



Office of the Attorney General
Washington, D.C. 20530

February 3, 2003

The Honorable Elaine Kaplan
The Special Counsel
U.S. Office of Special Counsel
1730 M Street, NW
Washington, DC 20036-4505

Re: OSC File No. DI-02-0413

Dear Ms. Kaplan:

This letter responds to your letter dated April 12, 2002, concerning allegations raised by an anonymous individual regarding the Immigration and Naturalization Service's (INS) New York District Office, John F. Kennedy International Airport in Jamaica, New York. You requested that we investigate and report to you about an allegation that INS employees were admitting ineligible foreign nationals into the United States, after they had been referred for secondary inspection.

Specifically, the complaint alleged that the individuals were admitted in order to avoid completing the paperwork associated with removal proceedings, and that these admissions violated provisions of Title 8 of the United States Code (U.S.C.), Section 1182. With your letter, you provided a printout containing a listing of 150 individuals allegedly admitted into the United States by INS Inspectors from September 1999 to November 2001.

Your letter was initially referred to the Department of Justice's Office of Inspector General (OIG). The OIG referred it to the INS' Office of Internal Audit (OIA) for action. The OIA initiated an investigation, which has been completed and referred to the INS' Assistant Commissioner, Inspections, and the District Director of the New York District Office for their information.

The OIA investigation did not disclose information to substantiate the allegation that individuals were improperly admitted into the United States to avoid paperwork, and the OIA found there is not a substantial likelihood that the information presented to you represents a violation of law, rule or regulation, or an abuse of authority. A synopsis of the OIA's findings is enclosed for your review.

If you should require additional information concerning this matter, please do not hesitate to contact my office or Michael J. Garcia, INS Acting Commissioner. I appreciate and share your interest in improving the operation and management of the Department of Justice, including the INS.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Ashcroft".

John Ashcroft
Attorney General

Enclosure

cc: Mr. Michael J. Garcia
Acting Commissioner
Immigration and Naturalization Service

Synopsis of issues addressed and investigative findings related to the Immigration and Naturalization Service Office of Internal Audit's (OIA) investigation of allegations related to the John F. Kennedy International Airport, New York District

- Allegation that 35 Immigration Inspectors (II) and Supervisory Immigration Inspectors (SII) working secondary inspections admitted 150 ineligible individuals into the United States (U.S.) in violation of provisions of 8 U.S.C. 1182.

The OIA reviewed computer records contained in the Intcragency Border Inspection System (IBIS) related to the 150 names listed in the documentation supplied by the Office of Special Counsel (OSC). None of the names run resulted in a hit or flag reflecting a possible criminal history or other association related to national security. Of the 150 names, 26 could not be identified as having been the subject of a query in IBIS by a primary inspector, so there was no record of an inspection. Analysis of the other 124 names for which there was an inspection disclosed that the same II conducted the primary inspection on 114 of these individuals, and different IIs conducted the remaining 10 primary inspections.

Of the 124 identified records, analysis disclosed a documented referral for secondary inspection on all but 1 name. Of the secondary inspections, the vast majority resulted in admission to the U.S. The secondary inspection results were posted by a variety of IIs, and there was no pattern of action that could be associated with any particular secondary II. When an II makes a referral to secondary, he/she documents the reason, (e.g., mandatory referral for individuals from certain countries, possible fraudulent documents, possible photo-substituted passport, or possibly living or working in the U.S.). Analysis of the referrals in these cases and the dispositions disclosed no information to indicate that the decisions to admit were incorrect or improper.

OIA interviewed the II who made the 114 referrals from primary inspection, 6 additional Inspectors mentioned in those interviews as possibly having information relevant to the complaint as well as a random sampling of 5 other Inspectors. Additionally, 3 managers at the airport were interviewed. None provided information, other than some who stated a personal belief or perception regarding secondary inspections, to indicate that secondary inspectors were deliberately admitting ineligible individuals.

Interviewees who had worked in secondary inspections and who were familiar with the process advised that different approaches were taken in a secondary inspection depending upon the possible violation reported by the primary Inspector. The secondary inspection could involve a closer examination of travel documents, noting arrivals and departures to and from the U.S., verification of the traveler's accommodations while in the U.S. and scheduled departure date, checking other databases for immigration and possible criminal history, and searching the traveler's luggage and personal effects, among other things. The Inspector conducting the secondary inspection must ensure the traveler satisfactorily demonstrates that he/she is not an

intending immigrant. Determinations that an individual is not eligible for admission into the United States require supervisory and Assistant Area Port Director review and approval.

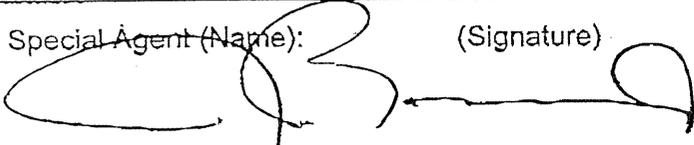
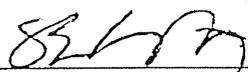
Employees and managers interviewed advised that in 2000 and 2001, statistics regarding primary referrals for secondary inspection were maintained and published on a monthly basis. The statistics indicated which IIs generated the most secondary referrals, which resulted in an adverse action for the traveler (e.g., a determination of inadmissibility). This practice was stopped when it was determined that some employees were "flooding" secondary with referrals, and some were holding up primary processing to run record checks themselves.

The OIA investigation did disclose two potential systemic issues with possible procedural and training implications: First, secondary Inspectors were often simply noting in the INS computer system that they admitted a person after a secondary inspection, without specifically documenting how the person overcame the reason they were referred to secondary. Second, the investigation disclosed a perception issue in that primary inspectors did not receive feedback as to the outcome of their referrals to secondary, and speculated that admissions were improper. These issues have been communicated to the appropriate INS managers for their consideration and any action deemed appropriate to address them.



U.S. Department of Justice
 Immigration and Naturalization Service
 Office of Internal Audit
 Internal Investigations Branch

REPORT OF INVESTIGATION

Subject(s): S. M. Alam, GS-1816/11, et. al. JFK International Airport New York District	Case File Numbers: 2002X02687	Date: September 30, 2002 Report Number: One
Prepared by Special Agent (Name): Jan Borris	(Signature)  10-1-02	Office: Internal Investigations Branch
Approved By (Name and Title): Sue E. Armstrong Assistant Director	(Signature)  10/1/02	Office: Internal Investigations Branch

INTRODUCTION

This investigation was initiated upon a complaint received on April 24, 2002, by the Office of Internal Audit (OIA), Immigration and Naturalization Service (INS), Headquarters, Washington, DC. The allegation was referred from the Office of Special Counsel (OSC) and regarded Immigration Inspectors (II's) working in the secondary inspection area at John F. Kennedy (JFK) International Airport, Jamaica, New York allowing foreign nationals to illegally enter the United States (U.S.) when they (the foreign nationals) were not entitled to that benefit.

Specifically, an anonymous complainant stated that IIs and Supervisory Immigration Inspectors (SII's) working in the secondary area improperly admitted a significant number of foreign nationals in violation of the Immigration and Nationality Act, 8 United States Code (U.S.C.) 1182. The complainant identified one hundred and fifty (150) foreign nationals they claimed were illegally allowed entry into the U.S. The complainant further identified thirty-five (35) II's and SII's that participated in the illegal activity.

FINDINGS

The Office of Special Counsel (OSC) provided a synopsis of the anonymous complainant is allegations, which indicated that a number of foreign nationals attempting to gain entry in to the U.S. were improperly and illegally permitted to enter the country. The complainant indicated that IIs

Following primary inspection identified and temporarily detained foreign nationals attempting to gain legal entry into the U.S.

The complainant explained that under standard procedures, after a foreign national is temporarily detained after primary inspection, the II brings the foreign national to the attention of a second II or SII, which is commonly referred to as "Secondary." In Secondary, II's conduct a closer review of the foreign national's documents along with additional checks (more thorough computer record checks, questioning, even possible searching of their personal belongings). This is the second opinion as to whether the foreign national should be admitted into the U.S.

The complainant stated that the "Secondary Officer" could be another II serving in a supervisory role, (Senior Immigration Inspector or a Special Operations Immigration Inspector). Complainant stated that after the foreign nationals attempt to gain entry into the U.S. illegally was brought to the attention of the "Secondary Officer," the foreign nationals were permitted to enter the U.S. The complainant alleged that one hundred fifty (150) foreign nationals were permitted entry into the U.S. by the "Secondary Officer" in order to avoid additional paperwork involved in detaining them. Also listed with the one hundred fifty (150) foreign nationals were seven (7) SII's and twenty-eight (28) II's responsible for their admittance. The following is a breakdown of those INS employees:

Supervisory Immigration Inspectors (SIII's):	Kay A. Bonadie Kathleen R. Celentano Leroy E. Holder Leopold C. Lever Paula E. Moragne Thomas F. Spelman Albert Sypioe
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Immigration Inspectors (II's (SO)): (Special Operations)	Shariful S. Alam Jose Braga Claudette Cooper Stephanie D. Gaines Robert Pelech Michael J. Rosa
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Immigration Inspectors (II):	Kevin B. Austin Leonard P. Cascella Hope Cerda Dora Devaynes Joubert Dupuy Roland C. Findley Thomas P. Fleming Joseph P. Harrington Michael Henneberry
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JeanMarie W. Lee
Daniel L. Linehan
Eduardo Lopez
Keith M. McCalman
James Ng
Joseph L. Pelletier
Miguelina Ramirez
Gregory A. Toback
Alfonso N. Tomlinson
Stephen Weeks

Immigration Inspectors (II's):
(No Longer at JFK)

Nidia Almonte (San Juan District)
Gary Handle (No longer with INS)
Fabien Rosero (San Juan District)

The complainant contended that in several instances foreign nationals were permitted entry even though they had previously stayed illegally in the U.S. beyond their permissible period of time, attempted to gain entry with fraudulent passports/visas, without documentation or using aliases. The complainant also provided dates of birth, passport numbers, admission date, admission number and the name of the II allegedly responsible for permitting the foreign nationals entry into the U.S. for the one hundred and fifty (150) foreign nationals.

The OIA contacted the INS Office of Inspections, which has oversight responsibilities for the inspections program at INS Ports of Entry (POE's). The Office of Inspections completed computer record checks on the foreign nationals through the Interagency Border Inspection System (IBIS) based on the information provided by the complainant. However, due to the dates of some of the admissions, Inspections was only able to provide a hard copy record on ninety-three (93) of the one hundred and fifty (150) foreign nationals at the time of this report. Of the ninety-three (93) IBIS database records printed it was determined that seventy-one (71) of the primary inspections were conducted by the same II (Patrick N. Coraggio); fifteen (15) of the names could not be located via Inspections query, different IIs conducted primary inspections of the remaining seven(7) individuals.

The Office of Inspections conducted an analysis of the INS computer database information on the seventy-eight (78) foreign nationals located during their search. IBIS primary crossing records were located on almost every foreign national checked. Of those with primary crossing records, a secondary referral record was found on all but one foreign national. Inspections explained that review of the secondary referral reflected that one (1) referral resulted in an adverse action (not allowed entry into the U.S.) against the traveler and the determination of inadmissibility was consistent with the referral made by the primary inspector. The Office of Inspections stated that all other records researched resulted in admission for the foreign national.

The Office of Inspections indicated that based on a review of computerized immigration records for the seventy-eight (78) foreign nationals, some of the secondary referrals might have resulted in more than one disposition for the case. They stated that there was no information contained in either the primary inspector's referral or the secondary inspector's comments to clearly determine that the

dispositions granted at the times the foreign nationals applied for admission were incorrect or that there was any impropriety in those dispositions. The Office of Inspections explained that searches of additional systems of records provided no evidence that the final dispositions regarding the admissibility of the foreign nationals in question were incorrect or improper. The Office of Inspections noted one possible systemic recommendation based on their research into this allegation. They reported that a possible result of the investigation would be to implement a procedure to ensure that all secondary inspectors include clearer and more detailed accounts of their rationale for making the determination for admissibility or inadmissibility regarding each foreign national they inspect.

The OIA analysis of the alleged illegal admissions based on the IIs/SIIs named in the complaint revealed the following:

- Of the thirty-five (35) IIs and SIIs identified as admitting foreign nationals, there was no established pattern for any specific employee. (i.e. one (1) employee (Findley) had four (4) listed admissions, two (2) employees (Lee and Henneberry) had three (3) listed admissions, two (2) employees (Ng and Cascella) had two (2) listed admissions and the remaining employees each had only one (1) listed admission.
- Findley's admissions occurred in September 2000, November 2000, April 2001 and November 2001 as listed by the complainant.
- Lee's admissions occurred in July 1999, September 1999 and December 2000 as listed by the complainant.
- Henneberry's admissions occurred in December 1999, February 2001 and April 2001 as listed by the complainant.
- Ng's admissions occurred in October 2000 and November 2001 as listed by the complainant.
- Cascella's admission occurred in November 2000 and January 2001 as listed by the complainant.
- There appeared to be no pattern of criminal intent for any II/SII identified based on the number or timeframes the foreign nationals were permitted entry into the U.S.

Based on the research provided by the Office of Inspections, the OIA made the determination to interview II Coraggio, since he was listed as the primary inspector of seventy-one (71) of the foreign nationals referenced in the complaint sent to the OSC. The OIA then randomly selected five (5) additional IIs (Melissa Feld, Vincent N. Lin, Eduardo Lopez, Christine T. Patterson and Jennifer Santiago) to interview regarding the complainant's issue. (NOTE: Two (2) of the six (6) IIs were unable to be interviewed during the time the investigator was at JFK. Feld had been terminated from the Service due to her failure at the training academy and Lopez was on annual leave during the week of the scheduled interviews.) Based on interviews of the remaining four (4) IIs, six (6) additional IIs were identified as individuals who may have information relevant to the investigation. Those six (6) IIs were identified as Daniel E. Barbaro, Kimberly M. Hoffman, Robert A. Holtz, Larry Holzberg, John F. Kozma and Tommy A. Varsamas, and they were interviewed as part of this investigation. The OIA also interviewed three (3) supervisors, Area Port Director John Mirandona and Assistant Area Port Directors (AAPDs) Richard A. Pileggi and Charles J. Akalski.

On September 25, 2002, Immigration Inspector David Spigel provided OIA Special Agent Jan Borris

numerous printouts reflecting the monthly leader among JFK primary inspectors whose referrals had in some form of adverse action for the foreign national referred. Spigel noted that the basis for originally compiling these numbers was to recognize the IIs for the work they were completing. He explained that they have since ceased this activity for several reasons (many referrals were automatic referrals, some IIs were "flooding" secondary with referrals and some IIs were holding up their primary processing duties to delve into a specific foreign national's case).

Spigel explained that his assessment of the number of adverse actions (denial of admission) taken at JFK International Airport on an annual basis would be between 6000 and 7000. He stated his work on the monthly report on adverse actions was how he arrived at the annual figure. Spigel reported that during the calendar years 2000 and 2001 he reported to management at JFK International Airport the following top ten IIs with adverse actions resulting from their primary inspection referrals:

2000

Berger	64
Coraggio	53
Momberger	53
Berg	42
Concha	41
Gonzalez	41
Varsamas	41
Orro	35
Gee, G.	32
Coloma	30

2001

Varsamas	123
Coraggio	96
Paplow	65
Concha	64
Scandariato	63
Negrola	59
Beeg	55
Derolus	55
Lebedev	54
Carrington	53

It was noted that Coraggio had approximately 1820 primary referrals in calendar year 2000 with 53 of those referrals ending in an adverse action and 1668 primary referrals in calendar year 2001 with 96 ending in adverse action, which equated to a 2.9% and 5.75% referral to adverse action rate respectively.

Assistant Area Port Director Charles J. Akalski provided the following information regarding the overall statistics for primary referrals for secondary inspection at JFK. He indicated statistics were somewhat subjective for 2000 and 2001 in that there were 192,248 and 179,536 referrals

respectively for the two years. Akalski said they then took the average number of IIs on their roster (10-325) during that period and subtracted out supervisors, senior inspectors, district staff, and trainees. He stated that based on these subjective numbers there was an average of 600-650 referrals per inspector in 2000 and an average of 550-600 referrals in 2001. Akalski explained that for some inspectors who frequently worked secondary instead of primary the numbers would probably be in the 200 range, while inspectors who typically worked primary (like trainees) the numbers could possibly be in the 1000 range.

On September 18, 2002, Area Port Direct John Mirandona was interviewed at JFK International Airport, Jamaica, New York and provided the following information. Mirandona stated that current policy requires that air carriers provide the INS with a manifest of passengers prior to the flight arriving at the airport. He said the lists were used to check criminal histories on passengers bound for the U.S. prior to their even arriving. Mirandona explained that the records check information was then available to the primary inspectors use in helping determine admissibility.

Mirandona stated that the primary inspector does a brief review of documents (passport, visa, etc.) and makes the determination to allow entry or to refer to Secondary for a more through review. He said this was a very subjective process and conducted in a brief period of time. Mirandona explained that if a foreign national were referred to Secondary that inspector (Secondary Inspector) would review the reason the primary inspector made the referral. He stated that based on the reason for referral the Secondary inspector made determinations as to what direction they needed to pursue (a more through exam of their documents, additional database checks, more specific questions or checking of the foreign national's personal belongings).

Mirandona explained that they (management at JFK) have received similar complaints in the past, but they were individual cases of entry and not allegations of large numbers of inappropriate entries. He said when they received those complaints they reviewed the matter and if it was determined that incorrect determinations were made, corrective action would be proposed for the inspector involved. Mirandona stated it was a common practice to assign the more senior inspectors to work secondary because of their experience in dealing with the more complex matters, however the facility did not have enough senior people to adequately cover the work generated by the arriving airlines at JFK.

Mirandona stated that he had a staff of approximately 400 at JFK, however for the last two (2) years or so the facility lost an average of about a quarter of the staff to other facilities, other agencies or back to the private sector. He explained that even with hiring new inspectors, the experience level was continually shrinking and there were not enough senior inspectors to accomplish the work of processing all the foreign nationals attempting to gain entry into the U.S.

Mirandona opined that the information provided by the complainant was not enough to show any misconduct had occurred. He explained that there could be any number of reasons why a foreign national referred to Secondary was determined admissible, which the primary inspector may not be privy to at the time of the primary inspection. Mirandona stated that with regard to the instant investigation he did not see that there were any willful acts by IIs to grant entry to a foreign national ineligible for the benefit. He said that based on the nature of the complaint he thought Ii John F. Kozma may be an individual worth speaking to. He questioned why, if the complainant actually felt

Other inspectors were committing illegal acts by admitting these foreign nationals, they waited two one half years to report the allegation.

On September 18, 2002, Assistant Area Port Direct Richard A. Pileggi was interviewed at Terminal 4 JFK International Airport and provided the following information. He indicated that an inspector working a position in Secondary needed to balance the issue of workload. Pileggi explained that one had to balance the issues on a case-by-case basis. He said inspectors had to look at issues such as is the person a clear danger, what type other cases were currently pending and when would additional flights be due in.

Pileggi stated the JFK was a very enforcement minded facility. He said that with the turnover rate of inspectors, they had a high number of new inspectors working the primary inspection area. Pileggi explained that working the Secondary area was where experience really counted because in many cases an inspector does not have the "smoking gun." He said the "smoking gun" was typically the one piece of evidence an inspector needed to support their determination of inadmissibility. Pileggi explained that it was typical in the Service to place the more senior and experienced inspectors in Secondary.

Pileggi explained that a primary inspector typically would ask some questions and review the individual's travel documents. He said if the person were then referred to Secondary, that officer (secondary inspector) would review why the primary inspector referred the foreign national (fraud, no or expired document, possibly working or living in U.S., etc.) then first focus their inspection in that area. Pileggi stated the secondary inspector might, if the situation deems it, recheck the documents, in much greater detail and more attention. He said the secondary inspector could re-interview the foreign national, search their personal belongings, conduct additional record checks, etc.

Pileggi said that based on the nature of the complaint, he believed there were three II's who could be the complainant. He named Patrick N. Coraggio, stating Coraggio has been disciplined for failure to follow policy (drew a line through a passport). Pileggi mentioned John F. Kozma, because he had made a complaint regarding a similar situation. He mentioned Robert A. Holtz, but gave no specific reason. He explained that management at JFK did not ignore issues. Pileggi stated that they looked at each case to see if there would be something to the allegation and then would take appropriate action to correct it.

On September 19, 2002, Assistant Area Port Director Charles J. Akalski was interviewed at Terminal 4, JFK International Airport, Jamaica, New York. **(Exhibit)** Akalski reviewed the Office of Inspections printout regarding the nature of the primary referral. He indicated that the majority of the primary inspectors referrals to secondary were because the primary inspector believed the foreign national was working or living in the U.S. (1182 (a) (7) (A) (i) (I)) or fraud (1182 (a) (6) (C) (i) altered documents and 1182 (a) (6) (C) (ii) false claim.

Akalski explained that the 1182 (a) (7) (A) and 1182 (a) (6) (C) violations cited by the complainant were the "catch all charges" used by primary inspectors for referring a foreign national to secondary. He said that the "8 U.S.C. 182" cited in the complaint really should have been "8 U.S.C. 1182." Akalski stated that the complainant listed many of the facility's top inspectors as allowing foreign

nationals to illegally enter the U.S. He said many of those inspectors work the secondary area frequently, so they may be more likely to have completed reviews of the complaint's referrals. Akalski mentioned that the facility had at one time tracked the number of primary referrals that concluded with an adverse action for the foreign national. He explained that they discontinued that practice some time ago due to problems associated with it. Akalski specifically mentioned that some of the primary inspectors were "flooding" secondary with referrals or severely slowing their primary lines down to order to find violations by running additional computer checks or doing extensive questioning, which is not the intended function of the primary inspector.

A Notice to Appear was served on September 17, 2002, to Immigration Inspector Patrick N. Coraggio, instructing him to appear for an interview and provide sworn testimony on September 19, 2002, at Terminal 4, JFK International Airport, Jamaica, New York. He was interviewed and he provided a taped sworn statement. Coraggio did not request Union representation.

Coraggio stated that based on the nature of the complaint he believed there were many individuals who felt there were foreign nationals being admitted that should not have been admitted. He said that ninety-(90) out of a hundred (100) inspectors would have stories of foreign nationals being admitted that should not have been. Coraggio replied, "I don't want to comment." when asked if he was the individual who sent the complaint to the OSC. He stated that JFK management kept a list of the IIs that generated the most adverse actions. Coraggio said that Tommy A. Varsamas was one of the IIs that produced a lot of referrals that ended in adverse actions and he may have comments regarding this matter.

Coraggio explained that he was personally aware of individuals who were imposters, but were admitted through Secondary anyway. He said that on several occasions U. S. Customs Service officers would see that a person was an obvious imposter and bring them back to an INS supervisor. Coraggio explained that the Customs Service was not concerned with immigration issues, but some of the foreign nationals being released from secondary were so blatantly inappropriate for admission, that U.S. Customs Service officers noted it and returned them to the INS.

Coraggio said that the majority of referrals to Secondary were issues where the foreign nationals were working in the U.S. without INS permission. He stated he had seen some photograph substituted (photo-subbed) visas and passports that appeared to be definite photo-subbed and they (foreign national) were still allowed admission.

Coraggio stated that the national policy to be followed was the law, INA, including the laws of inadmissibility. He said he was not sure that there was any written policy, but IIs were instructed in the procedures to use at the academy (Federal Law Enforcement Training Center (FLETC)) during basic training (Immigration Officer Basic Training Course (IOBTC)). Coraggio indicated there was also a two or three week post-academy training course IIs received at JFK when they returned from the FLETC. He said they taught you the specific procedures of what to write on the I-94 form, the annotation to write for the timeframe of approved admission, a visitor visa (B2) would get six (6) months, a visitor visa (B1) had to get three (3) months, etc. Coraggio stated that JFK management does provide inspectors with intelligence reports on trends foreign nationals are using in attempting to enter the U.S. illegally. He contented, however, that many times this information was out of date by

the time the inspectors received it.

Coraggio said that he was not aware of any local policy that was in place to assist inspectors in conducting their primary inspections. He contended that he believed some of the local policies (he was not sure if it was a national policy or not) actually hindered inspectors from doing their job. Coraggio stated the JFK management has told the inspectors working primary not to check the Non-Immigrant Information System (NIIS). He said that he believed if the primary inspectors were allowed to check this system or if it were an automatic check for them to review, they (primary inspectors) would catch a lot more people attempting to enter the U.S. illegally.

Coraggio explained that as a primary inspector he would first make sure the foreign national had all the proper forms they needed and that all the necessary information was contained on the forms. He stated he would then look at the passport and specifically the biographical page, the expiration dates, and the back page for any annotation from the State Department or an "A" number (alien registration number) and if the person requires a visa. Coraggio said he'd also review the visa to see what the classification is, if it was valid, does the person standing there match the photograph, is it valid for at least six (6) months beyond the admission date, etc. He indicated he would then ask the foreign national some basic questions (based on the circumstances like a being U.S. citizen (USC), immigrant alien or non-immigrant alien, etc.). Coraggio explained that if he believed the person to be a USC and there were no other problems he would simply send the person on their way. He said if the person was an immigrant alien he would make sure they had their valid green card, that the photograph matched, ask them how long they had been out of the U.S., may ask if they had a criminal record, etc. Coraggio stated that with a non-immigrant alien he would look at if they were coming to a hotel or a private residence, look at the dates on the ticket (open ended or not), ask if they have a job and what type (to determine if they have something to go back to), and how long they are planning to stay.

Coraggio stated he had not worked the Secondary position very often (only a couple of times), but he would do several things. He said he thought it was a policy at JFK for secondary officers to run a criminal history check and if you believed the person had prior entries into the U.S. to run a NIIS check to see how long the foreign national stayed on past visits. Coraggio said in Secondary you could check a foreign national's personal belongings for items such as a U.S. driver's license (why would a visitor have one?). If the person was a Legal Permanent Resident you would check the Central Index System (CIS), for their immigration history and conduct more expanded questioning and possibly a formal statement.

Coraggio said he had previously made management aware of the issues central to this investigation. He stated that several months ago, he had a person who had a back dated stamp in their passport and he went to the secondary officer to explain the situation. Coraggio explained that he even printed the NIIS record, which reflected that the individual had stayed for over a year, but the stamp in their passport reflected that it was less than the actual time and had been only a two (2) or three (3) month stay. He stated the stamp in the person's passport showed that he was back in his country when in fact he was still in the U.S. Coraggio contended that the Secondary officer then went to the supervisor and complained that he (Coraggio) should be back out on primary and not back in the Secondary area. He said the supervisor then told him no Assistant Area Port Director (AAPD) would

like that case. Corragio explained he had heard conflicting information, which was that some AAPD's believe a backdated stamp was a (6) (C) fraud violation and other AAPD's don't believe it is a violation if the person did not over stay it was okay. He stated he believed this type case was fraud, but there was no consistency with how it would be viewed by the supervisors.

Corragio explained that issues he had brought forward involved several different issues and inspectors. He said in defense of management there had been a few times he went to supervisors and after hearing his explanation the supervisor indicated that it was a problem and the supervisor went into Secondary and told the inspectors there to work that particular case. Corragio stated that certain IIs (Leonard P. Cascella, Roland C. Findley, Michael J. Rosa, JeanMarie W. Lee, and James Ng) had the reputation of letting ineligible in. He explained that in the IIs defense he didn't know if it was actually the II letting foreign nationals in or if it was some of the supervisors or AAPD's telling them to let these people in. Corragio said he believed it was more of a policy issue.

Corragio stated that he believes that JFK management caters to the airlines too much and that the airlines just want to get people through and management just wants them to be nice and doesn't really want the IIs to do their job of keeping the people violating the law out. He said it could be that the Labor lobbies are pushing to have people come in because they want the cheap labor. Corragio explained he did not know where that may have come from, but mentioned it could have come down from Congress. He stated that it may be a bigger picture issue and if he was working more often in Secondary he may do the same thing (e.g., admit people).

A Notice to Appear was served on September 16, 2002, to Immigration Inspector Christine T. Patterson, instructing her to appear for an interview and provide sworn testimony on September 18, 2002, at Terminal 4, JFK International Airport, Jamaica, New York. She was interviewed and she provided a taped sworn statement. Patterson did not request Union representation.

Patterson stated that she was aware that there were IIs at JFK who believed that the referred foreign nationals they send to Secondary were admitted even though they (the primary inspector) thought the foreign national was inadmissible. She said however, she knew of no one who would complain.

Patterson explained that in Secondary it was not just a single person's decision to allow the foreign national admission. She said the primary inspectors needed to understand it's not one person saying, "No we don't believe that this person is not good." Patterson stated she believed that every II at some point had the feeling that a foreign national they referred to Secondary was "banged in" (meaning allowed admission into the U.S. when not entitled to that benefit), even herself. She explained that there were probably always mitigating circumstances as to why they (Secondary officers) believed a foreign national should be granted admission over why she thought they should not.

Patterson said that before 9/11 (September 11, 2001) inspectors were more lenient on whom they granted admission to. She explained there might be a case of a foreign national overstaying a month on their last trip to the U.S. and they would be allowed in (if there was some reason why they overstayed). Patterson stated that another foreign national may have overstayed only a week and they would not be allowed entry. She indicated that it depends on who the SII and AAPD

like that case. Corragio explained he had heard conflicting information, which was that some AAPD's believe a backdated stamp was a (6) (C) fraud violation and other AAPD's don't believe it is a violation if the person did not over stay it was okay. He stated he believed this type case was fraud, but there was no consistency with how it would be viewed by the supervisors.

Corragio explained that issues he had brought forward involved several different issues and inspectors. He said in defense of management there had been a few times he went to supervisors and after hearing his explanation the supervisor indicated that it was a problem and the supervisor went into Secondary and told the inspectors there to work that particular case. Corragio stated that certain IIs (Leonard P. Cascella, Roland C. Findley, Michael J. Rosa, JeanMarie W. Lee, and James Ng) had the reputation of letting ineligible in. He explained that in the IIs defense he didn't know if it was actually the II letting foreign nationals in or if it was some of the supervisors or AAPD's telling them to let these people in. Corragio said he believed it was more of a policy issue.

Corragio stated that he believes that JFK management caters to the airlines too much and that the airlines just want to get people through and management just wants them to be nice and doesn't really want the IIs to do their job of keeping the people violating the law out. He said it could be that the Labor lobbies are pushing to have people come in because they want the cheap labor. Corragio explained he did not know where that may have come from, but mentioned it could have come down from Congress. He stated that it may be a bigger picture issue and if he was working more often in Secondary he may do the same thing (e.g., admit people).

A Notice to Appear was served on September 16, 2002, to Immigration Inspector Christine T. Patterson, instructing her to appear for an interview and provide sworn testimony on September 18, 2002, at Terminal 4, JFK International Airport, Jamaica, New York. She was interviewed and she provided a taped sworn statement. Patterson did not request Union representation.

Patterson stated that she was aware that there were IIs at JFK who believed that the referred foreign nationals they send to Secondary were admitted even though they (the primary inspector) thought the foreign national was inadmissible. She said however, she knew of no one who would complain.

Patterson explained that in Secondary it was not just a single person's decision to allow the foreign national admission. She said the primary inspectors needed to understand it's not one person saying, "No we don't believe that this person is not good." Patterson stated she believed that every II at some point had the feeling that a foreign national they referred to Secondary was "banged in" (meaning allowed admission into the U.S. when not entitled to that benefit), even herself. She explained that there were probably always mitigating circumstances as to why they (Secondary officers) believed a foreign national should be granted admission over why she thought they should not.

Patterson said that before 9/11 (September 11, 2001) inspectors were more lenient on whom they granted admission to. She explained there might be a case of a foreign national overstaying a month on their last trip to the U.S. and they would be allowed in (if there was some reason why they overstayed). Patterson stated that another foreign national may have overstayed only a week and they would not be allowed entry. She indicated that it depends on who the SII and AAPD

were working that shift. Patterson explained now the SII/AAPDs were stricter on allowing admissions.

Patterson explained that the referral process was a several step process. She said that the foreign national was first referred to Secondary and the Secondary inspector completed all the casework (records checks, document checks, questioning, etc.) Patterson stated then the secondary inspector presents the information to the supervisor for their approval. She indicated that if the SII agreed with the findings, they would then present it to the AAPD for final determination of inadmissibility. Patterson said that during this process things could change from where at first it appeared a foreign national could not be admitted to suddenly the foreign national is admitted. She stated that since 9/11 she has not seen where foreign nationals were "just walking in" that didn't deserve to be admitted, where prior to 9/11 she had seen foreign nationals admitted that for reasons beyond her control to her should not have been.

Patterson stated that she was not aware of any written policy that provided guidance to a primary or secondary inspector to assist them in making the determinations on foreign nationals. She said there was some policy (automatic referrals for certain countries, registration reasons, etc.) that if certain categories of individuals present themselves for inspection they (the foreign national) just be referred to Secondary. Patterson explained that the local policy she was only aware of was that certain trends they might see were provided to them through the cc:Mail system. She said that JFK was unique to certain types of individuals they see and currently they had a trend with Dominican citizens in Transit Without Visa (TRWOV) status absconding.

Patterson said that all the IIs trained before they were put to work on "the line" (primary inspection). She stated that there was also some secondary training provided, but not all the IIs had received that training. Patterson explained that when she worked primary she would typically question the foreign national as to why they were coming to the U.S. (i.e. business or visit). She indicated that their response helps her determine the type of follow-up she would do (business - check passport to see where else they travel to, how many times they had been to the U.S., etc.; visit - how long they were staying, who they're staying with, do they have family here, when was the last time they were here and how long were they here, what kind of work do they do, etc.)

Patterson stated that as for working Secondary they (secondary officers) had more computer systems that could be utilized to check the past history of the foreign national's stays. She said that although they had access to the computer systems on primary they were not supposed to do the checks because it took too much time. Patterson explained that working Secondary you had more time to make your determinations and could even search the foreign national's luggage if necessary for items that tie them to the U.S. (rent receipt, pay check stubs, pictures, bank statement, etc.)

Patterson explained that she had never taken any issue of a foreign national being granted entry into the U.S. that should not have been given that benefit to management. She said she had seen individuals she thought should not have been granted admission admitted and also seen some individuals she thought could have been admitted that were not. Patterson stated that she believed that there were too many personal discretions involved in making determinations of admissibility. She explained that there could be two foreign nationals from two different countries with similar

circumstances and one would be admitted and the other would not. Patterson said that one AAPD may not feel strongly about an eighty (80) year old woman overstaying and allow them to enter and another AAPD may have strong feeling about it and deny a person with similar circumstances and that's a problem and may cause an II to complain. She stated there sometimes a tendency to overlook certain things because of person's age, gender, country, citizenship, etc.

Patterson stated that she was aware of some secondary officers who would not take the time to review some primary referrals because they believed the referring II was sending individuals to secondary, just to send back people. She explained that the secondary officer might feel that the reason the person was referred by the primary inspector was not enough to even bother referring them in the first place. Patterson stated she had seen in Secondary there was just not enough evidence to deny the person entry. She mentioned two primary inspectors who just refer so much, but because they refer so many they catch more illegals than other II's and they are Varasmas and Corragio.

A Notice to Appear was served on September 17, 2002, to Immigration Inspector Vincent N. Lin, instructing him to appear for an interview and provide sworn testimony on September 17, 2002, at Terminal 4, JFK International Airport, Jamaica, New York. He was interviewed and he provided a taped sworn statement. Immigration Inspector Jose Braga, Local 1917, provided Union representation for Lin.

Lin stated he was not aware of any II that made the issue of foreign nationals being allowed into the U.S. who they perceived to be ineligible so big they would contact the OSC. He said since they have limited resources in primary to make determinations you had to rely on Secondary to make the determination. Lin explained that once he referred a foreign national to Secondary it was not an issue for him any longer.

Lin said that there was national policy on making some referrals, which were automatic referrals (arrivals from certain countries, advanced parole, and special registration (Iraq, Iran, Libya and Sudan), etc.). He stated that JFK policy follows national guidance, but he knew there were cc:Mail messages that came out regarding trends being seen to gain admission to the U.S. Lin explained that the typical process he used when a foreign national came to his primary inspection booth was to ask them their purpose for coming to the U.S. and how long they plan on staying here. Lin stated he also reviewed the person's passport for what stamps may already be contained in it (prior entries, how long they may have stayed, etc.). He said he had never worked in a secondary position, so he had no specific knowledge of that area.

Lin stated the he had received some post academy training at JFK. He said he had never had an issue similar to that of the complaint, which he had taken to management at JFK. Lin explained he knew of no II that the investigator should speak with regarding based on the nature of the complaint.

A Notice to Appear was served on September 18, 2002, to Immigration Inspector Jennifer Santiago, instructing her to appear for an interview and provide sworn testimony on September 18, 2002, at Terminal 4, JFK International Airport, Jamaica, New York. She was interviewed and she provided a taped sworn statement. Santiago did not request Union representation.

Santiago said she didn't know who would had had the nerve to make the complaint. She believed there were many IIs who had that same feeling at that expressed in the complaint. She stated that she thought Kimberly Hoffman had very strong feelings regarding this issue. Santiago explained that she and Hoffman went to the academy together and they used to talk often and she (Hoffman) and the issue of foreign nationals being "banged in" would always come up. She said she felt Hoffman was a pretty good II who knows her stuff and has a good feeling for the job. Santiago explained that there were a lot of complainers at JFK who didn't have a good feeling for the job.

Santiago stated that a number of the people she could have referred the investigator to speak with had left the Service. She said when the Air Marshal program started last year a number of IIs who had a lot of anger about what went on at JFK left to join that program. Santiago recalled many occasions where she had referred a foreign national to secondary only to have the individual admitted to the U.S. She explained she could not give a specific case, but could indicate a specific Terminal at JFK. Santiago said she has been sent to work the American Airlines flights coming in from Brazil. She stated that quite a few people that she had referred, that you knew for a fact were living here (they speak English and the whole nine yards), but as soon as you refer them they were admitted. Santiago explained that it was certain Secondary officers was didn't take the time to look over what you were referring the person for. She said there were other Secondary officers who were fantastic.

Santiago said she had a case that she worked as the Secondary officer where a person was living and working here, but his son or son-in-law, who worked the for Customs Service, had twice applied for an extension and was working the system to allow the man to stay in the U.S. She explained that she took the case to her supervisor (SII Brian Roe) and explained it to him. Santiago stated that it was at the end of her shift and she had to go, so Roe became upset and never processed the case. She said she never followed up with Roe to see why he hadn't processed the case, because she knew why. Santiago contended that the man ultimately was admitted, even though he met the perimeters of a person living and working in the U.S. on a B-2 tourist visa. She said this occurred the beginning of summer (May/June 2002).

Santiago explained that she was not aware of any national policy that would assist an II in making determinations for admission or referral of foreign nationals. She stated there was nothing locally (from the JFK facility) that would assist the IIs in making those determinations. Santiago said that there were some cc:Mail messages that were send to the IIs on specific processing of certain individuals. Santiago explained that something like a special registration (people from Sudan, Syria, Iran, Iraq and Libya) are passed on to the inspectors. She stated that all IIs attended the academy and were taught to do some things working primary because they provided role-playing exercises for the trainees there. Santiago said the IIs did go there a post-academy training and other training (fraudulent documents, air carrier training, random fingerprint training, WordPerfect, etc.) offered to the IIs.

Santiago stated that when she worked primary she would quickly review traveler's documents looking for stamps (where they travel). She explained that you could get a sense of who they are by how they travel (business people travel a lot). Santiago said she then reviews the bio page of the

passport and specifically their place of birth; because sometimes people who were born in the U.S. had not realized they are U.S. citizens and got in the wrong line. She stated she also checks to see how long the passport would be valid and then would ask pertinent questions based on what she had observed up to that point in the inspection. Santiago said she didn't like to use the term, but they do profile people and if the foreign national couldn't provide a rational explanation for a specific oddity right way then they should probably be referred to Secondary for a closer inspection.

Santiago said she had found that if the primary inspector asked a lot of questions of the foreign national and then referred them to Secondary, you tipped them (the foreign national) off as to what the problem may be and they could prepare another answer to help get them through the screening process. She stated you may not like the answers the foreign national provides, but the answers are legitimate answers.

Santiago explained that if she was working Secondary and didn't know why a foreign national was referred into Secondary that she would go out to Primary and ask the II why they referred the individual. She said would probably ask some of the same questions that were asked of the person during their primary inspection. Santiago stated she would go into the secondary inspection with all the information she could get from the different computer databases (NIIS, CIS, etc.) she had access to. She said then she'd go and ask the foreign national what she needed to follow-up on and see what they told her, or she could check a person's baggage and base her decisions on that.

Santiago stated that once she figured out why an individual was inadmissible, she took that information to a SII. She explained that if any adverse action was going to be taken against a foreign national that action had to go through a SII and then the AAPD. Santiago said an II could make the determination to admit the foreign national without going through the SII or AAPD.

Santiago said she had never officially made any complaints to management regarding these type issues, but she said she was a vocal person. She explained that she has gone and spoken to SII's to express her disagreement with a particular outcome of a case being worked by the office. Santiago stated that this was typically after the fact and the damage was already done and the foreign national had already been admitted. She recalled another II who may have been the complainant and that was Barbaro, last name, (Daniel E, Barbaro), but everyone called him "Poppy." Santiago stated that Barbaro was kind of a leader and always had others around him. She said he might be someone who could reach a point of saying, "Something just has to be done."

A Notice to Appear was served on September 19, 2002, to Immigration Inspector Kimberly M. Hoffman, instructing her to appear for an interview and provide sworn testimony on September 19, 2002, at Terminal 4 JFK International Airport, Jamaica, New York. She was interviewed and she provided a taped sworn statement. Immigration Inspector Jose Braga, Local 1917, provided Union representation.

Hoffman stated that she was not aware of anyone who may have made the specific complaint to the OSC because it could be just too many inspectors. She indicated she believed that she had seen the admission of foreign nationals who she thought were not admissible. Hoffman said she realized that very often things could be subjective and indicated that she had seen things that were honest

mistakes. She explained she believed she also had seen times when other IIs saw things that were wrong, but "banged in" the foreign national anyway.

Hoffman said she didn't think there was actually a national policy on how to conduct either a primary or secondary inspection. She explained that you could not have something in black and white that would cover every situation that one would encounter. Hoffman indicated that that training received at JFK after the academy was terrible. She stated that the training included mock inspections and during the training the only thing you got from the trainers was "hurry up, hurry up." Hoffman said management's focus was on speed and getting the foreign nationals out. She explained that she was not sure if it was a national or local policy, but the primary inspectors were not allowed to use any computer system except TECS. Hoffman stated that there seems to be an effort made by having these policies (not allowed to check NIS, CIS, etc.), so the IIs don't catch too many people.

Hoffman explained that between not using the resources available and the stacks of paperwork for just one case (specific to JFK) and it seemed that they (IIs) are there only to make an impression on people and send a few back. She said that gave management the statistics and numbers, but management didn't want you to do your job to well. Hoffman stated some supervisors would get upset if an II asked the foreign national to show them a document from their wallet (identification, driver's license, etc.). She indicated that management did send out cc:Mail messages with information the IIs can use in conducting their inspections.

Hoffman stated there was never a typical primary inspection, but you would always look at the documents. If on the surface the person looks so blatantly good why waste your time with them. She said if the person appeared to need follow-up to ensure their eligibility she would ask them questions (purpose of trip, how long, who are they staying with, are they there alone, etc.). Hoffman explained that the answers from one question usually lead to the next question, or provide appropriate information to admit the person.

Hoffman said that in working Secondary, a lot depends on why the foreign national was referred and most of the time it's not a question of whether the person is good, it's just more paperwork. She stated when it is a question of whether the foreign national is good or not then it depends on why the person was referred. Hoffman explained that if they were sent in as a possible imposter, photo-sub, overstay or living/working in the U.S., the approach in Secondary would be different in each case. She stated she would look at the folder sent in with the foreign national and check the computer systems to try and find an immigration or criminal history on the person. Hoffman explained she might check a person's baggage. She stated that she understood you wouldn't want IIs in primary checking every single person in the computer systems because no one would go anywhere. Hoffman said however, if you had someone on primary that was a logical person it would probably be better to do some checks.

Hoffman indicated that she could understand that honest mistakes are made and ineligible foreign nationals are allowed to enter the U.S. She stated however, that she believed the vast majority of time that a person who is inadmissible is allowed to enter is because one (1) case requires so much paperwork. Hoffman said that whether it's the II or SII, when a foreign national is walked into secondary and it's at the end of the shift they say to themselves, "I want to go home, I don't want to

spend three (3) hours on this.”

Immigration Inspector Jose Braga (Union Representative) stated the following at the end of the interview. He said a lot of concerns are a matter of perception and time, and what one might see as bad with a document may be because they don't have enough experience or they just think so. Braga stated then when it goes to someone who does know it gets resolved right away because they do know and there's not much to research on the issue. He explained that someone with only limited experience might believe it should take a certain amount of time to make a determination, but someone with more experience can make the determination rather quickly.

Braga stated that it was not the IIs who made the decision in Secondary it was the SII and AAPDs. He explained that he saw it as when you don't know how something works and you only go with what you feel should be done, we can all assume it should go a certain way, but reality can dictate something else.

Hoffman said that the vast majority of the cases are a perception and not black and white. She stated she could see the other side of a case she sent to Secondary that she felt should not be admitted when it was not a black and white issue. Hoffman explained that a photo-sub visa is a black and white issue, but whether someone is living here illegally is not always so black and white. She indicated that she has also felt that someone who was admitted that she felt should not have been was the lesser of two (2) evils when she looked at all the other people still being processed in Secondary that were much worse cases.

A Notice to Appear was served on September 19, 2002, to Immigration Inspector John F. Kozma, instructing him to appear for an and provide sworn testimony on September 19, 2002, at Terminal 4, JFK International Airport, Jamaica, New York. He was interviewed and he provided a taped sworn statement. Immigration Inspector Jose Braga, Local 1917, provided Union representation.

Kozma stated he was not aware of anyone who made the complaint to the OSC and it could have been anyone. He said there were a lot of IIs you were dissatisfied with what went on in Secondary. Kozma indicated he has referred a foreign national to Secondary who was not eligible for admission and Secondary had later admitted them. He explained that he was working at Terminal one (1) and during that time a cc:Mail was sent to the II's regarding a State Department notice. Kozma said it was a simple message regarding citizens from the Ivory Coast and regarded their seeking entry with a passport as of January 5, 2002, had to have a machine readable passport, otherwise they were not admissible.

Kozma said on June 10, 2002, he had a female passenger present him with an old Ivory Coast passport (not machine readable). He stated he sent her into Secondary, but the Secondary officer hadn't heard of the cc:Mail message, so he had them pull it up in the system. Kozma explained the Secondary officer read it and conferred it with the SII and he went back to his work. He said he later saw the Secondary officer walking out to door to go home, so he asked what happened to the woman. Kozma said the Secondary officer told him that he conferred with the AADP and they decided the cc:Mail was too vague and the said, "And besides we're after bigger fish." He explained the cc:Mail message simply and stated they were not admissible.

Kozma indicated that inspectors did have policy to go by in making some of their determinations for admissibility and referred to the cc:Mail regarding the Ivory Coast passport issue. He said there also matters sent out regarding special interest people, Dominican passports, and Nigerian passports. Kozma said there was also everything they learned in the academy and the post academy class. He explained he was not aware of any national policy other than what they were taught at the academy. Kozma stated that local policy really consisted of the cc:Mail message sent to IIs.

Kozma stated that as a primary inspector he would check the visa and passport of anyone presenting themselves to him for admission to the U.S. He said he would check the stamps in the passport for how many times they visit and how long there was between visits and ask why they were coming to the U.S. Kozma explained that he had never worked in Secondary. He stated that he had never brought to management's attention the issue of foreign nationals being admitted into the U.S. who were not eligible for that benefit.

Kozma explained that there was no accountability for anyone who has been admitted through INS Secondary into the U.S. He said the idea of "Port Policy" should be eliminated, he explained that each port determines what laws they are going to enforce and when they are going to enforce them. Kozma stated that the laws are there and you should not pick and choose what laws you want to enforce and which ones you don't.

A Notice to Appear was served on September 19, 2002, to immigration Inspector Daniel E. Barbaro, instructing him to appear for an interview and provide sworn testimony on September 19, 2002, at Terminal 4, JFK International Airport, Jamaica, New York. He was interviewed and he provided a taped sworn statement. Immigration Inspector Bernie L. Graves, Local 1917, provided Union representation.

Barbaro stated that he was not aware of anyone who may have made the complaint to the OSC. He said he was not specifically aware of any problems with foreign nationals being admitted into the U.S. through secondary that were not eligible for that benefit. Barbaro explained that there was national policy for IIs to follow, which was the INA. He indicated there was some local port policy as well. Barbaro said the INA was source to guide an II through the process of completing primary and secondary inspections. He stated that what IIs did on primary at JFK was what IIs did on primary everywhere. Barbaro said he did not work the Secondary position.

Barbaro said the only supplemental training received that he could think of was fraudulent document training. He recalled they did have training in Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) law when it came out some years back. Barbaro stated that there were a lot of procedures an II had to go through, first you had to ensure the person presenting the passport is the person the passport is for. He explained he would look at the way they dressed, acted, answers to specific questions and their return tickets. Barbaro said if someone claimed to be coming to the U.S. for business and there were dressed like a bum, dirty and had an open-ended ticket it would lead you to suspect they were lying. He stated since he didn't work in Secondary he didn't know what went on there. Barbaro indicated that he had never brought to management's attention any issues of foreign nationals being admitted through Secondary that he believed were inadmissible. He said that II Holzberg (Larry Holzberg) might be someone to speak with, because he

was always complaining the issue.

A Notice to Appear was served on September 19, 2002, to Immigration Inspector Robert A. Holtz, instructing him to appear for an interview and provide sworn testimony on September 19, 2002, at Terminal 4, JFK International Airport, Jamaica, New York. He was interviewed and he provided a taped sworn statement. Immigration Inspector Jose Braga, Local 1917, provided Union representation.

Holtz stated he was not aware of any II who made the complaint to the OSC regarding the Secondary operation at the JFK facility. He said was not aware of foreign nationals being admitted through the Secondary inspection area at JFK that should not have been admitted. Holtz explained that there were procedures at JFK for the processing of foreign nationals that he believed were national policies. He stated that he could not refer to any specific written documents, but they check documents and run foreign nationals through the computer systems, ask them pertinent questions, etc.

Holtz said there wasn't anything published from a local (JFK) standpoint regarding how to process the foreign nationals. He stated that the II's did get intelligence reports all the time as to issues or trends being seen. Holtz said the same type of information was available for the II's working Secondary; there were constant changes in memorandums of what to look for. He explained that there were continuous classes (uses of the computer, fraudulent document training, classes on intelligence reports, etc.) being offered to assist the II in doing their job.

Holtz stated in primary he was first going to check the documents of the foreign national as they presented themselves to see that they were valid documents. He said he would run that name through the computer and if everything was okay and if so he would ask some questions and check their airline tickets. Holtz explained that if at that point something was an issue or raised a "red flag" he would refer them to Secondary. He said that if he was working in Secondary and a foreign national came back to him he would review the reason why the primary inspector referred the foreign national back to Secondary. He stated he would check the individual for any criminal records, check the document to make sure it was valid and not expired and possibly look at the person's luggage. Holtz explained that he had never made management aware of any foreign national he believed was inadmissible and referred to Secondary, but was then allowed admission into the U.S.

A Notice to Appear was served on September 19, 2002, to Immigration Inspector Tommy A. Varsamas, instructing him to appear for an interview and provide sworn testimony on September 19, 2002, at Terminal 4, JFK International Airport, Jamaica, New York. He was interviewed and he provided a taped sworn statement. Bernie L. Graves, Local 1917, provided Union representation.

Varsamas stated that he was not aware of anyone who made the specific complaint to the OSC. He said that when he first started working as an II he was making some bad referrals, but at the time he didn't really know what was going on and he thought everything he was doing was perfect and what others were doing was not. Varsamas the last two (2) years he has been working the American Airlines Terminal and he has had no complaints regarding this issue.

Varsamas recalled a referral he made approximately two (2) years ago of a woman who he got to admit to working in New York City. He said later he went back into the Secondary area to see why he had been admitted after his referral. Varsamas explained that instead of being told something that he could learn from he was told it was "small potatoes." He stated he was not aware of any national policy that assisted the primary inspector to make the determinations to allow entry or to refer a foreign national. Varsamas said that locally all II's went through the post-academy class at JFK.

Varsamas said that when he works primary the way he processes each foreign national is different based on the circumstances they present him. He stated he would always look at the person's passport to see if it was a photo-sub or altered, then look at the U.S. entry dates, how many and how far apart they are. Varsamas explained that if he saw no problems with these then he looked at the person standing in front of him to see if they "fit in" (looks like they are what they present themselves as), and he may just ask what they were coming to the U.S. for. He contended that if the person doesn't seem to "fit in," he would check the dates for other countries and start adding entries and dates to see how many months apart they to get an idea of his trip patterns. Varsamas stated he then started to ask questions to see if he would lie to him (by his action and responses) and then he may ask to see his tickets to see if they were issued in the U.S. He said this all happens in about thirty-(30) seconds.

Varsamas stated that if he was working Secondary he would check to see what the primary inspector had referred the person for. He said then he would check the National Crime Information Center (NCIC), check to see if there was a Treasury Enforcement Communication Systems (TECS) match. Varsamas indicated then he would pull the person's immigration records from the appropriate databases to see how long they have stayed in the past and match up dates with passport stamps. He explained he would then talk with the person because he had an idea of what their answers could be at the point in time. Varsamas said he would then check the person's personal belongings or luggage, if there was a need for that.

Varsamas explained again that in the past two (2) years he has had no problems if this nature working the American Airlines Terminal. He said the only comment he made was during the bombing of Afghanistan shortly after September 11, 2001. Varsamas stated that for about a month after the start of the bombing they saw large numbers of people coming from Afghanistan under tourist visas. He indicated that most of the Afghanistans had no address of family they were coming to see and coming alone. Varsamas stated that is that of type circumstance (bombing a country) for there should be some rules for admittance of individuals. He said he never complained to management about the specific issue concerned in this investigation.

Varsamas said he would only be guessing as to who may have made the complaint since no one actually told him they had, but one would be Coraggio. He stated he mentioned Coraggio because he (Coraggio) had a lot of friction with Secondary, but he had never mentioned anything directly to him. Varsamas indicated the second person would be Larry Holzberg because he (Holzberg) did something strange once. He said he heard rumors that Holzberg sent a cc:Mail INS Commissioner James Ziglar regarding the issue of bulletproof vests.

Varsamas explained that there were days with no cases and only three inspectors working

Secondary. He said then there are days with too many cases and you have to put the strongest cases in front and the "iffy's" (e.g, a person was supposed to stay six (6) months and they stayed six and a half (6½) months) you have to save until last. Varsamas stated there were times when you may never get to the "iffy's." He indicated that there should be more IIs working Secondary.

A Notice to Appear was served on September 19, 2002, to Immigration Inspector Larry Holzberg, instructing him to appear for an interview and provide sworn testimony on September 19, 2002, at Terminal 4, JFK International Airport, Jamaica, New York. He was interviewed and he provided a taped sworn statement. Immigration Inspector Bernie L. Graves, Local 1917, provided Union representation.

Holzberg stated he was not aware of anyone who may have made the complaint to the OSC. He said he was aware of problems with the entry of foreign nationals who he believed were not entitled to that benefit. Holzberg explained that there are times when admission should be granted, but the person's stay should be limited or some further investigation should be done because the issue with that person was not black and white. He said he believed that the IIs working Secondary are frequently not doing their job properly.

Holzberg said there have been times when foreign nationals had been in violation of some law and they were admitted and others where under the circumstances they were admitted for periods of time that were too long. He explained that many cases referred to Secondary are not given the attention they deserve. Holzberg stated that with regard to policy to assist the IIs making decisions there were some, like when working primary you would be expected to inspect the documents, interview the foreign national, etc. He said he had been instructed on those policies, but he has never worked in Secondary to address policy there. Holzberg stated there were also cc:Mail messages sent to IIs about new procedures that come out, which were pretty comprehensive. He indicated that when you heard about an issue the IIs know what to do regarding those situations and he thought management did a good job getting the information out to the IIs.

Holzberg explained that when you worked primary inspection there was a process to follow. He said you always made sure the person's documents were valid and they were the person on the document. Holzberg stated beyond the basics, some foreign nationals need a little more attention. He said if something is out of place with the basics then further questioning would be done. Holzberg indicated that some foreign nationals could be cleared fairly quickly and others needed more attention. He said he had never been trained or assigned to work Secondary, so he couldn't say IIs working there were not doing what they were told to do. Holzberg indicated if he worked Secondary he would devote more time to the cases and try to make more cases for inadmissibility or at least a limited stay. Holzberg stated he had informally raised the issue of foreign nationals being admitted inappropriately to management in the past, but never wrote a formal complaint because he was not that experienced working there. He explained the responses he received have gone from "Oh, that can't be" to "Oh well, things slip through the cracks." He stated that frequently when you explain to the IIs what happened, they would agree with you and say, "Oh that wouldn't happen with me," "Mistakes happen," or "things happen," but then that's the end of it.

List of Exhibits

<u>Number</u>	<u>Title</u>
1.	April 12, 2002, Office of Special Counsel Complaint
2.	April 12, 2002, Attachment A (List of Foreign Nationals and Immigration Inspectors)
3.	Office of Inspections IBIS Primary Query Results
4.	July 20, 2002, cc:Mail of Office of Inspections Analysis
5.	September 25, 2002, cc:Mails from Immigration Inspector David Spiegel
6.	September 26, 2002, cc:Mail from Assistant Area Port Director Charles J. Akalski
7.	September 30, 2002, Memorandum of Investigation (Mirandona)
8.	September 30, 2002, Memorandum of Investigation (Pileggi)
9.	September 30, 2002, Memorandum of Investigation (Akalski)
10.	September 17, 2002, Notice to Appear (Coraggio)
11.	September 19, 2002, Transcript of Interview (Coraggio)
12.	September 16, 2002, Notice to Appear (Patterson)
13.	September 18, 2002, Transcript of Interview (Paterson)
14.	September 17, 2002, Notice to Appear (Lin)
15.	September 18, 2002, Transcript of Interview (Lin)
16.	September 18, 2002, Notice to Appear (Santiago)
17.	September 18, 2002, Transcript of Interview (Santiago)
18.	September 19, 2002, Notice to Appear (Hoffman)
19.	September 19, 2002, Transcript of Interview (Hoffman)

20. September 19, 2002, Notice to Appear (Kozma)
21. September 19, 2002, Transcript of Interview (Kozma)
22. September 19, 2002, Notice to Appear (Barbaro)
23. September 19, 2002, Transcript of Interview (Barbaro)
24. September 19, 2002, Notice to Appear (Holtz)
25. September 19, 2002, Transcript of Interview (Holtz)
26. Note Regarding the Notice to Appear for (Varsamas)
27. September 19, 2002, Transcript of Interview (Varsamas)
28. September 19, 2002, Notice to Appear (Holzberg)
29. September 19, 2002, Transcript of Interview (Holzberg)