



U.S. Immigration and Customs Enforcement

STATEMENT

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HEARING ON

GENERAL AVIATION SECURITY AND
FOREIGN FLIGHT STUDENTS

BEFORE THE

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON HOMELAND SECURITY
SUBCOMMITTEE ON TRANSPORTATION SECURITY

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311 CANNON HOUSE OFFICE BUILDING

INTRODUCTION

Chairman Rogers, Ranking Member Jackson Lee and distinguished Members of the Subcommittee:

On behalf of Secretary Napolitano and Director Morton, thank you for the opportunity to appear before you today to discuss the efforts of U.S. Immigration and Customs Enforcement (ICE) to identify and address vulnerabilities in, and prevent the exploitation of, our visa system by terrorists and criminals. In June 2012, the Government Accountability Office (GAO) issued a report entitled, *“General Aviation Security: Weaknesses Exist in TSA’s Process for Ensuring Foreign Flight Students Do Not Pose a Security Threat.”* In response to the report and its recommendations, ICE’s Homeland Security Investigations (HSI) Counterterrorism and Criminal Exploitation Unit (CTCEU) is working in collaboration with the Transportation Security Administration (TSA) on a pilot to determine lawful status of the active Alien Flight Student Program (AFSP) population. By December 31, 2012, TSA will prepare a plan, with specific details on time frames and accountability, to assess the results of the pilot including recommendations for future steps.

Visa overstays and other forms of status violation bring together two critical areas of ICE’s mission—national security and immigration enforcement. We cannot overstate the importance of determining who to allow entry into the United States and ensuring compliance with the conditions of such entry. We are proud of the good work we have done over the last ten years to protect the integrity of our visa system. My testimony will focus on the role and responsibility of the CTCEU, our successes and the opportunities we see to collaborate with TSA to improve the vetting process for the AFSP population.

The Counterterrorism and Criminal Exploitation Unit

The CTCEU is the first and only national program dedicated to the enforcement of nonimmigrant visa violations. It is part of ICE's Homeland Security Investigations' (HSI) National Security Investigations Division. The unit prevents terrorists and other criminals from exploiting the nation's immigration system through fraud. It investigates non-immigrant visa holders who violate their immigration status and places a high priority on scrutinizing the activities of known or suspected terrorists and terrorist associations. It also combats criminal exploitation of the student visa system.

Today, through the CTCEU, ICE analyzes and recommends leads for investigation from the Student and Exchange Visitor Information System (SEVIS) and the United States Visitor and Immigrant Status Indicator Technology (US-VISIT) program.

SEVIS is the Internet-based system that maintains information on Student Exchange Visitor Program (SEVP)-certified schools and international students who come to the United States on F (academic) or M (vocational) visa status to study at those schools, as well as the students' dependents. SEVIS also maintains information on U.S. Department of State-designated exchange visitor sponsors and J visa exchange visitor program participants and their dependents. US-VISIT owns two systems: the Automated Biometric Identification System (IDENT) and the Arrival and Departure Information System (ADIS), which house biometric and associated biographic data on foreign nationals who have entered or applied to enter the United States. IDENT and ADIS maintain data on foreign nationals such as students, tourists, and temporary workers, present in the United States at any given time (including flight students and foreign students) and those who have overstayed or otherwise violated the terms and conditions of their admission.

Each year, the CTCEU analyzes records of hundreds of thousands of non-immigrants who may have violated their terms of admission or visa status, based on data received from SEVIS, US-VISIT, and other sources. These records are resolved by further identifying potential federal violations that would warrant field investigations, establishing compliance with their terms of admission, or establishing departure dates from the United States. Since the creation of the CTCEU in 2003, analysts have resolved more than two million such records using automated and manual review techniques. ICE opens approximately 6,000 investigative cases annually, and assigns them to our special agents in the field for further investigation. These investigations result in over 1,800 administrative arrests and approximately 35 criminal arrests per year.

ICE furthers its counterterrorism mission by initiating or supporting high-priority national security initiatives based upon specific information from the intelligence community. The practice is designed to detect and identify individuals exhibiting specific risk factors, including international travel from specific geographic locations to the United States, and in-depth criminal research and social network link analysis.

A critical component of the CTCEU is the SEVIS Exploitation Section, which combats exploitation of the Student and Exchange Visitor Program by analyzing SEVIS data and referring school fraud criminal investigations to the field for further investigation. The SEVP is part of the National Security Investigations Division and is responsible for: certifying schools to accept international students; administering SEVIS; and collecting, maintaining, analyzing and providing information so only legitimate foreign students or exchange visitors gain entry to the United States.

For instance, in November 2011, the CTCEU Group in Los Angeles arrested Karena Chuang of Wright Aviation Academy for encouraging the illegal entry of aliens for private

financial gain. On February 6, 2012, Ms. Chuang pleaded guilty to two counts of this crime. Wright Aviation Academy, a non-SEVP-certified flight school, was suspected by ICE's Visa Security Program of fraudulently recruiting and training foreign flight students from Egypt. As a result of ICE's investigation – representative of ICE's layered enforcement approach that works to identify and disrupt visa fraud overseas, with a focus on dismantling supporting transnational organizations committing such fraud, and prosecuting the alleged perpetrators in the United States – Chuang is alleged to have applied to SEVP-certified schools, posing as a foreign student, for the sole purpose of obtaining valid Forms I-20 (Certificates of Eligibility for Nonimmigrant Student). The students, in turn, allegedly used the fraudulently obtained Forms I-20 to get M-1 (vocational) visas to enter the United States to attend Wright Aviation Academy. This investigation successfully upheld the integrity of the SEVP program through ICE's layered enforcement approach – identifying and disrupting visa fraud overseas, dismantling the transnational organization, and prosecuting the perpetrators in the United States.

In 2010, ICE HSI special agents investigated TJ Aviation, a flight school in Boston, whose flight students consisted primarily of visa overstays and illegal aliens. This investigation drew attention to alien flight training in the United States and the vulnerabilities that persisted nearly a decade after the 9/11 terrorist attacks.¹

Shortly after the TJ Aviation investigation, TSA requested an HSI liaison to help refine the AFSP policies and procedures. The CTCEU assigned a National Program Manager/special agent to the AFSP who is currently working to review HSI and TSA procedures and processes involving alien flight students and the schools that train alien flight students.

¹ Three of the 9/11 hijackers attended flight schools while bearing visas that did not permit flight training.

After reviewing TSA procedures and processes, the CTCEU's Liaison identified several areas of systemic vulnerabilities. ICE and TSA have identified and are discussing several ways to alleviate these issues by:

- Sharing AFSP data with ICE and SEVIS information with TSA;
- Implementing ways for TSA Transportation Security Inspectors to review but not make determinations of legal presence of alien flight students during their semi-annual inspections of AFSP flight training providers and record this information in a historical database;
- Implementing a system for ICE and TSA to cooperatively conduct lawful presence checks on aliens in TSA databases;
- Implementing joint HSI/TSA outreach to flight training providers that train alien flight students and local airport officials; and
- Providing additional assistance and support while investigating flight schools and flight students.

During the tenure of the CTCEU liaison at TSA, several significant changes have been implemented to enhance the national security of the AFSP. One significant change is that TSA AFSP conducts checks of active alien flight students against US-VISIT's ADIS database to identify whether the individual may have overstayed the terms of their admission and provides the results to CTCEU to take appropriate action. This allows HSI to potentially target the immigration violator without TSA alerting the individual. The CTCEU liaison has access to TSA's AFSP database and has provided several accounts for HSI special agents throughout the United States. Additionally, the CTCEU liaison has participated in TSA Special Emphasis

STRIKE Operations,² which has resulted in TSA refining their operating procedures to include having TSA inspectors talk to alien flight students and physically inspecting their documents and logbooks and conducting these inspections on the weekends when the majority of flight training occurs.

In December 2011, the CTCEU developed and implemented “Operation Clipped Wings,” an enforcement operation aimed at mitigating the vulnerabilities identified in the AFSP and the critical infrastructure areas associated with aircrafts. This operation will be implemented in three phases. In the first phase, HSI is focusing its investigative efforts on those foreign nationals who have been identified in the AFSP database as having received flight training in the United States and overstayed their terms of admission. The second phase will be centered on conducting proper immigration checks on all Federal Aviation Administration (FAA)-certified pilots and crew members. The final phase will be focused on employees at repair stations – locations that are certified by the FAA to repair aircraft. To date, Operation Clipped Wings has identified over 30 HSI investigative leads and led to four administrative arrests.

CONCLUSION

ICE is committed to promoting national security and has made significant progress in identifying and preventing terrorists from exploiting the visa process.

Thank you again for the opportunity to testify today and for your continued support of ICE and its law enforcement mission.

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

² A “STRIKE” is an operational activity involving TSA compliance personnel from multiple locations surging at one particular location to conduct inspections.