



U.S. Immigration and Customs Enforcement

STATEMENT

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BEFORE THE

HOUSE COMMITTEE ON JUDICIARY

SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY AND CLAIMS

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Good morning, Mr. Chairman, Congresswoman Jackson Lee, and distinguished Members of the Subcommittee. It is a privilege to appear before your committee today to discuss the President's Budget Request for Fiscal Year (FY) 2005 for US Immigration and Customs Enforcement.

In March of 2003, when the Department was created, a new federal investigative agency was also formed: U.S. Immigration and Customs Enforcement – or ICE, as it is better known. As the largest investigative arm of Homeland Security, ICE's primary mission is to detect

vulnerabilities and prevent violations that threaten national security. In other words, ICE investigates homeland security crimes. In particular, border security, air security, and economic security.

ICE pursues its homeland security mission by building upon the traditional missions, resources, authorities and expertise of the legacy agencies it inherited. The investigative and intelligence resources of the former Immigration and Naturalization Service, U.S. Customs Service, Federal Protective Service and Federal Air Marshal Service have been fused together to allow us to go after the criminal enterprises in new ways. ICE is bringing new approaches to traditional areas of law enforcement and creating enforcement programs in response to its homeland security mission.

Today, I will discuss how the President's FY 2005 Budget will continue to strengthen ICE's immigration enforcement mandate.

ICE FY 2005 Budget for Immigration Enforcement

ICE is committed to enhancing immigration security and enforcement, as the FY 2005 budget illustrates. The FY 2005 budget seeks \$4.0 billion for ICE, \$302 million more than FY 2004, representing an increase of 8 percent.

The requested increases include \$186 million for ICE to fund improvements in immigration enforcement both domestically and overseas, including a more than doubling of current worksite enforcement efforts; increased resources to combat benefits fraud and investigate violations of the SEVIS and US-VISIT systems; and approximately \$100 million increase for the detention and removal of illegal aliens. Detention and removal of illegal aliens

present in the United States is critical to the enforcement of our immigration laws and the requested funding will expand ongoing fugitive apprehension efforts, the removal from the United States of jailed illegal aliens, and additional detention and removal capacity. Critical to the removal process is ICE's ability to effectively litigate cases before the Immigration Court. The budget request includes a \$6 million enhancement to provide additional attorneys to keep pace with an increasing caseload. Our budget also seeks \$14 million to support our international enforcement efforts related to immigration, including enabling ICE to provide visa security by working cooperatively with U.S. consular offices to review select visa applications.

Investigations Initiatives

As a result of the President's proposed new temporary worker program to match willing foreign workers with willing U.S. employers, enforcement actions against companies that break the law and hire illegal workers will increase. The FY 2005 President's Budget includes an additional \$23 million for enhanced worksite enforcement. This more than doubles existing funds devoted to worksite enforcement and allows ICE to assign more Special Agents devoted to this effort. With these resources, ICE will facilitate the implementation of the President's temporary worker program initiative by enhancing our traditional worksite enforcement program that offers credible deterrence to the hiring of unauthorized workers. Without such a deterrent, employers will have no incentive to maintain a legal workforce.

Since 9/11, ICE has screened 259,037 employee records pertaining to 3,640 critical infrastructure employers and identified over 5,000 unauthorized workers who obtained employment by presenting counterfeit documents to their employer and providing false information to security officials. ICE enforcement operations targeting unauthorized workers in

critical infrastructure facilities such as airports, military installations, defense contractors, and federal buildings have resulted in the arrest of over 1,000 workers and the criminal indictment of 774 individuals. ICE's challenge is to enhance public safety by ensuring that individuals intending to do us harm do not gain insider access to critical facilities by taking advantage of vulnerabilities in hiring and screening processes that enable undocumented workers to go undetected by employers and security officials.

Benefits Fraud

Immigration fraud poses a severe threat to national security and public safety because it enables terrorists, criminals, and illegal aliens to gain entry and remain in the United States. ICE's goal, in conjunction with U. S. Citizenship and Immigration Services (USCIS), is to detect, combat, and deter immigration fraud through aggressive, focused, and comprehensive investigations and prosecutions. ICE focuses on identifying and targeting the most significant, prolific and egregious violators for prosecutions, such as organizations and facilitators responsible for multiple benefit applications and individuals that pose a risk to national security or public safety. In September 2003, ICE created Benefit Fraud Units in Vermont, Texas and California as a means of identifying and targeting fraud, at the earliest possible point –when an application is received at a USCIS Service Center.

The \$25 million FY 2005 budget request will provide stable funding to ICE's benefits fraud and will enable ICE to continue and increase, high-impact fraud investigations and prosecutions, providing increased national security and insuring integrity in the immigration application process.

Special Agents Dedicated to Compliance Enforcement

As part of its overall immigration enforcement strategy, ICE will continue to analyze data generated through the Student and Exchange Visitor Information System (SEVIS) and US-VISIT program to detect individuals who are in violation of the Nation's immigration laws and pose a threat to homeland security. ICE's Compliance Enforcement Unit has investigated and resolved over 21,000 National Security Entry Exit Registration System (NSEERS) and SEVIS violator leads. This represents less than half of all violator leads generated under the programs. With an estimated FY 2004 enrollment of nearly 700,000 foreign students and exchange visitors and 7,000 schools and programs, estimates suggest that more than 30,000 leads may be generated by the SEVIS program this year.

The FY 2005 budget's request of \$16 million will increase the funding for ICE's SEVIS and US-VISIT compliance efforts by over 150 percent through the addition of 130 Special Agents to investigate and resolve violator leads. The funding will also allow continued and expanded data mining technology, as well as targeting software, to increase the efficiency of identification and tracking efforts towards non-immigrant aliens who may pose the most significant national security threats. The increased funding will allow ICE to double the overall violator resolution rate from the forecasted FY 2004 rate of 30% to 60% in FY 2005.

International Affairs

ICE's Office of International Affairs is the largest consolidated Attache unit within DHS with over 50 foreign offices in over 42 countries. ICE Attaches and subordinate foreign offices work closely with Embassy staff and counterpart host government departments to execute

international initiatives and extend the U.S. borders. Pursuant to section 428 of the Homeland Security Act and the Memorandum of Understanding between the Departments of Homeland Security and State, ICE's FY 2005 budget request of \$14 million includes an increase of \$10 million to support a new Visa Security Unit (VSU). The VSU and DHS staff stationed at overseas posts, including Saudi Arabia, will work cooperatively with U.S. consular officials to promote homeland security in the visa process.

Detention and Removal Initiatives

Detention and Removal of illegal aliens present in the United States is critical to the enforcement of our immigration laws. ICE has a daily detention population of approximately 21,000 and in FY 2003, ICE removed more than 140,000 individuals including 76,000 criminal aliens. An increase of \$108 million in FY 2005 will expand ongoing fugitive apprehension efforts, the removal from the United States of jailed offenders, effective methods to control non-detained cases, and support additional detention and removal capacity.

Fugitive Operations

\$50 million dollars are requested to continue the implementation of the ICE National Fugitive Operations Program, established in 2002, which seeks to eliminate the existing backlog and growth of the fugitive alien population. Currently, ICE has 18 Fugitive Operations Teams deployed throughout the country and since March 1st, approximately 6,000 fugitives have been apprehended and nearly 700 additional criminal aliens have been apprehended in connection with fugitive operations teams. The FY 2005 budget request would fund an additional 30 teams to locate these potential threats to public safety.

Institutional Removal Program

The Institutional Removal Program (IRP) is designed to ensure that aliens convicted of crimes in the U.S. are identified, processed, and, where possible, ordered removed prior to their release from a correctional institution. ICE requests \$30 million to transfer the IRP duties currently being performed by Special Agents to Immigration Enforcement Agents. The shift of responsibilities will allow Special Agents to be assigned to more complex investigations in the areas of National Security, Smuggling, and Financial Investigations, and make management of the IRP the sole responsibility of a single operational program office, Detention and Removal Operations, as recommended by both the General Accounting Office and the Department of Justice Inspector General.

Alternatives to Detention

\$11 million dollars have been requested in the FY 2005 budget to more than double the capacity of the Intensive Supervision Appearance Program (ISAP). The premise for this initiative is that the effective control of lower risk persons released into the community during immigration proceedings or while awaiting removal will stem the growth of the fugitive population. In FY 2004, ICE plans to have eight intensive supervision sites operational that will be able to monitor 200 individuals per site using methods such as using electronic monitoring devices, half-way houses and voice recognition technology. Increases in FY 2005 would double the capacity for each site and provide for an additional site. These alternatives to traditional detention practices are more cost effective; allow ICE to detain a greater number of aliens who may pose a threat to public safety; and early results from pilot projects reflect an increased

appearance rate for immigration court proceedings for those in an intensive supervision program versus those released on their own recognizance.

Detention Bed Space

Adequate detention space has long been considered a necessary tool to ensure effective removal operations. An increase in bed space to accommodate a higher volume of apprehended criminal aliens results in a significantly higher appearance rate at immigration proceedings. When final orders of removal are issued, this will result in a greater number of removals and fewer absconders. With the \$5 million request for FY 2005, ICE will enhance its ability to remove illegal aliens from the United States.

Caribbean Regional Interdiction

Pursuant to Executive Order, the Departments of Defense, Homeland Security and State share responsibility for responding to the migration of undocumented aliens interdicted or intercepted in the Caribbean Region. Additional funding of \$6.2 million is requested to support the cost of housing up to 400 migrants as they await determination of any immigration claims. This initiative will support operations at Guantanamo Bay and maintain a high level of preparedness for possible Caribbean migration emergencies or other mass migration events.

Legal Program Backlog Elimination

The ICE Office of the Principal Legal Advisor's Office (OPLA) completed approximately 275,000 cases in Immigration Court in FY 2003, assisting in these proceedings in the determination of who qualified for immigration benefits and who was subject to removal.

The number of new cases received in immigration court has continued to increase from approximately 150,000 cases in FY 93 to 290,652 cases in FY 2002. In addition, ICE OPLA is currently handling approximately 500 national security related cases as well as 250 cases involving possible human rights abusers in various stages of immigration court proceedings. At the same time, the case preparation time has continued to fall and we project that time available for preparation could also fall. To keep pace with the increasing number of complex immigration court cases as well as an aggressive plan by the Department of Justice to address the pending cases, additional attorneys and support staff are required. \$6 million dollars are sought in the FY 2005 budget to increase the program staffing and help address the increased workload. Additional resources will permit ICE Counsel to identify and argue for the removal of individuals who pose national security or public safety risks, while at the same time ensuring that bona fide claims are granted.

Conclusion

Deterring illegal migration and combating immigration-related crime have never been more critical to our national security. The men and women of ICE are tackling this challenging mission with diligence, determined to ensure that no duty is neglected. The President's FY 2005 Budget Request for ICE is an important step in restoring the rule of law the system of legal immigration. We are eager to work with you and the other Members of Congress to provide the American people with the level of security they demand and deserve. Thank you. I look forward to your questions.