



U.S. Immigration and Customs Enforcement

STATEMENT

OF

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DEPARTMENT OF HOMELAND SECURITY**

BEFORE

**HOUSE APPROPRIATIONS COMMITTEE
SUBCOMMITTEE ON HOMELAND SECURITY**

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INTRODUCTION

Good morning, Chairman Price, Congressman Rogers, and distinguished Members of the Committee. I am pleased to appear before you today to discuss the President's Fiscal Year (FY) 2009 budget request for U.S. Immigration and Customs Enforcement (ICE). I want to thank the Committee for its continued support of ICE, which has allowed the dedicated men and women of the agency to accomplish so much.

ICE's mission is to uphold public safety and protect the American people from the illegal introduction of goods, as well as the entry of terrorists and other criminals seeking to cross our Nation's borders. As the largest investigative component of the Department of Homeland Security, ICE accomplishes this mission by aggressively enforcing over 400 of the Nation's immigration and customs laws.

In a few days, ICE will be five years old. Since its creation, the members of this committee have shown tremendous support for ICE and our mission, and you have demonstrated that support through significant investments in our mission. We are grateful for your support and the investment you've made. The men and women of ICE are working every day to ensure that the American people see a return on that investment. I believe that the agency's accomplishments in the last five years are proof of that fact.

Since FY 2003, ICE has:

- Effectively ended catch and release on the Southwest Border and removed 436,000 criminal aliens from the United States;

- Arrested more than 10,000 child predators;
- Conducted investigations related to the seizure of more than 8 million pounds of illegal drugs;
- Arrested almost 9,000 human smugglers;
- Obtained over \$50 million in worksite fines and judgments against employers;
- Signed 38 MOUs and trained 600 State and local law enforcement officers under the 287(g) program as well as launched ICE ACCESS;
- Provided information in response to over 2 million inquiries for immigration status and identity information to Federal, State, and local law enforcement.
- Stopped 23,000 persons and over 3 million dangerous items from entering Federal buildings; and
- Put its financial house in order, eliminating eight material weaknesses in just two years, and putting controls in place to ensure ICE is a responsible steward of the taxpayers' dollars.

Your support and partnership has been integral to these successes and key to the men and women who are working every day to make the United States safe and more secure.

Notwithstanding these successes, we also need to face the difficult reality that there is still so much more to do. ICE has a continual fight to stop potential terrorist and other criminal activity; apprehend child predators; remove criminal aliens; thwart the illegal export of weapons, illicit proceeds, and sensitive technology; interdict the smuggling of dangerous drugs; prevent the importation of tainted commodities and counterfeit pharmaceuticals; disable human trafficking networks that endanger human life and

national security; and ensure our Federal buildings are safe to work in and visit. In the last five years, we have made tremendous progress in combating each of these threats.

Utilizing customs and immigration authorities, ICE continues to focus on the enforcement, prevention, and investigation of the smuggling of people, goods, illicit funds, and contraband into and out of the United States. The toolbox of authorities available is critical to ICE's ability to effectively fulfill its mission, as those that smuggle people today across our borders will seek to smuggle drugs, substandard commodities or weapons of terror tomorrow. The criminal organizations we face, are driven not by what they smuggle, but by profit.

For example, in 2007, ICE Fort Pierce agents responded to a migrant landing in Florida and arrested ten individuals illegally present in the United States. Further investigation resulted in the seizure of 83 pounds of marijuana, 2 kilograms of heroin, and 1 kilogram of cocaine. ICE agents subsequently obtained indictments for two individuals for conspiracy to smuggle aliens, importation of marijuana and cocaine, and carrying a firearm during a drug trafficking crime.

With this in mind, ICE, in partnership with our fellow law enforcement agencies must be fully equipped to address all illegal smuggling across our nation's borders. To most effectively address the myriad of criminal threats within the umbrella of our mission, ICE has embarked on a strategy to thwart the terrorist and other criminal threat within its statutory jurisdiction and authorities by targeting the "Continuum of Crime." This three-tiered strategy focuses investigative, detention and removal, and other enforcement

efforts on elements of crime by: Identifying and mitigating threats outside of the United States, partnering with other Federal, foreign and local agencies to target crime along U.S. borders, and ensuring security within the U.S. interior by investigating and prosecuting border-related crime and removing criminal aliens.

Today I will discuss the agency's top law enforcement priorities, our success in bringing about organizational excellence, as well as our request for funding in FY 2009 and how it will allow us to continue standing up to the threats facing our country.

Immigration Enforcement

ICE has made tremendous progress in immigration enforcement through greater innovation with our resources combined with more effective oversight.

With the Committee's support, ICE is transforming the way it identifies and goes after individuals who pose a threat to our Nation. This is particularly accurate when it comes to aliens who are currently serving time for other crimes. We have made some great progress on our program to identify criminal aliens in jails in the last two years:

- ICE's Criminal Alien Program (CAP) charged more than 164,000 removable aliens in Federal, State, and local custody during FY 2007. This is an increase of 142 percent over FY 2006's 67,850 aliens charged. This screening and charging ensures that whenever they get out of institutions, they'll come straight into our custody.
- To make sure we were addressing this threat in a reasonable manner, ICE assessed nearly 5,000 jails and prisons in the United States to determine which

facilities have the most removable aliens and which represent the highest risk.

Our efforts have been focused on the highest risk facilities, which include all Federal and state institutions and some local jails.

- To address the high-risk Bureau of Prisons' correctional institutions, ICE established the Detention Enforcement and Processing Offenders by Remote Technology (DEPORT) center in Chicago. DEPORT supports the screening, interviewing and removal processing of all criminal aliens incarcerated in BOP facilities nationwide. Since its inception in 2006, DEPORT has screened over 33,000 cases, issued more than 17,000 charging documents to begin removal proceedings, and lodged more than 11,000 detainers.

Although we have made considerable progress over the past several years in identifying and removing criminal aliens, enhancements to our current approach are required to reach our goal of removing all convicted criminal aliens. With encouragement from the Congress, we are aggressively implementing a plan to increase national security and community safety by identifying, prioritizing, detaining, and removing from the United States all criminal aliens in Federal, State, and local custody.

More specifically, the plan will provide a path forward to:

- Strengthen partnerships with Federal, State, and local law enforcement agencies;
- Improve technologies and processes that share national and local immigration and law enforcement data;
- Streamline and expedite procedures for detaining and removing aliens;

- Expand the use of incentives to reduce sentences for non-violent offenders who participate in their removal;
- Work aggressively with foreign governments to strengthen their capacity and often their willingness to accept the return of increased numbers of their citizens;
- Increase efforts to deter those who would come to the United States illegally; and
- Create greater disincentives for recidivism.

Our new plan will start with these local institutions where we have limited coverage. Instead of sending costly teams to each of these locations where they may not regularly incarcerate aliens, ICE will leverage technology and utilize the sharing of data between the Department of Justice and the Department of Homeland Security. Local law enforcement agents will be able to send fingerprints collected at the time of conviction in an automated fashion to the Department of Justice and Homeland Security, where these prints will be checked against various criminal and immigration databases through a system known as Interoperability.

Hits will be automatically sent to the ICE field offices, prioritizing the criminal aliens by severity of their crimes. With the support of the Administration and Congress, ICE proposes to focus on processing, detaining, and removing the most severe of the criminals nationwide as the first phase of our plan.

Of course, some of the most dangerous criminals and sophisticated criminal organizations are regrettably out on the streets. Identifying criminal aliens in jails is just one part of our interior enforcement strategy to prevent immigration crime. For this reason, ICE has

successfully developed a robust series of initiatives to enforce our immigration laws in the interior of our nation.

- Programs that specifically target child predators and gang members have resulted in more than 2,200 deportations in FY 07 alone. In addition, nearly 1,500 individuals have been charged criminally for immigration and gang-related crimes as a result of these initiatives including David Rivera, one of ICE's most wanted fugitives, a suspected MS-13 gang member who was previously deported on a weapons charge, re-entered the country illegally, and was wanted for questioning in connection with four homicides. He now faces a 20-year prison sentence and deportation to follow.
- ICE's compliance enforcement initiatives are ensuring that those who visit our nation for school or simply to tour remain in compliance with the terms of their visas. Had these efforts been in place prior to 9/11, all of the hijackers who failed to maintain status would have come under additional scrutiny and likely been investigated months before the attacks in New York and Washington. In FY 2007, ICE resolved 5,200 potential violator leads and arrested 1,366 high-risk non-immigrant status violators.
- But visitors are not the only ones who we target for compliance. In FY 2007, we made progress for the first time ever against those individuals who've thus far failed to comply with an immigration judge's removal order. Targeting these alien absconders – fugitives – is the charge of 75 dedicated fugitive operations teams. In 2007, ICE decreased the overall caseload of fugitives by 37,970 – a

first-time ever reduction in a class of immigration violators that has traditionally grown by roughly 5,682 cases per month.

In addition to targeting certain criminal and fugitive aliens directly, ICE has a cadre of initiatives to dismantle the infrastructure that supports illicit immigration activity.

- In 2007, ICE significantly enhanced its efforts to combat the unlawful employment of illegal aliens by utilizing administrative and criminal statutes and targeting the financial incentives to hire illegal aliens. Last year, we secured criminal fines, restitutions and civil judgments in excess of \$30 million, made 863 criminal arrests and 4,077 administrative arrests. In one case, for example, a review of the employees working for the City of Los Angeles Department of Water and Power (DWP) and other related water treatment programs in the county identified 11 unauthorized aliens who were employed at water treatment facilities. Most of the unauthorized workers were in highly placed positions with access to by-pass most of the protective measures designed to protect the water supply. All 11 unauthorized aliens were administratively arrested and removed from the United States.
- Our Extraterritorial Criminal Travel Strike Force (ECT) also combats the support network for illegal aliens. This cooperative initiative between ICE and the Criminal Division of the Justice Department leverages extraterritorial investigative and prosecutorial expertise to attack foreign-based criminal networks. Through these strike forces, we are pushing out our borders by aggressively targeting criminal smuggling organizations in source countries and using intelligence to identifying new smuggling methods and routes.

- Another part of our effort to destroy the infrastructure that supports illegal immigration is to shut down the illicit trade in phony documents and others forms of immigration benefit fraud. In FY 2007, ICE created six new document and benefit fraud task forces, increasing the total from 11 to 17. Last year, they initiated a combined 625 investigations, resulting in 549 arrests, 453 indictments, and 352 convictions. Just this January, Pedro Castorena was successfully extradited from Mexico. Castorena led a large-scale organization involved in manufacturing and distributing counterfeit identity documents. With our federal partners, ICE agents have arrested more than 50 members of the Castorena organization and a rival document manufacturing organization and seized 20 document manufacturing locations; tens of thousands of blank counterfeit identity documents; 21 silk screen printing negatives; and 21 computers. Upon his extradition, Castorena was remanded to the custody of U.S. Marshals.

Arresting immigration violators is only half the battle. ICE is responsible for the detention and removal of illegal aliens from the United States. The agency takes very seriously its responsibility to care for those in our custody. In the past two years, we have taken a number of additional steps to ensure we are meeting our responsibilities safely and appropriately:

- ICE created the Detention Facility Inspection Group as part of the Office of Professional Responsibility to serve as an independent review mechanism and investigate allegations of mistreatment or non-compliance with the National Detention Standards;

- Quality assurance specialists are being placed in ICE's largest facilities to monitor daily quality-of-life issues;
- ICE developed, completed and released 37 family residential standards for use in its family facilities. The standards are published on ICE's website. Among these standards are the requirements that all resident children receive classroom instruction taught by State-certified teachers, including ESL classes; and that health care is provided by the U.S. Public Health Service.
- In addition to these new family standards, ICE is in the process of updating our existing national detention standards for adult facilities to a performance-based format. We have shared the draft performance-based standards with interested non-governmental organizations and look forward to receiving their comments and suggestions.

ICE also looks forward this year to expanding the Alternatives to Detention Program, as appropriate, for non-criminal aliens.

High Risk Customs Violations

ICE's mission also places equal importance on intercepting the flow of money and materials that support criminal and terrorist organizations. ICE's customs authorities allow the agency to play a leading role in the fight against money laundering, trade fraud, bulk cash smuggling, the distribution of counterfeit goods and trafficking in weapons, sensitive technology, narcotics and more. The importance of these investigations to our national security and public safety can speak for themselves. Last year:

- With only 25% of our Special Agents authorized to conduct drug smuggling investigations, the Office of Investigations seized approximately 227,000 pounds

of cocaine, and 1.3 million pounds of marijuana, and other narcotics, as well as obtained 5,400 convictions of individuals associated with narcotic violations.

- The ICE sponsored Organized Crime Drug Enforcement Taskforce investigation, Operation Tien [T-I-N] Can resulted in the arrest of 35 members of an organization headed by Nguyen [N-WIN] Vo and Helen Tran. In a coordinated effort with the Royal Canadian Mounted Police in Canada, the DEA, and various state and local law enforcement entities, ICE agents and our partners seized \$7.8 million in U.S. currency, \$866,000 in Canadian currency, 76 kilograms of cocaine, and 924 pounds of marijuana during the course of the investigation.
- During FY 2007, ICE initiated over 3,000 financial investigations, resulting in almost 1,400 arrests and 900 convictions.
- Trade Transparency Units provided direct support to an investigation in Brazil and Miami surrounding a \$200 million fraud scheme resulting in arrests of criminal organization members undervaluing commodities imported into Brazil from the United States.
- ICE initiated 1,275 Commercial Fraud & Intellectual Property Rights investigations which resulted in 246 criminal arrests, 178 indictments and 196 convictions.
- ICE has initiated Operation Guardian, an ICE-led operation with Customs and Border Protection (CBP), the Food and Drug Administration (FDA), and Consumer Product Safety Commission, to target, interdict, and investigate the importation of substandard, tainted and dangerous products being imported into the United States from the Peoples Republic of China.

- Since the inception of Operation Firewall, a bulk cash smuggling initiative, in 2005, ICE and our other partners in law enforcement have seized more than \$118 million, with \$50 million and 142 arrests coming in FY 2007 alone. So far in FY 2008 Operation Firewall has resulted in 29 arrests and 358 seizures totaling almost \$17 million, including \$2.5 million seized in New York and almost \$5 million seized in Texas. In 2008, under the Hands Across the World initiative, ICE has expanded Operation Firewall to increase the impact of our efforts by conducting simultaneous bulk cash smuggling operations between the U.S. and partner foreign law enforcement agencies. These joint operations often follow training conducted by ICE and CBP officers and give our foreign counterparts an immediate opportunity to apply the best practices and enforcement techniques that they have learned. The concept of conducting coordinated simultaneous operations was tested in September 2007 when ICE, CBP and our counterparts in Her Majesty's Revenue and Customs conducted a two day pilot that resulted in 13 enforcement actions in the two countries.
- Arms and Strategic Technology investigations resulted in 188 arrests, 178 indictments, and 127 convictions, prevented the illegal export of sensitive technologies as well as weapons from reaching the hands of terrorists, hostile countries and violent criminal organizations. In March 2007, an ICE investigation of ITT Corporation led to a \$100 million settlement and the first ever Arms Export Control Act (AECA) conviction of a major defense contractor. As part of the illegal scheme, ITT illegally outsourced the manufacturing of the Enhanced Night Vision Goggle (ENVG) system to a Singaporean company employing Chinese nationals and retained foreign nationals in their Roanoke,

- Virginia facility without permission from the Department of State. The settlement includes ITT allocating \$50 million towards the creation of the next generation of night vision technology for the Department of Defense.
- An Arms and Strategic Technology undercover operation resulted in six guilty pleas to export weapons and ammunition, money laundering, and material support to a designated foreign terrorist organization violations. During an ICE undercover investigation, the subjects attempted to procure a multi-ton shipment of small arms, grenade launchers, a Stinger missile and ammunition in support of the Liberation Tigers of Tamil Eelam (LTTE aka: Tamil Tigers), a designated foreign terrorist organization.
 - In relation to addressing the threat of foreign nationals having access to sensitive U.S. technologies, ICE has created Operation Tech Defense, to insure that non-immigrants working in U.S. sensitive technology manufacturing and research facilities have the proper authorization to conduct such work. Operation Tech Defense allows ICE to leverage both traditional export enforcement authorities and Title 8 immigration responsibilities to address this vulnerability in our national security.

Organizational Excellence

As a relatively new agency, ICE faced management challenges in integrating the various functions that were brought together in 2003. While ICE's primary mission is law enforcement and security operations, the mission relies on the management,

administrative, legal and training support provided by a skilled cadre of professionals nationwide.

ICE has transformed its core management functions and put a strong team in place, including a permanent career chief financial officer and a deputy assistant secretary for management. Here are just a few of our management achievements:

- Two years ago, independent auditors cited ICE for eight material weaknesses. In response, we developed and implemented an ambitious Financial Action Plan and as a result, in just two fiscal years, ICE eliminated all eight material weaknesses.
- ICE implemented major business improvements in FPS over the last year, including establishing a new financial accounting process and business practices to ensure timely and accurate payment to vendors. We also trained more than 400 Inspectors to manage and oversee contract guards. As you know, we are transforming FPS and moving toward an Inspector-based workforce. This will provide better oversight for an extensive contract guard service that has been fully maintained and provides the first line of security for the federal facilities protected by FPS. We must ensure we have a proper balance of strong security standards, contractor compliance and an FPS law enforcement workforce providing services to the Federal agencies we serve.
- We deepened our recruiting pool by establishing internship programs with four historically black colleges and universities to provide opportunities for students interested in law enforcement. These programs will develop the next generation of leaders at ICE while expanding diversity in the agency's workforce. Ultimately,

ICE intends to conclude similar agreements with all 57 historically black colleges and universities that offer criminal justice programs.

- ICE eliminated the backlog of FOIA cases in 2006, which numbered 10,000 at the start of FY 2007.
- Since the creation of DHS and ICE, the email systems needed to converge into one efficient, seamless global network. The ICE OCIO worked to transition approximately 15,000 ICE users worldwide to one email system.

ICE FY 2009 BUDGET REQUEST

The proposed FY 2009 budget builds on the foundation of these accomplishments and equals \$5.7 billion, which represents an increase of approximately 12 percent over FY 2008, excluding emergency funding provided by the Congress. Program increases total over \$160 million and target the priority areas of this Administration to allow ICE to be a highly valuable contributor to the Secure Border Initiative (SBI), enforce customs laws critical to the Nation's security, and ensure we are protecting the American public.

This budget will provide for:

- 1,000 new detention beds;
- 11,000 removals;
- Over 200 Special Agents for investigative activities ranging from cyber crime to visa security;
- 200 new State and local officers to the cadre of 287(g) program participants; and
- Improved HR, Training, and IT services for ICE's 17,000 Federal employees.

FY 2009 Enhancement Request

The President's FY 2009 budget request for ICE seeks the following enhancements.

Additional Bed Space. \$46 million and increased fee authority are requested for 1,000 additional beds, staffing, and associated removal costs to meet demand generated by increased enforcement activities. The funding will continue "catch and return" along the borders.

National Security/Critical Infrastructure Investigations. \$11.8 million is requested to increase investigations at Ports of Entry and other sensitive facilities. With the funding, ICE will aggressively investigate employers who collaborate with smuggling and trafficking organizations to promote illegal entry and knowingly hire undocumented aliens within critical infrastructures and Ports of Entry and increase the possibility of terrorists gaining access to these sites.

Cyber Crime. ICE requests \$5.7 million to increase investigations of cyber-related crimes involving identity and benefit fraud, child exploitation, and money laundering. Many ICE investigations and prosecutions are largely dependent upon the ability of the Cyber Crime Center to process and analyze data from seized electronic devices and digital media and this increase will ensure successful ICE investigations.

Commercial Fraud/Intellectual Property Rights Investigations. ICE requests \$4.6 million to identify, target, counter, and dismantle methods and vulnerabilities exploited

by criminal organizations engaged in highly profitable trade crimes, such as trafficking counterfeit merchandise and pharmaceuticals. Requested resources will enhance ICE's coordination with other agencies to target, interdict, and investigate the importation of substandard, tainted, and counterfeit products being imported

287(g) Program for State and Local Law Enforcement. \$12 million is requested to train 200 new State and local law enforcement officers (LEOs), required annual refresher training for 850 State and local LEOs, and necessary IT connectivity for State and local participants under the 287(g) program. The 287(g) program serves as a force multiplier to ICE efforts to enforce immigration law and remove criminal aliens from the United States and is another important tool for State and local law enforcement participants to improve their communities' safety.

Outbound Enforcement. \$1 million is requested to increase investigations that help to prevent arms, strategic technologies, and contraband money from leaving the United States. The program will target the Southwest border, and particularly Ports of Entry and sensitive facilities that are vulnerable to illegal procurement and export of sophisticated U.S. technology and weapons, particularly specifically a joint effort to stem the flow of illegally smuggled weapons at the Southwest Border region.

Visa Security Program. \$3.4 million is requested to create additional overseas Visa Security Units in high-risk locations, such as Istanbul, Turkey and Beirut, Lebanon. The Visa Security Program identifies, prioritizes, and interdicts threats to the Nation in

advance of physical arrival by reducing visa issuance to malafide aliens and identifying threats to national security that traditional screening systems do not detect.

Workforce Integrity Investigations/Security Management Unit. ICE is requesting \$7.1 million for the ICE Office of Professional Responsibility. Funding will be used to strengthen the Security Management Unit responsible for centralization, management, and operational oversight of ICE internal security functions, as well as to strengthen workforce integrity.

Automation Modernization. ICE is requesting \$57 million to help ICE build its information technology infrastructure and specifically fund efforts to:

- modernize ICE's case management system - Homeland Security Enforcement Communication System (HECS) - to strengthen information sharing and availability;
- continue critical IT Infrastructure and Tactical Communications investments to create and sustain a secure, scalable IT environment that supports ICE law enforcement programs;
- modernize DRO's IT systems to improve detainee tracking and management; and
- begin the ICE transition to a new financial system, which will allow strengthened financial management and audit practices.

Co-Location of ICE Personnel. \$12.3 million is requested to consolidate ICE offices in several major metropolitan areas where ICE currently occupies multiple buildings. Besides impeding efforts to build a cohesive agency, building space has not kept pace

with staff growth. The request will allow for long-term cost savings and operational efficiencies in areas such as building security, rent, and shared utility costs.

Human Resource Workforce Increases. ICE is requesting \$800 thousand for additional staffing required for effective delivery of HR services to the 17,000 Federal ICE employees. The request addresses staffing shortages in the ICE Office of Human Capital, making it possible to provide better service, increase confidence in information, and ensure consistent handling of ICE-related personnel matters.

Training Consolidation and Integration. \$1.8 million is requested to consolidate ICE training coordination and oversight, to include improved training delivery and support at the ICE Academy and the Leadership Development Center. The request will allow ICE to build a strong infrastructure, target improved core competency skills of employees, ensure sufficient and relevant training is provided, and focus on leadership and succession planning.

Student and Exchange Visitor Program. ICE's Student and Exchange Visitor Program and its technology (SEVIS) are fully funded by two separate fees: a fee to collect from schools seeking certification to host non-immigrant students and a fee from prospective students and exchange visitors prior to seeking a visa at consulates and embassies overseas. The FY 2009 request assumes an increase in the fees that SEVP estimates it will collect based on the most recent fee study.

The request will allow ICE to implement four new enhancements – a more-user friendly student and exchange visa information system (SEVIS II) with better search capabilities and improved data quality; a recertification process that will ensure that only the schools who are following the rules can remain in the program; regional liaisons to help schools meet the requirements of the student/exchange program; and additional compliance enforcement unit agents to review potential violators.

CONCLUSION

ICE began five years ago as a conglomeration of different government agencies. In that time, the thousands of ICE employees have come together to form one cohesive organization and accomplish critical and extraordinary things for the Nation. The FY 2009 ICE budget request builds upon the support the Committee has given ICE and builds a strategic path forward to critical successes in the future. Thank you for your continued support – the men and women of ICE depend on it each day they go to work, putting their lives on the line to enforce the Nation’s laws and make it a safer place to live and work. Thank you for your time and I look forward to answering your questions.