



U.S. Immigration and Customs Enforcement

STATEMENT

OF

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DEPARTMENT OF HOMELAND SECURITY**

BEFORE

HOUSE APPROPRIATIONS COMMITTEE

SUBCOMMITTEE ON HOMELAND SECURITY

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INTRODUCTION

Good afternoon, Chairman Rogers, Congressman Sabo, and distinguished Members of the Committee. It is my privilege to be with you today to discuss the President's Fiscal Year (FY) 2007 budget request for U.S. Immigration and Customs Enforcement (ICE). I want to thank the Committee for its strong support of ICE during the past two years.

ICE is the largest investigative arm within the Department of Homeland Security. Its mission is to protect the American people from the illegal introduction of goods and the entry of terrorists and other criminals seeking to cross our Nation's borders and threaten us here at home. The men and women of ICE accomplish this mission by investigating and enforcing the Nation's immigration and customs laws.

ICE has three primary enforcement responsibilities. First, ICE investigates a range of domestic and international activities arising from the movement of people and goods that violate immigration and customs laws and threaten national security. Second, ICE promotes public safety by ensuring the departure from the United States of removable aliens through the enforcement of the Nation's immigration laws. Third, ICE reduces threats, and ensures a safe environment in which Federal agencies can conduct business by policing and securing Federal facilities nationwide.

Because of the support of this committee, ICE witnessed a significant turnaround in its fiscal status – a major challenge for the agency since its inception. With the supplemental that Congress provided in FY 2005 and the enacted appropriations for FY

2006, along with the FY 2007 request, ICE resources have grown by over 40 percent since its starting level in FY 2005. These critical funds strengthened the agency and enable us to begin appropriately supporting our mission responsibilities. The \$4.7 billion request I bring before you today represents the critical role ICE plays in carrying out the mission of the Department of Homeland Security.

REVIEW OF ICE'S ACCOMPLISHMENTS

In order to provide a better understanding of the President's FY 2007 budget request for ICE, I would first like to provide you with the context in which the request is made.

Specifically, I would like to share with you some of the successes ICE has had over the past year.

Secure Border Initiative (SBI). In support of SBI, ICE has detained more than 7,600 non-Mexican individuals in expedited removal proceedings along the Southwest border as part of the Department's commitment to end "catch and release" in this area. Thus far, ICE has removed 6,450 of these individuals from the United States. Under SBI, the current removal rate for all aliens placed into expedited removal is 99 percent.

Since September 2005, ICE has worked to reengineer the removal process. As a result, we reduced the average length of incarceration per alien placed into expedited removal from 32 days to almost 22 days. The average time of incarceration for aliens placed into the traditional removal process is 89 days. Due largely to the success of SBI and its success in expanding the geographic scope of the use of expedited removal to between

ports of entry, ICE substantially increased the number of aliens placed in expedited removal who are actually removed. In comparison to the first quarter of FY 2005, removals of such aliens in the first quarter of FY 2006 increased by 154 percent (4,130 vs. 10,478).

ICE has continued to review business practices in order to improve efficiency. As a result, ICE successfully added technology to daily operations and reduced the time interval that occurs for personal interviews with consular officials. ICE also entered into an agreement with Honduras for the use of video teleconferencing and seeks to expand this practice with other foreign consulates. Video teleconferencing will reduce the average cycle time to obtain travel documents from 22 days to 7 days and will further streamline the removal process.

Leveraging ICE resources: In the spirit of the SBI, ICE developed the Border Enforcement Security Task Force (BEST) concept. This new task force leverages ICE's expertise and authorities, in collaboration with Federal, State and local law enforcement officials, to dismantle cross-border criminal organizations through intelligence, investigation and interdiction efforts. The first BEST was established in Laredo, Texas, and, since July 2005, has been responsible for 36 arrests, and the seizure of approximately \$1,154,000 in U.S. currency, 336 pounds of cocaine, 708 pounds of marijuana, 1.5 pounds of methamphetamine, 12 handguns, five silencers, 14 live grenades, one live round for a grenade launcher and one stick of dynamite. In addition, Bureau of Alcohol, Tobacco, Firearms and Explosives agents assigned to the BEST Task

Force in Laredo, Texas, estimate that enough material has been seized to manufacture in excess of 100 improvised explosive devices.

Effectively Detaining and Removing Aliens. In FY 2005, ICE detained nearly 238,000 individuals, utilizing eight ICE processing centers and over 300 state, local, and private detention facilities. Since June 2004, ICE has enrolled 2,900 aliens in the Intensive Supervision Appearance Program (ISAP), an alternative to detention. Under this program, ICE has achieved a 94% appearance rate for aliens in immigration court proceedings. In addition, ICE handled more than 350,000 matters in immigration court, as well as over 40,000 cases before the Board of Immigration Appeals. Using a strategic combination of commercial and governmental transport arrangements, ICE successfully removed 166,075 illegal aliens from the United States.

Apprehending Fugitive Aliens. Our Fugitive Operations teams have apprehended over 11,000 fugitive aliens and nearly 4,000 non-fugitive aliens. Since March 2003, Fugitive Operations Teams have arrested over 40,000 aliens. Of these arrests, over 27,000 have been removed from the United States.

Enhancing Worksite Enforcement. ICE has prioritized its worksite enforcement efforts by conducting Critical Infrastructure Protection (CIP) and traditional worksite enforcement investigations and focusing on the most egregious worksite violators. From FY 2005 to date, ICE has apprehended over 1,100 unauthorized workers at critical infrastructure facilities, including highly sensitive sites such as nuclear power plants,

major international airports, seaports, and military facilities. Although the number of administrative fines has decreased in recent years, there has been a significant increase in the number of criminal prosecutions and fines in lieu of forfeiture, resulting from investigations of egregious violators. In FY 2003, ICE investigations led to 72 criminal prosecutions for worksite violations. In FY 2005, there were 168 such prosecutions. This represents an increase of more than 100 percent in just two years. Furthermore, in FY 2005, ICE forwarded nearly \$14 million to the Treasury Forfeiture Fund as a result of the largest worksite enforcement investigation in history. This forfeiture amount exceeded the previous eight years worth of fines.

Enforcing the Nation's Immigration Laws. Our Compliance Enforcement Program specifically targets visa violators who pose an elevated national security or public safety threat. The ICE Compliance Enforcement Program has resulted in the identification and arrest of more than 1,900 high-risk visa violators nationwide. From FY 2004 to 2005, the number of compliance enforcement arrests increased by almost 200 percent, from over 340 arrests in FY 2004 to nearly 980 arrests in FY 2005.

Restoring Integrity to the Immigration Benefits System. Immigration related fraud presents a vulnerability by which illegal aliens, terrorists, and others may gain entry into the United States. In FY 2005, ICE initiated 3,880 identity and benefit fraud (IBF) investigations, a 67% increase from FY 2004. In an effort to detect and dismantle the criminal organizations that utilize identity and benefit fraud schemes to threaten national security and public safety, ICE is in the process of creating ICE-led Identity and Benefit

Fraud Task Forces (IBFTFs) throughout the United States. By establishing Identity and Benefit Fraud Task Forces, DHS will:

- Bring together prosecutors from the Department of Justice along with ICE agents and other Federal, State, and local officers
- Improve inter-agency communication and increase efficiency
- Act as a force multiplier for our joint anti-fraud efforts
- Identify trends, indicators of fraud and methodologies used by individuals and criminal organizations to subvert the immigration process
- Work with Citizenship and Immigration Services, and
- Provide technical support and training in the detection of fraudulent travel and identity documents through the Fraudulent Document Lab

Preventing the illegal flow of weapons and technology. Operation Winter Harvest is a multi-agency initiative to identify, disrupt, prevent, and prosecute persons and businesses involved in the illegal procurement and export of U.S.-made goods, technology, and services to a specified nation. Since its inception, Operation Winter Harvest has resulted in twenty-four arrests, twenty indictments, fourteen convictions, and twenty seizures in excess of \$1.8 million in technology and proceeds.

Protecting U.S. Financial and Trade Systems. ICE initiated over 1,500 financial investigations in FY 2005. In addition, financial investigations resulted in 865 indictments and more than 820 convictions. In total, over the past three FYs, ICE financial investigations have resulted in the seizure of more than \$477 million. Through

the Cornerstone initiative, ICE conducted over 1,500 domestic and international financial investigations / money-laundering training and outreach programs. Approximately 26,000 foreign and domestic law enforcement, judicial, and private sector officials were present during these presentations.

Fighting Terrorism. ICE has 200 agents assigned to 76 Joint Terrorism Task Forces (JTTFs) across the country. During FY 2005, ICE agents conducted investigations that resulted in 65 criminal arrests and 206 administrative arrests. Of those arrested, 56 subjects have been removed from the United States, another 135 subjects have been ordered removed but have not yet been removed, and 23 subjects were granted voluntary departure. A good example of ICE's efforts as part of the Joint Terrorism Task Forces can be seen in the case of Sam Malkandi. ICE JTTF agents, using their immigration enforcement authority, arrested and obtained an Order of Removal for Malkandi, a citizen of Iraq with ties to a senior al-Qaeda operative suspected of helping plan the attack on the U.S.S. Cole in Yemen in 2000 and the 1998 bombing of U.S. embassies in Kenya and Tanzania. Malkandi is now detained and awaiting execution of the removal order.

Supporting Local, State and Federal Law Enforcement. The Law Enforcement Support Center (LESC), administered by ICE, is a national, single-point-of-contact, law enforcement center that utilizes extensive data bases to provide local, state and federal law enforcement agencies with instant information on aliens suspected, arrested or convicted of criminal activity. The number of electronic queries sent to the LESL from the federal, state, local, tribal, and international law enforcement community has

increased each year since the LESC was established from 4,000 queries in 1994 to 678,000 queries in 2005. Over the past two fiscal years, 2004 and 2005, the LESC has responded to a combined total of over 1.3 million electronic queries. LESC technicians responded to an average of 56,375 electronic queries a month in 2005. In 2005, the LESC received over 107,000 telephone calls on its dedicated law enforcement lines from law enforcement officers around the country seeking ICE information or assistance. LESC Special Agents identified a total of over 12,400 criminal or wanted aliens through NCIC in 2004 and 2005. In 2004 and 2005, the eleven ICE Special Agents assigned to the LESC lodged a combined total of nearly 28,000 ICE immigration detainers for an average of 1,200 detainers a month.

Targeting Human Smuggling and Trafficking. During FY 2005, ICE initiated nearly 2,300 human smuggling investigations and obtained about 800 criminal convictions. With regard to human trafficking, ICE initiated 274 investigations and obtained 10 convictions in FY 2005. Leveraging our combined customs and immigration authorities, the amount of assets seized from human smugglers and human trafficking organizations has gone from almost none before ICE was formed in 2003 to nearly \$27.0 million in 2005.

Improving Security at Federal Facilities. ICE's Federal Protective Service (FPS) made 6,735 arrests in FY 2005 – a 40 percent increase over the previous fiscal year. In addition, FPS officers prevented 869,140 prohibited items and weapons from being carried into federal facilities – a 58 percent increase over the previous fiscal year. FPS

officers also responded to over 300 bomb threats and more than 700 calls about suspicious packages and other items.

Protecting Children from Sexual Exploitation. Operation Predator draws on ICE's investigative and enforcement authorities to safeguard children from foreign national sex offenders, human traffickers, international sex tourists, and child pornographers.

Operation Predator has led to the arrests of more than 7,300 individuals nationwide, including foreign nationals and U.S. citizens. More than 6,450 foreign nationals were arrested; 3,400 of these individuals have been ordered deported.

Targeting International Gangs. In response to the threat posed by violent street gangs, ICE initiated Operation Community Shield in February 2005. Many violent street gangs are composed of foreign-born members who are subject to ICE's jurisdiction. Consistent with our mission, we arrest foreign-born gang members who are in the United States illegally or who are legal residents but have criminal convictions that render them removable, have prior criminal convictions and/ or are involved in crimes with a nexus to the border. Through this immigration enforcement measure, ICE has arrested nearly 2,400 gang members and gang associates. Approximately 1,900 of the individuals arrested have been placed in administrative removal proceedings.

Stopping the Flow of Drugs into the United States. During FY 2005, ICE counter-narcotics investigations resulted in the seizure of approximately 305,800 pounds of cocaine, 2,268,120 pounds of marijuana, over 3,950 pounds of heroin, more than 3,900

pounds of methamphetamine, nearly 9,050 arrests, 5,150 indictments and 5,750 convictions. In FY 2005, ICE's Intelligence Office assisted in the interdiction of over 99 metric tons of cocaine and over 15 tons of marijuana along the United States Southwest Border.

Securing our Borders by Preventing Corruption. ICE's Office of Professional Responsibility (OPR) works to ensure that ICE and CBP employees maintain the highest ethical standards. A secure border is a border free of corruption; with that in mind, OPR investigates any and all allegations of criminal and serious employee misconduct. OPR also conducts inspections and audits of ICE programs and offices to ensure the effectiveness and efficiency of operations.

Supporting Hurricane Recovery and Relief. ICE played an integral and crucial part in the response to Hurricane Katrina. Prior to and immediately after the hurricane, ICE deployed law enforcement personnel, support staff and resources to the area in order to support federal, state, and local officials, to provide law enforcement, and to enhance public safety and security. ICE's FPS was the first Federal law enforcement agency on the ground in New Orleans. ICE deployed over 2,500 law enforcement officers to the affected area to establish and maintain security, law and order and public safety during the entire agency response. ICE completed thousands of law enforcement and security assignments. In addition, ICE personnel rescued of hundreds of citizens from their residences. In a time of unprecedented challenges, ICE was able to quickly respond and support our citizens in the affected areas.

ICE AND THE SECURE BORDER INITIATIVE – 2007 BUDGET

Building on FY 2005 and 2006 appropriations, a primary strategic goal for ICE in FY 2007 is to successfully implement ICE's part of SBI. This initiative takes a comprehensive approach to immigration enforcement and has a multi-year plan to reduce illegal immigration into, and the presence of illegal aliens within, the United States. As an integral part of SBI, ICE has increased detention bed space, thus allowing for an increased removal of illegal aliens. As of March 1, 2006 an additional 1,800 beds have been dedicated to SBI southwest border enforcement activities, and an additional 500 will be available in May of this year. ICE efforts are currently concentrated upon increasing detention bed space and capacity, increasing efficiency in the detention and removal system to allow faster detention bed space turnover, increasing the use of expedited removal, and sustaining the elimination of "catch and release" for other than Mexicans on the Southwest border. This effort was coordinated among several ICE programs including Investigations, Detention and Removal Operations, and Legal Proceedings as well as other DHS entities including Customs and Border Protection and Citizenship & Immigration Services. As a participant in SBI, ICE will:

- Support the SBI goal of ending the catch and release of aliens illegally in the United States;
- Increase the number of aliens placed into expedited removal proceedings by 100,000 aliens;
- Reduce detention time through process efficiency;

- Expand the number of fugitive operations teams. As of March 5, 2006, there are 27 teams operational in 22 field offices, and staffing for an additional 25 teams has been selected and will be entering on duty during the remainder of the fiscal year, for a total of 52 teams;
- Expand the Compliance Enforcement Unit staff to increase ICE's ability to identify and arrest high-risk visa violators;
- Dedicate 171 new investigators to worksite enforcement;
- Expand training for State and local law enforcement officers under the 287(g) provision;
- Improve ICE's capability to meet the demands of federal, state, and local law enforcement officers needing immigration and alien status information; and
- Strengthen ICE's operations, staffing, internal control requirements, and management of financial resources.

The proposed FY 2007 budget builds on the foundation of our accomplishments while addressing new challenges and opportunities presented by ICE's commitment to SBI.

The President's FY 2007 Budget request seeks resources totaling \$4.7 billion, which represents an increase of approximately 21 percent over FY 2006. Program increases for SBI total over \$540 million, and will allow ICE to be a highly valuable contributor to SBI.

The ICE FY 2007 President's budget seeks the following resources (as well as our base resources) in support of SBI:

- \$386.7 million and 560 additional positions for Detention and Removal Operations, which will significantly improve the efficiency of processing and deportation and will cut the detention time for aliens in expedited removal by over 50%, from 32 to a target goal of 15 days. This increase provides 6,000 additional detention beds, the associated and required transportation and removal services associated with such a bed level, and removal costs to remove 100,000 aliens placed into Expedited Removal proceedings. Included in this request for 560 new positions are 160 Detention Officers, 320 Immigration Enforcement Agents, and 80 support staff.
- \$60 million to staff 18 Fugitive Operations teams and fund 700 new detention beds to detain aliens awaiting removal apprehended by these teams. Each team consists of 7 members: one Supervisory Deportation Officer, four Detention Officers, one Immigration Enforcement Agent, and one Deportation Assistant. Funding also includes 52 support personnel to assist with case management and case files, and to handle transportation and custody issues. The additional 18 Fugitive Operations teams are projected to apprehend an additional 9,000 fugitive aliens in the first year and 1,000 per team thereafter. The location of these teams is typically based upon fugitive alien docket numbers, and multiple teams may be assigned to areas where fugitive aliens tend to congregate. To provide coverage throughout the United States, at least one team is assigned to work from each field office and select sub-offices.

- \$38.5 million to hire 257 attorneys for Legal Proceedings. These attorneys will prepare legal documents, address legal issues, and provide legal representation on behalf of the Department of Homeland Security in immigration proceedings associated with the detention and removal efforts of SBI.
- \$41.7 million and 206 positions for worksite enforcement, a major component of ICE's interior enforcement mission and an integral part of SBI. Of these 206 positions, 171 will be Special Agents. These additional resources for the worksite enforcement component will enable ICE field offices to investigate more employers with significant numbers of unauthorized workers. The expected increase in worksite investigations will deter employers from engaging in illegal employment. It also will result in the criminal prosecution of, and assessment of fines against the most egregious violators.
- \$10 million and 54 additional positions for Compliance Enforcement to specifically target visa violators, with special priority for aliens who pose a threat to national security or public safety. Of the positions requested, 46 will be Special Agents. In addition to these Special Agents, ICE plans to fund an additional 23 Special Agents using Student and Exchange Visitor Program fees to support further compliance enforcement. We expect that these additional resources will increase the security of the immigration system and reduce the number of malafide non-immigrant aliens. It also will facilitate bonafide non-immigrant alien processing while promoting international respect for our borders.

- \$4.3 million and 65 additional positions to support State and local law enforcement. This includes \$400 thousand for training for the implementation of the provisions of Section 287(g) of the Immigration and Nationality Act. The provisions allow ICE to delegate authority to enforce limited immigration functions to a larger number of State and local law enforcement officers. Implementation of the provisions of Section 287(g) serves as a force multiplier for ICE immigration enforcement. It allows ICE to train, certify, and supervise State and local law enforcement officers to perform immigration-related enforcement operations.
- Also, this initiative provides \$3.9 million for 65 additional law enforcement technicians at the Law Enforcement Support Center (LESC) to improve ICE's response time to the increasing demands of law enforcement officers for immigration and alien queries. The LESL is working to reduce response time and ensure that State and local law enforcement officers have timely and accurate immigration status information. Funding this initiative will help ICE accomplish this goal.

Other ICE increases include:

\$29 million for ICE's Federal Protective Service, in part based on an increase in the basic security fee charged federal agencies for law enforcement and security services. The rate increase will help to address current program needs, including administrative support.

- The budget also includes critical funding to assist in improving financial processes within ICE. Specifically \$4.6 million is requested to improve our capability to undertake the new audit of internal control requirements and improve the management of financial resources through the hiring of 34 new acquisition positions.
- In addition to the resources requested for new program initiatives, ICE's budget request includes \$261.6 million in funding for ongoing program activities. This includes annualization of prior year enhancements, as well as inflationary increases. These increases are critical to maintain ICE's current operations and staffing.

CONCLUSION

The FY 2007 President's Budget proposal reflects the Department of Homeland Security's ongoing commitment to protect the United States and the American people. The budget builds upon the foundation of resources and initiatives provided to ICE in FY 2005 and 2006 for SBI related activities. I appreciate the strong support you have given to ICE and I will continue to work with the Congress on matters such as SBI, which are of critical concern to ICE, the Congress, and the American people. Thank you for inviting me to appear before you today. I look forward to answering your questions and to working with you on the FY 2007 budget.

