



ICE Investigations

Mission Roles in Multi-Agency
Areas of Responsibility



U.S. Immigration
and Customs
Enforcement

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Executive Summary

With the inception of the Department of Homeland Security (DHS), many investigative functions formerly under the purview of the U.S. Customs Service (USCS), the Immigration and Naturalization Service (INS) and the Federal Protective Service (FPS) were merged to form U.S. Immigration and Customs Enforcement (ICE).¹ When taking its historic law enforcement origins into account, ICE is one of the oldest and most experienced federal law enforcement agencies in the United States. Such experience cannot be paralleled by any other agency. The mission of ICE is to protect America and uphold public safety by targeting the people, money and materials that support terrorist and other criminal activities. In partnership with local, state, national and international governments and agencies, ICE uses its immigration and customs authorities to address vulnerabilities and prevent violations that threaten national security and public safety.

With the formation of ICE, law enforcement mandates and responsibilities previously handled by USCS and INS and their supporting statutory and legal regulations were examined with great scrutiny. With the merging of these federal authorities, ICE became one of the most diverse law enforcement agencies within the federal government. In fact, the DHS Office of the Inspector General (OIG) found that “the merging of customs and immigration functions into one investigative body created a potentially powerful enforcement mechanism.” ICE investigators have authority under Title 19, United States Code (USC), which permits them to pursue complex banking and financial misconduct cases, conduct searches without first obtaining a warrant and seize assets of criminal enterprises engaged in customs violations. In addition, ICE investigators have Title 8 authority to make arrests without a warrant for immigration violations. The melding of these customs and immigration law authorities allows ICE investigators to pursue both avenues with unique efficiency and thoroughness, making cases stronger and more likely to be accepted for prosecution with more significant penalties.”²

ICE employs the second largest cadre of special agents in the federal government. Special agents within the ICE Office of Investigations (OI) play a key role in maintaining the safety and security of



the United States relative to trade and commerce, financial markets, contraband, industrial and strategic parity, and immigration and border integrity. These combined authorities and stewardship of related border information make investigations conducted by ICE unique.

Having assimilated most requisite border protection authorities, ICE has become the preeminent investigative law enforcement agency dedicated to border security and the protection of the vulnerabilities that threaten our nation's border.³ The interrelationships here are strong. Transnational criminal and terrorist organizations exploit weaknesses in air, sea and land border venues, within, as well as between, ports of entry (POEs), and often commit a variety of border crimes in pursuit of illegal goals. Transnational criminal organizations are profit driven and consistently exploit border vulnerabilities, smuggling diverse illegal contraband for profit. It is not unusual for U.S. Customs and Border Protection (CBP) officers and agents to interdict, or for ICE to investigate, smuggling attempts in which transnational organizations combine, for example, illegal aliens with narcotics, or bulk cash with weapons. The experience and expertise necessary to successfully interdict or investigate a particular violation (e.g., the smuggling of illegal aliens) is often related to and dependent upon the expertise to interdict or investigate another (e.g., the smuggling of narcotics). Border and source intelligence and under-

cover operations often overlap with a variety of criminal violations, requiring essential connectivity within ICE.

ICE uses its unified immigration and customs authorities to identify, disrupt and dismantle criminal organizations and other threats, and deprive potential terrorists and transnational criminal groups from employing traditional smuggling networks and methods to further their crimes.⁴

Counter-Narcotics

The U.S. Government Accountability Office (GAO) related that “U.S. Customs has historically been involved with helping to implement the President’s National Drug Control Strategy. Consistent with this involvement, DHS now receives funding specifically to support activities related to the strategy. ICE OI will continue to be responsible for performing a significant level of drug investigations because there simply is no other agency available to conduct the large number of border-related drug investigations U.S. Customs has historically performed and that are now carried out by OI.”⁵ ICE utilizes the authorities granted under Title 18—General Smuggling, Title 19—Customs Duties and Title 21—Narcotics Violations to investigate the full spectrum of smuggling crimes. While other governmental agencies and components within DHS have been created or have joined the war on illegal drugs, no single entity has ICE’s historical experience and success in investigating narcotics smuggling crimes.

In fiscal year 2006 (FY06), DHS components, predominantly ICE and CBP, seized 2.5 million pounds of drugs stemming from border interdictions or resulting from complex long-term ICE OI investigations. In FY06, ICE expended 2.9 million manpower hours on drug smuggling investigations, which resulted in 8,400 arrests, 5,700 indictments and 6,800 convictions. ICE employs a number of investigative techniques in combating the narcotics threat, including certified undercover operations, cultivation of confidential informants, Title III wire intercepts, consensual monitoring and electronic surveillance. Contraband smuggling, weapons of mass destruction (WMD) and illegal alien investigations are interrelated. Our investigative activity in the border environment (land, airport and seaport) is the key to nearly all OI programs; however, none

is more closely linked to the day-to-day activity at the border than our counter-drug program. ICE is a leader in the contraband smuggling investigative arena, and has implemented programs and initiatives including Title 19 Cross Designation, Border Enforcement Security Task Forces (BESTs), and International Border Enforcement Teams (IBETs) to develop complex criminal investigations. ICE’s efforts in this arena have resulted in significant cases, including the Rodriquez Orejuela brothers (Cali Cartel) investigation, which spanned more than 14 years and resulted in the arrest, indictment and/or conviction of 141 suspects, the seizure of more than 47,500 kilograms of cocaine and a \$2.1 billion forfeiture judgment.

Financial Investigations

ICE has had unprecedented success in utilizing powerful financial investigative tools not previously available under prior organizational structures to disrupt and dismantle criminal organizations involved in violating immigration laws. GAO found that the “creation of the Department of Homeland Security (DHS) in March 2003 has provided new opportunities to more effectively combat alien smuggling, particularly in reference to using financial investigative techniques to target and seize the monetary assets of smuggling organizations. For instance, the department’s largest investigative component—ICE—integrates the legal authorities and investigative tools of the legacy INS and USCS, which has extensive experience in combating money laundering and other financial crimes.”⁶

The financial investigative authorities and unique capabilities specifically given to and used by ICE enables it to identify, dismantle and disrupt the financial criminal enterprises that threaten our nation’s economy and security.

Other Key Investigative Areas

Arms and Strategic Technology Investigations (ASTI). For more than 25 years, USCS and now ICE special agents have led U.S. government efforts to prevent foreign adversaries and terrorists from illegally obtaining small arms and U.S. military and dual-use commodities and technologies, including WMD components. Armed with the U.S. government’s



most extensive expertise, broadest authorities and uniquely relevant investigative resources, ICE is best equipped to counter the proliferation of U.S. origin munitions and critical technology. ICE export enforcement statistics for arrests, indictments and convictions surpass those of all other U.S. law enforcement agencies combined.

Compliance Enforcement Unit (CEU). “Out of status” foreign terrorists participated in the 1993 and 2001 terrorist attacks. To strengthen the integrity of the immigration system, ICE established the CEU, the first and only national program dedicated to the enforcement of nonimmigrant visa violations. Had the CEU been in place prior to 9/11, all of the hijackers who failed to maintain status would have been investigated months before the attack. To date, ICE has resolved more than 600,000 potential violator leads and arrested nearly 4,000 high risk non-immigrant status violators. The White House has repeatedly recognized ICE as the lead agency in the enforcement of nonimmigrant status violators.

Counter-Terrorism Partnership. As the second largest contributor of agents to the Joint Terrorism Task Force (JTTF), ICE special agents investigate border security vulnerabilities uncovered during counter-terrorism probes. The identification of immigration and trade violations is frequently the sole means available to disrupt transnational terrorist cells prior to an attack. ICE-led investigations into terrorist financing, intellectual property rights (IPR), immi-

gration fraud and export enforcement have been the weapon of choice in many JTTF cases. According to the Department of Justice (USDOJ) OIG, many counter-terrorism cases depend on the legal authority of ICE and the expertise of agents who bring practical knowledge of immigration databases and legal authorities.⁷ During FY06, ICE JTTF agents arrested 424 subjects from 44 countries; the arrests included 156 criminal and 268 administrative immigration violators.

Gangs. The United States has experienced a rapid growth in transnational gang membership and activity in the last decade. This proliferation has resulted in an increase in gang violence in both urban and suburban communities across the United States. The gang epidemic has a significant impact on community resources and public safety. Because transnational gangs are comprised of mostly foreign-born members who are involved in criminal activity with a nexus to the border, ICE is uniquely positioned to utilize its authorities in combating these criminal organizations.

ICE has taken a lead role in fighting transnational gangs in the U.S. To date, Operation Community Shield (OCS) has resulted in the arrest of more than 6,000 gang members and associates. Of those arrested, almost half have violent criminal histories with arrests and convictions for crimes such as murder, rape, robbery, assault and extortion. The impact on public safety in our communities with the arrests of these gang members is impressive. The Dallas Police Department credited “Operation Community Shield” with the city’s nearly 19 percent decline in murders since 2005.⁸ The Boston Police Department stated that the success of OCS “created a safer East Boston...and reduced violence among teenagers in the area.”⁹ These are only two examples of the recognition that ICE has received and the success it has achieved utilizing its unique authorities in combating gangs and creating safer communities.

Border Enforcement Security Task Force (BEST). The BEST program was proposed in 2005 as the Department of Homeland Security’s approach to combat cross-border criminal activity and violence along the borders of the United States. In 2006, Department of Homeland Security (DHS) Secretary Michael Chertoff adopted the BEST initiative to leverage federal, state, local and foreign law enforce-

ment resources in an effort to identify, disrupt, and dismantle organizations that seek to exploit vulnerabilities in the border and threaten the overall safety and security of the American public. The BEST primarily focus their investigative efforts on alien smuggling, drug smuggling, firearms smuggling, and transnational gangs. As of August 2007, BESTs are operational in Laredo, Texas; Tucson, Arizona; El Paso, Texas; San Diego, California; and Rio Grande Valley, Texas. Since inception through August, 2007, the BESTs have been responsible for 511 criminal arrests, 1047 administrative arrests, 179 indictments and 83 convictions. In addition, agents have seized over 67,202 pounds of marijuana, 1,499 pounds of cocaine, 117 pounds of methamphetamine, 131 pounds of heroin, 333 weapons, 10 live grenades, 81 grenade casings, 4 silencers, 123, 212 rounds of ammunition, 182 vehicles and approximately \$8.4 million in U.S. currency.

Human Smuggling and Trafficking. ICE is the principal investigative entity involving human smuggling, clandestine terrorist travel and trafficking in persons as transnational issues that threaten national security. OI enhances ICE's effectiveness in these efforts by identifying and targeting the illicit organizations' ill-gotten proceeds from those activities for forfeiture.

Document and Benefits Fraud Task Force (DBFTF). ICE targets criminal organizations and individuals that pose a threat to national security and public safety through their perpetration of identity and immigration benefit fraud schemes. These schemes facilitate the illegal entry of terrorists, other criminals and undocumented aliens into the United States. Immigration fraud violations are consistently present in all disciplines of ICE investigative casework and are directly linked to many federal, state and local crimes. OI has established DBFTFs to address vulnerabilities within the immigration process. The DBFTFs leverage the resources of other DHS components and other federal, state and local law enforcement agencies to achieve focused high-impact criminal prosecutions and financial seizures.

Intellectual Property Rights. ICE plays a leading role in targeting criminal organizations responsible for producing, smuggling and distributing counterfeit products, as well as the financial systems used to fund their illicit operations. The financial investigative authorities and unique capabilities specifi-

cally given to ICE enable ICE special agents to identify, dismantle and disrupt the financial criminal activities that support the overall criminal enterprises that threaten not only American businesses but also the health and safety of the American people. ICE is the leader in the field of federal IPR investigations, having accounted for the majority of the federal convictions under the primary IPR criminal statute, 18 USC 2320, in FY02 through FY06. The vast majority of IPR infringing merchandise is produced outside the United States and ICE's unique position enables its investigators to conduct some of the most innovative and proactive IPR investigations in the federal government.

Child Protection. ICE has always been at the front line in protecting children and defending against the illegal trafficking and distribution of child pornography into and throughout the interior of the U.S. OI uses its unique investigative and enforcement authorities to safeguard children from pedophiles, human traffickers, international sex tourists and other predatory criminals. As a result of the Internet, the purveyance of these crimes has dramatically increased and predators can profit by way of readily available online financial mechanisms. In order to effectively address this ever-expanding threat, ICE offices have sought to concentrate child exploitation investigative activities on transborder/transnational child exploitation projects with a specific focus on the identification and apprehension of persons and organizations as well as the identification of digital/E-currencies and other Internet financial services facilitating these criminal activities.

Premier Investigative Services. ICE is also the exclusive provider and subject matter expert in several investigative services for local, state and federal law enforcement agencies. The ICE Forensic Document Laboratory (FDL) is the only accredited laboratory in the U.S. for the examination and analysis of fraudulent identity and travel documents. FDL receives daily requests for official document examinations from local and state agencies, other federal law enforcement agencies, and from countries throughout the world.

In 2006, ICE's Law Enforcement Support Center (LESC), which serves as a national law enforcement operations center, handled over 600,000 requests

from local and state law enforcement agencies for the immigration status of arrestees and the administrative dispositions of undocumented aliens.

Through the Section 287(g) program of immigration enforcement, ICE has developed a national infrastructure through which more than 20,000 undocumented aliens have been administratively arrested by local officers throughout the U.S. since 2005. ICE has received requests from numerous local and state law enforcement entities to participate in the program.

The ICE Cyber Crimes Center (C3) provides cyber technical and investigative support to local, state and federal investigators and prosecutors in its area of expertise—the cyber aspects of immigration and customs crimes. C3 conducted more than 3,500 forensics exams on digital media in 2006. ICE was the first federal law enforcement agency to conduct a court-ordered triangulation of a wireless computer signal to positively identify an investigative target.

Statistics in Brief

In FY06, ICE worked 72,505 cases (2,212 were Organized Crime Drug Enforcement Task Force (OCDETF) cases). ICE seizures in FY06 totaled 17,877 (9,914 non-drug seizures and 7,963 drug seizures). The value of the non-drug seizures was over \$5.2 million and the drugs seizures totaled 1,068,048 pounds.

As stated in the ICE FY06 Annual Report, Protecting National Security and Upholding Public Safety, ICE agents, officers, legal professionals and intelligence analysts in offices throughout the country and around the world protect the nation. As an agency

Case Categories	Number of Cases
Financial	7,524
Strategic	2,417
General Smuggling	999
Child Porn	5,220
Fraud	2,396
Drug Smuggling	17,370
Counter Terror, JTTF	1,189
Human Smuggling/Trafficking	4,598
General Alien	11,392
Identity/Benefit and Fraud	5,080
Compliance/Worksite	9,900
Other	4,420

and in partnership with local, state, national and international governments and agencies, ICE takes steps every day to ensure the safety of U.S. citizens. Between October 1, 2005, and September 30, 2006, in areas of multiple agency responsibilities, threats were thwarted; illicit weapons, drugs and currency were seized; arrests were made and tips and leads were processed.

On any given day between October 1, 2005, and September 30, 2006:

- ICE agents made an average of 279 administrative arrests and 55 criminal arrests.
- ICE agents made approximately 10 currency seizures, totaling approximately \$642,096.
- ICE agents also participated in an average of 18 drug seizures, totaling approximately 2,388.80 pounds of marijuana, 7.1 pounds of heroin and 475.2 pounds of cocaine.
- In immigration courtrooms, ICE attorneys prepared approximately 1,430 cases, created 683 new case records, created 562 new document records and obtained 528 final removal orders.

Mission Areas

This section addresses several key areas of ICE's legal authorities and mission-based roles which are vital to the security of the United States and have provided consistent and unique benefit to the overall DHS mission.

Arms and Strategic Technology Investigations

For more than 25 years, USCS and now ICE special agents have led U.S. government efforts to prevent foreign adversaries and terrorists from illegally obtaining small arms and U.S. military and dual-use commodities and technologies, including WMD components. Armed with the U.S. government's most extensive expertise, longest ranging experience, broadest authorities and uniquely relevant investigative resources, ICE is best equipped to counter the proliferation of U.S.-origin munitions and critical technology. ICE export enforcement statistics surpass those of all other U.S. law enforcement agencies combined.

In FY06, more than 2,600 ICE export investigations resulted in 149 arrests, 149 indictments and 106 convictions. ICE successes include numerous high-quality, transnational export investigations of wide ranging geographic scope and national security impact. During FY06, ICE special agents countered serious proliferation threats posed by Iran, the People's Republic of China (PRC) and foreign terrorist organizations. Three such export investigations are highlighted below.

[Two Foreign Nationals Charged with Export and Money Laundering Violations.](#) On October 17, 2006, a federal grand jury in the Southern District of California returned a three count indictment against Jamshid Ghassemi and Aurel Fratila for money laundering, conspiracy to violate the Arms Export Control Act and aiding and abetting. A multinational undercover ICE investigation spanning three continents dismantled an Iranian arms procurement scheme, orchestrated by Ghassemi and Fratila, seeking technology critical to Iran's intercontinental ballistic missile program.

[Two Foreign Nationals Charged with Export Control Violations.](#) On February 9, 2006, Ko-Suen Moo and



Maurice Serge Voros were indicted by a federal grand jury in the Southern District of Florida for conspiracy to export defense articles and conspiring to commit money laundering. Undercover ICE agents penetrated a Chinese-based procurement network attempting to acquire air-to-ground missiles capable of carrying a nuclear warhead 2,300 miles, air-to-air missiles, and military aircraft and helicopter engines for export to the PRC. In May 2006, Moo pleaded guilty to export violations, acting as an unregistered foreign agent and bribery charges and was sentenced to 78 months imprisonment.

[Several Foreign Nationals Charged with Export and Money Laundering Violations.](#) On September 19, 2006, a grand jury in the District of Maryland returned an indictment against Haji Subandi, Hanifa bin Osman, and Erick Wotulu for providing material support to a terrorist organization, money laundering and export violations. The grand jury subsequently returned an indictment against Varatharasa Thirunavukarasu, Reinhard Rusli and Helmi Soedirrdja, as well as three additional defendants for additional violations. Undercover ICE agents successfully penetrated a foreign terrorist organization's arms procurement cell attempting to acquire millions of small arms, ammunition, surface-to-air missiles and night vision technology for use in fomenting civil war. All six subjects have pleaded guilty to the aforementioned violations.

Indonesian pleads guilty to conspiracy to provide material support to a foreign terrorist organization, money laundering and attempted export of arms

“We are committed to using all available legal tools to prevent terrorism, including undercover operations targeting people who attempt to obtain military weapons in violation of American law.”

*—U.S. Attorney Rod J. Rosenstein,
District of Maryland, March 8, 2007*

ICE achieved these unprecedented successes by leveraging the broadest transborder enforcement authorities available to any U.S. law enforcement agency. These authorities empower ICE to weave warrantless border searches, international undercover operations, money laundering, asset forfeiture and immigration and export enforcement probes into a comprehensive and devastating attack on transnational criminal networks seeking to illegally acquire U.S. munitions and dual-use technology. Moreover, broad authorities, combined with a global footprint, enable ICE to attack the full continuum of transnational criminal activity originating from foreign destinations into the interior of the homeland.

As the investigative arm of DHS, ICE is solely equipped to seamlessly share actionable information with CBP and to coordinate border interdiction of outbound munitions and critical technology. DHS export enforcement efforts are further integrated through the ICE Exodus Command Center (ECC), a clearinghouse for both ICE and CBP to effectively communicate and obtain export licenses and guidance from the various export-licensing authorities.

Additionally, ICE has established the DHS National Export Enforcement Coordination Network (NEECN), which is comprised of Export Enforcement Coordination Groups (EECGs) arrayed throughout the United States and in high-risk transshipment countries around the world. The NEECN, based in DHS Headquarters, serves as the hub for 15 EECGs based in ten domestic and five foreign ICE offices. The EECGs integrate homeland security components and their associated trade and immigration authorities, law enforcement, intelligence and foreign officials into coordinated operations designed to target, investigate, interdict and share information regarding threats associated with the illegal export of munitions and critical

technology. The NEECNs' highest priority is to counter the proliferation of U.S.-origin WMD components and technology.

ITT corporation pleaded guilty, agreed to pay historic \$100 million fine for illegally exporting secret military data overseas in ICE-led case

“The sensitive night vision systems produced by ITT Corporation are critical to U.S. war-fighting capability and are sought by our enemies and allies alike. ITT’s exportation of this sensitive technology to China and other nations jeopardized our national security and the safety of our military men and women on the battlefield. We commend the prosecution team and ITT Corporation for developing a plea agreement that addresses the violations of the past, ensures compliance in the future, and serves as a strong warning to others who might be tempted by the profits of such illegal exports.”

*—Assistant Attorney General Wainstein,
U.S. Dept. of Justice, March 27, 2007*

Project Shield America serves as an outreach/liason program between ICE and military and dual-use technology manufacturers. The program utilizes established relationships with several intelligence agencies to identify the current types of U.S. technology and goods being sought, the methods by which foreign countries will seek to obtain them and the areas that would most compromise our national security. In seeking to both gather and provide information, Project Shield America was established to increase public awareness of the importance of export controls and to seek the cooperation of military and dual-use technology manufacturers.

Through Project Shield America, manufacturers learn to improve their export controls while maximizing export sales. Manufacturers are also encouraged to report all suspicious export inquiries to an ICE special agent. Project Shield America protects law-abiding manufacturers and enhances our national security by preventing unlawful business practices and exports of trade secrets to competing foreign companies. Since its inception in FY02, ICE has conducted in excess of 14,300 Project Shield America presentations to military and dual-use technology manufacturers.

In contrast to ICE's wide-ranging authorities addressing all illegal export activity across the

entire geographic spectrum, other agencies share a narrower role in export enforcement. The Department of Commerce (DOC) jurisdiction is limited to the investigation of dual-use commodities. In many instances, the DOC must notify and request assistance from ICE in investigative activities occurring at POEs and in foreign countries. The Federal Bureau of Investigation (FBI) shares a narrow role in export enforcement having only acquired authority to investigate export violations relating to foreign counterintelligence matters in 2004. However, ICE continues to receive requests from the FBI and other federal agencies, including U.S. Attorney's offices and the U.S. Department of Defense's (DOD) investigative agencies, which are less experienced in the highly specialized export enforcement discipline.

ICE stands alone in the law enforcement community in maintaining the most robust and relevant global capability to combat the illegal export of munitions and dual-use technology. When necessary, ICE augments dedicated, full-time export investigative teams with other special agents uniquely cross-trained in the use of trade and immigration authorities to dismantle transnational criminal networks. The integration of trade and immigration authorities produces synergies that cannot be duplicated elsewhere in the U.S. government. This singularly positions ICE to address not only deemed export vulnerabilities, for example, but also critical infrastructure protection issues.

Compliance Enforcement Unit

In June 2003, ICE OI established the CEU, the first and only national program dedicated to the enforcement of nonimmigrant visa violations. The CEU has access to information on the millions of students, tourists and temporary workers present in the U.S. at any one time and uses this unique access and authority to proactively identify aliens who violate their status or overstay their visa. The CEU works closely with the intelligence community to maintain a risk-based system with which to prioritize the hundreds of thousands of potential visa violations that the CEU reviews annually. The CEU thoroughly researches each prioritized lead prior to field assignment to ensure that field agents have all available information on the subject.

9/11 Commission on importance of immigration compliance work

"...had the immigration system set a higher bar for determining whether individuals are who or what they claim to be—and ensuring routine consequences for violations—it could potentially have excluded, removed, or come into further contact with several hijackers who did not appear to meet the terms for admitting short-term visitors."

—The 9/11 Commission Report

To combat threats posed by vulnerabilities in the nonimmigrant student process, ICE successfully implemented and currently administers the Student and Exchange Visitor Information System (SEVIS) as well as the SEVIS enforcement program. ICE is the lead federal agency that investigates foreign student violators. The combination of experience, authority and institutional knowledge regarding foreign nationals places ICE in a position of leadership with respect to nonimmigrant student investigations and enforcement. In fact, after considering overlapping ICE and FBI roles in addressing threats posed by foreign national students, the Homeland Security Council requested that ICE serve as the lead agency in conducting a comprehensive evaluation of foreign student enforcement during the fall of 2006.

The following examples illustrate the effectiveness of ICE enforcement efforts with respect to foreign students:

- In 2006, 11 Egyptian students failed to show for their academic program at Montana State University (MSU) and dispersed throughout the United States. The potential threat posed by these missing students was covered in the national media. An MSU designated school official immediately notified the ICE resident agent in charge in Helena, Montana, that the 11 Egyptian students failed to appear for their language program. ICE, through the CEU, coordinated the nationwide effort that tracked the missing students. All 11 missing Egyptians were located, arrested and placed into ICE custody within 12 days.
- In response to significant intelligence uncovered during the summer of 2006, ICE initiated a national disruption initiative. The threat reporting indicated that terrorist operatives planned to exploit the foreign student process to gain entry

into the United States. During this operation, the CEU assigned 750 investigative leads to ICE field offices, resulting in 326 arrests. Subsequent to this operation, the ICE Student and Exchange Visitor Program (SEVP) conducted student revalidation initiatives that have enhanced the integrity of the foreign student process.

Student and Exchange Visitor Program

The SEVP acts as the bridge for varied government organizations which have an interest in information on foreign students. SEVP uses Web-based technology, the SEVIS, to track and monitor schools and programs, students, exchange visitors and their dependents throughout the duration of approved participation within the U.S. education system.

SEVP collects, maintains and provides the information so that only legitimate foreign students or exchange visitors gain entry to the United States. The result is an easily accessible information system that provides timely information to the ICE CEU, Department of State, CBP, U.S. Citizenship and Immigration Services and other national security and law enforcement agencies.

The mission of SEVP is to balance homeland security with the desire to continue to permit foreign students and exchange visitors to participate in America's outstanding academic programs. SEVP is

staffed with approximately 75 members with expertise in information technology, visa analysis and adjudication, finance and budget, government regulations and public administration.

As part of its efforts to establish and maintain close working relationships with the various users of SEVIS, SEVP successfully planned, coordinated and participated in several national educational conferences, numerous regional educational conferences and dozens of SEVIS Town Hall meetings with academic institutions nationwide during FY06. At the same time, to support the law enforcement and national security needs of various DHS and other departments, SEVP completed dozens of upgrades to SEVIS on very short notice to expand the system's interoperability with the systems of other agencies and to provide greater access to SEVIS data by enforcement personnel in field offices.

Joint Terrorism Task Force (JTTF)

Identifying immigration and customs violations is frequently the sole means available to disrupt transnational terrorist cells prior to an attack.

In FY06, ICE agents assigned to the JTTF used immigration and customs authorities to arrest 424 subjects from 44 countries: 156 arrests were for criminal violations and 268 arrests were for administrative immigration violations.

ICE-led JTTF investigations targeting terrorist financing, IPR, immigration fraud and export enforcement have been the weapon of choice in attacking transnational terrorist support networks, including the following noteworthy examples:

- **Muslim Leader Charged with Illegal Transactions with State Sponsor of Terror.** On October 23, 2003, a federal grand jury in the Eastern District of Virginia issued an 18-count indictment against Aburahman Alamoudi for prohibited financial transactions with Libya, money laundering, false statements, misuse of his passport and unlawfully procuring naturalization. The indictment stemmed from a probe led by ICE, with participation by the FBI and the Internal Revenue Service (IRS). In subsequent court hearings, federal prosecutors alleged that Alamoudi publicly supported Hamas and maintained ties with at least eight individuals who had been designated





as terrorists by the U.S. government. During his trial, Alamoudi admitted to his role in a current Libyan government plot to assassinate the Crown Prince of Saudi Arabia and was sentenced to 23 years imprisonment.

- **Somali Charged with Providing Material Support to Al Qaeda.** On June 10, 2004, Nuradin M. Abdi, a Somali national living in Columbus, Ohio, was charged in a four-count indictment with conspiracy to provide material support to terrorists and, specifically, to Al Qaeda. Abdi was also charged with fraudulently obtaining and using U.S. immigration and travel documents after concealing his planned travels to Africa to obtain military training for violent jihad. Detention documents filed in the case also allege that Abdi conspired with a convicted Al Qaeda operative to blow up a shopping mall in Columbus, Ohio. ICE agents originally detained Abdi on administrative immigration violations on November 28, 2003. The indictment that ultimately resulted stemmed from an extensive investigation by ICE, the FBI and the Southern Ohio JTTF. Abdi's trial is currently pending.
- **Syrian with Alleged Connections to HAMAS Convicted of Numerous ICE Violations.** On July 7, 2006, Amar Alghazouli was sentenced to 41 months confinement in the Southern District of California pursuant to his conviction on conspir-

acy to commit money laundering, sale of merchandise imported contrary to law, aiding and abetting and unlawful sale of the chlorofluorocarbon (CFC) freon. The conviction stemmed from an extensive investigation by ICE, the FBI and the San Diego JTTF. The investigation revealed that Alghazouli sent proceeds derived from the unlawful sale of freon to Syria.

Contraband Smuggling

Continuing the work of its legacy agencies, ICE has been investigating smuggling violations, including illegal drugs, longer than any other federal agency. ICE utilizes its authority granted under Titles 18 (General Smuggling) and 21 (Drug Violations) to investigate the smuggling of contraband and dangerous goods into the U.S. While other governmental agencies and components within DHS have partnered with ICE in the war on illegal drugs, no single agency has the historical experience and success of ICE in combating the smuggling of narcotics or other harmful commodities and goods into the U.S.

As the primary border investigative agency, ICE has developed a full cadre of expertise, including undercover operations, use of confidential informants, Title III wire intercepts, consensual monitoring and electronic surveillance, that it utilizes to combat smuggling organizations. As the investigative arm of DHS, ICE supports CBP's interdiction efforts at our borders and POEs. In 2006, ICE and CBP collectively seized 2.5 million pounds of narcotics. With its unique experience, expertise and proficiency in conducting border smuggling investigations, ICE is the lead investigative agency for protecting our borders from smuggling organizations. ICE has successfully disrupted, dismantled, denied proceeds and seized assets of smuggling organizations abroad and in the United States. These smuggling organizations use every imaginable method to smuggle contraband into this country including aircraft, vehicles, maritime vessels, backpackers, tunnels and rail. Additionally, smuggling organizations infiltrate and use legitimate businesses and industries as a mechanism for smuggling illicit goods and narcotics into the U.S. In FY06, ICE initiated 17,228 narcotics investigations that resulted in 8,400 arrests, 5,700 indictments and 6,800 convictions.

Cali Cartel dismantled by multiyear investigation led by ICE agent

“These guilty pleas deal a final and fatal blow to the Cali Cartel, a violent drug trafficking organization that once operated outside of the law. But as drug traffickers and kingpins around the world now know, they are not beyond the reach of justice in the United States—the Cali Cartel has been dismantled and the brothers now face years in American prisons. Their arrests, extradition to the United States and now their convictions were all made possible by extraordinary cooperation from the Colombian government, our valued partner in the fight to eradicate narcotics trafficking and the violence that so often accompanies it.”

*—Attorney General Alberto R. Gonzales,
September 26, 2006*

- **Example: Cali Cartel investigation.** One example which exemplifies OI’s ability to utilize its investigative expertise to successfully dismantle drug smuggling organizations is the Cali Cartel-Orejuela brothers case. This ICE-led investigation targeted the Cali Cartel organization that was considered the most powerful cocaine trafficking organization in the world, responsible for the production and distribution of as much as 80 percent of the cocaine in the world. The organization’s criminal activities involved drug trafficking, money laundering, obstruction and systemic acts of corruption throughout the U.S. and the world. The Cali Cartel investigation spanned more than 14 years and resulted in the arrest, indictment and conviction of 141 members of this narcotics smuggling organization, along with the seizure of more than 47,500 kilograms of cocaine. The founding leaders of the Cartel were initially imprisoned in Colombia and subsequently extradited to the United States where they pleaded guilty and received 30-year prison sentences and a \$2.1 billion forfeiture judgment.

Along with ICE’s abilities to conduct smuggling investigations of seizures at and between POEs, ICE has vast experience and expertise in investigating internal conspiracies at our nation’s airports and seaports. Through these internal networks, criminals utilize corrupt employees within a legitimate business to smuggle contraband in legitimate

cargo, conveyances and/or luggage. ICE conducts internal conspiracy investigations at our nation’s airports and seaports in an effort to dismantle these criminal enterprises.

- **Example: Operation Final Approach.** One such ICE investigation, Operation Final Approach, focused on airline employees who were exploiting their positions to smuggle narcotics into the U.S. and transport the illicit proceeds out of the U.S. The two-year investigation revealed that Continental Airlines baggage handlers, ticket agents, and customer service ramp employees were involved in smuggling over 500 kilograms of cocaine from the Dominican Republic into Newark, New Jersey. Additionally, this drug smuggling organization laundered approximately \$10 million in illicit proceeds. Five Continental Airlines employees were arrested for narcotics distribution and conspiracy violations.
- **Example: Operation Pier Pressure II.** Another investigation that illustrates ICE’s effectiveness in protecting our seaports by conducting internal conspiracy investigations is Operation Pier Pressure II. This ICE-led OCEETF investigation identified a Colombian smuggling organization that utilized longshoremen at the New York seaport to facilitate the importation of cocaine into the U.S. from Colombia. The longshoremen positioned sea containers, which originated from Colombia, in areas that were accessible to members of the smuggling organization. The smuggling organization members gained access to secured areas in the seaport, removed the seals from the containers and retrieved the cocaine. This ICE-led investigation led to the indictment and arrests of 30 defendants.

Utilizing its border authorities in combating maritime drug smuggling, ICE jointly works with the Drug Enforcement Administration, FBI, U.S. Coast Guard and local law enforcement in Operation Panama Express. This operation targets large-scale Colombian-based cocaine smuggling organizations that operate in the Caribbean basin and Pacific Ocean. These Colombian smuggling organizations transport cocaine via vessels that are ultimately destined for the U.S. As of July 2007, this operation has resulted in 256 interdictions leading to 1,058 arrests and the seizure of over 506 tons of cocaine.

Mexican architect convicted on drug charges related to sophisticated cross-border tunnel in ICE-led case

“This guilty verdict is the result of many years of hard work by prosecutors in the U.S. Attorney’s Office working in conjunction with ICE and our counterparts in Mexico. Dedicated professionals from these and other agencies work tirelessly to get drugs, and those who smuggle them, off our streets and out of our communities.”

*—U.S. Attorney Paul K. Charlton,
District of Arizona, March 30, 2006*

An additional area of expertise for ICE is its investigation of cross-border tunnels. Drug smuggling cartels utilize a variety of methods, such as tunnels, to smuggle narcotics and other potentially hazardous goods into the U.S. ICE leads the Tunnel Task Force that identifies and investigates cross-border tunnels used to facilitate the entry of contraband from Mexico into the U.S. Since 2003, 26 tunnels have been discovered in the San Diego area alone. In 2006, three tunnels were discovered along the U.S.—Mexico border that resulted in the seizure of over two tons of marijuana.

In dealing with the drug cartels and their associated violence, ICE has taken the lead in the creation of interagency task forces along the southern border. The BEST is an ICE-led initiative designed to enhance security on the southern border and combat violence related to smuggling organizations through a coordinated effort involving federal, state and local law enforcement agencies. BEST emphasizes improving existing working partnerships with Mexican law enforcement. BESTs have been initiated in Arizona and San Diego, California, as well as in El Paso, Laredo and the Rio Grande Valley, Texas. Since their inception in August 2005, BEST investigations have resulted in over 580 arrests. In addition, in FY06, agents seized 38,000 pounds of marijuana, 405 pounds of cocaine, 45 pounds of methamphetamine, 167 weapons, 10 grenades, 12 properties and \$7 million in U.S. currency.

Along the northern border of the United States, ICE is the investigative arm for the IBETs seeking to identify national security threats and combat illicit cross-border activity. ICE combines its resources and expertise with other law enforcement entities to protect the integrity of the United States—Canada border. As a result of the IBETs, ICE initiated an

investigation called Operation Frozen Timber that identified a Canadian smuggling organization utilizing helicopters to smuggle narcotics, bulk cash and firearms into and out of the national forests and parklands along the U.S.—Canada border. This investigation resulted in the seizure of approximately 8,000 pounds of marijuana, 800 pounds of cocaine, three aircraft and \$1.5 million in U.S. currency.

ICE is a leading member in the USDOJ OCDETF program that was established in 1982. This program was developed as a vehicle to promote close cooperation and coordination between federal, state, and local law enforcement agencies engaged in narcotics and money laundering investigations. ICE has permanent full-time managers (OCDETF coordinators) located in each of the nine regional OCDETF core cities and a national program manager in headquarters. OI receives approximately \$44 million in funding as a result of its participation in the OCDETF program.

ICE is actively involved in the High Intensity Drug Trafficking Area (HIDTA) program, which is a geographically oriented anti-drug support program, administered by the Office of National Drug Control Policy (ONDCP). HIDTA regions are comprised of specifically designated counties that have been identified as high risk for narcotics smuggling and trafficking. Currently, ONDCP has designated more than 25 HIDTAs throughout the U.S. ICE’s involvement in the HIDTA program enhances a coordinated effort in U.S. drug enforcement efforts.



ICE's expertise in conducting smuggling investigations has contributed immeasurably to public safety and homeland security. ICE's efforts in combating smuggling by sea, air and land have successfully thwarted criminal organizations' introduction of narcotics and other dangerous goods that threaten the well-being of the U.S. ICE is responsible for all investigative activities occurring at or with a nexus to our nation's borders, including investigations involving narcotics, currency, contraband and WMD. ICE's priority mission within DHS is to protect the United States and its people by deterring, interdicting, and investigating threats arising from the movement of people and goods. This mission is synonymous with a strong and aggressive anti-narcotics program.

Financial Investigations

ICE's authority to conduct financial investigations is derived from a variety of laws, including the Bank Secrecy Act (BSA) of 1970, the Money Laundering Control Act of 1986, the Anti-Drug Abuse Act of 1988 and the USA PATRIOT Act of 2001.

Following the events of 9/11, Congress gave federal law enforcement (and ICE in particular) additional laws and tools to combat the movement of money across U.S. borders, including Title III of the USA PATRIOT Act, which added bulk cash smuggling as a criminal offense. In addition, the USA PATRIOT Act expanded the application of the prohibition on unlicensed money services businesses (MSBs), requiring MSBs to register with the Financial Crimes Enforcement Network (FinCEN). The International Money Laundering Abatement and Financial Anti-Terrorism Act added bulk cash smuggling (BCS), 31 USC 5332, as a predicate offense.

30 individuals charged in trade-based money laundering scheme

"A key element in drug investigations is following the money. In this cooperative investigation with ICE and IRS, hard work by many agents resulted in a clear picture of significant amounts of allegedly drug-derived money and where it was going. Just like illegal drugs, the dirty money goes all over the world, and we will make every effort to get the drugs and the cash as well as the criminals."

*—U.S. Attorney David E. Nahmias,
Northern District of Georgia, April 27, 2006*

The financial investigative authorities and unique capabilities specifically given to and used by ICE enable it to identify, dismantle and disrupt the financial criminal enterprises that threaten our nation's economy and security.

Private Sector Outreach: Operation Cornerstone.

Soon after the creation of ICE in 2003, a unique, comprehensive outreach and enforcement initiative entitled "Cornerstone" was created to focus on financial and trade fraud investigations. Operation Cornerstone seeks to identify and eliminate vulnerabilities within financial sectors that could be exploited by terrorist and other criminal organizations seeking to finance their illicit operations and avoid detection by law enforcement.

Building on a law enforcement legacy spanning over 200 years, ICE is at the forefront of protecting the people and revenue of the U.S. With an extensive history and expertise in combating international money laundering, ICE investigations lead the way in safeguarding America's financial and trade industries from exploitation. The Cornerstone initiative stems from this rich history.

Since its inception, Cornerstone agents conducted over 4,000 outreach and training presentations to an audience of nearly 58,000 worldwide. This partnership with the financial community provides ICE with information, tips and insights from the businesses and industries that encounter possible suspicious activity in the course of their normal business. As a result of these efforts, ICE has more than 260 criminal investigations that have resulted in 197 arrests, 177 indictments and 141 convictions and the seizure of more than \$1.3 million.

Bulk Cash Smuggling. Continuing the work of the USCS, ICE has conducted BCS initiatives and investigations since the early 1980s. This distinctive, long-standing expertise has allowed ICE to aggressively seek to detect and seize illegal shipments of bulk cash by utilizing ICE's unique customs and immigration authorities and expertise. The enactment of the BCS statute, Title 31 USC 5332 was predicated on the BSA reporting requirements delineated within Title 31 USC 5316, which require that a Currency and Monetary Instrument Report (CMIR) be filed when one transports more than \$10,000 internationally. The USCS and now ICE have historically

been the agencies tasked with the enforcement authority of the CMIR statute. This authority allows ICE to address BCS offenses that occur en route to the border, at the border and beyond the border. The USCS and ICE have over 30 years of expertise in investigations involving the predicate offense of CMIR violations. This expertise, along with immediate access to international travel records, border crossing data, historical CMIR and Currency Transaction Report (CTR) filings and immigration records, is unique and vital in proving BCS violations.

Since October 1, 2001, ICE BCS investigations have resulted in 467 arrests, 471 indictments, 328 convictions and 2,193 seizures totaling \$182 million..

Approximately 60 percent of ICE BCS indictments are of foreign nationals and over 20 percent of the indictments stem from BCS seizures that occur away from the border. The resulting investigations have revealed that BCS seizures are not only illicit proceeds earned from narcotics sales, but illicit proceeds earned from all aspects of the ICE investigative mission, including: alien smuggling, human trafficking, prostitution, cigarette smuggling, arms smuggling, IPR violations and more.

The most recent BCS initiative, Operation Firewall, began in August of 2005. This operation is a joint strategy, utilizing the historical interdiction expertise of CBP in conjunction with the historical investigative expertise of ICE to address the BCS vulnerability. This enforcement operation has addressed various smuggling techniques, including commercial and private passenger vehicles, commercial air cargo shipments, commercial airline passengers and pedestrians transiting the U.S. border.

ICE and CBP conducted “Firewall” training operations with our law enforcement partners in Mexico. During this training, ICE and CBP, utilizing their historical expertise, provided hands-on training to our law enforcement partners on passenger analysis and investigative techniques proven effective in the United States. Investigations of seizures that occurred in Mexico have resulted in the dismantling of significant Colombian organizations based in Mexico. To date, “Firewall” operations in Mexico alone have resulted in the seizure of more than \$37 million. Just recently, Mexican authorities seized \$760,000 in U.S. currency destined for Costa Rica. Costa Rican officials advised that the funds were

directed to an individual who heads a major alien smuggling organization. This alien smuggling organization is involved in providing fraudulent passports and paperwork used to obtain U.S. visas that can be exploited by terrorists or other criminal organizations that intend to do harm to our nation.

In 2006, ICE expanded its foreign “Firewall” operations to include Panama, Colombia and the Philippines. Since then, all foreign Operation Firewall activity has accumulated a total of \$44 million in seized U.S. currency. This currency had been successfully smuggled out of the U.S. and was intercepted en route to criminal organizations. These seizures are attributed to the training ICE and CBP jointly provided abroad. Since its inception, Operation Firewall has resulted in the seizure of more than \$82 million in U.S. currency both domestically and abroad, as well as negotiable instruments and the arrest of 225 individuals.

[Trade Transparency Unit \(TTU\)](#). ICE is the only federal agency uniquely positioned to investigate the misuse of import and export transactions that conceal the international transfer of illicit proceeds of crime. The functionality of powerful ICE-developed analytical software, ICE’s authority to enter into customs mutual assistance agreements with foreign nations and the existence of over 50 ICE attaché offices throughout the world have placed ICE in a unique position to lead U.S. efforts against trade-based money laundering.

Continuing the work of the USCS, ICE is the only federal agency that incorporates decades of trade fraud and anti-money laundering experience to detect trade-based money laundering. Individuals and criminal enterprises have long taken advantage of international trade mechanisms to avoid taxes, tariffs and customs duties and conceal the ownership of funds. Typical scenarios include undervaluation, overvaluation, misdescription and misclassification of the imported and exported merchandise. These transactions facilitate the transfer of funds across international borders. ICE is the only federal law enforcement agency in the world to partner with foreign countries to share import and export data for the purpose of initiating and enhancing investigations into trade-based money laundering.

Through nearly 20 years of development and refining, coupled with advances in technology, the USCS

created the Numerically Integrated Profiling System, the predecessor of the Data Analysis Research Trade Transparency System (DARTTS) used by ICE. DARTTS is capable of pinpointing trade anomalies indicative of trade-based money laundering and has the ability to simultaneously cross-reference and check the full cadre of FinCEN BSA reports and CBP trade data, unlike any other federal investigative agency.

In 1997, the first trade data exchange took place between the U.S. and Colombia. This initiated the process that eventually resulted in a formal TTU with Colombia, in furtherance of “Plan Colombia.” The TTU concept was then expanded. TTUs generate, initiate and support investigations and prosecutions related to trade-based money laundering, the illegal movement of criminal proceeds across international borders, alternative money remittance systems, terrorist financing and other financial crimes. Recognizing ICE’s unique capabilities in this arena, the Departments of the Treasury, State and Homeland Security gave funding and high-level support to ICE, after which ICE established additional TTUs in Argentina, Brazil and Paraguay. By sharing trade data amongst governments, ICE and its partners can now, for the first time, compare the import and export of commodities entering or leaving their countries. This truly makes trade transparent and facilitates the identification of anomalies indicative of money laundering and trade fraud.

The success of the TTU has spurred demand by foreign governments for TTU services. Countries dependent upon value added taxes on commodities are particularly interested in establishing a TTU in their jurisdictions. These countries recognize that there is currently no system in place that permits the comparison of trade and the cross-border movement of currency.

The analytical software and the investigative technique that evolved into the TTU enhanced and validated the existing ICE investigative findings in Operation Meltdown, conducted by the ICE El Dorado Task Force in New York. Operation Meltdown is an example of a trade-based money laundering investigation, similar to what the TTU is focusing on today, wherein gold was the commodity used to repatriate drug proceeds and defraud the Colombian government of revenue. Jewelers in New York colluded with traffickers by casting gold into



various low-value items, such as bolts, nuts, wrenches and cones. These items were exported to Colombia and declared far below their actual value. In Colombia, the gold was recast into bullion and exported as gold pigment. The export of pigment qualified the Colombian exporter to receive a 5–10 percent export tax credit. The gold would then be re-imported back into the United States where it would again be re-cast and exported back to Colombia completing the laundering cycle again.

In accomplishing the formation of TTUs, ICE has led capacity building by establishing the infrastructure to aid in data sharing and providing extensive hands-on training and guidance in the utilization of DARTTS and the analysis of import and export data both in the foreign and domestic arena. TTUs also directly help countries identify tax and duty evasion, which deprive many developing nations of a primary source of revenue.

In 2006, the ICE TTU assisted Brazilian officials in dismantling a \$200 million trade fraud scheme. The operation targeted more than 240 locations in Brazil and the United States, and included a joint ICE/CBP seizure of a shipment destined to Ciudad del Este, Paraguay. The commodities were undervalued by approximately \$1 million on the shipper’s export declaration and were actually valued at \$2.2 million.

In FY07, Congress provided \$6.8 million to ICE to fund and expand the TTU initiative. In furtherance

of this, ICE is currently partnering with the government of Mexico, one of our largest trading partners, to establish a TTU in Mexico City.

Undercover Operations. ICE financial undercover operations dominate all other federal law enforcement efforts in this venue. With over 30 years of financial investigative experience gained through the former USCS, ICE applies its innovative undercover expertise to target the assets of transborder organizations involved in drug smuggling, alien smuggling, human trafficking, terrorism, trade fraud, child pornography, arms and strategic technology smuggling, identity and benefits fraud, gangs and worksite enforcement. Well over \$1 billion in assets have been seized as a result of these financial undercover operations.

ICE has statutory authority to engage in certified undercover activities through Titles 8 USC Section 1363(a) and 19 USC Section 2081. These authorities provide statutory exemptions which allow ICE agents to participate in specific criminal activities and fund undercover activities with operational proceeds, while working undercover operations without violating federal statutes. ICE currently manages 49 certified undercover operations, 29 of which specifically relate to financial investigations. Covering the spectrum of ICE's investigative jurisdiction, its undercover financial operations allow the cross-cutting flexibility to cripple the illicit funding mechanisms of all types of international criminal organizations.



- **Example: Operation Casablanca.** An example of ICE's successful history in covert operations includes the largest undercover money laundering investigation in United States history. This three-year undercover operation, known as Operation Casablanca, resulted in 167 arrests, the seizure of more than \$100 million and the indictment of three prominent Mexican banks on criminal money laundering charges.
- **Example: Operation Goldmine.** Another successful financial undercover operation was Operation Goldmine, which involved the movement of narcotics proceeds from the United States to Colombia through a black market peso exchange scheme. This international effort yielded over \$6.5 million and 24 arrests, including eight in Colombia. Using unique authorities and building upon successful international money laundering cases such as Operation Casablanca and Operation Goldmine, ICE continues to be a leader in undercover operations to combat international money laundering.

International Cooperation. ICE vetted Financial Investigations Units (FIUs) are made up of host nation law enforcement entities that receive continuing technical and logistical support from ICE via the ICE attaché. The FIUs are designed to assist and enhance the capability of the host nation government to take measures against individuals and organizations responsible for the laundering of illicit proceeds of narcotics trafficking, terrorist activity and other crimes. Additionally, they assist domestic ICE offices by pursuing financial leads developed during domestic investigations and collecting evidence in furtherance of domestic investigations, as well as locating and apprehending ICE fugitives. In FY07 alone, the ICE Bogotá FIU has seized over \$70 million.

Pennsylvania man who wired over \$8.3 million overseas found guilty of operating illegal money transmitting business

"The defendant operated his money transmitting business below the radar of the D.C. and federal regulators. In this post-9/11 era, it is critical that we shut down unlicensed money transmitting businesses so that they cannot be used by criminals and others who seek to harm our nation."

*—U.S. Attorney Ken Wainstein,
District of Columbia, June 30, 2006*

Money Services Businesses. Section 359(a) of the USA PATRIOT Act amended the definition of an MSB to include any person who engages as a business in an informal money transfer system or any network of people who engage as a business in facilitating the transfer of money domestically or internationally outside of the conventional financial institutions system. By combining its money laundering and immigration expertise, ICE is uniquely positioned to effectively combat the threat posed by unlicensed MSBs.

MSBs encompass a variety of financial services, but predominantly involve the movement of funds on behalf of clientele generally comprised of foreign nationals who have not established a traditional account relationship with financial institutions. This system offers relative anonymity to the clientele, adding levels of insulation from detection by law enforcement. This anonymous feature provided by MSBs is exploited on a number of levels by terrorist and other criminal organizations that conduct criminal activities investigated by ICE. These criminal activities include the laundering of illicit proceeds, the movement of illicit proceeds into and out of the U.S., payroll schemes to disguise an illegal workforce, document fraud and terrorist financing.

MSBs typically provide a financial service to the “un-banked” segment of the U.S. population, catering to illegal immigrants, ethnic populations, students and transients. ICE has learned that many MSBs are owned and operated by foreign nationals who facilitate money transfers on behalf of citizens from their region or country of origin. Since October 1, 2001, ICE investigations of illegal money transmitters have resulted in the seizure of over \$50 million, 186 arrests, 169 indictments and 105 convictions.

- **Example: MSB Investigation.** An excellent example of the vulnerabilities inherent in MSBs is an ICE investigation of a licensed MSB located in New Jersey that operated illegally on behalf of four unlicensed MSBs. The investigation disclosed that these individuals illegally transferred more than \$100 million within a 30-month period to Pakistan, a state sponsor of terrorism.

To address the vulnerabilities inherent to unlicensed MSBs, the ICE OI Financial, Narcotics and Public Safety Investigations Division has launched a

Money Services Business-**Informal Value Transfer System** identification, enforcement and outreach initiative. The goal of this three-pronged initiative is to covertly identify as many unlicensed MSBs as possible, prosecute those meeting federal prosecutorial guidelines and bring those unlicensed MSBs not meeting prosecutorial guidelines into compliance through outreach and coordination with the Department of the Treasury’s FinCEN. This initiative has resulted in the identification of over 430 unlicensed MSBs and the initiation of nearly 300 criminal investigations.

In July 2006, ICE initiated an operation to combat schemes used to pay the wages of illegal alien workers. These schemes typically involve the use of unlicensed MSBs to facilitate the payment of illegal alien workers as well as the use of shell corporations to disguise the actual employers of illegal aliens. In addition, these schemes also further additional criminal activity such as human smuggling, trafficking and money laundering, and often involve conspiracies with MSBs (who forgo BSA requirements such as CTRs when cashing checks that will be used to pay an illegal alien workforce) in direct violation of Title 18 USC 1960, Prohibition of Unlicensed Money Service Businesses.

This operation is an innovative approach designed to combat these schemes by leveraging ICE’s unique combined immigration and financial investigative authorities and expertise. Two of the most common schemes identified through these investigations include the use of shell corporations and mobile check cashing vans. Investigations from this operation have resulted in the arrest of approximately 26 individuals, the indictment of approximately 18 individuals and the conviction of approximately 10 individuals.

Kleptocracy (Politically Exposed Persons). ICE participates in a working group chaired by the National Security Council focused on the United States government response to the issue of large-scale, or grand, corruption by public officials, also referred to as kleptocracy. ICE has played an integral role in the development of the strategy as it is uniquely positioned as the U.S. cross-border investigative agency possessing the greatest international money laundering expertise, immigration authorities and extensive international investigative assets.

In 2003, ICE established the only Federal Foreign Corruption Task Force, which conducts investigations into the laundering of proceeds emanating from foreign public corruption, bribery or embezzlement. The investigations are worked jointly with representatives of the victimized foreign government. The objective is to prevent foreign-derived, ill-gotten gains from entering the U.S. financial infrastructure, to seize identified assets in the U.S. and repatriate these funds to the victimized governments.

ICE's success in foreign public corruption investigations is based on its experience in complex financial investigations. The authority to investigate foreign corruption has been enhanced by the new enforcement provisions provided for by the USA PATRIOT Act, specifically Sections 315 (Foreign Corruption Offenses), Section 317 (Long-Arm Jurisdiction over Foreign Money Launderers), Section 319 (Subpoena and Summons Authority over Corresponding Accounts) and Section 320 (Proceeds of Foreign Crimes).

- **Example: Foreign Public Corruption Investigation.** A significant example includes ICE's original foreign public corruption investigation involving the former President of Nicaragua, Arnoldo Aleman (1997–2002). Aleman and others conspired to defraud the government of Nicaragua by diverting government funds offshore for personal enrichment. In 2003, as a result of the ICE investigation, Aleman and his co-defendants were convicted of theft of government funds and money laundering in Nicaragua and subsequently sentenced to 20 years imprisonment. In the course of the investigation, ICE identified and seized U.S.-based assets totaling approximately \$4.7 million, of which approximately \$3.3 million was repatriated. In addition, the government of Panama froze bank assets worth approximately \$10 million.

Since the Aleman investigation, ICE has led the fight in foreign corruption investigations, opening over 100 additional foreign corruption investigations. ICE currently has 40 open foreign public corruption investigations. The most recent success occurred on July 18, 2007, when over \$110 million was seized that had been derived from a late 1990s Italian public corruption and bribery scheme. The bribery scheme came to light in 1996 and the ensuing criminal case resulted in the conviction of a federal judge and three prominent lawyers.



Gang Enforcement

In the last decade, the U.S. has experienced a rapid growth in transnational gang membership and activity, which has resulted in an increase in gang violence in both urban and suburban communities nationwide. This gang epidemic has a significant impact on community resources and public safety. Foreign-born membership in certain violent street gangs can be as high as 75 percent. As an example, a review of Mara Salvatrucha (MS-13) revealed foreign-born membership peaking near 90 percent. Some of the other gangs investigated by ICE that currently have a high percentage of foreign-born members include: Sureños (Sur 13), 18th Street, Latin Kings and Vatos Locos, to name just a few.

ICE arrests 582 violent gang members and associates in two-week nationwide enforcement operation

“Street gangs in America have grown and expanded their influence to an alarming level, marked by increased violence and criminal activity,” said Secretary Chertoff. “These gangs pose a severe threat to public safety and this growth must not go unchallenged. We will continue to coordinate our efforts closely with our law enforcement partners nationally and use our collective authorities to help rid our communities of this malignancy.”

*—Secretary Michael Chertoff,
Department of Homeland Security, August 1, 2005*

Given this trend, as well as the tendency towards criminal activity and a nexus to the border, the gangs that endanger our communities are best dealt with through ICE's leadership and unique authorities. ICE developed and implemented Operation Community Shield, an anti-gang initiative, in February 2005. OCS partners ICE with other federal, state and local law enforcement agencies to combine resources, authorities and expertise in targeting gang members and disrupting and dismantling gang organizations. The success of OCS is due largely to ICE's combined immigration and customs authorities. To date, OCS has resulted in the arrest of 4,756 gang members and associates. Of those arrested, almost half have violent criminal histories, with arrests and convictions for crimes such as murder, rape, robbery, assault and extortion. The impact on public safety in our communities with the arrests of these gang members is immeasurable.

Under the auspices of OCS, ICE has conducted a significant number of organizational investigations which resulted in the development of the Racketeer Influenced and Corrupt Organizations, Violent Crime in Aid to Racketeering and other violations. Such investigations have been initiated on transnational gangs in California, Georgia, Maryland, New Jersey, New York and Virginia. By combining resources and authorities, law enforcement agencies are successfully reclaiming the communities that were once ruled by street gangs with total impunity.

Prosecution for illegal reentry and other criminal immigration violations is a staple in transnational gang investigations. Many "hard core" members of transnational gangs have been convicted of various criminal offenses, were subsequently deported and have returned to the United States illegally. Gang members also frequently commit document fraud and identity theft to hide their illegal status and/or their true identity. ICE uses the enforcement of immigration laws hand-in-hand with street-level enforcement by state, local and tribal agencies to disrupt gang activity and to develop enterprise investigations against transnational street gang members. Successful gang dismantling is a result of furthering gang investigations by utilizing ICE's broad authorities in enforcing weapons, narcotics, document fraud, immigration benefit fraud, human smuggling and money laundering violations.

Operation Community Shield marks first year of success

"Operation Community Shield has had a direct impact on violent crime in the Dallas area. Over the past year, the murder rate in the Dallas metropolitan area decreased roughly twenty percent compared to the year before. This is a successful program that the Dallas Police Department is proud to participate in."

*—David O'Neal Brown, First Assistant Chief,
Dallas Police Department, March 10, 2006*

Human Rights Violators Enforcement

ICE is the primary investigative component of the U.S. government for identifying, investigating and removing foreign offenders who are suspected of committing acts of genocide, torture, war crimes, extra-judicial killing or persecution abroad. This mission is derived specifically from Section 212 (a) (3) (E) of the Immigration and Nationality Act, which makes such offenders ineligible for admissibility into the U.S. Working with the ICE Human Rights Law Division, ICE has ongoing investigations and/or removal proceedings on approximately 800 suspects from over 85 different countries.

ICE's investigative and jurisdictional mandate is far broader than any other government agency within the United States. ICE exercises sole jurisdiction over all non-citizens and retains concurrent jurisdiction with the USDOJ Office of Special Investigations over naturalized United States citizens for human rights violation offenses.

Indictment of Roy Belfast, Jr., aka Chuckie Taylor, on torture federal charges

"As alleged in the indictment, during this interrogation, Charles Taylor, Jr. and his co-conspirator committed torture by repeatedly burning the victim with a hot iron on various parts of his body, causing burning and scarring; by pouring scalding hot water onto the victim; by holding a gun pointed at the victim while forcing the victim to hold scalding water in his hands; by repeatedly electrically shocking the victim's genital areas and other parts of his body; and then by rubbing salt into the victim's wounds. These crimes are heinous, and they are torture as alleged in the indictment today. I want to thank the Immigration and Customs Enforcement service for their very hard work investigating this case..."

*—Assistant Attorney General Alice Fisher,
USDOJ Criminal Division, December 6, 2006*

In the past year, ICE has overseen the successful apprehension, conviction or removal of notorious human rights abusers or war criminals from Latin America, the former Yugoslavia and various conflict states in Africa. ICE has also organized the deportation or removal of numerous offenders back to national, regional or international war crimes judicial venues, where they are being tried for their participation in war crimes or acts of genocide. ICE's human rights violators program has had numerous successes, including the criminal arrests of two Peruvians for their involvement in the massacre of 69 men, women and children, as well as the indictment and arrest of Chuckie Taylor in December 2006, which was the first criminal indictment in U.S. government history under the Torture statute, 18 USC 2340.

Human Smuggling and Trafficking, Identity and Benefit Fraud, Worksite Enforcement

ICE aims to disrupt and dismantle the international and domestic operations of human smugglers, traffickers, facilitators of identity and immigration benefit fraud and egregious employers who knowingly hire unauthorized workers. ICE identifies systemic vulnerabilities which pose a threat to national security and public safety and may be exploited by criminal elements to undermine immigration and border controls. ICE focuses on targeting recruiters, brokers, document providers, travel agencies, corrupt officials, smugglers and businesses engaged in criminal activities.

Mira Sorvino on modern day slavery

"Nearly every trafficking case here is initially investigated due to a phone call to ICE (Immigration and Customs Enforcement) local police or social services. If you see razor wire facing into a property that means someone is being forcibly kept from leaving it. If a child is seen working late at night, never plays with other children and doesn't go to school, chances are he/she is a slave. If prostitutes seem to be forced into service, it could be they have been trafficked. All of the above are true examples of tips that led to the breaking of a trafficking crime and the rescuing of victims, even phoned in by sympathetic johns of prostitutes. We must all do everything we can, and the more vigilant we are, the more people will be saved, and the less hospitable climate this will be for the traffickers."

*—Actress Mira Sorvino,
guest on "Ask Amnesty International"*

Immigration and customs violations are consistently present in all disciplines of ICE investigative casework and are directly linked to many federal, state and local crimes. ICE targets the criminal continuum from countries of source and transit to the United States. Through this approach, ICE focuses on uprooting the infrastructure within the criminal continuum that:

- facilitates illicit transnational and domestic travel;
- illegally manufactures, facilitates and sells fraudulent identity documents;
- facilitates the fraudulent acquisition of immigration benefits;
- knowingly hires unauthorized workers;
- exploits victims for the purpose of commercial sex or forced labor; and
- launders criminal proceeds.

ICE leads the interagency Human Smuggling and Trafficking Center (HSTC) in an effort to facilitate the above-mentioned objective. The HSTC was formally established under Section 7202 of the Intelligence Reform Act of 2004 to focus on human smuggling, human trafficking and clandestine terrorist travel. The law gives the HSTC the following mandate:

1. to serve as the focal point for interagency efforts to address terrorist travel;
2. to serve as a clearinghouse with respect to all relevant information from all federal government agencies in support of the United States strategy to prevent separate, but related, issues of clandestine terrorist travel and facilitation of migrant smuggling and trafficking of persons;
3. to ensure cooperation among all relevant policy, law enforcement, diplomatic and intelligence agencies of the federal government to improve effectiveness and to convert all information available to the federal government relating to clandestine terrorist travel and facilitation, migrant smuggling and trafficking of persons into tactical, operational and strategic intelligence that can be used to combat such illegal activities;
4. to prepare and submit to Congress, on an annual basis, a strategic assessment regarding vulnerabilities in the U.S. and foreign travel system that may be exploited by international terrorists, human smugglers and traffickers and their facilitators; and

5. to work to support the efforts of the National Counter Terrorism Center.

The following are three distinct examples that demonstrate ICE's approach toward the criminal continuum and ICE's strategy for targeting, dismantling and deterring these organizations through enforcement actions that are designed to defeat or disrupt the way they operate.

- **Example: Operation Wagon Train.** Operation Wagon Train was initiated when a large number of illegal aliens had fraudulently assumed the identities of U.S. citizens or lawful U.S. permanent residents and improperly used their Social Security numbers to gain employment at facilities owned by Swift & Company. ICE identified hundreds of potential victims of this fraud. An enforcement action conducted in late 2006 resulted in the administrative arrest of 1,297 aliens. ICE charged 274 of these aliens with criminal charges that included aggravated identity theft and visa fraud.
- **Example: Operation Pipeline.** Operation Pipeline was conducted in collaboration with the government of Colombia. Through an extraterritorial investigation, undercover operatives purported to be members of the Revolutionary Armed Forces of Colombia (FARC), a designated foreign terrorist organization. The defendants provided fraudulent Colombian and Spanish identity documents, including Spanish passports, which allowed the individuals to enter the United States without a visa. Throughout the investigation, organization members provided money laundering services and offered to sell hundreds of assault rifles, helicopters and cocaine to undercover operatives. Ten foreign nationals were charged in the Southern District of Florida with attempting to provide material support to terrorists, alien smuggling and money laundering. All of the defendants, including an immigration official, were arrested in Colombia. Six defendants were extradited to Miami and await trial. The extradition of the remaining defendants is pending.
- **Example: Operation Supersonic.** Operation Supersonic was initiated when the mother of a trafficking victim reported to the U.S. Embassy in Mexico City that her daughter had been kidnapped and was being held against her will at a New York residence. This information led to the rescue of the



reporting party's daughter as well as several other women. The two lead defendants in this case were each sentenced to 50 years imprisonment for sex trafficking, which is the longest sentence imposed on a human trafficker in the U.S. since the enactment of the Trafficking Victims Protection Act. One defendant is currently awaiting trial on related charges, having been extradited from Mexico. Some of these young girls had children that they left behind in Mexico with the recruiters' families. Both governments worked together to rescue the children and reunite them with their mothers.

An ICE-led initiative that optimizes resources and authorities from DHS components and other federal, state and local law enforcement agencies is the establishment of the DBFTFs. To date, these task forces have been established in 17 ICE field offices. Since inception in April 2006 to the end of the fiscal year, DBFTF enforcement statistics include 235 cases initiated, 118 indictments, 189 criminal arrests and 80 convictions.

California man convicted of smuggling 8 illegal aliens from Los Angeles to Oklahoma in ICE-led case

"This case demonstrates that trafficking of aliens is an organized underground business that preys upon desperate people. We will continue to work with ICE to aggressively prosecute those who seek to profit from trafficking in illegal aliens."

*—U.S. Attorney John C. Richter,
Western District of Oklahoma, July 24, 2006*

ICE uses its historical knowledge, expertise and global infrastructure to conduct complex investigations that typically are transnational, conspiratorial and multi-jurisdictional. ICE extracts the financial incentive to undermine the ability to fund criminal activity. The amount of assets seized from immigration-related violations has increased from almost non-existent before 2003 to over \$110 million in the last three fiscal years.

Intellectual Property Rights Violations

ICE is the leader in the field of federal IPR investigations, having accounted for the majority of the federal convictions under the primary IPR criminal statute, 18 USC 2320, trafficking in counterfeit merchandise. The vast majority of IPR infringing merchandise is produced outside the United States and ICE's unique position as the lead border investigative agency has enabled its investigators to capitalize on this position and conduct some of the most innovative and proactive IPR investigations in the federal government.

Two men sentenced to more than seven years in prison for trafficking in counterfeit goods following an ICE investigation

"The lengthy prison sentences imposed by the court are a direct reflection of the seriousness of this crime and of the potential safety hazard posed by the sale of counterfeit items, including untested and unsafe electrical cords. In this and every case, the sale of fake goods exposes unwary consumers to potentially serious physical harm."

— U.S. Attorney Alexander Acosta,
Southern District of Florida, August 25, 2006

USCS special agents in Miami conducted the first IPR undercover investigation in 1985, and this same innovation continues with ICE today. ICE was recently the first U.S. government agency to conduct an undercover operation in the PRC, the current epicenter of IPR violations. This investigation has implications beyond the dismantling of a significant criminal network, and paved the way for future joint U.S.-PRC investigative opportunities.

Counterfeiting, piracy and the unlawful importation of goods pose a triple threat to the national security, public safety and economic well-being of the United States. ICE uses powerful enforcement tools, includ-

ing criminal charges, asset seizures and forfeiture to combat those who exploit our commerce system.

IPR criminal organizations are profit driven, and exploit loopholes and vulnerabilities in the transportation, importation and financial sectors to enjoy the fruits of their crimes. ICE concentrates its investigative efforts on the full range of counterfeit commodities, especially those with health and safety implications. ICE investigations have resulted in the dismantling of large-scale transnational organizations and networks that attempt to corrupt CBP officers, exploit vulnerabilities in the in-bond system and generate millions of dollars in illicit proceeds.

- **Example: Operation Executive.** Operation Executive, a long-term ICE certified undercover operation in New York, New York, successfully identifies and penetrates transnational criminal organizations producing and trafficking in counterfeit goods and seeking ways to avoid the CBP inspection process. ICE undercover operatives engage foreign sources of supply and domestic targets and infiltrate these networks with a great degree of success. Since inception, Operation Executive seized 53,877 cartons of counterfeit merchandise, nearly \$1.4 million, and 14,855 units of counterfeit pharmaceuticals.

ICE has strong, established and unique expertise and infrastructure concerning the international movement of merchandise and money that other federal agencies institutionally lack. ICE attaché offices have



established contacts with the many customs and law enforcement counterparts that are authorized to enforce IP crime. ICE, together with CBP, tracks merchandise through shipping records to identify the origin and manufacturer of counterfeit goods and traces the international movement of monies to identify co-conspirators, with unrivalled success.

Child Exploitation

Due to the heinous nature and the enormous number of child exploitation violations worldwide, law enforcement agencies focus finite resources and investigative activity on their particular areas of expertise so that maximum impact can be brought to this devastating crime. While state and local law enforcement focus on the physical abuse of children and the FBI focuses on national pedophilic groups and interstate travel that facilitates this abuse, ICE (and previously the USCS) utilizes all of its diverse authorities to focus on the transborder and transnational aspect of these crimes.

ICE continues the mission of the USCS, which began the fight against child pornography some 30 years ago before specialized laws were enacted, through the seizure of child pornography materials imported into the U.S. from Europe. The USCS conducted the first international Internet child pornography investigation in 1989, and ICE continues to be innovative through investigations such as the ongoing Operation Falcon, initiated in 2003.

- **Example: Operation Falcon.** Operation Falcon successfully dismantled an international child pornography distribution organization based in Belarus, seized more than \$1 million in criminal proceeds and arrested more than 1,782 criminals worldwide. ICE utilized its investigative expertise and resources to uproot this organization at its very core, through the use of money laundering authorities, undercover operatives and ICE attachés.

Also in 2003, and consistent with its public safety mission, ICE launched Operation Predator, which leverages all of ICE's authorities and responsibilities to protect our most precious and vulnerable resource, our children. From the time of inception through FY06, this operation has led to the arrest of 8,173 predators, more than 86 percent of whom are foreign born.

Chairman of U.S. Senate Judiciary Committee, praising Operation Predator

“Young people are our most valuable and vulnerable citizens. Every year millions of children fall prey to sexual predators. These young victims are left with permanent physical, psychological, and emotional scars. I praise the efforts of Immigration and Customs Enforcement officials. Through coordinating investigative and intelligence resources, the Department of Homeland Security has embarked upon a unified campaign against child predators not only in the United States, but worldwide.”

*—United States Senator Orrin G. Hatch (R-Utah),
Chairman of the U.S. Senate Judiciary Committee, July 12, 2004*

ICE's exclusive investigative responsibilities and prowess in terms of child exploitation are universally recognized and were most recently reaffirmed by Congress and the Administration through an explicitly directed budget increase of \$3 million for ICE transborder, transnational child exploitation investigations. Although this is one of the most rewarding and important crimes investigated by ICE, ICE strictly observes its transborder, transnational ambit, referring domestic cases to other agencies and local cases through the National Center for Missing and Exploited Children or through the nationwide network of Internet Crimes Against Children task forces, in which ICE agents participate. ICE integrates its other investigative expertise, such as money laundering and immigration, in each of its child exploitation investigations as appropriate.

ICE has grown to become the recognized expert in the transborder, transnational child exploitation investigations through its extensive experience and concentrated technical expertise through tools such as the ICE C3. ICE, by virtue of its vested authority, has always been at the front line of protecting children and defending against the illegal trafficking and distribution of child pornography into and throughout the U.S. Before 1977, child pornography was seized under obscenity laws after entering the U.S. In 1977, Congress enacted the first anti-child pornography law and, in 1984, Congress enacted the Child Protection Act, which provided the authority to investigate any case involving the receipt, transmission, manufacture or possession of child pornography shipped through foreign commerce.

In 1988, Congress passed legislation that outlawed the use of computers to transmit, manufacture or possess child pornography shipped in foreign commerce, thus opening the door to child exploitation investigations involving the Internet. In 1989, the USCS became the first federal law enforcement agency to initiate an Internet child exploitation investigation with a case involving computer bulletin boards hosted in Denmark that contained child pornography. By 1990, as a result of the digital revolution and increased enforcement efforts, agency arrests relating to child pornography quadrupled. In August of 1997, the CyberSmuggling Center, now known as C3, was created to provide cyber technical and investigative services to ICE field offices in support of all investigative categories within ICE's immigration and customs authorities, including transborder, transnational child exploitation investigations.

C3 has managed Operation Predator since its launch in 2003, safeguarding children from foreign national sex offenders, human traffickers, international sex tourists and child pornographers. Under the auspices of Operation Predator, ICE field offices target a variety of violators, including individuals who engage in Internet child pornography; individuals who travel internationally for child sex tourism or who facilitate such travel; individuals who engage in the human smuggling and trafficking of minors into the U.S. for illicit sexual purposes (i.e., prostitution, worksite exploitation, and/or any crimes resulting in the harm, injury or death of a minor); criminal aliens who have been convicted of local, state or federal offenses against minors and are now eligible for removal from the U.S.; and those same criminal aliens who have been previously deported from the U.S. for such offenses but have re-entered illegally.

In 2005, ICE became the U.S. law enforcement representative to the Virtual Global Task Force (VGT), an international alliance of law enforcement agencies that delivers innovative global crime prevention and crime reduction initiatives to prevent and deter individuals from committing online child abuse. Online child abuse includes searching for, sharing and downloading images of children being physically and sexually abused, as well as "grooming" children (i.e., in chat rooms) with the intention of committing sexual abuse both on and offline. VGT is

comprised of the Child Exploitation Online Protection Agency, for England and Wales, the Australian Federal Police High Tech Crime Center, the Royal Canadian Mounted Police, ICE, and INTERPOL. The VGT is a true operational task force of investigators and analysts, trained in the technical and investigative aspects of the Internet. VGT members sit in their respective countries or territories and, through high-speed communications and investigative case management software, patrol the Internet for online abuse crimes, refer exigent and investigative leads and conduct joint investigations.

- **Example: VGT Operation.** One example of VGT's operations includes an exigent request for assistance from the VGT U.K. in March 2006. A suspect believed to be in the U.K. was offering to molest his 12-year-old daughter live on Web cam that same evening. The identity of the suspect was obtained from the U.S.-based Internet service provider by ICE (VGT U.S.) and passed to the U.K. within 90 minutes. The U.K. authorities were able to locate and serve a search warrant on the suspect prior to the time of his alleged live molestation.

ICE and international law enforcement partners dismantle heinous international child exploitation scheme

"This international undercover investigation revealed an insidious network that engaged in worldwide trafficking in child pornography, including live molestations of children transmitted over the Internet. We will continue to work side-by-side with our international law enforcement partners to shut down these rings and protect young, vulnerable victims."

*—Attorney General Alberto Gonzales,
USDOJ, March 15, 2006*

"The Toronto Police Service is proud to have played a role in an investigation of this magnitude and international scope. The Child Exploitation Tracking System made a significant link in the project and led us to work cooperatively with our law enforcement partners across Canada and in the U.S., U.K., and Australia."

*—Tony Warr, Deputy Chief,
Toronto Police Service, March 15, 2006*

Between FY03 and FY06, Operation Predator produced the following statistics: 8,173 arrests, 7,105 of which were of non-U.S. citizens, 4,013 of whom were deported. Many of those who were not



deported are currently incarcerated and will be deported upon completion of their sentences. During this period, ICE opened 12,911 child exploitation cases. In FY06 alone, Operation Predator tracked 2,381 arrests, 1,944 of which were of non-U.S. citizens, 864 of whom were deported. ICE agents initiated 3,420 child exploitation cases throughout 2006.

Asset Forfeiture

As previously presented, ICE is the recognized expert in money laundering investigations and the application of money laundering laws and seizure authorities in all the immigration and customs investigative categories under its purview. Asset forfeiture laws enable ICE agents to seize and forfeit these illicit proceeds and other criminally derived assets. ICE utilizes asset forfeiture to disrupt and dismantle these organizations across all its investigative programs. ICE's money laundering prowess is demonstrated in its contribution to and efficient use of funds associated with the Treasury Forfeiture Fund. Recently, ICE successfully concluded another high impact investigation, which will contribute to the Fund's FY07 seizures and forfeitures. Of the \$100 million settlement, \$28 million, one of the largest forfeitures ever paid in a criminal case, is earmarked for the fund subsequent to an ICE-led strategic investigation into the ITT Corporation. The investigation commenced in early 2004 and

revealed that ITT exported U.S. third-generation night vision countermeasure technology to the PRC.

ICE provides \$2.5 million to Pennsylvania law enforcement agencies for their assistance in immigration investigation of Wal-Mart and contract companies

"The partnership between local, state and federal law enforcement agencies is the key to our success in protecting the public, and enforcing the law, including this nation's immigration laws. Here in central Pennsylvania, we are fortunate to have outstanding state and local law enforcement partners like the Pennsylvania State Attorney General and the Honesdale Police Department, whose work we recognize today. Because of the hard work and dedication of these law enforcement partners, a major immigration investigation with nationwide implications for employers throughout the United States was brought to a highly successful conclusion."

*—U.S. Attorney Thomas A. Marino,
Middle District of Pennsylvania, August 14, 2006*

Deposits into the fund are returned to both member and nonmember agencies to pay for a variety of important law enforcement operations. In FY06, ICE was the largest contributor to the fund, with deposits of more than \$96.6 million. ICE utilized its fund allocation to pay for the asset forfeiture and seized property programs, fund vital training for agents and other personnel, purchase needed law enforcement equipment and fund Title III intercepts and other programs. ICE also paid more than \$5.6 million in overtime costs for state and local police officers working alongside ICE agents throughout the U.S., and provided more than \$43.4 million in direct payments of equitable sharing of forfeited assets to 362 state and local agencies, four federal agencies and one foreign government. These payments effectively resulted in a force multiplier for ICE national security and public safety mandates; they allow these agencies to cooperatively combat crimes in their jurisdictions through joint operations with ICE, thus resulting in increased goodwill and partnership.

ICE contributions to the fund help finance the operations of other DHS member agencies. The largest source of revenue for the fund is deposits of forfeited currency (67.8 percent of revenue) derived from ICE's money laundering, alien and bulk cash smuggling and drug smuggling investigations.

Office of Professional Responsibility

Following the March 2003 formation of DHS, internal auditing components of the former USCS and INS were merged to form the ICE Office of Professional Responsibility (OPR).

Within DHS, the OIG has express statutory authority to conduct criminal employee misconduct investigations and has oversight responsibility for the internal investigations performed by OPR. See 5 U.S.C. App. 3 § 81 (e).¹⁰ ICE OPR agents have, by delegation and existing criminal enforcement authorities, the power to conduct criminal employee misconduct investigations referred by the OIG.

ICE OPR investigates all allegations of corruption and other official misconduct involving CBP and ICE employees, through delegations of authority, memoranda of understanding and pursuant to federal statute, as delineated in Titles 8, 18 and 19 of the United States Code, and within the Immigration Act of 1952.¹¹ ICE OPR agent authority relating to criminal investigations includes the statutory authority to make arrests for any felony, execute warrants, issue subpoenas, administer oaths, carry firearms and perform any other duty as designated by the Secretary.¹²

ICE OPR coordinates investigations through specialized offices in 23 cities throughout the United States and Puerto Rico, staffed with highly experienced criminal investigators proficient in the use of electronic surveillance and intercept and polygraph equipment, and with connectivity to the Joint Integrity Case Management System (JICMS). ICE OPR also maintains a Special Investigations Unit located in Washington, D.C., comprised solely of GS-14 criminal investigators to address high profile misconduct cases. Other similarly staffed D.C.-based support units assist OPR field offices with computer forensic services, technical operations support, undercover operations and policy guidance. ICE also serves as a key enforcement component on the Border Corruption Task Force, working side-by-side with DHS OIG and FBI agents to uncover corrupt ICE, CBP and CIS employees.

[Establishment of the Joint Intake Center \(JIC\)](#). The JIC, established in March 2004, is responsible for receiving, documenting, classifying, routing and tracking all misconduct allegations involving ICE and CBP employees.¹³ The JIC also ensures that all



allegations are processed in accordance with DHS Management Directive 0810.1 requiring submission of all misconduct allegations to the DHS OIG for review and a determination of acceptance or declination for investigation. If the DHS OIG declines to investigate an allegation involving criminal misconduct, the JIC Memorandum of Understanding mandates that all issues involving potential criminal misconduct be forwarded to an ICE OPR field office for investigation. Allegations involving administrative misconduct are immediately routed to the appropriate management official within ICE or CBP to review and address as appropriate.

ICE OPR follows all retained allegations of misconduct through the criminal phase of an investigation. ICE OPR transfers cases to the CBP Office of Internal Affairs (CBP OIA) once it determines that a criminal prosecution for an alleged violation will not occur. CBP OIA receives the investigative file, and an administrative investigator finalizes the product for use by CBP Labor and Employee Relations during any subsequent disciplinary review.

OPR also provided “fact-finding training” to a sufficient number of CBP personnel to resolve and finalize these open investigations. OPR provided CBP with access to the JICMS to ensure transparency and case-specific background and information. This revised protocol empowered CBP to internally examine, and marshal to resolution, the overwhelming majority of employee-related complaints.

Experienced National Pool of Agents. OPR obtains its cadre of experienced criminal investigators through a robust rotational program established with the ICE OI. These investigators continually utilize their institutional knowledge, source development and investigative skill sets to strengthen the integrity mission of CBP and ICE. OPR benefits from the continual movement of investigators between OPR and OI, and maintains an overarching knowledge of the border and interior enforcement environments, gleaned from extensive experiences at POEs, federal inspection areas, service centers, detention facilities, federal buildings and various joint agency anti-corruption tasks forces. Such operational familiarity facilitates insight into vulnerabilities and trends, which would otherwise jeopardize the effectiveness and personnel integrity of ICE and CBP.

OPR's experience has shown that successful internal employee investigations are often driven by covert techniques and surveillance. OPR's operational flexibility permits assignment of agents from geographi-

cally remote field offices to ensure that target employees will not recognize their identities as DHS employees. This provides highly effective covert surveillance and undercover operations of CBP and ICE employees.

OPR works with the FBI and the DHS OIG in combating corruption along the border as a key member of Border Corruption Task Forces. OPR agents have the experience and insight to fully understand all ICE and CBP job title functions and, as a result, recognize the methods and manners by which such positions can be compromised. Additionally, OPR agents have broad investigative authorities and have access to a multitude of immigration, customs and financial records and databases, all critical to the success of the Border Corruption Task Forces. This experience and access to resources allows for a comprehensive investigative approach to corruption and keeps OPR and the Border Corruption Task Forces at the forefront of integrity control initiatives and investigative success.

Endnotes

1. For purposes of this document, only the border authorities associated with the USCS and INS will be fully addressed.
2. See “An Assessment of the Proposal to Merge Customs and Border Protection with Immigration and Customs Enforcement,” page 39 (December 2005).
3. Independent Title 21 authority is still required to most effectively address border narcotics smuggling.
4. ICE testimony before the U.S. House of Representatives Government Reform Subcommittee on National Security, Emerging Threats and International Relations, (March 28, 2006) in response to the GAO final report titled: “Better Management Practices Could Enhance DHS’s Ability to Allocate Investigative Resources.”
5. See “Better Management Practices Could Enhance DHS’s Ability to Allocate Investigative Resources” (December 2005).
6. See “Combating Alien Smuggling: Opportunities Exist to Improve Federal Response,” page 1, paragraph 1; GAO 05-305 (May 2005).
7. OIG report entitled “Transforming the FBI: Progress and Challenges,” published January 2005 by the National Academy of Public Administration, page 37.
8. “Dallas Leads the Way in Gang Sweep,” Dallas-News.com, March 11, 2006.
9. “MS-13 Crackdown Leads to Safer Hub Streets,” Boston Herald, December 27, 2005.
10. In connection with the OIG’s statutory authority, agents within OIG have authority to make arrests, issue subpoenas, execute warrants and administer oaths. See 5 U.S.C. App. 3 §§ 6 (e) (1) (A)-(C) and 81 (a) (1) (A)-(B).
11. See DHS Delegation Order (DO) 7030.2, Section E, November 13, 2004, and ICE DO 04-008 (delegation of authority to conduct all criminal investigations not retained by DHS OIG).
12. See, e.g., 8 USC § 1357(a) (5) and (b) (immigration-related authorities); 19 USC §§ 1486(a), 1589a; 6 USC §§ 203(1) and 557 (customs-related authorities); see also 8 CFR § 287.4 (regulatory authority for issuance of subpoenas in criminal and civil investigations).
13. In July 2004, a joint CBP ICE Memorandum of Understanding was issued to all personnel requiring that allegations of misconduct be reported to the JIC, a local ICE OPR field office or DHS OIG.

Appendix A: Acronyms and Definitions

Acronyms

ASTI

Arms and Strategic Technology Investigations

BCS

Bulk Cash Smuggling

BEST

Border Enforcement Security Task Force

BSA

Bank Secrecy Act

C3

Cyber Crimes Center

CBP

United States Customs and Border Protection

CBP OIA

CBP Office of Internal Affairs

CEU

Compliance Enforcement Unit

CMIR

Currency and Monetary Instrument Report

CTR

Currency Transaction Report

DARTTS

Data Analysis Research Trade Transparency System

DBFTF

Document and Benefit Fraud Task Force

DHS

United States Department of Homeland Security

DO

Delegation Order

DOC

United States Department of Commerce

DOD

United States Department of Defense

ECC

Exodus Command Center

EECG

Export Enforcement Coordination Group

FARC

Revolutionary Armed Forces of Colombia

FBI

Federal Bureau of Investigation

FDL

Forensic Document Laboratory

FinCEN

Financial Crimes Enforcement Network

FIU

Financial Investigations Unit

FPS

Federal Protective Service

FY

Fiscal Year

GAO

United States Government Accountability Office

HIDTA

High Intensity Drug Trafficking Area

HSTC

Human Smuggling and Trafficking Center

IBET

International Border Enforcement Team

ICE

United States Immigration and Customs Enforcement

INS

United States Immigration and Naturalization Service

INTERPOL

International Criminal Police Organization

IP

Intellectual Property

IPR

Intellectual Property Rights

IRS

Internal Revenue Service

JIC

Joint Intake Center

JICMS

Joint Integrity Case Management System

JTTF

Joint Terrorism Task Force

LESC

Law Enforcement Support Center

MS-13

Mara Salvatrucha (gang)

MSB
Money Services Business

MSU
Montana State University

NEECN
National Export Enforcement Coordination Network

NSEERS
National Security Entry/Exit Registration System

OCDETF
Organized Crime Drug Enforcement Task Force

OCS
Operation Community Shield

OI
ICE Office of Investigations

OIA
ICE Office of International Affairs

OIG
DHS Office of the Inspector General

ONDCP
Office of National Drug Control Policy

OPR
ICE Office of Professional Responsibility

POE
Port of Entry

PRC
People's Republic of China

SEVIS
Student and Exchange Visitor Information System

SEVP
Student and Exchange Visitor Program

SI
Special Interest

Sur 13
Sureños (gang)

TTU
Trade Transparency Unit

USA PATRIOT Act
Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001

USC
United States Code

USCS
United States Customs Service

USDOJ
United States Department of Justice

US-VISIT
United States Visitor and Immigration Status Indicator Technology

VGT
Virtual Global Task Force

WMD
Weapons of Mass Destruction

Definitions

Administrative Arrest

The taking of an individual into custody for administrative immigration charges. For instance, administrative charges are normally adjudicated before an Immigration Administrative Law Judge or by other administrative processes separate from the criminal justice system.

Case Category

For analysis and reporting purposes, investigative activities are divided into groups based on the types of criminal activities under investigation. Examples of case categories are Category 02, Financial Investigations, and Category 08, Fraud.

Conviction

The final legal disposition of a defendant who has been determined to be guilty.

Criminal Arrest

The taking of an individual into custody for criminal charges which are further adjudicated before a U.S. District Court Judge; a U.S. Magistrate Judge; a state or local court judge and where the individual is arraigned and will face criminal charges; or arrested pursuant to criminal arrest warrant or criminal indictment.

Criminal Case

A criminal case is opened when it has been determined that violations of criminal laws that are enforced by ICE have occurred or are likely to occur. The case contains the formal records of the investigation and disposition of the case. Before a case is opened, at least one suspected person or business should be identified.

Indictment

A legal document that charges defendants with violations of law. Indictments are issued by grand juries.

Non-Drug Seizure

A seizure of property, with or without real value, that does not include drugs.

Non-Drug Seizure Value

Total estimated value of seized property with real value, not including drugs.

Program

A program is a grouping of ICE criminal cases (e.g., general smuggling program, drug smuggling program) with related case categories. Program statistics are used for investigative performance and activity analysis and other reporting purposes.

Seizure

The physical or constructive possession of property, real or personal, which may be held for forfeiture, for violation of law or as evidence. Seizures will normally be claimed by the OI office that has geographic responsibility for the area where the seizure was made. Seizures are either “no value” or “with value.” No value seizures include evidence, drugs and documents. With value seizures have real value and include currency, monetary instruments, vehicles, real estate and jewelry.

Appendix B: Statutory Authorities

ICE Investigation and Criminal Enforcement Responsibilities

With the creation of DHS, all the diverse investigative functions formerly the responsibility of the USCS and INS were transferred to ICE. ICE has also assumed the law enforcement responsibilities of FPS. The merger of these broad federal authorities now makes ICE the second most diverse law enforcement agency within the entire federal government. To investigate violations involving the more than 400 federal laws now falling within its purview, ICE employs more special agents than any other federal investigative agency, except the FBI. In connection with its inherited USCS and INS investigative authority, ICE special agents also expertly employ one of the most powerful law enforcement tools in the federal arsenal. The following is a summation of the diverse investigative authorities currently employed by ICE:

Division I—National Security Investigations Division

Former INS Investigative Authorities

- Compliance Enforcement Violations (NSEERS, SEVIS, USVISIT)—8 USC 1201
- SEVIS Fraud—18 USC 1546
- Legalization Fraud—8 USC 1255
- Alien Smuggling**—8 USC 1324
- Marriage Fraud*—8 USC 1325
- Criminal Unlawful Entry—8 USC 1325
- Re-Entry after Deportation—8 USC 1326
- False Statements—18 USC 1001
- Naturalization Fraud*—18 USC 1425
- Document/Identity Fraud**—18 USC 1028
- Passport Fraud**—18 USC 1543/1544
- Visa Fraud**—18 USC 1546
- Mail/Wire Fraud—18 USC 1341/1343
- Money Laundering—18 USC 1956

* National security cases involving aliens from countries determined to be of “Special Interest” (SI), relative to their active participation in, or support of, terrorist activities.

** National security cases involving SI aliens where a specific enhanced penalty for terrorist related activity is involved.

Former USCS Investigative Authorities

- Contraband Smuggling—18 USC 545
- Arms Export Control Act—22 USC 2778
- Export Administration Regulations—50 App. USC 2401-2420
- International Emergency Economic Powers Act—50 USC 1701-1706
- Trading with the Enemy Act, and generally under Title 50
- Money Laundering—18 USC 1956/1957

Division II—Financial, Narcotics and Public Safety Investigations Division

Former INS Investigative Authorities

- Federal Offenses Committed by Street Gangs—18 USC 521
- Torture—18 USC 2340(a)
- Failure to Register as Foreign Agent—22 USC 618
- Registration of Certain Persons; Filing Statement; Regulations—50 USC 851

Investigative Authorities Shared by Former USCS and INS

- Laundering of Monetary Instruments—18 USC 1956 and 1957
- Politically Exposed Persons—USA PATRIOT Act, Section 315

Former USCS Investigative Authorities

- Reports on Exporting and Importing Monetary Instruments—31 USC 5316
- Bulk Cash Smuggling into or out of the United States—31 USC 5332
- Foreign Bank Account Reporting—31 USC 5314
- Structuring Transactions to Evade Reporting Requirements—31 USC 5324
- Unlicensed Money Transmitting Businesses—18 USC 1960

- Aviation Smuggling—19 USC 1590
- Controlled Substances Act—21 USC 801-904
- Controlled Substance Import/Export Act—21 USC 951-971
- Maritime Drug Law Enforcement Act—46 USC App. 1901-1904
- Contraband Transportation—49 USC App 781 et seq.

Division III—Critical Infrastructure and Fraud Investigations Division

Former INS Investigative Authorities

- Counterfeiting an Alien Registration Card or Document—8 USC 1306 (c)
- Bringing in and Harboring Illegal Aliens—8 USC 1324
- Illegal Employment—8 USC 1324a
- Reentry of Removed Alien—8 USC 1326
- Importation of Alien for Immoral Purpose—8 USC 1328
- Voting by an Alien in a Federal Election—18 USC 611
- False Claim to U.S. Citizenship—18 USC 911
- Unlawful Possession of a Firearm/Ammunition by an Alien—18 USC 922(g) (5)
- Possession of Firearm/Crime of Violence—18 USC 924c
- Fraud in Immigration Matters—18 USC 1018
- Fraud in Connection with Identification Documents—18 USC 1028
- Kidnapping—18 USC 1201
- Hostage Taking—18 USC 1203
- Procurement of Naturalization or Citizenship Unlawfully—18 USC 1425
- Passport and Visa Fraud—18 USC 1541 through 1546
- Human Trafficking (Peonage and Slavery)—18 USC 1581 through 1594

Former USCS Investigative Authorities

- Filing False Invoice—18 USC 542
- Re-landing of Goods (in bond)—18 USC 544
- Smuggling of Goods—18 USC 545
- Removing or Repacking Goods in Warehouses (in bond)—18 USC 548
- Racketeer Influenced Corrupt Organizations—18 USC 1961
- Criminal Infringement of a Copyright—18 USC 2319
- Unauthorized Fixation of and Trafficking in Sound Recordings and Music Videos—18 USC 2319A
- Trafficking in Counterfeit Goods or Services—18 USC 2320
- Hazardous Materials Transportation and Safety Act—18 USC 3571
- Searches of Vehicles and Persons—19 USC 482
- Convict-made Goods; Importation Prohibited—19 USC 1307
- Authorization to Stop without Warrant—19 USC 1467
- Boarding of Vessels—19 USC 1581
- Customs Officer Authority—19 USC 1582
- Enforcement Authority—19 USC 1589a
- Civil Penalty Provision—19 USC 1592
- Seizure Provision—19 USC 1595
- Anti-dumping Provision—19 USC 1673
- Hazardous Materials Transportation and Safety Act—49 USC 1501/1504

Division IV—Investigative Services

Former INS Investigative Authorities

- Authorization to Engage in Certified Undercover Activities—8 USC 1363(a)
- Authorizes the Admission of a Limited Number of Alien Witnesses and Informants under Specified Conditions. Adjustment of Status to that of a Lawful Permanent Resident is also Authorized after the Satisfaction of Certain Conditions—8 USC 1101(a) (15) (S).
- Authorizes the Parole of Aliens into the United States—8 USC 1182(d) (5) and 8 CFR 212.5

Former USCS Investigative Authorities

- Exploitation of Children—18 USC 2251- 2253
- Illegal Importation of Cultural Property—19 USC 2613
- Authorization to Engage in Certified Undercover Activities—19 USC 2081
- Compensation of Informants—19 USC 1619
- Assaults on Federal Officers—18 USC 111-115
- Authorized Interception of Wire, Oral, or Electronic Communication—18 USC 2516
- Asset Forfeiture Fund—31 USC 9703

- Sharing of Federally Forfeited Property with Participating State and Local Law Enforcement Agencies—18 USC 981(e), 19 USC 1616(a), and 31 USC 9703(a)(1)(G)(h).
- ICE Support of National Security Special Events—Presidential Decision Directive 62

FPS Investigative Authorities

- Offenses Committed Against Property Owned or Occupied by the Federal Government or Persons on the Property—40 USC 1315



U.S. Immigration
and Customs
Enforcement

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