

I. The Implementation of CUSA: an Overview

Citizenship USA was a major initiative of INS in fiscal year 1996 to reduce its backlog of pending naturalization applications. In this chapter, we discuss the factors that led INS to implement CUSA and the strategies it used to meet the program's ambitious goals. We also describe the production pressures that characterized the program late in the fiscal year and negatively affected the quality of naturalization adjudications as described in greater detail in subsequent chapters of this report.

A. A summary of the design of CUSA

Commissioner Doris Meissner came to INS in the fall of 1993 committed to promoting citizenship, including working to increase the number of persons who applied for naturalization. She believed that increasing the number of naturalization applicants was tantamount to increasing the number of people who had a positive experience with INS and that improved public relations would ultimately enhance the reputation of INS.¹

Early in her tenure, the Commissioner began to plan a major naturalization initiative for fiscal year 1995, a primary component of which would be to encourage eligible permanent residents to apply for citizenship. However, she had failed to take into consideration that in the fiscal year before she became Commissioner (and continuing into 1993-1994, the time during which she was planning this initiative), people had begun to apply for naturalization in record numbers and INS was not keeping up with the workload. By mid-March 1995, when INS Headquarters realized that the naturalization program could not withstand an increase in applications, the rising tide of applications and the corresponding backlog had reached alarming levels.² At that point, Commissioner Meissner shifted the focus of the

¹ Commissioner Meissner's interest in promoting naturalization was consistent with INS' statutory obligation. Since 1918, there has been a specific provision requiring INS to promote citizenship instruction and training, and this requirement was broadened in 1990 by the Immigration and Nationality Act to provide, "In order to promote the opportunities and responsibilities of United States citizenship, [INS] shall broadly distribute information concerning the benefits which persons may receive . . . and the requirements to obtain such benefits."

² In fiscal year 1994, INS received more than half a million applications for naturalization. The pending naturalization caseload at the end of that year was 300,000. In

initiative, making the reduction of naturalization backlog a top priority and committed INS to “fast-track reengineering” of the naturalization process in order to improve productivity.

By that time, however, for each month INS spent developing a backlog reduction effort the backlog grew further out of control. By June 1995, Commissioner Meissner determined that INS could no longer wait for the planning and implementation of naturalization reengineering to address the backlog. With additional money generated by an increase in receipts of application fees, INS decided to tackle the naturalization backlog by increasing its workforce. In August 1995, INS announced the launch of a major backlog reduction effort that it said would result in the naturalization of more than one million new citizens by the following summer. The backlog reduction effort was called “Citizenship USA” or CUSA. In order to achieve the program’s ambitious goal, *production*—that is, increasing the number of completed naturalization cases—became paramount.

1. Commissioner Meissner’s FY 1995 naturalization priority

When Doris Meissner became the Commissioner of INS in the fall of 1993, she was committed to increasing the Service’s attention to its naturalization program. As she often stated, she wanted to put the “N” back in

fiscal year 1995, INS received over 900,000 applications, and the pending caseload grew to almost 700,000. In addition to these 700,000 cases, by fiscal year 1995 INS also received an additional 300,000 applications that were not yet data-entered and thus were not reflected in INS’ databases.

Throughout this report we make reference to INS’ statistics concerning adjudications and naturalization. The data offered in this report were obtained from INS’ Performance Analysis System (PAS), a database INS has used since 1991 to measure performance in its adjudications programs (including naturalization). The performance measures include the numbers of pending applications, completions, and employee hours spent on those programs. It must be noted at the outset, however, that although PAS data is the only available automated collection of such information, and although it is useful for showing trends, it is not reliable. The OIG audited PAS in February 1999 and found that the data included arithmetical errors, omissions of data, and incorrect posting of data. We concluded that PAS data did not provide INS with an adequate basis for sound decisions and we consider the accuracy of any reports based on them to be questionable. For details concerning the problems of PAS, see the OIG Audit Division’s February 1999 report, “Accuracy of Adjudications and Naturalization Data in the Performance Analysis System of the U.S. Immigration and Naturalization Service.”

INS, which meant improving the quality of the naturalization experience and increasing the number of persons who applied for and were granted citizenship. Speaking before Congress at her confirmation hearing, she identified naturalization as one of the three key policy areas to which she would first devote her attention.³

According to Commissioner Meissner, she intended to make naturalization a priority both because she viewed the encouragement of naturalization as good public policy and because she thought that it would be beneficial for INS' reputation. As she explained in her first message to INS employees, removing barriers to naturalization and encouraging eligible people to come forward would "be very good for the Service and good for the country as a whole." She viewed naturalization as an opportunity for INS to put its best foot forward and to counterbalance unfavorable perceptions of INS. "Let's face it," she told a group of immigrant advocates in 1994, "there are a lot of things we do that aren't very popular." Naturalization, on the other hand, was "one thing" INS did that got "a lot of public support and acceptance."

Commissioner Meissner had also asserted that the United States had "been too passive in [the] promotion of citizenship," and that it had "never been very aggressive in encouraging resident aliens to naturalize." She said that she wanted to change this approach to citizenship. Promoting such a change was first evidenced in the Commissioner's plan for a major naturalization initiative for FY 1995 that included promoting or publicizing naturalization (including the use of flyers and buttons and other campaign-style media), streamlining the naturalization process, and increasing overtime funds for employees working on naturalization processing.

By September 1994, Commissioner Meissner had formally identified the promotion of naturalization as one of the "Commissioner's priorities" for FY 1995. The priority's stated purpose was "to actively foster public awareness of naturalization benefits for all eligible applicants through programmatic efforts and public educational activities," largely by working in cooperation with community-based organizations (CBOs). Commissioner Meissner hoped to expand INS' relationship with CBOs, both by providing funding to CBOs to develop application-assistance programs and by encouraging the Field to

³ The other two key policy areas identified by Commissioner Meissner as targets for increased attention were asylum reform and border control.

cooperate with CBOs in their districts. To accommodate the increase in applications, Commissioner Meissner also planned to implement streamlining measures such as eliminating interviews for some categories of applicants (such as for those with no criminal history and who had a college degree from an American university).

Responsibility for this naturalization initiative was assigned to Commissioner Meissner's newly created Office of Programs. As described in the previous chapter of this report, among Commissioner Meissner's first acts as Commissioner was the reorganization of INS Headquarters. Her new structure separated "program management" from "field operations." The new "Office of Programs" was dedicated to policy analysis and program planning, a change Commissioner Meissner hoped would, among other things, allow managers at Headquarters the freedom to concentrate specifically on the naturalization program. James Puleo, formerly the Executive Associate Commissioner (EAC) for the Office of Operations, was named EAC for the Office of Programs. Reporting directly to Puleo was Larry Weinig, who served as the Associate Commissioner for Examinations position in an acting capacity until the spring of 1994. Louis "Don" Crocetti was brought to INS Headquarters from the Field to fill the Assistant Commissioner position under Weinig and then moved into the Associate Commissioner position in late April 1994.⁴

2. The surge in naturalization applications

Since the primary component of Commissioner Meissner's naturalization initiative was to encourage more people to apply for naturalization, it implicitly rested on the assumption that the naturalization program was keeping up with the current demand and could accommodate an increase in applications. This simply was not the case. According to INS statistics, between fiscal years 1992 and 1994 the naturalization backlog—the number of cases pending nationwide⁵—more than doubled, increasing from 135,652 to 300,760. The

⁴ Crocetti also held the Associate Commissioner position in an acting capacity until early 1995.

⁵ Staff within INS debated about the terminology used to describe the pending caseload or "backlog." Some used the two terms interchangeably. Others pointed out that the term "backlog" is only that portion of the "pending caseload" which is in fact overdue for processing. For example, an application that has been "pending" for longer than six months

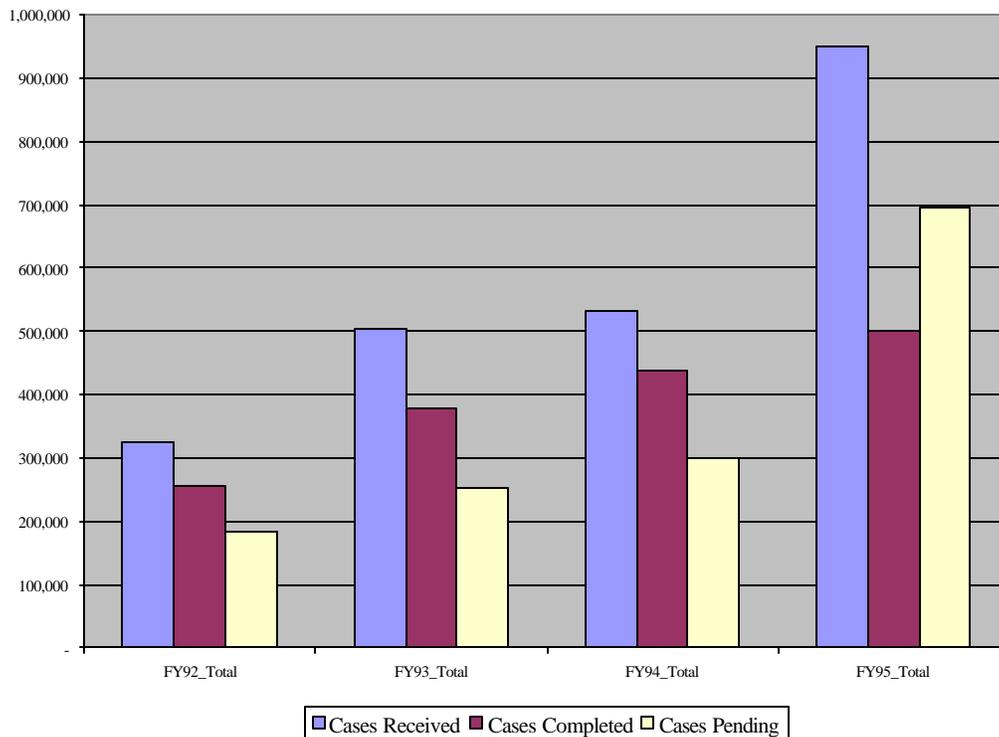
backlog jumped by more than 78,000 cases in the last two quarters of FY 1994 alone as receipts of applications increased sharply over the number of cases completed by INS. This trend continued in the first half of FY 1995, and the backlog increased another 180,820 cases to 481,580. The pending caseload had thus almost quadrupled in three years. Three months later, the backlog had increased by another 126,275 cases. Furthermore, by fiscal year 1995, reports from INS databases concerning its pending naturalization caseload were artificially low because by that time approximately 300,000 cases that had been received over the previous two years had not yet been data-entered.⁶ INS began to refer to this distinct group of un-recorded, new cases as its naturalization “frontlog.”

Figure A: National N-400 Caseload

Figure Source: INS Performance Analysis System Data

is part of the “backlog.” For purposes of this report, the “pending naturalization caseload” and the “naturalization backlog” are synonymous.

⁶ These cases were eventually data-entered as part of a special project that began in the last quarter of FY 1995. See “Data-entry projects,” this chapter, below.



a. Factors that contributed to the surge in applications

INS advanced a number of reasons for the surge in applications. The first was simple demographics, as the number of potential naturalization applicants swelled due to the Legalization or Amnesty program of the Immigration Reform and Control Act of 1986 (IRCA). IRCA contained two major “amnesty” provisions that affected millions of undocumented aliens. The first provision dealt primarily with undocumented aliens who had entered the United States before January 1, 1982, by entering without inspection or those who entered on a visitor or student visa and worked without permission or overstayed. These “pre-1982” applicants had to meet certain requirements concerning proof of identity, length of residence, and financial responsibility in order to obtain permanent resident status. The other legalization provision afforded permanent residence to certain undocumented agricultural workers (“Special Agricultural Workers” or SAWs) who had engaged in agricultural work for specified periods of time between 1984 and 1986. By February 1995, approximately three million individuals who had gained permanent residence through IRCA’s Legalization program were eligible to apply for naturalization.

In addition, INS began in FY 1993 to address concerns that the variety of alien registration receipt cards (“green cards”) in circulation were creating control difficulties and confusion. A new card was designed and scheduled to become the sole legitimate form of identification for permanent resident aliens by March 20, 1996. Consequently, permanent residents were required to replace their old cards by that date. In view of the small difference in cost between the new cards and the cost of applying for naturalization, INS and immigrant advocacy groups encouraged applicants to apply for citizenship in lieu of green card replacement.

INS and CBO representatives also attributed the increase in demand for naturalization to the immigrant community’s changing perception of the security of permanent residency status. The 1994 mid-year election campaign saw an increasing linkage between citizenship and benefits. In California, the state with the largest immigrant population, legislation known as Proposition 187 called for termination of various government services and assistance to aliens, including permanent residents. The publicity surrounding this campaign and similar national efforts geared toward welfare reform that would make permanent residents ineligible for benefits were cited to OIG investigators as factors that triggered concern within the immigrant community. According to INS officials and immigrant advocates, the fear of losing benefits (and the desire to vote to safeguard benefits), as well as a general sense of insecurity in their status, provided powerful incentives for permanent residents to naturalize.

3. Commissioner Meissner’s realization that the naturalization program was severely backlogged

Despite the steady climb in receipt of applications over the previous two years and the sharp increase in the first two quarters of FY 1995, by early spring 1995 Commissioner Meissner was nevertheless moving forward with a major naturalization initiative that included plans to promote naturalization. With the additional funds that were generated by the increase in applications, INS began preparing a reprogramming request⁷ and sought \$1.4 million dollars

⁷ The revenue generated by naturalization and other benefit applications is maintained in the Examinations Fee Account, which funds the salaries and operating expenses of the adjudications program, among others. INS accessed additional revenue from this increase in applications by submitting a “reprogramming” request to Congress. By the second quarter of FY 1995, additional revenue was available not only because of the increase in

for the naturalization promotion campaign. In addition, INS requested authority to hire more than 250 permanent adjudications officers and clerical staff to address the naturalization workload.

As part of her plan to engage community-based groups in the naturalization initiative, Commissioner Meissner met with a large group of CBOs in late February 1995 to inform them of INS' naturalization initiative and the plans to promote naturalization. The CBOs voiced objections to INS' plans to promote naturalization, stating that the resources would be better spent addressing the growing backlogs that had been developing in INS offices all over the country.

Less than three weeks later, in mid-March 1995, Commissioner Meissner held a meeting with the District Directors of several of INS' largest districts to discuss her plans for the naturalization initiative (this meeting will hereinafter be referred to as the "March Key Cities meeting").⁸ As had the representatives of community organizations, the District Directors found Headquarters' interest in naturalization promotion incompatible with the mounting naturalization backlogs that they faced. The District Director from Los Angeles, Richard Rogers, told the OIG that Headquarters' continuing interest in promoting naturalization reflected the fact that the Commissioner was not aware of or did not fully appreciate the extent of the naturalization backlog that already existed. The District Directors also reacted strongly to the notion that the Field was in any position to address the backlog without a dramatic infusion of resources. As Miami District Director Walter Cadman advised the

naturalization applications but also because of a new provision of the Immigration and Nationality Act (INA) known as Section 245(i). As noted previously, this provision extended eligibility for adjustment of status to aliens not in legal status at the time of application. To obtain this new benefit, applicants were required to pay a substantial "penalty fee" in addition to the amount ordinarily charged for an application to adjust status. 245(i) generated significant revenue for the Examinations Fee Account. For more information about this program, see our chapter, below, "CUSA's Effects on other Programs: Adjustments of Status in FY 1996."

⁸ In order to manage the work of the Field better, Commissioner Meissner resurrected "Key Cities" meetings that were part of a management approach she had instituted while working at INS in the 1980s. The concept of "Key Cities" turned on the idea that the larger INS offices had particular problems and interests in common. The Key Cities in March 1995 were Chicago, Houston, Los Angeles, Miami, Newark, New York, San Diego and San Francisco.

OIG, the District Directors were “taken aback” at the suggestion that naturalization processing could become current in the near future given that they believed the size of the backlog posed an “absolutely insurmountable” obstacle. According to then-Deputy District Director for Chicago Brian Perryman, the District Directors informed Commissioner Meissner at this meeting that the districts were “covered up” in applications and that things were “just going to get worse.”

4. INS’ attempt to address the backlog by reengineering the naturalization process

In light of the meeting with the District Directors, Commissioner Meissner determined that the naturalization program had reached a crisis stage and that one of INS’ most “positive” programs was quickly becoming so inundated with applications that INS would soon be facing sharp criticism for not keeping up with demand. Only a few days after the Key Cities meeting, Commissioner Meissner called a meeting of her top program managers at INS Headquarters and declared that, of INS’ work on applications for various benefits, addressing the naturalization backlog would be of the highest priority. A summary of that meeting quotes Commissioner Meissner as telling staff that “if other priorities interfere[d], they [were] to be adjusted downward.” At the same meeting, the Headquarters staff discussed the irony of moving forward with a naturalization promotion campaign under the circumstances. They determined that the message needed to be changed from one that encouraged applications to something more advisory and informational.

Although INS’ reprogramming request was submitted to Congress within several days of the March Key Cities meeting, Commissioner Meissner also recognized that it would take several months for the request to be approved and for the adjudications officers and staff to be hired and trained. In the interim, she wanted INS to focus its energy on developing ways to increase productivity; she wanted the agency to “reengineer” the naturalization process. “Reengineering” became INS’ term for its plans to overhaul and improve the naturalization process. Commissioner Meissner also wanted this process to happen quickly and she therefore assigned to senior Headquarters staff the task of “fast-track[ing] re-engineering.”

a. Working with PRC, Inc.

INS hired a private contractor, PRC, Inc., to work with Headquarters and Field staff to develop a reengineering plan. On April 1, 1995, the reengineering team, under the guidance of PRC, commenced a 30-day discussion period which INS called its “fast-track initiative.”

On May 12, 1995, PRC issued its report: “Results in 30 Days: Re-Engineering the Naturalization Process.” The report offered an “implementation plan for transitioning to the future,” and was mainly devoted to a naturalization process of the distant future, one that relied heavily on technological advances that were years away from being implemented. According to the PRC report, the “cornerstone” on which naturalization reengineering depended was INS “clearing the backlog” in the immediate future. In other words, the reengineering ideas discussed during the team meetings were ideas that were dependent on having already resolved the problem of backlogs and frontlogs; they were not ideas for reducing the backlog.

The report did recommend, however, one strategy that could be implemented immediately. It suggested that INS set up “clean environments”—new naturalization adjudication sites dubbed “Greenfields” by the report—where “new behaviors” and “new values” could be encouraged and tested “without fear of reprisal.” It was hoped that these new sites would be not just new offices but new “states of mind.” At these “Greenfields,” personnel could use “alternative examination methods” (such as waiving interviews for certain qualified applicants or adopting other streamlined examination techniques) and could work in “partnership with service providers” like CBOs, to better prepare the applicant for the naturalization adjudication process. Both alternative examination methods and the partnerships were considered linchpins of the plan for INS to increase its naturalization processing capacity.

Although the PRC report recommended a number of changes, it did not deliver the concrete and specific plan for implementing such changes that the Commissioner and others had hoped it would. As Commissioner Meissner told the OIG, the PRC report was simply “not useful” because it did not provide a road map of how to achieve a thorough reengineering. As the former Acting Associate Commissioner for Programs said of the result, PRC gathered information from INS personnel and then “sold [their] ideas back to [them].” Nevertheless, as described below, once the reengineering idea had taken root it

continued to grow, and INS sporadically borrowed reengineering techniques during CUSA to increase productivity.

b. The addition of David Rosenberg to the naturalization initiative

The inadequacy of PRC’s reengineering report marked a turning point for Commissioner Meissner. As stated earlier, Commissioner Meissner had expected her new team of managers within the Office of Programs to concentrate specifically on the naturalization program and to implement her naturalization initiative, plans for which had begun in 1994. By the time the PRC reengineering attempt failed in May 1995, however, well over a year had elapsed without any significant progress toward improving the naturalization program. With the disappointment of the reengineering report, the Commissioner had become frustrated with what she viewed as “lagging” efforts to move the naturalization program forward. She concluded that she needed to bring in an additional manager to focus on addressing the growing problem with the naturalization backlog. The person she chose for the job was David Rosenberg.⁹

Rosenberg began his INS service as a consultant in March 1995, when he was hired by the EAC for Policy and Planning Robert Bach to advise INS on general policy issues, including naturalization. He was part of the Headquarters “Core Team” that was PRC’s liaison to INS’ senior executive staff for the results of the reengineering report. At that time, Rosenberg was president of his own consulting company, New American Strategies, a firm that specialized in analyzing immigrant and refugee policies and programs as well as naturalization. From 1986–1991, Rosenberg had worked for the Massachusetts Executive Office of Health and Human Services as Deputy Director for the Office of Refugees and Immigrants.

Commissioner Meissner became familiar with Rosenberg as a result of attending meetings at INS at which he had made presentations about his ideas on how to foster relationships with CBOs and how to improve the testing program. Commissioner Meissner recalled that Rosenberg was “focused,” that he asked “tough questions,” and that, most importantly from her perspective,

⁹ In addition, Commissioner Meissner replaced James Puleo, the EAC for the Office of Programs, with T. Alexander Aleinikoff, who until that time had been INS’ General Counsel.

he seemed like he would be willing to “own,” or to take pride in and responsibility for, the naturalization program. Based on her own observations and the recommendations of EACs Bach and Aleinikoff, Commissioner Meissner sought out Rosenberg to become involved with the planning for the naturalization initiative in June or July 1995. He was appointed as the Director of CUSA in August 1995. Although Commissioner Meissner recognized that Rosenberg’s brief tenure with INS meant that he was “not a traditional choice,” she felt that the naturalization program needed leadership, fresh perspectives, and new energy, all of which she felt Rosenberg could bring.

5. CUSA announced and production becomes the priority

While the reengineering discussions had been underway at INS Headquarters, the naturalization backlog continued to grow. In early June 1995, Congress took notice of the growing backlogs and informed INS in its letter approving INS’ reprogramming request¹⁰ that “[Congress was] concerned that the allocation of resources” did not “adequately address the incoming workload in the district offices.” Congress then directed INS to use the \$1.4 million it had requested for the naturalization promotion campaign to hire more personnel instead.

By the summer of 1995, Commissioner Meissner understood that INS faced an overwhelming workload and that a more concrete form of backlog reduction needed to be implemented immediately. INS Headquarters had assessed the status of the naturalization caseload as of June 8, 1995, and reported that receipts of naturalization applications were running twice as high as the previous year. INS predicted that at the rate it was then processing naturalization cases, given the number of applications they projected, within the year there would be a “three-year backlog.” As Commissioner Meissner told the OIG, she concluded that INS had lost its opportunity to systematically phase in a substantial, program-wide reengineering.

As noted above, although INS tabled its plan to completely reengineer the entire naturalization process, it hoped to borrow streamlining measures or process improvements from the reengineering experiment that it believed could be implemented quickly and would have an immediate impact on productivity. The districts were encouraged to “think outside the box” and to use “non-

¹⁰ This reprogramming request will hereinafter be referred to as the “first reprogramming” or the “June reprogramming.”

controversial”¹¹ reengineering techniques that could be adapted to local conditions. Several of the strategies implemented during CUSA, including the transition to Direct Mail and the opening of new naturalization offices in locations outside the district office, trace their roots to these reengineering ideas. Then, later in the fiscal year as the CUSA goal seemed more in jeopardy, as is discussed below, reengineering or streamlining ideas became an essential part of the equation. If INS was going to reach a level of productivity sufficient to meet its objective, the Field was told, productivity would have to increase through process improvements and not just through adding staff and working longer hours. As detailed throughout this report, however, the decision to implement new strategies piecemeal instead of adopting program-wide revisions was awkward, and, in some instances, defeated the very purpose for which the new strategies had been engaged.¹²

As of July 1995, the primary means by which INS intended to attack the naturalization backlog was by adding resources—mostly through hiring more adjudications officers and acquiring additional facilities to house them. On July 19 and 20, 1995, INS Headquarters held a meeting in Washington with officials from the three districts with the largest backlogs—Los Angeles, San Francisco, and New York—to discuss resources that would be needed to reduce the backlogs and other measures that could be taken to increase productivity. The group considered the prospect of adding additional staff, be they employees detailed from other programs within INS or from other agencies (“detailees”), or hired through additional funding like that expected from a second reprogramming, the request for which INS was then considering. Although participants at the July meeting understood that they were being asked to discuss what it would take to reduce the backlog in one year’s time, they did not realize that such a program was, in fact, imminent.

¹¹ When INS documents refer to “non-controversial” reengineering techniques, they do not further explain what those are or how they are distinguishable from “controversial” techniques. However, the PRC report did point out that both “alternative examination methods” and “partnerships with external service providers” were “sensitive” and likely to cause “pushback” among some employees and Members of Congress who would argue that the new techniques would compromise integrity.

¹² For example, as explained below, INS implemented Direct Mail for the processing of N-400s during CUSA. The success of Direct Mail, according to those at INS who planned it, presumed the use of improved automated systems. Although INS proceeded with Direct Mail, it did not have the improved automated systems it needed in place.

According to several participants, the meetings had been too informal and the discussions too disorganized to suggest that a serious new initiative was soon to be launched.

Less than two weeks later, at a second Key Cities meeting held in New York City on August 1 and 2, 1995, the District Directors learned that just such a new program was imminent. At this meeting EAC Aleinikoff introduced a new naturalization backlog reduction initiative that would involve three Key City Districts—Los Angeles, New York, and San Francisco. Few details of the naturalization initiative were discussed at the meeting. It was still unresolved, for example, whether the additional resources from the planned second reprogramming would be used to rehire annuitants, secure temporary or term employees, hire new staff, and/or secure detailees. In addition, while it was decided that a manager from outside the District would be detailed to each Key City District to act as a “backlog project site manager,” their specific responsibilities had not been determined and the persons had not been selected.¹³ District Directors at this August Key Cities meeting reiterated concerns that had been expressed by district and regional representatives at the backlog reduction meeting in July, such as the anticipated pace of security clearances for new hires, the difficulties in securing adequate space, and the need for clerical support.

By mid-August 1995, Commissioner Meissner had decided that at the end of that month she would announce publicly a nationwide backlog reduction initiative that included five Key Cities—Los Angeles, New York, and San Francisco as well as Miami and Chicago (for a discussion of the decision to change from three Key Cities to five, see section 6a below). She also would publicly commit INS to reducing its backlog to an acceptable level by the following summer. The five Key Cities represented the five Districts with the largest number of pending cases and 75 percent of INS’ total pending cases nationwide. The goal for the backlog reduction initiative was to reduce processing times—from the date of filing the N-400 until the final oath ceremony—to six months. Although estimates continued to rise, INS determined that more than a million cases—1,231,000 cases—according to INS’ calculations—would have to be adjudicated in order for INS to reach its promised goal. To accomplish this ambitious task, INS made production the

¹³ These on-site program managers were eventually known as “CUSA site coordinators.”

core principle of the naturalization backlog reduction initiative that it named “Citizenship USA” (CUSA). This emphasis on production was institutionalized when Commissioner Meissner made the naturalization of more than one million persons one of INS’ top six priorities for FY 1996.

6. Two congressional allegations relating to the planning of CUSA

Among the allegations raised by Members of Congress in September and October 1996 concerning the CUSA program were two that concerned issues discussed in the foregoing history of the initial planning of CUSA. The first allegation was that INS’ selection of “Key Cities” for CUSA was dictated by the anticipated voting behavior of the potential citizens in those cities. It was alleged that INS chose the Key Cities out of the desire to maximize the benefit to Democratic candidates in the 1996 election. The second allegation was that INS had actively solicited more than half of the total applicants naturalized during CUSA. This allegation, like the selection of the Key Cities allegation, stemmed from a series of allegations that centered on INS’ desire to swell the voting rolls (particularly with Democratic voters) in anticipation of the November 1996 election. We examine each of these allegations in turn.

a. The selection of the Key City Districts

Commissioner Meissner had reinstated a “Key City” approach to problem solving shortly after taking over at INS (see footnote 45, above). The “Key City” approach of CUSA, however, grew out of the naturalization reengineering discussions of March and April 1995. As discussed above, one of the recommendations discussed in the May 1995 PRC report was that INS needed to clear its naturalization backlog before reengineering could be undertaken in earnest. The PRC report presumed that INS’ attention would first be focused on clearing the backlog in the most “saturated” offices, ones the report designated as “pilot” offices.

According to INS statistics published in the PRC report, the offices that at that time had the greatest number of “N-400 receipts and pending cases,” that is, the largest backlogs, were Los Angeles, New York, San Francisco, and Miami, in descending order. The next most “saturated” districts were Chicago, Newark, Houston, and San Diego. As INS shifted its focus from reengineering to backlog reduction, the notion lingered to begin first with the offices in

greatest need. The four “pilot” offices of the reengineering discussions, therefore, became the Key City Districts of CUSA.

According to David Rosenberg, between the time of the publication of the PRC report and the date on which CUSA was announced, Headquarters managers discussed two concerns about focusing on these four cities. First, INS wanted some “rational” way of making the “cut” between what was a Key City District and other districts. Second, INS wanted the backlog reduction program to include a district in the Central Region, which at that point was unrepresented in the backlog reduction plan. Rosenberg told the OIG that adding the Chicago District to the original four cities recommended in the PRC report responded to both concerns. Not only was it a district in the Central Region, but its pending caseload, including its “frontlog” or the cases not yet data-entered, was more than twice that of the Newark District, the district next in line. Furthermore, the backlogs reported by Newark, San Diego, and Houston were all approximately the same size, and including one of those cities as a Key City District using such criteria would likely have meant including them all. Accordingly, INS named Los Angeles, New York, San Francisco, Miami, and Chicago as the Key City Districts for CUSA.

The OIG investigation did not uncover any evidence to contradict the assertion that four of the five Key Cities—Los Angeles, San Francisco, New York, and Miami—were chosen as CUSA cities, as EAC Aleinikoff asserted, “strictly by the numbers.” We found no evidence that anticipated voting behavior of the potential citizens in these or any other districts was a factor in INS’ decisions about CUSA strategies.

With respect to the fifth Key City District, Chicago, some witnesses disagreed that it could have been chosen based solely on the size of its pending caseload. Although the statistical data and the reports from the Field about pending caseloads tend to corroborate Rosenberg’s choice of Chicago as a district in greater need, some witnesses told the OIG that using the same criteria Newark should have been designated the fifth Key City District. For the Newark District, such a designation would have resulted in a greater influx of resources earlier in the CUSA program, and, perhaps, a greater chance of avoiding some of the production pressures we found that staff experienced there (see our “Interviews and Adjudications,” chapter below). In any event, the evidence indicates that the five CUSA Key City Districts were chosen over other districts primarily because of the documented backlog of N-400

applications and not because they might result in a greater number of potential Democratic voters for the November 1996 election.¹⁴

b. Soliciting naturalization applicants

The naturalization promotion campaign of FY 1995 was certainly designed, in part, to encourage more people to apply for naturalization. By FY 1996, having been chastised by INS' own District Directors who were struggling with escalating caseloads, and by Congress' response to its request for \$1.4 million for a naturalization promotion campaign, Headquarters scaled back its emphasis on naturalization promotion before launching CUSA.

However, although Commissioner Meissner may have discussed with her Executive Staff the need to change what was meant by "promotion," this revised message was not clearly communicated to the Field. We found that Headquarters did not make a concerted effort to inform the Field that promotion was no longer part of the priority; rather, it merely let the emphasis on promotion fade. While the title of the Commissioner's priority was changed from FY 1995's "*Promote* [emphasis added] and Streamline Naturalization" to FY 1996's "Implement Citizenship USA," many who heard the promotion message of 1995 continued to believe that naturalization promotion was as important an emphasis in 1996 as it had been in 1995. In fact, several districts engaged in promotional activities designed to encourage applications, such as publishing advertisements and disseminating brochures and buttons throughout FY 1996. In addition, San Francisco District Director Thomas Schiltgen told the OIG that he understood the CUSA program as having been designed (and carried out) as a promotional effort to encourage naturalization applications.

¹⁴ Commissioner Meissner responded to this allegation directly in a letter to Congressman Mark Souder dated July 26, 1996, in which she stated, "the reason for the selection of the Los Angeles, Miami, New York, San Francisco and Chicago Districts was that the application backlogs and the processing delays were the most severe in those Districts. The pending caseload in these Districts was approximately 75% of the total naturalization caseload at the end of August, 1995." When the allegation surfaced again in requests for information from the Chairman of the Subcommittee on National Security, International Affairs and Criminal Justice of the House of Representatives Committee on Government Reform and Oversight, William Zeff, in August and September 1996, Commissioner Meissner responded in a letter to Chairman Zeff dated October 10, 1996, by saying "I can unequivocally state that at no time did the Service target its citizenship resources toward particular geographic areas selected according to anticipate election results, as your letter charges."

Accordingly, there is evidence that INS made some efforts that can be characterized as “soliciting” applicants for naturalization during FY 1996. There is also evidence to indicate that this type of promotion occurred despite Headquarters’ recognition that it was antithetical to backlog reduction. However, we found no evidence to support the inference that INS continued to solicit naturalization applications because of a desire to increase the number of potential voters for the November 1996 election. Instead, as discussed above, naturalization promotion was undertaken by Headquarters in the name of good public policy and improved public relations.¹⁵ According to all the available evidence, Headquarters’ failure to conclusively end the naturalization promotion campaign when it became clear that it was bad for the burgeoning caseload was a manifestation of poor management and poor communication, rather than an attempt to increase the number of potential voters for the 1996 elections.

B. The means of production

Once INS set its sights on naturalizing more than one million people during FY 1996, it had to develop methods to enhance production. The strategies INS adopted related primarily to staffing and to new techniques to process large numbers of applications more quickly. These strategies formed the backbone of INS’ implementation of CUSA, and understanding them at the outset will inform the reader’s understanding of how, in conjunction with the production pressures described in the next section of this overview chapter, CUSA resulted in compromised adjudications.

In publicizing CUSA, INS described the naturalization initiative as being about “the three P’s: people, process, and partnerships.” The “people” referred to the numbers of new employees INS intended to hire to work on naturalization. The “process” was the naturalization process itself, and was included in the CUSA slogan as a reminder that INS intended to make it more efficient. Finally, “partnerships” referred to the new ways in which INS would involve community-based organizations (CBOs) in the process. Accordingly, we organize our discussion, below, of how INS set out to achieve the goals of CUSA according to these three prongs. We summarize each in order to provide the reader with an overview of these issues; more detailed discussions

¹⁵ As noted above, see footnote 38, above, INS is statutorily required to promote naturalization.

concerning particular aspects of each part of the CUSA plan are addressed in the chapters that follow.

1. Staffing CUSA

The heart of INS' plan to reach the CUSA production goal was the "people" aspect of the plan.

Each Key City was authorized to hire temporary District Adjudications Officers (TDAOs) who would adjudicate 18-22 cases in each 8-hour workday. In planning the program, Headquarters' emphasis from the beginning was on "crunching the numbers" that is, determining the number of new adjudications officers needed based on the number of pending and anticipated N-400s and getting those officers working as quickly as possible. In addition to recruiting and hiring the new personnel, getting the new officers to the point where they could adjudicate 18-22 cases per day meant training them as quickly as possible.

a. Staffing numbers and the focus on officer numbers

By the time CUSA was announced at the end of August 1995, INS had decided to use funds from an anticipated second reprogramming to hire temporary DAOs who would adjudicate cases for six months to help reduce the backlog. Discussions centered not only on the number of officers needed to achieve the production goals but also on ways to increase officer productivity such as setting up "Greenfield" sites separate from district offices that would be devoted solely to naturalization.¹⁶ However, INS Headquarters paid little

¹⁶ Each Key City District opened at least one new CUSA office for naturalization interviews. In the Los Angeles District, a new office was opened in October 1995 in the same building that housed the California Service Center, in Laguna Niguel, California. Another office was opened in April 1996 in El Monte, California. In addition, the Los Angeles District added naturalization interviews to the work done by its office in Bellflower, California. In the New York District, a large CUSA office was opened on Long Island, in Garden City, New York, in April 1996. In the San Francisco District, a satellite CUSA office was opened in Oakland, California, and two sub-offices, Fresno and San Jose, each opened a new CUSA site in the same city. Finally, in the Miami and Chicago Districts, INS opened a new CUSA site in the same city as the district offices.

attention to either the clerical support or management support that was needed to properly absorb the influx of new officers.¹⁷

The number of new officers added to the Key City staffs alone illustrates the imbalance of new officers to existing officers and to existing clerical staff. Prior to CUSA, the five Key Cities had approximately 98 permanent DAOs devoted to adjudicating naturalization applications. The June reprogramming authorized the hiring of 138 additional permanent DAOs for the naturalization program. In its second reprogramming request, INS sought to hire 248 TDAOs for naturalization. In addition, INS planned to assign more than 100 officers from other INS programs (“detailees”) to conduct naturalization interviews in the Key Cities in the fall of 1995. Even absent the detailees, this plan represented an increase of more than 400 percent in officer staffing over FY 1995 levels.

¹⁷ The emphasis on increasing officer staffing in the planning for CUSA was in stark contrast to the lack of attention paid to clerical staffing. Because it was the clerks who were responsible for, among other things, processing fingerprint cards, filing criminal history records when they came back from the FBI, and matching the temporary file with the permanent A-file once it was received, this failure to address clerical staffing needs contributed to adjudications during CUSA being conducted with sub-standard tools. INS originally planned to hire only 26 temporary clerks compared to 248 temporary officers. It was only after INS discovered in March 1996 that additional money was available for CUSA hires due to a miscalculation in submitting the second reprogramming request that INS decided to hire more clerks. Ultimately, the Key City Districts were given authority to hire 105 additional clerks. Even with the new clerks, the number of officers authorized to be hired still outnumbered the number of clerks authorized almost two-to-one. INS anticipated that the clerical burden would be alleviated by INS’ contracting with a private company to provide clerical support in the records divisions—mail and file rooms—of three of the Key Cities and by the shifting of clerical responsibilities from the districts to the service centers once the Direct Mail program was implemented. However, the records contract, although approved in the June 1995 reprogramming, was not signed until October 1995, and the contractors did not begin to come on board until February 1996 in Miami and March 1996 in Los Angeles. Although Direct Mail was implemented at the end of January 1996, because of the backlogs, responsibility for clerical tasks remained with the district clerks until relatively late in the fiscal year. For these cases, the district applications clerks were handling all aspects of processing the cases, including data-entry, fingerprint card processing, criminal history record filing, interview scheduling, updating, scheduling for ceremonies, and closing out the cases.

b. New officers given limited training

Before CUSA, permanent adjudications officers received 16 weeks of training at the Federal Law Enforcement Training Center (FLETC) facilities in Glynco, Georgia.¹⁸ Because of space limitations at FLETC, officers sometimes had to wait several months or more before they could attend. At the July 1995 meeting in Washington—before even a final decision had been made with respect to the type of employees who would be used to fill the officer positions—there were discussions about how the existing 16-week training program would affect the new officers’ productivity.

When Headquarters decided that CUSA would largely depend on a workforce of temporary adjudications officers, the concerns about the delay occasioned by FLETC training became moot. Since the temporary officers were employees whom INS intended to keep on board for a maximum of one year, INS decided that it was not going to incur the expense of sending these new hires to a training program that lasted one-third of their year of employment. However, INS believed some training was in order. In order to both train the new employees and expedite their availability for duty (that is, to maximize their productivity), INS Headquarters decided that temporary officers would attend an intensive, 1-week training program that focused specifically on naturalization followed by a few days of on-the-job training.

The abbreviated training was deemed sufficient for the temporary officers not only because INS wanted the officers to be immediately available but also because CUSA organizers assumed that temporary officers only would be handling “easy” naturalization cases. Planners assumed that the temporary officers would refer or “continue” more complex cases to experienced officers for adjudication. According to INS Headquarters officials, the training for the temporary officers, therefore, needed to equip them only to be able to identify complex cases rather than adjudicate them. From INS’ perspective, this was a relatively low-risk decision because INS perceived the overwhelming majority of its applicant pool as “easy cases.”

In practice, however, the abbreviated training program gave these temporary officers very little information on how to distinguish the “complex”

¹⁸ The 16 weeks of training included three to four weeks that were devoted to a Spanish immersion course that could be waived if the officer demonstrated proficiency in the language.

from the “easy” naturalization case. They were not taught about important aspects of immigration law and procedure, such as the different types of visa classifications, deportation, or marriage fraud. They were not trained sufficiently about the type of activity that should bar an applicant from citizenship, except for such issues as having been convicted of a serious felony. Because they learned about naturalization outside of its larger immigration law context, the ability of new officers to recognize that any given case was “complex” was limited. In addition, although planners assumed new officers would adjudicate “easy” cases, and the leading member of the planning team believed “pre-screening” the cases assigned to temporary officers was essential, the districts were not directed by Headquarters to assign cases in any particular way.

Furthermore, contrary to what CUSA planners assumed, the new officers did not have unlimited access to more seasoned officers or experienced supervisors to guide them in their adjudications decisions. The experienced officers were outnumbered, and they, too, had to keep up with the hectic pace of production that characterized CUSA. The supervisors were generally experienced adjudications officers but new to supervision because CUSA also created many new, temporary supervisory positions. Unlike the pre-CUSA situation in which a new officer who had not yet been sent to FLETC could learn the ropes in an environment of more seasoned colleagues, the temporary officers hired for CUSA went immediately to work with many other new hires and new supervisors, all of whom were expected to complete cases as quickly as possible.

Finally, we found that not only was the training program insufficient for the work expected of the new hires, sometimes even this limited training opportunity was not made available to the CUSA adjudicators. Because districts needed these new officers at work more quickly, we found that some new hires received even less than the 40 hours of instruction.

The consequence of these shortcomings was that temporary officers adjudicated cases for which they were not prepared in an environment in which they received little individual assistance, resulting in a greater number of adjudicative errors than if they had received adequate training and support. This lack of adequate training and its effects on the naturalization program are discussed in Chapter Three, below, “Interviews and Adjudications.”

(1) Congressional allegations concerning compromised background checks of CUSA hires

Members of Congress alleged that INS “waived” background investigations for temporary hires for CUSA in order to bring the new employees on board more quickly. While INS used an expedited hiring process during CUSA, it was a process that INS had used in FY 1995 to meet its increased hiring demands and, even though INS made some operational changes to streamline its hiring and security procedures, we found no evidence that INS eliminated or waived required steps in these processes. In particular, INS did not waive the requirements for background investigations of the temporary DAOs and applications clerks hired for CUSA.

On four occasions in FY 1995 prior to CUSA, INS utilized an expedited hiring process in an effort to meet its hiring requirements. During 4, 1-week periods, personnel from INS and the Office of Personnel Management (OPM) met together with prospective candidates in locations nationwide to administer the required written test, conduct the required medical examinations and drug screening tests, and complete the security questionnaire, all at the same time.¹⁹

OPM created lists of eligible candidates for permanent positions. When requested, OPM provided these lists—called Registers of Eligible Applicants—to INS. Generally, OPM sent the registers to any of INS’ four Administrative Centers that have responsibility for hiring personnel for their respective district offices.²⁰ OPM authorized INS to use the Registers of Eligible Applicants generated for permanent DAO positions to fill the temporary DAO positions for CUSA. Use of the OPM registers to fill the temporary DAO positions for CUSA was often referred to by INS employees as using the “Expedited Hiring and Nationwide List,” or shortened simply to the “expedited hiring” process. Taken out of context, this term might erroneously imply that INS’ hiring process had in some way lost integrity.

All prospective INS employees are required to submit fingerprints and to complete security questionnaires for background investigations, conducted by

¹⁹ OPM typically requires that applicants pass a written test for entry-level permanent positions in certain occupations. The District Adjudications Officer position is one of INS’ officer corps positions that requires this test.

²⁰ In addition to personnel, INS’ Administrative Centers are responsible for security, procurement, information resources management, budget/finance, and training.

OPM. The scope of the background investigation and thus the type of security questionnaire to be completed is determined by the sensitivity of the position. District Adjudications Officer positions were “critical-sensitive” and required an investigation of the applicant’s background going back five years. Applications clerk positions are “noncritical-sensitive” and required a limited background investigation going back three years. INS does not have authority to change the types of investigations without approval of the Department of Justice. In order to expedite the security process to hire the temporary CUSA employees, INS did indeed request permission from the Department, on November 1, 1995, to limit the scope of the background investigations for all temporary (not to exceed one year) CUSA employees. The Department denied the request.

As it had with other DOJ components, the Department delegated authority to INS to allow new employees to begin working prior to completion of the OPM investigation, that is, prior to the face-to-face employee interview with an OPM investigator and the OPM field interviews with past employers, neighbors, and acquaintances. This process was known as a “pre-appointment waiver.” INS employed the pre-appointment waiver process during CUSA, and officials in INS’ Office of Security said that INS now uses this waiver regularly in connection with all its hiring.²¹

INS considered a variety of options to reduce the security processing time for the CUSA temporary employees, but INS ultimately made only operational changes to streamline and accelerate the security process during CUSA.²² Although many INS documents use the term “waiver of BIs,” the

²¹ A pre-appointment waiver generally can be granted only after favorable results from the following actions: (1) the FBI fingerprint check; (2) the check of the FBI investigative files; (3) the credit check; (4) the check of past employment (going back five years); (5) the check of at least three personal references; and (6) OPM notification to initiate the required background investigation. Applicants with unfavorable investigative or credit checks cannot enter on duty prior to completion of the full OPM background investigation.

²² For example, INS assigned 40 to 60 people in the Headquarters Security Office to work on security processing for CUSA hires. These employees were responsible for conducting the credit checks and contacting past employers and personal references for applicants in the Chicago, Miami, and New York Districts. The Headquarters Security Office also became responsible for sending all of the CUSA applicants’ fingerprints to the FBI, which had agreed to process all employment-related fingerprint checks in ten days.

expression was misleading because it referred to the approved pre-appointment waiver process and was not an indication that the requirement for a background investigation had been eliminated.

2. CUSA techniques for the processing of applications

In an effort to jump-start the CUSA production machine, in addition to the staffing strategies discussed above, INS implemented two new processing techniques during CUSA that had troublesome ramifications on the quality of naturalization adjudications. The first was a massive data-entry project using new computer technology and contractor staff to complete the initial processing for hundreds of thousands of cases in a matter of weeks. The second was the transition to Direct Mail in the middle of CUSA. Both projects were hastily implemented and contributed to INS' inability to provide CUSA officers with the tools they needed to conduct quality adjudications. Both were also dependent to a large extent on INS' information systems, in particular its naturalization database, which had already been recognized before CUSA as in need of considerable repair.

In the discussion that follows we first address INS' information systems and INS' awareness that they were not prepared for the huge demands that CUSA would place on them. We then introduce the two CUSA processing techniques that were heavily reliant on, and thus compromised by, those information systems. The specific problems that resulted from these new processing techniques will be addressed in subsequent chapters.

a. INS relied on a computer system that it knew needed to be replaced

By the early 1990s, many aspects of naturalization processing at INS had become reliant on computer systems. Most INS districts had become dependent on INS' computer systems not only for the scheduling of interviews and oath ceremonies, but also to ensure that adjudicators had the proper files before an interview or naturalization. Over time, INS grew to rely on its computer systems as the backbone for the clerical processing of naturalization applications.

Further, INS revised the letter of tentative selection sent to applicants, requiring that they complete and return security forms to INS in a maximum of 10 days.

By 1995, however, it was clear that the computer systems could not accomplish all that was expected of them. While INS had taken steps to completely overhaul one computer system as part of a larger plan to replace its naturalization database, the completion of that effort was not anticipated until well after the time period slated for the CUSA initiative. Even though INS took steps to address certain problems with the naturalization database, many problems persisted, most notably with the automated file requests, and even worsened as the volume of CUSA cases increased.

(1) Background on data systems

Four computer systems had an impact on the naturalization process during CUSA: the Naturalization Automated Casework System (NACS), the Computer Linked Application Information Management System (CLAIMS), the Central Index System (CIS), and the Receipt and Alien File Accountability Control System (RAFACS).

NACS: is the database that provides an automated means of tracking the progress of citizenship applications from receipt through issuance of the naturalization certificate. Naturalization applications clerks data-entered information from the N-400 directly into NACS. NACS had been in operation since 1984, although not every district had access to it during CUSA. However, all five Key City Districts used NACS before and during CUSA.

CLAIMS: is a mainframe computer system that has been used in the service centers to record the receipt of various types of applications since the mid-1980s. In preparation for Direct Mail—the data-entry of naturalization applications at the service centers instead of at the districts—INS needed to modify CLAIMS. Because the data-entry clerks at the service centers were contract employees without required security clearances, they could not perform data-entry directly into NACS or have access to any system that communicated directly with NACS. For this reason, Electronic Data Systems (EDS), INS' primary computer contractor, developed software in 1995 that enabled clerks to perform data-entry on a more secure local area network that subsequently uploaded the data to the CLAIMS mainframe. At INS' request, EDS also developed an interface that allowed the naturalization information to transfer from the CLAIMS mainframe to NACS.

CIS: is the centralized computer that maintains information on biographical and immigrant status, as well as the location of an individual's A-

file by district office or sub-office of a district. CIS also can electronically request and transfer files.

RAFACS: is a computer-based file management system that tracks the location and movement of permanent and temporary files within a district or service center. RAFACS can also be used to request an A-file from another district office and records the transfer of the file when it is received.

NACS played a central role in the clerical aspects of the naturalization process. Once cases were data-entered into NACS or had uploaded to NACS from the CLAIMS mainframe, district offices relied on NACS to interface with CIS to generate automatic file transfer requests if the A-file was located outside of the district or the service center responsible for processing the naturalization application. NACS was also used to schedule interviews automatically. A clerk simply input the date to be scheduled, the number of officers conducting interviews, and the number of interviews to be conducted by each officer. NACS would then search its database for the available applicants and assign each applicant a time slot and an officer by whom he or she would be interviewed beginning with the oldest cases. INS also relied on NACS for automatic scheduling of oath ceremonies and for automatic updating of CIS with the naturalization status of applicants once cases were “closed out.” In addition, NACS generated notices and naturalization certificates.

(2) Problems with INS’ data systems before and during CUSA

INS historically has paid insufficient attention to technology and its data systems. In briefing material prepared in February 1994 for all INS managers explaining INS’ plans for its “FY 1995 Immigration Initiative,” the working group responsible for issuing the material noted “INS has traditionally accomplished its mission through labor intensive approaches, adding more personnel without giving them the tools and infrastructure they need to do an effective job.” The working group anticipated that “[w]e will add officers, because more are needed. But we will also provide them with data system automation and linkage so that they can manage the immigration process in a systemic, data-based manner.” With respect to the naturalization program, however, such improvements in technology were not forthcoming in FY 1995 or FY 1996.

i. NACS shortcomings

INS employees, from managers to users of NACS, consistently told OIG investigators that it was a widely held view within INS well before CUSA that NACS needed to be replaced. INS Information and Resource Management (IRM) employees reported in a meeting with Programs and Field Operations managers in March 1995 that NACS “[was] full of bugs and [was] generally not a very good example of a production system.” One IRM employee told the OIG that NACS hadn’t been replaced because naturalization had never been a priority. Problems identified before CUSA included its automated file transfer request interface with CIS, uploading the immigration status of the applicant to CIS once the case was closed out, and printing naturalization certificates in some offices. An IRM manager also recalled that a long-standing NACS problem was that the system would abort a transaction before it was completed. According to the Assistant Commissioner for IRM during CUSA, Fernanda Young, EDS had difficulties fixing problems in NACS because EDS was not the original contractor that built the system and much of the “code” needed to make the adjustments had been lost. She also explained that sometimes when EDS changed something in NACS to fix a problem, a new problem would surface or problems were exacerbated rather than fixed.

ii. Reengineering CLAIMS

Although NACS was an old and problematic database, INS never intended to overhaul or “reengineer” it before implementing CUSA. Instead, the long-term goal was to become less reliant on NACS and, in conjunction with plans to one day move data-entry of all benefit applications from the district offices to the service centers, to replace NACS in the district offices with an improved CLAIMS system. According to IRM managers, there had been a plan to “reengineer” CLAIMS since the summer of 1994 when INS began discussing moving to Direct Mail for naturalization applications. The first phase of reengineering CLAIMS was developing software that would allow data-entry of naturalization applications into CLAIMS and then communication between CLAIMS and NACS.

By 1995, these improvements to CLAIMS to support the implementation of Direct Mail were still being developed. The CLAIMS reengineering initiative was given heightened attention in the early spring of 1995, when the Commissioner made reengineering the entire naturalization process a priority at INS. Improved technology was an important component of the

reengineering discussions since implementing Direct Mail and moving INS in the direction of automated filing were two of the recommendations that came out of the reengineering discussions.

However, as discussed above, by June 1995 Commissioner Meissner was no longer confident that INS could reengineer the entire naturalization process and shifted INS' focus to backlog reduction. By this time, the improvements to CLAIMS to support the implementation of Direct Mail were near completion, but the complete reengineering of CLAIMS that would be necessary for the system to replace NACS altogether was still more than a year away.²³ Accordingly, the priority for the CUSA planners became getting those who worked with INS' information systems to turn their attention to tasks that could immediately assist the backlog reduction effort.

iii. Adjustments to accommodate CUSA

Once the decision was made to implement a backlog reduction effort, INS' focus with respect to NACS was on fixing the problems that were inhibiting production or that would pose obstacles to the completion of cases on a much larger scale. These problems largely concerned NACS' "scheduler," the system used to schedule interviews and ceremonies, and NACS' ability to create naturalization certificates. District managers raised these and other production problems with NACS at the Key Cities meeting in August 1995.

At INS' request, EDS made many changes to NACS and CLAIMS in order to accommodate the new demands that would be placed on the data systems. For example, INS Headquarters asked EDS to adjust NACS in the Los Angeles District so that all naturalization certificates could be printed at one site within the District. In addition, in July and August 1995 changes were made to NACS in order to accommodate software that had originally been

²³ The earliest target date for even piloting the new system was October 1996. According to Fernanda Young, the target date for piloting the new CLAIMS was soon pushed backed to July 1997 and, as requirements for the system changed, the date was pushed further back to October 1997 and then December 1997. Installation of CLAIMS continued in 1998 and 1999.

designed for the implementation of Direct Mail but was going to first be used to quickly data-enter the hundreds of thousands of “frontlogged” N-400s.²⁴

While EDS and IRM attempted to address all of the NACS-related problems that arose during CUSA, the priorities for what was fixed by EDS and IRM were set by managers of the naturalization program whose primary concern was completing cases. Thus, non-production-related problems, such as the automated file transfer request interface between NACS and CIS, took a backseat. As stated in an e-mail of an IRM staff member who was explaining why NACS’ problem in generating accurate statistical reports could not yet be fixed, “we have a priority to get cases [scheduled] so that the CUSA offices can get [the] numbers.”

iv. NACS could not support the demands of CUSA

INS found that even problems related only to production were not easily solved given the inadequacy of NACS. As the volume of cases being processed through NACS increased, its reliability decreased. Problems with the new CLAIMS software and the CLAIMS/NACS interface also began to surface, including the failure of correctly inputted cases to upload from CLAIMS to NACS. By the spring of 1996, the problems had become so numerous that the Assistant Commissioner for IRM set up what she called a “tiger team” consisting of IRM and EDS contractor employees to address the problems that were being reported with NACS and CLAIMS. Despite efforts to address the problems with these systems, the Associate Commissioner for IRM recalled that NACS’ performance grew progressively worse and “collapsed” during CUSA. In order to keep NACS functioning, EDS began working around the clock.

By the summer of 1996, the concerns about the viability of NACS had become so great that the Assistant Commissioner for IRM decided to “reengineer” (or restructure) NACS. While the implementation of the restructured NACS, or “RNACS,” would not take place until after CUSA was over, it was viewed as necessary to the survival of the naturalization program since the reengineered CLAIMS target date had been pushed back several

²⁴ For further discussion of this special project, see “Data-entry projects,” this chapter.

months to late 1997 and thus NACS remained the basic data system on which naturalization processing would have to rely

b. Data-entry projects: Naturalization Data Entry Center

In late 1995, INS undertook an ambitious project to complete the initial data-entry of 270,000 applications that had been received in the two years preceding CUSA in Los Angeles and Miami but had not been data-entered into NACS. The 220,000 Los Angeles and 50,000 Miami cases were data-entered by contract employees at the federal facility in Laguna Niguel, California, that also housed the California Service Center. It was known as the “Naturalization Data Entry Center.”

The data-entry project at NDEC employed approximately 60 contractor employees who entered data from N-400s into CLAIMS using new software that had originally been designed with the transition to Direct Mail in mind. The data in CLAIMS was interfaced with NACS, which in turn was interfaced with CIS. The contractor employees worked in stages, first data-entering the applications, then stripping fingerprint cards from the applications and sending them to the FBI for processing. All 220,000 Los Angeles cases were data-entered in approximately six weeks.

INS Headquarters was proud of the NDEC project as an example of using a new technique to solve a long-standing problem, that is clearing a huge “frontlog” of applications in a brief period of time. However, in the haste to complete this project and its focusing only on the “production” advantages this massive data-entry project would bring to naturalization processing, INS neglected to anticipate the ramifications such a project would have on the adjudication of these cases. Data-entering so many cases at once placed a considerable load on data systems that were already exhibiting considerable signs of strain and errors were made in the automated ordering of applicant files. Files that did not need to be ordered through the computer—specifically, the files that were already located in the Los Angeles District—were nonetheless ordered en masse, badly backlogging the Los Angeles Records Division.

By stripping and sending hundreds of thousands of fingerprint cards to the FBI in a matter of weeks, NDEC project managers believed they might have a negative impact on the FBI’s ability to timely process such cards, yet no one addressed the matter with the FBI. As discussed at length in our chapter about INS’ criminal history checking procedures, below, INS presumed that

the FBI could process fingerprint cards and return any resulting criminal history reports within 60 days. Despite this policy and INS' acknowledgement that NDEC might have an impact on the FBI's ability to complete its check within the 60-day window, no one at NDEC monitored the length of time it was actually taking FBI to process these applicants' fingerprints.

As discussed in our chapter on criminal history checking procedures, INS required applicants to not only undergo the fingerprint check, but also the "bio-check," which was a search of FBI and CIA databases based on the applicant's biographical data for information concerning federal investigations, terrorist activities, and foreign arrests. The focus on production that characterized the implementation of NDEC also had a negative impact on INS' bio-check processing.

INS submitted bio-check requests to the FBI by providing FBI with a computer tape containing the identifying information of naturalization applicants.²⁵ That tape was created by NACS after the applicant's name and other information was data-entered. A sudden increase in the number of cases data-entered meant a corresponding increase in the number of names captured on tape for the purpose of bio-checks.

In January 1996, INS learned that the FBI had not been able to process hundreds of thousands of bio-check requests INS had generated in the autumn of 1995. The FBI was unable to process these requests because the NACS tapes provided contained too much data to be compatible with FBI's automated systems. The NACS tapes had grown too large because of the massive data-entry at NDEC that generated so many applicant names in so short a time-span. INS' failure to plan for this ramification of the NDEC project contributed to INS' failure to conduct bio-checks for hundreds of thousands of naturalization applicants before they naturalized during fiscal year 1996.

INS also used NDEC to clear the Miami District's frontlog of approximately 50,000 applications for naturalization. After data-entry into CLAIMS, the applications were returned to the Miami District for adjudication. However, as explained in detail in our chapter on A-files, INS failed to realize that by data-entering the applications in the Los Angeles District, NACS would automatically order the corresponding A-files from the Miami Records

²⁵ Bio-check requests for offices equipped with NACS were submitted electronically on tape. Non-NACS offices submitted bio-check requests manually using G-325A.

Division to the Los Angeles District. The Miami records staff, unaware of the reasons why tens of thousands of A-files were being requested by the Los Angeles District, pulled and shipped the requested files to southern California. A significant number of these files were not returned to Miami District in time for the applicants' interviews.²⁶

In short, the success of NDEC was that it began the processing of hundreds of thousands of naturalization applications that had sat untouched for months and, in some cases, years. The failure of the project, however, was that it resulted in a situation in which the applicant's permanent file and information on criminal history checks often were not available during the adjudication process.²⁷ This sacrificing of attention to quality adjudication in the name of processing speed characterized the year-long CUSA effort.

c. Direct Mail

Much like the NDEC project, the implementation of Direct Mail for N-400s is another illustration of a CUSA processing technique that, upon analysis, shows that INS emphasized increased production over other values, including processing integrity.

(1) Origins of Direct Mail

INS has four service centers that primarily process and adjudicate applications and petitions that do not require face-to-face interviews with applicants. Service centers have their roots in the Remote Adjudications Center (RAC) that was created in 1979 to help INS District Offices gain control of their backlogs by farming out applications to the RAC for processing and adjudication. After initial success, INS established RACs in each INS

²⁶ Because there was no reliable Service-wide method in place for noting whether final approval of a naturalization application was made on the basis of only a temporary file, we can only offer broad estimates here.

²⁷ A frontlog of Chicago District applications was also cleared using a strategy similar to that employed at NDEC. In August 1995, employees at INS Headquarters began data-entering the information from 40,000 Chicago District applications that had been submitted by Chicago-area CBOs. The project was called "Project Daylight." Though this project did not result in the mis-ordering of permanent files, it showed a similar disregard for the ramifications of ordering 40,000 permanent files or of sending 40,000 fingerprint cards to the FBI over a period of a few weeks.

region and renamed them “Regional Adjudication Centers.” In the first few years of their existence, RACs received applications from the District Offices. By 1986, INS found that the RACs were more efficient in processing cases than the District Offices and that delays were often caused by the District Office being unable to ship the applications to the RAC in a timely manner. INS then decided to have the public mail applications directly to the RACs. This program was called the Direct Mail program.

Around the same time, the Immigration Reform and Control Act of 1986 established the Legalization program that increased the population of permanent residents by millions and made those persons eligible for related benefits. To handle the huge increase in workload, INS created four Regional Processing Facilities (RPFs) to process legalization applications.

In 1990, INS merged the RACs and RPFs to create the four service centers that exist today: the California Service Center (CSC) in Laguna Niguel, California; the Nebraska Service Center (NSC) in Lincoln, Nebraska; the Texas Service Center (TSC) in Dallas, Texas; and the Vermont Service Center (VSC) in St. Albans, Vermont.

Each of the Service Centers is led by a Service Center Director who, during CUSA, reported directly to Michael Aytes in the Office of Examinations at INS Headquarters. Aytes was the Director of Service Center Operations and in February 1996, after a reorganization of the Office of Examinations, took over the expanded role of Assistant Commissioner for Immigration Benefits (“Benefits Division”). The Service Centers are staffed primarily by contract clerical employees who handle the data-entry and application processing, while the adjudicators are INS employees. In FY 1995, before the implementation of Direct Mail for naturalization applications, the Service Centers employed more than 1,700 INS and contractor staff and adjudicated 2.3 million applications.

(2) Direct Mail for N-400s

Expansion of Direct Mail to include N-400s was one of the Commissioner’s priorities for FY 1995 and was slated to be part of her major initiative to improve the naturalization process. However implementation of Direct Mail was postponed from its target date of April 1995 because of inadequate budgets and staffing in the Service Centers. According to an INS report issued at the time, the Service Centers were “in the middle of a severe crisis that ha[d] been building for a year” due to large decreases in personnel.

By July 1995, INS reported that it was no closer to implementing Direct Mail for N-400s, even though its first reprogramming request, which included more than 100 additional positions for the Service Centers, had been approved. Further delaying the transition was a formal dispute filed by the former contractor after INS had awarded the support services contract for the Service Centers to Labat-Anderson Incorporated (LAI).²⁸

A month later, in August 1995, the Commissioner committed INS to backlog reduction. At the same time, she began to characterize the implementation of Direct Mail for naturalization applications not as a Service-wide initiative, but rather as a backlog reduction tool that could benefit at least some of the Key Cities. She announced that Direct Mail for N-400s would be used to increase productivity in the Key Cities during CUSA.

Over the next few months, however, very little was done to prepare for the transition to Direct Mail, other than set a target date of January 1, 1996. By November, INS had still not formally announced the Direct Mail program nor completed the software necessary to process N-400s in the Service Centers. Expressing concern that INS and the public would not be prepared for Direct Mail, the Justice Management Division (JMD), in a review of the Service Centers, recommended in November 1995 that INS formally announce the Direct Mail program and that it issue a final implementation action plan.

Around the same time that JMD made these recommendations, INS changed the Service Center's role in naturalization processing from that previously contemplated, at the urging of the Los Angeles CUSA site coordinator for reasons that would benefit the Los Angeles program. After a meeting with Service Center Directors to discuss implementation of Direct Mail, INS decided that the Service Centers would not only data-enter the application, but would also be responsible for obtaining the corresponding A-file, filing responses to fingerprint checks, and maintaining the files until they were requested by the districts for interviews. This change significantly increased the amount of work that was required at the Service Centers to process the N-400s and necessitated substantial changes to the software that

²⁸ When LAI was awarded the contract, the Vermont Service Center was staffed exclusively by INS employees. While the dispute was in the process of being resolved, INS and the disputing contractor agreed that LAI employees could begin working at the VSC. Upon resolution of the dispute, LAI began implementing the contract service center-wide on January 1, 1996.

was then being developed for the Service Centers. As discussed in our chapter on A-files of this report, this new role for the Service Centers in the naturalization process actually worked to decrease the likelihood that an applicant's file would be available at the naturalization interview, a possibility not adequately considered by INS managers rushing to implement a program that was already behind schedule.

By early January 1996, INS had pushed the starting date for Direct Mail back to January 31, 1996, and began to rush to bring Direct Mail on-line in time for it to be useful to naturalization processing during CUSA. Although the regulations notifying the public about the change in filing of N-400s were published at the end of January, the software changes had not been completed, no written guidance had been provided to the Service Centers concerning processing N-400s, a new contractor had just taken over, and not all of the employees that had been authorized in June 1995 had been hired. Although the Service Centers began receiving applications on January 31, 1996, they were not able to begin processing the N-400s until a few weeks later in February. Although INS was eager to reap the benefits of implementing Direct Mail for the Key Cities, it failed to take the necessary steps to ensure that an adequate infrastructure to support Direct Mail was in place before the program was implemented.

Much like the NDEC project, INS touted Direct Mail as a reengineering initiative—a process improvement—but neither carefully planned nor piloted the program before implementing it. Consequently, the first year of Direct Mail for N-400s was characterized by a chaotic start-up period that included failures in transferring files to and from the district offices and by the halting implementation of new fingerprint processing procedures. The fact that INS chose to launch this new program in the midst of its busiest naturalization season reflects that it was the race to the production goal, more than the improved quality of that processing, that was motivating CUSA managers.

3. INS' partnerships with community-based organizations

The “partnership” prong of the CUSA plan combined several notions about the value of working with community-based organizations and grew out of Commissioner Meissner's commitment to promote naturalization. From the beginning of her tenure as Commissioner, Meissner viewed outside organizations as prospective allies in the advancement and promotion of naturalization. She believed that INS needed to pursue cooperative agreements

with CBOs to assist in reaching out to the public as well as to provide language and Civics instruction and assist eligible persons to apply for naturalization. Her philosophy of greater community involvement in the naturalization process was consistent with federal regulations encouraging INS' promotion of the "opportunities and responsibilities of United States citizenship," and its cooperation with "appropriate community groups, private voluntary agencies, and other relevant organizations."

In addition, by the spring of 1995, INS viewed partnerships with community organizations as a method of streamlining the naturalization process and increasing productivity.²⁹ Such organizations could assist applicants seeking information about naturalization through the swearing-in ceremony, and could provide assistance that would otherwise have to be provided by INS employees. According to the PRC report, such assistance from CBOs was "expected to greatly reduce the number of incomplete, erroneous, and ineligible applications [sic] received by as much as 10%."

For several years before CUSA, CBOs had praised INS for its efforts to interview applicants at sites in the community in addition to INS offices. For example, the Chicago District began an "off-site" or "outreach" interviewing program in the early 1990s. INS found that applicants were more at ease in the familiar community setting and, accordingly, the interviews often went more smoothly and more accurately reflected the applicants' English abilities and their knowledge of Civics. The Los Angeles District initiated an off-site interviewing program in 1994, and, because of the efforts of the participating CBO, those applicants' paperwork and the applicants themselves were better prepared for the naturalization interview. In addition, fewer applicants failed to appear for their scheduled interview appointments. Accordingly, the expansion of off-site interviewing was incorporated within INS' idea that partnerships with CBOs should be promoted during CUSA. For example, when Commissioner Meissner announced CUSA at the end of August 1995, she promised that the Los Angeles District would "double the number of interviews done at community sites."

As INS recognized, expanding the concept of "partnerships" would require direction and control. The PRC report had acknowledged that greater

²⁹ As noted earlier in this chapter, INS' FY 95 priorities also included "reach[ing] out [to] involve diverse civic, community and ethnic organizations to cooperate with field offices to actively promote naturalization."

reliance on “external service providers” and on non-traditional interviewing techniques ran the risk of being perceived as compromising integrity. Thus, the CUSA “Priority Implementation Plan” called not only for the expansion of partnerships and off-site interviews, but also for the development and implementation of “a regulatory system” to ensure that INS partners were “qualified service providers” and of “guidelines for use by districts in creating and managing effective partnerships with community organizations.”

During CUSA, we found that INS focused on building relationships with a number of community organizations and rapidly expanded its off-site interviewing program. As discussed in our chapter on interviews and adjudications during CUSA, the off-site interviewing program was encouraged because it pleased INS’ partners and because it increased the number of naturalization completions in those districts, thereby moving INS closer to reaching its CUSA production goals.³⁰ However, INS failed to issue any guidance to the Field concerning off-site processing or other aspects of forging partnerships with CBOs. The regulatory scheme called for in the priority implementation plan never materialized. As a result, districts developed their own community outreach procedures on an *ad hoc* basis, and some were more vigilant than others about processing integrity concerns.

In addition to questions about the effect of INS’ cooperation with CBOs on adjudications, Members of Congress raised concerns about the political motives of such partnerships. Allegations that CUSA was a politically driven program designed to create large numbers of potential new voters prior to the 1996 election were not limited to concerns about the White House’s influence on the program or compromised naturalization standards. Members of Congress alleged that there were affirmative efforts by INS to increase the number of persons who applied for citizenship by forming partnerships with

³⁰ At the September 24, 1996, hearing before the Subcommittee on National Security, International Affairs, and Criminal Justice of the House Committee on Government Reform and Oversight, witnesses from the Chicago District made allegations concerning inappropriate pressure placed on adjudicators at off-site interviews. We found that these allegations were supported by the evidence, and discuss this issue in detail in the next chapter. In addition, Congressman Mark Souder alleged at the September hearing that the encouragement of off-site interviewing actually may have exacerbated INS’ naturalization backlog. Our investigation confirmed that, at least in Los Angeles District during CUSA, the uncontrolled growth of the off-site interview program worked counter to INS’ efforts to reduce its backlog of pending naturalization applications.

community organizations and, more generally, by integrating voter registration efforts into the naturalization process to an unprecedented degree.

As to the latter issue, we found that increased voter registration was a goal shared by a number of CBOs, and that the CBOs took advantage of INS' enhanced naturalization efforts and huge naturalization ceremonies to register a large number of new voters. With respect to INS itself, however, despite several documents provided to Congress during the hearings in late 1996 that suggested the opposite conclusion, we found INS' involvement in actual voter registration efforts during CUSA did not deviate in any meaningful way from its limited historical efforts. We also found that INS' "partnerships" with community organizations during CUSA did not reflect partisan political motives. However, the absence of guidance about the breadth, limits, or risks of partnerships allowed perceptions inside INS to grow that INS shared the political agenda of the service providers with whom INS was cooperating.

C. Production pressures during CUSA

INS officials had acknowledged from the earliest backlog reduction discussions that attaining CUSA's goal was ambitious. The notion of eliminating the naturalization backlog within one year was always optimistic, and was dependent on the timely attainment of many interim milestones. However, reaching the CUSA goal became even more difficult as time went by and INS failed to complete the intermediate tasks on which the success of the ambitious plan rested.

INS was not alone in growing concerned about the delays in the implementation of CUSA. The delays set the stage in March 1996 for involvement from the Vice President's National Performance Review, who offered INS advice and assistance in reaching the previously-set goals. INS' own commitment to the program coupled with the outside attention the program was receiving contributed to INS' adherence to its goal to complete approximately 1.2 million naturalization cases by the end of fiscal year 1996, despite its failure to timely execute necessary intermediate tasks. "Backlog reduction" was more frequently expressed in specific numerical terms as INS increased its emphasis on reaching targeted levels of production. It was this drive toward a production goal without paying sufficient attention to the corners cut in adjudication quality that we refer to in this report as the "production pressure" of CUSA.

In the discussion that follows, we trace the evolution of the CUSA project to show how transformation of the goal of becoming “current” into a numerical target, and the steadfast adherence to that production goal despite repeated implementation delays, created a high-pressure environment for naturalization adjudications. This rushed and pressured approach to naturalization, combined with the type of training, INS’ automated systems, and other strategies marshaled for the program, illustrates the flawed nature of the CUSA program that we detail in subsequent chapters of this report.

1. The original goal and the delays in implementation

As discussed above, participants at the early backlog reduction meetings in Washington, D.C., on July 19 and 20, 1995, were asked to consider what it would take for naturalization processing in the large INS districts (New York, San Francisco, and Los Angeles) to become “current” within one year. “Currency” meant that a case took no longer than six months from the time the application was filed until the date of naturalization. As a rule of thumb, INS allowed for two months’ processing time between the date on which an applicant was interviewed and the date of naturalization, so “currency” was also characterized as reducing the waiting time between filing and the date of the interview to four months. The first written backlog reduction implementation plan, dated July 28, 1995, stated the goal in these terms. This plan envisioned that all applicants who had filed in the preceding four months or more would be targeted for interview by the end of June 1996. This would allow time for these cases to be completed (including the administration of the oath and closing the case administratively) by the end of the fiscal year.

By the time Commissioner Meissner announced the CUSA program in August 1995, the goal had not become more specific and the deadline was not articulated as a date certain. Commissioner Meissner stated that CUSA’s goal was to be achieved by “summer 1996.” By November, however, “currency” was not just expressed in processing time averages (four months from filing to interview and six months from filing to naturalization), but it was also translated into a numerical production goal: INS intended to complete 1,295,000 naturalization applications in one year.

The primary component of the backlog reduction plan was to increase the number of adjudicators and locations where naturalization interviews could take place. To achieve CUSA’s ambitious goal, INS Headquarters officials

assumed that the new hires would be productive, new sites would be open, and Direct Mail would be underway as of January 1, 1996.³¹

Throughout the autumn of 1995, however, INS made only modest steps toward achieving the goals of CUSA. It completed the data-entry project at Laguna Niguel and opened one new CUSA interviewing office in Los Angeles. Detailees were sent to work in New York, Los Angeles, and Miami. A contract for supplemental clerical staffing that INS had anticipated in the June 1995 reprogramming as the answer to the records burdens in Miami, Los Angeles, and Chicago, however, was not signed until the end of October. As discussed in the next chapter, new regulations concerning off-site testing entities had not yet been formulated. The original CUSA implementation plan had called for “a standard for determining spoken English” to be completed by November 15, 1995, but no standardized instruction had been issued as of the beginning of 1996.

Even more fundamentally, the primary component of the plan—hiring additional adjudicators—was badly lagging. In order to achieve the CUSA goal, the permanent adjudicators funded by the June 1995 reprogramming were expected to enter on duty by December 1995, and the temporary adjudicators funded by the second reprogramming were expected to be productive as of January 1996. By the end of December, many of these permanent staff were still not on duty. The second reprogramming request had only recently been submitted (on November 13, 1995) and was not yet approved. None of the temporary adjudicators, the heart of the backlog reduction effort, would enter on duty by the January 1 deadline.

In an attempt to energize the Field managers and CUSA site coordinators, Commissioner Meissner, Deputy Commissioner Sale, and other Headquarters officials renewed their commitment to the CUSA program at a week-long meeting held in Washington the week of December 11, 1995. The meeting was originally envisioned as a kick-off meeting and training session in response to designation of CUSA as a Justice Performance Review (JPR)

³¹ The final CUSA implementation plan called for the transition to Direct Mail for four Key City Districts by January 31, 1996. However, as discussed below, the service centers were not ready to process applications until the end of February or the beginning of March 1996.

Reinvention Laboratory.³² CUSA site coordinators, Assistant District Directors for Adjudications/Examinations, and other supervisors from the CUSA sites, regional representatives, 20 members of the Headquarters staff, and representatives from the Justice Performance Review attended this meeting.

Although the participants attended training sessions geared toward improving team-building and problem-solving skills, discussions also centered on the Field managers' skepticism about whether the goals of CUSA could be achieved. In assuring the Field that INS Headquarters was committed to doing what was necessary to make CUSA succeed, Deputy Commissioner Sale and other program managers discussed, among other things, resources that would be provided and steps that would be taken to ensure that necessary tools in the control of other INS divisions would be made available (like A-files, which were under control of the records division).

On January 16, 1996, Congress formally approved INS' second reprogramming request. Harold Rogers, Chairman of the Subcommittee on the Departments of Commerce, Justice and State, the Judiciary and Related Agencies of the House of Representatives Committee on Appropriations, noted that the reprogramming was approved with the understanding that armed with the additional resources INS intended to reduce the naturalization backlog so that "by mid-summer," eligible persons would become citizens within six months after applying. The goal that had been articulated in INS' July 1995 planning sessions had now become incorporated into the agreement INS struck with Congress, even though few of the prerequisite steps had been timely taken.

2. Adherence to the goal despite difficulties in reaching it

By the time the second reprogramming request was approved, Headquarters officials, like the Field representatives at the December meeting, were concerned about INS' ability to reach the CUSA goal. INS Headquarters began to monitor the Field's progress in getting staff on board and meeting production goals in weekly conference calls with district and CUSA site

³² JPR was the group within the Department's Justice Management Division that coordinated Department projects that had been designated by the Deputy Attorney General to receive assistance in connection with "reinventing" or "reengineering" programs or offices. These special projects were known as "reinvention laboratories."

coordinators. In addition, at the request of Executive Associate Commissioner Aleinikoff, Acting Assistant Commissioner Michael Aytes of the Benefits Division submitted a report dated February 2, 1996, reviewing “the state of production” and describing where INS stood in relation to the “priority goals.” Aytes noted that the data “suggested [INS was] falling further behind instead of catching up.” Naturalization receipts in the first quarter were only slightly above (by 2.7 percent) the projections INS had made,³³ but 94 percent of its cases were not current. Processing time for a naturalization case had improved since the end of fiscal year 1995, but was still reported as 420 days at the end of the first quarter of fiscal year 1996.³⁴

Aytes reiterated in his February 2 report that the priority goal for naturalization was to achieve a Service-wide processing time of six months by the end of fiscal year 1996. While this was essentially the same target that had been articulated in July 1995, it changed the focus from the point at which *interviews* were completed to the point at which the applicant was, in fact, *naturalized*. Whether intentional or not, the re-characterization of the goal

³³ One month later, Aytes reported that naturalization receipts in the first quarter had actually been ten percent *below* projected levels.

³⁴ Since the original CUSA implementation plan, INS had determined that it would calculate processing time by “taking the number of N-400 applications pending at the end of a month, divided by the projected monthly average rate of completions for the next six months. The result of this calculation [would] be the number of months of projected processing time.” As of Aytes’ February 2 memorandum to Aleinikoff, INS also had the ability to report the number of cases that were “not current,” or which were not being processed within six months. This method of keeping track of naturalization processing was not used in later CUSA reports, and was deleted from a March 1 version of the same memorandum from Aytes to Aleinikoff. The primary difference in the two accounting methods is that the “processing time” calculation changed depending on the rate of completions *regardless* of how long those completed applications had been pending. The “receipts not current” calculation reported on the actual numbers of pending cases that had not been timely processed. If a new application was received and timely processed, it would help reduce the “processing time” formula, but it would not improve the “receipts not current” calculation. We found evidence that the characterization of the goal was intentionally changed during CUSA. According to e-mail messages, INS Headquarters wanted to emphasize backlog reduction early in the program, but later wanted to emphasize the number of naturalizations completed because of concern that a steep growth in the number of applications filed would prevent INS from reaching the ideal processing time. See our next chapter on interviews and adjudications for a discussion of the effect of the emphasis on “production” as opposed to “backlog reduction.”

from the moment when necessary interviews were completed (the July 1995 characterization) to the moment when the applicant was sworn in was an acknowledgement of the delays and a mechanism for making up for lost time. Although applicants who had applied at the end of February may not be interviewed by the end of June as the original formulation intended, they would, INS hoped, be sworn in by the end of the year. INS would make up for time lost during the early month of the CUSA program with a massive final months' effort that would include more interviews and ceremonies.

Aytes told Aleinikoff that the 6-month goal could be reached, but it would be "an extreme challenge." He wrote that INS needed "to look at the priority in terms of production goals," and from that perspective INS needed to complete 1.279 million cases, or "115,000 cases per month for the rest of the year." He emphasized that February and March 1996 would be critical months during which naturalization productivity had to "match and exceed the forecasted level of receipts." This was a problem, Aytes observed, because even assuming no further delays in bringing aboard the 298 new, temporary employees funded by the second reprogramming,³⁵ at full capacity INS would be capable of producing only 100,000 naturalization cases per month, this disparity generated a need to increase personnel productivity by continuing to "re-engineer how we do business." Among the reengineering concepts highlighted by Aytes were "involving community organizations in a range of activities" and "replacing the generic one-size fits all interview with customized interview formats and other features emulating the primary/secondary process used in airport inspections."³⁶ Prior to CUSA, "reengineering" techniques had only been suggested as a way of increasing productivity; by early 1996, however, these innovative and untested approaches became crucial to INS' effort to meet its production goals.

INS' problem continued to grow worse as INS did not realize its goals in the "critical months" of February and March 1996. February saw another shortfall, achieving less than 60 percent of the necessary 115,000 completions.

³⁵ As discussed earlier, INS sought and received approval to hire 248 temporary officers and 26 temporary clerks, which totals 274 employees. The additional 24 positions approved in the January 1996 reprogramming were temporary supervisors.

³⁶ This primary/secondary interviewing format was adopted at the CUSA site in El Monte, California (Los Angeles District). For a discussion of El Monte's practices, see our chapter on interviews and adjudications.

As a result, as Aytes wrote in March, the number of completions required per month for the remainder of the year increased from 115,000 to “about 140,000.”³⁷

In a joint memorandum dated March 1 from the Benefits Division (by Acting Assistant Commissioner Aytes) and the Office of Field Operations (signed by Andrea Quarantillo, Director of the Services Branch), the goal of CUSA was clearly articulated in terms of a production deadline. The Field was told that “N-400 cases received through March must be completed by the end of the fiscal year, with all ceremony and post-ceremony actions completed.” With implicit recognition that February’s results had been disappointing, the memorandum closed by telling the Field that it was now March and April 1996, not February and March, that were “critical.”

However, additional personnel, infrastructure, and other interim measures were still not in place by the beginning of March. Only three additional CUSA offices, (Oakland, San Jose, and Miami) had opened for business by the end of February.³⁸ Few of the temporary DAOs had entered on duty. No new staff were yet on board from the records contract that had been signed in October. The service centers had begun to receive naturalization applications as of February 1 under Direct Mail, but were not ready to process the applications.

Despite the exhortation from Headquarters, March did not bring the needed progress. The largest CUSA offices—in Garden City, New York, and El Monte, California—were still not open. The March completions, although slightly higher than the previous month, were still less than 60 percent of the number deemed necessary. Consequently, the number of completions required per month for the remainder of the year increased even further.

3. NPR and the Expanded Naturalization Initiative

By now, however, the delays in CUSA had attracted attention from outside INS. David Rosenberg had accompanied NPR staff members on visits

³⁷ To put this in perspective, Aytes wrote, this meant that INS had to “complete each *month* during the last half of the year a volume of cases equal to that done in the last *quarter* of FY 95.”

³⁸ The San Jose CUSA site (San Francisco District) technically opened for business in February 1996, but because it had no new temporary officers on board it did not begin its work in earnest until April 1996.

to the Key City Districts. According to INS, these visits were a “tour and review” designed to answer the question, “is CUSA moving fast enough.” On March 22, 1996, NPR employee Douglas Farbrother met with Deputy Attorney General Jamie Gorelick, Deputy Commissioner Sale, and others to address this issue. Although Farbrother’s most aggressive ideas to increase productivity were rebuffed, the meeting prompted a reexamination of what steps INS could take to make the CUSA effort more successful.

This reexamination resulted in an “Expanded Naturalization Initiative.” The memorandum distributed to the Field describing the initiative noted that NPR staff members had learned that INS was suffering difficulties in “hiring, security clearances, facility limitations and constraints in both the budget and the adjudicative process.” The memorandum stated that additional resources would be devoted to CUSA. The Field was also advised that the Office of Programs at Headquarters was “reviewing suggestions made to streamline the natz [sic] process.” Advice about streamlining naturalization practices was subsequently issued to the Field in a May 1 memorandum from the Office of Programs entitled “Naturalization Process Changes,” whose provisions are discussed in detail in the report’s next chapter.

As part of the Expanded Naturalization Initiative, Headquarters advised the Field that it was going to authorize funds to the Key City Districts that would equal a 20 percent increase in their naturalization staff.³⁹ The districts were going to be able to spend the funds in “any manner they deem[ed] appropriate,” but they would have to agree that “any natz [sic] application filed by March 31, 1996, [was] completed and the applicant sworn in by the end of the fiscal year.” On Friday, March 22, 1996, staff in the Office of Field Operations contacted managers in each Key City District and requested that each submit detailed plans, by the following Monday, explaining how they would spend a 20 percent increase toward reaching the goals of CUSA. Each of the five Key City offices responded over the weekend with a memorandum detailing the steps that would be necessary if they were to complete the requisite number of cases by the September 30 deadline. The following week,

³⁹ According to the Assistant Commissioner for Budget, the funding source for the 20 percent increase was lapsed money from a previous appropriation. Lapsed funds are funds that remain unused at the end of the specific time period for which the funding was authorized.

INS approved the additional 20 percent funding, and the Districts were asked to submit their “expanded natz initiative” plans in writing to Headquarters.

The CUSA goal as stated in the Expanded Naturalization Initiative—that naturalization applications filed in the Key Cities by March 31, 1996, would be completed by September 30, 1996—was silent about whether those completed cases were cases approved or denied for naturalization. The point of the deadline was to ensure that applicants did not wait more than six months from filing until final decision on their application. However, little emphasis was placed on ensuring that the *same* cases that were pending by the end of March were those adjudicated by the end of September. The goal was simply expressed and understood in its shorthand version—that each district was expected to complete by September 30 a number of cases equal to the number it had pending at the end of March. Ultimately, this emphasis on numerical goals instead of backlog reduction shaped the districts’ approach to CUSA (see our discussion of CUSA’s encouragement of “approvals” of cases in the next chapter).

Some INS officials, including EAC Aleinikoff, asserted to Congress and to the OIG that INS had adjusted CUSA’s deadline from June to September 1996. However, as described above, the shift in focus from June to September was not, in fact, a reprieve that permitted the Field more time in which to meet the ambitious goals of the program.⁴⁰ The June 30 deadline had been a deadline for clearing the *interview* backlog, leaving the rest of the summer of 1996 to complete ceremonies and other post-interview processing and closing actions. The September 30 deadline, on the other hand, was the deadline for completing all ceremony and case-closing work. What this recharacterization meant to the Field was that *even though the Field would not be current with its interviews by June 30, it nevertheless had to be current in completions by September 30*. The Field had to not only increase and maintain a high rate of interviewing in the summer of 1996, it would also have to increase the rate of post-interview processing so that applicants granted at interview could be sworn in and have their cases closed out within 30 days.

⁴⁰ The OIG does not question EAC Aleinikoff’s sincerity when he made the assertion to Congress that INS extended the program deadline. The evidence indicates that his understanding of the change from a “June” to “September” deadline was incomplete and did not include recognition that the June deadline was for *interviews* while the September deadline was for *completions*.

The Key City Districts' responses to the Expanded Naturalization Initiative illustrated just how ambitious a goal it was. Even Chicago District, the Key City District with the smallest pending caseload, noted that to complete approximately 70,000 naturalization cases by the end of September, it would need 2 additional supervisory officers, 14 additional officers, 8 more clerks, including one supervisor, a secretary, and 6 staff to handle budget, procurement, and personnel issues. In addition, Chicago said that it would have to keep its interviewing offices open in the evenings and on Saturdays and Sundays.

The four other Key Cities also advised INS Headquarters that they would have to increase staff and expand interviewing hours. However, for the larger districts these increases alone would not be sufficient. San Francisco District said it intended to shift positions originally earmarked for the adjudication of adjustment of status applications to naturalization instead.⁴¹ Instead of targeting a "per officer" completion rate of 225 cases per month as had been used in the draft CUSA implementation plan, San Francisco was using a goal of 300 cases per month based on the extra hours the officers could work on overtime during expanded site hours. (ADDA David Still would later acknowledge to the OIG that 300 cases per month may have been an appropriate level for an experienced adjudicator, but that an estimate of 200 a month was more realistic for temporary adjudicators, even with the projected overtime.) Los Angeles and the Eastern Region (on behalf of Miami and New York), emphasized that infrastructure would also be crucial if these districts were to increase their capacity. Accordingly, they requested improvements in INS' information resources systems and that additional data-processing staff be made available to the district offices. As the Los Angeles response noted, "this project cannot survive and succeed with any interruption in automated

⁴¹ Using resources earmarked for the processing of applications for adjustment of status was inconsistent with the January 1996 reprogramming agreement INS had reached with Congress. Just before the Expanded Naturalization Initiative was distributed to the Field, Jeffrey Weber, the Assistant Commissioner for Budget, had advised the Deputy Commissioner that "any direction to the field regarding the processing of naturalization applications should include the same directives to expedite the processing of 245(i) applications [adjustment of status] as well." The advice was not followed. See our chapter "CUSA's Effects on Other Programs: Adjustments of Status in Fiscal Year 1996," below, for a discussion of CUSA's effect on INS' commitment to Congress to become current in the processing of adjustments of status applications.

processing.” This stepped-up case processing in a small window of time added stress to every other aspect of naturalization processing: on facilities, the supervisory staff, file maintenance and control, the scheduling staff and infrastructure, and on the many systems related to ceremony administration.

Some Key City managers cautioned Headquarters in their responses to the Expanded Naturalization Initiative. San Francisco pointed out that bringing staff on board took longer than Headquarters seemed to assume. By the end of March, only 10 of the 43 new, temporary officer positions allotted in January were on board. As ADDA David Still wrote in his response, “no amount of nagging” would bring the officers on board any more quickly. At the time of his response, he assumed that San Francisco could have its full staff on board by May. He also cautioned that the newly hired temporary adjudicator “require[d] more supervision than [San Francisco District had] been allotted,” and called for greater resources to be devoted to supervision.

No response was more blunt, however, than the “Regional Overview” of the Expanded Naturalization Initiative submitted by Eastern Region officials. Their response pointed out that, as of December 1995, INS had expected the CUSA facilities to be operational by the beginning of March 1996 or April 1 “at the latest.” As of the date of the Expanded Initiative, regional officials observed, the projected date of “full production” had not been met and the facilities were not going to “be up and running by April 1.” In addition, New York’s increased level of activity had already “crippled” the NACS computer system, thereby requiring District employees in Brooklyn to manually type each naturalization certificate. The Region’s memorandum ended by noting that “poor prior planning [should] not drive unrealistic expectations from the field offices to make up for those earlier mistakes.”

When Headquarters came through with the promised resources, however, and even suggested that more might be available if necessary, the Field understood that a new season had begun. The Deputy District Director in New York reported that she was “flabbergasted” that the resources were actually approved. In Los Angeles, the Deputy Assistant District Director for Adjudications (DADDA) told the OIG that as of March 1996 when INS Headquarters expressed the seriousness of its intentions by allocating additional funds, the goals of CUSA became Los Angeles’ commitment. In San Francisco, ADDA David Still told the OIG that his district had always complained about not having enough resources to do the job; now that INS had provided the resources, he wanted to ensure that his district performed.

And yet the delays continued. By May 14, 1996, only the New York District had its full complement of temporary staffing on board. Los Angeles had 88 percent on board, Miami 64 percent, and San Francisco and Chicago only 39 and 36 percent, respectively. San Francisco's CUSA site in Fresno did not open until June 1996. Furthermore, INS' automated systems did not work smoothly and required constant intervention both in the Field and by contractors and IRM staff at Headquarters. However, none of these delays resulted in any adjustment to the CUSA goal.

From the outset, CUSA missed interim deadline after interim deadline and the backlog continued to grow. Ultimately, CUSA's year-long backlog reduction initiative became compressed to a few months during which new personnel were expected to process cases as if they were experienced adjudicators, the support systems needed to deliver A-files or criminal history results in a timely manner were subjected to unprecedented stress, and field management was encouraged to "streamline" the process. Although INS officials maintained to the OIG that CUSA was primarily business as usual conducted by more personnel, the production pressure produced an environment that did not feel at all like business as usual to INS employees in the Field. Although most INS memoranda describing production statistics included language that the production increase had to be achieved while maintaining or increasing "the integrity of the process," INS Headquarters offered no further guidance to the Field about how to ensure that the new pace of naturalization did not result in problematic shortcuts. In fact, as discussed in subsequent chapters, Headquarters encouraged field managers to take a variety of shortcuts that had not been reviewed to evaluate their impact on the integrity of the process that the Expanded Initiative ostensibly sought to maintain.

4. The Field's reaction

a. Increased production

In the face of a clear directive from INS Headquarters to adjudicate all cases pending as of the end of March 1996 by the end of September 1996, district naturalization managers and CUSA site coordinators attempted to achieve the numerical goal. Once the majority of the temporary DAOs had been hired and trained, production began to skyrocket both because of the increase in the number of officers adjudicating cases and because of specific steps taken to enhance production such as scheduling DAOs to work six days a week, scheduling DAOs to work overtime each day, increasing the number of

cases assigned to DAOs on a daily basis, and scheduling large naturalization ceremonies more than once a week.

Between April 1996 and September 1996, INS adjudicated 916,129 cases, compared to 412,855 cases in the first six months of FY 1996 and 303,311 cases between April 1995 and September 1995. Production was at its peak in June, July, and August 1996, when INS adjudicated 527,279 cases. In many naturalization sites, this translated into as many as five times the number of interviews conducted per day during CUSA than before CUSA.⁴² This high volume of cases compounded the problems inherent in a process that had already been weakened by the implementation of Direct Mail, the use of an unreliable and outdated computer database, and inexperienced adjudicators and supervisors.

b. The perception of pressure in the Field

One of the factors that prompted allegations of political motivation was the perception that INS remained fixated on a deadline that coincided with the 1996 election, despite encountering problems that might logically have resulted in a relaxation of that deadline. INS Headquarters officials consistently denied that election considerations were responsible for INS' adherence to the September 30 deadline and, as noted earlier, the OIG concluded that INS did not develop and implement the CUSA initiative in an effort to influence the election. Although INS' Headquarters officials' decision to maintain the deadline was not linked to electoral concerns, they nevertheless failed to recognize the impact of that rigidity.

OIG investigators asked EAC Aleinikoff whether Headquarters was concerned that the pressure to meet the deadline would lead to compromises in procedures. Aleinikoff responded that there was little concern at Headquarters that maintenance of the CUSA goal would lead to such problems. "I don't remember when we came out with the six months that people said if you keep to the six month we will cut corners. I don't think anybody thought corners would be cut. I thought people—if they couldn't meet the goals, they wouldn't meet the goals." In essence, Aleinikoff viewed the deadline as self-adjusting. If the objective was realistic, the Field would attain it. If it was too ambitious,

⁴² In the Miami District for example, well over 1,100 interviews were conducted per day beginning in June 1996 whereas before CUSA Miami adjudicators conducted fewer than 200 interviews per day.

the Field would not. As he noted, “If the field doesn’t think that those are realistic goals, they let you know that.” Commissioner Meissner also believed that, notwithstanding the extremely ambitious goal she had set for the project, the absence of complaints from the Field equated to an absence of problems.

This view that the Field was in control of naturalization processing during CUSA and would resist overly aggressive goals was not validated by our investigation. The District Director of Chicago, for example, told the OIG that the operative paradigm during CUSA was not one in which the Field strove toward a target with the option of delaying its fulfillment if it proved too difficult. To the contrary, at the height of CUSA he said he found himself wondering, “why are we being pushed so hard.” His sense was that, from an early point in CUSA, the goal had been set and “it didn’t make any difference what the hell we said.”

The District Director in New York expressed concerns about CUSA to the OIG, including his view that it simply put more stress on a flawed system instead of fixing it. His view of CUSA was that it was “crazy” but that the District had to follow through. He was asked by OIG investigators, in light of his misgivings, whether he believed that he had the option of resisting CUSA. He explained that it didn’t work that way. “No, your options for resisting are limited. I mean if they wanted to, they could tell me that I’m a fantastic District Director and the position in Anchorage would be more challenging than the one in New York. As a senior executive, I could be moved at the whim or will of the Commissioner. So there really isn’t much resistance there.”

Similarly, the person who was in charge of the naturalization program for the Miami District told the OIG that she thought that CUSA was “absurd” and “preposterous.” In retrospect, she said she wished that they had stood up and told Headquarters that the initiative should not be undertaken in the manner it was. She noted that she had not expressed these sentiments at the time because the prevailing sentiment was that “if you don’t do it, you’re gone.”

Even those who may have felt more comfortable with the prospect of missing the deadline could not escape the pressure. The District Director of San Francisco advised the OIG that, although he recognized that CUSA was an important project, he did not recall being overly concerned about making or missing Headquarters’ deadline. Nevertheless, he said the project had established aggressive goals and “everybody was under a great deal of pressure to produce.”

We found another reason why INS did not consider extending the deadline related to the highly publicized nature of INS' commitment and the unprecedented amount of resources devoted to the task. As David Rosenberg told the Subcommittee on September 24, 1996, INS had announced "quite publicly" its ambitious goals, "we were running very far behind our schedule" about mid-way through CUSA and "it looked like we might be very embarrassed as an agency."⁴³ While Rosenberg's comments were intended to explain NPR's intervention in the CUSA initiative, they also acknowledged a factor that rendered the target something more than a motivational objective that could comfortably be disregarded by the Field if it proved too ambitious. The interest and involvement of the White House through NPR only increased the threat of "embarrassment" if INS failed.

Rosenberg also asserted to the Subcommittee that the CUSA effort had never intended to compromise quality but had always emphasized adherence to integrity. Although INS officials may not have intended CUSA to compromise the integrity of its naturalization process, the strategies employed for CUSA predictably had that result. As discussed below, the pressures of CUSA were imposed on a naturalization system that lacked adequate standards and guidelines. The result was a shift toward the path of least resistance and a concomitant lowering of standards.

⁴³ As previously discussed, this hearing was before the Subcommittee on National Security, International Affairs, and Criminal Justice of the Committee on Government Reform and Oversight.