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June 4, 1997

The Honorable Spencer Abraham
Chairman, Subcommittee on Immigration
Committee on the Judiciary
U.S. Senate

Subject: INS Criminal Record Verification: Information on Process for
Citizenship Applicants

Dear Mr. Chairman:

On May 1, 1997, I testified before your Subcommittee on the Immigration and Naturalization Service's (INS) practices for fingerprinting and criminal record checks on applicants for naturalization and related matters (Naturalization of Aliens: INS Internal Controls, GAO/T-GGD-97-98). Following the hearing, you asked us to answer a number of questions from you and Senator Kennedy regarding INS' responses to the recommendations we made in our 1994 report (INS Fingerprinting of Aliens: Efforts to Ensure Authenticity of Aliens' Fingerprints, GAO/GGD-95-40, Dec. 22, 1994), and for our views on Senator Kennedy's proposals to INS to improve the naturalization program.

Our responses to your questions are provided in the enclosure to this letter. In developing our response, we (1) used information in the Department of Justice Office of Inspector General report (Alien Fingerprint Requirements in the Immigration and Naturalization Service, Feb. 16, 1994), and our December 1994 report, (2) met with Department of Justice officials, (3) reviewed the April 17, 1997, report by Peat Marwick on INS' implementation of changes to its naturalization process,¹ and (4) used data obtained in connection with our ongoing review of aliens who INS improperly naturalized despite their felony convictions.

¹Immigration and Naturalization Service Naturalization Quality Procedures Implementation Review Final Report, Apr. 17, 1997.

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We hope this information is helpful to you. We are sending a copy of this letter to Senator Kennedy and will make it available to other interested parties on request. If you have any further questions or wish to discuss these responses, please contact James M. Blume of my staff on (202) 512-8643, or me on (202) 512-8777.

Sincerely yours,



Richard M. Stana
Acting Associate Director
Administration of Justice Issues

Enclosures - 2

QUESTIONS FROM SENATOR SPENCER ABRAHAM
AND GAO'S RESPONSES

(1) You indicate in your written testimony that in 1994 the GAO had made certain recommendations to the INS with respect to the fingerprint check and criminal record verification process, and that the INS agreed to implement GAO's recommendations. Those recommendations included, among others, that INS obtain results from the FBI on all of its criminal record and fingerprint checks and that INS monitor the district offices' compliance with INS directives.

(a) With which INS officials were which specific problems discussed and when did those discussions take place?

Answer: After providing INS with a copy of our draft report, we obtained their oral comments on November 9, 1994. The draft report included all the problems we identified in our audit of the fingerprint process, including the need for INS to obtain results from the FBI on all of its criminal record and fingerprint checks and to monitor district offices' compliance with INS directives. We met with the following INS representatives: the Acting Associate Commissioner for Examinations, who was responsible for INS' adjudication of applications, which requires aliens to be fingerprinted; the Assistant Director for Analysis and Evaluation and the Audit Liaison, Office of Internal Audit; Acting Assistant Commissioner Administration; Director, Operations and Support Programs Branch, and staff; Assistant Commissioner, Information Resource Management, Data Systems, and staff from Data Systems, Enforcement Systems Branch; staff person from Information Resource Management, Systems Integration, Systems Policy and Planning Branch; and Special Assistant to Executive Associate Commissioner, Field Operations. In addition to INS officials at the meeting, representatives from the Department of Justice (Justice Management Division) and the Office of Inspector General were present.

(b) Which officials agreed to implement which recommendations, and how did they agree to implement them?

Answer: At the November 9, 1994, meeting, officials (those listed above) who were speaking for INS, agreed with our findings, conclusions, and recommendations. Also, they provided clarifications and technical corrections, which we included in the report. At the meeting, however, the INS officials did not provide details on the specific actions that would be taken to address our recommendations or who would be responsible for their implementation.

- (c) **To what extent did the INS follow through on any commitments to implement GAO's recommendations?**

Answer: As part of our follow-up procedures for open recommendations, we continued to monitor INS' progress in implementing our recommendations. On September 27, 1996, INS' Office of Examinations issued a memorandum dealing with benefits-related fingerprint clearance policy. The September 1996 policy addressed certain problems associated with its fingerprint procedures but did not respond to the specific recommendations in our December 1994 report (GAO/GGD-95-40). A November 29, 1996, memorandum from the Office of the Commissioner on naturalization quality procedures, if fully implemented, should go a long way toward responding to our recommendations. The Commissioner's memorandum instructed INS' field units to not complete naturalization cases until a definitive response had been received from the FBI. In addition, INS established a process to be used to review field office operations (INSpect). However, the Peat Marwick report showed that INS had not ensured that its field units were carrying out the Commissioner's November 1996 instructions. It also highlighted the need for INS to do a better job of monitoring its field offices to ensure that they are properly and completely meeting the Commissioner's instructions.

- (d) **Did you discuss any other recommendations with anyone else at INS and, if so, what was INS's response to those?**

Answer: No. The November 9, 1994, discussion with INS officials regarding our draft report was the only discussion we had with INS officials about our recommendations dealing with fingerprint procedures. However, since our report was a follow-up to the Office of Inspector General's report, we also discussed action INS was taking overall with respect to its fingerprint procedures. On November 9, 1994, we met separately with FBI officials to also discuss our report with them.

QUESTIONS FROM SENATOR EDWARD M. KENNEDY
AND GAO'S RESPONSES

(1) I recently sent a letter to Commissioner Meissner with some of my suggestions on where the naturalization program should head. You should have received a copy of this letter. What are your comments on my naturalization proposal? Do you agree with these goals? Is there anything you would add to the proposal?

Answer: Senator Kennedy's proposal included steps to improve the efficiency, accuracy, and oversight of the naturalization program and to encourage innovation and future progress. Specifically, the naturalization plan would set goals for efficiency, accuracy, oversight and innovation. We note two items in the plan that may need further consideration.

- First, the establishment of an efficiency goal to complete the entire naturalization process of a qualified legal permanent resident in 6 months or less may not be consistent with the goal of having the fingerprint process as accurate and secure as possible, at a given level of resources. While establishing performance goals can be constructive and provide managers with performance targets, time-driven goals may result in too much emphasis on time without giving appropriate weight to quality and accuracy of the adjudication process. Our work has indicated that the combination of increased volume of applications and the desire to process them as quickly as possible without adequate attention to accuracy and quality contributed to the recent problems with the naturalization process. Thus, it appears that any timeliness goal may need to explicitly contain accuracy and quality components that are measurable. Such a goal would be more meaningful if it were set using actual performance-related data, recognizing available resources. Moreover, our experiences with these and similar processing procedures suggests such goals may need to be periodically reviewed and revised.

- Second, the centralization of the naturalization process to facilitate effective oversight of the fingerprint procedures, including the Designated Fingerprint Services Program (DFS),² naturalization testing centers, and final INS interviews, could improve the internal controls over naturalization. However, centralization may also present some obstacles. Aliens would have to travel to an INS office to be fingerprinted and tested. Such travel could prove difficult for those aliens not located near an INS office. Also, scheduling times for testing

²Under DFS, INS certifies entities as providers of fingerprint services for INS.

and fingerprinting could be difficult. There have been reports that aliens, in some cases, already had problems contacting INS to have questions answered and schedule interview times with INS. Requiring aliens to go to an INS office for fingerprinting and testing may worsen an already difficult situation. Also, INS may not have adequate space in some of its offices to fingerprint and test aliens and therefore, requiring aliens to use INS offices for fingerprinting and testing could cause overcrowding.

(2) In my letter to Commissioner Meissner, I also suggested two safeguards for the DFS program, which are that fingerprint cards should be sent directly to the FBI by DFS sites and that organizations authorized to take fingerprints under DFS should be limited to INS, law enforcement agencies, and nonprofit organizations under the close supervision of INS. In light of the KPMG review of the DFS system, do you think my proposals would be more effective in mitigating against fraudulent applications?

Answer: Having DFS send fingerprint cards directly to the FBI could affect INS' ability to determine whether it had received a definitive response from the FBI on the results of the check on the alien's criminal history record. First, the FBI may not know to which INS office to send the results of the check on the criminal history records. Second, INS may have trouble matching aliens who submitted (or did not submit) a naturalization application with those aliens who had (or had not) had their fingerprints taken. Third, the FBI could have difficulty knowing whom to inform (DFS organization and/or INS) about rejected fingerprint cards.

Limiting the DFS organizations that are authorized to take fingerprints could result in an insufficient number of DFS organizations available for aliens in certain locations to go to for fingerprinting. We do not know whether the elimination of for-profit organizations would improve safeguards because we are not aware of data that show they were more likely to be susceptible to fraud or poor quality fingerprinting than were other organizations.

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