



U.S. Immigration and Customs Enforcement

STATEMENT

OF

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REGARDING A HEARING ON

***“Crisis of Confidence: Preventing Terrorist Infiltration
through U.S. Refugee and Visa Programs”***

BEFORE THE

**U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON HOMELAND SECURITY**

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311 Cannon House Office Building

Introduction

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

Thank you for the opportunity to discuss the international engagement and security enhancement of U.S. Immigration and Customs Enforcement (ICE). At ICE, we strive to uphold our homeland security mission by confronting dangerous challenges on a global stage, with a particular focus on those emanating from beyond America's physical borders. Today, I am honored to provide an overview of our international operations and to highlight our security programs that guard the United States against diverse and global threats.

First, I would like to briefly outline the structure of ICE to help you understand our mission and responsibilities. ICE is divided into three operational components: Enforcement and Removal Operations (ERO), Homeland Security Investigations (HSI), and the Office of the Principal Legal Advisor (OPLA). The role of ERO is to identify, apprehend, and remove aliens unlawfully present in the United States in accordance with federal law and policy. HSI investigates transnational crime by conducting a wide range of domestic and international criminal investigations, often in coordination with other federal agencies, targeting the illegal movement of people and merchandise into, within, and out of the United States. OPLA is the exclusive legal representative for the U.S. government in exclusion, deportation, and removal proceedings before the U.S. Department of Justice's Executive Office for Immigration Review, and litigates immigration-related hearings on behalf of the United States involving criminal aliens, terrorists, and human rights abusers.

HSI has extremely broad authorities and jurisdiction over the investigation of crimes with a nexus to U.S. borders and ports of entry. HSI's three operational priorities are border security,

public safety, and counterterrorism/national security. We investigate offenses that stem from our traditional customs and immigration authorities, including smuggling of illicit goods and people and illicit finance associated with global criminal organizations.

One of ICE's most important priorities is to detect and deter threats before they reach our nation's borders. To achieve this goal, ICE currently deploys approximately 250 special agents and 170 support staff to 62 offices in 46 countries. Our international staff works in conjunction with international law enforcement counterparts to detect, disrupt, and dismantle transnational criminal groups and individuals who seek to cause harm to the security of the U.S.

The Visa Security Program and PATRIOT

The Homeland Security Act of 2002 authorizes the deployment of the Department of Homeland Security (DHS) officers to diplomatic posts to perform visa security activities and provide advice and training to Department of State (DOS) consular officers. This critical mission is accomplished by the Visa Security Program (VSP). The VSP's primary purpose is to identify terrorists, criminals, and other aliens ineligible for a visa *prior* to their travel or application for admission to the United States.

VSP is our first line of defense in the visa process against terrorists and criminal organizations by preventing foreign nationals who pose a threat to national security from entering the United States. The visa adjudication process is often the first opportunity to assess whether a potential visitor or immigrant poses a threat to the United States. Furthermore, the visa adjudication process is an on-going and continuous vetting process of applicants in search of derogatory information – a visa recipient is not simply granted admittance at only one review point.

Visa security is an important, interagency collaboration function, shared by both DOS and DHS, including the component offices of ICE, U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS). Our components constantly seek to enhance our systems and processes to improve visa security efforts. Through the Pre-Adjudicated Threat Recognition Intelligence Operations Team (PATRIOT) initiative, we conduct automated screening of visa application information against DHS holdings as well as holdings of other U.S. agencies prior to the applicant's interview and visa adjudication. The process includes in-depth vetting of applicants identified as potentially having derogatory information who may be of investigative interest, or ineligible to receive U.S. visas. The PATRIOT initiative takes a risk-based approach and uses interagency resources from ICE, CBP, DOS, and the Intelligence Community to identify national security and public safety threats.

VSP differs from other U.S. government screening efforts in that it leverages its capabilities, such as in-person interviews and working 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 Fiscal Year (FY) 2015, the VSP reviewed over two million visa applications, including approximately 8,600 cases in which visas were refused. Of these denials, over 2,200 applicants had some suspected connection to terrorism or terrorist organizations

In addition, VSP enhances visa vetting by increasing automated data exchange between DOS and the CBP National Targeting Center (NTC), the latter of which provides tactical targeting and analytical research to prevent terrorists from entering the United States. The flow of online visa information to DHS systems is now automated and information is sent back to DOS using an automated interface.

Furthermore, ICE deploys personnel to the NTC to augment and expand current operations. The co-location of ICE personnel at the targeting center helps increase both communication and information sharing. The NTC conducts pre-departure vetting of all travelers on flights bound for the United States. Vetting identifies high-risk passengers who should be the subject of no-board recommendations to carriers, including those whose visas have been revoked.

Within ICE's VSP international footprint, we deploy specially trained agents overseas to screen and vet visa applications at 26 high-risk locations in 20 countries, augmenting vetting mechanisms in place worldwide in order to enhance efforts at these critical posts to identify potential terrorist and criminal threats before they enter the United States. ICE accomplishes this crucial function by conducting targeted, in-depth reviews of individual visa applications and applicants prior to visa issuance, and making recommendations to consular officers to refuse or revoke visas when warranted. ICE actions complement the consular officers' screening, applicant interviews, and reviews of applications and supporting documentation. As a result of additional congressional funding in FY 2015, HSI expanded VSP operations to six new visa issuing posts.

Coordination with the U.S. Department of State

Effective border security requires broad information sharing and cooperation among U.S. government agencies. In October 2006, ICE entered into a memorandum of understanding (MOU) with the DOS Bureau of Consular Affairs in order to exchange visa and immigration data. The agreement allows ICE and DOS to exchange information contained in each other's electronic databases pertaining to foreign persons seeking entry into the United States. This

exchange of information allows Consular Affairs personnel to query and access ICE and CBP records. Consular Affairs personnel can then consider prior violations when adjudicating visa applications for foreign persons who have applied to enter the United States. Similarly, the exchange of information allows ICE personnel to query the DOS Consular Consolidated Database and to access passport and visa application information of persons under investigation by ICE. This information sharing also acts as an exchange for ongoing criminal investigations. If, for example, a suspect of an ongoing federal criminal investigation applies for a visa, ICE and DOS employees can collaborate to conduct additional investigation and/or queries prior to visa adjudication.

In January 2011, ICE signed an MOU outlining roles, responsibilities, and collaboration between ICE, Consular Affairs, and the Diplomatic Security Service. To facilitate information sharing and reduce duplication of efforts, ICE and DOS conduct collaborative training and orientation prior to overseas deployments. At overseas posts, ICE and DOS personnel work closely together in working groups, meetings, training and briefings, and engage in regular and timely information sharing. Additionally, ICE and DOS personnel work side by side to identify embassies for potential future expansion of the VSP and routinely travel together and provide briefings to U.S. embassy personnel prior to commencement of operations.

Conclusion

I am grateful for the opportunity to appear before you today and for your continued support of ICE and its law enforcement mission. I am confident that we will continue to build upon the momentum we have generated as a result of our considerable operational achievements

around the world. HSI remains committed to working with this committee to forge a strong and productive relationship going forward to help prevent and combat threats to our nation.

I would be pleased to answer any questions.