

Congress of the United States

Washington, DC 20515

July 30, 2002

The Honorable James Ziglar
Commissioner
U.S. Immigration and Naturalization Service
425 I Street, NW
Room 7016
Washington, D.C. 20536

Dear Commissioner Ziglar:

Thank you for your support of the imminent restructuring of the Immigration and Naturalization Service. We agree that the change is long overdue, and we recognize the difficulty of the task. It was evident on September 11th that, tragically, the INS's failings may have had a devastating effect on our national security. We are writing to you because of reports we have recently heard from our constituents about problems with the New York and New Jersey District INS Offices. We would appreciate your assistance in addressing these issues as quickly as possible.

1. Since September 11, we believe that inadequate staffing has hindered the New York District Office. For example, because of its proximity to the World Trade Center site, the Varick Street Service Processing Center (SPC) was closed. Despite repeated requests by the District Director to the Detention and Removal Chief of the Eastern Region, the officers detailed out as a result of the closure were not returned to the facility or to the New York District Office. Reopening the SPC without appropriate staffing levels would pose a serious threat to the safety of INS officers employed there. The original staff must be returned, in addition to whatever additional staff can be spared.
2. The Detention and Removal proceedings conducted in the New York District appear to be inadequate. The New York District currently manages a non-detained docket of more than 160,000 cases with a staff of twenty Deportation Officers. The New York District currently has nowhere to hold those found deportable, so they are released with instructions to report for removal. (Only 5% of those instructed to report for removal do.) Those subject to mandatory detention are detained and transported to other districts, a strain on an already undermanned detention and deportation program. Given both the high immigrant population with deportation orders and the risk of terror attacks in New York, this is unacceptable. The Detention and Removal programs in the New York District must receive sufficient staff and resources, including as many special agents as necessary to do the job - at least double the current number.
3. The Absconder Initiative Program for removal of aliens with final orders for deportation is not adequately operating in the New York District. This program was developed and implemented after September 11 to ensure that these aliens left the country. While we understand that the number of deportable aliens is overwhelming, it has come to our

attention that the Department of Justice has reviewed the files and narrowed the search to approximately 1,400 of the most dangerous cases. We are informed that while the District has plans to improve the implementation of this program, with an investigations staff of just 12-15 officers, it will be months before assigned cases will be processed. In the meantime, the Absconder Initiative Program must rely on the District's already over-committed Investigations Program. To protect the citizens of this community and the nation, the New York District should be immediately reinforced with sufficient Detention and Removal Officers and Detention Enforcement Officers to deport promptly those who should be deported.

4. Because of poor implementation and a lack of resources, the new Inter-Agency Border Investigation System (IBIS) checks have caused severe processing delays. Requests for resources and manpower, specifically for the IBIS checks, essentially have been ignored. Although discussions regarding IBIS checks began nearly 6 months ago, INS Headquarters gave neither implementation directives nor the requested resources until July 2, 2002. Without the requested assistance from Headquarters, the District Office was forced to address these issues by reassigning officers internally and salvaging obsolete computers that are subject to frequent breakdown. Despite these efforts, there was a virtual halt in adjudications in the New York District. We ask that the New York and New Jersey offices receive adequate equipment and the necessary staff to run the required IBIS checks.

Further, the FBI has not given six of the seven Application Support Centers in the New York District the necessary clearances to implement the NCIC (criminal database) background checks. These clearances should be expedited immediately.


5. We understand that the INS recognizes that the pay scale for INS officers is too low. Without sufficient compensation and benefits, the INS will continue to lose its most experienced officers (JFK International Airport is losing an average of two inspectors a week.) The compensation of INS officers is extremely low when compared with other Federal Employee programs like the Federal Air Marshal Program and the FBI. For example, a journeyman level inspector for the INS commands a GS-9 salary, equaling approximately \$39,698. A journeyman level FBI agent commands a GS-13 salary of about \$68,457. The Federal Marshal Program is also known to tout attractive hiring packages, drawing more experienced INS officers from their fields. The numbers show that the INS has already lost more than 125 officers to the Federal Air Marshal program. While hiring new employees has not proven difficult, the experience level of the lost Inspections staff is impossible to recover. We understand that there are limitations on the increase in compensation and benefits for INS employees; however, this issue must be addressed in order to alleviate the drain of qualified officers from the Immigration and Naturalization Service. The compensation and benefits packages must be altered so as to be competitive with other federal employee benefits.


The New York District Office lacks the human and technical resources to effectively carry out its mission, and was strained even before 9/11. Since the attacks, the demands have

increased while the tools with which to accomplish the job have diminished. There is no certainty that even the best people, equipment, and processes will prevent another terrorist attack, but it is evident that the INS is our first line of defense. Accordingly, we are hopeful that the above concerns will receive due consideration. Please inform us if we can be of assistance in ensuring that the New York District Office has your support to adequately carry out the agency mission. We must correct the current inadequacies in INS enforcement in New York. There can be no excuse for failure to act promptly and effectively to remedy these deficiencies.

Thank you for your attention in this matter.


Sincerely,



CAROLYN B. MALONEY
Member of Congress


ANTHONY WEINER
Member of Congress

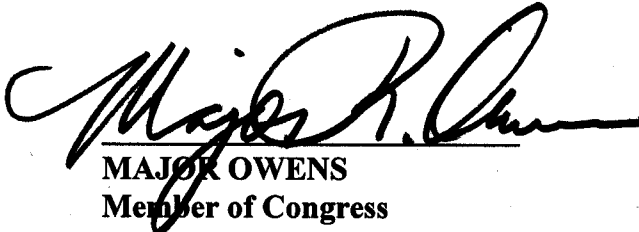

CHARLES RANGEL
Member of Congress


NITA LOWEY
Member of Congress


RUSH HOLT
Member of Congress


CAROLYN MCCARTHY
Member of Congress


STEVE ISRAEL
Member of Congress


MAJOR OWENS
Member of Congress


EDOLPHUS TOWNS
Member of Congress


MICHAEL McNULTY
Member of Congress