



After a 'Difficult' Year, INS Chief Ziglar is Quitting Job

James Ziglar, the embattled chief of the Immigration and Naturalization Service, said in mid-August that he would leave his job by the end of the year, ending a short tenure at what is widely considered one of the government's worst run agencies.

The INS has long been seen as inadequate in its job as enforcer of the nation's immigration laws. Ziglar, a financial services lawyer and boyhood friend of Senate Minority Leader Trent Lott (R-Miss.), had no background in immigration law when he began the job last August.

But he was expected to repair relations between the agency and lawmakers. Instead, the agency has angered many lawmakers since the September 11 terrorist attacks, which gave border and immigration control a more urgent national security role.

In one high-profile failure that angered even President Bush, an INS contractor sent out visa approvals for two of the September 11 hijackers--six months after the attacks.

"He's a nice guy ... but he is completely and totally incapable of

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Senator Tancredo

running an agency of this magnitude," Rep. Thomas G. Tancredo (R-Colo.) said of Ziglar. "They should have fired him a long time ago. We're

absolutely better off from this. I'd have been willing to kick in for a golden parachute if he would have left earlier," Tancredo told *The Los Angeles Times*.

Atty. Gen. John Ashcroft said Ziglar had served the administration "admirably during a very important time under extraordinarily difficult circumstances. We appreciate his commitment and service to the country." The INS is part of the Justice Department.

Ziglar wrote to Bush on Thursday that he had set no date for his departure. He offered to stay on until Congress and the president approve legislation creating a Department of Homeland Security, which is expected to include some or all of the INS' 34,000 employees.

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Washington insiders stall foreign-student tracking through two administrations

In the mid 1990s, the Clinton administration initiated a revolutionary computer visa system that could have prevented the September 11 terrorists from getting student visas. Then they let it die. But some of the people most responsible for killing that system are now running the INS—put there by none other than George W. Bush.

Student tracking has been on the drawing board since 1993, when a Palestinian in the U.S. on a student visa drove a truck filled with explosives into the World Trade Center parking garage. Once his background

emerged, the Department of Justice assembled a task force to take a hard look at foreign-student visas.

The task force quickly discovered gaping holes in the system. It envisioned a student tracking system that would collect far more information, and filter that information automatically through numerous law enforcement databases, such as the FBI's terrorist-lookout lists. Sophisticated software would flag potential fraud and where necessary, bump up the records for further analysis.

Applicants who passed the computer check would be issued a ma-

chine-readable "smart card," which would encode all the collected information, incorporate a biometric identifier, and serve as a tamper-proof visa. The student's educational status would be updated automatically. The new system would not only cut down on fraud but would make it extremely difficult for terrorists to use the student-visa system as a cover.

The task force was an unusually collaborative effort, and as a result, enjoyed remarkably broad consensus. Congress put its stamp of approval on the program, mandating its launch as

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Increased border stops increase arrests of illegal aliens and drug smugglers

WASHINGTON - The Detroit News reported in July that the crack-down along the Canadian border following September 11 was meant to root out possible terrorists, but instead law enforcement has stopped more drugs, illegal aliens and fugitives from coming into the country.

Federal officials who monitor Michigan's border crossings said they had recorded increases in several categories of criminal activity, in large part because they're more closely scrutinizing people and cargo at entry points. The Customs Service recorded a 45% increase in arrests from the same period a year earlier.

Arrests range from a man on a Greyhound bus crossing the Detroit-Windsor Tunnel with \$1 million worth of heroin, half of it swallowed, to \$21 million worth of pseudoephedrine, a drug used to make "speed," inside a truck at Port Huron.

"It proved the theory that the more resources that you invest at the border, the consequences of that are more enforcement activity," said Kevin Weeks, director of field operations in Detroit for the U.S. Customs Service.

Federal agencies who patrol the border - Customs, Immigration and Naturalization, Border Patrol and Coast Guard - also made some adjustments so they're better situated to prevent terrorism.

None of the agencies would reveal how many employees they have, citing national security concerns, but they did say staffing will increase.

The INS had 103 inspectors before September 11 and were expecting another 105. The Border Patrol expected its staff to double. Customs was expecting 147 more inspectors. The Coast Guard was expecting a moderate increase as well.

The INS, for example, is now much more likely to check the documents of people working at nuclear power plants, utilities, airports and train stations. The Coast Guard,

which covers the Great Lakes, now has more staff monitoring the comparatively narrow Detroit River.

Officials acknowledged the difficulty in assessing whether increased scrutiny has thwarted any potential terrorists, and were reluctant to discuss those details.

Carol Jenifer, district director of the INS in Detroit, said the local office removed 530 people with improper documentation last year and this year is expected to exceed that at the airport and land crossings. More importantly, she said, the INS has done a better job of making sure the rejected immigrants actually leave the United States.



"Some people we physically escort back," she said. "Others who voluntarily go must report to the embassy and the embassy is responsible for sending us a notice saying they have physically seen this person and they are back in their country."

Jenifer said the INS has done about the same number of secondary checks, when people are pulled aside and questioned more thoroughly, before and after September 11. For example, in August 2001 agents checked 1,826 folks, and in October 2001, they checked 1,800.

But that actually works out to a higher percentage of people pulled over because of lower traffic volume and increased wait times, she noted.

Greater scrutiny also led to the identification of more fugitives, such as people wanted for crimes or non-payment of child support. There were been 143 arrests since fiscal year

2002 began in October, compared to 98 in the same period a year earlier.

One of the most notable drug smuggling cases occurred on June 15, when a Customs inspector at the Blue Water Bridge grew suspicious of a 53 foot truck carrying automotive parts, furniture, a cabana kit and cooking equipment. When she checked the contents against the truck manifest, she found 21,156,250 tablets of pseudoephedrine concealed in 250 cardboard boxes labeled "fragile."

The pills are intended for use as cold medication, but smugglers sell it to people who turn them into methamphetamines, which on the street is known as "speed" or "crank."

"They've had it in boxes that are supposedly bubble gum," said Richard Hogle, special agent in charge of U.S. Customs Service office of investigations in Detroit. "They come in all shapes and sizes, means and methods."

Adekunle Haastrup, a Nigerian who claimed U.S. citizenship and aroused immigration inspectors' suspicions, was in a bus crossing the Detroit-Windsor Tunnel on October 25 when the inspectors noticed a bulge that turned out to be 37 pellets of heroin wrapped in socks and stuffed in his pants. Later, he admitted having swallowed an additional 37 pellets, for a total of 958 grams of heroin, Hogle said.

More illegal aliens are turning up in trucks as well as car trunks, the three main nationalities being Chinese, Indian and Polish, according to INS and Customs officials.

The agencies also are trying to get more citizens involved. The Coast Guard and Border Patrol have a joint effort known as River Watch that encourages boaters to call an 800-number if they see anything peculiar on the waterways, said Lt. Comd. Sean Moon of the Coast Guard marine safety office in Detroit.

Gephardt will submit bill to give legal status to millions of illegals

MIAMI (AP) -- House Minority Leader Richard Gephardt announced in July that he will introduce a bill giving legal status to millions of undocumented immigrants. The measure would legalize immigrants who have lived in the United States for five years and worked in the country for two years.

"Our proposal will bring undocumented immigrants out of the shadows and into the light of accountability and greater cooperation in our fight against terrorism," Gephardt said.

He spoke at the Miami annual meeting of the National Council of La Raza, a Hispanic civil rights group. The crowd of about 3,000 gave Gephardt a standing ovation.

"We are all immigrants unless we're Native Americans," the Missouri Democrat said. "There are probably millions of immigrants in this country who have done everything we've asked them to do. They've worked, they've stayed out of trouble, they've obeyed the laws, they've helped their families, and they would like an opportunity.

The House Democratic caucus has been working on a proposal that "recognizes the hard work of immigrants" by granting them legal status, Gephardt said.

He said he didn't know how many undocumented immigrants the proposal could affect but it would apply to people from all countries.

The United States has an estimated

8 to 9 million undocumented immigrants. Cecilia Munoz, a La Raza vice president, estimated that Gephardt's proposal would apply to about 3 to 4 million undocumented immigrants. She said about 60 percent to 75 percent of those would be Hispanic, while many of the rest would be Asian.

In a dig at President Bush, Gephardt said talks between Mexico and the administration on immigration reform have stalled.

"President Bush talks about immigration reform, but there's not been enough action to match that rhetoric," Gephardt said.

The Bush administration last year was considering a plan to grant guest worker status and eventually legal residency to some of the estimated 3 million Mexican illegal immigrants believed to be in the United States.

Gephardt's proposal would jump start the movement for legalization, which lost some momentum after the September 11 terrorist attacks, Munoz said. Since then, immigration policy has focused more on securing the U.S.-Mexico border and restricting immigrant visas.

"It marks the formal resurrection of the issue," Munoz said. "We're coming back up on the radar screen."

Despite Supreme Court ruling, EEOC Says It Will Protect Illegal Workers

Despite a Supreme Court ruling that bars illegal immigrants them from winning back pay if wrongly fired, at least one government agency will continue efforts to protect illegal workers from racial and sexual discrimination,

"It's important that we treat any type of employment discrimination the same regardless of immigration status," Cari Dominguez, chairwoman of the Equal Employment Opportunity Commission, said in late June.

The Supreme Court ruled in March that employers cannot be forced to give back pay to undocumented workers who are wrongly fired or demoted, or to reinstate them to their jobs.

Dominguez said the EEOC is still studying the effects of the ruling, but other remedies will remain available to punish employers and protect illegal workers. Possibilities include punitive damages and restitution for

any work that was performed but went unpaid.

The agency announced on Friday that it had directed field offices to pursue cases without regard to workers' immigration status.

"Our biggest concern is that undocumented workers not feel afraid or fearful of coming forward," Dominguez said. "We have done extensive outreach in the last few years in rooting out discrimination against those individuals who are the most vulnerable."

The court ruling came in a case involving the National Labor Relations Board, which protects employees against punishment for engaging in union activities.

The EEOC enforces laws that protect workers, regardless of immigration status, from discrimination based on their race, religion, sex, national origin, age or disability.



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Ziglar

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Ziglar told Bush that, although he could not have imagined the "dramatic changes" that the September 11 attacks thrust on the INS, "I have done my best to continue making progress toward the goals of restructuring the agency and reducing backlogs while responding to the call to arms in the war on terrorism.



INS Commissioner
James Ziglar

"I believe that the record will indicate that we have made substantial progress toward these goals."

Critics have said the agency is plagued by low morale, high attrition and an inability to perform basic functions. As an example, said Tancredo, who favors tougher enforcement of immigration laws, the INS has been unable to find more than 300,000 people who have been ordered by immigra-

tion law judges to be deported for committing serious crimes.

The agency has also been torn by two competing missions: to help foreigners navigate the admission and naturalization processes, and to police borders and remove illegal immigrants.

Ziglar, a self-described libertarian, favored the agency's welcoming roles more than its policing roles, a stance that became untenable after September 11, several observers of the INS said.

Ziglar's reported discomfort with his law enforcement role "would have been problematic in ordinary times. But with the INS as one of the lead agencies in homeland security, it became deeply problematic," said Mark Krikorian, executive director of the Center for Immigration Studies, which favors tighter immigration laws.

Krikorian said Ziglar was quick after September 11 to say repeatedly that immigrants should not be equated with terrorists. Krikorian said they showed that Ziglar did not grasp "that the terrorist assault on the U.S. has to be met in part through immigration policies."

Student tracking

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part of the Illegal Immigration and Immigrant Responsibility Act of 1996. INS Commissioner Doris Meissner even signed off on the full proposal.

Foreign student advisers

In Washington, every reform has enemies. This time it was professionals at colleges and universities who advise foreign students. NAFSA (National Association of Foreign Student Advisers) claimed such surveillance would be a slap in the face to foreign students, and privately worried that the system would mean fewer foreign students, and fewer jobs for foreign-student advisers.

In late 1997, the INS launched a pilot version of the system at 21 colleges around the Southeast. The schools in the pilot program loved it, and still use the system prototype.

NAFSA attacked it for imposing "unnecessary obstacles" and "burdensome requirements" on foreign students. Next NAFSA's sought to delay the system from being rolled out nationally. They found the means in one-time \$95 fees, which the law required foreign students to pay when applying for a visa. Delaying or killing the fee would delay or kill the computer system.

NAFSA turned to Stuart Anderson, an influential Senate aide and confirmed opponent of computerized visa tracking. He orchestrated a group of

21 senators to convince Meissner to delay implementation of the student-tracking system until the fee system could be worked out.

If anything, the election of George W. Bush made things worse. As governor of Texas, Bush had positioned himself as an ally of immigration advocacy groups and a friend of open borders. Although Bush had spoken vaguely of INS restructuring, the only immigration-related reform pursued with any vigor during his first year in office was a proposed amnesty for million of Mexicans in the United States illegally.

To lead the INS, the Bush Administration during the summer of 2001 chose James Ziglar, a self-proclaimed libertarian with no immigration expertise. INS policy director went to Stuart Anderson, who had done more than anyone else to handicap foreign student tracking before it began.

Implementation is key

The student tracking lesson is that it's not enough to simply pass legislation. The key is implementation—the myriad of staffing and funding decisions that affect whether a project is successful.

If the Bush Administration can't get the INS management behind student tracking, the program will wither on the vine just as it did under Clinton. And so, in all likelihood, will the whole spectrum of border-security reforms—the entry/exit system, the tamper-resistant visas—that must eventually pass through the INS.



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