



U.S. Immigration and Customs Enforcement

**REMARKS PREPARED FOR DELIVERY
BY**

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(AILA)**

**WASHINGTON, DC CHAPTER
SPRING CONFERENCE**

**Friday, April 20, 2007
9:30 AM
Washington, D.C.**

Good morning. Thank you, Dawn, I appreciate those kind words of introduction, and let me begin by adding my thanks to the American Immigration Lawyers Association, or AILA, for inviting me to open up what I know will be a lively and important discussion of both current and future immigration issues.

As I prepared to come up to the podium this morning, I wondered which of us was making the bigger leap today - you for inviting me here, or me for showing up. I decided it was probably what the odds-makers call a push, and since there's nobody here but us lawyers, I'd also like the record to show that I arrived armed only with my words.

Of course, I'm kidding. No, not about being armed, but rather about our organizations seeming fundamentally at odds. On the contrary, as the leaders and representatives of two large, national organizations dedicated to the specific, critical junction of immigration and the law, we have much in common.

Both ICE and AILA are composed of many talented and compassionate men and women who are dedicated to the humane and effective enforcement of our nation's immigration laws. Within ICE and AILA there are men and women who have extraordinary knowledge of the complicated layer upon layer of laws that comprise the INA. Within both our organizations, there is widespread agreement that the United

States of America can only benefit from the creation, debate and ultimate passage of a comprehensive immigration reform bill.

You should know that I'm proud of the work we do at ICE.

I'm proud that we are entering our fourth year of service to the American people and our mission remains clear – to protect the United States and uphold public safety by targeting the people, money and materials that support terrorists and criminal activities.

Much of our work is aimed at eliminating the vulnerabilities that existed and were exploited by those who planned and carried out the horrific attacks against our nation on September 11, 2001.

As many of you know, hardly a day goes by without one or more of the major media outlets in the United States featuring a story tied to the immigration debate – many of them focusing on the recent worksite enforcement operations carried out by ICE agents around the country.

And while we naturally have a clear interest in the outcome of those discussions, we are an enforcement agency. We don't lobby the Hill, except perhaps at budget time... We write none of the laws we are sworn to uphold and, of course, no one at ICE has a vote on the floor of the United States Congress.

Because we are mandated to enforce the law, Americans can expect that we will continue to do so. Now, that is certainly a vast oversimplification of what we do, but it's an essential truth.

I can't think of another law enforcement agency where there is public sentiment to suggest that the agency should pick and choose which crimes it ultimately investigates. And, of course, it would be improper to suggest to the police force of any major city, or any small town for that matter, to enforce the law in one neighborhood and turn a blind eye to what's happening just across the street. That same principle applies here at ICE.

But by the same token, is it reasonable to expect that enforcement operations be planned and executed carefully and then carried out with respect and compassion? Absolutely.

I can assure you that we at ICE never forget that our operations often have a profound and unsettling effect on the families of those aliens apprehended and detained by our agents.

And even though some in the media would have you believe otherwise, we go to extraordinary lengths to be certain that sole caregivers are not separated from their children and that adequate and proper counsel is available to anyone we detain and arrest.

Many of you may be aware of our enforcement actions at meat packing plants owned by Swift and Company. Shortly after the conclusion of that operation, we heard allegations of instances where children were left without a caregiver.

Although we questioned each and every person about whether they had a child, worked with Swift employees in some cases to identify sole caregivers, and although the aliens who were arrested had access to phones to call anyone they would choose to call, we looked to see if there were additional things we could do.

To ensure that we're conducting Worksite Enforcement with a measured approach that respects humanitarian concerns, for our large worksite enforcement actions, we have established a toll-free bi-lingual information line to provide individuals with information about aliens that were arrested by ICE.

Additionally, we have asked the Division of Immigration Health Services of the Public Health Services to work with us and help us interview and screen detainees during processing to determine if there are any health or childcare issues that may warrant conditional release.

And in cases where there are previously identified, large child welfare issues, ICE is even partnering with state and local Social Services to ensure that no child is left without proper care. Of course in every case, big or small, those arrested are also

provided multi-lingual contact information of NGO's and other entities offering legal counsel. Detainees also have access to telephones to contact legal representation.

As a result of these many steps, I believe our enforcement operations have been successful and demonstrated our immense commitment to human dignity. For example, the recent worksite enforcement operation at the Michael Bianco, Inc. textile company in New Bedford, Massachusetts is a great example of this commitment.

To this day, we are not aware of one substantiated report of a child placed into foster care. We worked closely in advance of the operation with the State of Massachusetts' Department of Social Services to ensure we were prepared for any potential childcare issue. Further, out of respect to humanitarian concerns, like childcare, we subsequently released over 90 individuals who were arrested – 60 in the immediate aftermath of the operation – so that they could continue to care for their children during immigration proceedings.

Another important piece of effective worksite enforcement is the revealing light these operations often shine on some of the country's most deplorable working conditions. For example, workers at Michael Bianco reported being docked pay for simply talking to one another – many were working over 40 hours a week without overtime -- and restrooms were provided just one roll of toilet paper each day, regardless of the obvious need for more. In some worksite cases, we routinely find illegal aliens earning wages well below minimum wage.

And because these undocumented workers lack legal status, they are seldom afforded any of the labor protections and benefits most American workers enjoy. We also routinely work with the Department of Labor to ensure that anyone detained or arrested receives their final paycheck, we want to make sure we're not adding another indignity on top of those already imposed by these unscrupulous employers.

Before I move away from worksite enforcement I want to take just a moment to discuss an important, yet often overlooked, aspect of nearly all of our recent worksite enforcements.

As I noted earlier, in many cases there are unscrupulous employers seeking to exploit illegal immigrant labor. But for far too long, employers were simply fined for this practice, an administrative slap on the wrist that provided no real deterrent – it was simply viewed as the cost of doing business. The fines were happily paid and the magnet these employers provided for illegal immigrants to enter the country in search of jobs grew stronger.

But this is no longer the case. Increasingly, egregious employers that are targeted and arrested in these worksite enforcements face jail time and risk significant asset forfeiture for knowingly building their companies on the hard work of undocumented immigrants who have come to the United States illegally.

I believe that criminal penalties will work. That is, criminal penalties will be much more likely to carry with them the desired deterrence on the criminal activities perpetrated by these egregious employers.

But we are also hearing more and more that companies want to comply with laws governing employment and want to work within the system to assemble a legal and productive workforce.

We welcome that commitment and stand ready to help any employer in need of our assistance. One way companies can partner with us is through IMAGE. By signing up for the ICE Mutual Agreement between Government and Employers, or IMAGE, program, company officials can expect to gain recognition as a corporate leader in complying with laws regarding legal employment.

IMAGE fosters partnerships between ICE and businesses, promoting the use of screening tools, best practices, and continuing education to determine employment eligibility based on immigration status.

So, over the next year, you can expect that we will continue working to dismantle the infrastructure that supports the hiring of an illegal workforce. And they can also expect that we will do our very best to treat everyone - undocumented workers, family members and children – impacted by these important operations with the dignity, respect and compassion every human being deserves.

The numbers of individuals in ICE custody have expanded rapidly – from an approximate 18,000 last year at this time, to a little over 29,000 today.

This great expansion requires great oversight. And so we have moved to put additional procedures and monitors in place to address the new locations, and also to ensure that current locations meet our ICE standards.

As I've been thinking about our growing custody population, first and foremost, I wanted to make sure that the information I was getting about the status of these facilities was accurate. We had a great team within DRO (Detention and Removal Operations) that had front-line responsibility for examining ICE detention locations. This team is responsible for inspecting every facility once a year using an 85-page checklist with over 350 items. I needed to know that those reviews were right; and that they accurately showed any issues within any location. For this reason we've taken several steps;

First of all, we developed the DFIGS, the Detention Field Inspection Group within the ICE Office of Professional Responsibility to ensure that there were independent assessments that could be done of these facilities as appropriate. The DFIG conducts spot checks, and performs follow-up reviews on new facilities to make sure that we know exactly what is going on in these locations.

An additional step that we are taking, beginning this year, is the publication of a semi-annual report that reviews the inspections conducted by DRO. This report will

discuss any deficiencies we have found or any systemic issues we have observed. We believe that publishing that report will provide an additional layer of transparency about issues we are addressing.

ICE is also committed to ensuring adequate medical services for all detainees in our custody. In fact, we spend more than \$72 million annually on detainee medical issues and the medical staffs that provide or arrange health care for detainees have the same medical certifications as those serving the U.S. Bureau of Prisons and most major medical institutions across the nation.

I note that this care includes access to mental health professionals and other counselors in an effort to prevent any instance of a detainee taking their own life while in our custody. Nonetheless, during a very short period last year, ICE experienced three suicides among the immigration detainee population. This fact troubled me greatly - one suicide is too many. We immediately took action to assess and enhance our policies and procedures related to suicide prevention and intervention.

We convened a group of experts – members of the Public Health Service, suicide prevention experts and DRO professionals - to look at these suicides and see whether there were any lessons to be learned in order to prevent a future tragedy. The group reviewed the existing program, recent reports on suicides and was tasked with making recommendations for systematic improvements to our program.

They met for several months to review and evaluate the three suicides and they determined that there was no single common characteristic for the suicides. However, the group recommended several steps.

First, they told us there needed to be greater awareness. So, on October 18, 2006, we distributed posters for placement in all housing units where ICE detainees are in custody. These posters, in English and in Spanish, educate the detainee population on how to recognize signs of suicidal thoughts in others or in one's self, and how to acquire help from staff.

This year, the requirements to verify placement of these posters will be part of the Detention Review process. We've also developed a wallet card for the purpose of increasing awareness of signs of mental health issues or suicidal tendencies among immigration detainees. All immigration detention staff are required to carry this card and become familiar with its contents.

We have also piloted a telephone-counseling program for any facility that is not large enough for a full-time mental health professional. And finally, we're developing a web-based training program regarding suicide prevention and intervention for detainees. The training will be mandatory for all ICE custody providers, and we are aiming to develop and implement it by August 1.

So that's one specific area where we've identified an issue, sought to address it, and are looking to move positively ahead. But there's more to do. We look forward to working with AILA and other interested groups on new initiatives to ensure that our facilities are first-rate, including the development of family detention standards and converting all ICE detention standards into performance based standards.

And as we are working with you on the outside of ICE, I would like you to consider serving inside ICE. This agency needs more experienced immigration attorneys with good judgment who can spot problems and provide solutions. We have good lawyers, but we need more. I urge you to consider applying to work with us to find innovative solutions and more effective ways to enforce the law.

We often don't have lawyers embedded in our various groups. That's a problem. I realize I may have a bias, because as Dawn mentioned, I am a recovering lawyer, so I may have a bias in believing that lawyers add value, and frankly, we don't have enough. So we need your help on the outside, and we need your help on the inside as well.

Before I open it up to questions, I'd like to talk a little bit about some of the other things we do at ICE on a day-in day-out basis.

For example, we have had enormous success in the areas such as drug enforcement, helping to battle the country's narcotics problem and our Operation Community Shield, in which we target the threat posed by transnational gangs.

But perhaps the most satisfying of ICE's many enforcement accomplishments during our first three years in existence is the unqualified success of Operation Predator.

As you may know, each year millions of children fall prey to sexual predators. Some people estimate that 1-in-5 girls and 1-in-10 boys in the United States are sexually exploited before they reach adulthood.

That tragedy is compounded by the fact that child prostitution, human trafficking, child pornography, and international sex tourism now generate billions of dollars a year worldwide.

To reverse this trend we formed Operation Predator, an initiative to identify, investigate, and arrest child predators.

Officially launched in July 2003, Operation Predator draws on ICE's unique investigative and enforcement authorities to safeguard children from foreign national sex offenders, human traffickers, international sex tourists, and child pornographers.

And this spring, we will make our 10,000th arrest.

More than 85% of the arrests made as part of Operation Predator have been arrests of foreign national sex offenders whose crimes make them removable from the United States. To date, more than 5,000 of these predators have been deported.

These predators have included a Los Angeles man who repeatedly molested his own daughter as well as an Austrian-national soccer coach convicted of repeatedly fondling a mentally impaired minor.

Adults who are determined to victimize the most innocent among us must know that ICE is committed to finding them, arresting them, and if they're here illegally, we're committed to sending them to prison, and then home. Period, end of story.

The United States of America will never be a safe haven for anyone who chooses to prey on children.

Another deeply troubling practice that ICE investigates is human trafficking. Trafficking in human lives is nothing less than modern slavery, and it is a crime that can never be tolerated. I'm proud of the effort ICE puts forth to dismantle organizations that seek to profit through the suffering of others.

I am also proud of the assistance ICE provides victims of human traffickers. These people often require extraordinary help. Victims often do not speak English. They

often have unresolved medical and dental issues, distrust law enforcement officials, and fear for their own or the safety of their families.

After rescuing victims of human trafficking, ICE agents make every effort to treat them with respect and compassion.

The ICE Victim / Witness Assistance Program (VWAP) implements an emergency Federal Crime Victim Assistance Fund that is available to assist Special Agents in Charge (SAC) with emergency services for victims of crime. This includes victims of slavery, child pornography, and human rights abuses, identify theft, and child sex tourism.

So while our scope is far reaching, we work very hard to remain acutely aware that, most often, it is people we investigate, and it is families most often impacted by those investigations.

I hope you leave here with a better understanding of ICE, and a greater appreciation for the difficult and often dangerous work we do to keep America safe and to mitigate to the very best of our abilities the vulnerabilities that can arise in a free and open democracy.

Thank you.

