United States General Accounting Office

GAO

Report to Congressional Committees

May 2000

ALIEN SMUGGLING

Management and Operational Improvements Needed to Address Growing Problem

GAO

Accountability * Integrity * Reliability

GAO/GGD-00-103

United States General Accounting Office
Washington, D.C. 20548

General Government Division

B-283952

May 1, 2000

The Honorable Orrin G. Hatch
Chairman
The Honorable Patrick J. Leahy
Ranking Minority Member
Committee on the Judiciary
United States Senate

The Honorable Henry J. Hyde
Chairman
The Honorable John Conyers, Jr.
Ranking Minority Member
Committee on the Judiciary
House of Representatives

Alien smuggling is a significant and growing problem. Although it is likely that most smuggled aliens are brought into the United States to pursue employment opportunities, some are smuggled as part of a criminal or terrorist enterprise that can pose a serious threat to U.S. national security. According to the Immigration and Naturalization Service (INS), smugglers collectively may earn several billion dollars per year bringing illegal aliens across our borders.

Over the past 6 fiscal years, INS has experienced unprecedented increases in personnel and other resources to implement the Attorney General's strategy to deter and disrupt the entry of illegal aliens into the United States. This is our fourth[1] in a series of mandated[2] reports on the implementation of that strategy. As agreed with your Committees, this report assesses the strategy's objective that is related to combating alien smuggling. Specifically, this report addresses the following:

[1] We have issued three previous reports in response to this mandate: Illegal Immigration: Southwest Border Strategy Results Inconclusive; More Evaluation Needed (GAO/GGD-98-21, Dec. 11, 1997); Illegal Aliens: Significant Obstacles to Reducing Unauthorized Employment Exist (GAO/GGD-99-33, Apr. 2, 1999); and Illegal Immigration: Status of Southwest Border Strategy Implementation (GAO/GGD-99-44, May 19, 1999).

[2] These reports are mandated by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (1996 Act), Public Law 104-208.

- What is known about the nature and extent of alien smuggling into the United States.
- INS' strategy for combating alien smuggling.
- How well the strategy has been implemented and the results to date.

Results in Brief

INS data indicate that over the last 2 fiscal years, alien smuggling has increased and INS predicts that the smuggling will continue to grow. In fiscal year 1999, 14 percent of all Border Patrol apprehensions were smuggled aliens compared to 9 percent in 1997. According to INS, aliens from countries other than Mexico purportedly rely more heavily on organized smugglers and an increase in apprehensions of aliens from other countries would indicate an increase in alien smuggling. Apprehensions of aliens from countries other than Mexico increased from 58,000, or 4 percent of all INS apprehensions in fiscal year 1997, to about 81,000, or almost 5 percent in fiscal year 1999. INS believes that alien smuggling will become a more significant enforcement problem in the future because alien smuggling organizations are expected to become more sophisticated, organized, and complex.

INS issued an anti-smuggling strategy in 1997 that contains domestic and international components. The domestic component calls for (1) INS to focus its investigations on major smuggling operations and (2) INS' anti-smuggling investigative field units to coordinate their activities and share anti-smuggling intelligence information with each other. INS' initial efforts were to be directed at South/Central Texas, which is identified as one of three major alien smuggling corridors in the United States. As part of the domestic component, the strategy calls for INS' Intelligence Program to optimize its ability to collect, analyze, and disseminate intelligence information to identify targets for enforcement and help focus INS' anti-smuggling resources on efforts that would have the greatest impact. The international component includes INS' conducting operations in cooperation with foreign governments to disrupt alien smuggling in countries that either are major sources of illegal immigration or through which illegal aliens travel on their way to the United States.

Domestically, INS' Investigations Program devoted about 400 workyears to anti-smuggling investigations in fiscal year 1999. During this period, INS completed several major anti-smuggling cases and over 2,000 other cases, of which slightly over 300 were in the South/Central Texas corridor. Nationwide, INS arrested about 4,100 smugglers and over 40,000 smuggled aliens. INS prosecuted almost 2,000 smugglers of whom about 61 percent were convicted. The convicted smugglers received an average sentence of about 10 months and an average fine of about $140.

INS' ability to implement and evaluate the effectiveness of the domestic component of its strategy is impeded by several factors, including the following:

- Lack of program coordination: In several border areas, multiple anti-smuggling enforcement units exist that overlap in their jurisdictions, operate autonomously, and report to different INS officials. INS field officials make determinations about which cases to investigate with no clear criteria on how the determinations should be made, resulting in inconsistent decisionmaking across locations. Within the South/Central Texas corridor, INS' anti-smuggling investigation field units have generally not coordinated their enforcement operations with one another. According to INS' Investigations Program officials, the autonomy of the individual anti-smuggling field units and the lack of a single chain of command are major obstacles to a more effective anti-smuggling program.

- Absence of an automated case tracking and management system: INS lacks an agencywide automated case tracking and management system that would allow INS' anti-smuggling program managers to monitor their ongoing investigations, determine if other anti-smuggling units may be investigating the same target individual or organization, or know if previous investigations had been conducted on a particular target. INS anti-smuggling units are not required to share information on their anti-smuggling cases. As a result, on occasion, different INS investigative units have simultaneously investigated the same individuals and/or organizations.

- Limited performance measures: INS' fiscal year 1999 performance goals focused mainly on the number of smugglers presented for prosecution to the U.S. Attorney and the number of designated priority cases. INS has not issued performance indicators that would assess the effectiveness of the strategy's objective to deter and disrupt alien smuggling. Performance indicators, such as a shift in smuggling activity between geographic areas along the border, were under development at the time of our review.

INS' Intelligence Program has been impeded by a lack of understanding among field staff on how to report intelligence information, a lack of staff to perform intelligence functions at most INS district offices, and an inefficient and cumbersome process of organizing data that does not allow for rapid retrieval and analysis. As a result, INS has limited ability to identify targets for enforcement and to help focus its anti-smuggling resources on efforts that would have the greatest impact.

As part of its international component, INS conducted operations in 34 countries between August 1995 and November 1999. During these operations, INS assisted in intercepting undocumented aliens destined for the United States, trained foreign officials on migration controls, and provided assistance in prosecuting alien smugglers. However, there have been impediments to INS' ability to have more than a temporary impact on alien smuggling overseas. According to INS and Department of State officials, these impediments include corruption of some foreign officials and the lack of laws against alien smuggling in some countries.

Without improvements in its Investigations and Intelligence Programs, INS' ability to disrupt and deter increasingly sophisticated and organized alien smugglers and dismantle their organizations will continue to be hampered. We make recommendations in this report to address the problems that we identify.

Background

Combating the smuggling of aliens into the United States involves numerous federal agencies and, sometimes, the cooperation and assistance of foreign governments. Within the United States, INS is the key agency tasked with enforcing the criminal statutes that prohibit alien smuggling.

Several INS programs are involved in the agency's anti-smuggling efforts. The Investigations Program is responsible for investigating alien smuggling activities. This program has nearly 280 investigators who are assigned full-time to INS Border Patrol sectors and district offices[3] to investigate alien smuggling activities.[4] INS' Intelligence Program is responsible for collecting, analyzing, and disseminating information related to alien smuggling and other methods that are used to enter the United States illegally. In fiscal year 1999, the Intelligence Program spent about $14 million.[5] Most of the Intelligence Program staff are assigned to INS headquarters, INS' Forensic Document Laboratory, the El Paso Intelligence Center (EPIC), and INS' three regional offices. The International Affairs Program is responsible for working with other agencies and countries to deter alien smuggling in countries that are the

[3] INS is organized into 33 district offices in the United States, 3 located in foreign countries, and 21 Border Patrol sectors.

[4] We do not know how much money INS spent on anti-smuggling activities because INS' Investigations Program budget—which was approximately $301 million in fiscal year 1999—was not broken out into subprogram budget amounts.

[5] This budget does not include staff who perform intelligence activities in districts and sectors. These staff are funded by other INS programs.

source of illegal aliens as well as in countries that illegal aliens may transit on their way to the United States. In fiscal year 1999, International Affairs personnel in INS' overseas offices spent about 28 staff years on enforcement-related activities.[6]

Other federal agencies are also involved in combating alien smuggling. For example, the Federal Bureau of Investigation (FBI), the U.S. Customs Service, and the Drug Enforcement Administration have participated with INS in joint investigations of alien smugglers. Under a memorandum of understanding with INS, the FBI provides technical assistance to INS regarding any wiretaps that INS conducts. State's Bureau of International Narcotics and Law Enforcement Affairs is the primary focal point for coordinating international cooperation to halt alien smuggling. State has helped some foreign countries draft alien smuggling legislation and has provided funds to foreign countries that have intercepted smuggled aliens destined for the United States to assist them in returning these aliens to their home countries. The Coast Guard, which is responsible for enforcing immigration law at sea, conducts patrols to interdict undocumented aliens at sea. The Central Intelligence Agency's (CIA) Office of Transnational Issues provides analytical assessments related to alien smuggling, and the Department of Defense's National Security Agency (NSA) assists in the interdiction of smuggled aliens overseas. Lastly, the National Security Council's Office of Transnational Threats Alien Smuggling Sub-Group is responsible for coordinating the development of U.S. policy in response to specific immigration-related situations or emergencies.

Objectives, Scope, and Methodology

As agreed with your offices, this report addresses (1) what is known about the nature and extent of alien smuggling into the United States, (2) INS' strategy for combating alien smuggling, and (3) how well INS has implemented the strategy and the results to date.

To determine what is known about the nature and extent of alien smuggling, we (1) reviewed INS threat assessments, classified intelligence documents, and academic studies related to alien smuggling; (2) interviewed INS, State, and Coast Guard officials as well as intelligence agency officials at the CIA and NSA; and (3) analyzed INS and Coast Guard statistical data on the number of smuggled aliens apprehended.

To determine INS' strategy for combating alien smuggling, we (1) reviewed various INS and Administration strategy documents and (2) interviewed

[6] These data on International Affairs personnel in INS' overseas offices do not include staff detailed from INS offices in the United States.

INS, State, Coast Guard, EPIC, CIA, and National Security Council officials.

To determine how well INS has implemented the strategy and what the results have been, we (1) reviewed INS directives and plans related to its anti-smuggling strategy; (2) analyzed INS workload data provided to us by INS and other reports on the number and types of smuggling investigations completed; and (3) interviewed officials at INS headquarters and Western and Central regions and from INS' field offices in Los Angeles and San Diego, CA; Houston, McAllen, and Harlingen, TX; and Mexico City, Mexico. We chose these field locations because they were identified as major smuggling corridors in INS' anti-smuggling strategy. In addition, we reviewed certain aspects of INS' Intelligence Program because INS' anti-smuggling strategy stated that developing an effective Intelligence Program was critical to its anti-smuggling efforts. Specifically, we (1) reviewed INS policy and procedures related to the collection, analysis, and dissemination of intelligence information; (2) reviewed Intelligence Program strategic planning documents; and (3) interviewed INS headquarters and field intelligence officials.

We requested a classification review of a draft of this report from NSA. On April 13, 2000, the Comptroller of NSA responded that NSA had completed their review and had determined the report to be unclassified.

We performed our work between July 1999 and February 2000 in accordance with generally accepted government auditing standards.

Alien Smuggling Is a Growing Problem

Between fiscal years 1997 and 1999, the number of apprehended aliens smuggled into the United States increased nearly 80 percent. INS believes that its increased enforcement efforts along the southwest border have prompted greater reliance on alien smugglers, and that alien smuggling is becoming more sophisticated, complex, organized, and flexible. In addition, INS believes organized crime groups will increasingly use smugglers to smuggle their members into the United States to engage in criminal activities.

Growth in Smuggled Aliens

INS' November 1999 INS Intelligence Assessment[7] stated that illegal border-crossers have increasingly relied on alien smugglers to enhance their chances of successfully entering the United States. INS data indicate that the number of smuggled aliens apprehended attempting to enter the United States increased nearly 80 percent over 2 years, from about 138,000 in fiscal year 1997 to about 247,000 in fiscal year 1999. In fiscal year 1997, 9 percent of the 1.4 million illegal aliens apprehended by the Border Patrol were smuggled compared to 14 percent of the 1.6 million aliens apprehended in fiscal year 1999.[8]

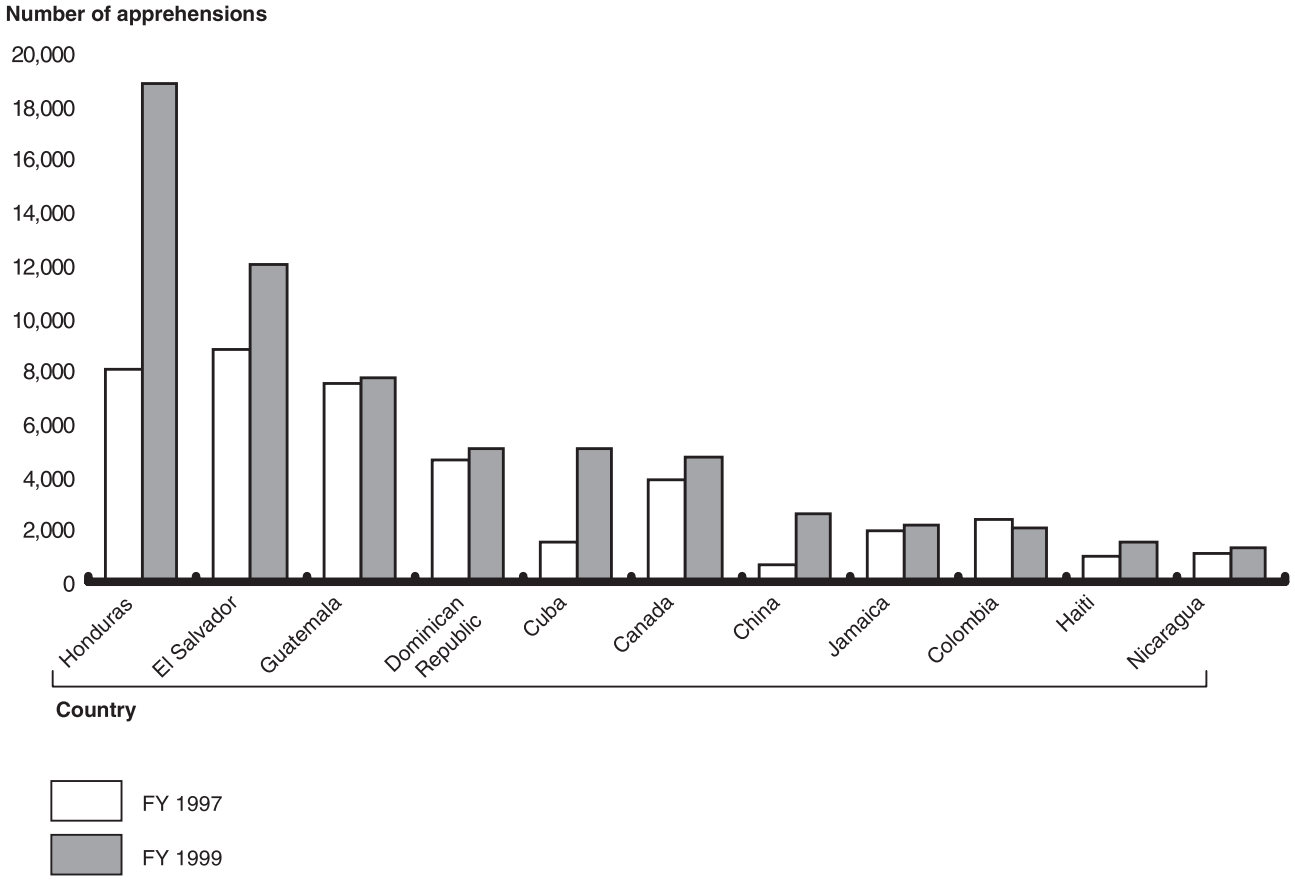
Another indication that alien smuggling is increasing may be the number and proportion of illegal aliens apprehended who are from countries other than Mexico. According to INS, aliens who are from countries other than Mexico rely more heavily on organized smugglers. In fiscal year 1997, 58,000, or almost 4 percent of all INS apprehensions, were illegal aliens from countries other than Mexico compared to about 81,000, or almost 5 percent, in fiscal year 1999. The Coast Guard intercepted over 4,800 aliens in fiscal year 1999, which was an increase of 118 percent from the 2,200 aliens intercepted in fiscal year 1997.[9] Figure 1 shows the 11 source countries that, excluding Mexico, have the greatest number of INS apprehensions.

[7] Fraud and Illegal Entry to the United States: Year 2002 Planning (Washington, D.C.: Immigration and Naturalization Service, Nov. 15, 1999).

[8] INS data track the number of smuggled aliens apprehended by the Border Patrol as well as those apprehended at U.S. ports of entry. Smuggled aliens include, for example, aliens found hidden in vehicles or other conveyances.

[9] Between fiscal years 1991 and 1997, the number of Coast Guard interdictions fluctuated, ranging from about 5,000 in fiscal year 1991 to over 64,000 in 1994. There were no 2 consecutive years over this period in which the number of interdictions either increased or deceased.

Figure 1: Source Countries With the Highest Number of INS Apprehensions, Excluding Mexico



Source: GAO analysis of INS data.

According to an October 1999 INS Western Region intelligence report, some "lower level" drug smugglers are finding it more difficult to compete with the larger drug cartels and have turned to smuggling aliens exclusively. Another reason that drug smugglers may be turning to alien smuggling, according to the report, is lesser penalties for alien smuggling compared to drug smuggling.

Sources of Illegal Immigration

Central America is a key source and transit point for illegal immigration to the United States. According to a 1995 U.S. Interagency Working Group report on alien smuggling, Central America is the source of 200,000 to 300,000 aliens attempting to enter the United States each year. An additional 100,000 a year from countries outside of Central America may transit the area en route to the United States. According to EPIC, 10 of the top 11 alien smugglers responsible for most of the smuggling across the southwest border are headquartered in Central American countries. An INS official told us that the Mexican government has a database that contains the names of over 2,000 individuals who are involved in alien smuggling.

An October 1999 INS intelligence report stated that the smuggling of nationals from the People's Republic of China (PRC) was a significant enforcement problem that would increase due to expected high levels of unemployment in the PRC. The report estimated that between 12,000 and 24,000 PRC nationals might have entered in 1999. Although the Coast Guard has not received significant increases in resources or changed the way it conducts operations, the number of PRC nationals that the Coast Guard has intercepted has more than quadrupled in the past 2 years, from 240 in fiscal year 1997 to nearly 1,100 in fiscal year 1999.[10] Similarly, the number of Cuban nationals intercepted by the Coast Guard also has quadrupled in 2 years, from about 400 in fiscal year 1997 to about 1,600 in fiscal year 1999.

Alien Smuggling Organizations

How many smuggling organizations are operating is unknown but the number is believed to be substantial. According to an INS intelligence report, various sources have estimated that there may be up to 300 smuggling organizations in Mexico alone. Reportedly, the Royal Canadian Mounted Police suspect that at least 50 major alien smuggling organizations in Toronto transport 5,000 aliens into the United States annually.

[10]Between fiscal years 1991 and 1997, the number of PRC nationals interdicted by the Coast Guard fluctuated, ranging from 61 in fiscal year 1996 to about 2,500 in fiscal year 1993.

According to INS, there are generally two types of smuggling organizations. The first, called “blue collar” smugglers, are small operations that smuggle mostly large numbers of Mexican nationals and operate out of a border area. The other type, called “white collar” organizations, smuggle nationals who are from countries other then Mexico, are international in scope, and charge significantly higher fees. According to INS reports, smuggling fees can range from a few hundred dollars to cross the U.S. border to up to $50,000 to be smuggled from China to the United States.

Organized crime groups contribute to alien smuggling and present a growing problem to INS. According to INS’ November 1999 Intelligence Assessment, Colombian; Nigerian; Albanian; and Russian organized crime groups all view the United States as fertile ground for a myriad of criminal activities. For example, a November 1999 INS Central Region intelligence report stated that Russian organized crime activities, including the suspected smuggling of Russian prostitutes, have expanded into a major midwestern metropolitan area. According to INS intelligence reports, Chinese organized crime groups reportedly control the smuggling of PRC nationals.

Alien Smuggling Becoming a More Significant Enforcement Problem

INS predicts that alien smuggling will become a more significant enforcement problem in the future. INS believes that alien smuggling organizations will become more sophisticated, complex, and organized and will use additional routes and methods to introduce illegal aliens into the United States. For example, alien smugglers are expected to

- increasingly use fraud to obtain immigration benefits (e.g., permanent residency and work authorization) for aliens they smuggle into the United States,
- have more ties to organized crime groups as they smuggle their members into the United States to engage in criminal activities,
- increasingly use corrupt foreign government officials and airline employees who are based in foreign locations, and
- capitalize on the easing of travel restrictions to facilitate entry into the United States.

According to INS’ November 1999 Intelligence Assessment, smugglers can quickly change routes and methods of operation to counter INS enforcement measures. For example, after the Coast Guard intercepted several boats of PRC nationals in the Western Pacific in the spring of 1999, smuggling efforts by air increased. Some smugglers along the southwest border have reportedly begun using tractor-trailers to move large loads of

smuggled aliens, hoping to blend in among the increased truck traffic along the southwest border. Other smugglers have established "legitimate businesses," such as bus transportation companies and employment agencies, as covers for their alien smuggling activities. Some smugglers have developed a network that includes document vendors, travel agencies, guides, transportation, and local-area border smugglers.

Some smugglers are reportedly taking advantage of the Visa Waiver Pilot Program (VWPP) to smuggle aliens into the United States.[11] Under this program, nationals from designated countries only need a valid passport to enter the United States. According to INS' November 1999 Intelligence Assessment, smugglers are increasingly fraudulently using counterfeit or genuine passports from VWPP countries to smuggle non-VWPP nationals. For example, INS has reported an increase in PRC nationals who present themselves at U.S. ports of entry with high-quality, fraudulent Japanese passports.[12] Also, according to INS, fraudulent use of stolen or blank VWPP passports is one of the most serious problems it faces because these documents are genuine and their fraudulent use is difficult to detect. According to INS' November 1999 Intelligence Assessment, at least 100,000 VWPP passports have been reported lost or stolen, but the actual number is unknown.

Smugglers have also capitalized on the elimination of visa requirements in other countries to smuggle aliens into the United States. INS has predicted that these changes may open new routes for aliens who desire to illegally migrate to the United States. For example, an October 1999 INS intelligence report stated that smugglers were taking advantage of the elimination of Mexico's visa requirement for Polish nationals. Apprehensions of Polish nationals increased from 70 in fiscal year 1998 to 231 in fiscal year 1999.

INS has found that smugglers are also engaging in fraud to facilitate their clients' entry into the United States. For example, INS' reviews of over 5,000 L-1 visa petitions found that fraud was readily apparent in over 90 percent of the cases.[13] Either the company that the alien was allegedly

[11]Under 8 U.S.C. 1187, VWPP allows nationals from certain countries designated by the Attorney General, in consultation with the Secretary of State, to enter the United States without a nonimmigrant visa. Unlike most foreign nationals, these nationals do not have to obtain a visa from the United States consulate.

[12] Japan is a VWPP country.

[13] An L-1 visa allows an alien to work for a U.S. business in a managerial capacity. Businesses must submit a visa petition with INS.

going to work for did not exist or the company was unaware of a petition for the alien. According to INS' November 1999 Intelligence Assessment, it is difficult for INS to detect this type of fraud because it requires INS personnel to visit the business that petitioned for the alien and verify the supporting documentation for the visa petition. Many INS senior managers have reportedly characterized the abuse of the L-1 visa provision as "the new wave in alien smuggling."

INS Has Established a Strategy to Deter and Disrupt Alien Smuggling

INS issued an anti-smuggling strategy in 1997. The goal of the strategy is to deter and disrupt alien smuggling at all levels of operation, including overseas, at the border, and in the interior of the United States, and to dismantle alien smuggling organizations. To accomplish this goal, the strategy contains two major components—domestic and international.

The strategy's domestic component calls for anti-smuggling investigative units in INS' Border Patrol sectors and districts along the southwest border to coordinate their enforcement activities to identify, detect, disrupt, and prosecute alien smuggling organizations. Toward this end, INS is to

- emphasize the investigations of major smuggling operations, particularly those tied to other criminal activity or illegal employment; and
- formalize and institutionalize intraagency and interagency tactical coordination, intelligence sharing, and anti-smuggling and investigative case activities.

INS has determined that most alien smuggling occurs across the southwest border through major corridors located in south and central Texas, southern California, and the Tucson, AZ, areas. The strategy called for INS to first focus its anti-smuggling efforts on the South/Central Texas corridor, which includes INS' McAllen, Laredo, and Del Rio Border Patrol sectors and its San Antonio, Harlingen, Dallas, and Houston district offices. According to INS, a "shift" in smuggling activity from one area to another would be an indicator that INS was disrupting alien smuggling activities. To implement the strategy, INS required every INS district and sector to develop strategic plans.

Within the domestic component, INS' anti-smuggling strategy states that intelligence collection, assessment, and dissemination are essential elements of a coordinated, comprehensive anti-smuggling program. As a result, in 1997, INS' Intelligence Program identified improvements that were necessary for the program to more effectively support INS' enforcement efforts, including anti-smuggling. These improvements

included optimizing intelligence collection, analysis, dissemination, storage, and retrieval by training field staff on intelligence collection methods and procedures and developing automated systems for collating, analyzing, and disseminating the collected information.

Within the international component, INS' anti-smuggling strategy calls for interdicting smuggled aliens as far away from the U.S. border as possible and to repatriate them when appropriate. The strategy calls for programs designed to disrupt alien smuggling in source and transit countries. INS' responsibilities include (1) training foreign officials on migration controls, (2) assisting foreign governments in disrupting and dismantling alien smuggling organizations, and (3) aiding the development of laws making alien smuggling a crime.

Operational and Management Problems Limit Implementation of the Domestic Strategy

Although INS has had success in conducting some major smuggling cases using new investigative tools, its ability to conduct thousands of other anti-smuggling cases has been hampered by operational and management problems. INS does not have mechanisms in place to help ensure that anti-smuggling units coordinate their cases, such as having an agencywide automated case tracking and management system that all investigators can readily access to determine whether an investigation on a given target is already open or has been previously opened. In addition, INS does not have criteria for determining which investigations it should open to ensure best use of its anti-smuggling resources. Further, outcome-based performance measures of progress toward the strategy's goals have not been developed. Finally, INS' Intelligence Program is impeded by a lack of understanding among field staff on how to report intelligence information; a lack of staff to perform intelligence functions at most INS district offices; and an inefficient and cumbersome process of organizing data that does not allow for rapid retrieval and analysis.

INS' Efforts to Implement the Domestic Strategy

During the past 3 years, the number of workyears devoted to the anti-smuggling investigations has increased because INS detailed staff from other investigations to anti-smuggling. In fiscal year 1999, INS completed over 2,000 anti-smuggling cases nationwide. INS used its newly granted wiretap authority for high priority investigations and worked cooperatively with several other law enforcement agencies. Although INS completed several major smuggling cases in fiscal year 1999, and arrested 58 smugglers who were part of 2 separate international smuggling organizations, implementation of the strategy in the South/Central Texas corridor has been limited.

Anti-smuggling Staffing and Workload

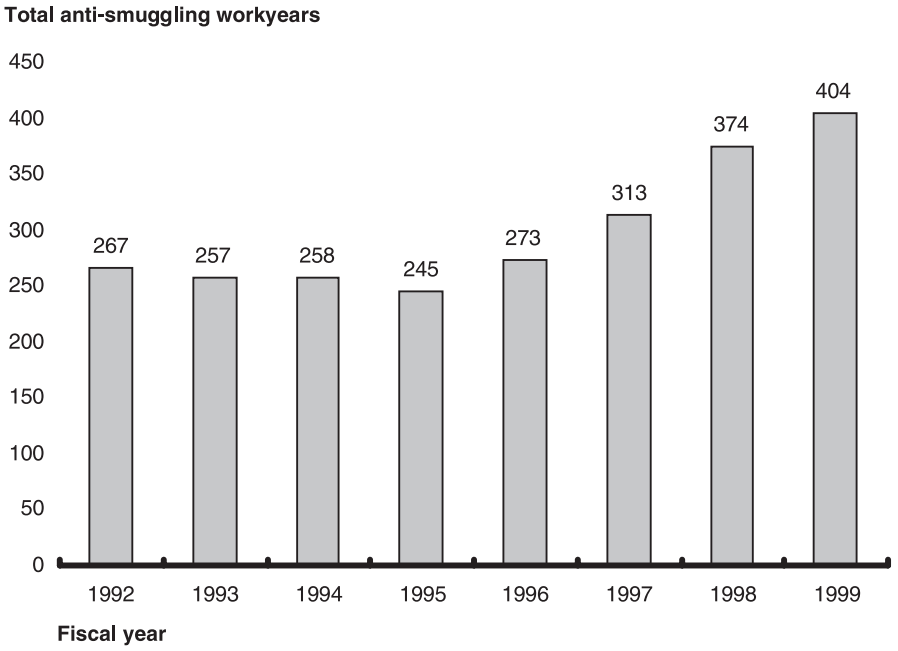
According to INS officials, the number of investigators nationwide who were dedicated full-time to INS' anti-smuggling investigations increased slightly between fiscal years 1997 and 1999. At the end of fiscal year 1999, INS had 276 investigators assigned to the anti-smuggling investigations compared to about 245 in fiscal year 1997—an increase of 13 percent. Of the 276 investigators, approximately 54 percent were in Border Patrol sectors, and 46 percent were in district offices.

The number of workyears[14] devoted to anti-smuggling investigations increased 29 percent, from 313 workyears in fiscal year 1997 to 404 in fiscal year 1999. INS officials stated that the increase in workyears resulted from detailing investigators from other types of investigations (e.g., fraud, criminal alien, or worksite) to anti-smuggling cases. The 404 workyears spent on anti-smuggling investigations in fiscal year 1999 represented about 14 percent of the 2,800 workyears spent on all investigative activities.

As shown in figure 2, the amount of time spent on anti-smuggling activities was relatively stable between fiscal years 1992 and 1996 and has increased since INS announced its Anti-Smuggling Strategy in 1997.

[14] INS tracks staff workyears reported through its Performance Analysis System to determine the level of effort devoted to specific investigative activities.

Figure 2: Anti-smuggling Workyears Fiscal Years 1992 through 1999



Note: Includes actual time spent by INS agents and support staff on investigations targeting individuals or organizations involved in alien smuggling. These investigative staff could be assigned to anti-smuggling activities full-time or detailed to cases for short periods of time throughout the year.

Source: GAO analysis of INS data.

According to INS program officials, the increase in full-time resources devoted to alien smuggling was not commensurate with the increase in the growth of alien smuggling. In addition, because agents were detailed from other areas to work on anti-smuggling cases, other INS investigations were delayed or not done.

INS' workload data show that anti-smuggling investigators opened 2,369 cases and completed 2,031 cases in fiscal year 1999. Of the completed cases, it is unclear how many were Category I investigations. They are defined as investigations that target sophisticated, organized crime syndicates whose primary illegal activity is large-scale smuggling, transportation, or harboring of illegal aliens into or through the United States. These organizations reportedly operate over multiple districts, sectors, or regions, and their sophistication is such that traditional investigative techniques will not dismantle or disrupt their operations.

According to INS headquarters officials, in fiscal year 1999, they approved five of nine requests by field offices for Category I investigations. At the

end of fiscal year 1999, the officials said there were seven ongoing and three completed Category I investigations. However, according to INS' automated workload database, which contains data input by field anti-smuggling offices, 121 investigations, or 6 percent of the total completed investigations in fiscal year 1999, were Category I. INS headquarters officials told us that the discrepancy between headquarters' and the field's count of completed Category I cases was due to field units incorrectly categorizing their cases. They said that field units might not have been aware that Category I cases can only be designated by headquarters. The officials told us that they have notified field offices of these discrepancies, and that field offices are responsible for amending data in INS' automated workload database. However, many field offices have not done so.

Category II and Category III[15] cases, which are designated as such by the field offices that have responsibility for inputting data to the workload database, represented 23 percent and 71 percent, respectively, of all anti-smuggling investigations completed in fiscal year 1999. Task force investigations, which involve other law enforcement agencies, represented about 4 percent of completed investigations that same year. While Category III investigations accounted for the largest portion of completed investigations, Category I and II investigations consumed the majority of investigative time (about 68 percent of workyears in fiscal year 1999).

Anti-smuggling Results

INS headquarters officials told us that they did not have information on the results of the three Category I investigations completed in fiscal year 1999. Of the 7 investigations that were ongoing at the end of fiscal year 1999, 2 had produced 62 arrests as of February 2000. These investigations were the first ones in which INS funded and staffed wiretaps.[16] One investigation took place on the northern border and one on the southern border of the United States. INS cooperated with several federal, state, and overseas law enforcement agencies, including the FBI, the Internal Revenue Service, the Postal Inspection Service, the Customs Service, State, and the Office of the U.S. Attorney. According to INS, Operation Seek and Keep along the southern border dismantled the largest alien smuggling organization in U.S. history, and Operation Over the Rainbow II

[15] Category II cases generally involve smaller scale smuggling activity than Category I cases. For example, a Category II smuggler would transport aliens less than 100 miles from the border, transport from 100 to 250 aliens, and use accomplices in their smuggling activities. Category III cases typically include freelance operators who smuggle infrequently or independently, or nonprofessional violators who smuggle relatives, household employees, or employees of small businesses.

[16] Congress empowered the Attorney General to authorize wiretap applications in cases relating to alien smuggling in section 201 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. This section, which is codified at 18 U.S.C. 2516 (1) (m), allows for the interception of oral or wire communications upon approval of a judge.

broke up the largest global alien smuggling operation on the northern border.

- Operation Seek and Keep involved the investigation of an international alien smuggling and money laundering ring that brought in an estimated 10,000 illegal aliens to the United States and generated nearly $22 million in proceeds over a 3-year period. This organization smuggled aliens who were nationals of Ecuador, India, Afghanistan, Pakistan, and Syria. According to INS, a hallmark of this investigation was the cooperation and coordination among several U.S. and overseas law enforcement agencies. INS intercepted about 35,000 telephone calls while the wiretap was in operation. As of January 2000, the investigation cost about $4 million and resulted in 24 arrests, including the head of the organization. According to INS, Operation Seek and Keep effectively dismantled the smuggling organization.

- Operation Over the Rainbow II was INS' first investigation of a large-scale, international alien smuggling organization along the northern border. The organization smuggled an estimated 3,600 Chinese nationals during 1997 and 1998 through Canada and the St. Regis Mohawk Territory (Akwesasne). INS estimated the smugglers' proceeds over this 2-year period to be $170 million. According to INS and U.S. Attorney officials involved in the investigation, coordination among law enforcement agencies on both sides of the border was key to dismantling the North America portion of this international smuggling organization. INS coordinated their investigation with several federal agencies as well as the St. Regis Mohawk Tribal Police, New York State Police, Toronto Police Service, and the Royal Canadian Mounted Police. INS also conducted a wiretap during the investigation, which led to the arrest of 38 individuals and produced hundreds of leads relating to other illegal activities.

Other INS alien smuggling investigations have also resulted in the arrest, prosecution, and conviction of alien smugglers. During fiscal year 1999, INS prosecution data indicate that over 40,000 smuggled aliens and about 4,100 smugglers were arrested. As a result of these arrests, in fiscal year 1999, the Office of the U.S. Attorney prosecuted almost 2,000 smugglers; of these, almost 1,200, or 61 percent, were convicted. These convicted smugglers received an average sentence of 10 months and average fine of $140.[17] According to INS officials, most of the smuggled Mexican nationals

[17] The data on sentences and fines imposed represent the mean of prosecution data input by INS field offices into the Performance Analysis System, Report of Prosecutions.

are returned to Mexico. Those from other countries were either detained or released.

Limited Implementation of Strategy in Primary Target Corridor

INS has not fully implemented its strategy in South/Central Texas, the primary target corridor. Although one of the strategy's goals was to coordinate existing enforcement operations within the corridor, district and sector anti-smuggling units within the South/Central Texas corridor continued to operate autonomously. As a result, INS has not mounted a coordinated effort to combat alien smuggling in the South/Central Texas corridor. Of the 2,031 anti-smuggling cases that INS completed in fiscal year 1999, 322 were in the sectors and districts that comprise INS' South/Central Texas corridor.

At the end of our fieldwork in February 2000, INS officials told us that the four districts and three Border Patrol sectors in the corridor were reviewing their unit strategic plans. Further, they were beginning to develop a plan to coordinate their investigative activities within the corridor. According to INS officials, a supervisory agent was to be detailed to oversee the corridor strategy and an anti-smuggling conference was being planned.

Headquarters and regional INS officials told us that progress in the South/Central Texas corridor was limited because their investigative resources were concentrated on two major, interregional smuggling cases. The officials also said that significant budget restrictions have hampered the INS' ability to continue supporting complex, sophisticated alien smuggling investigations because these investigations are labor-intensive and costly. For example, as of January 2000, INS had reportedly spent about $4 million for Operation Seek and Keep, which was in the targeted corridor and included purchasing wiretap equipment, setting up listening posts, and contracting for translation services. According to INS' midyear review of its fiscal year 1999 Annual Performance Plan, "INS will be hard-pressed to provide the necessary resources to properly complete existing investigations much less initiate new cases which would require a funding level not available at this time."

Impediments to Implementation of the Strategy

INS' ability to implement the domestic component of its strategy is impeded by several factors. First, INS does not have procedures in place to coordinate resources for initiating and managing anti-smuggling cases. Second, INS does not have an agencywide automated case tracking and management system to help determine when and where investigations are taking place. Third, INS does not have a performance measurement system that measures progress toward the strategy's goals.

INS Operations Not Coordinated; Criteria for Opening Investigations Unclear

Although many INS anti-smuggling units share geographic jurisdictions, our fieldwork along the southwest border revealed that these border units have generally not coordinated their investigative activities, as called for in the strategy and in INS' Annual Performance Plan. INS' anti-smuggling units, funded through INS' Investigations Program, are located in both INS districts and Border Patrol sectors. Although these anti-smuggling units may share jurisdictions and may be located in the same cities, they report through different chains of command—the Border Patrol sector unit reports to the Border Patrol chief patrol agent, and the district unit reports to the district director.[18] Headquarters, district, and sector officials told us that coordination among anti-smuggling units, especially units that share geographic jurisdictions, is difficult because the district director and sector chief may not agree on priority investigative targets or tactical approaches, among other things.

Anti-smuggling units along the southwest border operate autonomously and are not required to notify or consult with other anti-smuggling units before starting or while conducting investigations. However, there are two exceptions, according to INS officials. First, under INS' anti-smuggling strategy, INS' Executive Associate Commissioner for Field Operations can designate certain investigations as having the highest priority. Such cases are called "nationally designated" cases. INS is to notify all INS field offices of these investigations and requires field offices to submit any information they have on the targets of the investigation to the INS office leading the investigation. According to INS officials, INS headquarters closely monitors these investigations through regular reporting and frequent contact between Investigations program officials and the INS field office leading the investigation. The second exception is "high-profile Category I investigations," which require headquarters approval. INS' headquarters anti-smuggling office is responsible for monitoring and funding cases that involve multiple regions, wiretap authority, and undercover operations.

INS managers did not have clear criteria for deciding which anti-smuggling investigations to open or a coordinated mechanism to manage the over 2,300 investigations opened nationwide in fiscal year 1999. INS' headquarters anti-smuggling office is not in the chain of command to direct or oversee these cases. INS supervisory agents in two different units in the same geographical area could have completely different investigative priorities and tactics. Lacking criteria for determining which are the

[18] Both the district directors and Border Patrol chief patrol agents report to one of three regional directors, who in turn, report to the INS Executive Associate Commissioner for Field Operations.

highest priority investigations to open, and without a requirement for units within the same jurisdiction to coordinate their anti-smuggling enforcement efforts, opportunities exist for inconsistent decisionmaking and duplication of effort.

INS headquarters and regional officials told us that achieving the strategy's goals of targeting major investigations and coordinating enforcement operations has been difficult because district and sector anti-smuggling units do not report through a single chain of command. They said that communication between sectors and districts, outside of the few, headquarters-designated, high-profile cases, is sporadic. According to INS' Investigations Program officials, the autonomy of the individual anti-smuggling field units and the lack of a single chain of command are major obstacles to a more effective anti-smuggling program.

INS Lacks Agencywide, Automated Case Management System

Unlike federal law enforcement agencies such as the Drug Enforcement Administration, INS does not have an agencywide, automated case tracking and management system that maintains data on individuals and organizations that are or have been the target of investigations. INS district and sector agents are to report how many investigations they have opened and closed monthly, but they need not report the names of individuals or organizations they investigated, the status of case activity, or the results achieved. When anti-smuggling agents open an investigation, they do not have a system to check whether any other INS unit has undertaken an investigation of that individual or organization.

INS officials told us that the lack of a case tracking and management system has, on occasion, led to duplicate investigations. In one instance, they found that two anti-smuggling units were investigating the same organization. The duplicative investigations were uncovered when the two offices submitted requests for undercover operations to headquarters and a headquarters staff person recognized the duplication.

Because INS does not have an agencywide, automated database of anti-smuggling investigations, INS headquarters cannot determine how many high priority cases targeting sophisticated, well-organized smuggling organizations it could have identified and investigated in fiscal year 1999. Given the geographic dispersion of INS' anti-smuggling units and the many hundreds of anti-smuggling investigations that are open at one time, an agencywide, automated case tracking and management system would better enable INS headquarters and other offices to recognize whether multiple anti-smuggling units are targeting the same smuggler or smuggling organization. This would, in turn, enable INS officials to better detect

large-scale smuggling operations and instigate investigations that held greater potential for leading to major smuggling organizations.

INS officials told us that there have been instances in which targeted individuals had been investigated by INS in the past, but the officials were not aware of this when they began their investigation. INS district and sector investigators told us that these situations were not uncommon occurrences.

Outcome Measures for Anti-smuggling Not Established

To assess its progress in implementing its anti-smuggling strategy, INS set the following two numeric anti-smuggling goals in the Annual Performance Plan for fiscal year 1999:

- present 7 major interregional alien smuggling cases for criminal prosecution to disrupt and dismantle smuggling organizations and
- present 1,460 smugglers for prosecution for alien smuggling-related violations.

INS officials told us that they had met their fiscal year 1999 goals. They said INS presented 7 major interregional cases and 1,967 smugglers for prosecution for alien smuggling-related violations.

Although INS met the anti-smuggling goals that it set out in its fiscal year 1999 Annual Performance Plan, it has not developed outcome-based measures that would indicate progress made toward achieving the strategy's objectives of identifying, deterring, disrupting, and dismantling alien smuggling. In its fiscal year 1999 Annual Performance Plan, INS said it would develop measures that would enable it to track the strategy's impact on alien smuggling, for example, a "shift in smuggling corridors." However, no such measures were developed in fiscal year 1999. Nor did INS collect systematic data on other indicators of the strategy's impacts, such as changes in smuggling fees, usage, or tactics.

INS' fiscal year 2000 Annual Performance Plan reiterated INS' intent to collect baseline data to track the "deterrence and disruption of alien smuggling." As of February 2000, INS had not specified what measures it will use to assess whether the strategies' objectives are being met.

Obstacles to INS' Having an Effective Intelligence Program

INS' domestic strategy cites the need for an intelligence program that optimizes the collection, analysis, and dissemination of intelligence information. However, INS' Intelligence Program lacks some of the key building blocks of an effective program.

According to INS Intelligence Program officials and other information we obtained,[19] an effective intelligence program should include the following elements:

- Polices and procedures for reporting intelligence information that are clear to field staff and a mechanism for providing feedback to field staff on the usefulness of their reports to improve and encourage future reporting.
- Sufficient intelligence staff in INS field locations to collect, collate, and analyze information obtained from INS field staff and other sources.
- Organization of all relevant data in a centralized database that allows for rapid retrieval and analysis and relationships between apparently disconnected data to be established.

We found that (1) INS field staff were unclear about policies and procedures for reporting intelligence information, (2) most of INS' 33 district offices did not have any full-time intelligence staff, and (3) analyzing intelligence reports was cumbersome and inefficient. These impediments have limited the Intelligence Program's ability to effectively support INS' enforcement efforts.

Field Staff Unclear on Intelligence Reporting Requirements

A 1998 Intelligence Program survey found that INS field office enforcement personnel were unclear about guidelines, procedures, and effective techniques for gathering, analyzing, and disseminating intelligence information. The survey respondents indicated that they generally did not receive feedback on the usefulness of their intelligence reports and did not know whether their reports were useful. The Intelligence Program's report on the survey results stated that intelligence-related training was critically needed.

INS' fiscal year 1999 Annual Performance Plan report stated that INS' Intelligence Program provided intelligence-related training to about 7,800 field staff in fiscal year 1999. According to one district's training materials, the 1-day training session covered the importance of INS intelligence operations and the process for reporting intelligence information. INS plans call for additional intelligence training in fiscal year 2000.

[19] S.R. Schneider, The Criminal Intelligence Function: Toward a Comprehensive and Normative Model, International Association of Law Enforcement Analysts, 1998.

According to INS intelligence officials, the quantity and quality of intelligence information provided by field personnel has been inconsistent. They cited several reasons for this inconsistency. For example, one district intelligence official told us that intelligence reporting by inspectors at a port of entry in his district declined during 1999 because a shortage of inspectors necessitated that inspector personnel spend their duty time "on the line," thus retricting their ability to prepare intelligence reports. In addition, he said that his district lacked intelligence staff to interview smuggled aliens in INS detention facilities to obtain further intelligence about smuggling operations.

In December 1995, the Intelligence Program proposed that each INS district office have an intelligence unit.[20] INS' June 1998 Standard Operating Procedures for district intelligence offices stated that the primary duty of the district intelligence office is to collect and analyze information to inform district management of any changes that may affect INS operations.

As of January 2000, 21 of INS' 33 district offices did not have anyone assigned full-time to intelligence-related duties. In fiscal years 1998 and 1999, INS requested, but did not receive, additional positions for its Intelligence Program. In both years, INS' Annual Performance Plan reports stated that collection, reporting, and analysis of intelligence information were hampered by the lack of personnel to perform them.

Analysis of Intelligence Information Is Cumbersome and Inefficient

INS cannot retrieve and analyze intelligence information rapidly or efficiently. This is because intelligence reports are written in a narrative format that is cumbersome to analyze. INS has not fully deployed an automated system that can readily analyze the data, and some intelligence information is not automated at all. In addition, INS does not require field staff to use available mechanisms that would facilitate analysis of intelligence information.

Procedures state that INS personnel should submit intelligence information in a narrative report on Form G-392. The report is to be sent electronically to various locations, including intelligence officials at INS' three regions, INS headquarters, and EPIC. At INS headquarters, the narrative information is to be copied into a database, Orion NetLEADS. Although INS intends the Orion system to be its primary intelligence

[20] Proposal to Reengineer the Service Intelligence Program (Washington, D.C.: INS Office of Intelligence, Dec. 27, 1995).

reporting and analysis tool, as of February 2000, INS' use of the system was limited.

None of the nearly 8,000 intelligence reports received by INS' headquarters Intelligence office in fiscal year 1999 was converted from a narrative to a database format. The reports were simply copied into the Orion system in the same narrative format in which they were originally created. As a result, the reports could only be searched for keywords. According to an INS intelligence official, this type of search results in a list of potentially hundreds of intelligence reports, which an analyst must review one by one. This is a cumbersome and an inefficient method of analysis.

To fully utilize the capabilities of the Orion system, information must be entered using a database format in which each piece of information (e.g., name, address, telephone number, and vehicle license plate number) is entered in a separate data field. According to a headquarters Intelligence Program official, the narrative reports were not converted to database format because competing work demands required program staff to work on other tasks, such as intelligence planning, analysis, and report writing. At the end of fiscal year 1999, the Orion software was installed on 144 computers in INS field locations and from 1 to 3 individuals were authorized to use the software of each computer. Most of INS' 20,000 field staff did not have access to the Orion system. According to an INS Intelligence Program official, the Intelligence Program did not have the $250,000 necessary to purchase a license that would allow INS to deploy the system servicewide.

INS has other automated methods for reporting intelligence information, but they do not have the analytic capabilities of the Orion system. For example, for field sites without access to the Orion system, INS developed a template for creating intelligence reports using off-the-shelf database software. According to INS officials, all field staff can use this method to create intelligence reports beginning February 2000. If field staff use this method, the data can be readily entered into the Orion system for analysis. However, according to an INS Intelligence Program official, although INS has several methods for preparing intelligence reports in a database format, staff are not required to use any of them. They can still use the narrative format.

INS procedures require that personnel send both intelligence and alien smuggling incident reports to EPIC. These reports can be used by EPIC's Alien Intelligence Unit to develop intelligence about alien smuggling. During our visit to EPIC, officials told us that they had a backlog of nearly

25,000 alien smuggling incident reports submitted by INS that were either handwritten or typed. They said that they had not automated these data because EPIC lacked sufficient staff to do so. According to an INS official, policies and procedures need to be updated to require staff to use a database method for preparing both intelligence and alien smuggling incident reports so they could be efficiently analyzed.

Outcome Measures for Intelligence Program Not Established

INS' 1999 Annual Performance Plan states that the goal of the Intelligence Program is to assist INS' enforcement mission through improved intelligence support. The plan established a number of output-related goals, including producing an INS Intelligence Assessment, deploying the Orion system to 60 additional locations, increasing intelligence training for field staff, and providing investigative leads to field investigative units. According to INS, it met or exceeded all of these goals. The Intelligence Program

- issued an overall intelligence assessment in November 1999,
- deployed the Orion system to an additional 141 locations,
- provided training to nearly 8,000 field staff, and
- provided about 19,000 investigative leads.

However, the extent to which these outputs contributed to the Intelligence Program's goal of optimizing the collection, analysis, and dissemination of intelligence information is not clear. INS has not developed outcome-based performance measures to gauge the success of the program in these areas.

Obstacles Impede International Activities From Having Long-Term Impact

INS' strategy for combating alien smuggling calls for INS to conduct operations that disrupt alien smuggling in foreign countries to prevent undocumented aliens from reaching the United States. In cooperation with foreign governments, INS and the State Department conducted short-term operations resulting in the interception of thousands of illegal aliens destined for the United States and the arrest and/or prosecution of alien smugglers. Although INS has not conducted an evaluation of the long-term effects of these operations on alien smuggling, the effect of these operations appears short-lived. Corruption among foreign government officials and the lack of laws in some countries making alien smuggling a crime have been cited as allowing alien smugglers to continue to operate.

Overseas Activities Designed to Disrupt Alien Smuggling

In 1995, INS began to conduct operations intended to disrupt alien smuggling overseas. In 1996, INS formalized these operations into Operation Global Reach, a cooperative, multiyear initiative with foreign governments and international air carriers, whose goal is to disrupt alien smuggling overseas. During fiscal year 1999, INS overseas staff spent about 28 staff years on enforcement-related activities, including anti-smuggling.

Between August 1995 and November 1999, INS conducted operations intended to disrupt alien smuggling in 34 countries located in Latin America, the Caribbean, and Asia. Most of the operations lasted about 30 to 60 days. Activities conducted during these operations included

- training about 8,400 foreign law enforcement authorities and international air carrier personnel how to identify fraudulent U.S. entry documents,
- providing host country governments with assistance in prosecuting alien smugglers and those who sell fraudulent documents, and
- assisting host country governments in intercepting illegal aliens destined for the United States.

INS and the State Department have both provided funds for the return to their home countries of illegal aliens destined for the United States and apprehended in foreign countries. During fiscal year 1999, INS funded the return of nearly 3,000 undocumented aliens who were intercepted by foreign countries. Between 1996 and 1999, the State Department spent about $676,000 for the return of about 800 smuggled aliens apprehended by foreign countries. A State Department official told us that other countries would be willing to intercept and return smuggled aliens they may encounter, but these countries lack the needed funds. According to this official, the State Department lacks sufficient funds to assist all countries that are willing to return intercepted aliens to their home countries before they reach the United States.

Obstacles Impeding Overseas Deterrence Efforts

Although international operations helped to train foreign officials, intercept aliens, and cultivate relationships between INS and host country officials, INS reports indicate that alien smuggling appeared to have reverted to previous levels once the operations ended. Two major obstacles were reported to us as impeding efforts to deter alien smuggling in foreign countries.

According to INS, corruption among foreign government officials and airline personnel within the illegal alien source and transit countries is a significant threat to INS operations. INS' November 1999 Intelligence Assessment stated that smugglers have reportedly corrupted senior-level

officials as well as officials in key positions, such as immigration officials at airports and border checkpoints. The report stated the People's Liberation Army of the People's Republic of China reportedly has ties to Chinese organized crime groups involved in alien smuggling. The report also stated that few governments have shown a willingness to vigorously prosecute offenders because, in many cases, corruption has reached the highest levels. The report concluded that official corruption facilitates alien smuggling, thereby negating the effect of initiatives to deter the smuggling.

INS identified corrupt officials and employees during various international operations. For example, in 1 Central American country, INS enforcement personnel identified corrupt immigration employees and supervisors at an airport and had information suggesting that 2 judges and 17 other immigration officials may have been involved. In a Caribbean nation, the director of immigration dismissed over 70 immigration employees and had many of them arrested as a result of information developed by the disrupt operation team. INS reports indicated that in some countries, honest officials feel powerless to combat alien smuggling because their jobs and/or their lives are threatened by widespread government corruption. In some other countries, according to the reports, the government has recognized the problem of corruption and has been trying to root it out.

The second major obstacle is the lack of alien smuggling laws in some countries. Of Mexico and the seven Central American countries, only Mexico, Honduras, and Panama have laws with associated fines and/or imprisonment for alien smuggling. Other countries either expel the smuggler or have no penalty at all. INS and State Department officials told us that without laws against alien smuggling, alien smugglers will continue to operate and negate the effect of other initiatives to disrupt alien smuggling.

INS' Overseas Performance Goals Met, But Appear to Have Little Lasting Impact

To gauge its effectiveness in disrupting alien smuggling and preventing illegal aliens from entering the United States, INS established several performance goals. Although the goals were met in fiscal year 1999, INS itself does not believe that its overseas efforts have produced long-term impacts.

INS' fiscal year 1999 Annual Performance Plan sets out the measures by which INS would assess its performance overseas. INS. INS accomplished the following in addressing these measures:

- INS exceeded its goal of helping to intercept about 8,000 undocumented aliens destined for the United States. In fiscal year 1999, INS helped foreign countries intercept about 9,000 such aliens. INS estimated that it would have incurred nearly $1 million in detention costs had these aliens reached the United States.
- INS exceeded its goal of assisting foreign countries in repatriating 200 undocumented aliens. In fiscal year 1999, INS helped repatriate nearly 3,000 such aliens.
- INS slightly exceeded its goal of assisting in 106 prosecutions. In fiscal year 1999, INS assisted in 119 prosecutions.

According to INS reports on various overseas operations, its efforts led to the (1) arrest of several major alien smugglers and document vendors in one Caribbean nation, (2) arrest of one of Central America's biggest alien smugglers, and (3) apprehension and removal of 2,011 aliens from a Central American country as well as the arrest of 13 alien smugglers and the prosecution of 22 others for possessing fraudulent documents.

INS' informal information-gathering indicates that the effects of the overseas disruption operations have been short-lived. According to an INS report, after one operation conducted in five Central American countries ended, the number of undocumented aliens arriving at four key U.S. airports from those countries reverted to nearly the level it was before the operation. According to another report, the impact of the training that INS personnel provided to foreign air carrier and law enforcement personnel diminished within a few months. INS believes that the personnel they have trained do not receive continued encouragement and support to perform their jobs professionally and, therefore, revert to their old practices.

Conclusions

Without improvements in its investigations and intelligence programs, INS' anti-smuggling efforts will continue to be hampered in the face of the growing tide of aliens entering the United States with the aid of smuggling organizations. Alien smuggling investigative efforts have been fragmented and uncoordinated. Other than for the nationally designated and other "high-profile" cases, INS does not have criteria for determining which investigations it should open. Therefore, INS does not know if its investigative resources are focused on the highest priority cases. INS also lacks an agencywide, automated case tracking and management system that contains basic data on individuals and organizations targeted by current and previous investigations. Such a case tracking and management system would help alleviate the problem of duplicative investigations, facilitate the sharing of intelligence information on targeted organizations

and individuals, and provide information to INS managers about where and how their resources are being deployed.

To date, INS has used performance indicators such as the number of major investigations and persons presented for prosecution under the alien smuggling statute. These indicators measure program outputs, but they do not provide information on the extent to which INS' anti-smuggling efforts have helped achieve the strategy's objective of deterring and disrupting alien smuggling. INS has outlined other expected results from its strategy, such as an increase in the sophistication of smuggling methods and/or a shift in smuggling corridors. However, INS has not specified how these results will be measured. We recognize that it is difficult to directly measure outcomes such as deterrence and disruption of anti-smuggling. However, we believe that there are a variety of measures available—including information on smuggling fees, usage, and tactics, and shifts in the flow of smuggled alien traffic—that could be used to collect systematic data and develop a composite picture of progress toward achieving the strategy's objectives.

INS' intelligence efforts lack several of the key building blocks necessary for the program to support INS' anti-smuggling efforts. INS' procedures for reporting intelligence information have been inefficient because they have failed to take advantage of advances in electronic information processing. Until INS converts from a narrative to a database format for reporting intelligence information, the retrieval, analysis, and dissemination of intelligence information will remain problematic.

The above impediments make it difficult, if not impossible, for INS to meet the challenges posed by increasingly sophisticated major smuggling organizations.

Recommendations

We recommend that the INS Commissioner

- establish criteria for opening an anti-smuggling case to help ensure that INS' anti-smuggling resources are focused on the highest priority cases;
- establish a cost-effective case tracking and management system of alien smuggling investigations that is automated, agencywide, and readily available to investigative personnel and program managers to facilitate the sharing of case information and prevent duplication of effort;
- establish performance measures for the anti-smuggling efforts and intelligence program with which to gauge program effects; and
- require that intelligence reports be prepared using a database format so the information can be systematically analyzed.

Agency Comments and Our Evaluation

We requested comments on a draft of this report from the Attorney General, the Secretary of State, and the Secretary of Transportation.

The Department of Justice had no comments on the draft report. However, INS Intelligence and Investigations officials provided oral comments in a meeting on April 19, 2000. The INS officials also provided technical comments, which we incorporated as appropriate. Overall, the INS officials agreed with our conclusions and recommendations and said they are already taking several actions to address them.

- With respect to establishing criteria for opening an anti-smuggling case, INS plans to develop in fiscal year 2001 a comprehensive policy regarding the criteria for opening an anti-smuggling case, including clarifying that Category I cases can only be designated by INS headquarters.

- With respect to developing an automated case tracking and management system, INS has under development an Enforcement Case Tracking System which, among other things, is to be used to track and manage all INS investigations. INS expects to complete system deployment by the end of fiscal year 2001. At that time, anti-smuggling case information should be available to all investigative personnel and program managers.

- Regarding anti-smuggling performance measures, INS is developing a plan for measuring "shifts" in alien smuggling, which it intends to complete by the end of fiscal year 2000 and implement in fiscal year 2001.

- With respect to intelligence reporting, INS plans to complete deployment by the end of fiscal year 2002 of the software that is to allow intelligence information to be collected in a database format.

Although these are steps in the right direction, they will have to be effectively implemented before INS fully responds to the concerns raised in this report. For example, as we reported in 1997,[21] a variety of indicators may be useful to evaluate the effects of INS' anti-smuggling strategy. We therefore encourage INS to identify additional performance measures to gauge the strategy's effectiveness. Further, as it deploys its case tracking and management system and intelligence software, standardized policies and procedures and appropriate resources could help promote effective data collection and analysis and help INS respond to any challenges that occur.

[21] GAO/GGD-98-21.

On April 7, 2000, the Acting Director of the State Department's Bureau of International Narcotics and Law Enforcement Affairs provided oral comments on our draft report. Regarding our finding on coordination problems, he stated that in September 1998, the Bureau proposed establishing an interagency Migrant Smuggling and Trafficking Coordination Center. Such a center was intended to coordinate federal efforts to combat alien smuggling and serve as the focal point for intelligence on alien smuggling and trafficking activities. Because our focus was on the Attorney General's strategy to deter and disrupt alien smuggling, we did not evaluate the issues associated with establishing such an interagency coordination mechanism or its potential impact on the issues raised in this report.

Transportation had no comment on our draft report.

We are sending copies of this report to the Honorable Janet Reno, Attorney General; the Honorable Doris Meissner, Commissioner, Immigration and Naturalization Service; the Honorable Madeleine Albright, Secretary of State; and other interested parties. We will also make copies available to others upon request.

The major contributors to this report are acknowledged in appendix I. If you or your staff have any questions concerning this report, please call Evi L. Rezmovic or me on (202) 512-8777.

Richard M. Stana

Richard M. Stana
Associate Director, Administration of
Justice Issues

Contents

Letter 1

Appendix I GAO Contacts and Staff Acknowledgments 34

Figures

Figure 1: Source Countries With the Highest Number of INS Apprehensions, Excluding Mexico 8

Figure 2: Anti-smuggling Workyears Fiscal Years 1992 through 1999 15

Abbreviations

CIA	Central Intelligence Agency
EPIC	El Paso Intelligence Center
FBI	Federal Bureau of Investigation
INS	Immigration and Naturalization Service
NSA	National Security Agency
PRC	People's Republic of China
VWPP	Visa Waiver Pilot Program

GAO Contacts and Staff Acknowledgments

GAO Contacts

Richard M. Stana, (202) 512-8777
Evi L. Rezmovic, (202) 512-2580

Acknowledgments

In addition to the persons named above, Mike Dino, Nancy Kawahara, Hector Wong, and Mike Kassack made key contributions to this report.

Ordering Copies of GAO Reports

The first copy of each GAO report and testimony is free. Additional copies are $2 each. Orders should be sent to the following address, accompanied by a check or money order made out to the Superintendent of Documents, when necessary. VISA and MasterCard credit cards are accepted, also. Orders for 100 or more copies to be mailed to a single address are discounted 25 percent.

Order by mail:

U.S. General Accounting Office
P.O. Box 37050
Washington, DC 20013

or visit:

Room 1100
700 4th St. NW (corner of 4th and G Sts. NW)
U.S. General Accounting Office
Washington, DC

Orders may also be placed by calling (202) 512-6000 or by using fax number (202) 512-6061, or TDD (202) 512-2537.

Each day, GAO issues a list of newly available reports and testimony. To receive facsimile copies of the daily list or any list from the past 30 days, please call (202) 512-6000 using a touch-tone phone. A recorded menu will provide information on how to obtain these lists.

Viewing GAO Reports on the Internet

For information on how to access GAO reports on the INTERNET, send e-mail message with "info" in the body to:

info@www.gao.gov

or visit GAO's World Wide Web Home Page at:

http://www.gao.gov

Reporting Fraud, Waste, and Abuse in Federal Programs

To contact GAO FraudNET use:

Web site: http://www.gao.gov/fraudnet/fraudnet.htm
E-Mail: fraudnet@gao.gov
Telephone: 1-800-424-5454 (automated answering system)

PRINTED ON RECYCLED PAPER

United States
General Accounting Office
Washington, D.C. 20548-0001

Bulk Rate
Postage & Fees Paid
GAO
Permit No. G100

Official Business
Penalty for Private Use $300

Address Correction Requested

(183630)