



U.S. Immigration and Customs Enforcement

STATEMENT

OF

**VICTOR X. CERDA
SENIOR ADVISOR TO THE ASSISTANT SECRETARY**

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

BEFORE

**HOUSE SELECT COMMITTEE ON HOMELAND SECURITY
SUBCOMMITTEE ON INFRASTRUCTURE
AND BORDER SECURITY**

**“Protecting the Homeland:
Building a Layered and Coordinated Approach to Border Security”**

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**TESTIMONY
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I. INTRODUCTION

Good morning, Chairman Camp and distinguished Members of the Subcommittee. My name is Victor Cerda, and I am currently the Senior Advisor to the Assistant Secretary at U.S. Immigration and Customs Enforcement (ICE). It is my privilege to appear before you to discuss our agency's immigration enforcement mission. I am here today to testify you because of my knowledge and professional role both with the former INS and currently with ICE. Over the course of the last year, I have been in several different leadership positions including the Acting Chief of Staff, Principal Legal Advisor, Special Counsel to the Assistant Secretary and currently, the Acting Director of Detention and Removal Operations. These positions have provided me with the operational and administrative knowledge needed to testify before you today. As the largest investigative arm of the Department of Homeland Security (DHS), ICE is charged with the mission of preventing terrorist and criminal activity by targeting the people, money, and materials that support terrorist and criminal organizations. One of our key objectives within that larger mission is to detect and address vulnerabilities in our border security.

We know that criminal and terrorist organizations have exploited -- or attempted to exploit -- gaps and vulnerabilities in our border and our immigration systems to gain entry to our country. With ICE's enhanced ability to investigate both immigration and customs violations, we are uniquely positioned to enforce our homeland security missions in ways never before possible. Our nation's immigration laws are among our most important law enforcement tools in that effort.

II. ENFORCEMENT PRIORITIES

ICE's goal in enforcing these laws is to restore integrity to our nation's immigration system. The key to this effort is prioritization – systematically attacking the most serious threats first. Specifically, ICE has made the apprehension and removal of dangerous criminal aliens and national security threats our top enforcement priority. This is not to suggest that ICE does not fully and consistently enforce the law in other situations. It is simply to suggest that our first order of business is to address the serious threats that individuals with possible terrorist associations, fugitive alien absconders, violent criminal aliens, sexual predators, and others pose to our communities, our families, and our nation. Our objective is to strategically target our resources and authorities on the most dangerous aliens in order to remove them from the streets before they can do harm.

It's a strategy that is getting results. Since March 1, 2003, ICE's Detention and Removal Office (DRO) has removed more than 85,730 criminal aliens and we expect to exceed last year's numbers. The DRO has more than 18 fugitive absconder teams across

the nation and has created a “Most Wanted” list of the most dangerous criminal aliens, which has been a valuable tool for generating tips and leads. From the original list, nine of the ten were captured within a few weeks, and the tenth was determined to have already left the country. Under ICE’s “Operation Predator,” which targets pedophiles, child sex tourists, and child pornographers we have arrested 3,023 child sex predators who exploit children for pleasure or profit. Approximately 40 percent of the predators we’ve arrested under this program have been illegal aliens, and an additional 20 percent have been visitors to the United States who were “out of status,” meaning that they had overstayed or otherwise violated the terms of their admission.

III. BACKGROUND

ICE was formed on March 1, 2003, by combining the investigative, detention and removal, and intelligence arms of the former Immigration and Naturalization Service (INS) and the U.S. Customs Service, including Customs’ Air and Marine Operations (AMO), along with the Federal Protective Service (FPS) and the Federal Air Marshal Service (FAMS). Prior to being restructured as part of the Department of Homeland Security, the INS was a “dual mission” agency, responsible for granting citizenship services and benefits to new arrivals to our country while being simultaneously responsible for enforcing immigration law. This dual mission resulted in difficulties for the agency, which often struggled with the challenge of how to best execute two missions that did not always complement one another. The reorganization into DHS, which split the dual INS missions into separate agencies, was a commitment on the part of our

government to help our people better execute the missions with which they have been charged.

While our sister agency, U.S. Citizenship and Immigration Services (USCIS), focuses its attention on providing immigration services, ICE is solely a law enforcement agency. By combining the once separate legal authorities and law enforcement resources of INS and Customs, we have created a more powerful enforcement agency better capable of dealing with ICE's legacy agencies' jurisdictions.

Consider, for example, ICE's creation of a unified smuggling division. Prior to our reorganization into DHS, enforcement authorities for drug and contraband smuggling were the province of the Customs Service, while enforcement authorities for human smuggling were the exclusive province of INS. Unfortunately, criminal smuggling organizations are less fastidious in their division of labor. Motivated by profit and profit alone, they might move drugs one day and human "cargo" the next – shifting their tactics in response to demand, profit margins, and enforcement patterns. By combining the Customs smuggling units with the INS smuggling units, we can now hit these organizations much more effectively, whether they are trafficking in drugs, weapons, or illegal aliens.

Moreover, with the financial investigations capabilities we gained from legacy Customs, ICE is now able to follow the money trails that support these criminal smuggling organizations more effectively than ever before. Under Cornerstone, our comprehensive economic security initiative, ICE has the ability to follow the money trails that support smuggling, criminal, and terrorist organizations. We know that criminal and terrorist organizations must earn money to fund their ongoing operations, and we also

know that they move and store that money through a variety of illicit schemes. With Cornerstone, we bring to bear one of the most sophisticated financial investigations shops in law enforcement to detect these financial schemes, disrupt the flow of money, and put these organizations out of business.

IV. COORDINATED/COOPERATIVE EFFORTS

All of these tools were brought to bear in one of our agency's most striking successes: "Operation ICE Storm," an initiative we launched last year in Arizona. Over the course of several months, our agents and their state and local counterparts in the Phoenix area began to track increasing and alarming levels of violence related to human smuggling operations. Rival smuggling gangs were engaging in violent confrontations and bloody shootouts in and around the metropolitan area. The victims were not only gang members. In some cases, the human beings who were the smugglers' "cargo" were kidnapped and held for ransom, sexually assaulted, or simply executed outright in order to deny profit to rival gangs.

In response to this violent crime wave, ICE assembled "Operation ICE Storm," an interagency task force to combat violent crime in the Phoenix metropolitan area. We brought our expertise in human smuggling, drugs, weapons smuggling, and money laundering investigations into a comprehensive partnership with other stakeholders at the Arizona border, with the specific goal of disrupting and dismantling the operations of these smuggling organizations. We saw rapid results. Since we launched "ICE Storm," we've prosecuted more than 190 defendants for human smuggling, kidnapping, money laundering, and weapons and drug violations. We've seized over 100 weapons and over

\$5.2 million. Every time we confiscate an assault weapon or a bundle of cash from these criminal organizations, and every time we trace back and shut down one of their funding streams, we make it harder for these criminals to conduct business. Furthermore, our efforts are producing additional positive results. For example, the Phoenix Police Department credits ICE Storm with a 17 percent decline in homicides and an 82 percent decline in migrant-related kidnappings in the final quarter of 2003.

Moreover, in this new homeland security mission we are working more effectively with our counterparts in the federal government – notably Customs and Border Protection (CBP), our partners at DHS – as well as with state and local law enforcement agencies in a coordinated effort to leverage our law enforcement capabilities. The Department of Homeland Security’s recently introduced Arizona Border Control (ABC) initiative, for example, builds upon the success of Operation ICE Storm. In this new initiative, ICE, working in conjunction with CBP and other federal, state, and local agencies, is aggressively applying the pressure of immigration laws, anti-money laundering laws, and other federal and state statutes to deprive smuggling organizations of their funding, disrupt their operations, and dismantle their organizations, both in the United States and abroad. We are working closely with our partners at CBP, combining our investigative and detention resources, expertise, and authorities to construct a unified enforcement front at the Arizona border, to fight illegal immigration and its associated criminal activity.

IV. COORDINATION WITH STATE AND LOCAL LAW ENFORCEMENT

ICE is also committed to working more effectively with our counterparts at the state and local levels, particularly in tracking down alien absconders. ICE is acutely aware of the critical role state and local law enforcement plays in the broad homeland security mission. Officers at the state and local level are not only the first responders when there is an incident or attack against the United States, but also, during the course of their daily duties, they may encounter foreign-born criminals and immigration violators who pose a threat to our national security or to public safety. Recognizing that critical role, ICE partners with state and local law enforcement agencies nationally and locally through a variety of arrangements to enhance the overall effectiveness of our collective law enforcement efforts and our joint ability to protect the homeland.

For example, ICE's Institutional Removal Program targets criminal aliens who are serving sentences in federal and state jails, to ensure that, upon their release, these aliens are taken directly into ICE custody for deportation from the United States – before they can be released into the community. Obviously, the success of this program depends upon communication, coordination, and cooperation with other agencies, to ensure that criminal aliens cannot exploit this potential gap. To date, ICE has removed 28,109 criminal aliens through this program.

ICE is also fostering innovative new relationships through our 287(g) program, which delegates authority for immigration enforcement to state and local law enforcement. Under the terms of Section 287(g) of the Immigration and Nationality Act (Illegal Immigration Reform and Immigrant Responsibility Act, Sec. 113, April 30, 1996), state and local authorities can request this authority for their jurisdictions. An agency requesting this delegated authority works with ICE to develop a Memorandum of

Understanding (MOU), which details each party's specific responsibilities under the agreement. Once this agreement is in place, ICE provides officers with a five-week training program in immigration issues, and provides supervision and support for state and local officers engaged in immigration enforcement. We see this as a valuable "force multiplier" program for more effective immigration enforcement. These authorities are currently in effect in Florida and Alabama.

VI. INFORMATION-SHARING

ICE also maintains a number of powerful information-sharing tools that we use to provide critical feedback to our federal, state, and local counterparts in the field. Our Forensic Documents Laboratory (FDL), for example, is a critical investigative tool in the battle against immigration fraud, the only federal crime laboratory dedicated almost exclusively to the forensic examination of documents. The lab is staffed 365 days a year to provide a full range of services to law enforcement agencies, including handwriting analysis, foreign and domestic document examinations, fingerprint analysis, and training in the detection of fraudulent documents. Another key ICE asset, the Law Enforcement Support Center (LESC), maintains a vast store of information related to immigration, which we provide to state and local law enforcement when appropriate. In fiscal year 2003, the LESL responded to nearly 600,000 queries, an increase of over 175,000 from the previous fiscal year. These phone queries allow ICE to place detainers or detention holds on illegal aliens who may be in the custody of local law enforcement. The FDL and LESL are just two examples of how ICE is providing critical information and training

services to our state and local law enforcement partners, contributing to officer safety, community safety, and national security.

Finally, ICE's Compliance Enforcement Unit (CEU) is a valuable tool for collecting, gathering, and disseminating information on immigration violators. The CEU examines data from several key national databases – the Student and Exchange Visitor Information System (SEVIS), the National Security Entry-Exit Registration System (NSEERS), and the U.S. Visitor and Immigrant Status and Indicator Technology program (US-VISIT). When immigration violators are discovered, the CEU analyzes and relays leads to ICE investigators for action. Since its creation in June 2003, the CEU has vetted tens of thousands of leads compiled from these databases. Many of these leads have resulted in the arrest of individuals with suspected terrorist associations and individuals with egregious criminal convictions.

VII. CONCLUSION

Mr. Chairman, today I have focused on just a few of the immigration enforcement capabilities that ICE contributes to the DHS effort to secure our borders and homeland. The United States has always welcomed with open arms those who would enter our nation by legal means. Our nation's great diversity, and our willingness to accept newcomers from all around the world, strengthens our freedoms and our prosperity. At the same time, ours is a nation of laws and we are responsible for targeting those who would exploit vulnerabilities in the border and immigration systems to illegally enter the United States. By aggressively enforcing our immigration laws and targeting criminal aliens, we seek to deter criminal and terrorist organizations who threaten our way of life,

and we seek to strengthen the legal immigration process for worthy applicants. With the expansive enforcement capabilities and innovative investigative techniques that ICE has brought together, our agency is uniquely positioned to protect our homeland. By working with our colleagues at the Federal, state, and local levels, we have developed an effective new approach to border security and immigration enforcement. By taking a proactive approach to preventing future terrorist attacks and criminal activity, ICE will continue to align our investigative priorities with the critical role of protecting our homeland.

In conclusion, I would like to thank you, Mr. Chairman and Members of the Subcommittee, for the opportunity to testify today on behalf of the men and women of ICE, and I look forward to answering any questions you may have.