

October 2006

# IMMIGRATION BENEFITS

## Additional Efforts Needed to Help Ensure Alien Files Are Located when Needed



Highlights of **GAO-07-85**, a report to congressional requesters

### Why GAO Did This Study

To document the interactions of aliens with the Department of Homeland Security’s (DHS) United States Citizenship and Immigration Services (USCIS) and other government entities, USCIS creates alien files, or A-files. While deemed critical, especially in making citizenship decisions, A-files are sometimes missing during adjudications. In 2002, naturalization was granted to an alien whose A-file was missing and who was later found to be associated with a terrorist organization. GAO focused its review on (1) how often USCIS adjudicates naturalization applications without an A-file and why, (2) the effect that missing A-files can have on the adjudication process, and (3) steps taken to help mitigate the risk of missing A-files. To address these questions, GAO interviewed officials and staff from USCIS and reviewed relevant data, policies, and procedures related to processing naturalization applications and the automated file-tracking system DHS established to track the movement of A-files.

### What GAO Recommends

GAO recommends that USCIS require adjudicators to record whether an A-file was available in naturalization adjudications and, with other DHS users of A-files, determine why staff are not complying with file-tracking procedures and correct any deficiencies. In its comments, DHS agreed with our recommendations.

[www.gao.gov/cgi-bin/getrpt?GAO-07-85](http://www.gao.gov/cgi-bin/getrpt?GAO-07-85).

To view the full product, including the scope and methodology, click on the link above. For more information, contact Paul Jones at (202) 512-8777 or JonesPL@gao.gov.

## IMMIGRATION BENEFITS

### Additional Efforts Needed to Help Ensure Alien Files Are Located when Needed

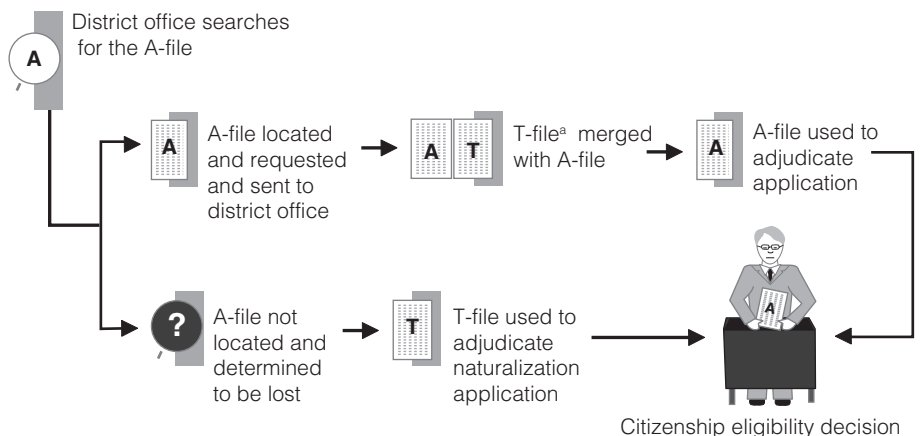
#### What GAO Found

A-files were not available to adjudicate naturalization applications in a small percentage of cases. GAO found that of the naturalization applications adjudicated in 2005, about 30,000—or about 4 percent of them—may have been adjudicated without A-files. However, this number may be less because USCIS staff are not required to record whether an A-file was available. USCIS officials said that a major reason A-files were not available for naturalization application adjudications is that staff are not using the automated file-tracking system. USCIS officials suggested that staff might not be using the automated file-tracking system for lack of sufficient training on how to use the system, while local management may not be adequately emphasizing the importance of complying with A-file tracking policies and procedures.

Missing A-files can have an impact on the process of adjudicating naturalization applications in several ways. For example, when an A-file is not available at the location indicated in the automated file-tracking system, additional time is spent trying to locate the file, which slows the adjudication process and applicants may wait longer for USCIS to process their application. In addition, missing A-files can hinder USCIS’ s ability to uncover immigration benefit fraud and limit DHS’ ability to take enforcement actions.

USCIS has steps in place to help mitigate the risk of adjudicating a naturalization application without an A-file. These steps include verifying the applicant’s lawful admission to the United States and conducting extra supervisory reviews to ensure that naturalization processing procedures have been followed.

**Additional Time Spent Locating A-files when A-files Are Not Initially Received at USCIS District Offices**



<sup>a</sup>When an A-file is not located, a temporary file, or T-file, is created.

Source: GAO.

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**Abbreviations:**

CLAIMS	Computer-Linked Application Information Management System
CBP	Customs and Border Protection
DHS	Department of Homeland Security
FBI	Federal Bureau of Investigation
IBIS	Interagency Border Inspection System
ICE	Immigration and Customs Enforcement
NFTS	National File Tracking System
NQP	Naturalization Quality Procedures
ROH	<i>Records Operation Handbook</i>
USCIS	United States Citizenship and Immigration Services

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United States Government Accountability Office  
Washington, DC 20548

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October 27, 2006

The Honorable Susan M. Collins  
Chairman, Committee on Homeland Security and Governmental Affairs  
United States Senate

The Honorable Charles E. Grassley  
Chairman, Committee on Finance  
United States Senate

The United States Citizenship and Immigration Services (USCIS), within the Department of Homeland Security (DHS), is responsible for processing noncitizens' applications (sometimes commonly referred to as benefit applications) to live and in some cases work in the United States either permanently or on a temporary basis or to become a United States citizen. For certain noncitizens, such as immigrants, USCIS creates an alien file, called an A-file, to serve as the one central file for all of the noncitizen's immigration-related applications and related documents. USCIS manages over 55 million A-files. Not only do USCIS staff rely on an alien's historical A-file to determine eligibility for immigration benefits, but other DHS components, such as Immigration and Customs Enforcement (ICE), use A-files during criminal investigations and to determine, for example, whether an alien should be removed from or allowed to stay in the United States. Information and documents from A-files may also be shared with other law enforcement agencies, such as the Federal Bureau of Investigation (FBI), to investigate individuals suspected of being involved in terrorist activities. Consequently, it is critical that A-files be available when needed. Because A-files are paper-based, they require physical transfer from one location to another. USCIS has developed an automated file-tracking system, called the National File Tracking System (NFTS), to enable all DHS staff at numerous DHS locations around the country to locate, request, receive, and transfer A-files. NFTS users are to access USCIS's NFTS intranet site via their personal computers to locate and request an A-file and update NFTS when they receive an A-file or transfer an A-file to another person or office.

Naturalization is the process whereby a noncitizen becomes a United States citizen. An application for naturalization is both the last step in the

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immigration process and the last opportunity for USCIS, through its benefit-granting review procedures, to prevent ineligible noncitizens from becoming citizens and hence remaining in the United States.<sup>1</sup> In 2002, USCIS's predecessor, the Immigration and Naturalization Service, granted naturalization to a noncitizen who was later identified to be associated with a terrorist organization. In this case, the adjudicator had not obtained the A-file in adjudicating the application for naturalization and deciding to grant the benefit. Indeed, background checks conducted as part of USCIS's naturalization process continue to reveal instances where individuals who pose a potential risk to national security have applied for naturalization. Because naturalization is the final benefit that USCIS can bestow upon a noncitizen, it is critical that USCIS staff have access to the full and complete history of an applicant—which is contained only in the A-file—before making a final eligibility decision.

Because of the importance of the naturalization decision, we focused our review on the availability of A-files in adjudicating naturalization applications. For this report we examined (1) the extent to which USCIS records how often naturalization applications are adjudicated without an A-file, as well as the reasons why an A-file might be missing; (2) the effect that missing A-files can have on the adjudication of naturalization applications; and (3) what steps USCIS takes to help mitigate the risk of adjudicating naturalization applications without an A-file.

To address these objectives, we sent e-mail questionnaires and followed up with phone calls to officials and staff from 13 USCIS district offices and reviewed relevant documents, policies, and procedures on processing naturalization applications. We also obtained written responses from another district for a total of 14 district offices. We selected these offices because they adjudicated most of the naturalization applications. Specifically, USCIS data indicate that these 14 offices adjudicated nearly two-thirds of the approximately 715,000 naturalization applications adjudicated in fiscal year 2005. To examine the extent to which USCIS records how often naturalization applications are adjudicated without an A-file and why A-files might be missing, we obtained summary data from a USCIS database containing information on whether an A-file was available when adjudicating a naturalization application. We also obtained summary

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<sup>1</sup> Naturalization may be revoked through judicial proceedings instituted by a U.S. Attorney's Office on the ground that naturalization was illegally procured or procured by concealment of a material fact or by willful misrepresentation. 8 U.S.C. § 1451.

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data from NFTS on A-files indicated as lost and, as having been in transit and yet to be recorded as received. We also interviewed officials from USCIS headquarters and obtained instructions and guidance about using, locating, and requesting A-files. To determine the effect that missing A-files can have on the adjudication process, we interviewed USCIS district office officials and staff. To determine if USCIS has instituted additional procedures to help mitigate the risk of adjudicating a naturalization application without an A-file, we reviewed policies and procedures related to processing these applications, interviewed USCIS officials, and reviewed relevant documents. In a prior review we determined how USCIS ensures the quality and consistency of adjudicator decisions by examining USCIS's two quality assurance programs and resulting outcomes, and reviewed the findings and recommendations of an independent study of USCIS's quality assurance programs.<sup>2</sup> To assess the reliability of USCIS's system for managing naturalization applications and NFTS data we (1) reviewed summary data and specific data elements for obvious errors in accuracy and completeness, (2) reviewed related documentation, and (3) interviewed USCIS staff knowledgeable about USCIS's system for managing naturalization applications and NFTS. We found the data from its system for managing naturalization applications and its quality assurance database were sufficiently reliable for our purposes. Regarding NFTS, we found that the summary data we used were sufficiently reliable for the purposes of this report. We conducted our review from August 2005 through August 2006 in accordance with generally accepted government auditing standards. Appendix I presents more details on our scope and methodology.

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## Results in Brief

A-files were not available in a relatively small percentage of naturalization cases. USCIS officials attributed the unavailability of A-files to staff failure to use its file-tracking system in a timely fashion or sometimes at all. Although USCIS does not keep track of when naturalization applications are adjudicated without an A-file, data from USCIS's database for managing naturalization applications indicated that A-files were available for 685,000 of the approximately 715,000 naturalization applications—or 96 percent—adjudicated nationwide in fiscal year 2005, indicating that A-files may not have been used in 30,000 applications. However, USCIS officials said that A-files were probably used to process some of the

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<sup>2</sup> See GAO, *Immigration Benefits: Improvements Needed to Address Backlogs and Ensure Quality of Adjudications*, [GAO-06-20](#) (Washington, D.C.: Nov. 21, 2005).

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30,000 applications because adjudicators are not required to indicate in the naturalization database if an A-file was not used. In addition, USCIS conducted quality assurance audits of a sample of about 29,000 naturalization cases adjudicated in fiscal year 2005 and found that A-files were not available in 129 cases, less than 1 percent. However because of limitations in USCIS's sampling methodology, the results of this audit could not be projected to the universe of applications adjudicated in that fiscal year. Available data can indicate only a range of how often an A-file was not available (from perhaps as high as 4 percent of all cases to less than 1 percent). Since USCIS deems reviewing the A-file critical to the naturalization adjudications process, the lack of precise data on when an A-file is not available limits USCIS's ability to determine compliance with this critical step and whether additional actions are necessary to ensure A-files are available when needed. USCIS officials also told us that adjudicators sometimes had difficulty locating A-files because the A-file's location indicated in NFTS was incorrect or not up to date. For example, an April 2005 file audit by USCIS's San Diego district office found that nearly 21 percent of the district's files (11,731 of 56,092 files audited) were not in the location shown in NFTS. In addition, NFTS procedures require DHS staff receiving an A-file to "immediately" update the system. During our review, USCIS checked the NFTS and found over 100,000 A-files were shown to be in transit more than 30 days. The failure of some staff to update NFTS to record the movement of an A-file, such as when they receive or transfer one, is a major reason for delays in locating A-files or in not being able to locate an A-file at all. As of July 27, 2006, for the 14 district offices we included in our review, NFTS indicated that about 111,000 A-files were lost. USCIS officials suggested that staff may not be using NFTS because they may lack training (Web-based training is available) on how to use the system and that management may not be emphasizing enough the importance of using NFTS.

Missing A-files can have an impact on the process of adjudicating naturalization applications in several ways. They can cost staff extra time and effort trying to locate them. Applicants for naturalization, in turn, may wait longer for USCIS to process their applications. For example, USCIS procedures for processing naturalization applications allow USCIS to wait up to 3 months to try to find an A-file, thereby possibly delaying adjudicating the application. Because an A-file might contain potentially disqualifying information about an applicant, adjudicating an immigration benefit application without an A-file also increases the risk of granting a benefit to an ineligible applicant. In addition, DHS may not be able to take an enforcement action against an applicant because the necessary evidence is in the missing A-file.



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USCIS has steps in place to help mitigate the risk of adjudicating a naturalization application without an A-file. These steps include verifying the applicant's lawful admission to the United States and conducting extra supervisory reviews to ensure that naturalization processing procedures have been followed. Officials we spoke with told us that they believed these additional steps help mitigate the risk of adjudicating a naturalization application without an A-file. Available data indicate that these additional steps are being followed nearly all of the time. Of the 129 quality assurance audit cases sampled in 2005 where an A-file was not available, USCIS staff did not follow all of the required procedures in 5 applications. Officials from several district offices said that the standard adjudication procedures (applicable whether or not an A-file is missing), such as background security checks, also help reduce the risk somewhat of granting naturalization to someone who is ineligible.

In order to improve USCIS's management information, prevent unnecessary delay, and more efficiently adjudicate applications, we are recommending that the Secretary of Homeland Security direct the Director of USCIS to

- require users to record or note whether an A-file was used to adjudicate a naturalization application and,
- work together with other DHS users of A-files to
  - determine the extent to which staff may not be complying with NFTS procedures for updating the system and why, and
  - correct any identified deficiencies in file tracking compliance.

We provided a draft of this report to DHS. DHS stated that the report generally provided a good overview of the complexities associated with the process for ensuring adjudication officers have A-files when adjudicating naturalization applications. DHS agreed with both of our recommendations and cited actions it plans to take to implement them.

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## Background

Millions of noncitizens apply annually to enter the United States to live, work, or study. USCIS creates alien files, more commonly called A-files, to document the history of a person's interaction with USCIS or any DHS entity involved in immigration related actions. USCIS's *Records Operation Handbook* (ROH) provides instruction on when and how to create an A-file as well as how to request files and transfer them from one office to another. USCIS maintains A-files on certain individuals, including those who

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- are immigrants or who apply for immigrant status,
  - have become citizens, or
  - have applied for asylum in the United States or refugee status overseas.

The A-file is to contain all of the relevant documents of an alien's interactions with USCIS or other DHS components. For example, the A-file could contain an application for lawful permanent residency and petitions for an alien relative as well as documents related to enforcement actions such as an arrest warrant and the results of any immigration proceedings. While USCIS is the main user of A-files and the official DHS custodian for all of them, other DHS components, such as ICE and Customs and Border Protection (CBP), also use A-files for investigations or other enforcement actions. In addition, information and documents from A-files may be shared with agencies such as the FBI and Department of State. According to senior USCIS officials, USCIS spends about \$13 million each year transporting A-files within USCIS and to other components and agencies.<sup>3</sup> USCIS's long-range plans call for eventually converting paper A-files into electronic files, thus avoiding these transportation costs and making A-files available to multiple users simultaneously. In August 2006, USCIS awarded a 5-year \$150 million contract to begin converting A-files.

USCIS adjudicates applications for immigration benefits through a network of field offices that include 4 service centers, 33 district offices, and 8 asylum offices. In fiscal year 2005, USCIS's budget was about \$1.8 billion and USCIS adjudicated about 7.5 million applications, of which over 715,000 were applications for naturalization. Naturalization applications are adjudicated at USCIS district offices and require the applicant to, among other things, undergo a security background check, be interviewed by an adjudicator and, demonstrate proficiency in English and a basic understanding of U.S. civics. As part of the adjudications process, adjudicators are to review the applicant's A-file to identify any information that may disqualify the applicant for naturalization, including information that may indicate potential fraud. Of the over 715,000 naturalization applications adjudicated in fiscal year 2005, USCIS denied about 64,000.

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<sup>3</sup> See GAO, *Information Technology: Near-Term Effort to Automate Paper-Based Immigration Files Needs Planning Improvements*, GAO-06-375 (Washington, D.C.: Mar. 31, 2006). See also DHS, Office of Inspector General, *USCIS Faces Challenges in Modernizing Information Technology*, OIG-05-41 (Washington, D.C.: September 2005).

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All applications for an immigration benefit, including naturalization, are to be filed in the applicant's A-file. USCIS staff use USCIS's Central Index System to locate and request the A-file from the last known office location. However, the Central Index System can only identify the office location for the A-file; it does not provide precise information about where in an office an A-file is located. USCIS has NFTS, a system designed to provide more detailed information on the location of an A-file, down to a specific individual or file drawer. USCIS's predecessor, the Immigration and Naturalization Service, began deploying NFTS in November 2002. The system is now deployed to all records units in USCIS district and asylum offices, the USCIS's Texas Service Center and National Benefits Center, and all ICE and CBP units. Tentative plans call for deploying NFTS to USCIS's three other service centers by March 2007.<sup>4</sup> NFTS is a Web-based system that is available to anyone in DHS who needs A-files. Users can obtain a user identification code that allows them to request, receive, and transfer A-files. Web-based training on how to use NFTS is available via DHS component intranet sites, including USCIS's EdVantage Learning University, ICE's Virtual University, and the CBP Learning University. In January 2004, USCIS, ICE, and CBP signed a Service Level Agreement in which USCIS agreed to provide A-files to ICE and CBP, and ICE and CBP agreed to follow the ROH.

USCIS's ROH describes the procedures that are to be followed for locating, sending, and receiving A-files. The ROH states that all DHS staff with access to NFTS should use NFTS to, for example,

- record the creation of an A-file,
- request A-files from other offices,
- record when an A-file is sent or transferred out to another office, and
- immediately record both when an A-file is received and the file's specific location.

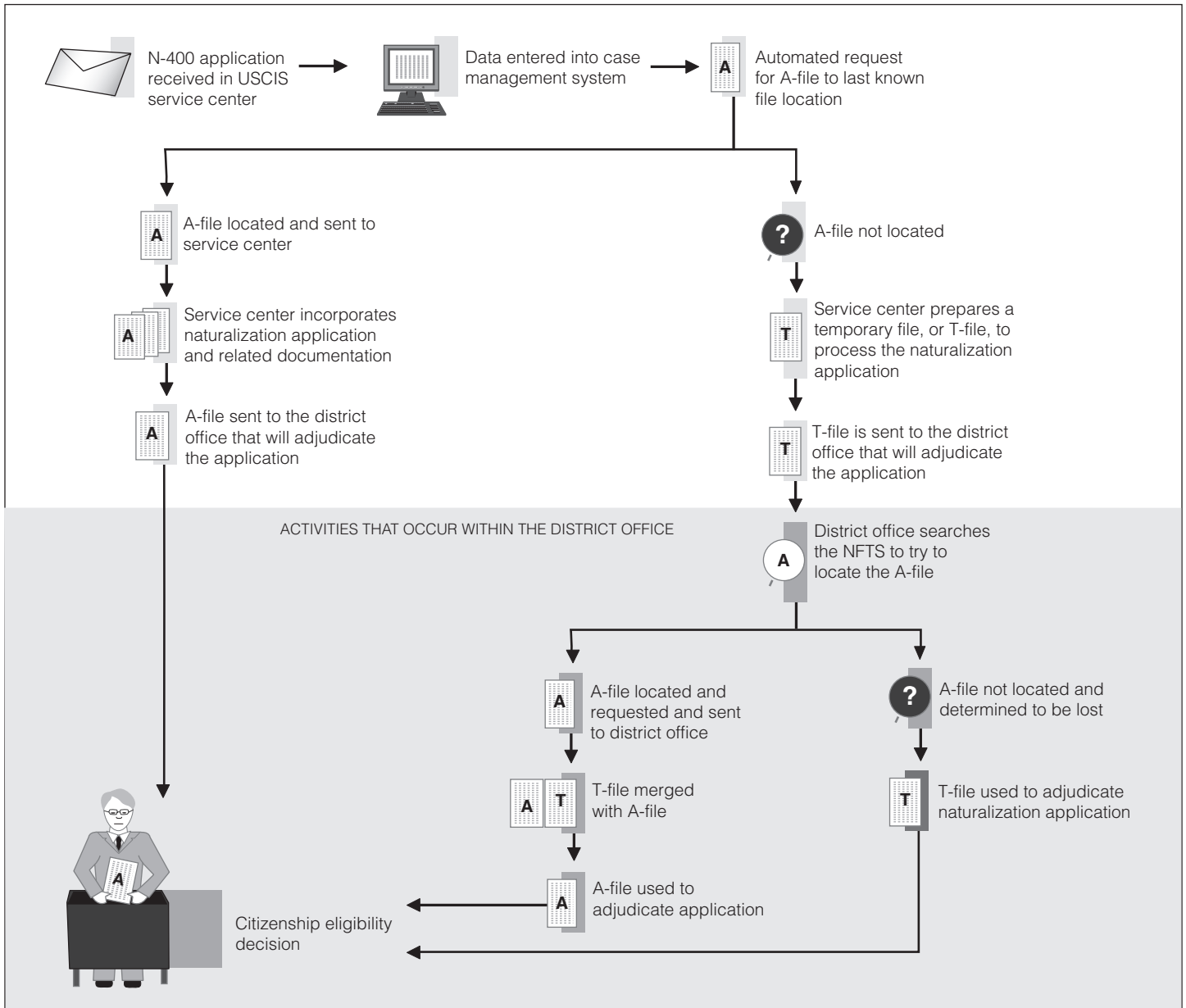
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<sup>4</sup> Staff at the three service centers without NFTS use USCIS's Central Index System to record when they request, receive, and transfer A-files. A computer interface between CIS and NFTS updates the A-file movement in each system so that staff who cannot use NFTS can record the movement of an A-file. The movement will then be recorded in NFTS and vice versa.

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USCIS uses the Computer-Linked Application Information Management System (CLAIMS) 4, as the case management and tracking system for naturalization applications. CLAIMS 4 contains information from the naturalization application and other data, such as the results from security background checks and whether or not the application was approved. CLAIMS 4 can also track the status of a request for the A-file, indicating whether the A-file has been requested, received by the district office adjudicating the application, or deemed lost. Figure 1 shows the steps involved in locating A-files for naturalization applications.

**Figure 1: Steps Involved in Locating A-files for Naturalization Applications**



Source: GAO.

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USCIS's *Adjudicator's Field Manual* provides adjudicators with guidance on naturalization procedures and how to determine whether an applicant meets the eligibility requirements for becoming a citizen. To improve the quality and consistency of all naturalization application processing, USCIS has issued Naturalization Quality Procedures (NQP) guidelines. The NQP provides detailed checklists that clerical staff and adjudicators must complete at each stage of the naturalization process. These completed checklists must be included in an A-file, along with the naturalization application and related documents. The NQP also requires that adjudicators be certified as NQP trained once every 3 years.

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## Extent to Which Naturalization Cases Are Adjudicated without an A-file Appears Low, but Compliance with File-Tracking Procedures Is Lacking

Our analysis of USCIS data and interviews with USCIS district officials indicate that A-files are missing in a relatively small percentage of naturalization cases but that DHS staff may not always be updating NFTS when files are moved, resulting in delays in locating A-files or in not locating them at all. The CLAIMS 4 database contains a data field that indicates the status of the A-file request, such as whether the file has been received in the district office, requested but not yet received, or that the A-file has been declared lost. According to data from the CLAIMS 4 database, of the approximately 715,000 naturalization applications adjudicated in fiscal year 2005, the district office received the A-file in 685,000 of these cases (about 96 percent), indicating that A-files may not have been available in about 4 percent (about 30,000) of them. However, USCIS officials told us that this CLAIMS 4 data field is an optional field that USCIS staff may complete at various times during the adjudications process or not at all. USCIS officials told us that of the approximately 30,000 naturalization cases where the A-file status indicated something other than received in the district office, A-files were probably available in a number of them. However, because adjudicators may not always update the A-file data field to indicate whether the A-file was eventually received, how many is unknown. In about 13,000 of the approximately 30,000 cases, the A-file status indicator was blank.

Data from USCIS's quality assurance audit of the naturalization program also indicate that the A-files are missing in a relatively small percentage of cases. In fiscal year 2005, the USCIS Performance Management Division sampled 28,575 naturalization applications adjudicated by district offices. Staff found that A-files were available in all but 129 of 28,575 cases sampled, about 0.5 percent. However, because of limitations in its sampling methodology, USCIS said this percentage cannot be projected to the universe of approximately 715,000 naturalization applications completed that year. Although USCIS officials from the 13 district offices

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we spoke with acknowledged that their offices do not track how often naturalization applications are adjudicated without an A-file, they believed the percentage was low. They estimated the percentage of naturalization applications in fiscal year 2005 that were adjudicated without A-files ranged from less than 1 percent to 10 percent.

GAO's *Standards for Internal Control in the Federal Government* states that information needed to achieve an agency's objectives should be identified and regularly reported to management.<sup>5</sup> According to USCIS's Naturalization Quality Procedures, having and reviewing an applicant's A-file is critical to confirming that the applicant is eligible for naturalization and that no incidents have taken place that would disqualify the applicant from naturalization. In a November 2005 memo, the Acting USCIS Director of Domestic Operations stated that not having an A-file should be a "rare" occurrence, but did not quantify what "rare" meant. Since USCIS deems reviewing the A-file critical to the naturalization adjudications process, the lack of precise data on when an A-file is not available limits USCIS's ability to determine compliance with this critical step and whether additional actions are necessary to ensure A-files are available when needed.

According to USCIS officials, adjudicators sometimes have difficulty locating A-files or cannot find them at all because the locations shown in NFTS are incorrect or not up to date. For example, according to a summary of the results of an April 2005 file audit conducted by USCIS's San Diego district office records staff, nearly 21 percent of the district's files (11,731 of 56,092 files audited) were not in the location shown in NFTS. Another 34,764 files shown to be under the control of the San Diego district could not be immediately located during the audit. Some of these files may have been in locked file cabinets that audit staff could not access, while others may have been transferred to another location and were no longer in the district. NFTS showed duplicate file locations for 464 files. Audit staff also found 281 of the files that NFTS indicated were lost. About half of the lost files were found within the local ICE Office of Investigations. The other half were found mostly within CBP. In addition, in June 2006 the Los Angeles district office conducted a file audit of three locations that had files. As shown in table 1, about 6 percent of the files indicated by NFTS to be at these three locations could not be found.

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<sup>5</sup> GAO, *Standards for Internal Control in the Federal Government*, [GAO/AIMD-00-21.3.1](#) (Washington, D.C.: November 1999).

**Table 1: Results from Los Angeles District File Audit for Three Locations**

	Number	Percent
Files shown in NFTS	4,169	100
Files in location shown in NFTS	3,886	93
Files not in location shown in NFTS	283	7
Files located after physical search	36	1
Files not found	247	6

Source: GAO analysis of USCIS data.

For some A-files, the office location recorded in NFTS is not up to date. NFTS procedures require that a person receiving an A-file should “immediately” update NFTS. According to the Section Chief of the Records Systems Services Section of USCIS’s Office of Records Management Branch, once a file is sent (either via the U.S. Postal Service or a private package delivery service) from one office to another, it should take no longer than a month for the A-file to arrive at the receiving office and for NFTS to be updated. During our review, USCIS checked NFTS and found 107,000 A-files that have been in transit over a month but had yet to be recorded as received in NFTS. Nearly 63,000 had been in transit more than 3 months.

GAO’s *Standards for Internal Control in the Federal Government* also states that transactions and other significant events should be promptly recorded so that they maintain their relevance, value, and usefulness to management in controlling operations and making decisions. Although USCIS considers compliance with NFTS procedures critical to enabling it to maintain control over A-files, DHS staff are not always complying with these procedures.

According to USCIS officials, DHS staff are not always recording the movement of an A-file in NFTS, resulting in inaccurate information on the location of A-files. Officials from 10 of the 13 USCIS district offices we spoke with claim that the failure to record the movement of files in NFTS is a major reason for delays in locating an A-file, in not being able to locate an A-file at all, and in an A-file being declared lost. One district director stated that the cooperation of other DHS components in adhering to file transfer procedures was imperative, especially since they maintained A-files relating to national security investigations and other sensitive issues. According to USCIS records officials, the USCIS Records Division has not conducted a formal study or evaluation as to why NFTS users are not complying with all NFTS and ROH procedures. This cooperation is



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important, especially because USCIS has no authority to enforce compliance with file-tracking procedures among the other DHS components. The report summarizing the San Diego district's April 2005 file audit cited above stated that the number of files, in the thousands, that were not in the location shown in NFTS or could not be found was "staggering" and attested to the need to ensure that all personnel in all units and agencies use NFTS and follow procedures. According to the report, several locations were not using NFTS although NFTS was available. USCIS records officials stated that lack of compliance with NFTS procedures was "very prevalent." As of July 27, 2006, for the 14 district offices we included in our review, NFTS indicated that about 111,000 A-files were lost.

USCIS officials offered several reasons why some staff may not be complying with NFTS file-tracking procedures. According to the report summarizing the San Diego district's April 2005 file audit, additional NFTS training is needed and compliance with the NFTS procedures should be mandated for all sites. The audit report recommended regular NFTS workshops for USCIS, CBP, and ICE staff. USCIS records officials stated that local management may not be emphasizing enough the importance of using NFTS. ICE officials we spoke to commented that they believe some of the NFTS file transfer procedures are cumbersome, resulting in some ICE staff circumventing them and not recording the file movement in NFTS. For example, whether sending or receiving A-files, the ROH requires that they all be routed through the local USCIS records unit whenever a file needs to be transferred from one ICE field location to another. This is because members of USCIS staff are the only ones allowed to transfer a file from one field location to another. However, according to ICE officials, because of the urgency of the situation, ICE personnel may send an A-file directly from one ICE office to another, bypassing the USCIS records units. As a result, the file movement to the new location is not recorded in NFTS. USCIS records officials stated that they do not believe lack of compliance stems from any technical problems with using NFTS because the system is Web-based and relatively easy to use.

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## Missing A-files Can Affect the Naturalization Adjudication Process in Several Ways

Missing A-files can cause delays in awarding immigration benefits, hinder USCIS's ability to uncover immigration fraud, and limit DHS's ability to take enforcement actions. According to USCIS's ROH, lost or missing A-files can cause delays or errors in awarding immigration benefits and can hamper investigation and enforcement actions. For example, USCIS procedures for processing naturalization applications allow USCIS to wait up to 3 months to try to find an A-file, thereby delaying adjudicating the application. According to several USCIS district officials, USCIS staff

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spend additional time and effort trying to locate files that are not in the location identified in NFTS, thus delaying their ability to process benefits quickly. Officials from all of the district offices we spoke with told us that USCIS faces an increased risk of granting naturalization to an ineligible applicant when the adjudicator does not have the A-file available because the file may contain potentially disqualifying information. Officials from several district offices stated that the A-file is needed to look for any inconsistencies between the naturalization application and other applications that the applicant had submitted when applying for previous benefits like legal permanent residency. For example, a naturalization application may contain facts about the applicant's marital or family (children) status that are inconsistent with information in the A-file, a possible indication of fraud that may not be uncovered without the A-file. These types of inconsistencies cannot be checked without the A-file. In addition, USCIS conducts background security checks on all naturalization applicants via the Interagency Border Inspection System (IBIS).<sup>6</sup> IBIS guidance requires an IBIS name check on all names an applicant may have used. According to several district officials, the A-file may contain other names (aliases) the applicant may have used that should be checked against IBIS. Therefore, without the A-file, any potentially damaging information related to these other names may not be uncovered, increasing the risk of granting naturalization to an ineligible applicant. DHS's ability to take an enforcement action against an applicant may also be compromised. According to an ICE attorney, some immigration judges may be reluctant to, for example, order an alien removed from the United States without the complete A-file.

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<sup>6</sup> IBIS provides the law enforcement community with access to computer-based enforcement files of common interest and also provides access to the FBI's National Crime Information Center (NCIC).

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## Naturalization Quality Procedures Help to Mitigate the Risk of Adjudicating a Naturalization Application without an A-file

Officials we spoke with stated that the steps contained in the Naturalization Quality Procedures mitigate somewhat the risk of naturalizing someone who is ineligible. For example, adjudicators must take additional steps when adjudicating a naturalization application without an A-file. Specifically, these steps include

- verifying the applicant's lawful admission to the United States and that the applicant has lived in the United States as a lawful permanent resident for the required amount of time—generally, 5 years—and lack of disqualifying information in USCIS databases,
- extra supervisory reviews to ensure that naturalization processing procedures have been followed, and
- not scheduling the oath ceremony on the same day that the naturalization application is adjudicated to allow sufficient time for the required supervisory reviews.

Data from USCIS's quality assurance audit of the naturalization program indicate that USCIS staff is following procedures nearly all of the time when adjudicating a naturalization application without an A-file. Of the 129 quality assurance audit cases sampled in fiscal year 2005 where an A-file was not available, USCIS staff did not follow all of the required procedures in 5 cases.

Officials from several district offices told us that the standard naturalization adjudication procedures (applicable when an A-file is either available or missing), such as background security checks, somewhat reduce the risk of granting naturalization to someone who is ineligible. For example, as part of USCIS's background security check, USCIS is to conduct an IBIS name check as well as both a fingerprint and FBI name check. In an April 2006 memorandum, the USCIS Director of Operations directed that naturalization interviews should not be scheduled until all background checks have been completed to ensure that all background security issues are resolved before USCIS interviews the applicant. According to officials from several district offices, the background security checks mitigate, somewhat, the risk of naturalizing someone who poses a potential national security or public safety threat.

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## Conclusions

Although USCIS deems having an A-file critical to adjudicating a naturalization application, USCIS staff are not required to record whether an A-file was used to adjudicate a naturalization application. Recording whether an A-file was used to adjudicate a naturalization application could help USCIS assess the extent of the risk posed by adjudicating naturalization applications without an A-file and what actions may be necessary to address the problem. DHS staff who have access to A-files may not be consistently using NFTS to track the movement of A-files, hindering the ability to locate A-files when needed. While officials offered suggestions as to why staff may not be complying, such as the lack of NFTS training, it is unclear to what extent staff are not complying and why. Knowing the extent to which staff are not complying and why and addressing these reasons would increase DHS's ability to locate and provide A-files for adjudicators and others, thereby reducing the risk associated with adjudicating a naturalization application and other immigration benefits without the A-file.

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## Recommendations for Executive Action

In order to improve USCIS's management information, prevent unnecessary delay, and more efficiently adjudicate applications, we are recommending that the Secretary of Homeland Security direct the Director of USCIS to

- require users to record or note whether an A-file was used to adjudicate a naturalization application and
- work together with other DHS users of A-files to
  - determine the extent to which staff may not be complying with NFTS procedures for updating the system and why and
  - correct any identified deficiencies in file-tracking compliance.

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## Agency Comments and Our Evaluation

We provided a draft of this report to DHS for review. On October 24, 2006 DHS provided written comments which are shown in appendix II. DHS also provided technical comments which we incorporated as appropriate. DHS agreed with both of our recommendations and stated that the report generally provides a good overview of the complexities associated with the process for ensuring adjudication officers have A-files when adjudicating naturalization applications.

Regarding our recommendation to require users to record or note whether an A-file was used to adjudicate a naturalization application, DHS stated that it plans to modify its CLAIMS 4 system to make the data field related

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to file status mandatory. USCIS plans to make this modification in early to mid 2007.

Regarding our recommendation that USCIS work together with other DHS users of A-files to determine the extent to which staff may not be complying with NFTS procedures and why and to correct any deficiencies in file-tracking procedures, DHS stated that information obtained from recently completed visits to USCIS, CBP and ICE field offices will help USCIS determine the level of compliance with file tracking procedures and identify remediation efforts required by each agency. This information will also serve as the basis for a planned joint policy on A-file management. DHS also cited several efforts it has taken or is planning to take to improve the management of A-files. For example, USCIS and CBP records managers have formed a partnership and are working to improve responsiveness to records management needs. USCIS established File Control Offices at several sub-offices allowing these sub-offices to move files to requesting offices as quickly as possible. USCIS' Records Management Branch will evaluate NFTS reports to track files that are not transferred within a reasonable amount of time and notify appropriate components to ensure compliance with policies and procedures. USCIS will continue on-site training as NFTS continues to be deployed across DHS.

As arranged with your offices, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days after its issue date. At that time, we will send copies of this report to the Secretary of the Department of Homeland Security and other interested congressional committees. We will also make copies available to others upon request. In addition, the report will be available at no charge on GAO's Web site at <http://www.gao.gov>.

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If you or your staff have any questions about this report or wish to discuss it further, please contact me at (202) 512-8777 or by e-mail at [JonesPL@gao.gov](mailto:JonesPL@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Key contributors to this report are listed in appendix III.

Sincerely yours,

A handwritten signature in black ink that reads "Paul L. Jones". The signature is written in a cursive style with a long, sweeping tail on the "s".

Paul L. Jones,  
Director, Homeland Security and Justice Issues

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# Appendix I: Scope and Methodology

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To address all of our objectives, we interviewed United States Citizenship and Immigration Services (USCIS) headquarters officials, reviewed relevant documents, and sent e-mail questionnaires and followed up with phone calls to officials and staff from 13 (Chicago, Dallas, Detroit, Houston, Los Angeles, Miami, Newark, New York City, Philadelphia, San Diego, San Francisco, Seattle and Washington, D.C.) of USCIS's 33 district offices. We obtained written responses to our questionnaire from another district office (Boston). We selected these offices because they adjudicated most of the naturalization applications. Specifically, USCIS data indicate that these 14 offices adjudicated nearly two-thirds, or about 497,000, of the approximately 715,000 naturalization applications adjudicated in fiscal year 2005. In addition, to examine the extent to which USCIS records how often naturalization applications are adjudicated without an A-file, as well as the reasons why an A-file might be missing and what steps USCIS takes to compensate for any lack of an A-file during an adjudication process we obtained data related to

- naturalization applications adjudicated in fiscal year 2005 contained in the Computer-Linked Application Information Management System (CLAIMS) 4 database that records information from the naturalization application and related information,
- the results from USCIS quality assurance audits of a sample of naturalization applications reviewed in fiscal year 2005, and
- A-files indicated as lost and, as having been in transit and yet to be recorded as received in USCIS's National File Tracking System (NFTS).

We also reviewed policies and procedures related to processing naturalization applications and instructions and guidance about using, locating, and requesting A-files. In a prior review, we determined how USCIS ensures the quality and consistency of adjudicator decisions by reviewing USCIS reports and data on accuracy rates related to its two quality assurance programs, interviewing USCIS officials in the Performance Management Division, reviewing the findings and recommendations of an independent study on USCIS's quality assurance programs and, discussing supervisory review practices with senior managers at the field offices we visited. However, we did not independently verify the extent and quality of supervisory review.<sup>1</sup>

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<sup>1</sup> See [GAO-06-20](#).

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We assessed the reliability of CLAIMS 4 and NFTS data by (1) reviewing summary data and specific data elements for obvious errors in accuracy and completeness, (2) reviewing related documentation, and (3) interviewing USCIS staff knowledgeable about the CLAIMS 4 and NFTS systems. For NFTS, we also observed how A-files are located, transferred, and received. However, we did not independently evaluate whether technical malfunctions may be a factor in the number of files with improperly identified locations, although we have no reason to believe that technical malfunctions have occurred. We found that information and summaries of the NFTS, CLAIMS 4, and quality assurance data were sufficiently reliable for the purposes of this report. We conducted our review from August 2005 through August 2006 in accordance with generally accepted government auditing standards.



# Appendix II: Comments from the Department of Homeland Security

U.S. Department of Homeland Security  
Washington, DC 20528



**Homeland  
Security**

October 24, 2006

Mr. Paul L. Jones  
Director  
Homeland Security and Justice Issues  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Mr. Jones:

Thank you for the opportunity to review and comment on the Government Accountability Office's (GAO's) draft report entitled *IMMIGRATION BENEFITS: Additional Efforts Needed to Help Ensure Alien Files are Located when Needed* (GAO-07-85). Technical comments have been provided under separate cover.

The report generally provides a good overview of the complexities associated with the process for ensuring adjudication officers have alien files (A-Files) when adjudicating applications for naturalization. In addition, the report acknowledges the strong controls United States Citizenship and Immigration Services (USCIS) has put in place if the A-File cannot be located by the time the adjudication officer makes a decision on the application.

The GAO found the USCIS CLAIMS 4 database contains a data field that indicates the status of the A-File, such as whether the file has been received in the district office, requested but not yet received, or that the A-File is declared lost. However, the data field is an optional field that USCIS staff may complete at various times during the adjudication process or not at all. As such, the GAO recommends that to improve USCIS' management information, the Director of USCIS should require users to record or note whether an A-File was used to adjudicate a naturalization application.

USCIS agrees with GAO's recommendation and will make the modification in CLAIMS 4 by making the "data field related to file status mandatory." The modification would be slated for Release 5.20 of CLAIMS 4 tentatively scheduled for deployment in early to mid calendar year 2007. However, it is important to note, when an A-File is not available and the adjudication decision is to grant the benefit, the case is forwarded in CLAIMS 4 to the supervisor. No further processing in CLAIMS 4 can be done until the supervisor reviews the adjudication officer's recommendation. With supervisory concurrence, CLAIMS 4 will move the case to scheduling of the oath ceremony. A November 2005 memorandum from the Acting Associate Director, Domestic Operations

[www.dhs.gov](http://www.dhs.gov)

provides procedures that must be strictly adhered to when adjudicating from a temporary file (T-File). These procedures include:

- ✓ All security checks must be initiated, completed, documented and maintained in the file;
- ✓ Derogatory information encountered during the security checks must be obtained, resolved, documented and maintained in the file; and,
- ✓ Final adjudication on a T-File may not proceed until the Assistant District Director for Adjudications, Assistant Service Center Director or Officer-in-Charge has thoroughly reviewed and approved the recommended decision, adding "This authority may not be delegated."

We believe the automated control that transfers the file to a Supervisory Adjudication Officer for a final decision on the application and the November 2005 guidance addresses and minimizes the risk of granting naturalization to an ineligible applicant.

The GAO also reported that USCIS officials noted the difficulty in locating A-Files was due to locations within the National File Tracking System, (NFTS), being incorrect or not up to date. The GAO recommended the Director a) work with other DHS users of A-Files to determine the extent to which staff may not be complying with NFTS procedures for updating the system and why, and b) correct any identified deficiencies in file tracking.

Adherence to procedures for A-File movement and accountability are paramount to USCIS' goals to "ensure security and integrity of the immigration system." Adherence is also required to facilitate workload and it is critical to ensure that A-Files are available for the adjudication of immigration benefits. NFTS was designed to maintain accountability and proper maintenance of A-Files. The Records Operations Handbook was established to define records policies and outline specific rules governing the movement of A-Files and the user's responsibilities. However, the lack of records support staff at DHS offices has at times limited full compliance with NFTS and records procedures. Since the formation of DHS, requests for expedited handling of A-Files have increased and many DHS programs have adjusted resources to meet customer needs and to avoid circumventing established procedures for file movement. This is an ongoing effort and all DHS components share the same concerns. We are working together to ensure each program's needs are met. For example, the Records Tri-Bureau representatives and the DHS Records Officer participated in cross-program site visits from September 2004 through October 2006. The information gathered will serve as a basis for a joint policy on A-File management and will help identify and determine the level of compliance as well as remediation efforts required by each agency. Further, the USCIS and CBP Records Managers have formed a partnership and are working to improve responsiveness to records management needs.

USCIS has also established additional File Control Offices at several of its sub-offices throughout the country. The additional File Control Offices will allow files to be received in and transferred out at the local offices rather than at the District Offices. This change will enable files to be moved to requesting locations as quickly as possible. The

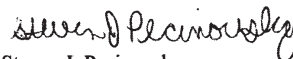
USCIS Records Management Branch Operations Support Section will evaluate the NFTS reports to track files that are not transferred within a reasonable amount of time and notify the appropriate components to ensure compliance with policies and procedures. USCIS will also continue to correct any identified deficiencies in file tracking compliance and will continue to work with our ICE and CBP counterparts to help them understand that by following proper procedures, data integrity will not be compromised and, when urgent matters do arise, being able to locate the file quickly is most important. This will allow A-Files to be available to USCIS adjudication officers to avoid the approval of benefits without the appropriate A-File information.

USCIS will continue on-site training as NFTS continues to be deployed across DHS. The training is provided to all users and is customized for Records and Non-Records personnel. To supplement the user's training needs and to accommodate staffing changes throughout DHS, the Records Division developed and posted an NFTS web-based training application. The NFTS web-based training is available on the USCIS and ICE web portals and can be accessed from the USCIS/Records web site. Updated copies of training materials, links to training, quick reference cards, links to the Records Operations Handbook and forms are also available on the Records web site. Additionally, the USCIS Records Division provides additional on-site training as requested by other USCIS offices, ICE and CBP. Training is also provided by the Records Desk Officers while on routine Records site visits.

For a longer-term solution, USCIS is transforming its operations and is moving into a digitized environment. In preparing for this transition, USCIS recognized the need to involve all agencies that regularly use A-Files to identify and prioritize requirements for the use of A-Files in a digital environment. USCIS has established workgroups that developed a comprehensive list of requirements reiterating the need to provide immigrant information timely and accurately. This digitization effort will significantly improve the accessibility of the file and eliminate the requirement to transfer physical files throughout the Department.

Thank you again for the opportunity to comment on this draft report and we look forward to working with you on future homeland security issues.

Sincerely,



Steven J. Pecinovsky  
Director  
Departmental GAO/OIG Liaison Office

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# Appendix III: GAO Contact and Staff Acknowledgments

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## GAO Contact

Paul L. Jones, (202) 512-8777

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## Staff Acknowledgments

In addition to the above, Michael Dino, Assistant Director; Richard Ascarate; Jenny Chanley; Frances Cook; Carlos Garcia; Julian King; and Brian Lipman were key contributors to this report.

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