



# U.S. Immigration and Customs Enforcement

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**STATEMENT**

**OF**

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**And**

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

**Regarding**

**The Fiscal Year 2019 President's Budget Request**

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

**April 12, 2018**

**Rayburn House Office Building, Room 2359**

## **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) 2019 President's Budget for U.S. Immigration and Customs Enforcement (ICE). We 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 to carry out our vital homeland security mission. Every day, the professional men and women at ICE work to promote homeland security and public safety through broad enforcement of over 400 federal laws governing border control, customs, trade, and immigration.

The FY 2019 President's Budget for ICE includes \$8.3 billion in discretionary funding, reflecting a \$967 million increase from the FY 2018 enacted budget. Additionally, the Budget estimates \$525.6 million in budget authority derived from mandatory fees, bringing total estimated spending authority to \$8.8 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 2019 Budget will support current efforts and enable ICE to invest in much needed areas: immigration enforcement, criminal investigations, dismantling trans-national criminal organizations, workforce expansion and training, and the information technology needed to meet the security challenges of the 21<sup>st</sup> 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 alien encountered in the course of their duties who is removable from the United States under the Immigration and Nationality Act. They work very hard, and we are 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 2019 Budget, if funded by Congress, would provide additional resources, tools, and personnel needed to implement 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, arrest, detention, and removal of removable aliens. Under these directives, ICE will no longer exempt entire classes or categories of removable aliens from potential enforcement.

The EO *Enhancing Public Safety in the Interior of the United States* (13768) and implementation memorandum established effective border security, public safety, and immigration enforcement to include removable aliens who (1) have been convicted of any criminal offense; (2) have been charged with any criminal offense that has not been resolved; (3) have committed acts which constitute a chargeable criminal offense; (4) have engaged in fraud or willful misrepresentation in connection with any official matter before a governmental agency; (5) have abused any program related to receipt of public benefits; (6) are subject to a final order of removal but have not complied with their legal obligation to depart the United States; or (7) in the judgment of an immigration officer, otherwise pose a risk to public safety or national security. 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 effectiveness of the EOs has already resulted in greater public safety; for example, ERO arrested 143,470 criminal aliens in FY 2017, the most since 2014<sup>1</sup> and a 30 percent increase over FY 2016. Additionally, total ERO administrative arrests in FY 2017 since the beginning of the Administration were up 42 percent from the same period last year (up from 77,806 to 110,568). In fact, ERO arrested more aliens in FY 2017 over this period than in all of FY 2016. Of the 110,568 ERO administrative arrests in FY 2017, 92 percent had a criminal conviction, a pending criminal charge, were an ICE fugitive,<sup>2</sup> or were processed with a reinstated final order.<sup>3</sup> In FY 2018, from October 1, 2017 through February 3, 2018, arrests increased from the comparable period in FY 2017 by 39 percent, from 38,508 to 53,653.<sup>4</sup> Of those 53,653 arrested aliens, 89 percent had a criminal conviction, a pending criminal charge, were an ICE fugitive, or were processed with a reinstated final order.

This faithful enforcement of our Nation's immigration laws in the interior of the United States is critically important to the national security and public safety. To continue these efforts, the funding increases included in the FY 2019 President's Budget are needed. Aliens who illegally enter the United States, or 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.

From October 1, 2017 through February 3, 2018, ERO removed 76,180 aliens from the United States and repatriated them to 172 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 these removals, 55 percent (41,899) had criminal convictions. ERO has also issued 56,142 detainers and 42,908 charging documents, and maintained an average daily population of 40,702 aliens in civil immigration detention during the same timeframe.

Furthermore, abolishment of the Priority Enforcement Program and re-establishment of the Secure Communities program, combined with the expansion of the 287(g)<sup>5</sup> program, is expected to result

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<sup>1</sup> ERO administrative arrests include all ERO programs. All statistics are attributed to the current program of the processing officer of an enforcement action.

<sup>2</sup> ICE ERO defines "fugitive" as any alien who has failed to depart the United States following the issuance of a final order of removal, deportation or exclusion, or who has failed to report to ICE after receiving notice to do so.

<sup>3</sup> An alien who departs the United States under a final removal order is subject to having that prior order reinstated without further hearing if he or she illegally reenters the United States. 8 U.S.C. § 1231(a)(5). It is also a federal felony to unlawfully reenter the United States. 8 U.S.C. § 1326.

<sup>4</sup> October 1 through February 3, 2018.

<sup>5</sup> 287(g) refers to Section 287(g) of the Immigration and Nationality Act, 8 U.S.C. § 1357(g).

in significant increases to interior arrests and removals. 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 2019 Budget supports hiring an additional 1,700 deportation officers to enforce our immigrations laws.

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 \$2.8 billion to expand detention capacity to support an average daily adult population of 49,500 and an average daily family population of 2,500, for a total of 52,000 beds. The budget also includes transportation costs commensurate to the requested detention population, and funding for the Alternatives-to-Detention (ATD) program to increase the average daily participants to 82,000.

Additional resources are also requested in FY 2019 to ensure that ICE's Office of the Principal Legal Advisor (OPLA) is able to carry out its statutory responsibility to prosecute administrative immigration cases before the U.S. Department of Justice's (DOJ) immigration courts.<sup>6</sup> At the end of FY 2016, there were more than 520,000 pending immigration cases nationally. By the end of FY 2017, this workload grew to over 637,000 cases, a 23% increase from the previous fiscal year. As of March 1, 2018, the docket had grown to over 684,000 pending cases and is on pace to exceed 730,000 cases by the start of FY 2019. Further, DOJ intends to open 75 new immigration courtrooms in FY 2018 and another 75 courtrooms in FY 2019, some in locations with no current ICE presence. To handle this growing immigration court system, OPLA will need to hire 260 additional attorneys and 98 additional support staff, and ICE will need to fund \$17.7M in construction and facility costs to accommodate this increased staff. An inadequate augmentation of OPLA resources will result in ICE's enforcement efforts failing to meet the Administration's objectives and enacted immigration laws.<sup>7</sup>

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<sup>6</sup> 6 U.S.C. § 252(c).

<sup>7</sup> In addition to representing DHS in proceedings before EOIR, OPLA is responsible for advising ICE leadership and operational personnel on legal matters and addressing an array of other litigation and legal matters facing the agency, which have seen significant increases in tempo and complexity.

## COMBATING TRANSNATIONAL CRIMINAL ORGANIZATIONS

ICE's Homeland Security Investigations (HSI) 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 2019 Budget maintains HSI's critical operations abroad, supports hiring of an additional 300 domestic special agents and increases our efforts to target and combat dangerous transnational gangs and other criminal organizations.

In FY 2017, HSI investigations led to the disruption or dismantlement of hundreds of transnational criminal organizations (TCOs). HSI made more than 32,958 criminal arrests, including arrests of more than 4,818 gang members. In the first quarter of FY 2018, HSI made 1,420 arrests of gang members, including 405 MS-13 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 518 human trafficking victims and more than 904 child exploitation victims.

Since October 1, 2017 through January 26, 2018, HSI made more than 8,630 criminal arrests, including arrests of more than 1,278 transnational gang members. HSI also seized more than 251,000 pounds of narcotics, made 981 seizures for violations of U.S. export laws and regulations, and seized nearly \$563 million in currency and monetary instruments.

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 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 transnational crime cells attempt to exploit America's legitimate trade, travel, and transportation systems; and throughout U.S. interior, where criminal organizations earn substantial profits off the smuggling of aliens and illicit goods. One of many critical tools needed to effectively combat TCOs is electronic surveillance. The FY 2019 Budget requests an additional \$6.5 million for HSI wiretapping operations to counter the expanded threats of TCOs.

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 prioritize 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 the Southwest Border, including land and maritime points of entry, international airports, and Border Enforcement Security Task

Forces (BESTs)—provide a comprehensive regional response to the growing threat to border security, public safety, and national security. In FY 2016, drug smuggling investigations, conducted by the five HSI Special Agents 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, HSI works closely with attaché personnel deployed to 67 offices in 50 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-vetted and -trained host country counterparts who have the authority to investigate and enforce violations of law in their respective 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.

Additionally, ICE ERO coordinates the Criminal History Information Sharing (CHIS) program, which is a DHS-led information sharing initiative between the United States and its international partners, which is a vital international public safety tool that provides participating nations with criminal history information in advance of an alien's removal. CHIS also facilitates the exchange of foreign conviction data to ICE that would have previously gone unknown. These records assist ICE in the identification and classification of additional aliens within the agency's criminal removal priorities. In FY 2017, ICE provided its CHIS partners with 84,067 outbound transmissions and advance notices, 10,003 which contained criminal notices. ICE received 21,434 inbound responses, of which 93 responses contained international wants/warrants and 28 responses contained notice of both criminal and gang affiliation.

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 184 JTTFs, supporting and complementing their counterterrorism investigations with HSI's unique immigration and trade-based authorities. Of the 150 domestic JTTF disruptions in FY 2017, 106 (71%) had significant ICE involvement and 45 (39%) were achieved using ICE's unique authorities.

Approximately one-quarter of the disruptions were ISIS-affiliated, and the group's ability to reach and radicalize within the homeland remains a threat. 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 2017, HSI expanded VSP operations to two additional strategically-important visa-issuing posts and reviewed more than two million visa applications, including approximately 8,887 cases in which visas were refused for a variety of reasons, including for suspected connection to terrorism or terrorist organizations.

### **POSITIONING OUR WORKFORCE TO MEET THE MISSION**

The FY 2019 Budget includes \$571 million to hire twenty percent of the 10,000 LEOs directed by the EO as well as associated and support staff to meet the mission called for by EO 13768, *Enhancing Public Safety in the Interior of the United States*. This funding would allow ICE to hire 1,700 ERO Deportation Officers, 300 HSI Criminal Investigators, 338 attorneys, and 974 support staff including intelligence analysts, case management specialists, and other operational support personnel.

### **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 2019 Budget includes \$35.5 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 the ongoing enhancement effort of the new Investigative Case Management (ICM) system.

Additionally, HSI is in the process of transforming the Agency's investment approach and processes for acquiring and delivering capabilities to HSI's 9,500-person workforce. In support of its investigations, HSI invests significant time and resources to analyze large volumes of data utilizing multiple data sets and the manual comparison of such data to understand patterns, associations, links, and leads. It is HSI's goal to bring investigative, intelligence and scientific capabilities together to function efficiently and to aid investigators in their efforts to combat and dismantle transnational criminal organizations through the Repository for Analytics in a Virtualized Environment (RAVEN).

Tactical Communication (TACCOM) is an integral part of all successful ICE law enforcement operations, including criminal apprehension, emergency response, surveillance, and multi-agency task force operations. In addition to daily operational needs, TACCOM provides critical support necessary for National Special Security Events (NSSEs) and responses to natural and man-made

disasters. ICE needs to procure and deploy multi-band mobile and portable radios and the required radio infrastructure nationwide to support interoperability communications, improve officer safety, increase mission effectiveness, and reduce capability gaps. Having robust and secure tactical communications systems and equipment available significantly improves officer safety by providing a mission-critical lifeline for agents and officers needing to communicate with each other, call for backup, report suspicious activity, and call for emergency assistance.

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 is a responsive, capable, agile, and indispensable instrument of national security and public safety. Funding people, technology, and equipment are especially prudent investments given today's challenging fiscal environment. We believe no other investment will return more operational value on every dollar than the extraordinary men and women of ICE—which is over 19,700 strong. An illustrative example of ICE's mission success is last year's execution, response, and recovery efforts associated with a historic hurricane season. Removing illicit narcotics, dismantling gangs, and detaining and removing illegal aliens along with ICE's ability to counter emerging threats also constitutes an operational success that continues to yield important results for the Nation.

Thank you again for inviting us to testify today. We look forward to your questions.



# BIOGRAPHY



U.S. Immigration  
and Customs  
Enforcement

## **Matthew T. Albence**

Executive Associate Director, Enforcement and Removal Operations

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Matthew T. Albence is the Executive Associate Director for Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement (ICE), Department of Homeland Security (DHS), Washington, D.C. As EAD, Mr. Albence leads ERO in its mission to identify, arrest, and remove aliens 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. He was appointed EAD in February 2017.



Mr. Albence leads an organization of more than 7,600 employees, which includes more than 5,700 Deportation Officers assigned to 24 ERO field offices, and overseas locations in 19 countries.

Prior to his current role, since January 2013, Mr. Albence served as the Assistant Director for the ERO Enforcement Division. He was responsible for all ERO enforcement programs and initiatives, to include the Criminal Alien Program, the National Fugitive Operations Program, Field Training, the 287(g) Program, the Law Enforcement Support Center, the Pacific Enforcement Response Center, the Fugitive Operations Support Center, and the National Criminal Analysis and Targeting Center.

Mr. Albence has over 23 years of federal law enforcement experience. In 1994, he began his career in San Antonio as a Special Agent with the former U.S. Immigration & Naturalization Service (INS). In 1999, he was promoted to Supervisory Special Agent, San Antonio. Mr. Albence's supervisory experience includes positions as Supervisory Special Agent, San Antonio; Deputy Assistant Director for Investigations, Chicago; Associate Special Agent in Charge, Chicago; Deputy Special Agent in Charge, Detroit; Unit Chief for the ICE Office of Investigations Training Academy, Glynco; TSA Deputy Special Agent in Charge of the South Central Regional Field Office and Deputy Assistant Director for the ERO Criminal Alien Division.

Mr. Albence received a B.S. in Justice and a M.S. in Administration of Justice. He is a member of the Senior Executive Service.



**Derek Benner**  
**Deputy Executive Associate Director (EAD) and**  
**Senior Official Performing the Duties of the EAD**  
**Homeland Security Investigations**

Derek N. Benner is currently the Deputy Executive Associate Director (EAD) and Senior Official Performing the Duties of the EAD for Homeland Security Investigations (HSI), an organization of more than 9,000 employees, which includes more than 6,000 special agents who are assigned to 26 Special Agent in Charge offices in major cities, 185 other field offices throughout the United States, and 67 overseas locations in 50 countries. Prior to this assignment, Mr. Benner served as the Deputy Executive Associate Director for HSI. As the investigative component of U.S. Immigration and Customs Enforcement (ICE), HSI's investigative and enforcement initiatives and operations target cross-border criminal organizations that exploit America's legitimate trade, travel, financial and immigration systems for their illicit purposes.

Prior to this position, Mr. Benner served as the Assistant Director of Domestic Operations with oversight of HSI's 26 domestic field offices. Mr. Benner also served as Special Agent in Charge for HSI in San Diego, California. In this position, he oversaw one HSI's largest investigative offices in the nation, which includes a diverse cadre of federal agents, intelligence analysts, and professional administrative staff at throughout San Diego and Imperial counties. He also oversaw a number of HSI-led multiagency tasks forces, which include state, local and federal law enforcement members working together to target cross-border criminal organizations that exploit the legitimate commercial trade, travel, and financial systems in the California/Mexico border region.

Prior to this assignment, Mr. Benner served in several key leadership positions at ICE headquarters. As the deputy assistant director of HSI's Financial, Narcotics and Special Operations Division in Washington, D.C., he was responsible for the agencies national financial fraud and narcotics smuggling programs. He also served as chief of staff to the director of HSI and provided management oversight at the national level.

Mr. Benner began his law enforcement career with the U.S. Customs Service in 1991 as a co-op student. He worked at the San Ysidro Port of Entry as a customs inspector for two years before becoming a marine enforcement officer and a special agent with the U.S. Customs Service's Office of Investigations in San Diego. In 2002, Benner was promoted to the management ranks where he supervised agents assigned to the local maritime smuggling task force and managed the asset forfeiture, intelligence and administration programs as an assistant special agent in charge in San Diego.

Mr. Benner holds a Bachelor of Arts degree in political science from George Mason University.