



# Homeland Security

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## Written testimony of DHS Office of Policy, U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement for a Senate Committee on Homeland Security and Governmental Affairs hearing titled "Border Security: Examining Provisions in the Border Security, Economic Opportunity, and Immigration Modernization Act (S. 744)"

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342 Dirksen Senate Office Building

### Introduction

Thank you, Chairman Carper, Ranking Member Coburn, and Members of the Committee for holding this important hearing today on comprehensive immigration reform, with specific regard to the Department of Homeland Security's (DHS) work on border security and entry-exit controls. It is a pleasure to appear before the committee to discuss DHS's efforts on these important issues.

We are very encouraged by the bi-partisan work of the eight senators and their staff to fashion a commonsense immigration reform bill that will address the most serious problems with our current system. The introduction of this legislation is an important first step that reflects significant momentum toward our shared goal to reform the nation's immigration laws.

As the President stated last month, this bipartisan bill is clearly a compromise, and there are issues on which we do not agree, but the bill is largely consistent with the President's framework for commonsense comprehensive reform. The bill would continue to strengthen security at our borders and hold employers more accountable if they knowingly hire undocumented workers. It would provide a pathway to earned citizenship for the 11 million individuals who are already in this country illegally. It would also modernize our legal immigration system, allowing families to be reunited in a humane and timely manner and grow our economy by attracting the highly-skilled entrepreneurs and workers who will help create good paying jobs. These are all commonsense steps that the majority of Americans support.

As noted in Secretary Napolitano's testimony before the Senate Judiciary Committee last month, DHS has made great strides in each of these areas over the past four years and, indeed, since the Department's founding ten years ago. In order to build on this strong record, America needs a 21st century immigration system that meets the needs of law enforcement, businesses, immigrants, communities, and our economy. The current patchwork of outdated laws and requirements fails in each of these areas, and we are hopeful that this new bipartisan legislation will address each of these needs. We know what needs to be done to mend this broken system, to change our laws to create a 21st century system and one that lives up to our proud traditions.

The principles for commonsense immigration reform are encompassed in the "Border Security, Economic Opportunity, and Immigration Modernization Act."

### Stronger Border Security and Immigration Reform

Border security has changed significantly over the past ten years, not only in terms of resources, infrastructure, and operations, but also in how we assess and measure the state of an ever-changing border environment. Over the past four years, the Obama Administration has made historic investments in border security, adding more personnel, technology, and infrastructure; making our ports of entry more efficient to lawful travel and trade; deepening partnerships with federal, state, local, tribal, and territorial law enforcement, and internationally; improving intelligence and information sharing to identify threats sooner; strengthening entry procedures to protect against the use of fraudulent documents and the entry of those who may wish to do us harm and enhancing our exit system to improve tracking and enforcement of overstays. We are proud of these achievements, which reflect the hard work of many DHS agents and officers and our partners, who work long hours and often at great personal risk.

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These efforts have contributed to a border that is far stronger today than at any point in our nation's history, and border communities that are safe and prosperous. Since 2004, we have doubled the number of Border Patrol agents from approximately 10,000 to more than 21,000 today. Along the Southwest border, the number of Border Patrol agents has increased by 94 percent to nearly 18,500. Along the Northern border, we now have more than 2,200 Border Patrol agents. To facilitate the secure flow of people and goods, we have also increased the number of U.S. Customs and Border Protection (CBP) officers ensuring the secure flow of people and goods into our nation from 17,279 customs and immigration inspectors in 2003 to more than 21,000 officers and 2,300 agriculture specialists today. CBP has deployed proven, effective technology to the border tailored to the operational needs of our agents on the ground. We have expanded our unmanned aerial surveillance capabilities and strengthened our air and marine interdiction capabilities. These efforts have contributed to a border that is more secure today than at any point in our nation's history.

At ports of entry in FY 2012, CBP officers (CBPOs) arrested 7,700 people wanted for serious crimes, including murder, rape, assault and robbery. CBPOs also stopped nearly 145,000 inadmissible aliens from entering the U.S. through ports of entry. As a result of the efforts of the CBP National Targeting Center and Immigration Advisory Program, 4,199 high risk travelers, who would have been found inadmissible, were prevented from boarding flights destined for the U.S., an increase of 32 percent compared to FY 2011.

We see increasing success in our seizures as well. From Fiscal Years 2009 to 2012, DHS seized 71 percent more currency, 39 percent more drugs, and 189 percent more weapons along the Southwest border as compared to FYs 2006 to 2008. Nationwide, in Fiscal Year 2012, CBP officers and Border Patrol agents seized more than 4.2 million pounds of narcotics and more than \$100 million in unreported currency through targeted enforcement operations.

The CBP P-3 aircraft have been instrumental in reducing the flow of contraband from reaching the United States by detecting the suspect aircraft and vessels while still thousands of miles away from America's border. In FY 2012, P-3 crews were involved in the interdiction of 117,103 pounds of cocaine and 12,745 pounds of marijuana. The CBP P-3 aircraft and crew provide an added layer of security by stopping criminal activity before reaching our borders.

CBP is also looking to the future by working closely with the DHS Science & Technology (S&T) Directorate to identify and develop technology to improve our surveillance and detection capabilities in our ports and along our maritime and land borders. This includes investments in tunnel detection and tunnel activity monitoring technology, low-flying aircraft detection and tracking systems, maritime data integration/data fusion capabilities, cargo supply chain security, and unattended ground sensors/tripwires.

The "Border Security, Economic Opportunity, and Immigration Modernization Act" includes important reforms that will help us to continue to strengthen security at our borders and should contribute to our immigration laws better meeting the needs of law enforcement, businesses, immigrants, communities, and our economy. In particular, if enacted, it includes funding for the Department to continue deployment of proven, effective surveillance technology along the highest trafficked areas of the Southwest border. Funds are anticipated to be used to procure and deploy technology tailored to the operational requirements of the Border Patrol, the distinct terrain, and the population density within each sector. The bill authorizes appropriations for 3,500 additional CBP officers at our ports of entry which would increase efficiency and decrease wait times for legitimate trade and travel as well as increase security. These provisions would sustain and build on our progress and promote a border region that continues to be safe and thriving.

Over the past decade, U.S. Immigration and Customs Enforcement (ICE) has made tremendous strides and realized considerable enforcement achievements. In just the last three years, ICE Homeland Security Investigations (HSI) has achieved a record number of criminal arrests, which culminated with fiscal year (FY) 2012 increases of nearly 25 percent over FY 2010. These record arrests in FY 2011 and FY 2012 followed from successful investigations of commercial fraud, child exploitation, strategic/counter-proliferation, human trafficking, and financial crimes.

In FY 2012, ICE's Office of the Principal Legal Advisor (OPLA) staffed 44 Special Assistant U.S. Attorney (SAUSA) positions, which resulted in 5,137 convictions in federal court. The SAUSA's assist U.S. Attorneys with increased caseloads that result from ICE's increased enforcement, and serve as critical force multipliers. ICE implemented the SAUSA initiative to increase litigation of immigration and customs-related criminal cases in federal courts.

With respect to matters involving employee misconduct, ICE and CBP entered into a Memorandum of Understanding (MOU) in 2010 that ensures the integrity of DHS employees remains critical to fulfilling the DHS mission. ICE and CBP have established a program whereby CBP Office of Internal Affairs investigators are assigned to ICE Office of Professional Responsibility (OPR) field offices to participate in the investigations of CBP employee criminal misconduct, thus enabling CBP management to make informed decisions when considering alternative administrative remedies. This collaboration was not always available prior to the MOU, and has solidified ICE's commitment to providing CBP with complete and timely awareness and involvement in criminal investigations of CBP employees.

Last year, ICE developed the Illicit Pathways Attack Strategy (IPAS). IPAS supports the Administration's Strategy to Combat Transnational Organized Crime, an initiative launched in July 2011, which seeks to integrate federal resources in order to combat transnational organized crime and related threats to national security and public safety while urging foreign partners to do the same.

As a key partner in this effort, IPAS is working to identify and dismantle high risk smuggling and trafficking routes, pathways, and integrated networks that support Transnational Organized Crime. IPAS initially focused on combating human smuggling. Future iterations of the strategy will focus on weapons trafficking, human trafficking, intellectual property theft, cybercrime, illicit finance, and counter-proliferation. IPAS is a coordinated strategy to identify illicit pathways and attack criminal networks at multiple locations along the illicit travel continuum. The concept involves attacking criminal networks within and beyond our borders; prioritizing networks and pathways that pose the greatest threats; participating in and facilitating robust interagency engagement; and pursuing a coordinated, regional approach that leverages international partners.

IPAS combines traditional law enforcement investigations and prosecutions with efforts to overtly disrupt and deter the underlying criminal activity. Experience has shown that if we simply try to disrupt criminal activity by focusing law enforcement action in one geographic area, criminal organizations will quickly adapt and shift to an area where detection or interdiction by law enforcement is less likely. HSI's goal is to not only stop individual criminals, but also to stop or reduce the criminal activity and dismantle the entire criminal enterprise.

The Transfer Exit Program (ATEP) is a joint effort between ICE and CBP that allows for the transportation of aliens out of an apprehending Southwest Border Patrol Sector for subsequent removal to Mexico through another Southwest Sector. The program is designed to deny, disrupt and dismantle the ability of alien smuggling organizations operating in the participating sectors. ATEP targets frequent recidivist illegal entrants, and other illegal aliens apprehended by CBP within the Laredo, Rio Grande Valley, and Tucson sectors.

On April 18, 2013, DHS signed an agreement with the Government of Mexico that created the framework for the Interior Repatriation Initiative (IRI). This initiative is designed to reduce recidivism and border violence by returning Mexican nationals to their cities of origin, where there is a higher likelihood that they will reintegrate themselves back into their communities, rather than fall victim to human trafficking or other crimes in Mexican border towns.

## Building a Better Exit System to Enhance Overstay Tracking and Compliance

The bill also includes provisions designed to enhance the Department's ability to track visa overstays by collecting data for foreign nationals departing the United States, often referred to as "exit data", to allow the Department to match entry and exit records and identify those who have remained in the United States longer than they should. During the past two years, DHS has enhanced its exit system, which now tracks and identifies, on a near real-time basis, those who may have overstayed their authorized period of admission, and targets for enforcement those who represent a public safety and/or national security threat.

In 2010, at the direction of Secretary Napolitano, DHS launched an initiative to enhance its existing biographic exit system. In part by using the data DHS receives, this *Enhanced Exit Initiative* has been able to address longstanding issues through innovative solutions, including cooperation with foreign countries and with the air travel industry. DHS now has a biographic-based electronic exit program, known as the Advance Passenger Information System (APIS) at air and sea ports-of-entry, where carriers are required to provide departing aircraft or vessel passenger data to DHS.

In April 2013, DHS deployed a series of enhancements with contribution from many DHS components, including CBP, Immigration and Customs Enforcement (ICE), the Office of Biometric Identity Management (OBIM), and U.S. Citizenship and Immigration Services (USCIS), in order to improve its exit-entry system by linking several systems with relevant records more effectively; and enhancing entry/exit matching capability through improved data algorithms. DHS is also testing a program that will require air travelers to present the same documents on departure that they used to enter the United States. Currently, DHS experiences "mismatches" between entry and exit records when a person uses a different travel document upon departure than the person used at the time of admission. This program, together with additional system enhancements to be deployed in late 2013, will dramatically improve our ability to successfully match entry and exit records and will strengthen our ability to identify and target for enforcement action overstays who represent a public safety and/or national security threat. It is intended to allow DHS to more effectively take action, in accordance with existing federal laws, against overstays, including a traveler's next interaction at ports of entry, through the Electronic System for Travel Authorization (ESTA) program for Visa Waiver Program (VWP) travel. We will also have more information to share with our partners at the State Department to ensure that visas are not issued for those violators who are no longer eligible to travel to the United States. These efforts will also enable DHS to more reliably determine overstay rates for each country.

DHS continues to pursue research and development into a biometric air and sea exit program and is currently examining new technologies that would enable deployment when feasible in a cost-efficient manner that better facilitates safe, legitimate trade and travel.

## Conclusion

During the past four years, DHS has worked hard to meet our immigration responsibilities in a smart and efficient manner. The results we see today reflect the most serious and sustained effort to strengthen border security and enforce immigration laws that the Nation has seen in decades. Our men and women on the frontlines, in the interior, and overseas deserve a great deal of credit for this success

Today our borders are more secure and our border communities are among the safest communities in our country. We have removed record numbers of criminals from the United States, and our immigration laws are being enforced according to sensible priorities. We have taken numerous steps to strengthen legal immigration and build greater integrity into the system. And we are using our resources in a smart, effective, responsible manner. We have matched words with action, and now is the time to take the next step and fundamentally reform the nation's immigration system to reflect the realities of the 21st century.

We must not miss this opportunity to enact meaningful reforms to not only strengthen our immigration system but also to ensure that our nation remains a land of opportunity for immigrants, businesses, and all those whose dreams, aspirations, hard work, and success have contributed to our nation's uniqueness, diversity, cultural richness, and economic strength since our founding. The time to modernize our immigration laws is long overdue, and we stand ready to work with the Congress to achieve this important goal for our country, the American people, and all those seeking to contribute their talents and energy to our great nation.

We are very encouraged by the progress that has been made thus far in developing the "Border Security, Economic Opportunity, and Immigration Modernization Act." The introduction of this legislation is a true milestone, and we look forward to working with you to build on this momentum. Thank you, again, for the attention you are giving to this critical issue.

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