



U.S. Department of Homeland Security

STATEMENT

OF

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U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
U.S. DEPARTMENT OF HOMELAND SECURITY

REGARDING A HEARING ON

**"GANGS, FRAUD AND SEXUAL PREDATORS: STRUGGLING
WITH THE CONSEQUENCES OF ILLEGAL IMMIGRATION"**

BEFORE THE

HOUSE COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND
HUMAN RESOURCES

Wednesday, April 12, 2005 @ 10:00 am
Winston-Salem, North Carolina

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, thank you for providing me the opportunity to speak with you today about U.S. Immigration and Customs Enforcement's (ICE) efforts to combat illegal immigration in the State of North Carolina.

ICE is the largest investigative agency within the Department of Homeland Security. Our mission is to protect the American people by combating terrorism and other criminal activities that cross our borders and threaten us here at home. The men and women of ICE accomplish this by enforcing the nation's immigration and customs laws. Working overseas, along our borders and throughout the Nation's interior, ICE agents and officers are demonstrating that the newly merged customs and immigration authorities constitute an effective tool against those who attempt to or succeed in penetrating our borders.

Using our vast enforcement authorities, ICE has built a robust enforcement program along the borders and within the interior of the United States. Gang members, child predators and other criminals should understand that ICE stands ready to protect our nation and its borders. Our presence extends throughout the interior of the United States and deters illegal immigration by making it clear to those willing to violate our borders and immigration laws that such disregard for our laws is not acceptable. These efforts underscore ICE's homeland security priorities and strengthen respect for our laws.

ICE continues to initiate enforcement programs to identify and arrest those who pose a threat to our communities. Examples of such programs include Operation Community

Shield and Operation Predator. Operation Community Shield identifies violent transnational gang members that are subject to arrest, prosecution and removal from the United States. Operation Predator focuses on protecting our nation's children from sexual predators. This includes identifying and arresting aliens who have been convicted of sex offenses against children. Transnational gang members and child predators often engage in immigration identity and benefit fraud to remain or work in the United States or to conceal their true identities. In addition, foreign-born gang members frequently ignore our immigration laws, pass through our borders undetected and travel to our nation's interior cities with the intent of joining other gang members to participate in criminal activity. ICE uses its authorities and resources on organizations and individuals who fraudulently obtain immigration benefits to further their illegal activities.

In the last decade, the United States has experienced a dramatic increase in the number and size of transnational street gangs such as Mara Salvatrucha, commonly known as MS-13, one of the most violent gangs of its kind. These gangs have significant foreign-born membership and are frequently involved in human and contraband smuggling, immigration violations and other crimes with a nexus to the border. Like many street gangs, they also have a propensity toward violence. Their members commit such crimes as robbery, extortion, assault, rape and murder.

An example of this violence occurred just a few miles from this hearing. On February 28, 2006, ICE agents working with the Fuquay-Varina, N.C., Police Department, arrested Jose Carlos Peralta-Morales, a Sureños gang member who was observed beating an

individual on the head with an aluminum baseball bat in a Wal-Mart store. An investigation revealed that the suspect had been previously deported in May 2005. Further investigation revealed that Peralta-Morales had been convicted of robbery and accessory after the fact in connection with an incident in which gang members robbed a returning Iraqi War Veteran at gunpoint upon departing a local restaurant with his girlfriend. In addition to state assault charges, Peralta-Morales is facing federal criminal prosecution for illegally re-entering the United States.

The victims of gang crime are not limited to rival gang members. Entire neighborhoods and sometimes whole communities are held hostage by and subjected to the violence of street gangs. Community members are targeted by gangs for extortion, robberies, car-jackings and home invasions. In drive-by shootings, the bullets fired by street gang members do not discriminate between a rival gang member and a sleeping infant in the same house.

Initially, Operation Community Shield targeted only MS-13 gang members. Due to its success, however, ICE expanded the program to include the investigation of all street and prison gangs. ICE has partnered with state and local law enforcement and works closely with other federal agencies such as the Bureau of Alcohol, Tobacco, Firearms and Explosives; U.S. Customs and Border Protection and the Federal Bureau of Investigation in support of this operation.

Operation Community Shield has resulted in the arrest of over 2,400 gang members. Of those arrested, 52 have been identified as leaders of gangs. More than half of those arrested have violent criminal histories with arrests and convictions for crimes such as robbery, assault, rape and murder. In North Carolina alone, ICE agents have arrested over 160 violent street gang members in the Charlotte, Raleigh and Winston-Salem metropolitan areas.

This operation is just the beginning of our efforts to defeat violent street gangs. By bringing the full range of ICE's immigration and customs authorities to the fight against violent street gangs, we can take hundreds of gang members off the streets and significantly improve community safety.

ICE's efforts to protect public safety are not limited to gang enforcement. Through Operation Predator, ICE aggressively pursues those who prey on the most vulnerable in society: our children. Operation Predator combines the efforts of three entities within ICE: the Office of Investigations, the Office of Detention and Removal Operations, and the Federal Protective Service. Initiated in July 2003, Operation Predator is currently managed and administered by the ICE Cyber Crimes Center, which coordinates enforcement efforts in the war against the exploitation of children both domestically and internationally. The program seeks to arrest and ultimately prosecute individuals who target and exploit our children.

Since heinous criminal activities that involve child exploitation are often not confined within or hindered by a country's physical borders, Operation Predator is an essential piece of ICE's strategic approach to border security and border enforcement. The advent of the borderless and anonymous Internet has created even greater opportunities and incentives for ruthless predators to profit by exploiting children. One can now transmit child pornography through foreign commerce by simply typing on a computer keyboard, with less obstruction and risk than arriving at a port of entry with child pornographic material hidden in luggage.

In addition to our efforts in combating the distribution and transfer of child pornography via the Internet, Operation Predator identifies and arrests criminal aliens that have been convicted of sex crimes against children and are subject to removal proceedings. These sex offenders pose a significant threat to our communities while they remain illegally in the United States to prey on innocent children. Operation Predator vigorously investigates all forms of child exploitation such as the smuggling of children into the country for sexual exploitation or prostitution, or the travel of U.S. citizens or lawful permanent residents to foreign countries to engage in "sex tourism" with children. These individuals often return to the United States with photographs and videos of their criminal activity.

Operation Predator has proven to be a tremendous success. Since the inception of Operation Predator, ICE has arrested over 7,600 child predators. In North Carolina, ICE agents have arrested 100 suspects as part of this operation. Of those arrested in North

Carolina, 97 are non-U.S. citizens and 62 of these have since been deported from the United States. Operation Predator will continue to be a priority program for ICE.

Similar results have been achieved through the implementation of Fugitive Operations teams by ICE Detention and Removal Operations (DRO). In FY 2005, a Fugitive Operations Team was funded for the DRO office in Charlotte, North Carolina and became operational in March 2006. Another Fugitive Operations Team was funded in FY 2006 for the DRO office in Raleigh, North Carolina. ICE has announced positions for this team and is currently conducting the hiring process. We expect the Raleigh Fugitive Operations Team to be operational in October 2006. ICE Fugitive Operations teams are already having a major impact in the areas in which they have been implemented. During the week of April 3, 2006, Fugitive Operations Teams from Charlotte, Atlanta, and New York/Newark, along with the ICE Office of Investigations and local law enforcement agencies, conducted the highly successful Operation Secure Streets. As part of this operation, Fugitive Operations teams targeted 75 criminal aliens, with a particular focus on 51 aliens who have drunken driving offenses in the State of North Carolina.

Many of those apprehended by ICE as part of Operation Community Shield, Operation Predator, Operation Secure Streets, or other enforcement efforts procured their immigration status through fraudulent means. Immigration fraud exposes the United States to criminals and terrorists who gain entry into this country to carry out their criminal and dangerous agendas.

Immigration fraud generally falls into two categories: benefit fraud and identity fraud. Benefit fraud, the willful misrepresentation of a material fact(s) on a petition or application to gain an immigration benefit, is a particularly serious form of immigration fraud and, increasingly, an extremely lucrative form of organized white-collar crime. Immigration benefits confer lawful status upon an individual to be legally present in the U.S. Identity fraud, also known as document fraud, is the manufacturing, counterfeiting, alteration, sale, and or use of identity documents and other fraudulent documents to circumvent immigration laws or engage in other criminal activity.

The Identity and Benefit Fraud Unit (IBF) is the component within ICE responsible for investigating immigration fraud in all its forms. IBF's mission is to detect, deter, and disrupt major criminal enterprises and individuals that pose a threat to national security and public safety through the perpetration of identity and benefit fraud.

The IBF maintains operational oversight of fraud related investigations in conjunction with the Benefit Fraud Units (BFUs), which are co-located at U.S Citizenship and Immigration Services (USCIS) Centers. The BFUs were created as a means of identifying and targeting the most significant and egregious immigration benefit fraud violators, such as organizations and facilitators engaged in large-scale schemes or individuals who pose a threat to national security or public safety. Working with USCIS, the BFUs support and enhance ICE investigations that involve immigration fraud. Recent IBF investigations have demonstrated that fraud cases are growing more

complicated and more challenging to investigate, often involving multi-layered schemes and multiple conspirators. In an effort to combat the proliferation of large-scale identity and benefit fraud, ICE enforcement efforts focus on conducting high-impact, comprehensive investigations.

Examples of how immigration benefits can be abused by the criminal element can be found in investigations conducted by ICE here in North Carolina. For instance, ICE investigated a Charlotte, North Carolina immigration attorney who filed fraudulent applications and petitions to assist her clients in obtaining immigration benefits. The immigration attorney advised her clients, who included students from Nepal, to circumvent legal immigration procedures by arranging marriages to United States citizens. The foreign students, admitted to the United States to pursue various educational programs, were told to marry a United States citizen, often a fellow student in need of additional cash, to remain in the United States legally. Some of the foreign students had previously failed in their attempt to obtain asylum. The attorney did this without regard for her clients' intentions or criminal records. In March 2005, she pled guilty to conspiracy to defraud the United States Government and was sentenced to federal imprisonment.

Another investigation based in Charlotte, North Carolina, involved individuals who were manufacturing and selling fraudulent immigration and identity documents. Several fraudulent document laboratories were identified and the apparatus used to produce such documents was seized during the investigation, along with proceeds from the illicit

operation. This investigation resulted in the arrest and conviction of several violators from Central America and Mexico on various charges related to conspiracy to violate immigration law, manufacturing of fraudulent documents, and making false statements in an effort to obtain immigration benefits for those who do not qualify.

ICE may initiate removal proceedings for those aliens who are encountered and arrested for immigration violations during Operation Community Shield or Operation Predator. The alien would be served with a Notice to Appear or other charging document that would contain information on the charges being filed against him or her. The alien would be scheduled for a removal hearing before an Immigration Judge who ultimately would determine whether or not the alien should remain in the United States. Removal hearings for North Carolina are generally conducted at the Immigration Court in Atlanta, Georgia. ICE generally detains aliens from North Carolina at county detention facilities under intergovernmental service agreements (IGSAs); however, most aliens are transferred to detention facilities in the State of Georgia. Should ICE determine that an alien is not a flight risk or threat to the public, the alien may be released pending the immigration hearing. ICE carries out the final decision of the Immigration Court, whether that is an order of removal or a grant of discretionary relief.

While ICE is a new agency, with newly integrated authorities, our agents and officers have a long history and extensive experience. We are working diligently to leverage the best of our former agencies' expertise, cultures and techniques while building a new federal law enforcement agency that is greater and more effective than the sum of its

parts. In case after case, our agents and officers are putting into practice the powerful advantages that flow from our newly merged authorities and are putting them to great use on behalf of the American people. The result is a greater contribution to our nation's border security, a critical element of our national security.

The men and women of ICE are grateful for the chance to serve the American people and, on their behalf; I thank you and your colleagues for your continued support of our ongoing operations.

I also want to thank the distinguished members of this Committee for the opportunity to speak before you today. I look forward to answering any questions you may have.