

Insider's View of the I.N.S.: 'Cold, Rude and Insensitive'

The New York Times

September 15, 1994, Thursday, Late Edition - Final

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Distribution: National Desk

Section: Section A; ; Section A; Page 1; Column 1; National Desk ; Column 1; ; Series

Length: 2720 words

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Series: Chaos at the Gates: Last of five articles.

Dateline: WASHINGTON, Sept. 14

Body

Jamie Gorelick's baby sitter, a Colombian immigrant, could barely wait until the day she would be sworn in as a United States citizen. But when the notice of her swearing-in ceremony arrived, her heart sank. The ceremony had already taken place.

The baby sitter missed a second and then a third swearing-in because subsequent notices from the Immigration and Naturalization Service also arrived too late. So, anxious and confused, she turned last spring for help to her boss, who happened to be the Deputy Attorney General.

Ms. Gorelick oversees the immigration agency, but she said she had called the **I.N.S.** "just as myself." Transferred from number to number, she lingered on hold "for what seemed like forever," she said, until she was finally disconnected. She tried again and reached an answering machine. She left her name, home phone number and a request for assistance.

But the immigration service never returned the Deputy Attorney General's call.

With that brief encounter, Ms. Gorelick got a taste of how the **I.N.S.** often treats its principal clients, for illegal immigrants, criminal aliens and corrupt brokers do not consume the bulk of its time. Rather, the agency expends most of its effort serving more than four million people from around the world who each year make simple and perfectly legal requests for benefits, from working papers to citizenship.

Every one of these clients pays a fee, generating \$576 million this year, or a third of the agency's budget. Yet immigration officials acknowledge that the agency often fails to provide them with humane, efficient service, leaving people like Ms. Gorelick's baby sitter (who eventually was sworn in) unnecessarily anguished.

"We're a monopoly, yet we make people suffer," said Phil Waters, the acting director of the agency's San Francisco office. "It's crazy. People are paying good money to get service from the Government, and we're not giving it."

Every day, across the country, immigrants' phone calls go unanswered and their letters sit unopened. Their files get lost, and their cases get improperly entered in antiquated databases. And often, because they get only a busy

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signal or a recording by phone, immigrants stand for hours, sometimes even overnight, in lines that snake through office buildings and parking lots.

In an interview, Attorney General Janet Reno said she had not quite believed a friend in Miami who told her that it was impossible to reach the agency by phone. So she tried calling the Miami number herself -- and could not get through.

With 19,000 employees and 65 nearly autonomous offices around the world, the immigration service is not a monolith. Every day, some immigration officers rise above their daily tribulations and hobbling constraints to offer compassionate, intelligent service. And any agency that serves almost five million clients a year is going to offend some of them and make mistakes with others.

But the I.N.S. mishandles far more cases than its share because the agency is organized in a way that allows some barely trained employees to bark at the clients, turn a deaf ear to their complaints or mishandle their requests.

"A lot of people have gone out of their way to make this a cold, rude, insensitive and inefficient agency," said A. D. Moyer, director of the immigration district in Chicago.

The I.N.S. is charged with two missions that many people inside and outside the agency find to be in conflict. On the one hand, the agency polices the borders and airports, arrests criminals and expels illegal immigrants. On the other, it provides services to an overwhelming majority who travel or already live here legally.

Of these two sides of the agency's personality, law enforcement has always dominated. In fact, making arrests at the border has always been the road to advancement. As a result, many legal aliens have long complained that some immigration agents treat them like criminal suspects. This attitude, coupled with the inefficiency that riddles the agency, often causes headaches and worse.

"The I.N.S. is completely like a Soviet bureaucracy," said Leonid Zagalsky, 39, a Russian immigrant in New York. "Every sign starts with the word 'no': No smoking. No standing. No sitting. No asking questions. You cannot reach a human being by phone. And when you go, you stand for many humiliating hours in line only to reach a semi-human who answers your measly question by talking in a cabalistic language: 'I-95, dash, point 6, dash, B-52.' " (Mr. Zagalsky was referring to the agency's complex numbered forms.)

Many of the agency's own employees, interviewed in roundtable discussions at district offices across the country, openly ridiculed some of the agency's efforts to serve its clients. And almost without exception, the employees said nothing had improved for them since Bill Clinton took office -- in client service or any of the agency's other fields of responsibility.

"There've been changes, but it's not really better," Mr. Waters said. "We're falling even farther behind."

But the Commissioner of Immigration and Naturalization, Doris M. Meissner, said that she and others were struggling to improve. They are trying, for example, to promote the idea that immigrants should be treated with "humanity and respect," as Ms. Gorelick said. Ms. Meissner has directed officials to stop calling immigrants "aliens" and to practice "enforcement with a heart."

T. Alexander Aleinikoff, who became the agency's general counsel in March, said, "I go around telling people: 'This is not the Deportation and Detention Service. This is the Immigration and Naturalization Service.' "

But as with all the agency's problems, the leaders are dealing with an internal culture that may be difficult to change.

One senior official at headquarters, for instance, rolled his eyes at the idea that "illegal alien" was no longer an acceptable term. He asked, "What are we supposed to call them, 'out-of-status visitors' ?"

The System

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10 Years In the Wrong Line

On their first days on the job, immigration employees learn that efficiency is usually the goal, not the reality. They confront mountains of paper files, and they inherit backlog upon backlog. In the meager training courses that only some of them attend, many only skim the surface of the very complicated laws they will administer. And they are taught to be vigilant about the deceitful practices of immigrants.

Overworked and guarded, they can make mistakes. And when they do, it can take months to correct them, if not years. Michael and Corazon Graves of Newark, Calif., believe they are paying a high price for what they see as the agency's willful refusal to correct its own error. In essence, an immigration official mistakenly told them to wait in the wrong line, and that line was 10 years long.

On May 13, 1982, an immigration examiner in San Francisco approved Mr. Graves's petition to sponsor his stepdaughter, a Filipino, for an immigrant visa. With that, he placed the stepdaughter, Maria Isabel Cruz, at the end of a long waiting list for prospective Filipino immigrants.

In 1992, the year Ms. Cruz and her three sons were finally due to arrive, Mr. and Mrs. Graves completed an addition to their home for them. Half a world away, Ms. Cruz thought her final interview, with United States consular officials in Manila, would be little more than a formality.

She was wrong. She emerged from the interview in tears, her mother said. The consular officials denied her a visa because the I.N.S. had made a mistake in approving the original petition. A stepfather, it turned out, cannot sponsor a stepchild who was married before the age of 18, as Ms. Cruz was. The Graves were unaware of this fine point of immigration law, and the examiner who approved their petition had either failed to read it thoroughly or had not known this herself.

The Graves should have been advised in 1982 that only Mrs. Graves, who is 50, had the right to sponsor her child. But they were not, and so they were told 10 years later to start from the beginning, returning to the bottom of another decadelong waiting list.

"We were in a state of shock," said Mr. Graves, a carpenter.

He hired a lawyer, who requested humanitarian parole for Ms. Cruz. That would have allowed her to enter the country and wait here for her visa. The parole was denied, in a letter from the district director in Thailand, who acknowledged that "the facts presented are certainly unfortunate."

Crying, Mrs. Graves said, "Sometimes I wonder, 'Will I still be alive by the time my daughter gets her papers?'"

Record Keeping

Filed Away In a Hodgepodge

The I.N.S. lost Jusuf Becovic's file in 1992 but refused to acknowledge it for almost two years. Every few weeks, Mr. Becovic's lawyer, Diane George, would call about the file, and an agency employee would say they were still searching for it. Finally, Mr. Becovic, a building superintendent in Manhattan, sued the agency.

After 10 months of litigation in Federal court and the intercession of two Congressional offices, the agency created a new file for Mr. Becovic, a Montenegro-born immigrant, and his wife, Hatidza. With that, he and his wife were finally able to renew their work authorization.

"For two years, I had to keep it secret from my company" that his work card had expired, Mr. Becovic said. "I would be fired."

Problems like this have their roots in a record-keeping system that combines 44 million paper files with a hodgepodge of more than a half-dozen outdated computer systems that cannot talk to each other.

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Despite almost 20 years of consultants' studies, promises and plans, the I.N.S. still does not have a unified computer record-keeping system. It maintains only one very basic central index system, and even that is incomplete.

Over the last two decades, different branches of the agency have cobbled together their own computer networks, as have a few of the 33 district offices. But none of these networks can communicate with the others. So an agency worker checking an immigrant's record in one system has no way to know whether there are other records in another system -- showing, for instance, that an applicant for residency has a criminal history.

"If we had automation, we would double or triple our work," said Robert Reed, a supervisory special agent in Los Angeles. In his office, agents still use manual typewriters and carbon paper.

The automation problem slows nearly every service the agency tries to offer. Officials across the country say they waste hours hunting through paper files and the various computer systems to settle immigrants' cases. That in turn lengthens the endemic backlogs -- like the 480 days it takes to become a citizen in San Francisco, according to the American Immigration Lawyers Association. Ordinarily, it should not take more than a few months.

The agency's central index system in particular contains much information that is incorrect or incomplete.

Last year, California and several other states asked the I.N.S. to review the files of 3.6 million immigrants applying for welfare and other benefits. It turned out that about 18 percent of these people, or 650,000, were not even listed in the central index, an omission that should have meant that they were in this country illegally. Before denying them benefits, however, the states pushed for more information, and found out that nearly all were here legally.

Ms. Meissner acknowledges the computer problem and says she has persuaded the Clinton Administration to remedy it. On Aug. 30, the agency signed a \$300 million contract for new computer equipment, the largest such contract in the agency's history. By 1996, the immigration service hopes to merge all its data into three integrated computer systems.

But this is not the first time the agency has tried to solve the problem, nor the first contract it has signed for new computer equipment. Longtime I.N.S. employees wonder whether these plans will turn out any better than the agency's many failed efforts of the past.

Attitudes

Unpleasantness As the Norm

Immigration officers learn to be hard-nosed in their first days at the agency's academy in Glynco, Ga.

During basic training, "we historically have told our employees that it's our job to keep them out and our job to keep them from getting benefits," said Tom Farris, an assistant district director in Chicago.

The training inculcates an intrinsic suspicion of immigrants, some I.N.S. officers say. This often translates into rudeness and even vindictiveness, Mr. Farris acknowledged. It can create an atmosphere in some immigration offices that Maria Valencia, a Filipino immigrant in Virginia, described as a "sea of unpleasantness."

While not totally out of place for law-enforcement officers on the border, this attitude creates problems when displayed by examiners reviewing routine applications. It has prompted many critics of the agency and even friends of it to suggest that it should be split in two -- a service side and a law-enforcement division. But Ms. Meissner says she believes that the agency's "cultural cleavage" can be bridged.

Some local offices are already trying to do that. The agency's 33 district directors run fiefs. They make their own rules, often quite different from one place to the next, and set the tone. In Chicago, Mr. Moyer is the host of a weekly television show in Spanish about immigrants' rights. He says he has found it trying, but possible, to buck the entrenched mentality.

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"When I first got here to Chicago, we had agents who would brag about their weekend raids on Spanish-language movie theaters, and how all the Mexicans would be jumping out of the balconies," Mr. Moyer said. "I have worked hard to try to correct that. We do no more neighborhood raids. Our enforcement is as strong as exists, but we go about it differently."

In Baltimore, the district managers say they demand that immigrants be treated with respect. So it was no coincidence that Wiltrude Rasmussen, a Baltimore deportation officer, took a closer look at the seemingly straightforward deportation case of Adilio Diaz.

A 25-year-old Salvadoran, Mr. Diaz applied for political asylum in 1987. He settled in Maryland and hired a lawyer, Guillermo Diaz-Fontana, who kept assuring him that his case was going well.

Nothing could have been further from the truth. His lawyer, who later pleaded guilty to Federal fraud charges, had already lost the asylum case, and Mr. Diaz had already been ordered deported. He just didn't know it. So one day in December 1990, Mr. Diaz, who said he had paid his lawyer about \$1,250, arrived at the Baltimore **I.N.S.** office, hoping to be told he could have a green card. He left in handcuffs.

When Mr. Diaz's new lawyer, Alison Brown, of the Washington firm of Maggio & Kattar, filed a motion to reopen the case, the **I.N.S.** did not oppose it; the deportation officer, Mrs. Rasmussen, said she was already suspicious of the first lawyer. The judge reopened Mr. Diaz's case, and, at 6 P.M. on Dec. 22, Mr. Diaz was released from a prison in rural Maryland, 120 miles from his home. He had no money because the Government had issued him a check for his cash -- only about \$6, in any case -- and the banks were closed.

Officially, the agency had no further responsibility for Mr. Diaz. But David Talley, supervisor of the detention unit, said: "I couldn't put him out on the street that way. It just seemed cruel."

So Mr. Talley drove Mr. Diaz home, a five-hour round trip, just in time for Christmas with his family.

Mr. Diaz still lives in suburban Washington and works at a skilled job as a rug repairman. His lawyer, Ms. Brown, said the case offered an important lesson.

"It goes to show," she said, "that you can be a human being, that you can handle enforcement of the immigration laws without an attitude that every alien must be thrown out."

Chaos at the Gates

SUNDAY: Immigration agency is mismanaged; its ranks, demoralized.

MONDAY: Corruption virus: It spread through the Washington office.

TUESDAY: Themost wanted: A poor record of deporting criminal aliens.

YESTRERDAY: A Border Patrol success story fell on deaf ears in Washington.

TODAY: **Cold**, **rude** and **insensitive**: The agency ill serves its clients.

Graphic

Photos: Michael Graves and Corazon Graves waited 10 years for Mrs. Graves's daughter to be allowed to live in their home in Newark, Calif., but a mistake by an Immigration and Naturalization Service worker prevented her entry into the United States in 1992. The daughter and her three sons are still in the Philippines. (Darcy Padilla for The

New York Times); The Commissioner of Immigration and Naturalization, Doris M. Meissner, said she was struggling to improve her agency's treatment of immigrants. (Vincent Ricardel for The New York Times) (pg. A18)

Classification

Language: ENGLISH

Subject: IMMIGRATION (93%); CITIZENSHIP (90%); IMMIGRATION LAW (89%); US FEDERAL GOVERNMENT (78%); ATTORNEYS GENERAL (75%); ILLEGAL IMMIGRANTS (73%); MANAGERS & SUPERVISORS (71%); PUBLIC FINANCE (71%); INTERVIEWS (67%)

Company: IMMIGRATION AND NATURALIZATION SERVICE (US) IMMIGRATION & NATURALIZATION SERVICE (94%); IMMIGRATION & NATURALIZATION SERVICE (91%)

Organization: IMMIGRATION & NATURALIZATION SERVICE (94%); IMMIGRATION & NATURALIZATION SERVICE (91%); IMMIGRATION AND NATURALIZATION SERVICE (US) IMMIGRATION & NATURALIZATION SERVICE (94%); IMMIGRATION & NATURALIZATION SERVICE (91%)

Industry: BUDGETS (65%); OFFICE PROPERTY (61%); PARKING SPACES & FACILITIES (50%)

Load-Date: September 15, 1994