



# U.S. Immigration and Customs Enforcement

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STATEMENT

OF

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REGARDING A HEARING ON

*“U.S. Immigration and Customs Enforcement  
Resource Management and Operational Priorities”*

BEFORE THE

U.S. HOUSE OF REPRESENTATIVES  
HOUSE COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON HOMELAND SECURITY

Tuesday, May 17, 2022

## **Introduction**

Chairwoman Roybal-Allard, Ranking Member Fleischmann, and distinguished members of the Subcommittee on Homeland Security.

Thank you for your continued support for the dedicated and hard-working workforce at U.S. Immigration and Customs Enforcement (ICE). Every day, over 20,000 proud professionals promote homeland security and public safety through the broad enforcement of over 400 federal laws governing our border, customs, trade, and immigration. I am proud to serve beside them and thankful for the opportunity to appear before you today.

We appreciate the funding recently enacted in the fiscal year 2022 Omnibus to support our people and mission, particularly additional resources at the Southwest Border (SWB) to provide noncitizen processing, monitoring, medical care, services, and transportation. The fiscal year (FY) 2022 funding supported our officers and agents by increasing ICE's Victim Assistance Program, bolstering the Center for Countering Human Trafficking, combatting child exploitation, enhancing cybercrime capabilities and capacity, and furthering ICE's information technology data modernization, among others. Under this Administration, ICE has focused its resources on ensuring a safe, humane, and proper immigration system, including focusing our enforcement resources on people who are a threat to National Security, Border Security, or Public Safety. ICE personnel work tirelessly to accomplish our broad mission whether performing inspections at our detention facilities, disrupting illicit drug and human trafficking activities, or representing the government in immigration court hearings.

I look forward to discussing the state of ICE -- our operations, the impacts of working in the COVID-19 environment, and our efforts to remain nimble and forward-leaning amidst shifting dynamics. I also look forward to highlighting our continued efforts to ensure we make the most efficient and effective use of the resources provided by Congress to carry out our vital Homeland Security mission.

We continue to place an emphasis, and have shown measured improvement, on providing timely and accurate information and data to ensure Congress can exercise its oversight function.

### **Enforcement and Removal Operations (ERO)**

ICE is committed to enforcing immigration laws humanely, effectively, and with professionalism. ICE acts in accordance with DHS-wide enforcement priorities to focus the Department's resources on national security, public safety, and border security. The FY 2023 Budget represents a fundamental shift by the Administration towards an approach that emphasizes increasing ATD enrollment, where appropriate, as a humane, less costly, and effective means of staying in communication with individuals while they go through the immigration court process. We are requesting a \$75 million increase for ATD participation growth and new and innovative programs, such as the Young Adult Case Management and Continuous Monitoring Home Curfew Programs. With an emphasis on ATD, this budget requests detention bed funding for an adult average daily population of 25,000, representing 5,000 beds fewer than was requested in the FY 2022 President's Budget. In addition, ICE also

requests to fully eliminate 2,500 family detention beds.

ATD has been in place for several years and uses three types of technology: Voice ID telephonic reporting, during which a noncitizen reports to ICE via telephone and the telephone calls are compared against a voiceprint obtained during enrollment; GPS monitoring ankle bracelets, which track the noncitizen's location to ensure compliance with release conditions; and SmartLINK, a mobile phone app which uses facial recognition and technology to monitor participant compliance. Contract-based case managers also assist ATD participants in meeting important immigration priorities. This assistance includes referrals to community services and organizations, departure planning, and other important services. During this fiscal year, we have deployed personnel to three sites adjacent to U.S. Border Patrol stations to expedite ATD enrollment of noncitizens transferred to our custody. These efforts relieve U.S. Border Patrol station overcrowding and ensure all those enrolled into ATD are entered into immigration proceedings.

The requested increase in funding for ATD is necessary to ensure that ICE has sufficient resources to effectively supervise and monitor compliance with immigration proceedings. At the time this budget submission was being prepared, the program was projecting an average daily participant level of approximately 170,000 participants in FY 2023.

The FY 2023 Budget also requests 45 new positions and \$10.8 million for staffing enhancements to better manage the non-detained docket. This will improve the officer-to-docket workload ratio, particularly as the non-detained docket has grown from 3 million cases in 2019 to over 3.6 million in 2021, whereas personnel have not kept pace with this increase. These additional personnel will allow for more effective management of the workload and resources. However, ICE has made improvements, including reducing the non-detained docket caseload by 30,681 cases for FY 2021; identifying 15 percent of non-detained docket final orders within 30 days of issuance; and decreasing the average ratio of cases per officer by assigning 215 new positions to the field offices for a target of no more than 7,600 cases per officer.

While no family detention funding is sought, ICE requests \$25 million for emergency family shelters to ensure we can quickly process families arriving at the SWB in an appropriate setting similar to the capability we instituted in FY 2021. There remains a requirement to be responsive to short-term family accommodation needs as noncitizen families continue to present themselves at the border and are no longer transported to what was previously known as Family Residential Centers or, more recently, Family Staging Centers. ICE must possess the capacity to relieve populations at U.S. Border Patrol stations and quickly process families into ATD programs.

The FY 2023 Budget also includes an increase of \$15 million to provide technology investments for fear screenings and visitation, supplementing access to counsel, and enhancing visitation options for detainees. Providing detained noncitizens with the ability to communicate with U.S. Citizenship and Immigration Services (USCIS) asylum officers, counsel, and family is paramount to enforcing immigration laws and ensuring due process. Enhancing video teleconferencing (VTC) capabilities will allow asylum officers flexibility when conducting credible fear or reasonable fear interviews with detained noncitizens. The improved VTC services will augment the interview quality, enhancing the officer's ability to make an accurate

assessment.

The FY 2023 Budget seeks to make investments in ICE facilities to comply with detention standards and provide the necessary conditions and care of noncitizens in our custody. The budget seeks an increase of \$21 million for ICE Performance-Based National Detention Standards (PBNDS) 2011 (revised 2016) Optimum Requirements, elevating facilities to meet the enhanced detention standards required by ICE. Additionally, to ensure ICE can continue delivering its medical service responsibilities, we seek \$6.4 million and 50 additional ICE Health Service Corps (IHSC) positions. The additional Public Health Service officers will afford IHSC the capability to quickly mobilize trained personnel to respond to growing mission needs, especially at the border. A complementary request for \$2 million will be invested in provisioning telehealth services to detained noncitizen populations, especially at our more remote detention sites where community health services often are not available.

### **Homeland Security Investigations**

ICE Homeland Security Investigations (HSI) is the principal investigative component of DHS, responsible for investigating, disrupting, and dismantling transnational criminal organizations (TCOs) and terrorist networks that threaten or exploit the financial, international trade, and travel systems. HSI's workforce comprises more than 10,000 employees, including special agents, criminal analysts, and mission support personnel assigned to more than 220 cities across the United States and more than 80 locations in 53 countries around the world. HSI's international presence represents DHS's largest investigative law enforcement abroad and one of the largest international footprints in U.S. law enforcement.

HSI has legal authority to conduct federal criminal investigations into the illegal cross-border movement of people, goods, money, technology, and other contraband into, out of, and throughout the United States. HSI uses these authorities to investigate a range of transnational crime and violations of customs and immigration laws, including: money laundering; financial fraud and scams; cybercrime; intellectual property theft and trade fraud; narcotics smuggling; transnational gang activity; child exploitation; human smuggling and human trafficking; illegal exports of controlled technology and weapons; identity and benefit fraud; human rights violations and war crimes; and terrorism.

In collaboration with its partners in the United States and abroad, HSI special agents gather evidence used to identify and build criminal cases against TCOs; terrorist networks and facilitators; and other criminal elements that threaten the homeland. HSI works with prosecutors to criminally indict and arrest violators; execute criminal search warrants; seize criminally derived money and assets; and take other actions designed to disrupt and dismantle criminal organizations operating around the world. These efforts protect U.S. national, border, and economic security, and ensure the safety of the public and our communities.

Many of HSI's approximately 7,100 special agents are assigned to field offices located in 225 cities across the nation and effectively leverages more than 2,800 task force officers with federal, state, and local partners as a force multiplier to accomplish its mission. HSI's international program combats illegal and illicit activities closest to the source with a variety of partners, many of which operate at embassies, consulates, and Department of Defense combatant commands around the globe.

Cybercrime continues to be a growing threat to our economy and our homeland. The FY 2023 Budget prioritizes an additional 27 personnel (17 law enforcement officers (LEOs), 10 non-LEOs, and a total of \$58.8 million to enhance HSI cybercrimes investigative capabilities, of which \$8 million is requested Procurement, Construction, and Improvements (PC&I) funding to expand space at the Cyber Crimes Center and for technology equipment upgrades. HSI has continuously demonstrated results in this area: from FY 2017-2021, the number of cyber investigations has increased over 97 percent; in FY 2021, 3,776 individuals were arrested for crimes involving the sexual exploitation of children, a 23 percent increase from FY 2020 (3,074); and in FY 2021, 1,117 victims of child exploitation were identified and/or rescued, a 16 percent increase from FY 2020 (1,012). Funding will also enhance covert computer networks, applications, and tools to assist in the detection, disruption, investigation, and prosecution of individuals and TCOs that exploit the internet for criminal activities. HSI will acquire new and emerging technologies to gather and analyze digital evidence; use cutting-edge technology to identify and rescue victims of child exploitation and identify offenders; expand the HSI Dark Web Investigations Platform; and support HSI cybercrimes investigations through the hiring of additional Cyber Operations Officers and Digital Forensics Agents/Analysts.

In 2020, DHS established the HSI-led Center for Countering Human Trafficking (CCHT) as a whole-of-DHS approach to countering human trafficking and the importation of goods produced with forced labor. CCHT brings together law enforcement and intelligence personnel who are human trafficking subject matter experts and victim support specialists from across DHS to coordinate with Federal, State, and local partners and non-governmental organizations. Sixteen DHS components and offices are currently providing personnel to support CCHT's efforts to facilitate, coordinate, and align resources and authorities to combat these threats. The FY 2023 Budget requests 38 positions (27 LEOs and 11 non-LEOs) and \$15.5 million to establish a dedicated budget and further strengthen the program in addition to a transfer of the Blue Campaign (\$2.5 million and 7 positions) from DHS.

For the HSI Victim Assistance Program (VAP), building on the enhancements received in FY 2022, ICE requests an additional 59 positions (28 LEOs and 31 non-LEOs) and \$11.5 million for training, travel, and equipment to adequately expand the VAP. The program provides a critical resource to HSI investigations and criminal prosecutions by ensuring that victims have access to the services to which they are entitled by law, as well as the assistance they need to navigate the aftermath of a crime so that they can participate actively and fully in the criminal justice system. VAP personnel use a victim-centered and trauma-informed approach and provide trainings to HSI Special Agents. Victim Assistance Specialists (VASs) are civilian employees who are responsible for assessing victims' needs and making referrals for support services. They work with Forensic Interview Specialists to assist victims. Having a VAS with extensive training in victim-centered, trauma-informed approaches as the main point of contact for a victim's engagement with a law enforcement agency helps increase a victim's trust, confidence, and cooperation. The 28 requested VAS will free up time for 130 Special Agents, who are currently serving as Victim Assistance Coordinators (VACs) in a collateral capacity, enabling them to focus on law enforcement investigations. These resources are paramount to continue HSI's trend of increasing assistance to victims of child exploitation (12% increase in FY 2021 over FY 2020) and human trafficking (a 74% increase year-over-year for the same period.)

HSI continues to prioritize the investigation, disruption, and dismantlement of TCOs that illicitly introduce fentanyl, heroin, and other dangerous opioids into the United States and

gravely impact the health of our citizens and the safety of our communities. HSI's multi-pronged approach entails working with foreign partners to prevent opioids and other dangerous drugs from degrading our cities and towns; combating the illicit importation and distribution of opioids and opioid precursors through international mail facilities and express consignment centers; exploiting cutting-edge technology to deter TCOs operating in the cyber realm; attacking the illicit use of financial systems and virtual currencies; and leveraging critical partnerships with state, local, and federal law enforcement. In FY 2021, HSI made nearly 35,000 criminal arrests; over 3,470 transnational gang criminal arrests, of which 340 were members of MS-13; and seized 14,530 pounds of fentanyl.

### **Office of the Principal Legal Advisor**

The Office of the Principal Legal Advisor (OPLA) is comprised of attorneys who represent the U.S. Government in exclusion, deportation, bond, and removal proceedings before the Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR). Attorneys also provide legal advice to ICE personnel on a range of matters, including on criminal, administrative, and civil customs and immigration laws and authorities.

OPLA implemented updated prosecutorial discretion (PD) guidance during FY 2021 to promote efficient docket management in partnership with EOIR and to advance DHS and ICE civil immigration enforcement priorities. As part of this implementation, in FY 2021 OPLA attorneys reviewed and made a decision on more than 25,970 requests for PD in the forms of dismissal or administrative closure of removal proceedings. OPLA exercised PD by agreeing to dismissal or administrative closure in approximately 18,800 cases, and by the end of FY 2021, more than 8,500 of those cases had been ordered dismissed or administratively closed by EOIR. Also in FY 2021, OPLA attorneys exercised prosecutorial discretion by agreeing to bond in approximately 700 detained cases and provided legal counsel in 1,675 cases with a human rights nexus. Despite the extensive reduction and/or closure of immigration courts due to the COVID-19 pandemic, OPLA attorneys represented DHS in more than 247,400 removal hearings and were able to support the completion of 58,965 cases over FY 2021.

Despite these significant accomplishments, OPLA litigation teams have a growing non-detained docket of over 3.6 million cases requiring additional resources to address. The FY 2023 Budget seeks \$58.4 million and 341 additional OPLA positions, including 268 attorneys and 73 support personnel. We are appreciative of the support shown by the Committee with the 100 new attorney positions appropriated in FY 2022. We have previously shared with you the staffing growth disparities of OPLA litigation teams as EOIR received new Immigration Judge positions. Since FY 2018, EOIR received an increase of 250 new Immigration Judge teams (1,500 positions) compared to OPLA's 392 total position increase. The FY 2022 enhancements accompanied by these additional personnel will ensure ICE is represented in the new courtrooms EOIR is adding. The FY 2023 Budget also seeks \$10.5 million for facility investments in the PC&I account necessary to accommodate this required staffing growth.

### **Mission Support**

ICE's mission support workforce serves a critical role in ICE's ability to meet the national security and public safety missions. These dedicated professionals address ICE's myriad operational needs, including hiring, finance, information technology, acquisition and procurement, policy and strategic planning, and leadership and career development training.

While their work is largely outside the public eye, ICE cannot accomplish its mission without them. At no time was that more apparent than during the ongoing pandemic.

COVID-19 has had an enormous impact on our workforce, their families, and ICE operations. Despite the challenges presented by the pandemic and significant workload demands in supporting a 24/7 law enforcement agency, ICE's mission support workforce continues to operate efficiently, and in many cases improve operations, to meet the needs of the agency. The FY 2023 Budget seeks several new positions in the Mission Support space to address capability gaps in the areas of human resources, cyber security, policy refresh and development, training for tactical operations, leadership and career development, and financial management, as well as other support programs.

This budget request includes an increase of 75 positions and \$9.1 million to plan and implement ICE policies and provide management support across the enterprise. The requested positions will enable the ICE Management and Administration (M&A) and Executive Leadership to address staffing deficiencies in several key business lines to support the significant growth in ICE mission operations and staffing. While ICE law enforcement and attorney personnel have seen increased resources to accommodate mission requirements, Mission Support staffing has not kept pace.

Our Office of Human Capital requires much needed staffing enhancements, and the request seeks to address this by adding 37 new positions and \$5.1 million to address increased work to recruit and onboard new staff and fill existing vacancies, sufficiently resource our Employee Assistance Program, and develop and conduct qualifications assessments for law enforcement officers and other personnel through expansion of our Industrial and Organizational (IO) psychological workforce, among other necessary investments.

The Office of the Chief Information Officer (OCIO) is a force multiplier for our law enforcement missions. By partnering with ICE programs and offices, OCIO is using technology to improve processing on the Southwest Border, including modernizing antiquated and manual workflow. Two examples of this are the Case Acceptance System (CAS) and Field Office Appointment Scheduler (FOAS).

CAS is a web-based application used to standardize forms and data. The deployment of CAS has improved transparency with USCIS and CBP by increasing information sharing; automated manual processes such as print outs, email requests, and duplicative entries; and substantially reduced case-processing times for CBP and ICE.

FOAS is an appointment scheduling tool developed in response to higher numbers of individuals and family units released from CBP custody who require a check-in with ICE for further processing. The system allows noncitizens to create an appointment at an ICE field office rather than appear as an unscheduled walk-in, thus helping to reduce wait times and allowing ERO to better manage people checking-in.

As cyberthreats and attacks against governments are increasing, DHS and ICE are protecting and securing our networks and systems. The FY 2023 Budget seeks to ensure it has

the resources and tools to maintain its heightened threat mitigation posture by seeking four new positions and \$16.1 million for Zero Trust Implementation, which will enhance the ability to identify threats, alert personnel with early warnings of security breaches, and increase visibility on threats within encrypted traffic, among other benefits. Users will experience faster access to network resources, which increases productivity as well as reduce network access issues. ICE is requesting \$3.4 million to mature ICE's event security logging capabilities; this enhancement addresses DHS-wide consensus priorities for proactive enterprise information security. These investments will assist in mitigating the impact of potential security breaches and increase government visibility before, during, and after a cybersecurity incident.

ICE's core financial system must be modernized and integrated to ensure a solid footing for the future, for both ICE and our sister DHS components for which we provide financial services. This multi-year investment program must be sustained to ensure ICE and its other DHS component customers implement an accounting, procurement, and asset reporting system to serve our needs today as well as into the future. The FY 2023 Budget seeks 10 new positions and \$11.9 million for the Consolidated ICE Financial Solutions (CIFS) financial system modernization effort to plan, develop, and deploy a modernized financial system.

### **Conclusion**

Thank you again for inviting me to testify today. I am honored and humbled to represent the more than 20,000 dedicated ICE employees. I look forward to your questions.