

DHS Needs a More Unified Approach to Immigration Enforcement and Administration





DHS OIG HIGHLIGHTS

DHS Needs a More Unified Approach to Immigration Enforcement and Administration

October 30, 2017

Why We Did This Audit

Between fiscal years 2014 and 2016, the Department of Homeland Security received \$22.8 billion to enforce and administer immigration laws. We conducted this audit to determine whether DHS fosters collaboration and unity of effort department-wide to enforce and administer immigration law and policy.

What We Recommend

DHS should establish a formal department-level group to facilitate long-term solutions for overarching component immigration enforcement and administration challenges, and improve efficiencies.

For Further Information:
Contact our Office of Public Affairs at (202) 254-4100, or email us at DHS-OIG.OfficePublicAffairs@oig.dhs.gov

What We Found

U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, and U.S. Citizenship and Immigration Services, continue to face challenges with emerging immigration enforcement and administration activities. Although DHS has established unity of effort initiatives to break silos and centralize decision making related to immigration, problems remain.

We identified issues related to mission allocation and expenditure comparisons, the affirmative asylum application process, and the Department's struggle to understand immigration outcomes and decisions. We also identified component coordination difficulties pertaining to the availability of bed space, language services, and processing aliens. These issues existed because DHS did not have a designated responsible official or department-level group that strategically addressed overarching issues to foster coordination and resolution.

Without a more unified approach to immigration enforcement and administration that includes efficiency in management of resources, DHS will continue to allow vulnerabilities that may affect national security and public safety.

DHS Response

DHS concurred with our recommendation and has begun to develop corrective actions in response to our report.



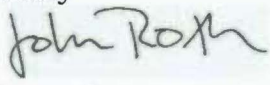
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Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

OCT 30 2017

MEMORANDUM FOR: The Honorable Elaine C. Duke
Acting Secretary

FROM: John Roth 
Inspector General

SUBJECT: *DHS Needs a More Unified Approach to
Immigration Enforcement and
Administration*

Attached for your action is our final report, *DHS Needs a More Unified Approach to Immigration Enforcement and Administration*. We incorporated the formal comments from your office in the final report.

The report contains one recommendation aimed at improving DHS' immigration enforcement and administration. DHS concurred with the recommendation. Based on information provided in your response to the draft report, we consider the recommendation resolved and open. Once your office has fully implemented the recommendation, please submit a formal closeout letter to us within 30 days so that we may close the recommendation. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions and of the disposition of any monetary amounts. Please send your closure request to OIGAuditsFollowup@oig.dhs.gov.

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.

Please call me with any questions, or your staff may contact Don Bumgardner, Deputy Assistant Inspector General for Audits, at (202) 254-4100 or Patrick O'Malley, Audit Director at (856) 229-5105.

Attachment



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Abbreviations

CBP	U.S. Customs and Border Protection
EAD	Employment Authorization Document
FYHSP	Future Years Homeland Security Program
ICE	U.S. Immigration and Customs Enforcement
ICE ERO	ICE Enforcement and Removal Operations
ICE HSI	ICE Homeland Security Investigations
JRC	Joint Requirements Council
JTF	Joint Task Forces
NDAA	National Defense Authorization Act
OIG	Office of Inspector General
PPBE	Planning, Programming, Budgeting, and Execution
QHSR	Quadrennial Homeland Security Review
USCIS	U.S. Citizenship and Immigration Services



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Background

The *Homeland Security Act of 2002* (the Act) abolished the Immigration and Naturalization Service, separated its benefit and enforcement functions, and transferred those functions to distinct components within the Department of Homeland Security. Specifically —

- the Act gave the U.S. Citizenship and Immigration Services (USCIS) authority to adjudicate immigration benefits;
- the Act gave the U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) authority for immigration enforcement functions; and
- Congress transferred immigration policy making and implementation to each component for its area of responsibility.

Between fiscal years 2014 and 2016, DHS allocated \$22.8 billion to accomplish the enforcement and administration of immigration laws — one of its strategic missions. ICE, CBP, and USCIS account for \$21.7 billion (or 95 percent) of all resources allocated to this mission. Table 1 provides FYs 2014–16 allocations by component for enforcing and administering immigration laws.

Table 1: DHS Mission 3: Enforcing and Administering Our Immigration Laws (\$ in Thousands)

Department Components	FY 14	FY 15	FY16	Total
U.S. Immigration and Customs Enforcement	\$3,441,531	\$3,148,657	\$3,942,579	\$10,532,767
U.S. Citizenship and Immigration Services	\$3,219,466	\$2,892,117	\$3,259,881	\$9,371,464
U.S. Customs and Border Protection	\$1,002,538	\$416,491	\$373,694	\$1,792,723
United States Coast Guard	\$0	\$441,001	\$248,956	\$689,957
National Protection and Programs Directorate	\$0	\$142,035	\$161,896	\$303,931
Federal Law Enforcement Training Center	\$36,912	\$35,172	\$32,303	\$104,387
Office of Health Affairs	\$0	\$12,212	\$0	\$12,212
Departmental Management and Operations	\$5,428	\$832	\$1,515	\$7,775
Science and Technology	\$0	\$0	\$500	\$500
DHS TOTALS	\$7,705,875	\$7,088,517	\$8,021,324	\$22,815,716

Source: DHS FY 2014–16 Future Year Homeland Security Program Allocations.

Strong unity of effort allows for effective decision making, identification of priorities, and successful execution of the homeland security mission. In 2014, former DHS Secretary Jeh Johnson wrote a memorandum on “unity of effort” to



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encourage greater coordination among DHS components.¹ In the same year, the Unity of Effort Initiative created the Joint Task Forces (JTF) by region and function to coordinate the Department's resources and missions along the Southern Border. The purpose of the JTFs is to enhance DHS' unity of effort in securing the Southern Border and maritime approaches. These task forces are relatively small operations within DHS that focus primarily on combating transnational criminal organizations as opposed to daily operations, like processing, transporting, and housing aliens. We recently provided a review² on the operational status of DHS' JTFs and plan to audit their progress in the near future.

DHS allocated millions of dollars to its immigration efforts while generally committing to a more unified approach. The Department also continues to emphasize improving major stakeholder relationships. Increasing cross-component coordination and information sharing is critical to the Department's overall success in addressing ongoing and emerging immigration challenges.

Results of Audit

ICE, CBP, and USCIS continue to experience challenges with emerging immigration enforcement and administration activities. Although DHS has established unity of effort initiatives to break silos and centralize decision making related to immigration, problems remain.

We identified challenges related to mission allocation and expenditure comparisons, the affirmative asylum application process, and the Department's struggle to understand immigration outcomes and decisions. We also identified component coordination difficulties pertaining to the availability of bed space, language services, and processing aliens. These problems existed because DHS did not have a designated responsible official or department-level group that strategically addressed overarching issues to foster coordination and resolution.

Without a more unified approach to immigration that includes efficiency in management of resources, DHS will continue to allow vulnerabilities that may affect national security and public safety to persist.

¹ *Strengthening Departmental Unity of Effort Memorandum*, April 22, 2014

² *DHS' Joint Task Forces* (OIG-17-100, August 2017)

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DHS Needs to Enhance Its Unified Approach with Immigration Enforcement and Administration to Combat Cross-component Challenges

Although DHS has fostered unity of effort initiatives to break silos and centralize decision making, challenges still exist. For instance, Department and component offices are involved with immigration-related tasks; however, these groups do not always coordinate efforts to address strategic immigration activities. According to the 2010 Quadrennial Homeland Security Review (QHSR), successful immigration management requires a unified approach that employs shared policy and priorities, a common understanding and respect for stakeholder roles, as well as improved sharing of information and analysis. DHS does not have a department-level group that strategically addresses immigration challenges in order to foster better coordination and to resolve cross-cutting problems.

Challenges related to the evaluation of immigration outcomes, the affirmative asylum application process, and cross-component coordination difficulties existed because no specific department-level group is responsible for addressing overarching component immigration challenges. In part, that is because the *Homeland Security Act of 2002* (the “Act”) pushed the Department’s immigration enforcement and administration oversight authority into separate components within the Department, decentralizing immigration policy making and enforcement. Nothing in the Act would prohibit greater cross-component coordination and unity of effort with respect to immigration. We believe that would provide a stronger foundation to combat current, emerging, and future threats to the homeland with respect to risks related to immigration.

The Department should provide reasonable assurance toward achieving its mission by ensuring discipline and structure for the organization, especially where immigration is concerned. The Department does not efficiently collect meaningful performance information to measure how well it is accomplishing its mission or where to make improvements. According to the *Government Accountability Office’s Standards for Internal Control*, the oversight body is responsible for overseeing the strategic direction of the entity and obligations related to the accountability of the entity. The Department should define the objectives in specific and measurable terms to enable management to identify, analyze, and respond to risks related to achieving those objectives.

In the past, we identified the need for DHS to facilitate sharing and cooperative efforts among its components. In a 2007 report,³ we recommended that

³ *DHS’ Progress In Addressing Coordination Challenges Between Customs and Border Protection and Immigration and Customs Enforcement* (OIG-07-38, April 2007)
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DHS create an Undersecretary for Policy that has authority over CBP and ICE with respect to policy and operational coordination. DHS had previously established the department-wide Office of Policy, Office of Operations Coordination, and the Office of Intelligence and Analysis, and charged the offices with using the tools of all components to address the Department's homeland security mission.

In the *National Defense Authorization Act of 2017* (NDAA), Congress established an Office of Strategy, Policy, and Plans with an Under Secretary in order "to lead, conduct, and coordinate department-wide policy development"; develop "strategic plans"; and "promote quality and consistency" across components.⁴ Although the NDAA was not an attempt to re-centralize immigration policy making and implementation in this new office, or to deprive the components of their spheres of responsibility under the Act, it is nevertheless evidence that Congress values greater unity of effort within the Department.

Despite the previous Office of Inspector General (OIG) recommendations and efforts by the Department to promote a more coordinated approach for immigration, significant problems still remain. Ten years after our report, the Department's Office of Immigration Policy still lacks the capability to provide immigration guidance to the Department because of limited support and authority. Additionally, the *Homeland Security Act of 2002* decentralized immigration policy making and enforcement authority. Although the Department has made efforts to improve cohesiveness, we found areas of immigration policy and enforcement that could benefit from more strategic coordination.

Evaluation of Mission Allocations

DHS may not be able to determine whether its investment decisions provided the intended outcomes and mission success. The Department has not aligned its mission allocations to its actual expenses in order to improve immigration decision making and provide better outcomes. The Department began a planning, programming, budgeting, and execution (PPBE) cycle as a method to allocate resources among its components and programs. The PPBE is a framework for resource allocation decision making and for articulating program priorities.

To test the PPBE, we attempted to test the Department's Future Years Homeland Security Plan (FYHSP) allocation data to its expenses or obligations. This would allow us to evaluate the immigration enforcement and

⁴ *National Defense Authorization Act of 2017*, § 1902, Public Law 114-328, 130 Stat. 2000, amending *Homeland Security Act of 2002*, by adding "Sec. 709. Office of Strategy, Policy, and Plans."



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administration mission allocations with expenditures to identify duplicative DHS projects, programs, and activities. We were unable to do this comparison because FYHSP Office of Policy allocates and plans by mission, but the budget office tracks resources by program project activity. The Office of Policy and the Office of Budget do not track the two data groups similarly.

The Department's budget office does not have the capability to track expenditures by mission. According to the DHS Office of Budget, once the common appropriation structure and new PPBE information technology solutions are in place,⁵ DHS will be in a better position to make these assessments. For now, DHS is limited to planning and programming by mission, with component-tracked execution. Without an evaluation between allocations and expenditures, DHS cannot identify budget disparities and inconsistencies between its components, appropriations, and programs to ensure taxpayer funds effectively accomplish the immigration enforcement and administration mission.

DHS also needs improvement in evaluating immigration enforcement and administration outcomes. The Department has aligned its mission and goals with both the 2010 and 2014 QHSRs. Within the QHSR, the Department has developed a number of performance goals and objectives to ensure achievement of its immigration mission. The *DHS Annual Performance Report* identifies performance measures aligned with the QHSR's goals and objectives. To assess the performance measures, DHS relies on components to complete annual self-assessments that review the progress of their own strategic goals. Strategic review teams involving component personnel completed these self-assessments, but the Department did not conduct independent reviews or provide feedback. Without the Department comprehensively evaluating its immigration mission, DHS has no assurance it is achieving its intended outcomes in the most efficient and effective manner, and may be duplicating efforts.

Affirmative Asylum Backlog

The Department identified asylum as a vulnerability, and in 2016, DHS implemented an asylum surge issue team that developed recommendations for addressing the causes of the growth in affirmative asylum claims from an inter-agency perspective. Affirmative Asylum refers to an alien physically in the United States who files an application for asylum within 1 year of the date of last arrival and not in removal proceedings. The issue team is an example of a unity of effort initiative as it involved collaboration from multiple components, including USCIS, ICE, and CBP. The issue team was to analytically understand the asylum seeker, identify resource implications, and improve the efficiency of

⁵ The common appropriation structure is a simplified, uniform structure across components that allows decision makers to compare like missions and activities over time.



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asylum processing. Because of its efforts, the issue team arrived at a number of recommendations, including:

- establishing an immigration coordination council by the end of 2016;
- continuing analysis of asylum surge team policy options;
- identifying and vetting ongoing and emerging challenges to immigration; and
- standing up teams to explore, develop, and pilot policy and operational proposals.

However, according to a DHS official, due to changes in administration, leadership did not review the results of this effort and failed to address the previously listed recommendations.

Despite DHS reviewing the affirmative asylum surge and associated problems, the backlog has dramatically increased in size with no meaningful changes implemented. For example, we identified that the national backlog has more than quadrupled from 56,898 in 2014 to 254,128 in March of 2017. According to a USCIS official, it would take more than 5 years if 100 percent of his local staff were to address the backlog of 40,000 cases in his area of responsibility. Figure 1 illustrates the affirmative asylum backlog of cases at one location. Although USCIS has made a proposal for a vetting center in Atlanta that would offer some relief, these issues need a more unified and cross-component approach to reduce the risks. Moreover, these cases present a significant risk to national security and public safety when not vetting the applicants' backgrounds.

Figure 1: Affirmative Asylum Backlog in Anaheim, CA



Source: USCIS



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USCIS officials have identified fraud trends with the affirmative asylum backlog. Individuals may file for affirmative asylum, anticipating a prolonged waiting period, as a means of exploiting the application process to obtain an Employment Authorization Document (EAD) while cases are pending. There may be additional vulnerabilities exploited by procurement of an EAD, for example facilitating travel or applying for other subsidiary benefits (figure 2 displays an EAD card.)

Figure 2: Sample EAD card



Source: USCIS

Cross-component Issues

During our field visits, we identified examples of multiple component challenges that occur in the performance of the immigration enforcement and administration mission. Decisions made by one component negatively affected other components, which the Department could avoid with better coordination and a more unified approach. We identified issues related to bed space availability, custodial and transfer responsibility, language services, and the processing of aliens. Although components were able to overcome their situations, these issues highlight the need for better strategic guidance and oversight from the Department.

Bed Space Availability

Communicating bed space availability varied by location, which makes it difficult to manage apprehensions. CBP's apprehensions require bed space at ICE's Enforcement and Removal Operations (ERO) facilities. At one location, ICE ERO provided e-mail updates to CBP's Border Patrol on the availability of bed space at its family residential facilities. Border Patrol officials at this location explained this practice was beneficial for minimizing the time subjects were in custody. At other locations we visited, updates were not readily available or provided, thereby making planning efforts more difficult. If bed space information were more readily available and transparent, CBP could



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more efficiently manage the detention of apprehended aliens by minimizing the time detained in CBP's custody.

At locations we visited, the difference in hours worked contributed to issues with bed space availability. CBP is a 24-hour, 7-day-a-week operation, but ICE ERO normally does not work night or weekend shifts for processing aliens. As such, ICE ERO may not have staff available to process the aliens during certain times. At one location, during a period of increased CBP apprehension activity on a Friday, CBP attempted to contact ICE ERO for bed space. Because ICE ERO did not work weekend hours, there was no one available to transfer custody. As a result, CBP struggled to locate bed space options.

Custodial and Transfer Responsibility

CBP only holds individuals temporarily and relies on ICE to make a decision on whether to detain, release, or remove a person. At one location we visited, ICE ERO no longer accepted aliens with certain medical issues or unaccompanied children. In cases like these, CBP may incur costs for temporarily housing, transporting, and caring for aliens. In addition, medical practitioners must clear aliens medically before transferring custody.

Language Services

Decisions made by one component regarding language services could negatively affect other components. For example, USCIS contractors provided language interpretation and translation services to CBP and ICE during alien interviews. During FY 2016, USCIS informed ICE ERO that USCIS would curtail these services. At the locations visited, CBP and ICE were able to implement mitigating strategies, such as using internal staff. Nevertheless, USCIS's decision to curtail this important service did not take into account the impact on its immigration partners. Although CBP and ICE implemented workarounds at the locations visited, the lack of interpretation and translation services may still negatively affect operations at other locations.

Processing Aliens

Lack of coordination in processing aliens creates potential vulnerabilities to national security and public safety, and leads to component inefficiencies. In June 2016, USCIS officials at one location informed ICE ERO they would no longer interview their non-detained population of pending credible fear and reasonable fear cases until further notice.⁶ As a result, ICE ERO converted

⁶ USCIS conducts credible and reasonable fear interviews on DHS-detained individuals to determine whether there is a possibility they would be subject to persecution or torture upon returning to their home country.



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1,983 cases pending an asylum hearing to Notices to Appear. According to an ICE ERO official, these individuals would have likely been removed and not released into communities had the asylum claims been adjudicated upon entry.

Processing an alien also requires USCIS to schedule timely credible and reasonable fear interviews. USCIS conducts these interviews to establish the legitimacy of an individual's claim of persecution or torture if returned to his or her home country. For detained aliens, ICE officials made detention decisions on facility relocation or release without informing USCIS. According to USCIS officials, this affected their ability to make timely case decisions. USCIS officials spent time and resources setting up interviews at facilities only to find out that ICE relocated the subjects without notice, rendering subjects unavailable for the scheduled interview. As a result, USCIS officials had to identify the new detention locations and reschedule interviews.

Need for Overarching Oversight

Issues related to the evaluation of immigration outcomes, the affirmative asylum application process, and cross-component coordination difficulties existed because no specific department-level group is responsible for addressing overarching component immigration challenges.

Recent Efforts and Best Practices for More Unified Operations

The Department's Joint Requirements Council (JRC) efforts could serve as a template for addressing cross-component immigration enforcement and administration challenges. Former Secretary Johnson established the JRC to make informed investment recommendations that support a more operationally effective, unified, and efficient department. The JRC comprises senior level officials from the Department's seven operational components and key headquarters organizations. The JRC develops recommendations for the Deputy's Management Action Group, which is the Department's basic decision-making body. The group addresses investment areas such as systems modernization and asset acquisitions.

Conclusion

After years of handling immigration and Department initiatives, components continue to operate independently to accomplish their respective immigration missions. Between FYs 2014 and 2016, DHS allocated \$22.8 billion to accomplish the enforcement and administration of immigration laws — one of its strategic missions. ICE, CBP, and USCIS account for \$21.7 billion (or 95 percent) of all DHS resources allocated to immigration enforcement. Without a more unified approach to immigration, DHS will continue to face cross-cutting



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component vulnerabilities and risks that may affect national security and public safety. If the Department identifies greater efficiencies in managing its immigration enforcement and administration resources, it could better address these deficiencies.

Recommendation

We recommend that the Secretary, Department of Homeland Security, establish and oversee a formal department-level group comprising senior level officials from the Department's operational components and key headquarters organizations responsible for enforcement and administration of immigration laws. The responsible officials will facilitate long-term solutions to overarching and cross-cutting component immigration enforcement and administration challenges. The Department should research and follow similar successful structures from other Federal agencies to guide this endeavor. At a minimum, the designated responsible officials will —

- a. foster better awareness of roles and responsibilities;
- b. facilitate better coordination and communication among the involved components and guide current cross-component immigration initiatives;
- c. ensure components collect and report data for immigration activity and analyze the information to make decisions and reduce inefficiencies; and
- d. serve as mediators for conflicts regarding mission accomplishment and overarching legal, policy, and other issues.



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DHS Comments and OIG Analysis

The Department concurred with our recommendation and provided comments to the draft report. A summary of DHS' management comments and our analysis follows. We have included a copy of these comments in their entirety in appendix B. DHS also provided technical comments, which we incorporated as appropriate.

DHS: DHS concurred. According to the Department, the DHS Office of Strategy, Policy, and Plans will seek to charter a senior level cross-component Immigration Policy Council. This Council will provide an institutionalized structure for department-wide strategic planning related to immigration policy and operations. At a minimum, the Council will comprise representatives from the Office of Strategy, Policy, and Plans; USCIS; ICE; CBP; the Office of Civil Rights and Civil Liberties; and the Office of General Council; with ad hoc representation from other components, as needed. It will also provide a forum to address and clarify immigration policies, strategies, and processes.

The Council will serve as a mechanism for developing creative solutions to fully integrate immigration policy into department-wide planning. Most importantly, it will establish a forum to communicate, collaborate, and implement Secretarial policy priorities while incorporating component feedback, policy priorities, and needs. Fundamentally, the Council will allow component and headquarters representatives to continually engage at both the leadership and staff levels to ensure successful implementation of the Secretary's priorities. This will help the representatives share best practices and analyze cross-component immigration policy, strategy, procedure, and operations.

The Council will identify common interests and needs of the components engaged in fulfilling DHS's mission to enforce and administer our immigration laws. Further, the Council will promote consistent use of immigration terminology and standard data collection and tracking across the Department. The estimated completion date is March 31, 2018.

OIG Analysis: The actions DHS proposed should meet the intent of the recommendation, which is considered resolved and open until we have reviewed documentation confirming that the Council is fully operational and a plan has been developed and implemented to ensure department-wide strategic planning related to immigration policy and operations. Actions should also focus on addressing duplicative efforts through the coordination efforts.



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Appendix A

Objective, Scope, and Methodology

The Department of Homeland Security Office of Inspector General was established by the *Homeland Security Act of 2002* (Public Law 107-296) by amendment to the *Inspector General Act of 1978*.

Our audit objective was to determine whether DHS fosters collaboration and unity of effort department-wide to enforce and administer immigration policy. The scope of our audit focused on fiscal years 2014–16.

To answer our objective, we interviewed headquarters officials from the Department to gain a better understanding on how immigration enforcement and administration efforts are coordinated. At DHS Headquarters, we met with officials from the Joint Task Force — Investigations; Office of Chief Financial Officer; Office of Policy; Joint Requirements Council; Office of Intelligence and Analysis; and the Office of Operations Coordination.

We reviewed DHS available policies, organizational charts, strategic plans, Department studies, quadrennial homeland security reviews, fiscal year homeland security program allocations, budget justification reviews, and annual performance reports. We attempted to conduct a comparative analysis of agency allocations and expenditures by mission, but this information was not available at the time of our audit.

We met with officials from U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), and U.S. Citizenship and Immigration Services (USCIS), at both Headquarters and in the field. Specifically, in the field, we interviewed officials from the following groups:

- CBP Office of Border Patrol,
- CBP Office of Field Operations,
- USCIS Refugee Asylum and International Operations,
- USCIS Office of Policy,
- ICE Enforcement and Removal Operations, and
- ICE Homeland Security Investigations.

We conducted site visits to the following CBP, ICE, and USCIS locations: McAllen, Houston, El Paso, TX; and Los Angeles and San Diego, CA. We chose these locations because of the high volume of immigration activity, and they were centrally located for the multiple DHS components involved with immigration enforcement and administration.



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In gathering information from the respective field offices, we attempted to quantify the extent of the crosscutting issues identified in the report. However, data was not always available or tracked by the components.

We conducted this performance audit between October 2016 and May 2017 pursuant to the *Inspector General Act of 1978*, as amended, and according to generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based upon our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based upon our audit objectives.



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Appendix B
DHS' Comments to the Draft Report

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

OCT 02 2017



**Homeland
Security**

MEMORANDUM FOR: John Roth
Inspector General

FROM: James D. Nealon
Assistant Secretary for International Affairs
Office of Strategy, Policy, and Plans

SUBJECT: Management's Response to OIG Draft Report: "DHS Needs a More
Unified Approach to Immigration Enforcement and Administration"
(Project No. 16-077-AUD-DHS)

Thank you for the opportunity to review and comment on this draft report. The U.S. Department of Homeland Security (DHS) appreciates the work of the Office of Inspector General (OIG) in planning and conducting its review and issuing this report.

The Department is pleased to note OIG's positive recognition of the Department's Unity of Effort initiative, which allows for greater coordination and less duplication of effort among DHS Components. DHS remains committed to an increasingly more unified approach to our mission, including our immigration enforcement functions.

Multiple DHS components and offices maintain varying responsibilities for certain immigration functions, and as noted in the draft report, "[i]ncreasing cross-component coordination and information sharing is critical to the Department's overall success in addressing coordination and emerging immigration challenges." The Department is committed to joint planning, better coordination, and increased information sharing among U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), and U.S. Citizenship and Immigration Services (USCIS), which would further support the Department's strategic goals and mission.

The draft report contained one recommendation with which the Department concurs. Attached find for our detailed response to the recommendation.

Again, thank you for the opportunity to review and comment on this draft report. Technical comments were previously provided under separate cover. Please feel free to contact me if you have any questions. We look forward to working with you in the future.

Attachment

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Attachment: DHS Management Response to the Recommendation Contained in 16-077-AUD-DHS

Recommendation: The Secretary, Department of Homeland Security establish and oversee a formal department-level group comprised of senior level officials from the Department's operational components and key headquarters organizations responsible for enforcement and administration of immigration laws. The responsible officials will facilitate long-term solutions to overarching and crosscutting component immigration enforcement and administration challenges. The Department should research and follow similar successful structures from other Federal agencies to guide this endeavor. At a minimum, the designated responsible officials will:

- a. foster better awareness of roles and responsibilities;
- b. facilitate better coordination and communication among the involved components and guide current cross-component immigration initiatives;
- c. ensure components collect and report data for immigration activity and analyze the information to make decisions and reduce inefficiencies; and
- d. serve as mediators for conflicts regarding mission accomplishment and overarching legal, policy, and other issues.

Response: Concur. The Department has achieved greater unity of effort with respect to our border security mission, in part, due to the creation of the Joint Task Forces. However, no similar effort has been made with respect to the immigration mission. For much of DHS's existence, formation and coordination of immigration policy has occurred in a relatively ad hoc manner. This approach has resulted in mixed success in addressing Secretarial priorities, forging DHS-wide unity of effort, and speaking with one voice within the interagency community.

The Office of Strategy, Policy, and Plans (PLCY) will seek to charter a senior level cross-component Immigration Policy Council. This Council will provide an institutionalized structure for Department-wide strategic planning related to immigration policy and operations, and, at a minimum, will be comprised of representatives from PLCY, USCIS, ICE, CBP, the Office of Civil Rights and Civil Liberties (CRCL), and the Office of General Council (OGC), with ad hoc representation from other Components, as needed. It will also provide a forum to address and clarify immigration policies, strategies, and processes. The Council will serve as a mechanism for developing creative solutions to fully integrate immigration policy into Department-wide planning. Most importantly, it will establish a forum to communicate, collaborate, and implement Secretarial policy priorities while also incorporating Component feedback, policy priorities, and needs. Fundamentally, the Council will allow Component and Headquarters representatives to continually engage at both the leadership and staff levels, in order to ensure successful implementation of the Secretary's priorities, to share best practices, and to analyze cross-component immigration policy, strategy, procedure, and operations.

The Council will identify common interests and needs of the Components engaged in fulfilling DHS's mission to enforce and administer our immigration laws. It will also work to ensure successful implementation of the Secretary's immigration priorities. Further, the Council will promote consistent use of immigration terminology and standard data collection and tracking across the Department.

Estimated Completion Date: March 31, 2018



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Appendix C

Office of Audits Major Contributors to This Report

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Appendix D **Report Distribution**

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Office of Management and Budget

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