



Department of Homeland Security Office of Inspector General

U.S. Citizenship and Immigration Services' Implementation of the Kendell Frederick Citizenship Assistance Act



Office of Inspector General

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**Homeland
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Preface

The Department of Homeland Security (DHS) Office of Inspector General (OIG) was established by the Homeland Security Act of 2002 (*Public Law 107-296*) by amendment to the Inspector General Act of 1978. This is one of a series of audit, inspection, and special reports prepared as part of our oversight responsibilities to promote economy, efficiency, and effectiveness within the department.

This report addresses the strengths and weaknesses of U.S. Citizenship and Immigration Services' (USCIS) implementation of the *Kendell Frederick Citizenship Assistance Act*. It is based on interviews with employees and officials of relevant agencies and institutions, direct observations, and a review of applicable documents.

The recommendations herein have been developed to the best knowledge available to our office, and have been discussed in draft with those responsible for implementation. We trust this report will result in more effective, efficient, and economical operations. We express our appreciation to all of those who contributed to the preparation of this report.

A handwritten signature in cursive script that reads "Richard L. Skinner".

Richard L. Skinner
Inspector General

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Abbreviations

BBSS	Benefits Biometric Support System
CIS	Central Index System
CLAIMS 4	Computer Linked Application Information Management System version 4
DOD	Department of Defense
DHS	Department of Homeland Security
FBI	Federal Bureau of Investigation
FY	fiscal year
IDENT	Automated Biometric Identification System
IT	information technology
NSC	Nebraska Service Center
OIG	Office of Inspector General
PIA	Privacy Impact Assessment
USCIS	United States Citizenship and Immigration Services

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Executive Summary

In June 2008, Congress passed the *Kendell Frederick Citizenship Assistance Act* to streamline the process for U.S. military service members seeking to become U.S. citizens. The act directs the Secretary of Homeland Security to accept fingerprints submitted by military citizenship applicants at the time of their enlistment or from prior submissions to the Department of Homeland Security, expedite the processing of citizenship applications, and implement procedures to ensure rapid electronic transmission of biometric information and safeguarding of privacy. As directed by the Congress, we assessed USCIS' implementation of (1) the act's requirements, including an assessment of the technology used to improve the efficiency of the naturalization process for members of the United States Armed Forces and (2) the impact of this act on privacy and civil liberties.

USCIS has taken actions to meet the act's requirements. Specifically, USCIS has implemented a process to use previously submitted fingerprints for military naturalizations, and it tracks and reports processing time to ensure that it completes adjudication of applications timely. USCIS has also undertaken several information technology initiatives to improve the military naturalization process. However, USCIS' information technology systems, such as the application processing system and background check support systems, do not meet all user requirements. As a result, personnel must devote resources to work around system limitations. Further, USCIS had not yet completed a privacy assessment for its process to obtain enlistment fingerprints from partner agencies. Without such an assessment, we were unable to assess whether that process was properly safeguarded.

We are recommending that USCIS: (1) address those requirements not met by existing information technology systems through its ongoing information technology transformation process; (2) implement mobile fingerprint capabilities overseas; (3) pursue expanding the use of video teleconference technology in the naturalization process; and (4) finalize the privacy impact assessment for the system used to store fingerprints obtained from partner agencies.

Background

More than 45,000 noncitizen soldiers serve in the United States military, many of them on active duty in Afghanistan and Iraq. The United States seeks to provide these foreign-born men and women the opportunity to become naturalized U.S. citizens. The federal government has made efforts to make it easier for noncitizen soldiers to apply for citizenship. In the summer of 2002, President Bush signed Executive Order 13269 to expedite the naturalization process, temporarily waiving the application fee and the period of service requirement. Since September 2001, more than 47,000 service men and women, including more than 6,000 service members naturalized in ceremonies overseas and onboard Navy flagships at sea, have become U.S. citizens.

The case of one noncitizen soldier, U.S. Army Reserve Specialist Kendell Frederick, brought attention to needed improvements in the naturalization process for military personnel. Specialist Frederick, a citizen of Trinidad and a resident of Randallstown, Maryland, was on active duty in Iraq serving as a U.S. Army generator mechanic. He sought U.S. citizenship for more than a year, applying three times and filling out multiple forms. In October 2005, as part of the naturalization process, Specialist Frederick was required to submit fingerprints. While returning from an off-base location to submit these fingerprints, he was killed by a roadside bomb.

In response to Specialist Frederick's death, Congress passed the *Kendell Frederick Citizenship Assistance Act* (Public Law 110-251) in June 2008 to streamline the process for soldiers seeking to become U.S. citizens. The act directs the Secretary of Homeland Security to ensure proper coordination and expedite the processing of citizenship applications filed by military personnel. Specifically, the law directs the Department of Homeland Security (DHS) to accept fingerprints or other biometrics information submitted by applicants at the time of their enlistment or from prior submissions to USCIS. The act also requires that DHS ensure that the privacy of biometric information provided by military personnel, including fingerprints, is safeguarded.

USCIS is the component within DHS responsible for the naturalization process.¹ USCIS' mission is to secure America's promise as a nation of immigrants by providing accurate and useful information to its customers, granting immigration and citizenship

¹ 6 U.S.C. § 271(b).

benefits, promoting an awareness and understanding of citizenship, and ensuring the integrity of the immigration system.

The Domestic Operations Directorate, which reports to the Director of USCIS, leads the military naturalization process domestically. The International Operations Division manages the naturalization process overseas and works in collaboration with the Domestic Operations Directorate, although it is organizationally situated in a separate directorate. Several divisions within Domestic Operations are responsible for carrying out the military naturalization process. As part of the Service Center Operations Division, a specialized team at the Nebraska Service Center (NSC) conducts centralized processing of military naturalizations. Under the Field Operations Division, USCIS has four regional offices, 26 districts with 90 field and support offices, and 136 Application Support Centers to carry out operations throughout the United States. Figure 1 shows the major organizational entities within USCIS responsible for the military naturalization process.

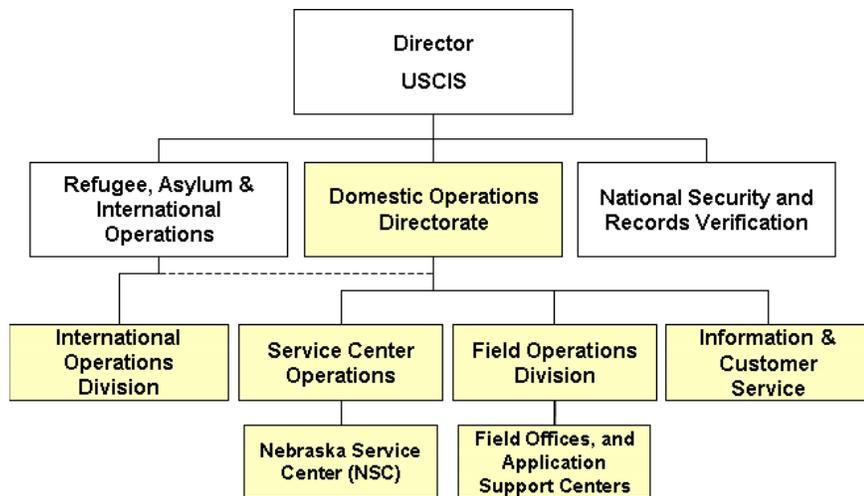


Figure 1: USCIS Organization Structure for Processing Military Naturalizations

To manage issues unique to military personnel effectively, USCIS has created a working group with members from its organizational divisions involved in military services, including naturalizations. The group meets on a weekly basis to discuss a variety of topics that include process improvements, policy formulation, issues raised by field offices and service centers, quality assurance, public outreach efforts, interoffice coordination, customer service improvements, and compliance with executive orders, laws, and agency directives. USCIS also conducts quarterly meetings to coordinate with the Department of Defense (DOD) to ensure

collaboration and communication in providing immigration services to military personnel.

The *Immigration and Nationality Act* provides that all legal permanent residents may potentially become citizens through a process of naturalization.² Military service members are given priority to become citizens, and the process for naturalizing them is unique. Figure 2 shows the naturalization process for military applicants and supporting technology systems.

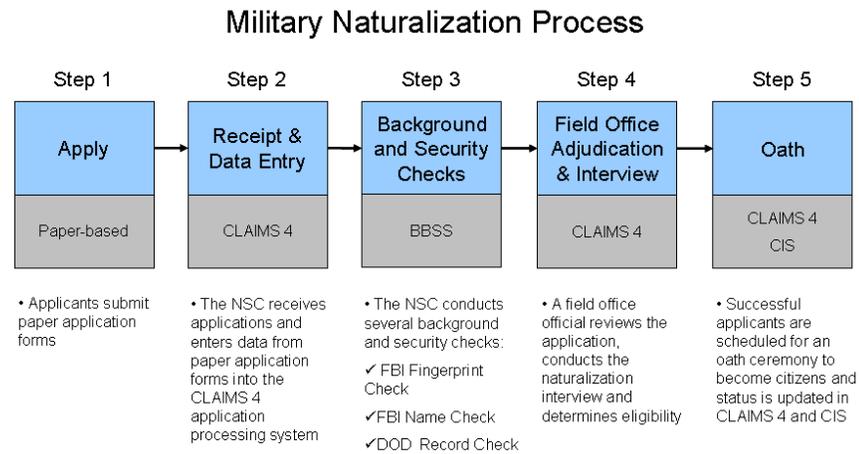


Figure 2: Military Naturalization Process

Service members applying for naturalization must submit to USCIS an Application for Naturalization, a certified Request for Certification of Military or Naval Service, and the Biographic Information Form, as well as a permanent resident card, if applicable; passport-style photos; and fingerprints for background and security checks. Service members may seek assistance from their designated military points of contact to complete their naturalization application packets.

Processing military applications is centralized in the Military Naturalization Unit at the NSC. A specialized team, staffed with 16 Immigration Service Officers, processes about 800 military naturalization applications each month. The team performs initial data entry into the Computer Linked Application Information Management System version 4 (CLAIMS 4). CLAIMS 4 is an electronic case management system that offers automated support for a variety of tasks associated with processing and making an eligibility determination for immigration benefits. CLAIMS 4 is used to receive applications, input application information,

² *Immigration and Nationality Act*, Public Law 82-414, Title 3, Chapter 2.

schedule interviews and oath ceremonies, and track benefit determinations.

The NSC also initiates the following three required background and security checks:

- Federal Bureau of Investigation (FBI) fingerprint check – NSC personnel submit an applicant’s fingerprints to the FBI for a criminal background check. USCIS uses its Benefits Biometric Support System (BBSS) to submit fingerprints and access the results of the check.
- FBI name check – NSC personnel submit an applicant’s name and date of birth to the FBI to check against the FBI’s database of personnel, administrative, applicant, and criminal files compiled for law enforcement purposes.
- DOD record check – The NSC also obtains copies of any records of military investigations during the applicant’s period of service from a DOD database.

Once data entry and background checks are completed, the application is adjudicated and the applicant is interviewed. As part of adjudication, an immigration officer reviews the application packet, as well as any information received during the background and security check process, that may affect the service member’s eligibility to naturalize. The immigration officer may conduct additional security checks for national security risks, public safety issues, current or past targets of investigation, and other law enforcement concerns. The immigration officer interviews the service member, confirms the applicant’s identity, and determines if he or she is eligible for naturalization. For applicants stationed in the United States, the NSC sends the application to a field office near the address provided by the applicant for adjudication. For an applicant being processed overseas, the NSC prepares the file and Certificate of Naturalization and sends the file to an overseas office for adjudication.

The final step for approving naturalization applicants is the oath ceremony. Upon completion of the oath, USCIS issues a Certificate of Naturalization to the service member as evidence of U.S. citizenship. For applicants stationed in the United States, field office personnel update CLAIMS 4 to reflect the completion of that process. Field office personnel also update USCIS’ Central Index System (CIS), a central repository of key USCIS information that is used for several purposes including determination of immigration benefits. For overseas applicants, the immigration

officers return the files to the NSC to perform all necessary updates in CLAIMS 4 and CIS.

Results of Audit

Implementation of the Act

USCIS has taken actions to meet the requirements of the *Kendell Frederick Citizenship Assistance Act*. Specifically, USCIS has implemented a process to obtain and use fingerprint records that were taken at the time of the service member's enlistment or those provided to USCIS during previous immigration applications. In addition, USCIS tracks and reports military naturalization processing time to ensure that it completes adjudication of applications timely. Further, to improve the military naturalization process and better mitigate the risk to military personnel seeking benefits overseas, USCIS has initiated a military outreach program to naturalize military personnel before they travel overseas. As a result, USCIS has improved the efficiency of processing military naturalization applications and reduced the need for military applicants to travel to obtain fingerprints, thereby minimizing the potential risks to overseas applicants.

Use of Previously Submitted Fingerprints for Military Naturalization Applications

The act requires the Secretary of Homeland Security to use fingerprints taken at the time of enlistment, or from prior submission to USCIS, to satisfy the requirements for background and security checks in connection with an application for naturalization.³ Further, the act requires that the Secretary of Homeland Security work with DOD and the FBI to implement procedures to ensure the rapid electronic transmission of biometric data, including previously submitted fingerprints records. These procedures were to be in place by June 2009, 1 year after enactment of the law.

After Specialist Frederick's death in 2005, USCIS recognized the difficulties that service members face when attempting to submit new fingerprints while deployed overseas. To address these obstacles, USCIS developed a process for obtaining previously submitted fingerprints for military naturalization purposes. It implemented the process and began accepting previously submitted fingerprints in May 2006, nearly 3 years before the June 2009 deadline.

³ The act applies to only those individuals applying for naturalization within 24 months of military enlistment.

The process that USCIS implemented relies on collaboration with the FBI to obtain prior fingerprint records and resubmission of those prints through the existing fingerprint check system. USCIS has personnel located at an FBI facility who serve as liaisons with the FBI to assist with the background check process. The NSC provides the liaison a list of applicants' names. The liaison first checks USCIS systems for fingerprints previously submitted to USCIS for immigration purposes. Specifically, the liaison checks BBSS to see if the applicant has a current fingerprint check result.⁴ If there is no current result, the liaison checks the Automated Biometric Identification System (IDENT), the official biometric repository for DHS. If there are no prior USCIS prints, the liaison checks FBI repositories for fingerprints submitted by the applicant at the time of enlistment.

If previous fingerprints are found, the liaison returns the fingerprint records on a compact disc to the NSC. Personnel at the NSC format these fingerprints from the compact disc and submit them through BBSS to the FBI for the required background check. Figure 3 diagrams the process for obtaining and resubmitting prior fingerprints.

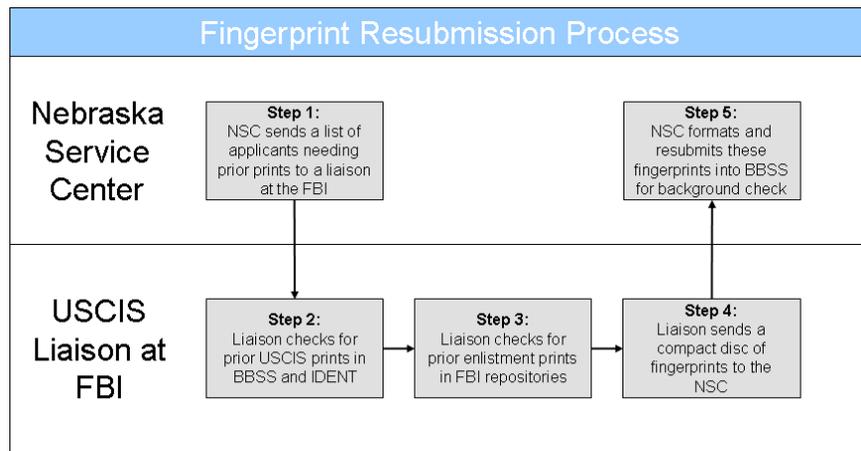


Figure 3: Fingerprint Resubmission Process

The fingerprint resubmission process implemented by USCIS has enabled it to obtain prior fingerprint records for military applicants, making the naturalization process easier and minimizing the risk of overseas applicants being harmed. As of February 2009, USCIS successfully obtained and reused prior fingerprints for 5,771 military applicants since starting the process in 2006.

⁴ Fingerprint check results are current for 15 months as determined by DHS policy.

Previously Submitted Fingerprints Not Used for All Applicants

Although successful, the fingerprint resubmission process has not eliminated the need for military applicants to obtain new fingerprints in all cases. For domestic applicants, obtaining new fingerprints is generally faster than locating previously submitted prints. In addition, previously submitted fingerprints cannot be found in some cases, and the FBI sometimes rejects them due to their poor quality.

After notifying the applicant, the act permits USCIS to obtain new fingerprints for military applicants if it is quicker and more efficient than using previously submitted fingerprints. USCIS can digitally obtain fingerprints from service members at one of its 136 Application Support Centers throughout the country. The center submits the fingerprints electronically to the FBI through BBSS and normally receives results between 2 and 24 hours after submission. Since the process is faster, USCIS encourages military applicants applying domestically to visit an Application Support Center to submit new fingerprints.

In some cases, new fingerprints are necessary because previously submitted fingerprint records cannot be located. Fingerprints submitted prior to 2000, when USCIS started storing electronic fingerprints, are not available in IDENT. Further, fingerprints from the time of enlistment cannot always be found. USCIS reported that the FBI cannot locate 15% to 20% of requested prints. It can be difficult to locate enlistment prints because the paper-based and electronic prints are stored with the prints for all DOD personnel, including civilian employees and contractors. Therefore, locating fingerprints taken at the time of enlistment can be a highly labor-intensive and lengthy process.

Furthermore, fingerprints that are located are not always of sufficient quality to be accepted by the FBI for conducting a background check. Between 2006 and 2008, USCIS reported that approximately 15% of fingerprints from the time of enlistment were rejected when resubmitted. A USCIS official reported that when the component first implemented the fingerprint resubmission process, many applicants had older enlistment prints taken with ink and paper. These prints are of insufficient quality to resubmit successfully for a new background check. As the number of older ink-and-paper prints has decreased, the rejection rate has decreased. Figure 4 shows the rejection rate for fingerprint resubmissions since the process started in 2006.

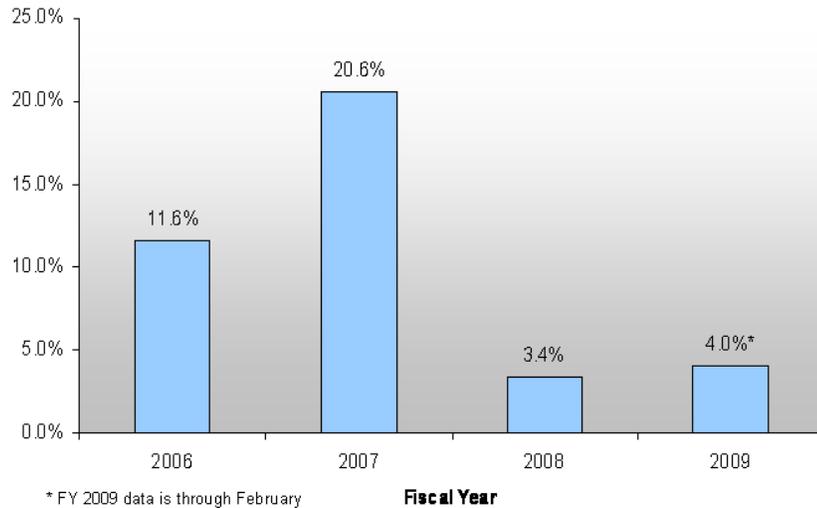


Figure 4: Rejection Rate of Fingerprint Resubmissions

When prior fingerprint records cannot be used, military personnel stationed overseas may still face challenges in obtaining fingerprints for naturalization purposes. Overseas applicants can have new fingerprints taken at a U.S. Embassy, Consulate, or USCIS field office. Prints taken at these locations are taken using a fingerprint card and are mailed to the NSC. These hardcopy prints, however, are not always well done and are sometimes unusable due to their poor quality. In addition, for military applicants stationed in a warzone, travelling to have fingerprints taken could be potentially dangerous. For this reason, USCIS now notifies military applicants that they should not travel to have fingerprints taken if it will put them in any danger.

Tracking Processing Times

The *Kendell Frederick Citizenship Assistance Act* requires DHS to expedite the processing of military naturalization applications and complete adjudication within 6 months from the receipt of all background check results. In addition, the *Military Personnel Citizenship Processing Act*, passed 4 months later in October 2008, changes the 6-month deadline for adjudication to start from the receipt of an application. Starting the processing metric at the time of receipt of the application, rather than after completion of all background checks, encourages USCIS to complete the naturalization process within a shorter timeframe.

USCIS has implemented a process to track and report military naturalization processing time. The NSC date stamps all military

naturalization applications upon receipt to identify the starting point for the 6-month deadline. To ensure conscientious monitoring, USCIS produces a monthly report on the status of pending cases. USCIS field office personnel are responsible for addressing each case on the report and providing an update on actions taken to adjudicate the case. USCIS' four regional offices and the International Operations Division oversee that the field offices address any pending applications that are nearing the deadline. If an application exceeds the 6-month deadline, the report tracks when the NSC notifies the applicant of the reasons for the delay.

As a result of these efforts, USCIS has reduced the processing time for military naturalization applications. As shown in Figure 5, the average processing time for military naturalizations has improved from 9.1 months since USCIS started tracking this information in October 2008 to 4.2 months as of July 2009.

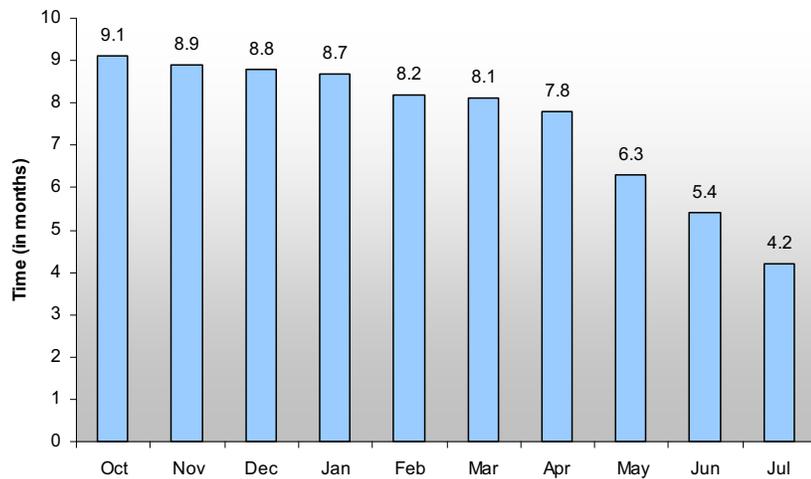


Figure 5: Average Military Naturalization Processing Time (FY 2009)

In addition, the inventory of pending military naturalization applications has decreased. The number of pending applications at the NSC was reduced from 4,537 in October 2008 to 1,955 as of May 2009.

Although USCIS has reduced processing time, some applications have taken longer than 6 months to process. Naturalization applications may take longer than 6 months to adjudicate for several reasons. For example, during initial processing at the NSC, obtaining fingerprints and receiving incomplete Certifications of Military of Naval Service are the most common causes of delays.

At field offices, delays are attributable to USCIS' inability to locate the service member due to deployment, change of duty station, or discharge from the military. Between October 2008, when USCIS started tracking applications, and February 2009, 371 military naturalization applications that were eventually approved took more than 6 months to process.⁵ However, these applications comprised only 8% of the 4,489 military naturalizations processed during that period.

Military Outreach

In June 2008, just before the *Kendell Frederick Citizenship Assistance Act* was passed, USCIS began an initiative to improve customer service and outreach to the military. A major goal of this initiative was to naturalize qualified service members domestically, as soon after enlistment as possible and before deployment overseas. USCIS officials reported that one of the best ways to prevent placing additional military members in the situation Specialist Frederick faced is to complete naturalization domestically. In addition to the dangers they face, military applicants overseas are more difficult to keep track of due to frequent location changes.

The military outreach initiative has two phases. First, field office directors are responsible for planning activities, such as identifying a military liaison at each military installation within their jurisdiction and coordinating an initial planning meeting. Second, field office directors are responsible for implementation activities, such as developing a plan with their military liaison to create a monthly schedule of individual service member appointments to discuss their specific immigration cases, and for providing services at the military installations whenever possible. Field offices are required to provide monthly reports on the outreach activities conducted.

The San Diego District Office is one example of USCIS successfully working with local military installations to provide customer service. In FY 2008, the San Diego District Office processed the largest number of military naturalizations of any field office. Officials at the San Diego District Office reported that outreach has evolved from periodic activities, such as special naturalization ceremonies and quarterly staff consultation visits, to an integrated and comprehensive program-like effort. For example, the San Diego District Office holds bimonthly meetings with military liaisons to establish a consistent channel of

⁵ Data were not made available beyond February 2009.

communication. In addition, the district has established military liaisons to serve as points of contact for routine case-specific communications as well as emergency communications to respond to and resolve issues efficiently. As a result of the San Diego District Office's partnership with the local military, USCIS personnel in this district can more easily reach out and naturalize military personnel before they are deployed overseas.

Since October 2008, USCIS field offices have participated in more than 3,000 immigration-related activities on military installations throughout the country. These efforts have helped USCIS begin the naturalization process as early as possible after enlistment. For example, in August 2009, USCIS staff naturalized noncitizen Army soldiers during their basic combat training at Fort Jackson in South Carolina. This ceremony marked the first time that USCIS naturalized service members during basic training.

Technology Initiatives and Challenges

USCIS has undertaken several IT initiatives to improve the military naturalization process. Specifically, USCIS has improved customer service through the implementation of a toll-free help line and web page updates. Further, USCIS has begun using mobile fingerprint units and video teleconferences to improve the efficiency of the naturalization process. However, USCIS' IT systems, such as the application processing system and background check systems, do not meet all user requirements. As a result, personnel must devote resources to work around system limitations. As identified in prior OIG reports, improvements to these systems have largely been put on hold in anticipation of the USCIS IT modernization and transformation effort, which faces ongoing challenges and delays.

Technology Initiatives

The *Paperwork Reduction Act of 1995* requires that agencies promote the use of information technology to increase the productivity, efficiency and effectiveness of their program operations.⁶ USCIS has implemented new technology to improve the naturalization process domestically and to avoid endangering service members serving overseas. Specifically, USCIS has established a toll-free number and updated its websites to provide guidance and assistance to military personnel. In addition, USCIS has begun using mobile fingerprint units domestically, and is working to obtain them for use overseas to reduce the need for military applicants to travel to have fingerprints taken. USCIS has also used video teleconference technology for preliminary interviews for soldiers serving in Iraq.

Toll-free Number and Website

In August 2007, USCIS implemented a toll-free military helpline and e-mail services to assist service members who are applying for naturalization. The helpline staff answers questions relating to the forms required for naturalization and immigration petitions filed by military applicants or their family members. Service members also contact the helpline to change scheduled interview appointments and to update their address information. In addition, USCIS has established several e-mail inboxes to assist military applicants with their naturalization applications, including one for general questions and one specifically for questions relating to fingerprints.

⁶ 44 U.S.C. § 3506(h)(3).

USCIS estimates that it receives 1,400 to 1,500 helpline calls per month, and it has received 6,800 e-mails since the e-mail service was established.

USCIS has also improved its website to provide better guidance to military personnel. These improvements include posting updates on modifications to the naturalization process, along with updating the website's frequently asked questions and fact sheet periodically. Further, USCIS allows military personnel deployed overseas to enter their military mailing address on the website to receive additional information that is unique for overseas applicants.

Mobile Fingerprint Units

To improve customer service and avoid processing delays, USCIS has implemented mobile technology to capture fingerprints. Mobile fingerprint units, which consist of a laptop connected to a fingerprint scanner, allow USCIS to collect biometrics on military installations. Currently, there are a limited number of mobile fingerprint units, with one located at each of USCIS' four domestic regional offices.

Although USCIS has not yet deployed mobile fingerprint units overseas, it is developing plans for overseas deployment. USCIS' International Operations Division's strategic plan lists deploying standardized biometrics capture capability to international field offices as an objective. At the time of our audit, USCIS did not have enough of the biometrics capture devices to implement this plan. Until recently, USCIS was unable to obtain additional units because its Office of Information Technology was assessing suppliers and the technology, a process that lasted 2 years. Recently, the Office of Information Technology approved the use of 32 new units, and it is working with the International Operations Division to deploy the mobile fingerprint units overseas. USCIS plans to deploy the units internationally by FY 2010.

Video Teleconference

USCIS has also begun to implement video teleconferencing. The USCIS district office in Rome has used video teleconferencing technology to conduct preliminary interviews with members of the armed forces deployed in some areas of Iraq. DOD supports the use of remote preliminary interviews because it reduces the number of days a service member is away from his or her mission and minimizes travel for the applicants. A regular in-person

interview takes approximately 20 minutes. If a preliminary interview has been conducted via webcam, however, the in-person interview takes approximately 10 minutes per service member to complete and finalize the process. Using video teleconferencing also may reduce the amount of time USCIS staff are required to spend in war zones. The USCIS district office in Bangkok, which has jurisdiction over Afghanistan, is exploring the use of similar web-based or video conferencing technology to expedite further the naturalization cases of service members deployed there.

USCIS does not, however, use video teleconference technology to conduct the entire interview or the oath ceremony for service members deployed in war zones. According to the Code of Federal Regulations, a USCIS officer must conduct an in-person interview of a naturalization applicant.⁷ Under the *Immigration and Nationality Act* an applicant must take the oath of citizenship in a public ceremony before the Attorney General or in a court with appropriate jurisdiction.⁸ At the time of this audit, USCIS was reviewing whether video teleconference technology would meet the requirements of the law for an in-person interview and public oath.

Use of video teleconference for the entire interview and oath process could eliminate several challenges associated with naturalizing military personnel in a warzone. First, DOD cannot always accommodate a USCIS request for ceremonies in Iraq and Afghanistan, which can delay the naturalization process for an applicant. For example, a recent USCIS request to DOD to conduct a February 2009 naturalization ceremony in Afghanistan was declined. The oath ceremony was delayed 4 months, until Memorial Day of 2009. In addition, once allowed to enter a war zone, USCIS staff faces the logistical challenge of bringing together many service members from multiple locations to conduct the interviews and the oath ceremony. Again, service members who must travel in a warzone for naturalization purposes confront risks similar to those that Specialist Frederick faced when he left his base to have his fingerprints taken.

Technology Challenges

Under the *Paperwork Reduction Act of 1995* and the *Clinger-Cohen Act*, agencies are required to acquire, manage, and use IT to

⁷ 8 C.F.R. § 335.2(a).

⁸ *Immigration and Nationality Act*, Public Law 82-414, Sec. 337(a).

improve mission performance.⁹ USCIS' IT systems, however, could better support the military naturalization process. Specifically, the application support system CLAIMS 4 and the background check systems do not fully meet all user requirements. In addition, we reported previously that the existing technology environment did not adequately support business processes, and the IT transformation program to modernize USCIS IT continues to face challenges and delays.¹⁰

Application Processing System

The primary system for adjudication of naturalization applications, CLAIMS 4, does not meet certain business process requirements. USCIS uses the windows-based CLAIMS 4 database program as its primary system to receive naturalization applications, input application information, schedule interviews, track adjudication activity, and record completion of oath ceremonies. USCIS headquarters officials stated that CLAIMS 4 is a useful tool compared with a manual process, and it enables them to track the application from receipt to taking the oath. However, the system has data sharing, availability, and reporting limitations.

Data Sharing

Data transfer for completed naturalization applications from CLAIMS 4 to the Central Index System (CIS) is ineffective. CIS provides a central repository of key USCIS information that is used for several purposes including determination of immigration benefits. When a military naturalization case is completed in CLAIMS 4, the status is updated in CIS. However, post-naturalization mismatches can occur when the field office closes out the case in CLAIMS 4 and the information does not match the information in CIS. Data may not match if, for example, an individual's name changed between the time it was first entered into CIS for an immigration visa and potentially many years later when the individual completes a citizenship application. When a mismatch occurs, the naturalization information does not upload into CIS automatically, and must be updated manually.¹¹

⁹ *Paperwork Reduction Act of 1995*, Public Law 104-13, May 22, 1995; and the *Clinger Cohen Act of 1996*, Public Law 104-106, Division E, Subtitle C, February 10, 1996.

¹⁰ *USCIS Faces Challenges in Modernizing Information Technology*, OIG-05-41, September 2005; *U.S. Citizenship and Immigration Services' Progress in Modernizing Information Technology*, OIG-09-90, July 2009.

¹¹ This ongoing data sharing issue was identified in our September 2005 report, *USCIS Faces Challenges in Modernizing Information Technology*, OIG-05-41.

As a result, USCIS personnel must devote additional time and resources to correct each mismatch. Specifically, each week the Field Operations Division publishes a post-naturalization mismatch report on its intranet website. This report lists all naturalization cases where certain data fields in CLAIMS 4 do not match the data fields in CIS. The field offices have 10 days after the report is posted to correct the errors in CIS and report to the CLAIMS 4 service desk that the error was corrected. Once the error is reported to the service desk, the service desk corrects the problem in CLAIMS 4 and removes it from the mismatch report. Cases that remain unresolved are moved to the archives until the field offices make the necessary corrections.

Availability

The CLAIMS 4 system has limited availability internationally. Frankfurt, Rome, and Seoul are the only overseas offices with user access to CLAIMS 4 due to connectivity limitations overseas. Even at these locations, the system connectivity is weak, making it slow to use. Since overseas staff resources are limited, CLAIMS 4 is inefficient to use except in certain circumstances. For example, the Rome office accesses CLAIMS 4 to correct an error on naturalization paperwork or make other simple updates to an applicant's file. However, the Rome field office cannot perform more significant updates, such as closing an application upon completion of the naturalization process, because of the weak connectivity.

Limited availability of CLAIMS 4 overseas is caused by insufficient bandwidth for accessing the system. USCIS relies on the Department of State (State) for network access; however, State cannot provide USCIS field offices with sufficient bandwidth to meet their requirements. A USCIS official reported that State does not have enough bandwidth to provide more for USCIS. To obtain more bandwidth, USCIS would have to contract service independently from State, which would be too expensive according to a USCIS official.

As a result, overseas field offices rely largely on inefficient paper-based processes. For significant updates to CLAIMS 4, overseas offices mail the paper files to the NSC. For example, upon completion of the naturalization process, field offices overseas mail files to the NSC to close out the application in CLAIMS 4. The files take a week to arrive at the NSC. The NSC must then review, process, and backdate the information—a process that can take up to 3 days, depending on other NSC office priorities.

Reporting

The CLAIMS 4 system does not provide sufficient reporting capability to meet business needs in all cases. For example, officials at the NSC reported that in order to track the status of military naturalizations, it must produce a high volume of reports. However, CLAIMS 4 does not provide reports with sufficient detail to meet reporting requirements, specifically with regard to the reasons cases are pending.

As a result, the NSC is devoting staff resources to create and maintain its own independent database. The NSC developed the Access Military Database, an ad hoc database using Microsoft Access, to meet reporting requirements. Personnel at the NSC enter data on each application into the Access Military Database to track the specific reasons the application is pending and any forms that are still required. NSC officials said that keeping up with the reporting requirements for oversight is time consuming because data entry into the Military Access Database takes several hours a day.

Additionally, CLAIMS 4 reporting limitations created a challenge for tracking compliance with the 6-month performance target. Although USCIS was able to identify how long cases had been pending in CLAIMS 4, the system did not contain information on which field offices were responsible for processing each case. This information was contained in another system, CIS. The Northeast Regional Office created a combined report with data from CLAIMS 4 and CIS; however, officials said the report was difficult and time consuming to create and required specialized skills.

Background Check Systems Not Consolidated

USCIS conducts numerous background and security checks, but these results are not integrated into a single system. While each background and security check may have a different purpose, there is no single location for adjudicators to access the results of these checks. USCIS undertook an effort to create a single repository for background and security check information, the Background Check System, but the effort was unsuccessful. The system was intended to be an adjudicator-accessible database that stored the

results of various background security checks on an individual applicant. Based on a comprehensive review, USCIS canceled this initiative and is considering whether another biometric storage system in development can be used to store all background security check results.

In addition, USCIS has two systems for fingerprint submission and storage that have largely redundant functionality. In addition to the BBSS, which is used to manage electronic fingerprint records, USCIS maintains an older system originally used to track paper fingerprint records. USCIS maintains the older system because not all field personnel have access to BBSS because of the IT infrastructure limitations of many field offices. As a result, data must be updated, stored, and secured in two separate systems. USCIS plans to replace these two systems with a new system, the Customer Profile Management System, in 2010.

Long-term IT Modernization and Transformation Efforts

Incremental improvements to existing IT systems have largely been put on hold due to USCIS' overarching IT modernization effort underway as part of the IT transformation program. USCIS' IT systems, such as CLAIMS 4 and BBSS, are old, inefficient to maintain and due for replacement. We reported in September 2005 that inefficiencies in the USCIS IT environment hindered its ability to carry out its immigration benefits processing mission.¹² Specifically, USCIS adjudicators used multiple, nonintegrated IT systems to review application forms and supporting data, which reduced productivity and data integrity.

In addition, we have reported extensively on USCIS' efforts to modernize its IT environment through the IT transformation program. In July 2009, we reported that, although USCIS has taken a number of steps to improve its transformation program, including establishing a program office and governance approach, challenges remained.¹³ Specifically, pilots have had limited success, business process reengineering efforts are incomplete, and stakeholder participation levels have fluctuated, leading to inconsistent business and IT involvement. These challenges affect all USCIS systems, including those used for processing military naturalization applications.

¹² *USCIS Faces Challenges in Modernizing Information Technology*, OIG-05-41, September 2005.

¹³ *U.S. Citizenship and Immigration Services' Progress in Modernizing Information Technology*, OIG-09-90, July 2009.

Privacy

The *Kendell Frederick Citizenship Assistance Act* requires that DHS implement procedures for the rapid electronic transmission of biometric information provided by military personnel, including fingerprints received from DOD or the FBI, and that the procedures are privacy-safeguarded. USCIS used a system for electronic transmission of biometric data prior to the passage of the act, and because that system has not changed, the act has not had an impact on privacy.

In May 2006, however, USCIS developed transmission procedures to obtain previously submitted electronic fingerprints from the FBI for input into the Biometric Benefits Support System (BBSS). In December 2007, USCIS submitted a Privacy Threshold Analysis to the DHS Privacy Office for a determination on whether a Privacy Impact Assessment (PIA) was required for BBSS. The Privacy Office reviewed that analysis and determined that a PIA was required. Although USCIS has prepared a draft PIA, it has not been finalized as of August 2009.

Recommendations

We recommend that the Director of USCIS:

Recommendation #1: Ensure that requirements not met by the existing application support system, CLAIMS 4, and the lack of a consolidated background check system are addressed through the IT transformation process.

Recommendation #2: Implement mobile fingerprint units for military naturalization purposes overseas to improve fingerprint capture capabilities and reduce the burden on military personnel.

Recommendation #3: Pursue expanding the use of video teleconference for the naturalization interview and oath in extraordinary situations such as when military personnel are deployed overseas in a warzone.

Recommendation #4: Finalize the PIA for BBSS, and ensure that the process to obtain and resubmit prior fingerprint records from partner agencies is included in this PIA.

Management Comments and OIG Analysis

We obtained written comments on a draft of this report from the Director, U.S. Citizenship and Immigration Services. We have included a copy of the comments in their entirety in Appendix B.

In the comments, the Director concurred with our recommendations and expressed general agreement with the content of the report. Additionally, the Director provided details on steps being taken to address specific findings and recommendations in the report. We have reviewed management's comments and provided an evaluation of the issues outlined in the comments below.

In response to recommendation one, the Director stated that USCIS plans to implement one easily accessible, user-friendly interface to consolidate all background check activities and applicant information as part of the IT transformation effort. In addition, the Director identified plans to expand USCIS' ability to obtain previously submitted fingerprints from other government agencies to eliminate the need to collect fingerprints from military applicants. The Director envisioned a user-friendly portal to exchange such information, and will provide us with a list of actions and milestones toward achieving this result. We believe that such efforts are a good step toward addressing our recommendation and look forward to learning more about continued progress and improvements in the future.

Responding to recommendation two, the Director stated that USCIS has purchased mobile fingerprint units and has begun deploying these units overseas. The Director, however, listed several challenges that USCIS will face when using mobile fingerprint units overseas. These challenges include USCIS' limited ability to travel or securely transmit captured fingerprints within a warzone. Nevertheless, USCIS expects the use of mobile fingerprint capture technology to reduce the burden of obtaining and submitting fingerprints for military personnel seeking naturalization while deployed overseas. USCIS' actions to implement mobile fingerprint technology overseas are positive steps toward addressing our recommendation.

In response to recommendation three, the Director indicated that USCIS supports the idea of conducting naturalization interviews through methods other than face-to-face interviews, including video teleconference. Accordingly, USCIS has piloted the use of these methods and is reviewing the feasibility of this

recommendation. We recognize this action as a positive step toward addressing recommendation three.

Responding to recommendation four, the Director stated that USCIS has submitted a PIA to the DHS Privacy Office that covers the BBSS system. Additionally, the Director indicated that USCIS intends to update this PIA to include the process for obtaining fingerprint records from partner agencies, if necessary. We look forward to receiving and reviewing the finalized PIA in order to close this recommendation.

Appendix A

Scope and Methodology

We began our audit work by conducting background research to gain an understanding of the *Kendell Frederick Citizenship Assistance Act*, the technology and processes implemented by USCIS in response to the act, and any privacy and civil liberties implications caused by the implementation of the act. We reviewed a USCIS report to Congress on the act, USCIS reports on the naturalization process for military applicants, and congressional testimony. We met with congressional staffers to coordinate efforts with the Government Accountability Office and further define responsibilities. We met with OIG's Office of Counsel to obtain information and guidance on privacy laws in relation to this report.

To obtain information on the current status of the act, how it is being implemented, and any privacy concerns associated with it, we obtained PIAs for CIS, CLAIMS 4, and the IDENT system, along with a draft of the Immigration Benefits Background Systems PIA. We reviewed the *USCIS International Operations Strategic Plan FY 2009–2012*, along with internal memos drafted by the USCIS Office of Policy and Strategy. We examined the documents describing the Military Working Group, which works with DOD to facilitate military naturalizations, along with fingerprint charts which describe the steps taken by USCIS to obtain fingerprints depending on the situation and location of the applicant. We reviewed the 2008 and 2009 USCIS Ombudsman reports. We also researched the USCIS website to obtain relevant information on the military naturalization process, along with the component's strategic plan.

We conducted our audit fieldwork from May to July 2009 at USCIS headquarters in Washington, DC. We met with the Domestic Operations Directorate, International Operations Division, Information Technology Office, Office of Policy and Strategy, and the Field Operations Division, all of which play a role in the military naturalization process. We met with the Office of Transformation to learn about new technologies that USCIS plans to implement that could have an effect on military naturalizations. Additionally, we met with the USCIS Privacy Office, the Office of Chief Counsel, and the DHS Privacy Office, which are responsible for making decisions on privacy and protecting the privacy of individuals applying for naturalization. We visited the NSC, where military applications for naturalization are processed in Lincoln, Nebraska, and the USCIS district office in San Diego, California, to gain a more complete understanding of the military naturalization process, including military liaisons'

roles and responsibilities, the technology used, and issues or concerns related to military processing.

We also teleconferenced with USCIS regional offices in Burlington, Vermont, and Laguna Niguel, California, to discuss their responsibilities relating to the military naturalization process, technologies used, and issues or concerns related to military processing.

We conducted this performance audit 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 on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

The principal OIG points of contact for this audit are Frank Deffer, Assistant Inspector General for Information Technology Audits, and Richard Harsche, Director, Information Management. Major OIG contributors to the audit are identified in appendix C.

Appendix B
Management Comments to the Draft Report

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director MS-2000
Washington, DC 20529-2000



**U.S. Citizenship
and Immigration
Services**

DEC 22 2009

Memorandum

TO: Richard L. Skinner, Inspector General

FROM: Alejandro N. Mayorkas, Director
U.S. Citizenship and Immigration Services

SUBJECT: U.S. Citizenship and Immigration Services Implementation of the Kendell Frederick
Citizenship Assistance Act

USCIS appreciates the opportunity to review and comment on the subject report and generally agrees with the OIG summary of the issues identified in the report.

DHS-OIG recommends that the Director of USCIS:

Recommendation #1: Ensure that requirements not met by the existing application support system, CLAIMS 4, and the lack of a consolidated background check system are addressed through the IT transformation process.

USCIS response: Concur. In the transformed environment, one easily accessible, user-friendly interface will consolidate all background check activity and information related to an applicant.

Currently, if USCIS has the full set of 10 fingerprints (10 prints), we will re-submit them to the FBI for the criminal background check. If USCIS does not have the 10 prints, but the Office of Personnel Management (OPM) does, we can obtain and submit them through an inter-agency agreement providing for a print exchange, which eliminates the need to re-print military personnel. If neither USCIS nor OPM prints are available, the prints for military applicants can be collected at a USCIS Application Support Center in the U.S., at a USCIS office abroad, or by USCIS authorized personnel at a domestic military base.

In the transformed environment, USCIS plans to expand data-sharing activities with other government agencies. The objective is to use the 10 prints captured at the first encounter with a U.S. Government agency to establish a biometrically verifiable identity. All agencies can then use these 10 prints to conduct the required background checks. Eventually, USCIS can use the 10 prints captured by the Department of State (DOS) when issuing a visa to complete criminal

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background checks. This will eliminate the need to collect prints from military applicants and streamline the process, without compromising national security.

This capability to exchange biometrics exists now; however, we anticipate a single user-friendly portal when we complete our requirements and build for Department of Defense (DOD)/DHS biometric interoperability. The proposed approach will follow the natural progression of the immigration benefits lifecycle, beginning with nonimmigrant benefits followed by immigrant, humanitarian, and citizenship benefits. We will finalize the implementation dates for these improvements and provide a concrete availability timeline to OIG.

Recommendation #2: Implement mobile fingerprint units for military naturalization purposes overseas to improve fingerprint capture capabilities and reduce the burden on military personnel.

USCIS response: Concur. Overseas USCIS offices currently do not have mobile fingerprint capture units. USCIS has purchased mobile fingerprint capture units that can capture fingerprints in an overseas environment and transmit them in a way that comports with all DHS security requirements. We are now deploying them to USCIS overseas offices. Once we deploy these units and train staff, we will be able, subject to the unique logistical combat environment, to use the system to improve capture capabilities and reduce burdens on military personnel,

We have identified several challenges to the use of Mobile Fingerprint Units for military naturalizations overseas, some of which can be overcome, depending on the circumstances:

- Active military personnel are often in locations where USCIS staff cannot travel due to security and/or logistics:
 - In Iraq, military members are scattered to dozens of Forward Operating Bases (FOBs) or Contingency Operating Bases (COBs) throughout the country. Some COBs have only a few soldiers in a tent. Often they are difficult to reach (e.g., 2 flights and possibly a drive) and are in areas where the security situation poses significant risks to staff.
 - USCIS officers do not have high priority when traveling on military aircrafts and fly only on a "space available" basis, depending on rank and the degree of direct support to the military's mission in the war zone. USCIS staff is considered to have lower rank than the military's contractors. Due to the unavailability of flight space, USCIS staff may not be able to journey to a soldier's location to collect fingerprints in a timely manner.
 - DOD has limited USCIS staff access to certain locations. For example, since 2008 USCIS staff has only been able to access service members in Iraq at Camp Victory.
 - Because in war zones USCIS is dependent on DOD to make service members available and to authorize travel by USCIS personnel, our ability to take prints is subject to service member availability.

- USCIS must develop a system to securely transmit captured fingerprints for background checks. Due to firewall restrictions in a war theater, our systems cannot be connected to the military internet. This technical/logistical issue must be addressed with DOD.

Recommendation #3: Pursue expanding the use of video teleconference for the naturalization interview and oath in extraordinary situations such as when military personnel are deployed overseas in a warzone.

USCIS response: Concur. USCIS generally supports the idea of conducting naturalization interviews through methods other than face-to-face interviews, including video teleconference (VTC) and webcam interviews, and has piloted use of these methods. We are reviewing the feasibility of this recommendation.

Recommendation #4: Finalize the Privacy Impact Assessment (PIA) for the Benefits Biometric Storage System (BBSS), and ensure that the process to obtain and resubmit prior fingerprint records from partner agencies is included in privacy review documentation.

USCIS response: Concur. The BBSS system is covered under a PIA entitled *Immigration Benefits Background Check Systems (IBBCS)* being reviewed by the DHS Privacy Office. Consistent with OIG Recommendation #4, the PIA will be examined and amended (if necessary) to document the process for obtaining fingerprint records from partner agencies.

Appendix C
Major Contributors to This Report

Information Management Division

Richard Harsche, Director
Steven Staats, Audit Manager
Elizabeth Argeris, Auditor-in-Charge
Kia Smith, Auditor
Craig Adelman, Auditor
Eun Suk Lee, Referencer

Appendix D
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