



U.S. Immigration and Customs Enforcement

STATEMENT

OF

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REGARDING A HEARING ON

“OVERSIGHT OF U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT”

BEFORE THE

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY

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INTRODUCTION

Chairman Goodlatte, Ranking Member Conyers, and distinguished members of the Committee:

On behalf of Secretary Johnson, thank you for the opportunity to appear before you today to discuss the role of U.S. Immigration and Customs Enforcement (ICE) in promoting homeland security and public safety through the strategic and wide-ranging criminal and civil enforcement of hundreds of federal laws governing border control, customs, trade, and immigration. I was sworn in as the Director of ICE on December 23, 2014. I appreciated the opportunity to personally meet with the Chairman, Ranking Member, and several other members of this Committee to share my vision and learn more about your specific interests. I look forward to personally meeting with all members on the Committee in the coming weeks.

In my first months as Director, I have had numerous opportunities to meet with the men and women of ICE and discuss our key operational and resource issues. I have become familiar with our budgeting and management as well as our strong relationship with our interagency colleagues, international partners, and industry. I have taken some initial steps to enhance ICE's ability to achieve its primary goal of enforcing our nation's immigration laws and keeping our country safe by ensuring we focus our resources on individuals who pose the greatest threat to our national security and public safety. Having most recently served as the U.S. Attorney for the Northern District of Texas, I have a wealth of experience in enforcing the thousands of federal laws over which I had responsibility.

I have been able to participate in high-level discussions with Mexican government officials on working together to conduct joint investigations with a nexus to the United States, as well as discussing opportunities to more rapidly repatriate Mexican nationals who are in the

United States illegally. I have also met with government officials from Honduras, Guatemala and El Salvador. We each pledged to do our part to stem the tide of citizens of those countries trying to unlawfully enter the United States. Over the past year we have developed an interagency strategy – the U.S. Strategy for Engagement in Central America – that balances three interrelated and interdependent objectives. These objectives are prosperity, governance, and security. Without significant progress on all of these fronts, Central America will continue to face extreme violence and widespread poverty. These conditions may continue to compel tens of thousands of Central Americans to flee their homes each year. Conversely, a secure, democratic, and prosperous Central America should provide an environment in which citizens of these nations can thrive at home, instead of migrating elsewhere for safety and opportunity.

I fully appreciate the challenges we face in furthering our diverse mission and I relish the opportunity to take full advantage of the resources available to us, including the support of Congress and this Committee, in particular.

Today, in my first appearance before you, I am honored and pleased to provide an overview of our operational programs, and highlight ICE’s recent successes and the challenges I believe we currently face.

I am very proud to lead ICE, the principal criminal investigative arm of DHS and one of its component agencies charged with enforcing and administering the Nation’s immigration laws. Currently, ICE has nearly 19,000 employees in offices in all 50 states, as well as U.S. territories and 46 foreign countries and primarily consists of two operational programs: Enforcement and Removal Operations (ERO) and Homeland Security Investigations (HSI).

Enforcement and Removal Operations

Guided by DHS' enforcement priorities, the approximately 7,300 personnel of ICE ERO identify and apprehend convicted criminals and other removable individuals; detain individuals and, as appropriate, supervise them through alternatives to detention; and remove from the United States those priority individuals determined to be illegally present or otherwise subject to removal. ERO enforces our nation's immigration laws in a manner designed to best promote national security, public safety, and border security, placing the highest priority on the removal of recent border crossers, convicted criminals and those who otherwise pose a threat to our communities.

Pursuant to a memorandum issued by Secretary Johnson on November 20, 2014, Priority 1 aliens comprise threats to national security, border security, and public safety. Priority 2 aliens include certain misdemeanants and new immigration violators who entered the United States after January 1, 2014. The removal of these individuals from the United States is a national priority that is carried out by a team of just under 5,700 law enforcement officers operating in nearly every jurisdiction of the United States.

Earlier this month, ERO conducted Operation Cross Check VI, a five-day nationwide operation that resulted in the arrest of 2,058 convicted criminals. ERO works with ICE's Office of the Principal Legal Advisor (OPLA) to facilitate the processing of individuals in removal proceedings through Executive Office for Immigration Review (EOIR), the nation's immigration court system which is administered by the U.S. Department of Justice (DOJ). ERO also, coordinates their departure from the country, including obtaining necessary travel documents from their country of origin.

We are working hard to ensure that we provide appropriate care and protections for those in our facilities and have made progress on our standards to that end. ICE is currently compliant with all DHS Prison Rape Elimination Act (PREA) requirements applicable to the agency. This includes the ICE Directive on “Sexual Abuse and Assault Prevention and Intervention” (SAAPI), which was updated in May 2014 to incorporate all DHS PREA requirements. The directive established a zero-tolerance policy for sexual abuse and assault, and outlined the duties of agency employees for reporting, response, investigation, and monitoring for all allegations; established responsibilities for staff training, timely reporting, protection of victims, provision of medical and mental health care, and investigation protocols; and includes safeguards to prevent retaliation against those who report sexual abuse or who participate in a subsequent investigation, and it defines procedures for facilitating the provision of victim services to detainee victims. ICE also promulgated a new ERO Policy 11087.1 “Operations of ERO Holding Facilities” in September 2014, integrating PREA requirements specifically applicable to ICE holding facilities. While PREA’s agency requirements are primarily addressed in these two policies, ICE has also made revisions to other policies and protocols as needed (such as medical policies and investigative protocols) in order to incorporate all applicable PREA mandates. The requirements of ICE’s SAAPI Directive apply to ICE employees responding to any incident or allegation of sexual abuse or assault at the facility. This ensures that the agency provides timely and effective response and follow-up with respect to medical and mental health care, victim services, investigation, protection from retaliation, and other issues, consistent with the requirements of the PREA regulation.

As of January 2015, the sexual assault safeguards contained in PREA and ICE’s 2011 Performance-Based National Detention Standards apply to approximately 79 percent of the

agency's average daily population (this is 94 percent of the agency's average daily population when excluding those detainees who are held in DOJ contracted facilities, which are covered by the DOJ PREA regulations). Pursuant to a commitment made in the preamble to the PREA regulations, ICE will also seek to implement PREA standards at all dedicated ICE detention facilities within 18 months of May 6, 2014, the effective date of the DHS PREA regulations. The PREA standards have already been incorporated into the contracts of a number of these dedicated facilities. Although not required by PREA, ICE will also proactively pursue opportunities for incorporating the PREA standards at a number of other non-dedicated detention facilities.

In Fiscal Year (FY) 2014, ICE conducted 315,943 removals and returns, 213,719 of which were apprehended while, or shortly after, illegally entering the United States and 102,224 of which were apprehended in the interior of the United States. Eighty-five percent of individuals removed or returned from the interior were previously convicted of a criminal offense, reflecting a significant percentage increase in the removal of individuals with convictions, from 67 percent in FY 2011 and 38 percent in FY 2008. This is no accident. The increasing number of convicted criminals removed from our country is the result of change in ICE's strategic focus, which revised policies help us achieve.

ICE's FY 2014 removal numbers illustrate the agency's continued commitment to focusing on identifying, arresting, and removing convicted criminals and other priority individuals in the interior of the United States, and the removal of individuals apprehended while attempting to unlawfully enter the United States. Ninety-eight percent of ICE's FY 2014 removals and returns fell into one or more of its civil immigration enforcement priorities at the

time. Seventy-six percent of the convicted criminals removed from the interior were convicted of several felony or misdemeanor offenses.

Shifting Migration Patterns and Demographics

A number of factors and new challenges had an impact on ICE's total removals in FY 2014. In FY 2014, ICE shifted resources to respond to the influx of Central American families and unaccompanied children illegally crossing into the United States in the Rio Grande Valley (RGV) area in South Texas. In coordination with other DHS components, ERO detailed and/or transferred almost 800 personnel and devoted additional resources to address the challenges posed by this unprecedented migration; transferred nearly 60,000 unaccompanied children to Department of Health and Human Services custody pursuant to obligations under federal law; and expanded its limited family detention capacity to help address the influx of family units. While unaccompanied children were not housed in ICE detention space like family units, they required ICE resources, including officer time, to support DHS's response to this urgent humanitarian situation.

The significant increase in illegal migration of family units also contributed to ICE's operational challenges. Like single adults, family units apprehended at the border may be placed into expedited removal proceedings. However, this process requires ICE to maintain an increased level of family detention space, which historically has been limited to fewer than 100 beds nationwide. As a result, ICE allocated substantial resources to add detention capacity for family units, and opened three additional facilities for this purpose. I personally inspected the new South Texas Family Residential Center in Dilley, Texas, to ensure that its expansion will be completed in a timely manner and that it is operating in accordance with both the law and ICE

family residential standards. The DHS PREA standards are also contractually binding and applicable at each of ICE's family residential facilities. DHS and its partners are working both domestically and internationally to take steps to reduce the likelihood of another such influx. Those efforts include Operation Coyote that targets the operations of transnational criminal organizations that move Central American migrants to the United States, whether along the border, the interior of the United States, or internationally, while simultaneously focusing on the illicit movement of proceeds derived from their criminal activity. ICE also increased the number of repatriation flights to Mexico and Central America, from 1,017 flights in FY 2013 to 1,206 flights in FY 2014.

In addition, between FY 2013 and FY 2014, ICE experienced a key demographic shift in the population detained and removed. Most notably, removals to Mexico decreased from 66 percent to 56 percent of the total ICE removals, while removals to Central America increased by 15 percent, which is consistent with changes in apprehension demographics at the border. Removals of nationals from non-contiguous countries require more ICE resources and take significantly more time than removals of Mexican nationals. In particular, these removals require not only additional detention capacity, but also greater efforts to secure travel documents from the countries of origin. For example, the total number of travel documents requested via ICE's Electronic Travel Documents (ETD) system increased approximately 18 percent from FY 2013 to FY 2014.

Increasing Number of Jurisdictions Refusing to Cooperate with ICE

Another significant factor impacting removal operations has been the increase in state and local jurisdictions that are limiting their partnership, or wholly refusing to cooperate with

ICE immigration enforcement efforts. While the reasons for this may vary, including state and local legislative restrictions and judicial findings of state and local liability, in certain circumstances we believe such a lack of cooperation may increase the risk that dangerous criminals are returned to the streets, putting the public and our officers at greater risk. Given ICE's public safety mission and limited resources, state and local cooperation is essential to our success. During calendar year 2014, state and local jurisdictions have declined more than 12,000 ICE detainer requests. There are more than 200 jurisdictions, including some of the largest in the country, that refuse to honor ICE detainers and some have also denied ICE access to their jails and prisons. As I will explain below, it is a priority of mine to implement the Secretary's Priority Enforcement Program (PEP) and to engage with state and local governments as well as their communities to build trust and stop this trend. PEP is designed to protect community trust so immigrants who are not afraid to cooperate with law enforcement officials investigating and prosecuting crimes.

Reduced ICE Participation in the Alien Transfer Exit Program (ATEP)

Key operational changes to the Alien Transfer Exit Program (ATEP) impacted ICE's operations and the removal of Mexican nationals. ATEP is a joint effort between ICE ERO and U.S Customs and Border Protection's (CBP) Border Patrol in which Mexican nationals apprehended in one sector of the southwest border are transported for removal to a different sector in order to disrupt the smuggling cycle by separating migrants from their smugglers. In 2013, ICE began reallocating limited resources away from ATEP to focus on the increasing number of Central American migrants flooding the southwest border and other priorities. In FY 2014, ICE continued to scale back ATEP and re-tasked ATEP-dedicated transportation resources

to effectively manage the influx of family units and unaccompanied children apprehended in the RGV. As a result, in FY 2014, the number of ATEP ICE removals dramatically decreased as compared to the 52,965 Mexican nationals removed through ATEP in FY 2013. This contributed to a reduction in total ICE removals in FY 2014. However, the Border Patrol supported ICE's reduction in ATEP transportation resources by removing or voluntarily returning those individuals who would have met the criteria for ATEP.

Enhanced Oversight and Release Procedures

I recently announced enhanced oversight and release procedures that ICE will implement with respect to custody determinations involving detainees with criminal convictions. The new procedures will enhance public safety and public confidence in ICE's enforcement and administration of immigration laws. ICE is committed to making certain that both discretionary releases and mandatory releases, including those required under the U.S. Supreme Court's decision in *Zadvydas v. Davis*, are executed in a way that promotes public safety and protects our communities. These procedures include: supervisory approval for discretionary releases of certain categories of criminals, including senior manager review of discretionary release decisions for individuals convicted of crimes of violence, ensuring that detention capacity is not a determinative factor in the release of an individual with a serious criminal conviction; and developing a capability to provide appropriate criminal release information to state law enforcement authorities in relevant jurisdictions.

Legal Requirements

ICE's interior enforcement operations and subsequent removals from the interior were also impacted by federal court rulings, including the decision of the U.S. Court of Appeals for the Ninth Circuit in *Rodriguez v. Robbins*, which expanded the availability of bond hearings for individuals detained for six months or longer, including those subject to mandatory detention. In many instances, individuals must be granted individual bond hearings within 180 days of the commencement of immigration detention, regardless of ICE's custody determination. If bond is granted by an immigration judge, and the individual posts bond, the individual's case is transferred from the detained docket to the non-detained docket where the immigration court process generally takes significantly longer. *Rodriguez* applies throughout the Ninth Circuit, the largest federal jurisdiction.

In addition, ICE relies on the cooperation of foreign governments to effectuate removal of their nationals. However, often ICE cannot repatriate individuals because certain countries fail to issue required travel documents in a timely manner, if at all. In these cases, and due to the *Zadvydas* decision, ICE is required to release individuals from custody under certain circumstances. While ICE continues to work with the Department of State to engage these countries regarding the timely repatriation of their nationals, we remain concerned by the operational, public safety, and national security impacts of the release of certain convicted criminals due to the *Zadvydas* decision.

Homeland Security Investigations

ICE's HSI office is responsible for a wide range of domestic and international criminal investigations arising from the illegal movement of people and merchandise into, within, and out

of the United States, often in coordination with other federal agencies. While ERO enforces civil immigration laws, HSI, the investigative arm of ICE, principally conducts criminal investigations to protect the United States against terrorism and other criminal activity that threatens public safety and national security, and to bring to justice those seeking to violate our customs and immigration laws worldwide. Notably, in FY 2014, HSI made more than 32,000 criminal arrests and seized more than 1.3 million pounds of narcotics, 35,000 weapons, and \$772 million in currency and monetary instruments.

In its investigative capacity, HSI enforces more than 400 federal laws and regulations, with jurisdiction over the investigation of crimes with a nexus to the U.S. borders. To accomplish its mission, HSI focuses its broad investigative authority on three operational priorities – border security, public safety and counterterrorism/national security. HSI investigates customs and immigration crimes, including Transnational Criminal Organizations (TCOs) engaged in illicit activity related to export enforcement, human rights violations, narcotics, weapons and contraband smuggling, financial crimes, cybercrimes and child exploitation, human trafficking and smuggling, intellectual property theft and commercial fraud, transnational gangs, and immigration document and benefit fraud.

Transnational Criminal Organizations

In keeping with a risk-informed strategy, HSI focuses on complex investigations that target the disruption and dismantlement of TCOs. HSI financial investigations focus on identifying the means and methods by which TCOs move, launder, and store their illicit proceeds through money laundering, bulk currency smuggling, and other financial and trade-related crimes. ICE has had great success in this area in recent years. For example, an HSI New York

investigation into business wholesalers who were involved in the black market peso exchange resulted in the criminal forfeiture of \$1.2 billion from HSBC Bank.

Last fall, our investigations in the Los Angeles Garment District resulted in seizures of more than \$100 million in assets related to a black market peso exchange scheme to launder narcotics proceeds for international drug cartels. In addition, ICE's response to the surge of unaccompanied children along the Southwest Border included a financial component targeting funnel accounts used by Human Smuggling Organizations (HSOs) and the illicit proceeds they generated in order to disrupt the smuggling networks.

HSI continually evaluates current threats across programmatic areas, and works collaboratively to adapt its efforts in order to stay ahead of developing trends such as interstate funnel accounts, which transnational criminal and human smuggling organizations use to move illicit proceeds within the interior of the United States; trade-based money laundering, which is becoming a preferred method of TCOs to move money for the purpose of disguising its origins and integrating it into the legitimate economy; and virtual currencies, which are used by TCOs along with other online financial systems, internet technologies, and infrastructure to conduct illegal activities such as drug and weapons trafficking, illegal gambling, human trafficking, fraud, and the distribution of child sexual abuse images via the Internet.

Counterterrorism

HSI's counterterrorism work involves a multipronged approach. Counterterrorism and criminal exploitation efforts seek to prevent terrorists and other criminals 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, as well as to protect the privacy of visitors. Other than the Federal Bureau of Investigation (FBI), HSI is the largest contributor of federal agents to the FBI-led Joint Terrorism Task Forces (JTTFs). These JTTFs benefit from the investigative expertise and broad authorities of HSI agents to enforce over 400 federal laws and regulations dealing with illicit trade, travel, and finance.

Human Smuggling and Trafficking

Two additional priority investigative areas for HSI are human smuggling and human trafficking, for which ICE possesses a full range of investigative and border-related authorities. HSI is one of the principal federal agencies charged with enforcing U.S. laws related to human trafficking, and has developed a comprehensive, victim-centered approach to aggressively target human traffickers. In FY 2014, HSI conducted or coordinated law enforcement and human trafficking awareness training for 22 international anti-human trafficking training events that reached 1,450 foreign law enforcement personnel in Lithuania, Colombia, Brazil, Dominican Republic, Hungary, El Salvador, Cambodia, Thailand, Uruguay, and Mexico. These training events focused on HSI's victim-centered investigative approach to combating human trafficking including: human trafficking indicators, victim identification, investigative methodologies, victim interviews, and best practices leading to successful prosecutions. Several of these training sessions were presented at the various International Law Enforcement Academies administered by the U.S. Department of State (DOS). Additionally, in FY 2014, HSI initiated 987 investigations with a nexus to human trafficking and recorded 1,770 arrests, 1,028 indictments, 828 convictions, and more than 440 victims were identified.

Momentum in ICE's anti-human smuggling efforts continue to build, particularly with the increased emphasis on activities along our border with Mexico. In response to the unaccompanied children crisis involving unprecedented numbers of Central American children attempting to illegally cross the southwest border last summer, HSI initiated Operation Coyote. The operation was designed to target and dismantle human smuggling organizations and to interdict the flow of money to these organizations. HSI deployed personnel as a force multiplier for the enhanced execution of human smuggling investigations and enforcement actions during the operational period. To build upon its early investigative accomplishments, HSI expanded the initiative across the country and worldwide to harness all HSI activity related to the smuggling of Central Americans into the United States.

Operation Coyote has resulted in 613 cases initiated, 1,289 criminal arrests and the seizure of over \$1.2 million in currency from funnel accounts utilized by human smuggling organizations to move illicit funds. ICE International Operations' efforts (Operation Coyote International) have resulted in the identification of 15 human smuggling organizations operating in Central America and Mexico. Of these 15 organizations, six have been prosecuted and dismantled, while the remaining nine organizations have been disrupted and the investigative and prosecutorial efforts against them continue.

On March 23, 2015, HSI commenced Operation Coyote 2.0, a multi-faceted initiative that is built on the foundation of the preceding operational activity of Operation Coyote and enhances HSI's overall human smuggling strategy. Operation Coyote 2.0 includes specific lines of effort that reflect HSI's entire enforcement portfolio to focus on the mitigation of the most significant risks posed by human smuggling. Operational enhancements of Coyote 2.0 include increased targeting of the financial vulnerabilities exploited by HSOs; increased targeting of fraudulent

document vendors employed by smuggled individuals and the HSOs for the purposes of obtaining identity documents; exploitation of the communication methods used by the HSOs with analysis of communications data to enhance targeting efforts; leveraging of the newly created Human Smuggling Cell (HSC) and the Joint Task Force-Investigations (JTF-I) as interagency platforms to coordinate and integration human smuggling intelligence and operations; and finally, enhanced leveraging of our international offices, Transnational Criminal Investigative Units (TCIUs), Customs and Border Protection and international partners to disrupt the pathways of illegal migrants.

HSI is also targeting TCOs involved in these activities through this large and comprehensive response using our existing resources. In December 2013, HSI and CBP established the National Targeting Center-Investigations Division (NTC-I) at the CBP National Targeting Center (NTC) to enhance unity of effort in furtherance of our shared border security mission. The establishment of the NTC-I provides HSI with an increased presence to work alongside CBP subject matter experts in support of the entire U.S. border security continuum, from CBP interdictions and HSI investigations, to the joint exploitation of intelligence and cross-cutting border enforcement efforts.

The Human Smuggling Cell

As part of our overarching efforts to combat human smuggling, we also lead two interagency initiatives. The Human Smuggling Cell harnesses DHS's unique access to trade and financial data to develop information on individuals or organizations involved in human smuggling and serves as the coordination center for all HSI investigative efforts to combat human smuggling and the transnational criminal organizations that facilitate such activities. In

addition, the interagency Human Smuggling and Trafficking Center integrates U.S. Government efforts to combat human smuggling, trafficking in persons, and clandestine terrorist travel.

Human Rights Violators

As you may have seen, the work conducted by personnel in HSI's Human Rights Violators and War Crimes Center (HRVWCC), was recently featured on the front page of the New York Times. The HRVWCC, comprised of HSI and FBI agents, analysts, attorneys and historians as well as representatives from United States Citizenship and Immigration Services and DOS, works collectively to enforce the No Safe Haven Initiative and to ensure that the United States does not become a place of refuge for those who have engaged in human rights violations overseas. In January, in a case prosecuted by the Justice Department's Human Rights and Special Prosecutions Section and the U.S. Attorney's Office for the District of Vermont, a jury found Edin Sakoč, a Bosnian-born Burlington, Vermont man, guilty of obtaining his citizenship through fraud. The conviction was the result of a lengthy investigation by HSI and the FBI, which revealed that Sakoč had provided false information regarding human rights violations he committed during the conflict in Bosnia-Herzegovina including rape, kidnapping and persecution of Bosnian Serbs.

Narcotics Smuggling

HSI has a number of programs that target narcotics smuggling at the border, including thirty-five Border Enforcement Security Task Forces (BESTs), Tunnel Task Forces (TTFs), and the Shadow Wolves program. BEST Units incorporate personnel from HSI and other key federal, state, local, tribal, and foreign law enforcement agencies, including CBP's Office of

Field Operations and Office of Border Patrol, the U.S. Coast Guard, the Drug Enforcement Administration (DEA), the Bureau of Alcohol, Tobacco, Firearms and Explosives, the FBI, and the U.S. Attorney's Offices.

In January 2006, DHS adopted ICE's BEST initiative as a DHS task force in order to align federal, state, local, tribal and international law enforcement and intelligence resources in an effort to identify, disrupt, and dismantle organizations that seek to exploit vulnerabilities along U.S. borders and threaten the overall safety and security of the public. The two Tunnel Task Forces are part of the BESTs in San Ysidro, CA, and Nogales, AZ, and there are five HSI offices actively engaged in counter-tunnel investigations. The TTFs identify, disrupt, and dismantle transnational criminal organizations which exploit the border by constructing illicit subterranean tunnels to transport contraband, more specifically narcotics, and include participation from CBP, DEA, FBI, and Mexican law enforcement agencies.

Counter-Proliferation and Export Control

HSI also contributes to the federal 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. For instance, HSI's Counter-Proliferation Investigations (CPI) program oversees a broad range of investigations related to export law violations. CPI targets the trafficking and illegal export of conventional military equipment, firearms, controlled dual use equipment and technology and materials used to manufacture weapons of mass destruction, including chemical, biological, radiological, and nuclear materials. HSI enforces

U.S. export laws involving military items and controlled dual-use goods, as well as products going to sanctioned or embargoed countries.

As part of these efforts, HSI leads the Export Enforcement Coordination Center (E2C2), a multi-agency center that serves as the primary government entity for the exchange of information and intelligence related to export enforcement. The E2C2 was created in November 2010 pursuant to the President's Export Control Reform Initiative, which was designed to improve law enforcement coordination to investigate violations of U.S. export control laws.

The E2C2 serves as a conduit between federal law enforcement agencies and the Intelligence Community. It is a primary point of contact between government entities engaged in export licensing, and coordinates law enforcement public outreach activities and will establish a government-wide statistical tracking capability for U.S. criminal and administrative export enforcement activity.

Cybercrime

In response to the evolving criminal threat on the Internet, the HSI Cyber Crimes Center (C3) has concentrated its cyber initiatives in the following areas: network intrusion and online theft of both intellectual property and export controlled data; cyber economic crimes (including the sale and conversion of stolen personally identifying information into criminal proceeds); cyber-enabled crimes (including child exploitation, illicit underground marketplaces, and identity theft); document fraud; and other crimes that have transitioned from the physical to the virtual world.

HSI continually looks forward to developing new investigative methods, tools, methodologies, and ways to combat crime. For instance, the Human Exploitation Rescue Operative Rescue Corps (HERO Corps) is a pilot program in which wounded warriors from the U.S. Armed Forces are trained in computer forensics and in identifying and combatting child sexual exploitation, thereby arming them with the necessary skills to assist HSI in the fight to protect our nation's most valuable assets, our children.

HSI is also a leader in investigations involving the sexual exploitation of children and child sex tourism, as HSI employs the latest technology to collect evidence and track the activities of individuals and organized groups who sexually exploit children through the use of websites, chat rooms, newsgroups and peer-to-peer trading. C3 combats transnational cybercrime and the criminal exploitation of the internet by using state-of-the-art investigative techniques and computer forensic technology and by investigating large-scale cybercrime threats that potentially have national or international impact.

HSI demonstrated its ability to apply innovative approaches when it launched a smartphone application, the ICE Operation Predator App, which was designed to increase engagement with the public in understanding and reporting crimes against children by making it easier to report and identify suspected child exploitation from their smartphones. Through the app, users can: submit tips regarding suspected child exploitation; view child predator suspects currently pursued by HSI; review press releases; and obtain contact information for the partners we work with to fight child exploitation. Push notifications go out to users when a new predator is added or when a current predator is captured. This is the first time a smartphone app has been

used by federal law enforcement to seek the public's help with fugitive and unknown suspect child predators, and it has been increasingly helpful in solving cases.

Intellectual Property Rights Enforcement

With regard to intellectual property theft, HSI leverages the collective resources and expertise of the 23 members of the National Intellectual Property Rights Coordination Center (IPR Center) to share information among its partners having particular enforcement or administrative equities and promote a coordinated U.S. Government response to combatting intellectual property rights (IPR) infringement. The IPR Center strengthens national security by ensuring a sound the U.S. economy where businesses are able to compete on an even playing field, and where consumers are confident that the products they purchase are safe and fit for their purpose. Two significant examples include Operation Chain Reaction, which combines the effort of 16 federal law enforcement agencies to target counterfeit items entering the supply chains of the Department of Defense and other U.S. Government agencies; and Operation Engine Newity, which targets the importation and distribution of counterfeit transportation products that may adversely impact the health and safety of consumers. Enforcement efforts by HSI, CBP, and the FBI have uncovered counterfeit bearings, airbags, and steering, braking, and seat belt components.

Office of the Principal Legal Advisor

ICE's Office of the Principal Legal Advisor is the largest legal program in DHS, providing critical legal advice and counsel to ICE leadership and agency personnel on all matters related to the investigation and enforcement of the nation's customs and immigration laws. OPLA represents the federal government in exclusion, deportation, bond, and removal proceedings before the nation's immigration courts, prioritizing litigation of those cases involving convicted criminals, terrorists, and human rights abusers. OPLA also provides critical

legal support to ICE components focusing on criminal prosecutions, worksite enforcement, ethics, employment law, tort claims, and administrative law issues. In addition, OPLA also provides attorneys to serve temporary details nationwide with the United States Attorney's Office to prosecute criminal immigration cases.

The Office of Professional Responsibility

ICE's Office of Professional Responsibility (OPR), working in close coordination with our partners in the DHS Office of the Inspector General and CBP, helps to ensure that a robust process is in place for investigating allegations of criminal and administrative employee misconduct, and ensuring the integrity of the DHS mission. In addition, OPR contains an inspection division that ensures ICE operates consistently with the high standards we promulgate to regulate our program offices and civil detention system and a security division responsible for the employee suitability and security clearance processes. This three-tiered approach is accomplished by preparing comprehensive reports of investigation in a thorough and impartial manner for judicial or management action, conducting inspections and reviews of ICE offices and detention facilities to assess adherence to Departmental policies and applicable standards, and managing a layered security program in order to protect ICE personnel, facilities and information from criminal and/or terrorist organizations.

Executive Actions

Strengthen Border Security

ICE is an active participant in DHS's efforts to implement the Southern Border and Approaches Campaign Strategy to fundamentally alter the way in which we marshal resources to the border. This new plan will employ DHS assets in a more strategic and coordinated way to provide effective enforcement of our laws and interdict individuals seeking to illegally enter the United States across land, sea, and air. To accomplish this, DHS is commissioning three task forces of various law enforcement agencies. ICE's HSI program will lead the investigative functional task force – the Joint Task Force-Investigations – as part of the campaign. HSI will provide further support through our efforts to disrupt and dismantle human smuggling and trafficking operations, export control initiatives (including those targeting weapons flow to the south), and general contraband smuggling investigations.

Revise Enforcement Priorities

As is true with virtually all law enforcement agencies, DHS must establish smart and clear enforcement priorities and exercise prosecutorial discretion in the enforcement of the law. As such, DHS has implemented a new department-wide enforcement and removal policy that places the top priority on national security threats, convicted felons, gang members, and illegal entrants apprehended at the border; the second-tier priority on those convicted of significant or multiple misdemeanors, those who cannot establish that they have been physically present in the U.S. continuously since January 1, 2014, and those who have significantly abused the visa or visa waiver programs; and the third priority on those who are not criminals but who have failed to abide by a final order of removal issued on or after January 1, 2014. This policy also provides

clear guidance on the exercise of prosecutorial discretion on a case-by-case basis to ensure that our use of limited resources is devoted to the pursuit of the Department's priorities.

End Secure Communities and Replace it with a new Priority Enforcement Program

The overarching goal of the now-ceased Secure Communities program – to effectively identify and facilitate the removal of convicted criminals – is a valid and important objective. But that program, which has been embroiled in litigation and has been rejected by an increasing number of jurisdictions, is no longer effective and has been discontinued. It has been replaced with the Priority Enforcement Program (PEP), which more clearly reflects DHS's new enforcement priorities. Under PEP, requests for notification prior to release from custody will be issued to state and local law enforcement agencies in certain cases in line with the enforcement priorities, and requests for detention will only be issued in limited circumstances. The program will continue to rely on fingerprint-based biometric data submitted during the booking process by state and local law enforcement agencies and we are clarifying for those agencies the specific criteria for which we will seek Priorities 1 and 2 convicted criminal individuals in their custody. We are engaging state and local governments in an effort to increase law enforcement agency participation in PEP, thereby enhancing our ability to arrest, detain, and remove individuals deemed threats to national security, or public safety, while support community policing efforts. State and local participation is vital because it allows for the controlled and secure transfer of convicted criminals directly into ICE's custody, creating a safer environment for both the public and our ICE officers. It is also less time- and resource-intensive than the alternative of having to deploy multi-person outfitted Fugitive Operations Teams to find and apprehend at-large priority individuals, which, in turn, reduces the number of convicted criminals ERO is able to apprehend

and remove with its limited resources. We also recognize that building community trust is critical to law enforcement efforts, both at the state and local level as well as for federal enforcement of immigration law. Immigrants who are victims or witnesses to crimes cannot be afraid to cooperate with law enforcement officials. That's why we are also developing plans to engage local communities so the public can better understand the critical role that PEP will play in focusing enforcement resources on true public safety and national security threats.

In addition, ICE is committed to issuing detailed and accessible statistical information on its apprehensions, detentions, and removals, creating a transparent process that will allow for more public accountability and trust. Enhancing cooperation between ICE and our state and local partners is a priority for me. In my first 30 days as Director, I met with the Major County Sheriffs' Association and the Major Cities Chiefs Association about the importance of collaborating with ICE to keep dangerous individuals off the streets. I will continue to communicate this directly to law enforcement leaders and look forward to strengthening our partnerships.

Personnel Reform for ERO Officers

I am very pleased to support job series realignment and other reforms for ICE's dedicated and hardworking ERO officers engaged in removal operations. These measures, which were brought about via close collaboration with our labor partners, are essential to bringing the pay of ERO officers in line with other law enforcement personnel.

CONCLUSION

I believe that ICE will be successful in the deliberate and timely implementation of our objectives. I commit to exercising aggressive oversight of ICE's responsibility to maximize success, collaborate and engage with state and local governments and their local communities, and I look forward to working with Congress on comprehensive immigration reform.

Thank you again for the opportunity to appear before you today and for your continued support of ICE and its law enforcement mission. I am confident that we will continue to build upon the momentum we have generated as a result of our considerable operational achievements.

You have my commitment to work with each Member of this Committee and its staff to forge a strong and productive relationship going forward. I would be pleased to answer any questions.