



# Department of Justice

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STATEMENT OF

JANET RENO  
ATTORNEY GENERAL

BEFORE THE

COMMITTEE ON THE JUDICIARY  
UNITED STATES SENATE

CONCERNING

PROGRESS ON IMMIGRATION REFORM

PRESENTED ON

JUNE 15, 1994

Mr. Chairman and Members of the Senate Judiciary Committee:

Thank you for the opportunity to provide to the Committee a progress report on achievements, improvements, and developments in immigration policy and programs. I am pleased to be joined today by Doris Meissner, the Commissioner of the Immigration and Naturalization Service, and David Hobbs, Principal Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

Mr. Chairman, when I first appeared before this Committee some fifteen months ago, I stated this about immigration: "[E]verybody that has come before you has said the same thing: we want to make INS a priority. . . . If I don't make it a priority, if I don't focus on finding the very best Commissioner possible, if I don't try to allocate resources to make sure that it can get the job done, if I don't work with the committee in this effort, I want you to pick up the phone and call me, and I will be at your office immediately." Since that time, I have spoken and met with many of you on the particular challenges facing the Department and the Nation in the immigration field and I have travelled to the border and met INS personnel across the country. Working together, we have taken the important first steps towards stemming the tide of illegal immigration, ensuring greater accountability of Departmental and INS initiatives and activities, cooperating with state and local governments in areas with large numbers of new immigrants, and reinvigorating the "N" and "S" of "INS" -- naturalization and service -- as core and pivotal functions of the Agency. Today, we are beginning to see

the fruits of the Administration's balanced approach to this set of extraordinarily complex issues. As before, the continued cooperation and support from Congress and the American people remain indispensable to restoring order at our borders and the luster to the nation's proud immigrant heritage.

Simply stated, the Administration's immigration policy is to support legal immigration and prevent illegal immigration. We believe that a continued generous immigration policy is in our national interest and reflects core values we hold as a nation, i.e., uniting families and welcoming refugees. At the same time, President Clinton has pledged that this country will not surrender our borders and allow our traditions of compassion and justice to be undermined.

Since coming into office, this Administration has taken decisive action to overcome weaknesses in the administration of the immigration laws and to advance a policy agenda that provides responsible answers to today's immigration problems.

Thus, we have fought back to thwart international alien smuggling syndicates. We have proposed new regulations to overhaul a dysfunctional political asylum system. We have asserted leadership in forging partnerships with states in managing the burdens of criminal alien incarceration. We have proposed legislation to strengthen our hand where criminal prosecution and the need for expedited exclusion are concerned. We have made funding proposals to Congress that would provide cutting edge technology and needed personnel for border control.

We are winning international cooperation from countries as near as Mexico and as far away as China.

The initiatives we have proposed -- and that I will outline this afternoon -- make up a strong, workable, and balanced package that meets key immediate needs. In addition, as one of my first tasks as Attorney General, I set out to find the most knowledgeable, experienced and talented individual to head the Immigration and Naturalization Service. I was so pleased when the President nominated Doris Meissner to be Commissioner, an action that launched reform and strong management for the agency. Commissioner Meissner has gained the respect of the 19,000 INS staff members stationed worldwide, the trust of immigrant communities, the cooperation of this Committee, and the ear of the highest levels of this Administration.

In addition, as you all know, last December the President appointed former Congresswoman Barbara Jordan to chair the U.S. Commission on Immigration Reform, calling her "one of the most well respected people in America." Congress created the nine-member commission in 1990 to evaluate the impact of the recent changes in immigration policy and to recommend, by September 30 of this year and again by September 30, 1997, further changes that might be necessary. We are eagerly awaiting the Commission's first report and the chance to review its recommendations.

In the meantime, I am proud to describe for the Committee the steps this Administration has taken to strengthen enforcement

of our Nation's immigration laws and to facilitate legal immigration. On February 3rd, I announced with Commissioner Meissner a comprehensive and innovative five-point, two-year strategy to enhance the enforcement of our immigration laws. It rests on the belief that the time has come to reexamine old approaches and implement more effective enforcement strategies using the best combination of additional personnel, improved technology and streamlined procedures. Our plan includes five areas, each of which I will discuss: (1) strengthening border control, (2) removing criminal aliens, (3) reforming the asylum process, (4) improving employer sanctions enforcement and (5) promoting naturalization. Complete implementation of the first three initiatives -- on border control, removing criminal aliens, and asylum reform -- requires \$300 million from the Crime Control Fund for FY 1995. Without these funds, our ability to continue immigration reform will be severely threatened.

Strengthening border control. The best immigration enforcement prevents illegal entry from occurring in the first place. In El Paso, we have shown that changed enforcement tactics can significantly reduce illegal crossings. With the right mix of people, technology, deployment, barriers and equipment, we are committed to similar results in San Diego and elsewhere on the border.

In the last year, I have toured our southern border twice. Those trips showed me firsthand how critical it is to give INS the tools it needs to do its job. Building on our plans to add

350 new and 270 redeployed agents to the line in the next few months, principally in San Diego and El Paso, we propose using \$180 million in Crime Control Funds in FY 1995 to hire 150 new Border Patrol agents and redeploy 240 more agents to provide a visible presence at high-risk border areas to deter illegal entry. As we hire additional support staff to perform the administrative duties currently being performed by the agents, we will redeploy these agents back to the border. Forty newly trained agents already have begun work in San Diego.

By the end of FY 95, we will have added 1,010 agents to the line, thus stabilizing El Paso and bringing similar levels of control to San Diego, which together have historically accounted for 65 percent of border apprehensions. We also are planning to introduce effective mobile responses to changing illegal crossing patterns. Border enforcement is uniquely the role of the Federal government, and this Administration is demonstrating ingenuity and resolve in meeting its fundamental responsibilities in this arena.

In addition, we are providing the Border Patrol with technology enhancements such as new computer systems for documents and fingerprints that will help Border Patrol agents work smarter. Border Patrol agents will spend more time apprehending undocumented aliens and identifying repeat crossers. These and other enhancements will enable INS to obtain better intelligence, dismantle alien smuggling operations, and reduce illegal immigration.

We are watching carefully to see what effect our beefed up enforcement efforts in El Paso and San Diego already have on illegal entry patterns. If we conclude that illegal entries are shifting to other areas, we will assign resources to those areas to keep deterring illegal immigration. We will place the new agents we are able to hire as a result of the Crime Control Fund in the areas of greatest need in response to changing border crossing patterns.

INS estimates that the resident unauthorized immigrant population in the United States is approximately 3.8 million and growing at a rate of about 300,000 annually. About one-half of the unauthorized immigrant population initially entered as visitors, but did not leave. The remaining portion entered illegally across land borders. (Less than 50 percent of the unauthorized immigrant population are nationals of our border countries, Mexico and Canada.)

Therefore, focussing on the U.S.-Mexico border is less than half the battle. Our systems for issuing visas at consulates overseas and our inspection procedures for visitors entering the U.S. represent a complex blend of facilitating legitimate entry and detecting the potential for abuse of visas and travel access to this country. They too are a critical part of the challenge of strengthening border control which our funding proposals address.

Finally, in response to congressional mandate, INS is moving forward in recommending to me members for the Citizens Advisory

Panel (CAP), which will accept and review civilian complaints of abuse against employees of the INS. The CAP also will review procedures for responding to such complaints and recommend ways to eliminate the causes of legitimate complaints. Currently, INS is reviewing recommendations for panel members submitted by a wide variety of congressional and State officials, public interest groups, private individuals, and Federal officials.

Removing criminal aliens. Dramatic improvements in border enforcement must be buttressed by enforcement within the country.

As a nation of laws committed to civil rights protections for all Americans, including newly arrived legal residents and citizens, we must make important choices in carrying out immigration enforcement within the country. This Administration believes that concentrating on removing criminal aliens, building a timely asylum system, and prosecuting employers who hire unauthorized workers represent key focal points for reducing illegal immigration incentives.

Expediting the deportation of criminal aliens is a top Administration priority. Through the institutional hearing program (IHP), a cooperative effort among INS, the Executive Office for Immigration Review (EOIR), and various State and Federal correctional agencies, we initiate and complete deportation proceedings of convicted aliens while they are serving their prison sentences. The goal of the program is to ensure that criminal aliens are released to INS custody and immediately deported upon completion of their sentences. The



IHP, which currently operates in approximately 60 State prisons, two county jails, and six Federal facilities in 45 States in all regions of the country. Through the IHP and regular deportation hearings, we deported 22,217 criminals in FY 1993.

We propose using \$55 million in Crime Control Funds to expand the IHP. We will use these funds to develop the automated fingerprint system (AFIS) for positive identification of criminal aliens and to add 50 immigration judges; 25 Board of Immigration Appeals staff attorneys; and 211 investigators, attorneys, and related support staff positions.

We also are working with the State governments in California, New York, Florida, Texas and Illinois to improve IHP operations. For example, in New York, we began implementing a new IHP plan in April that is consolidating operations into three New York facilities. Investigators, trial attorneys, and immigration judges permanently will staff these facilities. The program already is a tremendous success -- after only one month of operation, immigration judges issued 100 final orders of deportation, compared to 373 in all of last year.

On April 7, Commissioner Meissner and Florida Governor Lawton Chiles entered into a Memorandum of Understanding under which the Governor will commute the sentences of up to 500 nonviolent criminal aliens upon completion of deportation hearings so that they may be deported immediately. In addition, the Office of Justice Programs awarded a \$90,000 grant to the National Criminal Justice Association to study State executive

clemency authority to expedite the deportation of criminal aliens in other States.

We will improve our processing of requests by law enforcement organizations on criminal aliens by utilizing state-of-the-art fingerprint technology to facilitate their identification. We will link this data to the FBI's NCIC 2000 system. Police officers currently use NCIC, the National Criminal Information Center, to make inquiries about individuals wanted for committing crimes. The Harris Corporation is building the NCIC 2000 system under a \$47 million contract with the FBI and the States. Under NCIC 2000, police officers will be able to send and receive images, such as fingerprints, and will not be limited to simple text inquiries relating to suspected criminals.

In present, we are on the verge of field testing the National Criminal Alien Tracking Center, which we have renamed the INS Law Enforcement Support Center. This program will be a powerful tool for identifying and processing suspected criminal aliens. The Center will be the single point of contact for law enforcement criminal alien queries, providing a uniform nationwide INS response to the law enforcement community. The Center will perform name checks against INS and NCIC databases, 24 hours a day, to help law enforcement agencies determine whether criminals arrested for aggravated felonies are aliens.

The initial field test of the program will be with the Phoenix, Arizona, police department. In addition, the Bureau of Justice Assistance will award grants of \$200,000 for each of the

five States with the highest population of criminal aliens -- California, Florida, Texas, Illinois and New York -- to ensure their coordination with the development of the center.

Finally, the Violent Gang Task Force has worked diligently with Federal and State law enforcement agencies to disrupt and dismantle alien gangs in the United States. Since 1993, 2,843 alien gang members have been arrested and over \$156 million worth of narcotics, and currency, firearms and other property valued at over \$8 million have been seized.

Reforming the asylum process. Our current asylum system represents the weakest link in the chain of challenges we face today. The system must be timely in accomplishing twin objectives: delivering protection for genuine refugees and denying the claims of those who are ineligible, lest delays become an invitation to misuse the system. Currently, neither of our objectives is being met as only one-third of asylum cases even reach the interview stage. The volume of asylum cases filed per year has increased from 56,000 in FY 1991 to over 144,000 in FY 1993. As of May 1, there were 150 asylum officers working on a backlog of 384,000 pending applications.

The asylum reform the Administration has proposed fulfills these twin needs. Our goals are to grant asylum to deserving applicants more expeditiously and identify and deter the filing of frivolous claims.

Proposed asylum regulations were published in the Federal Register for public comment on March 30. They will significantly

streamline the process -- and nearly double the productivity of specially trained asylum officers -- by having asylum officers immediately refer to immigration judges those asylum applicants who upon interview do not appear to merit asylum. (Currently, the asylum officers have to write time-consuming, detailed decisions when the asylum officer finds the applicant not entitled to asylum protection.) The comment period for the proposed regulations expired May 31, and we expect to publish a final rule by August 1 with an effective date of October 1.

Our proposed regulations fulfill this Nation's historic commitment to protect legitimate refugees fleeing persecution while deterring those who abuse the system. The new procedures would decouple work authorization from the asylum application process. With no work authorization for the first 180 days of asylum processing, the incentive to file unsubstantiated claims largely will be reduced. To cover some of the costs of case processing, we have proposed establishing a \$130 fee for each asylum claim, which fee could be waived in cases of economic hardship.

Already, INS is making better use of its existing asylum officers and increasing application completions. Greater coordination with EOIR is ensuring that orders to show cause (OSCs) for denied asylum applicants are filed promptly with immigration judges. Under a pilot project in Chicago, INS sends the OSCs to denied applicants along with their denial letters. The OSC includes a specific date on which the denied applicant

must appear for a deportation hearing. If the applicant does not appear for the deportation hearing, the immigration judge may issue a deportation order in absentia.

In addition, we propose using \$64 million in Crime Control Funds to double the size of the asylum officer corps from 150 to 300 officers. INS has begun hiring new asylum officers and is prepared to begin their training in late summer, so that the new system can become operational on October 1 if funds have been appropriated. In addition, we plan to hire 50 additional immigration judges and about 50 more INS trial attorneys.

When our new procedures are fully in place, we expect to be able to reduce application processing times from the current 18-24 months to no more than six months. Bona fide asylum applicants will be approved faster; asylum abusers will be denied sooner, and those not otherwise in the United States legally will be deported. Achieving that goal will mean that only approved asylum applicants -- not pending applicants not yet proven to be eligible -- will be able to work in the United States. The work permit magnet of asylum will be eliminated, and fraudulent claims will drop significantly.

Finally, INS is actively pursuing 14 large-scale asylum fraud cases, the majority of which are pending grand jury proceedings. In March, the INS Newark office completed a nine-month investigation which resulted in the arrest of two asylum fraud facilitators who were charging clients between \$700 and \$1,100 for employment authorization documents obtained by filing

fraudulent asylum applications. This investigation produced significant press coverage in New York and New Jersey, which we hope will reduce the fraudulent filings. INS expects additional grand jury indictments for asylum fraud this summer.

While I am on the topic of asylum, I will mention that we have been intensively engaged in implementation of the President's recently-announced policy towards Haitian migrants intercepted at sea by the Coast Guard. At the end of May, 99 experienced asylum officers attended a week-long training conference in San Antonio, Texas, to prepare them to process claims for refugee status by Haitian migrants. This week, 70 immigration officers and attorneys will begin adjudicating Haitians refugee claims on a U.S. Navy hospital ship anchored in the harbor of Kingston, Jamaica. In addition, we will train 100 more officers in July to ensure that adequate staff is fully prepared to handle this important task.

Improving employer sanctions enforcement. Although the current illegal immigration debate has become preoccupied with a furor of charges about the costs of social services, the lure of jobs remains the single most compelling incentive for illegal immigration. And concentrating enforcement on those who employ illegal workers is the best way to counteract the "pull" forces within the country that encourage illegal immigration.

Prohibiting the employment of those here illegally has proven more intractable than it would seem. The 1986 employer sanctions law has not worked as well as hoped because

undocumented workers can obtain forged documents relatively easily. At the same time, some employers appear to discriminate against "foreign" applicants who are legally here, because they fear employer penalties.

Aided by the deliberations of the Commission on Immigration Reform, the Administration is interested in crafting solutions to this problem. We have begun by including a budget request of \$38 million that will help reduce the magnet of illegal job opportunities by, among other things, targeting high-risk industries and aggressively pursuing sanctions against employers who repeatedly hire unauthorized workers. During FY 1993, INS "employers sanctions" agents arrested 11,989 individuals, up from about 11,400 the previous year.

We plan to publish a final rule this summer reducing the number of acceptable documents for employment authorization verification from 29 to 13. In FY 1995, INS will add 249 investigators and 20 attorneys to identify and prosecute counterfeiters and employers who repeatedly hire unauthorized workers. It also will incorporate fingerprint data into work authorization documents, thus improving document security and laying the basis for expanding our capability to verify work eligibility electronically.

We are excited about the potential of the telephone verification system (TVS) to aid employers in verifying work authorization. INS completed the first phase of the TVS demonstration pilot in March, 1993. During the pilot, nine large

employers participated in the program to verify work eligibility of job applicants. Patterned after common credit card systems, a "point-of-sale" (POS) telephone gives employers access to the Alien Status Verification Index (ASVI) database for alien employment eligibility data.

At the end of the first phase, each employer who participated indicated that the TVS process overall was beneficial and stated that they even would be willing to pay for the service. INS now is prepared to expand the project to include 500 additional employers in FY 1995.

Protecting Civil Rights. Employer sanctions are no reason to discriminate against people who are in the United States legally, many of whom are native born U.S. citizens. We must see to it that all employers fulfill their obligations fairly and responsibly. Earlier this year I approved an internal reorganization placing the Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) within the Civil Rights Division. This change manifests OSC's civil rights mission and will strengthen enforcement of the Immigration Reform and Control Act's (IRCA) prohibition against discrimination in employment based on national origin.

While OSC will continue to educate employers and job seekers about the requirements of IRCA through grants and outreach efforts, it will remain serious about its enforcement responsibilities. The assessment of civil penalties, where appropriate, will continue to be an important enforcement tool.



OSC also is considering more effective and efficient enforcement strategies. To ensure the success of OSC's mission, we are seeking an additional \$5 million in appropriations for the Office's outreach and enforcement activities for FY 1995.

By reducing the number and improving the security of INS-issued documents for non-citizens, by using automation to help employers comply, and by strengthening anti-discrimination machinery, our program addresses critical areas of concern in employer sanctions enforcement.

Promoting the naturalization of legal immigrants. As we close the back door of illegal immigration, it is critical to remember that through the front door of legal immigration walk talented, industrious newcomers who want to participate fully in the life of their adopted land. We want to be certain that those eligible for citizenship are fully informed of its importance and attendant requirements, and we want to streamline INS processes to handle increasing numbers of citizenship requests efficiently.

Our \$30 million budget request will provide sufficient personnel to adjudicate the increased number of applications for naturalization and break the cycle of growing backlogs. In the other important half of this initiative, INS will enter into cooperative agreements with voluntary agencies to: (1) conduct public education programs on eligibility requirements and naturalization application procedures and (2) assist legal permanent residents to prepare applications. INS also will

establish a hotline for the public on naturalization requirements and other information.

Already, INS is meeting with various community groups and organizations to discuss ways to increase their involvement with the naturalization program. These volunteer groups conduct numerous successful outreach activities throughout the country now. For example, Chicago has a very successful program involving voluntary organizations that help about 1,000 naturalization applicants prepare their applications each month.

Reimbursement of States. Beyond the critical appropriations from the Crime Control Fund and in the regular FY 1995 budget request, there is an additional budgetary proposal that, when approved by Congress, will represent a significant enhancement of our efforts to have States and the Federal government working together on immigration, rather than pointing fingers at one another. When Congress passed the Immigration Reform and Control Act of 1986, an important, but never funded, provision directed the Attorney General to reimburse States for their costs to incarcerate undocumented criminal aliens..

For eight years, no Administration sought to fund this provision, and no Congress appropriated a dime to reimburse the States for their growing costs in this area. This past April, however, the President sent to Congress an FY 95 budget amendment to establish a \$350 million State Criminal Alien Assistance Program within the Department of Justice. We consider this yet another first step for the Federal government to play it straight

with State governments which have large numbers of incarcerated undocumented aliens in their prison populations. From my years as a local prosecutor in the State of Florida, I know this is sorely needed.

There is considerable debate and discussion about how much States currently spend on illegal immigrants, so the Department has contracted with the Urban Institute to study the issue and propose an appropriate methodology to ascertain what the States' costs are. I understand the Institute's report is now near its final stages. The Administration will make available to Congress these findings when they are published.

The State Criminal Alien Assistance Program is a clear example of this Administration's commitment to form a partnership with States to improve our immigration programs and to relieve the States of some unwarranted costs. It is an important part of our comprehensive criminal alien strategy which also includes the Institutional Hearing Program and other initiatives I have discussed earlier in my statement.

Prisoner Transfer Treaties. Not only does this Administration support Federal reimbursement for part of the States' costs of criminal alien incarceration, but we have worked to expand the international prisoner transfer treaty program. Over 30 countries and nationalities now are parties to prisoner transfer treaties with the United States. Under those treaties, prisoners convicted of crimes in foreign countries may serve their sentences in their home nations. The offender's transfer

is voluntary and is subject to the approval of both the sending and receiving countries. Currently, 35 States have laws that enable them to enter into proceedings to allow a foreign prisoner to return home.

Last October I met with former Mexican Attorney General Jorge Carpizo, who agreed to accept this year the voluntary transfer of up to 800 Mexican nationals currently serving time in U.S. prisons. From December 29, 1993, to the present, we have transferred 239 Mexican criminals back to Mexico, the largest number of prisoners ever to be voluntarily returned to the custody of the Mexican government.

Alien Smuggling. This Administration also has devoted significant attention to deterring alien smuggling and prosecuting smugglers, and our efforts have begun to produce notable results. Last summer, President Clinton announced a broad-based effort to deal with alien smuggling and abuse of the asylum system. In July, he transmitted legislation to Congress that included important provisions to increase criminal penalties for alien smuggling, expand forfeiture authority for alien smuggling, permit wiretap authority for alien smuggling investigations, and authorize the use of the RICO statute to pursue alien smuggling organizations. We continue to work for enactment of these provisions, which will provide us with important tools in our continued fight against smuggling. Commissioner Meissner will update you on the details of our efforts to date.

Legal Immigration. We must be clear when we are addressing the subject of immigration. One can easily get caught up in the numbers, the categories and the visa applications and forget that behind all of these are people -- people who will enter the United States as our forebears did and contribute to our communities and our economy. Behind the numbers are families seeking to be reunified and workers seeking new opportunities in jobs the Department of Labor has certified cannot be filled by local U.S. workers. While we tend to focus upon the costs of immigration, it is equally true that immigrants create jobs. In the part of the country where I come from, and where Senators Simon and Moseley-Braun come from, and in many parts of the State represented by Senator Feinstein, new immigrants have restored whole communities and neighborhoods.

One of the greatest challenges we face in the debate over immigration is to protect legal immigrants from paying for the sins of the illegal immigrants. Our number one priority is for our immigration policy to serve the national interest. It does not serve the national interest to cut back on the admission of legal immigrants, many of whom have waited for years to be reunited with close family members, because of a concern over illegal immigrants. The mission to bring down the number of illegal immigrants should not be confused with the very different process of keeping out legal immigrants.

What I have outlined represents a strong record of progress and accomplishment. It demonstrates that there are solutions if

we are serious about illegal immigration and if we are committed to fair play in furtherance of our immigration heritage. At the same time, this is work-in-progress. The issue of the global movement of people is one of the emerging challenges of our time and the Administration is working systematically to shape solutions adequate to the task and build the administrative capacity to manage migration pressures effectively.

As I mentioned earlier, the President has appointed one of our most distinguished Americans, Barbara Jordan, to chair Congress' Commission on Immigration Reform. We are working cooperatively with the Commission and believe Congress should await its report and carefully evaluate its recommendations before enacting basic changes to our immigration law. Following the Commission's report, you have my pledge to work closely with you to develop measured and appropriate legislative, regulatory and other responses.