



Immigration & Naturalization Service

Restructuring Proposal

11/14/01

The INS Restructuring Proposal

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Key Features of the INS Reform and Restructuring Plan

This reform and restructuring plan fundamentally changes the INS. The plan:

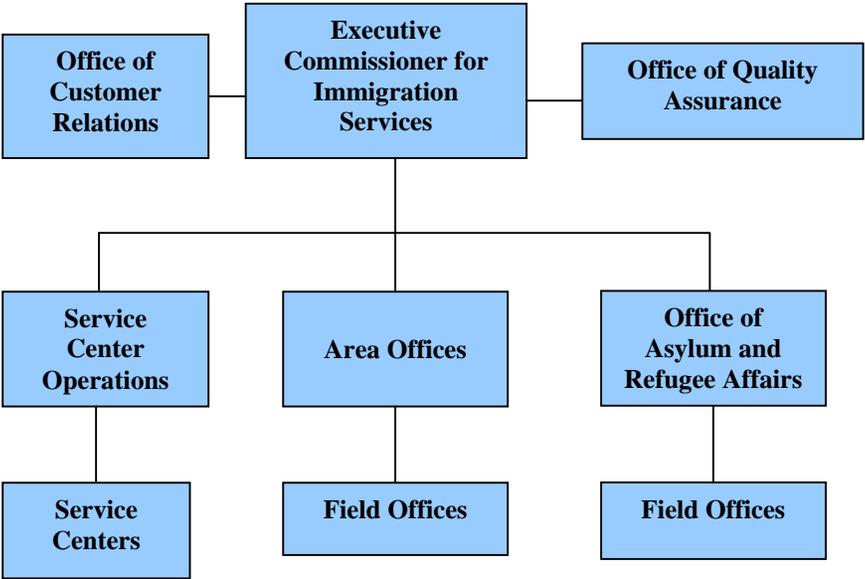
- ◆ **Splits immigration services and immigration enforcement functions into two separate bureaus.**
- ◆ **Provides clarity of function by improving accountability and professionalism through a chain of command with specific expertise at all levels. This is accomplished by eliminating the Regional Director and District Director positions, which have dual responsibilities for services and enforcement.**
- ◆ **Maintains a strong leader at the top and a unified Office of General Counsel to allow swift and decisive action in times of crisis.**
- ◆ **Forms an integrated law enforcement organization that can respond quickly to combat terrorism, human smuggling operations and illegal immigration activities at the border and in the interior.**
- ◆ **Ensures, through the new Chief Information Officer (CIO), that the services bureau maintains access to relevant enforcement data in adjudicating benefits applications. The CIO, through the Information Coordinator, will also ensure that Bureau of Immigration Enforcement personnel maintain necessary and appropriate access to data collected by the Bureau of Immigration Services.**
- ◆ **Positions INS to better share and utilize intelligence information.**
- ◆ **Establishes a Customer Relations Office in the Bureau of Immigration Services. The office will include 25 trained caseworkers to allow immigrants, U.S. citizens, and congressional offices direct access to individual case problem-solving assistance.**
- ◆ **Creates an Ombudsman in the Bureau of Immigration Enforcement to provide the public with a means to communicate concerns and complaints.**

- ◆ **Establishes the Office of Juvenile Affairs, reporting to the Commissioner, to coordinate and standardize INS decision-making on issues affecting unaccompanied minors.**

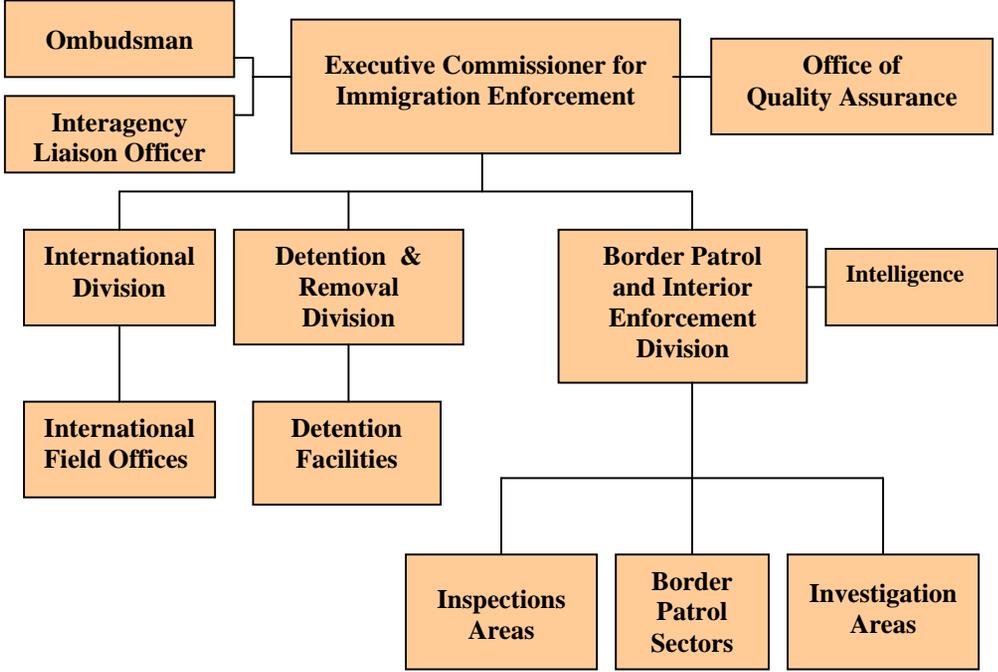
Office of the Commissioner



Bureau of Immigration Services



Bureau of Immigration Enforcement



INS Restructuring: Fundamental Reform An Overview of the New Structure

The proposed new INS structure represents fundamental reform. The proposal calls for radically transforming the current structure by creating two new mission-centered bureaus, one for immigration services and one for law enforcement, each with a distinct chain of command but operating within the same agency. The Office of the Commissioner will continue to provide executive direction to all agency components.

The Bureau of Immigration Services will be headed by an Executive Commissioner and will be responsible for all activities related to the provision of immigration benefits under the Immigration and Nationality Act. These include asylum and refugee determinations, the processing of naturalization and adjustment of status applications, and requests for employment authorization. Reporting directly to the Executive Commissioner for Immigration Services will be an Office of Customer Relations, Office of Quality Assurance and an Office of Asylum and Refugee Affairs, as well as the directors of six area offices and a director of Service Center Operations.

The Bureau of Immigration Enforcement will be headed by an Executive Commissioner and will be responsible for the agency's enforcement duties. Reporting directly to the Executive Commissioner for Immigration Enforcement will be an Ombudsman, an Interagency Liaison Officer, an Office of Quality Assurance and the Divisions of Detention and Removal, International Enforcement, and Border Patrol and Interior Enforcement. The establishment of the Border Patrol and Interior Enforcement Division is especially important because it creates an integrated law enforcement division headed by the Chief for Border Patrol and Interior Enforcement. This division will consolidate resources and expertise to enhance national security and effectively prevent illegal immigration activities at the border, ports of entry, and in the interior of the United States.

In recognition of the importance of efficiency, consistency and coordination in the administration of immigration laws and policy, the proposal provides for key agency-wide offices reporting directly to the Commissioner. These offices include the Chief Financial Officer; Chief Information Officer; General Counsel; Congressional and Public Affairs; Professional Responsibility; Juvenile Affairs; Policy, Planning and Programs; and Administration. A more detailed description of the responsibilities of these agency-wide offices is included in Appendix A.

This new structure is designed to be flexible and will be periodically reviewed during implementation to ensure that it is functioning as expected. As needed, corrective actions will be taken if problems are identified.

Background

During the 1990s, a variety of factors complicated and strained the ability of the INS to fulfill its mission. External factors included significant growth in illegal immigration activity, unprecedented increases in applications for immigration services, and new immigration laws that heightened the complexity of the agency's responsibilities. Congress recognized that INS budgetary and staffing resources were inadequate to handle the increased workload. The result was funding increases that nearly doubled the agency's staffing levels from Fiscal Year (FY) 1995 to FY 2000.

Despite the agency's efforts to manage its rapid growth and improve performance, management weaknesses persisted. Congress, the agency's stakeholders, and many within the INS itself acknowledged that restructuring the agency was essential to addressing many of its long-standing problems. Although several legislative proposals to restructure INS were introduced in the 106th Congress, none was enacted due to a lack of consensus about the specifics of the restructuring.

All of the restructuring proposals that have been considered in recent years have one similarity, which is that the agency's immigration services and enforcement functions must be clearly separated at the operational level. President Bush's "Blueprint for New Beginnings" recognized this need for separation to address the challenges INS faces in fulfilling its dual missions of service and enforcement.

The current INS Regional and District offices, which have increasingly struggled with the responsibilities of dual missions, will be eliminated and replaced with area and local offices organized in networks around a focused immigration service delivery or law enforcement mission. The new structure will strengthen accountability through a clear definition of roles and responsibilities for managers and other INS employees.

While the new INS organizational structure is an important element of the agency's commitment to improve performance, reorganization should not be seen as a panacea for all challenges that the INS faces. Significant cultural and management issues that are not directly resolved by organizational change will continue to be addressed in order for the INS to more effectively fulfill its separate, but related, missions. Nonetheless, restructuring can provide a foundation for improved performance by better defining roles and responsibilities, simplifying the chain of command, and strengthening accountability.

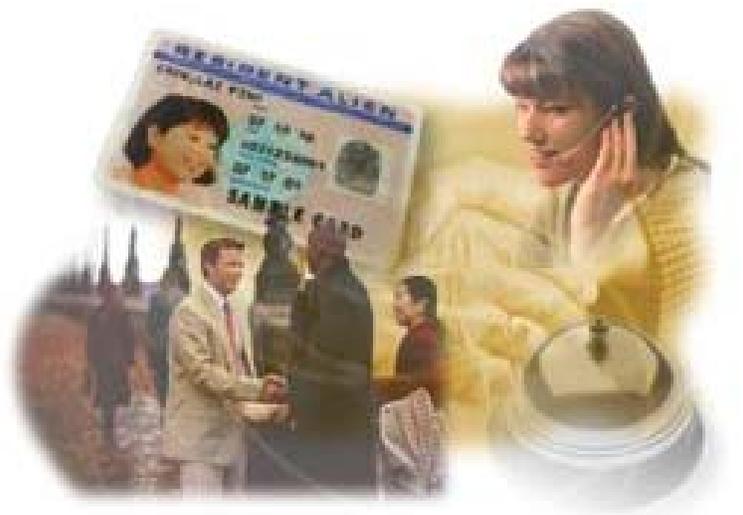
Key Elements of Restructuring

These are the most important elements of the Administration's proposal:

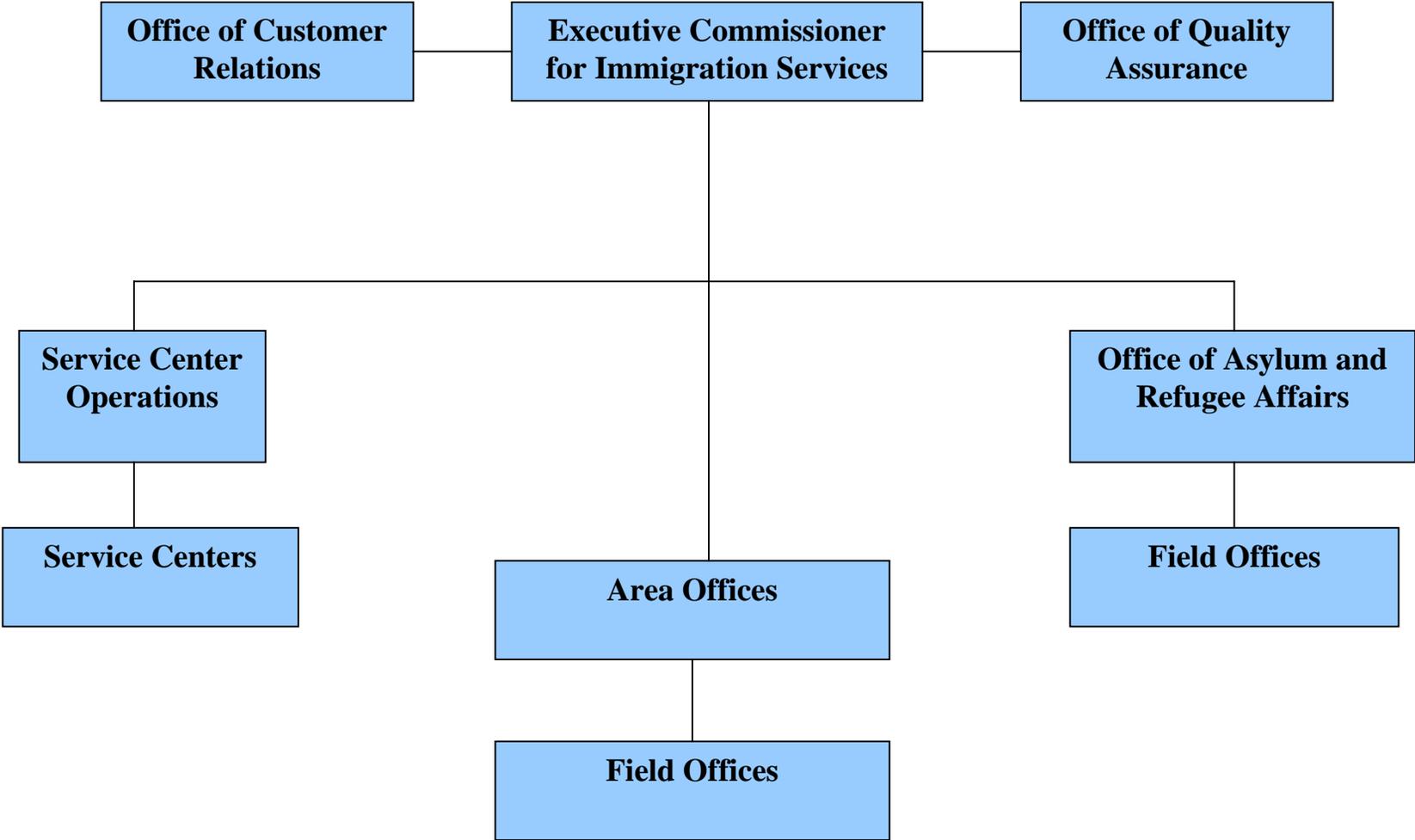
- *Enhances Enforcement.* Creating a unified law enforcement division that combines the Border Patrol, Investigations, Inspections and Intelligence into an integrated unit will eliminate a diffuse reporting structure that has prevented INS agents in the field from effectively working together and accomplishing the full scope of their mission. Moreover, the enhanced career opportunities the new structure provides will improve the agency's ability to motivate employees and to retain key personnel. De-linking services from enforcement will reinforce the enforcement culture. District Directors are often forced to make difficult decisions about assigning personnel to meet the competing requirements of effective customer service and effective enforcement.
- *Eliminates Competing Priorities.* By creating separate chains of command, under a single agency leader, for employees within either the enforcement or services bureau, the dilemma of competing mission priorities is eliminated. In particular, this separation eliminates the problem of competing demands at the field office level and provides for the development of management expertise specifically related to the services or enforcement mission. This new alignment of the field and Headquarters structure will eliminate overlapping and occasionally conflicting responsibilities that currently hinder efficient operations.
- *Establishes Clear Accountability.* The new structure provides clear, separate chains of authority for the Bureau of Immigration Services and the Bureau of Immigration Enforcement to ensure "top-to-bottom" accountability – accountability running from the Commissioner to the local manager and front-line staff.
- *Focuses Customer Service.* A dedicated, focused, and properly trained immigration services management structure will equip INS to provide consistent, courteous, accurate, and timely service, and to consider the customer first when developing policy and procedures. By establishing consistent procedures and sharing information with the enforcement division, the services bureau will be able to better analyze applications.
- *Preserves vital service and enforcement links necessary to screen individuals and enhance security.* Immigration enforcement and immigration services are intertwined in statute and policy. This requires close coordination and balancing of service and enforcement interests to administer the overall system effectively and to achieve the objectives of the nation's immigration laws and this, or any future, Administration's policy. Splitting immigration services and enforcement functions while providing unified overall direction under a single agency head is the logical way to ensure coherence in the immigration system.

- *Improves data systems and interagency information sharing.* The Chief Information Officer (CIO) will be responsible for marshalling the information systems to provide agency-wide data to the enforcement and services bureaus. The CIO, through the Information Coordinator, will ensure that the services bureau maintains access to relevant enforcement data for adjudications, and that the enforcement bureau maintains access to data collected by the services bureau. The CIO will also be responsible for developing the necessary information inter-links with other federal, state, local law enforcement, and other relevant agencies.
- *Fosters strategic intergovernmental relationships.* The new INS will place emphasis on further developing its extensive relationships with foreign, federal, state and local law enforcement agencies. The Interagency Liaison Officer will facilitate an improved flow of information and cooperation with federal, state, and local law enforcement organizations.

Bureau of Immigration Services



Bureau of Immigration Services



Bureau of Immigration Services

In the past decade, the INS has experienced unprecedented demand for immigration services. Increased immigration, coupled with a complicated and multi-layered management structure, has strained and, at the same time, inhibited INS service operations. Public and congressional attention has focused on backlogs, inconsistent application of laws and regulations, and complaints about difficulties communicating with the INS. Frustration with INS has led to instances of sharp and vocal criticism of the agency's service delivery efforts.

In response, the agency has instituted a number of programs and projects to make the delivery of immigration services more efficient and customer friendly. The proposed new structure will facilitate those and other important initiatives, open better lines of communication with the public, and demonstrate the agency's commitment to quality service.

The proposed Bureau of Immigration Services structure emphasizes the importance of accountability in a new, delayed organization. Eliminating the District and Regional structure will streamline reporting relationships and facilitate the flow of information between Headquarters and the field. A separate chain of command for personnel within the services bureau will eliminate the problem of competing operational priorities. In particular, this separation will help solve the dilemma of inconsistent policy implementation at the field office level. This alignment of the field and Headquarters structure also removes overlapping responsibilities that currently hinder efficient and consistent operations.

Field offices, which are responsible for the provision of immigration services such as asylum determinations, the adjudication of naturalization and adjustment of status applications, and requests for employment authorization, will have greater flexibility to meet customer needs. The new structure will allow field offices the authority to develop innovative solutions to local problems. A key improvement is that an Office of Customer Relations with 25 specially trained caseworkers will alleviate some of the need for congressional intervention resulting from constituent complaints. This office will provide quick and fair resolution of individual problems.

The separation of services from enforcement will help define a distinct career path for employees who want to focus on customer service. Progression up the ranks through a clearly designed promotion and advancement system will foster opportunities for improved recruitment and retention of key personnel.

Proposed Immigration Services Organizational Structure

The Office of the Executive Commissioner for Immigration Services will provide executive leadership to the bureau. The Executive Commissioner will be at the head of the chain of command of all service-related employees in the bureau. This chain of command will continue to the Area Directors, and then to the field office directors.

The Office of Customer Relations will oversee all customer service initiatives in the bureau. This office will have trained case problem solvers who will work with customers to resolve their individual issues. This includes authority to assist customers with application-related difficulties. This office will also be responsible for all aspects of customer relations, including the National Customer Service Center, service-related information on the INS website, customer satisfaction surveys, and the service-related outreach to the public. Creating a new, high-level office for customer relations will greatly improve the agency's focus on delivery of services and foster customer-centric business processes.

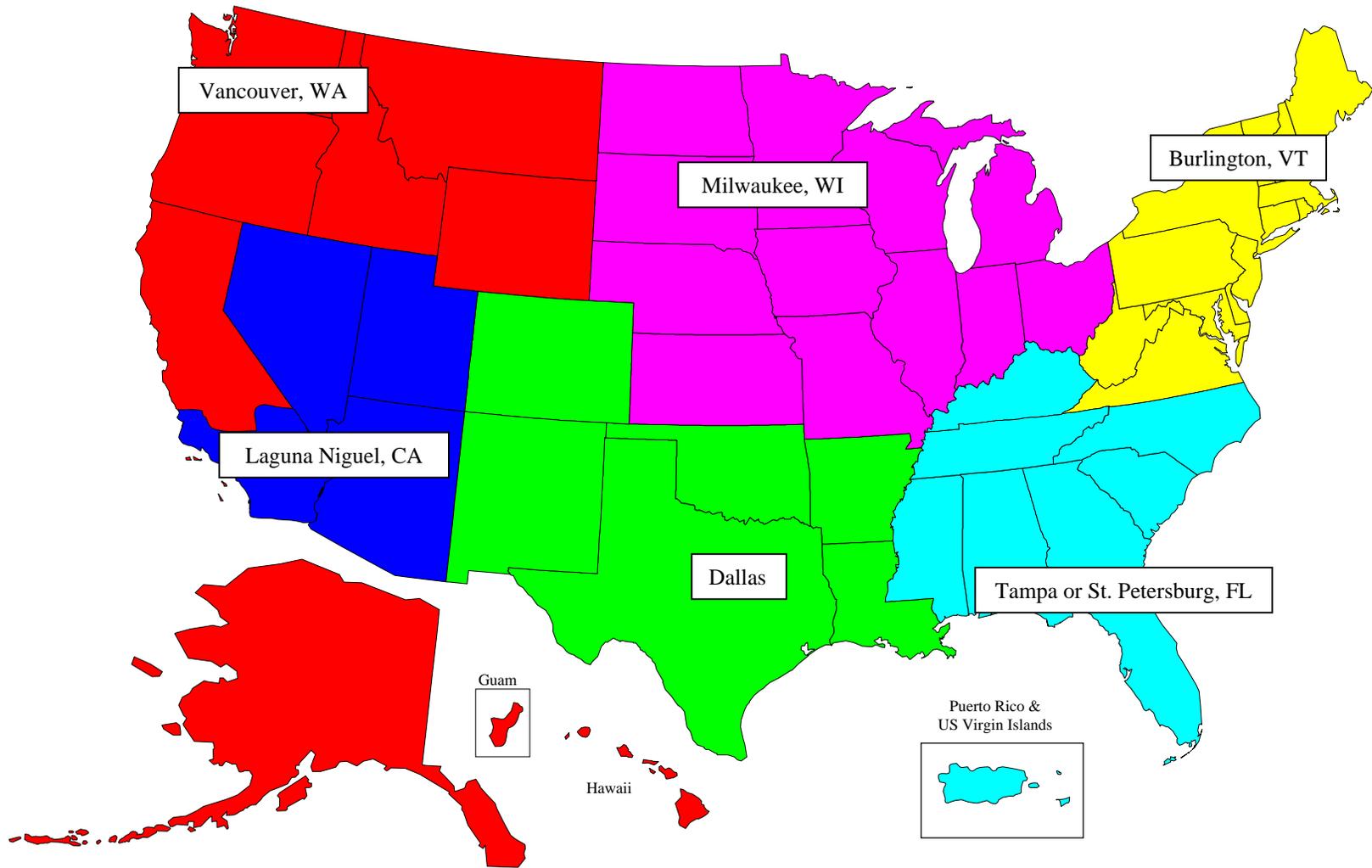
The Office of Quality Assurance will report directly to the Office of the Executive Commissioner for Immigration Services. This office will be responsible for the development of quality assurance and audit programs in order to maintain the integrity of all application processes in the bureau. Creating a new, high-level office for quality assurance will ensure consistent, predictable and equitable decisions regardless of where applicants file for benefits.

The Office of Service Centers Operations will be responsible for the Service Centers, which adjudicate approximately 70 percent of the bureau's current application workload. This workload is generally casework that does not require a face-to-face interview with the applicant, such as non-immigrant change of status applications. The Centers also perform fee receipting and pre-adjudication actions for applications requiring field office interviews. Reducing management layers and elevating this office will allow the agency to transform its business practices and build an immigration services system that is timely, accurate, and consistent.

The Office of the Area Directors will report to the Executive Commissioner. Unlike the three Regional Directors and the 33 District Directors who share both services and enforcement responsibilities, there will be only six Area Directors who will concentrate solely on immigration services. Each of the six Area Directors will have direct line authority over the field offices under his or her jurisdiction. The field offices will be responsible for the other 30 percent of the service workload, including naturalization, adjustment of status, interviews, fingerprinting, and other matters that require personal contact with INS service personnel. The Office of the Area Director will also have administrative responsibility for the area. Reducing management layers and elevating this office will empower field offices to develop innovative solutions in response to local problems and ensure service delivery in a courteous and professional manner.

The Office of Asylum and Refugee Affairs will have direct line authority over the field asylum offices. Additionally, this office will administer and oversee the refugee program overseas, and the bureau's humanitarian parole authority. Placing the asylum/refugee programs in the services bureau will focus the agency on delivery of benefits, while serving as a counterbalance to enforcement considerations in decisions about the protection of displaced persons.

Immigration Service Areas



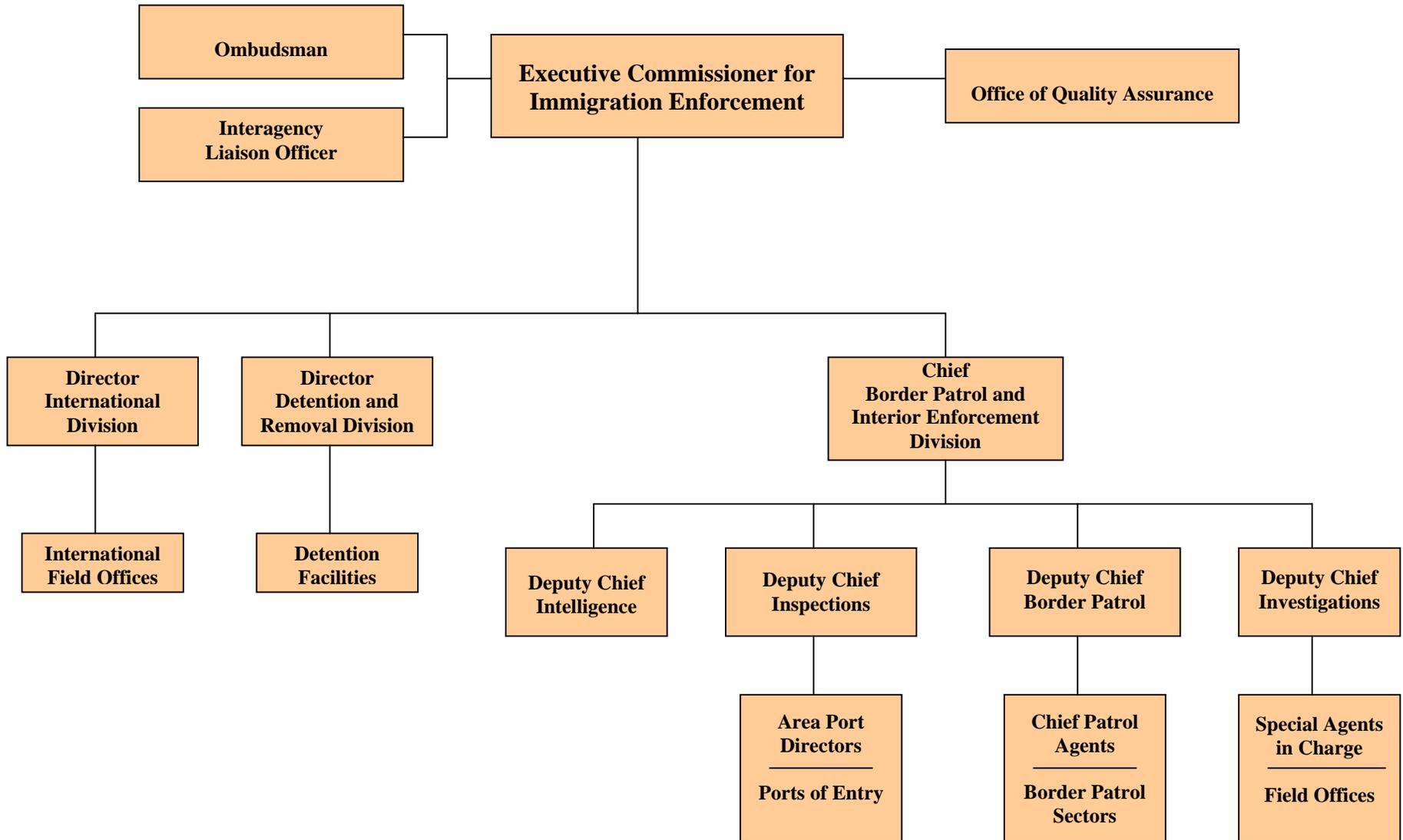
Services Areas

- This plan eliminates the District Director and Regional Director positions. This will increase accountability and establish clearer points of contact for immigrants, U.S. citizens and Congressional offices.
- The Area Directors will have substantial authority to control activities within their area. The Directors will focus solely on the delivery of immigration services, which will limit problems with span of control.
- Areas keep state borders intact, California being the only exception. This will allow Area Directors to maintain strong liaison relationships with other organizations that also use state boundaries, e.g. Congress, Community Based Organizations, and federal courts for naturalization purposes. Having areas coincide with state borders will increase community involvement.
- The six immigration services areas are relatively similar to one another in terms of physical size and client population. The number of benefit applications is similar in four of the six proposed areas, while two (the Southwest and Northeast) will have double the workload of those four. These two offices will have additional staff to meet the demand for services.

Bureau of Immigration Enforcement



Bureau of Immigration Enforcement



Bureau of Immigration Enforcement

The INS employs many thousands of individuals dedicated to enforcing immigration laws. However, the current organizational structure prevents optimal use of these well-trained and dedicated personnel. Lines of authority complicate reporting relationships and impede accountability. The new structure of the INS Bureau of Immigration Enforcement will address those problems by changing both the focus and span of control within the law enforcement function.

The current reporting structure is inefficient and complicated. Border Patrol agents must report through Sector Chiefs who must then report through the Regional Directors to the Director of Field Operations. The latter two of these have both services and enforcement responsibilities. The current organizational chart does not allow direct line authority from the Chief of the Border Patrol down to the agents. Other enforcement officers in the field must also report to the Director of Field Operations through the Regional Directors and District Directors. The same problem arises as with the Border Patrol: managers who must prioritize both services and enforcement responsibilities supervise enforcement agents. Under the Administration's restructuring plan that will change.

The new structure will feature a Bureau of Immigration Enforcement headed by an Executive Commissioner. Reporting to the Executive Commissioner is a Chief who will head the Border Patrol and Interior Enforcement Division. The Chief will be responsible for directing and coordinating the activities of the Border Patrol, Investigations, Inspections and Intelligence units in a unified law enforcement structure. The Deputy Chief of the Border Patrol will have direct line authority over the 21 Chief Patrol Agents in the sectors, a crucial element for effective operations that does not exist today. The Deputy Chief of Investigations will have direct line authority over Special Agents in Charge (SACs) in the nine enforcement areas, while the Deputy Chief of Inspections will have direct authority over the nine Area Port Directors. The Deputy Chief of Intelligence will report directly to the Chief. Coordination among Border Patrol, Investigations, Inspections and Intelligence will occur at the enforcement area level and at Headquarters, through the Chief of the Border Patrol and Interior Enforcement Division.

The proposed organization of the Bureau of Immigration Enforcement will allow for improved law enforcement coordination, vastly greater flexibility to move resources to the areas of greatest need, and an increased ability to more quickly respond to urgent situations.

Establishing a clear programmatic identity from top to bottom throughout the organization will shorten lines of communication, increase policy oversight and coordination, and enhance effectiveness within INS enforcement functions. The Chief of the Border Patrol and Interior Enforcement Division will ensure the coordination needed to produce effective results in countering terrorism and in the investigation of complex criminal activities, such as alien smuggling conspiracies. In addition, the proposed organizational structure effectively brings together all INS law enforcement components under a single office.

It is important to note that although there will be an alignment of law enforcement personnel, this plan does not mean that uniformed Border Patrol agents will patrol urban areas such as New York City, or that investigators in major cities will don Border Patrol uniforms.

The proposed structure eliminates current management layers and therefore increases accountability through the consolidation of all law enforcement personnel within a single bureau. It connects Headquarters and field offices more directly, resulting in better oversight and management, greater consistency in policies and procedures, and clearer expectations communicated through the streamlined chain of command. This creates clear lines of authority to identify success and, if necessary, address possible failure or abuse.

The INS is keenly aware of the concerns that some INS personnel may not treat the public with appropriate care, respect, or consideration. The proposed enforcement structure establishes an Ombudsman Office in the Bureau of Immigration Enforcement. The Ombudsman will confidentially handle complaints and resolve problems in a fair and efficient manner. The Ombudsman will forward allegations of serious misconduct, fraud or abuse to the Office of Professional Responsibility in Headquarters for appropriate action. There will be a representative of the Ombudsman in the Border Patrol and Interior Enforcement Division, and the Detention and Removal Division.

The structure of the Border Patrol and Interior Enforcement Division anticipates unified and standardized training for Border Patrol Agents, Investigators, Inspectors and Intelligence officers. This training, along with the new organizational structure, will open additional career opportunities for these law enforcement officers.

This proposal represents a significant improvement over the existing mechanisms for conducting law enforcement operations within the INS. It clarifies jurisdiction by establishing the Border Patrol as the agency that will conduct human smuggling investigations along the Southwest border. Coordination with interior field offices will be accomplished by the use of a common case and intelligence management database, which will allow Headquarters to identify and assume direction of cases involving common targets or duplicative investigations in the field. This improved coordination will also improve the agency's ability to identify and counter potential terrorist activities as early as possible.

As an example, consider a case where a Border Patrol agent encounters a vehicle containing smuggled foreign nationals near the Southwest border. Under the current structure, if that agent wanted to identify the criminals at the end of the transportation route (e.g., Phoenix to Chicago) by allowing the vehicle to proceed under surveillance, the agent would have to work with two Regional offices and five District offices. Under the Administration's restructuring proposal, the agent would simply contact Headquarters at the Bureau of Immigration Enforcement, which would coordinate activities nationwide from point to point. Another example would be when two offices in different locations

report through the automated case management system on smuggling activity that points to the same suspect. Analysis at Headquarters would identify this overlap and assume the coordination role necessary to complete the case successfully.

Improved Intelligence Capabilities

As a result of restructuring, the Intelligence Program also will operate more effectively on both the tactical and the strategic level. Tactical Intelligence Officers will operate under the guidance of the Special Agents in Charge and the Chief Patrol Agents. These intelligence officers working in the field will be able to address situations that call for real-time, case-specific actions. On the strategic level, the Intelligence program will focus on long-range issues. Strategic Intelligence Officers, who will report to the Deputy Chief for Intelligence within the Division of Border Patrol and Interior Enforcement, will track and analyze national and international crime trends and conduct threat assessment and targeting. Augmented by a database that is enriched continuously, the Intelligence program, working under bureau direction, will significantly improve the INS' ability to coordinate major national and international investigations.

In the new structure, INS will be better positioned to act on intelligence in real time because of the shorter chains of command and communication with field offices. Because Headquarters will provide the global perspective on law enforcement efforts, reporting results of these actions to Headquarters will allow for greater national and international coordination of efforts, particularly with other law enforcement entities. Working as part of the Foreign Terrorist Tracking Task Force and receiving its information, the INS under this structure will be better able to investigate and disrupt potential terrorist cells because it will directly task field offices in a way not possible under the current structure. That is because law enforcement personnel in the field will work under a direct chain of command, no longer encumbered by dual service and enforcement missions in the field.

Proposed Immigration Enforcement Organizational Structure

The Office of the Executive Commissioner for Immigration Enforcement will lead the Bureau of Immigration Enforcement. The Executive Commissioner will be at the head of the chain of command of all enforcement-related employees in the bureau. The new structure consolidates both domestic and overseas law enforcement programs under a single chain of command. One individual in charge of all enforcement operations, yet still reporting to a single INS Commissioner, will ensure overall policy consistency and coordination in achieving the INS law enforcement mission.

The Chief of the Border Patrol and Interior Enforcement Division will report to the Executive Commissioner for Immigration Enforcement. The Chief will have line authority over all law enforcement components in field offices, including the current 21 Border Patrol Sectors, the nine interior enforcement areas, the nine port areas, and the INS Intelligence program. Four Deputy Chiefs will support the Chief: the Deputy Chief

of the Border Patrol, the Deputy Chief of Investigations, the Deputy Chief of Inspections and the Deputy Chief of Intelligence. The consolidation of all the major law enforcement activities in the INS under a single experienced law enforcement individual will improve operational effectiveness.

The Deputy Chief of the Border Patrol will supervise the Chief Patrol Agents who oversee the daily operations of the Border Patrol Sectors.

The Deputy Chief of Investigations will supervise the Special Agents in Charge, who oversee the day-to-day operations of immigration law enforcement personnel in the interior of the United States.

The Deputy Chief of Inspections will have line authority over all INS ports of entry. The placement of Inspections in a reformed and restructured INS is a great challenge. Because Inspectors have a unique role as both facilitators of bona fide travelers and as law enforcement personnel, some have advocated a separate Inspections bureau or division reporting to the Commissioner. However, to ensure law enforcement coordination at ports of entry and to prevent a possible lack of direction that a separate Inspections Bureau may cause, the decision was made to place Inspections in the Bureau of Immigration Enforcement.

The Deputy Chief of Intelligence will coordinate strategic intelligence for the purposes of efficient law enforcement. The Intelligence Program at Headquarters will focus on long-range issues and will track national and international crime trends and conduct threat assessments. Intelligence resources will be used to support all law enforcement functions within the Division.

The Director of the Detention and Removal Division will have line authority over INS detention facilities and operational standards nationwide. Centralizing detention and transportation decisions will realize economies of scale and bring about greater policy consistency throughout the INS. Detention and Removal personnel located in field offices will ensure that custody and removal operations are timely and efficient. The consolidation of all detention operations under a single office will ensure accountability throughout the INS detention process.

The Director of the International Division will oversee foreign government training and liaison and enforcement functions under the direction of the Executive Commissioner. The Director of the International Division will have line authority over INS overseas offices. The International Division, in coordination with the Department of State and the U.S. Coast Guard, will work with foreign governments to monitor and disrupt the smuggling of individuals and groups into the United States. The overseas field offices will work closely with host countries, air and sea carriers, and international law enforcement organizations in facilitating anti-smuggling operations to investigate fraud, and dismantle and deter criminal organizations that operate both overseas and within the U.S. The separation of the current international enforcement activities from

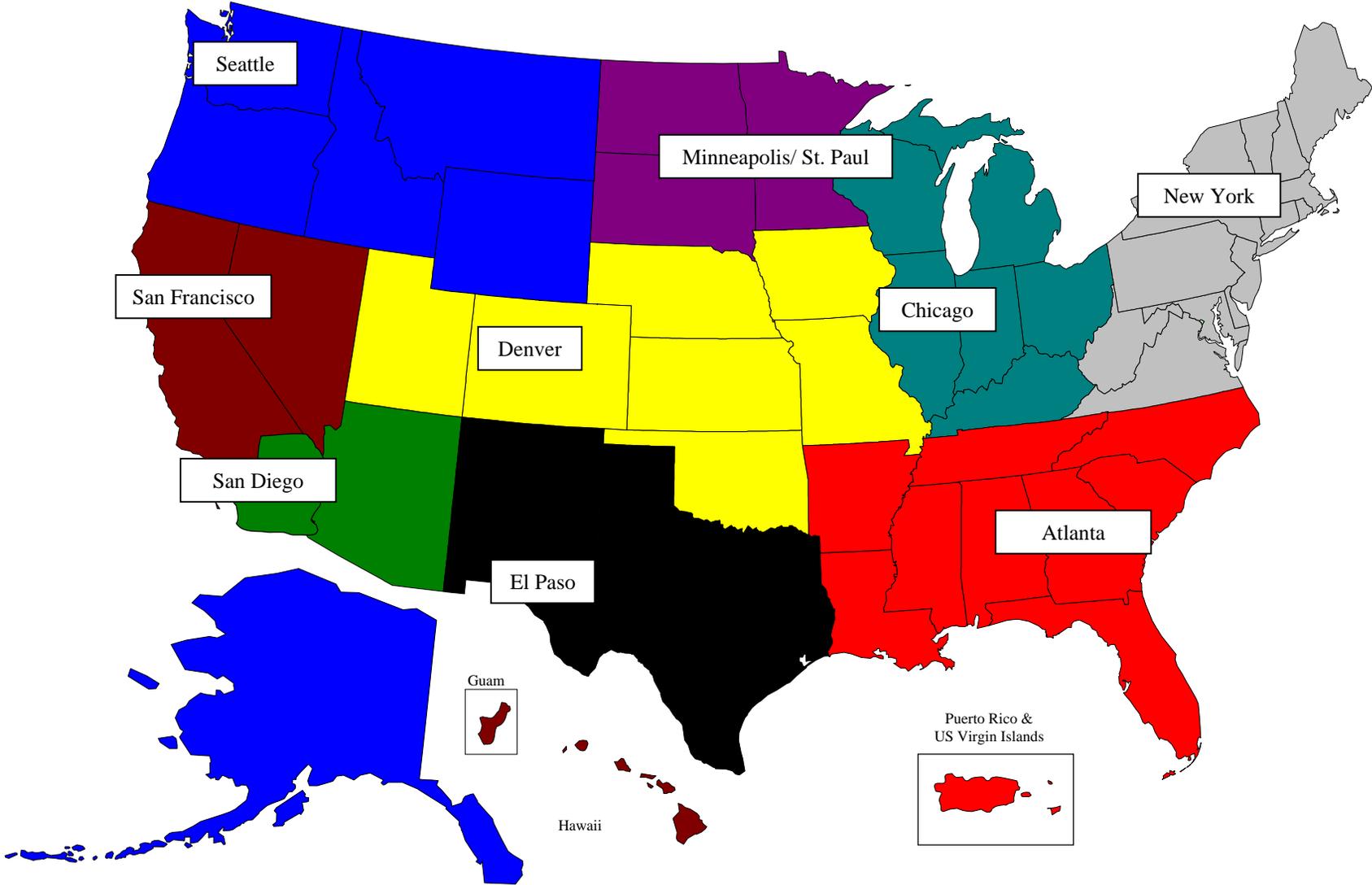
the asylum and refugee programs will eliminate the competing priorities that often exist between international enforcement and benefit responsibilities.

The Interagency Liaison Officer will facilitate an improved flow of information and cooperation with federal, state, and local law enforcement organizations. As part of this mission and to augment the current efforts of INS law enforcement to work with state and local law enforcement and government officials, the plan envisions dedicated resources in each enforcement field office to focus primarily on the effectiveness of law enforcement partnership and information-sharing.

An Office of the Ombudsman will be attached to the Office of the Executive Commissioner for Immigration Enforcement. There will be a representative of the Ombudsman in the Border Patrol and Interior Enforcement Division, and the Detention and Removal Division. The specific role of the Ombudsman will depend upon the responsibilities of the division. In general, the offices will provide the public with a means to communicate concerns about enforcement activities. The Ombudsman will seek to facilitate the swift resolution of complaints, before they reach the stage of Congressional involvement. Allegations of serious misconduct will be reported to the Office of Professional Responsibility.

The Office of Quality Assurance will report directly to the Executive Commissioner for Immigration Enforcement and will monitor the enforcement components to ensure that all procedures are applied in a standard, consistent and fair manner.

Enforcement Areas



Note: The 9 Special Agents in Charge (SACs) for Investigations and the 9 Area Port Directors for Inspections will be co-located in the 9 Enforcement Areas to share administrative support and facilitate cooperation.

Enforcement Areas

- The elimination of District Director and Regional Director positions requires a new enforcement structure that allows for a manageable span of control. The solution is the creation of nine investigations offices headed by Special Agents in Charge (SACs), nine inspections port areas headed by Area Port Directors, and the maintenance of the current 21 Border Patrol Sectors headed by Chief Patrol Agents. The existing Border Patrol Sectors are virtually unchanged by this proposal because this organization of sectors has proven effective. The sectors and field offices will strategically focus resources on the areas of highest security concern and illegal immigration activity.
- The nine SACs for Investigations and the nine Area Port Directors for Inspections will be co-located in the nine Enforcement Areas to facilitate cooperation and share administrative support. This recognizes the critical role that Inspections plays in anti-smuggling operations and in protecting the security of the border. International pre-clearance inspections will report to an international Area Port Director.
- Under this proposal, coordination within an Enforcement Area will take place at the level of the local office head. Where Border Patrol sectors, ports of entry, and investigation offices are located in the same geographic area, coordination will be ensured by the Chief Patrol Agent, Area Port Director and the SAC in that area. Any lack of coordination will be dealt with swiftly through the shortened chain of command to Headquarters under the Chief of the Border Patrol and Interior Enforcement Division. Conflicts will be resolved more easily due to the sharper mission focus and organizational unity that this proposal achieves. By uniting major INS law enforcement components under one bureau, the agency's ability to conduct complex investigations across several geographical areas will markedly improve. The Office of Quality Assurance will ensure that actions in the field are consistent with national policy and intent.
- Enforcement field offices will manage the four main smuggling corridors - the South Texas corridor, the West Texas/New Mexico corridor, the Southern California corridor and the Arizona corridor – as illegal immigrants move through the interior to various employment magnets. This is designed to enhance interior enforcement.

Appendix A: Agency-wide Offices

Agency-wide Offices

Chief Financial Officer

The Chief Financial Officer (CFO) will be responsible for ensuring sound INS financial management. The CFO will have broad responsibilities, including the development of agency-wide financial policy and procedures, managing integrated financial systems, directing the preparation of annual financial plans, and direction of the agency's debt management program. The CFO will also be responsible for all formulation and execution activities for the agency's annual budget including development of the annual budget request to the Department of Justice, the Office of Management and Budget, and the Congress; execution of the enacted budget; serving as liaison with internal and external offices regarding current and future budgets, including support for the annual Congressional appropriation process; and administration and analysis of fee studies and other research related to the agency budget.

Office of the General Counsel

The Office of the General Counsel will provide legal advice and assistance to the Commissioner and field managers; represent the INS before the Executive Office for Immigration Review (EOIR), including the Immigration Courts and the Board of Immigration Appeals (BIA); provide legal assistance in the formulation of regulations and legislative proposals; represent the INS in contested naturalization and denaturalization hearings; represent the INS in labor-related cases; provide litigation support when the agency is a party to lawsuits in federal courts; provide litigation support in the issuance of reinstatement of removal orders, expedited removal orders, and administrative removal orders by field managers; and represent the INS in employer sanctions and civil document fraud litigation. Many legal issues concurrently affect or require input from both immigration services and enforcement. The Office of General Counsel's management structure will ensure that the agency's interests are advocated effectively before the Executive Office for Immigration Review, and that the relevant subject-matter expertise will be provided on the legal issues faced by the new enforcement and immigration services structures.

Chief Information Officer

The Chief Information Officer (CIO) will consolidate the current Office of Information Resources Management, the Office of Records Services, the Website Management Unit, and the Office of Strategic Information and Technology Development. The CIO, through the Information Coordinator, will ensure that the services bureau maintains access to relevant enforcement data for adjudications, and that the enforcement bureau maintains access to data collected by the services bureau. The CIO will also be responsible for developing the necessary information inter-links with other federal, state, local law enforcement, and other relevant agencies. Data, information systems and records are indivisible and need to be available to both enforcement and services in a restructured organization. Consolidating the CIO functions as proposed will incorporate the investment management, strategic planning, and operational structures which will provide the business owners more equitable and flexible systems support services. This

will provide a needed "center of gravity" for all the issues related to the push toward e-Gov and electronic filing so that INS can meet external expectations in these areas.

The CIO will also organize the required information systems to provide agency-wide data to both the Bureau of Immigration Enforcement and the Bureau of Immigration Services. The CIO will also develop the necessary information inter-links with federal, state and local law enforcement and relevant agencies.

Office of Policy, Planning and Programs

The Office of Policy, Planning and Programs will be responsible for developing policy and setting the INS' strategic direction. Policy and planning activities will be conducted in close collaboration with the Commissioner. In addition to policy development, responsibilities will include developing legislative requirements and strategies, direction of long range planning activities, provision and analysis of the agency's official statistics, program development and other functions currently in the Office of Programs, and direction of the agency's performance planning and evaluation functions.

Office of Administration

The Office of Administration will direct the agency's responsibilities for human resources, equal employment opportunity, procurement, facilities, property, and security. The Office of Administration will set standards for health and safety, space acquisition and property management, and will monitor all INS capital assets. The creation of two separate operational bureaus requires an administrative service delivery system that efficiently and effectively meets the needs of the operational components, but allows for standardization and seamless connectivity of vital information systems throughout the agency.

The delivery of certain services can be best achieved through the decentralization of service to field locations. This independent and direct delivery of administrative services within each bureau will allow senior managers to strengthen their authority and decision making capabilities, improve response times to resource and operational needs, improve communications and allow accountability within the chain of command. The delivery of other administrative services may require centralized control to promote economies of scale, standardization of product line, effective use of technology, information, and communication, and the efficient use of resources. The Headquarters components will maintain centralized control of functions, such as hardware and software purchases, cash management and vendor payments, fleet purchases, training, major hiring efforts, etc. In addition, centralized control oversight is necessary to ensure proper compliance with INS policies; procedures; resources decisions; major performance challenges; and to minimize waste, fraud, and abuse.

Office of Congressional and Public Affairs

Congressional and Public Affairs will provide liaison with Congress, the media, and external stakeholders. Within the agency and with the Department of Justice and OMB, Congressional Affairs will coordinate the development of legislation and views on pending legislation. The office will advise the Commissioner on legislative matters, and

coordinate hearings and meetings with Congressional offices. The office will also provide Congressional offices with responses to case-related inquiries.

Public Affairs will coordinate the development of agency public affairs strategies, public statements, and press releases; provide public affairs advice to the Commissioner; oversee all aspects of press briefings and interviews; and represent the daily voice of the agency to the media.

The office will also have liaison responsibility for external intergovernmental organizations including state, local, and federal government agencies and representatives of those government institutions. The office will coordinate with the external affairs operations of the Department of Justice, and provide advice to the Commissioner on relevant issues.

Office of Professional Responsibility

The Office of Professional Responsibility will accomplish the functions now performed by the Office of Internal Audit such as managing the organization's systems for resolving alleged employee misconduct; reviewing and evaluating the efficiency and effectiveness of programs; and ensuring proper liaison between the INS and outside audit and inspection organizations. The new title better represents the diverse nature of the office's functions and more strongly communicates the agency's commitment to professionalism and accountability.

Office of Juvenile Affairs

The Office of Juvenile Affairs (OJA) will serve as a central policy office on juvenile matters and will lead and direct national programs that meet the needs of unaccompanied minors in INS custody. Its mission will be to ensure that the INS meets its responsibility that all juveniles with whom it comes into contact are treated with dignity, respect, and special concern. OJA will respond to the needs of juveniles (including but not limited to unaccompanied minors) in the custody and care of the INS, coordinate services to juveniles in INS field offices, and ensure that juveniles found inadmissible/removable from the country are removed safely and correctly. The basic tenets of INS policy toward minors include developing research-based best practices and service approaches, ensuring consistent application of policies and procedures, facilitating family reunification, and developing effective case management systems.

**Appendix B:
Restructuring
Budget Estimates**

INS Restructuring Budget Estimates

The costs associated with restructuring the INS fall into two general categories – sustainment costs and implementation costs.

Sustainment costs are those costs that will recur in future years, even after restructuring is complete. To a large degree, sustainment costs result from the separation of the agency's two key mission areas into two distinct bureaus, each with its own chain of command.

Implementation costs are those costs which must be incurred in order to restructure the agency. The majority of implementation costs are associated with necessary expansions of and modifications to facilities, as well as the human resources costs associated with the elimination of certain positions, the creation of others and the relocation of staff from one geographic location to another.

Basis for Restructuring Cost Estimates

Although the separation of the agency's immigration functions will result in the need for increased staffing – primarily to support the creation of separate area offices for services and enforcement, a significant portion of these increases will be offset by the elimination of all field positions supporting the current Regional Office/District Office structure. Thus, the net staffing increase estimated to be needed to achieve restructuring is 522 positions, which represents only a 1.5 percent increase over current staffing levels.

Savings from the elimination of positions:

There are currently a total of 894 filled positions located in the three Regional Offices and on the Administrative staffs at the 33 District Offices, all of which will be eliminated. Some individuals in positions being eliminated will be reassigned to field offices in these locations; others will accept buyouts or will relocate (buyout and relocation costs are presented separately below).

New positions under restructuring (recurring “sustainment” costs):

Field Offices: The establishment of separate area offices to support the agency's field personnel will require the creation of 1320 new positions. Positions will be created to staff the six new area offices of the Bureau of Immigration Services and to staff positions within the nine new enforcement areas of the Bureau of Immigration Enforcement. Additional positions will be needed to support Office of General Counsel activities in the field under the two-bureau concept. The field structure of the Border Patrol will remain unchanged.

Under the current organizational structure, the three Administrative [support] Centers are experiencing increasing backlogs. Based upon performance indicators developed

recently by Advancia, additional positions will be needed to provide the current level of service under the restructured organization and to ensure that frontline field units are provided with timely and efficient services.

Headquarters Offices: The establishment of the Bureau of Immigration Enforcement will necessitate the creation of new positions for administrative support, for the new Office of Quality Assurance and for the Ombudsman. The establishment of the Bureau of Immigration Services will necessitate the creation of new positions, including those created as part of a customer service initiative to troubleshoot specific problems related to the provision of immigration services and to respond to customer service issues. A small number of positions will be created to support the newly established Chief Financial Officer position as well as the Office of Juvenile Affairs.

Restructuring Costs (non-recurring implementation costs):

Facilities: With the creation of two separate bureaus and the resultant elimination of Regional and District offices, significant costs are associated with the cancellation of leases, securing of new or additional space in certain locations and modifications to existing space. The proposed cost for facilities seeks to take advantage, to the fullest degree, of continued use of existing facilities.

Buyouts and Relocations: It is estimated that, of the 894 positions which will be eliminated with the closure of the Regional and District offices, approximately 300 of these positions will not fall geographically into one of the area or field office locations. The cost estimate assumes that 50 percent of these 300 individuals will accept buyouts and 50 percent will choose to relocate.

**Summary of Position Changes and Estimated Costs Under the Proposed INS Restructuring
With Costs in Thousands of Dollars**

<u>Office</u>	<u>New / (Lost)</u> <u>Positions</u>	<u>Costs/(Savings)</u> <u>Payroll</u>
<i>Savings from positions no longer needed under Restructuring:</i>		
Regional Offices (all)	(275)	(\$23,300)
District Offices (DD&Staff)	<u>(619)</u>	<u>(\$38,800)</u>
Total Savings	(894)	(\$62,100)
<i>New Positions under Restructuring:</i>		
Field Offices	1,320	\$92,239
Headquarters Offices:	<u>96</u>	<u>\$8,931</u>
<i>Total Net Cost of Position Changes</i>	522	\$39,070
<i>One-time or Short-Term Costs</i>		
Facilities Costs related to Restructuring		\$36,800
Buyouts and Relocations		\$22,640
<u>Admin Center Backlog Reduction</u>		<u>\$3,500</u>
<i>Total One-Time or Short-Term Costs</i>		\$62,940
<i>Total Estimated Cost of Restructuring</i>		\$102,010

Appendix C: Restructuring Timeline

Restructuring Timeline

The INS restructuring will be implemented in multiple phases. The initial phase will focus on restructuring the Headquarters offices as well as creating the necessary support structure in Headquarters. The next two phases will focus on developing and implementing the major organizational changes in the field. By the end of FY 2003, the fundamental reform of the INS will have been accomplished, and the new overarching structure that splits the INS into two separate bureaus - one focused on services and one focused on enforcement - will be complete. FY 2004 will be used to bring staff relocations and the final office moves to completion.

Phase I: Initial Steps – The INS will use its existing authority to accomplish near-term changes within the FY 2002 budget and in accordance with personnel regulations. The Commissioner of the INS will appoint a Director of Restructuring. The Director will oversee the development of strategies necessary to implement Phase I of the agency's restructuring which, beginning in early 2002, will include the following steps:

- 1) In recognition of the importance of streamlining INS operations, the Director of Restructuring will immediately begin to work with senior field and Headquarters staff to design and implement changes to reporting relationships which will become effective as soon as possible. These interim changes will be in place while plans for permanent restructuring are finalized and implementation is completed, and will strengthen chains of command between services and enforcement program managers in the field and senior management officials in Headquarters.
- 2) The agency will establish an Office of Juvenile Affairs in Headquarters, reporting directly to the Commissioner, to assume responsibility for and ensure consistency on matters relating to minors.
- 3) In order to respond more quickly and systematically to case inquiries, INS will hire 25 Customer Service Representatives to work in Headquarters to solve specific case problems raised by immigrants, U.S. citizens, and Congressional Offices.

The remaining Headquarters reporting relationships will be realigned to represent the split between the services and enforcement missions. The realignment will be achieved through judiciously detailing key personnel to temporary assignments as necessary while official actions to implement changes on a formal basis are prepared and processed.

Phase II: FY 2002 – *Formal action to reorganize Headquarters will be completed by the end of FY 2002.* This includes creation of the Headquarters structure for the new Bureaus of Immigration Services and Immigration Enforcement as well as creation of a Chief Financial Officer and Chief Information Officer. As part of this process, INS will specify roles, responsibilities and reporting relationships for each of the new offices. Mission and function statements will be drafted for each of the new components.

Formal personnel actions to establish the new structure will be completed in FY 2002. This will include filling new positions through selections or reassignments, as appropriate, and processing formal personnel actions for other affected employees whose positions are being moved from an existing unit to a new unit.

Modifications to space within Headquarters buildings and physical moves of employees to accommodate the new alignment will also be completed during FY 2002.

In FY 2002, INS will also complete the planning for restructuring implementation in the field. This entails completing a detailed analysis of workload distribution and location, capacity, and lease requirements of existing facilities. It also includes developing a comprehensive human resource plan for making personnel adjustments to accommodate the new alignment of INS functions.

In addition, INS will specify roles, responsibilities and reporting relationships for each of the offices in the new field structure. This will include the identification of those delegations of authority that will change in the new structure.

INS will initiate the formal rule making process to amend 8 CFR. Part 100 contains the statement of the INS organization and describes the configuration of Headquarters as well as the locations of field offices. Part 102 provides formal delegations of authority within INS and outlines the duties of key personnel, such as Area Directors and heads of primary Headquarters components.

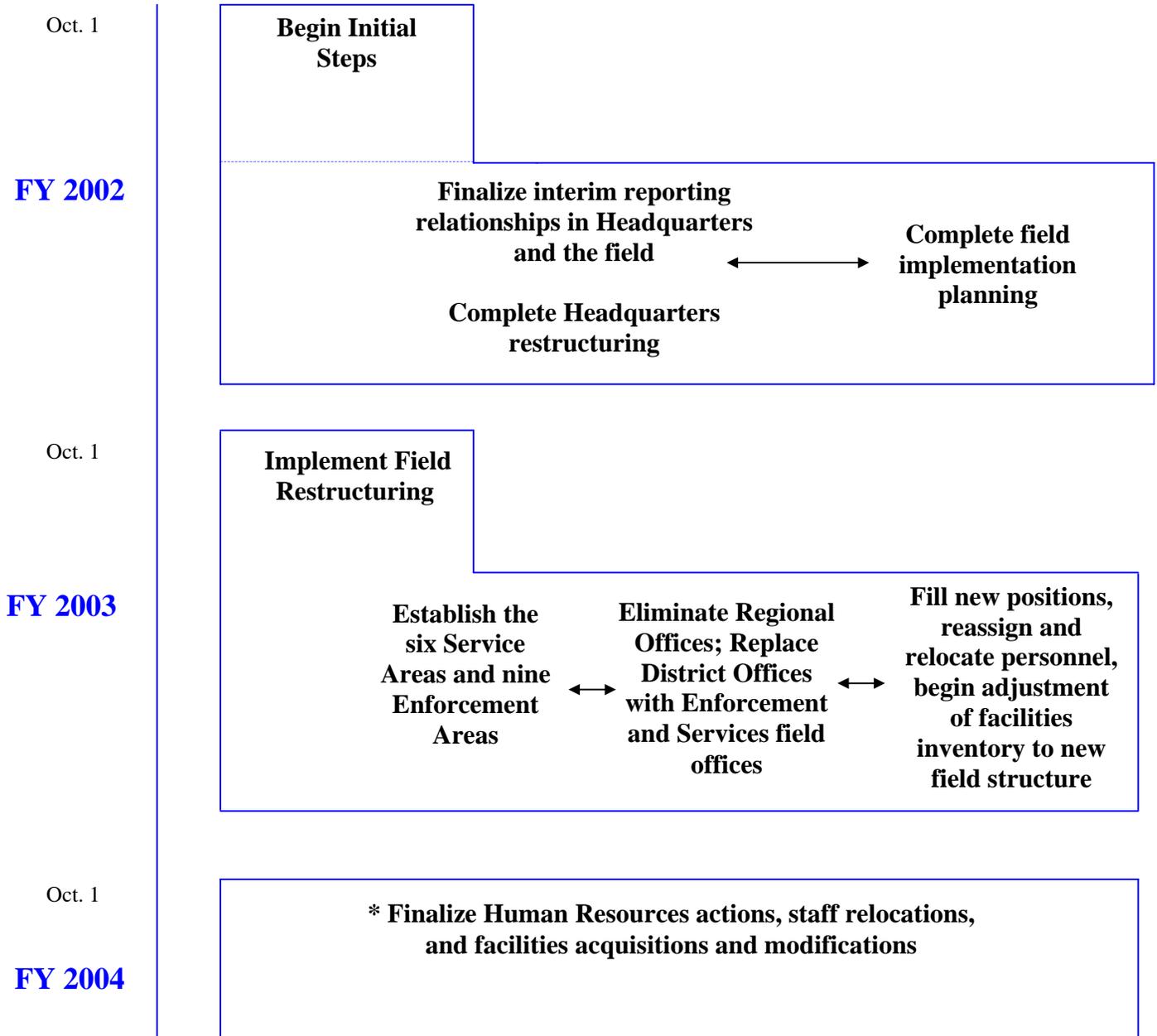
Phase III: FY 2003 – Target Completion – INS will restructure the field organization in accordance with the detailed plans developed in FY 2002. This will include abolishing the existing Regional and District office structures and establishing the new area structures for services and enforcement. It also includes establishing the administrative support structures to complement the new field alignment.

Attention first will be given to filling the critical positions to lead the newly designed field structure. This will include the Area Director positions and other key positions in the field. Similarly, priority will be given to facility acquisition or facility modification necessary to house the key leadership components of the new structure. The emphasis will be on getting the key components in place as quickly as possible to implement the new operating relationships within INS. This includes effecting new reporting relationships so that local offices report directly to the appropriate area office. Other changes will follow based on a prioritized sequence that takes into account workload demands, rules and regulations governing human resource changes, and facility constraints.

Phase IV: FY 2004 – As indicated in Appendix B, two significant aspects of the restructuring will involve the adjustment of facilities (office space) to accommodate the new field structure and the movement of personnel to new locations. Throughout the restructuring process, INS will seek to minimize facilities costs by carefully timing offices moves in consideration of such factors as lease expiration dates and the

availability of new space at a reasonable cost. New reporting relationships, new chains-of-command, and all new offices will be established by September 30, 2003. Some of the indirect impact of these changes, including personnel and facility adjustments, may extend into FY 2004. Nonetheless, assuming the receipt of sufficient restructuring funds and the commencement of a strong interdisciplinary agency-wide restructuring effort, all substantial phases of the INS restructuring can be completed by the end of FY 2003.

Restructuring Timeline



* With sufficient funds, and a coordinated and interdisciplinary agency-wide restructuring effort, nearly all personnel and facility actions related to INS restructuring will be completed by the end of FY 2003. The INS will make fiscally sound decisions that may affect facilities changes, particularly where there are existing leases.

**Appendix D:
Initiatives to Complement
INS Restructuring**

Initiatives to Complement INS Restructuring

The new INS structure will change the way INS operates internally by streamlining the management of service operations, and by creating a direct line of authority and accountability from Headquarters to line employees in the field. However, restructuring alone cannot drive all improvements within the INS and must be coupled with new and existing initiatives to improve performance.

I. In FY 2003, INS will launch a new initiative to improve the capability of INS field offices to provide personalized services to customers in the areas of filing guidance and problem resolution.

Because many field offices currently lack information officers, customers often cannot obtain assistance when they need it most. Information officers will provide filing guidance, case status information and problem resolution to customers. The deployment of these officers to field locations will ensure that customers receive personal assistance when and where they need it.

This initiative enhances INS' National Customer Service Center strategy as it will ensure that callers who require personal assistance will be afforded that service in the area where they reside. It also symbolizes our restructuring strategy which is focused on improving customer experience through the development of an immigration services system that results in timely, accurate, professional and courteous information and decisions.

II. Other ongoing initiatives include the following:

- An aggressive backlog reduction effort in FY 2002 that will achieve a national average processing time of six months by the end of 2003, and will achieve a processing time of 6 months or less in every Service office by the end of 2004.
- On-line filing of at least two immigration benefit applications by the end of FY 2002. INS will expand e-filing to additional form types during FY 2003 and FY 2004.
- The creation of "fillable forms" accessible through the INS website.
- Expansion of the Application Support centers' role in collecting applicant data, which will prevent time-consuming visits to multiple INS locations.
- Professional communications skills training for all Inspections field office staff, and expansion of automated inspection systems to expedite the entry of low-risk travelers at seaports and land border pedestrian lanes.
- Nation-wide expansion of successful local Border Patrol programs including: the Mexican Liaison program with local, state, and federal Mexican law enforcement; the Citizens Academy established to provide the public with a better understanding of

Border Patrol operations and procedures; the Law Enforcement Explorer Program, which exposes youth ages 14-20 to federal law enforcement careers and professionals; and the Drug Demand Reduction Program, which allows Border Patrol agents to work with local students to promote drug demand reduction through safety talks, mentoring, and student achievement awards.

**Appendix E:
Present State of
INS Operations**

Immigration and Naturalization Service Present State of Operations (December 2000)

