent way to proceed.

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## Program Challenges

In addition to the long-standing management challenges that we identified, program implementation issues at INS have been of continuing concern. These issues have been related to INS' efforts to (1) stem the flow of illegal aliens across the border, (2) identify and remove criminal aliens, (3) process applications for naturalization, (4) enforce immigration laws that pertain to the workplace, and (5) process aliens for expedited removal from the country.

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## Border Control

In 1993, we testified that INS was confronted with the challenge of preventing millions of aliens from entering the country illegally.<sup>11</sup> Our prior work in this area had shown that INS had difficulty in removing illegal aliens once they entered the country and had limited space to detain aliens it apprehended. We concluded, therefore, that the key to controlling the illegal alien population was to prevent their initial entry. Consistent with the Attorney General's strategy, in 1994, INS issued a national Border Patrol strategy intended to deter illegal entry between the ports of entry along the Southwest Border. In the strategy's initial phase, the focus was on two sectors—San Diego and El Paso—that in 1993 accounted for the majority of apprehensions nationwide. In the second phase of the strategy, INS increased the resources it allocated to sectors in Tucson, Arizona, and south Texas.

In 1997, we reported that INS had made progress in implementing some, but not all, of its strategy.<sup>12</sup> For example, INS had allocated Border Patrol agents in general accordance with the strategy, focusing resources in the areas of highest known illegal activity. However, the proportion of time the

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<sup>10</sup> P.L. 104-106. The act requires executive agencies to conduct analyses of work processes before making significant investments in information technology.

<sup>11</sup> Immigration Enforcement: Problems in Controlling the Flow of Illegal Aliens (GAO/T-GGD-93-39, June 30, 1993).

<sup>12</sup> Illegal Immigration: Southwest Border Strategy Results Inconclusive; More Evaluation Needed (GAO/GGD-98-21, Dec. 11, 1997).

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agents at the Southwest Border collectively spent on border enforcement activities did not increase between 1994 and 1997 as planned. Further, the Border Patrol had not determined the most appropriate mix of staffing and other resources needed for its sectors, as called for in the strategy.

We also stated in our 1997 report that INS lacked data on several outcomes that the strategy was expected to achieve. For example, there were no data to indicate whether (1) illegal aliens were deterred from entering the United States, (2) there had been a decrease in attempted reentries by those who had been previously apprehended, and (3) the strategy had reduced border violence. We said that, despite the investment of billions of dollars in the strategy, INS had amassed only a partial picture of the effects of increased border control and did not know whether the investment was producing the intended results. Further, INS lacked a systematic and comprehensive evaluation plan to assess the strategy's overall effectiveness. We noted also that developing such a plan would be in keeping with the principles embodied in the Results Act. In September 1998, INS contracted with independent research firms for an evaluation.

In an update to our 1997 report,<sup>13</sup> we noted that available data suggested that several anticipated interim effects of the strategy had occurred. For example, apprehensions of illegal aliens continued to shift from traditionally high entry points like San Diego and El Paso to other locations along the border, as resources were deployed. Also, southwest border ports of entry inspectors apprehended an increased number of persons attempting fraudulent entry, and there were reports of higher fees being charged by smugglers, which INS said indicated an increased difficulty in illegal border crossing. However, data were still not available on the overall impact of the strategy and how effective it has been in preventing and deterring illegal entry.

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## Criminal Alien Removal

As far back as 1989, we reported that INS had not been effective in removing illegal aliens from the country.<sup>14</sup> Five years later, the Commissioner stated that over half of the illegal alien population initially entered the United States legally but then overstayed their period of admission. She added that no effective means existed to locate and arrest those aliens. With respect to criminal aliens, INS did not know how many prisoners in state and local prisons were deportable criminal aliens. Our

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<sup>13</sup> Illegal Immigration: Status of Southwest Border Strategy Implementation (GAO/GGD-99-44, May 19, 1999).

<sup>14</sup> Immigration Control: Deporting and Excluding Aliens From the United States (GAO/GGD-90-18, Oct. 26, 1989).

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work has shown that removing deportable criminal aliens from this country has been one of INS' long-standing challenges.

INS' Institutional Hearing Program (IHP)<sup>15</sup> is the Department of Justice's main vehicle for placing aliens who are incarcerated in state and federal prisons into deportation proceedings so that they can be expeditiously deported upon release. In 1997, we reported on the 1995 performance results of the IHP, and more recently, in 1998, we reported on 1997 IHP results.<sup>16</sup> In each year, for a 6-month period, we found that INS failed to identify nearly 2,000 potentially deportable criminal aliens before they completed their prison sentences. Hundreds of those criminal aliens were aggravated felons who, by law, should have been placed in removal proceedings while in prison and taken into INS custody upon release. Some of those aliens were subsequently rearrested for new crimes, including felonies.

Even when INS determined that an alien was potentially deportable and should be placed in removal proceedings, INS did not complete the IHP for at least half of such cases in both 1995 and 1997. As a result, INS took many of the released criminal aliens into custody and completed the removal process for them after their prison release. As a result of its failure to complete the IHP before prison release, INS incurred about \$37 million in avoidable detention costs in 1995 and about \$40 million in 1997. INS took action on some, but not all of our 1997 recommendations to improve the IHP. For example, responding to our recommendation that INS give priority to aliens serving time for aggravated felonies, INS indicated that it should be screening all foreign-born inmates as they enter the prison systems. Therefore, INS took the position that it did not need to single out aggravated felons as a unique group. However, it remains unclear whether INS has the resources needed to screen everyone as they enter the prison system. INS has acknowledged and started to address the need for eliminating the backlog of cases that were not screened in previous years because aggravated felons could be part of the backlog.

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<sup>15</sup> The IHP was subsumed under a broader program in June 1998 called the Institutional Removal Program (IRP). The objectives of the programs are the same. The IRP, however, counts certain removal orders not included in the IHP—specifically, reinstatement of prior removal orders and administrative removal orders—in measuring program outcomes.

<sup>16</sup> Criminal Aliens: INS' Efforts to Identify and Remove Imprisoned Aliens Need To Be Improved (GAO/T-GGD-97-154, July 15, 1997); and Criminal Aliens: INS' Efforts to Remove Imprisoned Aliens Continue to Need Improvement (GAO/GGD-99-3, Oct. 16, 1998).

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## Processes for Granting Citizenship

INS is authorized to charge user fees to recipients of certain INS services, such as the processing of an alien's application. In 1991, we said that INS had a chronic problem with not processing applications for naturalization within its 4-month time frame. In our 1994 report on INS user fees,<sup>17</sup> our analysis of INS' workload in its four largest districts showed that it did not allocate its staff in proportion to its estimated workload. We said that about 80 percent of applicants could expect to wait 4 months or less for their applications to be processed. However, the expected waiting times for two of the four districts in our review exceeded 4 months; in New York and San Francisco, the waiting times for naturalization applications took 7 and 10 months, respectively.

More recently, we reported that the number of applications was continuing to grow and that differences in production rates and processing times existed among field units in application processing.<sup>18</sup> For example, our analyses of INS data for the 25-month period of June 1994 through June 1996 showed significant differences in the production rates for the five predominant types of applications processed by INS' district offices and three predominant types of applications processed by its service centers. We also reported large differences in the projected processing times for the types of applications for which these data were readily available. While we did not directly determine the cause of the differences, we noted that differences in processing times mean that aliens in different INS districts have had to wait disparate amounts of time for their applications to be processed. We pointed out that the need to treat applicants fairly and use government resources efficiently makes both determining the causes of the production and timing differences and, if feasible, improving production and timeliness, important goals for INS.

As part of the process of applying for naturalization, aliens are required to submit completed fingerprint cards with their applications so that a criminal's record can be obtained. A criminal conviction can result in denial of the application. In 1994, we issued a report related to INS' processing of aliens' applications for permanent residency and naturalization.<sup>19</sup> Specifically, we reported that INS did not obtain the

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<sup>17</sup> INS User Fees: INS Working to Improve Management of User Fee Accounts (GAO/GGD-94-101, Apr. 12, 1994). Our review was of INS' two major fee accounts—the Immigration Examinations Fee Account and the Immigration User Fee Account. Those two accounts represented about 99 percent of INS' total user fee account revenue.

<sup>18</sup> Alien Applications: Processing Differences Exist Among INS Field Units (GAO/GGD-97-47, May 20, 1997).

<sup>19</sup> INS Fingerprinting of Aliens: Efforts to Ensure Authenticity of Aliens' Fingerprints (GAO/GGD-95-40, Dec. 22, 1994).

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results of all requested fingerprint checks from the FBI, and the results were, therefore, not always available to examiners before the alien's hearings. As a result, INS improperly naturalized citizens with felony convictions.

In 1997, we testified that INS could still not assure itself and Congress that it was granting citizenship only to deserving applicants.<sup>20</sup> In addition, a report to the Department of Justice by a consulting firm indicated that INS had not ensured that its field units were implementing internal control procedures issued by the INS Commissioner. INS has begun restructuring its naturalization process to address these problems.

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## Worksite Enforcement

The Immigration Reform and Control Act of 1986 (IRCA)<sup>21</sup> made it illegal for employers knowingly to hire or continue to employ or recruit or refer for a fee unauthorized aliens. The act further required employers to comply with an employment verification process intended to provide employers with a means to avoid hiring unauthorized aliens.<sup>22</sup> In 1994, we testified that INS' worksite enforcement effort had declined from fiscal year 1989 through 1993.<sup>23</sup> Our more recent work in this area has shown that, while INS has undertaken several initiatives to improve the employment verification process to make it less susceptible to fraud, significant obstacles remained.<sup>24</sup> First, as mandated in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996,<sup>25</sup> INS is testing pilot programs in which employers must electronically verify an employee's eligibility to work. However, INS has had difficulty in meeting its goal for enrolling employers in the pilot programs. Although originally expected to enroll 16,000 employers by the end of fiscal year 1999, only 2,500 were participating as of November 1998. Second, INS has made little progress in reducing the number of documents that employers can accept to determine employment eligibility. We pointed out that having a smaller number of acceptable documents would make the process more secure and reduce employer confusion. Lastly, INS had begun issuing new

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<sup>20</sup> Naturalization of Aliens: INS Internal Controls (GAO/T-GGD-97-98, May 1, 1997).

<sup>21</sup> P.L. 99-603, 8 U.S.C. 1324a *et seq.*

<sup>22</sup> Generally, the act requires employers to verify the identity and eligibility of all new employees hired after November 6, 1986.

<sup>23</sup> Employer Sanctions: Comments on H.R. 3362—Employer Sanctions Improvement Act (GAO/T-GGD-94-189, Sept. 21, 1994).

<sup>24</sup> Illegal Aliens: Significant Obstacles to Reducing Unauthorized Alien Employment Exist (GAO/GGD-99-33, Apr. 2, 1999); and (GAO/T-GGD-99-105, July 1, 1999).

<sup>25</sup> P.L. 104-208.

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documents with increased security features, which it hoped would make it easier for employers to verify the documents' authenticity. However, in addition to those INS documents, aliens can show employers various other less secure documents that authorize them to work. Therefore, unauthorized aliens seeking employment can circumvent the improved security features of INS documents by simply presenting fraudulent non-INS documents—such as counterfeit Social Security cards—to employers.

Further, we reported that, since no verification system is foolproof, enforcing IRCA's employer sanctions provisions would continue to be important. Since 1994, INS had devoted about 2 percent of its enforcement work years to its worksite enforcement program, which is designed to detect noncompliance with the law. INS completed about 6,500 investigations of employers in 1998—about 3 percent of the U.S. employers believed to have unauthorized workers on their payrolls. INS' worksite enforcement program has infrequently imposed sanctions on employers. INS is in the process of changing its approach to worksite enforcement, but it is too soon to know how these changes will be implemented or to assess their impact on the hiring of unauthorized workers.

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## Expedited Removal

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 included provisions establishing a new process for dealing with aliens who attempt to enter the United States by engaging in fraud or misrepresentation (e.g., falsely claiming to be a U.S. citizen or misrepresenting a material fact) or who arrive with fraudulent, improper, or no documents (e.g., visa or passport). Known as expedited removal, the new process gives INS officers, rather than immigration judges, the authority to formally order these aliens removed from the country. The process also limits the rights of aliens to appeal a removal order. Aliens who fear being persecuted or tortured if they are returned to their home country are to be granted a "credible fear" interview to determine if their claims of asylum have a significant possibility of succeeding.

In our 1998 report,<sup>26</sup> we addressed several aspects of INS' implementation of the expedited removal process, including the implementation and results of the process for making credible fear determinations and the mechanisms that INS had established to monitor expedited removals and credible fear determinations and to improve these processes. In our report, we pointed out that our review of case file documentation indicated a range of compliance with certain aspects of the required expedited

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<sup>26</sup> Illegal Aliens: Changes in the Process of Denying Aliens Entry Into the United States (GAO/GGD-98-81, Mar. 31, 1998).

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removal processes at five selected locations.<sup>27</sup> For example, case file documentation indicated that supervisors reviewed the expedited removal orders in an estimated 80 to 100 percent of the cases at the five locations. Further, our report noted that INS had or was in the process of developing mechanisms to monitor the expedited removal procedures, including the credible fear determinations. Those mechanisms included creating an Expedited Removal Working Group to visit locations and address problems, creating a quality assurance team at headquarters to review selected credible fear files, and meeting with nongovernmental organizations to discuss issues and concerns. INS has made changes to its processes on the basis of concerns raised by these internal reviewers and outside organizations.

Mr. Chairman, this completes my statement. I would be pleased to answer any questions that you or other members of the Subcommittee may have.

### **Contact and Acknowledgement**

For further information regarding this testimony, please contact Richard M. Stana at (202) 512-8777. Individuals making key contributions to this testimony included Evi Rezmovic and Brenda Rabinowitz.

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<sup>27</sup> The locations, which we judgmentally selected, included San Ysidro, California; Buffalo, New York; and Miami International, Los Angeles International, and John Fitzgerald Kennedy (JFK) Airports.

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# Related GAO Products

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Illegal Aliens: Significant Obstacles to Reducing Unauthorized Alien Employment Exist (GAO/T-GGD-99-105, July 1, 1999).

Illegal Immigration: Status of Southwest Border Strategy Implementation (GAO/GGD-99-44, May 19, 1999).

Immigration Benefits: Applications for Adjustment of Status Under the Haitian Refugee Immigration Fairness Act of 1998 (GAO/GGD-99-92R, April 21, 1999).

Illegal Aliens: Significant Obstacles to Reducing Unauthorized Alien Employment Exist (GAO/GGD-99-33, April 2, 1999).

Drug Control: INS and Customs Can Do More To Prevent Drug-Related Employee Corruption (GAO/GGD-99-31, March 30, 1999).

Visa Issuance: Issues Concerning the Religious Worker Visa Program (GAO/NSIAD-99-67, March 26, 1999).

INS Budget: Overhiring and Decline in Revenues Have Created Fiscal Stress (GAO/T-GGD/AIMD-99-129, March 24, 1999).

Major Management Challenges and Program Risks: Department of Justice (GAO/OCG-99-10, January 1, 1999).

Criminal Aliens: INS' Efforts to Remove Imprisoned Aliens Continue to Need Improvement (GAO/GGD-99-3, October 16, 1998).

INS User Fee Revisions: INS Complied With Guidance but Could Make Improvements (GAO/GGD-98-197, September 28, 1998).

H-2A Agricultural Guestworker Program: Experiences of Individual Vidalia Onion Growers (GAO/HEHS-98-236R, September 10, 1998).

Immigration Statistics: Information Gaps, Quality Issues Limit Utility of Federal Data to Policymakers (GAO/GGD-98-164, July 31, 1998).

Immigration Statistics: Guidance on Producing Information on the U.S. Resident Foreign-Born (GAO/GGD-98-155, July 22, 1998).

Immigration Statistics: Status of the Implementation of National Academy of Sciences' Recommendations (GAO/GGD-98-119, June 9, 1998).



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Assessment of Contractor's Review of INS' Analysis of a Random Sample of Recently Naturalized Aliens (GAO/GGD-98-131R, May 28, 1998).

Illegal Aliens: Changes in the Process of Denying Aliens Entry Into the United States (GAO/GGD-98-81, March 31, 1998).

Naturalized Aliens: Efforts to Determine if INS Improperly Naturalized Some Aliens (GAO/GGD-98-62, March 23, 1998).

Retirement Eligibility of Customs and INS Employees on the Southwest Border (GAO/GGD-98-70R, March 13, 1998).

Community Development: Changes in Nebraska's and Iowa's Counties With Large Meatpacking Plant Workforces (GAO/RCED-98-62, February 27, 1998).

H-2A Agricultural Guestworker Program: Changes Could Improve Services to Employers and Better Protect Workers (GAO/HEHS-98-20, December 31, 1997).

Illegal Immigration: Southwest Border Strategy Results Inconclusive; More Evaluation Needed (GAO/GGD-98-21, December 11, 1997).

Customs and Border Patrol: Resources Needed for Reopening Rail Line From Mexico-U.S. Border Into the United States (GAO/GGD-98-20R, November 5, 1997).

Combating Terrorism: Federal Agencies' Efforts to Implement National Policy and Strategy (GAO/NSIAD-97-254, September 26, 1997).

Illegal Immigration: Information on Illegal Immigrants and Automobile Insurance in California (GAO/GGD-97-172R, September 5, 1997).

Higher Education: Verification Helps Prevent Student Aid Payments to Ineligible Noncitizens (GAO/HEHS-97-153, August 6, 1997).

INS Management: Follow-up on Selected Problems (GAO/GGD-97-132, July 22, 1997).

Immigration and Naturalization Service: Employment Verification Pilot Project (GAO/GGD-97-136R, July 17, 1997).

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