

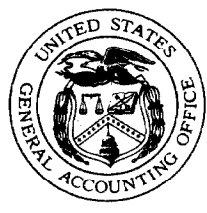
GAO

Briefing Report to Congressional Requesters

September 1986

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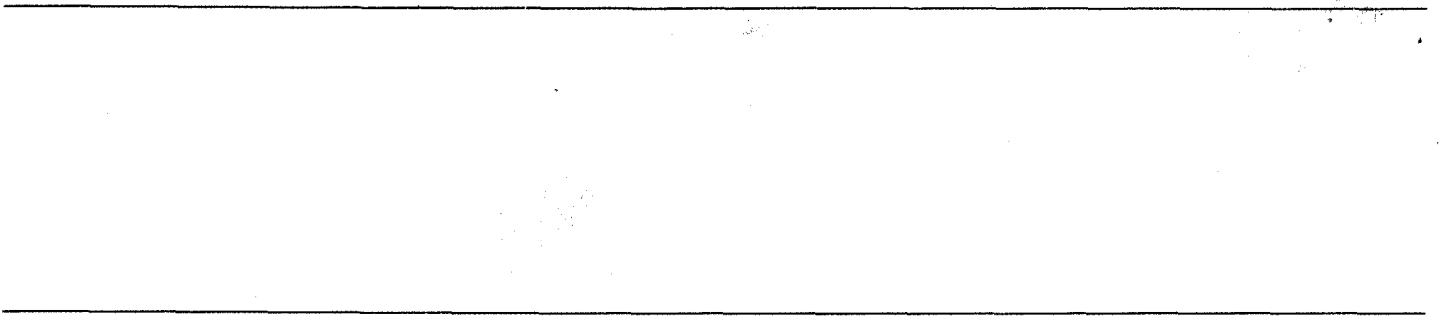
Proposed Closing of INS' Northern Regional Office: Benefits Uncertain



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

General Government Division

B-223702

September 9, 1986

The Honorable James Abdnor
The Honorable Mark Andrews
The Honorable Rudy Boschwitz
The Honorable Quentin N. Burdick
The Honorable Dave Durenberger
The Honorable Jake Garn
The Honorable Bob Kasten
The Honorable James A. McClure
The Honorable Larry Pressler
United States Senate

This briefing report responds to your November 22, 1985, request that we review the Immigration and Naturalization Service's (INS) proposal to close its Northern Regional Office (NRO) in Twin Cities, Minnesota, and realign the boundaries of its remaining three regional offices. You asked us to evaluate INS' proposal to determine its cost effectiveness and potential impact on INS performance. In subsequent discussions with your offices, we also agreed to describe any recent INS or congressional actions that could affect the implementation of INS' proposal.

On December 13, 1985, the Congress enacted legislation (P.L. 99-180) that prohibited INS from using fiscal year 1986 funds to implement its proposal. Your offices, however, requested that we continue our review since INS could proceed with the proposal after the legislation expires on September 30, 1986. In August 1986, INS officials told us that INS had no plans to proceed with its proposal.

INS has four regional offices that are responsible for (1) implementing INS policies, (2) directing field operations, and (3) providing administrative support to the sector and district offices under the Regional Commissioners' jurisdiction. A map showing the boundaries of the four regional offices (Northern, Southern, Eastern, and Western) is appendix I.

INS PROPOSAL TO CLOSE
NORTHERN REGION AND
RESTRUCTURE THREE OTHERS

In an August 2, 1985, memorandum to the Acting Assistant Attorney General for Administration, Department of Justice, the Commissioner of INS proposed to

- eliminate the Northern Regional Office in Twin Cities, Minnesota and transfer its workload to INS' Western and Southern Regional Offices; and
- restructure the boundaries of the three remaining regions by dividing the United States into three vertical segments from the southern to the northern borders.

A map showing the proposed regional boundaries is appendix II. Under this proposal, 13 of 33 district offices and 6 of 20 sector offices would be placed in different regions.

INS stated that the proposed regional restructuring would result in the following benefits:

- help INS to stay within budget by reducing operating costs about \$2 million in fiscal year 1986 and \$3.7 million annually beginning in fiscal year 1987;
- improve intraregional communication, cooperation, enforcement efforts, and flexibility in distributing personnel and workload among district offices because the vertical regional office boundaries would more closely correspond to alien movements from the south to the north; and
- balance and improve the regional offices' span of control and achieve a more equitable distribution of regional offices' (1) workload, (2) district offices, (3) personnel, and (4) geographical jurisdiction.

A summary of the results of our review is discussed below with additional details, including our review objectives, scope, and methodology, in appendices III through VI.

SUMMARY

The merit of closing NRO is uncertain. (INS has not done sufficient analysis to establish the extent of expected benefits from the proposed restructuring of regional offices.)

The cost benefit that INS stated would result from closing NRO was \$3.7 million annually beginning in fiscal year 1987. (The figure for 1986 would have been lower because of various one-time closing costs such as employee severance pay and unemployment benefits.) According to INS' proposal, these cost reductions assumed that all of NRO's 84 full-time permanent positions would be eliminated, and other INS regional offices would absorb the transferred workload without increases in staff.

Officials from the other three regions told us that INS headquarters officials, before announcing the proposal, did not ask if the regions could absorb the additional workload without increases in staff. In addition, INS headquarters officials did not perform any analysis to support this assumption. We also found that INS underestimated about \$459,000 in one-time personnel costs to close NRO. Other potential

costs of closing the office (such as renovation and retraining costs) were not compiled by INS. (See app. IV.)

The benefits of improved intraregional operations cited in the proposal were based on the premise that the proposed vertical regional office boundaries would better correspond to alien flow patterns in the United States than the existing office boundaries. INS' proposal stated that "Analysis has shown that aliens generally tend to move northward from their point of entry." Furthermore, INS' proposal assumed that more aliens would tend to stay within the vertical north-south boundaries of the proposed region in which they entered the country. Thus, each region would be responsible for the same group of aliens and there would be more opportunities for intraregional communication and staff reassignments.

INS headquarters officials could not provide us any analysis or study to support their position on alien flow patterns. However, headquarters officials told us that staff from the Western, Southern, and Eastern Regions generally agreed that alien flow is northward and is more apt to be within the proposed rather than the existing regional boundaries.

On the other hand, NKO staff analyzed alien flow statistics for the offices under its jurisdiction and concluded, among other things, that although there are tendencies for aliens crossing the southern border of the United States to move in a northerly direction, there are also strong east to west alien migration patterns. Also, the staff said that the final destination of aliens is determined by availability of work and not the geographic point of entry into the country. We have not verified the NKO analysis of alien flow statistics. (See app. V.)

The INS proposal would increase the span of control of all three remaining Regional Commissioners. (See app. VI.) INS' proposal would also further divide the responsibility for management of the northern and southern borders of the United States. The two regions that currently share the management responsibility for each border would be increased to three regions under INS' proposal. (See app. II.) Also, the proposal would achieve a more even distribution of regional offices' personnel, district offices, and geographic jurisdiction. The effect of these changes on the management of INS operations is unknown.

In addition, recent INS plans related to the Western Regional Office location could adversely affect any future attempts to implement the NKO proposal. In August 1985, INS announced its plan to relocate the Western Regional Office from San Pedro to Laguna Niguel, California, during fiscal year 1986. INS later postponed the move until fiscal year 1987. As of July 1986, INS officials stated that the regional office had lost 21 of its 144 staff members, most of whom were either unwilling or unable to relocate and that more staff members were expected to leave when the actual relocation occurs. This reduction in Western Regional Office experienced staff members could limit the region's ability to absorb a major portion of NKO's workload.

INS' regional restructuring plans did not consider the impact, if any, of proposed immigration reform legislation on regional boundaries. During our review, immigration reform legislation that could change alien flow patterns in the United States was passed by the Senate and was under consideration in the House of Representatives (S. 1200 and H.R. 3810, respectively). For example, the Senate bill contains a provision that prohibits employers from hiring illegal aliens and makes INS responsible for enforcing the provision. This legislation, if enacted and enforced, could significantly alter alien flow patterns because employment opportunities for aliens would be restricted, which may cause aliens to broaden their search for work. INS headquarters officials told us that the different versions of the legislation and the lack of any evidence that it would alter alien flow patterns or affect regional office operations precluded them from considering the legislation's effect on their proposal.

In summary, the benefits INS expected to derive from closing NRO have not been fully quantified. Although not all benefits are susceptible to precise measurement, INS should have more thoroughly supported the principal reasons for restructuring regional boundaries--the ability of other regional offices to absorb NRO's workload without an increase in resources and the geographic flow of aliens in relation to INS regional boundaries. Without this support the merit of closing NRO is uncertain.

As requested by your offices, we did not obtain official agency comments on this briefing report. However, the contents of the report were discussed with INS officials, and their comments were considered in preparing the final report. Also, as arranged with your offices, unless you publicly announce its contents earlier, we plan no further distribution of the report until 30 days after its issue date. At that time, we will send copies to the INS Commissioner and make copies available to others upon request.

If there are any questions regarding the contents of this briefing report, please call me at (202) 275-8389.

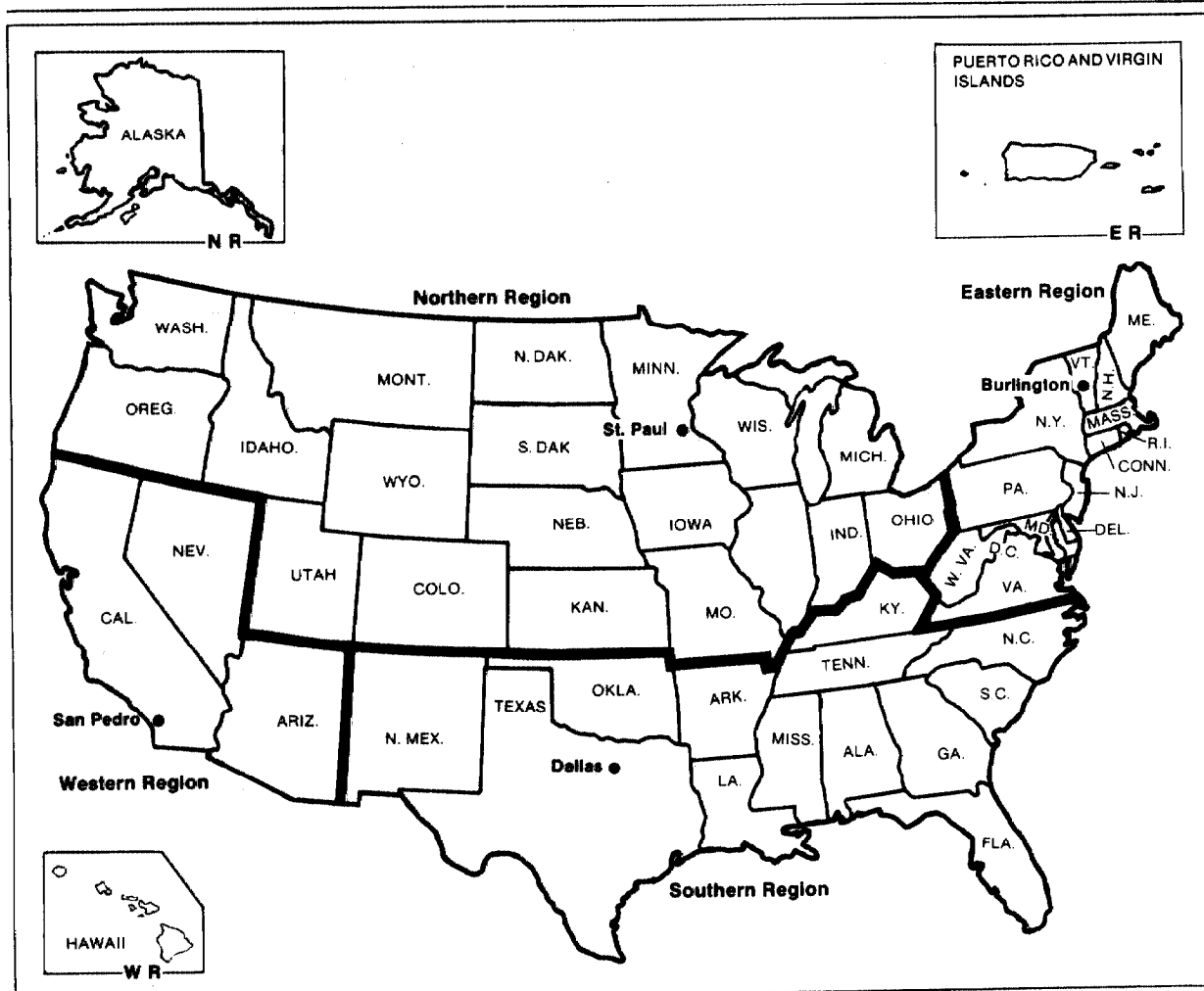


Arnold P. Jones
Senior Associate Director

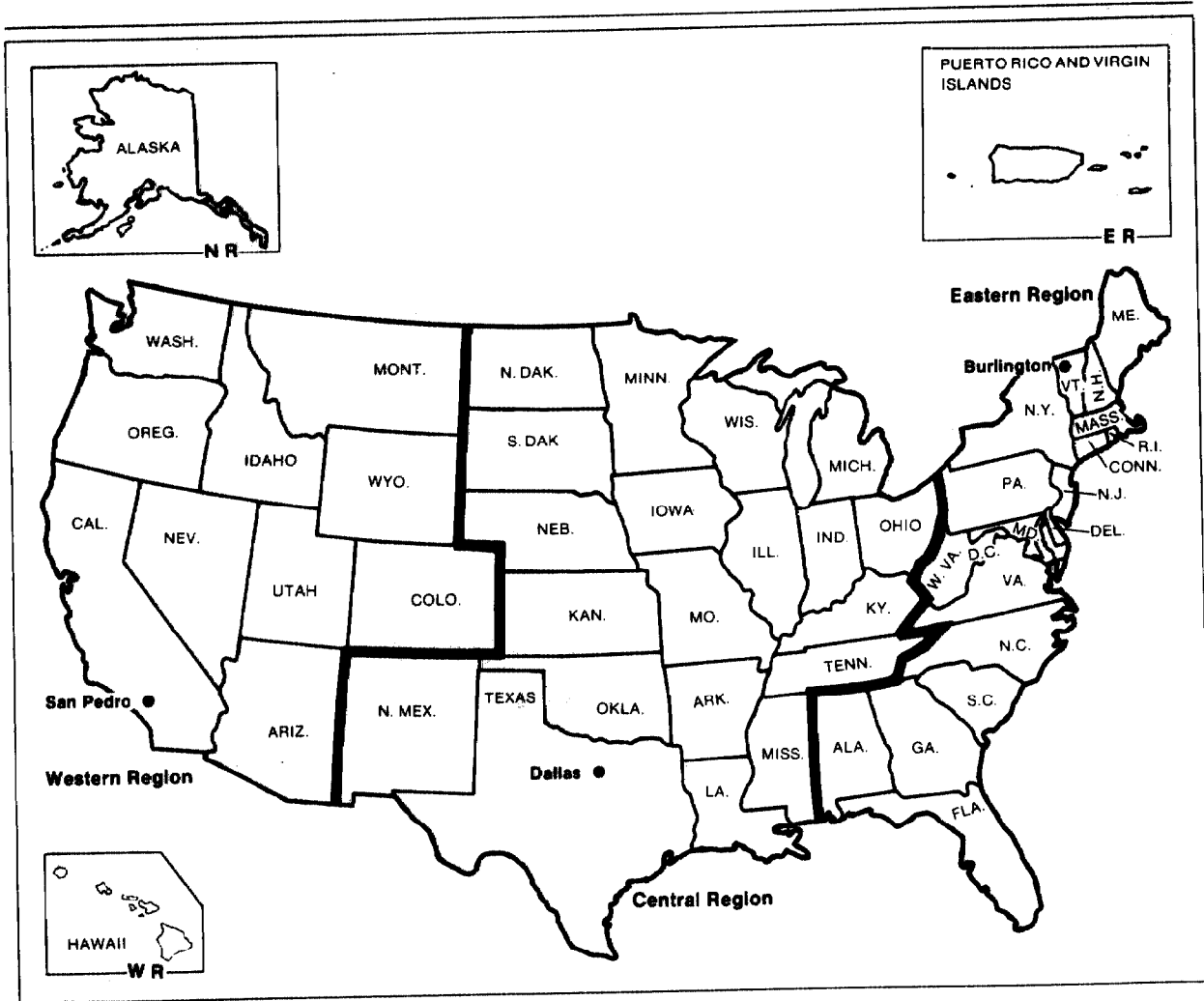
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Map of Current INS Regional Alignment



Map of Proposed INS Regional Alignment



OBJECTIVES, SCOPE, AND METHODOLOGY

The objective of our review was to evaluate INS' proposal to close NRO in terms of its cost effectiveness and impact on INS operations. We reviewed all relevant INS supporting documents and interviewed responsible officials principally at INS headquarters in Washington, D.C., and at NRO in Twin Cities, Minnesota. In addition, we requested and reviewed data from the Eastern, Western, and Southern Regions regarding their ability to absorb the workload that would have been transferred to them under the proposal. We also analyzed (1) various federal regulations for providing financial benefits to federal employees who are involuntarily separated from their jobs and Department of Justice draft guidelines for organizational changes; (2) NRO's budget and actual expenses for fiscal years 1984 through 1986; and (3) data on NRO personnel grade levels, years of federal service, ages, and salaries.

Our review was conducted from December 1985 to June 1986 in accordance with generally accepted government audit standards.

SOME COSTS TO CLOSE NRO WERE
UNDERESTIMATED OR NOT CONSIDERED

INS estimated that closing NRO would result in a one-time cost of about \$1.18 million. Included in these costs was \$880,000 to relocate NRO employees whom INS assumed would accept vacant INS positions elsewhere in the country. The remaining \$300,000 in estimated closing costs were for the following payments to NRO employees whom INS assumed would be separated from federal service--severance pay, unemployment benefits, and reimbursements of annual leave balances.¹

We found, however, that INS underestimated the employee-related costs to close NRO by about \$459,000 and did not include about \$330,000 in costs to renovate the NRO office space to prepare it for occupancy by another federal agency.

ASSUMPTIONS USED IN ESTIMATING
THE COSTS TO CLOSE NRO

In estimating the personnel costs to close NRO, INS made several assumptions about what would happen to the NRO personnel.² These were:

- Forty NRO employees would accept other INS positions outside the commuting area.
- Ten NRO employees would accept INS positions within the NRO commuting area which includes the St. Paul District Office.
- Ten NRO employees would obtain employment outside of the federal government.
- Ten NRO employees would retire.

¹As of May 1985, NRO was authorized 84 full-time permanent positions. However, as of January 1986, 41 of NRO's 84 employees had left since the proposed closing was announced. As of July 1986, NRO had 57 full-time permanent employees.

²Calculations were based on an estimate of 95 employees of whom 84 were full-time permanent employees.

--Twenty-five NRO employees would be involuntarily separated from INS and remain unemployed for a moderate period of time.

--GS-12s and above would be more likely to accept positions in other INS offices than would GS-11s and below.

In costing out these assumptions, INS used employment data as of May 25, 1985, to estimate (1) the average hourly rate for GS-12s and above (34) and GS-11s and below (50), (2) average years of federal service, (3) average age, and (4) average annual leave balance. We used the same methodology as INS to derive our cost estimates, except we used the median and INS used the mean. Although the mean is the generally preferred method of measuring central tendency, it is best used in situations when the distribution is symmetrical about the center, especially when it is approximately normal. In this case, however, the distributions of the key characteristics of age and salary were not symmetrical or normal. There was a wide range of dispersion for both traits. Because of the shape of the distribution, the most typical case or example of a characteristic was the central point, located where half the cases fell on one side and half on the other side. This made the median the measure of choice. Our analysis of the data for NRO's employees for the same period is shown in the following table.

NRO Employee Statistics

| <u>Category</u> | <u>INS average</u> | <u>GAO average</u> |
|------------------|--------------------|--------------------|
| Grade | | |
| GS-12 and above | GS-13/5 | GS-14 |
| GS-11 and below | GS-06/2 | GS-05/9 |
| Age | 42.5 ^a | |
| GS-12 and above | - | 42 |
| GS-11 and below | - | 39 |
| Annual leave | | |
| GS-12 and above | 240 hrs. | 235 hrs. |
| GS-11 and below | 100 hrs. | 111 hrs. |
| Years of service | 10 ^a | |
| GS-12 and above | - | 17 yrs. |
| GS-11 and below | - | 7 yrs. |

^aINS computed an average for all NRO employees rather than separate averages for different grade levels.

The following table summarizes INS' and GAO's estimated costs to close NRO.

| <u>Cost category</u> | <u>Estimated Cost to Close NRO</u> | | |
|-----------------------------|------------------------------------|--------------------|-------------------|
| | <u>INS</u> | <u>GAO</u> | <u>Difference</u> |
| Relocation | \$ 880,000 | \$1,350,000 | \$470,000 |
| Severance pay | 133,875 | 86,631 | (47,244) |
| Unemployment | 91,000 | 113,620 | 22,620 |
| Annual leave reimbursements | <u>77,058</u> | <u>90,290</u> | <u>13,232</u> |
| Subtotal | \$1,181,933 | \$1,640,541 | \$458,608 |
| Renovate NRO office | not included | 330,444 | 330,444 |
| Total | <u>\$1,181,933</u> | <u>\$1,970,985</u> | <u>\$789,052</u> |

The reasons for the difference in estimated costs are explained below.

Relocation costs underestimated

To estimate the costs to relocate those NRO employees who were expected to accept INS positions in other parts of the country, INS assumed 40 employees would relocate at an average cost of \$22,000 (or \$880,000). The INS employee who developed the estimate said that he used \$22,000 in his calculation because that was the average relocation cost for fiscal year 1984. However, INS' Comptroller and NRO's budget officer estimated relocation costs as of May 1985 at \$30,000 to \$37,500. Using the average of these two figures, we estimated the relocation costs to be \$1.35 million (40 times \$33,750).

Severance pay cost overestimated

Under 5 U.S.C. 5595, many federal employees who are involuntarily separated from federal service through no fault of their own are entitled to receive severance pay. Severance pay provides income for separated employees during their transition to new careers and extends a measure of compensation for their lost jobs, lost seniority, and disrupted lives. The amount of payment is based on the separated employee's weekly salary, age (if over 40), and years of federal service. For example, an employee who is 37 years old, earning \$400 per week with 8 years' federal service at the time of separation, would receive \$3,200 in severance pay (\$400 times 8 years). If this same employee was 41 years old when separated the severance payment would increase 10 percent (for each year over 40) to \$3,520.

INS estimated that \$133,875 in severance payments would be made to the 35 NRO employees who would be involuntarily separated (including 10 NRO employees who were expected to subsequently obtain employment outside the federal government. To arrive at this estimate, INS calculated that the average weekly pay of the 35 employees to be involuntarily separated (GS-11s and below) was \$317.60, and the employees' average age was 42.5 with an average of 10 years of federal service. INS added an additional 2 weeks' severance pay for those employees over 40 years of age to arrive at its total estimated severance pay cost of \$133,875.

We estimated, however, that severance payments to NRO's 35 separated employees would total only \$86,631 (or \$47,244 less than INS' estimate). To arrive at this estimate, we multiplied the separated employees' (GS-11s and below) median weekly pay of \$349.60 (rather than INS' calculation of an average of \$317.60) times the employees' 7.08 median years of federal service (rather than INS' calculation of an average of 10 years). Since the median age of the employees to be separated was 39 (rather than INS' calculation of an average age of 42.5), we did not increase our severance pay estimate for employees over 40.

Unemployment benefits underestimated

Many federal employees who are involuntarily separated from their jobs through no fault of their own are also entitled to receive unemployment benefits under Chapter 85, Title 5, of the U.S. Code. In addition, Public Law 96-499 requires each federal agency to pay the costs for all unemployment benefits paid to its eligible former employees.

INS estimated that unemployment benefits to NRO's separated employees would total \$91,000. To arrive at this estimate, INS assumed that 35 GS-11s and below would receive unemployment benefits for 26 weeks at an arbitrarily selected rate of \$100 per week. The INS employee who prepared the estimate acknowledged that he (1) should not have included in his estimate the 10 employees whom INS assumed would obtain employment outside the federal government, and (2) did not contact the Minnesota Department of Unemployment Insurance to determine the actual amount of benefits to be paid weekly.

We estimated that unemployment benefits to the 25 involuntarily separated employees who would not find jobs immediately would be \$113,620 (or \$22,620 more than INS' estimate). To arrive at this estimate, we contacted a representative with the Minnesota Department of Unemployment Insurance who stated that the weekly benefit rate is generally one-half of the employee's weekly salary, with a maximum weekly

benefit rate of \$228. Our analysis showed that the median weekly salary for those employees expected to be separated (GS-11s and below) was \$349.60. Therefore, to estimate unemployment costs we multiplied one-half of the weekly salary (\$174.80) times the expected number of eligible separated employees (25) times the number of weeks benefits were expected to be paid (26).

Annual leave payments underestimated

Under 5 U.S.C. 5551, federal employees who are separated from service are entitled to receive lump-sum payments equal to the value of their unused annual leave. To arrive at this estimated cost, INS assumed that 10 employees (GS-12 and above) with 240 hours accumulated annual leave and 35 employees (GS-11s and below) with 100 hours accumulated annual leave would receive lump-sum payments. INS also calculated that the average hourly rate was \$20.42 for GS-12s and above and \$7.94 for GS-11s and below.

We estimated, however, that lump-sum annual leave payments would total \$90,290 (or \$13,492 more than INS' estimate). Our estimate was higher because our analysis showed that the median hourly rate was \$23.94 for GS-12s and above and \$8.74 for GS-11s and below. In addition, our analyses showed that GS-12s and above had a median annual leave balance of 235 hours, and GS-11s and below had a median leave balance of 111 hours.

Other costs not included in INS' estimate

INS did not include in its proposal the estimated costs to the federal government to renovate the vacated NRO office space for subsequent occupancy by another federal agency. A General Services Administration official estimated that renovation costs to the government-owned building would total about \$330,000. While these renovation costs would not be paid by INS, they are a cost to the federal government. However, to the extent that any of this space would be used by another federal agency occupying leased commercial space, the renovation costs would be offset by the savings from terminating the lease.

Also, INS did not estimate other potential costs of closing NRO, such as retraining and the administrative costs associated with the closing. An INS official told us that such costs would be relatively small.

IMPACT OF CLOSING ON OTHER
INS REGIONS

In its proposal INS assumed its remaining three regional offices could absorb NRO's workload without increases in staff. Officials from the other three regions told us that INS headquarters officials, before announcing the proposal, did not ask if the regions could absorb the additional workload without staff increases. In addition, INS headquarters officials did not perform any analysis to support this assumption.

In a June 12, 1985, memorandum discussing reductions already made in regional office staffing levels, the INS Deputy Commissioner stated that "The Regional Commissioners now argue, quite convincingly, that further reductions in regional office staffing levels cannot be taken without diminishing effectiveness." On June 18, 1985, about 1 week later, INS headquarters officials notified its regional offices of the proposal to close NRO and transfer its workload to the Western and Southern Regional Offices without any increases in staff.

Officials from the Eastern, Western, and Southern Regional Offices told us in April 1986 that a combined total of at least 19 additional staff would have been needed, along with additional computer equipment, to process the increased workload and manage the large areas of territory to be transferred under INS' proposal. The additional costs for these 19 new staff and the computer equipment would offset some of the assumed cost reductions from eliminating 84 NRO positions.

INS' ASSUMPTION ON ALIEN
FLOW PATTERNS NOT SUPPORTED

As part of its proposal, INS' regional office boundaries were to be redrawn vertically from the southern to the northern border of the United States dividing the country in three regions--Western, Central, and Eastern. (See maps in apps. I and II.) INS stated in its proposal that:

"This alignment corresponds to alien flow patterns. Analysis has shown that aliens generally tend to move northward from their point of entry."

In addition, INS assumed that aliens moving northward would tend to stay within the boundaries of the proposed region in which they entered the country. As a result, INS believed this would cause an increase in intraregional communication, enforcement, and staff reassignments.

INS headquarters officials could not provide any study or analysis to support their statements on alien flow patterns. Furthermore, INS' statements appeared to be contradicted by analyses performed by an INS official in the Northern Region who reviewed alien flow statistics for some of the field offices under NRO's jurisdiction. The following excerpts from these analyses indicate that a significant number of aliens would continue to cross INS' restructured vertical boundaries.

Comments from NRO staff on alien
flows in various NRO offices

"Although there are tendencies for aliens crossing the southern border to move in a northerly direction, there are also strong east-west or diagonal patterns such that alien migration appears to be more of a complex network of crisscrossing patterns rather than a generally northward movement.

From the limited information that I had relating to aliens who are smuggled into this country, regardless of final destination within the Northern Region, the preferred points of entry appear to be in California and Arizona. (This may also be true on a national basis and could warrant further study.)

Illegal aliens primarily enter this country for economic opportunity. The point of entry is matter of convenience, the final destination is determined by availability of jobs; therefore, if job opportunities

for aliens shift or change so will the migration patterns, as they are tied to economic opportunity not geography."

Comments from INS District Director,
Chicago, Illinois

"Basically, the majority of illegal aliens who come to the Chicago area enter through ports in California and Arizona."

Comments from INS Acting
District Director, Cleveland, Ohio

"Most migration to Cleveland District is related to those traveling from Florida at the end of the Agricultural season. Most of these aliens travel by personal vehicle, driven by an illegal alien. Usually, up to six aliens are transported per vehicle. The driver/owner of the vehicle usually claims to charge no fee for the transporting other than the total cost of transportation shared by all passengers. The predominant route takes the alien from the agricultural center of Florida to the agricultural areas of Ohio (mostly Western and Central Ohio). . ."

Comments from INS Acting District Director,
Seattle, Washington

"Migration from the Seattle District tends to be mostly in the form of Hispanics traveling East through the northern state areas following the rotation of tree planting and agricultural crops and then swinging South through the eastern part of the United States following the continuing rotation of crops to Florida and back to Washington State.

. . .aliens encountered in the State of Washington have a long history of residence in the United States and also a history and travel pattern of migrating around the United States in a clockwise direction from South to North and West to East and back."

We have not verified the NRO comments on alien flow statistics. If this analysis is true in NRO and other regions, INS may not realize the improved intraregional benefits cited in its proposal. On the other hand, INS headquarters officials told us that staff from the Western, Southern, and Eastern Regions generally agreed that alien flow is northward and is more apt to be within the proposed rather than the existing regional boundaries.

INS' PROPOSAL WOULD CHANGE
THE COMPOSITION OF ITS
REGIONAL OFFICES

INS regional offices are responsible for the planning, performance assessment, and technical support for field operations and providing administrative and operational support services for the districts and border patrol sectors under the regions' jurisdiction. As of May 1985, INS' 4 regions had 485 full-time permanent positions. The 33 district offices and 20 Border Patrol sectors under the regional offices' jurisdiction had an additional 8,735 full-time permanent positions.

Under the proposal, NRO was to be closed and its workload and jurisdiction was to be divided and reassigned to the Western and Southern (to be renamed Central) Regions. In addition, the eastern part of the presently configured Southern Region--two district offices and one border patrol sector--was to be reassigned to the Eastern Region.

In addition to closing NRO, INS was to achieve a more even distribution of regional offices' staffing levels, district offices, and geographic territory of its three remaining regional offices. For example, the Southern Regional Office, as of May 1985, had 1,974 more staff under its jurisdiction than the region with the least number of staff (NRO). Under the proposal, the disparity in staffing levels among the remaining 3 offices was to be reduced to 737. Furthermore, the disparity in the size of the geographic jurisdiction among the four regional offices was to be reduced under the three regional office structure as shown on the map in appendix II.

The number of field offices reporting to the regional offices in May 1985 and under the proposed alignment is shown in the following table.

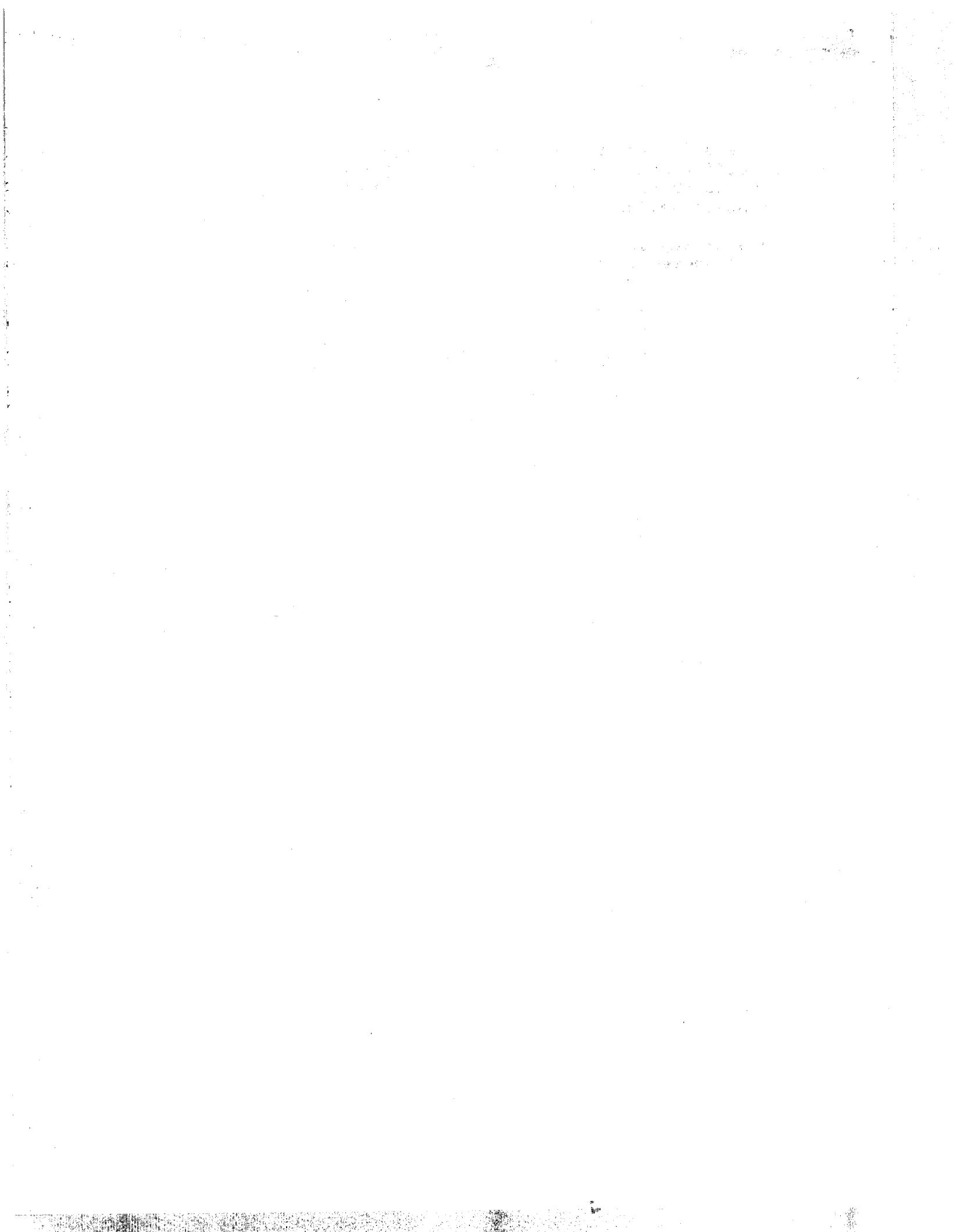
| <u>Regional office</u> | <u>Number of field offices</u> | | | | | |
|------------------------|--------------------------------|---------------|-----------------|---------------|-------------------|---------------|
| | <u>May 1985</u> | | <u>Proposed</u> | | <u>Difference</u> | |
| | <u>District</u> | <u>Sector</u> | <u>District</u> | <u>Sector</u> | <u>District</u> | <u>Sector</u> |
| Northern | 11 | 5 | - | - | (11) | (5) |
| Eastern | 9 | 3 | 11 | 4 | 2 | 1 |
| Southern/Central | 8 | 7 | 12 | 8 | 4 | 1 |
| Western | 5 | 5 | 10 | 8 | 5 | 3 |

The increases in the number of field offices reporting to the regional offices was to have ranged from two districts and one sector in the Eastern Region to five districts and three sectors in the Western Region.

The staffing levels of the regional offices in May 1985 and under the proposed alignment are shown below.

| | Staffing levels | | | | | |
|------------------|-----------------|------------------------|------------|------------------------|-------------|------------------------|
| | May 1985 | | Proposed | | Difference | |
| | Region | District and Sector | Region | District and Sector | Region | District and Sector |
| Northern | 84 | 1014 | - | - | (84) | (1014) |
| Eastern | 126 | 1940 | 126 | 2445 | - | 505 |
| Southern/Central | 131 | 2988 | 131 | 3108 | - | 120 |
| Western | <u>144</u> | <u>2793</u> | <u>144</u> | <u>3182</u> | - | <u>389</u> |
| Total | <u>485</u> | <u>8735</u> | <u>401</u> | <u>8735</u> | <u>(84)</u> | - |

As shown, the three remaining regional offices' staff levels were to remain the same. However, the field staff levels under the jurisdiction of each region were to increase as much as 505 in the Eastern Region.



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