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**NAVAL
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THESIS

**TRANSFORMING THE U.S. IMMIGRATION SYSTEM
AFTER 9/11: THE IMPACT OF ORGANIZATIONAL
CHANGE AND COLLABORATION IN THE CONTEXT OF
HOMELAND SECURITY**

by

David Wolfe

December 2008

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**TRANSFORMING THE U.S. IMMIGRATION SYSTEM AFTER 9/11: THE
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CONTEXT OF HOMELAND SECURITY**

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ABSTRACT

The terrorist attacks on 9/11 led to a fundamental reorganization of the U.S. immigration structure. The Immigration and Naturalization Service (INS) was abolished in 2003 and its missions were transferred into three distinct components within DHS: U.S. Citizenship and Immigration Services (USCIS), Immigration and Customs Enforcement (ICE), and Customs and Border Protection (CBP). This thesis focuses on the perceptions of USCIS employees on organizational change and collaboration in the DHS immigration structure that was established in 2003. Effective organizational change is essential for an agency to carry out policies and execute its missions. Collaboration is also vital to USCIS since it works closely with ICE in combating immigration benefit fraud to strengthen the security of the legal immigration system.

This thesis identifies areas for USCIS regarding future organizational change and enhancements to collaboration with a homeland security partner such as ICE. It further identifies areas such as collaborative competencies, trust and networks to improve collaboration between USCIS and ICE in targeting immigration benefit fraud.

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I. INTRODUCING IMMIGRATION AS A HOMELAND SECURITY ISSUE

A. HOW 9/11 CHANGED THE U.S. IMMIGRATION STRUCTURE

Since the attacks of 9/11, there has been a significant focus on the importance of immigration as a homeland security issue. Much of the recent emphasis on U.S. immigration policy has been on border security and worksite enforcement. Most would agree that both strategies are critical to homeland security in that they stem the flow of illegal aliens to include those who may want to inflict harm on America and identify aliens who are unauthorized to work in the U.S. However, immigration benefit fraud is also critical to homeland security, yet, it has not received the same focus or emphasis, especially in recent forums regarding comprehensive immigration reform. Immigration fraud is a significant concern to the legal immigration system because it undermines the rule of law and provides opportunities for terrorists to travel and reside legally within the U.S. Transnational organized crime and other criminal elements also enrich themselves in areas such as human trafficking by committing immigration fraud.¹ Further, terrorists and other criminal elements can use immigration fraud to acquire legal immigration benefits and bypass increased border security efforts.

The events of 9/11 are a reminder that the hijackers used the U.S. legal immigration system to enter, travel freely, train, and embed themselves in the United States, which enabled them to execute the terrorist attacks on 9/11. In fact, the hijackers successfully entered the U.S. 33 of 34 times, with the first arriving on January 15, 2000 at the Los Angeles International Airport.² After the attacks occurred, the 9/11 Commission engaged in a concerted effort to learn why the U.S. government did not uncover the plot earlier and whether a lack of information sharing or a lack of urgency by federal

¹ Asian Transnational Organized Crime, <http://www.ncjrs.gov/pdffiles1/nij/214186.pdf> (accessed December 2008).

² Thomas R. Eldridge, Susan Ginsburg, Walter T. Hempel III, Janice L. Kephart, and Kelly Moore, *9/11 and Terrorist Travel, Staff Report of the National Commission on Terrorist Attacks Upon the United States*, August 21, 2004, 12.

departments contributed to not identifying the plot sooner. The 9/11 Commission identified that the hijackers engaged in a well conceived plan that included obtaining U.S. visas overseas from the U.S. State Department, which allowed them to travel to U.S. airports to apply for inspection into the U.S., and eventually, apply for additional immigration benefits such as permission to attend pilot training and other permissible extensions of stay after their entry into the U.S. The 9/11 attacks illustrated why the U.S. needed a seamless immigration structure both in the U.S. and abroad to recognize terrorist threats, identify people engaging in immigration fraud and have organizational mechanisms to share information readily across multiple entities such as the Department of Homeland Security (DHS) and Department of State (DOS) that have immigration responsibilities.

One could argue that a pivotal point that led to the abolishment of INS occurred shortly after 9/11. Six months following the events of 9/11, the Immigration and Naturalization Service (INS) mistakenly sent approval notices that authorized immigration benefits for two of the 9/11 hijackers.³ President Bush ordered then-Attorney General John Ashcroft and then-Secretary of Homeland Security Tom Ridge to investigate how such a mistake could have happened when Mohamed Atta and Marwan al-Shehhi were widely known as two of the 9/11 hijackers.⁴ This error reinforced the public's perception that INS was ill equipped to execute the nation's immigration policy effectively in a post 9/11 environment. Consequently, a number of proposals were put forward that included an internal restructuring to completely abolishing the INS. Jeffery Manns indicates in "Reorganization as a Substitute for Reform: the Abolition of the INS" that the five proposals included:

- (1) the INS's internal reorganization plan;
- (2) and (3) the main House (Sensenbrenner-Gekas) and Senate (Brownback-Kennedy) proposals to create a new immigration agency with a sharper separation between service and enforcement bureaus;
- (4) the Bush Administration's plan to

³ "4 Top Officials on Immigration Are Replaced Eric Schmitt," *New York Times (1857-Current file)*; March 16, 2002, ProQuest Historical Newspapers (1851 - 2004), A1.

⁴ Bush Orders Inquiry into Visas Issued to Terrorists after Attack, by Alison Mitchell Elisabeth Bumiller, *New York Times (1857-Current file)*; March 14, 2002, ProQuest Historical Newspapers (1851 - 2004), A1.

subsume an unchanged INS into the proposed Department of Homeland Security; and (5) the likely legislative compromise to shift the INS's enforcement functions to the Department of Homeland Security and leave the service functions in the Department of Justice (DOJ).⁵

In 2003, the INS was abolished and its missions were transferred into three distinct components within DHS: 1) U.S. Citizenship and Immigration Services (USCIS), 2) Immigration and Customs Enforcement (ICE) and 3) Customs and Border Protection (CBP). USCIS is now responsible for the adjudication of immigration benefits. ICE is responsible for interior immigration enforcement as well as the former U.S. Customs' mission. CBP is primarily concerned with U.S. border security involving people and cargo as well as inspection duties at U.S. airports, seaports and port of entry points along the U.S., Mexican, and Canadian border.

Initially, the new structure of USCIS, ICE and CBP was touted as a landmark event to partition immigration responsibilities into three areas: USCIS- immigration benefits, ICE- immigration enforcement, and CBP- border security. However, a recent Congressional Research Service report, which focused on immigration related organizational issues within DHS asked the following question concerning the efficacy of spreading immigration responsibilities amongst USCIS, ICE and CBP.

Does this disaggregation of immigration operations sharpen the focus to perform the disparate functions and prompt a sense of responsibility across a broader set of managers- increasing the stakeholders and improving administration of immigration law and policies? Or does the dispersal of immigration functions muddy the chain of command and foster competition among priorities- leading to turf battles and thwarting the development of a comprehensive immigration policy?⁶

⁵ Jeffrey Manns, "Reorganization as a Substitute for Reform: The Abolition of the INS," *The Yale Law Journal* 1 (October 2002): 150.

⁶ Ruth Ellen Wasem. *Toward More Effective Immigration Policies: Selected Organizational Issues*, CRS Report for Congress, RL33319 (Washington, D.C.: CRS, 2007), 28.

B. HISTORICAL REVIEW OF THE U.S. IMMIGRATION STRUCTURE AND ORGANIZATIONAL CHANGE

Currently, there is little data available to support a superior organizational strategy accurately to optimize and align all aspects of the U.S. immigration structure. However, a historical review of the U.S. immigration structure shows that it has been in a constant state of organizational change. In “Inside the Immigration and Naturalization Service: The Organizational Dynamics of a Problem Agency,” Sharon Barrios outlined some of the noteworthy historical organization changes since its inception.

In 1891, Congress adopted the Immigration Act of 1891 (26 Stat. 1084), creating the Office of Immigration. Since 1891, INS has been under the supervision of the Secretary of the Treasury, Department of Commerce and Labor in 1903, to the new Department of Labor in 1913 where the immigration and naturalization functions were divided into two separate bureaus: the Bureau of Immigration and the Bureau of Naturalization that were each headed by its own commissioner under the immediate supervision of the Secretary of Labor. In 1933, the Immigration Bureau and Naturalization Bureau were again combined within the Department of Labor and the one bureau was the Immigration and Naturalization Service (INS). In 1940, the INS was transferred to the Department of Justice and from 1954 until mid-1990s it went through three centralizing and decentralizing reorganizations. The primary theme of the INS reorganizations between 1954 and the mid-1990s focused on levels of autonomy of field personnel versus intervention and control of HQ to attempt to balance central authority and local flexibility.⁷

History has demonstrated that the U.S. immigration system has been fluid and has adapted to numerous changes since 1891. The post 9/11 immigration reforms are yet another change in a long history of changes to reorganize the U.S. immigration system. However, does reorganization equate to a successful reform? In the case of the current immigration structure, functions were divided between service (benefits) and enforcement. Further, enforcement was further divided between interior enforcement (investigations) and border security. One could say that “boundaries” were drawn in the hopes of making the immigration structure more efficient and effective than what

⁷ Sharon A. Barrios, *Inside the Immigration and Naturalization Service: The Organizational Dynamics of a Problem Agency* (PhD, diss., Princeton University, November 1999), 240-242.

occurred under INS. Drawing boundaries in public administration has been central to the administrative process because it defines the roles and responsibilities for each organization and what roles and responsibilities lie elsewhere.⁸ Donald Kettl describes a poignant story about John Wesley Powell, who headed the U.S. Geological Survey in the late 19th century in “Managing Boundaries in American Administration: The Collaboration Imperative.” Wallace Stegner who wrote Powell’s biography described the challenges in drawing boundaries on how water in the western U.S. would be distributed and allocated based on resource-based realities.

Too often, Stegner explains, policy makers in faraway Washington sketched neat lines with little understanding of the implications of the decisions they were making. They often drew boundaries that confounded responsibility over water and, ever since, governments in the region have struggled with the mismatch of their boundaries, their assets, and their problems.⁹

One might draw similar parallels in how Washington desired to draw water boundaries neatly in the western U.S. to neatly dividing the immigration functions into three distinct DHS components without a true understanding of the implications of the results. In keeping with the theme of creating boundaries and dividing immigration responsibilities, this thesis will strive to uncover some of the challenges and limitations that resulted from the reorganization of the U.S. immigration functions.

Figures 1.1 and 1.2 illustrate the INS and current DHS immigration structure. Although the immigration functions have been differentiated after 9/11, there are still many areas where integration occurs. As background, many of the individual responsibilities of USCIS, ICE, and CBP have an impact on each other in some fashion. USCIS adjudicates immigration benefits, which in some cases, allow people to apply for inspection and entry into the U.S. by CBP. If CBP detects fraud based on an immigration benefit at a port of entry that was approved by USCIS, mechanisms need to be in place to notify USCIS to take appropriate actions. As new immigration benefits emerge or if there

⁸ Donald F. Kettl, “Managing Boundaries in American Administration: The Collaboration Imperative,” *Public Administration Review*, December 2006, 10.

⁹ *Ibid.*

are changes to existing immigration policy, CBP and ICE need to be aware on how the new changes will affect enforcement and border security. ICE needs to keep USCIS aware of interior benefit fraud investigations to ensure the security of the legal immigration system and the granting of immigration benefits. Similarly, USCIS needs to keep ICE aware of benefit fraud patterns and trends developed internally by USCIS that may affect future benefit fraud investigations. Lastly, USCIS, ICE and CBP need to keep open channels of communication with the Department of State to guarantee that immigration benefit fraud identified at overseas consulates is shared throughout the USCIS, ICE and CBP network. This example is not to suggest that either the INS structure or DHS structure is superior to one another. Rather, it is to illustrate the interconnectedness of immigration policy, procedure and functions within the U.S. immigration system. Due to the complexity of immigration, both structures are challenged with implementing collaboration, awareness of each other's responsibilities, how the disparate missions affect each other, and the ever, emerging immigration policies that make the U.S. immigration system so vibrant. The challenge for homeland security leaders is to be aware of, and when necessary, overcome the institutionalized boundaries created with the new DHS immigration structure.

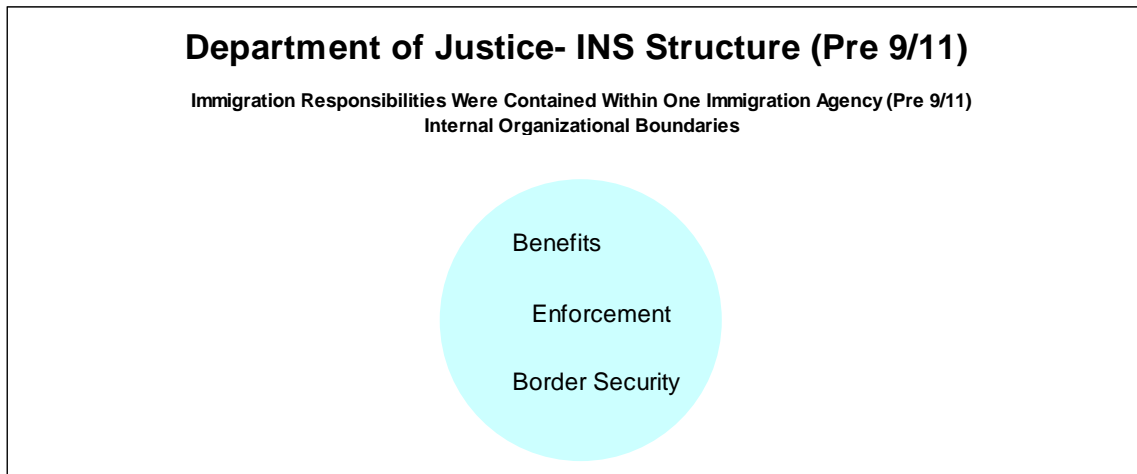


Figure 1.1. Internal Organizational Boundaries within INS

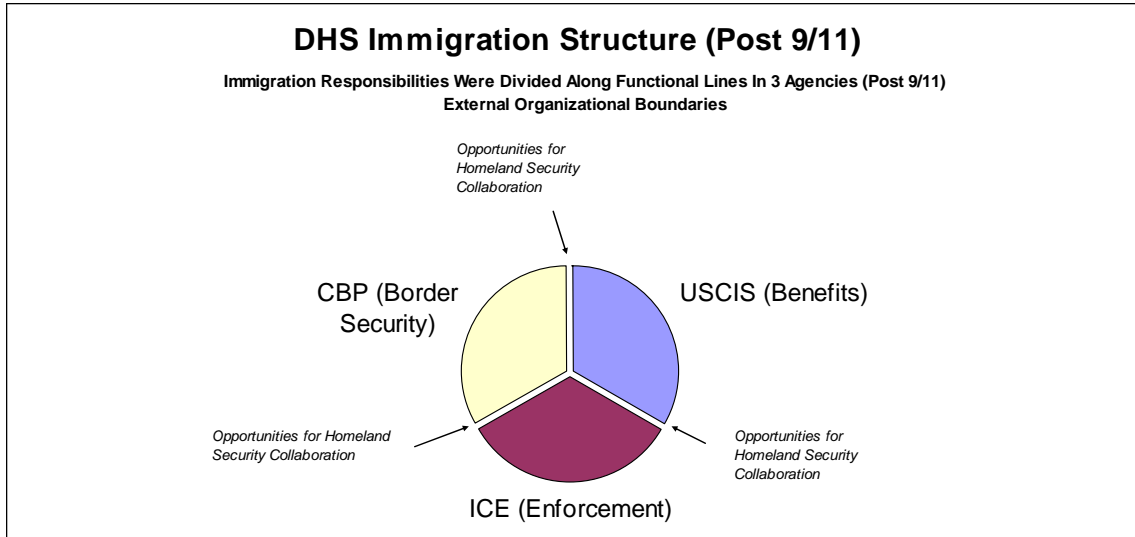


Figure 1.2. Distinct Organizational Boundaries within DHS

C. NATURE OF IMMIGRATION BENEFIT FRAUD AND CURRENT IMMIGRATION STRUCTURE

It is important to begin with a description of immigration benefit fraud and explain why it is important to U.S. homeland security efforts. Immigration fraud is generally grouped into two types: immigration-related document fraud and immigration benefit/qualification fraud:

- Immigration-related document fraud includes counterfeiting, sale, and/or use of identity documents such as birth certificates and social security cards as well as passports, visas or any other documents to circumvent immigration laws.
- Benefit/qualification fraud encompasses the willful misrepresentation of a material fact to qualify for a status or benefit under immigration law in the absence of lawful eligibility for that benefit. An example of benefit fraud would include entering into a sham marriage to claim to be the spouse of a U.S. citizen or omitting a disqualifying criminal conviction from an application to become a Lawful Permanent Resident of the U.S.¹⁰

¹⁰ Ruth Ellen Wasem, *Immigration Fraud: Policies, Investigations, and Issues* (Congressional Research Service Report for Congress, Updated April 3, 2008), CRS Order Code RL34007, 2.

In order to highlight the significance of immigration benefit fraud as a homeland security matter, the Department of Homeland Security's first goal in the (DHS) 2008 Strategic Plan is to protect the U.S. from dangerous people. Goal 1 Objective 1.4 states that DHS will improve security through enhanced immigration services.

We will increase our security by denying immigration benefits to persons wishing to do us harm and integrating our information with that of other Federal agencies with an aim of keeping out dangerous individuals. We will strengthen immigration fraud detection and other measures to protect the country while ensuring that we provide immigration benefits to eligible parties in a timely, efficient, and customer-centric manner.¹¹

DHS has clearly emphasized that it is a priority to ensure the security of the legal immigration system and to identify dangerous individuals who could use the legal immigration system to embed themselves in the U.S. to execute future attacks. USCIS will play a key role in supporting DHS Goal 1 Objective 1.4 by administering the legal immigration system. DHS Delegation Number 0150.1 authorized USCIS to investigate alleged fraud with respect to immigration applications.¹² ICE will also be a key member in exercising its law enforcement responsibilities in ensuring the security of the immigration benefits system. DHS Delegation Number 7030.2 authorized ICE to investigate alleged fraud with respect to applications within the jurisdiction of CBP and USCIS.¹³

The first goal in the current USCIS strategic plan is to strengthen the security and integrity of the immigration system. The second goal seeks to provide efficient customer-oriented immigration benefits and information services. The on-going challenge for USCIS is to maintain the security of the immigration system while efficiently administering immigration benefits and services to eligible "customers." USCIS needs to balance Goal 1 and Goal 2 effectively for it to be successful because in 2002, GAO had

¹¹ One Team, One Mission, Securing Our Homeland U.S. Department of Homeland Security Strategic Plan Fiscal Years 2008-2013, <http://www.dhs.gov/xabout/strategicplan/> (accessed November 2008), 7.

¹² Department of Homeland Security Delegation Memo 0150.1, Delegation to the Bureau of Citizenship and Immigration Services, section 2(I), Issue Date June 5, 2003.

¹³ Department of Homeland Security Delegation Memo 7030.2, Delegation of Authority to the Assistant Secretary for U.S. Immigration and Customs Enforcement, section 2(I).

already found that INS had difficulties in providing immigration benefits in a timely manner while denying benefits to those who were not eligible.¹⁴ Past indications have shown that a wide variety of people from many different backgrounds engage in and entice others who are seeking a lawful immigration status in the U.S. to commit benefit fraud. The scope of the fraud schemes target many areas within the legal immigration system including but not limited to marriage, employment, religious worker, legalization, and asylum benefits. A number of examples that highlight the prevalence and scope of immigration benefit fraud are listed in the Appendix. Clearly, identifying and reducing immigration benefit fraud is an important part of the overall DHS strategy to ensure dangerous people and others who are committing fraud are not granted a legal status in the U.S.

**D. IMMIGRATION AS A CORE ISSUE TO HOMELAND SECURITY;
LEARNING FROM PAST PRACTICES ON BENEFIT FRAUD**

Immigration is a core homeland security issue for the federal, state and local governments throughout the U.S. as each are touched by immigration in negative and positive ways. While the U.S. administers a generous immigration program to assist with family reunification, trade, cultural endeavors such as the performing arts, and the economy, it also must ensure the integrity of the U.S. immigration system to identify national security, public safety threats and other fraudsters who might circumvent the legal immigration system. During the past couple of years, there has been a national debate on the need for comprehensive immigration reform, which primarily focused on providing border security to reduce illegal immigration while drastically increasing the legal immigration of foreign workers and humanely dealing with people who are currently living in the U.S. in an illegal status. Some would argue that the enforcement of immigration laws is vital to a comprehensive immigration reform program. Alternative points of view suggest that the new laws and programs enacted in the aftermath of 9/11

¹⁴ Government Accountability Office, *Immigration Benefit Fraud, Focused Approach is Needed to Address Problems*, GAO Report GAO-02-66 (Washington, D.C.: GAO, 2002), <http://www.gao.gov/new.items/d0266.pdf> (accessed December 2008), 27.

are too restrictive and have created an anti-immigrant hysteria.¹⁵ Although, some think that the post 9/11 immigration enforcement policies have created a hostile environment toward illegal aliens by increasing worksite enforcement and apprehensions in residential homes and more involvement by state legislatures in charging aliens who are working illegally in the U.S. While there is room for a greater debate on how stringent a comprehensive immigration reform program might appear, there is little doubt that immigration benefit fraud needs to be part of the discussion since eligibility for the program will most likely draw people from other countries who will not readily qualify based on the merits of the program. As previous large-scale immigration programs from the 1980s have shown, comprehensive immigration reform has the potential to be fraught with fraud if it is not designed correctly from the outset.

President Bush mentioned in his inaugural address that much work was accomplished in securing the border such as increasing worksite enforcement, deploying fences and advanced technologies to stop illegal crossings, and doubling the border agents.¹⁶ As recently as June 9, 2008, Secretary Chertoff made remarks at a State of Immigration Address where he also addressed the concept of comprehensive immigration reform. Secretary Chertoff emphasized three major areas: continued progress at the border, efforts to provide employers with better tools to maintain a legal workforce and efforts to strengthen and increase the efficiency of foreign temporary worker programs.¹⁷ Secretary Chertoff also touted other familiar border metrics such as fences, hiring border patrol agents, and technology as part of the Secure Border Initiative (SBI).¹⁸ While a secure border is part of comprehensive immigration reform, it is only part of a prerequisite for a way forward national immigration strategy. The effective identification of immigration benefit fraud should also be a key contributor to comprehensive

¹⁵ Cheryl Little, "The War on Immigrants: Stories from the Front Lines," *Americas Quarterly* (Summer 2008): 75.

¹⁶ President Bush Delivers State of the Union Address, <http://www.whitehouse.gov/infocus/immigration/> (accessed July 2008).

¹⁷ Remarks by Homeland Security Secretary Michael Chertoff and Department of Commerce Secretary Gutierrez at the State of Immigration Address, http://www.dhs.gov/xnews/releases/pr_1213101513448.shtm (accessed July 2008).

¹⁸ Fact Sheet: Secure Border Initiative, http://www.dhs.gov/xnews/releases/press_release_0794.shtm (accessed July 2008).

immigration reform. Immigration benefit fraud is vital to support an effective national immigration strategy because immigration benefits allow people to enter and reside lawfully in the U.S. For example, USCIS approves immigration benefits based on employment and marriage petitions that may lead to nonimmigrant or immigrant visas, which often permit entry into the U.S. or the ability to continue to reside lawfully in the U.S. People who obtain immigration benefits through fraudulent means can defeat physical assets such as fences, technology, and even additional border patrol agents. Criminal organizations also help facilitate immigration benefit fraud to circumvent increased border security.¹⁹ Lessons learned from past experiences suggest that as DHS becomes more effective in securing the U.S. border, people will use alternative means of entry such as immigration benefit fraud, which will undoubtedly put more pressure on USCIS to identify those who commit fraud and circumvent the legal immigration benefits system.²⁰ Further, the last major amnesty in the 1980s was rife with immigration benefit fraud. In 1987, Mark W. Everson, Deputy Commissioner of the Immigration and Naturalization Service said officials believed that more than half the farm worker applications in Florida alone contained fraudulent or untruthful statements.²¹ In 1989, a NY Times article described the 1986 amnesty program as “one of the most extensive immigration frauds ever perpetrated against the United States Government.”²² Therefore, it is important that DHS is optimally organized to both provide services to those who deserve immigration benefits, to identify and investigate those who pose a threat to the integrity of the legal immigration system and provide effective border security to reduce illegal immigration. This overarching concept supports the underlying notion of this thesis that effective immigration policy needs to be constructed in a way that involves a

¹⁹ Three Men Indicted on Alien Smuggling, Fraud, Conspiracy Charges, http://www.usdoj.gov/opa/pr/2007/September/07_crm_747.html (accessed November 2008).

²⁰ William Branigin, “Immigration Fraud Schemes Proliferating Inside U.S.; With INS Focused on the Borders, Illegal Aliens Who Get Across Are ‘Home Free,’ Officials Say,” *The Washington Post*, Washington, D.C.: May 19, 1997, Final Edition, A.04.

²¹ Robert Pear, Special to the New York Times, “Wide Fraud Is Found among Illegal Aliens Who Seek Amnesty,” *New York Times (1857-Current file)*, November 5, 1987, ProQuest Historical Newspapers (1851 - 2004), A1.

²² Roberto Suro, Special to The New York Times, “False Migrant Claims: Fraud on a Huge Scale,” *New York Times (1857-Current file)*, November 12, 1989, ProQuest Historical Newspapers (1851 - 2004), 1.

coordinated and collaborative effort between USCIS, ICE and CBP. Although the immigration components were divided along functional lines with the creation of DHS, effective immigration policy requires the close coordination of USCIS, ICE and CBP.

II. IDENTIFYING KEY ISSUES TO AN EFFECTIVE IMMIGRATION SYSTEM

A. DISCUSSION ON ORGANIZATIONAL CHANGE AND COLLABORATION

This thesis will examine the current DHS immigration structure established after 9/11 with a particular emphasis on the effects of organizational change and collaboration efforts between USCIS and ICE. One goal is to provide recommendations on future organizational change within the DHS immigration structure. It is hoped that the recommendations will also be applicable to other DHS components and other organizations with homeland security responsibilities that might undergo organizational change in the future. A second goal is to make recommendations to create a more effective immigration benefit fraud detection and investigative process that is now shared between USCIS and ICE rather than what previously existed under INS. The second goal will be accomplished by reviewing collaborative efforts between USCIS and ICE over the past five years since both DHS components share benefit fraud responsibilities. In seeking to understand better the effects of organizational change and collaborative efforts between USCIS and ICE, this thesis will emphasize the importance of immigration benefit fraud as a key area within homeland security.

The primary questions to be answered will be: what effect did the reorganization of the immigration structure have on USCIS employees and how did the reorganization change their perceptions since the INS was abolished? This thesis will seek to determine any differences in perceptions from USCIS employees who were hired prior to and after 2003, the year DHS was created. It will also seek to uncover organizational impediments to collaboration in the current USCIS and ICE structure that might be causing overlapping responsibilities and inefficiencies in areas. What solutions will make for a more effective structure for identifying and investigating immigration benefit fraud?

Further study is needed to determine if the U.S. immigration system is optimally structured and is functioning effectively to identify, and where applicable, to assist in

prosecuting immigration fraud, now that immigration responsibilities have been dispersed over three DHS components; USCIS, ICE and CBP. USCIS and ICE have taken steps to identify and target immigration benefit fraud jointly.²³ To date, USCIS is required to refer preliminary findings of fraud to ICE for further investigation. ICE can accept or decline the USCIS referral based on a number of discretionary reasons. However, there are still many questions regarding the lack of interoperability between ICE and USCIS concerning immigration fraud detection functions, mission overlap, redundancies, and information and data sharing challenges between a law enforcement entity (ICE) and a non-law enforcement entity such as USCIS. Additional study is needed to determine if there are other significant factors preventing both DHS components from seamlessly working together.

This research will also seek to determine how trust affects each component's mission when a law enforcement and non-law enforcement culture work collaboratively. To remedy some of these challenges, USCIS established the Fraud Detection and National Security (FDNS) unit to address immigration benefit fraud, national security and public safety risks within the legal immigration system.^{24,25} ICE also established a unit within its Office of Investigations that investigates immigration benefit fraud.²⁶

While it seems that USCIS and ICE have established specific organizational structures to work collaboratively and cooperatively, there may be gap in an understanding of the ICE mission by USCIS along with sharing key information concerning immigration benefit fraud between USCIS immigration officers and ICE special agents that is hampering successful collaboration. Current technological challenges may also be contributing to this gap. Further, USCIS and ICE have different

²³ Office of Inspector General, *Review of the USCIS Benefit Fraud Referral Process (Redacted- Revised)*, *OIG Report OIG-08-09* (Washington, D.C.: April 2008), http://www.dhs.gov/xoig/assets/mgmt/rpts/OIGr_08-09_Apr08.pdf (accessed November 2008), 5.

²⁴ *Ibid.*, 1.

²⁵ Office of Fraud Detection and National Security, <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=0353f8e5492ec110VgnVCM1000004718190aRCRD&vgnnextchannel=2af29c7755cb9010VgnVCM10000045f3d6a1RCRD> (accessed December 2008).

²⁶ ICE Identity and Benefits Fraud Branch, <http://www.ice.gov/pi/investigations/publicsafety/identityfraud.htm> (accessed December 2008).

priorities, which can hamper how not only ICE investigates immigration fraud cases but how USCIS adjudicates cases. ICE investigates immigration benefit fraud and a myriad of other law enforcement categories that include child pornography, financial crimes, narcotics, weapons, and export crimes.²⁷ USCIS is primarily a singularly focused DHS component concerned with administering the U.S. immigration and naturalization adjudication functions and establishing immigration service policies and procedures.²⁸ The difference in missions between USCIS and ICE may have created an organizational culture gap between USCIS and ICE employees. In addition, as noted in USCIS strategic goals one and two, USCIS must continue to balance the need for the timely adjudication of immigration benefits with detecting and identifying fraud within the immigration benefits system. On the other hand, ICE is a law enforcement entity and can focus solely on its law enforcement authorities within DHS. Traditionally, law enforcement cultures have not shared and partnered with non-law enforcement entities. Law enforcement cultures value and reward arrests, prosecutions and convictions.²⁹

Lastly, can USCIS effectively balance its dual mission of administering immigration benefits and ensuring the integrity of the legal immigration system? If so, how important is effective leadership to USCIS to those who adjudicate immigration benefits. As a DHS component, USCIS has partners within the law enforcement and intelligence community that have a strong interest in homeland security matters. USCIS also has a myriad of stakeholders on the customer service realm of its responsibilities that include community-based organizations, immigration advocacy groups and other special interest groups such as the American Immigration Lawyers Association (AILA).

²⁷ U.S. Immigration and Customs Enforcement, About Us, <http://www.ice.gov/about/operations.htm> (accessed February 2008).

²⁸ U.S. Citizenship and Immigration Services, About Us, <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=2af29c7755cb9010VgnVCM10000045f3d6a1RCRD&vgnnextchannel=2af29c7755cb9010VgnVCM10000045f3d6a1RCRD> (accessed February 2008).

²⁹ Christopher Thornlow, *Fusing Intelligence with Law Enforcement Information: An Analytical Imperative* (Master's Thesis, Naval Postgraduate School, 2005), 32.

B. SIGNIFICANCE OF THE RESEARCH IN IMPLEMENTING FUTURE CHANGE WITHIN DHS

This thesis will strive to uncover some of the challenges and limitations that resulted from the reorganization of the U.S. immigration functions. The goal is to learn more about organizational change and how reorganizations shape employees' perceptions on whether organizational change was either successful or unsuccessful. This research will also attempt to identify important new ways of thinking about how DHS can implement future organizational change to improve its effectiveness in identifying and pursuing immigration benefit fraud within the U.S. legal immigration system. This research will seek to understand better the effects of organizational change on employees hired prior to a major restructuring as compared to those hired afterwards.

This thesis will also strive to determine collaborative efforts between USCIS and ICE in the area of immigration benefit fraud detection. It will focus on perceptions of collaboration between USCIS and ICE and how effective that organizational relationship has been from a USCIS perspective. It will seek to learn more about the effects of immigration "boundaries" created in DHS and how that might affect USCIS and ICE collaboration in targeting immigration benefit fraud. Further, it will strive to uncover new ideas on how to implement more effectively successful collaborative efforts for agencies that have shared missions. Collaboration is vital to the overall mission of DHS; especially since it is comprised of 22 separate agencies. This research will seek to understand better the aspects of collaboration that may be applicable to other DHS components with similar missions.

In order to learn more about the effects of organizational change and collaboration, a survey-based approach will focus on USCIS employees employed with INS and those who were recently hired under USCIS employed after 2003 with the creation of DHS. In essence, it will focus on those who lived through the change and those hired after the DHS reorganization.

The primary audience for this research will be Congress, DHS, USCIS, ICE, CBP and academia who are interested in learning more about organizational change,

collaboration, and issues concerning immigration benefit fraud. The goal of this research will be to assist policy makers, DHS managers and employees who will gain a better understanding of organizational change and collaboration. It is hoped that this research can assist DHS to execute its immigration benefit fraud responsibilities more effectively among USCIS, ICE, and CBP through collaboration while being mindful of the effects of organizational change. This thesis will contribute to the growing body of literature surrounding immigration related issues and will provide critical research to identify USCIS and ICE collaborative efforts in targeting immigration benefit fraud.

C. SURVEY METHODOLOGY ON ORGANIZATIONAL CHANGE AND COLLABORATION

In order to better understand the effects of organizational change from INS to the current state of the U.S. immigration benefits system and determine collaborative efforts between USCIS and ICE in ensuring the integrity of the immigration benefits system, an electronic survey questionnaire was sent to USCIS employees to obtain their insights and recommendations regarding organizational change and collaboration. The purpose of the survey research was to gauge employee perceptions on the effects of reorganizing the immigration functions within DHS with an emphasis on comparing USCIS and ICE with INS regarding the immigration benefits system, collaboration efforts between USCIS and ICE, and a general understanding of immigration issues and crossed organizational boundaries between USCIS and ICE.³⁰ From June 2008 through July 2008, an electronic survey was administered to USCIS employees located throughout the U.S. in different organizational levels to obtain a sampling of Adjudications Officers, Immigration Officers, Intelligence Research Specialists, Supervisors and Managers. Survey participants were instructed that their responses would add to the general literature on leadership and organizational change to help identify new ways of thinking about how DHS can improve its organizational effectiveness, specifically in identifying and pursuing immigration benefit fraud within the U.S. legal immigration system. Adjudications Officers were selected because they determine eligibility for a wide range

³⁰ An electronic survey was submitted to ICE; however, an insufficient response was received to support any findings.

of immigration benefits under the purview of USCIS. Immigration Officers and Intelligence Research Specialists were chosen because they are primarily concerned with identifying immigration fraud and collaborating with ICE on benefit fraud investigations.³¹ Supervisors and managers were selected since they are responsible for providing leadership and direction to Adjudication Officers and Immigration Officers while also playing a vital role in effectively executing organizational change. The entire sample of USCIS personnel is comprised of 265 personnel of which 144 were male and 121 were female. For occupational type, 147 were Adjudications Officers, 60 were USCIS Supervisors/Managers/Executives, 41 were Immigration Officers, and 17 were Intelligence Research Specialists.

From an organizational standpoint, eight were from USCIS HQ, 78 were from USCIS Service Centers, 39 were from the National Benefits Center, eight were from the Regional Offices, and 132 were from USCIS District or Field Offices.

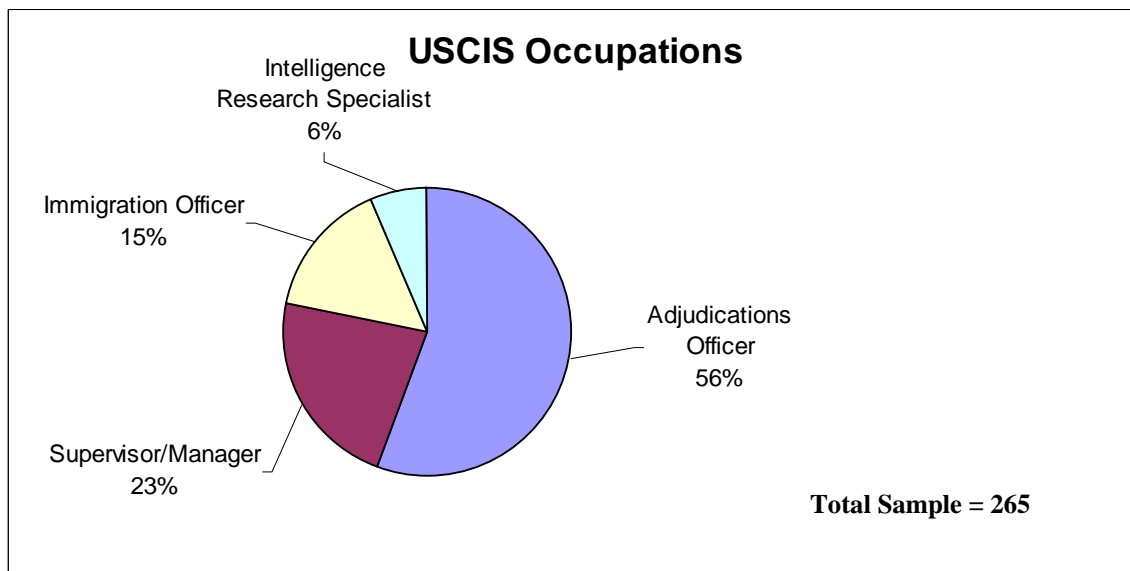


Figure 2.1. Representation of USCIS Occupations from the Survey

³¹ USCIS Position Summaries, <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=4db791de70c98110VgnVCM1000004718190aRCRD&vgnnextchannel=4db791de70c98110VgnVCM1000004718190aRCRD> (accessed October 2008).

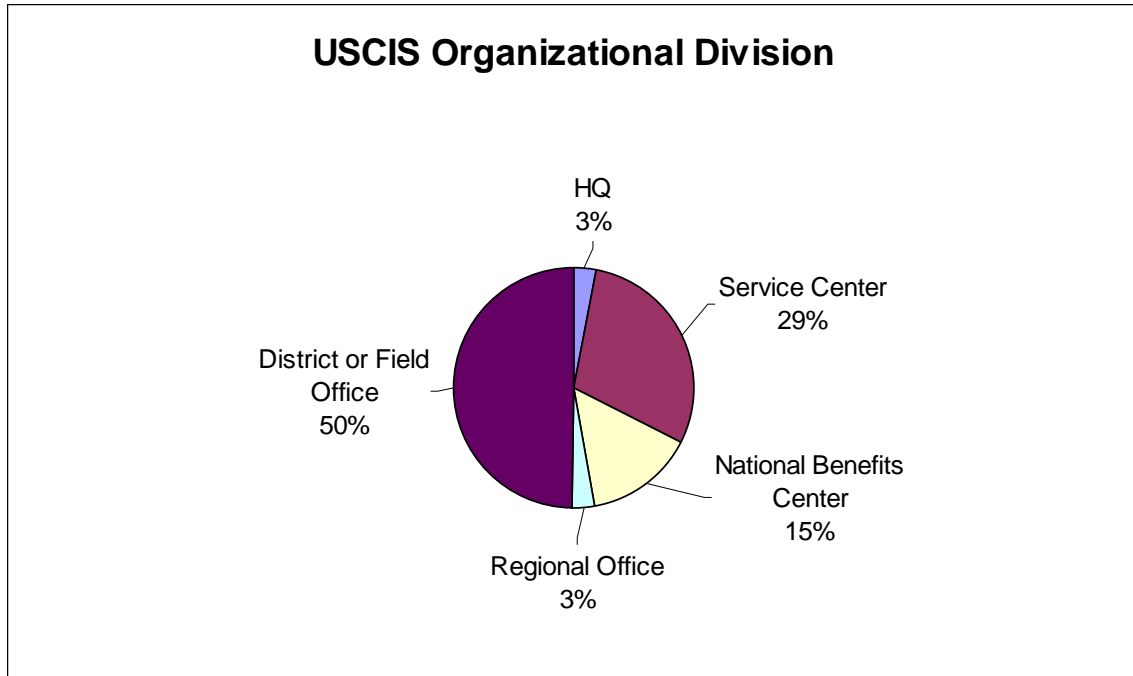


Figure 2.2. Representation of USCIS Organizational Divisions from the Survey

As background, USCIS has four Regional Offices that provide oversight and guidance to the USCIS District and Field Offices. USCIS has District and Field Offices located throughout the U.S. where applicants are typically interviewed for immigration benefits such as adjustment of status to lawful permanent residence and naturalization. The District and Field Offices are unique in that they have “face to face” contact with aliens seeking immigration benefits. There are four USCIS Service Centers located in CA, NE, TX, and VT where immigration petitions that do not typically require an interview are adjudicated by a USCIS Adjudications Officer. The National Benefits Center serves as the processing hub for immigration petitions and applications that normally require an interview at a USCIS District of Field Office.

A 5-point Likert-type response scale was used in the survey: (a) Strongly Agree, (b) Agree, (c) Neither Agree Nor Disagree, (d) Disagree, (e) Strongly Disagree and on some questions “I don’t know” was used as a response option to measure perceptions on organizational change and collaboration. A variety of open ended questions were also provided in the survey to elicit additional details on organizational issues concerning

immigration, collaboration with ICE and USCIS, and the effect on the adjudication of immigration benefits within the new DHS structure. There were also a few survey questions that contained multiple answers that were recommended by this writer along with a fill in the blank section to elicit answers directly from the respondents. This was particularly valuable in analyzing some of the variables that have hindered and aided successful past collaborative efforts on immigration benefit fraud between USCIS and ICE.

III. REVIEW OF THE LITERATURE

A. DEFINING THE KEY CHALLENGES THAT WERE INHERENT TO INS

To obtain a better understanding of what led to the current organizational structure of USCIS, ICE and CBP, it is necessary to review the literature from the late 1990s and early 2000s, which suggests that INS was somewhat lacking in its attempt to manage its adjudications (service) and criminal investigation (law enforcement) functions simultaneously. In 1990, Congress established special immigrant and nonimmigrant categories for religious workers based on perceived shortages of religious personnel in the U.S. In 1999, GAO identified concerns in the religious worker visa program in a report entitled, *Visa Issuance Issues Concerning the Religious Worker Visa Program*. GAO questioned if INS adjudicators had access to a sufficient amount of the available evidence to determine eligibility of a prospective religious worker. GAO also identified that INS lacked sufficient knowledge of the extent of the fraud in the religious worker program and was unable to quantify accurately fraud within the religious worker category. INS suggested a number of ways to address the GAO findings that included additional documentary evidence to support the religious worker petition and use of commercial software to identify trends and patterns more effectively that might suggest fraud. It was hoped that the additional documentary evidence would enable adjudicators to make more informed decisions and also to deter unqualified applicants from filing for benefits under the religious worker category.

As part of its commitment to address some of the vulnerabilities within the legal immigration system, USCIS initiated a Benefit Fraud Assessment (BFA) to quantify the fraud rates within the I-360 Religious Worker program. The *USCIS Office of Fraud Detection and National Security Religious Worker Benefit Fraud Assessment Summary* is a subtopic from the literature that summarizes the fraud rate within the religious worker program. The assessment indicates that FDNS officers conducted field inquiries at the petitioners' locations to determine if the entity was a viable organization and if there was a viable offer of employment. The results of the BFA were published in July 2006, which

indicated a 32% fraud rate within the religious worker program.³² The literature further claimed that the high fraud rate supported previous perceptions and that USCIS would work collaboratively with ICE and Department of State to combat fraud. This initial study suggests that USCIS is on the right path in developing quantifiable fraud rates on immigration petitions and developing methods to address areas that have been prone to fraud.

Next, GAO's main argument in *Immigration Benefit Fraud, Focused Approach Is Needed to Address Problems* focused on INS' lack of an effective immigration benefit fraud strategy, which included a lack of policy, case tracking and information sharing guidance. Further, GAO identified that INS adjudicators focused on and were rewarded for the number of applications reviewed, not the quality of the review.³³ Some adjudicators told GAO investigators that because of the pressure to adjudicate cases quickly, they did not routinely use investigations staff to look into potentially fraudulent applications: doing so would take more time and reduce the number of applications they could review. INS investigators following up on approved applications found instances of fraud.³⁴ The GAO literature suggests that INS had difficulty in balancing its adjudication and fraud detection responsibilities.

In addition to the lack of a coherent benefit fraud strategy, INS was also hampered with a dual responsibility in adjudicating immigration benefits in a timely manner to those who were legally entitled to them and to deny benefits to those who were not eligible.³⁵ From 1994 through 2000, backlogs (i.e., pending applications) increased

³² U.S. Citizenship and Immigration Services Office of Fraud Detection and National Security Religious Worker Benefit Fraud Assessment Summary, July 2006, http://www.uscis.gov/files/nativedocuments/Relig_Worker_Fraud_Jul06.pdf (accessed November 2007), 2.

³³ Government Accountability Office, *H1-B Foreign Workers: Better Controls Needed to Help Employers and Protect Workers*, GAO Report GAO/HEHS-00-157 (Washington, D.C.: September 7, 2000), <http://www.gao.gov/archive/2000/he00157.pdf> (accessed December 2008).

³⁴ Government Accountability Office, *Immigration Benefit Fraud, Focused Approach is Needed to Address Problems*, GAO Report GAO-02-66 (Washington D.C.: GAO, 2002), <http://www.gao.gov/new.items/d0266.pdf> (accessed December 2008).

³⁵ Ibid.

from 1 million to 4 million. INS faced criticism in two competing directions: not adjudicating cases fast enough and not having an adequate structure in place to identify immigration fraud.³⁶

A majority of the literature reviewed was critical of INS; however, there were a number of proposals offered on how to reorganize the immigration structure. After 9/11, Congress concluded that INS was not capable in its current structure to investigate criminal aliens and terrorists who utilized the U.S. legal immigration system in furtherance of criminal activity and caused untold damage to the U.S. economy, infrastructure and its citizens. The National Commission on Terrorist Attacks upon the United States noted terrorists exploited immigration border and benefit policies throughout the 1990s and that there was a need for INS to prevent terrorist abuse of the immigration system.³⁷ Further, the importance of targeting immigration benefit fraud and having an effective strategy was underscored in a report by Janice Kephart who was a former counsel to the September 11 Commission. She analyzed the immigration history of 94 foreign-born terrorists who operated in the United States from the early 1990s to 2004 and found that nearly two-thirds (59) committed immigration fraud prior to and in conjunction with taking part in terrorist activity.³⁸ Kephart's article, which was titled *Immigration and Terrorism Moving beyond the 9/11 Staff Report on Terrorist Travel*, focused on the connection between U.S. immigration fraud and terrorism from the early 1990s until 2004.

B. ORGANIZATIONAL ISSUES ON DIVIDING THE U.S. IMMIGRATION STRUCTURE ALONG FUNCTIONAL LINES

In 2003, INS was abolished and its immigration functions were transferred into USCIS, ICE and CBP. USCIS was tasked with administering legal immigration benefits,

³⁶ Government Accountability Office, *Immigration Benefit Fraud, Focused Approach is Needed to Address Problems*, GAO Report GAO-02-66 (Washington, D.C.: GAO, 2002), <http://www.gao.gov/new.items/d0266.pdf> (accessed September 2007).

³⁷ *9/11 And Terrorist Travel A Staff Report of the National Commission on Terrorist Attacks upon the United States* (Franklin, TN: Hillsboro Press, 2004), 102.

³⁸ Janice L. Kephart, "Immigration and Terrorism: Moving Beyond the 9/11 Staff Report on Terrorist Travel," Center for Immigration Studies, Center Paper 24 (Washington, D.C.: Center for Immigration Studies, 2005), <http://www.cis.org/articles/2005/kephart.pdf> (accessed November 2007).

ICE was tasked with investigating immigration and customs violations within the U.S. and CBP was responsible for border protection and inspection duties at U.S. airports, seaports and land ports of entry. The latest reorganization is one of many that has occurred since 1891. The literature indicates that the U.S. immigration system has been restructured and reorganized into many federal departments since its inception in 1891 as noted by Sharon Barrios in “Inside the Immigration and Naturalization Service: The Organizational Dynamics of a Problem Agency.” Even INS has had a lengthy history of organizational changes since its creation in 1933.

Now, five years after the creation of DHS the literature is still unclear on the success of splitting the immigration functions into three separate agencies. There are concerns that the immigration responsibilities in the DHS are not functioning effectively. DHS Secretary Michael Chertoff announced a “Second Stage Review” (2SR) in 2005 that included strengthening border security and interior enforcement and reforming immigration processes as major agenda items. Currently, three agencies in DHS have important immigration functions: USCIS, ICE and CBP.³⁹ In addition to the concerns over the integration of ICE and CBP and their roles in abating illegal immigration, there is a reported lack of coordination between USCIS and ICE in the area of fraud and national security investigations.⁴⁰

According to a scholarly perspective by Thomas Donovan, additional questions were also raised concerning placing the immigration services (benefits) portion of INS into DHS. The primary mission of DHS is to fight terrorism, and providing good service to clients may be incidental. One of USCIS’ goals is to serve the immigrant community effectively, efficiently, and fairly, while avoiding the problems and deserved criticisms of its predecessor organization.⁴¹ USCIS is expected to achieve this goal under the

³⁹ Ruth Ellen Wasem, *Toward More Effective Immigration Policies: Selected Organizational Issues*, Congressional Research Service Report for Congress (CRS Order Code RL33319), Summary, <http://trac.syr.edu/immigration/library/P1623.pdf> (accessed September 2007).

⁴⁰ *Ibid.*, 27.

⁴¹ Goal 2: Provide Effective Customer-Oriented Immigration Benefit and Information Services, <http://www.uscis.gov/files/nativedocuments/goal2.pdf> (accessed August 2008).

administrative authority of DHS that has goals that may not be compatible.⁴² This suggests an important point because the new mandate for DHS was to reduce vulnerability to terrorism and minimize the damage from potential attacks and natural disasters. This could potentially be a dilemma for USCIS as it must continually balance providing efficient customer service with maintaining a secure legal immigration system.⁴³ In addition, by placing USCIS within DHS, USCIS's goal to build trust with its clients may be seriously hampered since it is based within an organization specifically designed to combat terrorism. A recurring problem was that the clients of the immigration service, the applicants themselves, tended to be distrustful and guarded.⁴⁴ However, while USCIS is primarily charged with providing good service to customers, it also is a valuable resource to the DHS community because it is responsible for identifying fraud and national security threats within the legal immigration system. USCIS is also uniquely positioned to develop immigration benefit fraud leads and uncover emerging homeland security threats during its adjudication and interview process. How would benefit fraud leads developed by USCIS be transferred to ICE for further investigation if USCIS and ICE resided in different departments? Even today, ICE and USCIS are in DHS and there is room for improvement in information sharing and feedback regarding benefit fraud investigations.

Donovan seems to focus mainly on how applicants react with a perceived fear to USCIS being placed in DHS and fails to address how effectively USCIS and ICE collaborate on benefit fraud investigations to maintain the integrity of the U.S. immigration system. As Donovan notes, otherwise USCIS would be more appropriately placed within the Department of Health and Human Services, the Department of Labor or

⁴² Thomas Donovan, *The American Immigration System: A Structural Change with a Different Emphasis* (Oxford University Press, 2005), 574.

⁴³ Mission Statement of the Department of Homeland Security, D.C., 2002, <http://www.dhs.gov/xabout/strategicplan/index.shtm> (accessed February 2008).

⁴⁴ B. Hendrix, "Government's Crackdown on Immigrants Post 9/11 Creates Climate of Fear, Not Security, Press Release of the American Immigration," *Lawyers' Association*, November 19, 2003.

even back in the Department of Justice.⁴⁵ Although Donovan makes a compelling case, he remains silent on the issue of immigration benefit fraud and how identifying fraud is a responsibility intertwined between USCIS, ICE and CBP.

Some literature also suggests management challenges in clear guidance on roles and responsibilities between USCIS and ICE regarding immigration benefit fraud.⁴⁶ Many of the same challenges such as an effective strategy and roles and responsibilities involving immigration benefit fraud were carried over from INS into USCIS and ICE. According to a CRS Report for Congress *Immigration Fraud: Policies, Investigations and Issues* from May 2007, it was believed that ICE would inherit the benefit fraud and investigation responsibilities from INS. However, when USCIS and ICE were created, each was charged with immigration benefit fraud responsibilities. The CRS report further identifies communication challenges between USCIS and ICE in addressing benefit fraud but clarifies that a memorandum of agreement has been established to improve communication. Lastly, the CRS report indicates that USCIS established the Office of Fraud Detection and National Security (FDNS) to identify benefit fraud, perform as USCIS' liaison to the law enforcement and intelligence community, and identify vulnerabilities that compromised the integrity of the legal immigration system.

In "Reorganization as a Substitute for Reform: The Abolition of the INS," Jeffrey Manns contends that politicians sometimes tout the reorganization of federal departments as substantive, effective change while under close scrutiny it appears that the underlying problems which led to the need for change were not adequately addressed.⁴⁷ Manns raises an important question because the U.S. immigration structure has been reorganized at least seven times since 1891 when Congress adopted the Immigration Act of 1891 (26 Stat. 1084), creating the Office of Immigration. Can we be confident that the U.S. immigration structure was optimized during the latest restructure into DHS? Manns

⁴⁵ Thomas Donovan, *The American Immigration System: A Structural Change with a Different Emphasis* (Oxford University Press, 2005), 581.

⁴⁶ *Homeland Security Management Challenges Remain in Transforming Immigration Programs*, (GAO Report GAO-05-81) 25, <http://www.gao.gov/new.items/d0581.pdf> (accessed November 2007).

⁴⁷ Jeffrey Manns, "Reorganization as a Substitute for Reform: The Abolition of the INS," *The Yale Law Journal* 1, (October 2002): 150.

briefly reviews five proposals from 2002 to reorganize the INS and he provided comments on the negative and potential benefits of each plan. The closest proposal to the current USCIS and ICE environment mentioned in the article describes how INS's enforcement functions and service functions should be split and reorganized along functional lines.⁴⁸ Manns is critical of the simplicity of dividing the immigration enforcement and service functions and he is skeptical on whether this will enhance communication and accountability.⁴⁹ He also cites Glenn A. Fine, the DOJ Inspector General who argued that separating the INS into two parts "might merely compound the deficiencies in the agency's management controls, systems and accountability."⁵⁰ In "Inside The Immigration and Naturalization Service: The Organizational Dynamics of a Problem Agency," Sharon Barrios noted that these functions (benefit services and law enforcement) are interconnected and interdependent, and separating them into two or more different agencies may, in fact, exacerbate the problem of coordinating service and enforcement paperwork.⁵¹ She further concludes from her review of the 1997 U.S. Commission on Immigration Reform recommendations that dividing the immigration functions into separate agencies does little to solve the inherent complexities of the immigration issue simply because functions are divided between agencies rather than under one organizational component.⁵² Further, the immigration functions were actually divided into three areas with the creation of USCIS, ICE and CBP in the newly formed DHS.

⁴⁸ Jeffrey Manns, "Reorganization as a Substitute for Reform: The Abolition of the INS," *The Yale Law Journal* 1, (October 2002): 147.

⁴⁹ *Ibid.*, 150.

⁵⁰ See Eric Schmitt, "Agency Finds Itself Under Siege, with Many Responsibilities and Many Critics," *N.Y. Times*, March 15, 2002, A11.

⁵¹ Sharon A. Barrios, *Inside the Immigration and Naturalization Service: The Organizational Dynamics of a Problem Agency* (PhD diss., Princeton University, November 1999), 258.

⁵² *Ibid.*, 257.

The overall theme of Mann's article suggests that a successful reorganization is difficult at best and politicians should be wary of quick fixes to the U.S. immigration structure. However, Manns does not go into detail concerning the best avenues for restructuring the immigration system. Rather, he suggests that focusing on immigration policy is more effective than a restructuring plan.

There is also literature on organizational questions regarding USCIS and ICE concerning immigration fraud.⁵³ Ruth Wasem mentions a few of the key questions in the 2007 Congressional Research Services report, *Toward More Effective Immigration Policies: Selected Organizational Issues*.

- Should USCIS have a formal enforcement arm to investigate benefit fraud and other adjudications-related violations?
- Is communication and coordination among CBP, ICE, and USCIS facile and efficient?
- Would any substantial reorganization of immigration functions- no matter how optimal- be too disruptive to be prudent at this time?

Policy questions concerning these key issues were discussed by the U.S. Congress, House Committee on the Judiciary Subcommittee on Immigration during 2005.

C. APPLYING ORGANIZATIONAL CHANGE THEORY TO MORE EFFECTIVELY ORGANIZE HOMELAND SECURITY STRUCTURES

There is extensive literature available concerning organizational architecture. David Nadler and Michael Tushman, who are renowned experts on organizational change and executive leadership, assert in *Organizational Architecture: Designs for Changing Organizations* that there is really no best way to organize work processes. However, they suggest that leaders must consider two questions; how the new architecture will enable the organization to execute its strategies and how will it fit or impact the individuals who

⁵³ For a discussion of these policy questions, see U.S. Congress, House Committee on the Judiciary Subcommittee on Immigration, Border Security, and Claims, Hearing Serial No. 109-32, *New "Dual Missions" of the Immigration Enforcement Agencies*, May 5, 2005; and House Committee on Homeland Security, hearing on CBP and ICE: *Does the Current Organizational Structure Best Serve U.S. Homeland Security Interests?*, March 9, 2005; and Senate Judiciary Committee, Subcommittee on Immigration, Border Security, and Citizenship Hearing, *Strengthening Enforcement and Border Security: The 9/11 Commission Staff Report on Terrorist Travel*, March 14, 2005.

work for the organization.⁵⁴ Nadler and Tushman warn leaders to think about designing organizations from a strategy/task performance and social/cultural perspective. They argue that both need to be balanced to design an effective organization. If only strategy/task is considered, organizations will be created that look effective but do not function effectively or create new problems. If only a social/cultural perspective is considered, employees will be satisfied but the organization will most likely be ineffective in executing its strategies.

Nadler and Tushman offer another salient point by stating that changes in one component of an organization frequently have repercussions for other components because the parts are interconnected. This rings true for many of the mergers and reorganizations that occurred with the creation of DHS to include reorganizing the U.S. immigration system. By stripping out the immigration functions from one agency (INS) and dividing the functions across USCIS, ICE, CBP, immigration functions once interconnected now became disconnected between three DHS components. Nadler and Tushman also discuss an important concept called the congruence model of organizational behavior, which is based on the degree to which components fit together: the congruence among the components or in another words and how well components of an organization interact or effectively function together.⁵⁵ In the case of this research, how well do two DHS components such as USCIS and ICE interact and share responsibility to ensure the integrity of the legal immigration system?

In “An Introduction to Organizational Design,” Michael B. McCaskey discusses two patterns relating to organizational design; mechanistic which is efficient and predictable and organic where demands in the task environment are ambiguously defined and decision-making is more decentralized. McCaskey suggests that neither method is necessarily superior to the other but the choice of the most appropriate form is contingent

⁵⁴ David Nadler, Marc S. Gerstein and Robert B. Shaw, *Organizational Architecture: Designs for Changing Organizations*, 1st ed. (San Francisco, CA: Jossey-Bass, 1992), 284.

⁵⁵ Nadler, Gerstein and Shaw, *Organizational Architecture: Designs for Changing Organizations*, 44.

upon the task and people involved.⁵⁶ A mechanistic approach would be more suited to an organization where roles and procedures are clearly defined and the organizational culture is accustomed in working in a routinized environment. An organic approach is designed to be an open system that can take advantage of new opportunities and is adaptable to change. It is decentralized and is supported by an organizational culture that prefers variety and uncertainty.

Next, McCaskey discusses the concept of differentiation, which is described as the creation or emergence of differences in an organization. This can occur in the organizational structure in several ways such as the following.

- vertically – into levels
- horizontally – into sections, departments, divisions, and so on
- division of labor – occupational roles
- patterns of thinking – differences between units, in members’ goals, time, and interpersonal orientations⁵⁷

Integration is another important idea mentioned by McCaskey because at the same time the organization is differentiated to work more effectively on tasks, some activities of organizational units must be brought back together, or integrated.⁵⁸ Differentiation and integration are key to understanding what was considered when the U.S. immigration functions were “differentiated” after 9/11 and whether sufficient planning was set aside to think about how some of the immigration functions should be “integrated” across USCIS, ICE and CBP. McCaskey warns that a manager/designer must be careful in differentiating the organization too radically, the greater the differences between units, the harder it is for them to coordinate activities with each other and the chances for misunderstandings increase in a highly differentiated organization.⁵⁹

⁵⁶ Michael B. McCaskey, “An Introduction to Organizational Design,” *California Management Review (Pre-1986)* 17, no. 000002 (Winter 1974): 13, <http://proquest.umi.com/pqdweb?did=66003562&Fmt=7&clientId=65345&RQT=309&VName=PQD>, (accessed December 2008), 15.

⁵⁷ McCaskey, “An Introduction to Organizational Design,” 15.

⁵⁸ *Ibid.*, 16.

⁵⁹ *Ibid.*

One could infer that has led to some of the operational challenges between other immigration components within DHS such as ICE (investigations) and CBP (border security/inspections).⁶⁰

Next, structural changes of organizations, which occurred with the creation of DHS do not necessarily result in employee understanding of the changes. As Nadler and Tushman indicated earlier, social/cultural perspectives need to be considered as well as strategy/task performance. J. Duane Hoover also suggests in “Cognitive Mapping and Diagnostic Aspects of Organizational Change” that successful change management and the creation of Perceptual Actualization is part of the following criteria.

- When I see it manifested in organizations and work groups
- When I experience it myself, on a personal level
- When my organizations, clients, customers, etc., re-package it in their own terms as their felt experience
- When that experience can be reported back as feedback or registered as lasting change by the participants⁶¹

Organizational change can be stressful for employees; especially those that have limited influence on the outcome of a company or federal agency merger. Further, Hoover suggests that a number of important factors need to be considered on an intellectual, emotional, behavioral and perceptual level to implement effective organizational change.⁶² For example, an employee must have an understanding of the organizational change, internalize it, demonstrate behaviors that reinforce the understanding, and then integrate all three to actualize the change successfully. This literature describes in detail how to focus an organization’s efforts on people in implementing change, rather than on the reorganization of work or services along functional lines.

⁶⁰ DHS Office of Inspector General, *An Assessment of the Proposal to Merge Customs and Border Protection with Immigration and Customs Enforcement*, OIG Report OIG-06-04 (Washington, D.C.: November 2005), 3.

⁶¹ J. Duane Hoover, “Cognitive Mapping and Diagnostic Aspects of Organizational Change,” *Organization Development Journal* (Spring 2008): 40.

⁶² Ibid.

D. HOW LEADERSHIP EFFECTS ORGANIZATIONAL CHANGE

There is an abundance of literature on the importance of leadership and management practices to implement organizational change effectively. Some scholars contend that leadership and management are mutually exclusive roles that require different people to be performed successfully, while others argue that both roles can be effectively performed by one person.⁶³ This concept is critical for a DHS component such as USCIS because it must continually balance its customer service and homeland security functions that can, at times, be fundamentally at odds with each other. Gary Yukl and Richard Lepsinger suggest in “Why Integrating the Leading and Managing Roles Is Essential for Organizational Effectiveness” that it is important to strike a balance between adaptation versus efficiency. Adaptation can enable an organization to seek new opportunities to enhance innovation while efficiency focuses on rules, procedures and elaborate control mechanisms.⁶⁴ Integrating management and leadership concepts is referred to as a flexible leadership model and is applicable to leaders who tackle complex problems within homeland security that cross many horizontal and vertical organizational levels. The authors refer to “systems thinking” as a way to understand complex problems that may have included actions taken earlier to solve other problems and now have created new ones.⁶⁵ Lastly, it is also suggested that “... a coordinated effort by leaders at all levels in the organization is necessary to ensure that a program or management system is effectively implemented.”⁶⁶ This is also an important concept for USCIS in that balancing its dual mission must flow from its senior leadership to its first line supervisory ranks to throughout the organization. How has USCIS embedded the importance of productivity and homeland security functions throughout the organization and has it been successful?

⁶³ Gary Yukl and Richard Lepsinger, “Why Integrating the Leading and Managing Roles Is Essential for Organizational Effectiveness,” *Organizational Dynamics* 34, no. 4, (2005): 361.

⁶⁴ *Ibid.*, 365.

⁶⁵ *Ibid.*, 370.

⁶⁶ *Ibid.*, 364.

The literature on transformational change also appears to be applicable to DHS and USCIS. Transformational change can be characterized by revolutionary structural and procedural changes, as well as radical shifts in business strategy, which can affect the entire organization.⁶⁷ In The “Role of Leadership during Large Scale Organization Transitions: Lessons from Six Empirical Studies,” it is suggested that leadership plays an important role on the success or failure of change. Further, the impact of employees on organizational change outcomes must not be underestimated before engaging in transformational change.⁶⁸ Most of the literature on the creation of USCIS, ICE and CBP focused on the functional elements of immigration responsibilities, rather than including an impact assessment on how employees would react to the changes that would ultimately determine the success or failure of the new organization. While the research compared in “The Role of Leadership During Large Scale Organization Transitions: Lessons from Six Empirical Studies” is somewhat limited as the majority of the findings were gleaned from Australia, there are some common sense approach recommendations such as overcoming resistance to organizational change that can be learned from the comparative studies. A common theme from the six studies stressed that transformational leadership has an advantage in communication and building trust with employees than coercive or directive-only leadership in implementing large-scale change. The research suggests that the impact of organizational change on employees should not be underestimated as they are the backbone of the organization and will ultimately determine the success or failure of the change.⁶⁹

E. CONCLUSION

A number of literature examples provide information on the lack of a benefit fraud strategy in INS. There are also numerous reports on USCIS and ICE organizational

⁶⁷ S. Beugelsdijk Arjen, and M. V. Herpen, “Shapes of Organizational Change: The Case of Heineken, Inc.,” *Journal of Organizational Change Management* 15, no. 3, (2001): 311-326; W. James, “The Impact of Corporatization and National Competition Policy: An Exploratory Study of Organizational Leadership Style,” *Leadership and Organization Development Journal* 26, no. 4, (2005): 289-309.

⁶⁸ Steven H. Appelbaum, Jonathan Berke, Joe Taylor, and Jose Alberto Vazquez, “The Role of Leadership during Large Scale Organizational Transitions: Lessons from Six Empirical Studies,” *Journal of American Academy of Business*, Cambridge, 13, no. 1 (March 2008): 23.

⁶⁹ Ibid.

challenges in jointly targeting benefit fraud, and USCIS' new role as a service oriented agency with an on-going responsibility to provide customer service yet also detect immigration benefit fraud.

The literature suggests that immigration reform has generated a lot of interest among academics, Congress, and important immigrant advocacy groups. Some literature suggests overarching issues such as the dispersal of immigration functions across three agencies within DHS means that no one person is responsible for immigration policy and operations in a clear chain of command.⁷⁰ The recent literature has identified potential organizational issues between ICE and USCIS but is lacking an analysis or study of organizational change on USCIS employees since the creation of DHS. The literature is also unclear as to how the three DHS components which have immigration responsibilities can effectively work together to administer immigration benefits while also ensuring that law enforcement and U.S. security interests are met. The literature also fails to provide solutions on how USCIS, ICE and CBP can collaborate and from a more strategic viewpoint, to organize the immigration benefit fraud responsibilities effectively within the three DHS components when each seems to have their own set of priorities and missions.

⁷⁰ Ruth Ellen Wasem, *Toward More Effective Immigration Policies: Selected Organizational Issues*, Congressional Research Service Report for Congress, CRS Order Code RL33319 (Washington, D.C.: CRS), 27, <http://trac.syr.edu/immigration/library/P1623.pdf> (accessed September 2007).

IV. FINDINGS ON THE EFFECTS OF ORGANIZATIONAL CHANGE AND COLLABORATION

A. SURVEY RESULTS COMPARING THE NEW DHS IMMIGRATION STRUCTURE TO INS

In order to elicit results regarding perceptions on organizational alignment and change, USCIS personnel were provided with information regarding the transition of immigration responsibilities from INS to USCIS, ICE, and CBP. One of the first questions to determine employees' perceptions on organizational change focused on immigration enforcement under the current structure and comparing it to INS. Effective immigration enforcement was one of the cornerstones of restructuring the U.S. immigration system. The survey participants were asked to respond to the following statement: *From my perspective as a member of USCIS, immigration enforcement is working more effectively under ICE than the Immigration and Naturalization Service (INS).*

The results from all USCIS participants indicated that 34% combined to disagree or strongly disagree that immigration enforcement was working more effectively under ICE than INS while 27% combined to agree and strongly agree. Most interestingly, 25% neither agreed nor disagreed that immigration enforcement is working more effectively under ICE and 14% indicated that they did not know if ICE was more effective. After 5 years since the creation of DHS and the reorganization of the U.S. immigration system, only a little more than a quarter of the participants felt generally positive about ICE's efforts regarding immigration enforcement as compared to INS. Could resistance to organizational change be influencing perceptions on the effectiveness of immigration enforcement in the new DHS structure?

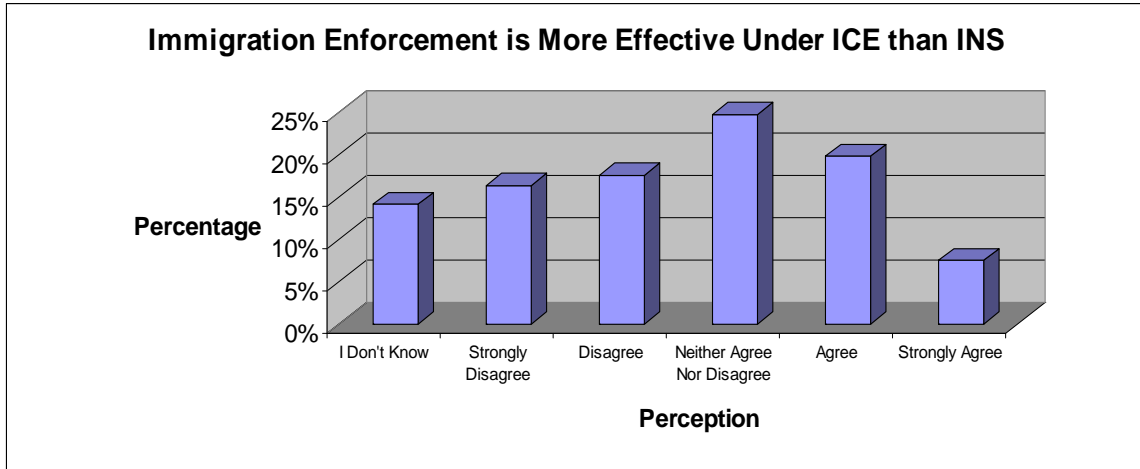


Figure 4.1. Results of all USCIS Survey Participants

Next, the survey participants were asked to respond to the following statement: *Separating the immigration functions into USCIS, ICE and CBP has enhanced the integrity of the legal immigration system and made it more secure than what previously existed under the Immigration and Naturalization Service.*

The results from all USCIS participants in Figure 4.2 indicated that 42% combined to disagree and strongly disagree that separating the functions made the legal immigration system more secure while 28% combined to agree and disagree, 21% neither agreed nor disagreed and 9% did not know if separating the functions made the legal immigration system more secure. It is interesting that the survey data is nearly identical from agree (22%), neither agree nor disagree (21%), disagree (21%) and strongly disagree (21%). What could be causing similar percentages across a number of response choices when it was believed that abolishing INS and separating the immigration functions such as benefits, investigations, and border security was supposed to have been a marked improvement over INS?

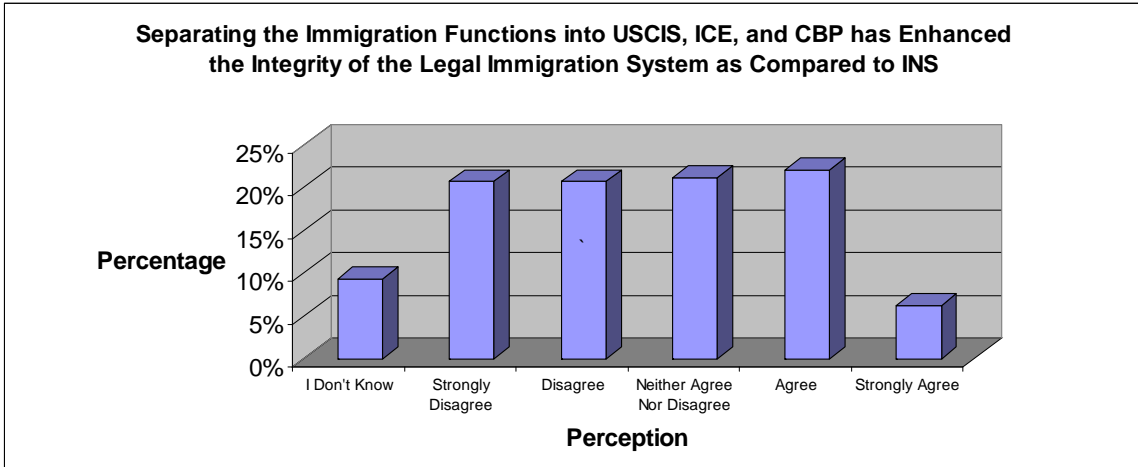


Figure 4.2. Results of all USCIS Survey Participants

The following two figures (4.3 and 4.4) show a continued negative perception on the notion that it was a good idea to separate the immigration functions and that due to the complexities of the U.S. immigration system, it is more effective to continue with the current DHS structure. The survey participants were asked to respond to the following statements: *As a member of USCIS, I think it was a good idea to separate the enforcement, border security and immigration benefits functions into three distinct DHS components (USCIS, ICE and CBP).*

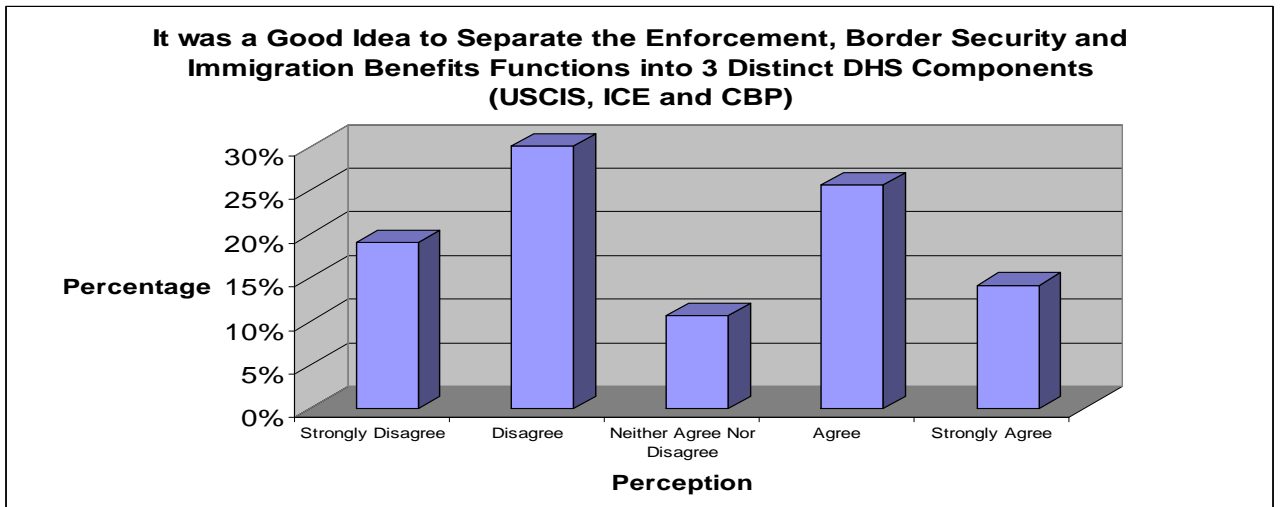


Figure 4.3. Results of all USCIS Survey Participants

Because of the complexities of the U.S. immigration system (administering benefits, enforcement and border security), it is more effective to continue with the current USCIS, ICE and CBP structure in order for each DHS component to focus on their individual immigration responsibilities such as administering immigration benefits, enforcing immigration laws and providing border security.

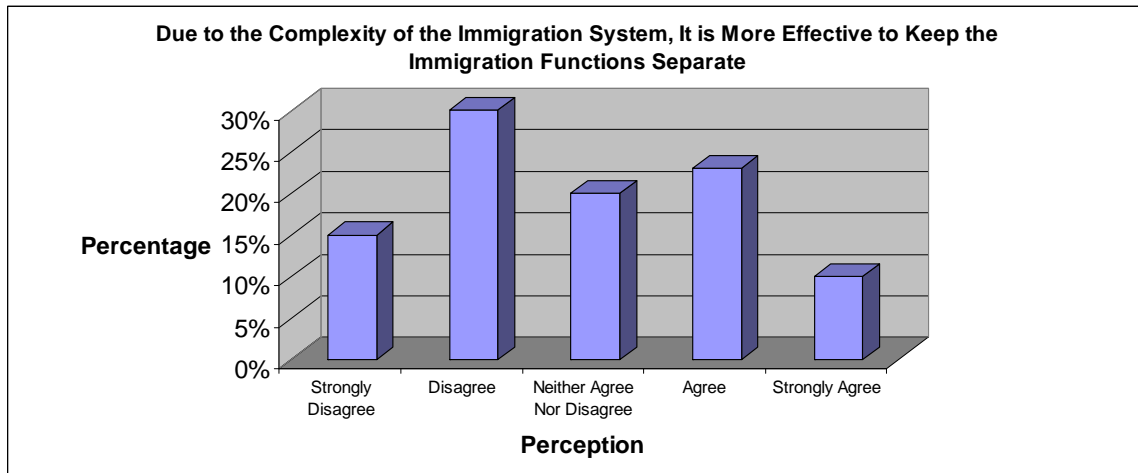


Figure 4.4. Results of all USCIS Survey Participants

In order to look deeper into the effects on organizational change, the data were further analyzed to reveal any differences between survey participants who were employed by INS (pre-2003) and those that were hired by USCIS (post-2003). Further analysis revealed that those employees who were hired pre-2003 were more likely to have a negative perception on the new DHS immigration structure as compared to INS. Not surprisingly, 28% of the post-2003 hires answered “I Don’t know” as compared to only 9% of the pre-2003 hires in response to the statement that immigration enforcement is more effective under ICE than INS. It is logical that more of the post-2003 hires might not have experience working with or have knowledge of INS enforcement activity since being hired into the new DHS structure. The same could be argued for 21% of the post-2003 hires who answered “I Don’t know” as compared to only 5% of the pre-2003 hires in response to the statement that separating the immigration functions has enhanced the integrity of the legal immigration system than what previously existed under INS.

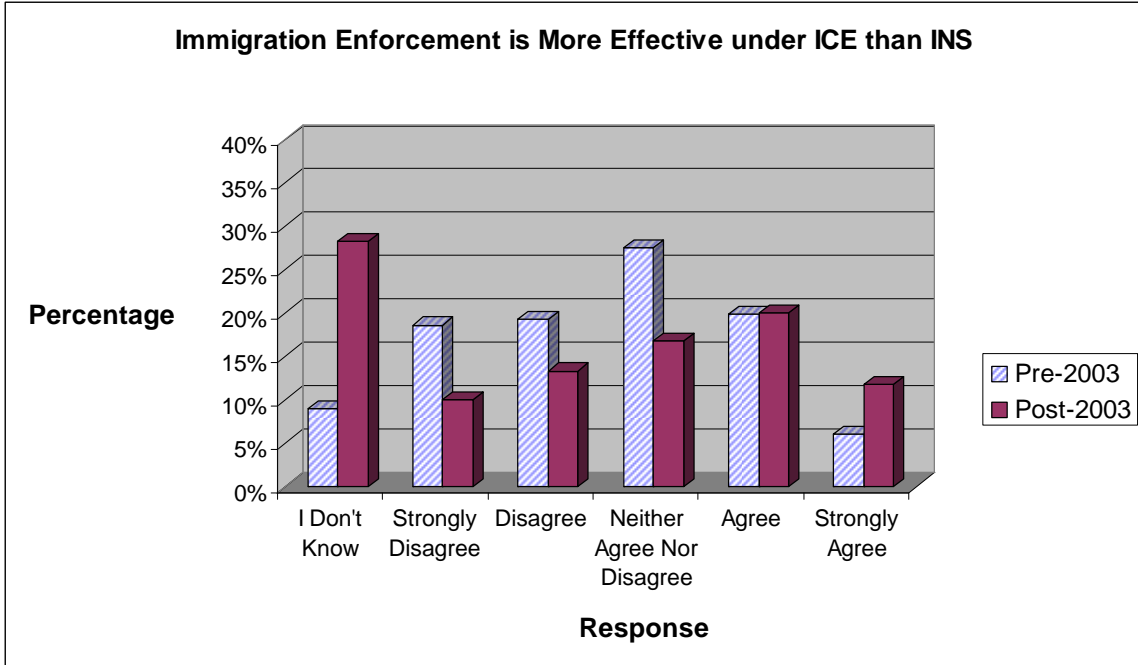


Figure 4.5. Survey Results on USCIS Participants Who were Hired Pre-2003 and Post-2003: Comparing Their Perceptions on Immigration Enforcement

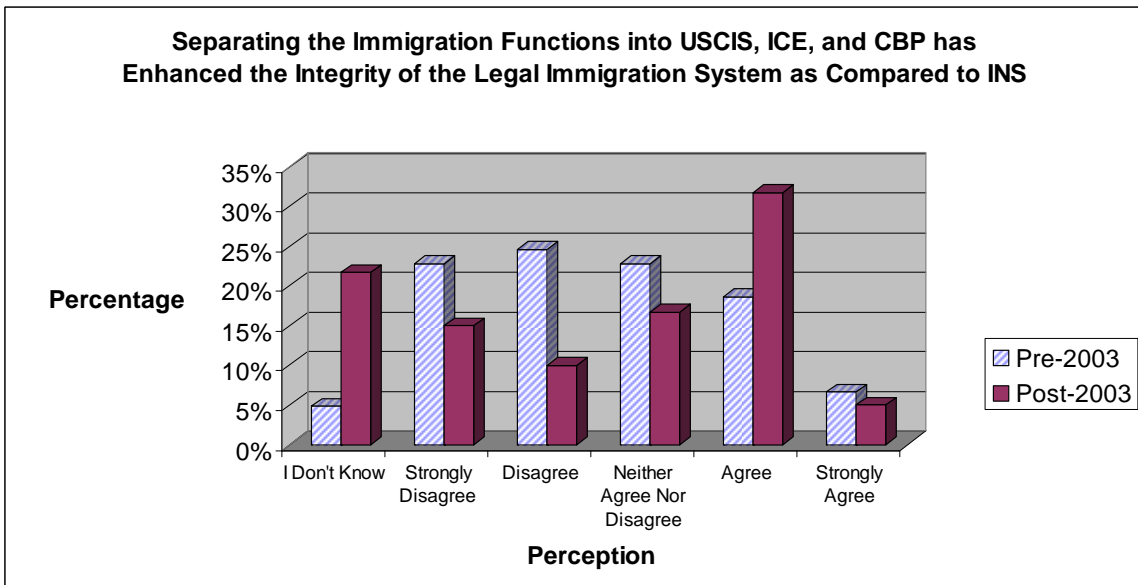


Figure 4.6 Survey Results on USCIS Participants Who were Hired Pre-2003 and Post-2003: Comparing Their Perceptions on Separating the Immigration Functions

In order to reduce a direct comparison bias to INS and the current DHS immigration structure, survey participants were asked to respond to the following statement: *As a member of USCIS, I think it was a good idea to separate the enforcement, border security and immigration benefits functions into three distinct DHS components (USCIS, ICE and CBP).*

The survey results continued to show that the pre-2003 sample had a higher percentage response rate in the strongly disagree and disagree categories while the post-2003 sample had a higher response rate in the strongly agree and agree categories. From the pre-2003 sample, 55% had combined to strongly disagree or disagree while only 37% of the post-2003 sample combined to strongly disagree or disagree.

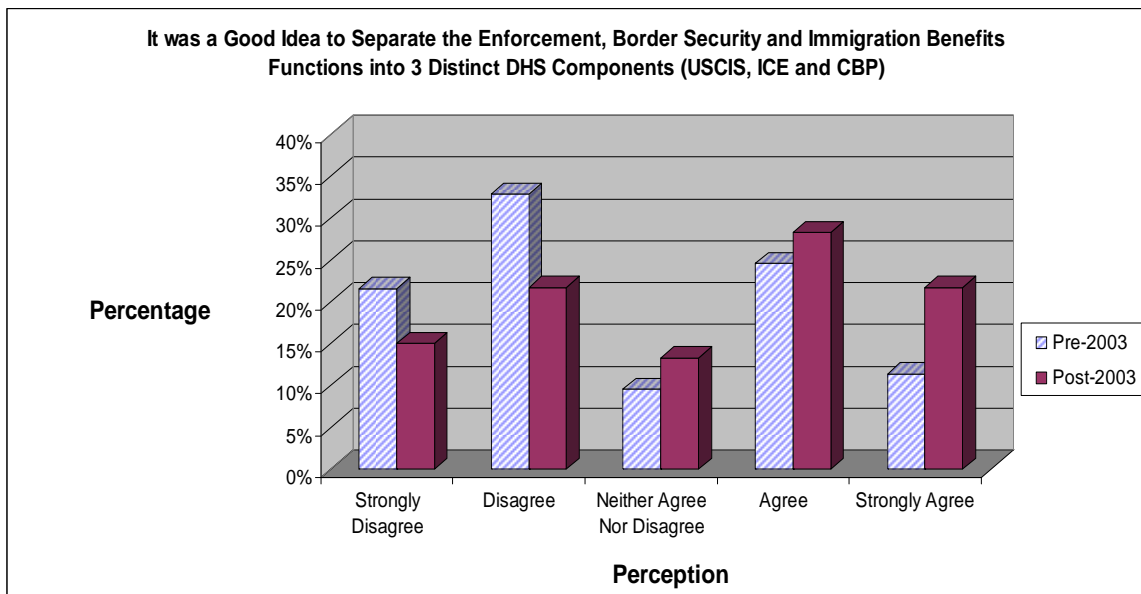


Figure 4.7. Survey Results on USCIS Personnel Who were Hired Pre-2003 and Post-2003: Comparing Their Perceptions on if It was a Good Idea to Separate the Immigration Functions

Although not as remarkable on a percentage basis between the pre-2003 and post-2003 sample group, the bias pattern continued on perceptions that due to the complexity of the immigration system, it is more effective to keep the immigration functions separate.

Because of the complexities of the U.S. immigration system (administering benefits, enforcement and border security), it is more effective to continue with the current USCIS, ICE and CBP structure in order for each DHS component to focus on their individual immigration responsibilities such as administering immigration benefits, enforcing immigration laws and providing border security.

In keeping with the established pattern, the pre-2003 sample had a higher, combined percentage response rate (48%) in the strongly disagree and disagree categories while the post-2003 sample had a higher, combined response rate (38%) in the strongly agree and agree categories.

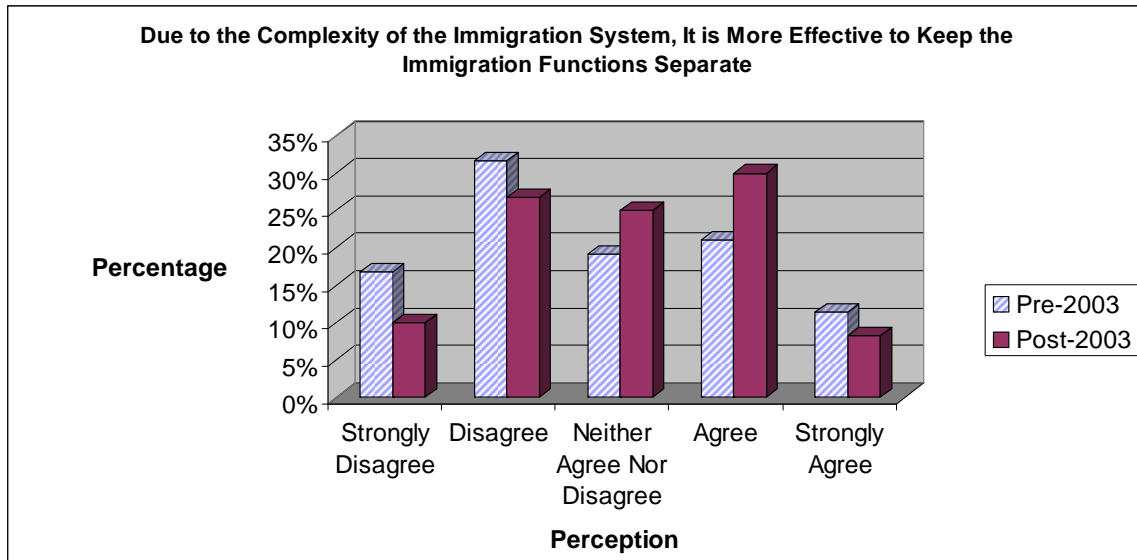


Figure 4.8. Survey Results on USCIS Personnel Who were Hired Pre-2003 and Post-2003: Comparing Their Perceptions on Why It is More Effective to Keep the Immigration Functions Separate

B. SURVEY RESULTS ON THE IMPORTANCE OF EFFECTIVE LEADERSHIP AND QUALITY AS A CONCERN TO ADJUDICATIVE DECISIONS

Leadership to build internal and external support for organizational change was considered an important aspect in much of the literature reviewed in support of this thesis. One of the main goals of restructuring the U.S. immigration system was to create a

climate where immigration benefits were administered more efficiently and effectively as compared to INS. The large-scale organizational change may have affected perceptions on the role of effective leadership and the quality of adjudicative decisions. In order to elicit perceptions on effective leadership and the importance of quality in the adjudicative process, survey participants were asked to respond to the following statements. In addition to the 5 point Likert-type scale, an additional choice of “Not Applicable – I don’t adjudicate immigration petitions and applications” was utilized to obtain more focused results from those participants who actually adjudicated immigration benefits within USCIS. The survey participants were asked to respond to the following statements. See Figures 4.9 and 4.10. *Effective leadership plays an important role in formulating how I make decisions and use my discretion in making adjudicative decisions on immigration petitions and applications* and *When I adjudicate immigration petitions and applications, my main concern is the quality of the adjudicative decision.*

On the role of effective leadership, 79% of the pre-2003 sample had combined to strongly agree or agree while only 13% combined to strongly disagree or disagree and 8% of the sample held a neutral perception. From the post-2003 sample, 82% combined to strongly agree or agree while only 8% combined to strongly disagree or disagree and 10% held a neutral perception. The results also showed that a significant number of participants perceived that their main concern was the quality of the adjudicative decision as 94% of the pre-2003 sample combined to strongly agree or agree while only 3% combined to strongly disagree or disagree. From the post-2003 sample, 96% combined to strongly agree or agree while only 2% combined to strongly disagree or disagree and 3% held a neutral perception. As compared to other perceptions concerning the separation of the immigration functions, the results between the pre-2003 and post-2003 groups were nearly identical.

The results of the survey indicated surprisingly similar results in perceptions between the pre-2003 and post-2003 hires when it came to the role of effective leadership and the importance of quality in the adjudicative process based on similar percentages.

Despite the large-scale change, the results demonstrate the importance of leadership and that quality is central to the adjudicative decision process, which is what the planners of the new DHS immigration structure would have envisioned.

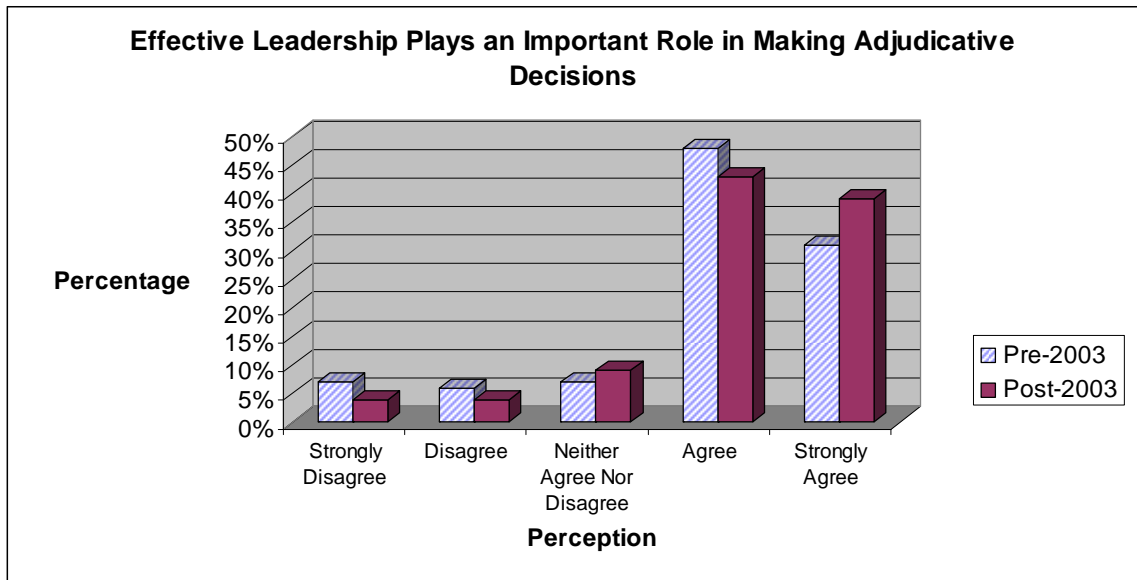


Figure 4.9. Survey Results on USCIS Personnel Who were Hired Pre-2003 and Post-2003: Comparing Their Perceptions on the Role of Leadership in Making Adjudicative Decisions

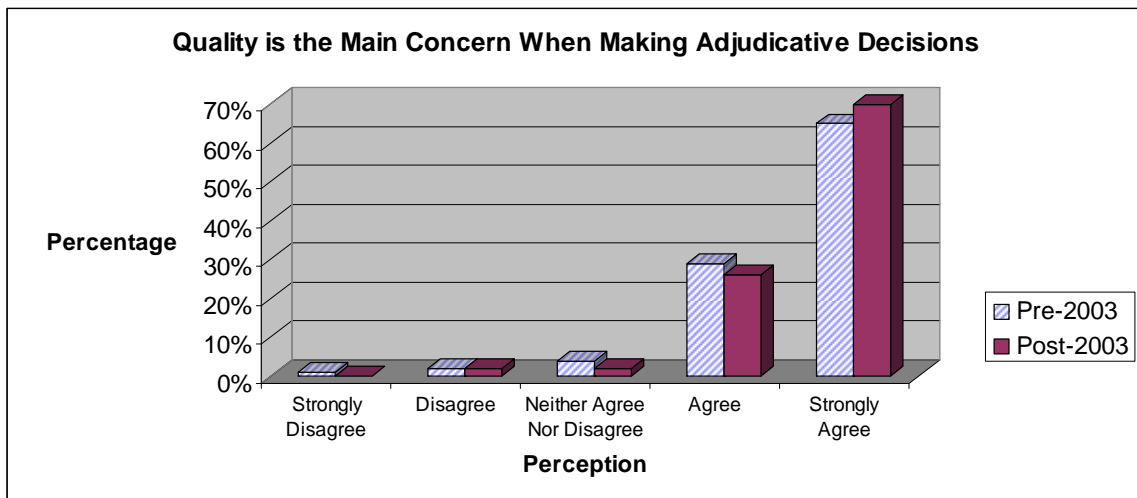


Figure 4.10. Survey Results on USCIS Personnel Who were Hired Pre-2003 and Post-2003: Comparing Their Perceptions that Quality is the Main Concern When Making Adjudicative Decisions

C. SURVEY RESULTS COMPARING SUPERVISORS/MANAGERS WITH NON-SUPERVISORY EMPLOYEES

The survey data was also reviewed to discover perceptions between supervisor/managers and non supervisor/managers such as Adjudications Officers, Immigration Officers and Intelligence Research Specialists. What effect would those differences have on the effectiveness of USCIS? Will organizational change positively or negatively affect an organization like USCIS if there are differences in perception based on position levels with an organization such as USCIS? The following survey results are based on the perception differences between those who are supervisors/managers and those who are not. See Figures 4.11 through 4.14.

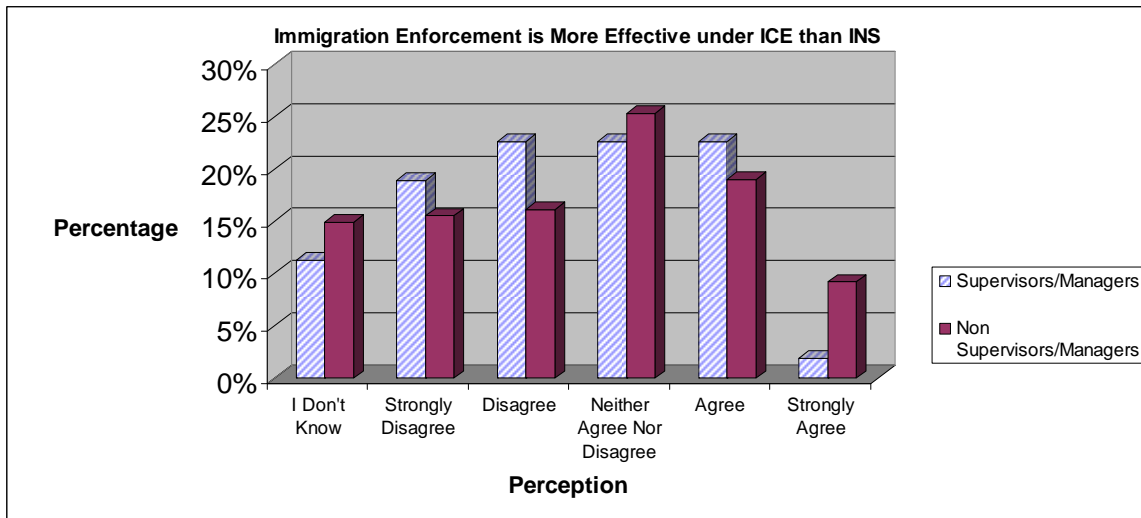


Figure 4.11. Survey Results on USCIS Personnel between Those Who Are and Are Not Supervisors: Comparing Their Perceptions on Immigration Enforcement

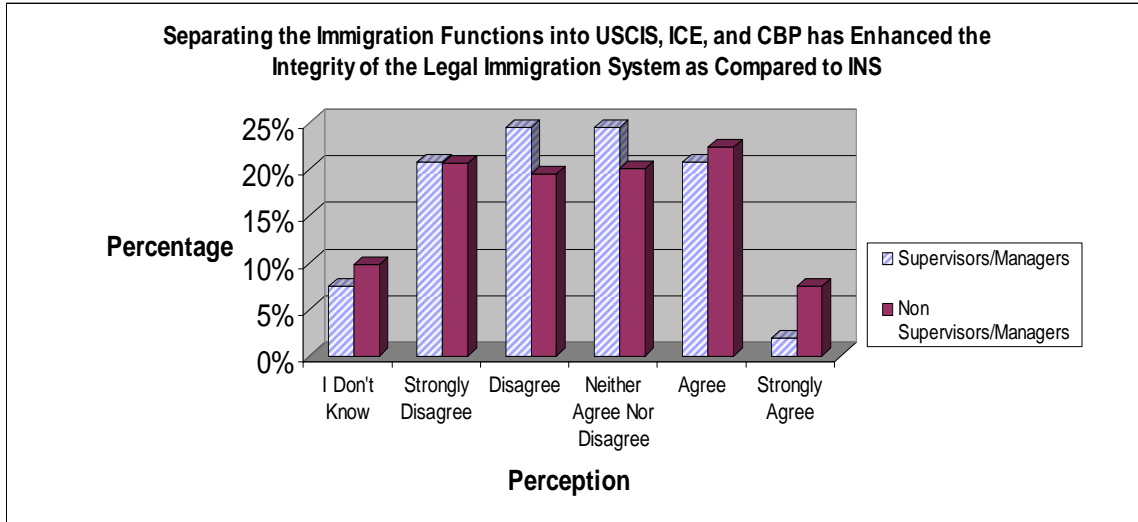


Figure 4.12. Survey Results on USCIS Personnel between Those Who Are and Are Not Supervisors: Comparing Their Perceptions on Separating the Immigration Functions

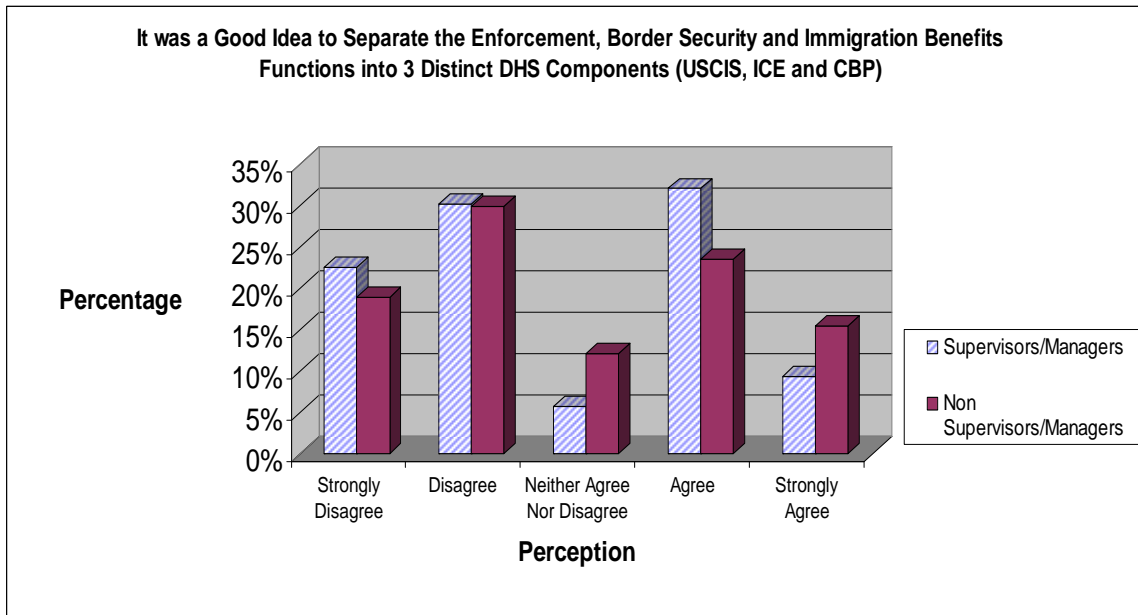


Figure 4.13. Survey Results on USCIS Personnel between Those Who Are and Are Not Supervisors: Comparing Their Perceptions on Whether It was a Good Idea to Separate the Immigration Functions

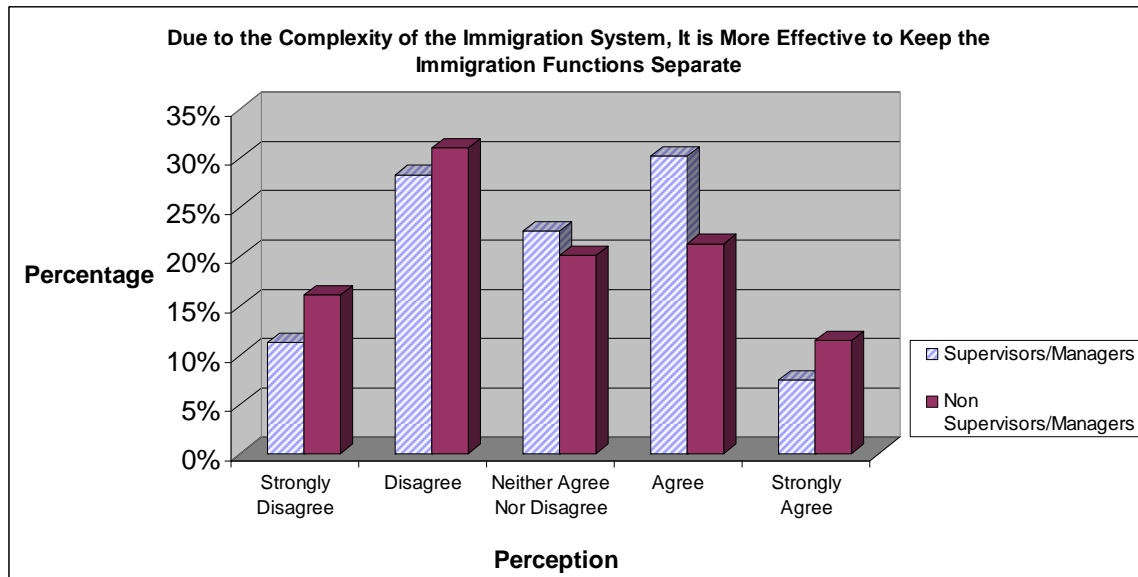


Figure 4.14. Survey Results on USCIS Personnel between Those Who Are and Are Not Supervisors: Comparing Their Perceptions on Why It is More Important to Keep the Immigration Functions Separate

In general, many similarities in the survey data between those who are and are not supervisors/managers appeared. What implications might this have for future organizational and technological change within USCIS? While senior leadership plays an important role in facilitating organizational change, first-line supervisors also play a key role in communicating the need for change and emphasizing the need for the acceptance of organizational change. Prior research has shown that the leadership’s ability to gain support of the change from employees is a key determinant in the success or failure of change.⁷¹ Figure 4.15 illustrates some of the differences in the data sample between those who are and are not supervisors/managers. Figure 4.15 provides information on the year each entered on duty with USCIS and INS and the number who entered on duty each year.

⁷¹ Steven H. Appelbaum, Jonathan Berke, Joe Taylor, and Jose Alberto Vazquez, “The Role of Leadership during Large Scale Organizational Transitions: Lessons from Six Empirical Studies,” *Journal of American Academy of Business*, Cambridge, 13, no. 1 (March 2008): 24.

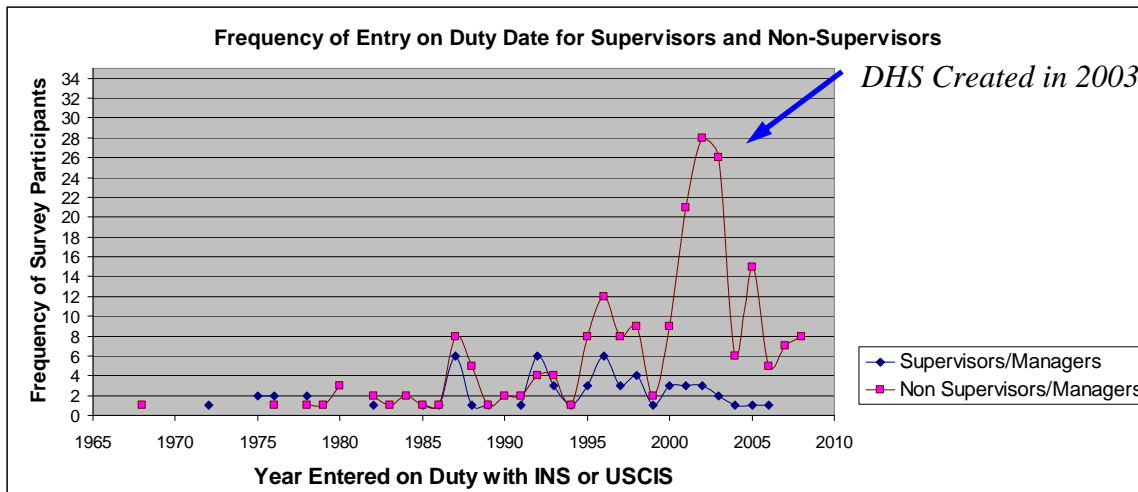


Figure 4.15. Results of the Frequency of Supervisors and Non Supervisors by Year of USCIS Personnel Who Participated in the Survey

D. PERCEPTIONS ON ALIGNMENT TO SUPPORT COLLABORATION

The survey data provided opportunities to review perceptions on collaborative efforts between USCIS and ICE from a USCIS perspective. Each participant was asked to respond to the following statement, which sought to determine if USCIS and ICE were more effectively aligned to foster collaboration in ensuring the integrity of the U.S. legal immigration system than what previously existed when all of the immigration functions were located within INS: *When the Immigration and Naturalization Service (INS) was abolished in 2003, the U.S. immigration functions were divided into 3 DHS components. U.S. Citizenship and Immigration Services was given the responsibility to administer the legal immigration system, Immigration and Customs Enforcement (ICE) was given the responsibility of enforcing U.S. immigration laws, and Customs and Border Protection (CBP) was given the responsibility of protecting the U.S. borders and inspecting travelers and cargo that entered the U.S. As a result of this new structure, USCIS and ICE are more effectively aligned to foster collaboration in ensuring the integrity of the U.S. legal immigration system than what previously existed when all of the immigration functions were located within INS.*

From the sample of all USCIS participants, 45% combined to strongly disagree and disagree that USCIS and ICE are more effectively aligned to foster collaboration while 34% combined to agree and strongly agree that USCIS and ICE are more effectively aligned to foster collaboration than what existed under INS. It is not uncommon for a major reorganization to take long periods of time to implement; in some cases, it might take as long as three to seven years.⁷²

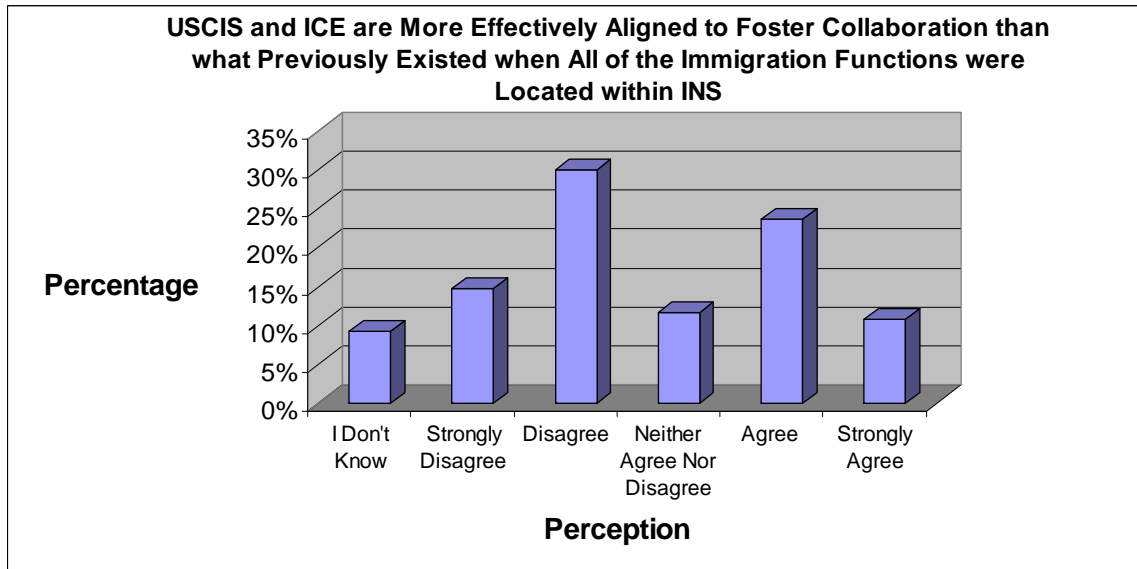


Figure 4.16. Survey Results of all USCIS Personnel

Next, the survey results were analyzed to determine if there were any differences in perceptions between those hired pre-2003 and post-2003. The data suggests that employees who were hired post-2003 generally had higher positive perceptions that the new USCIS, ICE, and CBP structure was more effective than what existed under INS. The post-2003 sample had a combined rate of 38% for strongly agree and agree who perceived that the new alignment was more effective than INS versus 32% for the pre-2003 sample. Even more significant, the pre-2003 sample had a combined rate of 54% for strongly disagree and disagree who did not perceive that the new alignment was more effective than INS as compared to only 40% for the post-2003 sample.

⁷² David A. Nadler, and Michael L. Tushman, “Organizational Frame Bending: Principles for Managing Reorientation,” *The Academy of Management Executive* 3, no. 3 (August 1989): 195.

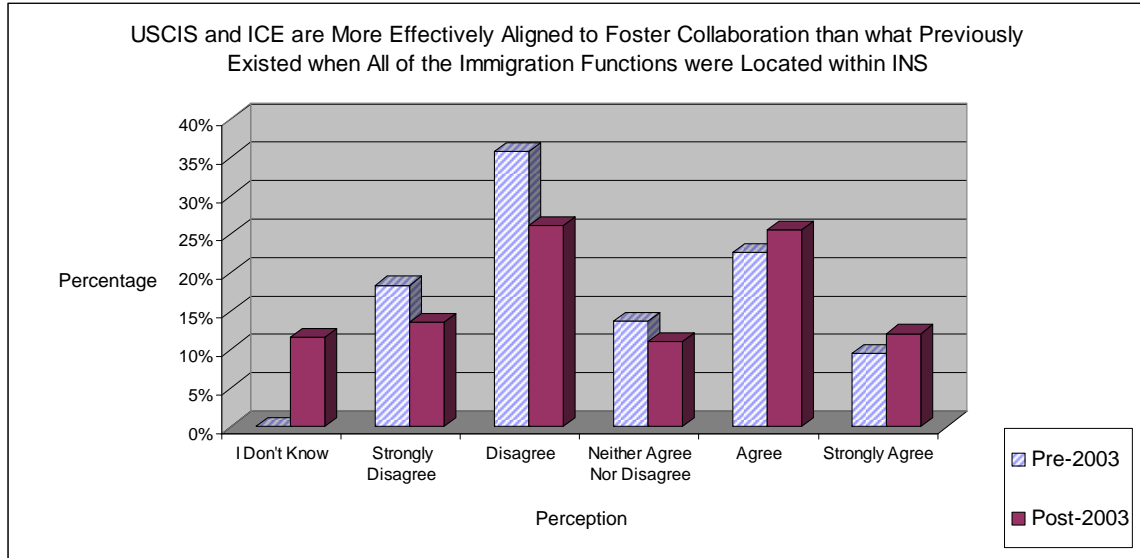


Figure 4.17. Survey Results on USCIS Personnel Who were Hired Pre-2003 and Post-2003: Comparing Their Perceptions on Alignment to Foster Collaboration

Since Immigration Officers and Intelligence Research Specialists are the primary USCIS liaison contacts with ICE concerning immigration benefit fraud, it was worthwhile to begin with this sample data. A combination of 56 FDNS Immigration Officers, Intelligence Research Specialists and FDNS supervisors contributed to the research that was specifically designed for FDNS personnel. Before reviewing some of the FDNS specific research, it is important to examine some of the data comparisons on perceptions between FDNS personnel and Adjudications personnel to gauge collaboration with ICE and other items such as the effect on culture within the USCIS organizational structure. FDNS and Adjudications personnel are important to this research because each fulfills an important mission within USCIS and how each perceives collaboration could potentially affect how fraud leads are developed within USCIS along with determining levels of future interactions with ICE regarding benefit fraud investigations.

In reviewing the results of the data from Figure 4.18 on the effectiveness of USCIS and ICE collaboration and alignment as compared to when all of the immigration functions were within INS, there were notable differences between FDNS personnel and Adjudications personnel. The results indicated that 17% of the FDNS personnel in the

survey combined to either strongly agree or agree while 40% of the Adjudications personnel combined to either strongly agree or agree that USCIS and ICE are more effectively aligned to foster collaboration than what existed under INS.

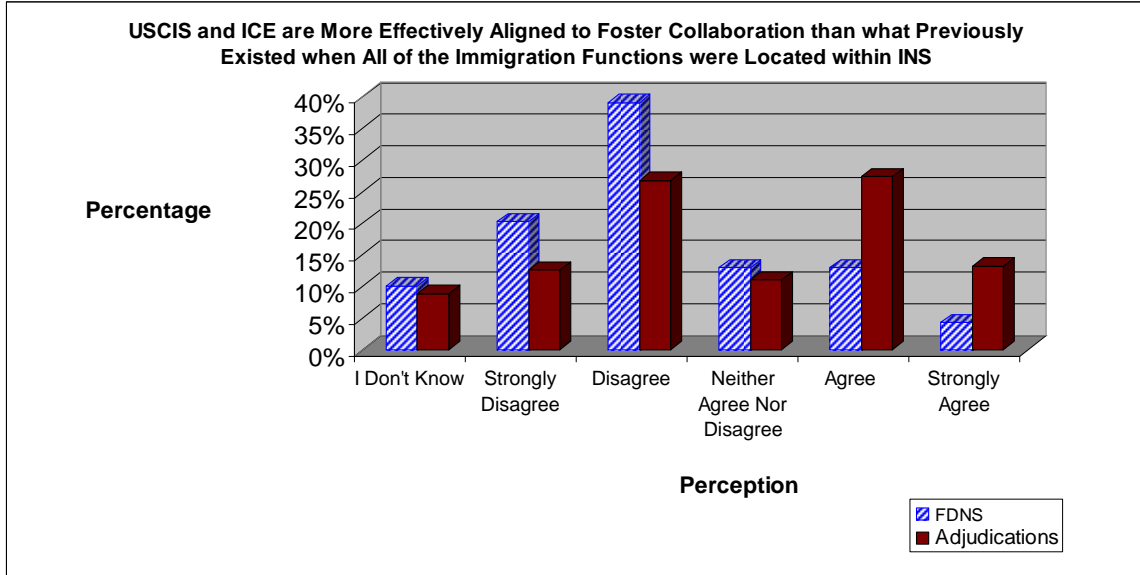


Figure 4.18. Survey Results on Comparing FDNS and Adjudications: Comparing Their Perceptions on Alignment to Foster Collaboration

There were other significant differences in perceptions between FDNS and Adjudications personnel. In reviewing the results of the data from Figure 4.19 on separating the immigration functions into USCIS, ICE and CBP has enhanced the integrity of the legal immigration system and made it more secure than what existed under INS, 12% of the FDNS personnel in the survey combined to either strongly agree or agree while 33% of the Adjudications personnel thought that separating the immigration functions has enhanced the integrity of the legal immigration system. More striking is that a combined 60% of the FDNS personnel strongly disagreed or disagreed with the above statement as opposed to only 35% of Adjudications personnel who combined to answer either strongly disagree or disagree.

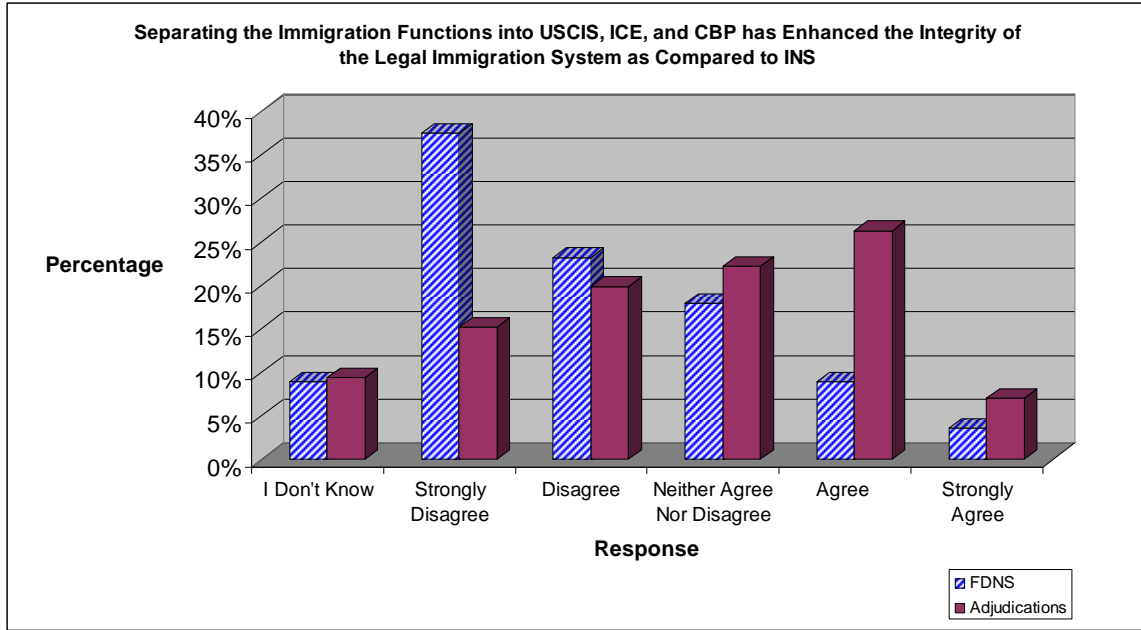


Figure 4.19. Survey Results on Comparing FDNS and Adjudications: Comparing Their Perceptions on Separating the Immigrations Functions to Enhance Integrity

There are a number of possible reasons of what could be causing the stark differences between FDNS and Adjudications personnel regarding perceptions on USCIS and ICE collaboration and the effectiveness of separating the immigration functions as compared to INS. First, FDNS personnel are the primary liaison officers to ICE and are more apt to not only work collaboratively with ICE but are also more directly impacted by policies and procedures that govern how USCIS and ICE target benefit fraud. For the most part, adjudications personnel are not directly involved in working with ICE, which could be a contributing to the higher bias over FDNS personnel in favorably considering collaborative efforts between USCIS and ICE and having a positive perception that separating the immigration functions has made the legal immigration system more secure than what existed under INS.

One way to measure collaboration is by the number of times groups meet to discuss common goals; in this case, interaction between FDNS and ICE. FDNS personnel were asked how often they met in person or had teleconferences with ICE to discuss benefit fraud or ways to enhance the integrity of the legal immigration system. The

highest percentage of participants (64%) indicated that they never communicated with ICE in person or on a teleconference. The second highest (16%) indicated that they met or held teleconferences with ICE on a quarterly basis.

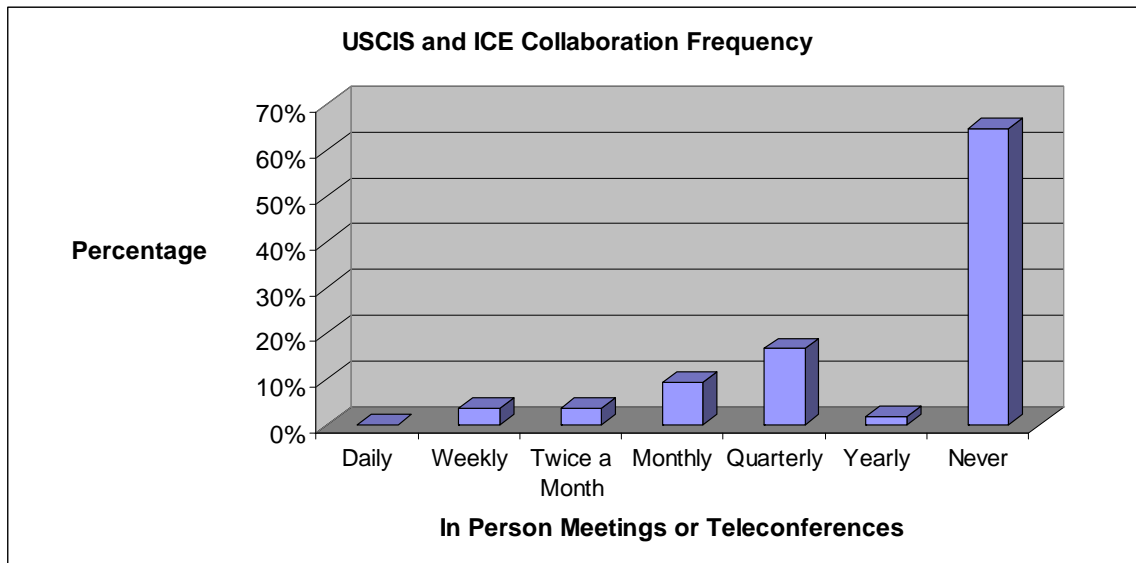


Figure 4.20. Survey Results Measuring the Collaboration Frequency between USCIS and ICE

E. DOCUMENT AND BENEFIT FRAUD TASK FORCES AND COLLABORATION FREQUENCIES

Another method to gauge USCIS and ICE collaboration would be to measure perceptions on the ICE led Document and Benefit Fraud Task Force (DBFTF).⁷³ The DBFTFs were established in 2006 and designed as multi-agency task forces that bring together different agencies to target document and immigration benefit fraud. There are currently 17 DBFTFs operating in primarily metropolitan areas of the U.S. The survey participants were asked if the DBFTFs were an effective way to increase collaboration on benefit fraud investigations. The most interesting outcome from the results of this survey question was not the level of agreement or disagreement on whether the DBFTF was an effective collaboration tool. Rather, it was that 15% of the participants who indicated that they did not know enough about the task force to gauge its effectiveness as a

⁷³ Document and Benefit Fraud Task Force, <http://www.ice.gov/partners/idbenfraud/idbenfraudtf.htm> (accessed December 2008).

collaboration tool whether it was located in their area or not and that 30% of the participants were not familiar with the ICE DBFTF concept. The DBFTFs were only recently established in 2006 and are only currently located in 17 metropolitan areas. Both factors could be contributing to why 30% of the USCIS participants were not familiar with the DBFTF concept.

Next, to measure the FDNS level of collaboration with the DBFTFs, participants were asked how many times per month did each meet with ICE at the DBFTF to collaborate on immigration benefit fraud investigations. A total of 37% of the participants indicated that they never meet with ICE at the DBFTF although they have a DBFTF in their area while 7% indicated that they met 1 to 4 times per month and 2% indicated that they met 5 to 7 times per month whereas 54% noted that they did not have a DBFTF in their area.

The survey results identify opportunities for USCIS in increasing the awareness of the DBFTF's roles and responsibilities in combating immigration benefit fraud and also emphasizing the importance of the DBFTFs as a collaboration tool with ICE; especially when they are located near USCIS locations.

F. USCIS PERCEPTIONS ON COLLABORATION WITH ICE

To look deeper into some of the collaboration issues between USCIS and ICE, FDNS survey participants were asked to write in their own words issues that are helping to foster and hamper collaboration. The major themes that contributed to fostering effective collaboration focused on work structure and intergroup and interpersonal relations. The work structure that has evolved since 2003 has been supportive in establishing a framework for USCIS and ICE employees to work across organizational lines in combating immigration benefit fraud. The DBFTFs, BFUs (ICE Benefit Fraud Units), co-locating ICE and FDNS personnel, formal "joint" policies, and making FDNS personnel the primary USCIS liaison officers to ICE have all supported effective collaboration. Intergroup and interpersonal relations have also been an important component of effective collaboration. Some of the research findings from this survey

that have supported effective collaboration include the initiative by USCIS to establish liaison with ICE, ICE’s understanding on how USCIS contributes to the benefit fraud mission and the importance of mutual respect between both parties.

Inductive Categories	Participant Responses
Work Structure	Enhances collaboration by formally making FDNS the liaison to ICE Formal Policy has provided a framework for shared work processes Document and Benefit Fraud Task Forces have improved liaison ICE Benefit Fraud Units Co-locating ICE and FDNS personnel
Intergroup and Interpersonal Relations	Effort on USCIS’ part to establish liaison and communication ICE has an understanding of how FDNS personnel contribute to the benefit fraud mission ICE feedback is helpful to ensure ongoing communication between ICE and USCIS FDNS seen as a co-equal partner (mutual respect) FDNS fills information gaps on behalf of ICE Develops rapport with individual ICE agents

Table 4.1. Survey Results of Themes that Support Effective Collaboration between USCIS and ICE

Conversely, elements of work structure, intergroup and interpersonal relations, employee development and management issues have also hindered collaboration. The survey findings indicated that ICE had too many organizational layers and a lack of personnel in key areas. Intergroup relations that contained suspicions, lack of candidness, recognition, mutual respect and an “us versus them” mentality thwarted effective collaboration. Rotations of ICE personnel from benefit fraud into other ICE units also prevented FDNS employees from establishing longer-term collaborative networks with their ICE counterparts.

Inductive Categories	Participant Responses
Work Structure	ICE organizational structure has too many layers as FDNS coordinates with both ICE BFUs and SACs Lack of ICE personnel
Intergroup and Interpersonal Relations	ICE is suspicious of FDNS Perceived insufficient interest of ICE in immigration fraud ICE's lack of respect and mutual understanding of USCIS ICE elitism toward USCIS Lack of candid, regular communication and cooperation ICE's negative or condescending attitude toward USCIS "Us versus them" mentality Insufficient initiative by FDNS to work with ICE Lack of recognition by ICE when USCIS contributes to immigration fraud cases ICE personalities Insufficient trust between USCIS and ICE
Employee Development	Lack of immigration knowledge by ICE
Management Issues	ICE leadership prioritizes customs issues over immigration Rotations of ICE personnel decreases familiarity in working with FDNS personnel Different goals between USCIS and ICE

Table 4.2. Survey Results of Themes that Do Not Support Effective Collaboration between USCIS and ICE

In delving deeper into collaboration issues from USCIS' perspective, 184 survey participants who represented all of the USCIS occupations including Adjudications Officer, Supervisor/Manager, Immigration Officer, and Intelligence Research Specialist, responded to the following open-ended statement: *In order for USCIS and ICE to work more collaboratively, I would recommend the following.*

Several important themes emerged from this research, which included joint USCIS and ICE training sessions, more communication, co-location, one team, computer interoperability, mutual respect for each other and trust. As a subset to the theme on joint training, it was also mentioned that more networking and workshops would be beneficial in facilitating collaboration between USCIS and ICE. Most importantly, it was noted that a better understanding of each other's mission was also critical. ICE personnel who are engaged in benefit fraud detection should have a general understanding of the laws and regulations that govern how USCIS administers immigration benefits. Similarly, USCIS personnel who work collaboratively with ICE on benefit fraud should have a general

understanding of ICE's benefit fraud priorities to include the ways and means of investigating benefit fraud. An understanding of each other's mission along with more communication, co-location, joint training, and computer interoperability can help facilitate trust, which is vital between USCIS and ICE in keeping the U.S. legal immigration system secure.

V. UNDERSTANDING ORGANIZATIONAL CHANGE AND COLLABORATION IN THE IMMIGRATION CONTEXT OF HOMELAND SECURITY

A. EXPLAINING THE EFFECTS OF A RE-CREATION VERSUS RE-ORIENTATION WITH ORGANIZATIONAL CHANGE

If you want to truly understand something, try to change it.

Kurt Lewin

David Nadler and Michael Tushman suggest different types of organizational change in “Organizational Frame Bending: Principles for Managing Reorientation.” As background, Nadler and Tushman describe two types of large-scale organizational change, incremental and strategic. Incremental change focuses on individual components within an organization while strategic change addresses the whole organization.⁷⁴ Further, Nadler and Tushman describe a second dimension of change that concerns the positioning of change in response to external events. They describe the four classes of change as the following.

- Tuning. Which is incremental change made in anticipation of future events.
- Adaptation. Which is an incremental change in response to external events.
- Reorientation. Strategic change which is made with the luxury of time in anticipation of events that may ultimately require organizational change. Described as *frame-bending changes*.
- Re-creation. Strategic change necessitated by external events, usually ones that threaten the very existence of an organization. This type of change requires a radical departure from the past and includes shifts in values, strategy, culture and is referred to as frame breaking⁷⁵

⁷⁴ David A. Nadler, and Michael L. Tushman, “Organizational Frame Bending: Principles for Managing Reorientation,” *The Academy of Management Executive* 3, no. 3 (August 1989): 196.

⁷⁵ Ibid.

Table 5.1 and Figure 5.1 illustrate the types of organizational change and the relative intensity of different types of change. Further, Table 5.1 shows the different outcomes of organizational change when incremental and strategic change is based on anticipation of events rather than in response to an external event.

	<i>Incremental</i>	<i>Strategic</i>
Anticipatory	Tuning	Reorientation
Reactive	Adaptation	Re-creation

Table 5.1. Types of Organizational Change (After: Nadler and Tushman, 1989)

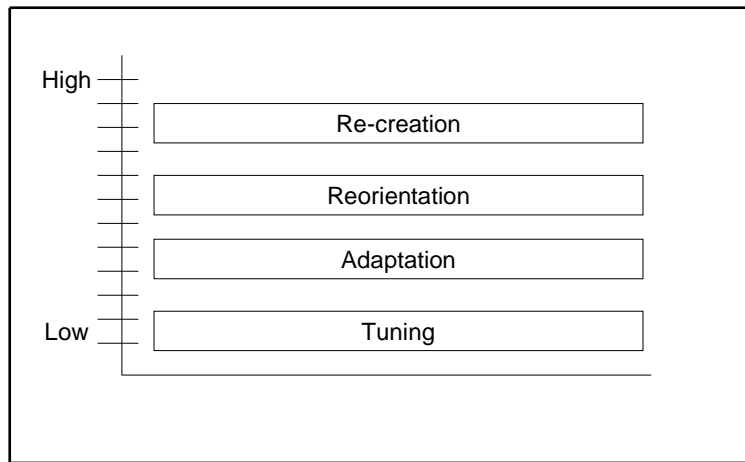


Figure 5.1. Relative Intensity of Different Types of Change (After: Nadler and Tushman, 1989)

One of the main drivers behind the creation of DHS was the 9/11 attacks. DHS was expected to synthesize intelligence, secure borders, protect infrastructure and prepare

for the next catastrophe.⁷⁶ INS was abolished and its immigration functions were transferred into DHS. One could categorize the immigration restructure as a re-creation or *frame-breaking change* necessitated by external events and which eventually led to the abolishment of INS.⁷⁷ The creation of DHS caused a shift in values and culture amongst not only prior INS personnel but personnel brought in from other agencies to complete the formation of ICE and CBP. Nadler and Tushman also highlight that the relative intensity of change is further affected by organizational complexity.⁷⁸ Immigration is a very complex business that involves administering immigration benefits to prospective aliens such as work authorization, family reunification, refugee and asylum claims, to enforcing immigration laws within the U.S. and at its borders. Radically abolishing INS and separating the immigration functions, most likely has led to some of the resistance on why perceptions of the USCIS participants are still divided on the organizational alignment of the immigration functions within DHS, whether the legal immigration system was made more secure under USCIS, ICE and CBP than INS, and that immigration enforcement is more effective under ICE than INS.

What can the data tell us about the effects of a frame-breaking organizational change from those who were part of INS (pre-2003) and those that were hired post-2003 under USCIS? The data suggests that employees who were hired pre-2003 were generally biased toward perceiving that the new USCIS, ICE, and CBP structure was less effective than what existed under INS.

In reviewing what occurred with the creation of DHS and creating 22 separate agencies under one “homeland security umbrella,” the evidence suggests that this was an intense, reactive change rather than an anticipative strategic change that would have happened over a longer period of time and would have given members of the

⁷⁶ Susan B. Glasser and Michael Grunwald, “Department’s Mission was Undermined from Start,” *Washington Post*, December 22, 2005, A1.

⁷⁷ David A. Nadler, and Michael L. Tushman, “Organizational Frame Bending: Principles for Managing Reorientation,” *The Academy of Management Executive* 3, no. 3 (August 1989): 196.

⁷⁸ *Ibid.*, 197.

organization more time to prepare to deal with the change.⁷⁹ Now, nearly five years after the creation of DHS, USCIS has hired many new employees who do not have a history with INS where all of the immigration functions which included benefit services, investigations and border security were within one organization. Upon moving further into the future, one hypothesis is that a “tipping point” will be reached where the majority of USCIS employees will agree that separating the immigration functions has fostered more alignment within DHS and that due to the complexities of the immigration system it is more effective to keep it divided into USCIS, ICE, and CBP than what existed under INS. However, a key objective of this research is to determine how organizational change can be executed more effectively at the beginning, which hopefully will lead to greater organizational effectiveness over the short and long term. Further research is needed to discover if the perceptions identified are solely based on the fact that new USCIS employees are generally not exposed to ICE (investigation) and CBP (border security) activities and their perceptions are based on their USCIS centric viewpoint. Alternatively, is it an unfamiliarity with the other immigration functions within DHS? On the other hand, do the pre-2003 USCIS employees based on their previous experience, see advantages of having the immigration functions under one organizational structure in addition to experiencing some of the communication and information sharing difficulties that have existed since 2003 between USCIS, ICE and CBP?

In the following tables, the survey results are categorized into percentages of positive, negative, neutral and where applicable “I Don’t Know” perceptions are indicated for each survey statement. Percent positive is the combined percentages of respondents who answered Strongly Agree or Agree while percent negative is the combined percentages of respondents who answered Strongly Disagree or Disagree. Percent neutral is the percentage of respondents who answered Neither Agree Nor Disagree.

Tables 5.2, 5.3, and 5.4 demonstrate the clear benefits of organizational change and that organizational change can be favorably received by existing (pre-2003) and

⁷⁹ David A. Nadler, and Michael L. Tushman, “Organizational Frame Bending: Principles for Managing Reorientation,” *The Academy of Management Executive* 3, no. 3 (August 1989): 196.

newer hires (post-2003) who are hired after a major reorganization. Secondly, although FDNS was a newly created unit within USCIS, a majority of the survey participants generally agreed that it has made an impact in enabling Adjudicators to make more informed and accurate decisions on immigration benefits. The survey participants were also overwhelmingly positive on the role of effective leadership in formulating adjudicative decisions and on the concern for quality of adjudicative decisions on immigration petitions and applications.

	Negative	+	Positive	+	Neutral	=	Total
Pre-2003	34%		51%		15%		100%
Post-2003	25%		57%		18%		100%

Table 5.2. Results of survey participants: FDNS has made an impact on ensuring the integrity of the U.S. legal immigration system by providing advance information on fraud to enable Adjudicators to make more informed and accurate decisions on immigration benefits.

	Negative	+	Positive	+	Neutral	=	Total
Pre-2003	13%		79%		8%		100%
Post-2003	8%		82%		10%		100%

Table 5.3. Results of survey participants: Effective leadership plays an important role in formulating how I make decisions and use my discretion in making adjudicative decisions on immigration petitions and applications.

	Negative	+	Positive	+	Neutral	=	Total
Pre-2003	3%		94%		3%		100%
Post-2003	2%		96%		2%		100%

Table 5.4. Results of survey participants: When I adjudicate immigration petitions and applications, my main concern is the quality of the adjudicative decision.

Tables 5.5 and 5.6 demonstrate some of the challenges to effective organizational change as the survey results shown in Table 5.5 indicate that those who were hired prior to 2003 generally felt negative (54%) while those hired post-2003 (50%) were generally positive about separating the immigration functions into three distinct DHS components. Table 5.6 had similar findings in that those hired prior to 2003 (38%) were generally positive while those hired after 2003 (55%) were generally positive on how USCIS is structured to address immigration benefit fraud. This research supports other findings where perceptions and attitudes tend to remain fixed over time, which suggests that there is a natural resistance to organizational change.⁸⁰ Although there is not data available to verify if the perceptions of the pre-2003 hires have changed since the creation of DHS, there are opportunities for USCIS to change perceptions in the future. There was a wide margin on a percentage basis between the pre and post-2003 survey in the Neither Agree Nor Disagree category. The pre-2003 sample was 19% and the post-2003 sample was 8%. USCIS still has an opportunity to sway the 19% who are still basically undecided and move them into a positive perception regarding how it is structured to address immigration benefit fraud.

⁸⁰ Steven H. Appelbaum, Jonathan Berke, Joe Taylor, and Jose Alberto Vazquez, "The Role of Leadership during Large Scale Organizational Transitions: Lessons from Six Empirical Studies," *Journal of American Academy of Business*, Cambridge, 13, no. 1 (March 2008): 24.

	Negative	+	Positive	+	Neutral	=	Total
Pre-2003	54%		36%		10%		100%
Post-2003	37%		50%		13%		100%

Table 5.5. Results of survey participants who responded to: As a member of USCIS, I think it was a good idea to separate the enforcement, border security and immigration benefit functions into three distinct DHS components (USCIS, ICE and CBP).

	Negative	+	Positive	+	Neutral	=	Total
Pre-2003	43%		38%		19%		100%
Post-2003	37%		55%		8%		100%

Table 5.6. Results of survey participants who responded to: As a member of USCIS, I'm satisfied on how USCIS is structured to address immigration benefit fraud in ensuring the integrity of the legal immigration system.

Lastly, the survey participants were presented with an opportunity to implement one major change over the next year that would enhance collaboration between the immigration components of DHS and increase the integrity of the U.S. legal immigration system. The four choices provided were as follows: 1) Do nothing. The immigration functions are best suited when divided between USCIS, ICE and CBP, 2) Combine the benefit fraud detection functions currently shared between USCIS and ICE into either

USCIS or ICE, 3) Combine all of the immigration functions that are currently shared between USCIS, ICE and CBP into one immigration agency to facilitate information sharing between immigration benefits, investigations and border security, and 4) I would not recommend any of the above choices. I would recommend the following course of action. Response number 4 was designed for an open-ended response from the survey participants who would not recommend responses 1 through 3.

The results in Table 5.7 continue to follow an established pattern of the pre-2003 hires being less satisfied with the current DHS immigration structure as compared to the post-2003 hires. The findings show that post-2003 hires (20%) are more likely to not recommend any changes since the immigration functions are best suited when divided as compared to the pre-2003 hires (10%). Despite the fact that the post-2003 hires appear to be more satisfied with the current immigration structure, there are a lot more opportunities available for DHS to raise positive perceptions in the pre-2003 (10%) and post-2003 (20%) samples.

	Do Nothing. Immigration Functions are Best Divided	+ Combine Benefit Fraud Functions within ICE and USCIS	+ Combine all immigration functions into one agency	+ None of the Previous 3 Choices. I would recommend another choice.	= Total
Pre-2003	10%	20%	48%	22%	100%
Post-2003	20%	18%	45%	17%	100%

Table 5.7. Results of survey participants who responded to: If I had the opportunity to implement one major change over the next year that in my opinion would enhance collaboration between the immigration components of DHS and increase the integrity of the U.S. legal immigration system, I would recommend the following.

B. ANALYSIS ON COLLABORATION: CURRENT CHALLENGES AND FUTURE OPPORTUNITIES TO ENHANCE USCIS AND ICE COLLABORATIVE EFFORTS

Bardach defines collaboration as any joint activity by two or more agencies intended to increase public value by their working together rather than separately.⁸¹ However, collaboration is not always easy to achieve as specialization and the division of labor is often looked to for value creation.⁸² This can be seen in the current U.S. immigration structure with specialization that has occurred between USCIS, ICE and CBP. Therefore, it will take a combination of intelligent structural differentiation and formal hierarchical coordination along with informal working groups between USCIS and ICE at the Field and HQ levels to foster effective collaboration.

Immigration benefit fraud remains a significant homeland security challenge despite the fact that INS was abolished and its responsibilities were divided into three DHS organizational components. The creation of USCIS, ICE and CBP was designed to improve immigration benefit services, law enforcement, and border security issues that INS was unable to accomplish both pre and post 9/11. Luther Gulick, who was a legend in the field of public administration reminds us that organizing bureaucracy involves trade-offs; however, it is necessary to make the trade-off and then manage the consequences.⁸³ In Gulick's tradition, administrative boundaries to control and manage important problems such as immigration are now relied upon; to fit somewhat awkwardly with a bureaucratic shoehorn, immigration responsibilities into structures created to manage them.⁸⁴ As a result, it is a must to be ready to manage those boundary areas actively that do not promote efficiency and effectiveness. For example, a recent DHS OIG report has identified deficiencies in how immigration benefit fraud is identified and

⁸¹ Eugene Bardach, *Getting Agencies to Work Together: The Practice and Theory of Managerial Craftsmanship* (Washington, D.C.: Brookings Institution Press, 1998), 8.

⁸² *Ibid.*, 9.

⁸³ Donald F. Kettl, "Managing Boundaries in American Administration: The Collaboration Imperative," *Public Administration Review*, December 2006, 12.

⁸⁴ *Ibid.*

investigated between USCIS and ICE.⁸⁵ The report highlighted examples that included the need for better communication between (USCIS) FDNS and ICE personnel and a clearer sense of common mission within USCIS between FDNS and Adjudications.

It is also noted that USCIS and ICE share numerous responsibilities regarding immigration benefit fraud that require them to work cooperatively with each other. For DHS to be effective in securing the integrity of the U.S. legal immigration system in identifying immigration benefit fraud, it requires a multi-organizational solution between USCIS, ICE and CBP. This necessitates organizations whose leaders and members are willing to work collaboratively across organizational boundaries to reach goals that they cannot achieve alone.⁸⁶

After five years since the creation of DHS, a review some of the early challenges between USCIS and ICE and some of the possible underlying reasons on why USCIS and ICE have yet to establish a seamless collaborative network in targeting immigration benefit fraud might be in order. As two DHS components that share immigration responsibilities, USCIS and ICE do not necessarily share all of the same objectives but they do share a common problem.⁸⁷ USCIS is primarily a service component of DHS responsible for administering the legal immigration benefit system. ICE is a law enforcement entity primarily focused on immigration investigations and duties from the prior U.S. Custom's Service such as drug trafficking and financial investigations.⁸⁸ However, USCIS and ICE share a common problem of immigration benefit fraud. USCIS has the adjudications and fraud detection expertise based on a combination of Adjudication Officers, Immigration Officers and Intelligence Research Specialists who are knowledgeable in immigration law and in developing benefit fraud leads. ICE has the law enforcement expertise and authority to investigate immigration fraud along with

⁸⁵ Department of Homeland Security Office of Inspector General, *Review of the USCIS Benefit Fraud Referral Process Redacted-Revised*, OIG-08-09 (Washington, D.C.: DHS OIG, 2008) 27-29. http://www.dhs.gov/xoig/assets/mgmt/rpts/OIGr_08-09_Apr08.pdf (accessed August 2008).

⁸⁶ Mark Gerencser, Reginald Van Lee, Fernando Napolitano, and Christopher Kelly, *Megacommunities How Leaders of Government, Business, and Non-Profits Can Tackle Today's Global Challenges Together* (New York: Palgrave Macmillan, 2008), 28.

⁸⁷ *Ibid.*, 68.

⁸⁸ Scope of ICE Responsibilities, <http://www.ice.gov/pi/topics/index.htm> (accessed December 2008).

expertise in immigration law. Therefore, it would seem logical that USCIS and ICE would be best served to work collaboratively in enhancing the integrity of the immigration system and providing the most effective service to the American public. However, the “dynamic tension” that exists between USCIS and ICE seems to have hampered both organizations from optimizing their relationship.⁸⁹ As noted in *Megacommunities*, this “dynamic tension” often happens when two agencies operate simultaneously in the same space. In this case, USCIS and ICE working simultaneously on immigration benefit fraud could lead to turf, resource, and pride issues that could thwart a collaborative process. However, this is not to say that USCIS and ICE need to forgo their own self interests. Rather, to be effective, USCIS and ICE should understand that immigration benefit fraud investigations could be more effective than what each could develop on their own.⁹⁰

In order to firmly establish rules and protocols, USCIS and ICE entered into a MOA (Memorandum of Agreement) in 2006.⁹¹ This has served to formalize benefit fraud referrals from USCIS to ICE. However, as USCIS and ICE have matured within the homeland security structure, the MOA has not kept pace with the maturation process of the two DHS components. The necessity to evaluate continually the relationship between ICE and USCIS in tackling immigration benefit fraud is very important. Adaptability is sustainability, especially within the context of homeland security.⁹² The goal of working toward a seamless immigration benefit fraud structure should be paramount to any self interests of USCIS and ICE. This type of a mindset will lead to more effective immigration benefit fraud prosecutions and enable ICE and USCIS to identify immigration benefit fraud threats earlier in the adjudication process.

⁸⁹ Mark Gerencser, Reginald Van Lee, Fernando Napolitano, and Christopher Kelly, *Megacommunities How Leaders of Government, Business, and Non-Profits Can Tackle Today’s Global Challenges Together* (New York: Palgrave Macmillan, 2008), 55.

⁹⁰ *Ibid.*, 54.

⁹¹ Office of Inspector General, *Review of the USCIS Benefit Fraud Referral Process (Redacted-Revised)*, OIG Report OIG-08-09 (Washington, D.C.: April 2008), 5
http://www.dhs.gov/xoig/assets/mgmttrpts/OIGr_08-09_Apr08.pdf (accessed November 2008), 7.

⁹² Mark Gerencser, Reginald Van Lee, Fernando Napolitano, and Christopher Kelly, *Megacommunities How Leaders of Government, Business, and Non-Profits Can Tackle Today’s Global Challenges Together* (New York: Palgrave Macmillan, 2008), 74.

Even an adaptive MOA between USCIS and ICE is insufficient alone. USCIS and ICE need to engage at a variety of different levels within their organizations to include HQ and Field units. *Megacommunities* refer to this as the art and science of cross-sector engagement. Frequent contact between USCIS and ICE employees is critical in developing a better understanding of how each approaches the immigration benefit fraud issue and demonstrates a commitment to collaborating effectively. In addition to regular meetings, forums with a specific purpose that last over several days are also helpful in aiding multi-organizational solutions.⁹³ *Megacommunities* mentions a variety of formats and a structure focusing on “Future Search” that would be most beneficial to USCIS and ICE. The “Future Search” model usually lasts two or three days and is held as a large plenary session with time afforded for small working group activities.⁹⁴ The primary questions that would be helpful to USCIS and ICE would be: What do we aspire to? What is our current reality? And how can we get from here to there? USCIS and ICE should aspire to create and maintain a system where they could work collaboratively with each bringing their own expertise in immigration benefit fraud to ensure the integrity of the U.S. legal immigration system. Further, they should aspire to make corrections and evaluate their relationship in a timely manner as homeland security needs evolve. The current USCIS and ICE reality is one that is functioning. There are pockets of success stories between USCIS and ICE at some locations throughout the U.S. This can be attested to by two recent successful benefit fraud investigations by USCIS and ICE in Los Angeles, CA and Orlando, FL.^{95,96} However, USCIS and ICE may not have embedded these practices in their organizations throughout the U.S. The challenging question is how do USCIS and ICE move from functioning to an optimally functioning multi-organizational effort in identifying and investigating immigration benefit fraud?

⁹³ Mark Gerencser, Reginald Van Lee, Fernando Napolitano, and Christopher Kelly, *Megacommunities How Leaders of Government, Business, and Non-Profits Can Tackle Today's Global Challenges Together* (New York: Palgrave Macmillan, 2008), 165.

⁹⁴ *Ibid.*, 166.

⁹⁵ U.S. Immigration and Customs Enforcement, <http://www.ice.gov/pi/nr/0811/081120santaana.htm> (accessed December 2008).

⁹⁶ International Herald Tribune, <http://www.iht.com/articles/ap/2008/05/09/america/NA-GEN-US-Marriage-Fraud.php> (accessed November 2008).

First, the importance of USCIS and ICE to collaborate effectively in targeting immigration benefit fraud is essential in the national security interests of the U.S. Secondly, it is vital that DHS components that have shared interests work collaboratively to use limited fiscal resources effectively that are becoming increasingly scarcer. As noted in recent GAO testimony to Congress,

Recent events, such as lead paint in imported children's products, tainted meat, predatory mortgage lending, contract fraud, and national disasters like Hurricane Katrina and the attacks of September 11, 2001, raise questions among the American people about the capacity of the federal government to meet their most pressing needs. Additionally, the nation's long-term fiscal imbalance drives the need for federal agencies to allocate increasingly scarce resources in the most efficient and effective way possible. The next administration can continue to bring a greater focus on improving the performance of federal programs and ensuring that federal funds are allocated effectively by building on the strengths of prior performance improvement initiatives.⁹⁷

It is not only important to use resources more wisely but also to use limited federal resources as effectively as possible. Collaborations do not automatically result in cost savings or an increased effectiveness in solving shared problems as evidenced by the post 9/11 restructuring that moved ATF from the Department of the Treasury to the Department of Justice; ostensibly to create synergies with the FBI in targeting terrorism.

In the five years since the FBI and ATF were merged under the Justice Department to coordinate the fight against terrorism, the rival law enforcement agencies have fought each other for control, wasting time and money and causing duplication of effort, according to law enforcement sources and internal documents.

Their new boss, the attorney general, ordered them to merge their national bomb databases, but the FBI has refused. The Bureau of Alcohol, Tobacco, Firearms and Explosives has long trained bomb-sniffing dogs; the FBI started a competing program.

⁹⁷ Government Accountability Office, *Government Performance: Lessons Learned for the Next Administration on Using Performance Information to Improve Results*, GAO Testimony GAO-08-1026T (Washington, D.C.: GAO, 2008), 1, <http://www.gao.gov/new.items/d081026t.pdf> (accessed December 2008).

At crime scenes, FBI and ATF agents have threatened to arrest one another and battled over jurisdiction and key evidence. The ATF inadvertently bought counterfeit cigarettes from the FBI -- the government selling to the government -- because the agencies are running parallel investigations of tobacco smuggling between Virginia and other states.⁹⁸

Therefore, to achieve cost savings while continuing to ensure the integrity of the immigration system seems like a sound justification for USCIS and ICE to work collaboratively on immigration issues.

C. HOW TRUST AFFECTS COLLABORATION; ORGANIZATIONAL TAXES AND DIVIDENDS

Stephen M. R. Covey, who is a renowned keynote speaker and adviser on leadership, states that trust is the hidden variable that affects everything. The reason it is hidden in organizations is that leaders are not looking for it in the systems, structures, processes and frameworks on which all the day-to-day behaviors hang.⁹⁹ USCIS and ICE should establish trust throughout their collaborative networks from the senior leadership levels where policy is established to the operational ranks between USCIS Immigration Officers and ICE Special Agents where the operational policy is executed. Steven Covey describes some of the negative aspects of low organization trust as “organizational taxes” that are not necessarily visible in income statements yet affect an organization’s “bottom line.” On the other hand, Covey describes the positive aspects of “organizational dividends” found in high trust organizations. The “organizational dividends” increase the effectiveness of interrelationships that exist between organizations such as USCIS and ICE in finding solutions to shared problems such as immigration benefit fraud. Table 5.8 describes some of the low trust taxes in detail that can negatively impact the effectiveness of a collaborative relationship between USCIS and ICE.¹⁰⁰

⁹⁸ FBI and ATF Battle for Control of Cases, http://www.washingtonpost.com/wp-dyn/content/article/2008/05/09/AR2008050903096_pf.html (accessed October 2008).

⁹⁹ Steven M. R. Covey, *The Speed of Trust: The One Thing That Changes Everything* (New York: Free Press, 2006), 239.

¹⁰⁰ *Ibid.*, 250-253.

7 Low Trust Organizational Taxes	
Tax	Effect on USCIS and ICE
Redundancy	Reduce unnecessary duplication of effort between USCIS and ICE in enhancing the integrity of the legal immigration system
Bureaucracy	Reduce cumbersome rules, procedures and policy between USCIS and ICE while increasing flexibility and accountability.
Politics	Create a USCIS and ICE culture that reduces "office politics" and works as one team to strengthen the integrity of the legal immigration system.
Disengagement	Create a trusting atmosphere between USCIS and ICE personnel.
Turnover	Reduce turnover of high performing USCIS and ICE personnel by working in a high trust environment
Churn	Covey describes churn as the turnover of stakeholders other than employees. Maintain a high level of trust so that USCIS and ICE can demonstrate trust to their stakeholders such as other members of the law enforcement community and immigration advocacy groups.
Fraud	Reduce integrity issues for USCIS and ICE employees by building an ethical culture. Covey suggests hiring for character as well as competence.

Table 5.8. Organizational Taxes to Reduce Between USCIS and ICE (After: Covey, (2006)

Table 5.9 describes some of the high trust dividends that can enhance collaboration between USCIS and ICE and lead to effective organizational excellence.¹⁰¹

¹⁰¹ Steven M. R. Covey, *The Speed of Trust: The One Thing That Changes Everything* (New York: Free Press, 2006), 254-257.

7 High Trust Organizational Dividends	
Dividend	Effect on USCIS and ICE
Increase Value	Shareholder value is increased which equates to more effective organizational performance. In this case, the American public as the ultimate "customer" of USCIS and ICE receives a more effective and secure legal immigration system.
Accelerated Growth	USCIS and ICE can outperform with less cost- not just accelerated growth but profitable growth.
Enhanced Innovation	Because of the complexity of immigration benefit fraud, innovation and creativity are needed to effectively target and identify it.
Improved Collaboration	Trust is the "bedrock" of collaboration. Without trust, collaboration is merely cooperation.
Strong Partnering	Partnering between USCIS and ICE based on relationship trust rather than just written contracts and policy.
Better Execution	Increased trust between USCIS and ICE will allow for each to more effectively execute a key component of DHS' strategy of protecting our nation from dangerous people who attempt to utilize the legal immigration system.

Table 5.9. Organizational Dividends to Improve Between USCIS and ICE (After: Covey, (2006)

The survey research found that the perception of trust between USCIS and ICE was low when working on immigration benefit fraud cases and that 54 USCIS FDNS officers responded to the following statement: *There is a significant level of trust between ICE and USCIS when working on immigration benefit fraud cases.*

The results showed that 50% of the respondents combined to either disagree or strongly disagree while only 22% combined to either agree or strongly agree that there is a significant level of trust between ICE and USCIS. Further, 19% neither disagreed nor agreed while 9% indicated that they did not know of the level of trust since they have not worked with ICE on an immigration benefit fraud investigation. One hypothesis that could be causing low trust is the different cultures such as law enforcement versus non-law enforcement that exists between ICE and USCIS.

Survey participants were asked to respond to the following statement: *Different cultures (law enforcement versus non law enforcement) between ICE and USCIS have had a minimal impact on establishing a collaborative working relationship.*

It is interesting to compare the survey responses in two different categories, USCIS personnel who are not part of FDNS and only FDNS personnel. This comparison

provides an opportunity to analyze further how two different organizational groups within a DHS component view collaboration with a partner component. A total of 171 USCIS personnel who are not part of FDNS responded to the previous statement. The results showed that 37% of the respondents combined to either strongly agree or agree that the impact was minimal while only 21% of the FDNS respondents combined to either strongly agree or agree. Further, 40% of the USCIS personnel who are not part of FDNS combined to either strongly disagree or disagree while 63% of the FDNS respondents combined to either strongly disagree or disagree that different cultures between ICE and USCIS had a minimal impact on collaboration. The neither agree nor disagree category was 23% for USCIS personnel who are not part of FDNS and 16% for FDNS personnel. The findings support other literature on trust in that it is a necessary component to effective collaboration. The FDNS perceptions suggest that building trust is important to collaboration, especially when different cultures interact to solve common problems such as USCIS and ICE in targeting benefit fraud.

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VI. RECOMMENDATIONS FOR FUTURE ORGANIZATIONAL CHANGE AND COLLABORATION

A. USING A “FRAME BENDING” APPROACH FOR FUTURE ORGANIZATIONAL CHANGE IN HOMELAND SECURITY

Faced with the choice between changing one’s mind and proving that there is a need to do so, almost everybody gets busy on the proof.

John Kenneth Galbraith, American Economist

This research has demonstrated that a successful organizational transition is difficult no matter what benefits or outcomes are touted to support the change. The research has shown that there are differences in perceptions between pre and post-2003 USCIS hires and also between different organizational divisions within USCIS such as FDNS and Adjudications. A number of reasons makes change difficult. Nadler and Tushman stated that bureaucracies are designed to resist change; it is inherently built into the organizational structure.

Strategic change involving reorganization should not be implemented haphazardly in an attempt to address an emerging challenge or to respond quickly to an external event such as what happened after 9/11. As mentioned earlier, Nadler and Tushman describe the benefits of a reorientation, which begins with solid diagnostic thinking as opposed to a re-creation. They describe four principles for effective “frame bending” to help enable successful organizational change that follows a path of initiating change, content of change, leading change and achieving change.

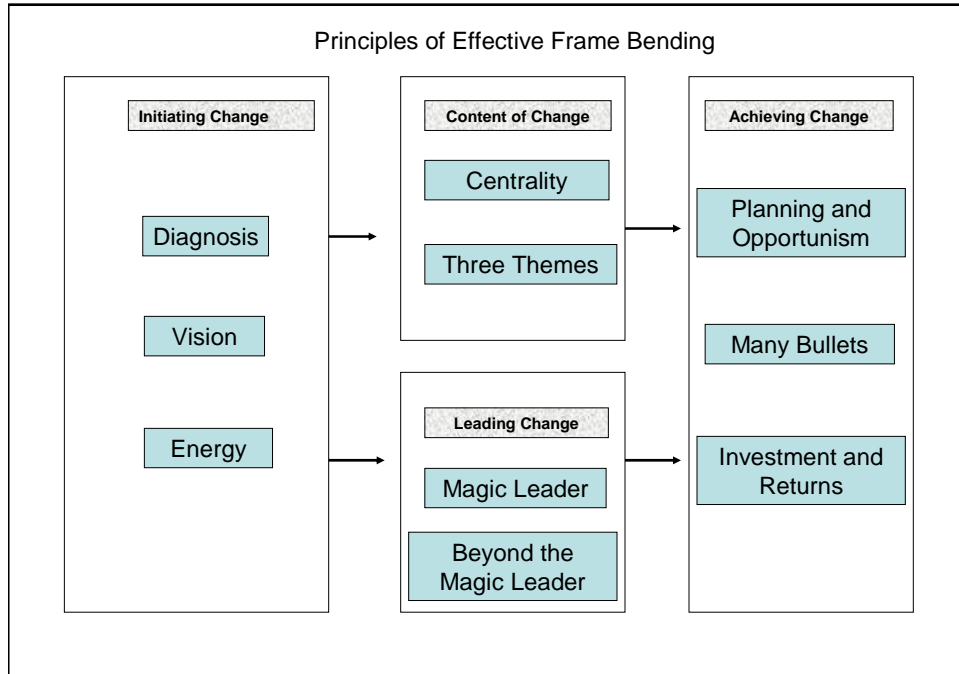


Figure 6.1. Principles of Effective Frame Bending for Future Reorganizations within Homeland Security¹⁰²

This model can serve as an effective mechanism to not only assist USCIS but also other DHS components in future organizational change initiatives based on mission or technological changes within DHS.

The research completed in support of this thesis suggests that organizational change can affect employee perceptions on the effectiveness of the current state versus the prior organization. The following describes some of Nadler’s and Tushman’s *Principles of Effective Frame Bending* model and how it can assist USCIS with future restructuring efforts that might include people, technological and mission changes. Nadler and Tushman suggest that to begin a successful reorientation one must properly initiate the change with a careful diagnosis of the success factors that will be needed to implement change and a thorough study of current strengths and weaknesses to understand what has to change and why. Next, vision is required to allow people to

¹⁰² David A. Nadler and Michael L. Tushman, “Organizational Frame Bending: Principles for Managing Reorientation,” *The Academy of Management Executive* 3, no. 3 (August 1989).

understand how the future state might look once the reorganization is complete. A vision helps people who are part of the organizational change to transition from the prior organization to the reorientation. The vision allows people in the organization to know where they are headed and then to balance new and old ideas from the previous organizational state to the new which assists with the transition process.¹⁰³ Finally, sufficient energy is important to initiate change to begin and execute the necessary changes. This is critical in that one of the great strengths of organizations is that they contain tremendous forces of stability and can be inherently resistant to change, particularly change that undermines strongly held values and beliefs.¹⁰⁴ This might have contributed to the significant differences in perceptions based on USCIS employees who were hired prior to 2003 and those hired post-2003 with the creation of DHS. INS had remained in the Department of Justice since 1940 and had only undergone internal changes since then. The re-creation that occurred after 9/11 might not have had sufficient energy to change strongly held values and beliefs about divesting the immigration functions across three distinct DHS components.

Secondly, the Centrality and Three-Theme principle are key components under the content of change in keeping change focused and on message. The centrality principle focuses on change related to strategic objectives essential to the future well-being of the organization. Without a central principle, there is a chance that change will not last and forces within the organization will undo the change to the previous organizational state. To support the centrality principle, Nadler and Tushman suggest that no more than three key themes be used during the organizational change. Themes are helpful in helping employees understand change. However, too many themes can be ignored and the more important themes can be lost with all of the distractions.

The Magic Leader and Beyond the Magic Leader comprise the principle of leading change. The Magic Leader is an individual who is able to articulate change and

¹⁰³ David A. Nadler and Michael L. Tushman, "Organizational Frame Bending: Principles for Managing Reorientation," *The Academy of Management Executive* 3, no. 3 (August 1989): 198.

¹⁰⁴ Ibid.

capture the hearts and minds of the people in the organization.¹⁰⁵ The Magic Leader is able to create a sense of urgency to help spur organizational change, deliver an inspirational vision, energize, and enable employees to help foster the policies and procedures to implement the re-orientation. While the Magic Leader is critical, an effective executive team within the organization is needed to create a broader base of support and further expound upon the efforts of the Magic Leader.

Finally, Nadler and Tushman expound upon the necessity to achieve and sustain the re-orientation. Successful re-orientations involve a mix of planning and unplanned opportunistic actions.¹⁰⁶ While it is important to plan, there will be many unforeseen events that occur along the way of a re-orientation due to the complexity of today's organizations. The Many-Bullets principle helps to overcome some of the obstacles that arise despite the best planning efforts. As noted earlier, organizations are usually resistant to change and the Many-Bullets principle emphasizes that managers need to use a variety of devices to change behavior and perceptions to support the new organizational infrastructure. The Investment-and>Returns principle highlights the amount of effort and resources required for large-scale reorganization. Large-scale change is often initially expensive; however, savings may be realized at some future end state. It requires significant resources and the commitment by senior managers to get involved in a number of activities such as senior team meetings, presentations, attendance at special events, education, and training to provide the necessary leadership to execute an effective re-orientation.¹⁰⁷

B. USING A PSYCHOLOGICAL APPROACH TO ENABLE EFFECTIVE ORGANIZATIONAL CHANGE

William Bridges offers additional insight into successfully managing organizational change. He suggests in *Managing Transitions, Making the Most of Change*

¹⁰⁵ David A. Nadler and Michael L. Tushman, "Organizational Frame Bending: Principles for Managing Reorientation," *The Academy of Management Executive* 3, no. 3 (August 1989): 200.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid., 201.

that it is not the change that is problematic; it is the transition.¹⁰⁸ He draws a distinction between change and transition. Bridges describes change as situational such as the new organizational chart and new policy while transition is the psychological process that people go through to come to terms with the new situation. He describes the three phases as Ending, Neutral Zone and Beginning. However, there are not clear boundaries between the three phases; in fact, some overlap helps solidify the transition. Bridges augments Nadler's and Tushman's model on organizational change by focusing on a three-part psychological process that can be used as a framework to help with organizational transition. This process can also be used to aid USCIS with future reorganizational efforts or other large-scale technological change such as moving from a paper based to an electronic immigration benefits system.

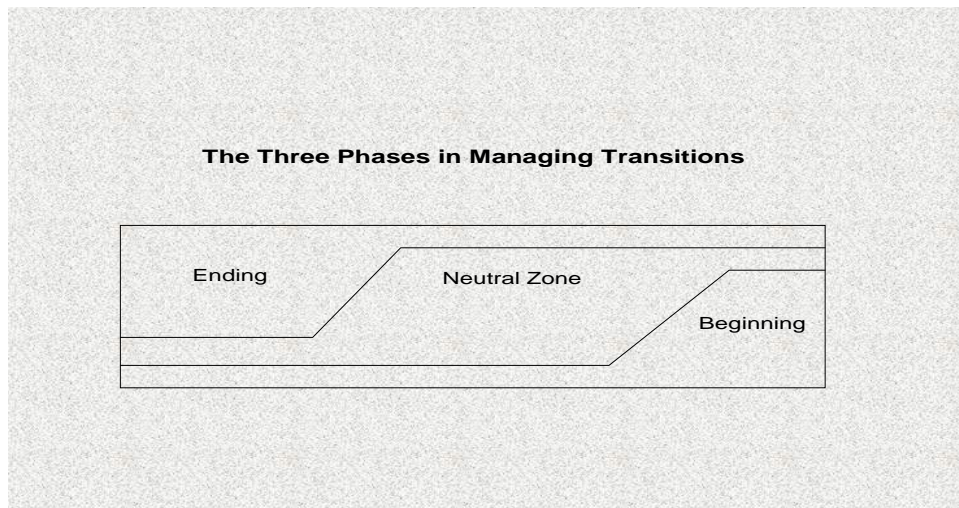


Figure 6.2. The Three Phases in Managing Transitions¹⁰⁹

The ending phase in organizational transition allows employees to disengage from the past and prepare for a new identity. This is often difficult since employees have their status, roles and relationships tied to the old organization. The ending phase is an opportunity for employees to seek new training and positions that will undoubtedly result

¹⁰⁸ William Bridges, *Managing Transitions: Making the Most of Change* (Reading, MA: Addison-Wesley Publishing Company, 1991), 3.

¹⁰⁹ Bridges, *Managing Transitions: Making the Most of Change*.

from the reorganization. Bridges also emphasizes that defining what is over and what is not is critically important to avoiding confusion during the ending phase.¹¹⁰ He elaborates on three serious difficulties that can occur by not specifying what is over and what is not over.

- People will not dare to stop doing anything. They will try to do all the old things *and* the new things. After a while, they will burn out with the overload.
- People will make their own decisions about what to discard and what to keep, and the results will be chaos.
- People will toss out everything that was done in the past, and the baby will disappear with the bathwater.¹¹¹

Lastly, Bridges advises to treat the past with respect. People often identify their self-worth with the prior organization and may resist change if the past is denigrated. The survey research that was designed to support this thesis shows that people who were employed by INS were less likely to believe in the effectiveness of the new immigration structure within DHS. This might be a result of the negative aspects surrounding the INS at the time the agency was abolished in 2003.

The Neutral Zone can be described as the middle transition phase. The new organizational state has not yet formed and the old structure is breaking down. Bridges describes this time as a discovery of what the new organization can be but it can also be fraught with peril as many people will leave a reorganization at this phase.

The new beginning phase can be characterized by new anxieties since it has now been established that the reorganization is real.¹¹² In addition, the new beginning is a gamble because there is no guarantee that the new way of doing things will work. One can draw parallels to the time when INS was abolished and three new DHS components began to share immigration responsibilities within the new DHS structure. Bridges poignantly asserts that difficulties with new beginnings come not from a difficulty with

¹¹⁰ Bridges, *Managing Transitions: Making the Most of Change*, 28.

¹¹¹ *Ibid.*, 29.

¹¹² *Ibid.*, 51.

beginnings but from a difficulty with endings and neutral zones.¹¹³ The focus on endings and neutral zones with future organizational change within USCIS or other DHS components can help with the psychological impacts of change and make for a more successful organizational transition.

C. NEXT STEPS IN IMPROVING COLLABORATIVE COMPETENCIES, TRUST AND NETWORKS WITHIN HOMELAND SECURITY

1. Improving Collaboration through Competencies to Select Future Homeland Security Leaders

In *Working across Boundaries*, Russell Linden provides a working definition of collaboration and lists five collaboration benefits that are also appropriate to USCIS and ICE.¹¹⁴ Linden's working definition of collaboration and five collaboration benefits are as follows:

Collaboration occurs when people from different organizations (or units within one organization) produce something together through joint effort, resources, and decision making, and share ownership of the final product or service.

Collaboration Benefits.

- Better use of scarce resources; cost savings
- Ability to create something that you can't create on your own
- Higher quality, more integrated product or service for the end users
- Potential for organizational and individual learning
- Better ability to achieve important outcomes¹¹⁵

So how can USCIS and ICE use this as a model to help embed the concept of collaboration through both DHS components? A good start is to begin by improving utilization of scarce resources and more cost savings. USCIS and ICE utilize a variety of

¹¹³ William Bridges, "Managing Organizational Transitions," *Organizational Dynamics* 15, no. 1 (July 1, 1986): 24.

¹¹⁴ Russell M. Linden, *Working Across Boundaries* (San Francisco: Jossey-Bass, 2002), 7.

¹¹⁵ *Ibid.*

anti-fraud personnel that focus on identifying and targeting immigration benefit fraud. The leadership in USCIS and ICE should be encouraging and rewarding collaborative behaviors that lead to successful outcomes such as benefit fraud prosecutions and other administrative actions that enhance the security of the legal immigration system throughout the U.S. Going forward, DHS needs to utilize its limited resources efficiently and effectively. DHS can no longer rely on USCIS and ICE developing benefit fraud cases simultaneously on the same person or organization without the other component being aware of the developing case.

Secondly, USCIS and ICE each bring their own expertise to targeting benefit fraud. USCIS has the institutional knowledge of regulations that pertain to immigration law and experience in administering immigration benefits while ICE has the law enforcement knowledge and authorities to investigate benefit fraud. When two organizations come together to solve a shared problem, there is an opportunity for shared learning, both organizationally and individually. USCIS personnel have the opportunity to learn more about the investigation process that they normally would not encounter in working within USCIS. ICE personnel have the opportunity to learn more about the adjudications process and how immigration benefits are administered. By working collaboratively, USCIS and ICE have a much better opportunity for a more effective outcome in targeting immigration benefit fraud. By using each component's expertise, USCIS and ICE can create more effective benefit fraud investigations, which ultimately will ensure the integrity of the U.S. immigration system and uphold the rule of law. The end result is better service to the American public by keeping the immigration system open to those that will add value to U.S. while closing the loop on those that wish harm or try to defraud the U.S. immigration system.

As demonstrated throughout this thesis, immigration is a particular difficult and complex issue to administer whether it is housed in one agency effectively such as INS or divided among three DHS components such as USCIS, ICE and CBP. Each organizational structure adheres to a complicated bureaucracy with competing interests of internal and external stakeholders that involve immigration benefits, law enforcement and border security issues. As former INS Commissioner Doris Meissner noted in 2000,

“Immigration policy doesn’t exist in a vacuum- it intersects with foreign affairs and national security, employment, the economy, education, family and community stability, criminal justice...I could go on and on.”¹¹⁶ The U.S. faces an enormous challenge in admitting immigrants who will contribute to U.S. society while keeping out those that will bring harm. One of those challenges involving homeland security is that the U.S. is tackling intricate problems whose causes and consequences pay no attention to the boundaries created to control and manage them.¹¹⁷ In the current system, the “boundaries” divide immigration responsibilities between benefits, law enforcement and border security. Sharon Barrios states that the transfer of immigration functions does little to alleviate the inherent complexities of the immigration situation.¹¹⁸ Therefore, it is vital that USCIS, ICE and CBP take a comprehensive approach to immigration security and think of each other as full DHS partners in support of homeland security. Rather than radically changing the current DHS immigration structure, DHS leaders should obtain a better understanding of how immigration boundaries are drawn between the DHS components and then think about how vertical and horizontal authorities can improve the existing DHS immigration structure. An important concept to consider is that organizations are not just about structure, they are also about people who must be able to internalize and adjust to the new changes to execute the new policy effectively after reorganization. The outcome would be to build interorganizational linkages that would balance vertical forces of hierarchical control from the HQ components of USCIS, ICE and CBP, and yet also allow for horizontal level discretion between USCIS Immigration Officers and ICE Special Agents to ensure the integrity of the legal immigration system.¹¹⁹ As DHS leaders attempt to manage a complex issue such as immigration, they will find that it is hard to use vertical structures to hold individuals accountable when

¹¹⁶ Anonymous, “Doris Meissner: The Status and Future of INS,” *Migration World Magazine*, 2000, 39.

¹¹⁷ Donald F. Kettl, “Managing Boundaries in American Administration: The Collaboration Imperative,” *Public Administration Review*, December 2006, 13.

¹¹⁸ Sharon A. Barrios, “Is the Immigration and Naturalization Service Unreformable? Past Experience and Future Prospects,” *Administration and Society* (September 2002): 380.

¹¹⁹ Donald F. Kettl, “Managing Boundaries in American Administration: The Collaboration Imperative,” *Public Administration Review*, December 2006, 12.

they are working in increasingly horizontal partnerships.¹²⁰ An effective horizontal partnership should exist between USCIS and ICE in targeting immigration benefit fraud. It is essential to ensure that boundaries do not undermine one of the outcomes that DHS originally sought in 2003; to ensure a safe and secure legal immigration system.

One possible method is to identify collaborative competencies that can be used to select future leaders to work across boundaries within DHS. This could be particularly important to USCIS and ICE leaders who in their new positions need to collaborate to target immigration benefit fraud. In “Identifying Collaborative Competencies,” Heather Getha-Taylor conducted a competency study on federal senior executives who were recipients of Presidential Rank Awards. The Presidential Rank Award is a highly coveted award within the federal service that is conferred to only a select few members of the Senior Executive Service each year.¹²¹ The Behavioral Event Interview (BEI) research revealed that the most significant competencies for collaborative effectiveness are (a) interpersonal understanding, (b) teamwork and cooperation and (c) team leadership.¹²² These results are significant in that they contrast to what the Office of Personnel Management (OPM) identifies as key competencies for building coalitions.¹²³ The research conducted for this thesis also supports some of the findings by Heather Getha-Taylor. USCIS FDNS indicated that intergroup and interpersonal relations were significantly important to effective collaboration between USCIS and ICE. The USCIS FDNS participant results of intergroup and interpersonal relations suggest strong similarities to Heather Getha-Taylor’s findings of interpersonal understanding, teamwork and cooperation, and team leadership. The FDNS results also provide further support for human resource managers to identify the necessary skill sets of what is needed for effective collaboration in the federal government. It should be noted that the FDNS survey did not follow a competency model per se as survey applicants were asked to

¹²⁰ Donald F. Kettl, “Managing Boundaries in American Administration: The Collaboration Imperative,” *Public Administration Review*, December 2006, 15.

¹²¹ Heather Getha-Taylor, “Identifying Collaborative Competencies,” *Review of Public Personnel Administration* 28 no. 2 (June 2008): 109.

¹²² *Ibid.*, 114.

¹²³ *Ibid.*

respond in their own words to what would improve collaboration. The results pointed to and mirrored the earlier findings of Heather Getha-Taylor based on a specific competency model. However, the outcome of interest was the same for both studies; determining what would support effective collaboration. The results of both studies can be applicable to other DHS components that have shared missions and have a requirement to work horizontally across boundaries. Seeking appropriate leaders who can lead collaboratively based on intergroup and interpersonal relations should help DHS since many of its homeland security missions requires working vertically and horizontally across many federal components as well as state and local entities.

2. Importance of Trust in a Collaborative Framework

How can trust be improved between USCIS and ICE? Establishing trust between groups cannot be forced or mandated. It takes time and must be earned through positive interactions between groups. Warren Bennis, who is a noted authority on leadership principles, indicates that trust is a necessary component in not only getting people on your side but also having them stay there.¹²⁴ He states that there are four ingredients leaders have that generate and sustain trust:

- Constancy. Whatever surprises leaders themselves may face, they do not create any for the group. Leaders are all of a piece; they stay the course.
- Congruity. Leaders walk their talk. In true leaders, there is no gap between the theories they espouse and the life they practice.
- Reliability. Leaders are there when it counts; they are ready to support their co-workers in the moments that matter.
- Integrity. Leaders honor their commitments and promises.¹²⁵

USCIS and ICE need leaders who can work in cross-functional work environments and demonstrate behaviors that support collaboration and trust. For those USCIS and ICE leaders already in place, Bennis describes some of the following contrary behaviors to building trust and collaboration that were successful in the past: speaking

¹²⁴ Warren Bennis, *On Becoming a Leader* (Cambridge, MA: Perseus, 2003), 150.

¹²⁵ Ibid.

rather than listening, valuing people like yourself over people of different genders or from different cultures, doing things on your own rather than collaborating, making decisions yourself instead of asking people for their perspectives.¹²⁶

USCIS and ICE leaders should move beyond their own interests to support the overall strategy and goals of DHS. Building trust seems to be particularly beneficial to USCIS and ICE in targeting immigration benefit fraud. Trust can be an important coordination mechanism for USCIS and ICE since hierarchical control and policies cannot effectively solve the uncertainties and complexities of immigration benefit fraud.¹²⁷

3. Using Networks to Strengthen Collaboration

A network is one way to think about the USCIS and ICE relationship. It is a network comprised of Special Agents, Criminal Research Specialists, Intelligence Research Specialists, Immigration Officers and Adjudications Officers. This network can only be effective by mutual respect for each other's role in the immigration benefit fraud process. It also critical that USCIS and ICE leadership support the network, as leadership and culture can either support or nullify the best network designs.¹²⁸ Leaders can have a significant impact and contribute to the success of organization. In this case, leaders who recognize and acknowledge collaborative work or promote people who effectively collaborate across organizational lines. This sends a powerful signal to the "immigration benefit fraud" network that collaboration is in furtherance of the public good.¹²⁹ Likewise, leadership can also reduce people's willingness to connect in a network by reducing morale and fostering internal competition.¹³⁰ A continued commitment to the ICE led Document and Benefit Fraud Task Forces (DBFTF) is a practical way to

¹²⁶ Marilyn Norris, "Warren Bennis on Rebuilding Leadership," *Planning Review* 20, no. 5 (September/October 1992): 14.

¹²⁷ Jurian Edelenbos and Erik-Hans Klijn, "Trust in Complex Decision-Making Networks A Theoretical and Empirical Exploration," *Administration & Society*, 39, no. 1 (March 2007): 26.

¹²⁸ Rob Cross and Andrew Parker, *The Hidden Power of Social Networks, Understanding How Work Really Gets Done in Organizations* (Boston: Harvard Business School Publishing, 2004), 126.

¹²⁹ *Ibid.*, 127.

¹³⁰ *Ibid.*, 82.

strengthen effective networks between USCIS and ICE from a work management perspective. Working together allows USCIS and ICE employees to develop awareness of each other's expertise and build social ties that enable a familiarity and comfort level to work collaboratively.¹³¹ This can also help build competence-based trust between USCIS and ICE personnel in collaborating on benefit fraud cases. Both parties need to feel confident that the person who was sought out for advice, expertise or information is knowledgeable in respect to immigration law, fraud and law enforcement concerns. To emphasize the importance of personal contact, one study revealed that after a state-of-the-art profiling system was used to determine people's strengths, it was the face-to-face contact that determined trust between group members and whether or not they would reach out to others within the group for information.¹³²

Culture is also important to support a healthy and effective cross-organizational network. This is especially true for USCIS and ICE because it can override collaborative behaviors encouraged by formal design.¹³³ It is important that leaders consider the different cultural aspects of law enforcement and non-law enforcement agencies who work together to solve common problems; in this case, ensuring the integrity of the legal immigration benefits system. Traditionally, law enforcement cultures are not apt to share information with non-law enforcement entities. The cultural differences between USCIS and ICE are further exacerbated by the multitudes of cultures that have not only been brought into USCIS and ICE since the creation of DHS but also new cultural values that have been established with the creation of the two DHS components. For example, consideration should be given to U.S. Customs Service, INS, USCIS and ICE cultural values in thinking about effective collaboration between USCIS and ICE. Therefore, it should not be a given that effective collaboration will automatically exist based on policy or organizational charts. USCIS and ICE leaders need to continually evaluate and reward instances of collaborative behavior to reinforce positive behaviors in maintaining effective working relationships. One way of overcoming cultural differences is to focus

¹³¹ Rob Cross and Andrew Parker, *The Hidden Power of Social Networks, Understanding How Work Really Gets Done in Organizations* (Boston: Harvard Business School Publishing, 2004), 119.

¹³² *Ibid.*, 114.

¹³³ *Ibid.*, 128.

on an overarching goal such as the ensuring the security of the legal immigration system rather than the non-law enforcement or law enforcement aspects between USCIS and ICE.¹³⁴

Another avenue of enhancing collaborative efforts is by the use of boundary spanners. As noted in the *The Hidden Power of Social Networks*, boundary spanners are people who provide critical links between two groups defined by functional affiliation, physical location or hierarchical level. Since a network allows people to share different kinds of expertise, a boundary spanner could connect both groups such as USCIS and ICE without promoting excessive connectivity.¹³⁵ It is important to note that not everyone is suited to be a boundary spanner as he or she would need a breadth of subject knowledge, social contacts and the personality traits to be accepted by USCIS and ICE personnel.¹³⁶ Boundary spanners can be motivated by goal setting and other rewards to ensure that effective personal networks are enhanced and integration is improved on a consistent basis between USCIS and ICE in targeting immigration benefit fraud. They can also assist with facilitating common interests and language such as procedures, policies, and priorities passed through the USCIS and ICE network.¹³⁷ It is important to note that this should not just support information sharing but also knowledge sharing for long-term problem solving capacity.

Lastly, developing Collaborative Capacity Builders (CCBs) is another method to sustain and continue to build an effective USCIS and ICE network into the 21st century. A CCB is someone who has the expertise or is respected within a network who plays a lead role in ensuring the knowledge is sent, received and integrated in enhancing

¹³⁴ Rob Cross and Andrew Parker, *The Hidden Power of Social Networks, Understanding How Work Really Gets Done in Organizations* (Boston: Harvard Business School Publishing, 2004), 128.

¹³⁵ *Ibid.*, 74.

¹³⁶ *Ibid.*

¹³⁷ Edward Weber and Anne M. Khademian, "Wicked Problems, Knowledge Challenges, and Collaborative Capacity Builders in Network Settings," *Public Administration Review* 68, no. 2 (March/April 2008): 338.

collaborative capacity.¹³⁸ Weber and Khademian posit six commitments of CCBs below that focus on the softer side of network effectiveness rather than structural connections.

- A commitment to governance *with* government
- A commitment to govern within the rules yet think creatively
- A commitment to networks as mutual-aid partnerships with society
- An acceptance that a CCB can be someone without an official government portfolio
- An understanding of the intrinsic inseparability of performance and accountability in wicked problem settings
- A persistent commitment to the collaborative process¹³⁹

Although all of the commitments are important to the USCIS and ICE network, two in particular are of significant importance. First, as USCIS and ICE collaborate through their respective external boundaries within DHS, it is important to be able to govern within the rules based on existing policies, procedures and Memorandums of Agreement with an openness to think about new ways to solve problems such as immigration benefit fraud. Rules-based systems are inadequate to solve complex problems that require new ways of thinking such as how immigration benefit fraud can be deterred or how to maintain an effective collaborative capacity between USCIS and ICE.¹⁴⁰ Secondly, the intrinsic inseparability of performance, capacity and accountability is also important to maintain not only the network but also to ensure that sending, receiving and integrating knowledge continues to build capacity. It is essential to keep the USCIS and ICE network engaged for the future while meeting the needs of other stakeholders such as CBP, DOS, DOL, and other federal and state agencies that have an interest in reducing immigration benefit fraud. A CCB would be responsible for finding areas of mutual gain and sharing burdens such as costs to sustain a collaborative network for the foreseeable future.

¹³⁸ Weber and Khademian, “Wicked Problems, Knowledge Challenges, and Collaborative Capacity Builders in Network Settings,” 338.

¹³⁹ *Ibid.*, 341.

¹⁴⁰ *Ibid.*, 342.

D. CONCLUDING THOUGHTS ON FUTURE LEADERSHIP FOR HOMELAND SECURITY

In conclusion, this thesis has reviewed aspects of the U.S. immigration structure that existed before and after the creation of DHS. It provided specific research into the area of organizational change and collaboration, which is central to the effectiveness of homeland security and DHS.

USCIS requires leaders who understand the “knowable” and “complex” regarding homeland security. In administering the U.S. immigration benefits system, senior leaders can focus on knowable areas such as what types of security checks are needed for applicants’ who apply for immigration benefits or the type of information that needs to be collected from an immigration petition or application. Leaders are able to organize and control functional outputs surrounding these examples that can support strategic intentions for both USCIS and DHS.¹⁴¹ There is a clear relationship between cause and effect. However, in the domain of complexity, issues remain open and continue to evolve despite the best efforts at prediction. There is not a clear relationship between cause and effect. Some examples of complex challenges that lie ahead for USCIS include balancing its customer service and security mission, administering an adjudications system based on risk, developing more effective relationships with its law enforcement and intelligence community partners in identifying national security threats, the role of contractors in shaping the future of USCIS, establishing a USCIS culture that is customer service oriented yet mindful of national security and immigration fraud, problems the new USCIS Transformation will solve and create, and the impact on homeland security on increasing or decreasing the speed of adjudicating immigration benefits.^{142, 143} All of the issues mentioned in the complexity domain require a new way of thinking where order and standards-based behavior are ineffective.

¹⁴¹ Christopher Bellavita, “Changing Homeland Security: Shape Patterns, Not Programs,” *Homeland Security Affairs* II, no. 3 (October 2006): 7.

¹⁴² USCIS Transformation Concept of Operations, http://www.uscis.gov/files/nativedocuments/TransformationConOps_Mar07.pdf (November 2008).

¹⁴³ Christopher Bellavita, “Changing Homeland Security: Shape Patterns, Not Programs,” *Homeland Security Affairs* II, no. 3 (October 2006): 8.

While no one can predict the future to overcome problems in the complexity domain, there are leaders who possess skills that can position their organizations for success. An anticipatory leader is one who has the capability of being a futurist, strategist and an integrator.¹⁴⁴ As futurists, they think beyond the obvious to study patterns and emerging trends and how external forces shape their organization. As strategists, they are able to see possibilities from new trends and communicate this new insight to their organization. This allows the organization to take advantage of new opportunities and to minimize threats. As integrators, they can reframe the thinking of others, create compelling organizational cultures and possess keen emotional insight to empower people to find solutions that they once thought were impossible.¹⁴⁵ This would be a sound model for leaders to aspire to in preparing to solve the complex challenges within homeland security since it is in a continually changing environment. “Anticipatory” leaders who could take advantage of emerging, relatively unseen opportunities and create strategies on these new opportunities would raise the possibility of keeping the U.S. homeland secure into the foreseeable future.

¹⁴⁴ Anika Savage and Michael Sales, “The Anticipatory Leader: Futurist, Strategist, and Integrator,” *Strategy & Leadership* 36, no. 6 (2008): 28.

¹⁴⁵ *Ibid.*, 28-29.

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APPENDIX.

- Krassimir Simeonov, 39, of Roswell, Ga., was sentenced by U.S. District Court Judge Bryan Harwell of Florence for his role in arranging bogus marriages for U.S. citizens and Bulgarian nationals so they could seek permanent U.S. residency status¹⁴⁶
- With the arrest of seven Indians, U.S. authorities have claimed to have busted an immigration racket run by an IT company owner who charged tens of thousands of dollars from expatriates by fraudulently sponsoring their H-1B work visas¹⁴⁷
- A ringleader in a massive marriage fraud scheme was sentenced to nearly 3 1/2 years in prison yesterday by a judge who criticized the man for saying he had arranged more than 100 phony marriages only to help fellow Ghanaian immigrants stay in the United States¹⁴⁸
- Attorney Jonathan Saint-Preux was indicted on October 5 with his wife, Michele, and another man on federal charges that they submitted fraudulent documents to help hundreds of undocumented immigrants stay in the U.S. Saint-Preux, who pleaded innocent, attended the White House party on November 30, said his attorney, Patrick Toscano¹⁴⁹

¹⁴⁶ SCnow.com, http://www.snow.com/scp/news/local/pee_dee/article/marriage_scam_ringleader_gets_15_months_in_prison/9533/ (accessed July 2008).

¹⁴⁷ Express India, <http://www.expressindia.com/latest-news/Immigration-racket-run-by-Indian-busted-in-US/323459/> (accessed July 2008).

¹⁴⁸ The Washington Post, http://www.washingtonpost.com/wp-dyn/content/article/2006/12/22/AR2006122201224_pf.html (accessed July 2008).

¹⁴⁹ Bloomberg.com, <http://www.bloomberg.com/apps/news?pid=20601103&sid=aUfKe05kP5ZU> (accessed July 2008).

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