

USCIS Transformation? “Those Who Cannot Remember the Past Are Condemned to Repeat It”

By Michael J. Goldstein and Eugene Goldstein

Editorial Note: On January 31, 2012, USCIS Office of Public Engagement emailed the January Bulletin for External Data Interface Standards (EDIS) to registered stakeholders. The January Bulletin states “... the timeframe for implementing EDIS in USCIS’s Electronic Immigration System (USCIS ELIS) as well as other core capabilities, has been revised. By moving out the implementation of EDIS standards to a future release, USCIS ELIS will be better able to support external party products and systems.” No specific target date is mentioned.

On November 23, 2011 the Department of Homeland Security Office of the Inspector General (OIG) issued a report entitled “U.S. Citizenship and Immigration Services’ Progress in Transformation” (OIG-12-12).¹ Perhaps, an appropriate subtitle for the OIG’s report would be George Santayana’s aphorism – “Those who cannot remember the past are condemned to repeat it” – as the 2011 report is strikingly similar to a 1990 General Accounting Office (GAO) Information Management Report entitled “Immigration and Naturalization Service Lacks Ready Access To Essential Data.”

On December 2, 2011, USCIS made identical announcements in its official blog “The Beacon”² and also in a letter to stakeholders, that the planned deployment of the first stage of “Transformation” involving the paperless processing of I-539 forms would be delayed. The announced reason for the delay was that further testing needed to be performed. No new deployment date was announced. For those of us who are familiar with USCIS this announcement was not a surprise. Initially expected to be deployed in 2009, “Transformation” has been delayed repeatedly.

The OIG’s November 23, 2011 report, which was later released to the public, addressed the strengths and

weaknesses of the Transformation project – often criticizing how USCIS had developed “Transformation” – and, ultimately, provided its recommendations for how to improve the project moving forward. The criticisms ranged from “changes in the deployment strategy” to “insufficiently defined system requirements.”³ None of these were particularly surprising, as they seemed like criticisms we have heard before. In fact, we have.

Our office recently unearthed a September, 1990 General Accounting Office (GAO) Information Management Report entitled “Immigration and Naturalization Service Lacks Ready Access To Essential Data” (GAO/IMTEC-90-75).⁴ In that report, the GAO found that one of the biggest problems INS faced, at that time, in the computerization of the administrative process was that it failed to define and adhere to the scope of the project – acquisition of proper computer and software equipment – before hiring a contractor to help solve it. In its report, the GAO stated:

An overriding problem is that INS’ IRM [Information Resources Management] plan offers conceptually sound goals but provides little direction on how to meet them. An IRM plan should first, define its own agency’s information needs and second, describe how technology can best support these needs.⁵

The report went on to say that, initially, INS did define and assess its information needs, but quickly abandoned that assessment in an attempt to speed up systems development. Rather than seeing their initial plan through, INS focused on individual program needs and wound up with a haphazard system that was not uniform and did not meet the agency’s system-wide needs. The report stated:

³ OIG-12-12 at 1.

¹ OIG-12-12, available at http://www.oig.dhs.gov/assets/Mgmt/OIG_12-12_Nov11.pdf (last accessed Jan. 25, 2012). See also AILA InfoNet Doc. No. 12010365.

² <http://blog.uscis.gov/2011/12/uscis-develops-transformation-system.html> (last accessed Jan. 25, 2012).

⁴ GAO/IMTEC-90-75, available at <http://www.gao.gov/assets/220/213072.pdf> (last accessed Jan. 25, 2012).

⁵ GAO/IMTEC-90-75 at 2.

Despite INS's efforts to enhance its information systems and support critical mission information needs, progress has been slow. Several factors have contributed to this. Specifically, while INS developed an IRM long-range plan establishing goals and detailing system modernization initiatives, the plan does not provide needed direction because it is not based on an information analysis and a formal agencywide planning process that clearly outlines INS' mission.⁶

The report went on to contextualize years of difficulty INS had encountered implementing system-wide modernization improvements:

INS' efforts over the past decade to develop an effective IRM framework have encountered several...problems.... In the early 1980s, in response to congressional concerns about the lack of planning and information needs assessment, INS assessed the information needs of each major program and initiated a long-term plan to support these needs with technology. However, in 1983, in an effort to speed up system acquisition and software development, INS management deviated from the plan's outline and began an accelerated, ad hoc modernization of its information systems.

... [The GAO] reported in 1986 that because of inadequate internal controls, INS (1) violated federal procurements regulations in awarding a \$61.3 million contract for computer systems acquisition, (2) paid too much, and (3) bought equipment without the clear statement of the agency's ADP requirements.⁷

Specifically, the GAO found that INS entered into multi-million dollar contracts for computer equipment before accessing its needs, failed to adhere to the established blueprint, causing significant delays, and thereby wasted the agency's limited resources. Thus, the GAO's 1990 report found INS inability to modernize was the result of nearly a decade of poor planning. Lacking a plan, and perhaps more importantly, failing to stick to the plan once it was established, exacerbated INS' inefficiency as the agency wasted significant time, money, and effort on a project that was supposed to improve the agency's access to resources, information, technology, and overall efficiency.

Flash forward to 2012, and the 1990 GAO report sounds eerily similar to the current OIG report which,

essentially, found that the same mistakes that plagued INS in the late 1980s and early 1990s are alive and well in USCIS' "Transformation" project. The 2011 OIG report states:

Although USCIS has made progress, implementation of the transformation project has been delayed. Specifically, USCIS extended its timeline for its first deployment because of a change in its deployment strategy. In addition, the lack of sufficiently defined requirements prior to selecting the IT system solution led to a reduction in the scope of the first deployment.⁸

The reduction of scope for the first release was necessary because USCIS has not sufficiently defined its requirements before the IT system solution was selected. Based on its initial understanding of the processes and requirements, the solution architect concluded that an out-of-the-box system would provide the capabilities needed to enable customers to complete forms electronically and USCIS adjudicators to review the forms electronically. However, the USCIS working groups that identified system requirements did not limit the requirements to the constraints of the out-of-the-box system. USCIS envisioned that the new system would fully automate the entire benefits process, such as automatically assigning work to USCIS employees and automatically checking for potential criminal and fraudulent activity. In September 2010 and again in January 2011, the solution architect informed USCIS that it would have to reduce the scope of the deployment to include the additional requirements and meet the December 2011 deadline for deployment.⁹

USCIS did not meet its original deployment goals because it revised its deployment strategy in December 2009. Specifically, USCIS reversed the order in which it planned to reengineer processes and implement electronic capabilities for each line of business....¹⁰

To recap, USCIS hired a solution architect to design software before it identified what it sought to accomplish with its paperless "Transformation." It

⁶ *Id.* at 8.

⁷ *Id.* at 9.

⁸ OIG-12-12 at 8.

⁹ *Id.* at 10.

¹⁰ *Id.* at 9.

then changed its strategy – after the architect had begun work – and was forced to delay deployment for years and drastically reduce the scale by which “Transformation” would eventually be deployed.

Unfortunately, according to the OIG’s report, through fiscal year 2011, USCIS estimates it will have spent about \$703 million, roughly \$292 million more than the original program baseline estimate. In other words, USCIS has wasted \$292 million taxpayer dollars to relive legacy INS’ inefficient – and some might say painful – 1980-1990 experience.

The more things change, the more they stay the same.

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