



Statement for the Record
Secretary Janet Napolitano
U.S. Department of Homeland Security

Before the
United States House of Representatives
Committee on the Judiciary
July 19, 2012

Chairman Smith, Ranking Member Conyers, and Members of the Committee:

I am pleased to join you today, and I thank the Committee for your support of the Department of Homeland Security (DHS) over the past three and a half years and, indeed, since the Department's founding more than nine years ago. I look forward to continuing to work with you to protect the American people as we work to advance our many shared goals.

Today, nearly eleven years after the 9/11 attacks, America is stronger and more secure, thanks to the support of the Congress, the work of the men and women of DHS, and our federal, state, local, tribal, and territorial partners across the homeland security enterprise.

More than 230,000 DHS employees ensure the safety and security of the American people every day, in jobs that range from law enforcement officers and agents to disaster response coordinators, from those who make sure our waterways stay open to commerce to those who make sure our skies remain safe. The men and women of DHS are committed to our mission, and I thank every one of them for their service.

As I have said many times, homeland security begins with hometown security. As part of our commitment to strengthen hometown security, we have worked to get information, tools, and resources into the hands of state, local, tribal, and territorial officials and first responders.

This has led to significant advances. We have made great progress in improving our domestic capabilities to detect and prevent terrorist attacks against our people, our communities, and our critical infrastructure. We have increased our ability to analyze and distribute threat information at all levels. We have invested in training for local law enforcement and first responders of all types in order to increase expertise and capacity at the local level. And we have supported and sustained preparedness and response capabilities across the country through more than \$35 billion in homeland security grants since 2002.

As this committee knows, we also have made substantial advances in securing our nation's borders and enforcing the immigration laws. We have deployed unprecedented levels of personnel, technology, and resources to protect our borders. These efforts have achieved significant results, including historic decreases in illegal immigration as measured by total apprehensions, and sizable increases in seizures of illegal drugs, weapons, cash, and contraband.

We also have focused on smart and effective enforcement of immigration laws while streamlining and facilitating the legal immigration process. Our enforcement resources prioritize border security, public safety, national security, and the integrity of the immigration enforcement system. We carry out these priorities by focusing our resources on the identification and removal of criminal aliens, repeat immigration law violators, recent border entrants, and those who otherwise pose a threat to public safety or national security. These efforts have achieved historic results, including the removal of over 216,000 convicted criminals in 2011.

Our efforts to focus resources on public safety, national security and border security are enhanced by our use of prosecutorial discretion on a case-by-case basis, including my June 15 announcement regarding the possibility of deferred action for certain qualifying individuals who

came to the United States as children. These policies promote the efficient use of our resources, ensuring that we do not divert resources away from the removal of convicted criminals by pursuing the removal of young people who came to this country as children and have called no other country home.

We have also made numerous improvements to our administration of immigration benefits and services, ensuring our heritage as a welcoming nation to new immigrants, business people, students, and those seeking refuge and asylum.

In my time today, I would like to discuss our efforts with respect to immigration, consistent with this Committee's jurisdiction over this important – indeed, essential – issue for our country.

Enforcing and Administering our Immigration Laws

DHS has undertaken an historic effort to enforce and administer immigration laws in a cohesive way that is smart, effective, and maximizes the resources that Congress has given us to do this important job. We have worked, and continue to work, to make sure that our resources are applied consistently and in a manner that enhances public safety, national security, border security, and the integrity of the immigration system, while respecting the rule of law and staying true to our history as a nation of immigrants.

Targeting Criminal and Other Priority Aliens

We have established as a top priority the identification and removal of public safety and national security threats. To this end, we have expanded the use and frequency of investigations and programs that track down criminals and other public safety and national security threats on our streets and in our jails.

Overall, in Fiscal Year 2011, U.S. Immigration and Customs Enforcement (ICE) removed 396,906 individuals. Ninety percent of these removals fell within one of ICE's priority categories, including convicted criminal aliens and recent border crossers, and 55 percent, or more than 216,000 of the people removed, were convicted criminal aliens – an 89 percent increase in the removal of criminals from Fiscal Year 2008. This total includes more than 87,000 individuals convicted of homicide, sexual offenses, offenses involving dangerous drugs, and driving under the influence. Of those removed in Fiscal Year 2011 without a criminal conviction, more than two-thirds fell into our other priority categories of recent border crossers or repeat immigration law violators.

These results would not have been possible without Secure Communities, which has proven to be the single most valuable tool in allowing ICE to eliminate the ad hoc approach of the past and focus on criminal aliens and repeat immigration law violators. Through Secure Communities, state and local law enforcement biometric information is passed to ICE after an individual has been arrested and booked for a state or local criminal offense. ICE uses the biometric information to identify criminal and other priority aliens in state prisons and local jails so that ICE can prioritize them for removal. Secure Communities remains an important tool in ICE's

efforts to focus its immigration enforcement resources on individuals within ICE's priorities, particularly those who pose a threat to public safety or national security.

We have expanded Secure Communities' use of this information sharing capability from 14 jurisdictions in 2008 to 3,074 today, including all jurisdictions along the southwest border, and a total of 50 states, with Secure Communities completely activated in 48 of those states as well as the District of Columbia and the four territories. We are on track to deploy the information sharing capability used through Secure Communities to all jurisdictions nationwide by Fiscal Year 2013. Since its inception, more than 149,811 aliens convicted of serious crimes, including aggravated felony offenses like murder, rape and sexual abuse of children, have been removed from the United States after identification through Secure Communities.

Nevertheless, we recognize that there is always room to improve any program, and we are mindful of concerns raised about Secure Communities, especially its use of this federal biometric information sharing capability. We will continue to improve Secure Communities and clarify its goals to state and local law enforcement and the public.

We are also committed to ensuring the Secure Communities program respects civil rights and civil liberties. To that end, ICE is working closely with law enforcement agencies and stakeholders across the country to ensure the program operates in the most effective manner possible, respects community policing efforts critical to public safety, and is aligned with our civil rights priorities.

ICE and the DHS Office for Civil Rights and Civil Liberties (CRCL) have released videos for state and local law enforcement agencies on how Secure Communities works and how it relates to laws governing civil rights and civil liberties, and they plan to release additional videos in the near future. They also are conducting a regular statistical analysis of Secure Communities to identify any signs of potential abuse, and have a complaint investigation protocol governing how individuals or organizations can file civil rights complaints with either ICE or CRCL. We've also taken corrective action against local law enforcement partners who do not comply with our immigration enforcement priorities. We are prepared to take action when we see evidence of civil rights abuses as we did when we removed Maricopa County Sheriff's Office access to Secure Communities technology and terminated their 287(g) agreements.

In addition, in response to the DHS Homeland Security Advisory Council Secure Communities Task Force's report of September 2011, ICE has adopted a new policy regarding individuals arrested for minor traffic offenses. Under this policy, ICE will only consider issuing detainers for individuals arrested solely for minor traffic offenses who have not been previously convicted of other crimes and do not fall within any other ICE priority category, upon actual conviction. Previously, a detainer was issued after the arrest.

Secure Communities' use of IDENT/IAFIS interoperability is not the only tool that has enhanced our focus on convicted criminals. In December 2009, ICE began conducting large-scale operations where ICE works with federal, state, and local law enforcement partners to identify and target at large convicted criminal aliens. Known as "Cross Check" operations, these initiatives are an important tool in ICE's efforts to apprehend and remove convicted criminals and have resulted in the arrest of more than 7,400 criminal aliens. For example, in a single

“Cross Check” enforcement operation conducted over a six-day period in March of 2012, ICE arrested more than 2,800 convicted criminal aliens who were also in the country unlawfully. This operation was the largest of its kind, involving the collaboration of more than 1,900 ICE officers and agents in all 50 states.

Having demonstrated the effectiveness of these initiatives, ICE recently transformed the responsibilities of its Fugitive Operations Teams to focus primarily on enforcement operations that target at-large convicted criminal aliens and immigration fugitives who pose a threat to public safety.

Prosecutorial Discretion

To better enforce the nation’s immigration laws, ICE has issued guidance to ensure that those enforcing immigration laws make appropriate use of their discretion they already have in deciding the types of individuals prioritized for removal from the country. President Obama and I have both made clear that this Administration will continue to enforce the laws in a smart and effective manner. These efforts are enhanced by the Department’s prosecutorial discretion policies.

DHS began this effort with the issuance of ICE’s June, 2010 memorandum detailing the Department’s immigration enforcement priorities. Director Morton built upon this memorandum when he issued two prosecutorial discretion memoranda in June 2011. Following the issuance of these memos, to ensure that our resources fully support our mission to protect public safety and ensure border security, DHS began an effort to review incoming cases and existing caseloads before the Department of Justice’s Executive Office for Immigration Review to ensure they correspond with our enforcement priorities. This unprecedented collaborative effort has allowed DHS to focus taxpayer resources devoted to immigration enforcement on priority cases over the long term.

Building upon these efforts, on June 15th I announced that young people who were brought to the United States as children and who meet several key criteria will be considered for temporary relief from removal from the country or from being placed in removal proceedings if, after an individualized review, Department personnel determine that deferred an exercise of discretion is appropriate in their case. Those who demonstrate that they meet the criteria may be considered, if the Department personnel determine it is appropriate to exercise their prosecutorial discretion, to have removal actions deferred for a period of two years, subject to renewal. Individuals granted deferred action will also be eligible to request employment authorization.

In order to be considered for deferred action under this policy, individuals must: 1) have come to the United States under the age of sixteen; 2) have continuously resided in the United States for at least five years and have been physically present in the United States on the date of our announcement on June 15; 3) either be currently in school, a graduate of a U.S. high school or a recipient of a Certificate of High School Equivalency, or an honorably discharged veteran of the Armed Forces of the United States; 4) not have been convicted of either a felony offense, a

significant misdemeanor offense, multiple misdemeanor offenses, or otherwise pose a threat to national security or public safety; and 5) be younger than 31 as of June 15, 2012.

Individuals must also complete a biographic and biometric background check and not currently in removal proceedings or subject to a final order, must be 15 years or older to be considered for deferred action. Only those individuals who can prove through verifiable documentation that they meet these criteria will be considered for deferred action under this initiative. Individuals will not be eligible if they are not currently in the United States or cannot prove that they have continuously resided within the United States for at least five years.

ICE and USCIS will deploy their considerable fraud prevention resources to guard against fraud in this process – and to take strong action against any individuals who engage in fraud. ICE’s Homeland Security Investigations directorate and USCIS’s Fraud Detection and National Security directorate will be actively engaged whenever fraud is suspected as part of an individual request to ICE or USCIS for deferred action or employment authorization. An individual who knowingly makes a misrepresentation to ICE or USCIS, or knowingly fails to disclose facts to ICE or USCIS, in an effort to be considered for deferred action or work authorization in this new process will be treated as an immigration enforcement priority to the fullest extent permitted by law, subjecting the individual to criminal prosecution and removal from the United States.

Deferred action does not provide an individual with lawful permanent resident status or any legal status in the United States. It confers no legal immigration status, nor a pathway to citizenship. Only Congress, acting through its legislative authority, can confer these benefits. It remains for the executive branch, however, to set forth policy for the exercise of prosecutorial discretion within the framework of the existing law, which we have done in this instance.

Our nation’s immigration laws must be enforced in a strong and sensible manner. But they are not designed to be blindly enforced without consideration given to the individual circumstances of each case. Indeed, as the Supreme Court noted in its recent decision on the Arizona immigration law, “A principal feature of the removal system is the broad discretion exercised by immigration officials.”

As the President also noted in his own remarks on this new policy, many young people who will benefit from this policy study in our schools, play in our neighborhoods, and pledge allegiance to our flag. They are Americans in their hearts, in their minds, in every single way – except on paper. Some came to our country – sometimes even as infants – and yet they live under the threat of removal to a country they may know little about, with a language they may not even speak.

This new policy represents the next logical step in our efforts to transform the immigration enforcement system into one that focuses on public safety, border security, and the integrity of the immigration system. It is not only sound law enforcement policy, but it also will result in a more efficient, productive, and fair immigration enforcement system.

It is also the right thing to do. Deferring action in appropriate cases will help us continue to streamline our immigration enforcement system and ensure that our resources are not directed toward pursuing the removal of the lowest priority cases involving productive young people

when we should be focused on the identification and removal of criminal aliens and other enforcement priorities.

Individuals who are eligible for consideration for deferred action pursuant to my memorandum do not represent a risk to public safety or security. Prosecutorial discretion, which is used in so many other areas, is especially warranted and justified here.

Deterring Employment of Aliens Not Authorized to Work

In the worksite category, we also have eliminated high-profile raids that did little to enhance public safety, and instead we are promoting compliance with worksite-related laws through criminal prosecutions of egregious employer violators, Form I-9 inspections, civil fines, and debarment, as well as education and compliance tools.

Since January 2009, ICE has audited more than 8,079 employers suspected of knowingly hiring workers unauthorized to work in the United States, debarred 726 companies and individuals, and imposed more than \$87.9 million in financial sanctions.

Employer enrollment in E-Verify, our on-line employee verification system managed by USCIS, has more than doubled since January 2009, with more than 385,000 participating companies representing more than 1.1 million hiring sites. USCIS has continued to promote and strengthen E-Verify, developing a robust customer service and outreach staff to increase public awareness of E-Verify's benefits and inform employers and employees of their rights and responsibilities. In Fiscal Year 2011 alone, USCIS informed tens of millions of people about E-Verify through radio, print, and online ads in English and Spanish, and hundreds of thousands more through live presentations, conference exhibitions, live webinars, and distribution of informational materials.

More than 17 million queries were processed in E-Verify in Fiscal Year 2011, allowing businesses to verify the eligibility of their employees to work in the United States. Last year, we also launched the E-Verify Self Check program, a voluntary, free, fast, and secure online service that allows individuals in the United States to confirm the accuracy of government records related to their employment eligibility status before seeking employment.

Detention Reform

As a part of ongoing detention reform efforts, ICE continues to identify systematic ways to reform and improve medical and mental health care at publicly and privately run detention facilities, including an increase in medical case management and quality management activities, assigning field medical coordinators to each ICE Field Office to provide ongoing case management; simplifying the process for detainees to receive authorized health care treatments; and developing a medical classification system to support detainees with unique medical or mental health needs.

ICE also has issued revised detention standards. The new standards, known as Performance-Based National Detention Standards 2011 (PBNDS 2011), reflect ICE's ongoing effort to tailor

the conditions of immigration detention while maintaining a safe and secure detention environment for staff and detainees.

In developing the revised standards, ICE incorporated the input of many agency employees and stakeholders, including the perspectives of nongovernmental organizations and ICE field offices. PBNDS 2011 is crafted to improve medical and mental health services, increase access to legal services and religious opportunities, improve communication with detainees with limited English proficiency, improve the process for reporting and responding to complaints, detect and prevent sexual abuse and assault, and increase visitation.

ICE has hired additional detention service managers to increase onsite federal oversight and ensure that facilities are in compliance with its detention standards while increasing announced and unannounced inspections by other staff. CRCL has assisted in training these ICE employees and reviewing the standards they enforce. CRCL has also stepped up oversight of immigration facilities, conducting numerous on-site inspections, and additional reviews specifically relating to medical care.

In recent months, we also have announced that we will be undertaking a rulemaking process to apply the Prison Rape Elimination Act (PREA) to immigration detention facilities, building upon the zero tolerance policy previously adopted for sexual abuse and assault at such facilities. ICE also has begun implementing a new directive on Sexual Abuse and Assault Prevention and Intervention that delineates ICE-wide policy and procedures for reporting, investigating, and tracking incidents of sexual assault and abuse in detention facilities.

This new directive establishes agency-wide policy and procedures for responding to incidents or allegations of sexual abuse or assault of individuals in ICE custody, delineating duties of agency employees for timely reporting, coordinated response and investigation, and effective monitoring of all incidents of sexual abuse or assault, in order to ensure an integrated and comprehensive system of responding to such incidents. The Directive complements the mandates imposed on detention facilities by PBNDS 2011, which establishes the responsibilities of detention facility staff with respect to prevention, response and intervention, reporting, investigation, and tracking of incidents of sexual abuse or assault.

Furthermore, to assist individuals and community organizations in addressing complaints and to inform stakeholders of its policies and initiatives, ICE has created a Public Advocate position. The Public Advocate serves as a point of contact for individuals, including those in immigration proceedings, non-governmental organizations and other community and advocacy groups who have concerns, questions, recommendations or other issues they want to raise regarding ICE programs and policies. The Public Advocate has conducted several community engagement sessions since the office's establishment, and has established regional liaisons in locations across the country.

Finally, ICE has initiated a consolidation effort to move detainees into fewer overall facilities and, where possible, into facilities that are operated directly by ICE. This effort includes the addition of civil detention facilities to its inventory. Last year, ICE opened three such civil

facilities, in Southern California, New Jersey, and outside of San Antonio. The Texas facility opened in March 2012 and is the first newly constructed civil detention facility.

The acquisition of additional detention capacity where it was most needed has enabled ICE to reduce the number of transfers and detain individuals closer to their arrest locations, families, legal service providers, and other community support organizations. Reductions in transfers are most evident in Los Angeles and the Northeast. As of January 2012, transfers of detainees prior to their final order of removal from the Los Angeles area of responsibility (AOR) had virtually stopped, and transfers from the New York City AOR had dropped by more than 80 percent from Fiscal Year 2010. In January 2012, ICE also issued a Transfer Directive that builds on the successful reduction of long-distance transfers, by ensuring that when transfers are necessary, they are prioritized to further minimize the long-distance transfers of detainees with family members, local attorneys, or pending immigration proceedings in the area where they are detained.

ICE will continue building on these ongoing detention reform efforts. Upcoming initiatives include a new Risk Classification Assessment nationwide to improve transparency and uniformity in detention custody and classification decisions and to promote identification of vulnerable populations.

Improving Legal Immigration

Our nation's founding is rooted in immigration and immigrants have contributed to the richness of our culture, the strength of our character, and the advancement of our society. To continue to promote legal immigration to the United States and the process by which we naturalize new American citizens each year, we have worked to reduce inefficiencies in visa programs, streamline the path for entrepreneurs who wish to bring their business and new innovative ideas to America, and improve our systems for providing immigration benefits and services.

In 2011, USCIS held more than 6,000 naturalization ceremonies for approximately 692,000 lawful permanent residents who became U.S. citizens, including more than 10,000 members of the U.S. Armed Forces. USCIS naturalized 11,146 service members in FY10, 10,334 in FY11, and 5,538 in FY12 (through May). Of those totals, 2,408 were naturalization during basic training in FY11 and 1,904 thus far in FY12 (through June).

To help combat fraud and exploitation of our immigration system, USCIS launched the Unauthorized Practice of Immigration Law (UPIL) initiative, a national, multi-agency campaign that spotlights immigration-services scams and the problems that can arise for immigrants when legal advice or representation is given by people who are not attorneys or accredited representatives. The UPIL initiative began in seven cities in 2011 and has expanded nationwide to include all of USCIS's district offices.

In August 2011, USCIS launched a series of policy, operational, and outreach efforts to support economic growth and stimulate investment and job creation. This initiative includes enhancements to streamline the Immigrant Investor visa program, commonly known as the EB-5

Program, including conducting a top-to-bottom review of EB-5 business processes, hiring economists and business analysts to support EB-5 adjudications, and adopting an enhanced security review for participants in the program.

USCIS also has provided clarification on how foreign-born entrepreneurs may utilize the H-1B nonimmigrant visa category, which allows a U.S. employer to temporarily employ a foreign worker in specialty occupation, and the employment-based second preference (EB-2) immigrant visa classification for workers with exceptional ability in the arts, science or business, or with advanced degrees, and who may also qualify for a national interest waiver.

Building on these efforts, USCIS announced the Entrepreneurs in Residence initiative in October 2011 to ensure that its policies and practices better reflect business realities to harness industry expertise to increase the job creation potential of nonimmigrant high-skilled visa categories. This initiative supports the White House and DHS' efforts to grow the U.S. economy and create American jobs.

Last year USCIS announced the Citizenship Public Education and Awareness Initiative to promote awareness of the rights, responsibilities and importance of U.S. citizenship and the free naturalization preparation resources available to permanent residents and immigrant-serving organizations. This multilingual effort is designed to reach nearly eight million permanent residents eligible to apply for citizenship.

In September 2011, USCIS also awarded \$9 million in Citizenship and Integration Grants to 42 organizations to expand citizenship preparation programs for permanent residents across the country. The President's Fiscal Year 2013 budget request includes \$11 million to continue support for USCIS immigrant integration efforts through funding of citizenship and integration program activities including competitive grants to local immigrant-serving organizations to strengthen citizenship preparation programs for permanent residents.

In January, I announced that I intended to propose a regulatory change that would significantly reduce the time that U.S. citizens are separated from their spouses and children as they go through the process of obtaining visas to become legal immigrants to the United States. The proposed rule was published in the *Federal Register* in April. This proposed rule change would minimize the extent to which delays separation of American families by allowing family members, under certain circumstances, to have their waiver applications processed in the United States, and to receive a provisional waiver determination before they leave the United States to complete the immigrant visa process outside the United States at a consular post.

USCIS also has made significant strides in the development of its Electronic Immigration System (ELIS) to begin the agency's transition from a paper-based to an electronic, online organization. This new system allows those seeking immigration benefits and their attorneys or accredited representatives to create an on-line account with USCIS and file their benefit requests electronically. This will provide better and more accurate customer service to those seeking information and benefits. It also will allow USCIS personnel to process cases in a more secure fashion and potentially reduce current processing times for immigration benefit requests.

More than 1,400 people have already created electronic accounts through ELIS and filed their benefit request on-line. Ultimately, this system will allow all applicants to file their immigration benefit requests electronically, culminating with the citizenship and naturalization process.

And to further enhance our nation's economic, scientific and technological competitiveness, I announced the launch of the "Study in the States" initiative, an effort aimed at encouraging the best and the brightest international students from around the world to study in the U.S. by finding new and innovative ways to streamline the international student visa process. As part of the initiative, the Study in the States website provides coordinated information in a comprehensive, user-friendly, and interactive way to prospective and current international students, exchange visitors and their dependents about opportunities to study in the United States and learn about expanded post-graduate opportunities.

In March 2012, I also announced the formation of the Homeland Security Academic Advisory Council, comprised of university presidents and academic leaders who are providing advice and recommendations to me and senior DHS leadership on issues related to student and recent graduate recruitment, international students, academic research, campus and community resiliency, security and preparedness, and faculty exchanges.

Comprehensive Immigration Reform

We have taken important steps over the past three and a half years to enforce immigration laws within the existing framework and consistent with our priorities, but the immigration system needs to be reformed in a comprehensive fashion. We remain committed to working with Congress to seek reforms that make sense, are meaningful, and will help us address the broken system that are in desperate need of updating.

We are not alone in advocating for comprehensive reform. Groups as varied as the U.S. Chamber of Commerce, the Service Employees International Union, the U.S. Conference of Catholic Bishops, the American Healthcare Association, the American Jewish Committee, the National Restaurant Association, the National Association of Evangelicals, and Southern Baptist Convention have all called on Congress to enact comprehensive reform. Indeed, in 2006, a bipartisan group of Western governors, including governors from all the states along the Southwest border, unanimously called upon Congress to enact comprehensive reform. I was proud to join this group when I was Governor of Arizona, and in my experience at the Department, believe the need for comprehensive reform is even more acute now, over six years later.

Over the last two years, we have seen a number of states pass laws that attempt to impose their different states' own immigration enforcement policies, including Arizona's S.B. 1070. The Supreme Court's decision in *Arizona v. United States* vindicates this Administration's long-held position – states cannot dictate the federal government's immigration enforcement policies or priorities.

We still, however, remain concerned about the practical impact of the remaining provision of the law that requires local law enforcement officials to check the immigration status of individuals

they stop, detain, or arrest whom they reasonably suspect to be in the United States illegally. Although we are encouraged by the Court's suggestion that states' authority in this area is circumscribed, the Court's decision not to strike down Section 2(B) of S.B. 1070 at this time will bear close watching given the potential civil rights implications as that part of the law goes into effect.

The Supreme Court's decision leaves to the Congress the need to act on comprehensive immigration reform because only a nationwide solution will resolve the challenges posed by the current immigration system. We stand ready to work with this Committee and others in Congress to achieve this goal.

Securing and Managing Our Borders

DHS secures the nation's air, land, and sea borders to prevent illegal activity while facilitating lawful travel and trade. The Department's border security and management efforts focus on three interrelated goals: effectively securing U.S. air, land, and sea borders; safeguarding and streamlining lawful trade and travel; and disrupting and, in coordination with other federal agencies, dismantling transnational criminal and terrorist organizations.

Southwest Border

To secure our nation's southwest border, we have continued to deploy unprecedented amounts of manpower, resources, and technology, while expanding partnerships with federal, state, tribal, territorial, and local partners, as well as the Government of Mexico.

Simply put, the Obama Administration has undertaken the most serious and sustained actions to secure the Southwest border in our nation's history. We have increased the number of Border Patrol agents nationwide from approximately 10,000 in 2004 to more than 21,000 today with nearly 18,500 "boots on the ground" along the southwest border. Working in coordination with state and other federal agencies, we have deployed a quarter of all ICE personnel to the southwest border region – the most ever – to dismantle criminal organizations along the border.

This Administration has doubled the number of ICE personnel assigned to Border Enforcement Security Task Forces, which work to dismantle criminal organizations along the border. We have tripled deployments of Border Liaison Officers, who facilitate cooperation between U.S. and Mexican law enforcement authorities on investigations and enforcement operations, including drug trafficking (coordinated with the Drug Enforcement Administration). We also have increased the number of intelligence analysts working along the U.S.-Mexico border.

In addition, we have deployed dual detection canine teams as well as non-intrusive inspection systems, Mobile Surveillance Systems, Remote Video Surveillance Systems, thermal imaging systems, radiation portal monitors, and license plate readers to the Southwest border. These technologies, combined with increased manpower and infrastructure, give our personnel better awareness of the border environment so they can more quickly act to resolve potential threats or illegal activity. We also are screening southbound rail and vehicle traffic looking for the illegal weapons and cash that are helping fuel the cartel violence in Mexico.

We also have completed 651 miles of fencing out of nearly 652 miles identified by Border Patrol field commanders, including 299 miles of vehicle barriers and 352 miles of pedestrian fence.

To enhance cooperation among local, tribal, territorial, state and federal law enforcement agencies, we have provided more than \$203 million in Operation Stonegarden funding to southwest border law enforcement agencies over the past four years.

In addition, we co-chair and helped establish the Executive Committee for Southwest Border State and Local Intelligence and Information Sharing, which contains sheriffs, police chiefs, High Intensity Drug Trafficking Areas program directors and fusion center directors from across the Southwest Border, whose goal is to address state and local intelligence needs, reinforce best practices, and to advise local, state or Federal leadership on U.S. southwest border intelligence and information sharing issues within the state and local environment.

Our work along the border has included effective support from our partners at the Department of Defense (DOD). In addition to continuing support from DOD's Joint Task Force-North and the National Guard, in 2010, President Obama authorized the temporary deployment of up to 1,200 National Guard troops to the southwest Border to contribute additional capabilities and capacity to assist law enforcement agencies as a bridge to longer-term deployment of border surveillance technology and equipment that will strengthen our ability to identify and interdict the smuggling of people, drugs, illegal weapons, and money.

Beginning in March 2012, DOD's National Guard support to U.S. Customs and Border Protection (CBP) began to transition from ground support to air support, essentially moving from boots on the ground to boots in the air with state of the art aerial assets equipped with the latest detection and monitoring capabilities.

These aerial assets, which include both rotary and fixed-wing aircraft, supplement the CBP Office of Air and Marine aerial assets and support the Border Patrol's ability to operate in diverse environments, expand our field of vision in places with challenging terrain, and help us establish a greater visible presence from a distance, which increases deterrence. And this year, CBP introduced an extremely effective new aviation surveillance technology on the border in cooperation with the U.S. Army. The new electronic surveillance system is flown on the CBP Predator B unmanned aircraft systems (UASs) deployed on the Southwest border. The system provides DHS with the first broad area, electronic surveillance system, with capabilities that far exceed those of the ground based fixed or mobile systems.

The U.S. Coast Guard also is continuing its integral role in our border enforcement strategy through its maritime operations at the Joint Interagency Task Force (JIATF)-South, the U.S. Southern Command entity that coordinates integrated interagency counter drug operations, the Caribbean Sea, Gulf of Mexico, and the eastern Pacific. In Fiscal Year 2011, the Coast Guard removed nearly 75 metric tons of cocaine, and more than 17 metric tons of marijuana along our maritime borders. CBP Office of Air and Marine P-3 aircraft also have been an integral part of successful counter-narcotic missions operating in the Source and Transit Zones in coordination with JIATF-South.

The results of these comprehensive and coordinated efforts have been striking. Border Patrol apprehensions—a key indicator of illegal immigration—have decreased 53 percent in the last three years and have decreased 80 percent from what they were at their peak. Indeed, illegal immigration attempts have not been this low since 1971. Violent crime in U.S. border communities has also remained flat or fallen over the past decade, and statistics have shown that some of the safest communities in America are along the border. From Fiscal Years 2009 to 2011, DHS also seized 74 percent more currency, 41 percent more drugs, and 159 percent more weapons along the southwest border as compared to Fiscal Years 2006 to 2008.

To further deter individuals from illegally crossing our Southwest border, we also directed ICE to prioritize the apprehension of recent border crossers and repeat immigration violators, and to support and supplement Border Patrol operations. Between Fiscal Years 2009 and 2011, ICE made over 30,936 criminal arrests along the Southwest border, including 19,563 arrests of drug smugglers and 4,151 arrests of human smugglers.

Over the past year we made several announcements that will continue to support this work and expand the collaboration necessary to sustain the progress we have achieved. For example, in July 2011, the Obama Administration released the 2011 National Southwest Border Counternarcotics Strategy, a key component of federal efforts to enhance security along the Southwest border. The strategy outlines federal, state, local, tribal, and international actions to reduce the flow of illicit drugs, cash, and weapons across the border, and highlights the Obama Administration's support for promoting strong border communities by expanding access to drug treatment and supporting programs that break the cycle of drug use, violence, and crime.

The *Declaration on 21st Century Border Management*, issued by President Obama and President Calderon last year signals the U.S. Government's commitment to increase collaboration with Mexico; both to facilitate legitimate trade and travel at the border and to continue combating transnational crime. As part of this effort, we are working closely with our Mexican counterparts on critical infrastructure protection and expansion of trusted traveler and shipper programs. We look forward to building on this progress under the new administration.

In addition to our efforts to strengthen border security, we made great strides in expediting legal trade and travel, working with local leaders to update infrastructure and reduce wait times at our southwest border ports of entry. Along the southwest border, new initiatives have included outbound infrastructure improvements and port hardening, which when completed, will expand our outbound inspection capabilities, enhance port security, and increase officer safety. We also have implemented Active Lane Management, which leverages Ready Lanes, Dedicated Commuter Lanes, and LED signage to dynamically monitor primary vehicle lanes and re-designate lanes as traffic conditions and infrastructure limitations warrant.

These efforts are not only expediting legitimate trade, they are also stopping contraband from entering and leaving the country. In Fiscal Year 2011, DHS interdicted goods representing more than \$1.1 billion in Manufacturer's Suggested Retail Price. Further, the value of consumer safety seizures including pharmaceuticals totaled more than \$60 million, representing a 41 percent increase over Fiscal Year 2010.

Northern Border

Along the U.S. northern border, we have continued to deploy technology and resources to protect the border, invest in port of entry improvements to enhance security and improve trade and travel, and deepen our already strong partnership with Canada.

For instance, CBP expanded unmanned aerial surveillance coverage along the northern border into eastern Washington, now covering 950 miles of the northern border. In 2011, CBP Office of Air and Marine provided nearly 1,500 hours of unmanned aerial surveillance along the northern Border.

In 2011, CBP opened the Operations Integration Center in Detroit—a multi-agency communications center for DHS, and other federal, state, local, and Canadian law enforcement agencies on the northern border. The Operations Integration Center increases information sharing capabilities leading to seizures of drugs, money, and illegal contraband along the U.S - Canada border within the Detroit Sector. The Department's Science and Technology Directorate is evaluating new surveillance technologies for CBP in Swanton Sector, Vermont that can operate in harsh and remote environments and use renewable energy such as solar and wind power. Sharing surveillance data with Canada to combat illegal border entries is also in progress.

ICE has four Border Enforcement Security Task Force (BEST) units along the northern border. These units, including representatives from the Royal Canadian Mounted Police, Canadian Border Services Agency and numerous other provincial Canadian police departments, enhance coordination of U.S.-Canada joint interdictions and investigations resulting in increased security along the northern border.

We have continued to invest heavily in infrastructure improvements at our ports of entry, including over \$400 million in Recovery Act funds to modernize older facilities along our northern border to meet post-9/11 security standards.

Through the *Beyond the Border Action Plan* released by President Obama and Prime Minister Harper in December 2011, we are also enhancing cooperation with Canada through greater information sharing, more coordinated passenger and baggage screening, and integrated law enforcement operations. As part of this action plan, we are working with our U.S. and Canadian partners to develop the next generation of integrated cross-border law enforcement, interoperable radio communications, border wait time measurements, and enhanced air/land/maritime domain awareness, as well as a multitude of initiatives to streamline trusted trader and traveler programs and expedite legitimate travel and trade.

To support the *Beyond the Border Action Plan*, in June we released the DHS Northern Border Strategy, the first unified strategy to guide the department's policies and operations along the U.S.-Canada border. Through this strategy, we will continue to work to improve information sharing and analysis within DHS, as well as with our partners. We will enhance coordination of U.S.-Canada joint interdictions and investigations, deploy technologies to aid joint security efforts along the border, and continue to update infrastructure to facilitate travel and trade. We also look forward to continuing to deepen partnerships with federal, state, local, tribal, private

sector, and Canadian partners that are so critical to the security, resiliency, and management of our northern border.

Conclusion

We have come a long way over the past year, and in the nearly eleven years since 9/11, to enhance protection of the United States and engage our full range of partners in this shared responsibility. Together, we have made significant progress to strengthen our borders, enforce our immigration laws and improve and streamline our immigration processes and systems. But we are aware of the challenges that remain.

Threats against our nation, whether by terrorism or otherwise, continue to exist and evolve. And DHS must continue to evolve as well. We continue to be ever vigilant to protect against threats to our nation while promoting the movement of goods and people and protecting our essential rights and liberties.

I thank the Committee for your continued partnership and guidance as we work together to keep our nation safe. I look forward to your questions.