



U.S. Immigration and Customs Enforcement

STATEMENT

OF

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Regarding

The President's Fiscal Year 2016 Budget Request

**U.S. 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 President's Fiscal Year (FY) 2016 budget request for U.S. Immigration and Customs Enforcement (ICE). I look forward to discussing with you our priorities for the upcoming fiscal year and highlighting our continued efforts to ensure that we make the most efficient and effective use of the resources Congress provides in carrying out our critical mission.

I was sworn in as the Director of ICE on December 23, 2014. Since then, I have had the privilege of meeting personally with the Chairman and Ranking Member to share my vision for ICE and to learn more about their individual priorities and interests. In the coming weeks, it is my hope that I will have the same opportunity to sit down with each of you, to get to know you personally and to learn more about your specific interests.

In these first few months, I have met with many of the men and women of ICE and learned more about 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 stakeholders. I have taken 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 that we focus our resources on individuals that pose the greatest threat to our national security and public safety.

I have also participated in high-level discussions with my counterparts in Mexico about working together to conduct joint investigations with a nexus to the United States, and expedite the return of Mexican nationals. I have met with government officials from Honduras,

Guatemala and El Salvador. We have each pledged to do our part to stem the tide of foreign nationals trying to make the journey to enter the United States illegally. 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.

Fiscal Year 2016 Budget Request

Today, in my first appearance before you, I would like to take this opportunity to thank you for your continued support of ICE as we execute our vital homeland security mission. I also want to thank you personally for your recent efforts to ensure that DHS was funded through the remainder of this fiscal year. With that cloud of uncertainty lifted, we can now focus our energy on meeting the new and ever growing national security and public safety challenges.

I am very proud to lead ICE, the principal criminal investigative arm of DHS, and one of its component agencies charged with enforcing and/or administering the nation's immigration laws. Currently, ICE has nearly 19,000 employees in offices located in all 50 states, 3 U.S. territories, and 46 foreign countries, and primarily consists of two operational programs: Enforcement and Removal Operations (ERO) and Homeland Security Investigations (HSI).

Our agency faced a number of challenges over the past year. As you well know, ICE shifted resources to respond to the influx of Central American families and unaccompanied children illegally crossing into the United States through the Rio Grande Valley area in South Texas. In coordination with other DHS agencies, ICE detailed and/or transferred nearly 800 personnel and additional resources to address the challenges posed by this unprecedented migration; transferred nearly 60,000 unaccompanied children to U.S. Department of Health and

Human Services custody, pursuant to obligations under federal law; and expanded our extremely limited family detention capacity to help address the influx of family units. We are working both domestically and internationally to monitor current conditions in order to identify any recurrence as early as possible, both within the Department and with other federal agencies, in an effort to prevent another such influx.

The President's FY 2016 budget request for ICE is \$6.282 billion in discretionary funding and mandatory fee authority, and is in line with the FY 2015 enacted budget. Following years of sustained and painful budget cuts, the President's FY 2016 budget request will strengthen our financial footing and enable ICE to expand efforts in the following core areas: civil immigration enforcement; criminal investigations, including human smuggling and human trafficking; and investment in information technology needed to meet the security challenges of the 21st Century.

CIVIL IMMIGRATION ENFORCEMENT

Our civil immigration enforcement efforts are led by the just under 5,700 law enforcement officers who make up ERO. These dedicated officers enforce our nation's immigration laws by identifying and apprehending priority aliens, detaining these individuals when necessary, and removing them from the United States.

Under the new department-wide, three-tiered enforcement and removal guidance issued by the Secretary in November 2014, the top priority includes national security threats, convicted felons, gang members, and illegal entrants apprehended at the border. The second-tier priority includes those convicted of significant or multiple misdemeanors and those who are not apprehended at the border, but who entered or reentered this country unlawfully after January 1,

2014. The third-tier priority includes those who are non-criminals but who have failed to abide by a final order of removal issued on or after January 1, 2014.

In FY 2014, ICE removed or returned 315,943 aliens. Of these, 213,719 were apprehended while, or shortly after, attempting to illegally enter the United States and 102,224 were apprehended in the interior of the United States. This fiscal year, through April 4, 2015, ERO has conducted nearly 118,000 removals or returns, 69% of which were apprehended while, or shortly after, attempting to illegally enter the United States and 26,617 of which were Level 1 criminal aliens.

Our FY 2016 request provides resources to build on these results with specific focus on four critical priorities:

1) Detention Beds

To meet the operational needs to detain and remove both criminal aliens and recent border entrants, this budget requests funding for 34,040 detention beds. The President's budget funds 31,280 adult beds at an average rate of \$123.54 per day and 2,760 individuals housed in family residential centers at an average daily rate of \$342.73. This level of beds will allow ICE to detain mandatory as well as the highest-risk, non-mandatory detainees. ICE will ensure the most cost-effective use of our appropriated funding by focusing costly detention capabilities on priority and mandatory detainees, while placing lower-risk, non-mandatory individuals in lower cost alternatives to detention programs.

Despite the increasing cost of detention, ICE is diligently controlling its costs and being as effective as possible with appropriated resources. For instance, ERO initiated a comprehensive review of its Service Processing Center (SPC) contracting approach to pursue cost savings. Our review enabled us to restructure the detention services contract at the Krome

SPC in Miami, which is saving ICE \$20 million annually. ERO is now in the process of repeating this same approach at each of its SPC facilities. While these efforts do not eliminate cost increases, such innovative approaches will help minimize the inflation of daily bed rate.

2) *Changing Migrant Demographics, including Unaccompanied Children*

Changing migrant demographics has had a significant impact on our operations. Most notably, removals to Central America have steadily increased while removals to Mexico have declined. This is consistent with changes to the U.S Customs and Border Protection (CBP) apprehension demographic. To address this surge, ERO entered into agreements with the governments of Guatemala and Honduras to expedite removal of certain aliens to these countries. These agreements have significantly reduced the amount of time that these aliens spend in DHS custody.

In addition, FY 2014 saw an unprecedented surge of unaccompanied children and family units, primarily from Guatemala, El Salvador, and Honduras. In response, ERO initiated and managed the conversion of the Karnes Civil Detention Facility into a Family Residential Center, and oversaw the construction of the South Texas Family Residential Center in Dilley, Texas which will be fully operational this fiscal year. In total, ERO will grow its capacity to detain family units from approximately 96 in the beginning of FY 2014 to an average of 2,760 in FY 2016.

As was mentioned previously, apprehensions of unaccompanied children illegally crossing into the United States in the Rio Grande Valley area in South Texas have grown exponentially in the past several years, ultimately requiring ICE to shift resources. This budget requests up to \$27.6 million in contingency funding to be made available in increments of \$6.9 million for costs associated with the transportation of unaccompanied children should it become necessary.

3) Alternatives to Detention

The President's budget request supports the expanded use of the Alternatives to Detention (ATD) program. A cost-effective alternative to traditional detention, ATD makes detention bed space available for those aliens posing the greatest risk to public safety or national security. The proposed funding increase will provide for additional ATD full-service capacity to accommodate, as appropriate, eligible individuals in family units who are released from custody pursuant to ICE policy or by an immigration judge, and placed on the non-detained court docket. It is estimated that the request level will fund up to a total of 53,000 average daily participants at full operating capacity in FY 2016.

4) Increase in New Attorney Positions

ICE's Office of the Principal Legal Advisor (OPLA), the largest legal program in DHS, is the exclusive legal representative for the U.S. government in proceedings before the nation's immigration courts. OPLA attorneys litigate immigration-related hearings on behalf of the United States involving criminal aliens, terrorists and human rights abusers, and also provide legal support to ICE headquarters components focusing on immigration, customs, trade enforcement, national security, worksite enforcement, ethics, privacy and employment law, tort claims and administrative law issues.

In FY 2014, OPLA litigated over 300,000 immigration-related cases. Ongoing Southwest Border surge operations, recent increases in the number of DOJ immigration judges, and additional requirements anticipated as a result of an increase in FOIA requests and appeals continue to increase the litigation workload. The FY 2016 budget requests funding for 311 new attorney positions to effectively cover the expected increase in immigration judges. With the additional attorneys to support the expected increase in immigration judges, ICE anticipates to

decrease the average length of stay for detainees by up to 14 percent, with an aim toward freeing up resources that otherwise will have to be spent on detention.

CRIMINAL INVESTIGATIONS

HSI is the investigative arm of ICE and conducts criminal investigations to protect the United States against terrorism and other criminal activity that threaten public safety and national security, and to bring to justice those seeking to exploit our customs and immigration laws worldwide. Notably, in FY 2014, HSI investigations led to the disruption or dismantlement of 520 transnational criminal organizations (TCOs). HSI made more than 32,000 criminal arrests and seized more than 2.3 million pounds of narcotics, 20,000 weapons, and \$720 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. border or functional border. 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 TCOs engaged in illicit activity related to export enforcement, human rights violations, narcotics, weapons and contraband smuggling, financial crimes, cybercrimes and child exploitation, human smuggling and trafficking, intellectual property theft and trade fraud, transnational gangs, and immigration document and benefit fraud.

The President's FY 2016 budget request therefore seeks \$1.99 billion for HSI to continue its investigative efforts in the upcoming fiscal year. Specifically, the budget increases domestic investigative capacity to hire special agents and investigative support staff, as well as to support

current operational efforts. The budget request also includes \$26 million to increase human smuggling and trafficking investigations.

1) Border Security

ICE continues to be an active participant in DHS's efforts to implement a Southern Border and Approaches Campaign Strategy to fundamentally alter the way in which we marshal resources to the border. This pilot plan engages DHS assets strategically in a coordinated approach to provide effective enforcement of our laws and apprehend individuals seeking to illegally enter the United States across land, sea, and air. To accomplish this, DHS commissioned three temporary task forces of various law enforcement agencies.

ICE will serve as the Administrative Director of the Joint Task Force Investigations, which is engaged to support the entire Southern Border and Approaches Area of Responsibility. This will include responsibility for staffing and equipping the Task Force as well as coordinating investigative priorities, roles and responsibilities of members from other components detailed to the Task Force, and operational protocols. ICE will provide further support through efforts to enhance identification and targeting of major human smuggling and trafficking networks; export control initiatives including those targeting weapons flow to the south; general contraband smuggling investigations; fugitive operations; and criminal alien removal programs.

2) Public Safety

One of the top investigative priorities for ICE is human smuggling and trafficking, for which ICE possesses a full range of investigative and border-related authorities. ICE 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 by using information and intelligence from sources across the government and

internationally. Momentum in this area continues to build, particularly with the increased emphasis on activities along our border with Mexico.

In response to the sudden influx of unaccompanied children last summer, ICE initiated Operation Coyote, which was designed specifically to stem the flow of illegal Central American immigration, including that of unaccompanied minors, by targeting the human smuggling organizations that facilitate these illegal activities. HSI deployed personnel to strengthen capacity for conducting human smuggling investigations and enforcement actions, and for monitoring international conditions to enable targeted responses to the influx during the sustained operational period. To build upon its early investigative accomplishments, HSI expanded the initiative not only across the country, but worldwide, to harness all HSI activity related to the smuggling of Central Americans into the United States. On March 23, 2015, HSI commenced Operation Coyote 2.0, which will build upon the foundation set by the preceding operational activities to further evolve and enhance HSI's overall human smuggling strategy.

As of April 9, 2015, Operation Coyote, together with Operation Coyote 2.0, has resulted in 1,356 criminal arrests, 870 indictments, and 643 criminal convictions of human smugglers and their associates. The operation has also resulted in the seizure of over \$1.2 million in currency from over 666 interstate funnel accounts utilized to move illicit proceeds. Efforts internationally (Operation Coyote International) have resulted in the identification of numerous human smuggling organizations operating in Central America and Mexico. Six organizations have been prosecuted and dismantled, while several other human smuggling organizations have been disrupted as the investigative and prosecutorial efforts against them continue. The FY 2015 enacted budget appropriated \$3.4 million to expand human smuggling investigations, and the FY 2016 budget request would allow ICE to further expand our current efforts to curb the high levels

of human smuggling along the Southwest Border. Specifically, it requests \$26 million to hire additional special agents to focus on these particular investigations, as well as expand the Transnational Criminal Investigative Units in the Central America.

HSI is also a leader in investigations involving the sexual exploitation of children and child sex tourism, as we have developed new investigative methods and tools to combat these crimes. For instance, ICE launched the “Operation Predator” App, which makes it easier to report and identify suspected child exploitation. 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. Additionally, the Human Exploitation Rescue Operation Rescue Corps (HERO Corps) program trains wounded warriors from the U.S. Armed Forces 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. ICE has trained two classes of HEROs and hired a number of the graduates to work as HSI computer forensic analysts. Our third class of 24 students begins this month, and we anticipate another class beginning in August 2015.

3) Counterterrorism/National Security

Terrorism remains one of the most significant threats U.S. law enforcement faces in protecting the homeland. Counterterrorism and 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, as well as to protect the privacy of visitors.

HSI is the second largest contributor of federal agents to the FBI-led Joint Terrorism Task Forces (JTTFs), which benefit from HSI agents' investigative expertise and broad enforcement authorities. ICE will continue its participation in more than 100 JTTFs supporting and complementing counterterrorism investigations with ICE's unique immigration and trade-based authorities. In addition, 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.

HSI is also the primary export enforcement agency for 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. HSI's Counter-Proliferation Investigations program targets the trafficking and illegal export of conventional military equipment, firearms, and controlled dual use commodities. It also enforces U.S. export laws involving goods going to sanctioned or embargoed countries. In pursuit of this mission, HSI has developed and is currently implementing the Border Enforcement Analytics Program, a big data tool created to enhance lead development and targeting through the analysis and exploitation of commercial trade data and other indices.

In addition, HSI's Visa Security Program (VSP) maximizes the visa process as a counterterrorism tool to identify terrorists, criminals and other aliens ineligible for a visa prior to their travel or application for admission to the United States. In FY 2014, the HSI VSP reviewed over 2 million visa applications at 20 high-threat posts, which resulted in over 8,600 recommendations to refuse the issuance of a visa.

ENSURING FISCAL AND MANAGEMENT EFFICIENCY

Underpinning all of the priorities of our agency is the M&A directorate, which provides a full-range of mission and operational support to ICE, including information technology, financial management, human resources, law enforcement training, and policy management.

1) Information Technology

Fulfilling ICE's enforcement and investigative missions are critical to our nation's security. ICE agents and officers must be able to rely on modern and effective tools, equipment and systems. ICE's efforts are focused on providing the critical tools necessary to meet the technological demands and cyber challenges of the 21st Century including: improving interoperability with DHS and other federal law enforcement partners, modernizing ICE's tactical communications equipment, replacing critical infrastructure, creating a centralized data environment to improve data sharing, and modernizing the financial management system that supports ICE and other DHS components. The President's request includes \$73.5 million for the modernization of ICE's information technology and systems infrastructure.

2) Office of Professional Responsibility

The Office of Professional Responsibility (OPR) upholds the agency's standards for integrity and professionalism. As a key part of that responsibility, OPR investigates allegations of misconduct involving employees of ICE and CBP. OPR also conducts inspections of detention facilities and adjudicates ICE background investigations and issues security clearances for all prospective and current ICE employees and contract staff. In addition, OPR inspects and reviews ICE offices, operations and processes in an effort to provide executive management with an

independent review of the agency's organizational health. In FY 2014, OPR completed 32 detention facility inspections, 18 reviews of 287(g) programs, 17 management inspections, and 25 audits of certified undercover operations.

3) *Management*

ICE continues to face the challenge of meeting efficiency goals, while also maximizing the reach and impact of the agency in achieving its enforcement, investigative and public safety mission. In FY 2014, ICE became the first federal law enforcement agency to receive Federal Law Enforcement Training accreditation for Supervisory Leadership Training. This accreditation demonstrates ICE's commitment to quality employee training programs while minimizing training costs and liabilities.

Additionally, ICE began developing a new repeatable, evidence-based resource management approach to tie workload to resource requirements and resource distribution across programs. The Workload Staffing Model (WSM) uses workload capacity to validate its staffing requirements and models the impact those resources have on public safety, national security, and the U.S. economy.

In FY 2014, ICE continued to find efficiencies and cost-savings measures including conducting an Electronic Vehicle Allocation Methodology study that identified 478 vehicles that could be removed from the ICE fleet for a potential savings of nearly \$2 million and over one third of the ICE fleet that could be replaced for a potential savings of nearly \$4.9 million. ICE also reduced its footprint by applying new space standards, and continued to reduce conference spending by using free government space and utilizing video teleconferencing.

CONCLUSION

ICE will continue to play a critical role in fulfilling DHS's counterterrorism, border security, and public safety mission. With that in mind, the FY 2016 request will ensure ICE has the resources to support DHS-wide efforts.

Thank you again for the opportunity to testify today and for your continued support of ICE and its critical national security and public safety mission. I would be pleased to answer any questions at this time.