



U.S. Immigration and Customs Enforcement

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**AMERICAN IMMIGRATION LAWYERS ASSOCIATION
(AILA)**

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Good morning. Thank you for inviting me to join you here in Orlando, and for giving me the opportunity to address this year's annual conference.

Our organizations enjoy a positive relationship and I'm always thankful for the opportunity to meet with AILA. Your deep and long-standing commitment to the fair and just treatment of the American immigrant population is commendable, and I know firsthand the magnitude of your work.

And I also believe that both ICE and AILA are composed of many talented and compassionate men and women dedicated to the humane and effective enforcement of our nation's immigration laws. The laws that guide our nation's immigration policy are complex, yet our rolls are replete with dedicated individuals who possess extraordinary knowledge of the complicated layer upon layer contained within these statutes.

It's a demanding field, made even more challenging because of the profound and immediate impact our work has on people's lives.

That's why I also believe that the United States of America can only benefit from the ultimate passage of a comprehensive immigration reform bill. The Administration is working very hard to achieve this. The debate is at the top of almost every news cycle these days, and most certainly a topic of serious conversation throughout your ranks all this week. And that's as it should be.

But just looking at the number of amendments and counter-amendments being offered by both sides to the bill being debated in the Congress – to anyone who has watched this unfold, it's a clear indication that our country, and even AILA, remains deeply divided and genuinely conflicted over exactly how to address what most people agree is a fractured, if not completely broken immigration system.

Yet every one of you should know that I'm proud of the work we do at ICE. I'm proud that we are entering our fifth 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 devastating and unprovoked attacks against our nation and its citizens on September 11, 2001.

Yet it is clear that public sentiment with respect to the millions of illegal aliens currently living and working in the United States remains mixed and, despite our good liaison work, our two organizations often find ourselves respectfully at odds.

And I don't think I'm over-reaching when I say that – after all, one of your seminars this week is titled “Suing the Government.” You'll forgive me if I hope this session is scheduled during “happy hour.”

So right now, in the midst of all this activity, with respect to ICE, what can you expect? Well, unless and until the law changes, you can expect that we'll keep enforcing the law. Period.

At the same time, is it reasonable to expect that all of our enforcement operations, worksite or otherwise, be planned and executed carefully and then carried out with as much respect and compassion as possible? 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.

I believe that our actions clearly demonstrate that the human element is never treated as an afterthought. For example, in the area of worksite enforcement, 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.

It's now been more than six months since ICE agents conducted coordinated enforcement actions at meat packing plants owned by Swift and Company. This was the largest worksite enforcement action ICE has ever executed.

Almost immediately, we heard vague allegations in the media and from advocacy groups of instances that children were left without a caregiver.

Whether they are corroborated or not, these allegations greatly troubled me, because we had taken a number of steps with Swift to avoid just such a problem. To begin with we repeatedly questioned each and every person about whether they had a child.

And when an arrestee told us he or she was a sole caregiver, absent compelling circumstances, we released them to care for their child. But we also took additional steps

to check for humanitarian needs. Our agents and investigators worked closely with Swift management and employees to help identify sole caregivers.

The aliens who were arrested had access to phones to call anyone they wanted to call. We also established and staffed the first toll-free bi-lingual information line to provide individuals with information about aliens that were arrested in this operation.

These steps were unprecedented – but I still was not satisfied. I heard critics say that sole caregivers were reluctant to identify themselves as such to ICE.

And we continued to work to improve our processes. Following the worksite enforcement action in Massachusetts, we asked the Division of Immigration Health Services of the Public Health Services at HHS to work with us on a continuing basis during the processing of every large worksite enforcement action to determine if there are any childcare issues that may warrant consideration of conditional release. This has worked extraordinarily well.

We also routinely partner 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.

As a result of these many steps, I believe our enforcement operations have been successful and demonstrated our immense commitment to human dignity.

It's also important to remember that our worksite enforcement operations often reveal some of the country's most deplorable working conditions.

This was definitely the case in the New Bedford, Massachusetts operation, where workers 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. And we regularly find illegal aliens earning wages well below minimum wage.

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.

Of course, we can never forget the true target in these cases – the employer. I'm proud of the fact that ICE is taking a much tougher stance against the employers in these cases. For far too long, employers were simply fined for their hiring practices, even if it could be shown that they were knowingly hiring illegal aliens. The fines were relatively small – often no more than an average traffic ticket – and routinely paid.

The entire process was viewed as the cost of doing business 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. Employers who are targeted and arrested in these worksite enforcements now face jail time and risk significant asset forfeiture for knowingly and deliberately building their companies on the hard work of undocumented immigrants who have come to the United States illegally.

In the area of asset forfeiture alone, between October 2006 and May 2007, criminal fines and asset forfeitures have totaled \$29.8 million dollars.

And over the next year, you can expect that we will continue working to dismantle the infrastructure that supports the hiring of an illegal workforce. At the same time, you can also expect, and rightfully demand, that we do our very best to treat everyone - undocumented workers, family members and children with the dignity, respect and compassion every human being deserves.

This is true not only for WSE (worksite enforcement), but also for all of our other operations. And worksite enforcement operations are only one piece of ICE's commitment to a robust interior enforcement strategy, which involves targeting criminal aliens through a variety of programs including Operation Community Shield, which targets transnational gang-related activities, Operation Predator, which targets sexual predators, and our Criminal Alien Program, which focuses on identifying illegal aliens currently in jail.

Our strategy also focuses on eliminating serious threats to the American community, which includes the millions of legal immigrants who have always been a vibrant piece of our social fabric.

In concert with the activity of these initiatives we've added bed space, streamlined our expedited removal process, and significantly reduced the average detention time for detainees.

The number of individuals in ICE custody has expanded rapidly – from an approximate 18,000 last year at this time, to a little over 29,000 today. This expansion requires great oversight.

ICE is committed, without exception, to the health and well being of every individual in our custody.

To that end, we have put additional procedures and monitors in place over the past year to address ANY facility where an ICE detainee may be housed. It has always been the case that all of these facilities must meet our comprehensive list of standards.

We have a great team within DRO, that's our Detention and Removal Operations, who maintains front-line responsibility for examining ICE detention locations.

This team is responsible for inspecting every facility once a year using an 85-page checklist comprising more than 350 items. Additionally, it's critical that we know, with

certainty, that our own reviews are right; and that they accurately show any issues within any location. For this reason we've taken several additional steps.

First of all, we developed the DFIGS, the Detention Field Inspection Group within the ICE Office of Professional Responsibility to ensure that, where appropriate, we could secure independent assessments of these facilities. 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.

And I think it's important to note that some of these issues are residual, and they reflect our continuing efforts to fully integrate the entrenched practices of Customs, FPS and INS into ICE.

Because while we're focused on addressing today's challenges, we're also committed to identifying any practices or procedures that simply do not work, or may not work as well today as they did ten or twenty years ago.

For example, recently documented problems with the pro-bono telephone systems in place at many of our detention facilities clearly indicate that there is still work to be done. ICE is committed not only to correcting issues such as this, but also to sharing the results of these audits with the public.

ICE is also dedicated to ensuring adequate medical services for all detainees in our custody. 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 as well as most major medical institutions across the nation.

Through an inter-agency agreement with the Department of Health and Human Services, health care services for ICE's detainee population are provided by professionals from the Division of Immigration Health Services.

Every ICE detainee undergoes a health screening within the first 24 hours of admission to any ICE detention facility, and this screening includes an evaluation of that individual's medical, dental and mental health status. All health histories are taken in the detainee's first language and, if necessary, will be done through the use of an interpreter to be sure we're getting complete and accurate information.

Last year, of the 115,088 screenings performed by DIHS, 24%, or more than 27,000 individuals, were identified as having chronic conditions and many of these conditions would not have been disclosed or discovered were it not for the comprehensive health screening process provided by ICE.

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 troubles me to this day – even 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 cause or trigger for them. However, the group recommended several steps.

First, they told us there needed to be greater awareness. So 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 and how to alert and acquire help from staff members.

We've also developed a wallet card for the purpose of increasing awareness to signs of mental health issues or suicidal tendencies among immigration detainees. All immigration detention staff members 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 need your help. If you are aware of issues or problems, I ask that you bring those to my attention so we can fix them. We aren't perfect. Oh, how I wish we were – but we need to be perfect, and it is fair for you to expect us to be perfect.

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.

Of course, much of our work goes far beyond worksite enforcement and detention. Forgive me if I talk about our work in those areas for just a moment.

The merger of traditional immigration and customs authorities uniquely positioned ICE to identify and dismantle both criminal and terrorist organizations that threaten our national security, not just within the United States but also around the world.

Perhaps the most satisfying of ICE's many enforcement accomplishments during our first four 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 truly disturbing 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 to identify, investigate, and arrest child predators. Officially launched in July 2003, this initiative 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 just last week we announced that Operation Predator had passed the 10,000-arrest mark.

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.

The recent arrest of fugitive Kenneth Freeman in Hong Kong was particularly satisfying to everyone at ICE. Freeman was featured on America's Most Wanted and was known to have bragged about his ability to elude capture.

He is charged with repeatedly molesting his own daughter and distributing photographs of his alleged crimes over the Internet. 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 if they're here illegally they will be deported. The bottom line is that 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. Our 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 the scope of our operations is far reaching, we work very hard to remain acutely aware that, most of the time, it is people we investigate, and most often impacted by those investigations.

If any of this has piqued your interest at all, we're hiring. I want to urge you to consider serving inside ICE. This agency still needs more experienced immigration attorneys.

We need folks with good judgment who can spot problems and provide solutions. We have good lawyers, but we need more. So I ask you to consider applying to work with us to find innovative solutions and more effective ways to enforce the law.

I hope you leave here with a better understanding of ICE, and a greater appreciation for the 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.

Once again, thank you for the invitation to join you this morning and thank you for your tireless work and dedication in this important area.