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Abstract

DHS Immigration Attorneys: Workload Analysis and Workforce Planning Efforts Lack Data and Documentation, GAO-07-206, April 17, 2007
Highlights-PDF   PDF

The legal staff of key Department of Homeland Security (DHS) components--Immigration and Customs Enforcement (ICE), U.S. Citizenship and Immigration Services (USCIS), and Customs and Border Protection (CBP)--perform important immigration enforcement, inspection, and service functions. This report addresses the actions ICE, USCIS, and CBP legal offices are taking to identify attorney needs, determine where those attorneys should be deployed, and address staffing shortfalls. To conduct its work, GAO interviewed component senior legal office officials in headquarters and regional offices and reviewed available documentation on staffing.

GAO's prior work on strategic workforce planning states that staffing decisions should be based on valid and reliable data. However, ICE and USCIS's legal offices do not currently have such data available, though efforts are under way to obtain the data. Moreover, GAO's standards for internal controls in the federal government call for clear documentation, but none of the three legal offices have fully documented the processes, procedures, and data they use in their workforce planning decisions. ICE legal officials acknowledged that while an approach is in place for identifying attorney staffing needs, more data are needed to improve their attorney staffing decisions to help ensure that a sufficient number of attorneys are available to handle rising caseloads. ICE's legal office has relied primarily on its professional judgment to set a staffing ratio between attorneys and immigration judges. It also uses a workload system that tracks, for instance, the number of cases prepared. But attorney time, and other metrics, are not tracked. The legal office is working to incorporate these and other data into its existing system by December 2007. ICE's legal office has not yet fully documented its plans for enhancing its workload system by discussing how it intends to measure its progress or report the results

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of its efforts. Without such documentation, the office may not be able to effectively monitor its progress in meeting its goals related to this effort. Nor has the office documented its overall attorney workforce planning process, making it difficult for the office to validate its staffing decisions. USCIS officials acknowledged that its attorney workforce planning approach is based on estimates of workload data, such as the number of legal actions filed against USCIS, and that it is not possible to reliably determine attorney needs or anticipate shortfalls based on these estimates. Officials stated that DHS has not been in a position to support a request for additional attorneys for USCIS, because USCIS lacks sufficiently reliable data. These officials said that they coordinate with other USCIS offices to acquire additional legal resources. Efforts to implement a comprehensive workload system are to be completed by the end of fiscal year 2007, but the legal office has not yet documented its (1) plans for implementing this system describing goals, milestones, and other elements or (2) attorney workforce planning process. Thus, the office may not have reasonable assurance that its personnel are implementing workforce planning efforts as intended. CBP legal officials reported implementing a successful approach for assessing staffing needs by analyzing workload statistics, soliciting feedback from CBP program offices on their legal needs, and estimating the time attorneys need to complete their work. Using this method, the Chief Counsel said that the legal office has not experienced staffing shortfalls and has met rising workloads by obtaining funding to hire additional attorneys. However, CBP's legal office lacks documentation of its attorney staffing process, making it difficult to review and validate the success of its approach.

Subject Terms

Data collection
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