



U.S. Immigration and Customs Enforcement

STATEMENT

OF

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

REGARDING A HEARING ON

*“Fiscal Year 2024 Request for the U.S. Immigration and Customs
Enforcement Agency”*

BEFORE THE

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

Tuesday, April 18, 2023
2362-A Rayburn House Office Building
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Introduction

Chairman Joyce, Ranking Member Cuellar, 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 (FY) 2023 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 FY 2023 funding supported our officers and agents by enabling ICE to focus on key initiatives such as executing our Counter Opioid Strategy to combat fentanyl, providing enhancements to our Innovation Lab to include Cross Cyber Technology, and continuing to build partnerships and task forces related to combatting cross-border financial crimes while continuing our victim-centered approach to our investigations. Critical funding was also provided to expand our litigation teams and continue ICE's information technology data modernization, among others. Under this Administration, ICE has focused its resources on ensuring a safe, humane, and orderly immigration system, including focusing our enforcement resources on those who pose threats to national security, preserving national security and public safety, and promoting lawful immigration. ICE personnel work tirelessly to accomplish our broad mission whether providing a safe and secure environment for those in our custody, disrupting illicit drug and human trafficking activities, or representing the government in immigration court hearings.

I look forward to discussing the state of ICE operations, the continued impacts of working in the COVID-19 environment, and our efforts to remain nimble and forward-leaning amidst shifting dynamics, including the planned sunset of Title 42. 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 U.S. immigration laws humanely, effectively, and with professionalism. Our FY 2024 Budget Request reflects budgetary priorities consistent with the Administration's focus on ensuring a safe, humane, and orderly immigration system. The FY 2024 Budget represents a consistent approach by the Administration in prioritizing for ICE custody those noncitizens who pose significant risk, prioritizing low-risk noncitizens for Alternatives to Detention (ATD) monitoring programs, and establishing a two-year emergency Southwest Border Contingency Fund to support border operations and provide additional operational flexibilities.

The FY 2024 Budget Submission includes a \$97 million reduction to reduce the ATD average daily participant level to 104,236. ATD is a humane, less costly, and effective means of providing supervision of participants while they go through the immigration court process. This budget also requests detention bed funding for an adult average daily population of 25,000 – mirroring our FY 2023 Budget request.

ICE's ATD program has been in place since 2004 and uses technology, case management, and other tools to manage participants' compliance with release conditions while they are on ICE's non-detained docket. ICE uses three types of technology to monitor noncitizens on the ATD program. The first is Voice ID telephonic reporting, which uses a participant's voice to create a biometric voiceprint during the enrollment process. ICE also uses GPS technology to monitor a participant's location and movement through an ankle bracelet and SmartLINK devices, which enable participant monitoring via smartphone or tablet using biometric comparison to establish identity. Later this month, ICE also plans to begin a limited technology demonstration of a wrist-worn GPS monitor, adding an additional option to our ATD technology suite. Contract-based case managers also assist ATD participants in meeting important immigration obligations by providing recurring court appointment reminders, assisting with obtaining travel documents, and if required, arranging for departure from the United States. This assistance may also include referrals for in-community services, such as, health services, transportation, treatment for substance use disorders, food, clothing, and shelter.

The FY 2024 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 given the non-detained docket has grown from 3 million cases in FY 2019 to over 4.7 million at the end of FY 2022 without a commensurate increase in personnel levels. These additional personnel will allow for more effective management of workload and resources.

The FY 2024 Budget also requests \$5 million to provide technology investments for credible fear screenings, supplementing access to counsel, and enhancing visitation options for detained noncitizens. These enhancements are vital to enforcing immigration laws and ensuring due process. Improving video teleconferencing capabilities will allow U.S. Citizenship and Immigration Services asylum officers flexibility when conducting credible fear or reasonable fear interviews with detained noncitizens.

Homeland Security Investigations

Homeland Security Investigations (HSI) is the principal investigative component of the Department of Homeland Security (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 237 offices across the United States and more than 90 locations in 56 countries around the world. HSI's international presence represents DHS's largest investigative law enforcement presence 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; export control and evasion; intellectual property theft and trade fraud; narcotics smuggling; transnational gang activity; online child sexual exploitation and abuse; human smuggling; 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 237 field offices across the nation and HSI effectively leverages more than 4,000 task force officers with federal, state, tribal, 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. For example, HSI deploys agents to diplomatic posts worldwide to conduct law enforcement visa security activities and provide training to Department of State Consular Affairs officers regarding threats, trends and other topics affecting visa adjudication.

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, express consignment centers, and maritime conveyances; 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, tribal, and federal law enforcement. Contained within HSI's layered technology solutions for combating transnational criminal organizations responsible for trafficking chemicals utilized in the illicit manufacturing of fentanyl and synthetic drugs, is a maritime domain awareness tool. This tool has been utilized successfully intercepting over 247,000 kilograms of pre-cursor and pre-precursor chemicals used in manufacturing these deadly drugs. The DHS Joint Requirements Council has recognized HSI as the leading DHS component for the deployment of this tool and HSI is in the process of deploying this technology to other DHS components with maritime authorities. This tool contains access to unclassified satellite imagery that has been successfully deployed in seizing embargoed oil and assets of Russian oligarchs throughout the world. In FY 2022, HSI made nearly 36,700 criminal arrests including nearly 4,780 transnational gang criminal arrests, of which approximately 660 were members of MS-13; and seized 20,981 pounds of fentanyl.

The FY 2024 Budget prioritizes an additional 4 personnel (1 law enforcement officer (LEO) and 3 non-LEOs), and a total of \$40 million to support Monroe Project operations along the SWB to combat illicit drug operations, to include fentanyl, of which \$20.4 million is requested for Procurement, Construction, and Improvements (PC&I) funding. The Monroe Project is a recent DHS-wide effort aimed at targeting the criminal organizations responsible for distributing the illicit fentanyl that killed more than 77,000 Americans last year. A key component of the Monroe Project is the consolidation of information to enable better data driven decision making. The Repository for Analytics in a Virtualized Environment (RAVEN) is the DHS asset designated to consolidate this information and illuminate these criminal networks. This funding also supports capacity enhancement for HSI Mexico and their Transnational Criminal Investigative Unit, which is a critical component in the DHS strategy to disrupt and dismantle TCOs specializing in the production and distribution of fentanyl.

The FY 2024 Budget supports a \$15 million increase in PC&I funding for RAVEN to continue development efforts and achieve Full Operation Capability on schedule for FY 2028. This funding will be focused on building the platform to facilitate and sustain constant evolution. The new capabilities will allow HSI to better identify and address criminal networks involved in transnational organized crime, terrorism, and other crimes to include online child sexual exploitation and fentanyl distribution. This investment will be the foundation on which all future investments will be built upon.

The FY 2024 Budget also prioritizes an additional 35 personnel (15 LEOs and 10 non-LEOs) to increase HSI's capability to investigate international and domestic child sexual exploitation and abuse. HSI Child Exploitation Investigations Unit (CEIU) will utilize these resources to develop additional specialized sections within CEIU to focus on new and emerging threats, as well as the development of an online undercover program to ensure that HSI is utilizing all tools available to combat child sexual exploitation and abuse around the globe. The mission of the CEIU is to investigate producers and distributors of child sexual abuse material, as well as individuals who travel abroad for the purpose of engaging in the sexual abuse of minors, also known as transnational child sexual offenders. CEIU employs the latest technology to collect evidence and track the activities of individuals and organized groups who sexually exploit children using the open internet, DarkNet, chat rooms, peer-to-peer trading, and other app-based platforms.

Cybercrime continues to be a growing threat to our economy and our homeland. The FY 2024 Budget continues to sustain 12 personnel (4 LEOs and 8 non-LEOs) to combat significant cyber threats as mandated on the agency. This funding augments HSI cyber investigations support, including the enhancement of covert computer networks, applications, and tools to assist in the detection, disruption, investigation, and prosecution of individuals and transnational criminal organizations that exploit the internet to facilitate their criminal activities.

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. The mission of the CCHT is to advance counter human trafficking law enforcement operations, protect victims, and enhance prevention efforts by aligning DHS' capabilities and expertise. The CCHT is a DHS-wide effort comprised of 16 supporting offices and components coordinating with federal, state, and local partners and non-governmental organizations to effectively respond to human trafficking threats domestically and

internationally. Through the FY 2023 Budget, the CCHT received an enhancement of 38 additional positions (27 LEOs and 11 non-LEOs) and \$15.5 million to establish a dedicated budget and further strengthen the program. The FY 2024 Budget continues to enhance the establishment of the CCHT adding 6 positions (2 LEOs and 4 non-LEOs) and \$2 million that support the CCHT and transfers seven existing positions (non-LEOs) and \$2.5M from DHS to establish a dedicated budget for the Blue Campaign within the CCHT. With the increased funding and additional personnel dedicated to the Center, we will advance our work to identify and support victims, conduct operations that hold the traffickers accountable, and strengthen our partnerships with non-governmental organizations. We are grateful to Congressional leadership and our partners for recognizing the value of the CCHT.

The FY 2024 Budget supports a decrease of 17 personnel (4 LEOs and 13 non-LEOs) for HSI Intellectual Property Rights Center efforts to combat wildlife trafficking and counterfeiting within the Department of Defense and U.S. Government supply chains. The budget also supports a decrease of Operations & Support funding for prior year enhancements for RAVEN and certified undercover operations. HSI will use available funding and year-of-execution flexibilities to meet the anticipated wildlife trafficking case demands.

The HSI Victim Assistance Program (VAP) was established within HSI for the purpose of assisting victims identified in HSI criminal investigations in accordance with the Victims' Rights and Restitution Act (VRRRA), 34 U.S.C. § 20141, and the Crime Victims' Rights Act (CVRA), 18 U.S.C. § 3771. HSI investigates a wide range of federal crimes affecting victims, including but not limited to human trafficking, child sexual exploitation, financial scams, white collar crime, human rights violations, and financial crimes and female genital mutilation. The VAP is an integral resource to HSI investigations and is committed to informing victims of the rights and services accorded to them by law. Using a victim-centered, trauma-informed, and culturally sensitive approach, and treating victims with dignity and respect, VAP provides services to victims and conducts forensic interviews of victims in support of HSI criminal investigations. Fundamental to VAP's mission is providing victims with information and referrals for victim services, and restoring victims' well-being, all of which contribute to empowering them and facilitating their ability to become an effective witness and participate in the criminal justice process. VAP personnel work in close collaboration with HSI special agents to integrate victim assistance into HSI criminal investigations and to facilitate HSI's commitment of providing victims with the information and services to which they are accorded under law.

The FY 2024 Budget annualizes the cost of the 59 positions for the VAP provided in FY 2023. These resources are paramount to continue HSI's trend of increasing victim assistance to all identified victims of HSI investigations. Victim assistance increased by 46% in FY 2022 from FY 2020 and forensic interviews increased by 79% in FY 2022 from FY 2020.

Financial crimes crosscut every programmatic area that HSI investigates. HSI will continue to utilize cutting edge technology and investigative techniques to infiltrate, investigate and dismantle criminal organizations that exploit the United States and worldwide financial systems. HSI targets illicit proceeds of crime and the financial networks and third-party facilitators that conceal and launder illegal proceeds. To accomplish our goals in combatting financial crime, we will utilize multiple approaches. HSI maintains strong public and private partnerships and works through these partnerships to increase real time sharing of data, typologies, and indicators of criminal activity with financial institutions. HSI will continue to

focus on high impact financial investigations targeting priority money laundering threats, while disrupting and dismantling the criminal exploitation of traditional financial systems and decentralized financial systems that criminally exploit virtual assets on the blockchain.

Office of the Principal Legal Advisor

The Office of the Principal Legal Advisor (OPLA) is comprised of attorneys who represent DHS in bond and removal proceedings before the Department of Justice's 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 to promote efficient docket management in partnership with EOIR. As part of this implementation, in FY 2022 OPLA attorneys reviewed and made a decision on more than 361,540 requests for PD in the form of dismissal or administrative closure of removal proceedings. OPLA exercised PD by agreeing to dismissal or administrative closure in approximately 91,938 cases by the end of FY 2022. OPLA attorneys represented DHS in more than 840,718 removal hearings and were able to support the completion of nearly 250,000 cases over FY 2022.

Despite these significant accomplishments, OPLA litigation teams have a growing non-detained docket of over 3.6 million cases. From FY 2018 through FY 2022, EOIR received an increase of 250 new Immigration Judge teams (six positions per team for 1,500 total positions) compared to OPLA's 389 total position increase. We are appreciative of the support shown by the Committee with the 341 new attorney and support positions appropriated in FY 2023. We have previously shared with you the staffing growth disparities of OPLA litigation teams as EOIR received new Immigration Judge positions. The FY 2023 enhancements accompanied by these additional personnel will ensure ICE is represented in the new courtrooms EOIR is adding. The FY 2024 Budget seeks \$7.9 million for facility costs necessary to accommodate 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 tactical, leadership and career development training.

This budget request includes an increase of 76 positions and \$13.4 million to plan and implement ICE policies and provide management support across the enterprise. The requested positions will enable the ICE Enterprise Services (within the Management & Administration Directorate) 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.

The Office of Human Capital requires much needed staffing enhancements, and the request seeks to address this by adding 37 new positions for \$5.1 million. The agency has seen

an increase in personnel resources to support legal operational requirements without any commensurate growth for human capital to support the hiring and maintenance of the workforce.

The Office of Asset and Facilities Management administers and maintains the ICE motor vehicle fleet program. The requested \$2 million will allow ICE to procure and refresh approximately 40 law enforcement vehicles in most critical need.

Requested resources will also enable the ICE Office of Firearms and Tactical Programs (OFTP) to continue the phased implementation and management of body-worn cameras (BWC) across the agency. The budget realigns \$12 million from the Office of the Chief Information Officer to OFTP and requests additional \$3 million, which will support \$4.4 million in payroll, \$10.6 million in general expense funds, and help expand their warehouse by 1,600 square feet for storage space to house BWC equipment.

Executive Order 14028, Improving the Nation's Cybersecurity, outlined requirements in Section 8 for logging, log retention, and log management, with a focus on ensuring centralized access and visibility for the highest-level enterprise security operations center of each agency. The event security logging increase of \$500,000 will allow ICE to fully implement security logging, accommodating the 45% increase in data log storage, transitioning to user and entity behavior analytics as well as providing for the needed hardware, software, and out-year support.

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.