



U.S. Immigration and Customs Enforcement

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**CENTER FOR STRATEGIC & INTERNATIONAL STUDIES
TOP OF THE AGENDA SERIES**

**Tuesday, June 19, 2007
8:30 AM
Washington, DC**

Good morning, everyone. Thank you for the invitation to join you here in Washington, and I appreciate the opportunity to share some thoughts with you today. I'm anxious to begin what I'm certain will be a valuable dialogue between Immigration and Customs Enforcement...ICE...and the Center for Strategic and International Studies...CSIS.

I'm honored to be here at CSIS. Your center is highly regarded here in Washington for the tremendous work you do in the area of applying serious analytical research to sound international policy.

This morning I'll share what I believe are ICE's key operational priorities, and I'll attempt to spell out the challenges that we, as an agency, face each day as we work toward achieving these priorities. It's my hope that with today's discussion I'll be able to give you a better understanding of the responsibilities of my agency and how we've risen to this enormous challenge. But the common theme I think you'll sense is that I'm a big proponent of looking at how we can do business differently – which in truth, speaks much to the basis for the creation of this agency four years ago.

As many of you know, Immigration and Customs Enforcement was formed by merging the investigative and intelligence resources of the old INS with the investigative and intelligence arms of the Customs agency. As a result, ICE is one of the premier federal law enforcement agencies. In fact, in terms of federal investigations, ICE is second in size only to the FBI – but speaking personally, I believe we're first in many other respects, but I might be just a little biased here.

Our mandate is to investigate criminal and administrative violations of more than 400 individual statutes relating to virtually every aspect of traditional immigration and customs activity. ICE employs more than 15,000 men and woman who are committed to this mission, to protect our nation and uphold public safety by targeting the people, money and materials that support terrorist and criminal activities.

So how do we do this? How can we be successful? When I think about the challenges we face and the resource we have to meet those challenges, it's clear that we've got to think smartly and proactively. In some instances, this involves looking back in order to move forward. For example, think about the 19 young men who hijacked four commercial airplanes and murdered nearly 3,000 innocent men, women and children on September 11, 2001.

If ever there was an alarm bell telling us that the immigration system was broken, tragically, it was the events of that awful day. There are numerous programs in place today that show that the Department of Homeland Security has learned many lessons from the past and is taking the necessary steps to avoid a similar catastrophe from ever visiting our shores again. Since our inception in 2003, ICE has taken a hard look at what is needed to identify and either arrest or deport those individuals who, like these 19, have nothing but the deadliest of intentions for coming to the United States of America.

For example, after 9/11, some of those lessons were crystal clear. The following passage comes directly from the 9/11 Commission's report entitled "9/11 and Terrorist Travel;"

Where they summarized many of the key facts of the hijackers' entry into the United States, the Commission stated, "We endeavor to dispel the myth that their entry into the United States was 'clean and legal.' It was not. Three hijackers carried passports with indicators of Islamic extremism linked to al Qaeda; two others carried passports manipulated in a fraudulent manner.

"It is likely that several more hijackers carried passports with similar fraudulent manipulation. Two hijackers lied on their visa applications. Once in the United States, two hijackers violated the terms of their visas. One overstayed his visa. And all but one obtained some form of state identification. We know that six of the hijackers used these state issued identifications to check in for their flights on September 11. Three of them were fraudulently obtained."

This report also noted that one of Bin Laden's top deputies had established a passport office and was actively training operatives in document fraud and forgery. Dangerous links were forged and strengthened with travel organizations and corrupt government officials to improve the group's efforts to travel around the world undetected.

So in the midst of the immigration debate going on before the U.S. Congress, for many of us, it's critical to bear in mind the lessons of 9/11 and how they should frame the debate. As a law enforcement official, I assure you that whatever the outcome, I intend to enforce the nation's laws with the utmost vigor to mitigate any loopholes or vulnerabilities that may exist in our immigration system.

Given our immigration responsibilities, it's easy to see how the specific details of any comprehensive immigration proposal that becomes the law of the land will have a direct and immediate impact on our operations.

But we aren't waiting until the law changes to enforce the law. We are working to restore integrity to the system now.

One of the first steps down this path is to secure our borders. As a result of Secretary Chertoff's Secure Border Initiative, ICE has been able to effectively end the practice of catch and release for non-Mexican aliens along our nation's southern border over the course of the last year and a half. As a point of clarification, I should note that Customs and Border Protection (CBP) is responsible for apprehending individuals crossing our borders illegally, while ICE has the responsibility to investigate immigration crimes, apprehend individuals in the interior and work internationally with other nations to deter illegal immigration. Additionally, we have a responsibility to detain and remove those illegal aliens apprehended by either CBP or ICE.

We make the distinction between Mexican and non-Mexican aliens along the southern border because at that point, Mexican nationals can simply be turned back to their own country, while the removal of non-Mexican illegal aliens is more involved.

For many years, the lack of appropriate bed space for detainees was one of the biggest contributing factors to the proliferation of catch and release. And, unfortunately, this practice only led to an increase in the number of fugitive alien absconders, those who simply did not show up for their appointed hearings before an immigration judge.

To solve this problem, we didn't just increase bed space, although Congress has been generous with space. We've also looked to more efficiently use the beds that we have. We employed a number of options available to us, including expedited removal process, the establishment of the Detention Operations Coordination Center and the expanded use of technology to streamline our removal process, including electronic travel documents and video-teleconferencing services with foreign consulates.

As a result, we've been able to reduce the average length of stay for those detained by ICE from 90 days to just 19 days for expedited removal cases and to 36 days for all proceedings, thereby greatly increasing the number of individuals we're able to remove. Our ability, therefore, to put an end to the practice of catch and release should not be seen as particularly startling, but simply the result of a good, sound business model.

ICE's role in immigration enforcement goes well beyond successful detention and removal management. In fact, we've developed and are implementing a comprehensive interior enforcement strategy focused on targeting criminal and fugitive aliens, reducing the magnet of employment for illegal migration and dismantling the infrastructure that supports it.

Take for example the second phase of the Student and Exchange Visitor Information System. Prior to 9/11 this system was not in place and could not help authorities accurately monitor the immigration status of foreign students and other visitors to this country. In FY06 ICE referred more than 6,000 compliance enforcement investigations to our field offices, resulting in more than 1,700 arrests.

Although we are moving to a next generation database, our current resources still help us isolate a problem rather quickly. It also has brought us into a unique partnership with schools, most of which are also on the watch for anything unusual. Many of you, I'm sure, remember the 11 Egyptian students who failed to show up for classes at Montana State University recently. During a two-week nationwide recovery effort, ICE agents tracked the students to California, Virginia, Iowa, Maryland, Illinois, New Jersey and Minnesota. And following the terrible tragedy earlier this year on the campus of Virginia Tech, even more schools reached out to ICE.

A key part of our interior enforcement strategy requires revitalizing our Criminal Alien Program, or CAP, which is sometimes referred to as our jail program. Common sense tells us that we ought to seek the removal of those criminals already incarcerated in our penal system for criminal violations – including convictions for homicide, theft and assault just to name a few.

When I started at ICE, we reviewed the inmates at just 4 of 119 federal sites operated by the Bureau of Prisons. In June 2006 we launched a central interview and processing site for criminal aliens within the federal Bureau of Prisons called Detention Enforcement and Processing Offenders by Remote Technology, or DEPORT. Through DEPORT, ICE extends its reach to cover all incarcerated aliens and allows us to eliminate the backlog of criminal aliens awaiting review in our federal prisons before they complete their sentences and are returned to our streets.

With respect to fugitive aliens, we are also making great strides. We've expanded the number of fugitive operations teams from 17 teams in January 2006, to a total of 61 today. The teams target aliens who already have an order of deportation from our judicial system. We've also developed a Fugitive Operation Support Center tasked with data mining through our fugitive backlog; to clean up old or out-of-date information, to assign new leads or close cases wherever applicable. We are also detaining more aliens up front and therefore creating fewer opportunities for aliens to abscond. With more than 600,000 fugitive aliens in the United States, we must do everything we can to see that a judge's orders are upheld, or we risk making a mockery of the entire system. As a result of our

stepped up efforts, I'm pleased to tell you the fugitive alien population in the United States decreased for the first time ever over the last two months.

With respect to our goal of dismantling the infrastructure that supports illegal immigration, we are well aware of the potential vulnerability posed by the proliferation of fraudulent documents. The 9/11 Commission said, "For terrorists, travel documents are as important as weapon...All but one of the 9/11 hijackers acquired some form of identification document, some by fraud. Acquisition of these forms of identification would have assisted them in boarding commercial flights, renting cars, and other necessary activities."

Accordingly, in April 2006, ICE partnered with the Department of Justice and other federal agencies to launch 11 Document and Benefit Fraud Task Forces in major U.S. cities. We now have 17 of them and, to date, these task forces have undertaken more than 235 investigations, yielding 189 arrests and 80 convictions. Our Forensic Document Lab is busy every day examining trends and working to identify the latest schemes in document fraud.

Now, when we talk about protecting the nation by targeting the money and materials that support terrorist and criminal activities, this work clearly requires the application of our customs authorities. We understand that the merger of traditional immigration and customs authorities uniquely positions ICE to identify and dismantle both criminal and terrorist organizations that threaten our national security, not just within the United States, but around the world.

One initiative that directly attacks these national security risks is the Arms and Strategic Technology Investigations program, or ASTI. I believe that the tremendous success of several recent ASTI cases is a clear indication that we should be doing much more in this area.

ICE brings more ASTI cases than any other agency, but still, the numbers are relatively small. During FY06, ASTI investigations led to 144 arrests, 124 indictments

and 93 convictions. In ASTI cases we partner with business and industry to share information. ICE agents assigned to ASTI units routinely visit U.S. manufacturers through a program titled Project Shield America.

This type of educational outreach is crucial to creating greater national awareness of the risk posed by this kind of criminal activity. And as we spend time educating these companies with regard to the law, we also seek to enlist their cooperation in preventing the illegal export and / or foreign acquisition of their products.

These partnerships have led to some really terrific cases, including the arrest and conviction of Asher Karni, a South African businessman who attempted to sell, among other things, dual-use triggers to Pakistan. These items are used by hospitals to break up kidney stones, but they could also be used to detonate nuclear weapons.

The triggers, modified to be non-functioning and fitted with tracking devices so they could be followed, were sold in an undercover operation that spanned Karni's entire network and netted his eventual arrest in Denver, the next time he attempted to enter the United States.

We will never allow any individual or company to place profits ahead of national security, and this position was clearly demonstrated in March when one of the country's most well-known and respected night vision companies, ITT, was ordered to pay a \$100 million fine as part of a plea agreement stemming from an ICE-led, ASTI investigation.

That case involved the illegal export of sensitive night-vision technology to China, and we hope the substantial penalty levied against ITT will deter other companies from even considering such ill-conceived business practices.

We have absolutely no tolerance for individuals or companies who wish to use the United States as a source for weapons, advanced technology or financial resources to fund criminal activity.

I think this is a great place for me to pause, and discuss, in a little more detail, ICE's work with respect to financial crimes, as well as our efforts to dismantle and disrupt both existing and emerging money-laundering schemes and bulk cash smuggling operations.

Central to this effort has been the creation and continued development of our Trade Transparency Units, or TTUs.

Trade-based money laundering systems exploit vulnerabilities in U.S. financial and trade systems. They hurt the economic security of the United States as well as that of our foreign government trading partners.

This type of crime was identified as a major vulnerability in the 2005 National Money Laundering Threat Assessment, the Department of Treasury's 2003 and 2006 National Money Laundering Strategies, and the Department of State's 2005 and 2006 International Narcotics Control Strategies. All of these reports cited the establishment of TTUs as the best mechanism to combat trade-based money laundering.

At the heart of the trade transparency initiative is a specialized ICE computer system called the Data Analysis & Research for Trade Transparency System or "DARTTS."

This system is designed to aid users in detecting and tracking money laundering, contraband smuggling, and trade fraud by being able to analyze data in ways not previously feasible. DARTTS enables ICE to look at data from both the financial and international economic perspective. DARTTS has the ability to analyze the complete suite of Bank Secrecy Act (BSA) data as well as domestic and foreign trade data.

As a result, in FY 2006, ICE initiated 21 trade-based money-laundering investigations, predicated on leads developed by the TTU. In addition, the TTU generated 36 investigative referrals, which may result in active investigations in the future.

One of the significant cases generated by the TTU in FY 2006 was a large-scale Brazilian fraudulent trade scheme that resulted in the execution of more than 200 search warrants and leading to seizures worth an estimated \$200 million dollars.

ICE has also taken a leading role in combating bulk cash smuggling, a practice that has become a preferred method for drug dealers and other criminals attempting to move illicit proceeds across our borders. With our partners at Customs and Border Protection, or CBP, we initiated Operation Firewall in the summer of 2005.

One of the things I find encouraging and exciting about this initiative is its scope. While ICE and CBP began the operation by focusing on various ports-of-entry, the program has grown to include interior enforcement as well as an increasingly large international component.

Our agents are working closely with state and local law enforcement to identify and intercept bulk cash shipments being transported on our nation's highways before they can be smuggled out of the country.

ICE and CBP agents are also engaged in training foreign law enforcement organizations in the investigative techniques that have already proven to be successful here in the United States – things like passenger analysis and the use of mobile x-ray units. We've done this in Mexico, Panama, Ecuador and Colombia.

As of February of this year, more than \$75 million dollars in US currency and other negotiable instruments has been seized as a result of Operation Firewall. This reflects a total of 660 seizures and 195 arrests, with 41 of those occurring outside the United States.

In a single seizure, the largest in Mexico's history, roughly \$7.8 million dollars in smuggled cash was discovered in a shipment of deep fryers, voltage regulators and rotisserie ovens.

That's just a snapshot of the work we do at ICE, and it reflects the emphasis we place on targeting the people, money and materials that terrorists and other criminals can use to cause us harm.

We never forget that the work we do at ICE is, at its core, a solemn effort to protect, to the very best of our abilities, the United States of America and all its citizens from ever suffering such a devastating and ruthless attack again.

I believe the goals I've shared with you today reflect a solid approach to the operational challenges we face every day and I know that meeting these three key priorities will keep our people safe, our nation secure and our agency stronger. And although none of them will be solved overnight, I believe all of them are attainable.

I'm proud of our energetic workforce and I'm proud of the compassion and dedication our agents and employees bring to their jobs every day.

I have no doubt that ICE is one of this country's finest law enforcement organizations, and I'm convinced that we have the potential, going forward, to be the very model for all such federal agencies. I firmly believe that the challenges we face and the vulnerabilities that have been exploited in the past require us each and every day to ask ourselves "How can we do business differently?" Is there a new approach we haven't tried? This is the kind of thinking that I believe will keep us ahead of those criminals and terrorist entities that wish to harm our citizens and this country.

Thank you once again for inviting me to share some thoughts with you today. I would be happy, at this time to open the discussion to the group, to hear your thoughts on anything I've discussed this morning, and to answer any questions you may have.