



U.S. Immigration and Customs Enforcement

STATEMENT

OF

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DEPARTMENT OF HOMELAND SECURITY

REGARDING A HEARING ON

“THE FISCAL YEAR 2010 BUDGET FOR IMMIGRATION AND
CUSTOMS ENFORCEMENT, CUSTOMS AND BORDER
PROTECTION, AND THE U.S. COAST GUARD”

BEFORE THE

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON HOMELAND SECURITY
SUBCOMMITTEE ON BORDER,
MARITIME AND GLOBAL COUNTERTERRORISM

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INTRODUCTION

Chairwoman Sanchez, Ranking Member Souder, and distinguished Members of the Subcommittee:

It is my honor and privilege to appear before you today to present the President's Fiscal Year (FY) 2010 budget request for Immigration and Customs Enforcement (ICE), and to discuss our management, investigative, and operational priorities for the upcoming fiscal year.

As you know, ICE has a diverse and important mission, including the enforcement of more than 400 customs and immigration laws. ICE is the primary investigative agency within the Department of Homeland Security (DHS). Our special agents target, investigate, and dismantle criminal organizations who threaten national security. ICE protects our borders—north and south— by investigating groups who exploit weakness in our legitimate trade, travel, and financial systems. ICE enforces the nation's immigration laws and is committed to doing so effectively and efficiently. Although not the exclusive mission of ICE, immigration enforcement is a core mission and priority.

In addition, ICE protects national security through an aggressive counter-proliferation program and by investigating those who seek to import unsafe consumer products into the country. ICE also protects communities by identifying and removing criminal aliens, gang members, perpetrators involved with child pornography, trafficking and smuggling, and human rights violators. It is with your support that we succeed in our mission.

As the new Assistant Secretary of ICE, my focus will include reforming the detention program, strengthening ICE's law enforcement mission, raising morale, and managing our resources wisely and efficiently to advance the Department's priorities. As the Secretary has made clear, reforming the detention system is among her main concerns. I share that priority. I am committed to ensure people in our custody receive quality medical care and to enhance the oversight of the detention program. I recently toured several detention facilities and have faith that the good men and women of ICE are ready to meet the challenge we face.

One of my first acts when I was sworn in was to travel and meet with ICE personnel in the places where they operate everyday. I was able to hear from some of the very talented special agents working to advance our mission and ensure safety and security in our country. I hope to support and assist them in building creative and effective investigative programs. My priorities include bolstering the investigation and prosecution of major crimes and increasing agency focus on several specific issues: international money laundering and organized crime, weapons proliferation and export controls, human trafficking and child exploitation, intellectual property and counterfeiting, and immigration and identity fraud that promote travel by terrorists, criminals, and others who pose a threat to public safety.

I also intend to bring new ideas and creativity to our worksite enforcement program, including working with our federal, state and local partners to ensure that exploitative employers that violate labor and other laws are fully prosecuted. My goal is to implement a strategy that will not only punish employers who knowingly violate the law, but effectively deter employers from hiring unauthorized labor, addressing the

demand that drives illegal immigration. This will reduce the effect of one magnet that encourages many people to enter the United States unlawfully.

As you recently heard from the Secretary, another high priority for the Department is to address crime and violence along the southwest border. ICE has a significant role to play in this effort. The agency must effectively confront the illegal movement of drugs, money, guns, and people across the border. ICE continues to work well with our federal, state, and local partners to address border violence and related crimes.

The budget request presented today reflects not only the priorities of the Department, but the resources necessary to support the vital roles that ICE plays in enforcing laws and protecting the public. I am confident this budget request will help to advance the important mission of ICE, and I look forward to next year, when I can share the results of implementing these priorities.

FISCAL YEAR 2010 BUDGET REQUEST

The proposed FY2010 budget builds on the foundation of ICE's recent accomplishments and totals nearly \$5.77 billion. This request targets the Administration's priorities and will enable ICE to continue to address violence along the southwest border, focus on core improvements to ICE infrastructure, identify and remove criminal aliens, ensure individuals in ICE custody receive proper care, and strengthen coordination with our federal, state, local, tribal, and foreign law enforcement partners in the fight against transnational criminal organizations.

Combating Southwest Border Violence

Border enforcement and combating border violence is a key component of the ICE mission. ICE targets organizations that exploit our legitimate trade, travel, and financial systems. ICE uses all enforcement methods to ensure that cross-border crime is attacked from every possible angle. Indeed, the recent escalation of violence by Mexican drug cartels and other criminal organizations just over the border demonstrates the ongoing importance of our mission. As Secretary Napolitano recently testified, the violence in Mexico is a bi-national threat that affects security not only in Mexico, but also here at home.

Mexico is battling the same cartels that use violence to put drugs on our streets. Illegal drugs, money, and weapons flow both ways across our border inextricably linking the U.S. and Mexico in efforts to combat drug cartels. Our countries share nearly 2,000 miles in border, billions of dollars in trade, a commitment to democracy, and the need to prevail against the transnational threats of organized crime.

The DHS family must act in concert. The violence along our southwest border requires a comprehensive, multifaceted, and collaborative effort. Secretary Napolitano, who is very much aware of this matter, issued an Immigration and Border Security Action Directive in January 2009 to use the Department's wide-ranging authorities to boost efforts to combat such violence.

Additionally, on March 24, 2009, DHS, DOJ and the Department of State (DOS) announced the Southwest Border Initiative designed to crack down on Mexican drug cartels through enhanced border enforcement. The plan calls for additional personnel,

increased intelligence capability, and better coordination with federal, state, local and Mexican law enforcement authorities to target illegal guns, drugs, and cash.

The ICE FY2010 budget requests an additional \$70 million for 349 agent and officer positions to increase enforcement staffing at the border, improve cooperative efforts with the Mexican government, and enhance the capabilities of the Border Violence Intelligence Cell in El Paso, Texas. This cross-border initiative will increase national security by expanding activities to secure our southwest border.

Partnering with Federal, State, Local, Tribal, and Foreign Law Enforcement

Improving coordination and partnerships with federal, state, local, territorial, tribal, and foreign law enforcement, particularly in the border region, is essential to securing our nation against the threat of cartel violence. Law enforcement agencies at all levels of government have significant roles to play in addressing the current border violence and in preparing for scenarios where violence in Mexico could impact the United States. Law enforcement agencies at the state, local, territorial, and tribal level have dealt with border violence for many years, and have deep operational knowledge of the border region. To confront border violence effectively, federal agencies must collaborate and share resources and intelligence with our partners on the ground.

ICE works closely with federal, state, local, territorial, tribal, and foreign partners in various ways. For example, in 2005, DHS created the Border Enforcement Security Task Forces (BEST). BEST is an innovative model for collaborative law enforcement. At present, 15 BESTs are operational. Participants include ICE, CBP, the U.S. Coast Guard, the DHS Office of Intelligence and Analysis, the Drug Enforcement

Administration (DEA), the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), the Federal Bureau of Investigation (FBI), U.S. Attorney offices, and state and local law enforcement agencies. Currently, Mexican law enforcement agencies also have officers assigned to five BESTs. Indeed, the government of Mexico has agreed to provide representatives to every BEST team on the southwest border by FY2010. In addition, ICE participates in fusion centers in many states and large cities, particularly along the southwest border, in an effort to share information and intelligence among all partnering law enforcement agencies.

The BEST model has been successful. ICE, with the help of our partners, has cracked down on arms trafficking, human smuggling, bulk cash smuggling, and narcotics smuggling organizations. These efforts have disrupted cartel operations in both the United States and Mexico.

Since July 2005, the efforts of BEST teams, working in conjunction with the Department of Justice (DOJ) and other law enforcement agencies, have been responsible for 2,238 criminal arrests, 2,924 administrative arrests, 1,014 indictments, and 846 convictions. In addition, BESTs have seized approximately 9,070 pounds of cocaine, 179,739 pounds of marijuana, 702 pounds of methamphetamine, 99 pounds of crystal methamphetamine, 1,161 pounds of ecstasy, 243 pounds of heroin, 97 pounds of hashish, 22 pounds of opium, 2,075 weapons, 820 vehicles, seven properties, and \$24.7 million in U.S. currency and monetary instruments.

Illegal Weapons and Bulk Cash Smuggling into Mexico

As President Calderón's government continues its courageous struggle against the drug cartels in Mexico, it has become clear that stopping the flow of weapons southbound out of the U.S. into Mexico is an urgent priority. A large number of weapons recovered in the Mexican drug war are smuggled illegally into the country from the United States. President Calderón has identified the illegal flow of weapons from the United States as one of the biggest security threats to Mexico. Stopping weapons smuggling is a particular challenge, due to both the nature of the southwest border and that the majority of smuggling occurs in small shipments of a few weapons at a time. ICE's border authorities are uniquely positioned to address this challenge.

In June 2008, ICE, along with CBP and other federal, state, and local partners, launched Operation Armas Cruzadas, a partnership with the government of Mexico to fight cross-border arms smuggling. Under Armas Cruzadas, ICE has taken an intelligence-driven and systematic approach to disrupting and dismantling arms trafficking organizations operating along the southwest border. As part of this effort, ICE initiated a Weapons Virtual Task Force to create a virtual community where law enforcement rapidly shares intelligence and communicates in a secure environment through the Homeland Security Information Network (HSIN). ICE also worked with the Mexican government to create a U.S.-vetted Arms Trafficking Unit, comprised of Mexican law enforcement officers, to initiate investigations on the Mexican side of the border.

Since its inception, Operation Armas Cruzadas has resulted in the seizure of 1,441 weapons, more than \$6 million in currency and monetary instruments, 122,416 rounds of

ammunition, and arrested 338 individuals on criminal charges. As a result, 94 people have been indicted and 51 convicted.

In addition to weapons smuggling, ICE has partnered with CBP to combat the illegal movement of cash across the southwest border. Drug cartels pose a dangerous threat in part due to their extensive monetary resources. The U.S. must interrupt that illegal flow of money. Operation Firewall addresses the threat of bulk cash smuggling. ICE targets individuals and organizations that exploit vulnerabilities in financial systems to launder illicit proceeds.

Operation Firewall has produced sustained results. In 2005, on the first day of operation at the Benito Juárez International Airport in Mexico City, Mexican authorities seized \$7.8 million en route to Colombia, concealed inside deep fryers, rotisseries, and voltage regulators. Other notable seizures include \$7.3 million hidden inside rolls of fabric and plastic and \$4.7 million concealed inside air conditioning equipment and metal piping. Since its inception, Operation Firewall has led to 452 arrests and the seizure of more than \$195 million, including \$64 million seized overseas.

ICE also recently established a Trade Transparency Unit with Mexico to identify cross-border trade anomalies, which are often indicative of trade-based money laundering. Under this initiative, ICE and law enforcement agencies in cooperating countries exchange import and export data and financial information. ICE's efforts led to more than \$50 million in cash seizures in FY2008.

Criminal and Fugitive Aliens

ICE is the primary agency responsible for locating and removing criminal aliens within the United States. \$39.1 million of new funding is requested to hire, train, and equip 80 new enforcement personnel who will identify suspected criminal aliens, determine their immigration status, prioritize ICE enforcement actions against removable criminal aliens, and assist in the removal of arrested criminal aliens. Funding will also support our continued investment in information technology and allow ICE to more efficiently identify and remove criminal aliens.

Through the Secure Communities Program, ICE works to identify criminal aliens in federal, state, and local custody—prioritizing the removal of convicted dangerous criminal aliens. Secure Communities provides technology to state and local booking locations so that booking officers are then able to simultaneously search a person’s criminal history and immigration information using a combined information platform. This process occurs for each person booked, either alien or citizen. The technology saves time, improves accurate identification of aliens, and gives our state and local partners a powerful tool to identify criminal aliens in their custody. This technology has already been deployed to 50 jurisdictions to support information sharing. This week, ICE will deploy to an additional six jurisdictions, all of which are along the southwest border.

The prevention of re-entry into the U.S. by criminal aliens is an important component of the Secure Communities program. ICE’s Violent Criminal Alien Section, created as a result of Operation Repeat Offender, is an initiative by the ICE Office of Detention and Removal Operations (DRO) in collaboration with the U.S. Attorney’s Offices to prosecute dangerous criminal aliens who have been deported at least once, yet

illegally return to the United States. Once convicted, aliens must serve their full federal sentence before they are removed from the United States. To assist United States Attorney Offices in handling increased prosecutions, ICE has assigned several agency attorneys to serve as Special Assistant United States Attorneys.

ICE continues to identify and remove criminal alien gang members as part of Operation Community Shield. Since the program's inception, ICE agents working in conjunction with federal, state, and local law enforcement agencies have arrested more than 13,000 street gang members and associates throughout the country.

ICE's National Fugitive Operations Program (NFOP) also works to reduce the nation's fugitive alien population with an emphasis on criminal aliens and aliens who pose a threat to national security and public safety. In FY2008, fugitive operations teams were responsible for more than 34,000 arrests. To date in FY2009, the teams have arrested nearly 6,000 fugitive aliens who are also criminal. Overall, our nation's fugitive alien population fell by 37,000 individuals last fiscal year.

ICE dedicates significant resources to obtaining final orders of removal. Similarly, the Department of Justice Executive Office for Immigration Review employs hundreds of immigration judges and members of the Board of Immigration Appeals to adjudicate immigration cases. Final orders of removal must be enforced to ensure the integrity of the nation's immigration system.

Human Smuggling and Trafficking/Identity and Benefit Fraud

I recognize that human smuggling and trafficking is an issue of great concern for this Subcommittee. I assure you that this has been—and continues to be—a significant

priority for ICE. As you well know, criminal smuggling and trafficking organizations are not constrained by international borders. They operate in countries of origin, transit countries, and destination countries, including the United States.

ICE proactively investigates groups engaged in human smuggling and trafficking by initiating investigations beyond U.S. borders. Organizations can charge thousands of dollars to smuggle aliens, including unlawful men and women who could pose a threat to the United States. ICE works aggressively with non-governmental organizations to identify trafficking victims, bring smugglers and traffickers to justice, and increase public awareness of modern-day slavery. In addition, CBP provides ICE with real time, law enforcement sensitive information derived from analysis of travel patterns and the statements from aliens that is critical to the progress of several ongoing, international alien smuggling investigations.

ICE succeeds in combating alien smuggling, dismantling trafficking organizations and closing avenues for terrorist travel when we work with other agencies and turn collective intelligence into action. ICE participates in the interagency Human Smuggling and Trafficking Center (HSTC), which targets human smugglers, human traffickers, and terrorist travel facilitators. The Director of the HSTC is an ICE Supervisory Special Agent.

ICE has identified various methods and routes used by criminal networks to smuggle people into the United States. Subsequently, ICE and the Department of Justice (DOJ) formed the Extraterritorial Criminal Travel (ECT) Strike Force in June 2006 to target such smuggling methods and routes. The ECT Strike Force combines investigative, prosecutorial, and intelligence resources to target and aggressively pursue, disrupt, and dismantle foreign-based criminal travel networks. Complementary to the ECT program is

the pivotal role ICE plays as co-chair of the targeting project of the Interagency Working Group on Alien Smuggling. This program facilitates ICE working with partners in the intelligence community to identify the most dangerous international human smuggling organizations for investigation and prosecution—especially those that pose a threat to our national security.

ICE recognizes that combating transnational alien smuggling networks does not stop with the arrest and conviction of alien smugglers. Indeed, the agency uncovers ties between smugglers who illegally bring aliens into the country, and individuals and organizations who help aliens obtain benefits through fraud. Just as smugglers can earn large fees from aliens who desire assistance in crossing the U.S. border, immigration service providers have been known to charge aliens substantial sums to prepare and file fraudulent applications for visas and other immigration benefits.

ICE created Document and Benefit Fraud Task Forces (DBFTF) in April 2006 to combat vulnerabilities exploited by identity and document fraud organizations. There are currently 17 DBFTFs located in major U.S. cities serving as models for multi-agency cooperation. Within these task forces, ICE works with U.S. Citizenship and Immigration Services (USCIS), the Department of Labor, the Social Security Administration, the U.S. Postal Service, the Department of State, and state and local law enforcement agencies.

State and Local Law Enforcement Support

ICE also continues to expand its partnerships with state and local law enforcement under the 287(g) Program, a force-multiplier, which gives specially trained officers authorization to perform immigration enforcement duties under the supervision of ICE

agents and officers. ICE has 66 active Memoranda of Agreements (MOA) with law enforcement agencies in 23 states. As of May 2009, ICE's 287(g) partners encountered more than 109,000 aliens screened for removability.

Although the program has significant value, the program requires more robust oversight. ICE has carefully reviewed the recommendations in the Government Accountability Office's (GAO) report, issued in January 2009, and concurs with all of the recommendations. ICE takes the issue of racial and ethnic profiling seriously. The agency is committed to addressing these concerns. To that end, ICE works with the DHS Office for Civil Rights and Civil Liberties and all interested stakeholders, while also independently and actively monitoring for indicia of profiling.

In the past several years, the 287(g) Program has both grown quickly and caught the attention of both media and Congress. ICE is currently redrafting the MOA template used to delegate immigration authority to state and local partners. One major goal is to align state and local initiatives with the priorities of ICE. In addition to the template MOA, ICE credentials were issued to state and local 287(g) partners and is currently drafting a policy mandating "refresher" training through ICE for all active 287(g) officers.

I am requesting an increase of \$11.6 million for the Office of State and Local Coordination (OSLC) to oversee outreach activities for ICE Agreements of Cooperation in Communities to Enhance Safety and Security (ICE ACCESS) initiatives, which includes the 287(g) Program. Increased funding will allow for permanent staff, including those dedicated to field oversight, in OSLC, continuation of ICE ACCESS, and training and information technology assistance for participants in the ICE ACCESS program.

Worksite Enforcement

The opportunity to work is a powerful magnet that draws many people to enter the country illegally. On April 30, 2009, the Department released worksite enforcement guidance to our agents in the field, marking a clear shift in how ICE now conducts worksite enforcement. The goal of the strategy is to 1) penalize employers who knowingly hire illegal workers; 2) deter employers who are attempting to hire illegal workers; and 3) encourage employers to take advantage of compliance tools and best practices. The strategy emphasizes both the criminal investigation of employers and the use of administrative tools such as Form I-9 audits and civil fines. In addition, ICE will focus on employers who undermine the security by employing undocumented workers in sensitive industries or at places of critical infrastructure and continue to fulfill its responsibility in arresting and processing illegal workers encountered during worksite enforcement operations.

The most effective strategy in curbing illegal employment is criminal prosecution, the seizure of assets, and the imposition of meaningful civil penalties upon employers who use and profit from the labor of unauthorized aliens. ICE has also increased the act of debarring employers who fail to comply with the law, which precludes an employer from securing work on federal contracts of companies that have knowingly hired illegal workers. Since July 2008, 18 companies and 20 individuals have been debarred. With this approach, ICE intends to create an environment of compliance. The agency also proactively works with the private sector to train employers who want to avoid unwitting violations of the law through valuable compliance tools like E-Verify.

There should be no doubt that ICE is committed to worksite enforcement. On

May 26 and 27, 2009, the ICE Kansas City office executed 10 federal search warrants and eight federal arrest warrants in the investigation of Giant Labor Solutions (GLS). ICE agents criminally arrested Abrorkhodja Askarkhodjaev, a citizen of Uzbekistan and owner and president of GLS, as well as seven other principals and officers of GLS and its associated companies. As part of this enforcement operation, ICE agents administratively arrested 30 undocumented alien workers. It is suspected that some of the workers arrested by ICE may have been forced or coerced into working at GLS. If so, then ICE will work with DOJ and other federal agencies, including the Department of Labor, to pursue all appropriate relief for the workers.

Improved Detention and Detainee Healthcare Oversight

The reform of the immigration detention system and improvement of healthcare and oversight of those individuals in our custody is another significant priority for ICE. ICE established the Detention Facilities Inspection Group (DFIG) to conduct independent assessment of detention facilities used to house ICE detainees. Last year, the DFIG conducted reviews of 38 detention facilities used by ICE, making recommendations for improving management and maintenance of the facilities in accordance with ICE detention standards. The DHS Office for Civil Rights and Civil Liberties also conducts independent investigations regarding conditions of detention, and partners with ICE to improve conditions and develop or revise policy, which has resulted in the identification of deficiencies within ICE detention facilities so that corrective actions are taken.

I am requesting an additional \$12.4 million to expand the number and scope of independent inspections on ICE detention facilities. Such an increase in funding will improve the welfare, safety, and living conditions of ICE detainees and employees.

ICE made several key improvements over the past year through the Division of Immigration Health Services (DIHS). For instance, standardized DIHS Staff and Patient Education training materials were developed. DIHS acquired mission-critical medical equipment including dental treatment and pharmacy automation capabilities for several facilities. Finally, with respect to infectious disease, DIHS developed new policies, procedures, and educational and training materials to protective our employees.

ADDITIONAL FISCAL YEAR 2010 PROGRAM ENHANCEMENTS

ICE also requests program enhancements in the following key areas:

- ***Co-Location of ICE Facilities:*** A total of \$92 million is requested to fund the second year of the ICE-wide co-location strategy to consolidate ICE personnel and operations scattered across multiple buildings in select metropolitan areas. The intent is to improve operational efficiency and long-term cost savings because 72 percent of ICE leases will expire over the next five years. If ICE remains in its current existing space and renews existing leases, ICE will incur an estimated increase of \$69 million between FY2011 – FY 2013 over current lease costs.
- ***Information Technology Improvements:*** Total funding of \$91.4 million is requested for the following:
 - ***Atlas Infrastructure (\$9 million):*** The request for Atlas Infrastructure, which is the information technology foundation on which ICE applications operate, will be

used to plan, schedule, develop and implement the replacement of many legacy ICE area networks; modernize an additional 290 ICE sites with new file and print servers; complete the integration of 22 data collection systems into one database; and oversee the migration of ICE information technology assets from the Department of Justice Data Centers to the DHS Data Centers.

- *Detention and Removal Operations Modernization (DROM) (\$22 million):* Funding is requested for improvements to the system of detaining and removing illegal immigrants. The funds will be dedicated to developing and deploying the Detainee Location Tracking Module as part of the Bed Space and Transportation Management System, expanding the ICE Data warehouse data capacity and reporting capability to support the Office of Detention and Removal Operations (DRO) information technology data, and expanding Web services to all the Electronic Travel Document application to communicate with other internal or external applications.
- *Law Enforcement Systems Modernization (\$40 million):* This initiative funds case management (including the TECS Modernization project), information sharing, and operational support service projects that will improve access to law enforcement information.
- *eHR (\$20.4 million):* This request will address the Division of Immigration Health Services infrastructure deficiencies and begin the design and development of an electronic health records system, which will allow real-time reporting of detainees' medical information.

- ***Data Center Migration:*** A total of \$33.9 million is requested to assist migrating data center operations, active on-line data, and other information technology assets from two Department of Justice (DOJ) data centers and multiple processing centers to two new DHS data centers.

CONCLUSION

The President's FY2010 budget request for ICE reflects the Department's ongoing commitment and the dedication of ICE employees to protect the American people. I am committed to working with this Subcommittee and Congress to address the significant challenges we face in our efforts to enforce of our nation's immigration and customs laws.

I thank the Subcommittee for its support of ICE and our law enforcement mission. Your support is vital to the work of ICE. Your continued interest and oversight of our actions is important to the men and woman at ICE, who work each day to ensure the safety and security of the United States. I look forward to a long and productive relationship with this Subcommittee.

I would be pleased to answer any questions you have at this time.