



# U.S. Immigration and Customs Enforcement

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STATEMENT

OF

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REGARDING A HEARING ON

*“A Review of the FY 2020 Budget Request for U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and U.S. Citizenship and Immigration Services”*

BEFORE THE

U.S. HOUSE OF REPRESENTATIVES  
HOMELAND SECURITY COMMITTEE

Thursday, May 9, 2019

## **Introduction**

Chairman Thompson, Ranking Member Rogers, and distinguished Members of the Committee:

Thank you for the opportunity to appear before you today to present the Fiscal Year (FY) 2020 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 over 20,000 dedicated, proud, 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 2020 President's Budget includes \$8.8 billion in discretionary funding, reflecting a \$1.2 billion increase from the FY 2019 enacted budget. Additionally, the Budget estimates \$527.4 million in budget authority derived from mandatory fees, bringing total estimated budget authority to \$9.3 billion. This increase in funding is critical for ICE to meet its current and future mission needs and enables ICE to invest in necessary personnel, equipment and systems. Particularly, it provides resources and officers to address an increasing number of at-large criminal aliens and the ever-growing fugitive alien population—those who have been provided due process and have been determined by a judge to have no lawful right to remain in the United States—numbering at more than 570,000. This increase in funding provides for attorneys to reduce the rapidly expanding non-detained alien docket; transportation costs for removals, medical care of detainees, and UAC transportation; and expansion of criminal investigative personnel to combat opioids, child exploitation, human smuggling, and the deleterious impacts of transnational gangs across the United States.

## **Enforcing Immigration Laws**

Our immigration enforcement efforts are led by the more than 6,000 law enforcement officers of Enforcement and Removal Operations (ERO). ERO's deportation officers enforce our Nation's immigration laws by identifying, arresting, detaining, and removing illegal aliens. To ensure the national security and public safety of the United States and the faithful execution of the immigration laws, officers may take targeted enforcement action against any removable alien who is present in the U.S. in violation of immigration law.

ERO remains committed to directing its limited enforcement resources toward those aliens posing the greatest risk to the safety and security of the United States, as well as the integrity of our border. In FY 2018, ICE removed 256,085 illegal aliens, a 13% increase over FY 2017. Additionally, ICE's ERO officers arrested 152,074 aliens, an 11% increase over FY 2017, of which 138,117 had criminal histories. ICE housed a daily average of 42,188 illegal aliens, with 61% of the aliens booked into detention stemming from CBP border apprehensions, a number which has swelled to 75% during FY 2019 as a result of the ongoing border crisis. ERO also responded to 1,533,007 immigration alien inquiries from Federal, State, and local law enforcement agencies through ICE's Law Enforcement Support Center.

Additionally, ERO conducted 807 foreign Fugitive Alien Removals (FAR) arrests – removable aliens wanted for or convicted of crimes committed abroad and residing within the United States.

Due to the crisis on the border, additional detention capacity will be necessary to prevent the expansion of catch-and-release. Specifically, the budget includes nearly \$2.7 billion to increase detention capacity to support an average daily adult alien population of 51,500 and an average daily family population of 2,500, for a total of 54,000 beds. The budget also includes an augmentation for ground and air transportation related alien movements and removals, and additional funds for the Alternatives-to-Detention (ATD) program to increase the average daily participants to 120,000.

Additional resources are also requested in FY 2020 to ensure that ICE’s Office of the Principal Legal Advisor (OPLA) is able to carry out its statutory responsibility to prosecute removal proceedings before the U.S. Department of Justice’s (DOJ) immigration courts.<sup>[1]</sup> There are currently over 870,000 pending cases before the immigration courts, and OPLA attorneys are an indispensable part of the immigration hearing process. They determine the legal sufficiency of charging documents, appear in court, examine witnesses, prepare evidentiary submissions and legal pleadings, work with opposing counsel to narrow issues, hold aliens who are seeking asylum and other forms of relief to their burdens of proof, and ensure that immigration judges enter fair and correct decisions, including by filing appeals of erroneous decisions. In FY 2018, OPLA obtained over 122,000 orders of removal for a ratio of more than 150 cases per OPLA line attorney (up from a ratio of 135 cases per attorney in FY 2017). With the hundreds of additional immigration judges that DOJ is in the process of hiring, it is critical that OPLA be resourced at a level which ensures that aliens charged with administrative immigration violations have their cases completed efficiently, and either receive relief to which they are entitled or are removed promptly. The President’s request for 128 additional attorneys and 41 additional support staff for OPLA addresses a critical resource gap. Without these resources, ICE OPLA will not be able to handle the heavy workload. Simply put, an inadequate augmentation of OPLA resources will prevent the realization of the efficiencies envisioned by the substantial increase in immigration judges and will not reduce the massive backlog of cases.<sup>[2]</sup>

## **Combatting Transnational Criminal Organizations**

ICE’s Homeland Security Investigations (HSI) Special Agents 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 weapons and contraband smuggling, child exploitation, human trafficking and smuggling, transnational gangs, export control, human rights abuses, narcotics, financial crimes, cybercrime, intellectual property infringements,

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<sup>[1]</sup> 6 U.S.C. § 252(c).

<sup>[2]</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.

immigration document and benefit fraud, and worksite enforcement. The FY 2020 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.

In FY 2018, ICE's HSI agents arrested 44,069 individuals, making a record 34,344 criminal arrests, along with 9,725 administrative arrests. HSI achieved numerous significant enforcement initiatives and accomplishments, and additional funding is necessary to sustain and build upon our successes. For example, HSI made 4,333 arrests of gang leaders, members, and associates, including 959 Mara Salvatrucha (MS-13) members. Our special agents helped take more than 750 firearms off the streets through these criminal investigations, and we hope to expand on that success going forward. We will continue targeting transnational criminal gangs like MS-13. Results from across the country show that these policies are working and helping make communities safer for our kids, who are frequently targeted for initiation.

HSI identified and assisted more than 1,477 crime victims, including 308 human trafficking victims, and 715 child exploitation victims. HSI initiated more child exploitation cases and achieved more arrests, indictments and convictions paying immediate dividends when considering the long-term, lasting damage these criminals can inflict upon their young victims. HSI is prioritizing the identification and rescue of child victims of sexual exploitation, working to disrupt and dismantle the transnational criminal organizations (TCOs) responsible for the sexual exploitation of children through cyber-crime and child sex tourism.

Narcotics enforcement efforts throughout FY 2018 resulted in more than 11,400 criminal arrests, with seizures totaling more than 1 million pounds. Our workforce is dedicated to eliminating the transnational criminal organizations responsible for the manufacture, distribution and sale of these illegal and deadly drugs. Leveraging the Border Enforcement Security Task Force, or BEST unit resources, HSI is increasing investigation and enforcement activities combating organizations that illicitly introduce and distribute fentanyl, heroin, methamphetamine and cocaine into and throughout the United States.

HSI conducted 5,981 Employment Eligibility Verification (Form I-9) inspections; issued over \$10.0M in judicial fines, forfeitures and restitutions against employers found to be in violation of employment eligibility verification requirements; conducted nearly 1,500 presentations to 8,257 employers regarding the requirements and benefits of the ICE Mutual Agreement between Government and Employers (IMAGE) program, designed to reduce unauthorized employment and minimize fraudulent identity documents; and certified 18 exceptional employers as new IMAGE members.

In addition to leveraging domestic assets, HSI works closely with attaché personnel deployed to 68 offices in 51 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 prosecute 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.

Another component of HSI's international engagement, the Visa Security Program (VSP), maximizes the visa process as a counterterrorism tool to identify, exploit, and disrupt transnational terrorist and criminal networks seeking to harm the United States. In fiscal year 2018, the VSP screened 2,196,708 million non-immigrant visa applicants at 35 (36 as of FY 2019 Q2) high-risk U.S. diplomatic posts. From those visa applicants, VSP made 1,251 nominations/enhancements to the terrorist watchlist and recommended the refusal of 9,007 visa applications.

An additional international program is the Biometric Identification Transnational Migration Alert Program (BITMAP), managed by HSI in collaboration with the Department of Defense (DOD) and Customs and Border Protection (CBP). Through BITMAP, HSI extends the U.S. border by targeting high risk subjects who attempt to enter the United States utilizing illicit pathways. Under this program, HSI trains and equips foreign counterparts to tactically collect biometric and biographic data on special interest aliens, gang members and other persons of interest as identified by the host country. Foreign partners share this data with HSI to populate and enhance U.S. government databases. In FY 2018, BITMAP enrolled over 41,000 encounters of persons of interest, including 31 biometric enrollments of Known and Suspected Terrorists (KST) and 81 enrollments resulting in a biometric enhancement to a KST record. BITMAP has matched nearly 190 persons to the DOD Biometrically Enabled Watchlist (BEWL) and added 200 new identities to the BEWL. Since inception in FY 2011, BITMAP has enrolled over 94,000 encounters of persons of interest, including over 450 enrollments of KSTs. BITMAP has matched to over 230 persons to the DOD BEWL and added 1,500 new identities to the BEWL.

Terrorism remains one of the most significant threats our law enforcement faces in protecting the homeland. Our counterterrorism and anti-criminal exploitation efforts seek to prevent terrorists and other criminals, such as human rights violators, from exploiting our 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 to enhance security, facilitate legitimate trade and travel, and ensure the integrity of the immigration system, all while protecting the privacy of visitors.

### **Positioning our Workforce to Meet the Mission**

The FY 2020 Budget includes \$313.9 million to hire additional personnel critical to mission success. This funding would allow ICE to hire 850 additional ERO Officers, 150 additional HSI Criminal Investigators, 128 additional attorneys, and 538 additional support staff including intelligence analysts, case management specialists, and other operational support personnel.

### **Investing in Information Technology and Infrastructure**

The FY 2020 Budget includes \$7.8 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.

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. The FY 2020 Budget sustains \$53.6 million in IT resources for this effort.

In addition to information technology enhancements, ICE facilities and vehicle recapitalization plans are funded within the FY 2020 Budget. An additional \$71 million is requested to conduct critical repairs at ICE owned facilities and improve mission capacity at leased facilities. Funding for the 5-year vehicle recapitalization plan is also included providing \$49.4 million to support the lease and acquisition of 1,000 new law enforcement vehicles.

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 continues to work to balance effective law enforcement with the staggering number of arriving aliens, including family units, at our borders. The increase in the flow and the change in those who are arriving at our border are putting these aliens, particularly young children, at risk of physical and emotional harm from smugglers, traffickers, criminals, and the dangers of the difficult journey.

Our workforce is dedicated to eliminating the transnational criminal organizations responsible for the manufacture, distribution and sale of illegal and deadly drugs. We are determined to work with our local law enforcement partners to meet this crisis head-on and reverse the devastating toll these substances are taking on our communities.

Funding people, technology, and equipment are especially prudent investments given today's challenges. We believe no other investment will return more operational value on every dollar than the extraordinary men and women of ICE. Removing illicit narcotics, dismantling gangs, protecting children from sexual exploitation, and detaining and removing criminal aliens, public safety threats, and immigration violators, 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 me to testify today. I look forward to your questions.