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November 29, 1995

The Honorable Duncan Hunter
The Honorable Brian Bilbray
House of Representatives

This letter responds to your request for information on border crossing cards (BCC) issued by the Immigration and Naturalization Service (INS). Specifically, you asked that we (1) summarize the sequence of events leading up to the June 1995 changes in INS policies and procedures for processing BCCs at INS' San Ysidro, CA, port of entry and other ports of entry; (2) provide data on the number of BCC applications received and the percentage approved and denied at San Ysidro; and (3) present any observations on improving the BCC process that we might make while developing information in response to the first two objectives. To address these objectives, we (1) interviewed INS headquarters, Western Region, and San Diego district officials; (2) reviewed relevant legislation, regulations, and INS documents related to BCCs; and (3) analyzed, but did not verify, San Ysidro port of entry BCC statistics. We did our work between June and September 1995 in accordance with generally accepted government auditing standards.

BACKGROUND

The Immigration and Nationality Act establishes documentary requirements for nonimmigrant entry into the United States and makes border crossing identification cards an acceptable alternative to nonimmigrant visas.¹ INS issues the Nonresident Alien BCC, INS Form I-586, to eligible Mexican citizens who reside in Mexico and wish to visit the United States frequently on a temporary basis for business or pleasure. Mexican visitors may use their cards indefinitely for visits of up to 72 hours within 25 miles of the border. INS can also issue cardholders additional documents that allow them to stay longer or travel farther.² State Department consulates along the

¹8 U.S.C. 1182(a)(7)(B)(i).

²8 C.F.R. 212.1, 212.6; 235.1(f) and (g).

southwest border also issue a type of border crossing identification card.

To obtain a BCC, an applicant must present documents that establish he or she is (1) a Mexican citizen and has a residence in Mexico that he or she does not intend to abandon and (2) admissible to the United States as a nonimmigrant. Evidence of residency is intended to ensure that the alien has reasons for returning to Mexico and is not likely to use the BCC, for example, to seek public benefits in the United States. Financial solvency is one element used as proof that the alien has a foreign residence he or she does not intend to abandon. An applicant might be found inadmissible if, for example, he or she has a criminal record.

To process the BCC application, INS inspectors are to (1) review the documentation presented to establish identity, citizenship, and residence; (2) check all applicants age 14 and older against INS' computerized Central Index System (CIS) and the Treasury Enforcement Communications System (TECS)³ and, in some cases, other databases to determine, for example, whether the applicant has ever been deported; (3) interview the applicant; and (4) if the application is approved, fingerprint the applicant and issue a temporary BCC. In June 1995, INS began requiring all ports of entry to issue a temporary BCC because INS' card facility can take up to 6 months to produce the permanent BCC. When they receive their temporary card, applicants are to be told when to return to the port of entry to exchange their temporary card for the permanent one. In fiscal year 1994, INS ports of entry along the southwest border issued about 165,000 BCCs. Of these, the San Ysidro port of entry issued about 12,000 BCCs, or 7 percent. San Ysidro is one of five California land border ports of entry under the jurisdiction of INS' San Diego district.

CHANGES IN INS POLICIES AND PROCEDURES FOR ISSUING BCCs

According to INS officials, INS began working on revising the BCC process in October 1994. In January 1995, the Attorney General, while visiting Nogales, AZ, learned about a large backlog of applications for BCCs that concerned various parties within the local community. Upon her return to Washington, the Attorney General met with the INS Commissioner to discuss the large backlog. In response, INS placed a higher priority on

³CIS is INS' central file for all aliens for whom the INS has opened files. Included in the file is the alien's name and date and country of birth. The file may contain other information related to an alien's criminal history. TECS is a Treasury Department system containing lookout information on persons and property.

its BCC process improvement efforts and formed a Border Crossing Card Reengineering Team consisting of INS headquarters and field personnel. The team's short-term goals were to streamline the BCC application process to increase the number of BCC applications processed and to eliminate any backlogs.

Not all ports of entry had application backlogs. For example, San Ysidro limited the number of BCC applications accepted to those that could be processed daily. Consequently, all approved applicants received a temporary card the same day they applied and were told to return for their permanent card in about 6 months.⁴ San Ysidro port of entry officials did not have any data on the number of aliens that may not have been able to obtain a BCC application due to the limited number available each day.

During February 1995, an INS Assistant Chief Inspector (Assistant Chief) heading the BCC Reengineering Team visited various ports of entry and U.S. consulates along the southwest border, including the San Ysidro port of entry. In his trip report, he made a number of observations about the ports of entry he visited, including the following:

- At all ports of entry, one INS inspector handled most, if not all, of the BCC processing tasks.
- Inspectors wasted a lot of time moving from one location to another to process an application and check CIS during the interview.
- Interviews sometimes took longer than necessary because of extraneous conversation between the inspector and applicant.
- Although over 80 percent of the time spent processing a BCC application was clerical in nature (e.g., CIS checks and fingerprinting), INS inspectors usually performed these tasks because few ports of entry had enough clerks to do them.

In contrast, according to his report, U.S. consulates used assembly line techniques (e.g., separate staff for the various processing steps) and had more clerical staff to process their BCCs. He concluded that if the INS would use assembly line processing, significant productivity gains would be possible.

San Ysidro Port of Entry's Use of Income Guidelines

During his visits, the Assistant Chief also found that ports of entry used a variety of standards to determine whether an

⁴San Ysidro began issuing temporary BCCs in early 1993.

applicant qualified for a BCC. For example, San Ysidro used locally developed income guidelines to help decide whether the applicant met the residence requirements. The income guidelines consisted of minimum amounts of income based on the applicant's family size. For example, a single applicant needed to earn at least \$600 per month to be considered solvent, and an applicant with a family of four needed to earn at least \$1,500 per month.

A former San Ysidro port director told us he developed the income guidelines in about 1986 as a tool to help inspectors decide which applicants were economically solvent and, therefore, not likely to abandon their Mexican residences. He said the solvency guidelines were not intended to be used as the sole criterion for determining eligibility for a BCC. He said the amounts used in the guidelines were updated periodically over the years to reflect changes in the dollar/peso exchange rate.

However, various INS officials told us that some San Ysidro inspectors began using the income guidelines as the sole criterion for determining applicant eligibility. If the applicant did not earn the amount of money listed in the guidelines, the inspector would automatically deny the application. According to the Assistant Chief, this type of economic solvency test was not required by law or INS regulations. Consequently, during his visit to the San Ysidro port of entry in February 1995, he requested that San Ysidro port of entry inspectors stop using the solvency guidelines as the sole eligibility criterion. Instead, inspectors were to use the "totality" of the evidence presented by the applicant, including income, length of residency, and employment history.

Reengineered BCC Processing Procedures

In late February 1995, the BCC Reengineering Team met and re-engineered the BCC processing procedures. The reengineered procedures incorporated assembly line techniques and parallel processing, focusing inspectors and clerical staff on specific parts of the process. One of the keys to the revised procedures was to have inspectors interview applicants quickly by focusing on proof of residency in Mexico. INS initially nicknamed this the "flash" interview. According to INS, this name was eventually discontinued. Clerical tasks, such as fingerprinting and CIS checks, could be performed by any available employee rather than just inspectors as under the old procedures.

In March 1995, INS tested the reengineered BCC processing procedures at seven ports of entry, including San Ysidro. As a result of the reengineered procedures, INS reported that overall application processing time dropped from about 10 minutes, to about 5 minutes. One port of entry reported that

it reduced the amount of time spent processing BCCs from 10 hours per day to about 2 to 3 hours per day. Another port of entry reported that it was no longer using overtime to conduct BCC interviews as it had in the past.

Some San Ysidro Personnel
Apparently Misinterpreted Intent
Behind New BCC Procedures

According to INS officials, some personnel at the San Ysidro port of entry appeared to misinterpret INS' intent regarding the revised procedures. According to these officials, some inspectors thought INS wanted them to approve more BCCs in the shortest time possible, regardless of the applicants' qualifications. For instance, a January 1995 INS Western Region memorandum stated that one of the Commissioner's fiscal year 1995 priorities was to increase the number of BCCs "issued" by 10 percent. According to several INS officials, the former San Ysidro port director interpreted "issued" as meaning inspectors were to approve more BCCs and subsequently relayed this interpretation to San Ysidro port of entry inspectors.

According to several San Ysidro port of entry officials, some inspectors felt that directing them to "issue" more BCCs took away their decisionmaking authority and undermined the integrity of the BCC review and approval process. Also, in describing the reengineered process, the BCC Reengineering Team used terms such as "flash interview" and "rapid adjudication." According to one INS official, some inspectors interpreted these terms to mean that INS' goal was to reduce the time spent reviewing the BCC application to "almost zero," in effect, according to this official, sacrificing quality over quantity. As noted above, INS also requested that San Ysidro stop using the solvency guidelines as the sole criterion, which they did in March 1995. All of these factors may have led the former port director as well as some inspectors to believe that INS wanted to increase the number of BCCs issued at the expense of quality.

According to several INS officials, this was not INS' intent. For example, the Assistant Chief told us that the goal was to increase the number of BCC applications processed by 10 percent, not to approve 10 percent more. According to INS officials with whom we spoke, at an April 1995 meeting of the BCC Reengineering Team, the confusion regarding INS' intent was apparently cleared up. The Assistant Chief said that he told the former San Ysidro port director that INS' objective was to process 10 percent more applications, not "issue" 10 percent more BCCs. According to a San Ysidro port of entry official, this clarification was eventually passed on to the San Ysidro inspectors.

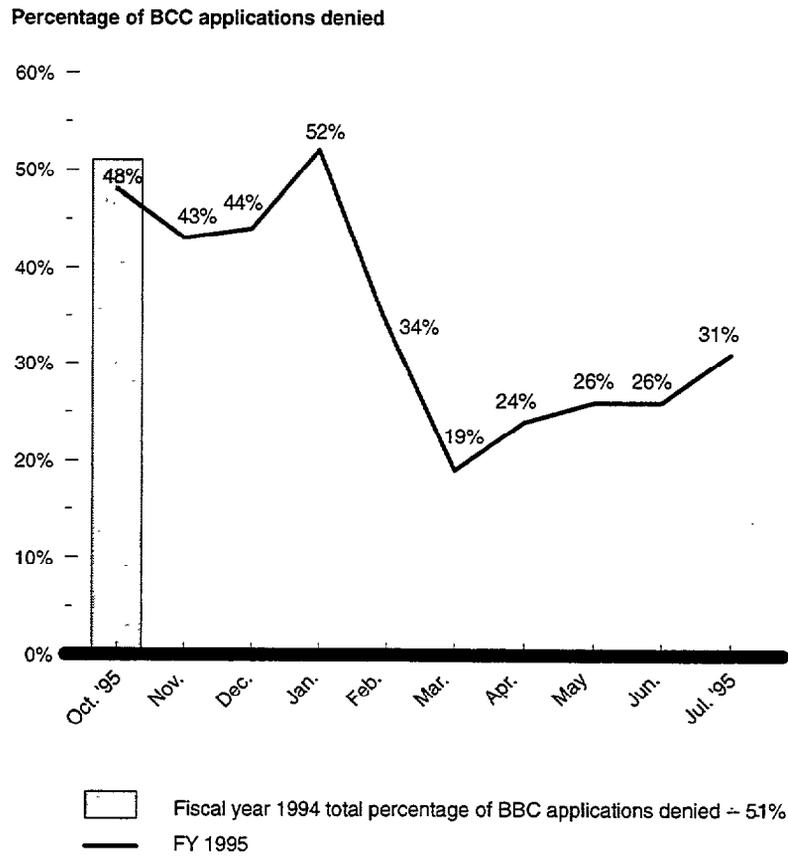
Also at the April meeting, the BCC Reengineering Team recommended that all ports of entry along the southwest border adopt the re-engineered procedures. Subsequently, in June 1995, INS' Office of Programs directed all ports of entry along the southwest border to adopt the reengineered procedures for processing BCC applications.

INS has drafted a proposed regulation designed to clarify and standardize procedures for issuing border crossing cards. According to INS, the proposed regulation would simplify proving residence and financial solvency by listing specific supporting documents or materials that applicants may provide. The proposed regulation provides for primary and secondary means of providing supporting evidence.

RECEIPT AND DENIAL OF BCC APPLICATIONS AT
THE SAN YSIDRO, CA, PORT OF ENTRY

According to INS data, in fiscal year 1994, the San Ysidro port of entry received about 25,000 BCC applications and denied about 50 percent of them. For fiscal year 1995 (through July), San Ysidro had received about 22,000 applications and had denied about one-third. The percentage of BCC applications denied decreased significantly beginning in February 1995 (see fig. 1). INS officials attributed the decrease to the port of entry no longer using the solvency guidelines described above.

Figure 1: Percentage of BCCs Denied at the San Ysidro, CA, Port of Entry



Source: INS.

OBSERVATIONS ON IMPROVING THE BCC PROCESS

During our review, an INS employee provided us with information indicating that the San Ysidro port of entry issued a BCC to an alien convicted of drug possession. According to INS officials, aliens convicted of serious crimes such as drug possession are not eligible for a BCC. We checked various INS and criminal history databases and determined that the alien

- in July 1987, was convicted of carrying a concealed weapon in San Diego;
- in December 1989, was issued a BCC at San Ysidro;
- in February 1992, pleaded guilty in the United States to drug possession and was sentenced to federal prison;
- in May 1992, after completing his sentence, was returned to Mexico by INS; and
- in May 1995, at San Ysidro, after indicating that he had lost the original, applied for and received a replacement BCC.

INS officials told us that INS should not have issued either the original or replacement BCC to the alien because of his criminal convictions.

It appears that not using available criminal history databases and lack of information about the alien's criminal history in INS' CIS may have contributed to INS erroneously issuing and then replacing the BCC. At the time of our review, according to INS officials, inspectors at the San Ysidro port of entry did not routinely check applicants for possible criminal history on available computer databases such as the National Crime Information Center (NCIC), the California Law Enforcement Telecommunications System (CLETS), or the TECS. In addition, when the alien was issued a BCC in December 1989, INS created an electronic file in CIS and assigned him an alien or "A" number. However, when we checked the electronic file associated with this number, we found that the file had not been updated with the alien's subsequent February 1992 criminal conviction and the fact that INS had returned the alien to Mexico. An INS deportation officer told us that an inspector reviewing this electronic file would have no reason to suspect the alien had a criminal record.

We recently reported that INS has serious problems with the quality of the criminal alien data in CIS and its Deportable

Alien Control System (DACs).⁵ In addition, INS does not have Service-wide procedures directing staff to update these electronic files with critical new information. We recommended that the Attorney General direct the Commissioner of INS to develop procedures that will ensure data reliability for both CIS and DACs.

During discussions with INS officials during this review, we suggested that INS consider requiring criminal history record checks to prevent aliens such as the one in our example from obtaining a BCC. As a result, in August 1995, in addition to checking CIS, the San Diego district began requiring inspectors to check all applicants against the NCIC (the nation's most extensive criminal justice information system), INS' National Automated Immigration Lookout System, and other databases inspectors deemed appropriate.

AGENCY COMMENTS

We requested comments on a draft of this report from the Commissioner of INS or her designee. On October 20, 1995, we obtained oral comments from INS officials, including a Chief Inspector. They generally agreed with the information presented in the report and provided clarifications and technical corrections, which we included in the report.

In addition, on October 31, 1995, INS' Executive Associate Commissioner for Programs provided written comments, which are not included with this letter but are available on request. In his comments, he stated that he agreed with the findings in our report and wanted to provide us with additional information concerning INS' efforts to improve BCC processing. In response to the problems we identified concerning records checks for BCC applicants, on October 31, 1995, he issued a policy memorandum concerning background checks for BCC applicants at all southern land border ports of entry. Under this policy, effective immediately, INS is to check all BCC applicants age 14 and older against CIS and TECS. In addition, 5 percent of all applicants age 14 and older, selected on a random basis, are to be checked against all available databases, including any state or local law enforcement or financial benefits database. In addition to the short-term process improvements developed by the Border Crossing Card Reengineering Team, the team also developed long-term recommendations to streamline and automate the BCC process. The long-term recommendations include eventually automating the BCC application process as well as issuing a new border crossing card with biometric features, encoded biographic information, and enhanced security features.

⁵Law Enforcement Support Center: Name-based Systems Limit Ability to Identify Arrested Aliens (GAO/AIMD-95-147, Aug. 21, 1995).

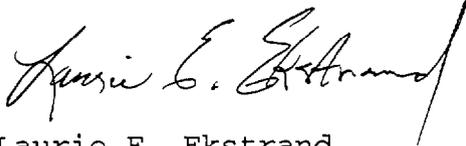
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INS believes these recommendations will further enhance integrity in the BCC application process.

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Copies of this letter are being sent to the Chairmen and Ranking Minority Members of the Subcommittee on Immigration, Senate Committee on the Judiciary, and of the Subcommittee on Immigration and Claims, House Committee on the Judiciary; the Attorney General; the Commissioner of INS; and other interested parties. We will also make copies available to others upon request.

Major contributors to this letter were Darryl W. Dutton, Assistant Director, and Michael P. Dino, Evaluator-in-Charge. If you need additional information on the contents of this letter, please contact me on (202) 512-8777.



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