



U.S. Immigration and Customs Enforcement

STATEMENT

OF

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

REGARDING A HEARING ON

“PRIORITIES ENFORCING IMMIGRATION LAW”

BEFORE THE

**HOUSE APPROPRIATIONS COMMITTEE
SUBCOMMITTEE ON HOMELAND SECURITY**

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Chairman Price, Ranking Member Rogers, and distinguished Members of the Subcommittee: On behalf of Secretary Napolitano and Acting Assistant Secretary Torres, I would like to thank you for the opportunity to discuss U.S. Immigration and Customs Enforcement's (ICE) immigration enforcement efforts. ICE has the most expansive investigative authority and largest force of investigators in the Department of Homeland Security (DHS). We protect national security and uphold public safety by targeting transnational terrorist and other criminal networks that seek to exploit vulnerabilities at our borders.

While I am here today to discuss ICE's immigration enforcement work, I would like to note for the record that ICE's experience in the investigation of the conduct of border crime reveals that the criminal organizations who exploit our immigration and trade systems do so for one reason: profit. Each day, these organizations smuggle contraband, people, and goods—whatever the market will bear. Thus, while immigration enforcement is a key component of ICE's mission, we cannot and do not establish enforcement priorities in a stove-piped fashion. Instead, we target the organizations who exploit our legitimate trade, travel, and financial systems with all our enforcement authorities to ensure that cross-border crime is attacked from every possible angle.

Indeed, the recent escalation of violence along our southwest border, by drug cartels and other criminal organizations, demonstrates this point in very stark terms. This violence requires a comprehensive and bilateral effort and in response, on January 30, 2009, Secretary Napolitano issued an Immigration and Border Security Action Directive to focus the Department's wide-ranging authorities, priorities, and efforts on immigration and border security on this plague of violence.

And on March 24, she announced several southwest border initiatives designed to crack down on Mexican drug cartels through enhanced border security. The plan calls for additional personnel, increased intelligence capability and better coordination with state, local and Mexican law enforcement authorities. With violence escalating across the border, DHS will increase personnel and improve screening and technology to help Mexico target illegal guns, drugs and cash.

ICE is completely engaged in the Federal Government's fight against terrorism and other criminal activity. We work continually to thwart the illegal export of weapons and sensitive technology; seize illicit proceeds; interdict the smuggling of humans and dangerous drugs; halt the importation of tainted, substandard and counterfeit commodities; and disable the human trafficking networks that endanger human life and national security. Using all our available statutory authorities is critical to ICE's ability to fulfill its mission effectively, as those that smuggle people across our borders today will seek to smuggle drugs, humans, weapons, or terror tomorrow. In the last six years, we have made tremendous progress in combating these threats.

The criminal organizations we face are driven not by what they smuggle, but by profit and nothing else. With this in mind, ICE and its law enforcement partners must be fully equipped to address all illegal smuggling across our nation's borders. To address this myriad of criminal threats, ICE has a strategy to thwart the terrorist and other criminal threats by targeting the "continuum of crime." This strategy focuses investigative and enforcement efforts on criminal elements by: identifying and mitigating threats outside of the United States; partnering with other Federal, foreign and local agencies to target

crime along U.S. borders; and ensuring security within the United States by investigating and prosecuting border-related crime.

ICE recognizes that this mission requires the fostering of close relationships with international partners, state and local law enforcement, and private industry. ICE works with foreign governments and the private sector to investigate and share information on crimes before the crimes reach our borders. ICE has over 50 attaché offices in embassies and consulates worldwide. At the borders, ICE relies upon its relationship with U.S. Customs and Border Protection (CBP) to interdict the people, money, and materials that threaten our homeland. In addition, our investigative mission builds upon the interdiction work performed by CBP and makes the United States safer.

Today, I would like to take this opportunity to discuss and highlight ICE's immigration enforcement programs and the initiatives that address vulnerabilities at our borders and prevent the exploitation of our immigration system. These programs have been established to combat criminal activities associated with terrorists, human smuggling and trafficking, document and benefit fraud, transnational gangs, human rights violators, and money laundering. ICE also focuses on compliance enforcement and worksite enforcement, which I will address later in my testimony.

HUMAN SMUGGLING AND TRAFFICKING

Criminal smuggling and trafficking organizations provide services that begin in countries of origin, pass through transit countries, and finally reach into the United States. ICE proactively attacks groups engaged in human smuggling and trafficking by initiating

investigations beyond the U.S. borders. Organizations can charge thousands of dollars to smuggle aliens into the United States, including those individuals who could pose a threat to the country. While ICE investigations target the crime of alien smuggling, we recognize that these crimes also have victims, including some smuggled aliens that are exploited through forced labor, or forced to work in commercial sex networks. Accordingly, ICE works aggressively with non-governmental organizations to identify trafficking victims, bring smugglers and traffickers to justice, and increase public awareness of modern-day slavery.

ICE has identified various methods and routes used by criminal networks to smuggle people into the United States. To target these smuggling methods and routes, we and the U.S. Department of Justice (DOJ) formed the Extraterritorial Criminal Travel (ECT) Strike Force in June 2006 and combined our investigative, prosecutorial and intelligence resources to target and aggressively pursue, disrupt and dismantle foreign-based criminal travel networks. Working with our partners in the intelligence community, we identify and target significant human smugglers for intensive investigation.

In August 2006, the ECT Strike Force initiated an alien smuggling investigation of Mohammed Kamel IBRAHIM and Sampson BOATENG for smuggling aliens from special interest countries, namely Ethiopia, Eritrea, and Somalia. These men were responsible for recruiting aliens, establishing travel routes, and facilitating the aliens' transportation into the United States. Additionally, these men obtained both fraudulent and genuine travel documents for the smuggled aliens from a corrupt foreign government official. As a result of our investigation, IBRAHIM and BOATENG plead guilty to alien smuggling violations, and were sentenced to prison.

ICE recognizes that combating transnational alien smuggling networks does not stop with the arrest and conviction of alien smugglers. Although we have demonstrated success in this area, we have also focused on criminal organizations and individuals who commit identity or benefit fraud.

DOCUMENT AND BENEFIT FRAUD TASK FORCES

To combat the vulnerabilities exploited by identity and document fraud organizations and to maintain the integrity of our Nation's immigration system, ICE created the Document and Benefit Fraud Task Forces (DBFTF) in April 2006. There are currently 17 task forces located in major cities throughout the country, which serve as models for multi-agency cooperation in conducting identity and benefit fraud investigations.

This cooperative effort leverages multiple law enforcement tools and authorities to identify, disrupt, and dismantle criminal organizations involved in immigration benefit fraud and the manufacturing and distribution of fraudulent identity documents, including U.S. passports, birth certificates, state-issued identification cards, social security cards, and alien registration documents. In these taskforces, ICE works with U.S. Citizenship and Immigration Services (USCIS), the Department of Labor, the Social Security Administration, U.S. Postal Service, the Department of State, and various state and local law enforcement agencies.

In February 2007, our Special Agent in Charge (SAC) Chicago office initiated a wire interception as part of a DBFTF investigation, Operation Paper Tiger into an international fraudulent document manufacturing and vending organization operating in the Chicago

neighborhood, “Little Village.” The investigation revealed that this organization generated approximately \$5 million per year in illicit funds selling counterfeit driver’s licenses, alien registration cards, Social Security cards and other government documents. To date, this investigation has resulted in 51 criminal arrests, 60 indictments, 22 convictions and the seizure of more than \$400,000. In addition, two members of this organization were linked to murders committed in Mexico.

WORKSITE ENFORCEMENT

Opportunities for employment remain a primary motivation for aliens seeking illegal entry into the United States. As noted recently by Secretary Napolitano, ICE’s worksite enforcement program targets unscrupulous employers who prey upon these aliens by subjecting them to poor or unsafe working conditions or paying them sub-standard wages. ICE’s multi-faceted worksite enforcement strategy targets employers, whose business model is based upon exploiting an unauthorized workforce, and employers who place our national security at risk by employing unauthorized workers in the sensitive industries in our Nation’s critical infrastructure.

Employers hire undocumented workers for reasons such as: obtaining a financial advantage over their competitors by paying lower wages, offering few if any benefits, failing to comply with tax laws, and avoiding health and safety related complaints. ICE focuses on the most egregious violators, namely employers who engage in human smuggling, identity theft, and social security fraud. ICE also focuses on employers who use undocumented workers at our Nation’s critical infrastructure sites, including airports.

In crafting our worksite enforcement strategy, ICE has restructured the worksite administrative fine process to build a more vigorous program. ICE has established and distributed to all field offices guidance about the issuance of administrative fines and standardized criteria for the imposition of such fines. We expect that the increased use of the administrative fines process will result in meaningful penalties for those who engage in the employment of unauthorized workers.

ICE has also implemented a debarment policy that prevents employers from receiving Federal contracts when they are in violation of worksite laws. Offending employers may be excluded from doing business with the Federal Government or from receiving loans under the Recovery Act. Since the program began in July 2008, 11 companies and nine individuals have been disbarred.

However, we are not interested simply in a punitive approach to worksite enforcement. Our goal is an approach that incorporates compliance and prevention. To this end, ICE has established a robust industry outreach program, our IMAGE (ICE Mutual Agreement between Government and Employers) program. Since 2006, ICE has partnered with industry to provide “best practices,” training, and recommended tools industry can use to comply with worksite laws and requirements. Currently there are 46 IMAGE members, associates, and endorsees of the program. In FY 2008, ICE outreach coordinators in our 26 field offices made IMAGE presentations to more than 8,300 businesses.

Based on our comprehensive strategy to address worksite enforcement, we believe that we are creating the conditions of a culture of industry compliance.

NATIONAL SECURITY

As mentioned, ICE programs are designed to combat national security and public safety vulnerabilities. I would like to highlight three of our national security programs: our participation on the Joint Terrorism Task Forces (JTTF), our Compliance Enforcement program, and the Human Rights Violator program.

ICE is the second largest federal participant on the JTTFs. Our broad immigration and customs authorities are critical in the conduct of successful terrorism investigations. In October 2008, a prominent imam, who was identified as the principal contact in the United States for a designated terrorist organization linked to Al-Qa'ida, the Taliban, and Pakistani militant groups, was removed from the United States. Working as a part of the JTTF, ICE used its immigration authorities to target and then remove this individual from the United States. During FY 2008, ICE agents initiated more than 1,300 investigations in concert with the JTTF, resulting in 433 administrative arrests and 215 criminal arrests, the majority for immigration-related offenses.

ICE's Compliance Enforcement Unit (CEU) focuses on preventing terrorists and other criminals from exploiting the Nation's immigration system. The CEU develops cases from national registration systems, including the National Security Entry/Exit Registration System (NSEERS); the United States Visitor and Immigrant Status Indicator Technology (US-VISIT); and the Student and Exchange Visitor Information System (SEVIS). These registration systems allow ICE to access critical information to identify people who violate their terms of their immigration status or overstay their authorized period of admission. The CEU works closely with the intelligence community to maintain a risk-based system to prioritize the hundreds of thousands of potential nonimmigrant violators. This risk-based system ensures that ICE investigative resources

are targeted at individuals most likely to present security concerns. Since 2003, more than 6,000 administrative arrests have been made as a result of CEU investigations.

HUMAN RIGHTS VIOLATORS AND WAR CRIMES

In April 2008, ICE established the Human Rights Violators and War Crimes program.

This program targets those individuals who have entered the United States under false and/or fraudulent pretenses and have been linked or associated to regimes and/or countries engaged in war crimes, torture, or genocide. Our most notable success was the recent prosecution of Charles Emmanuel Taylor (Chuckie Taylor), the son of former Liberian president Charles Taylor, who was sentenced to 97 years for committing acts of torture in Liberia. This case was the first successful prosecution under the criminal torture statute.

OPERATION COMMUNITY SHIELD

As you heard from the Secretary during her hearing in February, DHS places great value on our relationships with state and local governments. ICE's gang initiative, Operation Community Shield, established in February 2005, demonstrates how these relationships can benefit our communities. Through this program, we share intelligence and information on transnational gang members with other Federal, State, and local partners. The initiative focuses on the disruption, dismantling, and prosecution of transnational gangs who use violence and threats of violence to control territory and instill fear in American communities. Since its inception, ICE agents, in close collaboration with our law enforcement partners, have arrested more than 12,200 known gang members and associates. The majority of those arrests were based on the gang members' violations of immigration law.

A recent example of our success was the ICE-led investigation into the transnational gang, Mara Salvatrucha (“MS-13”) investigation, Operation Devil Horns. On October 16, 2008, we saw a 51-count criminal indictment returned against 31 MS-13 gang members, of which 19 are facing Racketeer Influenced and Corrupt Organizations Act (RICO) charges for various violent offenses.

CONCLUSION

ICE has designed programs and initiatives to address the Nation’s national security and public safety concerns. Applying both our immigration and customs authorities, which target the illicit flow of people, goods, and money, ICE can effectively address all types of cross border criminal activity, which makes our homeland safer for everyone, citizens and immigrants alike.

On behalf of the men and women of ICE, I thank the Subcommittee and its distinguished members for your continued support of our work. I look forward to working with you in the future and I would be pleased to respond to any questions.