



# U.S. Immigration and Customs Enforcement

**STATEMENT**

**OF**

**JULIE L. MYERS  
ASSISTANT SECRETARY**

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
(ICE)  
DEPARTMENT OF HOMELAND SECURITY**

**BEFORE**

**HOUSE APPROPRIATIONS COMMITTEE  
SUBCOMMITTEE ON HOMELAND SECURITY**

**Tuesday, March 27, 2007  
2:00 PM  
Washington, D.C.**

## **INTRODUCTION**

Good morning, Chairman Price, Congressman Rogers, and distinguished Members of the Committee. It is my privilege to appear before you today and discuss the President's Fiscal Year (FY) 2008 budget request for U.S. Immigration and Customs Enforcement (ICE). I want to thank the Committee for its continued support of ICE during the past three years.

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

ICE has three primary enforcement responsibilities. First, ICE investigates a range of domestic and international activities arising from the movement of people and goods that violate immigration and customs laws and threaten national security. Second, ICE promotes public safety by ensuring the departure from the United States of removable aliens through the enforcement of the Nation's immigration laws. Third, ICE reduces threats, and ensures a safe environment in which Federal agencies can conduct business by conducting risk assessments and securing Federal facilities nationwide.

Because of the support of the Congress, and especially this Committee, ICE has experienced major successes. Substantial increases in funding have strengthened the

agency and enabled ICE to enhance its position as a world-class law enforcement agency. The request I present today reflects the accomplishments ICE has had so far and our vision for the future.

### **ICE FY 2008 BUDGET REQUEST**

During FY 2006, ICE set new records for enforcement activity in immigration and arms and strategic technology investigations, effectively ended the long-standing practice of “catch and release” along our borders, launched major new initiatives, eliminated many of ICE’s long-standing financial challenges while developing a framework to remedy others, and improved the management of the agency. These successes frame our FY 2008 budget request and I will discuss them later.

The proposed FY 2008 budget builds on the foundation of our accomplishments while addressing new challenges and opportunities presented by ICE’s commitment to the Secure Border Initiative, or SBI. The request seeks resources totaling \$5,014,500,000, which represents an increase of approximately 7 percent over FY 2007, excluding emergency funding provided by the Congress. Program increases total over \$140 million, and will allow ICE to be a highly valuable contributor to the SBI and the Administration’s overall goals to protect the American public.

### *ICE Priorities*

The success of SBI remains one of ICE's foremost priorities. Restoring credibility to our immigration laws and regaining control of America's borders is vital to the very concept of homeland security. One of the first steps has been the improvement of the detention and removal system to ensure that illegal aliens are removed from this country quickly and efficiently.

An enhanced interior enforcement strategy represents another critical phase of SBI. A stronger interior enforcement program will complement the Department's border security efforts by expanding existing efforts to remove criminal aliens, reduce the magnet of illegal employment, and dismantle the infrastructure that supports illegal immigration.

Effective arms and strategic technology investigations are next in our investigative priorities. And from the illegal export of night-vision goggles to airplane parts to munitions, these investigations are another critical priority for ICE and essential for enhancing our national security.

ICE also remains focused on using its expertise in financial and drug investigations. Our ability to follow the money is critical and we need to continue to search for new trends in money laundering and financial fraud. Our resolve to fight drug smuggling can never waver. These are crimes that threaten our national security, expose our borders to infiltration, subject our financial systems to exploitation and destroy the lives of so many people.

Finally, we seek to build an enhanced ICE culture by strengthening our administrative support functions, increasing financial accountability, ensuring a culture of integrity, and developing more cohesive agency-wide policies and practices.

#### FY 2008 Enhancement Request

The President's FY 2008 budget request for ICE promotes these priorities by seeking the following enhancements.

For immigration enforcement:

*Criminal Alien Program (CAP) Teams.* \$28.7 million is requested to deploy 22 additional 10-person CAP teams. Through CAP, ICE identifies and removes criminal aliens incarcerated in Federal, State, and local facilities. This request will reduce the number of criminal aliens being released back into the community.

*State and Local Law Enforcement.* \$26.4 million is requested to support Section 287(g) of the Immigration and Nationality Act, which allows the Secretary to delegate authority to State and local law enforcement officers to enforce Federal immigration laws. Following the successful completion of required training, these officers can perform immigration-related enforcement operations targeting criminal aliens, fraudulent document vendors, illegal aliens working in sensitive critical infrastructure positions, and violent sexual offenders. This funding will pay for the training of 250 State and local law enforcement officers (LEOs), necessary equipment for the LEOs to access ICE data, as

well as 350 detention beds and associated staffing. The request will also provide funding for 17 Law Enforcement Technicians for the Law Enforcement Support Center and two Senior Intelligence Officers for the Forensic Document Laboratory.

*ICE Mutual Agreement between Government and Employers (IMAGE).* \$5 million is requested for this complementary worksite tool. IMAGE is an innovative partnership program with employers that uses outreach and self-policing to reduce unauthorized employment. The request funds 10 special agents, 10 forensic auditors, and nine investigative assistant positions for outreach and enforcement activities.

*Border Enforcement Security Task Forces.* \$10.7 million is requested to fund the existing BEST Task Force in Laredo, TX, and establish six additional task forces. BEST teams focus resources on the identification and prioritization of emerging and/or existing threats to border security. The increase in staffing will significantly enhance enforcement activity, which will create a deterrent effect and increase the discovery of violations.

*Gang Enforcement.* \$5 million is requested to fund 35 positions for field offices that have been identified by threat analysis as servicing critical high-threat gang areas. ICE will use the additional resources to enhance its anti-gang initiative and increase the number of transnational gang members that are identified, arrested, and removed from the United States.

*Detention Bed Space.* \$31.0 million is requested to provide 600 additional detention beds, contract services, and support personnel for the Detention program. DHS will be

doing extensive hiring along the enforcement continuum in FYs 2007 and 2008, including Customs and Border Protection (CBP) Border Patrol Agents, and ICE investigators, which in turn will require additional bed space. This request ensures sufficient and appropriate bed space is available based on detention category, characteristics, and conditions of release.

*Removal Management Operations.* \$10.8 million is requested to fund Centralized Ticketing Operations and additional air transportation support, including the use of the Justice Prisoner and Alien Transportation System (JPATS) and leasing of aircrafts for alien removals. The hiring of additional ICE Criminal Alien Program teams and Fugitive Operation teams in FYs 2006 and 2007 will result in a significant increase in removals. The additional air transportation will support the removal of an additional 10,000 aliens annually.

*Evaluate Facility Privatization.* \$6.0 million is requested to repair and maintain existing facilities and evaluate the feasibility of privatizing ICE-owned detention facilities. Privatization has the potential to reduce both cost and liability to the agency.

For other investigative priorities:

*Trade Transparency Units (TTU).* \$1.8 million is requested to expand the TTU program. TTUs are cooperative, international investigative units that work to identify and eliminate trade-based money-laundering systems that facilitate the illegal movement of criminal proceeds across international borders. TTUs assist in the detection of organizations that

are misusing trade to smuggle and/or falsely declare their commodities. They identify patterns of illegal activity and lead to aggressive investigations with our foreign partners to shut these vulnerabilities down.

*Bulk Cash Smuggling Center (BCSC).* \$2.1 million is requested to provide the BCSC with five Special Agents, five Intelligence Research Analysts, one Mission Support Specialist, as well as necessary equipment and training support. The BCSC initiative will strengthen border security and interior enforcements by cutting off the proceeds that fuel illicit activities, trafficking in aliens, drugs, and other criminal activity.

To build one ICE culture:

*Information Technology (IT) Investments.* \$15.7 million is requested for IT investments. Shortcomings in enforcement information represent a critical handicap to law enforcement officers responsible for the detention and/or removal stage of the enforcement process. This request provides \$11.5 million for the Detention and Removal Operations Modernization program in order to facilitate more effective use of DRO detention facilities and streamline detainee processing critical to DRO facilities nationwide. In addition, \$2.2 million is requested for mobile IDENT/ENFORCE devices so law enforcement personnel can process illegal migrants at remote worksites, including jails and courtrooms. Finally, \$2 million is requested to develop IT requirements and operating capabilities for a possible case management system for law enforcement personnel who currently access multiple, disparate applications when processing cases.



*Improved Integrity Oversight.* \$7 million is requested to fund 32 Special Agents, three Supervisory Special Agents, and two mission support staff within the Office of Professional Responsibility to conduct criminal and serious misconduct investigations involving the activities of ICE and Customs Border Protection (CBP) employees deployed domestically and overseas. The request is critical to minimizing the risk and vulnerability to ICE and CBP of unattended corruption and serious allegations.

*Strengthening Federal Protective Service Mission.* ICE is requesting no specific level in appropriations language; the FY 2008 request level is an estimate of what authority will be needed. ICE is proposing fee levels that tie revenue to the cost of providing appropriate levels of law enforcement and security services. FPS will set the standard for facility risk assessments and security interventions at Federal facilities across the Nation.

Through its Federal Protective Service (FPS), ICE is responsible for securing, policing, and ensuring a safe environment in which Federal agencies can conduct their business. ICE does this by providing risk assessment and threat analysis services related to facilities security, and by investigating and responding to threats posed against more than 8,800 Federal facilities nationwide.

All Federal facilities under ICE control receive a thorough building security assessment on a recurring schedule. During this assessment, representatives of all agencies in the facility are interviewed to gather information on the specific mission they perform within the facility. Intelligence and crime statistics for the area and existing security countermeasures are reviewed. Security is thereby tailored for each individual facility as

opposed to a one-size-fits-all approach. Uniformed ICE officers and special agents respond to calls for assistance, conduct investigations and provide crime prevention tips, as well as assist in occupant emergency planning.

FPS is also responsible for the guidance and oversight of the Government Facilities Sector (GFS) of the National Infrastructure Protection Plan (NIPP), which sets forth a comprehensive risk management framework and clearly defines critical infrastructure protection roles and responsibilities.

### **ICE ACCOMPLISHMENTS**

I believe our accomplishments are a clear reflection of how the men and women of ICE successfully executed our Agency's priorities. And many of ICE's successes are directly linked to the investment in the Administration's Secure Border Initiative (SBI). Since November 2005, ICE has worked strategically with other DHS components to control the Nation's borders and execute a comprehensive interior enforcement strategy. I am happy to share some of these successes with the Committee now to explain how we have used the resources you have provided. We hope these accomplishments will reinforce your faith in ICE's abilities and in the importance of our work.

On immigration enforcement:

Ended “Catch-and-Release” Along the Borders

The practice of “catch and release” for non-Mexican aliens existed for years and was one of the greatest impediments to effective border control. In FY 2006, with the support of Congress, DHS and ICE improved the detention and removal process and increased detention capacity, all of which contributed to the end of this practice along the border, an accomplishment considered impossible in 2005 when only 34 percent of non-Mexican aliens apprehended along the border were being detained.

ICE removed more than 193,000 aliens from the United States in FY 2006, up from approximately 170,000 in FY 2005, an increase of over 13 percent.

*Increased Use of Expedited Removal.* ICE is using innovative immigration enforcement tools to achieve measurable success in making detention and removal of aliens more efficient. The expansion of Expedited Removal (ER) authority significantly increased efficiencies within the removal process. The ER process authorizes immigration officers, under certain circumstances, to formally remove aliens from the United States. This expanded authority has greatly increased removal efficiencies by eliminating any time spent litigating the order of removal before immigration judges, thereby decreasing length of stay. As a result, the average length of a detention stay for an illegal alien for expedited removal fell to approximately 19 days in FY 2006 compared to an average of approximately 90 days in the traditional removal proceedings before the SBI was launched.

### Enhanced Interior Enforcement

Through ICE's execution of our interior enforcement strategy, ICE's interior enforcement efforts are reducing vulnerabilities in the legal immigration process and targeting illegal immigrants not apprehended at the border or who were previously released into society and have become absconders.

*Increased Apprehensions of Fugitive Aliens.* From FY 2003 through January 19, 2007, the National Fugitive Operations Program (NFOP) conducted 67,987 fugitive enforcement activities. Combined enforcement activities resulted in the removal of 38,977 fugitive aliens. In addition, the NFOP arrested or otherwise closed the cases of an additional 16,818 non-fugitive aliens, resulting in the removal of another 10,492 aliens. During FY 2006, ICE nearly tripled the number of fugitive operations teams nationwide from 18 to 52. During FY 2007 with enacted resources, we will increase the number of teams to a total of 75. These additional teams increase the efficiency of ICE immigration enforcement efforts to locate, apprehend and remove primarily criminal aliens. Arrests of absconders have increased steadily. In FY 2006, a total of 10,110 alien absconders were apprehended, resulting in a 75 percent increase from the 5,780 in FY 2005. To date in FY 2007, a total of 7,952 absconders have been apprehended. The anticipated level for this year should exceed 16,000, which is more than 10 times as many as in 2003.

*Enhanced Criminal Alien Program (CAP) Team Activity.* CAP plays a key role in protecting national security by identifying and addressing security threats within the incarcerated-alien population. CAP identifies and removes criminal aliens encountered

in Federal, state, and mega county local detention facilities, thereby ensuring that they are not released into the community by securing a final order of removal prior to the termination of their sentence. CAP teams identified and processed 33,612 foreign-born nationals in Federal, state and local detention facilities in FY 2006. And just four months into FY 2007, there have been 32,937 CAP cases identified and processed.

*Created a National Center to Coordinate Deportation of Aliens upon Release from Prison.* ICE created a national center that reviews aliens at all 114 Federal detention facilities, a process that was only conducted at 30 Federal facilities in 2005, to ensure that criminal aliens are deported rather than released into society upon the completion of their sentences. This new center issued 7,316 charging documents, placed 2,728 detainers, and located 93 fugitives since June 2006.

*Increased Compliance Enforcement Efforts.* In FY 2006, ICE referred more than 6,000 compliance enforcement investigations resulting in the administrative arrest of more than 1,700 overstay and status violators, a 75 percent increase over the number of administrative arrests in FY 2005. In an effort to further compliance enforcement, ICE's Student and Exchange Visitor Program acts as the liaison for various government organizations with an interest in information on foreign students and exchange visitors. To ensure that student visa violators are tracked and properly followed, ICE has begun a number of initiatives targeting those who violate the terms of their visas. In the summer of 2006, ICE initiated Operation Summer Break to ensure that students who had their status terminated had in fact left the country. This short-term initiative resulted in 750

compliance enforcement investigations and the arrest of 326 nonimmigrant status violators.

*Enhanced Worksite Enforcement.* ICE has made worksite enforcement a key priority. In FY 2006, ICE initiated 1,201 worksite enforcement investigative cases that resulted in 716 criminal arrests and 3,667 administrative arrests. ICE also investigates worksite cases related to national security and public safety. Unauthorized workers employed at sensitive sites and critical infrastructure facilities—such as airports, seaports, nuclear plants, chemical plants, and defense facilities—pose serious homeland security threats. Not only are the identities of these individuals in question, but these aliens are vulnerable to exploitation by terrorists and other criminals given their illegal status in this country. Furthermore, these individuals have access to some of the most sensitive worksites in the nation. ICE often works with employers in these cases to identify and immediately remove illegal workers from these locations.

*Created Border Enforcement Security Task Forces (BEST).* ICE led a DHS-wide effort to identify, disrupt and dismantle criminal organizations posing significant threats to border security in coordination with other law enforcement entities. Currently, there are task forces in Laredo, Texas and Tucson, Arizona. Additional task forces are projected for the future. Since inception in July 2005 through March 14, 2007, BEST agents made 255 criminal arrests, and 485 administrative arrests. In addition, agents seized more than 39,000 pounds of marijuana, 411 pounds of cocaine, 171 weapons, 10 live explosives, 96 vehicles, 12 real properties, and approximately \$7.1 million in U.S. currency.

*Targeted Transnational Gangs.* Operation Community Shield continues to reduce the public safety threat posed by transnational gang members. In FY 2006, ICE arrested 2,294 gang members, of which 1,073 had convictions for violent crimes such as murder, rape, robbery and assault. Since Operation Community Shield was launched in February 2005, approximately 4,500 transnational gang members have been arrested.

*Supported State and Local Law Enforcement Agencies.* With the training and certification provided under Section 287(g) of the Immigration and Nationality Act, State and local officers are authorized to detain and process illegal aliens who may pose a criminal threat to communicate or security threat to the United States. ICE's 287(g) program has seen positive results for participants as well as for ICE. In Arizona, the 287(g) program has identified and placed into removal proceedings over 2,500 criminal aliens. Arizona Department of Corrections estimated the program has saved them more than \$2.9 million and over 53,000 bed days.

*Increased Information Available in National Crime Information Center (NCIC).* In FY 2006, law enforcement technicians at the Law Enforcement Support Center (LESC) provided critical information to the law enforcement community nationwide in response to more than 661,448 electronic queries from Federal, state, local and tribal officers seeking immigration status and identity information on foreign-born individuals arrested, in custody or under investigation. Through the LESC, ICE effectively used the force multiplier effect of the Federal Bureau of Investigation's NCIC database by adding 71,953 new immigration violator records, bringing the total number of ICE records in NCIC to 214,616.

*Improved Litigation and Prosecution.* In immigration courtrooms in FY06, ICE attorneys prepared 521,989 cases, created 249,562 new case records, created 205,300 new document records and recorded 192,776 final removal orders. ICE launched an initiative to ensure that investigators receive training about significant changes in the law to use in their investigations.

#### Trade, Drug, and Other Enforcement Successes

*Concluded Cali Cartel Case.* ICE concluded a 15-year investigation of the Cali Cartel in September 2006. Cali Cartel leaders, Miguel and Gilberto Rodriguez-Orejuela, pled guilty and were sentenced to 30 years in the Southern District of Florida for conspiracy to import over 200,000 kilograms of cocaine, a global forfeiture claim of \$2.1 billion. Rodriguez-Orejuela and his organization were believed to be responsible for roughly 80 percent of the cocaine shipped to the United States. Approximately 141 cartel members have been arrested, indicted or convicted in this case. In a separate agreement, 28 Rodriguez-Orejuela family members agreed to forfeit all title and interest in the forfeited assets.

*Launched Trade Transparency Units (TTU).* In May 2004, ICE established the TTU program to foster cooperation and share trade data with other nations. In FY 2006, ICE secured funding and developed agreements for the establishment of TTUs in Colombia, Brazil, and Argentina. ICE also developed an agreement for the establishment of a TTU in Paraguay, which will become fully operational this month. In FY 2006, TTUs initiated



21 trade-based money-laundering investigations, generated 36 investigative referrals, and seized approximately \$1 million in goods slated for fraudulent export. In FY 2007, ICE received \$6.8 million for TTUs. Responding to increased foreign government interests in TTUs, ICE is working to establish TTUs in five foreign countries in FY 2007.

*Developed Nationwide Document-Fraud Effort.* Working with the Department of Justice, ICE established Document and Benefit Fraud Task Forces in 11 major metropolitan areas – Atlanta, Boston, Dallas, Denver, Los Angeles, Newark, New York City, Philadelphia, St. Paul, and Washington, D.C. Through January 31, 2007, these task forces have conducted 450 investigations resulting in 380 arrests and 278 indictments for fraud-related crimes.

*Initiated Significant Financial Investigations.* ICE continues to pursue the Cornerstone initiative, an outreach and financial industry partnership designed to identify vulnerabilities exploited by terrorist and other criminal organizations. In FY 2006, ICE initiated 3,978 financial investigations resulting in the seizure of roughly \$137 million in currency and monetary instruments, the arrest of 1,262 individuals, 936 indictments, and 940 convictions. Cornerstone agents conducted more than 900 outreach presentations to more than 21,000 participants in 2006.

*Protecting Children from Sexual Exploitation.* 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. Since the inception of Operation Predator in July 2003, ICE authorities

have affected 9,631 criminal and administrative arrests, and deported more than 5,237 illegal predators. ICE has also provided leads to foreign authorities resulting in the arrest of over 1,100 child pornographers overseas.

### Building an Agency Culture

Achieving its first-ever full complement of senior executives, ICE gained the agency's first Deputy Assistant Secretary for Management, Chief Financial Officer and Directors of Acquisition Management, Budget and Program Performance and Financial Management and hired more than 1,400 additional personnel in key positions.

*Enhanced Financial Integrity.* In FY 2006, ICE prepared a multiyear Financial Action Plan (FAP) focusing on the root causes of financial problems and identifying the actions necessary to remedy them. ICE reduced its material weaknesses from eight in FY 2005 to only two in FY 2006. The FAP will ensure that ICE continues to build financial management successes.

*Enhanced Employee Integrity.* The new mandatory Integrity Awareness Program helps ensure that all ICE employees maintain the highest ethical standards. In FY 2006, the Office of Professional Responsibility performed 1,276 investigations involving criminal and serious misconduct allegations against CBP, ICE and CIS employees.

*Expanded intelligence and analysis capabilities.* ICE worked to improve the agency's broad intelligence by expanding its analytical intelligence capabilities to produce

actionable intelligence leads for field investigators. ICE also created the National Security Integration Center which partners investigators and intelligence analysts to “operationalize” intelligence reporting.

*Protecting employees and facilities.* In FY 2006, FPS was responsible for the protection and security of over 9,000 Federal facilities, nationwide. FPS officers made almost 6,400 arrests and citations and prevented 880,140 prohibited items from entering Federally-owned and leased facilities. FPS responded to almost 1,500 demonstrations and disturbances, 1.6 million alarm activations, and completed over 2,500 Building Security Assessments. In FY 2006, ICE began developing with its partners a sector-specific plan for the Government Facilities Sector (GFS) of the National Infrastructure Protection Plan (NIPP), coordinating the effort to identify, assess and enhance the protection of government facilities that are determined to be nationally critical. In FY 2008, ICE will continue this effort.

## **CONCLUSION**

The FY 2008 President’s Budget request for ICE reflects the Department of Homeland Security’s ongoing commitment, and the dedication of ICE employees, to protect the United States and the American people. This request builds upon the foundation of resources and initiatives provided to ICE in previous fiscal years. I want to thank the Committee again for the continued support ICE has received and to assure you that I am committed to working with all Members of the Committee on these important matters

that concern us all. Thank you for the time and I look forward to answering your questions and to working with you on the FY 2008 budget.