



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

**“SECURING THE BORDERS AND AMERICA’S
POINTS OF ENTRY, WHAT REMAINS TO BE DONE”**

BEFORE THE

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON IMMIGRATION,
REFUGEES AND HOMELAND SECURITY**

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226 Dirksen Senate Office Building**

INTRODUCTION

Chairman Schumer, Ranking Member Cornyn, and distinguished Members of the Subcommittee:

On behalf of Secretary Napolitano and Assistant Secretary Morton, I would like to thank you for the opportunity to discuss U.S. Immigration and Customs Enforcement's (ICE) role in securing the border through the investigation and enforcement of the nation's immigration and customs laws.

As the primary investigative agency in the Department of Homeland Security (DHS), ICE protects national security and upholds public safety by targeting transnational criminal networks and terrorist organizations that might exploit potential vulnerabilities at our borders. Recognizing that partnerships are essential, ICE works closely with its domestic and foreign partners at the federal, state, local and tribal level to create a seamless web of border enforcement and a united front to disrupt and dismantle transnational criminal organizations.

While this hearing is focused primarily on border security as it relates to immigration, it is important to note that ICE's experience in investigating border-related crime reveals that the criminal organizations that exploit our immigration and trade systems do so for one reason: profit. Each day, these organizations smuggle contraband, people and goods – whatever the market will bear.

Thus, while immigration enforcement is a key component of ICE's mission, we cannot and do not establish enforcement priorities in a stove-piped fashion. Instead, we target the organizations that exploit our legitimate trade, travel and financial systems with all our enforcement authorities to ensure that cross-border crime is attacked from every

possible angle. Indeed, the recent escalation of violence by drug cartels and other criminal organizations just over our border with Mexico demonstrates this point in very stark terms. As Secretary Napolitano has recently testified, the violence in Mexico is not only an international threat; it is a homeland security issue in which all Americans have a stake.

The cartels that Mexican authorities are battling are the same criminal organizations that put drugs on our streets and use violence as a tool of their trade. Illegal drugs, money and weapons flow both ways across our border and inextricably link the U.S. and Mexico in our efforts to combat the drug cartels. Our two countries share a nearly 2,000 mile-long border, billions of dollars in trade, a commitment to democracy and the need to prevail against the transnational threats of organized crime.

We, as a DHS family, are not in a wait-and-see mode. The violence along our southwest border requires a comprehensive and bilateral effort. In response, Secretary Napolitano issued an Immigration and Border Security Action Directive in January 2009 to focus on this violence using the Department's wide-ranging authorities.

Additionally, on March 24, DHS announced several southwest border initiatives designed to crack down on Mexican drug cartels through enhanced border security. The plan calls for additional personnel, increased intelligence capability and better coordination with federal, state, local and Mexican law enforcement authorities to target illegal guns, drugs and cash.

PARTNERING WITH FEDERAL, STATE, LOCAL AND TRIBAL LAW ENFORCEMENT

The partnership between federal, state, local and tribal law enforcement in the border region is essential to securing our nation against the threat of cartel violence. Law enforcement agencies at all levels of government have significant roles to play both in addressing the current border violence and in preparing for scenarios where violence in Mexico could further impact the United States. Law enforcement agencies at the state, local and tribal level have long fought border violence, and have deep operational knowledge of the border region. Confronting a multifaceted threat like border violence means that federal agencies must constantly collaborate and coordinate with our state and local partners by sharing resources and information.

With this in mind, ICE works with its federal partners to collaborate with state and local governments in various ways. For example, in 2006, DHS created Border Enforcement Security Task Forces (BEST), which are led by ICE. BEST is an innovative model for collaborative law enforcement. The 15 BESTs that currently exist include the participation of ICE; CBP; the U.S. Coast Guard; the DHS Office of Intelligence and Analysis; the Drug Enforcement Administration (DEA); the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF); the Federal Bureau of Investigation (FBI); the U.S. Attorney's offices; and state and local law enforcement agencies. Mexican law enforcement agencies also participate in BEST, and the government of Mexico has agreed to provide representatives to every BEST team on the southwest border.

The BEST model has been successful. ICE, with the help of our partners, has cracked down on arms trafficking, human smuggling, bulk cash smuggling and narcotics

smuggling organizations. These efforts have disrupted cartel operations in both the United States and Mexico.

Since July 2005, the efforts of BEST teams, working in conjunction with the Department of Justice (DOJ) and other law enforcement agencies, have been responsible for 2,238 criminal arrests, 2,924 administrative arrests, 1,014 indictments and 846 convictions. In addition, BESTs have seized approximately 9,070 pounds of cocaine, 179,739 pounds of marijuana, 702 pounds of methamphetamine, 99 pounds of crystal methamphetamine, 1,161 pounds of ecstasy, 243 pounds of heroin, 97 pounds of hashish, 22 pounds of opium, 2,075 weapons, 820 vehicles, seven properties and \$24.7 million in U.S. currency and monetary instruments.

I would like to share a few of our successes with you: the discovery and repatriation by the El Paso BEST of one of Mexico's top ten most wanted fugitives; the arrest by the Laredo BEST of a weapons trafficker supplying cartels with assault rifles used to murder Mexican police officer Navarro Rincon and others; the arrest by the Laredo BEST of a member of the Mexican Mafia gang in possession of approximately 897 pounds of smuggled marijuana after he attempted to run over a Texas Department of Public Safety officer; and the arrest by the Los Angeles Seaport BEST of an arms trafficker and seizure of 38 military style weapons.

The success of the BEST model demonstrates that we should be doing more to use this collaborative approach to tackle border crime. On this front, DHS has shifted investigators to these task forces by increasing the number of agents working on BESTs from 95 to 190. This greatly expands our ability to work with local law enforcement on cartel-related crime occurring on the U.S. side of the border.

WORKING WITH MEXICAN AUTHORITIES

Assisting Mexico in its battle against drug violence requires strong coordination with Mexican law enforcement to ensure that Mexico and the U.S. are operating together in combating this transnational threat. ICE continues to engage Mexican authorities on a number of levels in our joint efforts to combat border violence.

ICE's Border Liaison Officer (BLO) Program, for instance, allows ICE to more effectively identify and combat cross-border criminal organizations by providing a streamlined information- and intelligence-sharing mechanism. The BLO Program creates an open and cooperative working relationship between the U.S. and Mexican law enforcement entities. ICE has recently quadrupled the number of officers in the Border Liaison Program by redeploying agents to the southwest border.

ICE currently partners with the government of Mexico on Operation Armas Cruzadas, which cracks down on arms smugglers. The ICE Attaché Office in Mexico City has coordinated the establishment of vetted Special Investigative Units of Mexican officers. ICE and ATF agreed during a recent arms trafficking summit in Cuernavaca, Mexico that special agents from both agencies would work with these vetted units to investigate and prosecute border crimes such as smuggling and firearms trafficking. Mexican agents also actively participate in BEST on the southwest border to great effect.

We have strengthened our coordination with the government of Mexico by increasing ICE Attaché personnel in Mexico by 50 percent, sending additional special agents to Mexico City, Tijuana, Hermosillo, Ciudad Juárez and Monterrey. Through our Attaché in Mexico City and associated sub-offices, ICE assists in efforts against

transnational drug trafficking, weapons smuggling, human smuggling and money laundering syndicates in Mexico. ICE Attaché personnel work on a daily basis with Mexican authorities to combat these transnational threats, and these efforts have been enhanced by additional officers.

ILLEGAL WEAPONS AND BULK CASH SMUGGLING INTO MEXICO

A large number of weapons recovered in Mexico's drug war are smuggled illegally into Mexico from the United States. Clearly, stopping this flow must be an urgent priority.

President Calderón has identified the illegal flow of weapons from the United States as one of the biggest security threats to his country. Stopping weapons smuggling is a particular challenge, both because of the nature of the southwest border and because much of the smuggling occurs in small shipments of a few weapons at a time. ICE is uniquely positioned to address this challenge.

In June 2008, ICE, along with CBP and other federal, state and local partners, launched Operation Armas Cruzadas, a partnership with the government of Mexico to fight cross-border arms smuggling. Under Armas Cruzadas, ICE has taken an intelligence-driven, systematic approach to arms trafficking investigations. As part of this effort, ICE initiated a Weapons Virtual Task Force to create virtual communities where law enforcement can rapidly share intelligence and communicate in a secure environment through the Homeland Security Information Network (HSIN). ICE also created a U.S.-vetted Arms Trafficking Group of Mexican officers.

Since its inception, Operation Armas Cruzadas has resulted in the seizure of 1,441 weapons, more than \$6 million, 122,416 rounds of ammunition and arrested 338 individuals on criminal charges resulting in 94 criminal indictments and 51 convictions.

In addition to addressing weapons smuggling, ICE had partnered with CBP to combat the illegal movement of cash across the southwest border. One reason drug cartels pose such a dangerous threat is their extensive monetary resources. The U.S. must interrupt that illegal flow of money. Operation Firewall, led by ICE, addresses the threat of bulk cash smuggling. ICE targets those individuals and organizations that exploit vulnerabilities in financial systems to launder illicit proceeds.

Operation Firewall produced immediate results. On the first day of operations in 2005 at the Benito Juárez International Airport in Mexico City, Mexican authorities seized \$7.8 million en route to Cali, Colombia concealed inside deep fryers, rotisseries and voltage regulators. Other notable seizures include \$7.3 million seized inside rolls of fabric and plastic and \$4.7 million concealed inside air conditioning equipment and metal piping destined for Colombia. Since its inception, Operation Firewall has resulted in the seizure of over \$195 million, including over \$64 million seized overseas and 452 arrests.

On June 26, 2008, Rafael Ravelo, a member of a Mexican-based narcotics trafficking organization, was sentenced to 126 months of incarceration and ordered to forfeit nearly \$1.15 million. This sentence was the result of the ICE-led Operation Doughboy, an Organized Crime Drug Enforcement Task Force Program investigation that was initiated prior to Operation Firewall, based on a bulk cash smuggling interdiction. This joint U.S./Mexico investigation involved the monitoring of 18 phone

lines of the heads of a Mexican narcotics trafficking organization and began when ICE agents in 2003 successfully linked a \$149,000 bulk cash seizure by the Texas Department of Public Safety to the narcotics trafficking organization.

ICE also recently established a Trade Transparency Unit with Mexico to identify cross-border trade anomalies, which are often indicative of trade-based money laundering. Under this initiative, ICE and law enforcement agencies in cooperating countries exchange import and export data and financial information. ICE's efforts led to more than \$50 million in cash seizures in Fiscal Year 2008.

CRIMINAL AND FUGITIVE ALIENS

Identifying, arresting and removing criminal aliens remains a top priority for ICE. ICE is the primary agency responsible for locating and removing criminal aliens within the United States. Under the Secure Communities Program, ICE works to identify criminal aliens in federal, state and local custody and those at-large, prioritize the removal of dangerous criminal aliens, and improve our current enforcement processes.

Through the Secure Communities Program, state and local law enforcement have the ability to search a subject's criminal history and immigration information automatically at the time of booking. This saves time, improves accuracy and gives our state and local partners a powerful tool to identify criminal aliens in their custody so that appropriate action can be taken for those with a criminal conviction. Currently, biometric identification technology has already been deployed to 23 counties along the southwest border to support information sharing.

An important component of Secure Communities is to prevent the re-entry of criminal aliens. Operation Repeat Offender is an initiative by ICE Office of Detention and Removal Operations (DRO) that is in place in some U.S. Attorney's Offices to prioritize the prosecution of aliens who illegally return to the United States after removal. If convicted of federal immigration charges, these criminal aliens serve their sentence in federal custody. ICE has assigned lawyers to many U.S. Attorneys' Offices across the country to aid with the prosecution of these cases in their role as Special Assistant U.S. Attorney's (SAUSAs). The program's goal is to deter illegal reentry.

ICE also continues its efforts to identify and remove criminal alien gang members as part of Operation Community Shield. Since the program's inception, ICE agents working in conjunction with federal, state and local law enforcement agencies nationwide have arrested a total of 11,106 street gang members and associates.

ICE's National Fugitive Operations Program (NFOP) is also working to reduce the nation's fugitive alien population, with a specific emphasis on aliens who pose a threat to national security and community safety. ICE has significantly increased its fugitive operations teams from eight teams in 2003 to the 104 teams operating today. Additionally, ICE has developed the Fugitive Operations Support Center (FOSC), which provides information support to teams nationwide.

In Fiscal Year 2008, fugitive operations teams were responsible for more than 34,000 arrests. In Fiscal Year 2009 to date, these teams have arrested nearly 6,000 criminal aliens who are fugitives. Overall, our nation's fugitive alien population fell by 37,000 individuals last fiscal year.

HUMAN SMUGGLING AND TRAFFICKING

Criminal smuggling and trafficking organizations are not constrained by international borders, operating in countries of origin, transit countries and destination countries such as the United States. ICE proactively attacks groups engaged in human smuggling and trafficking by initiating investigations beyond the U.S. borders. Organizations can charge thousands of dollars to smuggle aliens into the U.S., including those individuals who could pose a threat to the country. Accordingly, ICE works aggressively with non-governmental organizations to identify trafficking victims, bring smugglers and traffickers to justice, and increase public awareness of modern-day slavery.

ICE recognizes that success in combating alien smuggling, trafficking in persons and criminal support to clandestine terrorist travel requires working with other agencies in order to turn intelligence into action. ICE is a major participant in, and supporter of, the interagency Human Smuggling and Trafficking Center (HSTC), which targets human smugglers, human traffickers and terrorist travel facilitators. The Director of the HSTC is an ICE Supervisory Special Agent.

ICE has identified various methods and routes used by criminal networks to smuggle people into the United States. To target these smuggling methods and routes, ICE and DOJ formed the Extraterritorial Criminal Travel (ECT) Strike Force in June 2006 and combined our investigative, prosecutorial and intelligence resources to target and aggressively pursue, disrupt and dismantle foreign-based criminal travel networks. Complementary to the ECT program is the pivotal role ICE continues to play as a co-chair of the targeting project of the Interagency Working Group on Alien Smuggling, in which working with our partners in the intelligence community, we identify and target the most

dangerous international human smuggling organizations for investigation and prosecution, especially those that pose a threat to our national security. Much of the work is classified, but the effort has lead to a number of significant prosecutions since 2001.

In August 2006, the ECT Strike Force initiated an alien smuggling investigation of Mohammed Kamel Ibrahim and Sampson Boateng for smuggling aliens from Ethiopia, Eritrea and Somalia. These men were responsible for recruiting aliens, establishing travel routes and facilitating the aliens' transportation into the United States. Additionally, these men obtained both fraudulent and genuine travel documents for the smuggled aliens from a corrupt foreign government official. As a result of our investigation, Ibrahim and Boateng plead guilty to alien smuggling violations, and were sentenced to prison.

ICE recognizes that combating transnational alien smuggling networks does not stop with the arrest and conviction of alien smugglers. Although we have demonstrated success in this area, we have also focused on criminal organizations and individuals who commit identity or benefit fraud.

STATE AND LOCAL LAW ENFORCEMENT UNDER 287(g)

ICE also has continued to expand its partnerships with state and local law enforcement under the 287(g) Program, which gives specially trained officers authorization to perform immigration enforcement duties under the supervision of ICE agents and officers. ICE has 66 active Memoranda of Agreement (MOAs) with law enforcement agencies in 23 states. As of May 2009, ICE's 287(g) partners have encountered over 109,000 aliens who were screened for removability.

This program continues to be an effective force multiplier for our efforts. For this reason, it is vitally important that the program has strong oversight and remains free of abuse. In the past few years, the 287(g) Program has been the subject of much media attention. To address many of the concerns, ICE is redrafting the MOA template to increase oversight and supervision as well as align the goals of state and local law enforcement participating in the program with ICE priorities and guidelines. In addition to the MOA, ICE has issued credentials to state and local 287(g) partners and is drafting a policy mandating refresher training for all active 287(g) officers. With these efforts, DHS is carefully reviewing the recommendations provided in the January 2009 report by the Government Accountability Office (GAO). Finally, we are committed to working with stakeholders to address concerns about racial and ethnic profiling and other abuses in this and other enforcement programs.

WORKSITE ENFORCEMENT

Opportunities for employment remain a primary motivation for aliens seeking illegal entry into the United States. As noted recently by Secretary Napolitano, ICE's worksite enforcement program targets unscrupulous employers who prey upon these aliens by subjecting them to poor or unsafe working conditions or paying them sub-standard wages. ICE's multi-faceted worksite enforcement strategy targets those employers whose business model is based upon exploiting an unauthorized workforce and those who place our national security at risk by employing unauthorized workers in sensitive industries in our nation's critical infrastructure.

On April 30, 2009, the new Worksite Enforcement Strategy was released, marking a shift in how ICE conducts worksite enforcement. The goal of the strategy is to 1) penalize employers who knowingly hire illegal workers; 2) deter employers who are attempting to hire illegal workers; and 3) encourage employers to take advantage of compliance tools and best practices. In addition, ICE will continue to fulfill its responsibility to arrest and process for removal illegal workers encountered during worksite enforcement operations.

The strategy emphasizes both the criminal investigation of employers and the use of administrative tools such as Form I-9 audits and civil fines. The strategy maintains the mission of protecting critical infrastructure by identifying and removing unauthorized workers.

ICE believes the most effective deterrent involves criminal prosecutions, the seizure of assets and the imposition of meaningful civil penalties upon employers who use and profit from the labor of unauthorized aliens. Administrative inspections and fines are a critical component of ICE's overall national strategy aimed at reducing illicit employment as a motivating factor for illegal immigration and to garner employers' voluntary compliance with the nation's immigration laws. Based on our comprehensive strategy to address worksite enforcement, we believe that we are creating the conditions of a culture of industry compliance.

CONCLUSION

ICE is committed to working with this Subcommittee and Congress to address the significant challenges we face to secure the border through the enforcement of our nation's immigration and customs laws. I thank the Subcommittee for its support of ICE

and our law enforcement mission. I would be happy to answer any questions that you may have at this time.