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REPORT BY THE
Comptroller General
OF THE UNITED STATES

**Controls Over Nonimmigrant Aliens
Remain Ineffective**

INS' lack of control over nonimmigrant aliens admitted for temporary visits became acutely evident recently when it could not provide accurate information on the number of foreign students in the United States, where they were located, and how many were in violation of their student status. Without an effective information system, INS cannot assess the magnitude of the problems in controlling non-immigrant status violations. Due to inadequate planning, INS has not been able to purchase the computer equipment necessary to automate some of its operations.

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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-199841

The Honorable Elizabeth Holtzman
Chairwoman, Subcommittee on Immigration,
Refugees, and International Law
Committee on the Judiciary
House of Representatives

Dear Madam Chairwoman:

This report discusses the problems that the Immigration and Naturalization Service has in maintaining accountability and control over nonimmigrant aliens who enter the United States legally. The report points out the need for the Service to develop an agency mission plan and a long-range ADP plan to guide its efforts to increase accountability over non-immigrants and improve operations.

This review was made pursuant to your December 18, 1979, request and subsequent agreements with your office. As arranged with your office, unless you publicly announce the contents earlier, we plan no further distribution of this report until 15 days from the date of the report. At that time, we will send copies to interested parties and make copies available to others upon request.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Thomas B. Staats".

Comptroller General
of the United States



D I G E S T

The Immigration and Naturalization Service is responsible for admitting aliens, monitoring their status, and apprehending those who violate the conditions of their entry; however, it does not have the capability to monitor the status of non-immigrant aliens.

NEED FOR IMPROVED CONTROLS
OVER NONIMMIGRANTS

In the past, INS devoted little effort and resources to monitoring the status of certain nonimmigrant groups, such as foreign students, diplomats, and tourists. When the Iranian crisis focused attention on Iranian students and diplomats in the United States, INS was unable to provide information on the number and status of Iranians here or on the schools approved to accept foreign students. The extraordinary effort necessary to obtain this information had cost almost \$3.3 million as of May 1980. (See p. 4.)

To gain greater accountability, INS has proposed a program to interview all other foreign students. GAO believes this extensive effort should be delayed until INS has the capability to keep the acquired information current. (See p. 6.)

Enforcement efforts against school and student violators have been negligible due to the low priority and insufficient resources allocated to this effort. A 1975 GAO report recommended improved screening controls INS could use to prevent foreign student violations. However, INS has made little progress toward implementing recommended evaluation programs, developing better guidelines, or improving the criteria used by schools and INS adjudicators to approve foreign students' applications. Inadequate record-keeping procedures continue to limit INS's ability to provide complete, accessible information. (See p. 7.)

The Immigration and Naturalization Service and the State Department have made little effort to monitor the status of foreign diplomats. Thus, they are not aware of any violations of diplomatic status. However, the recent effort to locate and deport Iranian diplomats demonstrated a lack of accountability. Over 17 percent of Iranian diplomats could not be located. (See pp. 14-16.)

INS CANNOT PROVIDE CONTROLS
IN PROPOSED VISA WAIVER
LEGISLATION

INS's control of nonimmigrants may be further affected by a legislative proposal to waive the visa requirement for temporary business visitors and tourists from certain "low-risk" countries. Eliminating the visa requirement would likely reduce staffing requirements in overseas consulates, improve foreign relations, and increase tourism.

The proposed legislation contains control provisions which seemingly provide a high degree of assurance that the privilege will not lessen the United States' ability to regulate nonimmigrant aliens. If a country's violation rates become too high, the visa waiver privilege would be withdrawn. However, INS cannot realistically implement control mechanisms which provide the degree of precision required by the legislation. Thus, the initial eligibility determination would become the key control. (See pp. 17-23.)

INS'S INFORMATION
SYSTEM IS NOT EFFECTIVE

INS's Nonimmigrant Document Control system cannot be used to account for nonimmigrants or as an enforcement tool. The information produced by the system is neither timely nor reliable. The system was intended to contain data on the arrival and departure of nonimmigrant aliens. However, because INS does not directly collect departure documents, information on departing aliens is not assured and INS cannot completely account for nonimmigrants. (See p. 26.)

Although the current system identifies nonimmigrants who have apparently overstayed their authorized period of admission, the system cannot be effectively

used for enforcement purposes. Also, it is not feasible for INS to attempt to locate all these individuals. As of April 1980, the system indicated that about 1.8 million nonimmigrants had apparently overstayed and were still in this country. In a test sample of 3,734 overstays, INS was able to locate only 4 deportable people. It found that 1,257 aliens had already departed and 42 were legally in status. It was unable to verify the status of the remaining 2,431 nonimmigrants. (See p. 26.)

INADEQUATE PLANNING SLOWS AUTOMATION EFFORTS

INS is trying to improve its information systems by (1) identifying inadequacies of the current Nonimmigrant Document Control system and (2) automating district offices. It intends to have a contractor make a study of Government-wide requirements for nonimmigrant data; however, these efforts have been hindered by its inability to specify study objectives and by the absence of a long-range ADP plan to guide automation efforts. In June 1979, the Congress put a "freeze" on INS's attempt to procure ADP equipment for the district offices until adequate plans have been developed, but INS has made little progress in developing its mission plan or the long-range ADP plan to support it. (See p. 30.)

INS testified before the Subcommittee on Government Information and Individual Rights, House Committee on Government Operations, on May 20, 1980, that its ADP planning had reached the stage where its executive group will meet every 2 weeks to consider specific decisions necessary to complete the plan. (See p. 34.)

RECOMMENDATION TO THE ATTORNEY GENERAL

The Attorney General should direct the Commissioner of the Immigration and Naturalization Service to delay requiring all foreign students to report to the Service until it has

- improved its information system,
- determined its resource requirements,

- assessed the program's effect on other service programs, and
- developed a system that can keep the information current.

AGENCY COMMENTS AND OUR EVALUATION

The Department of Justice detailed the planning efforts INS has underway to improve its control systems and automation efforts. Justice is considering GAO's recommendation; however, it is assessing whether the deterrent effect of having all foreign students report justifies the program, regardless of the usefulness of the nonimmigrant document control system.

The Department of State maintained that existing INS statistics could be used to determine whether a country should retain its visa waiver privilege. GAO cannot disagree, but we question the value of a control system predicated on the use of data known to be grossly incomplete. GAO is convinced that the visa waiver proposal must be evaluated on the merits of the argument that a number of countries pose little risk of abusing the visa waiver privilege rather than on the ability to correct any errors once made.

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ABBREVIATIONS

ADP	Automatic Data Processing
GAO	General Accounting Office
ICCS	Integrated Case Control System
INS	Immigration and Naturalization Service
NIDC	Nonimmigration Document Control

CHAPTER 1

INTRODUCTION

The Chairwoman, Subcommittee on Immigration, Refugees, and International Law, House Committee on the Judiciary, requested that we review certain activities of the Immigration and Naturalization Service (INS) and the Department of State, including the controls exercised over foreign students, over schools authorized to admit foreign students, and over the issuance of diplomatic visas. The Chairwoman asked that we determine what effect the waiving of visas for low-risk countries would have on INS and Department of State activities and on INS' progress in developing an adequate arrival and departure control system for nonimmigrants and in computerizing the operations of district offices.

INS' control activities include inspecting persons for admission into the United States, patrolling the borders to prevent illegal entry, investigating aliens' status, and removing those aliens found to be in violation of the law. Other INS responsibilities include adjudicating applications for benefits and naturalization and maintaining records on all aliens in the United States.

INS' workload continues to show a steady increase. For example, in 1979 over 274 million people were inspected by INS upon entering the country as compared to 216 million in 1970. Initial inspections at the ports of entry resulted in over 973,000 denials of admission. Almost another million people were expelled through INS' enforcement efforts.

Although INS' workload continues to increase, its fiscal year 1980 permanent positions to handle the growing inspection and enforcement responsibilities decreased slightly from the previous year. The 10,997 permanent positions in fiscal year 1979 were reduced to 10,978 positions. INS' authorization request for the fiscal year 1981 budget continues the reduction to 10,716 positions.

PRE-ENTRY SCREENING OF NONIMMIGRANTS

Nonimmigrants wishing to enter the United States on a temporary basis for school, business, pleasure, etc., are initially screened at the American consulates when they apply for a visa. Certain temporary visitors, however, are

not required to obtain visas before entering the United States. For example, Canadian nationals; British nationals resident in some Caribbean islands, such as the Bahamas and Bermuda; and Mexican nationals with border crossing cards are not required to have a visa to enter this country. Legislation is currently being considered to extend the waiver to short-term tourists and business visitors from "low-risk" countries.

Nonimmigrant aliens wishing to study in the United States must pass through several screening phases before being admitted into this country as a student. First, they must be accepted by schools or universities approved by INS to accept foreign students. Federal regulations require that foreign students have appropriate scholastic qualifications, have adequate English language proficiency, and have financial resources to cover their education and living expenses without having to seek employment. The schools must determine whether the student has met these requirements before they issue the certificate of eligibility (Form I-20). Second, after obtaining a certificate from an approved school, the nonimmigrant must apply for a student visa at an American consulate. The State Department's consular officers issue a student visa after they are satisfied that all eligibility requirements have been met.

The number of foreign students admitted to this country has increased over 70 percent since fiscal year 1975. According to the Institute for International Education, over 310,000 foreign students were attending postsecondary schools during academic year 1979-80. INS' Nonimmigrant Document Control (NIDC) system showed that over 425,000 foreign students had entered the United States since 1972 and were still here as of May 1980.

CONTROLS OVER ENTRY AND DEPARTURE

Upon arrival at a port of entry, a nonimmigrant alien is inspected by INS and asked to show a passport and to provide the Service with the copy of the two-part arrival/departure document (Form I-94). This document contains a limited amount of personal identifying data as well as the alien's address while in the United States. Foreign students are also asked to furnish the certificate of eligibility (Form I-20); one part is sent to the school and the other is

forwarded to an INS district office. If an alien's status changes while in the country--i.e., if an alien extends his/her period of stay or becomes an immigrant--a document must be filed with INS to update the automated record in the NIDC system.

The original copy of the I-94 document is retained by the nonimmigrant during his/her stay in this country and is to be surrendered upon departure. Common carriers 1/ are required to collect the documents. The departure documents are sent to the INS central office, where they are entered into the control system to be matched with the corresponding arrival document. An alien will appear on an overstay report if the two documents do not match and the nonimmigrant's period of stay has expired.

OBJECTIVES, SCOPE AND METHODOLOGY

From January to May 1980, we examined INS policies, procedures, and practices for approving schools attended by foreign students, for determining whether students and diplomats maintain their status, and for expelling those failing to maintain their status. We assessed the potential effect waiving the visa requirement for temporary tourists and business visitors would have on the operations of INS and the Department of State. INS' progress in automating its district offices was also monitored during the review. We reviewed the Justice Department's internal audit reports pertaining to INS' model office project. Discussions were held with officials of the Departments of State, Justice, and Commerce, and the Office of Management and Budget. We made our review at the headquarters of these agencies and the INS district offices in Los Angeles and Washington, D.C.

1/In the event of travel to Canada, the departure document is collected by Canadian immigration officials. If the alien travels to Mexico, he is supposed to surrender the departure document to U.S. immigration officials.

CHAPTER 2

FOREIGN STUDENT CONTROLS REMAIN INEFFECTIVE

INS' inability to monitor foreign students was pointedly demonstrated by the Attorney General's admission in early 1979 that the number of foreign students in the United States was unknown. Further, INS could not give a reliable accounting of the total number of authorized schools currently admitting foreign students. Many foreign student control problems identified in our previous reports have received little attention and persist today. Inadequate information systems have prevented INS from determining the magnitude of foreign student violations or identifying schools that do not comply with the reporting requirements. Some evidence of fraudulent uses of I-20 certificates of eligibility to gain entry has surfaced; however, the extent of abuse is unknown due to limited investigative efforts. The low priority INS has given to enforcing regulations governing schools and foreign students contributes to the weakness of INS' controls.

CONTROLS OVER FOREIGN STUDENTS AND SCHOOLS ARE INADEQUATE

Some of INS' difficulties with monitoring foreign students and the schools approved to admit foreign students are due to its inability to generate accurate, easily accessible information. Data on the numbers, location, and status of students and schools is often unreliable because of lengthy delays in processing applications. In addition, cumbersome recordkeeping procedures do not permit ready access to complete student files.

The lack of accountability became critical during the recent Iranian crisis when INS was required to undertake a massive, costly effort to determine the status of an estimated 73,600 Iranian students in the United States. After spending more than 7 months and almost \$3.3 million, this effort is still continuing. Yet INS has proposed extending this exercise to an additional 250,000 to 330,000 other foreign students. Because INS lacks an automated system capable of keeping the acquired information current, we believe it would not be cost-effective for INS to undertake such an extensive program at this time.

INS attempts to determine the
number of foreign students reveal
glaring information deficiencies

The scope of the information problem became apparent in early 1979 when the Attorney General asked INS to determine the number of foreign students attending school in the United States. INS' centralized records system of I-94 nonimmigrant arrival documents was unable to provide the necessary information. The task was then turned over to the district offices. They were asked to match up students' eligibility documents, Forms I-20A and I-20B, and determine each student's location and status. This process would have required manual collation of thousands of documents. Instead, INS resorted to a telephone survey of the schools to obtain student information which the Service was unable to verify. This effort required detailing extra personnel and resources. In the INS Los Angeles District Office, for example, 65 people were shifted from their regular duties to perform the telephone survey.

Another serious problem surfaced during this exercise when INS could not reach many of the schools approved to admit foreign students. INS discovered that its information was no longer valid. For example, some schools had changed their names and addresses or terminated their operations. Of the 1,009 approved schools in the Los Angeles area, INS was unable to contact over 300 schools. In the Washington, D.C., area, about 200 of 500 postsecondary schools could not be reached.

Enormous resources required to
locate Iranian students

INS' effort to comply with the President's November 1979 order to identify all out-of-status Iranian students demonstrated the enormous resources required to track approximately 20 percent of the total foreign student population. About 1,200 INS employees were assigned almost exclusively for 2 months to interview and process about 56,700 Iranians. INS found that 6,906 Iranian students had violated the conditions of their stay. For example, they attended a school without INS approval, worked without INS approval, or remained in this country after terminating their

schooling. The total resources expended during 2 months for Phase I of this exercise amounted to approximately 18,000 staffdays and \$1.88 million.

Phase II of the Iranian exercise is still continuing, and the costs as of May 1980 have exceeded \$1.41 million. The decentralized and often incomplete record-keeping system required additional manual sorting efforts to determine which Iranian students did not report. Records of students who transferred to other schools in the United States often were not sent to the appropriate INS district office, thereby creating duplicate files. After INS reconciled the records of those students who reported, it still needed to research 41,000 remaining documents on Iranian students. All of these documents were sent into INS' central office where they were processed individually against three separate indexes.

Initially about 16,900 out-of-status Iranians were identified through this procedure. As of July 4, 1980, INS had completed its investigation on 6,988 of these students. The results showed that 2,599 of the students had been incorrectly identified by the district office as Iranian students. Of those Iranian students reported as being out-of-status, INS found that 2,265 had registered at a school and were in status. Only 819 of the Iranians investigated had actually violated the conditions of their stay and were considered to be deportable. INS verified departure in 460 instances, 552 had become legal residents, and 293 had an application or petition pending at the time of investigation.

Proposal to gain control
over all foreign students may
exceed INS' capabilities

INS' proposal to extend the Iranian exercise to all foreign students could potentially include an additional 330,000 students--over 4 times more than those involved in phase I and II of the current exercise. An effort of this magnitude does not seem feasible.

By shifting many of its personnel to the Iranian student project, INS affected many regular Service functions.

For example, the adjudication of applications and attempts to locate undocumented aliens had to be curtailed or delayed. INS has not estimated the costs or developed the plans necessary to identify and locate all foreign students. Moreover, INS has no reliable information system capable of keeping the newly acquired information up to date. Thus, even if INS could interview all foreign students to gain accountability, more than likely the information would be outdated in a short period of time.

ACTIONS TO IMPROVE RECORDS AND MONITOR
PROGRAMS COULD BE MORE EFFECTIVE

The lack of reliable information has prevented INS from improving controls. Although INS has taken some corrective actions, it has not implemented many recommendations for devising a better information system. The review programs established to monitor student and school compliance have not been fully implemented or utilized for evaluation and planning purposes. Program results are not communicated back to those implementing the review programs.

Development of information collection
and storage has been neglected

One of INS' primary responsibilities is to adjudicate foreign students' requests to extend their stay, change schools, or seek employment. The type of information used to make these determinations is important for INS' screening controls. Our 1975 report entitled "Better Controls Needed to Prevent Students from Violating the Conditions of Their Entry and Stay While in the United States," (GGD-75-9, February 4, 1975) identified information that INS and the State Department should collect to help in adjudications. Briefly, we recommended that INS

- interview all applicants for student status to help determine their financial capability and their intentions to pursue full courses of study and return to their countries,
- require that a student reestablish his financial capability to pursue a full course of study when he transfers schools and educational costs increase significantly,

- require that an applicant for student status establish his English language proficiency, and
- require that inquiry be made concerning the opportunity to use the training in the alien's home country as an aid in determining the alien's intentions to depart from the United States.

INS has not adopted most of these recommendations nor has the State Department changed its operating procedures to incorporate our recommendations. Furthermore, INS does not contemplate making these changes anytime in the near future.

Another problem hindering effectiveness is the absence of a files system that will permit Service adjudicators to readily research a student's records. Individual student files were discontinued several years ago because of inadequate resources. Currently, information is separated by type of form and is stored on a calendar year basis. Thus, obtaining complete information on any individual requires searches of several files for every year the student has been in the country. Also, information may be located in different INS district offices throughout the country.

During INS' recent effort to locate Iranian students, it took some steps to improve the records system. The Iranian student documents were separated from all other student information, collated for each individual, and stored alphabetically. Out-of-status Iranian files were removed and individual files created, each with an identifying number. These file numbers have been programmed onto a computer for better information retrieval.

Review programs do not evaluate effectiveness of INS procedures

Another problem area addressed in our 1975 report was INS' lack of procedures to review adjudications to ensure their accuracy and consistency and the need for programs to monitor student and school compliance. Although guidelines for these programs have been established by INS headquarters, their implementation in the field has been sporadic, and information collected was not evaluated.

A quality control program was established in 1976 to review completed adjudications at INS' regional and central offices. Because of a high personnel turnover rate, INS recognized the need for this type of program. The information from the program results could have been used to implement another of our 1975 recommendations that additional criteria be provided to adjudicators for determining whether a student's request for school transfer, extension of stay, or employment should be approved. However, INS officials stated that due to insufficient resources and low priority, this program is not being carried out.

Another program designed specifically to improve foreign student control was initiated in March 1979. In this program, approximately 1 percent, or a maximum of 100, of the student eligibility forms (I-20A and I-20B) and student transfer forms (I-538) were randomly selected on a monthly basis at each files control office. These forms were reviewed by INS examiners to confirm the students' status. Those students found to be out-of-status were referred to the investigations unit for follow-up action.

After 6 months, a summary of the program results concluded that of 9,567 students surveyed, approximately 80 percent were in-status. The information tallied quarterly in this program noted only the total number of students found in compliance, those in violation, and the total number of forms received. The students' nationality, school attended, location, and other potentially useful information were not noted. Of the 1,923 students found to be out-of-status, INS does not know how many actually left the country.

Although headquarters did not suspend the student review program during the Iranian exercise, district offices expended minimal effort on the program after the Iranian problem surfaced. Follow-up investigations on students found out-of-status were being conducted when resources permitted. INS district examiners and investigators who collect program statistics and report the results to the regions were not aware of any evaluation efforts by headquarters. INS officials at the regional level were either not aware of the program or simply passed the information on to the central office without using it. Although INS headquarters had not evaluated the program results, some INS representatives felt the program was not a productive control effort.

A program to review school compliance has also received minimal INS attention. The district offices were directed to review their records on each school at least once every 2 years. Because INS headquarters did not know how many schools had been approved to admit foreign students, the review program would enable it to update information, some of which dates back more than 50 years, or purge its files of schools that no longer existed. At least one on-site school visit was to be made each month to validate the students' compliance with reporting and eligibility requirements.

INS' commitment to this program is questionable. Although 250 schools had been surveyed since March 1979, no program results were available. Some district offices had not conducted surveys; for example, the INS district offices in Washington, D.C., and Los Angeles admitted that the program was not being conducted due to resource limitations and a low priority ranking. However, some INS representatives felt such a program could be beneficial for improving controls through better communication and greater enforcement efforts.

PREVENTION OF I-20 FRAUD SHOULD
BE GIVEN GREATER ATTENTION

More effective control over foreign students studying in the United States will also require improved monitoring of the issuance of Form I-20, the form necessary to gain admission as a student. Although some evidence of fraudulent I-20 use has surfaced, the extent of such abuse is not known because of limited investigative efforts.

Schools have the responsibility for issuing the I-20 to foreign students accepted for admission. The students must present this form at an overseas consulate to obtain a visa and again to the inspecting INS officer upon arrival in the United States. This document is a key factor in gaining entrance into this country and as such is a potential target of abuse.

Detection of I-20 irregularities is infrequent because the overseas visa issuing posts do not have a system for monitoring each school's authorized representative. Information concerning abuses is generally derived from students found in violation of their status, from consulate officers,

and from informants. However, collecting evidence to support alleged violations has proven difficult, particularly against those operating on foreign soil.

INS has taken little action to prevent I-20 fraud, such as tightening controls on issuing forms or revoking its approval of schools found to be fraudulently issuing I-20s. INS has opened 88 investigations of schools, and 69 of these involved alleged I-20 irregularities. As of March 1980, 3 schools were issued warning notices, 14 schools no longer in operation had their approval withdrawn, and 57 investigations were still pending. No operating school has had its approval to admit foreign students revoked.

Some effort has been made to coordinate with the State Department to try to devise better control mechanisms. Suggestions to improve accountability by numbering the forms, routing them directly to the visa issuing posts, or eliminating the Government Printing Office's sale of the I-20, as well as other alternatives, are being discussed.

INS PROPOSES NEW REGULATIONS TO IMPROVE STUDENT CONTROLS

Recently INS attempted to improve its control over foreign students. On March 19, 1980, proposed regulations which would require students to submit annual requests to extend their stay were submitted for public comment. Students' admission for duration of status was initiated in January 1979. INS believes that this prolonged period of admission has contributed to the problems in recordkeeping and enforcement. Since that time, INS has also proposed making the reinstatement provisions stricter for out-of-status students.

CONCLUSIONS

INS does not have reliable information on the number of foreign students in this country or on the schools approved to accept foreign students. Without the capability to monitor the status of students and schools, INS will not be able to determine the extent of its control problems. Current program monitoring efforts are inadequate due to the lack of consistent implementation and evaluation. Enforcement efforts against school and student violators have been negligible.

Although INS' control problems over foreign students have been recognized for many years, corrective action has been limited. Foreign students have had low priority within INS, and few resources have been devoted to monitoring their status.

To improve controls over foreign students, INS first needs to improve its information system and then develop effective monitoring and review programs. We believe it would not be productive for INS to attempt to gain greater accountability over all foreign students until the resources required to do so have been determined, the effects on other INS programs have been assessed, and the capability to keep the information current has been achieved.

RECOMMENDATION

We recommend that the Attorney General direct the Commissioner of INS to delay requiring all foreign students to report to INS until

- it has improved its information system,
- it has determined its resource requirement,
- it has assessed the program's effect on other Service programs, and
- it can keep the information current.

AGENCY COMMENTS AND OUR EVALUATION

The Departments of State and Justice commented on a draft of this report by letters dated August 20, 1980. (See appendixes II and III.) The points raised are discussed below and in the subsequent chapters to which they apply.

The Justice Department generally agreed with our observation that INS' information system for foreign students needs to be improved. Justice is currently considering GAO's recommendation that the reporting requirement for all foreign students be delayed. However, it is assessing whether the requirement to report should continue because of its psychological deterrent effect, regardless of the usefulness of the nonimmigrant document control system.

We continue to believe that in reaching its decision Justice, in addition to the benefits, needs to determine the resources required and the effect on other INS programs. This would seem particularly important if the program proceeds before the capability to keep the information current has been developed.

With regard to our prior recommendation that the usefulness in the home countries of student visa applicants' proposed courses of study be considered in evaluating their intention to return home, the State Department stated that the recommendation had been communicated to all consular officers by calling their attention to our 1975 report and by providing each foreign service post a copy of the report.

While we endorse fully these positive steps, the Department had not required consular officers to implement the recommendation. Officials of the Department's Bureau of Consular Affairs were unaware of the extent to which the recommendation had been implemented and expressed the opinion that implementation varied among overseas posts.

CHAPTER 3

MONITORING OF AND ACCOUNTABILITY OVER

DIPLOMATIC VISAS IS LIMITED

The degree of compliance with the conditions of diplomatic visas is currently unknown due to the low priority assigned to monitoring diplomats' status. Although the State Department has standard procedures for monitoring the diplomatic community, special immunities and diplomatic courtesies prevent verification of information provided by the foreign embassies.

Although State Department and INS officials are unaware of any violations of diplomatic status, the difficulties recently encountered in the special effort to locate and deport Iranian diplomats demonstrated the lack of accountability over diplomatic visa holders. INS has been unable to locate over 17 percent of the Iranian diplomats asked to leave this country.

CONSTRAINTS LIMIT EFFECTIVENESS OF PROCEDURES FOR MONITORING DIPLOMATS

The State Department issues diplomatic visas to foreign representatives and their employees and immediate families upon receiving formal notification by their governments. The visas are usually issued for an extended time, referred to as "duration of status." By law, the arrival, departure, or any change in status of foreign government employees must be reported to the State Department.

Special diplomatic courtesies and immunities limit State Department control over diplomatic visa holders. The status of members of diplomatic missions is monitored by the State Department through regular reporting requirements. Each mission must submit annual listings of all officers and employees of their governments.

Because the State Department cannot enter foreign embassies, it is difficult to determine how well the missions are complying with the reporting requirements. The State Department explained that the accuracy of the lists hinges solely on the cooperation of foreign governments. Indications are that the cooperation of some governments may be

less than satisfactory. However, the State Department does not attempt to verify the information provided and is not aware of any abuses of this system.

The information that INS has on the arrival and departure of diplomatic personnel is acquired through its I-94 system. INS tracks the status of diplomatic visa holders in the same manner as that of other nonimmigrants. Since the Department of State has the responsibility for exercising control over diplomatic personnel, INS does not engage in any special enforcement activities aimed at monitoring or identifying diplomatic visa violations.

IRANIAN DIPLOMATIC CRISIS DEMONSTRATES LACK OF ACCOUNTABILITY

The recent special effort to expel members of the Iranian Embassy demonstrated a problem in accounting for individuals who were on the State Department's list of diplomatic personnel. In December 1979, the State Department advised INS that 226 Iranians were no longer entitled to diplomatic status and should leave the country. As of July 10, 1980, INS had not located 39 (17.3 percent) of the individuals. One hundred and twelve had departed or will be departing. Twenty-four were in legal status or were permanent residents, and 35 had petitions pending for political asylum or permanent residency. One had been ordered to appear before a Special Inquiry Officer. Fifteen had been incorrectly identified as diplomats by the Iranian Embassy.

Extensive time and effort were required to carry out the President's order to remove Iranian diplomats because some of the information furnished by the Department of State was unreliable. In some cases, INS investigators could not locate the individuals because they had either not resided at the address shown or had moved. In other instances, they were told that the person had returned to Iran many months or years ago. INS plans to continue its search for these unaccounted-for individuals.

CONCLUSIONS

Even though efforts to monitor diplomatic status have been limited by diplomatic courtesies, the control function of monitoring has received low priority within the State

Department and INS. Thus, neither organization is aware of any problems with persons holding diplomatic visas. The Iranian situation has, however, demonstrated that existing procedures do not provide a high degree of control.

AGENCY COMMENTS

The Department of State stated that in the interest of obtaining compliance with its registration requirements, the Department has been informing diplomatic missions that action on requests for adjustments of visa status or employment of dependents will be deferred if the required lists are not submitted on time.

CHAPTER 4

INS CANNOT PROVIDE CONTROLS CALLED FOR IN PROPOSED VISA WAIVER LEGISLATION

Legislation (S. 2727) is currently being considered which would waive the nonimmigrant visa requirement for temporary tourist and business visitors from certain "low-risk" countries. The State Department believes this proposed legislation would produce significant cost savings by reducing personnel requirements in consulates where visa applicants have posed little risk of violating their temporary visitor status. Also, the State Department believes that the proposed legislation would contribute to better foreign relations with other countries. The burden of screening and admitting temporary nonimmigrant visitors would be assumed solely by INS.

The proposed legislation contains control provisions which seemingly provide a high degree of assurance that the granting of visa waiver privileges will not lessen the United States' ability to regulate the entry and stay of aliens. If a participating country's violation rates become too high, the legislation provides for the withdrawal of its visa waiver privilege. However, adequate control mechanisms which provide the degree of precision contemplated by the legislation cannot be realistically implemented by INS. Consequently, it is unlikely that, once granted, the visa waiver would be revoked. Thus, the initial eligibility determination is important as a key control, given the absence of effective mechanisms for determining continuing eligibility.

DETERMINING INITIAL AND CONTINUING ELIGIBILITY FOR VISA WAIVERS

Nationals from designated low-risk countries would not be required to obtain United States visas on business or pleasure visits not exceeding 90 days. The legislation will determine low-risk countries on the basis of the following major provisions:

- In the fiscal year before the proposed legislation becomes effective, countries eligible for visa waivers must have a nonimmigrant visa refusal rate of less than 2 percent, as determined by State Department consulate data.

- Eligible countries must be willing to extend similar visa waiver privileges to U.S. tourists and business visitors.
- Annual reviews by INS will determine the continuing eligibility of participating countries on the basis of INS statistics on rates of denial at ports of entry and on the rate of violation of nonimmigrant status. Eligibility will be withdrawn if the violation rates exceed one percent.
- Annual reviews will also permit additional countries to qualify.

Procedures will be implemented to ensure that temporary visitors entering without visas are aware of the waiver conditions. Transportation to the United States for those without visas must be on carriers having contractual arrangements with INS. The carriers will be responsible for ensuring that visitors without visas qualify for the waiver and understand its limitations. These passengers must purchase a nonrefundable round-trip ticket, complete a form for the Immigration and Naturalization Service, and submit to a routine name check at the port of entry.

Those without visas found ineligible for admission by INS inspectors at the port of entry would be returned to the initial departure point by the carrier using the round-trip portion of the alien's ticket. Carriers would also continue to be responsible for collecting and returning to INS the nonimmigrant departure forms. In addition, visitors without visas will not be permitted to seek a change of status. Those who overstay the 90-day limit would be considered out-of-status--thus, subject to deportation and unable to enter again without a visa.

ADMINISTRATION CITES PROPOSED WAIVER BENEFITS

The State Department advocates approval of the visa waiver proposal for both economic and foreign policy reasons. The proposal will reduce the consulate's workload and personnel requirements, with projected savings of \$3.13 million by fiscal year 1982.

According to the State Department, the visa waiver may also contribute to better foreign relations with other countries. The visa waiver has been extended to nationals of Canada and the Bahamas; British nationals resident in Bermuda, the Cayman Islands, and the Turks and Caicos Islands; and to Mexican nationals with a border crossing card. The visa waiver will signify the United States' reciprocity intentions to those countries which do not require visas of United States citizens. Altogether, 63 foreign countries do not require visas of U.S. citizens. Furthermore, the visa waiver will demonstrate the United States' goodwill and adherence to the Helsinki Accords, which call for the reduction of travel barriers among countries.

The United States Department of Commerce believes that foreign tourism and foreign exchange earnings would be greatly enhanced by this legislation. Commerce suggests that the current visa requirement inhibits many potential foreign travelers, which represents a loss to United States foreign exchange earnings of approximately \$500 per traveler.

PROPOSED LEGISLATIVE SAFEGUARDS ARE IMPRACTICAL

Although the proposed legislation recommended by the State Department assumes that eligible countries pose little security risk, the control provisions for determining a country's continued eligibility do not provide a ready or reliable means to detect increases in a country's violation rates. INS does not anticipate increasing its port-of-entry screening effort. In addition, INS does not have a system capable of accurately determining each country's continuing eligibility. The cost of detecting and apprehending violators would be prohibitive. Thus, INS has decided it will rely primarily on existing enforcement techniques, which have not been directed toward apprehending visa violators, to make the determination of continued eligibility.

INS faces a dilemma in assuming the sole burden of screening the admission of temporary visitors. On the one hand, INS inspectors believe they would have to ask additional questions at the ports-of-entry. If INS' screening is as effective as the screening done overseas, several of the largest eligible countries, such as France and Italy, which had a visa refusal rate in excess of 1 percent in 1979,

would most likely lose the visa waiver privilege after only 1 year. On the other hand, INS estimates that an additional 2 minutes per traveler would be required to ask these questions at an overall added cost of \$2.1 million. The impact of any added time at international airports would be severe, as the already lengthy clearance process and the crowded facilities would significantly worsen. Thus, INS is not expected to interrupt the flow of international travelers to do the detailed screening currently performed by the State Department.

It is also impractical for INS to determine a country's continued eligibility by implementing an effective system for detecting nonimmigrant status violations. This second control provision would be extremely costly and difficult to implement unless a country's continued eligibility is based solely on statistical information generated by INS' NIDC system.

The current NIDC system has a number of problems, which are further discussed in chapter 5, that prevent it from accurately accounting for a visitor's status. About 10 percent of the arrival documents INS collects at ports-of-entry are never matched to a corresponding departure document. The system's high keypunch error rate and INS' inability to assure collection of all departure documents contributes to the system's unreliability.

Given the system's problems, reliance on it for enforcement purposes is impractical. In fiscal year 1979, the NIDC system indicated that about 1.67 million tourists and business visitors "apparently overstayed" their authorized period of admission. For most low-risk countries the rate of overstays to the total number of visas issued exceeded 25 percent, which would have caused them to lose their visa waiver privilege. Allowance for the system's high keypunch error rate of 13 percent could significantly reduce the percentage of "apparent overstays," but the uncertainty and unreliability remain.

INS recognizes the futility of using either the NIDC system or investigating apparent overstays to determine continuing eligibility. INS abandoned overstay follow-up as a regular enforcement technique some years ago because of its high cost and limited results. Obviously, such an approach is impractical on the scale necessary to resolve

large numbers of apparent overstays. If used, it would ultimately result in INS expending scarce resources merely to confirm that a country still posed a very low risk.

DETERMINING ELIGIBILITY: THE
KEY CONTROL MECHANISM

The unreliability of the controls for determining continuing eligibility emphasizes the need to carefully assess the risks initially posed by each country. The State Department determined that the following 29 countries met all eligibility requirements.

Andorra	Italy	Norway
Austria	Liechtenstein	San Marino
Belgium	Luxembourg	Spain
Botswana	Malawi	Swaziland
Denmark	Malaysia	Sweden
Finland	Malta	Switzerland
France	Monaco	Tunisia
Germany (FRG)	Morocco	United Kingdom
Iceland	Netherlands	Venezuela
Ireland	New Zealand	

Japan and Brazil would also qualify if they agreed to reciprocate the visa waiver. However, due to a number of mathematical errors and data gaps in computing the visa refusal rates, the Department will have to reestablish these countries' eligibility.

It is also questionable whether the visa refusal rate is a complete measure of risk. A good case can be made for adding to the visa refusal rate, entry denials and actual violations by visitors from the countries being considered for waiver privileges. That way, a country's eligibility would be based on its actual compliance rate as well as on the additional violations that might occur once the visa screening process ends. The inability of INS to completely measure the degree of compliance once a visa waiver is granted would seem to give added importance to knowing the full risks beforehand.

CONCLUSIONS

The proposed legislation to waive visa requirements for certain low-risk countries would alleviate much of

the applicant processing workload of overseas consulates. This legislative proposal assumes that certain countries do not pose a security threat to the United States and that additional resources would not be necessary to verify that the risks are acceptable. However, the safeguards provided by the visa waiver legislation to ensure that visitors from eligible countries continue to pose little security risk and otherwise comply with the immigration laws are unworkable. INS does not have an effective system for detecting violations of nonimmigrant status.

AGENCY COMMENTS AND OUR EVALUATION

The Department of State maintained that our critique and analysis of INS' enforcement and recordkeeping capabilities, while of interest, was not entirely germane to an evaluation of the merits of the visa waiver proposal. The provision in the proposal for removing a country's visa waiver privilege if its rate of violation exceeded 1 percent in a year was based on the fact that INS maintains statistics on exclusions, withdrawals of applications for admission, and aliens located in violation of nonimmigrant status. The Department believed that however well or badly these statistics represent the actual state of affairs, they could be used to determine each country's compliance rate annually.

We cannot disagree that the existing INS statistics can be used, but we question the value of a control system predicated on the use of data known to be grossly incomplete. INS acknowledges that it does not know the number of non-immigrant aliens in violation of their conditions of entry and that it lacks the resources to investigate the millions of apparent overstays it identified.

The State Department proposes to ignore these possible violations. It reasons that economic conditions and other factors applicable to the countries that would be designated for visa waiver support an assumption that significant numbers of nationals of the countries in question do not violate their nonimmigrant status.

It is our firm conviction that the Congress needs to evaluate the visa waiver proposal on the merits of the argument that a number of countries pose little risk of abusing the visa waiver privilege rather than on the ability to correct any errors once made. Since the visa

waiver proposal would eliminate overseas screening by the State Department and envisions no additional screening by INS at points of entry, it would be a mistake, in our view, for the Congress to rely on INS control systems to reliably measure a country's compliance rate or changes in the rate.

While it is not a purpose of this report to take a position on the merits of the visa waiver proposal itself, a forthcoming GAO report will do so in the context of the benefits to be realized by U.S. consulates.

CHAPTER 5

INS' NONIMMIGRANT DOCUMENT CONTROL SYSTEM

IS NOT AN EFFECTIVE CONTROL MECHANISM

The Nonimmigrant Document Control (NIDC) system is not useful for accountability or enforcement purposes. The system does not provide INS with timely or reliable information on the number of nonimmigrants in the United States, where they are located, or whether they are in compliance with the conditions of their admission. The absence of departure controls contributes to the system's ineffectiveness as an accountability tool. It is doubtful that the system can ever be an effective enforcement tool.

ACCOUNTABILITY IS NOT BEING ACHIEVED WITH THE PRESENT NIDC SYSTEM

INS management has not been able to use the NIDC system to provide an accurate accounting of nonimmigrants entering and leaving this country because of the huge backlogs in the processing of arrival/departure documents; the high key-punch error rate experienced over the past 2 years; and the absence of some departure records. Efforts to improve timeliness by eliminating the paperwork backlog have been hindered because of delays in awarding a new keypunching contract. Although the contractor has given assurance that keypunching errors will be minimal in the future, INS has not come to grips with the problem of missing departure documents.

Timeliness has been plagued by paperwork backlogs

The NIDC system relies on the timely processing of literally millions of arrival/departure documents. The volume of arrivals and departures which the system had to process increased substantially during the past few years, large backlogs developed, thus seriously impairing the value of the system to management.

The backlog problem was highlighted when national attention was centered on foreign students in this country. Because of a backlog in the processing of arrival and departure information, INS was unable to determine how many foreign students were in the United States. The Congress appropriated \$600,000 to eliminate the backlog, and an additional \$1,250,000 was provided to keep the present system current. The backlog was essentially eliminated when the keypunching contract expired in February 1980. Since a new keypunching contract was not awarded until April 1980, the processing of arrival/departure documents backed up again. According to INS officials, the backlog totals about 4.2 million documents--equivalent to about 11 weeks of arrival/departure records.

INS also has a problem with the backlog of status update documents (basically, extensions of nonimmigrant stay). Since these documents could affect the eligibility of aliens applying for benefits, INS made the decision to process this backlog. But it has not established a time frame for getting these documents into the system.

Reliability of data affected
by keypunch errors

INS management needs reliable information on the arrival and departure of nonimmigrants to be able to effectively deal with aliens who entered legally but overstay. Because of processing errors, INS could not rely on the document control system to provide reliable data.

During the past 2 fiscal years, the contractor had a keypunching error rate of 13 percent on arrival and departure records processed. Accurate keypunching has been difficult due to the faintness of the carbon copy of the arrival document (Form I-94) and illegibility of the handwritten information supplied by the aliens. But the primary reason seems to have been the failure of the contractor to use keypunching verification techniques. INS changed contractors in April 1980. The new contractor is confident that the error rate can be held down below 1 percent.

Departure information is essential
to accountability

Two key requirements for an effective control mechanism are the capability to capture the I-94 documents when an alien departs the United States and the assurance that the data is processed into the NIDC system. INS does not have the capability to establish strict departure controls. Consequently, it has to rely on carriers to collect departure documents when an alien leaves the country by sea or air. The existing procedures for capturing departure information may not assure departure control. INS is aware of breakdowns in departure controls but has not taken action to determine the magnitude of the problem, its causes, or any measures that could be taken to correct the situation.

Although INS does not know to what extent airlines fail to collect the I-94 departure documents, indications are that a problem exists. For example, INS receives some departure documents from aliens who have left the country, and investigations of "apparent" overstays have shown that a high percentage had departed unnoticed by INS. What is not known, however, is whether (1) the alien departed through a land border point and did not voluntarily surrender the document, (2) a carrier failed to collect it, or (3) a carrier collected it but failed to forward it to INS. INS has not checked on carrier performance or exercised its authority to fine carriers who fail to collect departure documents.

Although perhaps not ideal for ensuring effective departure controls, existing procedures if properly monitored may effectively meet INS' requirements for aliens leaving by air or sea. If an acceptable level of control cannot be attained, the system's effectiveness in controlling either nonimmigrants or documents will continue to be limited.

NIDC SYSTEM'S USEFULNESS AS AN
ENFORCEMENT TOOL IS QUESTIONABLE

The NIDC system's usefulness for locating nonimmigrant visitors who have overstayed their period of admission has been hindered because it cannot provide current information on the address of a violator. As a result, investigation of overstays becomes very time-consuming, expensive, and usually unsuccessful.

Nonimmigrant visitors are required to show on the I-94 arrival document where they will be staying while in the country. The visitor usually gives an address or the name of a hotel, but if he/she intends to remain here illegally, it is unlikely that the address is correct. From 1 to 12 months may pass before an alien's period of lawful stay expires. Since it takes 6 to 8 weeks for a departure document (I-94) to enter the NIDC system, an alien may not be identified for investigation until 14 months after arrival. After this length of time it is unlikely that INS would find the individual staying at the address listed on the arrival document. An investigator would devote much investigative effort in an almost certainly fruitless search for one individual.

INS officials generally agree that the NIDC system offers little prospects as an enforcement tool as it presently exists, because the information has not been timely or reliable. Since monitoring the movements of aliens is impractical, the system's effectiveness is greatly diminished. Also, INS could not logically devote the resources that would be necessary to attempt to locate the large number of "apparent" overstays that the NIDC system generates each year. During fiscal 1979, the system showed that over 1.8 million nonimmigrant aliens had apparently violated the conditions of their stay by remaining in the United States.

In 1979, INS conducted a test of apparent overstays using randomly selected names from the NIDC system. The purpose of this test was to tighten controls on nonimmigrants who overstay and to identify groups who have a tendency to violate the terms of their entry.

INS investigators tried to verify the status of 3,734 nonimmigrants who had apparently overstayed. This effort required about 8,700 staff hours and resulted in the location of only four deportable aliens. The results of this exercise are summarized below.

	<u>Number</u>	<u>Percent</u>
Aliens located and found to be deportable	4	0.1
Aliens located and found to be in a legal status	42	1.1
Verified that alien had departed country	1,257	33.7
Unable to locate alien or verify departure	2,181	58.4
Unable to locate alien because of illegible data	<u>250</u>	<u>6.7</u>
Total	<u>3,734</u>	<u>100.0</u>

The fact that 33.7 percent of the aliens had left the country indicates a breakdown in departure controls. This test demonstrated that after making some basic inquiries, such as checking with the airlines, visiting the U.S. address, contacting the American consulates, and writing to the aliens at their foreign address, further investigation involves a significant investment of time. No quick way exists to determine whether the 2,431 aliens (65 percent) INS was unable to locate were still in this country.

Because of INS' lack of success with the overstay test, officials believe that the Service's area control operations-- a program designed to locate deportable aliens in the interior of the country--are more cost-effective. The operations detect more illegal aliens, require less personnel, and do not depend on untimely and unreliable documentation. As a result, field offices do not use overstay information generated by the system. INS investigations are devoted to activities considered higher priority, such as area control operations and background investigations relating to adjudications.

STUDY OF NIDC SYSTEM PROPOSED

INS' attempts to address the deficiencies of its NIDC system have proceeded slowly and without adequate coordination with other INS automation efforts. In 1979, the Commissioner of INS testified before the Subcommittee on Immigration, Refugees, and International Law, House Committee on the Judiciary, that the NIDC system needed redesign. The Service requested and received \$250,000 to perform a comprehensive study, with the expectation that INS would

come forward with not only a system design in fiscal 1980, but also an operational system capable of tracking aliens entering and leaving this country.

After much discussion on how the study should be accomplished and what it should entail, INS decided in April 1980 to have a contractor perform the study. The proposed study would describe INS' and other Government agencies' mission-related information requirements on nonimmigrants. It would also assess the costs and capabilities of the NIDC system. This analysis would enable INS to determine if the current system can satisfy the Government's information requirements or whether INS must proceed with a major system redesign.

INS' planned study of the NIDC system may not produce the desired results if the contract precedes the agency's development of a long-range ADP plan and overall system design concept. Other INS automation efforts have had to be curtailed because decisions were made on the design and acquisition of hardware before the planning to guide its automation efforts was completed.

CONCLUSIONS

The NIDC system is of little benefit to INS management in exercising control over nonimmigrants. It cannot provide an accurate accounting of who is here, where they are, or whether they are violating the terms of their stay. Although the system's usefulness as an enforcement tool is questionable, it could potentially be used for accountability purposes. But INS must first come to grips with the problem of not knowing who has departed this country.

We recognize that identifying data requirements of INS and other government agencies is necessary to the development of an improved system. However, it seems that the existing system's capabilities and costs should already be well known to INS. An analysis of the departure control problem cannot be avoided, otherwise the system's effectiveness in controlling nonimmigrants or documents would be seriously limited. We question whether the NIDC study should be undertaken before the agency has completed its long-range planning.

CHAPTER 6

INADEQUATE PLANNING HAS SLOWED AUTOMATION EFFORTS

Because INS had not properly planned or adequately analyzed its data processing needs, the Congress put a "freeze" on the acquisition of additional ADP equipment to continue automating its district offices. The congressional investigation of the proposed procurement of processing equipment to streamline and update district office procedures also revealed that the Service had not defined its ADP requirements to support its mission responsibilities. The Congress also mandated that INS prepare a mission plan and a long-range ADP plan to guide its automation efforts. Thus far, INS has made little progress and appeared to be reluctant to develop such plans.

INS' HASTE TO AUTOMATE DISTRICT OFFICES PRECLUDED PROPER PLANNING

INS has encountered difficulties in progressing with its automation efforts due to a lack of long-range planning. In 1977, INS began the process of automating its district offices by establishing a prototype operation in the Houston District Office. The prototype became known as the "Houston Project." Its purpose was to develop, test, and evaluate an automated model district office, and to serve as a basis for expansion in automating other district offices. This expansion, without a developed mission plan, long-range ADP plan, and system design concept, would have spread to all the district offices if the Congress had not intervened on June 25, 1979, by putting a freeze on the procurement of ADP equipment for district offices. 1/

1/On May 20, 1980, INS testified before the Subcommittee on Government Information and Individual Rights, House Committee on Government Operations, that it has withdrawn the request for proposal and that no large-scale procurement is contemplated until the planning process has been accomplished.

On July 23, 1979, we testified before the Subcommittee on Government Information and Individual Rights, House Committee on Government Operations, that INS in its haste to automate its district offices did not (1) adequately identify its automation requirements, (2) comply with Federal procurement regulations in acquiring ADP equipment, or (3) develop a mission plan or a long-range ADP plan that would support mission requirements. In addition, we felt that the system design concept developed by INS did not contain a comprehensive analysis on which to plan further implementation and expansion. It was our opinion, based on past experiences with numerous other Federal agencies, that the INS' piecemeal approach to automation, taken without developing an overall system concept to identify and evaluate various alternatives and to generate a unified approach, was doomed to unnecessary difficulties and problems.

Automation expanded without proper
planning and evaluation

In its attempt to automate the district offices as rapidly as possible, INS implemented the Houston Project without adequate planning or a feasibility study. INS officials stated that the Houston Project was to be used as a feasibility study. A minicomputer was acquired and installed in the Houston Office in October 1977. As of February 1979, only two major ADP applications of INS functions--Application and Petition Tracking System and Alien File Tracking System--were operational. Although these represented only a small portion of the tasks identified for automation in the district offices, they saturated the minicomputer. As a result, there was no capacity to automate other district office functions. INS expanded the prototype system to other district offices--Washington, D.C., Boston, Newark, and Los Angeles--without evaluating its success or failure.

Houston Project and the Integrated
Case Control System--basis for
developing system design concept

INS proceeded to expand the level of automation initiated in the Houston Project by developing an Integrated Case Control System (ICCS). This effort was also undertaken before any evaluation of the Houston Project. The system

was expected to improve service to the public by reducing the time required to locate files, create correspondence, create interview schedules, and produce reports.

The ICCS system concept contained some good features that included basic centralized systems planning and software development. A system design concept is an idea expressed in terms of general performance, capabilities, and structure of hardware and software that is oriented to operate either individually or as an integrated entity in meeting mission needs. The failure to develop such a concept has frequently been a primary reason for ineffective acquisition and use of ADP resources.

In our July 1979 testimony, we stated that INS should carefully analyze the Houston Project and prepare a total system design concept based on its results, together with considerations of alternatives. We saw no reason at the time why the ICCS concept, in concert with the Houston Project, could not serve as a basis for a total system design concept which would identify the structure required to support INS' automated requirements.

Evaluation of Houston Project
was slow to evolve

Very little progress had been made by INS in evaluating the Houston Project. 1/ Some of INS' efforts directed toward such an evaluation were:

--Arthur Young and Company was awarded a contract on September 21, 1979, to design five software documents for the ICCS--functional requirements, data requirements, system/subsystem specifications

1/INS testified on May 20, 1980, that it has studied the Houston Project and is not holding it out as a model office on which it should focus its attention. The project lacked the proper controls and measure of productivity to be considered a fully reliable experiment. (See footnote on p. 30.)

and data base specifications. However, the contract did not require any analysis of the Houston Project on which to develop a total system design concept for automation of INS' programs.

--The INS Planning, Evaluation, and Budget Office is currently conducting a cost-benefit analysis of the Houston Project. Phase I, the cost analysis, was recently completed. The final phase, benefit analysis, is not expected to be completed until September 1980. This office is also evaluating the impact of automation on district offices. A final report is anticipated in September 1980.

NEED FOR MISSION AND ADP
PLAN RECOGNIZED

Although INS recognizes it needs to concentrate its efforts on proper planning to achieve desired automation goals, it appears reluctant to do so. Considerable time has elapsed since INS started the process of automating its districts in 1977, but prior to May 20, 1980, INS still had not accomplished the required planning to automate its programs.

In January 1979, the Commissioner of INS recognized an urgent requirement for the development of a comprehensive mission and ADP plan to afford top management the capability of flexible decisionmaking based on a variety of issues, contingencies, and budget constraints. INS contracted for the services of a consultant, at a cost of \$56,560 for 10 months, to assist in the following tasks: (1) improving the INS mission planning function, (2) developing a mission plan, (3) improving the automatic data processing information systems planning functions, and (4) developing a detailed ADP and information systems plan.

The Commissioner wanted his executive group to get involved in this planning effort. He directed that mission planning be under the general direction and control of INS' top executives, with assistance from the consultant. This top-down planning approach by INS was expected to obtain inter-departmental cooperation in defining the agency's requirements, goals, programs, and budget. Some of the tasks to be

performed by this group were (1) defining the INS mission, (2) developing a plan defining the critical tasks, (3) summarizing strategies for accomplishing the INS mission and (4) summarizing strategies for building a better agency.

The need for a mission and ADP plan was also recognized by Department of Justice officials. In March 1979, Department officials formally cautioned INS officials to discipline themselves and start to follow basic management and planning principles to insure success of automated projects. However, INS made little progress in this area before May 20, 1980.

Current planning efforts
show little progress

INS recently developed a mission statement, but it did not contain some essential features. The statement developed by the executive group appeared to be similar to that contained in the United States Government Manual. INS officials stated that this mission statement was the formally adopted version of INS' mission and that it constituted INS' mission plan. Although INS identified its basic responsibilities, the generally accepted mission plan criteria of "where are we going?" and "how are we going to get there?" was missing.

INS ADP officials developed a working draft of a long-range ADP plan which would be used as a framework to develop a formal ADP plan supporting the INS mission. ^{1/} Completion of the long-range ADP plan is expected by September 1980. In our view, such an effort will be extremely difficult without first developing an adequate mission plan for guidance.

^{1/}INS testified on May 20, 1980, that its ADP planning is underway in a structured and formal process. It has reached the stage where the executive group will meet every two weeks to consider specific decisions that must be reached in completing the plan. (See footnote on p. 30.)

The working ADP draft was evaluated internally by the INS Planning, Evaluation and Budget Group. The group concluded that the working draft did not represent comprehensive detail of INS' automated requirements and lacked the necessary elements to satisfy mission needs. It contained only material directed toward the Integrated Case Control System (ICCS).

CONCLUSIONS

Although INS had recognized the need for effective mission and long-range automatic data processing plans, it had made little progress in developing such plans because it had not adequately developed a systematic approach to automate its mission requirements.

Furthermore, if automation is the method chosen to support INS' mission requirements, a total system design concept should be developed to identify the hardware and software requirements which will support those tasks identified in the long-range ADP plan. Any effort short of developing these required plans by INS can lead only to unnecessary difficulties and problems. INS should defer automation efforts until it completes development of (1) an effective mission plan, (2) a long-range ADP plan that supports the mission plan's requirements, and (3) a total system design concept based on the requirements identified in the long-range ADP plan.

AGENCY COMMENTS

The Justice Department responded to our comments on INS' lack of ADP planning by describing its current long-range planning efforts. In September 1980, an INS planning task force will complete a mission plan, determine INS' information requirements, develop ADP goals, and complete the system's design concept. A long-range automated data processing (ADP) plan is also being developed and expected to be completed by September 1981. Justice further emphasized that all major automation efforts will be coordinated with or generated by the current long-range planning effort. Further strategic planning will be institutionalized within INS to ensure that plans are continually reviewed and modified when necessary.

With regard to questions we raised as to whether the study of the nonimmigrant document control system will be successful if it precedes the development of the long-range ADP plan, Justice stated that the development of nonimmigrant related information requirements will not be undertaken without close coordination with the development of INS' long-range plans. Justice also recognized that departure control is a primary issue in the development of effective nonimmigrant control, and stated that both the nonimmigrant information requirements study and the long-range planning activity will address this issue.

Although we did not address the issue, Justice raised a fundamental question as to whether it should spend the \$1 million available to bring the nonimmigrant document control system up to date--have all I-94's keyed into the data base--and keep it current. Justice noted that INS may be in a position to benefit from an up-to-date system, regardless of the ongoing study of the system. Justice stated the views and recommendations in the report will be given full consideration in arriving at its final decision.

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December 18, 1979

Honorable Elmer B. Staats
 Comptroller General of the United States
 General Accounting Office
 441 G Street, N.W.
 Washington, D.C. 20548

Dear Mr. Comptroller General:

My Subcommittee on Immigration, Refugees, and International Law of the House Committee on the Judiciary intends to hold extensive oversight hearings early in the next session of Congress regarding various policies and operational activities of the Immigration and Naturalization Service. To assist the Subcommittee in preparing for these oversight hearings, I would appreciate your conducting full GAO investigations into the following matters (including a detailed review of the activities of the Immigration and Naturalization Service as well as the activities of other executive departments which relate to these operations):

1. Foreign Students

Reference is made to your report of February 4, 1975, entitled, "Better Controls Needed to Prevent Foreign Students from Violating the Conditions of Their Entry and Stay while in the United States".

I believe that an up-date of that report would serve our purposes as a basic document for consideration. It is expected that this revision will include action taken on recommendations contained in your report, including developments on fraudulent use of I-20 forms and sanctions taken against violators, additional controls instituted by INS to assure student and school compliance with regulations, extent of INS enforcement efforts in causing departures of visa violators, and effectiveness of employment controls imposed on students.

2. Diplomatic Visas

As you are aware under the Immigration and Nationality Act, various categories of diplomatic visas (A and G) are issued. These visas extend diplomatic courtesies and immunities in varying degrees to holders in accordance with their status in diplomatic or international organization missions.

The Subcommittee has noted in the past that controls exercised over the issuance of these visas and the adherence to their conditions have been less than acceptable.

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I request that your investigation examine the conditions for the issuance of each category of A and G visa, the controls exercised to determine compliance with conditions imposed by these visas, and actions taken against violators of courtesies and immunities accorded by these visas. I also would request that your investigation include procedures utilized by the Department of State and the Immigration and Naturalization Service in keeping track of arrivals and departures of each visa holder, as well as any periodic control they may exercise in keeping lists up-to-date.

3. Visa Waiver

Proposals for eliminating visas for temporary visitors whose stays would not exceed 90 days coming from certain low risk visa fraud countries have been introduced over the past several Congresses.

The lack of internal controls on aliens within the United States, coupled with the need for more lengthy INS inspection interviews upon arrival in the United States, have caused these proposals to be viewed as impractical by many persons.

Because of renewed interest in the visa waiver proposal, I believe it is essential to ascertain the impact of its adoption on: INS resources; port of entry operations; consular services abroad, and promotion of tourism in the United States.

4. Non-Immigrant Arrival/Departure Control

Congress has recently authorized and appropriated some \$2.1 million to up-date and maintain current the present INS non-immigrant arrival/departure control system. A sum of \$200,000 was also included to design a new system for controlling aliens.

In the opinion of the Subcommittee, the present system is totally inadequate and antiquated and does not respond to present day requirements for reconciling alien departures with arrivals.

You will note that the non-immigrant arrival/departure system is closely related to each of the aforementioned issues. Therefore, in conducting your investigations, I would appreciate your inquiring into the adequacies of the present system, the progress made to up-date the system, the status of the design of a new system, and any recommendation which would provide our country with a modern, efficient system for monitoring the arrival, status and departure of non-immigrant aliens.

5. Computerization of INS District Office

Congress this year also authorized and appropriated \$3 million to install computer systems in selected INS District Offices. In the course of your investigations, the Subcommittee would appreciate receiving a progress report on the INS computerization program and an assessment of its eventual capabilities.

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I have attempted to outline for you in general the scope of the investigations my Subcommittee would like for you to undertake in preparation for our oversight hearings. I realize there are numerous issues involved in initiating and pursuing these investigations. Therefore, I would suggest that your staff contact the staff of my Subcommittee (225-5727) as soon as possible to work out the specific details of my request.

Sincerely,



ELIZABETH HOLTZMAN
Chairwoman

EII:prd



U.S. Department of Justice

AUG 20 1980

Washington, D.C. 20530

Mr. William J. Anderson
Director
General Government Division
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Anderson:

This letter is in response to your request to the Attorney General for the comments of the Department of Justice (Department) on your draft report entitled "Controls Over Nonimmigrant Aliens Remain Ineffective."

The Department has reviewed the draft report and the findings and conclusions appear to accurately describe the methods of control exercised by the Immigration and Naturalization Service (INS) over nonimmigrant aliens.

The report recommends that ". . . the Attorney General direct the Commissioner of INS to delay requiring all foreign students to report to INS until its information system has been improved, its resource requirements have been determined, it has assessed the program's effect on other INS programs, and it has the capability to keep the information current once it is obtained." While we agree that the information system for foreign students needs to be improved, we question whether the recommendations can be embraced in their entirety. Consideration needs to be given to whether the requirement to report should continue because of its psychological deterrent effect, regardless of the usefulness of the system. A more important consideration is whether INS should use the \$1 million available to bring the system up-to-date and keep it current. Regardless of the results of the Nonimmigrant Document Control (NIDC) system study, INS may be in a position to benefit from an up-to-date system, e.g., having all I-94s keyed into a data base. The views expressed by the General Accounting Office (GAO) and the recommendations of the report will be given full consideration in arriving at our final decisions.

Nonimmigrant Controls

There are many references in the report stating that INS has given nonimmigrant control low priority and failed to allocate sufficient resources to the problem. This may be true, but this is a reflection of current and longstanding national priorities expressed at least implicitly through budget appropriations specifically with regard to nonimmigrant control, including students, diplomats, and business travelers.

The Department is taking action to determine the magnitude of the problem and to determine what measures should be taken in this area. Both the long-range planning effort and the NIDC study will address ways of improving INS' ability to effectively control nonimmigrant aliens.

Planning

The GAO report emphasizes that a lack of planning has inhibited INS' ability to automate many operational functions, and to gather and provide information critical to controlling nonimmigrants generally and students in particular. It further states that although the Department recognizes the need for planning, little progress has been made to date. The below comments elaborate on these statements.

The Department has initiated a major long-range planning effort. The plan will describe INS' responsibilities as an agency, define the posture INS should assume during the next decade and outline plans for attaining that posture. The plan will take 16 months to complete. The main focus at this time is the development of a mission plan and a long-range automated data processing (ADP) plan. The mission plan will consist of a mission statement, mission goals, and strategies to achieve those goals. It will be based upon a set of general assumptions describing expected workload, resources, and the environment in which INS must operate. The ADP plan will consist of information requirements; ADP goals which support INS' mission goals and strategies; a system design concept based upon the information requirements, ADP goals and the mission plan; a methodology to formalize the ADP planning process; an inventory of current ADP capabilities; proposed ADP capabilities; planned systems; and a systems acquisition strategy.

A task force, headed by the Associate Commissioner, Operations Support, has been charged with completion of the plan. The task force is composed of personnel from all functional areas within INS and reports on its progress every 3 weeks to a management team headed by the Acting Commissioner. In September 1980, the planning task force will complete a mission plan, determine INS' information requirements, develop ADP goals, and complete the systems design concept.

All major automation efforts will be coordinated with or generated by the current long-range planning effort. Further strategic planning will be institutionalized within INS to ensure that plans are continually reviewed and modified when necessary.

NIDC Study

The GAO Draft report questions whether the proposed NIDC study will be successful if it precedes the development of the INS long-range ADP plan and systems design concept.

The development of nonimmigrant related information requirements will not be undertaken without close coordination with the development of INS' long-range plans. This coordination will be accomplished by providing the contractor with mission plans and ADP plans, including the systems

-3-

design concept. The contractor will be required to develop feasible alternatives consistent with the aims of INS. Although the entire ADP plan will not be complete prior to September 1981, the basic direction will be available in September 1980, and will include a mission plan composed of a mission statement, mission goals and strategies, ADP goals, and the systems design concept. During the contract period, other elements of the plan will be completed and refined.

Students, as a group, are of particular interest within the nonimmigrant population. As such, information requirements regarding the control of students will be developed under the contract and will be consistent with INS' mission goals.

A primary issue in the development of effective nonimmigrant control is, of course, departure control. The nonimmigrant information requirements study will address this issue in depth, as will the ongoing long-range planning activity.

We appreciate the opportunity to comment on the report. Should you desire any additional information, please feel free to contact me.

Sincerely,


Kevin D. Rooney
Assistant Attorney General
for Administration



DEPARTMENT OF STATE
Comptroller
Washington, D.C. 20520

August 20, 1980

Mr. J. Kenneth Fasick
Director
International Division
U. S. General Accounting Office
Washington, D. C.

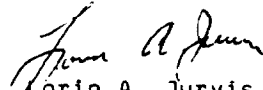
Dear Mr. Fasick:

I am replying to your letter of July 18, 1980, which forwarded copies of the draft report: "Controls Over Nonimmigrant Aliens Remain Ineffective"

The enclosed comments on this report were prepared by the Assistant Secretary for the Bureau of Consular Affairs.

We appreciate having had the opportunity to review and comment on the draft report. If I may be of further assistance, I trust you will let me know.

Sincerely,


Lorin A. Jurvis
Acting

Enclosure:
As stated

GAO DRAFT REPORT:
"CONTROLS OVER NONIMMIGRANT ALIENS REMAIN INEFFECTIVE"

The Department's review of the Draft Report indicates that the discussion of nonimmigrant students requires clarification. In the 1975 Report the GAO commented that the consular officer had not been instructed to consider the usefulness in the home country of a student visa applicant's proposed course of study in evaluating the likelihood of the student's having an intention of returning to that country upon completion of his course of study. Since that time, this point has been made to all consular officers through calling specific attention to the entire 1975 GAO Report including the Department's comments thereon. Each foreign service post has also been given a copy of this report.

It should be noted that the critique and analysis of the Immigration and Naturalization Service's enforcement and record keeping capabilities, while of interest, is not entirely germane to an evaluation of the merits of the Administration's visa waiver proposal. The issue revolves around the asserted impossibility of implementing the provision in the proposal for removing a country from the list of designated countries if the rate refusal of admission of, or violation of nonimmigrant status by, nationals of that country exceeded one percent in a year.

In formulating this feature of the proposal, the Department drew upon statistics currently maintained by the Service. The Service does maintain, or has done until now, statistics concerning both exclusions and withdrawals of application for admission and aliens located in violation of nonimmigrant status. However well or badly these statistics may represent the actual state of affairs, they do exist. Moreover, the Department proceeded from the expectation that the Service would continue to collect and maintain these statistics.

This being so, it becomes possible to examine these statistics on an annual basis and to compare the figures contained therein with the total number of nonimmigrant admissions each year to determine by mathematical calculation the percentage rates for each country. It is this process which was contemplated by the language included in this portion of the statutory proposal.

Despite assertions that the Service does not know how many nonimmigrant aliens violate the conditions of their admission, the Department believes that the procedures set forth above for implementing the "cut-off" provision of the visa waiver proposal is a valid one. If, for example, in a given year the statistics referred to above indicate that 40,000 nonimmigrant alien nationals of a given country were admitted to the United States and that 420 alien nationals of that country were located in violation of their nonimmigrant status, a simple mathematical calculation will produce a determination that the violation rate for that year was 1.05% and that the country in question should be removed for the following year from the list of designated countries.

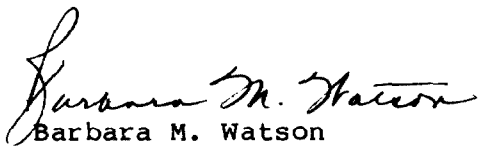
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While it may be demonstrated that large numbers of nonimmigrant aliens cannot be accounted for by the current record keeping system, an assertion that some or many of them have violated their nonimmigrant status without detection is not necessarily valid universally. Undoubtedly, there are countries with respect to which this assertion may be true. On the other hand, however, the countries which would be designated under the Administration's visa waiver proposal are countries whose nationals have a lower than usual likelihood of violating their nonimmigrant status. It is the Department's view that an assumption that significant numbers of nationals of the countries in question do not successfully violate their nonimmigrant status is just as valid as any assumption that they do so. Given the economic conditions in a country such as Germany, for example, an assumption that nationals of Germany do not violate their nonimmigrant status in meaningful numbers would not appear unreasonable.

We are enclosing annotated copies of pages 13 and 14 of the draft report which more nearly reflect the factual situation with respect to procedures for monitoring foreign diplomats. In addition, you may wish to point out that in the interest of obtaining compliance of foreign embassies with the registration requirements, we have been informing the diplomatic missions that if the required annual lists are not submitted by a certain date, action on requests for adjustments of visa status or employment of dependents will be deferred. Also enclosed is the latest circular note to that effect.

Thank you for the opportunity to comment on the Draft Report: "Controls Over Nonimmigrant Aliens Remain Ineffective." I hope the above information will add to the clarity of the final report.

Enclosures:
As Stated


Barbara M. Watson
Assistant Secretary
Bureau of Consular Affairs

GAO Note: We did not include the enclosures.

(183530)





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