



Immigration Reform: Policies and Implementation

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EXECUTIVE SUMMARY

Americans are dissatisfied with their immigration system and are seeking changes. However, additional demands and expectations will be placed on those organizations that have to enforce and implement these changes. How will comprehensive immigration reform affect federal agencies? Determining the specific implementation demands likely to result from comprehensive immigration reform (CIR) legislation without knowing the specific policy elements that will be enacted is a difficult task. Nevertheless, this report presents a broad overview of the probable effects of likely policy changes by presenting an authoritative analysis utilizing a comprehensive literature review, a detailed investigation of relevant case studies, secondary analysis of public opinion polls, and in-depth interviews with eleven-stakeholder groups.

An overwhelming number of stakeholders identified the *status quo* as the most likely short-term condition. Yet this does not preclude incremental change from happening within agencies through internal reforms. Our research provides a roadmap for the likely areas of policy focus.

Likely Areas of Policy Focus

- Border and Interior Enforcement
- Employer Regulations
- Guest Worker/Visa Program
- Legalization

Border and interior enforcement refers to any type of legislation that would include security measures taken to enforce immigration laws either on the borders by CBP or within the interior of our country by state and local authorities. This could include proposals like the Secure Border Initiative (SBI) that would require increases in enforcement and would create additional ICE and CBP demands. Employer regulations refers to any polices that would change the current U.S. employer regulations or increase current sanctions for employers. Changes in this area could include a mandatory implementation of the current E-Verify system on a nationwide scale. The guest worker/visa program area of focus refers to any reforms that would modify the options immigrants currently have to work legally in the U.S. This could involve the creation of a new guest worker program or an increase in the number of visas for any particular group of workers. Finally, the area of legalization includes pathways to citizenship that would offer immigrants an opportunity to become citizens through a naturalization or amnesty process.

Our stakeholder interviews suggested that CIR would most likely exacerbate the challenges federal agencies currently face. The likely areas of policy focus we have identified create corresponding implementation concerns for numerous agencies. The concerns for agencies are pervasive and crosscutting.

Areas of Concern

- Technology
- Personnel
- Management
- Funding

To illustrate how the policy focus areas interact with the areas of concern a few examples are provided herein. Technology concerns for employer regulations would include improving the current E-Verify system to avoid errors and TNC (Tentative Non-Confirmation) results. Personnel concerns for legalization would include recommendations that USCIS staff be augmented to respond to any increases in legalization applications that would create a capacity strain for the agency. Management concerns for enforcement would include improving collaboration and communication among CBP, ICE and the FBI to improve database linkage and the sharing of information. In our stakeholder interviews 31% of our respondents felt that interagency collaboration would be crucial for enforcement efforts. With regard to funding, there were concerns that agencies like DOS and DOL would require additional appropriations to combat any increases in the number of visas since this would lead to influx of applications that would need to be processed.

Regardless of the legislation passed, these concerns will undoubtedly force agencies to address long-standing challenges. Many of these challenges can be addressed only through costly measures that are often price-prohibitive. Thus, contracting options offer a viable solution. In this report, we explore several programs that provide future growth platforms for contracting.

Contracting Options

- Technology Consulting Services
 - Database Operations
 - Biometric Technologies
 - Surveillance and Monitoring Systems
- Management Consulting Services

Our research indicated a number of opportunities for contractors to provide technological consulting service and assistance to federal agencies and private employers who would need to comply with new federal mandates. A few of these options might include IT strategy and consolidation to address backlogs within USCIS or database consolidation to address database fragmentation; for instance the integration of the DHS ENFORCE and Fugitive Case Management System databases. Additionally, new enforcement measures for both national security and employer verification could allow contractors the opportunity to help federal agencies and private employers implement new biometric technologies. Finally, contractors could provide agencies management consulting services to restructure agency operations or train personnel to ensure the success of new programs and legislative mandates.

The uncertainty surrounding the immigration reform debate prevents definitive analysis of what changes CIR will bring, but the policy areas and implementation concerns provided in this report provide an impartial and timeless approach to the issue of immigration reform.

INTRODUCTION

This report outlines the issues surrounding comprehensive immigration reform and the administrative challenges for federal agencies associated with policies that may be implemented in the future. The report focuses on the following research question: what elements are likely to be included in future bills addressing immigration issues and what impact will those policies have on federal agencies? The theoretical foundation established through a literature review and case study analysis, combined with secondary analysis of public opinion polls and stakeholder interviews, made it possible to identify areas of immigration policy and the likely challenges to implementation this areas may present.

Case studies that focus on past immigration policies are used throughout this report to identify possible challenges that will arise with regard to policy or implementation reform elements. For example, we examined the United States Bracero Program to identify elements of guest worker programs that were challenging and to examine what elements of agency reform would need to be addressed in future policies. Additionally, in-depth stakeholder interviews from 11 different groups provided us an appreciation of key policy concerns from experts in the immigration field. Their expert opinions on likely policies and implementation concerns have been included throughout the analytic sections of the report and contribute to our findings.

Our research indicates that the most likely areas of policy focus will be: legalization, a guest worker/visa program, enforcement, and employment regulatory reform. Within these policy areas, we have identified four specific areas of concern where federal agencies will experience implementation challenges: technology, administrative management, personnel, and funding. For example, agencies will likely encounter challenges when they implement new technology requirements such as database updates that verify employment status. On the management side, the need for reorganization of internal departments, coordination of interagency collaboration and program evaluation will also be integral concerns for agencies charged with enacting new immigration reform elements. Personnel concerns, specifically the recruitment, training and accountability policies for new employees will be significant issues. Also, any new CIR changes are likely to require additional budgetary resources and allocations.

In this report we will begin with a brief background of fundamental immigration topics and explore past immigration reform policies in the United States. Next, we will delve into a number of relevant case studies to identify common challenges that have been faced by agencies regarding immigration policy or large-scale program reform initiatives. Then, we will briefly explore public opinion polls on immigration and detail the findings of our stakeholder expert interviews. Finally, we will combine all of our research and findings to outlines specific policy areas of focus and possible contracting opportunities.

Likely Policy Areas

- Border enforcement
- Employer enforcement
- Legalization
- Guest Worker/Visa Program

Implementation Concerns

- Technology
- Personnel
- Management
- Funding

Contracting Opportunities

- **Technology**
 - Database interoperability
 - Biometric identification
 - Border surveillance technology
- **Management**
 - Restructuring Consultations
 - Inter-agency Collaboration
 - Process and Performance Evaluation Metrics
 - Personnel

LITERATURE REVIEW: POLICY CONTEXT AND RESEARCH ROADMAP

Americans are dissatisfied with their immigration system and are seeking changes. However, additional demands and expectations will be placed on those organizations that will have to enforce and implement these changes. How will these agencies adapt to new immigration reform demands? This literature review explores immigration research, focusing on the factors that drive legal and illegal immigration and the way significant changes in the legal requirements governing immigration systems have affected immigration reform implementation in both the U.S. and other nations. Exploring the most common problems that arise when agencies undergo such reform efforts will facilitate the discovery of problem solutions they may use when instituting new immigration reform policies that expand their agencies' responsibilities and expectations. Understanding the potential administrative challenges that may result from comprehensive immigration reform can inform policy reform implementation decisions.

IMMIGRATION THEORY & BACKGROUND

Throughout history, the citizens of the host state have viewed migrant labor as unfair competition by pushing wages down. In recent decades, the growth of international trade has adjusted the migration debate as critics now argue that trade “displaces workers and undercuts domestic production by bringing in cheaper goods.”¹ Despite criticism, countries open their borders to trade and migration to maintain a competitive economic advantage.

International Migration

Government policies play a critical role in international migration, and developed countries that can create a healthy economic environment for immigrants “may shape the economic landscape in migrant-sending [countries.]”² For instance, developed countries may provide more attractive employment incentives for immigrants than a developing country. Thus, international migration can be more cost-effective than internal migration within developing countries.³

Although government policies may help influence migration patterns, asylum seekers and undocumented migrants tend to be driven by external forces that governments cannot control. These groups created patterns not intended by policymakers. For instance, the *Gastarbeiterprogramm* in Germany from 1955 to 1973 was aimed at providing temporary labor, but—as with the Bracero Program in the United States—it led to long-term settlement and the emergence of permanent ethnic minorities⁴. While the government ended the programs, they could not control the will of temporary workers who stayed because they had become accustomed to a better economic environment.

In the late 1980s, foreign countries began to establish severe penalties for hiring illegal workers. Although public opinion does not allow a labor recruitment policy, Japan relies heavily on these undocumented immigrants. As a result, side doors or pathways have been opened for those of Latin American citizenship with Japanese origins, to migrate back to Japan. This migration is driven by the fact that Japan is a developed country whereas Latin America is continuing to

develop⁵. To this day, developed countries try to address illegal immigration by tightening their criteria and selection process for immigrants, but pathways opened by ancestry have made it difficult to limit these immigrants. Like Japan, Canada and Australia have adopted complex systems to assess immigration applications.

Both Australia and Canada have similar policies in place to encourage and discourage migrants.⁶ According to a report from the National Institute of Labor Studies, these countries “aim to improve their economic prospects by encouraging the inflow of human capital” by increasing the proportion of skilled migrants.⁷ Although both countries assess immigrant qualifications language proficiency, age, etc., the report found that migrants to Australia “must fulfill a more demanding set of requirements than those intending to migrate to Canada.”⁸

One of Australia’s key features in the country’s selection criteria for migrants is their access to social welfare.⁹ Australia self-selects who can have access to Social Security benefits by placing a two-year hold on non-Humanitarian migrants. This is in contrast to Canada, where migrants generally have immediate access. This two-year hold in Australia has deterred “those potential migrants who are uncertain about their ability to find work quickly” and may result in “greater efforts being made by those who do come to obtain employment.”¹⁰

Migration in the United States: the Economic Parameters

One dominant theory of immigration suggests that migration fluctuations are due, in part, to reduced transaction costs that stem from market forces (demand pull/supply push) and family networks. The changing economic conditions of the United States, accompanied by government interventions, have had a significant impact on immigration levels. Hollifield suggested that from 1891 until 1945 shifts in unemployment and Gross Domestic Product (GDP) had a significant effect on levels of legal immigration. Yet, over time, especially during the postwar period (1946-2003), these unemployment and GDP effects weakened while government interventions significantly increased.¹¹

Historically, the United States has linked its economic development to its expansion and settlement by immigrants. Yet, U.S. government attitudes and policies towards immigration have frequently changed. During the nineteenth century, the United States government maintained a “laissez faire” policy in which most of the regulation was left to state and local discretion.¹² However, by the late nineteenth century, the federal government started developing immigration regulations not solely based on economic and national security interests, but also on ethnic and racial motivators (i.e. Chinese exclusion laws in the 1880s).¹³ During the 1920s and 1930s a more restrictive immigration policy was developed as the national origins quota system became the focus. These new policies were planned to favor northern and western European immigrants while excluding other groups.¹⁴ As far as Mexican migration was concerned, Mexicans were seen as returnable labor easily satisfying the temporary low-skill labor demand.

In the 1960's the family-based immigration system was implemented. Although it was designed to benefit European migrants, it initiated an unanticipated migration from developing nations.¹⁵ Due to high unemployment and inflation levels during the 1970's, public opinion in the United States shifted in favor of lowering the levels of legal immigration and trending away from family ties and family cohesion as a basis for immigration. Illegal immigration also started to become more of a problem, prompting citizens to demand more restrictions and tougher border control. After years of debate, in 1986 the Immigration Reform and Control Act (IRCA) was created to address illegal immigration.

IRCA was initially designed to discourage illegal immigration by penalizing U.S. employers who hired illegal workers. The act included an amnesty program, which granted legal status to undocumented immigrants residing in the country.¹⁶ This amnesty program was mainly a result of past deportation campaigns in the United States. Despite its efforts, IRCA failed mainly due to the federal government's inability to successfully implement employer sanctions. In 1990, the Immigration Act passed, which increased annual visas for immigrants that fit two criteria. Immigrants with highly demanded skills, and family already located in the country became the recipients of the extra visas. However, this policy once again "increased the public concern regarding both legal and illegal immigration."¹⁷ For this reason, in 1996 the Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA) was established. This act's main objective was to target both legal and illegal immigrants "through the mechanism of welfare reform [by cutting ADFC and SSI] and restriction of due process rights."¹⁸

Today, with the expansion of communication technologies and travel, migration has increased to a level never seen before. According to literature published by the United Nations, roughly 200 million people were living outside of their country of birth or citizenship around the turn of the century (UN World Migration Report 2000). Although 200 million people constitute only about 3 percent of the entire world population, the general perception is that immigration is on the rise and has become a permanent factor in global economic development.¹⁹

Today, policies in the United States have a great influence on the direction of the current immigration debate. Current scholars acknowledge, "economic forces alone are insufficient" to account for immigration, and believe that a model integrating markets, rights, and immigrants' preferences is more promising "than push-pull or transnational models alone."²⁰ Even after the terrorist attacks of September 11th, immigration has continued to rise in the United States, but has been approached with more stringent policies. Yet, when the legal avenues of migration are more restrictive, immigrants turn to more illicit methods such as human trafficking, which has become a "profitable international business."²¹

IMMIGRATION POLICY ALTERNATIVES

Guest Worker Programs in the United States

Recent studies show that industrialized economies, such as the United States, are willing to sponsor the migration of highly skilled individuals. However, the migration of less educated and unskilled migrants tends to meet political and societal resistance. To manage these less skilled workers, guest worker programs were developed. Consequently, as word spread from one family to another “about the possibilities of gainful employment,” kinship networks formed, and the individual costs of migration were reduced and immigration accelerated.²²

In recent decades, temporary guest worker programs have been implemented by the United States to regulate migration flow. However, these programs have resulted in guest workers becoming permanent residents to the United States and increasing the unauthorized migration flow of these worker’s families. One of the major guest worker programs in the United States was the Bracero Program, which ran from 1942-1964. The Bracero Program, similar to other guest worker initiatives, led to workers who did not return home as expected.²³ Since the work contract tended to be very short, employers allowed workers to stay beyond the allowed limit. Additionally, limited family reunification permitted under these types of programs, promotes their “permanent settlement in the host country.”²⁴ Guest worker programs tend to limit the immigrant workers to the lowest-wage jobs without allowing them to switch employers, sometimes “causing them to disappear into the more lucrative, illegal immigrant labor market.”²⁵ The limit set on immigrant workers can be an important aspect to the success of a guest worker program.

The Bracero Program did not set a quota on the number of workers who could become legal US immigrants based on letters of employment certification. To this day, the Bracero Program is widely seen as “setting in motion [the] socioeconomic forces that led to the illegal immigration of Mexicans in the 1970s and 1980s.”²⁶ Researchers have concluded that some of the illegal Mexican immigration problem was in fact created by the U.S. from earlier recruitment of Mexican labor. Evidence suggests undocumented workers during the 1970s and 1980s came from the same areas where Bracero workers were recruited.²⁷

The network of economic and family ties between the U.S and Mexico have been strengthened throughout the decades. These networks are so complex and influential that Mexico has allowed its rural areas “to become dependent on the US labor market.”²⁸ For instance, the Bracero Program gave the opportunity for more than 1 million Mexicans to gain experience while working seasonally in the U.S.; yet, as Martin points out, it is naïve to expect “they would stop coming simply because the United States ended the program.”²⁹

Border-Centered Strategy

In response to the ever-increasing number of illegal immigrants, the United States adopted an alternative policy of strengthened border security. These border strategies include border patrol agents and coastal patrols as well as elaborate surveillance devices and fences. Cornelius et al. wrote in *Controlling Immigration: The Limits to Government Intervention*, although these security measures have increased undocumented immigrant apprehensions, “they have had no discernible deterrent effect on illegal entry attempts.”³⁰ Motivated immigrants, driven by economic incentives, have found ways to “circumvent tougher border controls,” especially by relying on smugglers and by crossing through less secure border areas. By investing in security programs along the U.S.-Mexico border, the U.S. objective was to increase the physical and financial cost of immigrants by redistributing illegal entry to more remote areas; however, this has caused “unauthorized migrants to extend their stays or settle permanently in the United States because of the increased difficulty of reentry.”^{31,32}

Of all industrialized countries, the United States has one of the largest gaps between its immigration goals and the results of its policies. Recent efforts to reduce the flow of unauthorized migrants have proven counterproductive by producing a more stable unauthorized immigration settlement. Immigration enforcement in the workplace is a more effective control policy compared to increasing border security infrastructure. However, critics argue that employer sanctions are ineffective “because of the widespread availability of fraudulent documents among immigrant workers and grossly insufficient numbers of inspectors.”³³

IMMIGRATION CONTROVERSIES & MISCONCEPTIONS

The political debate over immigration in the United States is fueled not only by the large numbers of unauthorized immigrants but by the perceived impacts of immigration in the American society, especially the alleged failure of immigrants to assimilate into the U.S. way of life.³⁴ In 2009, immigrants admitted for employment and economic reasons accounted for 12.7 percent of all immigrants admitted to the United States.³⁵ Philip Martin argues that the general American public continues to assume that immigrants depress wages, “compete unfairly (and effectively) for jobs that would otherwise be taken by native workers, and become a huge drain on public services”; yet, empirical research does not support such assumptions.³⁶

In 1997, a comprehensive study of immigration sponsored by the National Research Council concluded, “immigrants added a net US \$1 billion to US \$10 billion per year to the country’s gross domestic product (GDP).”³⁷ Although U.S. workers who compete with immigrants may have lower wages, immigrants, in fact, benefit the United States as “the value of what they produce is more than the wages they are paid.”³⁸ The NRC report concluded “immigration produces net economic gains for domestic residents, largely because it found that immigration lowered U.S. wages and prices and increased the efficiency of the U.S. economy.”³⁹ The President’s Council of Economic Advisors found a similar conclusion in 1986. In March of

2008, Census Bureau information analyzed by the Pew Hispanic Center estimated that “unauthorized immigrants are 4% of the nation’s population and 5.4% of its workforce.”⁴⁰

Another concern is that the increasing number of immigrants is exacerbated by the rising number of relatives of current immigrants and U.S. citizens. In 2009, of 1,130,818 immigrants legally admitted to the U.S., 747,413 (66.1 percent) were granted permanent resident status “based on a family relationship with a U.S. citizen or legal permanent resident of the United States.”⁴¹ As explained by Martin and the Office of Immigration Statistics, there is no limit to the number of immediate relatives of U.S. citizens who can enter; however, there are limits on admissions of other immigrant types.⁴²

While many assume that the growing number of immigrants legally admitted to the United States are crossing borders and entering our country daily, in actuality, the majority of the new legal permanent residents (59 percent) were already in the country when their visas became available.⁴³ Today Mexico is still a major source of U.S. immigration, but this number is decreasing. In 2000, 174,000 immigrants (20 percent) came from Mexico, as compared with 164,920 Mexican immigrants (14.6 percent) in 2009.⁴⁴ Many supporters of more rigorous immigration controls argue that immigration is on the rise, but recent analysis of both legal and illegal immigration have found this number is actually declining. In January 2006, the Department of Homeland Security estimated 11.6 million undocumented immigrants resided in the United States, but by January 2009 DHS estimated this number had decreased to 10.7 million.⁴⁵

CURRENT POLICY ISSUES

The immigration debate shows no signs of slowing down. In 2010, there were several high profile bills that were submitted before the 111th Congress: CIR ASAP Act, Save America Comprehensive Immigration Act of 2009, SAVE Act, Reuniting Families Act, H.R. 6080, and the DREAM Act 2009. The bills are only a handful of legislation filed in Congress that calls for comprehensive immigration reform. The majority of the legislation either remains in committee or has died on the floor. However, each piece of legislation suggests that a balance must be struck between illegal immigration control and amnesty. Several components within various bills reflect this balance and foreshadow reforms for administrative agencies.

As an example of the public desire for greater border protection, H.R. 6080, introduced by Representative David Price, provides for emergency supplementary appropriations for border security. The bill has now become law and demonstrates that border protection is still a very salient issue among politicians. As introduced by Rep. Heath Shuler, HR 3308, or the Secure America through Verification and Enforcement Act of 2009 (SAVE Act), set forth border security and enforcement provisions similar to HR 6080. However, the act included several provisions that focused on employer verification. SAVE mandated the national use of the E-

Verify and required employer/employee notification of social security number mismatches and multiple users, and related information sharing with DHS.

As an example of amnesty-related legislation, the DREAM Act of 2009 contained several components aimed at reprieve for immigrants. The 2009 DREAM Act was incorporated into the 2010 National Defense Authorization Act, but a Senate filibuster halted progress on the legislation. A further example of amnesty legislation is the Reuniting Families Act by Senator Mendez (S1085). The Act is aimed at reuniting the families of naturalized citizens through increased immigration visas for specific groups. Children of unauthorized immigrants and even U.S. Citizens with undocumented parents, make up 4 to 6.8 percent of students enrolled in the elementary and secondary schools in the United States.⁴⁶ Currently, S1085 remains in the Senate Judiciary Committee. The failure of the DREAM Act and incubation of the Reuniting Families Act imply that amnesty programs have very little traction in today's political environment.

Individually, the bills mentioned herein reflect different themes and have implications for various agencies. Taken together, these bills address enforcement, amnesty, and employer verification, but they impact every administrative agency dealing with immigration reform. If a comprehensive immigration reform bill is passed or if individual components are gradually passed administrative agencies like USCIS, ICE, CBP and the State Department will be forced to adapt to their increased duties. To understand the challenges brought about by immigration and its effects on these agencies and their administration, an analysis of literature about implementation strategies or theories must be analyzed.

IMPLEMENTATION THEORY & INSTITUTIONAL REFORM

Comprehensive immigration reform will force agencies to reevaluate and restructure their administrative functions and operations. Whether the reforms require a sudden or incremental change they will require agencies to do a great deal of preparation and careful implementation to ensure that any new policy mandates do not threaten the stability or functionality of the organization. Implementation theory and institutional reform literature provide effective and compelling models for how agencies respond to change. These models impart strategic lessons on how executives can transform the culture and structure of their organizations while avoiding common problems of overextension of personnel and resources and miscommunication among actors that often accompany institutional reform.

General Theories of Institutional Reform

The two most common theories in implementation literature are the “top-down” and “bottom-up” approaches to implementation of new policy mandates. The top-down approach focuses on chief executives and government officials and perceives the “starting point [as] the authoritative decision; as the name implies the centrally located actors are seen as most relevant to producing the desired effects.”⁴⁷ In this model the key figures in charge at the “top” supply direction,

support, and resources to members at the “bottom” who will implement these changes on a practical level within their own agencies and departments.

Numerous policy analysts and theorists who studied reform and institutional change found that this approach was primarily effective when a number of generally necessary conditions were observed such as clear and consistent objectives being set by bureaucrats and passed down without losing their specificity in translation.⁴⁸ This characteristic of clearly defined explicit goals and instruction is echoed in the research of Matland’s Ambiguity-Conflict Model, which theorizes that policy conflicts and ambiguity can affect the success of policy implementation.⁴⁹ Focused and coherent policy goals in initial stages are crucial to effective implementation and top officials must be strategic in choosing and defining these objectives. Other conditions for successful implementation require officials that are skillful in implementation strategies to be utilized as well as an implementation process that is structured to ensure compliance and target groups.⁵⁰ For these reasons, it is understandable why the officials at the top are influential and it is essential that careful attention must be paid to those executives chosen to determine implementation tactics and monitor reform efforts. However, critics of the top-down model argue the emphasis on executive and central decision-makers overlooks other actors who play a significant role in policy reform.

The competing “bottom-up” approach focuses on other dominant players that initiate planning and discussion on smaller local levels, then bring their policy aims to higher levels of government via networking.⁵¹ In this model more weight is given to the groups of actors that manipulate social connections with other interest groups or local officials to influence agendas as they continue to lobby officials at increasingly higher levels. While, this model does allow us to appreciate the importance of actors other than at the ‘top’ levels, it fails to acknowledge the impact that these lower level officials have. As such, more contemporary schools of thought recommend combining the two approaches in a theory that “synthesizes important elements from both the top-down and bottom-up perspectives.”⁵² This collective theory examines all levels from the vantage points of multiple actors rather than limiting analysis of policy implementation to only a few members.

COLLABORATION & COMMUNICATION

Communication and collaboration are keys to successful implementation efforts with a large-scale reform such as comprehensive immigration reform. Often, new policy mandates obligate organizations to create new structures that require increased interaction among departments and agencies that previously did not collaborate. Institutional reform and implementation literature addresses how agencies manage new linkages and increased intra and interagency interaction on all levels. Avoiding miscommunication and fostering cooperation among various agencies like DHS, SSA, or USCIS will be integral to the successful implementation of many of the immigration reform policies currently proposed.

Collaboration

When organizations face restructuring and transformation, they often face new linkages that require coordination and sharing of information that can only be realized with the creation of new protocols and modifications to the organizational culture. A study of cases in the U.S. General Office of Accountability analyzed a number of inter-organizational issues to develop three primary theories of varying levels of interdependence: pooled, sequential, and reciprocal operating interdependence.⁵³ Pooled interdependence requires agencies to independently provide contributions for a team effort. Sequential interdependence occurs when one agency is responsible for imparting new information to another so they can in turn analyze the first agency's findings. In both of these scenarios, agencies must collaborate but only indirectly. In the reciprocal form of interdependence, parties were required to work directly with each other and had to adjust to each other's cultures, negotiate, compromise, and establish a mutual relationship to partner effectively.⁵⁴

After analyzing all three types of relationships and inter-organizational reliance, Montjoy and O' Toole found that it was difficult to merge cultures and goals of organizations since "an organization is somewhat bound by its own goals, world views, and routines so that its ability to respond to a new mandate or to cooperate with another organization may be limited".⁵⁵

In addition to issues of integrating diverse organizational cultures, reforms that establish new alliances also require a sense of legitimacy, trust, and respect be built for agencies and departments to rely on one another. Trying to instill coordination and cooperation among agencies can threaten an organization's sense of stability and identity. Thus, careful planning is important when coordinating among actors so that no one feels their autonomy is being usurped or their agency's stability is threatened.⁵⁶ This will be especially important as new spans of control are put into place so that employees can become familiar with new leaders and new reporting relationships during the transformation.

Communication

Avoiding traps of miscommunication and creating effective information-sharing techniques are key components of reform literature. Many studies have found that imprecise mandates and a lack of clear guidance will often lead agencies to misinterpret policy targets and improperly implement procedures. Researchers found that mandates that were "vague and thus allow considerable room for agency interpretation" led to policy implementation that "had taken no action in some areas which GAO defined as necessary and had taken insufficient action in others."⁵⁷ Similarly, when policy goals are not specific with very structured mandates, they will be more difficult to employ; however in controversial areas "ambiguity should be viewed neither as an evil or a good" since it may allow for the flexibility and negotiation needed to realize goals in divisive areas.⁵⁸

Agencies must communicate openly and be committed to sharing their findings. They want to benefit from access to greater information and assistance. The consequence of a lack of communication was evident in the post-Katrina disaster, in which the federal government and local agencies were unable to collaborate and exchange information. A lack of situational awareness and poor communication ultimately led to confusion and delay, causing FEMA to perform inefficiently.⁵⁹ Had these agencies communicated vital pieces of information properly, they could have been exposed to different vantage points and new information from other agencies. It is clear that communication and collaboration are fundamental elements when implementing mandates that will assimilate multiple external agencies or integrate new interdepartmental relationships.

MAXIMIZE RESOURCES

With new mandates and institutional reform there is often concern regarding how agencies will deal with possible increases in capacity, fees, and costs. Implementation literature offers insight into how agencies can avoid the extra responsibilities and cope with new demands. When dealing with escalations in capacity and costs, research has shown that resource access is important to the likelihood of mandate success. Implementation experts Robert Montjoy and Laurence J. O'Toole found that resource allocation and specificity of mandates were primary factors in an agency's ability to effectively apply new policies.⁶⁰ The implementation of new policies and improved and augmented coordination is often expensive, but a worthwhile investment. Multiple GAO studies found that "resources would frequently be underestimated by policymakers" and that while providing these might be costly, not doing so might inevitably prove more expensive if mandates fail.⁶¹

Privatization: How Contracting Out Can Help

If resources and expertise are not available within an agency, an organization may look to privatization as a way of mitigating the effects of change and strains on current resources. Utilizing privatization can be a way of "simultaneously reducing government expenditures and improving efficiency of government service".⁶² Agencies that are faced with new governmental requirements have experimented with contracting out and found it a useful tool to meeting government targets when financial and personnel resources are limited. A 1996 GAO study observed that "the primary reason state and local child support enforcement agencies contract out services is because of general state fiscal pressure that makes it difficult to hire more agency staff despite growing caseloads". Contracting allows agencies to meet pressures of increased client volume and supplement staff without having to train and hire internally which is much more cost and time intensive.

Furthermore, new mandates may require agencies to utilize new technologies that the agencies may not currently possess. Privatization allows agencies to turn to contractors who specialize in an area and already own the capital equipment and resources needed to meet these new standards

without having to purchase new resources on a tight federal budget.⁶³ Due to budgetary constraints and the limits of fees for services, agencies often do not see increased benefits with increased workloads or clients. In fact, reforms that increase capacity demands in government often create “dis-economies” of scale, so privatization allows agencies to be more efficient and cost-effective. Agencies may also find it beneficial to contract out employee training and restructuring efforts.

IMPLEMENTATION & EVALUATION

Elements of Implementation

With any new policy implementation, there need to be specific guidelines for how agencies will execute new mandates and programs, train both current and new personnel and employ new technologies and systems. One of the greatest challenges in institutional reform lies in finding a balance that not only guarantees that reform measures are enacted, but also ensures the stability of the organization is not threatened by the pace or scale of the reform measures. Similarly, different models of implementation have shown that even implementing the same mandates can produce various results across states since each manager and office must determine “the proper timing of implementation actions and the nature or degree of change.”⁶⁴ Reform that occurs too soon without the proper systems put into place can have devastating effects on the agency. In addition, setting expectations too high too soon can lead to employee dissatisfaction and turnover at a time when every employee’s contribution is needed.

Program Evaluation

To determine appropriate mandate targets and evaluate policy implementation while maintaining an adequate level of service, it will be necessary to review and evaluate reform. Performance management and evaluation literatures emphasize that new programs and reforms must establish appropriate standards, measures and benchmarks. Using audits and evaluations in concert with performance management indicators return the best results.⁶⁵ However, collecting and analyzing these data alone are not enough; proper action by management to address errors or shortcomings must be taken.

Best practices of performance management dictate that agencies establish visible accountability and motivate corrective actions when dealing with reform.⁶⁶ As discussed earlier, if there are multiple agency interactions, it may be difficult to determine who is responsible for program successes or failures; nonetheless, collaboration and adequate information sharing will be needed to discern these responsibility issues. Developing a strategy to gauge improvements and the status of reform efforts may be helpful in agency oversight. One such method utilizes the “balanced scorecard approach” approach.⁶⁷ In a study of institutional reform at the Texas State Auditor’s Office “a balanced scorecard [which] uses an array of indicators related towards an organization’s strategic goals and progress towards them” was used successfully.⁶⁸ Prior to this

system, the office was often behind on targets. However with the scorecard method and adequate follow-up and performance management “the new approach yield[ed] faster decision-making, reduced operating costs and better business results...[and] enabled[d] managers to make midcourse corrections”.⁶⁹

While performance management and evaluation are valuable tools in implementation, agencies must be careful to avoid common problems associated with the use of evaluation analysis. Sometimes measures and indicators can have poor construct validity and if developed haphazardly can end up measuring something entirely different from their intent. Also, managers sometimes make inappropriate conjectures connecting a result to an unrelated origin.⁷⁰ As such, it is paramount that managers use these results with caution and remember it is more important that they happen correctly rather than quickly and arbitrarily.

RESEARCH ROADMAP

All of the aforementioned immigration research and reform literature discusses relationships and organizational structures that will be essential to successfully implementing any comprehensive immigration reform policies. This project report builds on the patterns and realities noted above by conducting in-depth stakeholder interviews and a number of case studies that will provide crucial information on the implementation issues that will underlie policy implementation. Our research will focus on public and private sector organization implementation strategies, demands, and changes that will describe the service and regulatory infrastructure that will be at the heart of any real policy change. We will look at past and current temporary worker programs to identify points of possible collaboration and information sharing among enforcement agencies as well as identify likely stumbling blocks and inefficiencies.⁷¹ We will examine techniques like e-verify and new biometric verification systems. Finally, we will look closely at the applicability of contracting out as a possible way to avoid capacity challenges for agencies, advocacy groups and employers.⁷²

ANALYSIS OF RELEVANT CASE STUDIES

The goal of analyzing these case studies is to identify the demand and implementation issues that will be most important to federal agencies following the enactment of comprehensive immigration reform. An examination of similar instances in which legislative reforms placed new organizational demands on government agencies—in both immigration and non-immigration contexts—will help to understand the pressures that government agencies may be facing under such reform implementation settings. The analysis of relevant case studies is essential to help support and inform future recommendations. All of the studies herein present valuable insights into the challenges of organizational reform and lessons that can be learned from each agency and its unique mandate. However, taken as a whole, the overriding elements that were common among these case studies emphasized a number of dominant themes that will be particularly applicable to comprehensive immigration reform.

OVERVIEW OF CASE STUDIES

Below is a brief summary of the case studies examined in this analysis to offer insight into the organizational challenges agencies have encountered in the past and will likely experience with new mandates.

Government Accountability Office (GAO) Report: “Agency Plans, Implementation, and Challenges Regarding the National Strategy for Homeland Security” (2005)

Following September 11th terrorist attacks, President George W. Bush issued the National Strategy for Homeland Security (NSHS) and established the Department of Homeland Security (DHS) in 2002. The proposed strategy included six mission areas and 43 initiatives that DHS, DOD, DOE, HHS, DOJ, and DOS all played a role in implementing. The objective of this GAO study was to review the agency’s strategic planning and implementation of the strategy two years after it was enacted. The study illuminates issues in communication, coordination, and the introduction of a new technology.

Department of Homeland Security & Office of Inspector General Report: “Customs and Border Patrol’s Construction of Border Patrol Facilities and Acquisition of Vehicles” (2009)

The DHS & Office of the Inspector General conducted this study to promote efficiency and effectiveness in the department. The report discusses the strengths and weaknesses of Customs and Border Protection’s program to construct new Border Patrol facilities and acquire vehicles. Problems evident in the study focus on expanding services with limited funding, the use of new technology, coordination and communication, as well as new structures of management.

Office of Program Policy Analysis & Government Accountability Report: “While DMS Has Improved Monitoring, it Needs to Strengthen Private Prison Oversight and Contracts” (2005)

In 1989 the Florida Legislature authorized the Department of Corrections to contract with private companies to construct and operate private prisons. This case study assesses the Department of

Management Services' (DMS) contracting and oversight of private prisons. The case study highlights problems that may arise when public services are contracted out, and the challenges faced by the public sector to ensure that the services provided are adequate and meet state standards.

Migration Policy Institute Report: “The Next Generation of E-Verify: Getting Employment Verification Right” (2009)

The Immigration Reform Act of 1986 required INS (currently USCIS), to utilize a system for verifying status of immigrants and strict regulations for employers to verify an immigrant's eligibility for employment. This report analyzes the problems and errors with both the SAVE system and current E-Verify system. It offers recommendations for meeting the challenges of database accuracy and sharing updated information among agencies.

Administration in Social Work Study: “Implementing Welfare Reform and Guiding Organizational Change” (2002)

This study looks at the federally mandated reform required for social service agencies in the early 1990's. While this study is on social service/welfare agencies, it is applicable to our analysis of immigration reform and can “add to our knowledge base of public sector organizational change and program implementation”⁷³. The study examines problems of organizational reform, including elements related to: restructuring, increased need for intra-agency and interagency communication and collaboration, challenges to management practices, employee training, and setting appropriate scales of reform.

Urban Institute Paper prepared for U.S. Department of Labor: “Privatization of Public Social Services: A Background Paper” (1997)

This report looks at the advantages and disadvantages involved in utilizing privatization within public service agencies and government organizations. In particular, it focuses on privatization within the social service sector. The report evaluates the appropriateness of using contracting out to handle administrative reform changes utilizing elements of a 1997 GAO study on contracting out within government agencies.

Department of Homeland Security Report: “Immigration and Customs Enforcement: Immigration Detention Overview and Recommendations” (2009)

This report evaluates ICE's detention systems based on the analysis of 25 different facilities. It illustrates the challenges of agency management when organizations are forced to take on increased services with limited capacity, staffing, and management. Lessons that can be learned from this study include using more stringent oversight and management, utilizing evaluation and data, and the importance of providing a careful evaluation of resources and cost increases.

THEMATIC ELEMENTS: CASE STUDIES

The Case Study section is organized by theme. Each theme details a recurring issue encountered in the case studies and offers insights into anticipated problems and possible solutions for agencies to cope with institutional change.

Coordination & Communication

Many agencies experienced challenges—precipitated by reform efforts—as interagency coordination demanded new working relationships. To facilitate these relationships, internal linkages were formed through the restructuring of departments to meet mandate requirements. Agencies experienced difficulties if they failed to communicate and share information, unsuccessfully updated information, or ineffectively communicated information. Yet many of the case studies found that collaboration, though difficult to produce, was a necessary component to reform success.

Working Together

A great deal can be learned from the problems encountered by social service and welfare reforms since, like immigration reform, they required agencies to overhaul a majority of their internal operations and form new relationships with other partner agencies. Welfare agency reform required major restructuring of departments with two organizations: the Department of Economic Services and Department of Employment Services. The departments historically had a contentious relationship, and only worked together indirectly.⁷⁴

Initially the agencies had problems working together and understanding each other's procedures and, as a result, resented the new partnership. However, partnering and “organizational restructuring [of the agencies] helped to reduce the historic tensions between employment services and economic services staff”.⁷⁵ Agency partnership was particularly important for the success of the program because the legislative mandate consolidated funding and forced the agencies to share resources.⁷⁶ Likewise, comprehensive immigration reform may require agencies like USCIS, DHS, CBP, and SSA to complete mandates with shared funding sources. In these situations, collaboration will be central to successfully executing mandates with limited resources.

When social service agencies attempted to build new partnerships, they utilized Senge's five organizational principles of learning. Key among these is “team learning [which] describes a process in which team members become aligned and function as a whole with a common direction, achieved as a result of operational trust...dialogue and discussion”.⁷⁷ Managers in these social service agencies tried to communicate openly with their employees about changes and build trust by preparing them for reform changes. This helped form legitimate partnerships within and among agencies. Furthermore, of the agencies interviewed, the most successful made

use of “participatory management.” This management style encompasses “respect, risk-taking, collaboration, anticipatory cross-system thinking and planning, [and] flexible and open communication”.⁷⁸

The GAO study of the DHS regarding anti-terror initiatives, emergency preparedness, and response found “a lack of coordination in preparing for, responding to, and recovering from terrorist and other emergency incidents”.⁷⁹ The GAO found that there was a particular lack of collaboration among regions. This contributed to an inability of agencies to respond to disasters in a unified manner and led to inefficiencies and duplication of efforts. The DHS is still working to resolve this problem of communication, especially when communication flows down from the federal to state levels.⁸⁰ This component of the GAO study underscores the likely challenges to collaboration that will be present in immigration reform when attempting to have federal agencies like DHS and the Department of State collaborate. Comparably, the study suggests that agencies can expect further fragmentation as they execute mandates that require coordination from federal agencies, border states, and local municipalities.

Sharing Information & Communicating Data Regularly & Accurately

Sharing information is a key element of any major agency initiative, but this will be especially important for agencies involved in immigration reform. The databases for registering immigrants for benefits and employer verification systems like E-Verify will require multiple agencies like USCIS, DHS, and SSA to work together and communicate frequently.

The ICE detention center reports identify that inadequate information sharing led to an inappropriate use of resources, increased costs, and lack of accountability over prisoners. These issues contributed to a loss of credibility and faith in ICE’s detainment facilities.⁸¹ Employees at ICE were required to use regular internal reports but “the reliability, timeliness, distribution, and storage of information, as well as the organizational response... [were] not uniform”.⁸² Rapidly updated and precise data can be enhanced with technology and data sharing, and was suggested as a way to resolve this issue but ICE is still working on streamlining their database.

The Migration Policy Institute report on SAVE and E-Verify found that database maintenance and errors were common because information had to be entered and shared in a system that “aggregates eight different DHS and Legacy INS databases”.⁸³ An additional report on E-Verify expressed similar concerns over the importance of agencies working together to share accurate information. It is necessary for agencies to share information as immigrants enter and exit the country so accurate immigrant status information can be verified.⁸⁴ It is evident from these studies that agencies will need to improve the accuracy and timeliness of sharing information among federal agencies. This type of technological “data sharing” presents some unique challenges that will further be explored in later sections of this paper.

In the case of the DHS, the GAO found communication and information sharing integral, but without established partnerships, information sharing was very challenging. The sharing of public health information “[was] not well coordinated... and created duplicative efforts”.⁸⁵ Attempts to disseminate information presented challenges; chief among these was, “developing interoperable communications for first responders”.⁸⁶ This GAO report essentially illustrates the need for data sharing and communication, but eloquently makes the point that partnerships and collaboration are necessary prerequisites.

In addition, communicating complaints, inefficiencies, and training needs are crucial to helping a program succeed and stay on target for meeting its policy objectives. Within the case study for ICE there was not a system in place to handle criticisms. Following an assessment of the grievance process, the report recommended the development of a “credible grievance process, sustained in an environment that is free from intimidation and retaliation” to address program inefficiencies.⁸⁷

New Structures of Management & Training

Mandates that require large-scale reform often require restructuring of organizational departments and modifications to organizational environments and cultures. These changes call for new training initiatives, changes to management approaches, and adapting to new reporting relationships within and among organizations—all while monitoring the scale and pace of reform.

The Challenges of Restructuring Agency Culture

Legislative reforms that impose new responsibilities and service provisions on agencies often require departmental reorganization that can significantly modify the work environment of an agency and threaten the established norms of an agency’s culture. Government funding and legislative changes in the 1990s required social service organizations to alter their operations and restructure their welfare agencies. A study of federal welfare reform found that a number of social service agencies encountered “staff resistance to changing the organization’s culture”.⁸⁸ Directors of these agencies found employees were uncomfortable with taking on new responsibilities and changing their previous roles to incorporate new approaches to their service provisions. Managers combated employee opposition to change by “including the extensive use of staff training...and the use of role modeling and coaching by senior managers’”.⁸⁹ While it took time, most agencies surveyed found that properly training employees and encouraging learning through examples set by strong standards and models from supervisors helped with the transition. These administrative changes created an environment in which the staff could accept environmental changes with less anxiety.

Changing an agency culture can also be a necessary precondition for the successful implementation of policy mandates. Changes can only be achieved through receiving

cooperation from the groups that the organization serves. For instance, in the case of welfare agencies, many individuals in the community that needed services found it difficult to communicate with agencies. They felt that the environment prior to the reform was ‘fear-based’.⁹⁰ The reform effort required social service agencies to train staff on how to be more open and work directly with individuals receiving their services. The agencies carried out these reforms in an attempt to be more efficient and gain the client’s trust. Comprehensive immigration reform legislation will likely bring similar struggles that federal agencies must overcome. Many agencies like USCIS and SSA will find it necessary to gain the trust of immigrants so they will not be afraid to check in and register with offices. Gaining immigrant’s trust will enable agencies to maintain accurate records of immigration flows.

Managers Setting the Appropriate Pace for Restructuring & Training

It is important to ensure that training, operational transitions, and overall reform efforts are appropriately paced when agencies attempt to reorganize their departments internally, or restructure responsibilities to encourage new external coordination. The rapid imposition of change and immediate training programs overwhelmed many social service agency staff members. Employees became apprehensive about their new duties and articulated, “doubt about their abilities to maintain good job performance in an environment which demanded new skills and response”.⁹¹ Managers attempted to address this situation by providing employees adequate training to help them prepare for these new responsibilities. This administrative response encouraged staff to express their concerns and needs for additional training when necessary.

However, in some instances the pace of change for certain mandates required limited time. Managers had to learn that they could not oversee all aspects of the reform. The “volume and pace of change led many directors to the realization that it was necessary to relinquish some control”.⁹² Some executives addressed the issue by delegating responsibilities to other employees and restructuring new supervisory roles on lower levels. This enabled the executives to reserve control for the larger aspects of reform.

Many of the directors interviewed expressed concerns over challenges about learning the “difference between demands for strategic and incremental change; responding to staff resistance; [and] developing patience and realistic expectations”.⁹³ They were also concerned about learning to cope with an “environment of uncertainty”.⁹⁴ Employees became frustrated when changes were enacted too quickly without proper training and when the pace of change demanded expectations that were set too high. Employees became even further discouraged if they could not meet the targets on time. Moreover, when managers ensured that employees had adequate time to train, the staff was able to acquire the skills needed to cope with new changes. This “empower[ed the] staff to participate in the change process”.⁹⁵ This encouraged innovative ideas and helped provide the time needed to learn.

Increased Costs & New Needs

When agencies incur increased costs from new demands and responsibilities, undergo budget cuts, or require new personnel with limited resources, it may cause several problems organizations must work to overcome without halting their operations. Alternatively, the sudden influx of additional funds, to an agency, creates problems if the agency is not prepared to handle the accompanying increased workload. Two primary case studies present similar issues related to new needs and limited funding, and discuss how the different organizations worked to solve the problems.

New Needs and Limited Funding

The expansion of ICE's detention center capacity from 7,500 beds in 1995 to over 30,000 beds in 2009 presented many challenges.⁹⁶ The case study discusses the benefits of having an up-to-date, reliable data entry system of detainee records. This type of system would help assess the present and future capacity, as well as improve the ability to control costs. Additionally, the report points out that detention policy would be better informed if ICE established a data tracking and assessment system that includes a population forecast that updates annually. If the database was kept updated appropriately, it will "maintain accurate detention records" and "capture all cost incurred by the agency".⁹⁷ Likewise, ICE should perform cost studies, including budgetary impact analyses to ensure that the agency is maintaining a relatively even ratio of cost and capacity.

The Customs and Border Protection's (CBP) enormous expansion of facilities included 29 new Border Patrol stations, one new sector headquarters building, five vehicle maintenance buildings, and seven checkpoint projects. This expansion cost approximately \$1.1 billion and proved to be a heavy undertaking for the agency. Audits on their progress revealed that CBP had several critical weaknesses that prevented the timely completion of their projects.⁹⁸ Their critical weaknesses had some similarities with ICE's experience, including the following:

1. The CBP design guide, which "provides criteria and concepts for planning" their facilities was outdated
2. The cost estimates for the projects were unreliable
3. More effective project oversight is needed
4. Rapid response projects were not being completed as scheduled
5. Their monitoring database had inefficient information
6. CBP needed a program-wide vehicle management information system.⁹⁹

These weaknesses presented significant risks to CBP in regard to their funding and daily operations. The DHS Office of Inspector General's 2009 audit required a timely resolution of these issues, since they increase risks of project cost overruns, construction delays, and quality control.¹⁰⁰ As a result, CBP initiated steps to: update its design guide for facilities planning and

oversight, add a tool to improve cost estimates, and develop a new project management system.¹⁰¹ Furthermore, CBP planned to deploy a new vehicle management information system that proved to be a new source of technology that assisted in their operations.

These two case studies illustrate the negative impact that poor planning, database management, and cost controls can have on achieving an agency's mission. Agencies can better handle increased workloads and expansions with improved and updated databases and future planning assessments. These tasks may require special attention in implementation, but they will reap years of future benefits.

A Rarity: Increased Funding

Receiving a large sum of money for operations may also prove to be a challenge for agencies. DHS's capability to manage increased funds in an effective and efficient manner was limited by human capital shortages following a \$2.8 billion funding increase from the American Recovery and Reinvestment Act of 2009.¹⁰² The department struggled due to the lack of a reliable financial system that tracked and reported funding expenditures.

DHS quickly learned that they did not have enough trained and qualified staff to fulfill the responsibilities of contracting officers, technical representatives, program and project managers, or grant managers.¹⁰³ DHS did not have adequate personnel to match the responsibilities that the additional funds required, since DHS had never received such an enormous amount of funds all at once. Personnel shortages continued to hamper the department's ability to manage its contracts.

The DHS, CBP and welfare reform case studies illustrate that new needs, limited funding, and increased funding can all present challenges to agencies and organizations. These problems are exacerbated when agencies have not previously experienced these issues, or have not planned adequately for the changes that these issues will present.

New Technology

Introducing a new technology is one way for agencies to cope with increasing workloads when personnel cannot fully perform all of the tasks. New technologies may offer benefits, but they may also cause some setbacks as the agency adapts to the new technology. Several case studies examine the effects that new technologies may have on an agency. The three primary issues across all of the case studies are: database management, the use of biometric technologies, and personnel training when using new technologies.

Database Problems

A poorly designed database was a recurring problem identified in several of the case studies. The most common problems included poorly structured databases and databases that were not updated. These problems ultimately led to some unintended consequences.

First, the database implemented for the SAVE program was still causing data errors and omissions two years after its implementation.¹⁰⁴ There was inaccurate information in the database, and there was some difficulty with data sharing. A secondary report issued in 1989 found that improvements had been made, and agencies could more easily access the database for immigrant verification.¹⁰⁵ Electronic verification, or E-Verify, also presented several challenges with the USCIS database. It was prone to identity theft, was not conducive to data sharing between the different agencies, and its reliability frequently faltered.¹⁰⁶ The E-Verify database would frequently return inaccurate data regarding an immigrant's status to employers, which further complicated the immigrant workers' verification process. Despite recent reforms, the Migration Policy Institute stated that E-Verify "can only be partially effective in achieving reliable electronic employment verification" since it cannot authenticate identity that would "prevent false confirmations based on stolen identities".¹⁰⁷

DHS identified information sharing as a key priority for intelligence sharing between relevant agencies following the September 11th attacks. DHS reported the lack of coordination between all levels of government and their databases presented a challenge, leading DHS to strengthen the advisory system.¹⁰⁸ A 2004 report showed that DHS struggled to keep the advisory system relevant and comprehensive in nature.

CBP faced similar database challenges with their information monitoring and vehicle management information systems. Their information-monitoring database was not kept updated with the latest codes and building requirements, which caused some setbacks for the CBP during the construction of their many new facilities.¹⁰⁹ CBP developed the program-wide vehicle management information system to keep track of their vehicle inventory and improve program-wide coordination.¹¹⁰

Biometric Technologies

The advancement of biometric technology offers some alternatives to E-Verify. A biometric verification system has the potential to create a simplified system for employers to use, as it shifts the burden from immigrant-employers to the federal government.¹¹¹ Additionally, biometric verification would eliminate the employer entry errors as they submit queries into the system. This change would rid agencies of the constant troubles that the E-Verify databases cause.

The federal government will be tasked with adapting to the new system and making it successful for the whole country. Another significant risk involved with using biometric verification include identify theft, fraud, and considerable economic costs.¹¹² While biometric verification would reduce cases of fraud compared to E-Verify, it is impossible to create fraud-proof cards. Lastly, a biometric verification system would require personnel training on fingerprint collecting and iris scan equipment.¹¹³

A final concern of biometric technologies has to do with DHS's operations at ports of entry. Since DHS has such a large scale of operations, it is questionable whether biometric technologies would even solve the problems at ports.¹¹⁴ DHS expressed concerns regarding the effectiveness of utilizing biometric technologies at such a large level. Further research into this subject is being conducted.

Training Personnel

The final issue arising from introducing a new technology concerns personnel training. As previously mentioned, the implementation of biometric verification systems would require additional personnel training on proper equipment usage. Several studies on the E-Verify and SAVE programs identified a lack of personnel training on database systems that resulted in many errors and delays in immigrant status.^{115, 116} Finally, the DHS case study discussed how their radiation detection equipment was not being used to its full potential because their personnel were not trained.¹¹⁷

It is essential for all of the appropriate personnel to be adequately trained with any new technology or equipment in order to ensure that the technology is serving its intended purposes. Agencies will continue to encounter difficulties and operations will not be efficient or effective if agencies continue to fail at providing adequate personnel training on new technologies.

Contracting Out & Privatization

Agencies may consider contracting to private sector industries when faced with mounting tasks, new needs and technology, and limited funding. Successfully contracting out social services to the private sector is a welcome alternative, as the private sector already has the skills, the ability to adapt, and the necessary funds. Moreover, the increasing need for constantly updated computer equipment and technologies is another incentive for privatization, as equipment provided by private contractors is not budgeted as a capital expenditure for public agencies.¹¹⁸

There are several factors to account for to ensure that contracting out or the privatization of social services achieves its purpose. First, the written contracts must be detailed to provide for sufficient monitoring and evaluation of the program. It is essential that the contracts set standards equal to those maintained by the agency for the services that are being contracted. Many problems arise when standards are not maintained in order to save money. Likewise, there must

be a clear delineation of authority and roles between the agencies or companies. The Florida private prisons case study, Vanderbilt's case study on private prisons, ICE's experience with contracting out detention centers, and the case study on privatization of child support services all provide insight into the lessons learned when social services are outsourced.

Potential Problems

The Florida legislature authorized the Department of Corrections to contract with private companies to operate private prisons in 1989, giving the Bureau of Private Prison Monitoring the ultimate responsibility for contracting out private prisons, and prison oversight in 2004.¹¹⁹ The Department of Management Services (DMS) Inspector General found that the prisons were poorly contracted and lacked sufficient oversight. There was also a lack of corrections expertise involved in the monitoring and contracting of the private prisons.¹²⁰

The faulty contracts did not hold vendors accountable for inmate educational, vocational or substance abuse programs. Additionally, as the state lacked an adequate mechanism to ensure that problems were resolved, issues were continually arising: there were security violations, faulty infirmary operations, and insufficient inmate contraband control.¹²¹ As the report states, "When public services are outsourced, it is important that the state establish both detailed contracts that establish clear service requirements and strong oversight procedures that ensure that these contract requirements are met and services are delivered as intended".¹²²

The ICE detention centers experienced similar problems as those seen in Florida's private prisons. ICE contracted out several detention centers to the Corrections Corporation of America in 2009 (CCA). Various reports depicted poor conditions for the detainees, leading to a variety of key recommendations prioritizing the health and safety of the detainees.¹²³ The reports advocated for the development of a new set of standards, assessments and tools to inform the care of detainees. Furthermore, the report recommended that ICE establish a well-managed medical care system, as well as clear standards of care for detainees to systematically monitor detainee conditions.¹²⁴

The sub-standard living conditions of contracted detention centers put detainees in danger, which tragically led to unnecessary deaths.¹²⁵ ICE or other contracting agencies must develop uniform standards across public and privatized services. These standards and operating procedures should be clearly delineated in their contracts with the CCA.

Possible Cost Savings

As the previous two studies demonstrated, improper privatization and contracting out can have negative impacts. However, a recent Vanderbilt University study illuminates the benefits that privatization can have as well. The study found that "privatization can offer increased innovation, access to expertise, improved quality, and enhanced accountability".¹²⁶ Most notably,

the study concluded that cost savings from privatization incentivizes competition, which can prove beneficial for the entire system. In fact, the data illustrates that over a six-year period (1999-2004), “states that have some of their prisoners in privately owned or operated prisons experience lower rates of growth in the cost of housing their public prisoners”.¹²⁷ The study found that states could save up to \$15 million from their yearly Department of Corrections budgets if they have a public-private partnership in managing prisons.¹²⁸

Social services, like welfare have often been the subject of contracting out. The 1996 GAO case study of child support enforcement services discusses the benefits that several states have experienced after turning to full-service privatization of certain local child support enforcement offices.¹²⁹ The two primary factors examined and compared were the performance and cost-effectiveness among private and public offices.

Several states opted for privatized child support services “as a way to improve performance and handle growing caseloads” so as not to overburden each caseworker with hundreds of cases.¹³⁰ Another common reason agencies shift to contracting with the private sector is due to certain state restrictions on hiring additional public employees. Child support services could not be effectively or efficiently provided without additional personnel to accommodate the growing number of cases. A study comparing privatized and public offices found evidence to support the privatization of public services. Fully privatized offices performed as well as, or better than the public child support programs in locating parents, establishing paternity orders, and collecting owed support money.¹³¹ Some of the factors that might have contributed to the improved performance in the privatized offices include emphasis on “timely and efficient processing of new cases,” and expanded evening or weekend office hours, something that the public offices cannot implement.¹³²

Although the performance of privatized offices was superior to many public offices, the cost-effectiveness varied between the two types of child support offices. State and contractor officials have pointed to the varying levels of flexibility that contractors have in managing staff, greater access to technology, differing levels of complexity of caseloads, differing payment rates for the differences in performance, and cost-effectiveness between the public and private offices.¹³³

Agencies that turned to privatized child support services found new avenues for handling resource constraints. While the privatized offices examined performed at least as well, if not better than the public offices, the cost-effectiveness of privatizing child support services was relative to the public offices. This suggests that public offices—should they improve their performance—could potentially match the efficiency and effectiveness of the fully privatized offices.

Evaluation & Performance Management

While planning and implementation of reform efforts are important, it is equally vital for organizations to set up systems to evaluate the success of new programs and reform efforts. Evaluation and program management initiatives will be integral to future immigration reform measures. They are particularly important when considering the criticisms levied against previous temporary worker programs for failing to provide adequate oversight and updating of their visa programs.¹³⁴ Furthermore, managers must be careful to properly oversee and train new employees to make certain their organization both meets program targets and maintains overall agency operations.

Importance of Management Oversight to Maintain Accountability

A shortage of oversight and accountability provided significant problems that hindered the success of the reform efforts in both ICE's detention facilities and the CBP's construction project. CBP managers failed to provide adequate and regular on-site monitoring of construction projects to ensure proper resource usage and timely project completion. Neglecting oversight led to damaged equipment and loss of agency funds and a "lack of consistent monthly site visits by the Laguna Niguel project managers appears to be contributing factor to deficiencies in construction quality" at that CBP site in particular.¹³⁵

Regular and consistent oversight and evaluation helps managers adjust for additional costs or needs when project plans do not go as intended or unanticipated costs occur during the course of a project. The DHS's analysis of CBP reform efforts found that a lack of preexisting resource evaluations caused project delays or cancellations when resources expanded beyond the project's plan, or the scope of the project grew beyond the current staff or space capacities.¹³⁶

When ICE attempted to contract out monitoring of facilities, they found that contractors were unable to complete the projects properly since they were not provided with updated standards. Thus, the DHS report of ICE recommended the agency regularly reexamine benchmarks, standards and guidelines for assessment and "conduct routine and random inspections" of both their employees and contractors.¹³⁷ Similarly, private prisons in Florida failed to ensure that their organizational agency standards and benchmarks matched those of their contractors.¹³⁸ An agency's successful implementation of reform is dependent upon proper managerial oversight and performance evaluation.

Importance of Updated and Accurate Information in Evaluation

It is important that agencies gather accurate data and information when evaluating the success of reform efforts. "Data permits effective targeting of resources and development of predictors to guide interventions".¹³⁹ It is difficult for managers to make informed decisions regarding resource allocation without thoughtful and consistent evaluation of information. If unvigilant,

program success is threatened by agency overextension of capacities and overworked staff.

The Office of the Inspector General found that CBP data was inaccurate and costs were not estimated appropriately due to a lack of information and outdated databases. Audits and evaluative tools like benchmarking are paramount when planning a project and “evaluat[ing] internal controls and assess[ing] risk” are key to ensure adjustments are made when needed.¹⁴⁰ ICE experienced similar problems of overextending agency staff resources and incurring unanticipated costs. To remedy this it was recommended a system be put into place to provide evaluation and “an analysis of comprehensive detention costs, as well as projected costs”.¹⁴¹

It is also important that agencies recognize they may need to adjust reform efforts to fit their organization, geographic location, and agency culture. A study of social service reform illustrates these needs. Some agencies experienced problems “when trying to use the externally reported state and federal data for local and/or internal decision-making,” since they found that they had a different mix of clients and resources.¹⁴² Similarly agencies must always be mindful of updating standards. Inadequate prisoner care at detention facilities and misappropriation of resources led to recommendations that suggested ICE “develop a new set of standards, assessments and classification tools”.¹⁴³

Importance of Setting Standards, Targets & Reasonable Expectations for Reform

Prior to implementing any new reform effort it is fundamental that agencies set standards and guidelines that provide staff benchmarks for agency success, targets, and goals for improvement. A social service reform study indicated a manager who complained that supervisors often incorporated a great deal of “educating [employees] about what was coming and what we’re going to be doing...but not develop[ing] realistic expectations on what will get accomplished and by when”.¹⁴⁴ Program success is less likely if agencies fail to establish these important targets and provide proper performance management.

Further established in the CBP report, an observed lack of managerial oversight, as well as managers not setting regular goals for their employee evaluations, was damaging to the organization and caused several projects not to be completed as scheduled. The OIG recommended “establish[ing] specific policies and procedures regarding the required frequency and scope of review and inspection of work”.¹⁴⁵ Having managers schedule and consistently perform employee evaluations—in combination with project status updates—will provide several benefits: the promotion of targets and standards, and the familiarization, by CBP employees, with expected standards.

Establishing realistic goals and targets can be a difficult task for managers who are unfamiliar with this process. It is important that managers “set more realistic expectations for themselves and others...[which is] necessary to reduce stress levels among staff, as well as protect against loss of credibility if unrealistically high expectations were not met”.¹⁴⁶ Many social service

employees experienced stress and performed poorly when they found themselves struggling to meet new standards with little or no time. Managers had to adjust expectations and targets to take into consideration training for new service provisions. Dr. Schriro, the ICE auditor, found ICE experienced a similar problem with both a lack of publicized performance standards and a lack of training to meet new goals. She recommended ICE utilize evaluations with “clear performance expectations...and additional staff training and supervision”.¹⁴⁷ Managers must provide additional guidance for employees to meet future targets if evaluations indicate that projects are not finishing on budget and schedule.

Summary of Case Study Findings

These case studies demonstrate a number of challenges that can be expected when government directives demand reform. Intra-agency and interagency coordination and collaboration are integral to establishing strategic networks needed for information sharing. Likewise, an agency can overcome conflict and provide proper employee training by managing its organizational culture. The case studies also indicate that programmatic success is dependent upon the provision of appropriate funding levels, the acquisition of necessary resources, and the proper management of new technology requirements. Agencies frequently contract out to help counter the demands of increased organizational capacity challenges. However, agencies must manage all relationships and contracts with vendors vigilantly, to ensure that standards are maintained and projects are completed on time. Additionally, evaluation and updated reports are necessary to enable informed decision-making, balance limited resources, and maintain employee accountability and oversight of agency initiatives. The principal knowledge gained from these case studies provides the basis for future recommendations and allows us to explore these themes of organizational challenges in our field studies and public opinion surveys.

**FIELD RESEARCH:
STAKEHOLDER INTERVIEWS
AND PUBLIC OPINION POLLS**

STAKEHOLDER INTERVIEW METHODOLOGY

The Capstone research team conducted a series of in-depth interviews with key immigration reform stakeholders and performed a secondary analysis of public opinion polls taken over the last five years (2006-2010). Public opinion polls organized by leading institutions such as Pew, Gallup, Rasmussen, and Zogby were analyzed. Researching opinion polls allowed the authors to gauge the public's perception of immigration reform, or possible elements of an immigration reform bill. With an authoritative information base previously established through an extensive literature review of immigration theory, case study analysis of previously implemented reforms and agency changes, and the compilation of public opinion polls, the authors moved forward with the primary research, which is grounded in phone interviews with key stakeholder groups.

The purpose of interviewing members of stakeholder groups engaged in the immigration reform debate was to obtain their expert perspectives on likely policy approaches and their impacts on federal agencies. By gathering information from a broad array of industry experts, it assisted with identifying common themes, displaying trends, and drawing conclusions regarding the likely and/or desirable immigration policy options.

The primary interview sampling unit was the stakeholder group and the individuals within a specific group were chosen based on the criteria that they were reputable experts in their organizations with extensive knowledge on the topic of immigration policy.

To achieve a thorough and comprehensive understanding from a variety of stakeholders on the discussion of immigration reform, the Capstone group identified about 15 stakeholder groups for the field research. The stakeholder groups cover a range of organizations from federal agencies, think tanks and research institutions, university and academic research centers, advocacy groups and non-governmental organizations (NGOs), civil rights and religious groups, private consulting companies, international organizations, law enforcement, foundations, industry associations, labor unions, media, and state governments. After completing our interviews we obtained opinions from 11 of these stakeholder groups.

For each specific stakeholder grouping, the organizational unit selected was chosen based on either its strong involvement or widespread influence on the topic of immigration policy. For example, in choosing interview units for the federal agencies, the State Department (DOS), the three immigration agencies within Department of Homeland Security (DHS) – the Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), U.S. Immigration and Customs Enforcement (ICE) were chosen as the interview units because of the agencies direct relevance to current immigration policy and possible immigration reform implementation. For advocacy groups and NGOs, civil rights and religious groups, and international organizations, interview units were chosen based on the government's immigration reform report or the report published by reputable academic research institutions. The interview units from these groups

were mentioned very often by the reports and identified as important players on the discussion of immigration reform. For think tanks and research institutions, universities, and academic research centers, stakeholder units along with some of the names of the individuals emerged from our earlier in-depth literature review. To select law enforcement and state governmental stakeholders, research-identifying actors with an active role in the immigration reform argument were chosen. Research that identified supporters and activists of immigrant rights were used to select industry associations, labor unions, and foundations for our stakeholder list.

The Capstone group identified individuals within an agency or organization based on their leadership position within their organizations or their identification as highly regarded experts with extensive knowledge on the subject of immigration policy or how it may affect governmental agencies. If the person originally listed was not available, the interview conductor tried to choose someone else from the organization or agency with comparable experience. Often, the Capstone team received contacts from previous interviews. The leads developed during previous interviews proved to be a valuable addition to the stakeholder list.

Across all stakeholder groups, the initial target sample size was set at 100 total interviews. The chosen method of interviewing was phone-interview. Each phone interview was based on a uniform interview discussion guide used by all interviewers. It is attached in the Appendix. At the conclusion of the field research phase, the Capstone group was able to successfully complete 59 interviews from our target of 100.¹ The average interview time was 45 minutes and the interviews were conducted from dates January to March. Despite not meeting the original target sample size, and the difficulty of getting government agency respondents, the stakeholders interviewed are representative of several key groups in the immigration debate and provide a significant amount of useful information. Upon concluding the interviews, the results were organized into a response matrix to analyze trends within and across stakeholder groups for the key interview questions.

STAKEHOLDER INTERVIEW: GENERAL FINDINGS

Throughout the primary research four likely policy approaches recurred numerous times and were often espoused by stakeholders: (1) legalization; (2) border and interior enforcement; (3) employer regulatory reform and (4) guest worker/visa program. In the context of immigration reform, *legalization* encompasses both amnesty and/or deferred adjudication with a path towards citizenship, similar to components of the Immigration Reform and Control Act of 1986. *Border and interior enforcement* describes any type of border-centered strategy that would earmark money towards CBP & ICE. It could encompass border surveillance, detainment, individual background checks and/or deportation.

¹ It is important to note that several groups of stakeholders failed to participate in the study: state governments, congressional committees, labor unions and the press. In lieu of state governments, local government officials were asked to participate in this study. The absence of several stakeholder groups was balanced out by high completion rates amongst other stakeholder groups. This reality resulted in the final overall response rate of 59%.

Employer regulatory reform, a policy approach mentioned numerous times, included both incremental changes to the current system of employee verification (I-9) and a complete overhaul of the system. Employer regulatory reform incorporates many approaches: E-Verify, B-Verify, employer liability, cross-liability, and/or verification kiosks. *Guest worker/visa program* is loosely defined as any incremental change to the existing visa system, such as new applicant categories, or a potential overhaul of the existing system. Guest worker/visa program encompasses increased H-1b visas, guest worker program, low-skill worker visas, changes to the green card system and/or new legal avenues of domestic employment.

As likely policy approaches became evident, five implementation issues arose frequently: (1) technological concerns; (2) personnel concerns; (3) management concerns; (4) funding concerns and (5) contracting-out options. *Technological concerns* were described as questions regarding the implementation of uniform database systems amongst agencies, criminal tracking of immigrants, database inter-operability between agencies and other technology-based issues. *Personnel concerns* included IT training for employees, regional collaboration between agencies, and the emergence of new human resources standard operating procedures for the public and private sector. *Management concerns* comprised the organizational restructuring of agencies, staffing problems/approaches and concerns regarding the standard practices/operating procedures of agencies. *Funding concerns* involved agency increased costs from new demands and responsibilities, budget cuts, or required new personnel with limited resources, which may cause several problems organizations must work to overcome without halting their operations. Alternatively, the sudden influx of additional funds, to an agency, created problems if the agency was not prepared to handle the accompanying increased workload. *Contracting-out options* incorporated the possibility of third party vendors providing services that would be excessively burdensome for the federal government to implement agency-wide. However, there were also concerns regarding enforceable contracts with third party consultants and questions pertaining to oversight of consultant services.

Below follows a thorough synopsis of the stakeholder interviews organized by stakeholder group, where common themes and policy implementation concerns are among the presented findings.

STAKEHOLDER INTERVIEWS

Federal Agencies

Establishing contact with federal agencies was a challenging task. It was difficult to locate government officials who were able and willing to be interviewed on behalf of their agency. Additionally, the immigration debate has become less of pressing issue in light of national economic concerns recently. For these reasons, we only interviewed one stakeholder in a federal agency. When asked about what changes in immigration policies are most likely, the federal

official stated that due to the current climate in Congress, comprehensive immigration reform (CIR) is very unlikely in the next few years. However, it was clear that CIR is necessary for the United States to maintain a leadership position in the global economy. The Department of Homeland Security (DHS) and the Department of State (DOS) are seen as the two agencies most likely to be affected by the immigration reform policies.

In the case of immigration reform, all the visa burdens will be on DOS. As the first line of the defense, DOS is responsible for processing all the immigration visas overseas. Right now there are about 11 million illegal immigrants that reside in the country. Should any future policy rely on changing visa policies or implementing a guest worker program, the demand of visas will increase, causing DOS to need more money and more employees. Investment in high technology will probably be the best way to speed up the visa application process.

DOS already has practices good collaboration procedures in terms of data and information sharing with other agencies. However, the major challenge for DOS when facing immigration reform is whether the federal government will give DOS proper time and proper resources to implement the new policies and still ensure adequate levels of collaboration.

Local/State Government

The interviews conducted with stakeholders in local government (n=4), produced no consensus as to what immigration policies are likely to pass. However, there was agreement with regard to the idea that immigration reform is not probable any time soon. While one local government official on the Arizona-Mexico border mentioned that some type of a guest worker program is most likely to pass, the others asserted that the current lack of any immigration reform – status quo – will most likely continue, at least until after the next elections.

It became evident in our interviews with local government officials that their involvement with the federal agencies was limited, at least with regard to immigration policy. Furthermore, there was general uncertainty about what particular federal operational changes might occur should immigration reform pass or how the federal agencies would handle any changes in immigration policies. There was some speculation that agency duties would increase, but no specification regarding the specific nature of the increased agency demands. In spite of the uncertainty regarding the nature of any possible changes, respondents did mention a few areas in which the federal agencies might be able to manage any new changes, including the use of new technology, increased hiring and training of employees, and internal structural changes to deal with increased responsibilities.

Policy implementation concerns that were mentioned if immigration reform policies passed included apprehensions regarding funding, processing of immigrants, issues on equality and equity, and any unintended consequences that may result. First, increased deportation, an amnesty program or a guest worker program would create heavy burdens with regard to

processing individuals. This would require increased funds to hire additional employees and to effectively train the employees to create standardized procedures. New or updated technologies may be necessary within the federal agencies to ensure accuracy in tracking and identifying immigrants as they move through the naturalization, detention or guest worker processes. Secondly, there are grave concerns that any immigration reform – or the continued status quo – will either lead to a racial divide in our country or may impede individuals’ civil rights. The final concern was the need to have a comprehensive database that stored all pertinent information on all immigrants, regardless of whether they are a resident alien, in a detention center, or are currently working in the United States. All respondents in the local government sector expressed a desire to have access to such information and for this information to be transparent to the public.

Law Enforcement

Among law enforcement experts (n=5), one respondent stated, “Comprehensive Immigration Reform (CIR) will be difficult in the near future. And as long as they have the same [political party] numbers in Congress, the Dream Act will be unlikely to pass either.” The Department of Homeland Security (DHS) and the Department of Justice (DOJ) are seen as the agencies most likely to be affected by the immigration reform. Within DHS, respondents believed that immigration reform would impact only the United States Citizenship and Immigration Services (USCIS) and Immigration and Customs Enforcement (ICE). Since immigration reform mainly focuses on addressing illegal immigrants who are currently in the U.S., the Customs and Border Patrol (CBP) will most likely be unaffected.

When asked about the nature of the effects from immigration reform on government agencies, several experts thought that—based on the large budget DHS already has—, they did not need more money or additional employees for immigration reform. Currently, DHS is focusing primarily on enforcement. One expert said that if there is a CIR bill, DHS could “shift their priority from enforcement to providing some legalization for the immigrants who are already here” and employees staffed within ICE can be “simply transferred to USCIS.” The respondent suggested that the least burdensome reform is to increase the visa quota to different countries and make the total number of visas more realistic.

The front line officers were eager to participate in the interview process, but they were, understandably, more guarded about their identity. When asked if immigration reform would become a reality, the most common answer was “down the road,” with a two to three year window to begin. Many respondents cited that the delay coming from partisan impasse prevented any viable program from becoming a reality. Among many issues, frontline law enforcement focused on the lack of manpower, technology, and funding to successfully guard the border regions. Frequently, respondents mentioned budget shortfalls at a time when they needed to increase their manpower. The Department of Homeland Security would require an increase in

resources to effectively patrol and secure the borders of the United States.

Interviews conducted with immigration law attorneys offered greater insight into the pragmatic concerns of CIR. As was mentioned, the Department of Justice (DOJ) would be dramatically affected by immigration reform if the policy approach were centered on stricter enforcement. Currently, the DOJ is backlogged with a caseload ranging from months to years. As one respondent suggested, the solution to this backlog of cases would be the increased use of volunteers and nonprofits to assist in the administrative duties. When processing an individual through the U.S. immigration system, volunteers and nonprofits can be utilized for many services given to the defendant, with the exception of prosecutorial duties. Ancillary services provide a large opportunity for contracting out of services.

Think Tanks

The overall majority of interviewees in think tanks (n=10) were very clear that comprehensive immigration reform is very unlikely to be approved any time soon. The kind of legislation that is likely to pass will be of a “very narrow and technical nature,” with minor adjustments to the existing law. This kind of legislation is more likely to focus on enforcement policies, either related to border security or employment and immigrant verification. Programs such as E-Verify (work verification), 287-G (state and local enforcement authority), and the Secure Communities program were frequently mentioned.

E-Verify, which is likely to acquire a mandatory nature if included in a bill, would require continuous use of the existing cooperation between USCIS and the SSA. Moreover, it was mentioned that the problems with E-Verify’s error rate creates equity concerns and is one of the main impediments for mandatory implementation. USCIS has already been making internal organizational preparations for a scenario in which E-Verify would be mandatory. However, the specifics of such preparations were not clearly defined.

The respondents in think tanks were generally unclear when it came to the organizational impact resulting from immigration policies. Even though interviewees predict the need for additional funding, personnel and technology, most believe that the current congressional leadership will put budget constraints ahead of the need for additional funding within federal agencies. As a consequence, private contracting opportunities are likely to be used and agencies will be forced “to do more with less.” Two specific policy analysts, however, warned that the current Secretary of Homeland Security, Janet Napolitano, is not very receptive to the idea of private contracting.

One important point regarding the relationship between enforcement programs and private contracting opportunities has to do with the Secure Communities Program. This is one of the fastest growing programs in the country and it targets non-citizen individuals who are arrested by the local authorities. According to the experts belonging to this stakeholder category, this program is likely to implement or improve existing fingerprint technology with local

enforcement authorities with the aim of producing fast and on-the-spot verification of one's immigration status. ICE (DHS) would possess a centralized fingerprint database accessed by state and local authorities. Verification, as well as collection of such information, would be decentralized and delegated to local enforcement.

Without exception, all interviewees were interested in seeing more immigration data collected and made available by public organization. These data would include 1) demographic data about immigrants entering the country, 2) data on the economic impact immigrants have on the economy, 3) data on Mexican citizens entering the American border with Border-Crossing Cards, 4) information on the specific crime committed by deported aliens, 5) general Demographic data already gathered by USCIS in a draft format made unavailable to the public, and 6) number of people re-entering the country after deportation.

Private Consulting Companies

When questioned about likely immigration policies, private consulting stakeholders (n=4) responded that status quo and political polarization would be most likely. Due to the political nature of the immigration debate, there was general agreement that rather than looking for CIR to pass in the near future, we are more likely to see an ad hoc approach to reform. During this period of stagnation, federal agencies will look to make internal administrative changes in the absence of a reform. Agencies have the opportunity to issue new guidance and regulations, while focusing on process improvements internally.

Despite a rather pessimistic outlook regarding the passage of CIR, it became apparent that change is needed. Throughout numerous interviews, common trends appeared. Specifically, emerging themes were the expansion of an employer verification system (E-Verify), changes in the approach to border security, a Dream Act compromise, the demand for a guest worker program, increased number of visas allocated, and an identification system along the lines of a national ID card, while making sure that illegal immigrants are brought out from the shadows.

While there is little disagreement that changes to current immigration policies must occur, the passage and implementation of the policies laid out above will pose various implementation challenges that must be addressed. First, technological concerns were raised, specifically relating to the establishment of new databases, the sharing of data across and within agencies, the reliability and accuracy of the processing of information particularly with an E-Verify program. An overhaul of the immigration system would more than likely increase throughput and, therefore, the processing time of applications and paperwork, which put additional stress on the system. Second, challenges regarding personnel and mainly IT and employee training in new procedures were expressed, as the training of new and old staff would pull resources away from other tasks and create challenges during times of increased demand. Third, agencies have historically and will continue to contract out certain services, which also appeared to be a likely

option as immigration bills might see passage in future years. Fourth, management obstacles related to the restructuring of agencies in order to handle increased demand and throughput would occur, along with potentially hiring new employees or encouraging current employees to work overtime, while efforts must simultaneously be made to further streamline internal processes.

Academic Research Institutions

The stakeholder interviews conducted with university and academic research centers (n=9) corresponded closely with the answers obtained from private consulting firm stakeholders. The consensus was that CIR is not likely to see passage and the state of immigration debate is expected to be characterized by the status quo, at least until after the next Presidential election. Furthermore, the interviews provided reiteration of several other trends that appeared throughout the interview process with the consulting stakeholder group. Specific trends included the likelihood of internal agency changes in the absence of a reform, the need to address E-Verify, and the unsuccessful and costly approach to border security. Other necessary components of an immigration bill would need to include an amnesty program, some form of a Dream Act, and changes to the number of visas allocated, and a guest worker program. Multiple stakeholders raised the issue of border security and funding, and there were concerns related to the high spending on border security, which has not been an effective approach to coping with immigration. Therefore, the stakeholders argued that border funding should not be increased and the focus should rather be on components related to amnesty, guest worker programs and visas.

In the event of immigration reform passage, policy implementation concerns centered on the issues of technology, personnel, contracting out, management and civil rights. First, the implementation of a uniform E-Verify program would create technological burdens and challenges, specifically related to accuracy, verification of paperwork and database establishment and operability. Second, IT personnel, and general training in new procedures would require both funds and valuable time taken away from other tasks. Additionally, a lack of funds for training, would pose stress on the agencies. Third, the need to contract out certain services and new responsibilities are likely to occur. Fourth, agency management would be challenging, with the lack of funds to implement new changes and handle an increased flow of paperwork. Cooperation with other agencies and re-staffing of employees from other agencies would create additional personnel and management challenges. The establishment of procedures to handle new demands and requirements pose its own challenges, in a world where agencies are forced to do more with fewer resources. Lastly, the stakeholders in academia were also concerned about the issue of civil rights and the treatment of immigrant prisoners, along with need to ensure that there is not a breach of civil rights in the apprehension or processing of casework.

Professional Associations

Six professional associations participated in the stakeholder interviews, including the manufacturing industry, home construction, commerce, food processing and the agricultural industry. During the interview process two opinions were reiterated countless times: (1) the business community welcomes and favors a federally-driven immigration reform effort and (2) they do not believe that a federal-driven immigration reform policy will happen in the remaining years of the current President's term.

Among the many responses, several respondents believed several elements, including enhanced border security, pathway to legalization, guest worker program and/or increased visas, and the E-Verify system, will likely be present in any bill that is passed. Most believe that legislation addressing employer regulations, such as worker verification, however, is likely to pass.

Professional associations expressed concerns regarding the burden that would fall on employers, and the uncertainty about whom employee liabilities would fall on. As one respondent explained, immigration reform will affect all businesses and “any additional regulatory burden would affect job demand by placing unnecessary restrictions on employers, if there is not equal support by the government.” The topic of cross-liability was mentioned often. In this context, cross-liability refers to the employer's verification of the legal status of direct employees, contractors, and sub-contractors. Some respondents absolutely believe that employer responsibilities will grow following the passage of CIR. The curt sentiments of one respondent illustrate the feelings of many: “DHS does not have the resources to police the system so employers would be responsible for policing the marketplace and we disagree with this diffusion of responsibility.” The existing language of employer verification regulations states that it is illegal for employers to knowingly hire contractors or subcontractors that are illegal aliens. Most respondents agree with this language because it essentially contains a cross-liability clause. However, many respondents bemoaned the possibility of changing this verbiage and worried how it might impact job demand. As one expert explained, “Most of the proposed regulatory changes will prosecute employers for hiring illegal aliens (subcontractors), whether they know their status or not. It places the burden of verifying everyone's status on employers (aka- cross-liability).”

Additionally, technology and personnel were the subject of several respondents' concerns should immigration reform occur. When discussing technology as a method of facilitating immigration reform, most responders cited E-Verify as a likely approach. Many respondents supported the E-Verify system because it had cross-party support. In the words of one respondent, “Republicans support E-Verify because it stops people from coming here to work illegally and Democrats support it because everyone presents the same identification and it's equitable.” However, many were concerned over the error rate of E-Verify and its inability to spot identity fraud. The opinion of one of the respondents was very telling, as he stated, “When you mandate a program nationally, the error rate from E-Verify will probably spike up.” This question will no doubt resurface if E-Verify does become a federal mandate.

Concerns about the hiring and training of personnel was brought up by several respondents, and, in most cases, it was in a positive context of CIR. All businesses invest money into the on-the-job training of their employees and the possible deportation of employees is viewed as net loss to the business, whether in productivity or funds lost on training. As one industry expert said, “We invest a lot of money into our workers, approximately \$5,000 worth of training per employee. When you make this investment in a worker, you want to make sure these people are here legally and they won’t be gone tomorrow.”

Advocacy Groups

Many advocacy groups (n=7) interviewed stressed that while the current political climate may not offer an opportunity for comprehensive immigration reform, elements of policy directed at increased enforcement would likely continue to be reinforced in the short-term. Particularly, many stakeholders felt that increased border security and amplified state and local immigration monitoring and enforcement along with mandatory employer regulations, such as E-Verify, will likely surface on the policy agenda in coming years.

In this regard, many speculated that the DHS, DOJ and Department of Labor were agencies most directly affected by these policy changes. Moreover, the policy implications for these agencies would require the greatest amount of resources and create the most burdensome capacity strains. One stakeholder expressed particular concern over the current Executive Office for Immigration Review (EOIR) caseload and stated that with the recent state law enforcement agencies becoming more vigilant and aggressive in their enforcement policies, the EOIR may reach volumes beyond its capability to try cases in a timely manner. However, if legislation similar to the Dream Act were to pass, the same respondent stated, “This type of amnesty could help relieve the caseload of the EOIR.”

With regard to policy changes requiring use of a mandatory E-Verify system many respondents surmised that technological capacity and training would represent two of the most taxing challenges for both federal agencies and employers. On the other hand, several respondents believed that the use of an electronic system would present the least burdensome aspect of immigration reform. When considering increased enforcement, interviewees stressed agency duties and operations would require significant restructuring, funding, and possibly even the need to utilize further contract agreements to handle amplified capacities, especially with regard to detainment facilities and E-Verify technology. Several advocacy groups mentioned another area of concern within agriculture-based communities—the lack of new visas for workers. Indeed, respondents feared “the possibility of being deprived of a workforce that is necessary to the U.S. economy.”

When asked what element of reform policy agencies feared the most, the majority of stakeholders agreed that issues of equity and equality would be a primary concern and require

meticulous oversight. One stakeholder feared that without proper oversight and performance evaluation, a continued “blind increase” of funds to the same agencies would continue with little regard to which agencies would actually make the most efficient use of funds. Additionally, many expressed concern over a lack of training in new E-Verify technologies that would lead to greater system errors or inefficiency without proper support or system instruction. One stakeholder pointed out that agricultural industries in rural areas still struggle with technological access and would find a complex mandatory electronic verification system difficult to implement. Also, with the increased border enforcement approach, stakeholders articulated a fear that state and local law enforcement agencies might fail to recognize standards consistent with federal agencies and, as a result, immigrant rights may be displaced.

Lastly, another fear was that an amnesty program would send millions of applications into an unprepared system, thus, turning it into a rubber-stamping process. Furthermore, some respondents suggested that background checks could not be processed efficiently or even accurately due to lack of reliable information on the part of undocumented immigrants. In the end, a potential “snowballing effect” may take place, in which immigrants would be able to petition other family members and create an extended naturalization process for individual applicants. Additionally, an improved partnership and bilateral agreements between countries were stated as alternative approaches towards reform.

Religious Groups

The general consensus among stakeholders in the religious group (n=7) was that CIR will not happen in the short term; instead, the federal government will probably just increase enforcement. However, they believed CIR needs to happen and may occur in the long run.

Religious groups are big proponents of the Dream Act. It was their purview that CIR is very unlikely in the coming years and, as such, they focused their efforts on incremental changes in the immigration reform debate (especially the passage of the Dream Act). However, since the House is under new political leadership, many people doubted the passage of the Dream Act in the next two years. Religious groups did point out that the most likely change would be administrative in nature, meaning that some small changes may occur without legislation.

When asked about the nature of the effects of immigration reform on government agencies, many religious groups believe the passage of a bill for amnesty of undocumented immigrants would create the biggest challenge. In this situation, the USCIS would need more funding to process visas in a timely manner. Additionally, they would have to work closely with Immigration and Customs Enforcement to increase data sharing and collection. Also mentioned, respondents believed the duties of non-governmental agencies will persist and, perhaps, increase if immigration reform occurs. They stressed that the government will need to work closely with nongovernment agencies like churches and refugee resettlement agencies, which can help

immigrants fill out the necessary paperwork. Thus, in certain situations, federal agencies would have to train the local nonprofits to make sure they are doing their job properly to avoid errors in processing. For example, such a measure was taken under the Reagan Administration in 1986 in which the federal government gave a small amount of funding to local nonprofits to train and maintain staff to help people correctly fill out their applications. This measure proved to be useful, as it reduced the amount of time federal agencies spent correcting applications, which saved employee time and energy.

As a whole, religious groups were strongly opposed to border enforcement measures. Several respondents mentioned that border enforcement has not improved efficiency or reduced illegal immigration in the past and doubt it can in the future. Furthermore, border enforcement raised environmental concerns and human rights concerns among numerous religious groups.

International Organizations

The respondents for the International Organization group (n=2) were of diverse backgrounds, thus responses varied across areas of expertise. When asked about the potential changes in immigration policies, some respondents believed a small amnesty program to improve migration in the United States, such as the DREAM Act, was the easiest step to take today, while others believed a guest worker program would happen next. Nevertheless, although potential policies differed, all stakeholders believed the Department of Homeland Security, as well as the U.S. Citizenship and Immigration Services, would be the main agencies affected by any type of reform.

When asked about the increase in funding or manpower in the agencies, stakeholders agreed that there would need to be an initial influx of funding and personnel due to increased administrative burden. However, when talking about USCIS, a stakeholder suggested that over time, application fees would help self-sustain the program. On the other hand, some suggested using the participation of the private sector in this process. By contracting services such as background checks and even processing to the private sector, a stakeholder suggested, personnel and administrative costs will decrease.

As a way to manage changes, contracting out was a very frequent response among stakeholders. Respondents felt that this is one of the most efficient ways of handling immigration processing. Furthermore, when dealing with the organizational structure, a stakeholder suggested that before any change can take place, any policies must be realistic and if “[they] are not practical, agencies will fail to comply, leading to a poor delivery of the reform.” In addition, the respondent believed that before any implementation, “there needs to be an agreement on the policy framework, otherwise, agencies might not want to prioritize these policy changes.”

When asked which features would create the highest and least burdens, respondents believed that the initial cost dealing either with an amnesty or a guest worker program would be high and

burdensome. Processing was another area identified by stakeholders as a burden. Processing in which a large number of immigrants are admitted into the system may expand or contract time and effort needed. The expansion or contraction would be dependent upon the quality of the processing. In addition, enforcement was also identified with the idea that after a large scale admittance program; law enforcement should resume, thus requiring more funding. However, in evaluating the burden, some respondents suggest that some policy changes could in fact deliver increased economic benefits and thus offsetting the initial administrative cost to the United States.

Stakeholders in International Organizations were adamant in suggesting that the United States should start focusing on skilled migration, primarily current undocumented students, in order to maximize its benefits. Furthermore, a stakeholder suggested that the immigration debate should be partitioned in two sections: guest worker and naturalization to facilitate the debate. In the end, however, these stakeholders believed that any change by the U.S. in its immigration system will have international repercussions, but the bottom line for the country should be improving the United States by means of its migration.

QUANTITATIVE ANALYSIS METHODOLOGY

An initial analysis of the interview field data helped to illustrate some interesting and insightful results, as well as a few challenges. Some of the most interesting results and challenges arose largely from the structure of the interviews. Members of the research team asked respondents an initial question and allowed respondents to discuss the issues in a relatively free form manner. This interview structure allowed the research team to understand the issues concerning the respondents in a more in-depth fashion than a traditional survey design allowed. The team selected this method due also to breadth of the research question and the large degree of unknowns surrounding the impacts from CIR.

The resulting data contained a wide variety of hopes and fears, opinions on best and worst policy approaches, and perspectives of how CIR will impact the federal agencies. The wide number of issues identified across all questions is worth noting as a valuable insight. The stakeholders in the immigration policy space are concerned about broad issues, and this was indicative of the wide-ranging impacts that CIR will likely have.

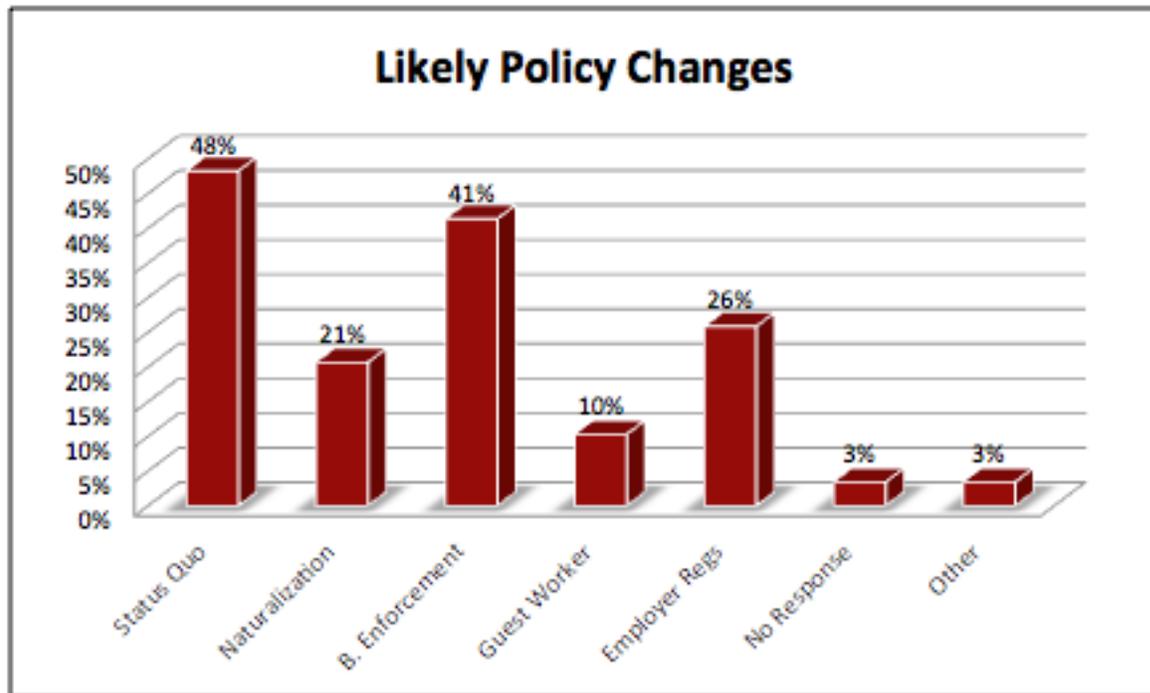
While this observation was insightful, the wide range of responses posed a challenge for the effective tabulation of results. It was difficult to perform any quantitative analysis of the data in its original form, so the research team coded responses into a variety of categories for each question. These categories summarized how the majority of individuals responded and provided a means for a more thorough analysis. The research team selected categories by sorting through the data and identifying broad issue areas that occurred throughout the results (see Appendix B). Some categories had sub-categories that were frequently identified, but were not unique enough

to justify developing a lone category. A description of the subcategories is included throughout the discussion and analysis section.

While the categorization was beneficial for descriptive analysis, some specificity was lost in encoding the data this way. Some of the rich detail and narrative provided from the original interviews was lost when responses were coded as a number. To account for this loss in specificity, the research team provided a more qualitative description of the individual's responses in the field research section to preserve the narrative. When a category is defined in this section, the definition holds throughout all categories.

The research team calculated all percentages by summing the number of affirmative responses and then dividing them by the total number of respondents. Finally, respondents would frequently identify multiple issues to a single question during the course of the interviews. The research team integrated all responses into the quantitative data set to help preserve the respondents' intent. As a result, percentages for each question will not equal to 100.

STAKEHOLDER FINDINGS

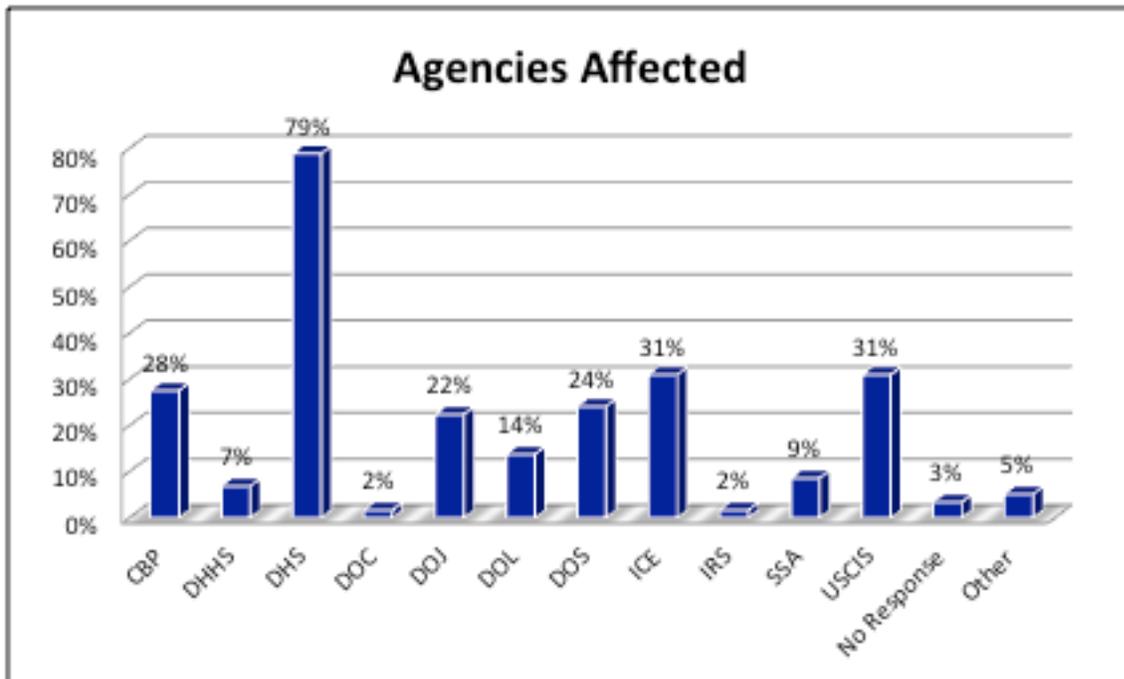


Question One

The first question asked respondents to identify what changes in immigration reform are most likely. Among all respondents, more identified the status quo (48%) than any other option. Responses were coded as *the status quo* if an individual felt that nothing was likely to happen any time soon or that agencies would handle immigration issues through internal regulatory changes.

The second and third most frequently identified changes were border enforcement (41%) and employer regulations (26%). The research team coded responses as *border enforcement* if the individual identified issues like increased border security personnel.

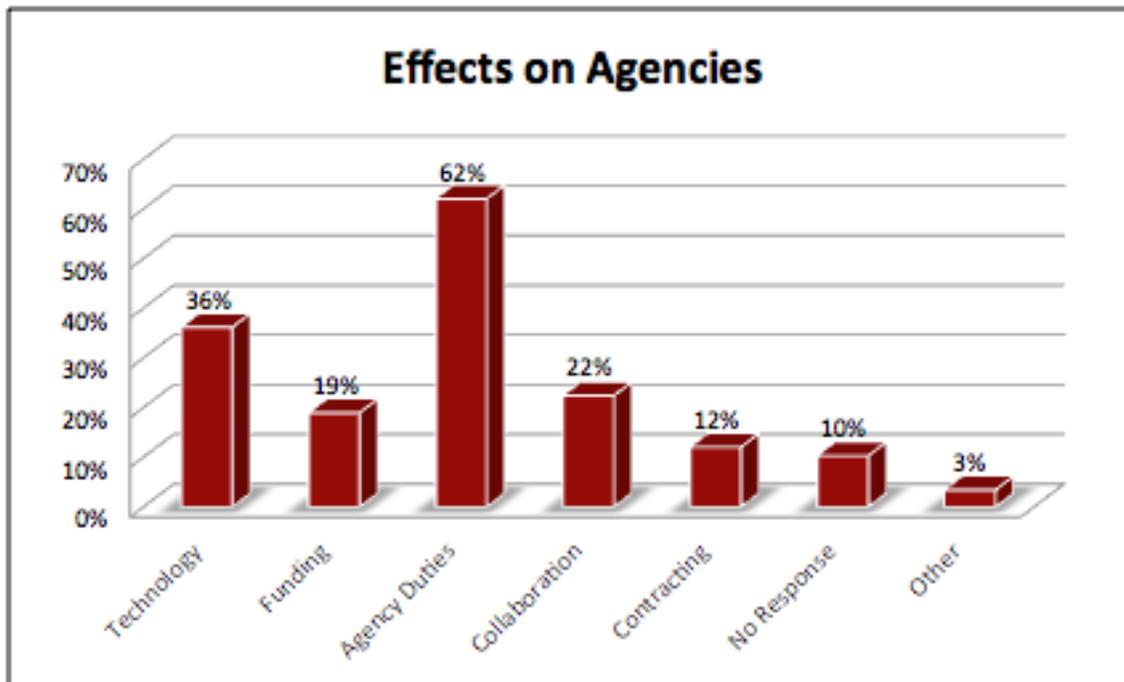
Employer regulations responses corresponded with issues that private employers will deal with, like E-Verify. 10% of respondents identified a *guest worker program* as a likely change. Finally, very few respondents either failed to respond (3%) or identified some other issue as likely (3%).



Question Two

The second question asked respondents to identify which federal government agencies were most likely to be affected by the changes in CIR. This category received a large number of different responses. The most frequently identified agency was DHS (74%), followed by USCIS and ICE (both 31%), CBP (28%), the State Department (24%), and the Department of Labor (14%).

Respondents frequently named multiple agencies, which resulted in a large number of total responses (148 or about 2.5 responses per individual). Several of the agencies listed are housed in DHS, but they are not double counted and do not contribute to the total count of DHS.

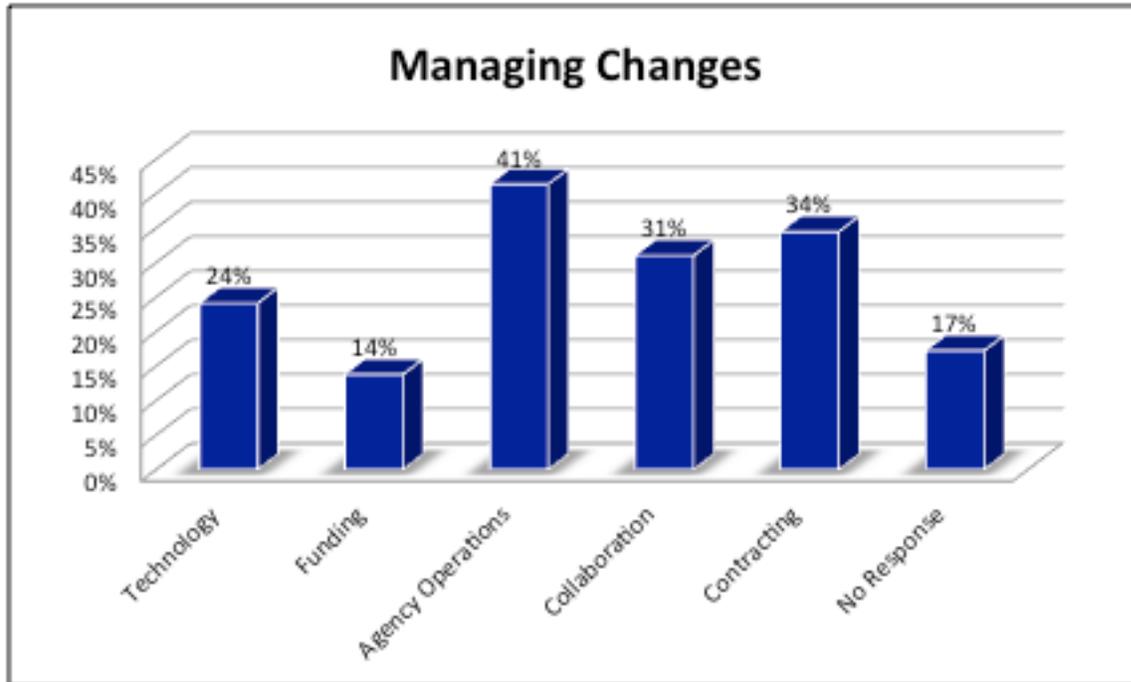


Question Three

Question three asked respondents to identify what the nature of the effects will be from CIR. Respondents most frequently identified *agency duties* (62%) as the most likely effect. Agency duties include concerns regarding the increase or decrease of responsibilities that agencies must bear.

Technology (36%) and *collaboration* (22%) followed closely behind. *Technology* included concerns regarding agencies using new or different types of technologies. *Collaboration* included data sharing and inter-agency collaboration concerns. *Funding* (19%) and *contracting* (12%) were issues that respondents identified relatively infrequently.

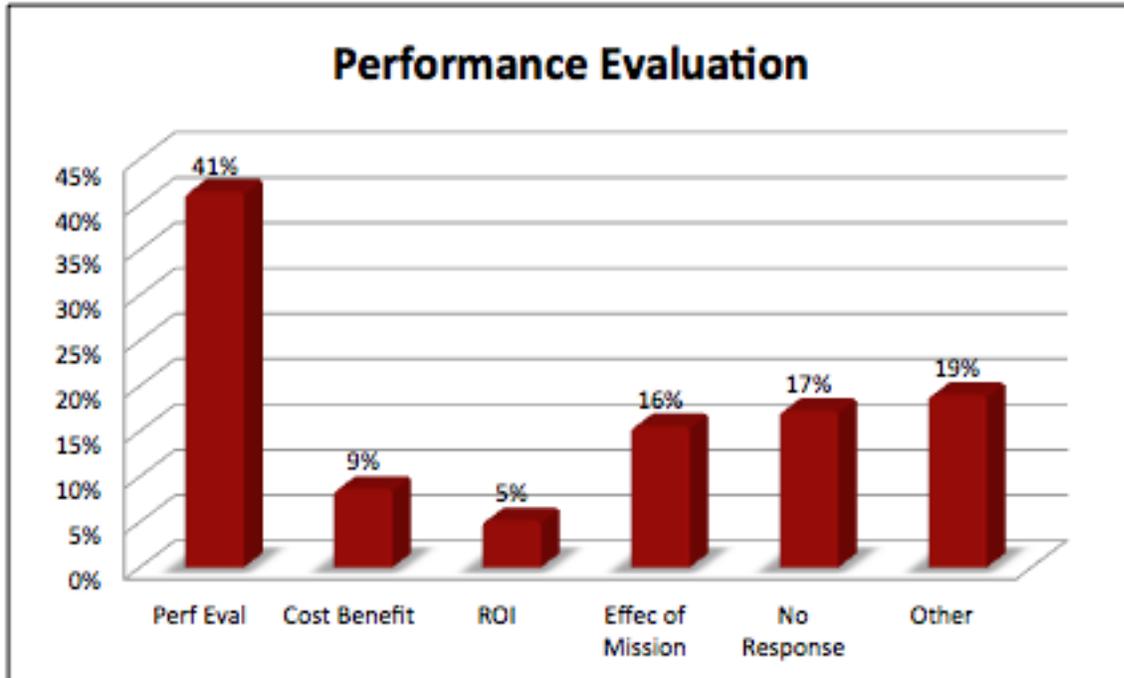
Funding includes concerns that agencies will not have enough funds to meet the demands placed on them from the changes in CIR legislation. *Contracting* issues include an increased usage of contracting services, information technology, construction projects, prison operations, and new programs.



Question Four

The fourth question asked how agencies they should manage the changes from CIR. 41% of respondents identified *agency operations* as the way agencies should manage changes. *Agency operations* include issues like training employees, recruiting new employees, and changes to the structure of the organization.

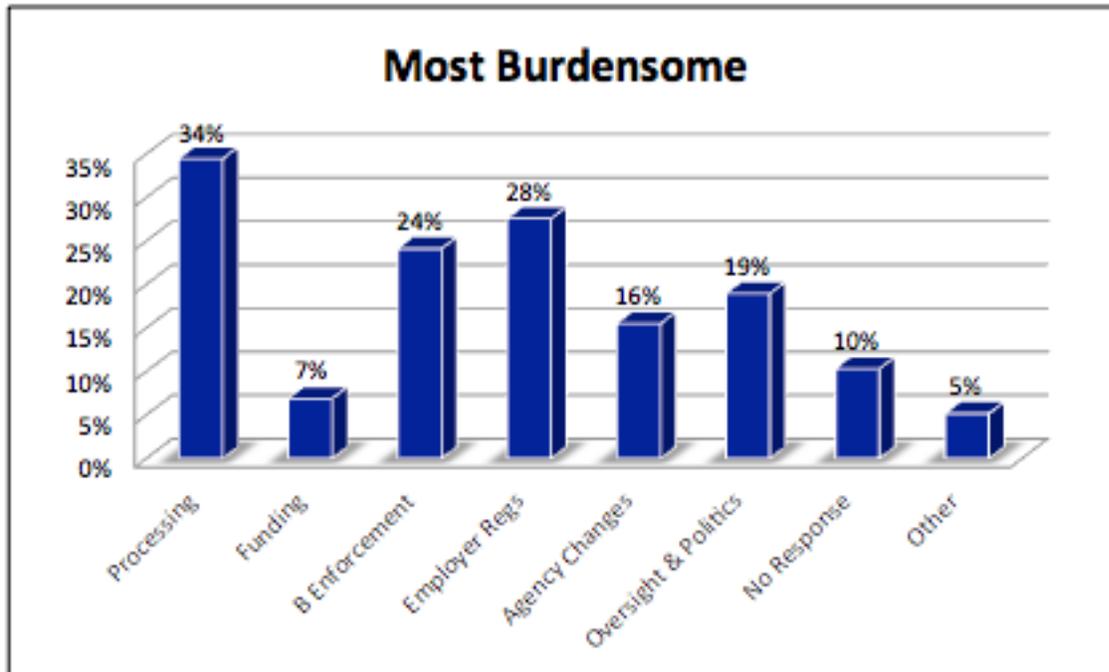
Contracting (34%) and *collaboration* (31%) were identified second and third most frequently. 24% of respondents identified *technology* as the way agencies should manage changes from CIR, and 14% of respondents identified funding. 17% of respondents did not answer the question.



Question Five

Question five asked respondents how agency performance should be evaluated under the new policy demands. More respondents identified *performance measures* (41%) than any other measure. 16% of respondents felt that agency performance should be measured by monitoring the ability of an agency to achieve its mission.

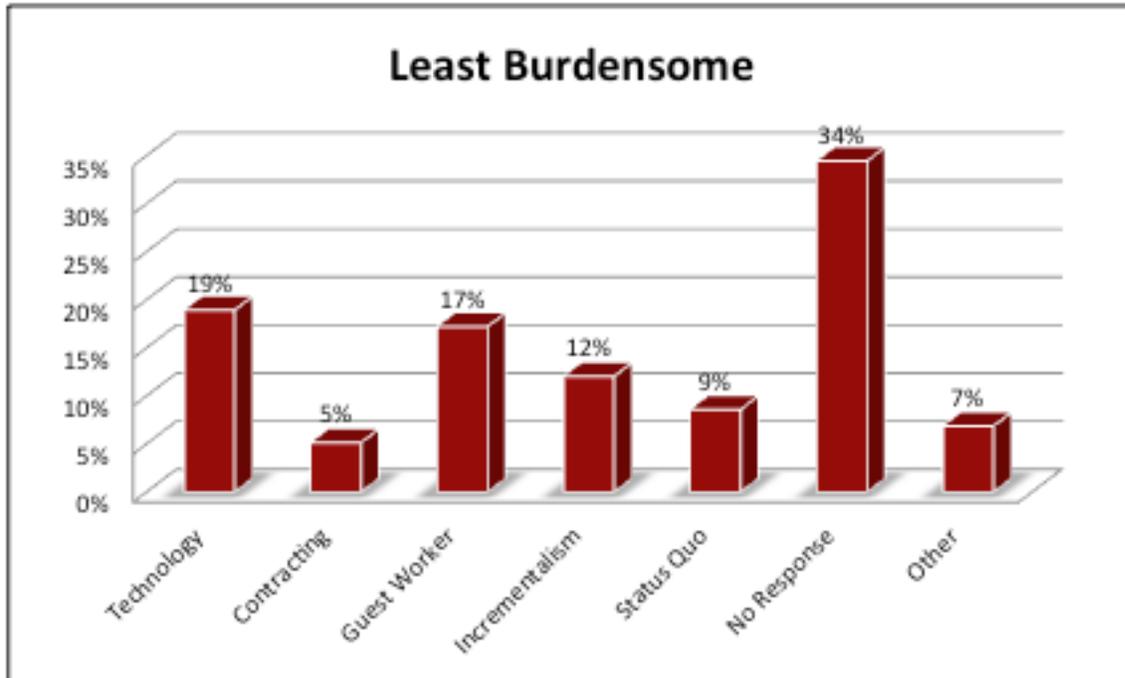
9% identified some form of cost benefit analysis as the best way to monitor agency performance, and 5% felt measuring the agencies return on investment as best. A large percent of respondents either did not respond (17%) or identified some other means of measuring agency performance.



Question Six

Question six asked respondents which features of CIR would create the highest burden for federal agencies. This question had a diverse set of responses across the categories. More respondents identified *processing* (34%) than any other category. This category includes concerns regarding backlogs of documents and paperwork that can create a strain on an agency.

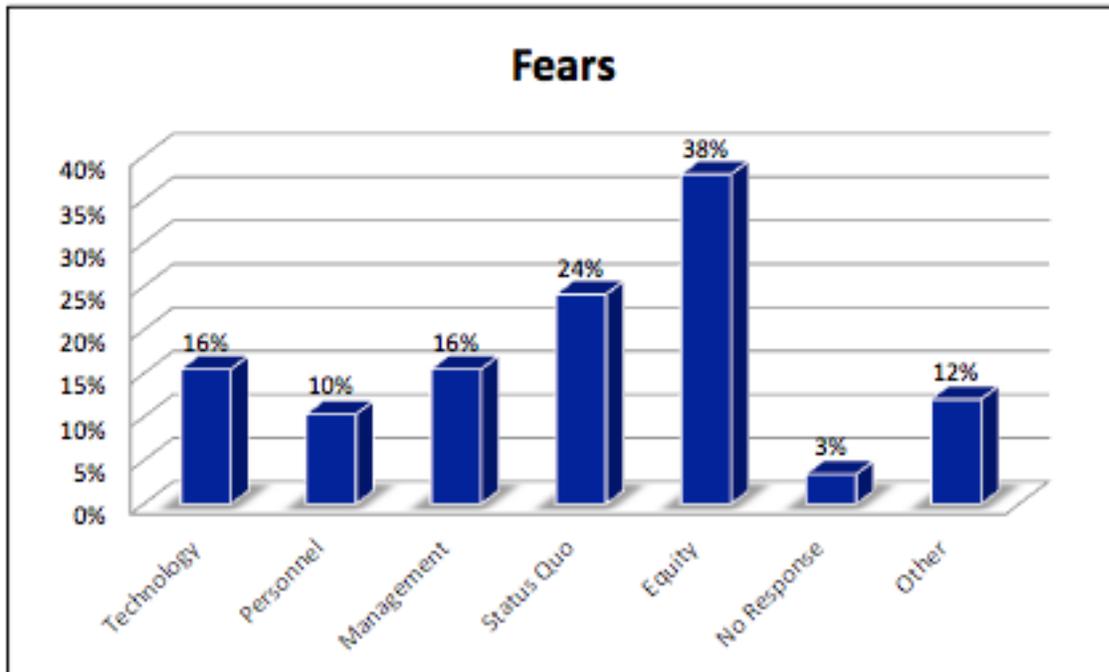
Employer regulations (28%) and *border enforcement* (24%) were identified behind processing. Nineteen percent of respondents identified *oversight* and *political concerns*, and 16% of respondents felt that *agency changes* would be a concern. *Agency change* includes managerial and human resource concerns such as staffing and training. Finally, seven percent of respondents identified *funding* as a potential concern.



Question Seven

Question seven asked respondents to identify which aspects of CIR would create the least burden to federal agencies. This question had a large number of individuals feel that they should not respond (34%).

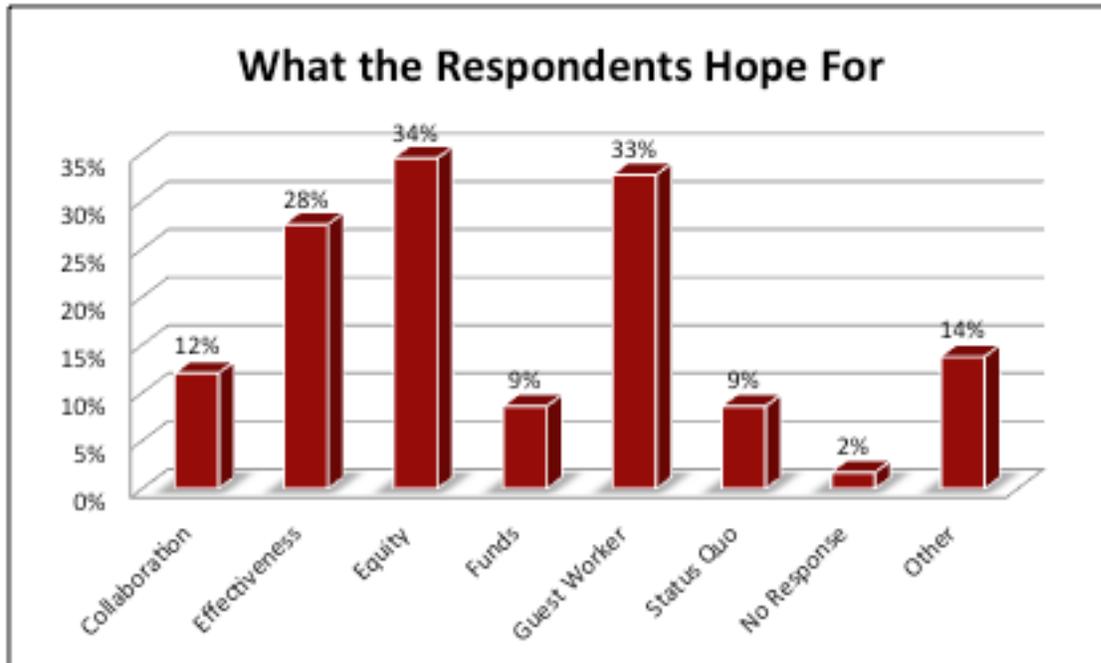
19% identified technological concerns as creating a small amount of burden, 17% identified a *guest worker program*, 12% identified *incremental agency changes*, 9% identified *status quo*, and only 5% identified *contracting out* as creating a small amount of burden. An incremental change includes a series of slow changes over time, frequently including management or personnel changes.



Question Eight

Question eight asked respondents to identify what they feared most about the implementation of new programs. 38% of respondents identified equity concerns as something they feared. Equity concerns include both equality concerns for immigrants, such as civil rights violations, as well as concerns for native individuals and groups like losses of jobs to immigrants.

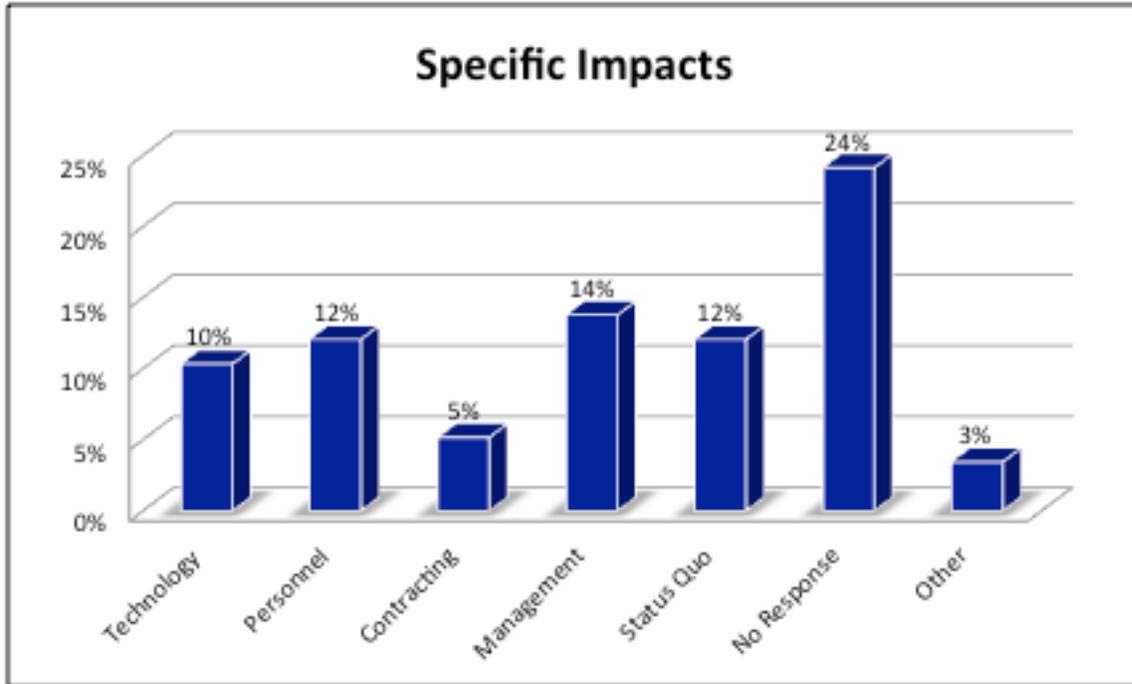
24% identified the status quo, or nothing changing as something they feared. 16% identified management and technological issues, 10% identified personnel, 12% identified some other issue as a concern, and 3% percent did not answer. Management issues include organizational structuring, staffing issues, and standard operating procedures. A personnel concern includes IT training, regional collaboration, and human resources regulatory changes.



Question Nine

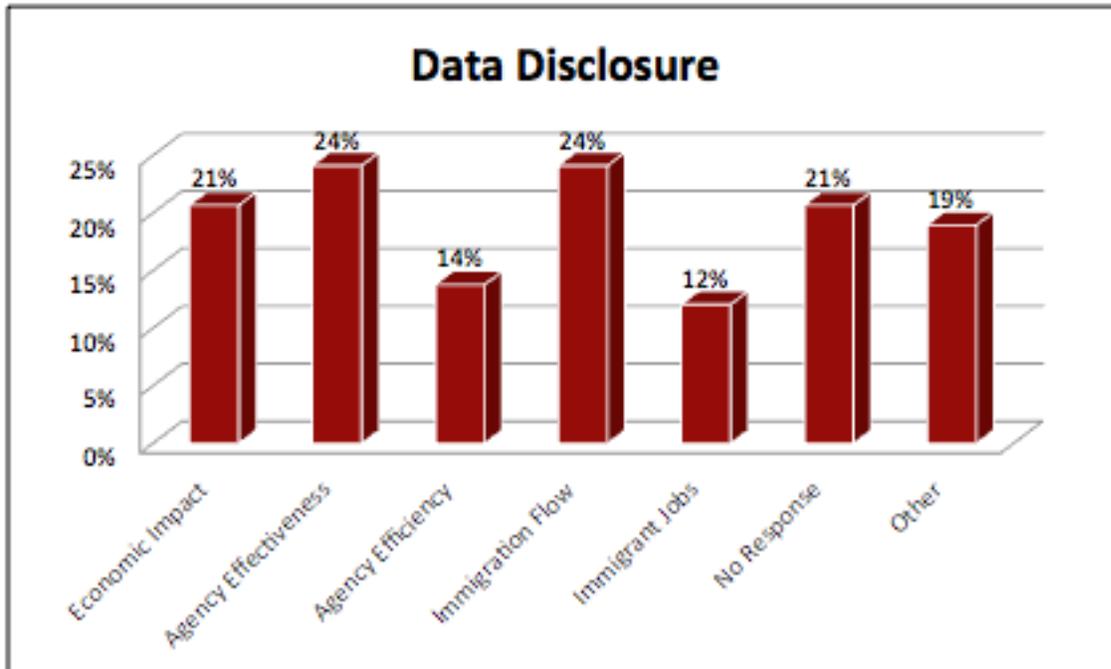
Question nine asked respondents to identify what they hoped most for from CIR. 34% of respondents identified *equity* and 33% identified that they hoped that CIR would accomplish some sort of a guest worker program. Equity here included concerns that CIR would increase the fairness of the United States immigration system or that immigrants would be treated more equitable.

28% percent identified that they hoped CIR would make the immigration system more *effective or efficient*. 12% hoped that CIR would increase *agency collaboration*, and nine percent of respondents hoped that CIR would bring about *increased funding* to handle throughput or hire new employees. 9% of respondents also hoped that nothing would be changed from the *status quo*. 14% of respondents identified some other issue, and 2% of respondents did not answer this question.



Question Ten

Question ten asked respondents how the new CIR policies will likely impact their agency and job demands. More respondents did not respond to this question (24%) than answered affirmatively to any other answer. 14% felt there would be *management concerns*, 12% identified *personnel concerns*, 10%-identified technological concerns, and five% felt external contracting would raise issues. 3% of respondents identified issues not mentioned here.



Question Eleven

Question eleven asked individuals to identify what data they would like to see agencies collect and provide to the public and constituents. This question received a relatively equal distribution of responses across the response categories. 24% responded that they would like to see more data released about both *immigration flow levels* and *agency effectiveness*.

21% of respondents felt that they would like to see more information regarding the *economic impact* from immigration. 14% felt they would like to see more information regarding data on agency efficiency, and 12% identified immigrant jobs. 21% did not respond and 19% identified some other issue.

PUBLIC OPINION POLLS

To better understand the public's perception of immigration reform policies, an analysis of public opinion polls, for the years 2006–2010, was conducted. By analyzing polls in a cross-sectional manner, trends in the general public and differences among agencies are identifiable. This analysis is not intended to replace any qualitative information provided by the agencies, but simply to present the American perspective in the immigration debate. The Pew Research Center, Gallup, Zogby, Rasmussen, and the New York Times conducted the polls selected during the 2006-2010 period.

In 2006, Pew reported that 53% of Americans believed that people who were illegally in the United States should be required to go home. When respondents were presented with options, about 49 % believed that increasing penalties for employers would be the most effective policy option.¹⁴⁸ When looking at specific racial groups, Pew reported that African-Americans in the general public were more supportive than whites in permitting illegal immigrants to stay in the United States.¹⁴⁹ In 2006 it was also reported that one out of every four Hispanics believed that neither party had the best position on immigration.¹⁵⁰ Furthermore, religious groups, with a 48% respondent rate, agreed with the statement that newcomers threaten traditional American customs and values.¹⁵¹ Nevertheless, Gallup found that while Americans viewed immigration negatively, “more general views of immigration [were] the most positive they have been in the last five years.”¹⁵² And although September 11th negatively affected immigration attitudes, 2006 seemed to be the turning point with positive attitudes returning to the American perception of immigration.

However, a year later Americans began viewing immigration negatively again. According to Gallup, respondents felt immigrants make “crime, the economy, social and moral values, and job opportunities worse rather than better.”¹⁵³ As might be expected, the way to approach immigration reform varied, despite immigration legislation filed in 2007. Gallup found that “25% of Americans [said] dealing with illegal immigrants already in the country should be given the higher priority.”¹⁵⁴ Building on this idea, Pew reported that about six-in-ten (59%) Americans favored a proposal to allow undocumented immigrants already in the United States for several years to gain legal working status.¹⁵⁵

Interestingly, there was a split on the passage of stricter enforcement legislation in 2007. According to Gallup, 46% of American respondents wanted new enforcement laws while 50% expressed a desire to explore new legislation for enforcement/border security legislation.¹⁵⁶ In addition, a Zogby poll found that 70% of Americans supported the REAL ID program; yet, 52% were opposed to the idea of every person carrying an ID with biometric information.¹⁵⁷ These statements illustrate two rather contradictory perspectives. At the same time, opinions within parties began to divide sharply. Pew reported that one of the most contentious issues among parties was the construction of the border fence. A poll analyzing the political wedge of

immigration reform found that 71% of conservative Republicans supported a fence construction, compared with 54% of moderate and liberal Republicans and 61% of Democrats who opposed it.¹⁵⁸ However, in a poll dealing with the topic of terrorism, Zogby found that 56% of Americans did not believe the construction of a wall between the United States and Mexico would make the US safer from terrorism. In addition, 50% believed that immigration reform would not make the US safer from terrorist threats, as opposed to 40% who believed it would help.¹⁵⁹

In 2007 one of the last biggest attempts to reform the immigration system took place with the introduction of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, also known as the 2007 Comprehensive Immigration Reform Bill. One of the primary goals of the 2007 CIR Senate Bill was to provide a way for undocumented immigrants already in the country to gain legal status. This provision gained broad and bipartisan support in polls with 63% of the public favoring such an approach if these immigrants complied with background checks and paid fines.¹⁶⁰ This support was bipartisan, and, even when the effort was phrased as *amnesty*, the majority of Republicans, Democrats, and Independents favored it by 54%.¹⁶¹ Similarly, a poll performed by the New York Times found that 66% of respondents would favor a guest worker program, and, provided immigrants paid fines and passed a background check, 67% supported such program.¹⁶²

During a debate on the 2007 CIR Senate Bill, a poll showed that there is still a public perception that immigration reform hurts American jobs and increases terrorism, 34% and 20% respectively.¹⁶³ A poll performed by Zogby describes this trepidation in that while only 38% of Americans had a favorable view of the legislation, 64% of Americans preferred their Congressional representative to work to pass more restrictive immigration reforms. This poll suggests that citizens who favor the bill the most “are those who view guest worker programs and a pathway to citizenship as the most important aspects of the immigration debate.”¹⁶⁴ A 2007 NBC News and Wall Street Journal poll suggested that “just 13% of respondents” believed that “deporting all illegal immigrants is a realistic and achievable goal.”¹⁶⁵ Thus, it could be argued that 2007 polling information suggests Americans began supporting guest worker programs and regulating immigrants already in the country as a viable strategy. Yet deportation and border-centered strategies were still greatly supported, which led to a partisan split.

The year after the 2007 Senate Bill failed to pass, Gallup reported that the number of Americans who supported reducing the number of immigrants went down to 39%.¹⁶⁶ Yet, contrary to 2006, polling data from 2008 indicated that nearly 66% of Americans felt that immigrants “cost taxpayers too much.”¹⁶⁷ In terms of race, over 50% of whites and blacks agreed that immigrants cost taxpayers, while 65% of Hispanics felt that “immigrants [paid their] fair share of taxes.”¹⁶⁸ However, Gallup found that when asked if immigrants “took” American jobs, nearly 80% felt “immigrants take low-paying jobs Americans don’t want.”¹⁶⁹ During the 2008 presidential elections, immigration reform was not a key issue. A Gallup poll found that immigration was rated as one of the least important issues to the elections.¹⁷⁰ Although 49% of respondents stated

that immigration reform was an important issue when considering their presidential vote; on average, “it was 11th out of 13 issues categorized as most important to voters.”¹⁷¹ Scott Keeter, Director of Survey Research at Pew Research Center suggests that the economic recession and increasing unemployment, as well as the decreased flow of immigration in the years 2007-2009, may be two possible reasons for the low prioritization of immigration reform in the 2008 elections.¹⁷²

At the beginning of the new administration, polls found that Americans had returned to a tougher immigration stance. Gallup found that in 2009, 50% of respondents believed that immigration should be decreased, up from the 39% reported in 2008.¹⁷³ Although attitudes toward immigrants had softened since 2006, attitudes found in 2009 were similar to these found after September 11. Gallup suggests that Americans tend to become “less pro-immigrant during difficult economic times.”¹⁷⁴ When asked if immigration is a good thing, the lowest percentage since 2002 was registered, with 58% of respondents compared to 52% after the September 11th attacks.¹⁷⁵ Furthermore, Pew asked about a path to citizenship and although just like in 2007, a 63 percent of the respondents agreed, a partisan divide began to open up.

In 2009, when asked about a path to citizenship, a lower percentage of Republicans favored this goal when compared to Democrats, 50% to 73%.¹⁷⁶ Although 2009 still showed support on a pathway to citizenship, Americans began showing more support to limiting the number of immigrants entering the country with 73%.¹⁷⁷ Furthermore, Gallup reported that 61% of Republicans said they would like to see immigration decreased (up from 46% in 2008). Democrat support for a tougher stance toward immigration went up from 39% in 2008 to 46% in 2009.¹⁷⁸ Besides an increase support in limiting immigration, in 2009 the American public increasingly supported border security, yet the construction of a security fence along the border continued to be a divisive issue.

In 2010, the number of Americans who believed immigration policies needed to be overhauled and described illegal immigration as a serious problem grew. Forty Four percent said it needed to be rebuilt and 45% who believed the system needed fundamental changes.¹⁷⁹ Americans were equally divided – 50% to 45% - over whether the government’s focus should be on developing a plan to deal with the immigrants already in the country or on halting the flow of illegal immigrants coming into the U.S.¹⁸⁰ Moreover, a partisan split began dividing immigration foci— Republicans wanting the government’s main focus to be on halting the flow of immigrants (67%), while Democrats believed it should be in dealing with immigrants already in the country (55%)¹⁸¹

Views of Illegal Immigration/Illegal Immigrants

by Party ID

	Republican	Independent	Democrat
	%	%	%
GOVERNMENT PRIORITY			
Halt flow of illegal immigrants	67	47	43
Deal with illegal immigrants now here	29	46	55
IMPACT ON TAXES			
Cost taxpayers too much	78	63	50
Become productive taxpayers	17	31	43

USA Today/Gallup, June 11-13, 2010

GALLUP

(Morales 2010)

This partisan split was also seen in prioritization of the immigration debate as a whole in which Democrats favored financial reform with 47%, while Republicans and Independents chose immigration, 45% and 41% respectively.¹⁸² Rasmussen found that in 2010, 41% of Americans said they trusted Republicans more than Democrats when it came to handling immigration.¹⁸³ In addition, Gallup recorded the highest percentage since 2008 in mentions of immigration as the most important problem with 10%.¹⁸⁴ Thus, in 2010 the immigration issue became once again an important topic for the American public.

Furthermore, 2010 saw increased public support for state efforts in dealing with immigration issues. According to a 2010 NYT/CBS poll, 57% of respondents still believed the federal government should determine illegal immigration laws, while 51% believed the Arizona law was “about right” in its approach to the problem.¹⁸⁵ Nevertheless, there was a partisan split on the issue. According to a poll performed by Gallup, 62% of Republicans supported the Arizona law compared to 45% of Democrats who opposed it.¹⁸⁶ Although the poll did not measure the actual knowledge about the law, Gallup did find that the American public was generally more supportive than opposed to the Arizona law.¹⁸⁷ Rasmussen found that after the Arizona law, “60% of voters nationwide favor such a law, while 31% are opposed” to authorizing local police to stop and verify.¹⁸⁸ Local support in Arizona for the law is reportedly a bit higher than it is nationwide.

Additionally, NYT/CBS found that 74% of respondents believed illegal immigrants were a drain on the economy due to not paying taxes and their use of public services such as schools and

hospitals. Conversely, 17% responded that immigrants strengthened the economy due to low-cost labor and buying goods and services.¹⁸⁹ Although 45% of Americans remained more likely to say immigration should be decreased, Gallup suggested an easing of views from those found in 2009 in which Americans favored less immigration and a return to the more divided views of 2007.¹⁹⁰ By the end of the year, the focus moved toward the children of illegal immigrants.

Rasmussen found that 58% of its respondents were opposed to granting U.S. citizenship automatically to children born in the United States to illegal immigrants.¹⁹¹ However, 64% of respondents believed that children of illegal immigrants' who serve two year in the military should be granted citizenship.¹⁹² Gallup found similar conclusions, reporting in December 2010 that 54% of Americans were most likely to say they would vote for the DREAM Act, compared to 42% who would vote against it.¹⁹³ In addition, Gallup reported that support for the DREAM Act "varies by education and age, with younger and more educated Americans most likely to say they would vote for such legislation, and older and less educated Americans least likely to do so."¹⁹⁴

Through an analysis of longitudinal data from immigration polls, three main themes surfaced: (1) disagreement over the correct approach towards immigration policy; (2) the role of the economy in policy prioritization choices of the public and (3) the relative importance of other policy issues when compared to the immigration debate. These would appear to be the recurring factors for the American public that have halted the immigration debate time and again. Although there seems to be a collective desire to "fix the system," the controversy and partisan split arise when trying to deal with the "correct approach" to handle the issue. It is important to note that whether the policy approach is a guest worker program, a pathway to citizenship approach, or a border-centered initiative, opposition seems to be much more intense than those in favor of any strategy. Regardless of what the polls indicate, if the administration decides to address the immigration problem, an appeal to a wide variety of public perceptions will need to be made.

FINAL THOUGHTS

Comprehensive immigration reform is unlikely to take place within the next two years. Almost half of all respondents (48%) felt that the status quo was the situation most likely to occur. They frequently felt that most agencies would manage these changes through incremental reforms or internal processes.

According to the results compiled mainly from stakeholder interviews, the kind of legislation that is likely to gain momentum and support in Congress will carry a more technical aspect and will add minor changes to existing policies or programs. This type of legislation will focus on enforcement policies, either in terms of border security or employment verification. Programs such as Secure Communities, E-Verify and 287-G fall under this category. On a lesser extent, changes regarding the current cap for high-skilled work-visas would also appear as a potential

policy. In this particular case, high-skilled immigration would increase due to a higher annual cap for work-visas granted to employees and a new guest-worker program.

The nature of the administrative impact created by such immigration policies on federal bureaucracy varies depending on the type of policy and on the specific agency in charge of implementation. While some agencies and its components, such as the USCIS (DHS), appear to be already doing internal preparation for eventual policies, other programs, such as higher VISA caps, would significantly increase the workload and need for cooperation within agencies such as the DOS, DHS, and SSA. Sixty-two percent of the stakeholders we spoke with identified agency duties (including concerns regarding increases and decreases in agency responsibilities) as the effect most likely seen from CIR.

Although the need for additional funding, personnel, and technology appears as a natural consequence for implementation of likely policies, interviewees generally agree on the fact that federal bureaucracy will experience budget constraints and pressure for more efficiency. Therefore, agencies will be expected to do more with less. Under this scenario, contracting opportunities are regarded as a natural consequence, especially on the development of new technologies and databases. Examples include digital fingerprinting technologies for local immigration enforcement through the 287-G program and higher accuracy on electronic employment verifications done by a potentially mandatory E-Verify. There are, however, several concerns about appropriate oversight that should be done on contracting out, mostly because of recent problems involving programs such as the FBI net. In terms of performance evaluation, external evaluations done by the Government Accountability Office, which comprise mainly performance evaluation methods and cost-benefit analysis, are generally regarded as positive.

All interviewees were deeply interested in having access to data that is not currently made available to the public. These data would include 1) Demographic data about immigrants entering the country, 2) Data on the economic impact immigrants have for the economy, 3) Data on Mexican-citizens entering the American border with Border-Crossing Cards, 4) Information on the specific crime committed by deported aliens, 5) General Demographic data already gathered by USCIS in a draft format unavailable to the public, and 6) Number of people reentering the country after deportation.

**AREAS OF FOCUS
&
CONTRACTING GUIDELINES AND
OPPORTUNITIES**

AREAS OF FOCUS

In response to the original research question “How will federal agencies be impacted by Comprehensive Immigration Reform?” our research group has determined four likely policy areas that would shape CIR. Additionally, we have identified the possibility of the *status quo* as another potential avenue for reform.

The four likely policy elements that appeared numerous times and were often espoused by stakeholders include (1) legalization pathways, (2) guest worker/visa programs, (3) border and interior enforcement, and (4) employer regulatory reform.

Legalization

Legalization programs have been a recurring component of numerous proposed CIR bills in recent years. To date, the largest of these programs was a component of the 1986 Immigration Reform and Control Act (IRCA). Although IRCA was initially designed to discourage illegal immigration by sanctioning U.S. employers who hired illegal workers, the act also granted legal status to 2.7 million immigrants.¹⁹⁵ Possible paths to legalization have been presented in a wide array of options, some of these include: “[immigrants] documenting [their] physical presence in the United States over a specified period; demonstrating employment for specified periods; showing payment of income taxes; or leaving the United States to obtain the legal status”.¹⁹⁶

Current proposed legislation regarding legalization or status adjustment includes the Development, Relief and Education of Alien Minors (DREAM) Act, the Reuniting Families Act, and the Reform America’s Broken Immigration System Act. The DREAM Act would assist individuals who were brought to the U.S. as children, meet certain requirements, and have an opportunity to enlist in the military or go to college as a path to citizenship. The Reuniting Families Act by Senator Mendez (S1085) seeks to reunite families of naturalized citizens through increased immigration visas for specific groups. The Reform America’s Broken Immigration System Act, by Senator Harry Reid, includes legislation that would hold illegal immigrants accountable by requiring them to earn legal status in order to keep their families together or be immediately deported.

While legalization policies represent a wide range of options, these types of proposals can generally be categorized as *large-scale* and *small-scale* programs. Large-scale programs are policies that could affect a substantial percentage of the current 10.7 million undocumented immigrants like IRCA did in 1986. Small-scale programs like the DREAM Act target only certain undocumented immigrant populations and would affect only a small portion of the overall immigrant population. In our stakeholder interviews only 3% of respondents identified some sort of legalization program as most likely. The data obtained from our stakeholder interviews suggests that any legalization program would be unlikely. Nevertheless, when asked to identify which aspects of CIR would create the least burden for federal agencies, 12% of

respondents believed a policy focused on incremental change over time would be least burdensome and could include legislation like the DREAM Act.

Whether CIR proposals include either small-scale or large-scale legalization programs they will have complicated elements, requirements, and processes that affect federal agencies. The passage of any CIR bill that includes legalization will more than likely have an impact on the application process, education, health, and justice systems. The following sections briefly explain potential challenges that may arise in the areas of technology, personnel, management, and funding.

Guest Worker/Visa Program

Policies incorporating a guest worker program or a new visa program were brought up numerous times as a possible component of CIR. Past historical policies, current-proposed legislation, and stakeholder interviews indicate that CIR may contain elements of a guest worker or visa program. The United States has a history of guest workers programs dating back to the Bracero program in the early 1940s. In recent decades, the United States has implemented temporary guest worker programs to regulate migration flow. While the presence of immigration legislation pertaining to temporary guest worker programs or visa policies have declined in recent years, similar bills have shown resurgence as of late.

Recent examples of visa-related legislation include the proposed Reuniting Families Act (S.B. 1085), the StartUp Visa Act of 2011, and H.R. 43 (2011). Among the various provisions within S.B. 1085, the bill would reunite the families of naturalized citizens through increased immigration visas for specific groups. The StartUp Visa Act is a bill to establish an employment-based immigrant visa for alien entrepreneurs with significant capital from investors to establish a business in the United States. H.R. 43 amends the Immigration and Nationality Act to eliminate the diversity immigrant program and to re-allocate those 55,000 visas to certain employment-based immigrants who obtain an advanced degree in the United States.

Stakeholder interview data indicated that stakeholders believe a guest worker or visa program would be unlikely. Only 7% of stakeholder respondents identified a guest worker program or visa program as a likely policy. However, when asked what they believed to be the least burdensome feature of CIR, 17% of respondents recognized a guest worker/visa program. Further research into the administrative burden of a guest worker/visa program is needed. Adding to the contrasting opinions, 25% of respondents identified a guest worker program as a feature of CIR that they hope for the most. The narrative of the stakeholder interviews seems to reinforce the desire for a guest worker/visa program.

As one respondent stated, “Hopefully Congress will address the broken visa-system in the U.S. In particular, the U.S. visa-system does not address the market realities of demand by employers.” A frustration towards the existing system was evinced numerous times in our stakeholder interviews. In particular, the fact that “there are visas for high-skilled workers and

agricultural, but there are no visas for people to come work in the construction sector.” Moreover, one respondent in the industry sector stated, “During its peak time, [our sector] witnessed the percentage of foreign-born workers nationwide rise between 20% -24%.” The same respondent thought it necessary for the U.S. to recognize “that there are many people who are here illegally, but are still positive members of the community,” and the system should try to “find them and allow their naturalization status through further contributions to society.” Note that the efficiency or equity of a guest worker/visa system is beyond the scope of this project. However, some of the elements of a guest worker/visa system can be described along with the potential agency concerns from such an approach.

If CIR includes a guest worker program or a change to the existing visa system it will likely have numerous and complicated elements to implementation. Some of these possible features might include: incremental changes to the existing visa system, a potential overhaul of the system, or specific increases in the quantity of visas for immigrants and the opportunities for domestic employment. The United States has not had a *true* guest worker program since the mid-1960s. In lieu of guest worker program, the U.S. has utilized several visa programs as a legal avenue for seasonal workers (H-2A Visas are primarily agricultural workers). However, processing visa applicants that are essentially operating under a guest worker program adds to USCIS’ administrative burden when, for H-2A visas, there is a no annual cap on the amount of applicants. (Myers, 2006) If CIR were to establish a viable guest worker program, then the processing burden for USCIS may greatly diminish.

An example of proposed legislation that demonstrates some of these features is the 2007 Secure Borders, Economic Opportunity and Immigration Reform Act of 2007. This legislation provided for the creation of a type “Z visa”—given to everyone who was living without a valid visa in the United States on January 1, 2008—and a type “Y-visa” which allowed temporary guest workers remain in the country for two years, after which they had to return home. Although this legislation did not pass, it illustrates the type of guest worker/visa programs that might be proposed as part of a future CIR or on its own as a separate bill.

The federal agencies immediately affected by a guest worker/visa program would most likely be USCIS, the U.S. Department of Labor (DOL) and U.S. Department of State (DOS). Currently, USCIS has the primary responsibility of allocating the H-1B visa cap. Any changes to the number of H-1B visas, or implementation of a new visa program, would logically become an additional duty for the agency. Under the Immigration and Nationality Act, the Department of Labor is charged with determining that foreign workers are paid the prevailing wage for domestic jobs.¹⁹⁷ Furthermore, Labor contributes to USCIS’ H-1B approval process by approving the Labor Condition Application submitted by employers. State’s role in the H-1B visa process is to approve potential workers residing outside of the U.S. by determining the authenticity of applicant documents and analyzing the likelihood that the applicant will not

overstay their visa. The fragmentation of agency duties in the H-1B visa program illustrates the amount intra-agency collaboration expected from any new guest worker/visa program.

Border & Interior Enforcement

Immigration enforcement – whether on the nation’s borders or within the interior of the country – is a key feature of prominent CIR bills. Even without formal immigration reform, immigration enforcement has become an increasingly important issue for the federal government to manage. Most recently, President Bush passed the Secure Border Initiative (SBI) in 2005 with two major enforcement themes: controlling the border and enforcing immigration laws within the United States.¹⁹⁸ SBI uses major federal agencies to handle immigration issues including: CBP, ICE, and USCIS. The following discussion on border and interior enforcement, however, will focus on the implications for the CBP and ICE solely. Border patrol, overseen by CBP primarily handles immigration enforcement on the nation’s borders, while ICE is responsible for enforcing immigration laws inside the U.S. by removing illegal immigrants or holding them in federal detention centers until their cases are decided. Immigration enforcement actions include the arrest, detention, return, and removal of foreigners who violate U.S. immigration laws.¹⁹⁹

To secure the nation’s borders CBP established border operations and technologies in order to operate more successfully. ICE has worked diligently to arrest illegal and criminal immigrants, but also to increase the rate at which immigrant detainees are removed and returned to their home country. In fact, between 2004 and 2009, removals increased 63%.²⁰⁰ The Obama Administration has demonstrated a commitment to enforcement policies, with the 2012 budget for both CBP and ICE reflecting increases from previous years. The budget is allocating \$2 billion for detention operations for ICE, which would fund 33,400 detention beds and \$527.6 billion for border fencing and technology.²⁰¹

Some of our stakeholder interview responses reflected the current administration’s approach to border enforcement. When asked what change in immigration policy is most likely, 41% of stakeholders responded with border enforcement. However, 24% of stakeholders believed that border enforcement would prove to create the highest burden for agencies. Recurring themes, such as technology, management, personnel, and funding formed the four core concerns associated with border enforcement, and more broadly, comprehensive immigration reform as a whole. Technology is a primary concern for immigration enforcement, 24% of the stakeholders interviewed believed agencies should handle any impending changes with the use of new and/or improved technology. A more in-depth discussion of these four concerns will follow in a later section.

Employment Regulatory Reform

A crucial aspect of comprehensive immigration reform focuses on employer regulations and sanctions for hiring illegal immigrants. A key motivating factor of migration is rooted in the

economic opportunities that immigrants seek through employment in the United States.²⁰² IRCA of 1986 introduced I-9 requirements as a way of verifying employment eligibility and sanctions as a way of forcing employer compliance with regulations.²⁰³ Nonetheless, this system has faced a great deal of criticism since the I-9 approach relies only on employers (who are often untrained in detecting fraudulent documents), to verify eligibility and legal status by simply examining forms of identification and then filing the I-9 within their own office for possible federal audit, which rarely occurs.²⁰⁴ As such, illegal immigrants are rarely identified and adherence to this system is infrequently enforced by federal agencies.

To address the ineffectiveness of the IRCA model of employment verification, the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) created an electronic verification system called E-Verify. This “pilot program” utilized SSA and INS databases to substantiate immigrant status and employment eligibility.²⁰⁵ While E-Verify does offer a more regimented way to track and verify employment status, a number of problems have surfaced, including system errors due to a delay of updated information in the system, user errors, and the lack of an efficient process to address system errors and Tentative Non-Confirmation result (TNCs) in a timely matter.²⁰⁶ A 2008 GAO report echoed these same concerns and a more recent 2010 GAO report has identified remaining challenges to the efficiency of the E-Verify system in anticipation of a mandatory implementation in the near future for all states.²⁰⁷

Despite some of the aforementioned problems, E-Verify does offer a promising model for employment verification and regulation. Its mandatory implementation in all 50 states has been introduced in many recent bills. Currently, E-Verify is only used in the pilot states, by certain federal agencies, and by employers who have been legally mandated to use the system. However, H.R. 483 and H.R. 693 seek to implement E-Verify for all U.S. employers, and H.R. 800 seeks to strengthen and expand employer sanctions for employers who do not enforce employee eligibility regulations.

When asked what type of immigration policy was most likely to be realized (other than the status quo), our stakeholder interviewees cited employer regulation as the second most likely change to occur, following increased border enforcement. Additionally, approximately 26% of respondents identified modifications to employment regulations and/or the mandatory implementation of E-Verify as most likely to pass. Nonetheless, many stakeholders still expressed concern over the cost and technological difficulty of utilizing E-Verify and discontent over past error rates and the need for database maintenance and oversight to ensure effective usage. In this regard, three primary models of modified electronic verification systems have been proposed to counter the hiring of illegal immigrants and the use of fraudulent or stolen employment documents. These three models include 1) the mandatory use of the current E-Verify system; 2) the use of a biometric identification or pin card with E-Verify; and 3) the use of a central database and biometric scanning device directly utilizing identification via thumbprint or other indicator without an identification card.²⁰⁸

AGENCY IMPLEMENTATION CONCERNS

Within these four CIR components, the team identified four recurring implementation concerns. (1) technological concerns, (2) personnel concerns, (3) management concerns, and (4) funding concerns. *Technological concerns* are questions regarding the implementation of uniform database systems amongst agencies, criminal tracking of immigrants, database inter-operability among agencies and other technology-based issues. *Personnel concerns* include training for employees, regional collaboration between agencies, and the need for additional staffing and adjustments to standard operating procedures for the public and private sector. *Management concerns* comprised the organizational restructuring of agencies, staffing problems/approaches, and concerns regarding the standard practices/operating procedures of agencies. *Funding concerns* include increased costs from new demands and responsibilities, budget cuts, or hiring new personnel with limited resources. These situations may cause several problems that organizations must overcome without halting their operations. In the following sections we will address these four areas of implementation concerns for each policy area of CIR: legalization, guest worker/visa programs, border and interior enforcement and employer regulatory reform.

Technology Concerns

Stakeholders we interviewed mentioned new or updated technology as a necessary component to ensure accuracy and efficiency for immigrants entering the application system. During the interview process 16% of our respondents expressed “technology issues” as the aspect they feared the most with CIR implementation. One stakeholder emphasized that “technological concerns, specifically database implementation and outdated paper applications” were among the most pressing concerns for a legalization program. Moreover, 10% of respondents believed new CIR technology concerns would impact their agency responsibilities. Additionally, 24% of respondents believed agencies should manage the changes incurred by CIR with the use of technology.

Legalization

Several of the recently proposed CIR bills include a section regarding an adjustment to the immigrant’s status. USCIS was identified by 31% of stakeholders as an “agency most likely to be affected” by Comprehensive Immigration Reform. USCIS depends upon application fees to support not only its operation costs, but also certain underfunded expenditures such as new software and computer systems, background checks, and staffing.²⁰⁹ However, USCIS has experienced rising costs as a result of mandates requiring new expensive technologies and processing requirements to maintain quality control and national security.²¹⁰ While USCIS has instituted several programs to address numerous technological issues, many critics question whether they have truly fixed their systemic problems.

Overall, USCIS costs and the inability to implement new technologies have increased backlogs in permanent resident and naturalization applications. As of January 05, 2011 the accumulated applications or “inventory pending” at Service Centers and Field Offices for I-485 (the Application to Register Permanent Residence or Adjust Status) were 184,258 applications (*I-485 Employment-Based Inventory Statistics* 2011). If a legalization reform occurs, the number of applications would increase and without any technology updates the current backlog would exponentially increase. Furthermore, 34% of stakeholder respondents believed that the processing of backlogs and paperwork would create the highest burden for federal agencies. Thus, USCIS could benefit from improvements in centralizing IT operations and refining IT management to diminish future problems that will likely occur with the introduction of CIR elements.²¹¹

USCIS relies upon the Federal Bureau of Investigation to administer the “National Name Check Program” (NNCP), which conducts background checks on applicants. The NNCP reviews the FBI’s files for background information and provides it to USCIS, who uses it to evaluate applicants. In the past, this system created backlogs that resulted in long delays because the volume of name-check requests grew dramatically following September 11, 2001.²¹² In June 2009, USCIS announced that it had eliminated the backlog problem within the program.²¹³ Nevertheless, critics question if the government truly solved the problem and if the current system is advanced enough to handle potential increases in the event of CIR.²¹⁴ In 2007 Ombudsman Khatri criticized the USCIS systems in his report since they “do not provide [the] robust data analysis tools necessary to monitor productivity and make changes” and have “little or no interconnectivity”.²¹⁵ However, the 2009 solution to the backlog did not update the NNCP system; instead, it provided resources for additional staff. Despite “the technological nature of the problem, the government ignored the more permanent solution of making important technological improvements like the BCS and wrap-around security checks, and stopped at securing more funding for personnel”.²¹⁶ Thus, technological improvements to this system should be implemented to prevent further backlog issues and to solve current and future problems within USCIS.²¹⁷

Guest Worker/Visa Program

In regard to a guest worker/visa program, stakeholders mentioned new or updated technologies as necessary to ensure accuracy in tracking and identifying applicants as they move through the naturalization, detention, or guest worker processes. One respondent stated, “Investment on high technology will probably be the best way to speed up the visa application process.” Yet complications with database operations have stymied past federal programs, such as the Systematic Alien Verification Entitlements Program (SAVE). For USCIS, database problems are a persistent concern, as they prevent the monitoring of H-1B applicants and impair the collection of congressionally required information.

A 2011 GAO report identified several problems associated with USCIS' collection of data and systems. The duties associated with the approval of H-1B visas are distributed over several agencies and necessitate linking systems—a feat that is not easily achieved.²¹⁸ Linking databases is a challenge for most agencies and complicates tracking H-1B applicants. Furthermore, a procedural issue exacerbates the process: applicants are not assigned a unique identification number. Tracking applicants throughout several agencies without a unique number is nearly impossible. These issues prevent USCIS from accurately determining if the H-1B visa cap has been reached and “whether and when H-1B workers have applied for or were granted legal permanent residency, leave the country, or remain in the country on an expired visa”.²¹⁹ Such information is a congressional requirement of USCIS through the Immigration and Nationality Act. If a CIR bill were to alter the existing visa system, then it would do so with an existing technological problem. In light of their increasing duties, agency concerns would only grow and existing initiatives to address this problem would become a necessity.

Regardless of the specific agency affected, CIR would spread thin the existing technological systems used by agencies that receive, verify, and approve visa applications. Moreover, existing problems would only be exacerbated unless efforts to rectify past difficulties are prioritized. A more in-depth examination is impossible to conduct without a particular bill as the basis of analysis.

Border & Interior Enforcement

With regard to border and interior enforcement, technology has been – and will continue to be – a critical component of DHS to meet the priorities they have identified. State-of-the-art information technology is critical to CBP's and ICE's operations. Complex database infrastructures are necessary to keep proper records of immigrants in the immigration system. Technology is a critical component to each stage in the enforcement process, including the apprehension, detention and deportation of illegal immigrants.

Currently, immigrant apprehension data is collected in the Enforcement Case Tracking System (ENFORCE), and the Fugitive Case Management System (FCMS).²²⁰ However, within these databases there is fragmentation and a lack of oversight. For example, ICE collects a detainee's information through the ENFORCE Alien Detention Model, while they collect data on the removed or deported individuals in the ENFORCE Alien Removal Module (EARM).²²¹ In contrast, when an illegal immigrant is caught on the border, Border Patrol agents also use the FBI's criminal alien database to determine the criminal status of those apprehended.²²² Therefore, an effort to streamline these databases will be integral to help alleviate this fragmentation and help provide a more accurate and up-to-date system for verifying immigrant status.

However, making the FBI database accessible and capable of the duties demanded of it is a serious financial undertaking for the government. Our stakeholder interviews revealed that 24%

would like to see more data on immigration flow; 12% would like to have more data on immigrant jobs; and 21% would like to have more data on the economic impact of immigrants. A single, comprehensive immigration database accessible to all federal agencies involved with any step of the immigration process would reduce the fragmentation of and gaps in immigrant data.

Not only would having an integrated database assist Border Patrol agents in their apprehensions and deportations, but ICE detention centers would significantly benefit from an up-to-date data entry system containing all immigrant detainees' records. With this information ICE could assess their detention center present and future capacities. Also with a data-tracking system, ICE could better develop population forecasts, which could help with their future planning and funding concerns.

In addition to data management, larger technological imperatives exist in maintaining border security in the field. One program that requires the use of expensive technology is the Alternative (Southwest) Border Technology plan. This plan is replacing CBP's *SBI*net program, which did not meet cost-effectiveness standards. The Alternative (Southwest) Border Technology plan deploys a mix of existing and proven technology to protect the border.²²³ The technologies used in this plan include Remote Video Surveillance Systems (RVSS), Mobile Surveillance Systems (MSS), a new Integrated Fixed Tower system, and hand-held equipment for use by Border Patrol agents. The Integrated Fixed Tower system, which will operate first at five identified high-risk areas in Arizona, has an estimated operating cost of \$570 million.²²⁴

Having up-to-date technological capabilities both on the border and in the interior of our nation is of primary concern to federal agencies dealing with immigration problems. Our case studies, interviews, and field research demonstrate that technology is a significant factor in enforcing this country's immigration laws, and ensuring inter-agency operability.

Employment Regulatory Reform

The E-Verify system brings many challenges for implementation of electronic employment verification on an expansive scale. When stakeholders were asked what elements of reform would most likely affect agencies, 36% identified technology as a challenge and cited technology as the second most burdensome reform element that agencies would encounter. E-Verify error rates and "inaccurate" identifications have been cited numerous times as an obstacle to effective usage. These errors and inaccurate confirmations are often a result of inefficient database maintenance.²²⁵ To address these problems agencies must require that the databases be regularly updated and checked for entry errors and have regular maintenance to ensure that the combined system of the eight different DHS systems does not pull outdated information (6). From 2008 to 2010, the GAO assessed the improvement of errors within the E-Verify system but found that since there is not a proper way to scan in photo identification or incorporate some type of biometric model. Employee documentation fraud still presents a challenge for the system.²²⁶ Thus, if problems with identifying counterfeit and/or stolen documents still persist, solving the

technology errors alone will not make the system more efficient. In the future, E-Verify models that incorporate photo identification software or biometric scanning capabilities will need to be developed to truly counteract fraud and identity misrepresentation.

Nonetheless, even if the system errors are corrected and the database is updated in real-time with safeguards for document fraud, user errors will still occur. Agency employees that enter data into the system often type inaccurate data into the system or employers that check data “make mistakes with complex names, through carelessness, or in reading handwriting” when transferring paper files to electronic formats.²²⁷ For this reason, oversight and training in new technology is vital to the success of employer regulations.

Finally, after agencies combat system errors and set up an E-Verify training program, they must ensure that all employers who will be required to use the system have the ability to access the technological components needed to comply with regulations. This will be particularly difficult for smaller organizations or employers in rural areas who do not have Internet access or computers. According to one stakeholder interview, “rural communities and agrarian employers will likely encounter difficulties utilizing the E-Verify system since their sites are often far from internet access and computers are not usually available in the field where the laborers are often hired.” If E-Verify is made mandatory, it will be necessary for government agencies to provide uniform prerequisite technological standards and possibly allow an alternative telephone system to remain so that employers that do not have sufficient technological access can still remain in compliance. Depending on the type of E-Verify system that is implemented, employers may have to contract out compliance services to a vendor that can provide access to the E-Verify system and scanning equipment if necessary.

Personnel Concerns

Personnel training, intra-agency collaboration, and the implementation of new standard operating procedures (SOPs) are challenges that federal agencies must overcome in the event of CIR. When asked how new CIR policies will likely affect their agency and job demands, 12% of respondents identified personnel concerns (training and collaboration). In addition, 16% of stakeholders identified agency changes such as staffing and training as a CIR feature that would create the highest burden for federal agencies.

As is often the case personnel concerns are more pressing when an agency must change their current practices or perform new services that are an extension of their organizational mission. A recurring difficulty with personnel is IT training. All appropriate personnel need to be adequately trained with any new technology or equipment to ensure that the technology is serving its intended purpose. However, this goal is not always achieved.

Legalization

The passage of a legalization program on a small scale similar to the DREAM Act or a larger-scale initiative like IRCA would increase the number of applications for USCIS. USCIS is unable to manage its existing workload. For years officials have maintained that it is critical to update the old, paper-based application process before the passage of any new legislation.

In 2006 as part of “Backlog Elimination Plan,” USCIS restructured the existing procedures and provided additional staff.²²⁸ However, in recent years USCIS experienced a revenue decline and in 2010 the agency identified several initiatives to address this funding shortage. One initiative was to decrease employee training expenditures, which were likely reflected in the agency’s limited hiring policies compared to previous years.²²⁹ A decrease in training funds will be especially harmful to USCIS if new CIR programs and technologies are implemented without the proper training capacity and support for agency education.

Since 2008, USCIS has been committed to the Transformation Initiative to enhance security measures that would enable the agency to provide “faster, more thorough security checks, [increased] access to and storage of greater volumes of biometric data [and an] improved case management system”.²³⁰ However, the success of this new Transformation Initiative is dependent on the training of personnel with any new technology or equipment. It is imperative that any new or current staff is adequately trained to ensure the agency’s personnel effectiveness in the event of a program that requires an increase in the number of legalization applications.

The Request for Evidence (RFE) process is another area that will necessitate additional training for staff. The RFE process is used by USCIS to gather further information when an adjudicator believes an application or petition lacks the required evidence.²³¹ Lack of trust over the RFE process has resulted from inconsistent practices and philosophies among service centers and personnel.²³² In the 2010 Annual Report to Congress, the USCIS Ombudsman states that there is “no single training module or period of time...dedicated specifically to developing adjudicator expertise in weighing evidence”.²³³ The report finds that “experienced personnel displayed confidence in having developed their own sensibilities regarding application of the [RFE] standard”.²³⁴ The lack of uniformity, guidance and training to USCIS adjudicators could become a problem if a legalization program were implemented, especially in cases where additional immigrant information is lacking or non-existent. Nevertheless, the implementation of “new and expanded training to ensure that adjudicators understand and apply the ‘preponderance of the evidence’ standard” more consistently might be an important step for personnel standardization.²³⁵ If a program is adopted that allows additional immigrants to apply for legalization, this will create an application influx in which evidence may be limited. For this reason, it will be important to have an education program for staff that focuses on standardizing the application processes to increase readiness, preparedness, and effectiveness.

Guest Worker/Visa Program

The passage of a legalization program on a small scale similar to the DREAM Act or a larger-scale initiative like IRCA would increase the number of applications for USCIS. USCIS is unable to manage its existing workload. For years officials have maintained that it is critical to update the old, paper-based application process before the passage of any new legislation.

Frequently, personnel must take on new duties or adjust the SOPs of existing duties. In 2010, USCIS' Ombudsman made several recommendations that would have a direct impact on personnel duties for the agency. The numerous recommendations included the suggestion that USCIS Call Centers should (1) eliminate the scripted information over a targeted period of time to enable the agency to train staff to answer basic, immigration inquiries, and (2) designate a point of contact within each field office and service center to be available to Tier 2 supervisors to answer inquiries and field office operations.²³⁶ If USCIS does make the recommended adjustments, then personnel must not only undergo training to answer frequently asked immigration inquiries, but also they must decide the necessary amount of communication between field office points of contacts. Alteration of the visa system by CIR bills would most definitely increase the amount of calls received by USCIS Call Centers. Moreover, in the event of a new visa program, personnel will need further training on the specific program requirements.

In the same document, USCIS' Ombudsman provided a very specific recommendation to fast-track the I-824 form. Form I-824 is a formal verification of USCIS' approval of a submitted application; individuals, families, or employers can file the form.²³⁷ The form is ministerial in nature and the current three-month wait time is far too long for a benign document. To speed up the process, Ombudsman January Contreras advised USCIS to establish a goal to process I-824 forms within days of receipt, or in a more expeditious manner.²³⁸ In addition, USCIS employees should create a national SOP for the processing of Form I-824, as well as mandatory adjudication training. These recommendations directly mandate increased employee training and a new SOP. It is unknown whether these changes will be enacted by the agency. Nevertheless, if a bill is passed that implements a new temporary worker program or adjusts the current number of visas, this would likely increase agency throughput for applications including the Form I-824 applications. Not only would additional personnel need to go through Form I-824 adjudication and post-adjudication processing training, but also they would need to increase processing time to keep pace with increased throughput. The ramifications of any CIR will undoubtedly affect agency personnel and require proper employee training on new SOP or information technology.

Border & Interior Enforcement

Immigration enforcement agencies must understand and manage personnel hiring and training to avoid an agency-wide problem. CBP and ICE have wide ranging operations. With the potential

for increased demands, both agencies will probably have to expand their workforce to accommodate the increased need.

CBP's use of advanced technology and equipment to assist in their enforcement activities will prove to be effective only if they properly train all employees who use such equipment. Personnel must have adequate and standardized training on such equipment to avoid and/or reduce errors in the immigrant process. Lack of training on the E-verify system proved to cause several problems for both immigrants and employers, as human-induced errors slowed the process. Such errors may be avoided if all employees receive mandatory training on equipment use. Furthermore, should a comprehensive immigrant database be created, it will be essential to perform training not only to reduce errors, but also to avoid the risk of identity theft and fraud.

Employment Regulatory Reform

Currently, E-Verify is mandated only for use in certain states, for certain federal employers and for businesses that have been ordered to use the system due to previous convictions.²³⁹ However, if E-Verify becomes mandatory – even if it is a more simplistic model without biometric components – it will require a huge commitment of time, training and collaboration from federal agency personnel and the employers affected by the program.

As mentioned earlier, training of personnel is especially important with technological systems to combat system errors that result from user error. Currently, a large number of TNCs occur due to incorrectly entered data that result in name mismatches, employers utilizing the system and entering complex spellings of names, changing the name order or using hyphenated legal names.²⁴⁰ Streamlined rules for database entry and training are necessary to prevent invalid TNCs and to improve the efficiency of E-Verify.

In addition to training, the capacity strain on federal agencies for E-Verify support will be multiplied if the program expands to all 50 states. It will be necessary to add additional duties to current employees and hire new employees. This will be especially burdensome on USCIS and SSA as they help implement E-Verify on a national scale. A larger workforce would be needed not only to implement a mandatory E-Verify program, but also to assist employers with the verification system and monitor employer compliance with the system to ensure that sanctions are enforced. A recent GAO report stated that while the USCIS staff had increased to address this issue, it would need even more staff if E-Verify expands to provide “educational activities designed to assist employers with complying with E-Verify policies and procedures”.²⁴¹ Without ensuring an adequate amount of staff to educate and enforce compliance this employer regulation policy will probably not succeed.

Finally, personnel in different agencies will need to practice interagency collaboration to make sure that database information is uploaded in a timely matter. Previous systems like SAVE and E-Verify had problems with database maintenance and errors since the information had to be

entered and shared in a system that “aggregates eight different DHS and Legacy INS databases”.²⁴² Accordingly, management must encourage this collaboration and support staff training efforts to ensure data is regularly shared and updated. In the next section we will address this and other management concerns.

Management Concerns

When stakeholders were asked how the new CIR policies would likely impact their job demands, 14% felt there would be concerns with structuring and hiring. Furthermore, 16% of stakeholders identified management issues as the element they feared most about immigration policies. Reform efforts create new challenges when agencies are forced to create new working relationships, either internally or with other agencies. Coordination and collaboration among agencies can be difficult to produce but are necessary components of reform success. In addition, it is important to ensure that training, operational transitions, and overall reform efforts are appropriately paced when agencies attempt to reorganize their departments internally. It is the job of agency management to guide employees through their additional job duties and encourage new external coordination with other agencies.

Legalization

The case studies suggest that when agencies attempt to reorganize their departments internally or restructure responsibilities too quickly, this rapid imposition of change and immediate training programs may overwhelm staff. Thus, based on the above-mentioned problems currently facing USCIS, the agencies need to ensure that training and operational transitions, such as modernization, are appropriately paced to ensure a successful implementation.

Also, coordination will be an issue for USCIS since many of their systems are under different jurisdictions, different USCIS divisions, other DHS components, and even other federal agencies.²⁴³ This can create coordination problems leading to inefficiencies and delays in USCIS processing. Data-sharing and inter-agency collaboration concerns were identified as the potential issues that could result from CIR within the stakeholder interviews. Yet, when asked to identify what respondents hoped for the most from CIR, 12% mentioned an increase in inter- and intra-agency collaboration. Currently, USCIS and DOS meet every month to facilitate information sharing and “to provide for the orderly, predictable, and transparent movement of ...immigration processing[s].”²⁴⁴ A model of coordination like this one will be necessary for federal agencies if legalization reforms take place on a broad scale.

Guest Worker/Visa Program

If a Guest Worker or any Visa Program were to be implemented as part of CIR, then several management obstacles handling increased demand and throughput would occur. Similar to the Legalization concerns, additional visa duties imposed on USCIS may result in having current

employees work overtime shifts to address greater throughput. Simultaneously, efforts to further streamline internal processes may be made. Also a CIR bill could negatively affect agencies through an unfunded mandate. In this situation, an agency will lack the funds to implement new duties and intra-agency cooperation would be mandatory. Making more with less is a term that most government agencies are all too familiar with. If CIR impacts the existing visa programs, then management within USCIS, DOL, or DOS should consider re-staffing employees from other agencies to focus on areas of chronic congestion.

Management will be responsible for setting the professional tone for staff, but employee input, is crucial. There needs to be a collective buy-in from all those that implement the new agency duties. The network of interagency coordination for approving H-1B visas means that communication and feedback are critical to maintain the efficiency of the program. Managers must prime employees for their additional responsibilities whether it entails increased technology or adjudication training. The real concern in a Guest Worker or Visa Program is whether management will be proactive in the way they prepare their employees for increased responsibility.

Border & Interior Enforcement

As discussed in the previous case studies, coordination and communication are important elements for successful management, regardless of agency. In a CIR with border and interior enforcement initiatives, ICE and CBP would develop an interesting relationship. For instance, since both share DHS's mission of controlling the borders to prevent terrorism, their joint efforts on some missions, like the Secure Border Initiative, have resulted in interdependencies, conflicts, and significant gaps in jurisdictions, operations, and communications.²⁴⁵ The ICE detention center reports from the case studies illustrated that the insufficient information sharing between ICE and the management of the detention centers led to an inefficient use of resources and increased costs.²⁴⁶

While CBP and ICE operations are generally well managed, many problems occur when the agencies form partnerships, particularly at the state and local levels. In June 2010, ICE issued a memo "Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens," which prioritizes ICE enforcement objectives. Key among the objectives is the removal of the "worst of the worst" criminal aliens.²⁴⁷ Prioritizing agency objectives regarding the removal of criminal aliens was essential for the agency when setting goals; however, problems have been arising due to contrasting priorities in the state and local partnerships that ICE has established to carry out its mission. While ICE is focused on deporting the very worst criminals first, state and local law enforcement agencies disregard the level of crime committed and arrest and deport immigrants with little to no criminal history. ICE has grown more dependent upon local programs and agencies to identify immigrants for deportation, and in doing so has lost control over their priorities and outcomes.²⁴⁸

ICE's difficulties in maintaining control over their enforcement activities, resulting from their dependence on state and local agencies, demonstrates the need for both internal and external oversight on programs and contracts. As agency duties are likely to increase should CIR legislation pass – 62% of stakeholders interviewed identified agency duties as the primary likely result of CIR – contracting out services may prove to be an effective and efficient manner through which to handle increased burdens. In fact, in our stakeholder interviews, 34% of respondents identified contracting out as a method for agencies to manage change resulting from CIR legislation; however, if agencies were to utilize contracting out as a way to manage new policy demands there will be a need for more effective oversight and project management, which was evidenced in the case study on CBP facilities' expansion, as well as with the private prisons contracted through ICE. The weaknesses caused by poor oversight and management not only increased risks to the quality control and daily operations of the two agencies, but they presented big risks with regard to project cost overruns and funding.²⁴⁹

Establishing goals, creating uniform priorities and standards, and providing adequate management and oversight on both internal projects and contracting services for border and interior enforcement are important elements for the successful management of a federal agency. Without proper objectives and priorities in place, there is little room for successful management of agency personnel, who play a crucial role in carrying the management's mission.

Employment Regulatory Reform

In the case of an employment regulatory reform, to ensure that new employer regulations are observed and that new electronic verification systems are updated, agency management will need to provide the necessary resources and proper oversight.

Management needs to ensure that agency departments share information and duties both internally and externally. USCIS and SSA will be two chief agencies affected by E-Verify that will need to coordinate and update the databases to maintain E-Verify administrative operations.²⁵⁰ Under the current system, DHS allocates funding to USCIS for the E-Verify program and USCIS provides SSA the funding necessary to carry out maintenance and operations. In turn, SSA returns any remaining funding at the year's end in 2009, \$21.6million SSA utilized for E-Verify Operations.²⁵¹ In 2008 the E-Verify system was improved to help prevent TNCs, but there were still inaccurate identifications and errors when names on I-9 and identification documents differed from those filed with USCIS and those filed by employers. SSA is currently working with USCIS to incorporate DHS updates into the SSA database to improve the accuracy and timeliness of immigrant information.²⁵²

Should managers reorganize and restructure responsibilities, they must ensure all training efforts are properly paced. As discussed previously in the case studies, the pace of training overwhelmed many employees when agencies had to deal with rapid change.²⁵³ If electronic employment verification is nationally mandated, managers will need to provide employees

adequate time to train and prepare for new responsibilities. If changes are enacted too quickly, employees may become frustrated with the new expectations. Managers must adjust targets accordingly.²⁵⁴

Finally, if managers decide to utilize contracting options to help offset costs and personnel shortages, they must ensure contracts are properly managed and agency standards are maintained with external vendors. Thus, proper management is crucial for the success of any program. When successful, collaboration between federal immigration agencies streamlines operations and achieves the agency missions.

Funding Concerns

During our interview process with key stakeholders, funding was a recurrent concern for those interviewed. 14% of respondents identified funding as a way for agencies to manage changes created by CIR. While 7% of respondents identified funding as the feature of CIR that would create the highest burden for federal agencies, 9% of stakeholders hoped that CIR would be accompanied by increased funding to handle additional throughput or to hire new employees to handle this increased capacity.

Legalization

A legalization program would result in an influx of applications with limited funding; thus, affected agencies could be strained with increased workloads, expansions and new technologies. The ability to have an up-to-date system in place, with qualified and trained personnel and a clear management structure, could ameliorate the potential stress created by a legalization program. USCIS is required to recover the full cost of application processing services by collecting application fees,²⁵⁵ thus a legalization program could increase the agency's revenue from application fees. However, USCIS is not allowed to access this fee revenue above its estimated budget without going through a lengthy process in order to obtain congressional permission.²⁵⁶ In addition, when discretionary appropriations are mandated, Congress tends to restrict the use of funding to a particular problem, such as backlog reduction, and does not provide any annual appropriation to support the agency's operation costs.²⁵⁷

In 2007 USCIS announced that it would increase its application fees for the immigration and naturalization processes by an average of 86%.²⁵⁸ This fee increase contributed to a 100% volume increase in the number of applications that challenged USCIS operations. Processing of 1.47 million applications was delayed.²⁵⁹ In 2009, GAO released a report that analyzed USCIS fee design by using a user-fee design dimension composed of efficiency, equity, revenue adequacy, and administrative burden. The report found that USCIS did not conduct the necessary analyses "to fully inform congressional decision-making or internal deliberations on some key areas, such as the cost of activities funded by fees whose rates are set in statute."²⁶⁰ Furthermore, the new fee design "does not allow for an appropriate 'reserve' or carryover balance, to ensure

the continuity of operations and cover fixed costs in the event of a decrease in applications, nor does it consider the costs associated with certain fee collection operations.”²⁶¹

The USCIS funding structure is one of the principal challenges to an efficient and timely delivery of immigration services.²⁶² As a self-sustaining agency, the way in which USCIS obtains its funding affects agency operations, “including the ability to: (1) implement new program and processing initiatives; (2) begin information technology and other transformation efforts; and (3) plan for the future.”²⁶³ USCIS is required to perform internal audits every two years to review processing costs and adjust fees. The system of self-sustainability has led to increasing costs in application fees. This cycle creates an uncertain budget system due to the agency’s complete reliance on applications filed. Some suggest that by maintaining a self-sustaining, fee-based system, Congress avoids paying upfront for expansions or upgrades.²⁶⁴ Nevertheless, a legalization program would require Congress to provide initial funding to ensure that USCIS is able to implement new technologies and adequately process applications. In the meantime, USCIS ought to conduct “a thorough, transparent, and independent analysis of premium processing costs as compared with regular processing”²⁶⁵ to appropriately allocate resources and increase the agency preparedness to handle the increased workload of a legalization program.

A recent report by the Heritage Foundation estimated the cost of the “Secure Borders, Economic Opportunity and Immigration Reform Act of 2007” (S. 1348), that would have legalized illegal immigrants in the United States prior to January 1, 2007. The report maintains that legalization “will greatly increase long-term costs to the taxpayer...[and] over time, increase their use of means-tested welfare, Social Security, and Medicare.”²⁶⁶ Although difficult to provide an accurate projection, the report estimates that the net retirement cost to the federal government, if 10 million undocumented immigrants were to be legalized, could be over \$2.6 trillion.²⁶⁷ Nevertheless, the report suggests factors that could reduce future costs. Not all illegal immigrants would qualify to be legalized and some would return to their countries upon reaching retirement age.²⁶⁸

In contrast to the Heritage Foundation report, the Congressional Budget Office (CBO) estimated that the above-mentioned legislation “would exert a relatively small net effect on the federal budget over the next two decades since additional expenditures would be mostly offset by additional revenue.”²⁶⁹ Also the report suggests that “[t]he net cost of the legislation would grow after 2017, as more of the affected immigrants became eligible for benefits...[however] the net impact on the unified budget... would remain relatively small in the context of the overall budget.”²⁷⁰

In 2010 the CBO released a report estimating some of the costs that the passage of the DREAM Act would incur. The report maintained that the increase in authorized workers would increase revenues by \$2.3 billion.²⁷¹ Furthermore, the CBO estimated that enacting the DREAM Act

“would increase net direct spending by \$912 million over the 2011-2020 period,” an amount which reflect changes in spending for Social Security, Medicare, student loans, and the Department of Homeland Security (DHS).²⁷² The report maintains that under the DREAM Act, DHS would charge fees to adjust for these new legalized immigrants. Thus, “because DHS’s costs for implementing the bill would be covered by those fees, CBO estimates that implementation by DHS would have no significant impact on spending subject to appropriation.”²⁷³ Furthermore, CBO projects that although the DREAM Act would not have a large impact on deficits over the 2011-2020 period, this legislation would reduce deficits by about \$1.4 billion during this period. However, “the eventual conversion of some of the conditional non-immigrants to legal permanent resident (LPR) status after 2020 would lead to significant increases in spending for the federal health insurance exchanges, Medicaid, and the Supplemental Nutrition Assistance Program (SNAP).” Thus, the CBO estimate that the DREAM Act could potentially increase projected deficits by more than \$5 billion sometime after 2021.²⁷⁴

Guest Worker/Visa Program

For most federal agencies, funding concerns the implementation of any new program. A guest worker/visa program is no exception. In fact, an interviewed stakeholder believed any future policy that would rely on changing visa policies or implementing a guest worker program would increase the demand for visas, causing DOS to need more funding and more employees. Although USCIS continues to take steps upgrade technology and centralize IT management with modernization efforts under the Transformation Initiative, the agency remains ill equipped for a large application influx because of a lack of funds.²⁷⁵ Within USCIS, “antiquated technology and case management systems continue to hinder USCIS personnel in their efforts to provide efficient and transparent immigration services”.²⁷⁶ Despite its Transformation Initiative, its backlog elimination, a \$150 million contract to convert 55 million files into electronic form, and an increase in personnel, the underlying problem remains that USCIS information technology is not at an adequate level to meet the potential workload that would arise from the expansion of legalization programs. Any effort at a guest worker program would create heavy burdens due to processing of so many individuals. This situation would require increased funds to hire and train additional employees, and make the necessary upgrades to IT systems.

Border & Interior Enforcement

Border and interior enforcement poses difficult funding problems for agencies like CBP and ICE; essentially, many of their day-to-day operations rely on a constant stream of cash for them to be successful. Also, the adoption of complex interdiction technologies in the field is very expensive.

Costs associated with interior enforcement – primarily immigrant detention centers – place a heavy burden on ICE. As ICE works to increase arrests, detainments, and deportations, the costs for housing the immigrants in detention centers grow. Despite ICE’s ever-increasing budget –

from 2005-2009 DHS received a 67% increase in their budget – the costs of expansion of ICE detention centers present new challenges to the agency.²⁷⁷ As previously discussed in the case studies, ICE had only 7,500 beds in detention centers in 1995, which grew to over 30,000 beds in 2009.²⁷⁸

Despite posing a large initial cost, overhauling the FBI database for interoperability with federal immigration agencies, as discussed previously with regard to technology concerns, would assist in the detention and deportation processes that illegal immigrants undergo, and is a worthwhile investment for the federal government to make. To overhaul the FBI database's capabilities, there are heavy costs involved with improving its capabilities and capacity for federal agencies utilization. In 2008, the FBI requested \$90.5 million for IT improvements: \$10 million for interoperability issues; \$25 million for Next Generation Identification; \$5 million for law enforcement information sharing; \$14.6 million for DNA forensic services; \$7 million for a combined DNA index system; \$6 million for regional computer forensic laboratories; and \$22.8 million for computer analysis response teams.²⁷⁹

The expansion of border enforcement utilities would be a heavy undertaking for CBP. The massive CBP facilities' expansion, which included 29 new Border Patrol stations, one new sector headquarters building, five vehicle maintenance buildings, and seven checkpoint projects, cost approximately \$1.1 billion.²⁸⁰ As CBP is likely to continue at its current pace or further expand in the future, new costs will likely be encountered and must be dealt with adequately to ensure that the agency is spending its money efficiently.

The construction of the border fence, a major component to border enforcement along the Southwest U.S. border, was extremely expensive. In the mid-1990s, the federal government constructed a security fence along the border between Mexico and San Diego; the 14-mile stretch cost \$25 million, or \$1.7 million per mile.²⁸¹ More recently, however, GAO compiled fencing cost estimates in 2009, which include the costs for oversight, compliance, design, labor, real estate acquisition, and resources. The costs for building 73 miles of the SBI fence was \$198 million, and 215 miles of border fencing cost \$625 million.²⁸² Pedestrian crossing fences costs from \$400,000-\$4.8 million per mile, with the average per-mile cost being \$2.8 million. Additionally, two miles of vehicle fencing was constructed, costing \$2.8 million.²⁸³

DHS has terminated certain programs due to funding concerns. In January 2011, DHS directed CBP to end their *SBI_{net}* program because it was not cost-effective.²⁸⁴ CBP is replacing *SBI_{net}* with the Alternative (Southwest) Border Technology plan, which will include the deployment of new technologies and offer both operational and cost-effectiveness for the agency. Future cost-effectiveness studies on the Alternative (Southwest) Border Technology plan are still pending.

A heavy cost burden is associated with DHS's border and interior enforcement goals. As a result, both CBP and ICE should perform cost studies for reliable and appropriate expenditure of funds. Additionally, enforcement agencies should develop a comprehensive financial management

strategy to address the agencies' resources and capabilities, and to ensure the agencies are dispensing funds only where they are most needed.²⁸⁵

Employment Regulatory Reform

In the case of employer regulations, these programs will provide a number of funding dilemmas for agencies to overcome. As already mentioned in previous sections, additional funding will be needed to fund supplementary staffing, resources for training and employer education, and new technology and improvement to existing systems.

Based on different policy scenarios three cost alternatives for employer verification are possible. These cost alternatives are based on biometric options posed by Laura Ries.

- Nationwide E-Verify implementation would affect USCIS and SSA and employers the most. An estimated 7.4 million employers will be affected and it will cost “\$765 million for fiscal years 2009 through 2012 if only new hires are subject to the program and about \$838 million over the same period if both new and current hires must be electronically verified. “SSA estimated that implementing a mandatory E-Verify program would cost \$281 million and require hiring 700 new employees for fiscal years 2009 through 2013.”²⁸⁶
- Biometric Card Model- “Implementation of a biometric card model would be extremely time consuming and costly. The enrollment portion of implementation would require all U.S. workers (both U.S. citizens and lawful non-citizens) to visit a government/private agency to authenticate their identity and to submit a digital photograph and a biometric—most likely either fingerprints and/or an iris scan.”²⁸⁷ Also, employers would be responsible for purchasing machines to read the ID or pin cards.
- Biometric Database (no card)-“A disadvantage to the central database model is the cost. The federal government would likely bear most of the cost of establishing a database, biometric matchers, and other back-end equipment needed to enroll and verify 163 million U.S. workers. Employers could purchase biometric readers to collect and submit the employee’s biometrics to the agency for verification. Employers, particularly small businesses, may oppose this added cost. Similar to the card model above, employers may prefer to contract with a private firm to collect and submit biometrics for identity and employment verification.”²⁸⁸

Dedicating the needed resources to enforcement of employer regulations and sanctions will be a huge drain on DHS/USCIS funding and will require additional funding from employers so they can meet compliance standards. One report done by the Migration Policy Institute also advocates “congress [should] provide additional funding to strengthen the Justice Department’s Office for Special Counsel for Immigration-Related Unfair Employment Practices to ensure rigorous investigation and prosecution of illegal E-Verify employment practices.”²⁸⁹ Likewise, funding

must be allocated to agencies that address database errors and grievances brought by employers and employees that receive false TNCs.

STATUS QUO – INTERNAL REFORM IN THE ABSENCE OF CIR

The field research, 48% of the respondents stated that in the near future immigration reform is most likely to be characterized by the status quo. In that regard, several stakeholders mentioned that federal agencies might make internal administrative changes in the absence of immigration reform. Internal reform and administrative changes in the absence of legislation are not a recent phenomenon within agencies; they have historically conducted changes internally to increase efficiency, streamline procedures, and improve collaboration and communication within and across agencies.

In recent years, agencies like U.S. Citizenship and Immigration Services (USCIS) have initiated changes in several internal operating procedures as administrative alternatives to statute-based immigration reform. In the absence of reform, USCIS has the ability to issue new guidance and regulations and adopt process-improving mechanics. Specifically, USCIS has sought to reinterpret two General Counsel Opinions from 1990 to promote family unity. Additionally, USCIS seeks to work more closely with other agencies such as the Department of Commerce, particularly focusing on fostering economic growth by collaborating on initiatives such as Invest in America.²⁹⁰

USCIS works with the Executive Office of Immigration Review (EOIR) and U.S. Immigration and Customs Enforcement (ICE) regarding civil immigration enforcement, including apprehension, detention and removal of aliens. Therefore for efficient processing to take place, the EOIR, ICE, USCIS must have effective procedures for identifying relevant cases, collaborating and communicating within and among agencies. Thus, USCIS has established procedures for coordinating efforts with ICE regarding adjudication of applications and petitions in removal proceedings before the EOIR.²⁹¹

USCIS is not the only federal agency involved in immigration reform that has undertaken or is conducting internal agency changes. ICE has been working with both USCIS and EOIR to identify more effective procedures for dealing with pending petitions or applications. ICE seeks to accomplish these goals through close coordination and communication the agencies, to speed up the removal proceedings of aliens.²⁹²

In addition to application processing, agencies must also set internal priorities regarding enforcement operations and detention decisions. As an increasing number of aliens come to their attention, it becomes important for employees internally to exercise sound judgment and discretion according to the priorities set out by ICE when “conducting enforcement operations, making detention decisions, making decisions about release on supervision pursuant to the Alternatives to Detention Program, and litigating cases.” Such internal priorities become

increasingly important with an increased demand on agencies, and as scarce resources must be allocated in the most effective and efficient manner possible.²⁹³

The Department of Homeland Security (DHS) also faces challenges concerning the use of and most effective allocation of finite resources. By focusing their efforts on worksite enforcement, DHS seeks to target one of the root causes of illegal immigration. As an agency under DHS, ICE is in charge of accomplishing the new worksite enforcement goals which include penalizing employers who knowingly hire illegal workers, deter employers who are tempted to hire illegal workers, and encouraging the use of compliance tools.²⁹⁴

As seen from the examples, federal agencies have the ability to conduct internal reform and take actions to change or improve administrative procedures in the absence of immigration reform. Since federal agencies are likely to receive fewer resources, agencies will need to implement internal changes to increase efficiency, streamline procedures, and improve collaboration and communication within and across agencies.

Concluding Insights

Employer regulations will be an integral piece of CIR to ensure illegal immigrants are tracked and not hired illegally. However, the current system of regulations and sanctions are too lenient and can fall victim to fraudulent or falsely represented documentation. Nevertheless, the above-mentioned policy considerations may create funding and capacity strains and will require large-scale training and oversight to ensure their accuracy and effectiveness. Nonetheless, each and every one of these policy areas must be given thoughtful consideration.

CONTRACTING GUIDELINES AND OPPORTUNITIES

Guidelines for Success in Government Contract Relationships

Performance Management in Contracting

Many contracting opportunities have emerged from our research of comprehensive immigration reform that could help agencies offset costs and capacity strains. Government contracting can present challenges, but a well-written and managed contract with consistent agency oversight and the use of incentivized and adjusted compensation models can help address limitations and ensure that both contractors and federal agencies maximize the benefits of their contract relationship.²⁹⁵

Limitations and Current Problems with Contracting in the Public Sector

The cost of contracting is unpredictable without a contract that specifies cost limitations and performance standards. For instance, when contracts are secured at lower rates, the added expense of requiring agencies to manage vendors is rarely figured into the final cost. In the initial stages, “transaction costs [can] include the writing of specifications and contracts, evaluating tenders, and negotiating the final contract with the winning tenderer.”²⁹⁶ In addition to issues surrounding cost, there are problems associated with oversight. Using an external service provider inherently places limitations on oversight and presents the additional challenge of trying to streamline contractors’ measures to reflect agency metrics. Acknowledging these limitations helps frame the issues that contractors and government agencies might find problematic and helps provide the basis for creating performance measures, monitoring systems and contract payment arrangements that address these complex issues and benefit both the principal and the agent.

The Value of a Well-Written Contract

A carefully designed contract benefits both contractors and government agencies. Contracts should specify agency objectives and should include agency targets, standards, and expectations.²⁹⁷ “Performance contracting” encourages agencies to include measures for contractors that are “compatible with the indicators in the program’s performance measurement system” so that contractor performance can be assessed at a uniform level and contractors can maintain their contract responsibilities without fear of miscommunication.²⁹⁸ A 2008 report by the Department of Management Services (DMS) assessed Florida private prison contracting and found that levels of private prison service and public service varied due to a lack of enforced, streamlined targets and a lack of private prison staff training that matched the training of public employees.²⁹⁹ In this instance, the ambiguous contract and lack of streamlined targets led to inconsistent performance levels. The final DMS report emphasized that “it is important that the state establish both detailed contracts that establish clear service requirements and strong

oversight procedures that ensure these contract requirements are met and services delivered as intended.”³⁰⁰ A well-crafted contract with matching performance indicators and contract staff training consistent with agency guidelines could have prevented these failures and help vendors keep their clients satisfied while avoiding the possibility of litigation or strained relationships.

The Value of Consistent Agency Oversight

Furthermore, agencies should include consistent monitoring and contractor oversight measures in contract drafting so that both agencies and contractors can address any problems that come up during the contract agreement period. Even with a thorough contract, managers must be willing to practice regular monitoring over contractors to ensure observance of set standards since “performance contracts are not self-administering, self-correcting, or self-improving.”³⁰¹ A 2009 DHS Office of the Inspector General study highlights the importance of managerial oversight in the Customs and Border Protection’s program to construct new Border Patrol facilities utilizing construction contractors.³⁰² While the CBP contracts did mandate CBP managers inspect construction sites, “CBP’s standard operating procedures for facility construction oversight [did] not specify the frequency and scope of review,” sometimes manager inspections were ignored.³⁰³ At the project’s end, the construction sites were not finished and the report stated the “lack of consistent monthly site visits by the Laguna Niguel project managers appears to be a contributing factor to deficiencies in construction quality.”³⁰⁴ A well-defined contract and increased number of manager inspections could have alerted officials to projects that needed to be addressed with contractors. Moreover, a carefully maintained relationship between contractors and agency managers would have allowed contractors a point of contact to address shortages in funding or any on-site difficulties to ensure that the contractor could complete his job with the resources the agency provided and adjust these if necessary.

Linking Compensation to Contractor Performance

Flexible compensation models can be beneficial for both government agencies and contractors. Critics of flat-fee arrangements point out that the government is actually paying vendors for inefficient outcomes. Flat-fee arrangements do not provide agencies authority to penalize underperformance or to encourage high performance. To remedy this issue, agencies can utilize a contract compensation model that incentivizes vendors to perform well and penalizes vendors for not meeting targets.³⁰⁵ Hatry asserts that “a combination of rewards and penalties can be included in these [contract] agreements, such as: rewards for meeting or exceeding targets, and reduced fees for failing to meet targets.”³⁰⁶ Such contracts tie vendor performance directly to payment so that the vendor is encouraged not only to meet agency goals, but also to exceed them and to be disciplined for failures. For instance, the District of Columbia contracted parking meter maintenance and assessed “financial penalties for the contractor if fewer than 97% of the meters, on average, were operational.”³⁰⁷ Likewise, payments that award agencies on a per client basis, like awarding job-assistance programs per client placed in a “piece-rate payments” system

encouraged contractors to exceed targets.³⁰⁸ This type of arrangement benefits both the government agency and the vendor since the government can reach targets that exceed their goals and contractors can be appropriately compensated for their hard work and efficiency.

The Importance of Accurate Bids and Cost Adjustments

Another way to tie performance more closely to results is for state agencies to require more accurate bids and allow renegotiation and adjustment as needed to modify compensation and resources accordingly to fit standards.³⁰⁹ If prices cannot be adjusted to address market increases in costs of inputs or increases in program capacity, contractors will be compelled to reduce costs internally by “cutting corners” in service. In the case of Florida contractors, private prisons with ambiguous contracts and unclear communication of state standards encountered problems of decreased service quality since they did not want to exceed their quotes due to increased costs of “special needs inmates.”³¹⁰ Furthermore, since these “special needs inmates” were more expensive to serve, private prisons refused to take on any new numbers of this inmate population, which naturally led state prisons to shoulder a greater burden of the cost to these prisoners.³¹¹ If there was an opportunity for cost adjustments, the contracts could have allocated more funding to private prisons to handle increased “special needs inmates” and could have allocated the financial liability of this prison population more effectively per prison. DMS recommendations suggested, “future contracts have the flexibility to adjust percentages of special needs inmates to allow for changes in overall state populations...so that medical and mental healthcare costs are appropriately shared by both private and state prisons.”³¹²

Another primary concern with the costing of agency services by contractors is the differences in bids that fail to consider the transaction costs of contract management and omit an important additional cost consideration.³¹³ Public agencies require more time to draft contracts, monitor external vendors and train private service providers to government standards. Therefore, agencies must ask contractors to assess these costs in their bids, or public sector agencies should include these types of costs themselves when receiving a lower bid from a private provider to make sure estimates are accurate. Similarly, if contractors do not share the same standards of performance, they may provide bids that “may not be comparing like with like. Contracting brings with it changes in specification of service requirements.”³¹⁴ Therefore, contractors should be evaluated on agency performance standards to ensure that the bids reflect the same level of service quality for comparison. Likewise, allowing both the vendor and the government agency to set bids ensures open communication so that the vendor can adjust the bid if costs become greater than anticipated and contractors can get reimbursements for projects that may have had unintended expenditures.

The Concept of Milestone Monitoring

A commitment by agency managers to monitor contracts and assess performance at different key phases of project execution can help provide important indicators when adjustments need to be made and when contractors need to be kept on target. A system that seeks to provide mid-project assessments and adjustments for both compensation and resource allocation could help remedy the issues. The Oklahoma Department of Rehabilitation Services assessed contractor performance at various times via the “milestone system...an outcome-based payment system” that allowed the state to analyze performance at key stages and pay vendors when certain criteria and outcomes were achieved.³¹⁵ This system incorporated aspects of monitoring vendors to ensure observance of agency guidelines while compensating and adjusting contracts as necessary during the process to assist both the contractor and the agency. Hatry stresses that “timing is important in setting performance payment schedules” and can be used to address problems that may develop over the course of the project so that both contractors and agencies can work together to address budget or compliance concerns.³¹⁶

Recommendations

While contract relationships can provide greater efficiency and cost savings, “the reality is that contract management and accountability do not take care of themselves.”³¹⁷ However, with the proper dedication of resources to creating a comprehensive and well-written contract that includes agency benchmarks and targets, the success of contract agreements can be enhanced.³¹⁸ Additionally, state agencies must monitor contracts consistently, provide necessary training and communicate service standards to ensure private contractors meet agency objectives. Moreover, compensation arrangements that allow flexibility to reward, penalize, and adjust payment for contractors based on performance have shown promise in helping contractors and federal agencies maximize their contract agreement.³¹⁹ Taken as a whole, performance-based contracts are essential to the success of the contractor/agency relationship and with a strong commitment to implementation and monitoring of contractors both government agencies and contractors can realize the benefits of contracting out with regard to comprehensive immigration reform.

Contracting Opportunities

The administrative impact imposed on federal agencies by immigration policies that are likely to pass - according to our case studies, field research and interviews - can be directly tied to some of the services currently offered by consulting firms to U.S. federal agencies. This section discusses how consulting firms may offer services to federal agencies to help implement policy changes more efficiently. The overwhelming majority of interviewees believed that enforcement policies (border security, employer enforcement, etc.) were the most likely scenarios for immigration-related changes. Based on that premise, several contracting opportunities mentioned in this section are specifically related to immigration enforcement. We have provided three different areas of contracting opportunities (technology, management and personnel) that can be related to consulting firms services. This division allows us to specify fields in which federal agencies may create contracting opportunities with consulting firms, especially in the technology and management arenas.

Technology Consulting Options

The implementation of some of the policies mentioned in this report will create a need for the development and implementation of new technologies within agencies. Database integration, biometric technologies and border surveillance technologies are the main areas in which contracting-out options will appear. A detailed description of each one is shown below.

Databases

One of the primary concerns with E-Verify has been with its inaccuracy in employment applications data. According to our stakeholders, roughly 1% of all employment verifications are erroneous or imprecise. If E-Verify becomes mandatory, this 1% margin will turn into a significant number of erroneous verifications, as it will affect 1% of the total U.S. workforce. To help reduce the error rate and the inaccuracy of employment verifications, consulting firms may offer database enforcement services to help USCIS and the SSA reduce the number of wrong verifications. Services might include (1) database infrastructure solutions, (2) IT strategy and transformation, (3) data center consolidation, and (4) IT security.

The fragmentation of databases among enforcement programs (FCMS, ENFORCE, EARM, etc.) is a current reality in immigration enforcement. Creating a general database to access data on immigrants and border security is a necessity; however, an integration of databases or the FBI database accessibility is a significant burden for federal bureaucracy and state authorities. This scenario is likely to create contracting-out opportunities for services database enforcement and interoperability of databases.

Changes regarding a higher cap for work visa applications and the need for integration of these visa applications and other processes pose additional challenges. Database complications in the

past, observed during the implementation of the SAVE program, were related to problems in integration of several different databases. Although there is no particular bill associated with this need and there is no prediction of such integration actually happening, such scenario would also create opportunities for interoperability of databases.

USCIS is currently dependent on the FBI to administer the NNCP (National Name Check Program) to conduct background checks for legalization applicants. The system has created backlogs in the past, and a large legalization bill would likely produce similar results. Opportunities for database operability/enforcement are likely to emerge from that scenario.

Biometric technologies

The Secure Communities Program, implemented by ICE, is currently present in 33 states, 686 jurisdictions, and is already making usage of biometric information shared technology. By 2011, ICE plans to have the program extended to all 50 states. By 2013 it will extend to all 3,100 state and local jails across the United States. Such expansion plans for the database can create contracting-out opportunities for consulting firms with local enforcement fingerprinting and criminal databases.³²⁰

Border/surveillance technology

CBP has recently determined the end of their *SBI*net program, evaluated by the GAO as “not being cost-effective.”³²¹ *SBI*net will soon be replaced by the Alternative (Southwest) Border Technology Program. The program is expected to implement new technologies, including an Integrated Fixed Tower surveillance system in high-risk areas in Arizona. Other technologies include Remote Video Surveillance Systems (RVSS), Mobile Surveillance Systems (MSS), and hand-held equipment for use by Border Patrol agents.

Those services are likely to present contracting-out opportunities in border surveillance (technology infrastructure solutions, IT strategy and transformation, and IT security). The *SBI*net program has contracted-out services in the past and the Alternative (Southwest) Border Technology plan is likely to do the same. Previously, border security services have been contracted as a result of the Secure Fence Act of 2006. Contractors also received the *SBI*net program contract, however, Secretary Napolitano ended it prematurely after the program received a negative assessment from DHS and from GAO.

Management Consulting Options

This segment analyzes changes directly related with possible management consulting options. Federal organizations can rely on private contracting for management consulting and managed services to help public managers address unique federal challenges created by immigration policies. A description of different management challenges associated with immigration reform can be shown below, along with the specific contracting-out option associated with it.

Organizational Restructuring and Reorganization / Change Management

When agencies attempt to reorganize internal departments or restructure responsibilities, a rapid imposition of change and immediate training programs overwhelms many social service agency staff members. Therefore, a need for effective management arises. Consultants can help agencies organize and reorganize their structure to meet new demands created by the approved immigration policies.

Collaboration between Agencies and Jurisdictions / Change Management / Process and Performance Improvement

Programs being developed under different jurisdictions, such as the Transformation Program Office (TPO), other USCIS divisions and different DHS components, and even other federal agencies,³²² might create coordination problems, which lead to inefficiencies and delays. Services associated with change management and coordination of different staffs represent an opportunity for contracting-out, especially since previous contracting-out options with border security have been cancelled by the DHS department for not being efficient.

The Secure Border Initiative has previously resulted in interdependencies, conflicts, and significant gaps in jurisdictions, operations, and communications. With the substitution of *SBI_{net}* for the Alternative (Southwest) Border Technology Plan, similar problems are likely to appear during the implementation process. The need for effective management change and improvements in process and performance appear as specific services that can be offered by consultants.

Funding Concerns: opportunity for Financial Management

A CIR bill may impact agencies through an unfunded mandate. In this situation, an agency will lack the funds to implement new duties and intra-agency cooperation would be mandatory. This means performing more services with unchanged funding and even less organizational resources. Consulting firms can offer financial management for organizations facing performance demands with limited funding. In the current economic environment, many agencies like USCIS are raising application fees for immigration services. Financial management services can help the federal bureaucracy implement new programs and meet new demands without the need for additional funding.

Personnel Concerns and Training

Personnel concerns have been predominantly mentioned during stakeholder interviews. New organizational demands within federal agencies can potentially create the need for personnel management, reorganization and, eventually, hiring. Government agencies can use the help of private contractors to reorganize and manage federal human resources. Opportunities are specifically concentrated within training.

The *SBI*net program was criticized for a lack of oversight and staff training; however, had the proper training framework and strategic human resource planning been in place this program could have been more successful. Training on new equipment and technologies might also come from the implementation of programs such as E-Verify. A mandatory E-Verify program would likely require additional training for USCIS and SSA employees to effectively manage the new system.

CONCLUDING THOUGHTS

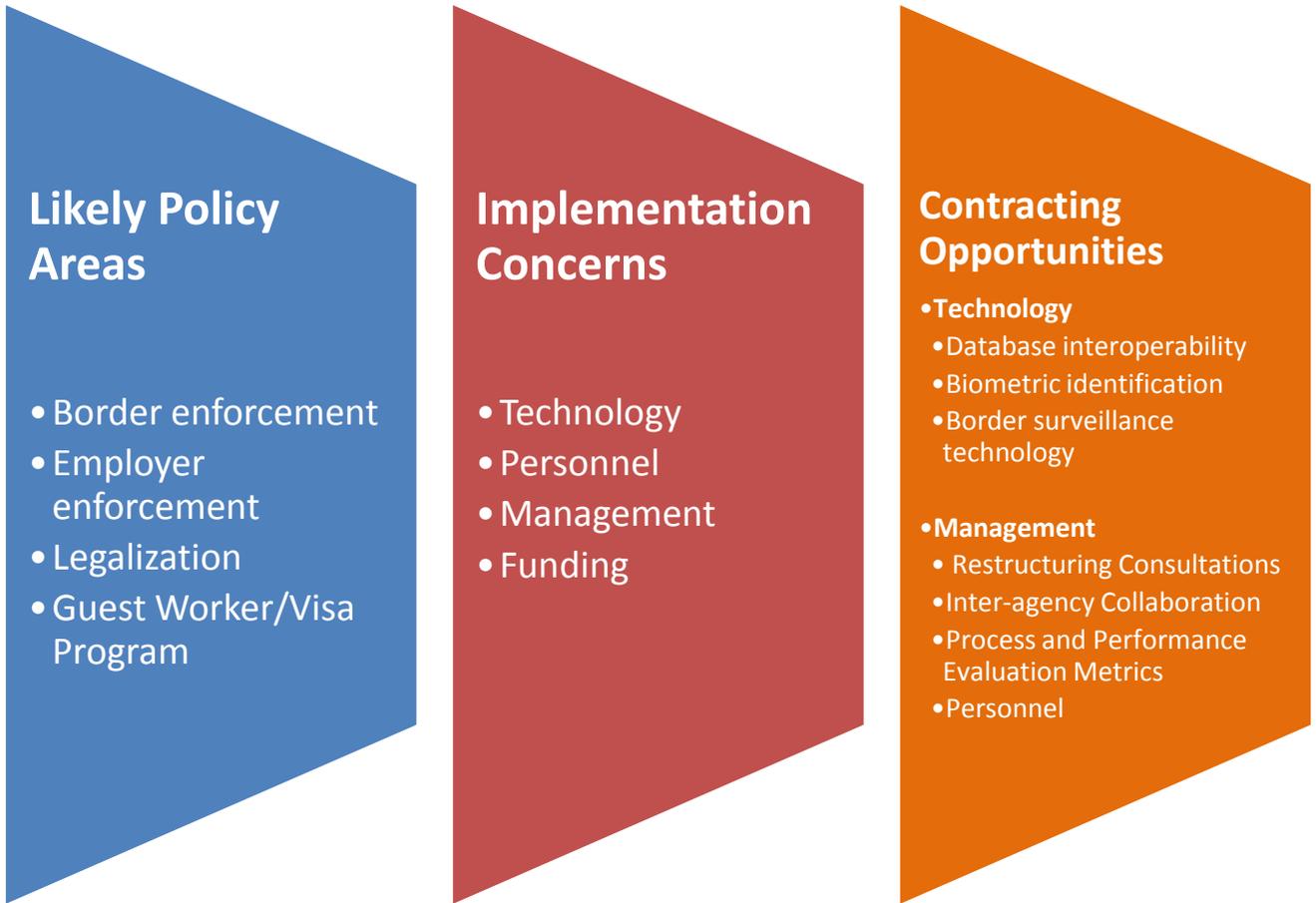
WHERE DO WE GO FROM HERE?

Comprehensive immigration reform is a complex topic that involves varying political, administrative, economic, and social perspectives. In order to identify how federal agencies can best prepare for the consequences of comprehensive immigration reform, we have identified likely policy areas of focus and reform concerns. This report approached the topic of immigration reform in three phases. First, after analyzing our research, we established four likely areas of policy focus: (1) legalization, (2) guest worker/visa program, (3) border and interior enforcement and (4) employer regulatory reform. After acknowledging the likely areas of policy reform, we identified four categories of concern: (1) technology, (2) personnel, (3) management and (4) funding. Finally, we developed contracting guidelines and outlined opportunities for service solutions that could address the concerns within each of the areas of focus.

A foundation established through a literature review, case study analysis, a secondary analysis of public opinion polls and stakeholder interviews, has shown that in the short-term comprehensive immigration reform is unlikely. However, incremental changes via legislation or internal administrative actions are likely in the near future. Utilizing our framework, it is apparent that agencies will face many challenges to immigration reform efforts. For instance, agencies will likely need to implement new technologies that might require training on complex database systems or even biometric technologies. Likewise, the need for reorganization of internal departments and the need for improved communication and collaboration between agencies will be problematic for management. Also, given the current economic constraints, agencies will need to make sure that their financial resources are allocated efficiently as funding will be scarce. Furthermore, even with superior technology, adept management and adequate funding, reform efforts cannot succeed without proper personnel training.

Finally, contracting can be beneficial for agencies to counter limited financial and human resources. In the area of technology, consultants can offer services to assist in the implementation and training of database operations, biometric technologies, and complex surveillance and monitoring systems. Contractors can support federal agencies by offering management consulting services. These services could include training of personnel, financial management consulting, agency restructuring and reorganization, and performance evaluation.

While our research indicated that the *status quo* is anticipated in the short-term, we feel that the framework we have created allows agencies to identify the four areas in which immigration reform will likely occur. Additionally, we feel that federal agencies should address reform efforts using the four areas of concern to recognize challenges and successfully prepare. We believe that our report and the framework herein provides an enduring approach to comprehensive immigration reform dilemmas.



APPENDIX A: DISCUSSION GUIDE, STAKEHOLDER INTERVIEWS

Date: _____

Interviewer(s): _____

Interviewee Name: _____

Interviewee's Title and Position: _____

Stake Holder Category (Agency, Public Official, etc.): _____

Level (organization, role, and title): _____

General Questions:

1. What is your current position? How long have you been there?
2. What changes in immigration policies are most likely?
3. What national government agencies are most likely to be affected by these changes?
4. What do you think will be the nature of these effects?
 - a. How will the agency's responsibilities grow or change?
 - b. How will the agency need more money?
 - c. How will the agency need more employees?
 - d. How will the agency's relationship with other agencies and non-profits change—what kind of new relationships will form?
 - e. How will the agency increase its data and information sharing?
5. How should the agencies manage these changes?
 - a. Recruiting/hiring?
 - b. Changes in the organizational structure?
 - c. Develop formal agreements with other agencies?
 - d. Contract out—how, to whom, how will it be managed/overseen?
 - e. How have agencies dealt with previous policy changes?
 - f. Is there a standard approach to complying with external mandates?
6. How should agency performance be evaluated under these new policy demands?

7. What features will create the highest burden and which feature will be the least burdensome?
8. What is the thing you fear most about implementation of the new programs?
9. What is the thing you hope for most in the implementation of the new programs?
10. How will these new policies directly affect your agency and job demands?
11. What data would you like to see the agencies collect and provide to the public and other constituencies?

Concluding Questions:

1. Is there any information that I have not asked about, that you think I should know?
2. Do you have any documents, meeting notes, or materials we could use to further our research?

APPENDIX B: STAKEHOLDER INTERVIEW ENCODED CATEGORIES

Question One	Status Quo	Internal regulations, congressional polarization, no changes to the current system
	Enforcement	Increased border enforcement, manpower, monitoring
	Employer Regulations	E-verify, B-verify, employer enforcement
	Legalization	Amnesty, naturalization, legalization, DREAM Act
	Guest Worker	Increased visas, guest-worker program
Question Three	Technology	New technology, increases in the amount of technology, uniform system, criminal tracking, interoperability of databases
	Funding	Increased demands during budgetary constraints, interdepartmental
	Agency Duties	Increased demands, personnel concerns
	Collaboration	Data sharing, inter-agency communication,
Question Four	Contracting	Increased usage, IT, construction, prisons, new programs
	Agency Operations	Training, recruiting, overtime, structural changes, increased demands
	Contracting	Increased usage, IT, construction, prisons, new programs
	Collaboration	Data sharing, inter-agency communication,
	Technology	New technology, increases in the amount of technology, uniform system, criminal tracking, interoperability of databases
Question Five	Funding	Increased demands during budgetary constraints, interdepartmental
	Performance Evaluation	Monitor output of agency against specific measures
	Cost Benefit	Ratio of benefits provided to costs incurred
	Return on Investment	Net societal benefit
Question Six	Mission Effectiveness	Ability of an agency to accomplish it's mission
	Processing	Backlogs, naturalization qualifications
	Employer Regulations	E-verify, B-verify, employer enforcement
	Enforcement	Increased border enforcement, manpower, monitoring
	Oversight & Politics	Political constraints and overseeing contracts
	Agency Changes	Overstaffing, agency changes, training
Question Seven	Funding	Increased demands during budgetary constraints, interdepartmental
	Technology	New technology, increases in the amount of technology, uniform system, criminal tracking, interoperability of databases
	Contracting	Increased usage, IT, construction, prisons, new programs
	Guest Worker	Increased visas, guest-worker program
	Incrementalism	Small changes over time, management changes, personnel changes
Question Eight	Status Quo	Internal regulations, congressional polarization, no changes to the current system
	Technology	New technology, increases in the amount of technology, uniform system, criminal tracking, interoperability of databases
	Personnel	IT training, regional collaboration, HR regulatory changes
	Management	Organizational restructuring/duplication, staffing problems, standard operating procedures
	Equity	Civil rights violations, treatment of workers
Question Nine	Status Quo	Internal regulations, congressional polarization, no changes to the current system
	Collaboration	Data sharing, inter-agency communication,
	Effectiveness	Effectiveness of the immigration system
	Equity	Civil rights violations, treatment of workers
	Funding	Increased demands during budgetary constraints, interdepartmental
	Guest Worker	Increased visas, guest-worker program

Question Ten	Technology	New technology, increases in the amount of technology, uniform system, criminal tracking, interoperability of databases
	Personnel	IT training, regional collaboration, HR regulatory changes
	Contracting	Increased usage, IT, construction, prisons, new programs
	Management	Organizational restructuring/duplication, staffing problems, standard operating procedures
	Status Quo	Internal regulations, congressional polarization, no changes to the current system
Question Eleven	Economic Impact	Economic impact of the immigration system
	Agency Effectiveness	Effectiveness of the immigration system
	Agency Efficiency	Efficiency of the immigration system
	Immigration Flow	Rate of immigration flow
	Immigrant Jobs	Number of jobs held by immigrants

APPENDIX C: BIBLIOGRAPHY

- Archibold, Randal C. and Megan Thee-Brenan. 2010. "Poll Shows Most in U.S. Want Overhaul of Immigration Laws." *The New York Times*. Web. <http://www.nytimes.com/2010/05/04/us/04poll.html?_r=3>.
- Baker, Bryan C. (2009). "Naturalization Rates among IRCA Immigrants: A 2009 Update." Department of Homeland Security.
- Behn, Robert D. & Peter A. Kant. 1999. "Strategies for Avoiding the Pitfalls of Performance Contracting." *Public Productivity & Management Review* 22 (4): 470-489.
- Bernstein, Nina. 2008. "Few Details on Immigrants Who Died in Custody." In *The New York Times*. <<http://www.nytimes.com/2008/05/05/nyregion/05detain.html>>.
- Blumstein, James, Mark Cohen and Suman Seth. 2007. *Do Government Agencies Respond to Market Pressures? Evidence from Private Prisons*. Vanderbilt University, School of Law.
- Brettell, Caroline B., and James Frank Hollifield. 2008. Eds. *Migration Theory: Talking Across Disciplines*. New York: Routledge.
- Carnochan, Sarah & Michael J. Austina. 2002. "Implementing Welfare Reform and Guiding Organizational Change." *The School of Social Welfare, University of California at Berkeley*. P. 69.
- Carroll, Joseph. "Americans Divided on Need for New Immigration Laws." Gallup, 16 July 2007. Web.
- Castles, Stephen. 2003. "Why migration policies fail." *Ethnic and Racial Studies*, 27:2, 205-227.
- Center for Immigration Studies. 2004. "The High Cost of Cheap Labor: Illegal Immigration and the Federal Budget." July 2010. <<http://cis.org/articles/2004/fiscalexec.html>>.
- Chenoweth, Jeff and Laura Burdwick. (2004). "A More Perfect Union: A National Citizenship Plan" <<http://cliniclegal.org/sites/default/files/Frnt-Mtr.pdf>>.
- Cho, H. Jin. 2010 *Duke L. & Tech. Rev.* 007: "Substantially Justified? The U.S. Government's Use of Name-Check technologies in naturalization Procedures."
- Congressional Budget Office. 2007. *Rep. Congress of the United States*. Washington, D.C.: GPO
- Congressional Budget Office (CBO). 2007. "Senate Amendment 1150 to S.1348, the Comprehensive Immigration Reform Act of 2007." <http://www.cbo.gov/ftpdocs/81xx/doc8179/SA1150_June4.pdf>.
- Congressional Budget Office (CBO). 2010. "S.3992: Development, Relief, and Education for Alien Minors Act of 2007." <<http://www.cbo.gov/ftpdocs/119xx/doc11991/s3992.pdf>>.
- Contreras, January. 2010. "Ombudsman Annual Report" *U.S. Citizenship and Immigration Services Ombudsman* <http://www.dhs.gov/xlibrary/assets/cisomb_2010_annual_report_to_congress.pdf>.

- Cornelius, Wayne A. et al., eds. *Controlling Immigration a Global Perspective*. CA: Stanford UP, 2004. Print.
- Davies, Ian. 1999. "Evaluation and Performance Management in Government." *Evaluation: A Sage Journal Publication*. April 1999. Vol. 5: No. 2; 150-159
- Department of Homeland Security. 2009a. *Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2009*. Washington, D.C.: GPO.
- Department of Homeland Security. 2009b. *U.S. Legal Permanent Residents: 2009*. Washington, D.C.: GPO.
- Department of Homeland Security. 2009c. *Immigration Detention Overview and Recommendations*." Immigration and Customs Enforcement. Washington, D.C.: GPO
- Department of Homeland Security Office of Inspector General. 2006. *Citizenship and Immigration Services' Progress in Modernizing Information Technology*, OIG-07-11, November 2006. <http://www.dhs.gov/xoig/assets/mgmttrpts/OIG_07-11_Nov06.pdf>.
- Department of Homeland Security Office of Inspector General. 2009. *CBP's Construction of Border Patrol Facilities and Acquisition of Vehicles*. Washington, D.C.: GPO
- Department of Homeland Security Office of Inspector General. 2009. *Citizenship and Immigration Services' Progress in Modernizing Information Technology*, OIG-09-90, July 2009. <http://www.dhs.gov/xoig/assets/mgmttrpts/OIG_09-90_Jul09.pdf>.
- Doherty, Carroll. "Attitudes Toward Immigration: In Black and White." *Pew Research Center Publications*. Pew Research Center for the People & the Press, 26 Apr. 2006. Web.
- Doherty, Carroll. "The Immigration Divide: Reform Is a Potential Wedge Issue for Both Republicans and Democrats." *Pew Research Center Publications*. Pew Research Center for the People and the Press, 12 Apr. 2007. Web.
- Domberger, Simon & Paul Jensen. 1997. "Contracting Out by the Public Sector: Theory, Evidence, Prospects." *Oxford Review of Economic Policy* 13 (4): 67-77.
- General Accounting Office. 1987. *Immigration Reform: Systematic Alien Verification System Could Be Improved*. Washington, D.C.: GPO
- General Accounting Office. 1989. *Immigration Reform: Alien Verification System Data Base Problems and Corrective Actions*. Washington, D.C.: GPO
- General Accounting Office. 1996. *Child Support Enforcement: Early Results on Comparability of Privatized and Public Offices*. Washington, D.C.: GPO
- Goggin, M., Bowman, A., Lester J., & O'Toole, Jr., L. (1990). *Implementation Theory and Practice: Toward a Third Generation of Research*. Scott Foresman and Co.
- Gonzalez, Emilio. 2006. "Backlog Elimination Plan" 2006 U.S. Citizenship and Immigration Services <http://www.uscis.gov/USCIS/Resources/Reports%20and%20Studies/backlog_FY06Q3.pdf>.
- Government Accountability Office. 2005. *Homeland Security: Agency Plans, Implementation, and Challenges Regarding the National Strategy for Homeland Security*. Washington, D.C.: GPO

- Government Accountability Office (GAO). 2009. Federal User Fees: Additional Analyses and Timely Reviews Could Improve Immigration and Naturalization User Fee Design and USCIS Operations <<http://www.gao.gov/products/GAO-09-180>>.
- Government Accountability Office (GAO). 2010. Employment Verification: Federal Agencies Have Taken Steps to Improve E-Verify, but Significant Challenges Remain. Web. <<http://www.gao.gov/new.items/d11146.pdf>>.
- Government Accountability Office (GAO). 2011. H-1B VISA PROGRAM: Multifaceted Challenges Warrant Re-examination of Key Provisions.
- Hatry, Harry. 2006. Performance Measurement: Getting Results. 2nd ed. Washington, D.C.: The Urban Institute.
- Heinrich, Carolyn J. & Youseok Choi. 2007. "Performance-Based Contracting in Social Welfare Programs." *The American Review of Public Administration* 37 (4): 409-435.
- Hoefler, Michael D. 1991. "Background of U.S. Immigration Policy Reform." Pp. 17-44 in *U.S. Immigration Policy Reform in the 1980s A Preliminary Assessment*, edited by F.L. Rivera-Batiz, S.L. Sechzer, and I.N. Gang. New York: Praeger.
- Hollifield, James F., Pia M. Orrenius, and Thomas Osang. "Migration, Trade, and Development: An Overview." *Proceedings* (2006): 3-8. Federal Reserve Bank of Dallas. Web. June 2010. <<http://dallasfed.org/research/pubs/migration/intro.pdf>>.
- Hollifield, James F. 2004. "The Emerging Migration State." *International Migration Review* 38.3: 885-912.
- Hollifield, James F., Valerie F. Hunt, and Daniel J. Tichenor. "Immigrants, Markets, and Rights: The United States as an Emerging Migration State." *Journal of Law & Policy* 27.7 (2008): 7-44.
- "How Do I Use the Premium Processing Service?" *U.S. Citizenship and Immigration Services*. 12 Aug. 2010. Web. 2 Apr. 2011. Web.
- "I-485 Employment-Based Inventory Statistics" U.S. Citizenship and Immigration Services <<http://www.uscis.gov/USCIS/statistics/Employment%20Based%20I-485%20Pending%20Inventory%20as%20of%20January%202005,%202011.pdf>>.
- Jones, Jeffrey M. "Americans' Views of Immigration Growing More Positive." Gallup, 10 July 2006. Web. <<http://www.gallup.com/poll/23623/americans-views-immigration-growing-more-positive.aspx>>.
- Jones, Jeffrey M. "More Americans Favor Than Oppose Arizona Immigration Law." Gallup, 29 Apr. 2008. Web. <<http://www.gallup.com/poll/127598/americans-favor-oppose-arizona-immigration-law.aspx>>.
- Jones, Jeffrey M. "Fewer Americans Favor Cutting Back Immigration." Gallup, 10 July 2010. Web. <<http://www.gallup.com/poll/108748/fewer-americans-favor-cutting-back-immigration.aspx>>.
- Jones, Jeffrey M. "Slim Majority of Americans Would Vote for DREAM Act Law." Gallup, 10 Dec. 2010. Web. <<http://www.gallup.com/poll/145136/slim-majority-americans-vote-dream-act-law.aspx>>.

- Johnston, Jocelyn M. & Barbara Romzek. 1999. "Contracting and Accountability in State Medicaid Reform: Rhetoric, Theories, and Reality." *Public Administration Review* 59 (5): 383-399.
- Khatri, Prakash. 2007. "Ombudsman Annual Report" *U.S. Citizenship and Immigration Services Ombudsman*. <http://www.dhs.gov/xlibrary/assets/CISOMB_Annual_Report_2007.pdf>.
- Keeter, Scott. "Where the Public Stands on Immigration Reform." *Pew Research Center Publications*. Pew Research Center for the People & the Press, 23 Nov. 2009. Web. <<http://pewresearch.org/pubs/1421/where-the-public-stands-on-immigration-reform>>.
- Kerr, Deborah. 2003. "Accountability by Numbers". *The Journal of Accountancy*., June, 2003: 1-11.
- Kohut, Andrew et al. *America's Immigration Quandary: No Consensus on Immigration Problem or Proposed Fixes*. Rep. Pew Research Center for the People & the Press, 30 Mar. 2006. Web. <<http://people-press.org/report/274/americas-immigration-quandary>>.
- Kohut, Andrew et al. *Mixed Views on Immigration Bill: Democratic Leaders Face Growing Disapproval, Criticism on Iraq*. Rep. The Pew Research Center for the People and the Press, 7 June 2007. Web. <<http://people-press.org/report/335/mixed-views-on-immigration-bill>>.
- Martin, Philip L. 1993. *Trade and Migration: NAFTA and Agriculture*. Washington, DC: Institute for International Economics.
- Martin, Philip. "Be My Guest Worker?" *The American Interest Online Winter* (2007): 32-41.
- Matland, Richard. 2010. "Synthesizing the Implementation Literature: The Ambiguity-Conflict Model of Policy Implementation." *Journal of Public Administration Research and Theory (PART)*. April 1995. Vol. 5: No. 2; 145-174.
- Meissner, Doris and Marc Rosenblum. 2009. *The Next Generation of E-Verify: Getting Employment Verification Right*. Washington D.C.: Migration Policy Institute.
- Montjoy, Robert & Laurence J. O'Toole, Jr. (1979). "Toward a Theory of Policy Implementation: An Organizational Perspective." *Public Administration Review*. Sep.-Oct. 1979. Vol. 39: No. 5; 465-476.
- Morales, Lymari. "Americans Return to Tougher Immigration Stance." Gallup, 5 Aug. 2009. Web. <<http://www.gallup.com/poll/122057/americans-return-tougher-immigration-stance.aspx>>.
- Morales, Lymari. "Amid Immigration Debate, Americans' Views Ease Slightly." Gallup, 27 July 2010. Web. <<http://www.gallup.com/poll/141560/amid-immigration-debate-americans-views-ease-slightly.aspx>>.
- "Most Oppose Citizenship for Children of Illegal Immigrants." Rasmussen Reports, 13 Aug. 2010. Web. <http://www.rasmussenreports.com/public_content/politics/current_events/immigration/most_oppose_citizenship_for_children_of_illegal_immigrants>.
- "Nationally, 60% Favor Letting Local Police Stop and Verify Immigration Status." Rasmussen Reports, 26 Apr. 2010. Web. <http://www.rasmussenreports.com/public_content/politics/current_events/immigration/nationally_60_favor_letting_local_police_stop_and_verify_immigration_status>.

- Newport, Frank. "Republicans Prioritize Immigration; Dems, Financial Reform." Gallup, 30 Apr. 2010. Web. <<http://www.gallup.com/poll/127607/Republicans-Prioritize-Immigration-Dems-Financial-Reform.aspx>>.
- Newport, Frank. "Americans Have Become More Negative on Impact of Immigrants." Gallup, 13 July 2007. Web. <<http://www.gallup.com/poll/28132/americans-become-more-negative-impact-immigrants.aspx>>.
- Nightingale Smith, Demetra & Nancy Pindus. 1997. "Privatization of Public Social Services Background Paper." U.S. Department of Labor: Urban Institute. <<http://www.urban.org/publications/407023.html>>.
- Office of Inspector General. 2009. *DHS's Capabilities to Implement the American Recovery and Reinvestment Act of 2009*. Washington, D.C.: GPO
- OPPAGA Report. 2008. While DMS Has Improved Monitoring, It Needs to Strengthen Private Prison Oversight and Contracts. Washinton D.C.: GPO
- O'Toole, Jr., Laurence & Robert S. Montjoy. 1984. "Interorganizational Policy Implementation: A Theoretical Perspective." *Public Administration Review*. 44: 491-503.
- Papademetriou, Demetrios G., and Philip L. Martin, eds. 1991. *The Unsettled Relationship: Labor Migration and Economic Development*. New York: Greenwood.
- Passel, Jeffrey S., and D'Vera Cohn. 2009. *A Portrait of Unauthorized Immigrants in the United States*. Washington, DC: Pew Research Center.
- Prager, Jonas. 1994. "Contracting Out Government Services: Lessons Learned from the Private Sector." *Public Administration Review*. 54: 176-184.
- Press Release. 2009. "USCIS, FBI Eliminate National Name Check Backlog." *U.S. Citizenship and Immigration Services*. <http://www.uscis.gov/files/article/NNCP_backlog_elim_22jun09.pdf>.
- Preston, Julia and Marjorie Connelly. "Immigration Bill Provisions Gain Wide Support in Poll." *The New York Times*, 25 May 2007. Web. <http://www.nytimes.com/2007/05/25/us/25poll.html?_r=1>.
- Provan, Keith & H. Brinton Milward. 1995. "A Preliminary Theory of Interorganizational Network Effectiveness: A Comparative Study of Four Community Mental Health Systems." *Administrative Science Quarterly*. 40: 1-33.
- Rector, Robert. 2007. "Amnesty Will Cost U.S. Taxpayers at Least \$2.6 Trillion." *The Heritage Foundation*.
- Ries, Lora. 2010. "B-Verify: Transforming E-Verify into a Biometric Employment Verification System." *Albany Law Government Law Review*. 3: 271-320.
- Richardson, Sue and Laurence Lester. 2004 "A Comparison of Australian and Canadian Immigration Policies and Labour Market Outcome." Sydney, Australia: The National Institute of Labour Studies, Flinders University.
- Rubenstein, Edward. (2008). "The Fiscal Impact of Immigration: An Analysis of the Costs to 15 Federal Departments and Agencies." Social Contract Press. P.37.

- Saad, Lydia. "Economy Reigns Supreme for Voters." Gallup, 29 Oct. 2008. Web. <<http://www.gallup.com/poll/111586/Economy-Reigns-Supreme-Voters.aspx>>.
- Saad, Lydia. "'Jobs' Drops to No. 2 on Americans' List of Top Problems." Gallup, 12 May 2010. Web. <<http://www.gallup.com/poll/127949/Jobs-Drops-No-Americans-List-Top-Problems.aspx>>.
- Saad, Lydia. "Americans Closely Divided Over Immigration Reform Priority." Gallup, 6 July 2010. Web. <<http://www.gallup.com/poll/141113/Americans-Closely-Divided-Immigration-Reform-Priority.aspx>>.
- Sarah Carnochan, JD, MSW, Michael J. Austin, PhD. 1999. "Implementing Welfare Reform and Guiding Organizational Changes Study-Social Service providers in the San Francisco Bay Area of Northern California in 1999"
- Sabatier, Paul. 1986. "Top-down and Bottom-up Approaches to Implementation Research: A Critical Analysis and Suggested Synthesis." *Journal of Public Policy*, 6: 21-48.
- Schriro, Dora. 2009. "Immigration Detention Overview and Recommendations." Immigration and Customs Enforcement.
- Senge, P. 1990. *The Fifth Discipline: The Art and Practice of the learning organization*. New York: Doubleday.
- Skinner, Richard L. "Statement Before the Subcommittee on Homeland Security" Feb 13, 2008 <http://www.dhs.gov/xoig/assets/testimony/OIGtm_RLS_021308.pdf>
- Smith, Gregory A. "Attitudes Toward Immigration: In the Pulpit and the Pew." *Pew Research Center Publications*. Pew Forum on Religion & Public Life, 26 Apr. 2006. Web. <<http://pewresearch.org/pubs/20/attitudes-toward-immigration-in-the-pulpit-and-the-pew>>.
- Suro, Roberto, and Gabriel Escobar. "2006 National Survey of Latinos: Immigration Debate." *Pew Research Center Publications*. Pew Hispanic Center, 13 July 2006. Web. <<http://pewresearch.org/pubs/235/2006-national-survey-of-latinos-the-immigration-debate>>
- Taylor, J. Edward. "International Migration and Economic Development." International Symposium on International Migration and Development: Department of Economics and International Affairs, United Nations Secretariat
- United Nations Secretariat. 2006. "International Migration and Economic Development." *International Symposium on International Migration and Development: Department of Economics and International Affairs*. New York: United Nations
- United Nations Department of Economics and Social Affairs. 2002. *International Migration Report 2002*. New York: United Nations
- "UPI/Zogby Poll: Majority Give Bush Negative Ratings on Keeping U.S. Safe from Terrorism." 2007. *Our Latest News*. IBOPE | Zogby. Web. <<http://www.zogby.com/news/2007/04/22/upizogby-poll-majority-give-bush-negative-ratings-on-keeping-us-safe-from-terrorism/>>.

- “UPI/Zogby Poll: Government Mishandling Immigration.” 2007. *Our Latest News*. IBOPE | Zogby. Web. <<http://www.zogby.com/news/2007/06/20/upizogby-poll-government-mishandling-immigration/>>.
- “Voters Divided on Which Party to Trust More on Immigration.” Rasmussen Reports, 07 May 2010. Web. <http://www.rasmussenreports.com/public_content/archive/mood_of_america_archive/trust_on_issues/voters_divided_on_which_party_to_trust_more_on_immigration>.
- Waller Meyers, Deborah. 2006. “Temporary Worker Programs: A Patchwork Policy Response.” *Insight: Migration Policy Institute*. No. 12; 1-19.
- Wasem, Ellen Ruth. 2010. “Immigration Reform Issues in the 111th Congress.” *Congressional Research Service* <<http://www.nationalaglawcenter.org/assets/crs/R40501.pdf>>.
- Waugh, Jr., William & Gregory Streib. (2006). “Collaboration and Leadership for Effective Emergency Management.” *Public Administration Review*. December 2006: Special Issue: 131-140.

APPENDIX C: ENDNOTES

- ¹ Hollifield, James F., Pia M. Orrenius, and Thomas Osang. "Migration, Trade, and Development: An Overview." Proceedings (2006): 3-8. Federal Reserve Bank of Dallas. Web. June 2010.
- ² Taylor, J. Edward. "International Migration and Economic Development." International Symposium on International Migration and Development: Department of Economics and International Affairs, United Nations Secretariat.
- ³ Ibid.
- ⁴ Castles, Stephen. (2003). "Why migration policies fail." In *Ethnic and Racial Studies*, 27:2, 205-227.
- ⁵ Castles, Stephen. (2003). "Why migration policies fail." In *Ethnic and Racial Studies*, 27:2, 205-227.
- ⁶ Richardson, Sue and Laurence Lester. (2004) "A Comparison of Australian and Canadian Immigration Policies and Labour Market Outcome." Report to the Department of Immigration and Multicultural and Indigenous Affairs: The National Institute of Labour Studies, Flinders University.
- ⁷ Ibid. p.2
- ⁸ Ibid. p.2
- ⁹ Ibid. p.1
- ¹⁰ Ibid. p.3
- ¹¹ Hollifield, James F., Valerie F. Hunt, and Daniel J. Tichenor. "Immigrants, Markets, and Rights: The United States as an Emerging Migration State." *Journal of Law & Policy* 27.7 (2008): 7-44. Washington University Law. Web. June 2010. <<http://law.wustl.edu/Journal/27/HollifieldTichenor.pdf>>.
- ¹² Ibid. p. 20
- ¹³ Ibid. P.21
- ¹⁴ Ibid. P.21
- ¹⁵ Ibid. p.23
- ¹⁶ Ibid p.24
- ¹⁷ Ibid p.25
- ¹⁸ Ibid p.25
- ¹⁹ Hollifield, James F. "The Emerging Migration State." *International Migration Review* 38.3 (2004): 885-912. The Center for Migration Studies of New York, Inc. Web. 08 June 2010. P.892
- ²⁰ Hollifield, James F., Valerie F. Hunt, and Daniel J. Tichenor. "Immigrants, Markets, and Rights: The United States as an Emerging Migration State." *Journal of Law & Policy* 27.7 (2008): 7-44. Washington University Law. Web. June 2010. <<http://law.wustl.edu/Journal/27/HollifieldTichenor.pdf>>. p.1
- ²¹ Castles, Stephen. (2003). "Why migration policies fail." In *Ethnic and Racial Studies*, 27:2, 205-227. P.207
- ²² Hollifield, James F. "The Emerging Migration State." *International Migration Review* 38.3 (2004): 885-912. The Center for Migration Studies of New York, Inc. Web. 08 June 2010. P.889
- ²³ Cornelius, Wayne A. et al., eds. *Controlling Immigration a Global Perspective*. CA: Stanford UP, 2004. Print. P.7
- ²⁴ Ibid p.8
- ²⁵ Ibid. p. 8
- ²⁶ Martin, Philip L. *Trade and Migration: NAFTA and Agriculture*. Washington, DC: Institute for International Economics, 1993. Print. P.67
- ²⁷ Ibid. p.67
- ²⁸ Ibid. p.109
- ²⁹ Ibid. p.109
- ³⁰ Cornelius, Wayne A. et al., eds. *Controlling Immigration a Global Perspective*. CA: Stanford UP, 2004. Print. P.8
- ³¹ Ibid.
- ³² Ibid. p.8

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- ³³ Ibid. p.20
- ³⁴ Ibid. p.20
- ³⁵ United States of America. Homeland Security. Office of Immigration Statistics. U.S. Legal Permanent Residents: 2009. By Randall Monger. 2010. Print. Annual Flow Report
- ³⁶ Cornelius, Wayne A. et al., eds. Controlling Immigration a Global Perspective. CA: Stanford UP, 2004. Print. P.20
- ³⁷ Martin, Philip L. Trade and Migration: NAFTA and Agriculture. Washington, DC: Institute for International Economics, 1993. Print. P.68
- ³⁸ Ibid. p.68
- ³⁹ Cornelius, Wayne A. et al., eds. Controlling Immigration a Global Perspective. CA: Stanford UP, 2004. Print. P.20
- ⁴⁰ Passel, Jeffrey S., and D'Vera Cohn. A Portrait of Unauthorized Immigrants in the United States. Rep. Washington, DC: Pew Research Center, 2009. Print. P. i
- ⁴¹ United States of America. Homeland Security. Office of Immigration Statistics. U.S. Legal Permanent Residents: 2009. By Randall Monger. 2010. Print. Annual Flow Report
- ⁴² Cornelius, Wayne A. et al., eds. Controlling Immigration a Global Perspective. CA: Stanford UP, 2004. Print. P.53; United States of America. Homeland Security. Office of Immigration Statistics. U.S. Legal Permanent Residents: 2009. By Randall Monger. 2010. Print. Annual Flow Report
- ⁴³ Ibid.
- ⁴⁴ Ibid. p55
- ⁴⁵ United States of America. Homeland Security. Office of Immigration Statistics. U.S. Legal Permanent Residents: 2009. By Randall Monger. 2010. Print. Annual Flow Report.
- ⁴⁶ Congressional Budget Office. Rep. Congress of the United States, Dec. 2007. Web. July 2010. p.8; Passel, Jeffrey S., and D'Vera Cohn. A Portrait of Unauthorized Immigrants in the United States. Rep. Washington, DC: Pew Research Center, 2009. Print. P. i
- ⁴⁷ Matland, Richard. (2010). "Synthesizing the Implementation Literature: The Ambiguity-Conflict Model of Policy Implementation." *Journal of Public Administration Research and Theory (PART)*. April 1995. Vol. 5: No. 2; 145-174. P.146
- ⁴⁸ Sabatier, Paul. (1986). "Top-down and Bottom-up Approaches to Implementation Research: A Critical Analysis and Suggested Synthesis." *Journal of Public Policy*, Jan.-Mar. 1986. Vol. 6: No. 1; 21-48. P.23
- ⁴⁹ Matland, Richard. (2010). "Synthesizing the Implementation Literature: The Ambiguity-Conflict Model of Policy Implementation." *Journal of Public Administration Research and Theory (PART)*. April 1995. Vol. 5: No. 2; 145-174. P.146
- ⁵⁰ Sabatier, Paul. (1986). "Top-down and Bottom-up Approaches to Implementation Research: A Critical Analysis and Suggested Synthesis." *Journal of Public Policy*, Jan.-Mar. 1986. Vol. 6: No. 1; 21-48. P.23
- ⁵¹ Ibid. p.32
- ⁵² Ibid. p.44
- ⁵³ O'Toole, Jr., Laurence & Robert S. Montjoy. (1984). "Interorganizational Policy Implementation: A Theoretical Perspective." *Public Administration Review*. Nov.-Dec. 1984. Vol. 44: No. 6; 491-503.
- ⁵⁴ Ibid. p. 493-494
- ⁵⁵ Ibid.p. 492
- ⁵⁶ Provan, Keith & H. Brinton Milward. (1995). "A Preliminary Theory of Interorganizational Network Effectiveness: A Comparative Study of Four Community Mental Health Systems." *Administrative Science Quarterly*. March 1995. Vol. 40: No. 1; 1-33. P. 26
- ⁵⁷ Montjoy, Robert & Laurence J. O'Toole, Jr. (1979). "Toward a Theory of Policy Implementation: An

-
- Organizational Perspective.” *Public Administration Review*. Sep.-Oct. 1979. Vol. 39: No. 5; 465-476. P. 471
- ⁵⁸ Matland, Richard. (2010). “Synthesizing the Implementation Literature: The Ambiguity-Conflict Model of Policy Implementation.” *Journal of Public Administration Research and Theory (PART)*. April 1995. Vol. 5: No. 2; 145-174. P.171
- ⁵⁹ Waugh, Jr., William & Gregory Streib. (2006). “Collaboration and Leadership for Effective Emergency Management.” *Public Administration Review*. December 2006: Special Issue: 131-140. P.136
- ⁶⁰ Montjoy, Robert & Laurence J. O’Toole, Jr. (1979). “Toward a Theory of Policy Implementation: An Organizational Perspective.” *Public Administration Review*. Sep.-Oct. 1979. Vol. 39: No. 5; 465-476.
- ⁶¹ O’Toole, Jr., Laurence & Robert S. Montjoy. (1984). “Interorganizational Policy Implementation: A Theoretical Perspective.” *Public Administration Review*. Nov.-Dec. 1984. Vol. 44: No. 6; 491-503. P.496
- ⁶² Prager, Jonas. (1994). “Contracting Out Government Services: Lessons Learned from the Private Sector.” *Public Administration Review*. Mar.-Apr. 1994. Vol. 54: No. 2; 176-184. P.176
- ⁶³ Nightingale Smith, Demetra & Nancy Pindus. (1997). “Privatization of Public Social Services a Background Paper.” U.S. Department of Labor: Urban Institute. Print. P.1
- ⁶⁴ Goggin, M., Bowman, A., Lester J., & O’Toole, Jr., L. (1990). *Implementation Theory and Practice: Toward a Third Generation of Research*. Scott Foresman and Co. p.47
- ⁶⁵ Davies, Ian. (1999). “Evaluation and Performance Management in Government.” *Evaluation: A Sage Journal Publication*. April 1999. Vol. 5: No. 2; 150-159 p.152
- ⁶⁶ Kerr, Deborah. (2003). “Accountability by Numbers.” *The Journal of Accountancy*. June 2003. 1-11.p.3
- ⁶⁷ Ibid
- ⁶⁸ Ibid. p. 1
- ⁶⁹ Ibid p.11
- ⁷⁰ Davies, Ian. (1999). “Evaluation and Performance Management in Government.” *Evaluation: A Sage Journal Publication*. April 1999. Vol. 5: No. 2; 150-159. P.155-157
- ⁷¹ Waller Meyers, Deborah. (2006). “Temporary Worker Programs: A Patchwork Policy Response.” *Insight: Migration Policy Institute*. January 2006. No. 12; 1-19.
- ⁷² Ries, L. (2010). “B-Verify: Transforming E-Verify into a Biometric Employment Verification System.” *Albany Law Review*. March 2010. Vol. 3: No. 1; 271-320.
- ⁷³ Carnochan, Sarah & Michael J. Austina. 2002. “Implementing Welfare Reform and Guiding Organizational Change.” *The School of Social Welfare, University of California at Berkeley*.
- ⁷⁴ Ibid
- ⁷⁵ Ibid, P. 66
- ⁷⁶ Ibid, P. 66
- ⁷⁷ Senge, P. 1990. *The Fifth Discipline: The Art and Practice of the learning organization*. New York: Doubleday.
- ⁷⁸ Carnochan, Sarah & Michael J. Austina. 2002. “Implementing Welfare Reform and Guiding Organizational Change.” *The School of Social Welfare, University of California at Berkeley*. P. 69.
- ⁷⁹ Government Accountability Office. 2005. “Homeland Security: Agency Plans, Implementation, and Challenges Regarding the National Strategy for Homeland Security.” P. 115
- ⁸⁰ Ibid, P. 116
- ⁸¹ Schriro, Dora. 2009. “Immigration Detention Overview and Recommendations.” Immigration and Customs Enforcement.
- ⁸² Ibid, P. 16
- ⁸³ Meissner, Doris and Marc Rosenblum. 2009. “The Next Generation of E-Verify: Getting Employment Verification Right.” Migration Policy Institute. P. 16
- ⁸⁴ Ries, Lora. 2010. “B-Verify: Transforming E-Verify into a Biometric Employment Verification System.” In *Albany Law Government Law Review*. P.271-320.

-
- ⁸⁵ Government Accountability Office. 2005. "Homeland Security: Agency Plans, Implementation, and Challenges Regarding the National Strategy for Homeland Security." P. 115
- ⁸⁶ Ibid, P. 117
- ⁸⁷ Schriro, Dora. 2009. "Immigration Detention Overview and Recommendations." Immigration and Customs Enforcement. P. 22
- ⁸⁸ Carnochan, Sarah & Michael J. Austina. 2002. "Implementing Welfare Reform and Guiding Organizational Change." *The School of Social Welfare, University of California at Berkeley*. P. 65
- ⁸⁹ Ibid, P. 65
- ⁹⁰ Ibid, P. 65
- ⁹¹ Carnochan, Sarah & Michael J. Austina. 2002. "Implementing Welfare Reform and Guiding Organizational Change." *The School of Social Welfare, University of California at Berkeley*. P. 70
- ⁹² Ibid, P. 72
- ⁹³ Ibid, P. 70
- ⁹⁴ Ibid, P. 70
- ⁹⁵ Ibid, P. 69
- ⁹⁶ Schriro, Dora. 2009. "Immigration Detention Overview and Recommendations." Immigration and Customs Enforcement. P. 2
- ⁹⁷ Ibid, P. 19
- ⁹⁸ "CBP's Construction of Border Patrol Facilities and Acquisition of Vehicles." 2009. Department of Homeland Security Office of Inspector General. P. 2
- ⁹⁹ Ibid, P. 3
- ¹⁰⁰ Ibid, P. 3
- ¹⁰¹ Ibid, P. 4
- ¹⁰² "DHS's Capabilities to Implement the American Recovery and Reinvestment Act of 2009." June 2009. Office of Inspector General. P. 3
- ¹⁰³ Ibid, P. 4-5
- ¹⁰⁴ General Accounting Office. 1987. "Immigration Reform: Systematic Alien Verification System Could Be Improved."
- ¹⁰⁵ General Accounting Office. 1989. "Immigration Reform: Alien Verification System Data Base Problems and Corrective Actions."
- ¹⁰⁶ Ries, Lora. 2010. "B-Verify: Transforming E-Verify into a Biometric Employment Verification System." In *Albany Law Government Law Review*. P.271-320.
- ¹⁰⁷ Meissner, Doris and Marc Rosenblum. 2009. "The Next Generation of E-Verify: Getting Employment Verification Right." Migration Policy Institute. P. 28
- ¹⁰⁸ Government Accountability Office. 2005. "Homeland Security: Agency Plans, Implementation, and Challenges Regarding the National Strategy for Homeland Security." P. 12-13
- ¹⁰⁹ Meissner, Doris and Marc Rosenblum. 2009. "The Next Generation of E-Verify: Getting Employment Verification Right." Migration Policy Institute. P. 4-5
- ¹¹⁰ "CBP's Construction of Border Patrol Facilities and Acquisition of Vehicles." 2009. Department of Homeland Security Office of Inspector General. P. 13
- ¹¹¹ Ries, Lora. 2010. "B-Verify: Transforming E-Verify into a Biometric Employment Verification System." In *Albany Law Government Law Review*. P. 273
- ¹¹² Ibid, P. 306
- ¹¹³ Ibid, P. 308
- ¹¹⁴ Government Accountability Office. 2005. "Homeland Security: Agency Plans, Implementation, and Challenges Regarding the National Strategy for Homeland Security." P. 14

-
- ¹¹⁵ Meissner, Doris and Marc Rosenblum. 2009. "The Next Generation of E-Verify: Getting Employment Verification Right." Migration Policy Institute.
- ¹¹⁶ General Accounting Office. 1987. "Immigration Reform: Systematic Alien Verification System Could Be Improved."
- ¹¹⁷ Government Accountability Office. 2005. "Homeland Security: Agency Plans, Implementation, and Challenges Regarding the National Strategy for Homeland Security." P. 14
- ¹¹⁸ Nightingale Smith, Demetra & Nancy Pindus. 1997. "Privatization of Public Social Services a Background Paper." U.S. Department of Labor: Urban Institute. Print.
- ¹¹⁹ OPPAGA Report. 2008. "While DMS Has Improved Monitoring, It Needs to Strengthen Private Prison Oversight and Contracts." P. 1
- ¹²⁰ Ibid, P. 3
- ¹²¹ Ibid, P. 3
- ¹²² Ibid, P. 3
- ¹²³ Schriro, Dora. 2009. "Immigration Detention Overview and Recommendations." Immigration and Customs Enforcement.
- ¹²⁴ Ibid, P. 3
- ¹²⁵ Bernstein, Nina. 2008. "Few Details on Immigrants Who Died in Custody." In *The New York Times*.
- ¹²⁶ Blumstein, James, Mark Cohen and Suman Seth. 2007. "Do Government Agencies Respond to Market Pressures? Evidence from Private Prisons." Vanderbilt University, School of Law. P. 8
- ¹²⁷ Ibid, P. 25
- ¹²⁸ Ibid, P. 26
- ¹²⁹ General Accounting Office. 1996. "Child Support Enforcement: Early Results on Comparability of Privatized and Public Offices." P. 2
- ¹³⁰ Ibid, P. 2
- ¹³¹ Ibid, P. 2
- ¹³² Ibid, P. 13
- ¹³³ General Accounting Office. 1996. "Child Support Enforcement: Early Results on Comparability of Privatized and Public Offices." P. 3
- ¹³⁴ Waller Meyers, Deborah. 2006. "Temporary Worker Programs: A Patchwork Policy Response." Insight: Migration Policy Institute. No. 12; 1-19. P. 2
- ¹³⁵ "DHS's Capabilities to Implement the American Recovery and Reinvestment Act of 2009." June 2009. Office of Inspector General. P. 8
- ¹³⁶ Ibid, P. 9
- ¹³⁷ Schriro, Dora. 2009. "Immigration Detention Overview and Recommendations." Immigration and Customs Enforcement. P. 28
- ¹³⁸ OPPAGA Report. 2008. "While DMS Has Improved Monitoring, It Needs to Strengthen Private Prison Oversight and Contracts." P. 1
- ¹³⁹ Carnochan, Sarah & Michael J. Austina. 2002. "Implementing Welfare Reform and Guiding Organizational Change." *The School of Social Welfare, University of California at Berkeley*. P. 68
- ¹⁴⁰ "DHS's Capabilities to Implement the American Recovery and Reinvestment Act of 2009." June 2009. Office of Inspector General. P. 15
- ¹⁴¹ Schriro, Dora. 2009. "Immigration Detention Overview and Recommendations." Immigration and Customs Enforcement. P. 19
- ¹⁴² Carnochan, Sarah & Michael J. Austina. 2002. "Implementing Welfare Reform and Guiding Organizational Change." *The School of Social Welfare, University of California at Berkeley*. P. 68
- ¹⁴³ Schriro, Dora. 2009. "Immigration Detention Overview and Recommendations." Immigration and Customs Enforcement. P. 3

-
- ¹⁴⁴ Carnochan, Sarah & Michael J. Austina. 2002. "Implementing Welfare Reform and Guiding Organizational Change." *The School of Social Welfare, University of California at Berkeley*. P. 72
- ¹⁴⁵ "DHS's Capabilities to Implement the American Recovery and Reinvestment Act of 2009." June 2009. Office of Inspector General. P. 11
- ¹⁴⁶ Carnochan, Sarah & Michael J. Austina. 2002. "Implementing Welfare Reform and Guiding Organizational Change." *The School of Social Welfare, University of California at Berkeley*. P. 70
- ¹⁴⁷ Schriro, Dora. 2009. "Immigration Detention Overview and Recommendations." Immigration and Customs Enforcement. P. 14
- ¹⁴⁸ Kohut, Andrew et al. *America's Immigration Quandary: No Consensus on Immigration Problem or Proposed Fixes*. Rep. Pew Research Center for the People & the Press, 30 Mar. 2006. Web.
- ¹⁴⁹ Doherty, Carroll. "Attitudes Toward Immigration: In Black and White." *Pew Research Center Publications*. Pew Research Center for the People & the Press, 26 Apr. 2006. Web.
- ¹⁵⁰ Suro, Roberto, and Gabriel Escobar. "2006 National Survey of Latinos: The Immigration Debate." *Pew*
- ¹⁵¹ Smith, Gregory A. "Attitudes Toward Immigration: In the Pulpit and the Pew." *Pew Research Center*
- ¹⁵² Jones, Jeffrey M. "Americans' Views of Immigration Growing More Positive." Gallup, 10 July 2006. Web.
- ¹⁵³ Newport, Frank. "Americans Have Become More Negative on Impact of Immigrants." Gallup, 13 July 2007. Web.
- ¹⁵⁴ Carroll, Joseph. "Americans Divided on Need for New Immigration Laws." Gallup, 16 July 2007. Web.
- ¹⁵⁵ Doherty, Carroll. "The Immigration Divide: Reform Is a Potential Wedge Issue for Both Republicans and Democrats." *Pew Research Center Publications*. Pew Research Center for the People and the Press, 12 Apr. 2007. Web.
- ¹⁵⁶ Carroll, Joseph. "Americans Divided on Need for New Immigration Laws." Gallup, 16 July 2007. Web.
- ¹⁵⁷ "UPI/Zogby Poll: Majority Give Bush Negative Ratings on Keeping U.S. Safe from Terrorism." *Our Latest News*. IBOPE | Zogby, 22 Apr. 2007. Web.
- ¹⁵⁸ Doherty, Carroll. "The Immigration Divide: Reform Is a Potential Wedge Issue for Both Republicans and Democrats." *Pew Research Center Publications*. Pew Research Center for the People and the Press, 12 Apr. 2007. Web.
- ¹⁵⁹ "UPI/Zogby Poll: Majority Give Bush Negative Ratings on Keeping U.S. Safe from Terrorism." *Our Latest News*. IBOPE | Zogby, 22 Apr. 2007. Web.
- ¹⁶⁰ Kohut, Andrew et al. *Mixed Views on Immigration Bill: Democratic Leaders Face Growing Disapproval, Criticism on Iraq*. Rep. The Pew Research Center for the People and the Press, 7 June 2007. Web.
- ¹⁶¹ Keeter, Scott. "Where the Public Stands on Immigration Reform." *Pew Research Center Publications*. Pew Research Center for the People & the Press, 23 Nov. 2009. Web.
- ¹⁶² Preston, Julia and Marjorie Connelly. "Immigration Bill Provisions Gain Wide Support in Poll." *The New York Times*, 25 May 2007. Web.
- ¹⁶³ Keeter, Scott. "Where the Public Stands on Immigration Reform." *Pew Research Center Publications*. Pew Research Center for the People & the Press, 23 Nov. 2009. Web.
- ¹⁶⁴ UPI/Zogby Poll: Government Mishandling Immigration." *Our Latest News*. IBOPE | Zogby, 20 June 2007. Web.
- ¹⁶⁵ Keeter, Scott. "Where the Public Stands on Immigration Reform." *Pew Research Center Publications*. Pew Research Center for the People & the Press, 23 Nov. 2009. Web.
- ¹⁶⁶ Jones, Jeffrey M. "More Americans Favor Than Oppose Arizona Immigration Law." Gallup, 29 Apr. 2008. Web.
- ¹⁶⁷ Ibid.
- ¹⁶⁸ Ibid.
- ¹⁶⁹ Ibid.
- ¹⁷⁰ Saad, Lydia. "Economy Reigns Supreme for Voters." Gallup, 29 Oct. 2008. Web.
- ¹⁷¹ Keeter, Scott. "Where the Public Stands on Immigration Reform." *Pew Research Center Publications*. Pew Research Center for the People & the Press, 23 Nov. 2009. Web.
- ¹⁷² Ibid.
- ¹⁷³ Morales, Lymari. "Americans Return to Tougher Immigration Stance." Gallup, 5 Aug. 2009. Web.
- ¹⁷⁴ Ibid.

-
- ¹⁷⁵ Ibid.
- ¹⁷⁶ Keeter, Scott. "Where the Public Stands on Immigration Reform." *Pew Research Center Publications*. Pew Research Center for the People & the Press, 23 Nov. 2009. Web
- ¹⁷⁷ Ibid.
- ¹⁷⁸ Morales, Lymari. "Americans Return to Tougher Immigration Stance." Gallup, 5 Aug. 2009. Web.
- ¹⁷⁹ Archibold, Randal C. and Megan Thee-Brenan. "Poll Shows Most in U.S. Want Overhaul of Immigration Laws." *The New York Times*, 3 May 2010. Web.
- ¹⁸⁰ Saad, Lydia. "Americans Closely Divided Over Immigration Reform Priority." Gallup, 6 July 2010. Web
- ¹⁸¹ Ibid.
- ¹⁸² Newport, Frank. "Republicans Prioritize Immigration; Dems, Financial Reform." Gallup, 30 Apr. 2010. Web.
- ¹⁸³ "Voters Divided on Which Party to Trust More on Immigration." Rasmussen Reports, 07 May 2010. Web.
- ¹⁸⁴ Saad, Lydia. "'Jobs' Drops to No. 2 on Americans' List of Top Problems." Gallup, 12 May 2010. Web.
- ¹⁸⁵ Archibold, Randal C. and Megan Thee-Brenan. "Poll Shows Most in U.S. Want Overhaul of Immigration Laws." *The New York Times*, 3 May 2010. Web.
- ¹⁸⁶ Jones, Jeffrey M. "More Americans Favor Than Oppose Arizona Immigration Law." Gallup, 29 Apr. 2008. Web.
- ¹⁸⁷ Ibid.
- ¹⁸⁸ "Nationally, 60% Favor Letting Local Police Stop and Verify Immigration Status." Rasmussen Reports, 26 Apr. 2010. Web.
- ¹⁸⁹ Archibold, Randal C. and Megan Thee-Brenan. "Poll Shows Most in U.S. Want Overhaul of Immigration Laws." *The New York Times*, 3 May 2010. Web.
- ¹⁹⁰ Morales, Lymari. "Amid Immigration Debate, Americans' Views Ease Slightly." Gallup, 27 July 2010.
- ¹⁹¹ "Most Oppose Citizenship for Children of Illegal Immigrants." Rasmussen Reports, 13 Aug. 2010. Web.
- ¹⁹² Ibid.
- ¹⁹³ Jones, Jeffrey M. "Slim Majority of Americans Would Vote for DREAM Act Law." Gallup, 10 Dec. 2010. Web.
- ¹⁹⁴ Ibid.
- ¹⁹⁵ Baker, Bryan C. (2009). "Naturalization Rates among IRCA Immigrants: A 2009 Update." Department of Homeland Security.
- ¹⁹⁶ Wasem, Ellen Ruth. (2010). "Immigration Reform Issues in the 111th Congress." Congressional Research Service.
- ¹⁹⁷ Rubenstein, Edward. (2008). "The Fiscal Impact of Immigration: An Analysis of the Costs to 15 Federal Departments and Agencies." Social Contract Press. P.37.
- ¹⁹⁸ Secure Border Initiative (SBI) Program Guide. (2006). <http://www.trezzamediagroup.com/uploads/sbi_supplement.pdf> p.5.
- ¹⁹⁹ Annual Report. (2009). "Immigration Enforcement Actions: 2009." Department of Homeland Security Office of Immigration Statistics.
- ²⁰⁰ Congressional Budget Office (CBO). 2010. "Immigration Policy in the United States: An Update."
- ²⁰¹ Ewing, Walter. (2011). "President's 2012 Budget Reveals Conflicted Priorities on Immigration." Published on 2/17/2011.
- ²⁰² Castles, Stephen. (2003). "Why migration policies fail." *Ethnic and Racial Studies*, 27:2, 205-227.
- ²⁰³ Ries, Lora. (2010). "B-Verify: Transforming E-Verify into a Biometric Employment Verification System." *Albany Law Government Law Review*. 3: 271-320.
- ²⁰⁴ Ibid.
- ²⁰⁵ Ibid.
- ²⁰⁶ Ibid.
- ²⁰⁷ Government Accountability Office (GAO). (2010). "Employment Verification: Federal Agencies Have Taken Steps to Improve E-Verify, but Significant Challenges Remain" Report to the Subcommittee on Social Security, Committee on Ways and Means, House of Representatives.
- ²⁰⁸ Ries, Lora. (2010). "B-Verify: Transforming E-Verify into a Biometric Employment Verification System." In *Albany Law Government Law Review*. P.271-320. Meissner, Doris and Marc Rosenblum. 2009. *The Next Generation of E-Verify: Getting Employment Verification Right*. Washington D.C.: Migration Policy Institute.
- ²⁰⁹ Chenoweth, Jeff and Laura Burdwick. (2004). "A More Perfect Union: A National Citizenship Plan."

-
- ²¹⁰ Ibid.
- ²¹¹ Skinner, Richard L. (2008). "Statement Before the Subcommittee on Homeland Security".
- ²¹² Cho, H. Jin. 2010 *Duke L. & Tech. Rev.* 007: "Substantially Justified? The U.S. Government's Use of Name- Check technologies in naturalization Procedures."
- ²¹³ Press Release. (2009). "USCIS, FBI Eliminate National Name Check Backlog." U.S. Citizenship and Immigration Services.
- ²¹⁴ Cho, H. Jin. (2010). *Duke L. & Tech. Rev.* 007: "Substantially Justified? The U.S. Government's Use of Name- Check technologies in Naturalization procedures."
- ²¹⁵ Ibid.
- ²¹⁶ Ibid.
- ²¹⁷ Ibid.
- ²¹⁸ Government Accountability Office (GAO). (2011). *H-1B VISA PROGRAM: Multifaceted Challenges Warrant Re-examination of Key Provisions.*
- ²¹⁹ Ibid.
- ²²⁰ Annual Report. (2009). "Immigration Enforcement Actions: 2009." Department of Homeland Security Office of Immigration Statistics.
- ²²¹ Ibid.
- ²²² Rubenstein, Edwin. (2008). "The Fiscal Impact of Immigration: An Analysis of the Costs to 15 Federal Departments and Agencies."
- ²²³ Government Accountability Office (GAO). (2011). "Border Security: Preliminary Observations on the Status of Key Southwest Border Technology Programs." Testimony before the Subcommittee on Border, Maritime Security, Committee on Homeland Security, House of Representatives. March 15, 2011.
- ²²⁴ Ibid.
- ²²⁵ Meissner, Doris and Marc Rosenblum. (2009). *The Next Generation of E-Verify: Getting Employment Verification Right.* Washington D.C.: Migration Policy Institute.
- ²²⁶ Government Accountability Office (GAO). (2010). "Employment Verification: Federal Agencies Have Taken Steps to Improve E-Verify, but Significant Challenges Remain" Report to the Subcommittee on Social Security, Committee on Ways and Means, House of Representatives.
- ²²⁷ Meissner, Doris and Marc Rosenblum. (2009). *The Next Generation of E-Verify: Getting Employment Verification Right.* Washington D.C.: Migration Policy Institute.
- ²²⁸ Gonzalez, Emilio. (2006). "Backlog Elimination Plan" 2006 U.S. Citizenship and Immigration Services.
- ²²⁹ Contreras, January. (2010). "Ombudsman Annual Report" U.S. Citizenship and Immigration Services Ombudsman.
- ²³⁰ Ibid.
- ²³¹ Ibid.
- ²³² Ibid.
- ²³³ Ibid.
- ²³⁴ Ibid.
- ²³⁵ Ibid.
- ²³⁶ U.S. Citizenship and Immigration Services. Ombudsman. Annual Report. (2010). Department of Homeland Security.
- ²³⁷ Ibid.
- ²³⁸ Ibid.
- ²³⁹ Ries, Lora. (2010). "B-Verify: Transforming E-Verify into a Biometric Employment Verification System." In *Albany Law Government Law Review.* P.271-320.
- ²⁴⁰ Government Accountability Office (GAO). (2010). "Employment Verification: Federal Agencies Have Taken Steps to Improve E-Verify, but Significant Challenges Remain" Report to the Subcommittee on Social Security, Committee on Ways and Means, House of Representatives.
- ²⁴¹ Ibid.

-
- ²⁴² Meissner, Doris and Marc Rosenblum. (2009). *The Next Generation of E-Verify: Getting Employment Verification Right*. Washington D.C.: Migration Policy Institute.
- ²⁴³ Contreras, January. 2010. "Ombudsman Annual Report" U.S. Citizenship and Immigration Services Ombudsman.
- ²⁴⁴ Ibid
- ²⁴⁵ DHS Office of Inspector General (OIG). 2008. "Major Management Challenges Facing the Department of Homeland Security." *Excerpts from the FY 2007 DHS Annual Financial Report*.
- ²⁴⁶ Schriro, Dora. 2009. "Immigration Detention Overview and Recommendations." Immigration and Customs Enforcement.
- ²⁴⁷ Waslin, Michele. 2010. Immigration Policy Center. "Special Report: ICE's Enforcement Priorities and the Factors that Undermine Them."
- ²⁴⁸ Immigration Policy Center (IPC). 2010. "Special Report: ICE's Enforcement Priorities and the Factors that Undermine Them." Web,
- ²⁴⁹ DHS Office of Inspector General (OIG). 2009. "CBP's Construction of Border Patrol Facilities and Acquisition of Vehicles."
- ²⁵⁰ Government Accountability Office (GAO). 2010. "Employment Verification: Federal Agencies Have Taken Steps to Improve E-verify, but Significant Challenges Remain." Report to the Subcommittee on Social Security, Committee on Ways and Means, House of Representatives. March 15, 2011.
- ²⁵¹ Ibid.
- ²⁵² Ibid
- ²⁵³ Carnochan, Sarah & Michael J. Austina. 2002. "Implementing Welfare Reform and Guiding Organizational Change." The School of Social Welfare, University of California at Berkeley.
- ²⁵⁴ Ibid
- ²⁵⁵ Chenoweth, Jeff and Laura Burdwick. 2004. "A More Perfect Union: A National Citizenship Plan."
- ²⁵⁶ Ibid
- ²⁵⁷ Ibid
- ²⁵⁸ The GAO 2009 Government Accountability Office (GAO). 2009. *Federal User Fees: Additional Analyses and Timely Reviews Could Improve Immigration and Naturalization User Fee Design and USCIS Operations*.
- ²⁵⁹ Ibid
- ²⁶⁰ Ibid
- ²⁶¹ Ibid
- ²⁶² Khatri, Prakash. 2007. "Ombudsman Annual Report" U.S. Citizenship and Immigration Services Ombudsman.
- ²⁶³ Ibid
- ²⁶⁴ Chenoweth, Jeff and Laura Burdwick. 2004. "A More Perfect Union: A National Citizenship Plan".
- ²⁶⁵ Khatri, Prakash. 2007. "Ombudsman Annual Report" U.S. Citizenship and Immigration Services Ombudsman.
- ²⁶⁶ Rector, Robert. 2007. "Amnesty Will Cost U.S. Taxpayers at Least \$2.6 Trillion." The Heritage Foundation.
- ²⁶⁷ Ibid
- ²⁶⁸ Ibid
- ²⁶⁹ Congressional Budget Office. Rep. Congress of the United States, Dec. 2007. Web. July 2010.
- ²⁷⁰ Ibid
- ²⁷¹ Congressional Budget Office. Rep. Congress of the United States, Dec. 2007. Web. July 2010.
- ²⁷² Ibid
- ²⁷³ Ibid
- ²⁷⁴ Ibid
- ²⁷⁵ Annual Report" U.S. Citizenship and Immigration Services Ombudsman Contreras, January. 2010. "Ombudsman <http://www.dhs.gov/xlibrary/assets/cisomb_2010_annual_report_to_congress.p>. DHS-OIG,

-
- U.S. Citizenship and Immigration Services' Progress in Modernizing Information Technology, OIG-09-90, July 2009 < http://www.dhs.gov/xoig/assets/mgmttrpts/OIG_09-90_Jul09.pdf>.
- ²⁷⁶ Annual Report. (2010) "U.S. Citizenship and Immigration Services Ombudsman Contreras" Ombudsman. <http://www.dhs.gov/xlibrary/assets/cisomb_2010_annual_report_to_congress.p>.
- ²⁷⁷ Syracuse University. 2010. TRACImmigration. "Detention of Criminal Aliens: What has Congress Bought?"
- ²⁷⁸ Schriro, Dora. 2009. "Immigration Detention Overview and Recommendations." Immigration and Customs Enforcement.
- ²⁷⁹ Rubenstein, Edwin. 2008. "The Fiscal Impact of Immigration: An Analysis of the Costs to 15 Federal Departments and Agencies."
- ²⁸⁰ DHS Office of Inspector General (OIG). 2009. "CBP's Construction of Border Patrol Facilities and Acquisition of Vehicles."
- ²⁸¹ Rubenstein, Edwin. 2008. "The Fiscal Impact of Immigration: An Analysis of the Costs to 15 Federal Departments and Agencies."
- ²⁸² Government Accountability Office (GAO). 2009. "Secure Border Initiative Fence Construction Costs."
- ²⁸³ Ibid
- ²⁸⁴ Government Accountability Office (GAO). 2011. "Border Security: Preliminary Observations on the Status of Key Southwest Border Technology Programs." Testimony before the Subcommittee on Border, Maritime Security, Committee on Homeland Security, House of Representatives. March 15, 2011.
- ²⁸⁵ DHS Office of Inspector General (OIG). 2008. "Major Management Challenges Facing the Department of Homeland Security." Excerpts from the FY 2007 DHS Annual Financial Report. http://www.dhs.gov/xoig/assets/mgmttrpts/OIG_08-11_Jan08.pdf
- ²⁸⁶ Ries, Lora. 2010. "B-Verify: Transforming E-Verify into a Biometric Employment Verification System." In Albany Law Government Law Review. P.271-320.
- ²⁸⁷ Ibid. pg310
- ²⁸⁸ Ibid. pg.309
- ²⁸⁹ Meissner, Doris and Marc Rosenblum. 2009. "The Next Generation of E-Verify: Getting Employment Verification Right." Migration Policy Institute.
- ²⁹⁰ USCIS. "Administrative Alternatives to Comprehensive Immigration Reform." 2010.
- ²⁹¹ USCIS. "Guidance for Coordinating the Adjudication of Applications and Petitions Involving Individuals in Removal Proceedings; Revisions to the Adjudicator's Field Manual (AFM) New Chapter 10.3(i): AFM Update AD 11-16." 20 Aug 2010.
- ²⁹² ICE. "Guidance Regarding the Handling of Removal Proceedings of Aliens with Pending or Approved Applications or Petitions Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens." 8 Feb 2011.
- ²⁹³ ICE. "Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens." 30 Jun 2010.
- ²⁹⁴ ICE. "Worksite Enforcement Strategy." 30 Apr 2009.
- ²⁹⁵ Hatry, Harry. 2006. Performance Measurement: Getting Results. 2nd ed. Washington, D.C.: The Urban Institute.
- ²⁹⁶ Domberger, Simon & Paul Jensen. 1997. "Contracting Out by the Public Sector: Theory, Evidence, Prospects." Oxford Review of Economic Policy 13 (4): 67-77.
- ²⁹⁷ Hatry, Harry. 2006. Performance Measurement: Getting Results. 2nd ed. Washington, D.C.: The Urban Institute.
- ²⁹⁸ Ibid
- ²⁹⁹ OPPAGA Report. 2008. While DMS Has Improved Monitoring, It Needs to Strengthen Private Prison Oversight and Contracts. Washinton D.C.: GPO
- ³⁰⁰ Ibid
- ³⁰¹ Behn, Robert D. & Peter A. Kant. 1999. "Strategies for Avoiding the Pitfalls of Performance Contracting." Public Productivity & Management Review 22 (4): 470-489.

-
- ³⁰² CBP. “Construction of Border Patrol Facilities and Acquisition of Vehicles.” 2009. Department of Homeland Security Office of Inspector General. July 2009 OIG-09-91 Report: 1-23.
- ³⁰³ Ibid
- ³⁰⁴ Ibid
- ³⁰⁵ Hatry, Harry. 2006. Performance Measurement: Getting Results. 2nd ed. Washington, D.C.: The Urban Institute.
- ³⁰⁶ Ibid
- ³⁰⁷ Ibid
- ³⁰⁸ Ibid
- ³⁰⁹ Heinrich, Carolyn J. & Youseok Choi. 2007. “Performance-Based Contracting in Social Welfare Programs.” *The American Review of Public Administration* 37 (4): 409-435.
- ³¹⁰ OPPAGA Report. 2008. While DMS Has Improved Monitoring, It Needs to Strengthen Private Prison Oversight and Contracts. Washinton D.C.: GPO
- ³¹¹ Ibid
- ³¹² Ibid
- ³¹³ Domberger, Simon & Paul Jensen. 1997. “Contracting Out by the Public Sector: Theory, Evidence, Prospects.” *Oxford Review of Economic Policy* 13 (4): 67-77.
- ³¹⁴ Ibid
- ³¹⁵ Hatry, Harry. 2006. Performance Measurement: Getting Results. 2nd ed. Washington, D.C.: The Urban Institute.
- ³¹⁶ Ibid
- ³¹⁷ Johnston, Jocelyn M. & Barbara Romzek. 1999. “Contracting and Accountability in State Medicaid Reform: Rhetoric, Theories, and Reality.” *Public Administration Review* 59 (5): 383-399.
- ³¹⁸ Hatry, Harry. 2006. Performance Measurement: Getting Results. 2nd ed. Washington, D.C.: The Urban Institute.
- ³¹⁹ Heinrich, Carolyn J. & Youseok Choi. 2007. “Performance-Based Contracting in Social Welfare Programs.” *The American Review of Public Administration* 37 (4): 409-435.
- ³²⁰ Immigration Policy Center. 2010. Secure Communities: A Fact Sheet. Washington, D.C.: American Immigration Council. Available . Web.
- ³²¹ Government Accountability Office (GAO). 2011. “Border Security: Preliminary Observations on the Status of Key Southwest Border Technology Programs.”
- ³²² Contreras, January. 2010. “Ombudsman Annual Report” U.S. Citizenship and Immigration Services Ombudsman.