



RECORDS MANAGEMENT OVERSIGHT
INSPECTION REPORT
2013

Department of Homeland Security
Shared Use of Alien Registration Files by
U.S. Citizenship and Immigration Services
and
U.S. Immigration and Customs Enforcement

NATIONAL ARCHIVES *and* RECORDS ADMINISTRATION

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EXECUTIVE SUMMARY

In the spring and summer of 2013, the National Archives and Records Administration (NARA) inspected the policies and procedures governing the U.S. Citizenship and Immigration Services (USCIS) and U.S. Immigration and Customs Enforcement's (ICE) management of Alien Registration Files (A-Files). NARA chose to examine the management of A-Files because of their long standing importance to genealogists and other researchers. Also the inspection team recognized the centrality of the A-Files to Department of Homeland Security (DHS) business processes. NARA conducted this effort under the authority granted it by 44 United States Code (U.S.C.) 2904(c)(7) and 2906 to inspect records management programs and practices of Federal agencies.

NARA chose to examine USCIS and ICE's shared management of A-Files because of the high volume, high activity level, and permanent historical value of this record series. A-Files were scheduled as permanent in 2008 for two main reasons: they have been a key piece of information in genealogical and other historical research for decades; and they are the primary documentation for most of our government's immigration processes. Controlling entry into the United States and negotiating the wide range of transactions that follow, from enforcement and removal actions to the naturalization of new U.S. citizens, is one of the crucial activities of the Federal Government.

Currently there are about 70 million active A-Files, predominately maintained as a paper record series, and the inspection team was particularly interested in how well the shared access to such a large volume of paper records among several Federal agencies worked in practice. The overall objective of this inspection was to determine if the agencies were managing A-Files in compliance with regulations under 36 Code of Federal Regulations (CFR) Chapter XII Subchapter B.

USCIS, ICE, and U.S. Customs and Border Protection (CBP) are the three components of DHS that deal primarily with immigration and customs matters. USCIS oversees lawful immigration to the United States. ICE is the principal investigative arm of DHS and is responsible for the enforcement of Federal laws governing border control, customs, trade, and immigration. CBP, which is not a formal part of this inspection, secures the borders of the United States. Prior to the creation of DHS in 2003 the operational functions of ICE and USCIS along with parts of CBP were under the Department of Justice's Immigration and Naturalization Service (INS). The division of INS into three separate component agencies created an unusual situation in which all three agencies are dependent upon a single record series - the A-File - to conduct their business.

Aliens who interface with DHS, whether applying for benefits or targeted for an enforcement action, may be issued an A-Number. The A-File is the official record of immigration proceedings for a given alien. USCIS creates and maintains A-Files in order to track all non-naturalized resident aliens as they pass through the U.S. immigration process. While USCIS is the custodian of the A-Files, ICE and CBP rely heavily on the record series in carrying out their missions and have Service Level Agreements (SLAs) with USCIS on how they are to share the records.

Additionally, the Federal Bureau of Investigation, the Department of Defense, the Department of State, and other Federal entities use A-Files and contribute documents.

The inspection consisted of site visits with briefings from multiple USCIS and ICE program offices in four cities: USCIS and ICE Headquarters in Washington, DC; the New York City District Office of ICE and USCIS in New York, New York; the Dallas District Office of USCIS and ICE in Dallas, Texas; and the USCIS National Records Center in Lee's Summit, Missouri. USCIS records management personnel who could not travel to the site visit locations participated by phone for many hours. NARA received full cooperation from Federal and contractor records management staff. The team appreciates the efforts of the USCIS Headquarters Records Division staff in coordinating and facilitating the inspection site visits; their knowledge of A-Files processes was extremely valuable. We also would like to acknowledge the ICE Records Officer who gave the inspection considerable support and personal attention.

The management of A-Files requires the full-time effort of hundreds of Federal employees and contractors. It also requires the cooperation of many thousands of DHS staff in hundreds of program offices across the country and the globe. The inspection team saw just a small portion of the operations surrounding the management of these records and was impressed by the tremendous scope of the undertaking. Given all the complexities surrounding this voluminous and highly active record series and the large number of files that are in use at any given time, USCIS records management does an excellent job overall of managing A-Files. The agency has strong procedures for tracking files; solid controls over the creation, maintenance, and storage of the files; a sophisticated file auditing program; and detailed policies covering lost and missing files. The NARA inspection team was impressed with the professionalism and dedication of the records management staff at USCIS and ICE Headquarters as well as the field offices we visited.

The recommendations of this report are made in the spirit of helping these agencies improve what they already do well when it comes to the management of A-Files.

FINDINGS AND RECOMMENDATIONS

This report contains 9 findings and makes 15 recommendations. The key concerns include:

- Keeping duplicate and irrelevant documentation out of A-Files to help counteract the increasing average size of individual files;
- Improving program staff compliance with policies surrounding the use of electronic systems that track A-Files;
- Reducing the number of files listed as “lost” or “missing;”
- Increasing efficiency and reducing costs by improving the procedures and practices in regard to USCIS’ use of their own records center – the USCIS National Records Center in Lee’s Summit, Missouri – and of services offered by NARA’s Federal Records Centers; and
- Transferring A-Files to NARA in accordance with approved records schedules; and
- The amount of storage space required to maintain the A-Files in office areas as well as in the records centers is outgrowing availability.

A complete list of findings and recommendations is included as Appendix C of this report.

To ensure completion of the recommendations, as part of the inspection process, USCIS and ICE will be required to develop a Plan of Corrective Action (PoCA) that specifies how the agencies will address each report recommendation, including a timeline for completion of the corrective actions for each recommendation. NARA will analyze the proposed remedial actions and work with USCIS and ICE to ensure the adequacy of its PoCA. Upon approval of the PoCA, NARA looks forward to continuing a cooperative relationship with USCIS and ICE and assisting with the implementation of the recommendations.

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DEPARTMENT OF HOMELAND SECURITY
SHARED USE OF ALIEN REGISTRATION FILES BY
U.S. CITIZENSHIP AND IMMIGRATION SERVICES
AND
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

INSPECTION REPORT

INTRODUCTION

BACKGROUND

U.S. Citizenship and Immigration Services (USCIS), U.S. Immigration and Customs Enforcement (ICE), and U.S. Customs and Border Protection (CBP) are the three components of the Department of Homeland Security (DHS) that deal primarily with immigration and customs matters. USCIS oversees lawful immigration to the United States. ICE is the principal investigative arm of DHS and is responsible for the enforcement of Federal laws governing border control, customs, trade, and immigration. CBP, which is not a formal part of this inspection, secures the borders of the United States. Prior to the creation of DHS in 2003 the operational functions of ICE and USCIS along with parts of CBP were under the Department of Justice's Immigration and Naturalization Service (INS). The division of INS into three separate component agencies created an unusual situation in which all three agencies are dependent upon a single record series known as the Alien Registration Files or A-Files to conduct their business.

Aliens who interface with DHS, whether applying for benefits or a subject of an enforcement action, may be issued an A-Number. The A-File is the official record of immigration proceedings for a given alien. USCIS creates and maintains A-Files in order to track all non-naturalized resident aliens as they pass through the U.S. immigration process. While USCIS is the custodian for the A-Files, ICE and CBP rely heavily on the record series in carrying out their missions. These agencies have entered into formal Service Level Agreements (SLA) establishing responsibilities in sharing the A-File(s). Additionally, the Federal Bureau of Investigation, the Department of Defense, the Department of State, and other Federal entities may utilize information with DHS authorization and contribute documents to the A-File; however, they do not have direct access to the A-file.

A-Files are primarily a paper records series and, therefore, move physically to Federal offices in various parts of the country as business need dictates. A-Files are shipped between offices and agencies depending upon various circumstances, for example, when a given alien is requesting benefits, is involved in enforcement proceedings, or relocates. Files may be needed simultaneously by more than one agency or by more than one office within an agency. With over 70 million A-Files in DHS custody, tracking them is an enormous task. The files are accounted

for in large part by a system owned and managed by USCIS called the National File Tracking System (NFTS).

A-Files are the source documentation for the majority of our government's vitally important immigration activities. Additionally, there is a great deal of public interest in the A-File for research purposes, particularly from the genealogical community. Some subsets of this record series, such as the Chinese Exclusion Act¹ case files, have attracted considerable press and congressional attention. For these reasons, A-Files have been scheduled as permanent since 2008.

Determining the inactive status of the A-Files is difficult because at any given time over an alien's life they can request benefits or other services. NARA and USCIS established a 100-year period prior to transferring A-Files to the National Archives based on the birth date of the alien who is the subject of a given file. This is a longer period than is typical for most permanent records. Privacy concerns, increasing life spans, and the needs of law enforcement interests necessitated the longer retention. The long retention period requires USCIS to maintain, provide appropriate access to, and ensure preservation of A-Files for a considerable amount of time.

Given all the complexities surrounding the record series and the large number of files that are in use at any given time, USCIS generally does an excellent job of managing A-Files. The agency has strong procedures for tracking files; solid controls over the creation, maintenance, and storage of the files; a sophisticated file auditing program; and detailed policies covering lost and missing files. The NARA inspection team was impressed with the professionalism and dedication of the records management staff at USCIS and ICE Headquarters as well as the field offices we visited.

The recommendations of this report are made in the spirit of helping these agencies improve what they already do well when it comes to the management of A-Files.

INSPECTION OBJECTIVE

In the spring and summer of 2013, NARA inspected the policy and procedures covering USCIS and ICE's management of A-Files. NARA conducted this effort under the authority granted it by 44 U.S.C. 2904(c)(7) and 2906 to inspect records management programs and practices of Federal agencies. Specifically NARA was concerned with regulatory compliance in the following areas:

- Are A-Files being filed or otherwise identified and preserved so that they can be readily found when needed (36 CFR 1222.34)?

¹ Chinese Exclusion Act, passed in 1882, prohibited the immigration to the United States of all Chinese laborers. The act, under its various revisions, was in effect until 1943. The A-Files created in the process of enforcing the Chinese Exclusion Act constitute important primary resources for those interested in the Chinese and Chinese-American experience in the United States.

- Is records retention and disposition functionality being incorporated into the design and development of recordkeeping systems that are used to manage A-Files (36 CFR 1224.10(d))?
- Are A-Files being stored in facilities that are compliant with the standards in 36 CFR 1234 (36 CFR 1232.18(a))?
- When A-Files are maintained in electronic form, are records management and preservation considerations being integrated into the design, development, enhancement, and implementation of electronic information systems (36 CFR 1236.6)?
- In the handling of A-Files, are the relevant sections of the Privacy Act and Freedom of Information Act (FOIA), including disclosure exemptions under 5 U.S.C. 552a(b) and 5 U.S.C. 552a(b)(3) of the Privacy Act, being adhered to?

SCOPE AND PURPOSE

The purpose of this inspection was to determine if DHS had established sufficient business processes, policies, and procedures to ensure the safety, security, and preservation of the high volume, highly active, and permanently valuable A-Files record series. An important focus was the sharing of files among the various components of DHS and whether such sharing posed undue risk to the records. This inspection focused solely on A-Files. We did not review the records management programs for USCIS, ICE, or DHS as a whole.

NARA chose to inspect the USCIS's handling of A-Files because of the importance of the records, when active, to DHS business processes and, when finally transferred to the National Archives, to the genealogy community and other researchers. We were particularly interested in how shared access to paper records among several Federal agencies worked in practice. That A-Files might go lost or missing as they are sent from office to office and the question of what record material should be in the A-File were concerns to the inspection team because ultimately, as permanent records, responsibility for storing, maintaining, and providing access to the files will fall to NARA.

U.S. Customs and Border Protection

U.S. Customs and Border Protection is one of the three DHS components that utilize the A-File at the center of many of its business processes. Like ICE, CBP has access to NFTS, the primary, USCIS-owned, tracking system for the A-Files. Also like ICE, CBP has SLAs with USCIS that define each agency's role in the sharing of the records. However, the NARA inspection team decided not to include CBP as part of this inspection for several reasons. We felt that looking at how USCIS interacted with one law enforcement agency (ICE) in order to effectuate shared management of the A-Files would give us good perspective on the relevant records management policy and procedures and their implementation. Additionally, CBP has field sites and conducts their activities in broad and often remote territories. Therefore, at this time, due to travel

limitations NARA was not able to structure visits to any of these offices in a way that we considered cost-effective.

METHODOLOGY

To meet the objective of assessing whether USCIS and ICE are managing A-Files appropriately, we examined their relevant processes, policies, and procedures in light of applicable records management sections of the Code of Federal Regulations (CFR). To ensure that our inquiries into USCIS and ICE's records management practices were systematic and grounded in regulation, the NARA inspection team relied on an internally produced set of records management questions that correlate directly to the CFR (see Appendix D). We provided USCIS and ICE a questionnaire based on these standardized questions in advance of the site visits. Each of the offices we visited was given a chance to respond to the questions, provide documentation, and to demonstrate various aspects of their records management programs.

As part of the pre-inspection process, the NARA inspection team conducted its own background research. Additionally, USCIS and ICE provided documentation for various elements of its records management practices and procedures. The records management program staff at all field offices as well as USCIS and ICE Headquarters provided the NARA inspection team with a wide variety of documentation. Many of the documents provided were useful to the inspection team as background information. Others were more central in documenting and supporting the findings and recommendations of this inspection. A topical list of the documents gathered during the course of the inspection that the NARA team considered most relevant for the purposes of this inspection can be found in Appendix A.

The NARA inspection team elected to visit the Headquarters locations of USCIS and ICE in Washington, DC, for an overview of policies and their enforcement from a Headquarters' perspective. We chose two field locations, New York City and Dallas, to test these policies and review the handling of the records in routine business settings, with New York City being the largest office for USCIS and ICE, and Dallas as a smaller operation; we were able to get a sense of the workflow in two different environments. We also visited the USCIS National Records Center (NRC) in Lee's Summit, Missouri. The NRC is the central hub of storage, preservation, and overall management of A-Files prior to their long term, inactive storage at a NARA Federal Records Center (FRC) and eventual permanent transfer to the National Archives.

The records management staff at all locations were forthcoming throughout the process and provided excellent support and access to relevant information and agency staff. NARA received full cooperation from Federal and contractor records management staff. The team appreciates the efforts of the USCIS Records Division staff in coordinating and facilitating the inspection site visits; their knowledge of A-Files processes was extremely valuable. We also would like to acknowledge the ICE Records Officer who gave the inspection considerable support and personal attention.

FINDINGS AND RECOMMENDATIONS

As mentioned earlier, the NARA inspection team was generally impressed with the DHS agencies' management of A-Files. The file series is large and active, and the fact that it is mostly a paper record further complicates its management. We were especially impressed by USCIS' Records Training, Evaluation and Monitoring (RTEM) program whereby the agency conducts sophisticated audits in order to account for A-Files that have been coded in electronic tracking systems as "lost" or "missing." An RTEM team travels around the country to various USCIS regional offices auditing processes and providing much needed records management support.

For all that DHS agencies are doing right in managing A-Files; the NARA inspection team does have some recommendations for improvement. In particular we are concerned that the agencies:

- should keep duplicate and irrelevant documentation out of A-Files to help counteract the increasing average size of individual files;
- need to improve program staff compliance with policies surrounding the use of electronic systems that track A-Files in order to reduce the number of files coded as "lost" or "missing;"
- can alleviate storage pressures through improving procedures and practices in regard to USCIS' use of its own records center – the National Records Center in Lee's Summit, Missouri – and its use of NARA's Federal Records Centers; and
- must ensure that A-Files are transferred to NARA in accordance with approved records schedules.

There is also concern that the amount of storage space required to maintain the A-Files in office areas as well as in the records centers is outgrowing availability. In this section of the report we make specific recommendations for improvement in each of these areas.

1. Finding: USCIS does not provide a comprehensive, well-distributed description of the contents of an A-File; this leads to confusion, particularly in ICE field offices, about what should go into the file as permanent record material.

Records management and program staff stated the A-File has become something of a catchall and that employees and contractors are placing some items in the file that do not belong there. There was a particular concern in the Dallas ICE office about evidence and exhibits being added unnecessarily to A-Files. In some cases, duplicate copies of documents are placed into the A-File as well as tracking materials that do not provide informational value. The staff at the NRC also indicated that they have a large collection of exhibits, property, and other artifacts they have removed from A-Files. However, there is not an established procedure for properly disposing of this material.

ICE staff may be using the A-File as a catchall because the agency does not yet have its own records retention schedule. The ICE records officer is new to the agency and is aware of ICE's large number of unscheduled records. She has been working to identify these records and submit schedules to NARA. We believe that once these records schedules are approved and implemented, there will be a better understanding within the agency about what documentation belongs in an A-File and what documentation should be kept within a different record series.

1.1 Recommendation: USCIS and ICE should determine which documents belong in an A-File and then circulate guidance accordingly.

1.2 Recommendation: USCIS and ICE should add this topic to their records management training and otherwise increase awareness of the matter for all A-File users.

1.3 Recommendation: The ICE Records Officer needs to continue to work with NARA to schedule all ICE records.

1.4 Recommendation: The ICE Records Officer needs to develop a policy and procedure for the NRC covering the proper disposition of property and other artifacts that come into its custody through retired A-Files.

2. Finding: The average size of A-Files is increasing, with the implication that the file series is becoming increasingly costly to store. This trend is contributing to space concerns at the NRC and FRC.

The inspection team heard testimony at all of its site visits that the average size of the A-File is increasing. The NRC reported that the size of the A-Files it scans for a typical FOIA request is up in the last several years from 165 pages to 209, and that while they currently have storage space for 18 million files, in that same space five years ago they held about 23 million files. There are many reasons for this increase. Some of the factors are beyond the scope of this inspection, and others are addressed elsewhere in the report. However, the impact of the increasing size of files on NRC business processes is clear. The NRC is at capacity. Records are stored in boxes on the floor, on pallets, and on the top cap of 14-shelf-high unit shelving. The NRC has begun to send thicker A-Files to the FRC early in order to open up space for smaller files, and this is occurring against the thousands of files coming into the NRC every month with no foreseeable letup. While this is a good temporary solution until more space comes online, it will inevitably increase storage and retrieval costs.

We believe that USCIS needs to investigate the causes behind the increasing size of the A-File. In particular, the team feels that USCIS might be misinterpreting what they understand to have been a NARA instruction that "once something is added to an A-File it can never be removed." We find no evidence in the 2008 appraisal report documenting the scheduling of the A-File as permanent that this was ever NARA's position.

2. Recommendation: USCIS should determine the causes of increased size in the A-File and implement a plan for keeping the size of the files down. In particular, USCIS should work with NARA to seek clarification on the commonly held idea that once documents are placed in the A-File, they cannot come out.

3. Finding: Staff at USCIS and ICE do not consistently follow the processes for creating temporary files (T-Files) prescribed in the Records Operations Handbook (ROH).

Temporary Files (T-Files) are created when an A-File is not immediately available due to it being in use by another office or the situation cannot wait for the A-File to arrive from storage. The T-File contents, per the ROH, are to be merged into the A-File as soon as possible. Staff at the NRC indicate that when the A-File is not requested from storage that documents created in T-Files should be sent to the NRC as interfiles. However, the NRC receives and accepts T-Files from both USCIS and ICE. This practice contributes to a backlog of several *million* T-Files in the NRC that have not yet been merged with their parent A-File. The proliferation of T-Files contributes to USCIS' "lost and missing" files issue because when more than one T-File is created for a given A-File, they are not given a unique identifying number and, therefore, cannot be audited. Furthermore, the proliferation of T-Files is contributing to the NRC lack of storage space. Also, it takes greater resources for the NRC to merge T-Files with their parent A-File than it does for the NRC to interfile into the A-File. Interfiles are handled upon receipt at the NRC, while T-Files are only merged with A-Files when the file is requested or at the time of retirement to the FRC. Merging excessive numbers of T-Files with parent A-Files increases the effort and time required to retire A-Files.

3. Recommendation: USCIS needs to review how processes and procedures for creating T-Files are being implemented with a goal of reducing the number of T-Files being sent to the NRC in contravention of the policy spelled out in the ROH.

4. Finding: Records management staff spend a great deal of time reconciling lost and missing files in the tracking system(s) because USCIS and ICE program staff do not always update the A-Files tracking system(s) appropriately.

A-Files are very active, highly mobile, and at this time largely paper based. The business need for these files is such that they physically follow the alien who is the subject of a given file. For both USCIS and ICE this requires transferring the files between offices and across the country. It is essential that the tracking procedures are followed in order to determine where a file is at any given time. When a file's location is incorrect the file may eventually be marked as lost or missing.

USCIS' Central Index System (CIS) and NFTS are electronic systems that track A-Files. NFTS tracks the location of the file only, whereas CIS contains biographical data on aliens and file location information. ICE has read only access to CIS and full, read-and-write access to NFTS.

The interface between CIS and NFTS is imperfect and this exacerbates the lost and missing files phenomenon. For example, an A-File can be indicated as missing in CIS, but NFTS can show that it has been retired to the NRC. CIS will also make “ghost files” when someone makes a keying error while entering an A-File number into NFTS. CIS assumes that these keying errors are actually new A-Files and will then create the “ghost file.” USCIS plans eventually to remove tracking information from CIS and use only NFTS for tracking. Procedures for updating the systems in their current configuration are fully outlined in USCIS policy documents, as are sanctions for DHS staff and contractors with access rights to these systems who do not follow these procedures.

As A-Files move between offices they need to be checked in and out of NFTS, and this is not always done. The inspection team spoke with ICE employees in the Dallas field office that seem largely unaware of the processes that should be followed in regard to transferring files out of their File Control Office (FCO). Moreover, in all the field office visits there was evidence of a general lack of awareness of the corrective actions that may be taken against an employee, enumerated in the Service Level Agreement (SLA) between ICE and USCIS, for failing to follow proper file tracking procedures when handling A-Files.

4.1 Recommendation: USCIS should move forward with the consolidation of A-File tracking solely in the NFTS system and notify NARA when this is complete.

4.2 Recommendation: USCIS and ICE management need to reduce the extent to which their tracking systems are being circumvented by increasing training and awareness and enforcing the penalties called for in approved policies in situations where staff habitually ignores tracking procedures.

5. Finding: The ICE field offices we visited appeared largely unaware of the content of the Service Level Agreement (SLA) between USCIS and ICE.

The SLA is the operational document that determines which services USCIS records personnel perform for ICE. This is a fee-based agreement, and ICE pays USCIS for services. The services include access to and use of the A-Files, A-File training, evaluation and monitoring, and file management. ICE is also required by the SLA to use and abide by the procedures established in the USCIS Records Operations Handbook (ROH). The SLA is reviewed and updated annually. The existence of this agreement provides NARA with assurances that USCIS and ICE have policies and procedures in place to manage the sharing of A-Files.

The NARA inspection team has no issue with the SLA itself, but we did find indications that there may not be awareness in ICE field offices of the contents of the document. The ICE Dallas office did not know of the SLA’s existence and, therefore, not necessarily cognizant of the responsibilities it has in regard to the proper handling of A-Files and the consequences for mishandling them. One element in particular that the NARA team thought was important about the SLA is that it outlines the corrective actions that can be taken when staff do not comply with

the operational guidelines for CIS and NFTS. Despite the fact that some USCIS and ICE staff do not follow the tracking systems' operational guidelines, we found no evidence of corrective action being applied and little evidence that staff even understood that corrective actions could be taken.

5. Recommendation: ICE should develop a method of awareness and training on the SLA, particularly of its provisions underscoring the corrective actions that can be taken if procedures for transferring records and updating tracking systems are not followed.

6. Finding: USCIS and ICE have various programs to digitize A-Files for access that could be leveraged to capture permanent electronic versions of A-Files.

DHS business processes require the examination of original paper documents making complete transformation to a digital environment impractical. The sheer volume of existing files also makes digitization cost prohibitive. However, USCIS does in some cases provide digital access to A-Files in whole or in part.

USCIS's Enterprise Document Management System (EDMS) is an initiative for storing a limited number of electronic files in a single repository. The EDMS has enabled USCIS to begin converting millions of paper records to an electronic format and to provide multiple users with simultaneous access to the digitized electronic files. ICE and other DHS agencies are able to access EDMS. During the NARA inspection, the team heard some frustrations about the ease of search within EDMS. ICE's Office of the Principal Legal Advisor found EDMS was not suitable for its needs and created its own document management system - General Counsel Electronic Management System (GEMS); the office is in fact now developing a successor system. The ICE Records Officer is also conducting a gaps analysis of EDMS to see if the system is providing the functionality it needs.

The introduction of web-based access to citizenship and immigration services will increasingly move parts of the A-File into an electronic environment. In 2012 USCIS introduced Electronic Immigration System (USCIS ELIS). This online, account-based system allows aliens to electronically submit applications and supporting documents view their benefit requests, receive electronic notification of decisions, and receive real-time case status updates. Currently USCIS ELIS is only handling non-immigration transactions, but the plan is eventually for USCIS ELIS to handle immigration business functions. However, under current law, the A-File cannot become an exclusively electronic document because Congress mandates that USCIS accept paper applications for benefits.

USCIS ELIS is a day forward system. There will be no attempt to go back and digitize paper files as part of the USCIS ELIS program. The system is not currently scheduled, but USCIS is actively working with NARA to schedule it.

USCIS also scans paper A-Files for other access reasons. The NRC uses a Scan on Demand Application (SODA) program which ingests images into EDMS. The NRC also scans A-Files that are requested via FOIA but may be covered by the Privacy Act (PA) into the FOIA/PA Information Processing System (FIPS). These FOIA images are deleted after a period of time. Scanning for FIPS FOIA is not compliant to NARA specifications for the capture of permanent records. The NARA inspection team believes that it may be cost effective, and in keeping with the Office of Management and Budget/NARA Managing Government Records Directive (M-12-18), to capture A-Files permanently in a digital form when they are being digitized for access or for other reasons.

The NARA inspection team recognizes the fact that DHS is developing a transformation to electronic record keeping strategy that was in too early a state to be included in this inspection. This means there might be plans that we could not be aware of to handle some of what is described by this finding.

6. Recommendation: USCIS should conduct a cost benefit analysis and feasibility study to determine if they could scan to NARA's standards for permanent records when doing it for other purposes, and at the same time save these images in an electronic system designed to store permanent records.

7. Finding: USCIS does not re-file into transfers of A-Files stored in Federal Records Centers; therefore, FRC boxes become less than full increasing storage costs. The large compaction project to alleviate the problem does nothing to prevent compacted FRC boxes from becoming less than full once again.

The long established procedure is for USCIS not to send re-files back to the FRC but to submit withdrawn files under a new transfer number. This is not an ideal records management practice as it leads to storing less-than-full boxes, which is inefficient and costly. It also may contribute to the problem of missing files as files move from transfer to transfer.

To alleviate some problems associated with not re-filing, USCIS operates a compaction project out of the NRC whereby it permanently withdrawals transfers from the FRC, re-boxes them, and sends them back to the FRC under a new transfer number. This has been a very successful program for USCIS records management. Not only does it reduce space being used in the FRC, through the process, the agency locates many missing files.

While the NRC compacting project has met with good results, USCIS procedure is still not to send re-files back to the FRC even for those transfers which have been compacted. This means that overtime the problem of storing less than full boxes in the FRC will reemerge as files are withdrawn from compacted transfers.

The FRC at Lee's Summit, Missouri is willing to re-file into USCIS compacted transfers. USCIS should investigate if it is cost effective for the agency to begin to have the FRC re-file A-Files.

While there is a cost associated with re-filing at the FRC, it must be weighed against the extra costs of storage when boxes are not as full as they could be.

NARA recognizes that in some cases re-filing records is not a viable option – when a field office recalls a file, for example, and for business reasons adds to it significantly or is required to hold it onsite for a long period of time, or if the initial recall is just the beginning of a series of transfers among offices. However, USCIS procedure is to send their most inactive files only to the FRC, so situations where a direct re-file to the FRC is not possible should be rare.

7.1 Recommendation: NARA supports the compaction process for records held at NARA's FRCs in Lee's Summit, Missouri, and San Bruno, California, and should be notified when it is completed.

7.2 Recommendation: USCIS should update NARA on the results of the compaction in regards to a reduction in lost and missing files.

7.3 Recommendation: USCIS should conduct a cost benefit analysis of re-filing into compacted transfers at the FRC.

8. Finding: The FRC in Lee's Summit, Missouri frequently receives duplicate requests from USCIS for an A-File. This may stem from staff making requests in NFTS and then making the same request directly in NARA's Archives and Records Centers Information System (ARCIS).

Staff at the Kansas City FRC reported to the inspection team that they sometimes get duplicate requests for the same file from USCIS. If the requests come in close enough together, FRC staff can cancel one of the requests. However, if the requests don't come in at the same time, FRC staff will search for the file twice, once in response to each request, and invoice USCIS for both searches. If USCIS can identify the source or sources for the duplicate requests, the agency can reduce overall costs of retrieving files from the FRC. Some USCIS staff may be placing identical requests in NFTS and ARCIS on the assumption that it will increase the speed of retrieval. In actuality all this does is increase the costs of retrieval.

8. Recommendation: USCIS should investigate the causes of duplicate A-File requests coming to the FRC in Lee's Summit, Missouri. If the cause is staff making the same request in both NFTS and ARCIS, then USCIS needs to reinforce the proper procedures for requesting A-Files from the FRC.

9. Finding: Some A-Files eligible for accession into the National Archives have yet to be transferred by USCIS.

The inspection team was notified that there are transfers of A-Files that are eligible to be accessioned into the National Archives but that USCIS has not yet offered. USCIS needs to transfer permanent records to NARA in accordance with its approved records schedules. USCIS indicated they have concerns about Personally Identifiable Information (PII) and other sensitive information contained in the eligible A-Files. This was a concern during the appraisal process leading to the formal agreement between USCIS and NARA to designate the A-Files as a permanent record. To address this issue NARA has established detailed screening procedures to ensure that Privacy Act and other sensitive information are redacted before A-Files are made available to the public.

9. Recommendation: USCIS must transfer eligible permanent records to the National Archives in accordance with its approved records schedules.

APPENDIX A
RELEVANT PRE-INSPECTION DOCUMENTS

“2008 Comprehensive Response to the DHS CIS Ombudsman Report,” USCIS, September 30, 2008

“A-File System Background,” USCIS

“Alien Registration File (A-File) Creation, Maintenance, Organization, and Disclosure of Information,” ICE Directive I-32.0, October 2, 2009

“CIS Interface System Chart,” USCIS

“Citizenship and Immigration Services Ombudsman Annual Report 2007,” USCIS, June 11, 2007

“Citizenship and Immigration Services Ombudsman Annual Report 2008,” USCIS, June 30, 2008

“Citizenship and Immigration Services Ombudsman Annual Report 2009,” USCIS, June 30, 2009

“Citizenship and Immigration Services Ombudsman Annual Report 2010,” USCIS, June 30, 2010

“Federal Records: National Archives and Selected Agencies Need to Strengthen E-Mail Management,” GAO Report, June 2008

“Freedom of Information Act: DHS Has Taken Steps to Enhance Its Program, but Opportunities Exist to Improve Efficiency and Cost-Effectiveness,” GAO Report, March 2009

“Immigration Benefits: Additional Efforts Needed to Help Ensure Alien Files Are Located when Needed,” GAO Report, October 2006

“Performance Work Statement for: U.S. Citizenship and Immigration Services National Records Center (NRC) and File Storage Facility (FSF) Records Operations Support Services (ROSS),” National Records Center and File Storage Facility USCIS, 2009

“Privacy Impact Assessment for the Integrated Digitization Document Management Program (IDDMP),” USCIS, January 5, 2007

“Privacy Impact Assessment Update for the General Counsel Electronic Management System (GEMS),” DHS July 28, 2009

“Record Services Service Level Agreement between Citizenship and Immigration Services & Immigration and Customs Enforcement,” DHS, January 2, 2013

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“Records Management Self-Assessment Report,” NARA, 2011

“Records Management Self-Assessment Report,” NARA, 2012

“Records Operation Handbook,” USCIS, November 19, 2012

“U.S. Citizenship and Immigration Services’ Progress in Modernizing Information Technology,”
DHS Office of Inspector General, July 2009

“U.S. Citizenship and Immigration Services’ Functional Requirement Document Enterprise
Document Management System Release 4.3.0.0,” DHS, December 20, 2012

“U.S. Citizenship and Immigration Services’ Response to the Citizenship and Immigration
Services Ombudsman’s 2009 Annual Report,” USCIS, October 16, 2009

“U.S. Citizenship and Immigration Services’ Response to the Citizenship and Immigration
Services Ombudsman’s 2010 Annual Report,” USCIS, November 9, 2010

A-File History Timeline

DHS/USCIS and ICE Organizational Charts

Executive Records Management (RM) Briefing Central Index System (CIS) Dallas

FRC Compaction Table

ICE Directive 123-05 Telework Directive

ICE Enforcement and Removal Operations (ERO) Field Office_FY12

Request for Records Disposition Authority Alien Files (N1-566-08-11), March 30, 2009

Request for Records Disposition Authority EDMS (N1-566-08-17), March 30, 2009

Samples of RTEM Agenda

Standard Management Analysis and Reporting Tool (SMART) Reports samples for New York
and Dallas

USCIS Training Matrix

APPENDIX B

AUTHORITIES AND FOLLOW-UP ACTIONS

AUTHORITIES

- 44 U.S.C. Chapter 29
- 36 CFR Chapter XII, Subchapter B
- 36 CFR 1239, Program Assistance and Inspections

FOLLOW-UP ACTIONS

- ACTION PLAN

USCIS and ICE will submit to NARA an action plan that specifies how the agency will address each inspection report recommendation, including a timeline for completion and proposed progress reporting dates.

The plan must be submitted within 60 days after the date of transmittal of the final report to the head of the agency.

- PROGRESS REPORTS

USCIS and ICE will submit to NARA progress reports on the implementation of the action plan until all actions are completed.

- NARA REVIEW

NARA will analyze the adequacy of USCIS and ICE's action plan, provide comments to USCIS and ICE on the plan within 60 calendar days of receipt, assist USCIS and ICE in implementing recommendations, and inform USCIS and ICE when progress reports are no longer needed.

APPENDIX C

COMPLETE LIST OF FINDINGS AND RECOMMENDATIONS

1. Finding: USCIS does not provide a comprehensive, well-distributed description of the contents of an A-File; this leads to confusion, particularly in ICE field offices, about what should go into the file as permanent record material.

1.1 Recommendation: USCIS and ICE should determine which documents belong in an A-File and then circulate guidance accordingly.

1.2 Recommendation: USCIS and ICE should add this topic to their records management training and otherwise increase awareness of the matter for all A-File users.

1.3 Recommendation: The ICE Records Officer needs to continue to work with NARA to schedule all ICE records.

1.4 Recommendation: The ICE Records Officer needs to develop a policy and procedure for the NRC covering the proper disposition of property and other artifacts that come into its custody through retired A-Files.

2. Finding: The average size of A-Files is increasing, with the implication that the file series is becoming increasingly costly to store. This trend is contributing to space concerns at the NRC and FRC.

2. Recommendation: USCIS should determine the causes of increased size in the A-File and implement a plan for keeping the size of the files down. In particular, USCIS should work with NARA to seek clarification on the commonly held idea that once documents are placed in the A-File, they cannot come out.

3. Finding: Staff at USCIS and ICE do not consistently follow the processes for creating temporary files (T-Files) prescribed in the Records Operations Handbook (ROH).

3. Recommendation: USCIS needs to review how processes and procedures for creating T-Files are being implemented with a goal of reducing the number of T-Files being sent to the NRC in contravention of the policy spelled out in the ROH.

4. Finding: Records management staff spend a great deal of time reconciling lost and missing files in the tracking system(s) because USCIS and ICE program staff do not always update the A-Files tracking system(s) appropriately.

4.1 Recommendation: USCIS should move forward with the consolidation of A-File tracking solely in the NFTS system and notify NARA when this is complete.

4.2 Recommendation: USCIS and ICE management need to reduce the extent to which their tracking systems are being circumvented by increasing training and awareness and enforcing the penalties called for in approved policies in situations where staff habitually ignores tracking procedures.

5. Finding: The ICE field offices we visited appeared largely unaware of the content of the Service Level Agreement (SLA) between USCIS and ICE.

5. Recommendation: ICE should develop a method of awareness and training on the SLA, particularly of its provisions underscoring the corrective actions that can be taken if procedures for transferring records and updating tracking systems are not followed.

6. Finding: USCIS and ICE have various programs to digitize A-Files for access that could be leveraged to capture permanent electronic versions of A-Files.

6. Recommendation: USCIS should conduct a cost benefit analysis and feasibility study to determine if they could scan to NARA's standards for permanent records when doing it for other purposes, and at the same time save these images in an electronic system designed to store permanent records.

7. Finding: USCIS does not re-file into transfers of A-Files stored in Federal Records Centers; therefore, FRC boxes become less than full increasing storage costs. The large compaction project to alleviate the problem does nothing to prevent compacted FRC boxes from becoming less than full once again.

7.1 Recommendation: NARA supports the compaction process for records held at NARA's FRCs in Lee's Summit, Missouri, and San Bruno, California, and should be notified when it is completed.

7.2 Recommendation: USCIS should update NARA on the results of the compaction in regards to a reduction in lost and missing files.

7.3 Recommendation: USCIS should conduct a cost benefit analysis of re-filing into compacted transfers at the FRC.

8. Finding: The FRC in Lee's Summit, Missouri frequently receives duplicate requests from USCIS for an A-File. This may stem from staff making requests in NFTS and then making

the same request directly in NARA's Archives and Records Centers Information System (ARCIS).

8. Recommendation: USCIS should investigate the causes of duplicate A-File requests coming to the FRC in Lee's Summit, MO. If the cause is staff making the same request in both NFTS and ARCIS, then USCIS needs to reinforce the proper procedures for requesting A-Files from the FRC.

9. Finding: Some A-Files eligible for accession into the National Archives have yet to be transferred by USCIS.

9. Recommendation: USCIS must transfer eligible permanent records to the National Archives in accordance with its approved records schedules.

APPENDIX D
OFFICES VISITED DURING INSPECTION

USCIS Records Management, Headquarters, Washington, DC – April 9, 2013

USCIS Central Office Washington (COW), Headquarters, Washington, DC – April 9, 2013

ICE Records Management, Headquarters, Washington, DC – April 10, 2013

ICE Enforcement and Removal Operations, Headquarters, Washington, DC – April 10, 2013

USCIS New York City District Office, New York, New York – May 14, 2013

ICE New York City District Office, New York, New York – May 15, 2013

ICE Dallas Office of the Chief Counsel, Dallas, Texas – June 11, 2013

ICE Dallas Homeland Security Investigations/Special Agent in Charge, Dallas, Texas – June 11, 2013

USCIS Dallas District Office, RTEM observation, Irving, Texas – June 12, 2013

USCIS Dallas District Office, Irving, Texas – June 13, 2013

USCIS National Records Center, Lee's Summit, Missouri – July 23-24, 2013

Lee's Summit Federal Record Center in Lee's Summit, MO– July 25, 2013

APPENDIX E

SELECTED COMPLIANCE QUESTIONS

The following is a list of questions based on the CFR and other NARA guidance used to gather information during the course of this inspection. The questions are divided into specific records management topics.

Initial document requests:

ICE/USCIS will provide NARA with copies of:

- current records management directives;
- other authoritative issuances (orders, bulletins, guidance, memoranda) concerning the management of A-Files; and
- copies of any technical requirements documents covering current Electronic Document Management Systems and/or Records Management Applications that are used to manage A-Files.

Questions/areas to be addressed:

A-Files Workflow

Describe the workflow for the creation and use of A-Files.

- When is an A-File created?
- Which office is responsible for creating A-Files, or can either ICE/USCIS create them?

For files in paper format,

- Are A-Files all centrally located?
- Who requests A-Files?
- What is added to an A-File?
- What are the procedures for removing an A-File from storage?
- How long can someone keep an A-File?
- Are there procedures for returning A-Files?
- Do these procedures include verification that all documents are returned and in the proper order?

How are A-Files being maintained electronically?

- How are A-Files maintained electronically (ERMS/Records Management Application (RMA) or other)?
 - How are electronic records shared among agencies?
 - Are records on shared drives?
 - What are the access controls?
-

Program Requirements

Records Management Roles and Responsibilities/Competencies

What are the responsibilities of ICE/USCIS Headquarters RM personnel in managing A-Files?

- Do they develop policies/procedures for A-Files management?
- Do they develop records management training for all staff using/managing A-Files?
- Do they conduct audits, reviews, and/or evaluations?
- Do they approve and review Federal Records Center transfers?

For A-Files created or managed in program offices, what are staff (Records Liaison Officers (RLOs)) responsibilities for implementing and operating records management procedures?

- Who is formally assigned this responsibility at the office/program level?
- What are their responsibilities?
- Are there RLOs with specific responsibility for A-File management in each office or program?
- Where are they placed in the organization?
- What are the organizational connections or lines of communication between the office/program level RLOs and Headquarters RM staff?
- Is the records management program represented within senior management?
- What professional development opportunities, training, and resources are provided to the office/program level records managers or RLOs to fulfill their responsibilities?
- From whom do they receive training and how often?
- Do office/program level records managers or RLOs specifically perform records management duties, or have these duties become “other tasks as assigned”? If they are “other tasks as assigned,” how much of their time is devoted to performing records management duties?

Recordkeeping Requirements

Records Management Guidance / Controls and Oversight

Are policies and procedures for A-Files management readily accessible, on the agency’s intranet for example? How are updates to policies and procedures disseminated to staff?

Do the agencies have records management orientations for new employees, and are employees informed of their records management responsibilities concerning the A-Files?

Does each office/program have written procedures for oversight activities (inspections, evaluations) to ensure the proper management of A-Files?

Creation, Maintenance, Storage, and Disposition Requirements

Adequate Documentation through Recordkeeping

Do the agencies have written guidance for handling Privacy Act or FOIA restrictions?

Do the agencies have written guidance for handling classified records and information (if applicable) and for ensuring segregation from unclassified records and information?

Do the agencies have written procedures that address records management controls in alternate work site locations including – and especially – if files are physically transferred between locations and between agencies? What records issues have been identified and addressed?

Files Maintenance

How are A-Files managed at the office/program level?

- Describe the content, arrangement, and maintenance (storage) of a typical, active A-File.
- Does guidance specify a well-defined filing structure?
- Do file plans include disposition instructions and citations to records schedules?
- Does guidance specify well-defined file structures, naming conventions, and taxonomies for electronic records?

Inactive Records Storage

Are the A-Files stored at a commercial or agency storage facility, and has USCIS created documentation sufficient to identify and locate files?

Are the A-Files stored under the appropriate conditions based on the retention period of the records and in compliance with 36 CFR 1232.12?

Are non-textual records being stored in environmentally appropriate space?

Before transferring records to a records storage facility has USCIS created documentation sufficient to identify and locate files?

Records Disposition

Which records management staff at the agencies (Headquarters- and office/program-level) are responsible for the activities related to the disposition of records?

Who approves destructions and removals of records? Are records authorized for disposal only as provided in agency records schedules?

Have the agencies issued a handbook, guidance, or a directive that contains records disposition policies and procedures as well as the NARA-approved records schedules?

Are permanent A-Files transferred to NARA according to the NARA-approved schedules?

What controls do the agencies have in place, at Headquarters- and office/program- level, to prevent unauthorized removal or alienation of records?

Have there been any unauthorized destructions or dispositions of A-Files? If so, were they reported to NARA?

Electronic Records Management Requirements (Not Including E-mail)

General

Have the agencies assigned responsibility for the management of all A-Files and related records created, received, maintained, used, or stored on electronic media?

Does the records management staff work with information technology staff, and does records management staff participate in the design, development, and implementation of new electronic information systems?

Migration

Do the agencies have migration strategies for electronic A-Files, related records and information, and associated metadata?

Shared Drives and Unstructured Data

Do the agencies have policies and procedures that address A-Files and related records and information stored on shared drives? If yes, do the policies and procedures cover permissions, access controls, and acceptable formats for long-term records and information?

Does the record management staff work with information technology staff to ensure the integrity of the shared drives?

Are employees trained in the appropriate use of the shared drive to file A-Files and related records and information and trained in their responsibilities for retention of these records?

ERMS/RMA

Are electronic A-Files maintained in a fully functioning Electronic Records Management System (ERMS) or a Records Management Application (RMA) for maintaining and preserving electronic records?

- Describe the system.
- Describe access controls and how files are used by and shared among agencies.

APPENDIX F
ACRONYMS AND ABBREVIATIONS

A-Files	Alien Registration Files
ARCIS	Archives and Records Centers Information System
CBP	U. S. Customs and Border Protection
CFR	Code of Federal Regulations
CIS	Central Index System
COW	Central Office Washington
DHS	Department of Homeland Security
EDMS	Enterprise Document Management System
ERMS	Electronic Records Management System
ERO	Enforcement and Removal Operations
FCO	File Control Office
FIPS	FOIA/PA Information Processing System
FOIA	Freedom of Information Act
FRC	Federal Records Center
GEMS	General Counsel Electronic Management System
ICE	U.S. Immigration and Customs Enforcement
INS	Immigration and Naturalization Service
NARA	National Archives and Records Administration
NFTS	National File Tracking System
NRC	National Records Center (USCIS)
PA	Privacy Act
PII	Personally Identifiable Information
PoCA	Plan of Corrective Action
RLO	Records Liaison Officer
RM	Records Management
RMA	Records Management Application
ROH	Records Operations Handbook
RTEM	Records Training, Evaluation and Monitoring

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SMART	Standard Management Analysis and Reporting Tool
SODA	Scan on Demand Application
SLA	Service Level Agreement
T-Files	Temporary Files
USCIS ELIS	Electronic Immigration System
USCIS	United States Citizenship and Immigration Services



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