

Testimony of

The Honorable Patrick Leahy

May 2, 2002

We are here today because everyone agrees that the Immigration and Naturalization Service needs to be overhauled, a view that was dramatically reinforced by the September 11 attacks. The question we face today is how to reorganize the INS, a very important question that this Committee will devote itself to answering. I appreciate Senator Kennedy's leadership on this issue, and his willingness to chair this hearing. I also appreciate Senator Brownback's efforts - this is not a partisan issue but a matter of making government work.

To put it mildly, the last year has not been a good one for the INS. But although the political climate may call for a sudden response, Congress must keep its perspective and not simply embrace change for change's sake. We should also remember that even in an agency as troubled as the INS, there are many great employees whom we need to retain if we are ever going to get a handle on our immigration problems. I know this from firsthand experience in Vermont. I know that the Eastern Service Center in St. Albans, Vermont, has done a remarkable job in providing immigration services and in trying to weed out those who would fraudulently obtain immigration benefits. As their workload has increased under new laws we have passed, they have converted their cafeteria into additional office space, pioneered highly effective work-at-home policies, and retained their very impressive record.

Similarly, the Law Enforcement Support Center in South Burlington, which provides criminal background information about aliens to Federal, State, and local law enforcement agencies, has proven its effectiveness anew since September 11. The LESC is on duty every minute of every day to respond to queries from law enforcement officers. The Center's employees are unsung heroes, identifying potential terrorists and other safety threats to cops on the beat in cities and towns across the nation. Vermont is also home to the Swanton Border Patrol Sector, the Debt Management Center, and an INS Sub-Office, all of which provide critical services. Finally, the Eastern Regional Center - slated for elimination under the Administration's reorganization plan - also includes many fine employees whose skills should not be squandered.

The fine work of these Vermonters is achieved in spite of the fact that the INS as a whole is in need of repair. Having witnessed his tremendous organizational skills in the Senate, I was confident that Commissioner Ziglar would do an excellent job in reorganizing the agency. The problems at the INS were not of his own making, and I believed that he should have a chance to remake the agency in consultation with Congress. Although I had reservations about the Commissioner's plan, I discussed them with him and he was quite responsive. But now that the House has passed legislation - soon after the Administration announced an abrupt 11th-hour conversion as to the merits of that bill -- I cannot tell whether the Commissioner's plan remains in effect. I hope that the Administration stands behind the Commissioner and behind his commitments to a fair, smart restructuring. He, and those who work for him around the nation, deserve nothing less.

I would like to say a few words about the House-passed restructuring legislation. I know that Chairman Sensenbrenner made this issue a major priority, and I applaud him for his success and his willingness to craft a bipartisan bill that passed the House by such a substantial margin. I am worried, however, that the bill will create brand new problems in its attempt to rectify existing ones.

First, I am concerned that its failure to establish a strong central authority to supervise immigration policy could prove fatal to its effectiveness. The House bill creates a weak Associate Attorney General for Immigration Affairs, with limited supervision of the law enforcement and immigration services bureaus established by the bill. Prudent management practice suggests the need for a strong central figure who can direct immigration policy and make decisions in the many areas where law enforcement and benefits overlap.

Second, the bill threatens to create a larger, more cumbersome bureaucracy than under current law, as each immigration branch would have its own Office of Policy and Strategy, Legal Advisor, Chief Budget Office, and Congressional affairs office.

Third, I am concerned that the Service Bureau would end up with insufficient funding. Congress and the Administration need to ensure that separating enforcement and services will not result in a drastically underfunded services branch. The INS already faces severe backlogs in processing applications for naturalization and other benefits, and Congress should continue to work to mitigate them, not worsen them.

Fourth, asylum seekers need more protection than the House-passed plan provides them - we must not treat asylum as purely a law enforcement matter, but should instead ensure that those who arrive here fleeing persecution receive a full hearing and are not perceived simply as security threats.

I understand that Senators Kennedy and Brownback introduced INS reorganization legislation of their own earlier today. From what I know of their bill, I believe it is a substantial improvement over the House legislation, and I look forward to reviewing it further.

More than ever since September 11, it is critical that we effectively police our borders and keep out those who would harm America. I have worked to increase the number of INS Inspectors and Border Patrol officers along our Northern Border and to improve the technology we use to monitor our borders. And I will work to see that the INS undergoes a common-sense reorganization that will meet the needs of U.S. citizens and legal aliens alike. I look forward to hearing from today's witnesses and to an open discussion of these issues in the weeks and months to come as we work toward real, commonsense and lasting solutions to INS' problems.