



U.S. Immigration and Customs Enforcement

STATEMENT

OF

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REGARDING A HEARING ON

**“U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
FY 2012 BUDGET REQUEST”**

BEFORE THE

**U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON HOMELAND SECURITY**

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INTRODUCTION

Chairman Aderholt, Ranking Member Price, and distinguished Members of the Subcommittee:

Thank you for the opportunity to appear before you today to present the President's Fiscal Year (FY) 2012 budget request for U.S. Immigration and Customs Enforcement (ICE). I look forward to discussing our priorities for the upcoming fiscal year and our efforts to ensure the most efficient and effective use of our resources in carrying out our mission.

I would like to begin by expressing my thanks for this Committee's strong support for ICE. From FY 2004 to FY 2010, the demands on ICE's law enforcement personnel have increased and our appropriated budget grew to support them. During this time, we have increased our average daily detention population by 40 percent and increased our annual criminal arrests by 1,200. The President's FY 2012 budget request strengthens key law enforcement programs while ensuring that ICE operates with maximum efficiency, supporting ICE's two core operational programs: Enforcement and Removal Operations (ERO), focused on civil immigration enforcement, and Homeland Security Investigations (HSI), focused on complex criminal investigations.

ICE enforces civil immigration laws in a manner that best promotes public safety, border security, and the integrity of the immigration system. To protect public safety and national security, ICE prioritizes the removal of criminal aliens and those who pose a threat to our communities. ERO's core functions are executed by a team of 8,000 officers and mission support staff that operate in nearly every jurisdiction of the United States. Our detention operations consist of ICE-owned Service Processing Centers, as well as facilities ICE utilizes through Intergovernmental Service Agreements and dedicated contracts.

HSI's 7,000 criminal investigators target transnational criminal enterprises seeking to exploit America's legitimate trade, travel, and financial systems, and enforce customs and immigration laws at and beyond our nation's borders. Last year, HSI arrested 55,212 individuals, including 34,251 criminal arrests and 20,961 administrative arrests. Agents focus on counterterrorism and

counter proliferation; intellectual property violations; child sex tourism and exploitation; alien, narcotics, bulk cash smuggling; human trafficking; immigration fraud; illegal employment offenses; and gang investigations.

FISCAL YEAR 2012 BUDGET REQUEST

ICE's FY 2012 budget request totals \$5.5 billion, which is an increase of 1.3 percent over the FY 2010 enacted appropriation. This request supports ICE's core enforcement mission while identifying efficiencies and cost saving measures, allowing ICE to strengthen its frontline operations during these difficult economic times.

The President's FY 2012 budget request increases ICE's two primary law enforcement programs to bolster law enforcement operations focused on the removal of criminal aliens and ICE investigations along the Southwest border. First, the budget request reflects a \$157.7 million enhancement to fund 33,400 detention beds at the projected FY 2012 bed rate. If approved, this enhancement will right-size bed costs and allow for the removal of more than 200,000 criminal aliens in FY 2012. The budget also includes \$64 million to expand the Secure Communities (SC) program to an additional 1,594 jurisdictions in FY 2012, enabling ICE to cover 96% of all jurisdictions nationally in FY 2012 and keeps the program on track for nationwide deployment by 2013. Third, ICE's 2012 budget request annualizes Southwest border supplemental funding to support last year's enhancement of nearly 250 criminal investigators for our Southwest border offices. Finally, the budget request includes \$14 million to modernize two mission-critical information technology (IT) systems— TECS and Detention and Removal Operations Modernization (DROM) — and \$10.5 million to support data center migration.

To maintain ICE's budget within top line constraints, our request also identifies significant efficiencies, including \$126.7 million in administrative cost savings through efficiencies in advisory and assistance services, supplies and materials, printing and travel, professional service contracts, IT operations and management, and cost avoidance through consolidation of office space.

ICE's FY 2012 budget request, while mindful of top line constraints in these difficult economic times, will permit the agency to continue its three primary operational objectives: preventing terrorism and enhancing security; securing and managing our borders; and enforcing and administering our immigration laws.

PREVENTING TERRORISM, ENHANCING SECURITY, AND
SECURING OUR BORDERS

As the largest investigative arm of DHS, ICE enhances national and border security by interrupting the illicit flow of money, merchandise, and contraband that supports terrorist and criminal organizations. Last year, ICE's criminal investigators initiated 126,425 new investigations and made over 23,087 criminal arrests. ICE seized \$138 million in currency, 1.5 million pounds of narcotics and other dangerous drugs, and \$126.1 million worth of contraband and other illegal merchandise. In addition, ICE agents and officers responded to 1.1 million inquiries and calls for assistance from other federal, state, and local law enforcement agencies through ICE's Law Enforcement Support Center (LESC).

National Security

ICE leads efforts in national security investigations through five interconnected programs that prevent criminals and terrorists from using our nation's immigration system to gain entry to the United States. This includes investigating terrorist organizations and their actors; preventing criminal and terrorist organizations from acquiring and trafficking weapons and sensitive technology; and identifying and removing war criminals and human rights abusers from the United States.

Joint Terrorism Task Force (JTTF)

The JTTF is a joint counterterrorism partnership between U.S. law enforcement agencies. Since 2007, ICE agents assigned to JTTFs have initiated 4,458 cases, resulting in approximately 1,337 arrests. In 2010, agents assigned to the JTTFs played a pivotal role in the investigation of the

failed Times Square bombing in New York. In part due to the evidence produced by ICE, the primary suspect in the case, Faisal Shahzad, pleaded guilty to 10 terrorism and weapons counts. In FY 2012, ICE will continue to collaborate with our law enforcement colleagues through the JTFF and an ICE criminal investigator will serve as Deputy Chief of the National Joint Terrorism Task Force.

Visa Security Program

The Visa Security Program (VSP) deploys ICE special agents to diplomatic posts worldwide to conduct visa security activities and identify potential terrorists or criminal threats before they reach the United States. By working closely with the Department of State, this program enhances national security by providing an additional level of review of persons of special interest before they enter the United States. In FY 2010, the VSP expanded operations to three new high-risk visa adjudication posts for a total of 17 posts in 14 countries and the FY 2012 budget request will continue the VSP at these locations.

Counter Proliferation Investigations

ICE leads the U.S. Government's efforts to prevent foreign adversaries from illegally obtaining U.S. military products and sensitive technology, including weapons of mass destruction and their components. In FY 2010, ICE initiated 1,145 new investigations into illicit procurement activities, made 250 criminal arrests, obtained 234 indictments, achieved 137 convictions, and made 1,176 seizures valued at \$87,894,535.

In 2010, ICE, in coordination with the World Customs Organization, launched "Project Global Shield," an unprecedented multilateral law enforcement effort aimed at combating the illicit cross-border diversion and trafficking of precursor chemicals used by terrorist and other criminal organizations to manufacture improvised explosive devices (IED) by monitoring their cross-border movements.

Intellectual Property Rights

Through the Intellectual Property Rights Coordination Center (IPR Center), ICE leads efforts to stop intellectual property rights (IPR) violations that threaten our economic stability, impact the competitiveness of U.S. industry, and endanger public health and safety.

Last year, the IPR Center launched “Operation in Our Sites,” a new initiative targeting websites being used to sell counterfeit goods and distribute pirated merchandise and copyrighted digital materials. The first enforcement action as part of this initiative resulted in the seizure of seven illegal websites providing more than 500 movies and television programs.

In total, in FY 2010, ICE initiated 762 IP theft investigations and in FY 2011, we are on pace to increase IP enforcement by 51 percent over FY 2010 levels.

In FY 2012 and beyond, the IPR Center will increase its focus both domestically and internationally on strengthening bilateral partnerships, developing multilateral initiatives, building capacity, and conducting further outreach to industry.

Human Trafficking and Human Smuggling Investigations

In 2010, ICE’s Office of Intelligence established its Human Trafficking Unit to develop intelligence and identify potential human trafficking investigative targets. In the coming fiscal year, ICE plans to expand coordination with the Departments of Justice and Labor to initiate additional investigations of human trafficking violations.

Sadly, a significant number of human trafficking victims are children. ICE takes these cases very seriously. ICE’s “Operation Predator” targets and investigates human smugglers and traffickers of minors, as well as child pornographers, child sex tourists and facilitators, criminal aliens convicted of offenses against minors, and those deported for child exploitation offenses who have returned illegally. Since its launch in 2003, Operation Predator has resulted in the arrest of over 13,000 sexual predators and the removal of over 6,300 criminal aliens.

In FY 2012, ICE will expand operations of our Child Exploitation Section by establishing the Child Exploitation Center and deploying Child Sex Tourism Traveler Jump Teams to conduct investigations of U.S. citizens traveling in foreign countries for the purpose of exploiting minors.

ICE will also continue working to end human trafficking and smuggling alongside the Department's "Blue Campaign"— a DHS initiative to combat human trafficking through enhanced public awareness, victim assistance programs, and law enforcement training and initiatives.

Securing and Managing our Borders

ICE protects America and upholds public safety by identifying and dismantling criminal organizations that exploit our nation's borders.

I would be remiss if I did not note the tragedy that occurred last month involving two special agents assigned to ICE's attaché office in Mexico City. Tragically, while driving between Monterrey and Mexico City, Special Agent Jaime Zapata was shot and killed by unknown assailants and Special Agent Victor Avila was shot twice in the leg. Our thoughts and prayers remain with both families and with the Zapata family for their tragic loss. Mexican law enforcement officials have reported the arrests of individuals believed to be involved in this brutal attack. This remains an ongoing investigation, and we will continue to work closely with our law enforcement partners in Mexico and in the United States as it unfolds. We look forward to a swift resolution of this case.

Southwest Border Initiative

In March 2009, the Administration launched the Southwest Border Initiative to bring unprecedented focus and intensity to Southwest border security, coupled with a reinvigorated, smart and effective approach to enforcing immigration laws in the interior of our country. In support of this initiative, ICE has targeted considerable resources at the Southwest border to

interdict contraband, firearms, ammunition, undeclared currency, stolen vehicles, human smuggling, transnational criminal organizations, tunnel detection and other border crime at and between ports of entry along the Southwest border. Under this initiative, ICE has doubled the personnel assigned to Border Enforcement Security Task Forces; increased the number of intelligence analysts along the Southwest border focused on cartel violence; and quintupled deployments of Border Liaison Officers to work with their Mexican counterparts.

In FY 2010, ICE deployed special agents to high risk locations, including Tijuana and Monterey, Mexico, and initiated 15,013 investigations along the Southwest border— an increase of 16 percent over FY 2009.

Additionally, with the aid of \$80 million provided in the 2010 Southwest Border supplemental, ICE is deploying 250 special agents, investigators and intelligence analysts to the border. Indeed, ICE now has one quarter of all its special agents assigned to the Southwest border, more agents and officers along the border than ever before.

To maintain our current level of effort, the President's budget request includes \$63.7 million to annualize the costs of the 250 personnel added to our Southwest border offices.

Border Enforcement and Security

In FY 2010, ICE also continued to bolster border security through the efforts of its Border Enforcement Security Task Forces (BESTs), which bring together federal, state, local, territorial, tribal, and foreign law enforcement. ICE's BESTs made 1,618 criminal arrests and 907 administrative arrests; helped bring 868 indictments; helped secure 689 convictions; and seized 19,732 pounds of illegal drugs and \$16.8 million in U.S. currency and monetary instruments. In the last fiscal year, ICE expanded the BEST program to four key locations: Charleston, South Carolina; Seattle, Washington; New Orleans, Louisiana; and Albuquerque, New Mexico.

Illicit Finance Investigations

One of the most effective methods for dismantling transnational criminal organizations is to attack the criminal proceeds that fund their operations. In coordination with public and private partners, ICE works to seize illicit proceeds derived from and used for criminal activities, and to shut down the mechanisms used to retain and transfer these funds by countering bulk cash smuggling within the U.S. financial, trade, and transportation sectors targeted by criminal networks.

ICE's bulk cash smuggling investigations are coordinated through the ICE-led Bulk Cash Smuggling Center, from which we provide real-time operational and tactical support to federal, state, and local officers involved in bulk cash smuggling seizures. In 2010, ICE collaborated with the Drug Enforcement Administration (DEA) to take the lead on Intake and Analysis Section (IAS) of bulk cash smuggling incidents reported to the El Paso Intelligence Center to ensure improved collaboration across the federal government for bulk cash smuggling investigations 24 hours a day, 7 days a week. ICE will utilize funds requested in the President's Budget Request to fund analysts and support staff at the newly formed IAS .

Beyond the Borders: International Partners and Cooperation

ICE works closely with our international partners to disrupt and dismantle transnational criminal organizations. As part of these efforts, ICE currently maintains nine vetted units worldwide. These units are composed of highly trained host country counterparts that have the authority to investigate and enforce violations of law in their respective country. Because ICE officials working overseas do not possess law enforcement or investigative authority in host countries, the use of vetted units enables ICE to dismantle, disrupt, and prosecute transnational criminal organizations while respecting the sovereignty of the host country.

In FY 2010, vetted units in Mexico City, Colombia and Ecuador played a central role in Operation Pacific Rim—an ICE-led investigation that dismantled one of the most powerful and sophisticated bulk cash and drug smuggling super-cartels in the world. As the result of international cooperation, this operation resulted in five guilty pleas, 16 indictments, and 18

arrests along with seizures totaling approximately \$155 million in currency, 3.3 tons of cocaine, \$37 million in criminal forfeitures, and \$179 million in property.

In FY 2012, with the support of this Committee, ICE plans to expand vetted units to four more countries, including one unit in Afghanistan.

ENFORCING AND ADMINISTERING OUR IMMIGRATION LAWS

To protect public safety and national security, ICE prioritizes the removal of criminal aliens and those who pose the greatest risk to our communities.

In both fiscal years 2009 and 2010, ICE removed more illegal immigrants from this country than ever before, with more than 779,000 removals nationwide in the last two years. Most notable, is the dramatic increase in the removal of criminal aliens. More than half of those we removed in FY 2010—upwards of 195,000—were convicted criminals, the most ever removed from our country in a single year. That's a more than 70 percent increase in the removal of criminal aliens from 2008 to 2010.

To support our immigration enforcement efforts in FY 2012, this budget request includes an increase of \$157.7 million to fully fund 33,400 ICE detention beds.

At the same time, ICE's request identifies significant efficiencies in our detention and removal operations. ICE will achieve \$37 million in efficiencies within Custody Operations, Fugitive Operations, Criminal Alien Program (CAP), and Transportation and Removal Program (TRP) through contract efficiencies, reduced travel and overhead expenses, and improved case docket management efficiencies. In addition, ICE will achieve at least \$10 million in efficiencies by terminating use of the Justice Prisoner and Alien Transportation System (JPATS) and consolidating transportation contracts.

In FY 2010, ICE realized \$30 million in cost savings by closing high-dollar facilities and replacing contractors with federal employees, including hiring full time equivalent staff to

perform the function of Detention Service Monitors (DSMs). These DSMs replace more costly contractor staff and will monitor the facilities in compliance with ICE detention standards. ICE's FY 2012 budget request includes an additional \$10.5 million in custody operation efficiencies.

Alternatives to Detention

The Alternatives to Detention (ATD) program is a cost-effective alternative to traditional detention that makes detention bed space available for those aliens posing the greatest risk to public safety or national security. For FY 2012, the budget request includes an enhancement of \$6.5 million to increase the total number of participants enrolled in the program by 2,500, from the current 17,000 enrollment level, freeing up bed space for aliens who pose the greatest risk.

Secure Communities

As I mentioned previously, ICE prioritizes the removal of convicted criminals and those who pose a threat to public safety. The Secure Communities program has played a critical role in helping us identify and remove criminal aliens in state prisons and local jails by running their fingerprints against federal immigration databases when they get booked into the system. We have expanded this program from 14 jurisdictions in 2008 to more than 1,000 today, including all jurisdictions along the Southwest border. In FY 2010 alone, Secure Communities led to the arrest of more than 59,000 convicted criminal aliens, including more than 21,000 convicted of major violent offenses like murder, rape, and the sexual abuse of children.

The FY 2012 budget request includes \$64 million to enable us to expand Secure Communities to 96% of all jurisdictions nationally in FY 2012, providing ICE with the resources to confirm the identification of an estimated 199,000 more criminal aliens through interoperability in FY 2012 than FY 2010 and transport more than 44,000 criminal aliens from state and local jails into the custody of ICE. With this enhancement, Secure Communities remains on track for nationwide deployment by 2013.

Worksite Enforcement

We are focused on smart and effective enforcement of our immigration laws, prioritizing the removal of criminal aliens and those who pose a threat to public safety and making sure that employers have the tools they need to maintain a legal workforce and face penalties if they knowingly and repeatedly violate the law.

Employment opportunities remain a primary motivation for aliens seeking illegal entry into the United States. By focusing on employers that are willing to hire illegal workers, we can eliminate the incentive that leads illegal aliens to violate our nation's immigration laws. Since January 2009, ICE has audited more than 3,600 employers suspected of hiring illegal labor, debarred more than 260 companies and individuals, and imposed approximately \$56 million in financial sanctions—more than the total amount of audits and debarments than during the entire previous administration.

We have also established the ICE Mutual Agreement between Government and Employers program (IMAGE)—designed to educate employers about best practices and train them to comply with the nation's immigration laws. Recently, Tyson Foods, Inc., which employs almost 100,000 people at locations throughout the United States, became the newest member of ICE's IMAGE program. In doing so, Tyson Foods has agreed to conduct regular internal audits of its hiring activities, participate in the online government employment verification program known as E-Verify, and train all of its employment managers on the hiring process, proper completion of the Form I-9, and document examination and fraud detection. In FY 2012, ICE plans to expand IMAGE outreach nationwide to provide regional and local IMAGE training conferences to employers.

CONCLUSION

Thank you again the opportunity to testify today and for your ongoing support of ICE and its mission. I would be pleased to answer any questions you have at this time.