



U.S. Immigration and Customs Enforcement

STATEMENT

OF

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**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
DEPARTMENT OF HOMELAND SECURITY**

Regarding

The Fiscal Year 2018 President's Budget Request

**UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON HOMELAND SECURITY**

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INTRODUCTION

Chairman Carter, Ranking Member Roybal-Allard, and distinguished Members of the Subcommittee:

Thank you for the opportunity to appear before you today to present the Fiscal Year (FY) 2018 President's Budget for U.S. Immigration and Customs Enforcement (ICE). I look forward to discussing our priorities for the upcoming fiscal year and highlighting our continued efforts to ensure we make the most efficient and effective use of the resources you provide to carry out our vital homeland security mission.

A few weeks ago, Americans across the country honored fallen law enforcement officers during National Police Week. It is a deeply moving experience to view the memorial wall in Washington, D.C., which contains 20,000 names – the names of men and women who lost their lives protecting others. Among them are 52 officers and agents who served in ICE or one of its predecessor agencies, killed in the line of duty. Tragically, two names were added this past year: Deportation Officer Brian P. Beliso and Special Agent J. Scott McGuire. I met their families—wives, children, and parents, who will endure the pain of their lost heroes for a lifetime.

There are many, many more outstanding people in ICE's 20,000-strong workforce, of which I am privileged to serve as Acting Director – the first to come from the ranks of ICE. Together, ICE promotes homeland security and public safety through broad enforcement of approximately 400 federal laws governing border control, customs, trade, and immigration.

The FY 2018 President's Budget for ICE includes \$7.6 billion in discretionary funding, reflecting a \$1.2 billion increase from the FY 2017 enacted budget. Additionally, the Budget estimates \$377 million in budget authority derived from mandatory fees, bringing total estimated spending authority to \$7.9 billion. This increase in funding is critical for ICE to meet its mission needs. Simply put, the men and women of ICE need the requested resources and tools to do their work. The FY 2018 Budget will support current efforts and enable ICE to make much-needed investments in the following core areas: immigration enforcement, criminal investigations, workforce expansion and training, and the information technology needed to meet the security challenges of the 21st century.

ENFORCING IMMIGRATION LAWS

Our immigration enforcement efforts are led by the more than 6,000 law enforcement officers of Enforcement and Removal Operations (ERO). These dedicated officers enforce our nation's immigration laws in a fair and effective manner by identifying, arresting, detaining, and removing removable aliens. To ensure the national security and public safety of the United States, and the faithful execution of the immigration laws, our officers may take enforcement action against any removable alien encountered in the course of their duties who is present in the U.S. in violation of immigration law. They work very hard and I am proud of what they are accomplishing.

During his first two weeks in office, President Trump signed a series of Executive Orders (EOs) that laid the policy groundwork for the Department and ICE to carry out the critical work of securing our borders, enforcing our immigration laws, and ensuring that individuals who pose a threat to national security or public safety cannot enter or remain in the United States. The FY 2018 Budget, if funded by Congress, would provide the additional resources, tools, and personnel needed to begin implementing these policies.

These EOs establish the Administration's policy of effective border security and immigration enforcement through the faithful execution of the laws passed by Congress. The orders implement new policies designed to stem illegal immigration and facilitate the identification, apprehension, detention, and removal of removable aliens. Under these new directives, ICE will no longer exempt entire classes or categories of removable aliens from potential enforcement. Those in violation of immigration law are subject to arrest, detention, and, if issued a final order by an immigration judge, removal from the United States.

The stepped up enforcement of our Nation's immigration laws in the interior of the United States is critically important to the national security and public safety of the United States. To successfully meet operational needs, the funding increases included in the FY 2018 President's Budget are badly needed. Aliens who illegally enter the United States, or even those who overstay or otherwise violate the terms of their visas, have violated our nation's laws and can pose a threat to national security and public safety. This is particularly true for aliens who engage in criminal conduct in the United States.

Under prior enforcement priorities, approximately 345,000, or 65 percent, of the fugitive alien¹ population were not subject to arrest or removal. President Trump's EOs have changed that. As a result, ICE arrests are up 38 percent since the same time period last year, charging documents issued are up 47 percent, and detainers issued are up 75 percent. Thus far in this fiscal year, through May 15, 2017, ERO has removed 144,353 aliens from the United States and repatriated them to 176 countries around the world; these are aliens who posed a danger to our national security, public safety, or the integrity of the immigration system. Of those removed, 54 percent (78,301) had criminal convictions. ERO has also issued 78,176 detainers and 63,691 charging documents; maintained an average daily population of 39,610 in detention; and monitored an average of 70,044 participants daily under the Intensive Supervision Appearance Program (ISAP) III contract or Alternatives to Detention (ATD) program.

Furthermore, abolishment of the Priority Enforcement Program and re-establishment of the Secure Communities program, combined with the expansion of the 287(g)² program, is expected to result in significant increases to interior apprehensions and removals. As of June 3, 2017, there were 968,773 individuals on ICE's non-detained docket with final orders of removal, of which 177,496 were convicted criminals. In order to safely and securely carry out this mission across the Nation, ERO will require additional deportation officers to handle this increased workload. The FY 2018 Budget supports hiring an additional 850 deportation officers to enforce our immigration laws.

¹ Fugitive alien refers to illegal immigrants who have ignored and evaded deportation orders.

² 287g refers to Section 287(g) of the Immigration and Nationality Act

With the increased enforcement activity, additional detention capacity will be necessary to implement EO 13768, *Enhancing Public Safety in the Interior of the United States*. Specifically, the budget includes nearly \$4.9 billion to expand detention capacity to support an average daily adult population of 48,879 and an average daily family population of 2,500, for a total of 51,379 beds. The budget also includes an increase of \$129 million for transportation costs associated with the increased detention population, and an increase of \$57.4 million for the contract ATD program to sustain 79,000 average daily participants.

Additional resources will also be necessary in FY 2018 to ensure that ICE carries out its lawful duties in the prosecution of cases before the U.S. Department of Justice's (DOJ) immigration courts. At the end of FY 2016, there were more than 520,000 pending immigration cases nationally. In FY 2017, the ICE Litigation workload is expected to grow to more than 650,000 cases, a 26 percent increase from the previous fiscal year. Further, DOJ has redeployed additional immigration judges (IJs) to border locations to address the backlog of detainee cases and the Administration's enforcement priorities. The requested resources would enable ICE's Office of the Principal Legal Advisor (OPLA) to meet the demands of an increasing IJ corps and immigration court docket. An inadequate augmentation of attorney resources will result in ICE's enforcement efforts failing to meet the Administration's objectives and enacted immigration laws.

Finally, the FY 2018 Budget includes an additional \$1 million to expand the newly-created Victims of Immigration Crime Engagement Office (VOICE) to assist the victims of crimes committed by removable aliens. Due to Privacy Act protections, victims have traditionally encountered difficulty obtaining information on removable alien perpetrators, including whether they are in ICE custody and ICE's enforcement actions against them. The VOICE office will make it easier for victims to receive this information, to the extent permitted by law, so that they are adequately informed about the outcome of their case.

COMBATING TRANSNATIONAL CRIMINAL ORGANIZATIONS

Homeland Security Investigations (HSI's) investigators protect the United States against terrorists and other criminal organizations through criminal and civil enforcement of federal laws governing border control, customs, trade, and immigration. As the largest investigative arm of DHS, HSI utilizes its broad legal authorities to investigate immigration and customs violations, including those related to export control, human rights abuses, narcotics, weapons and contraband smuggling, financial crimes, cybercrime, human trafficking and smuggling, child exploitation, intellectual property infringements, transnational gangs, immigration document and benefit fraud, and worksite enforcement. The FY 2018 Budget maintains HSI's critical operations abroad, supports hiring of an additional 150 domestic special agents and increases our efforts to target and combat dangerous transnational gangs and other criminal organizations.

Last year, HSI investigations led to the disruption or dismantlement of hundreds of transnational criminal organizations (TCOs). HSI made more than 32,709 criminal arrests, including arrests of more than 4,606 transnational gang members. HSI also seized 1.5 million pounds of narcotics, made 2,203 seizures for violations of U.S. export laws and regulations, and seized nearly \$541 million in currency and monetary instruments. Additionally, HSI identified

and assisted more than 2,000 crime victims, including 435 human trafficking victims and more than 820 child exploitation victims.

During the last two decades, transnational organized crime has expanded dramatically in size, scope, and impact, which poses a significant threat to national and international security. HSI takes very seriously the threat to national security that transnational organized crime represents, and HSI targets TCOs at every critical location in the cycle: internationally, in cooperation with foreign counterparts, where transnational criminal and terrorist organizations operate; at our nation's physical border and ports of entry, in coordination with U.S. Customs and Border Protection (CBP), where the transportation cells attempt to exploit America's legitimate trade, travel, and transportation systems; and in cities throughout the United States, where criminal organizations earn substantial profits off the smuggling of aliens and illicit goods.

As directed by the President's Executive Order 13773, *Enforcing Federal Law with Respect to Transnational Criminal Organizations and Preventing International Trafficking*, HSI will continue to give a high priority and devote sufficient resources to dismantling transnational criminal organizations and subsidiary organizations. HSI will continue to focus on cooperative work and data sharing with other federal agencies, as well as work with foreign counterparts by sharing intelligence and law enforcement information when appropriate and permitted by law.

To investigate TCOs impacting Southwest Border security, HSI has assigned more than 1,500 special agents and almost 150 intelligence research specialists to Southwest Border offices, to include the Border Enforcement Security Task Forces (BESTs), which provide a comprehensive regional response to the growing threat to border security, public safety, and national security. This includes border security at land, maritime, and international airports. In FY 2016, drug smuggling investigations, conducted by the five HSI Special Agent in Charge offices along the Southwest Border, resulted in 10,438 criminal arrests, 7,151 indictments, 6,098 convictions, and 2,570 administrative immigration arrests.

In addition to leveraging domestic assets, ICE works closely with attaché personnel deployed to 66 offices in 49 countries worldwide. These personnel are uniquely positioned to utilize established relationships with host country law enforcement, including Transnational Criminal Investigative Units (TCIUs). These TCIUs are composed of DHS-trained host country counterparts who have the authority to investigate and enforce violations of law in their respective countries. Since our law enforcement officers working overseas do not possess general law enforcement or investigative authority in most host countries, the use of TCIUs enables HSI to promote direct action on its investigative leads while respecting the sovereignty of the host country and cultivating international partnerships. These efforts, often thousands of miles from the U.S.-Mexico border in countries like Colombia and Panama, act as an outer layer of security for our Southwest Border.

Terrorism remains one of the most significant threats our law enforcement faces in protecting the homeland. Following the November 13, 2015 terrorist attacks in Paris, HSI International Operations special agents joined other DHS Components to support official requests for assistance from French and Belgian investigators. Specifically, HSI obtained information on financial transactions and social media account data for individuals linked to the

investigation, including those responsible for perpetrating the attacks. This effort contributed to the identification of hundreds of European Union-based individuals with financial links to the Paris attacks.

Our counterterrorism and anti-criminal exploitation efforts seek to prevent terrorists and other criminals, such as human rights violators, from exploiting the Nation's immigration system. HSI's overstay analysis efforts provide timely, relevant, and credible information on entry, exit, and immigration overstay status of visitors to the United States in order to enhance security, facilitate legitimate trade and travel, and ensure the integrity of the immigration system, all while protecting the privacy of visitors.

HSI is also the second-largest contributor of federal agents to the Federal Bureau of Investigations-led Joint Terrorism Task Forces (JTTF), which benefit from HSI agents' investigative expertise and broad enforcement authorities. ICE will continue its participation in more than 100 JTTFs, supporting and complementing their counterterrorism investigations with HSI's unique immigration and trade-based authorities. Additionally, HSI oversees the Human Rights Violators and War Crimes Center, which fosters an agency-wide approach to pursue human rights and war crimes violators by bringing together the resources of the various U.S. Government agencies that have a role in dealing with these offenders.

Finally, HSI's Visa Security Program (VSP) helps identify terrorists, criminals and other aliens ineligible for a visa prior to their travel or application for admission to the United States. VSP differs from other U.S. Government screening efforts in that it leverages its capabilities through in-person interviews, and works with international law enforcement partners to investigate suspect travelers, enhance existing information, and identify previously unknown threats, instead of simply denying visas and any potential travel. In FY 2016, HSI expanded VSP operations to an additional 5 strategically-important visa-issuing posts and reviewed more than 2.2 million visa applications, including approximately 8,600 cases in which visas were refused for a variety of reasons, including for suspected connection to terrorism or terrorist organizations.

GROWING OUR WORKFORCE

Because of the vital funding increases ICE received in the FY 2016 and FY 2017 appropriations bills, the agency has been able to aggressively hire front-line operational and support staff. In FY 2016, ICE hired 498 law enforcement officers (LEOs) and 202 attorneys to enforce our immigration laws and investigate transnational criminal organizations. From the beginning of FY 2017, we have hired 357 LEOs and 114 attorneys who will continue to carry out the mission of ICE.

The FY 2018 Budget includes \$185 million to hire an additional 1,000 law enforcement officers and 605 investigative support staff to support the increased operational tempo called for by EO 13768, *Enhancing Public Safety in the Interior of the United States*. This funding would allow ICE to hire the first ten percent of the total 10,000 law enforcement officers directed by the EO, as well as associated and support staff. This includes the previously mentioned 850 deportation officers and 150 special agents.

INVESTING IN INFORMATION TECHNOLOGY AND INFRASTRUCTURE

The tools required to carry out the agency's operations are just as important as the resources needed to fulfill ICE's enforcement and investigative missions. The FY 2018 Budget includes \$53 million to fund the deployment and modernization of ICE's information technology applications – systems infrastructure that support our front-line personnel and improves information sharing with the Department of Homeland Security (DHS) and partner organizations. The requested funds will also enable ICE to refresh our information technology infrastructure; and complete an ongoing migration effort to a new Investigative Case Management (ICM) system.

ICE relies on the availability of these mission-essential systems to perform critical functions across the enterprises. These systems, in turn, rely on modern and up-to-date infrastructure to ensure operational readiness and optimal performance.

CONCLUSION

ICE will continue to play a critical role in fulfilling the DHS national security, border security, and public safety missions. To that end, the FY 2018 President's Budget ensures that ICE has the resources to support Administration and DHS-wide priorities. Thank you again for the opportunity to testify today and for your continued support of ICE. I look forward to answering any questions you have at this time.



U.S. Immigration and Customs Enforcement

BIOGRAPHY

Thomas D. Homan

Acting Director

Thomas D. Homan is the acting Director for U.S. Immigration and Customs Enforcement, the principal investigative agency of the Department of Homeland Security. He became acting Director on January 30, 2017.

In his capacity as acting Director, Mr. Homan advances ICE's mission to promote homeland security and public safety through the criminal and civil enforcement of approximately 400 federal laws governing border control, customs, trade and immigration.

Since 2013, Mr. Homan has served as the executive associate director of ICE Enforcement and Removal Operations (ERO).

In this capacity, he led ICE's efforts to identify, arrest, detain, and remove illegal aliens, including those who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of our immigration laws and our border control efforts.

Mr. Homan is a 33-year veteran of law enforcement and has nearly 30 years of immigration enforcement experience. He has served as a police officer in New York; a U.S. Border Patrol agent; a special agent with the former U.S. Immigration and Naturalization Service; as well as supervisory special agent and deputy assistant director for investigations at ICE. In 1999, Mr. Homan became the assistant district director for investigations (ADDI) in San Antonio, Texas, and three years later transferred to the ADDI position in Dallas, Texas.

Upon the creation of ICE, Mr. Homan was named as the assistant agent in charge in Dallas. In March 2009, Mr. Homan accepted the position of assistant director for enforcement within ERO at ICE headquarters and was subsequently promoted to deputy executive associate director of ERO.

Mr. Homan holds a bachelor's degree in criminal justice and received the Presidential Rank Award in 2015 for his exemplary leadership and extensive accomplishments in the area of immigration enforcement.



U.S. Immigration and Customs Enforcement (ICE) is the largest investigative arm of the Department of Homeland Security. ICE is comprised of three integrated divisions that form a 21st century law enforcement agency with broad responsibilities for a number of key homeland security priorities. For more information, visit: www.ICE.gov.