



U.S. Immigration and Customs Enforcement

STATEMENT

OF

**VICTOR X. CERDA,
ACTING DIRECTOR OF DETENTION AND REMOVAL OPERATIONS**

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

BEFORE

SENATE COMMITTEE ON THE JUDICIARY

**SUBCOMMITTEE ON IMMIGRATION,
BORDER SECURITY, AND CITIZENSHIP**

AND

**SUBCOMMITTEE ON TERRORISM,
TECHNOLOGY AND HOMELAND SECURITY**

**“STRENGTHENING INTERIOR ENFORCEMENT:
DEPORTATION AND RELATED ISSUES”**

**April 14 2005
2:30 p.m.
WASHINGTON, D.C.**

INTRODUCTION

Good morning, Chairman Cornyn and Chairman Kyl and distinguished Members of the Subcommittee. My name is Victor Cerda, and I am the Acting Director of Detention and Removal Operations at Bureau of Immigration and Customs Enforcement (ICE) of the Department of Homeland Security (DHS). It is my privilege to appear before you to discuss Detention and Removal Operations' (DRO) enforcement mission. The DRO mission is to promote public safety and national security by ensuring the departure from the United States of all removable aliens through the fair enforcement of the nation's immigration laws.

The role that DRO plays is recognized throughout our strategic plan, "Endgame," which seeks to reach a point where for every order of removal issued, a removal is effectuated. While we have a significant road ahead to achieve the results envisioned in Endgame, our recent efforts and results indicate that we are moving in the right direction.

DRO has benefited from the exclusive focus on enforcement as well as organizational changes that have occurred since its transfer to DHS. Previously, DRO officers at times would be tasked with immigration benefit duties, to include issuing employment authorization cards. That is no longer the case. Now, DRO as a law enforcement division in ICE dedicated exclusively to enforcing our laws and meeting the strategic goals of Endgame. Organizationally DRO is a distinct division within ICE that reports directly to the Assistant Secretary. The DRO field chain of command was also improved

with the creation of direct reporting lines from the field to headquarter management.

These changes recognize the importance of the DRO role in enhancing the integrity of our immigration system and supporting the Department's National Security mission and have also been critical to the recent success DRO has achieved.

DRO's core mission is the apprehension, detention and removal of removable aliens, the management of non-detained aliens as their cases go through immigration proceedings, and the enforcement of orders of removal. DRO has implemented an aggressive national fugitive operations program that targets fugitive aliens who have flouted the law and ignored judicial orders of removal. Another part of the enhanced DRO role in interior immigration enforcement is the transition to DRO from the Office of Investigations of the Criminal Alien Program (CAP), formerly called the Institutional Removal Program, the Institutional Hearing Program, and the Alien Criminal Apprehension Program. Aside from eliminating some confusing acronyms, the transition of this program to DRO will permit the creation of a strategic approach that targets criminal aliens regardless of their location or stage of prosecution. DRO will be the lead for ICE in identifying criminal aliens subject to removal. The CAP plan will, over time, bring under control our Nation's criminal alien population, a population that poses known community safety issues. By utilizing DRO resources and oversight, this transition will allow ICE Special Agents to focus on complex investigations including cases involving national security threats, money laundering, human smuggling organizations, and human trafficking organizations.

I would like to share with you some benchmark numbers that show the direction in which we are moving and examples of initiatives we have implemented to achieve better enforcement results.

Record Removal Numbers – ICE Detention and Removal officers removed 160,000 aliens in fiscal year 2004. Since the founding of the Department two years ago, ICE has removed approximately 302,440 aliens.

Record Number of Criminal Aliens Removed – In Fiscal Year 2004, ICE removed over 84,000 criminal aliens from the United States. Through a realignment of functions and an enhanced focus on the Criminal Alien Program (CAP), we are more effective in removing criminal aliens who have finished their sentence in prison, thus preventing their release back into our communities. This program is realizing tremendous public safety benefits. During the five months of Fiscal Year 2005, DRO officers from the New York City CAP have identified approximately 1,200 criminal aliens amenable to removal.

62 Percent Increase in Fugitive Apprehensions - In Fiscal Year 2004, ICE had 16 Fugitive Operations teams deployed across the country. These teams apprehended 11,063 fugitive aliens with final orders of removal, a 62 percent increase from the prior fiscal year. This represents an increase of 112 percent in comparison to the same period in FY 2003. 458 aliens of these fugitives were aliens with records of sexual offenses against children—a high priority target for ICE under Operation Predator.

More Effective Detention Management – As part of our law enforcement mission, ICE DRO is responsible for managing the DHS bed space resources for detaining aliens. At the end of FY 2004, DRO maintained an average daily population of over 21,000 detainees per day. During the same year, DRO processed a record 213,000 initial intakes. This was accomplished by focusing on more efficient processing, reducing the average length of custody, and the careful setting of priorities, which resulted in our providing greater enforcement support to the arresting officers.

Innovative Alternatives to Detention – As our arresting officers continue to become more effective in their mission, the demand for bed space and detainee management will continue to grow. Recognizing this, and with the support of Congress, we have begun to explore potential alternatives to detention – innovative approaches that may allow us to release those aliens who do not pose a national security or public safety risk – while at the same time ensuring that they comply with court hearing dates and removal orders. We have already begun implementing these programs, which we believe will help to reverse the historically abysmal rates of compliance with hearing dates and removal orders. Just in the last year, we have nationally deployed electronic bracelet capabilities and telephonic voice recognition to all of our field offices to be applied to aliens on the non-detained docket. These technologies free up officer resources that normally are tied up with docket interviews, while at the same time providing automated notification of violators and enhanced conditions of release for those who may pose a greater risk of flight or threat to the community safety. We have also implemented an Intensive Supervision Appearance Program Pilot (ISAP) in eight cities. The ISAP makes use of

electronic bracelets in the initial phase of the program, but then also provides home and work visits, weekly reporting, and legal and social support information to the aliens designed to increase appearance rates for hearings and removal dates. ICE currently has a total 1339 participants in ISAP. From this pilot program we will be able to determine the effectiveness of ISAP in decreasing the absconder rate. Initial feedback from the field is that this is a promising solution that may help us to maximize resources.

When we consider the improvements we have seen in the apprehension, detention and removal of aliens, the accomplishments we have realized over the past two years have been management-driven as much as budget-driven. By improving the management of our resources and the processes employed, we have greatly improved our performance. For example, one of the biggest delays we face in removing an alien who has been ordered removed is the timely issuance of travel documents from the foreign embassy. Therefore, we have worked with the Department of State and the foreign embassies to identify ways to facilitate the issuance of travel documents. Similarly, we have centralized the process for arranging country clearances for escort removals, work closely with the Justice Prisoner Alien Transportation Systems (JPATS) on larger-scale removals, and have worked with charter and commercial airline companies to facilitate removal scheduling. These process enhancements reduce the amount of time an alien spends in detention, thereby increasing the impact each additional bed will have in support of our enforcement goals.

ICE has implemented a number of investigative initiatives. Each initiative is targeted at specific, differing categories of immigration violators, but each is designed to effectively enforce our nation's immigration laws.

Targeting Child Sex Predators – Under Operation Predator, ICE has arrested more than 5,100 sexual predators since the program was launched in 2003. ICE has already removed over 2,100 of these predators from the United States.

National Security-The protection of our National Security is a fundamental facet of ICE's mission. In terms of immigration enforcement, ICE has several programs in place to address vulnerabilities in this area. ICE has permanent personnel assigned to 77 of the 100 Joint Terrorism Task Force (JTTF) locations with a permanent point of contact available for the remaining 23. Their participation provides critical immigration enforcement expertise to counter-terrorism investigations. ICE field offices support these counter-terrorism efforts by providing actionable proactive counter-terrorism lead information and investigations in furtherance of preventing and disrupting alien terrorist cells domestically and abroad. ICE also has responsibility for compliance and enforcement of various programs aimed at protecting our Homeland by identifying and apprehending those individuals who have violated the purpose and terms of their admission into the United States, as well as identifying individuals and organizations using our immigration system who may be threats to our national security. These programs include the National Security Entry/Exit Registration System (NSEERS) 248 arrests and 2420 completed cases, Student and Exchange Visitor Information System

(SEVIS) 672 arrests and 2675 completed cases, and the United States Visitor and Immigrant Status Indication Technology (US VISIT) 30 arrests and 326 completed cases.

Targeting Human Smuggling and Trafficking – ICE special agents have new tools under the Department of Homeland Security to effectively dismantle criminal organizations that smuggle and traffic human beings for profit. By successfully investigating these organizations from both the financial aspect (following the money trail) and the human smuggling aspect, ICE arrested more than 1,630 human smugglers in FY 2004. Under Operation ICE Storm, an ICE initiative launched in 2003 to target violent human smuggling networks in Arizona, the Federal Government has brought charges against more than 300 defendants and resulted in the seizure of more than \$7 million. This unprecedented seizure of alien smuggling proceeds is a direct result of the merger of our immigration and customs authorities. These are powerful tools that did not reside within one agency prior to the creation of DHS, and these tools have been effectively used by ICE agents over the past two years. Law enforcement authorities in Arizona have credited Operation ICE Storm with a dramatic decrease in alien-related kidnappings and other violent crime in the Phoenix metropolitan area. Homicides dropped 19% and alien –related kidnappings dropped 82%. Less than two weeks ago, on March 4, 2005, ICE agents arrested three leaders of the Franco Human Smuggling Organization. All three individuals have been indicted by a grand jury in Phoenix and are charged with human smuggling violations and conspiracy. These arrests begin the disruption of one of the largest and the most violent criminal smuggling organizations operating along the United States / Mexican border.

Cracking Down on Identity and Benefit Fraud—ICE targets the fraudulent schemes that terrorist and other criminal organizations can use to gain entry to the United States. One example is Operation Card Shark, which targets fraudulent document-vending enterprises that operate in the Adams Morgan section of Washington, D.C. ICE enforcement efforts are aimed at disrupting the illegal activity, dismantling the organizations and apprehending the individuals involved in the trade. So far over 9,500 fraudulent documents have been seized and six document mills have been closed down. 29 aliens have been Federally prosecuted, 30 have been removed from the U.S. and an additional 100 aliens have been arrested on criminal and/or administrative charges. The ICE Forensic Document Laboratory (FDL) is a critical investigative tool in fighting immigration fraud and making cases like Card Shark. The FDL is the only federal crime lab devoted almost entirely to the forensic examination of documents and analysis for law enforcement agencies nationwide.

Providing Timely Information to State and Local Law Enforcement—The ICE Law Enforcement Support Center (LESC) provides local, state and federal law enforcement agencies with timely immigration status and identity information on aliens suspected, arrested, or convicted of criminal activity. The LESL operates 24 hours a day, seven days a week, to provide real-time assistance to law enforcement officers who are investigating or have arrested foreign-born individuals. In FY 2004, the LESL responded to more than 667,000 requests for immigration-related information to law enforcement across the country.

287 (g) -Under section 287(g) of the Immigration and Nationality Act (INA), the Secretary of Homeland Security has the authority to enter into formal written agreements with state and local political jurisdictions to for the training and certification of expertise in immigration enforcement functions for state and local enforcement officers. All selected local or state law enforcement officers must receive the appropriate training in immigration law and procedure and must be individually certified. ICE must supervise all selected officers when they are using their delegated immigration authority.

The use of Section 287(g) is a flexible and controlled force multiplier for ICE in its effort to protect the Nation. In 2002, the Florida Department of Law Enforcement requested to participate with the Federal government under Section 287(g). Florida officials were concerned about the number of terrorist related cases in Florida involving foreign nationals. ICE and the Florida Department of Law Enforcement have investigated over 170 cases with numerous arrests.

Building on the success of the Florida agreement, on September 10, 2003, ICE and the State of Alabama signed an agreement to provide immigration authority to a group Alabama State Troopers. These State Troopers received extensive training in nationality and immigration law and procedures. These officers will have the authority to determine alienage and deportability incident to their normal duties as patrol officers or at driver licensing stations. They will also be trained to process, transport and detain illegal aliens.

Worksite Enforcement—ICE worksite enforcement efforts focus on promoting national security, protecting critical infrastructure and ensuring that employment is authorized. ICE worksite enforcement efforts include focusing on investigations that target unauthorized workers employed in sensitive security sites such as airports, nuclear and chemical power plants and defense contractors. Operation Tarmac specifically targets employers who hire unauthorized workers and give them access to sensitive areas of airports. ICE agents have conducted investigations at 196 airports nationwide, audited nearly 6,000 businesses, obtained 775 criminal indictments, and arrested 1,058 unauthorized alien workers as part of this operation. ICE is conducting similar worksite enforcement operations for nuclear facilities, defense facilities, shipyards and transportation sites and other vulnerable industries.

As part of the President's proposed temporary worker program (TWP) to match willing foreign workers with willing U.S. employers, enforcement of immigration laws to ensure compliance is required. The FY 2006 President's budget would fund 143 positions and the required training to conduct employer audits, investigate possible violations, and prepare criminal employer case presentations. This funding more than doubles the resources dedicated to the worksite enforcement effort.

Better Compliance Enforcement for Students and Exchange Visitors—The Student and Exchange Visitor Information System (SEVIS) allows DHS to collect and manage information on international students and exchange visitors and their dependents by maintaining up-to-date data on a student's status that can be accessed electronically. SEVIS

has simplified what was once a manual process, resulting in more accurate and timely data, faster processing and fewer delays at ports of entry. It is also an effective enforcement tool for ICE special agents.

CONCLUSION

Mr. Chairman, today I have focused on just a few of the immigration enforcement initiatives. The United States has a strong tradition of respect for the rule of law and the integrity of our legal system and respect for immigration laws should not be the exception. At the same time we should be proud of our rich tradition of being a Nation of immigrants. I personally am a product of that tradition. By aggressively enforcing our immigration laws, we seek to deter criminal and terrorist organizations who threaten our way of life, and we seek to strengthen the legal immigration process for worthy applicants.

DRO is committed to aggressively enforcing our laws and seeking new ways to enhance our capabilities to contribute to our Nation's security. I would like to thank you, Mr. Chairman and Members of the Subcommittee, for the opportunity to testify today and I look forward to answering any questions you may have.