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1980 Annual Report of the Immigration and Naturalization Service

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UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
WASHINGTON, D.C. 20536

REPORT OF THE COMMISSIONER
OF IMMIGRATION AND NATURALIZATION

The Attorney General
United States Department of Justice

Dear Mr. Attorney General:

I am pleased to submit the Annual Report of the Immigration
and Naturalization Service for the fiscal year 1980.

Sincerely,


Alan C. Nelson
Commissioner

Immigration and Naturalization Service

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Office of the Commissioner

The Office of the Commissioner is comprised of four distinct components which help to shape the public image of the Service. These include the General Counsel's Office, which handles all legal matters involving the Service; the immigration judges, who hear all deportation and exclusion cases; the Public Information Office, which publicizes the activities of the Service and deals with the media on a daily basis; and the Office of Congressional and Public Liaison, which maintains close contact with members of Congress and the Senate and House Committees that oversee Service activities. The Liaison Office also keeps the Commissioner and his staff informed of Congressional views regarding immigration matters.

General Counsel

Many important issues concerning the authority of the Immigration and Naturalization Service are being decided in the courts. The Office of the General Counsel is involved in this litigation. Concurrently, the General Counsel has expanded counseling services in the areas of labor relations, equal employment opportunity complaints, and contracts. An attorney with expertise and experience in government contracting was hired to provide specialized assistance in this area.

The workload of the General Counsel's Office was affected by the international crises involving the taking of American hostages by Iranian militants at the United States Embassy in Tehran and the exodus of 125,000 Cubans. As part of America's response to the events in Iran and the failure of the Iranian government to resolve the crisis, option papers were prepared and new regulations were drafted to institute a student reporting program and place limitations on Iranians applying for discretionary relief and extensions of stay. General Counsel staff also participated in successful litigation concerning the constitutionality and lawfulness of the Iranian student reporting program, *Narenji v. Civiletti* (D.C. Cir. January 31, 1980), cert. denied, and the revocation of the June 1, 1980, deferred departure date for Iranians unlawfully in the United States, *Yassini v. Crosland* (9th Cir. May 14, 1980).

Three U.S. District Court for the Southern District of Florida cases concerning Haitian asylum applications and applications for withholding of deportation on the basis of claimed political persecution occupied a considerable amount of attorney time for deposition taking, brief and motion writings, district office and counsel conferences, and court appearances. These cases are *Haitian Refugee Center v. Civiletti*, which challenges the procedures employed by the Service in adjudicating asylum applications

of Haitians in deportation proceedings; *Sannon v. United States*, which challenges the manner in which the Service adjudicated the asylum applications of Haitians in exclusion proceedings; and *National Council of Churches v. Shenefield*, which is concerned with the work authorization issue. As a result of adverse decisions in *Haitian Refugee Center* and *Sannon*, and a preliminary injunction in *National Council of Churches*, more time will be spent in preparing appeals and in complying with the court decisions.

Two important cases involving the use of search warrants for gaining entry to businesses where undocumented aliens are believed to be employed were decided in FY 1980. In *Blackie's House of Beef v. Castillo, II*, the United States District Court for the District of Columbia held that a magistrate had jurisdiction to authorize an INS entry and search for deportable aliens. However, the Court found the particular warrant defective for lack of particularity as to the persons to be searched for, and for lack of a showing on the face of the warrant that the importance of the INS enforcement interest to be served outweighed the intrusion, inconvenience, and possible injury which could have resulted from the execution of the order. It also found the search to be unconstitutionally broad. This case has been consolidated on appeal with *Blackie's I*, a case in which the same district judge invalidated a search warrant under Federal Rules of Criminal Procedure, Rule 41, on the basis that Rule 41 did not authorize searches for persons. That rule has since been amended to permit searches for particular persons. The INS' use of such warrants to search for undocumented aliens was upheld by the United States District Court for the Central District of California in *I.L.G.W.U. v. Sureck*.

Other projects handled by the Office included participation in the drafting of new regulations required by the Refugee Act of 1980; drafting new student regulations; drafting and reporting on the INS Efficiency Bill; participation in the formulation of an opinion on the excludability of homosexuals under section 212(a)(4) of the Immigration and Nationality Act, and an opinion on the effect of the receipt of Supplemental Security Income on excludability under section 212(a)(15).

Immigration Judges

In general, aliens seeking admission to the United States can be denied entry only after a hearing before an Immigration Judge. No alien can be deported without such a hearing. The judges also have jurisdiction over bond re-determination cases where aliens in custody seek a change in the conditions imposed by the Service. The 41 immigration judges sit in 19 locations throughout the country.

During fiscal year 1980, over 57,000 deportation cases and over 4,000 exclusion cases were referred to immigration judges for formal hearings. These figures reflect the ever increasing number of cases referred for hearings.

Appellate Trial Attorneys

The appellate trial attorneys prepare and argue cases appealed to the Board of Immigration Appeals. They also review decisions in cases not argued orally before the Board. Adverse decisions in Board cases may be certified by the Commissioner to the Attorney General upon recommendation of the General Counsel.

Trial Attorneys

The 56 trial attorneys in the Service represent the Government in all cases and matters taken before immigration judges and the Board of Immigration Appeals.

A trial attorney was assigned to each of the four Cuban processing camps and to each of the prisons where Cubans with criminal records were held. The attorneys recommended which of the 125,000 Cubans should be sent to a prison and which Cubans should be processed for eventual parole into the United States. The attorneys assigned to the prisons also represented the Government at exclusion hearings.

Public Information Office

In fiscal 1980, the Public Information Office continued its work of focusing public attention on the work of the Service. Media attention focused on Iranian student activities, the Cuban Refugee influx and Haitian migration to the United States. Media interest in the activities of the Service was stimulated through speeches, press conferences, television appearances by INS officials, network news programs, and through press releases. The writing staffs of major national publications were assisted in producing articles about INS.

The Public Information Program continued to stress communication with employees, in addition to informing the public of Service activities. The "Commissioner's Communique" newsletter to all employees was issued on a regular basis, and publication of the INS "News Digest," the "INS Reporter," and the "Bulletin" continued.

Office of Congressional and Public Liaison

The Office of Congressional and Public Liaison is responsible for all written and telephone inquiries from members of Congress and officials of State governments

that relate to immigration procedures and policies. In 1980 the Office of Congressional and Public Liaison handled over 45,000 telephone calls relating to Congressional inquiries. During the same period the office processed over 7,800 letters from Congress.

While the primary efforts of the Office are to improve liaison with the Congress in Washington, it concentrates its efforts as well in the field in an attempt to improve liaison between the Districts and local Congressional and State Offices. The Office also provides assistance to the Commissioner when he or members of his staff are called to testify at hearings and keeps him informed of those Congressional developments that are of concern to the Service.

Evaluation, Assessment and Analysis Staff

The Evaluation, Assessment and Analysis Staff (EAA) continued to focus on program effectiveness to determine whether programs function at their optimum level. In cooperation with the Inspections Division, EEA began a major study to determine how the inspections functions could provide improved service efficiently. The study is targeted for completion in 1981.

The INS Model Office Program, Integrated Case Control System, and related matters were evaluated during the fiscal year. Data obtained from the evaluations are expected to aid in future evaluations of revised manual procedures and automated systems.

The EAA staff and the Adjudications Division completed an evaluation of the new one-step process being used in several of the larger INS District offices. The assessment determined that the process is an effective means of streamlining the adjudications process and reducing public waiting times.

The EAA Staff also developed a narrative account of the various INS management directives and procedures involved in the special registration of Iranian students (directed by the President in November 1979).

In 1977 INS established a satellite office program under which small INS service offices were to be located in areas having a high concentration of aliens. By FY 1980 three such offices had opened. Two offices were successful; one was closed because of a workload lower than anticipated. An evaluation of this program by the EAA Staff and the Adjudications Division concluded that the satellite offices are at least as cost effective as their parent district offices and that they provide convenient service to the public.

Office of the Deputy Commissioner

Accomplishment of the Service's mission with efficiency and effectiveness has always been a top priority of agency management. The Office of the Deputy Commissioner is the operational center for achievement of these goals. The support offices of Field Inspections and Audit, Internal Investigations and the Equal Employment Opportunity (EEO) Office report directly to the Deputy Commissioner.

Field Inspections and Audit

The Office of Field Inspections and Audit is responsible for issuing to the Commissioner objective and constructive appraisals of the effectiveness, efficiency, and economy of INS programs and operations. Inspections of district operations have led to improvements in public service, particularly in the form of increased production and reduced backlogs in the adjudications area. An audit of the vehicle seizure program resulted in a directive by the Commissioner for the development of a uniform national policy and the establishment of a procedural format for the program. Other audits have addressed Service policies and procedures concerning inspectional overtime reimbursement, Master Index System security, and Service fee collection control.

During the fiscal year, field inspectors worked on special assignments in cooperation with other divisions: participated in a Personnel Division study of the organizational structure and mission, manpower utilization, work assignment distribution, workflow, work methods and procedures, personnel management practices, management controls, and other functions of the Office of Examinations; provided technical expertise for an investigation with the Office of Professional Responsibility; and two field inspectors served as team leaders on the New York District Office's Records and Information Task Force headed by the Assistant Commissioner of the Information Services Division.

Office of Professional Integrity (Internal Investigations)

The Office of Professional Integrity (OPI) is responsible for planning, developing, and managing the integrity program of the Service. It assists management in assuring the highest standards of honesty and security among all employees, and helps to maintain public confidence in the work of the Agency.

The program is implemented through Operations Instructions 287.10 which outline operating procedures and describes the kinds of employee misconduct to be reported and, if warranted, investigated pursuant to a preliminary finding of cause. Such investigations are conducted of both criminal and/or administrative misconduct alleged of Service employees. Serious allegations and those pertaining to high-level officials are investigated by the Central Office OPI staff or by selected field officers upon whom OPI relies. Minor administrative infractions are investigated by the appropriate local office. If warranted after a preliminary inquiry, Title 18 criminal matters are referred to the F.B.I. or a U.S. Attorney. OPI has monitoring authority over all investigations of alleged employee misconduct.

Equal Employment Opportunity (EEO) Office

The EEO Office is responsible for the efficient processing of discrimination complaints against the Service. It also provides counseling for any employee or applicant who believes that he/she has been discriminated against because of race, sex, national origin, age, or physical or mental handicap. During FY 1980, the majority of the complaints filed alleged discrimination because of race, sex, or national origin. The issue most often raised in discrimination complaints was nonselection for promotion.

The EEO staff also conducts training for ancillary EEO investigators and counselors. Other functions include participation in and evaluation of management programs, liaison with management officials, conferences, and EEO training and orientation.

Enforcement

The enforcement of the regulatory and criminal provisions of the Immigration and Nationality Act and related Federal statutes is the responsibility of the Border Patrol, Investigations, and Deportation Divisions of INS. These Divisions are charged with the prevention and detection of illegal entry into the United States and the apprehension and removal of foreign nationals who are here in violation of the law.

Border Patrol

The Border Patrol Division of INS received an additional 291 border patrol positions for FY 1980. Some of the positions were used to enable patrol agents to work in teams of two at unusually hazardous areas.

Border Violence

During the fiscal year, the number and severity of incidents and confrontations between border patrol agents and border ruffians in the Chula Vista Sector increased dramatically. Rock throwing incidents were common. On November 23, 1979, a border patrol helicopter crashed after being struck with a rock thrown by an unknown person. On May 3 and May 5, 1980, an operation coordinated on both sides of the international boundary resulted in a total of 355 apprehensions by the United States border patrol agents. United States attorneys in San Diego, California, accepted 250 of those arrested for prosecution under Title 8 USC 1325. The success of this operation has resulted in a significant reduction of violent incidents by aliens in the area.

Armed Encounters

At 10:30 p.m. on October 14, 1979, a border patrol agent at the Rouses Point Border Patrol Station answered a call to investigate two persons walking near the junction of Cannon's Corner Road and Route 11, approximately 20 miles west of Rouses Point, New York. When approached, the two males ran into the woods. The agent followed the two suspects, one of whom fired a handgun hitting the agent in the chest. He returned the fire and killed one of his assailants. The other suspect fled but was apprehended later by New York State troopers. The two suspects, brothers of Canadian citizenship, had escaped from custody in Montreal as they were being escorted to court on Tuesday, October 9, 1979. A Montreal policeman was killed during that escape. The border patrol agent has recovered from his wound. The brother of the deceased assailant entered a plea of guilty for possession of a loaded weapon and was sentenced to a term of 5 to 15 years in the State penitentiary.

Drug Traffic

Border patrol operations continue to result in significant narcotics seizures. For example, on May 20, 1980, border patrol agents at the checkpoint at Florida City, Florida, in two separate incidents apprehended United States citizens transporting controlled substances. One man had approximately 426 pounds of cocaine valued at \$40 million wholesale, with a \$200 million street value. This was the largest domestic seizure to date. The second man was arrested for transporting 500 pounds of marijuana.

Air Operations

The Service maintains a fleet of 27 fixed-wing, single engine aircraft, and 3 helicopters which are strategically located along the Southwest border. The aircraft are used to provide support to border patrol enforcement oper-

ations and to assist other agencies in locating contraband, apprehending violators of other laws, and to help in search and rescue missions.

The use of two helicopters, leased in fiscal year 1976, was so successful in locating illegal entrants and improving sensor responses that the Service, after losing one of the helicopters in a crash, made arrangements with the U.S. Army to borrow eight OH6A class helicopters to expand the fleet. As the helicopters become operational, some fixed-wing aircraft may be eliminated. Helicopters have proven invaluable in the reduction of border violence.

Liaison With Other Agencies

During the 1980 census, the Service curtailed area control operations. Apprehensions dropped 44 percent during this period. The detail of officers to Cuban processing sites during the Cuban influx and gasoline shortages in the Southern Region contributed to the reduction in apprehensions.

Special Projects

The United States Border Patrol participated in two special programs mandated by the President during fiscal year 1980: the program to identify Iranian students who were out of status, and the Cuban Refugee Control and Screening Program. More than 200 Border Patrol agents were reassigned to these special tasks.

Annual Meeting

The annual meeting of the Border Research Program held in Austin, Texas, on April 25 and 26, 1980, included representatives from Mexico and several universities. Border patrol problems were discussed as were research projects on employment, demography, sociology, economics, environment and education. Two papers were presented: "Regional Economic Development in the Southwest Borderlands," by Niles Hansen of the University of Texas; and "Analysis of the Impact of the U.S. Economy on the Economy of Mexico and Its Border Region," by Clark Reynolds of Stanford University.

Intelligence

The INS Intelligence staff's responsibilities include the formulation of policies, plans and procedures for the collection, production, dissemination, and utilization of tactical and strategic intelligence to support the various operational and managerial functions of the Service. During the FY 1980, a reorganization which transferred the Intelligence Program functions from the Office of Operations Support to the Office of Enforcement was implemented in

order to consolidate such functions and eliminate fragmentation of the program.

Working level liaison, support to other government agencies, and two-way exchange of information were expanded and improved, especially with the Department of State's Visa and Passport Offices and the U.S. Customs Service. Intelligence support was provided on a continuing basis to Service operational divisions and other government agencies concerned with the Iranian crisis, the Cuban entrant crisis, the 1980 Winter Olympics, and various other fast-moving, volatile situations involving national security.

Data was collected and analyzed, and new working aids and reference materials were produced by forensic document analysts and intelligence officers to assist INS field officers in the detection of fraudulent travel and identity documents. Intelligence concerning passport and visa fraud was disseminated to ports of entry, and feedback was provided to other interested government agencies. Quick response analysis of questionable travel documents was transmitted to INS field offices and ports of entry.

The staff also provided technical assistance to the Department of State on travel documents.

Operation of the El Paso Intelligence Center (EPIC) continued jointly with the Drug Enforcement Administration, and with the participation of the U.S. Coast Guard, Federal Aviation Administration, U.S. Customs Service, and the Bureau of Alcohol, Tobacco, and Firearms in support of Service activities.

Investigations

The Investigations Division of the INS gathers and reports information to determine whether proceedings may be instituted or privileges granted under the Immigration and Nationality Act. It also locates and apprehends aliens residing in the United States in violation of immigration laws. This fiscal year saw unprecedented workloads brought about by world crises. In November 1979, the President, responding to the taking of American hostages in Iran, directed the Attorney General to "identify any Iranian students in the United States who are not in compliance with the terms of their entry visas, and take the necessary steps to commence deportation proceedings against those who have violated applicable immigration laws and regulations."

A regulation was issued requiring Iranian students in this country to report to INS to verify their student status. Of the estimated 75,000 Iranian students in the United States, over 75 percent complied with the regulation by reporting either to the nearest INS office or to Service personnel at their school. The Confederation of Iranian Students in Washington, D.C., filed suit to have

the order declared unconstitutional, which resulted in a judgment for injunction against the order. The Government appealed, and a stay was obtained. The Ninth Circuit Court later ruled that the regulation was constitutional.

The second phase of the Iranian program, which involved locating the Iranian students who failed to report, began immediately after the interview period expired. All INS records relating to the students were reviewed and forwarded to the districts concerned. Over 60 percent have been located and processed.

Investigators were called upon to participate in a Service-wide effort during the Cuban crisis that brought thousands of Cuban entrants to the United States. Bilingual investigators were detailed to the various processing centers to interview the new arrivals. A number of Cubans were found to have convictions for various crimes and were held for exclusion proceedings.

Operations to locate and apprehend aliens residing in the United States in violation of immigration laws were handled with special precautions during the 1980 Census to ensure that apprehension of illegal aliens would not adversely effect the Government's efforts to secure full participation by minority groups. A key provision stipulated that search warrants or court orders must be obtained before entering residences or places of employment to seek illegal aliens.

Fraud investigations reflected a continued increase in the number and kinds of methods used to enter the United States. False representations of material facts, fraudulent documentation, and marriage schemes were among the deceptions aliens used to obtain footholds in this country. Foreign students paid large sums of money to unscrupulous individuals for school certification forms. Many aliens used "borrowed" documents to apply for admission into the United States.

The schemes to defraud also included impersonations and illegal use of mail and telephones. Several cases resulted in convictions. One such case involved a person who posed as an attorney and processed applications for aliens in the United States on tourist visas. The scheme, for which aliens were charged up to \$1000 each, was to convert their tourist status to that of permanent resident.

Another case involved a resident alien from Uruguay who impersonated INS criminal investigators, CIA agents, and members of the Argentine and Uruguayan diplomatic corps. The alien extorted money from other aliens, both legal and illegal, and charged various bills to consulates and embassies. He was convicted for violating Title 18 USC 915 and was sentenced to serve 6 years in prison.

The cases of a deputy sheriff, Canadian Customs officer, and former New York State Department of Labor immigration specialist were among the many in which individuals attempted to use their official capacities to influence decisions concerning alien entrance or the granting of benefits. Some supplied fraudulent documents to support their deception. The cases of the deputy sheriff and customs officer were referred to their respective agencies. The specialist pled guilty to three counts of bringing in 32 Colombian nationals into the country as bogus folk dancers.

One of the marriage frauds uncovered involved a private first class (PFC) who was asked by his immediate superior, a staff sergeant, to marry a Korean female solely for immigration purposes. The plan was contrived by two officers, a captain and a lieutenant, who paid \$2,000 to the PFC for his part in the marriage, and for the subsequent filing of an immediate relative petition. The sergeant was contacted first by the officers; however, he backed down at the last minute and approached the PFC. The female had dated both officers prior to the marriage. Prosecution was declined as the case was deferred to the military. The captain and lieutenant were court-martialed and found guilty. They submitted unconditional resignations of their commissions. The PFC was reduced to the lowest enlisted grade; the sergeant was given immunity for his testimony. Deportation proceedings were instituted against the Korean female.

Investigations handled the crises, in addition to its normal activities using its own resources. The normal activities included 1) coastal control directed toward the prevention and detention of illegal entry by alien crewmen and stowaways; 2) area control operations; and, 3) liaisons with other law enforcement agencies. The investigators also responded to other INS branch operational units in need of manpower and assistance.

Investigator training and procedures were updated in line with the changes in the laws and regulations brought about by both legislative and judicial review. The Investigator's Handbook and other reference material are being rewritten to incorporate current guidelines, jurisdiction, conduct, and ethics. Training is offered at the Federal Law Enforcement Training Center, Glynco, Georgia, along with in-service programs designed for law enforcement needs.

Detention and Deportation

During FY 1980, 736,474 apprehended undocumented aliens were expelled; 17,263 were deported and 719,211—mostly Mexican nationals—were required to depart without the issuance of a formal order of deportation.

Detention and Deportation developed Service-wide detention standards for Service Processing Centers which

will meet the needs of both the Service and individual detainees. The major areas addressed by these standards are detention population, personnel services and programs, and physical structure.

The Cuban Program severely taxed Detention and Deportation's personnel, equipment, and budget resources during the year. At the peak of the program, over 100 Detention and Deportation officers and support personnel were detailed to the various Cuban processing camps.

First phase renovations of the Port Isabel, Texas, Service Processing Center began in FY 1980. Renovations were started on the facility's water treatment and sewage systems, and in the dormitory, cafeteria, and administration buildings. When the renovations are completed, apprehended undocumented aliens will be detained in a more secure and humane facility.

Iranian Crisis

The actions taken by the Immigration and Naturalization Service during the Iranian crisis occurred in three phases.

The first began in mid-November when President Carter ordered that all Iranian nonimmigrant students in the United States report current addresses and submit evidence showing that they are bona fide students in compliance with the laws under which they entered the country.

During the period from mid-November through December 31, INS interviewed 56,694 students. Nearly half of them were interviewed at schools and campuses. Some 50,238 were found to be in status and in compliance with the law; 6,456 students were not in compliance.

In phase one INS set up a special entry and departure control procedure for Iranians. All who attempted to enter the country were ordered to undergo a stringent second inspection to ensure that their documents were valid and that they were entering the country for the purpose stated on their visas. All students entering were photographed.

In order to keep track for Iranian entries and departures on a daily basis, arrangements were made to obtain from the airlines the I-94's (entry and departure documents) for Iranians. These forms were sent to a specific location where they would be kept separate from the thousands of other such forms received daily.

The second phase of INS activities began January 1, immediately after the interview period expired. Those students who did not report were identified and those students who were not in compliance with the law were expelled. Deportation hearings and the expulsions of those students who violated the law were scheduled. Through the last week of September 7,177 hearings were scheduled

before Special Inquiry officers. Some 3,088 Iranian students were ordered to leave the country and 445 left. Their departures have been verified.

In December, while INS was continuing to interview Iranian students, President Carter ordered that all except 35 Iranian diplomats leave the United States. The State Department then provided INS with the names of 226 diplomats, with directions to locate and remove those diplomats through the deportation process.

During this period INS also moved to tighten controls over all foreign students. Proposed changes in regulations were published March 19 in the Federal Register. The proposed changes would require all foreign nonimmigrant students attending post-secondary schools to report to INS for a status review.

The third phase of INS activities tightened the procedures concerning Iranians still further. On April 7, the President announced that all Iranian visas were invalidated and that visa holders could neither enter nor re-enter the United States after that date without having their visa revalidated by the State Department. Revalidation was to be done only for compelling, humanitarian reasons. Orders were sent immediately to INS field offices, and by the end of the day the President's directive was executed. It effectively prohibited the entry of most Iranians into this country.

On April 12, INS announced the discontinuation of extensions for adjustments of status for Iranians already in the United States to bring the policy in line with that for new entrants. INS field offices were directed to grant adjustments or extensions only in the following cases:

- (a) Iranians who filed claims for asylum based on a fear of persecution because of their ethnic origin, religious, or political beliefs;
- (b) Iranians with close family relationships to United States citizens (spouse, parent, brother, or sister) or an alien who is either the spouse or an unmarried child of a lawful permanent resident; or
- (c) Iranians in need of immediate medical attention.

In a further action, the President ordered the departure of all Iranian military trainees attending schools in the United States. The State Department advised that they were considered representatives of a foreign government; thus, they were declared *persona non grata*. This meant that if they did not leave the country by midnight Friday, April 11, they would be subject to deportations. INS assisted the State Department and the Department of Defense in determining the departure time for each individual covered by the order. INS personnel were present at airports to ensure that those leaving actually boarded the planes and to collect the departure documents.

By Monday, April 28th, departure of 418 out of 496 trainees was verified. Among the 78 remaining, there

were 21 asylum requests and 36 applicants for another nonimmigrant status. Nine had scheduled departure dates or appearance at INS offices to determine their status; one was known to have absconded after learning of the departure order; three were applicants for permanent resident status. Five were allowed to remain for a brief time because of health and other similar reasons. Three were unaccounted for at that time.

Results of the Iranian Control Program: from mid-November to September 24,401 Iranians left the United States. During that same period 19,369 Iranians entered the United States; 4,696 of those entering were permanent U.S. residents returning to this country.

A citation of outstanding accomplishment was awarded to the Records Data Input Unit for its efforts during the crisis.

Cuban Entrant Influx

In late April INS sent 100 border patrol agents, two light aircraft and 30 other vehicles into Florida to help handle the influx of Cuban entrants.

Initial INS processing began at Key West after which families and others with sponsors were transported to Miami for further processing and release. Males without families and others without sponsors were sent to processing centers at Eglin Air Force Base; Fort Chaffee, Arkansas; Indiantown Gap, Pennsylvania; and Fort McCoy, Wisconsin.

The Public Health Service screened all arrivals and provided treatment where necessary. Hospitalization, if required, was arranged through public health facilities, military hospitals, or local hospitals.



"Cuban refugees of all ages were interviewed and fingerprinted."

The Immigration and Naturalization Service also screened every entrant to determine excludability from

the United States. By early June, 655 were identified as having been mental cases or convicted of serious crimes. Those convicted of crimes were held in Federal correctional institutions at Talladega, Alabama (390 persons); at Atlanta, Georgia (175 persons); and Miami, Florida (one person). Thirty-nine others were held at the INS detention center in Brooklyn, New York; one in the Metropolitan Correctional Center in New York City; 16 at Fort Chaffee; and seven at Indiantown Gap. There were 25 mental cases held at Springfield, Missouri, and one drug addict held at Lexington, Kentucky.

The criminals included persons who were convicted in Cuba for crimes including murder, homicide, robbery, theft, narcotics violations, assault, rapè, car theft, and possession of explosives. Only those persons with serious records were held in detention. The State Department is attempting to return to Cuba those found excludable. INS identified 11,341 persons with criminal records in Cuba, but the large majority of those were convicted for political offenses (2,344) or petty crimes that would not be considered felonies in the United States. Petty crime convictions included such violations as black marketeering and petty theft. All adults were questioned about their past records, if any. Names and fingerprints were sent to security agencies, including the FBI and the Drug Enforcement Administration. Name checks required 2 days. In general, procedures which proved effective in other emergency situations were used to identify those persons who might be excludable. In June, 6,664 persons who had completed processing and were awaiting resettlement were housed at Eglin Air Force Base; 8,969 at Fort Chaffee; 9,147 were at Indiantown Gap; and 2,389 at Fort McCoy.

There were 622 INS employees at the various processing centers (130 border patrol agents, and 492 immigration officers and clerks) including 100 of the employees stationed permanently at Miami. All INS processing personnel worked on shifts to enable 24-hour-a-day operations. The temporary staff was detailed from widely scattered locations to avoid serious disruption in any one place. No border patrol officers were moved from Chula Vista, the border area of heaviest illegal penetration.

From the beginning the Government discouraged bringing Cubans to the United States via a dangerous and illegal boatlift. On April 23 when the first boat carrying Cubans docked at Key West, INS issued a notice of intention to fine each boat captain, master, or owner \$1,000 for each illegal alien brought in. Boat owners were given 30 days to request cancellation of the fines, and were entitled to hearings before INS district directors who could cancel the fine or impose the entire amount. There was no litigation, however, on the amount. The

district director's decision could be appealed to the Board of Immigration Appeals.

Haitian Emigration to United States

For the past several years, Haitians have been arriving in the United States in increasing numbers. One of the earliest arrivals occurred on December 12, 1972, when a small ship landed near Pompano Beach, Florida, with 65 Haitian men, women, and children aboard. In 1980, there were 12,796 Haitians in exclusion proceedings and 13,489 in deportation proceedings.

During the summer and fall of 1977, a concentrated effort was made by former Commissioner Leonel Castillo and David Crosland, then General Counsel for INS, to address many of the concerns that had been raised previously on behalf of members of the Haitian community. Chief among those concerns was the absence of any evidentiary hearing on asylum claims in exclusion proceedings and the detention of Haitians who were unable to pay a \$500 bond. In this regard, the Immigration, Refugees and International Law Subcommittee's 1976 report suggested that the procedural distinctions between exclusion and deportation proceedings were outmoded where asylum procedures and the availability of section 243(h) relief are concerned, and that it would be desirable to consider the establishment of more uniform procedures for adjudicating asylum claims. The report recommended that INS should work with voluntary agencies to establish procedures for the supervised release of Haitian asylum applicants. Castillo and Crosland actively sought the views of individuals within the Service, as well as the view of representatives from various voluntary organizations. The dialogue lasted for a period of several months. Additionally, they visited Haiti during October 1977. Crosland talked with one returnee from the United States and also spoke with representatives of voluntary agencies in Haiti about conditions there.

As a result of their efforts during that year, several significant decisions were made. First was the decision to promulgate new regulations which would provide for evidentiary hearings on asylum claims in exclusion proceedings. Such voluntary action was taken after the Service successfully resisted a legal challenge in the Fifth Circuit Court of Appeals. The case, *Marie Pierre v. United States*, 547 F. 2d 1281 (5th Cir. 1977), was before the Supreme Court at that time. As a consequence of INS' decision, the Supreme Court vacated the lower court's judgment and remanded the case for a consideration of mootness—*Pierre v. United States*, 434 U.S. 962 (1977).

The second major decision centered on the release of those Haitians who were in detention. The policy of the previous Administration was to require each Haitian to

post a bond of \$500 in order to be released. As a consequence, some persons were detained for substantial periods of time in various prisons. In November 1977, the Service modified that policy by releasing those Haitians in detention. The Service also decided to issue work authorizations to Haitians in Florida who had asylum claims pending.

Questions have been raised as to whether the treatment afforded members of the Haitian community has been less favorable than that afforded other ethnic or racial groups. Consideration of any such assertion requires that Haitian emigration be put into proper perspective.

Generally, Haitians have entered the United States in an undocumented status. Furthermore, there has been a determination made by the Department of State that the conditions existing in the Haitians' homeland were of such a nature as to merit extended voluntary departure, unlike such a determination made for other groups, such as Ethiopians, Ugandans, and Nicaraguans.

The consistent position of the Immigration and Naturalization Service has been that the vast majority of Haitians are coming to the United States primarily to improve their economic status. The Service has taken steps to ameliorate hardship to Haitians pending determination of their asylum claims. Currently, authorizations to work are being provided to Haitians upon request, in increments of up to 6 months.

Cuban-Haitian Entrants Policy

The Carter Administration concluded that the situation presented by the sudden massive influx of Cubans and Haitians into the United States without overseas processing and valid documentation was not within the contemplation of the Refugee Act of 1980, which became effective on April 1, 1980. Therefore, the Administration sought special legislation to regularize the status of Cuban-Haitian entrants. Such legislation would allow them to remain in the United States and make them eligible for certain public assistance benefits, but it would not provide the status or benefits afforded to those admitted as refugees or granted political asylum.

Until the enactment of such legislation, the following steps were taken to treat the special needs of the communities in which the Cuban-Haitian entrants relocate, and to prevent the occurrence of such crises in the future.

- Cubans who arrived in the United States during the period April 21-June 19, 1980, and who were in INS proceedings as of October 10, 1980, and all Haitians who were in INS proceedings as of October 10, 1980, were recalled to have their temporary admission into the country renewed until January 15, 1981, as "Cuban-Haitian entrants (status pending)."

- Under this 6-month admission, such Cubans and Haitians were eligible, if they were otherwise qualified, for Supplemental Security Income (SSI-for the elderly and handicapped), Medicaid, Aid to Families with Dependent Children (AFDC), and emergency assistance under the rules of the states in which they resided and which had normal Federal-State matching of funds. In order to qualify, Cuban-Haitian entrants had to report first to the INS for their new temporary admission documents.

Anti-Smuggling

The Office of Anti-Smuggling Activities has the responsibilities of identifying and disrupting major alien smuggling organizations. Responsibilities also include jointly prosecuting, with other governments, organizations which conduct smuggling activities outside the United States.

Anti-smuggling enforcement efforts were enhanced by the new seizure law, P.L. 95-582, which became effective on May 17, 1979. This permits, for the first time, the seizure of conveyances used by smugglers to smuggle and transport illegal aliens.

Mexican and American government efforts to curtail alien smuggling operations along the southern border continued with good results. The Mexican government assigned special units to work on alien smuggling cases only. In October 1979 Mexican authorities at the Tijuana, Mexico, and Baja, California, border arrested a U.S. Customs patrol officer and a United States air traffic controller on alien smuggling charges. Mexican authorities coordinated the investigation of this case with American anti-smuggling officers at Chula Vista, California. Also, during October 1979, Mexican authorities in Nuevo Laredo, Tamaulipas, Mexico, arrested a notorious alien smuggler based on information supplied by United States anti-smuggling officers at Laredo, Texas. The organization for which the smuggler was the leader was responsible for smuggling 800-1,000 aliens per month.

Cooperation with Canadian authorities was good also. A joint program exists whereby information about international smugglers is exchanged. The program has been very effective as it has resulted in numerous prosecutions in Canada.

The prosecutions were based on a Canadian law that permits prosecution of persons who conspired to violate in Canada a law of another country.

The rate of United States court felony convictions continued to increase. Throughout the year, several smuggling cases involved the abduction of illegal aliens by smugglers. One such case involved two Honduran females, ages 15 and 16. The smugglers demanded \$700.00

for the girls' release and threatened to take them into the Southern California desert and abandon them. Intervention by anti-smuggling officers led to the recovery of the aliens, and to the arrest and indictment of four principals. Moreover, on August 13, 1979, a young woman and five children, all Haitians, drowned after being forced at gunpoint off a boat by two smugglers near West Palm Beach, Florida. On June 24, 1980, the boat captain was convicted for the drowning deaths, and was sentenced to 180 years in prison. The successful prosecution of smugglers is a major deterrent to smuggling activities.

During July, 27 aliens underwent a tragic experience in an area south of Ajo, Arizona. Thirteen of the aliens perished in the desert wilderness there. The group consisted of 4 males and 9 females, 12 of whom were from El Salvador. Surviving the ordeal were 14 other aliens, 13 from El Salvador and 1 from Mexico. The alien smuggling organization responsible for this tragedy is currently under investigation.

The following is a compilation and description of some other important cases:

Operation Rockbound—This was a large-scale smuggling operation, originating in the Philippines, involving the use of false United States military identification, and travel and entry into the United States on military aircraft. This operation resulted in the indictment of five principals.

Alejos Ring—Large smuggling operation involving Mexican aliens being smuggled from Los Angeles, California, via Omaha, Nebraska, to Chicago, Illinois. Thirteen indictments of the ringleaders were obtained.

Meeker Street Case—This case involved the smuggling of Mexican aliens to Chicago, Illinois—complete with new identities. Five principals were indicted on alien smuggling and counterfeiting charges. The documents counterfeited were Silva-Levi letters, Social Security cards, and Alien Registration Receipt cards.

Victor Soto Ring—This ring was smuggling over 150 aliens per week, through San Diego, Los Angeles, and San Francisco, California. Seventeen principals were indicted in this case.

Upchurch Operation—This operation involved several wives of United States military personnel who were smuggling aliens through the Marine Corps base at Camp Pendleton, California. Nine principals were indicted in this case.

Salvador Molina Operation—This operation involved the smuggling of aliens from El Paso, Texas, to Chicago, Illinois. Over 100 individuals have been identified with this ring, and at least 14 principals have been indicted.

Examinations

The Examinations Division's functions cover: the inspection of persons arriving at United States ports of entry to determine the admissibility of such persons; the adjudication of requests for benefits and privileges under the immigration laws; the examination of applicants for naturalization; the refugee and parolee concerns of the Service; and the Service's Outreach Program efforts.

The immigration laws in this country apply to aliens. An alien is any person who is not a citizen or national of the United States. Alien applicants for admission are divided into two general classes: namely, immigrants and nonimmigrants. Immigrants are those aliens who come to this country as permanent resident aliens. Nonimmigrants are those aliens who enter for a temporary period and for some lawful purpose. All aliens, whether immigrants or nonimmigrants, must be admissible under the general immigration laws.

There are two major ways in which resident aliens are classified each year. The first distinguishes immigrants according to whether or not they are subject to the numerical limitations established by amendments to the Immigration and Nationality Acts, effective December 1, 1965, and January 1, 1977. The second distinguishes immigrants according to whether they arrived in the United States as new permanent resident aliens or became new permanent resident aliens after a stay in the country as nonimmigrants.

Adjudications

Fiscal year 1980 marked the first time in INS history that the number of individuals applying for benefits totaled almost 2 million. More than 95 percent of these cases were completed during the fiscal year.

Highlights in the Adjudications area in FY 1980 included implementation of one-step processing of adjustment of status cases in most Service offices. Under the one-step procedure, an alien's visa petition and adjustment application are combined into a single adjudication which takes place at the time of filing. This procedure has not only reduced the number of transactions an adjustment applicant must have with INS, but also has resulted in thousands of qualified applicants receiving permanent resident status more quickly than ever before.

The complete revision of the Service regulations and instructions for adjudicating applications for political asylum in the United States occurred in 1980. The revision was necessitated by the changes made in the asylum process, subsequent to the enactment of the Refugee Act of 1980 (P.L. 96-212).

Other Adjudications highlights in FY 1980 included participation in the Iranian student interview program and the processing of refugees arriving in the Cuban boatlift.

Inspections

The Inspections program of INS administers laws regarding the admission of all persons arriving at ports of entry in the fifty states, Puerto Rico, the Virgin Islands, and Guam. It also administers the preinspection programs at facilities in Canada, Bermuda, and the Bahamas for entry into the United States.

Immigration inspectors determine the nationality of each person seeking admission, determine whether he/she is an alien, and whether eligible for admission into the United States. In fiscal 1980, 308,982,835 persons were inspected for entry and of this number, 189,145,688 were aliens.

Figures for fiscal 1980 reflect an overall 13 percent increase in admission for the previous year. While arrivals by sea decreased by 52,310 to 5,011,515, traffic at the land borders rose 13 percent to 272,039,618. Air arrivals rose by 14 percent to 31,903,225. The number arriving by air has grown by 61 percent in the last 5 years.

The Inspections program is designed to facilitate the entry of aliens who meet qualifications set by law and to deny entry to those aliens unqualified for admission. Aliens found to be ineligible for entry numbered 893,073 in fiscal 1980. Of those found ineligible 59,601 were border crossers who were not admitted.

In addition to the enforcement requirements inherent in the Inspections program, there is an equally strong obligation to process the entry of qualified aliens and citizens as expeditiously as possible. Due to the growth of air traffic and limited personnel, the ratio of arriving passengers per inspector is rising steadily.

To facilitate inspections, the INS in cooperation with the U.S. Customs Service, developed a new "one-stop" inspection procedure for airports. Passengers can clear both immigration and customs purposes simultaneously. When necessary, both INS and U.S. Customs Service Officers inspect individuals at separate secondary inspection areas. Problem cases are referred to these areas for resolution, thus freeing the primary inspection lines from delays.

This new procedure was tested at the Philadelphia Airport and has been implemented in Edmonton, Los Angeles, and Houston. It will become the standard inspection procedure as airports are able to complete the renovations necessary to accommodate the "one-stop" configuration.

All major airports have adopted the interim "citizen by-pass" inspection procedure until the full "one-stop" can be implemented. Returning citizens with passports "by-pass"

the immigration area and proceed directly to the Customs area. Immigration inspectors inspect aliens and undocumented citizens.

Expansion of the preclearance program to Edmonton, Alberta, has reduced the number of passengers requiring inspection at United States airports. Operations in Edmonton will impact most directly upon small airports in the North.

In FY 1980, David Crosland, Acting Commissioner of INS, indicated that over the last decade, Miami Airport has had a greater increase in traffic than any other major airport in the United States. Incoming passengers total over 5 million, an increase of one and a half million persons over the prior year. In order to accommodate this influx, INS hired 15 additional inspectors, a 50 percent increase.

Homosexual Exclusion Policy

The Department of Justice Office of Legal Counsel (OLC), after detailed study, has concluded that INS has the legal obligation to exclude homosexuals from the United States under Section 212(a)(4). However, it will be done solely upon the voluntary admission by the alien that he/she is homosexual.

In August 1979, the Public Health Service said it would no longer certify homosexuality as a mental disease or defect and advised INS that it would not accept referral of suspected homosexual aliens for certification. Since that time, suspected homosexual aliens have been allowed entry on a deferred inspection basis.

Under the new policy, persons will be excluded without a medical examination when non-medical evidence establishes them as homosexual. In order to insure a uniform and fair enforcement policy, and to prevent invasion of personal privacy, immigration inspectors have been directed not to ask aliens questions concerning their sexual preference during primary inspection. However, if an alien makes unsolicited, unambiguous admission of homosexuality, or if a third party arriving at the same time identifies an alien as a homosexual, he/she will be referred to secondary inspection.

The Justice Department supports pending legislation which would remove homosexuality as a ground for excludability.

Naturalization

Every nation grants its citizens certain rights and privileges and imposes on them certain duties and responsibilities. Citizenship involves both the rights and the duties. Most people acquire their citizenship by birth. Other gain it through a legal process called naturalization.

The Constitution of the United States gave Congress the power to establish a uniform rule of naturalization. Since the passage of the first naturalization statute in 1790, Congress has given the authority to naturalize to the courts. Thus, naturalization is a judicial process which takes place in over 450 Federal and State courts throughout the Nation. An important role in this judicial process is played by an INS officer known as the General Attorney (Nationality). This officer has statutory authority to preside over formal preliminary hearings held to determine an applicant's eligibility for naturalization and to make recommendations at a final hearing in open court. The courts place considerable reliance upon the recommendation of the Service attorney and, in all but a few cases, accept his determination as rendered. Each newly naturalized citizen is sworn in. The Service places great importance on the significance of the swearing-in ceremony, and every effort is made to make it a memorable event for the new citizen.

Since 1929, the law has provided for the issuance of a single document which is conclusive proof of United States citizenship in cases where it was gained through a parent or spouse. Such certificates of citizenship are issued to those persons who are born abroad and become citizens either at birth to parents who are United States citizens, through the naturalization of a parent while a minor, or by marriage prior to 1922 to an individual who is an American citizen. Applying the many different statutes that have been enacted on the subject in the past, Service attorneys process the applications of persons desiring a certificate of citizenship, and, if found eligible, the certificate is issued.

The Service also determines citizenship status where issues involving possible expatriation are concerned. These issues include instances where prior findings of loss of citizenship were reversed, and any previously issued citizenship document was either destroyed or replaced. In the event that the subject was not entitled to a citizenship document, the case reflects the decision of the Service regarding citizenship status.

If a certificate has been obtained by fraud or illegality on the part of the applicant, the law provides for cancellation of the document. The procedure protects the holder's interest by assuring that he or she is afforded due process of law. Further, it is deemed by law that should the certificate be administratively cancelled, the citizenship status of the person is not affected.

Persons Naturalized

In the past 10 years, there has been a sharp increase in the number of persons who have come to the United States to live permanently. After the period of residence

required for naturalization has passed, which is usually 5 years, applications are made for citizenship. The increase in immigration has resulted in a corresponding increase in naturalization applicants. Receipt of applications climbed from 147,954 in fiscal 1971 to 278,171 in fiscal 1980.

Special consideration is given to the naturalization cases of servicemen and aliens joining their spouses who are United States citizens serving overseas in the military. The INS also provides special assistance to those who are infirm or hospitalized, thus enabling them to be naturalized at bedside in the presence of a Federal marshal.

Outreach Program

The Service began the Outreach Program in FY 78 after determining that many aliens are eligible for benefits under immigration and nationality laws but often do not apply for them. Specifically, many aliens are not aware of immigration laws or how to obtain benefits, lack the expertise to prepare immigration petitions and applications, are reluctant to deal with the Service because of fear of deportation, and believe their problems are so complex that they have to rely on so-called experts who often charge exorbitant fees for services which INS and voluntary agencies can provide gratis.

The INS Outreach Program continued its series of training workshops during FY 80, informing community participants how eligible aliens can obtain immigration benefits. Overall, Outreach conducted 46 workshops for 2,215 community participants during FY 80, with 314 voluntary immigration counseling agencies (volags) and other community organizations involved in the effort. Although the program offered its usual training courses to volags and other local groups, on family reunification, adjustment of status, and visa processing, a broad emphasis in the fiscal year was placed on citizenship.

The Service has built the Outreach Program around the established voluntary agencies which have long assisted immigrants and refugees coming to the United States. The agencies' expertise enables them to recruit quality community participants and carefully monitor their work.

In general, the participants were affiliated with the United States Catholic Conference Migration and Refugee Services, American Council for Nationalities Services (International Institutes), Lutheran Immigration and Refugee Service, Church World Services, International Rescue Committee, Hebrew Immigrant Aid Society, Home Mission Board/Southern Baptist Convention, local legal services corporations, and independent social services and community organizations, composed mainly of Indo-Chinese, Hispanic, and other ethnic groups. A team composed of representatives from the INS Outreach Program,

the local district office, and the volags presented the instruction at the workshops:

Workshop participants were advised to inform prospective applicants of the English language and civics requirements for naturalization, and of the fact that interested persons could enroll in citizenship courses in local public schools or other sites to master these prerequisites. The program was designed to ensure that the voluntary agencies submit accurately prepared, well-documented forms and screen out deficient applications.

The Outreach Program distributed to the field a 115-page "how-to" manual entitled "Basic Guide to Naturalization" (Form M-230) to assist the voluntary agencies in counseling the applicants. The manual explains how a lawful permanent resident becomes eligible for naturalization. It discusses in detail the fundamental requirements of the law and presents copies of completed forms. The manual also reviews the applicant's preliminary examination before an INS Officer, and the final hearing at the naturalization court where citizenship is conferred.

The Outreach Program also held workshops on family reunification/adjustment of status and visa processing abroad, with participation from the U.S. Department of State Visa Office, and featured talks by U.S. Department of Labor officials. This action was based on an anticipated increase in naturalization applications, particularly from Indochinese and other lawful permanent residents. It had been estimated that half of the Indochinese refugees who entered the United States in 1975 and adjusted their status 2 years later would apply for naturalization in 1980.

Through careful planning with the voluntary agencies, many of which had assisted previously in adjusting the status of the Indochinese, the Outreach Program designed a special instructional project to meet the predicted surge in naturalization activity. The purpose of the effort was to teach the voluntary agencies and community organizations how to determine whether a lawful permanent resident was eligible for naturalization, and if so, what forms and documents have to be submitted in seeking the benefit. From January to May 1980, the Outreach Program conducted 24 naturalization training sessions in 21 INS districts where application increases were expected. These sessions attracted 1,353 community participants, with each workshop averaging 56 attendees.

In brief, the Outreach training is geared toward helping documentable aliens obtain permanent residence status or other immigration benefits. It is clear to all participants that the program is not to be used to help illegal aliens without equities or to charge for counseling services, nor is the Service asking Outreach workers to turn in names and addresses of the undocumented individuals for apprehension purposes. By reaching out to those aliens who wish to change their status, the program reflects a posi-

tive image of the Service and improves its relations with minority ethnic communities.

Office of Refugee and Parole

The Office of Refugee and Parole has the responsibility for monitoring Service refugee programs, INS offices overseas, and requests for the exercising of the Attorney General's parole authority in cases embodying humanitarian factors or cases deemed to be in the public interest.

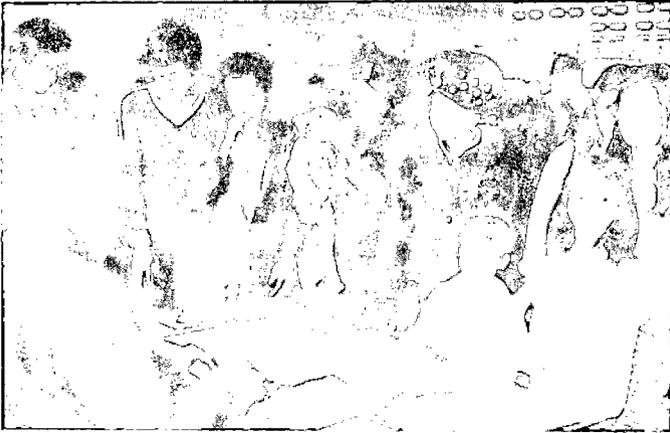
Of major importance during this fiscal year was the passage of the Refugee Act of 1980 which was signed into law by the President on March 17, 1980. This legislation incorporates the following significant changes:

- provides a new definition of "refugee" which aligns more closely with the United Nations definition;
- increases the annual quota of refugees from 17,400 to 50,000;
- allows the President, after consultation with the House and Senate Judiciary Committees, to determine before the beginning of each fiscal year that admission of a specific number of refugees in excess of 50,000 is justified by humanitarian concerns, or is otherwise in the national interest; and
- allows the President, after consultation with the House and Senate Judiciary Committees, to admit an unlimited number of refugees if he determines that an unforeseen emergency refugee situation exists.

During the fiscal year, the President authorized the refugee quota to be 231,700 for six geographic areas of chargeability—Africa, Asia, Eastern Europe, Latin America, the Near East, and the Soviet Union. This constitutes a 113 percent increase over the 108,875 refugees authorized in FY 1979. There is every indication that this level of refugee admissions will continue over the next several years.

In addition to refugee processing, the overseas offices process applications and petitions, conduct investigations dealing with suspected fraud in immigration matters, and provide liaison with other agencies, which are foreign and American, and public and private in nature. Moreover, assistance is provided to United States citizens and permanent residents in the area of immigration.

The Attorney General's authority to grant parole in cases determined to contain appealing humanitarian factors or to be in the public interest is broad and relatively unrestricted. Since all situations involving the abandonment of lifelong homes to take up residence in new and unfamiliar surroundings contain humanitarian considerations of varying degrees, it is incumbent on the Service to ensure that the use of the parole authority is not abused. Such parole requests must be shown to contain



"INS Immigration Officer interviews a group of refugees at a refugee camp in Thailand."

factors substantially more compelling than those found in other similar circumstances. As an example of humanitarian parole requests that were processed by the Central Office staff in FY 1980, humanitarian parole was authorized for a Chinese woman so that she could visit with her 81-year-old adoptive mother, a U.S. citizen, whom she had not seen since 1950. The adoptive mother, who had been a nurse in China, has been expelled after the Communist takeover of China.

Several children were paroled into the United States for emergency medical treatment not available in their own countries. On two different occasions, aliens were paroled to save the lives of close relatives who needed kidney transplants.

Management

The Office of Management is charged with the responsibility for ensuring that management and administrative support activities for INS components are provided in an effective and efficient manner.

Throughout FY 1980, the Office of Management attempted to develop more efficient operations within the Service. Employee training, facilities improvement, and form simplification procedures were emphasized and implemented to enhance public service. Also, changes in the Service's records systems were introduced which will result in faster and more accurate document filing and retrieval. Better capabilities for compiling statistics will be a part of the improved systems as well.

Furthermore, the growing concern about excessive government spending prompted Management to find innovative ways to economize. Thus, in order to effectuate better control funds, newly designed accounting procedures were initiated.

Administration

The Administration Division provides support activities for the Service's operating units. In FY 1980, contracting and purchasing functions were reorganized, the new General Service Administration (GSA) requirements for furniture budgets were implemented, a FY 1981 budget was submitted to GSA, and upgrading of inspection facilities at international airports was continued.

Other achievements during FY 1980 included a revision of sections of the Immigration and Nationality Act concerning fees for applications and petitions for benefits; implementation of procedures to enhance the collection of debts owed to the Government from the public; cancellation of 55 forms used for internal purposes; publication of the semiannual regulatory agenda, the interim refugee and asylum procedures implementing the Refugee Act of 1980, and the proposed rule for alien work authorization; and receipt of a major grant from the Department of Energy to install solar energy systems at six locations in various parts of the United States.

Finance

The Finance Branch develops, prescribes, and implements Service systems and procedures for fiscal matters. This includes, but is not limited to the control of allotments, collections, expenditures, and the preparation of all INS financial reports.

With the establishment of the President's Management Improvement Council's suggested Debt Collection Project, the Finance branch is presently implementing procedures to enhance the collection of debts due the Government from the public.

In May of 1979, the Finance Branch was directed to review the schedule of fees charged the public for various benefits and services. Under law, any benefit or service provided to or for an individual by a Federal agency shall be fair and equitable and be self-sustaining to the fullest extent possible. The purpose of this study was to bring current the relationship between the fees for, and the costs of, providing these benefits or services. As a result of the findings, the fee schedule was revised and published in two parts: the first on October 25, 1979, and the second on May 21, 1980.

As could be expected, inflationary forces caused some fees to be increased. However, it is significant to note that accomplishments in increased efficiency of operations of the Service provided for decreases in some fees. Also, a new fee was established for providing telecommunication service and three fee descriptions were consolidated into one to simplify our regulations. Our fee schedule is now

more representative of current operations and the costs involved as a result of this effort.

Engineering

The Engineering Branch is responsible for the management of all Service space and facilities. Construction, space planning and the improvement of substandard facilities form a substantial part of the Service facility program workload.

Collaboration continues with other inspection agencies and airport authorities in the planning of inspection facilities for new and existing airports with particular emphasis upon the implementation of the "one-stop" inspection concept.

Implementation of the Energy Conservation Program continued with emphasis upon awareness, retrofitting (alteration of existing systems), and applying technologies to reduce the use of energy.

Contracting and Procurement

During fiscal 1980, the Contracting and Procurement Branch was established as an independent element within the Office of Management to enhance the contracting and procurement aspects of the Service.

An oversight Service Contract Review Board was also instituted in the latter part of the fiscal year to review all contracts in excess of \$10,000.

Information Services Division

The Information Services Division is charged with maintaining information on aliens for use in granting benefits, determining admissibility and status, and for recording violations of law. Requests for such information come from within INS, law enforcement agencies, Congressional representatives, other governmental agencies, and the public. The Division also directs the Freedom of Information and Privacy Act compliance programs and the Contact Representative program, as well as providing professional statistical services to INS and other agencies/organizations. The Information Services Division, under the Office of the Assistant Commissioner for Information Services, includes the Records Administration and Information Branch, and the Statistical Analysis Branch.

Records Administration and Information Branch

Control and Maintenance of "A" Files on Persons Naturalized on April 1, 1956, and After.

In FY 1980, Service policy was revised regarding the control and maintenance of "A" files on persons naturalized on April 1, 1956, and after. These files are now maintained by the office having jurisdiction over a sub-

ject's place of residence rather than by the office where the naturalization took place.

Retention of Service Case Files, 100 Years

As a result of a survey/study, the National Archives and Records Service (NARS) requested that the Immigration and Naturalization Service evaluate existing retention periods for INS records—particularly the 100-year retention period for most case files—and determine whether the periods can be reduced. After consulting with the Office of General Counsel, it was determined that there is no legal impediment to this plan. The INS Management Team approved the proposal, reducing the record retention period to 75 years from the date the file is sent to the Federal Records Center.

Freedom of Information-Privacy Acts (FOIA-PA)

INS received about 29,000 information requests subject to the provisions of the Freedom of Information Act or the Privacy Act of 1974—more requests than are received by any other single Federal Government agency. The INS attempts to meet such requests. In 1980, the 116 INS offices around the world assumed the responsibility for responding to FOIA-PA requests, in addition to meeting normal operational demands. More than 98.5 percent of the requests received were granted in their entirety. Such responses are indeed a notable contribution to the goal of openness in government and reflect maximum disclosure according to the provisions of applicable Federal statutes, regulations and policies of the Department of Justice and of the Immigration and Naturalization Service.

Commissioner's New York Task Force

During the early part of 1980, a task force was established for the New York District Office charged with the responsibility of establishing and documenting procedures for case and files control in the operating units, and assisting New York in resolving the problem of lost files. The task force developed procedures for conducting special searches for Service-wide use. Such searches are conducted by files control offices to locate lost files and/or applications, petitions, etc. Conformity of the special search procedure will reduce the duplication of effort spent in searching for misplaced files.

Statistical Analysis Branch

The Statistical Analysis Branch plans and administers the Service's statistical programs. The Work Measurement Reporting System (WMRS) and the Statistical Reporting System (SRS) are the major data series compiled by the Branch. The WMRS is the primary source of data

encompassing the entire scope of Service activities. WMRS provides information for program managers and supervisors, showing the work units completed and work hours expended. WMRS is also used to evaluate program effectiveness, estimate cost of operation, prepare the budget, plan personnel actions, and measure overall productivity.

Statistical information pertaining to immigrants, nonimmigrants, naturalizations, deportations, and other Service actions constitutes the second major type of data collected by the Service. The Annual Report tables are compiled from the SRS, as are the large number of tables published in the *INS Statistical Yearbook*. During 1980, the new quality control and sampling procedures for processing nonimmigrant visas were implemented.

Both reporting systems supply data regularly to other divisions of the Service, as well as to other government agencies. Requests for statistical information come from many sources, including Congress, foreign governments, researchers, publishers, private organizations, the media, and the general public. Primary data are supplied for the *Statistical Abstract of the United States*, and for other yearbooks, encyclopedias, and reference publications. In FY 1980, the Statistical Analysis Branch produced several research papers on immigrants and refugees in the United States. Data tapes on alien information were developed. The tapes are produced for public use and purchase.

Personnel Division

Various Civil Service Reform Act (CSRA) provisions had a significant impact on the Service's personnel management program during fiscal 1980, including: 1) full implementation of a Senior Executive Service system; 2) training of all supervisors and managers on the merit pay and related performance appraisal system (to be fully implemented during fiscal 1981); 3) assumption of new personnel authorities delegated from the Office of Personnel Management (OPM) through the Department of Justice to the Service, including authority for the maintenance of the Border Patrol Register; and 4) implementation of a probationary period for new supervisors and managers.

A preliminary analysis of the methods for measuring the Division's workload was completed. Arrangements were made to participate in OPM's productivity measurement system which involved gathering personnel workload data on a Servicewide basis. The refinement and expansion of current workload measurement efforts will continue during FY 1981.

In accordance with the Equal Employment Opportunity Commission requirements, two Affirmative Action Program plans—one for minorities and females and one for handicapped individuals—were developed. The plans in-

cluded the development of hiring goals and barrier analysis.

During FY 1980, activity included the hiring of 551 border patrol agent trainees. Procedures for conducting the annual rating of over 3,000 officer corps employees were streamlined to reduce processing time by one-third from 6 to 4 weeks.

The Upward Mobility Program was improved by executing both the approved training agreement and the change of procedures in the basic plan. The number of program participants increased from 7 employees in February 1979 to 68 in September 1980. During FY 1980, 12 employees completed the program.

Training and Employee Development

The Training and Employee Development Division continues to increase its capability to serve employee development needs of the Service. The ability to respond in a timely manner to the needs for employee development is part of the process of upgrading management, and developing and maintaining a satisfied, quality workforce.

Newly developed programs will be implemented when resources become available. A program for Senior Executive Service candidates, required by the Civil Service Reform Act, was developed and announced. An assessment center will be used to identify the managerial competencies of highly qualified candidates. A Service-wide supervisory program (basic and advanced) was developed to replace the non-standard supervisory training currently being used throughout the Service. A human resources development system was constructed for identifying, setting priorities, and controlling all training needs and resources. Finally, a training module for new employee orientation has been developed Service-wide. This module will supplement or replace orientation programs at the local level.

Project CORE (course review) continues to yield data for the validation of training and testing in seven major occupations. Thirty critical tasks have been identified for the border patrol agent occupation. This provides the data to validate our physical training/testing requirements including the law and Spanish course requirements. As a result, forty additional hours of Spanish will be required for all border patrol trainees.

During 1980 the Service developed, as a model, a four-week training program and delivered the course to 93 immigration officers from the nation of Nigeria. The course included three weeks of classroom orientation on immigration policy and procedures and one week of field observation at our land, sea, and airport facilities at El Paso, Texas, and New York City, New York. The train-

ing was well received by the Nigerians and has been beneficial in fostering good will with Nigeria, the second largest supplier of crude oil to the United States. Unofficial reports indicate that immigration procedures have improved significantly at the airport in Lagos, Nigeria.

Operations Support

Operations Support which provides technological support to INS operations is comprised of two divisions: The Data Systems Division and the Communications Division. It is also responsible for the Alien Documentation, Identification and Telecommunications Program and the Research and Development Program.

Data Systems Division

The Data Systems Division is responsible for the design, development, implementation, and maintenance of various automated systems supporting INS activities. Systems support the records maintenance, statistical, and operational functions of the Service. During fiscal 1980, improvements were made in both existing and expanded automated systems.

Ten locations were provided with direct electronic access to the automated Master Index System through Cathode Ray Tube terminals, bringing the total number of locations that now have this capability to 17. Plans are to increase this to 50 locations by the end of fiscal 1981, and to 76 by the end of fiscal 1982, providing all remote location with on-line access. Currently access is being provided to 76 Justice Teletype terminals (JUST). Teletype use will be terminated by the end of fiscal 1981 since all locations will have either an on-line or dial-up capability.

When remote access to the Master Index is fully implemented, an annual savings of as many as 12,000 man-days in the field and 20,000 workdays in the Central Office may be realized. Over 4 million searches are performed annually in the field. The manual searching capability averages 245 per workday; automation has increased the average to 600 per workday.

Clerical productivity has been improved greatly by the use of word processing equipment (WPE). All regional offices and 22 field offices now have WPE. Efforts will continue in improving productivity by expanding WPE to other offices over the next 2 fiscal years. Many routine documents, including reports and letters which used to take 5 to 7 minutes to complete, can now be done in one minute or less.

Communications Division

The Communications Division was involved in three major efforts during FY 1980. The efforts encompassed the Telephone Information Processing System (TIPS) program, the radio communications program, and the intrusion detection program.

TIPS will free contract representatives' time for better use through the introduction of automated telephone answering equipment. This equipment answers incoming calls with a pre-recorded information message and then places the callers on hold until a contact representative is available. TIPS also records selected information about telephone activity to provide information on the adequacy of the workforce assigned to handle such inquiries.

The use of a tape library system with pre-recorded information messages is being evaluated. A mathematical model has been developed for simulation of office telephone traffic conditions to determine the number of telephone lines and contact representatives needed to achieve optimum service. TIPS systems were installed in 20 offices during FY 1980. Equipment installation is planned for an additional nine offices in FY 1981.

The Radio Communications and Electronics Branch provides field officers with a reliable radio communications system to ensure their safety and support operational mobility over a wide area. New radio systems installed in FY 1979 along the northeastern border have provided capability for border patrol officers. The new systems were a significant factor in enhancing security during the Winter Olympics in February 1980. Additional mobile, portable, and aircraft radio equipment was procured to meet vehicle fleet and personnel increases, and to upgrade existing systems.

A joint INS/Customs project was completed, in which a radio communications system in the Grand Forks, North Dakota, area was installed. Customs provided new radio equipment in exchange for the use of INS facilities, towers, and communications channels. Also, a three-month test was conducted between INS and Customs patrol officers in the McAllen and Laredo, Texas, areas. Evaluation of these sharing efforts will continue into FY 1981.

The intrusion detection program supports the border patrol mission by providing information on border crossing activities. The information may either lead to apprehensions or serve as a source of intelligence for more effective deployment of available resources. Contracts are planned for the replacement of obsolete systems in the Yuma, Arizona, and El Paso, Texas, border patrol sectors in FY 1980, and in the Marfa and McAllen, Texas, sectors in FY 1981. These systems use specialized sensors which

detect intrusions in the field, and high technology mini-computers at the headquarters console which permit improved control of operational activities. The activities are monitored through computer-aided dispatching, analysis of sensor detections, and system performance reports.

Alien Documentation, Identification, and Telecommunications (ADIT) Program

The ADIT Program completed its fifth year of operation in fiscal year 1980. Program objectives included the design, production, and issuance of a fraud-resistant alien identification card and the development of automated support to inspection functions at ports of entry.

Two significant accomplishments occurred in April 1980 at the Immigration Card Facility (ICF) located in Arlington, Texas: the one millionth Alien Registration Receipt Card (I-551) was produced and issued; and the ICF began production of the Nonresident Alien (Mexican) Border Crossing Card (I-586).

Research and Development Program

The Research and Development staff continues to work with other agencies in exploring new technologies. A joint Customs/INS R&D program has developed a system concept for automatically indentifying the license plates of moving vehicles at unmanned ports of entry. A pattern-

recognition study revealed that the concept could automatically enter the license plate data into a system and identify the vehicle owner(s) at all ports of entry.

Operational tests of improved portable personnel-detecting radar were performed during fiscal year 1980. Initiatives by defense agencies were explored for the possibility of developing radar systems better suited to INS requirements. Experiments conducted jointly with the Drug Enforcement Administration determined the potential value of satellites as communication relays to support enforcement operations. A line-watch simulator developed in R&D is now available for producing the automatic evaluation of alternative methods of using border patrol resources.

Systems and Technology Planning Staff

The Office of the Associate Commissioner for Operations Support also includes the Systems and Technology Planning Staff. This staff is responsible for the development of long range plans for the use of technological systems in support of INS mission goals. The staff reviews proposed and existing projects for cost effectiveness and conformity to agency goals. Assessments are being conducted to determine the impact of INS systems on the quality of working life, the value of service provided to the public and the effectiveness of enforcement.

**US DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
425 I Street NW, Washington, DC 20536**

The Immigration and Naturalization Service had its beginnings on March 3, 1891, when Congress provided that there should be in the Treasury Department, under the control and supervision of the Secretary of the Treasury, a Superintendent of Immigration. In 1903, the Bureau of Immigration was established, and Immigration functions were transferred to the newly established Department of Commerce and Labor; in 1906, the Bureau of Immigration became the Bureau of Immigration and Naturalization; in 1913, the consolidated Bureau was transferred to the new Department of Labor and divided into the two bureaus known as the Bureau of Immigration and the Bureau of Naturalization; and in 1933, the Bureaus were consolidated as the Immigration and Naturalization Service of the Department of Labor.

On June 14, 1940, the Immigration and Naturalization Service was transferred from the Department of Labor to the Department of Justice after Congressional approval of a plan submitted by the President under a general reorganization act which had been passed in 1939. Under terms of the plan, the office of Commissioner of Immigration and Naturalization and all powers and functions previously exercised by the Secretary of Labor relating to immigration and nationality were transferred to the jurisdiction of the Attorney General. Since June 14, 1940, the Service has functioned as a part of the Department of Justice under the direction of the Attorney General of the United States.

REGIONAL AND DISTRICT OFFICE LOCATIONS

EASTERN REGION

Regional Office

Burlington, Vermont 05401
Federal Building

District Offices

Baltimore, Maryland 21201
E. A. Garmatz Federal Building
100 South Hanover Street

Boston, Massachusetts 02203
John Fitzgerald Kennedy
Federal Building
Government Center

Buffalo, New York 14202
58 Court Street

Hartford, Connecticut 06105
900 Asylum Avenue

Newark, New Jersey 07102
Federal Building
970 Broad Street

New York, New York 10007
26 Federal Plaza

Philadelphia, Pennsylvania 19106
Room 1321, U.S. Courthouse
Independence Mall West
601 Market Street

Portland, Maine 04112
76 Pearl Street

St. Albans, Vermont 05478
P.O. Box 591
Federal Building

San Juan, Puerto Rico 00936
GPO Box 5068

Washington, DC 20538
25 E St., NW

NORTHERN REGION

Regional Office

Twin Cities, Minnesota 55111
Fort Snelling

District Offices

Anchorage, Alaska 99513
Federal Bldg., U.S. Courthouse
701 C Street, Room D-229
Lock Box 16

Chicago, Illinois 60604
Dirksen Federal Office Bldg.
219 South Dearborn Street

Cleveland, Ohio 44199
Room 1917, Anthony J.
Celebrezze Federal Bldg.
1240 East Ninth Street

Denver, Colorado 80202
17027 Federal Office Bldg.

Detroit, Michigan 48207
Federal Building
333 Mt. Elliott Street

Helena, Montana 59601
Federal Building
301 South Park, Room 512

Kansas City, Missouri 64106
324 East 11th Street
Suite 1100

Omaha, Nebraska 68102
Room 1008, New Federal Bldg.
106 South 15th Street

Portland, Oregon 97209
Federal Office Building
511 Northwest Broadway

St. Paul, Minnesota 55101
932 New Post Office Building
180 East Kellogg Boulevard

Seattle, Washington 98134
815 Airport Way, South

SOUTHERN REGION

Regional Office

Dallas, Texas 75270
1201 Elm Street, Room 2300
First International Building

District Offices

Atlanta, Georgia 30303
Room 1408
75 Spring Street, SW

Dallas, Texas 75242
1100 Commerce Street

El Paso, Texas 79984
P.O. Box 9398
343 U.S. Courthouse

Harlingen, Texas 78550
719 Grimes Avenue

Houston, Texas 77208
P.O. Box 61630
Federal Building
515 Rusk Avenue

Miami, Florida 33130
Room 1324, Federal Building
51 Southwest First Avenue

New Orleans, Louisiana 70113
Postal Services Building
701 Loyola Avenue

San Antonio, Texas 78206
U.S. Federal Building
Suite A301
727 East Durango

WESTERN REGION

Regional Office

San Pedro, California 90731
Terminal Island

District Offices

Honolulu, Hawaii 96809
P.O. Box 461
595 Ala Moana Boulevard

Los Angeles, California 90012
300 North Los Angeles Street

Phoenix, Arizona 85025
Federal Building
230 North First Avenue

San Diego, California 92188
880 Front Street

San Francisco, California 94111
Appraisers Building
630 Sansome Street

DISTRICT OFFICES IN FOREIGN COUNTRIES

Hong Kong, B.C.C.
c/o American Consulate General
Box 30
FPO San Francisco 96659

Mexico City, Mexico
c/o American Embassy
Apartado Postal 88 Bis
Mexico 5, D.F., Mexico.

Rome, Italy
c/o American Embassy
APO New York 09794

THE INS IS AN EQUAL OPPORTUNITY EMPLOYER