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# Homeland Security Investigations, a Directorate within U.S. Immigration and Customs Enforcement: In Brief

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## Contents

Origins and Broad Outlines .....	1
Size .....	1
Focus .....	2
Operational Structure .....	2
Domestic and International Operations.....	4
National Security Investigations Division .....	5
Office of Intelligence .....	6
Visa Security Components.....	7
Investigative Programs.....	9
The IPR Coordination Center .....	11
Broad Strategies and Key Questions .....	12
Illicit Pathways Attack Strategy .....	12
Southern Border and Approaches Campaign Plan .....	13

## Figures

Figure 1. Homeland Security Investigations—Operational Structure .....	3
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## Contacts

Author Information.....	13
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## Origins and Broad Outlines

In June 2010, Immigration and Customs Enforcement (ICE), an agency within the Department of Homeland Security (DHS) with law enforcement responsibilities, underwent a structural realignment. Among the changes, ICE created a directorate it dubbed “Homeland Security Investigations” or HSI.<sup>1</sup> This bureaucratic structure, one of two primary operational directorates to emerge from the agency’s 2010 realignment,<sup>2</sup> combined elements within ICE that focused on criminal investigation. The directorate was designed to pursue criminals and terrorists who “violate [U.S.] customs and immigration laws worldwide.”<sup>3</sup>

*HSI plays roles in areas of keen congressional interest such as border security, national security, and visa security. This report endeavors to offer policymakers an overview of HSI to help in the development of policy and oversight in such matters. The report examines HSI’s size and focus and looks at some of its key operational elements. The material herein is largely drawn from publicly available information released by the Department of Homeland Security. The report concludes with discussion of two strategic concepts that influence HSI’s operations.*

### Size

HSI houses the following broad program areas within ICE: domestic investigations, foreign investigations, intelligence, and visa security. HSI spends approximately \$1.9 billion of ICE’s \$5.2 billion budget (about 37%). It accounts for 9,179 of ICE’s 20,573 positions (about 45%). This includes approximately 6,200 criminal investigators (special agents). HSI personnel are “assigned to more than 200 cities throughout the United States and 47 countries around the world.”<sup>4</sup> HSI bills itself as the largest investigative agency in DHS.<sup>5</sup>

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<sup>1</sup> Memorandum to ICE employees from John Morton, (then) Assistant Secretary, ICE, June 9, 2010. The investigative elements that became part of HSI originated in the investigative functions of the former United States Customs Service and the former Immigration and Naturalization Service that were folded into the Department of Homeland Security in 2003.

<sup>2</sup> ICE also created another largely operational directorate called Enforcement and Removal Operations (ERO). According to ICE, ERO “enforces the nation’s immigration laws in a fair and effective manner. It identifies and apprehends removable aliens, detains these individuals when necessary and removes illegal aliens from the United States. This unit prioritizes the apprehension, arrest and removal of convicted criminals, those who pose a threat to national security, fugitives and recent border entrants. Individuals seeking asylum also work with ERO. ERO transports removable aliens from point to point, manages aliens in custody or in an alternative to detention program, provides access to legal resources and representatives of advocacy groups and removes individuals from the United States who have been ordered to be deported.” See <http://www.ice.gov/about/offices/enforcement-removal-operations/>. ICE’s third directorate, Management and Administration, “oversees ICE’s budget, expenditures, accounting and finance, procurement, human resources and personnel, workforce recruitment, equal employment opportunity, information technology systems, facilities, property and equipment needs. In addition, Management and Administration identifies and tracks the agency’s performance measurements.” See Immigration and Customs Enforcement, “Management and Administration.”

<sup>3</sup> Sarah R. Saldaña, Director, Immigration and Customs Enforcement, statement for a House of Representatives Committee on the Judiciary hearing focused on oversight of Immigration and Customs Enforcement, April 14, 2015 (hereinafter, Saldaña, statement).

<sup>4</sup> See Department of Homeland Security *U.S. Immigration and Customs Enforcement Budget Overview, 2016*. See also <http://www.stopfakes.gov/us-gov-agencies/us-immigration-and-customs-enforcement-ice-and-homeland-security-investigations-hsi> and <http://www.ice.gov/about/offices/homeland-security-investigations/>. In its budget documents, HSI is divided into four PPAs (Program, Project, and Activity). These do not align directly with how HSI organizes its operations.

<sup>5</sup> Peter T. Edge, Executive Associate Director, Homeland Security Investigations, Immigration and Customs

## Focus

Enforcing more than 400 federal laws and regulations,<sup>6</sup> HSI investigates what it dubs as “cross-border criminal activity.”<sup>7</sup> This suggests a host of responsibilities related to the illicit movement of people and goods into the United States. In addition to more obvious areas of operation such as drug trafficking, human smuggling, and visa security, HSI’s orbit of responsibilities also includes challenges such as cybercrime, intellectual property theft, and counterterrorism. For example, HSI claims that its employees represent the second-largest contingent of federal agents detailed to Joint Terrorism Task Forces<sup>8</sup> across the United States.

## Operational Structure

HSI includes eight divisions at the headquarters level: (1) Domestic Operations, (2) International Operations, (3) the National Security Investigations Division, (4) the Office of Intelligence, (5) Investigative Programs, (6) the National Intellectual Property Rights (IPR) Coordination Center, (7) Mission Support, and (8) the Information Management Directorate. The divisions help direct and facilitate investigative work at domestic field offices as well as in foreign locations. The first six divisions listed above appear to be involved in much of the investigative and intelligence work performed by HSI (**Figure 1**) and will be discussed below.

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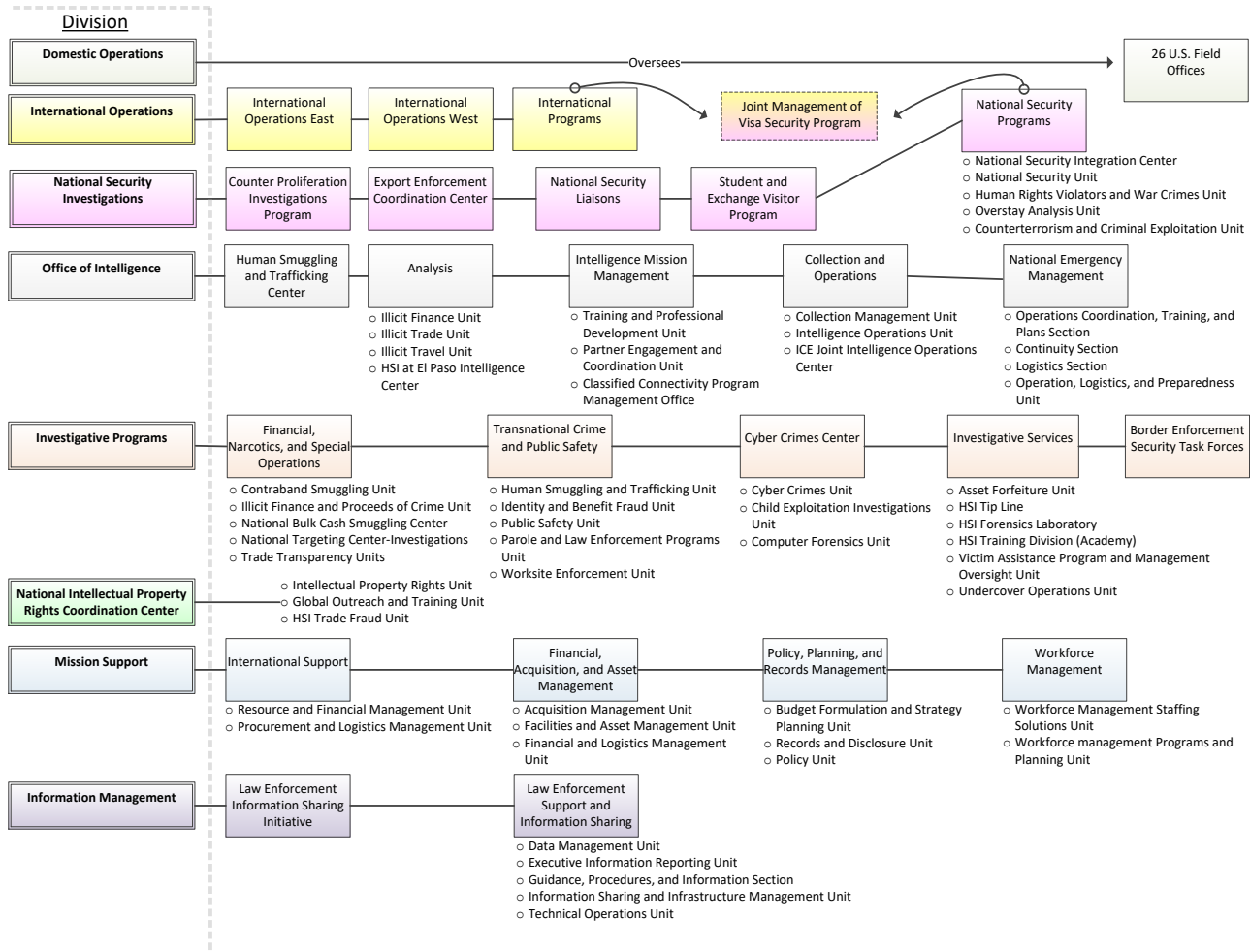
Enforcement, statement for a Senate Committee on Homeland Security and Governmental Affairs hearing, “Securing the Border: Understanding Threats and Strategies for the Maritime Border, July 15, 2015 (hereinafter, Edge, statement).

<sup>6</sup> A claim often made by HSI and ICE officials. For example, see Saldaña, statement.

<sup>7</sup> Immigration and Customs Enforcement, Homeland Security Investigations, “Homeland Security Investigations—Overview.”

<sup>8</sup> The taskforces are led by the Federal Bureau of Investigation (FBI). They are locally based, multi-agency teams of investigators, analysts, linguists, and other specialists who investigate terrorism and terrorism-related crimes. Over 4,100 federal, state, and local law enforcement officers and agents work in them. These officers and agents come from more than 600 federal, state, and local agencies. See James B. Comey, Director, Federal Bureau of Investigation, “Statement Before the Senate Appropriations Committee, Subcommittee on Commerce, Justice, Science, and Related Agencies,” March 12, 2015.

**Figure 1. Homeland Security Investigations—Operational Structure**



**Source:** CRS depiction of information from Department of Homeland Security, Budget Justifications for FY2016 and FY2015; Department of Homeland Security, Office of the Inspector General, “The DHS Visa Security Program,” OIG-14-137, September 2014; and information available at <http://www.ice.gov>.

## Domestic and International Operations

Two bodies—the Domestic Operations Division and the International Operations Division—help direct many of HSI’s investigative efforts at home and abroad. According to HSI, in FY2014 it disrupted or dismantled 520 transnational criminal organizations and made 32,000 arrests. It seized between 1.3 million and 2.3 million pounds of narcotics, between 20,000 and 35,000 weapons, and between \$720 million and \$772 million in currency and monetary instruments.<sup>9</sup>

The Domestic Operations Division “oversees” HSI’s 26 principal field offices in the United States.<sup>10</sup> The nearly 6,000 special agents,<sup>11</sup> as well as other employees in these offices, run thousands of criminal investigations. In early 2015, HSI claimed that it had initiated 120,000 domestic investigations stretching back through FY2012.<sup>12</sup> In addition to national security cases, HSI field offices investigate violations at the U.S. border and within the interior of the country, including

customs and immigration violations such as human rights violations; narcotics smuggling and distribution; weapons smuggling and the smuggling of other types of contraband; money laundering and financial crimes; cyber-crimes; human trafficking and smuggling; transnational gangs; child exploitation; worksite enforcement; intellectual property violations; commercial fraud; export violations; and identity and immigration benefit fraud.<sup>13</sup>

The International Operations Division forms DHS’s “largest investigative presence overseas.”<sup>14</sup> The division manages the work of attachés operating in foreign countries. HSI attachés are responsible to the agency’s leaders as well as U.S. ambassadors in the countries in which they operate (75 offices in 48 countries). Among its responsibilities, this division coordinates investigations with foreign counterparts and works to thwart foreigners smuggling people or goods into the United States. It also helps train foreign partners.<sup>15</sup> International Operations targets transnational criminal organizations (TCOs) involved in human smuggling and trafficking as well as the smuggling of narcotics, money, weapons, and sensitive technologies. The division also pursues TCOs involved in the sexual exploitation of children, including child sex tourism.<sup>16</sup> International Operations investigates the trafficking of global cultural property such as stolen pieces of art and looted antiquities. The division has visa security responsibilities as well (for a discussion of these, see “Visa Security Components” below). International Operations also manages the Biometric Identification Transnational Migration Alert Program (BITMAP), which fills federal biometric databases with data collected from special interest aliens,<sup>17</sup> violent criminals, fugitives, and confirmed or suspected terrorists encountered

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<sup>9</sup> The divergent numbers come from two sources. Alys D. Erichs, Special Agent in Charge, Homeland Security Investigations, Miami, statement for a Senate Special Committee on Aging hearing, “Catch Me If You Can: The IRS Impersonation Scam and What Is being Done about It,” April 15, 2015. See also Saldaña, statement.

<sup>10</sup> Immigration and Customs Enforcement, Homeland Security Investigations, “Domestic Operations Division.”

<sup>11</sup> James C. Spero, Special Agent in Charge, Homeland Security Investigations, Buffalo, statement for a Senate Committee on Homeland Security and Governmental Affairs, hearing, “Securing the Border: Understanding the Threats and Strategies for the Northern Border,” April 22, 2015 (hereinafter, Spero, statement).

<sup>12</sup> Department of Homeland Security, *Congressional Budget Justification, FY2016*.

<sup>13</sup> Ibid.

<sup>14</sup> Immigration and Customs Enforcement, Homeland Security Investigations, “International Operations Division.”

<sup>15</sup> Department of Homeland Security, *Congressional Budget Justification, FY2016*; and Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> “Aliens from countries of special interest to the United States such as Afghanistan, Iran, Iraq, and Pakistan....” For

abroad.<sup>18</sup> BITMAP relies on formal and informal relationships established by HSI attachés in foreign countries. The BITMAP biometric information that eventually ends up in federal databases is used for intelligence analysis and for screening in a variety of settings.<sup>19</sup>

## **National Security Investigations Division**

The National Security Investigations Division (NSID) includes programs designed to pursue terrorists and criminals that pose a national security threat. It also devotes resources to liaison and interagency cooperation.<sup>20</sup>

Five entities in the NSID that handle many of these responsibilities are gathered in an element known as “National Security Programs.” More specifically, according to HSI, its National Security Programs element tackles “terrorists and transnational criminal organizations that threaten national security and [U.S.] trade, travel, and financial systems.”<sup>21</sup> Within the National Security Programs element,

- The National Security Integration Center has three sections that work on “federal and interagency partner coordination” to support information sharing, intelligence, operational, training, outreach, and funding efforts.<sup>22</sup> The center also plays a role in visa security (see “Visa Security Components” below).
- The National Security Unit supports law enforcement and intelligence efforts to thwart acts of terrorism and terrorist travel by collaborating with other federal counterterrorism entities such as Joint Terrorism Task Forces and the Terrorist Screening Center.<sup>23</sup>
- The Human Rights Violators and War Crimes Unit investigates suspects in the United States for prosecution and possible removal. Additionally, it identifies and investigates foreign war criminals and violators of human rights, and it works to keep foreigners who committed war crimes or violated human rights from

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this description of special interest aliens, see U.S. Government Accountability Office, *Alien Smuggling: DHS Needs to Better Leverage Investigative Resources and Measure Program Performance along the Southwest Border*, May 2010, p. 1.

<sup>18</sup> Immigration and Customs Enforcement, Homeland Security Investigations, “International Operations.”

<sup>19</sup> Criminal Justice Information Services Division (Federal Bureau of Investigation), Advisory Policy Board, “Spring 2012 Advisory Process Meetings, Information only Agenda,” May 9, 2012. See also Jodi M. Delgado, “Use of Biometrics within Sub-Saharan Refugee Communities,” (2013), pp. A-2—A-3.

<sup>20</sup> One such resource is the National Security Liaisons program involving “senior HSI personnel who coordinate investigative activity under assignments to various federal agencies and departments.” See Immigration and Customs Enforcement, Homeland Security Investigations, “Preventing Terrorism—National Security Investigations Division.”

<sup>21</sup> Immigration and Customs Enforcement, Homeland Security Investigations, “Preventing Terrorism—National Security Programs—Overview.”

<sup>22</sup> Immigration and Customs Enforcement, Homeland Security Investigations, “Preventing Terrorism—National Security Investigations Division.” The three sections are the Department of Defense and Interagency Strategic Coordination Section, the Threat Analysis Section, and the Visa Security Section. For more information, see Immigration and Customs Enforcement, Homeland Security Investigations, “Preventing Terrorism—National Security Integration Center, Related Sections.”

<sup>23</sup> Immigration and Customs Enforcement, “Preventing Terrorism—Joint Terrorism Task Force.” See also Immigration and Customs Enforcement, “Preventing Terrorism—National Security Unit, National Security Threat Section.”

- finding shelter in the United States.<sup>24</sup> The unit and other federal partners strive to prevent mass atrocities as well.<sup>25</sup>
- The Overstay Analysis Unit focuses on visa security issues—namely people who may have overstayed their visas and may be residing illegally in the United States. (The unit is discussed in the “Visa Security Components” section below.)
  - The Counterterrorism and Criminal Exploitation Unit is also involved in visa security (these efforts are discussed in the “Visa Security Components” section below).

In the area of U.S. export laws, HSI claims the “broadest” investigative and enforcement authorities among federal law enforcement agencies.<sup>26</sup> The Counter Proliferation Investigations (CPI) program “prevents sensitive U.S. technologies and weapons from reaching terrorists, criminal organizations, and foreign adversaries.”<sup>27</sup> According to HSI, CPI develops partnerships with private industry as well as academia. It also draws on the HSI-led Export Enforcement Coordination Center (E2C2) and mitigates conflicts between agencies investigating suspected “violations of U.S. export control.”<sup>28</sup> The center helps direct federal outreach efforts and information sharing in this arena and tracks statistics related to export control enforcement.<sup>29</sup>

Finally, the NSID also has a component responsible for liaison with senior officials in the U.S. government.

## **Office of Intelligence**

Among its stated responsibilities, the office produces intelligence to bolster HSI investigative efforts and shares some of this intelligence with domestic and international partners. Additionally, it guides HSI in efforts to effectively extract useful intelligence from investigative activity, helps spread such intelligence among various components in DHS, and manages intelligence training for HSI. The Intelligence Mission Management subdivision and the Collection and Operations subdivision are key players in these efforts.<sup>30</sup> The office also houses ICE’s emergency preparedness resources.<sup>31</sup>

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<sup>24</sup> Immigration and Customs Enforcement, Homeland Security Investigations, “Immigration Enforcement—Human Rights Violators and War Crimes Unit.” The unit also leads the Human Rights Violators and War Crimes Center, which includes representatives from other DHS components, the Department of Justice (DOJ), and the FBI (which is within DOJ). The center helps increase the efficiency of human rights and war crimes investigations, which are complex. Aside from the center, the unit also works with DOJ’s Human Rights and Special Prosecutions Section. See <http://www.justice.gov/criminal-hrsp/about-hrsp>.

<sup>25</sup> Ibid.

<sup>26</sup> Immigration and Customs Enforcement, “Preventing Terrorism—Counter-Proliferation Investigations Program.”

<sup>27</sup> Ibid. HSI’s CPI program focuses on the trafficking and illegal export of

- weapons of mass destruction and associated delivery systems;
- conventional military weaponry, equipment, and technology;
- controlled dual-use commodities and technology; and
- firearms and ammunition.

It also focuses on financial and business transactions with sanctioned / embargoed countries and terrorist organizations.

<sup>28</sup> Immigration and Customs Enforcement, “Preventing Terrorism—Export Enforcement Coordination Center.”

<sup>29</sup> Ibid.

<sup>30</sup> Immigration and Customs Enforcement, Homeland Security Investigations, “Office of Intelligence.”

<sup>31</sup> Ibid.



Another of the office's components, the Analysis subdivision, is organized around analyzing information related to specific criminal threats.

- The Illicit Finance Unit targets the profits of criminal groups.<sup>32</sup>
- The Illicit Trade Unit covers intelligence related to contraband smuggled into or out of the United States. This includes narcotics, “illegal sales, technology transfers, and the spread of technology and products that endanger public safety.”<sup>33</sup>
- The Illicit Travel Unit focuses on developing intelligence about “vulnerabilities exploited by criminal organizations and human trafficking networks that threaten U.S. national security.”<sup>34</sup>
- HSI analysts at the El Paso Intelligence Center (hosted by the Drug Enforcement Administration) concentrate on drug trafficking organizations and the movement of criminals across U.S. borders.<sup>35</sup>

The Office of Intelligence is home to the interagency Human Smuggling and Trafficking Center (HSTC) led by HSI. The HSTC “serves as a clearinghouse for all information related to human smuggling and trafficking. Subject-matter experts with expertise in intelligence analysis, law enforcement collaboration and support and diplomacy staff the Center.”<sup>36</sup> The HSTC also integrates information from a variety of sources and “disseminates raw and finished tactical, operational and strategic intelligence to member U.S. agencies’ operational components, U.S. policymakers and appropriate foreign partners.”<sup>37</sup> It develops broad intelligence analyses and plays coordinating roles among U.S. government agencies, foreign government agencies, and other relevant organizations involved in combatting human smuggling and trafficking.<sup>38</sup>

## **Visa Security Components**

Visa security is a significant mission for HSI. Like many investigative challenges the directorate faces, visa security involves a number of specialized fields and other federal agencies such as the Department of State. For HSI, visa security also illustrates how one type of crime may be pursued by a range of criminals, thus necessitating a variety of law enforcement responses. Ordinary individuals may choose to violate the conditions of their visas when visiting the United States, but criminal organizations, even terrorist groups, might take advantage of the visa program as well.

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<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid. The El Paso Intelligence Center (EPIC) is a “multi-agency national tactical intelligence center [that] focuses its efforts on supporting law enforcement efforts in the Western Hemisphere, with particular emphasis on the Southwest Border. Through its 24-hour Watch function, EPIC provides law enforcement agents, investigators, and analysts with immediate access to participating agencies’ databases. This function is critical in the dissemination of relevant information in support of tactical and investigative activities, de-confliction, and officer safety.” See Drug Enforcement Administration, “FY2016 Performance Budget Congressional Submission,” p. 13.

<sup>36</sup> Immigration and Customs Enforcement, “Investigating Illegal Movement of People and Goods,” “Human Smuggling and Trafficking Center.”

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

The visa security program largely resides in two divisions in HSI. Components in the National Security Investigation and the International Operations Divisions focus on visa security and jointly manage the enterprise within HSI.<sup>39</sup>

### *In the International Operations Division. . .*

The International Operations Division coordinates the Visa Security Program abroad through its International Programs component. The Visa Security Program is responsible for stopping terrorists and criminals who may try to use the legal visa process to enter the United States. HSI agents are stationed at 20 Visa Security Units in foreign countries.<sup>40</sup> HSI notes that such visa security efforts include examining visa applications for fraud, initiating investigations, coordinating with law enforcement partners, and providing law enforcement training and advice to Department of State officials.<sup>41</sup>

### *... And in the National Security Investigations Division*

The NSID's National Security Integration Center includes a Visa Security Section. It helps screen and vet visa applicant information obtained from the State Department's visa adjudication and security advisory opinion process. The section helps develop leads for investigators.<sup>42</sup>

Aside from its involvement in the screening and vetting of visa applicants, the NSID has other components involved in monitoring people visiting the United States.

The Counterterrorism and Criminal Exploitation Unit focuses on rooting out fraud committed by nonimmigrant<sup>43</sup> visa holders "who violate their immigration status."<sup>44</sup> The unit tries to zero in on known or suspected terrorists or those who may have links to terrorists.

- One of the unit's sections leads DHS's National Security Overstay initiative.<sup>45</sup> This group coordinates with U.S. Customs and Border Protection (CBP), the

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<sup>39</sup> Department of Homeland Security, Office of Inspector General, *The DHS Visa Security Program*, OIG-14-137, September 2014, p. 3 (hereinafter, *The DHS Visa Security Program*).

<sup>40</sup> The program is located in U.S. embassies and consulates. According to DHS, Visa Security Units *screen* and *vet* visa applicants. Agents in the units *screen* visa applicants against State Department and DHS data systems. These include the State Department's Consular Lookout and Support System as well as DHS's TECS (not an acronym). After such screening, if a visa applicant has an exact or possible "match to a record in a specific database held by DHS," the applicant is *vetted*. Vetting involves

- researching and investigating the visa applicant,
- examining documents submitted with the visa application,
- interviewing the applicant, and
- consulting with consular, law enforcement, or other officials.

Agents in the Visa Security Units can also vet applicants if the applicants match "case selection guidelines" but did not generate exact or possible matches in the screening process. In FY2012, HSI agents screened 1.3 million visa applicants and vetted more than 171,000. See *The DHS Visa Security Program*, p. 4.

<sup>41</sup> Immigration and Customs Enforcement, Homeland Security Investigations, "Preventing Terrorism—Visa Security Program"; Department of Homeland Security, *Congressional Budget Justification, FY2016*.

<sup>42</sup> Immigration and Customs Enforcement, Homeland Security Investigations, "Preventing Terrorism—National Security Investigations Division."

<sup>43</sup> A nonimmigrant is a foreign national who is admitted to the United States for a specific purpose and a specific period of time. Examples include foreign students, tourists, and temporary workers.

<sup>44</sup> *Ibid.*

<sup>45</sup> The element is known as the Terrorist Tracking & Pursuit Group.

National Counter Terrorism Center, and the Office of Biometric Identity Management<sup>46</sup> to identify people who have overstayed their visas and might threaten U.S. national security.

- The unit also fights criminal exploitation of the student visa system.<sup>47</sup> It draws on information collected by the Student and Exchange Visitor Program, which “manages schools, nonimmigrant students in the F and M visa classifications and their dependents.”<sup>48</sup> HSI’s work to hinder the abuse of student visas also involves an outreach program focused on institutions of higher education.<sup>49</sup>

The Overstay Analysis Unit in the NSID assists in the visa security mission. It uses the Arrival and Departure Information System<sup>50</sup> to identify visitors to the United States who have violated immigration status by staying in the country longer than authorized. The unit alerts the Department of State and CBP to such individuals and offers leads to HSI’s Counterterrorism and Criminal Exploitation Unit for investigation.<sup>51</sup>

## Investigative Programs

The Investigative Programs Division incorporates five components responsible for what HSI describes as its “diverse planning and operational initiatives” and oversees “the application of national law enforcement policy to HSI operations.”<sup>52</sup>

- The Financial, Narcotics, and Special Operations component includes units covering contraband smuggling, illicit finance/criminal proceeds, and bulk cash smuggling.<sup>53</sup> This element in HSI also coordinates HSI’s National Targeting

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<sup>46</sup> The Office of Biometric Identity Management resides in the Department of Homeland Security’s National Protection and Programs Directorate.

<sup>47</sup> The element in the Counterterrorism and Criminal Exploitation Unit responsible for this is the SEVIS Exploitation Section. SEVIS stands for “Student and Exchange Visitor Information System.”

<sup>48</sup> Immigration and Customs Enforcement, Homeland Security Investigations, “Student and Exchange Visitor Program.” “The Department of State ... manages Exchange Visitor Programs, nonimmigrant exchange visitors in the J visa classification and their dependents.” The State Department and the Student and Exchange Visitor Program use the Student and Exchange Visitor Information System (SEVIS) to “track and monitor” F, M, and J visa holders during their U.S. stays as well as the schools they attend and exchange visitor programs in which they participate.

<sup>49</sup> Immigration and Customs Enforcement, “Preventing Terrorism—Counterterrorism and Criminal Exploitation Unit.” The outreach program is “Project Campus Sentinel.”

<sup>50</sup> According to DHS, the Arrival and Departure Information System (ADIS) “is a system that aggregates certain records from a number of border crossing and immigration systems. It was created to identify individuals who were lawfully admitted to the United States but subsequently overstayed their permission to remain. This is accomplished by tracking entry and exit encounters during a variety of DHS’s interactions with the public, such as the immigrant and non-immigrant pre-entry, entry, and exit processes.” See Department of Homeland Security, “Privacy Impact Assessment Update for the Arrival and Departure Information System—Information Sharing Update,” March 7, 2014, p. 2.

<sup>51</sup> Immigration and Customs Enforcement, Homeland Security Investigations, “Preventing Terrorism—Overstay Analysis Unit.”

<sup>52</sup> Immigration and Customs Enforcement, Homeland Security Investigations, “Investigative Programs.”

<sup>53</sup> *Ibid.* 31 U.S.C. §5332. defines bulk cash smuggling:

(1) In general.—Whoever, with the intent to evade a currency reporting requirement under section 5316, knowingly conceals more than \$10,000 in currency or other monetary instruments on the person of such individual or in any conveyance, article of luggage, merchandise, or other container, and transports or transfers or attempts to transport or transfer such currency or monetary instruments from a place within the United States to a place outside of the United States, or from a place outside the United States to a place within the United States, shall be guilty of a currency

Center-Investigations group (NTC-I) within CBP's National Targeting Center.<sup>54</sup> NTC-I assists in stopping "criminal organizations attempting to undermine border security efforts."<sup>55</sup> Financial, Narcotics, and Special Operations is also home to the Trade Transparency Units, which cooperate with foreign agencies to "investigate crimes related to trade-based money laundering, customs fraud, contraband smuggling, and tax evasion."<sup>56</sup>

- The Transnational Crime and Public Safety component supports HSI investigations and training efforts in a number of areas such as human smuggling and trafficking, identity theft and benefit fraud, and public safety (transnational street gangs). The Transnational Crime and Public Safety component also has a Parole and Law Enforcement Programs Unit that "manages temporary parole authority for aliens admitted to the United States for law enforcement purposes. These paroles allow aliens to take part in legal proceedings when there is a benefit to the government."<sup>57</sup> Finally, the Worksite Enforcement Unit facilitates investigations of employers who violate laws related to hiring aliens not authorized for work or abuse or exploit their workers. Investigators "obtain indictments, criminal arrests or search warrants, or a commitment from a U.S. Attorney's Office to prosecute the targeted employer."<sup>58</sup>
- The Cyber Crimes Center pursues large cybercrime threats and online child exploitation. It offers its investigative and forensic expertise to HSI field offices.<sup>59</sup>

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smuggling offense and subject to punishment pursuant to subsection (b).

(2) Concealment on person.—For purposes of this section, the concealment of currency on the person of any individual includes concealment in any article of clothing worn by the individual or in any luggage, backpack, or other container worn or carried by such individual.

<sup>54</sup> CBP's National Targeting Center "leverages all available advance passenger and cargo data, previous crossing information, intelligence, and law enforcement information, as well as open source data, to interdict high-risk passengers and cargo at foreign departure locations before they can board or be loaded on a conveyance destined to the United States." Kevin K. McAleenan, (then) Acting Deputy Commissioner, U.S. Customs and Border Protection, and Daniel H. Ragsdale, Deputy Director, U.S. Immigration and Customs Enforcement, joint statement for a House Committee on Homeland Security, Subcommittee on Border and Maritime Security, hearing on authorizing Customs and Border Protection and Immigration and Customs Enforcement, April 8, 2014.

<sup>55</sup> Immigration and Customs Enforcement, Homeland Security Investigations, "Investigative Programs." See also Lev Kubiak, International Operations Assistant Director, Homeland Security Investigations, statement for a House Committee on Homeland Security, Subcommittee on Border and Maritime Security, hearing, "The Outer Ring of Border Security: DHS's International Security Programs," June 2, 2015.

<sup>56</sup> Immigration and Customs Enforcement, Homeland Security Investigations, "Investigative Programs." Trade-based money laundering "involves the movement of value using methods such as the false documentation and declaration of traded goods and services." See Financial Action Task Force, "Trade Based Money Laundering," June 23, 2006, p. 1.

<sup>57</sup> Immigration and Customs Enforcement, Homeland Security Investigations, "Investigative Programs." According to DHS, a parolee is "an alien, appearing to be inadmissible to the inspecting officer, allowed into the United States for urgent humanitarian reasons or when that alien's entry is determined to be for significant public benefit. Parole does not constitute a formal admission to the United States and confers temporary status only, requiring parolees to leave when the conditions supporting their parole cease to exist." See <http://www.dhs.gov/definition-terms#16>.

<sup>58</sup> Immigration and Customs Enforcement. For more information see "Worksite Enforcement" in CRS Report R40002, *Immigration-Related Worksite Enforcement: Performance Measures*, by Andorra Bruno.

<sup>59</sup> Immigration and Customs Enforcement, Homeland Security Investigations, "Investigative Programs."

- The Investigative Services component supports HSI investigators in the areas of asset forfeiture, handling incoming tips from the public, forensics, training, victim assistance, and undercover operations.<sup>60</sup>
- The Border Enforcement Security Task Force (BEST) initiative<sup>61</sup> involves multi-agency investigative task forces construed to identify, disrupt, and dismantle criminal organizations posing significant threats to border security along the northern border with Canada and Southwest border with Mexico.<sup>62</sup> HSI operates 37 BEST units. They focus on investigation, interdiction, and intelligence collection and use a risk-based approach to identify criminal targets.<sup>63</sup>

## The IPR Coordination Center

HSI also leads the National Intellectual Property Rights Coordination Center (IPR Center). The IPR Center's mission is to "ensure national security by protecting the public's health and safety, the U.S. economy, and our war fighters, and to stop predatory and unfair trade practices that threaten the global economy."<sup>64</sup> To this end, the center includes 23 federal and international agencies<sup>65</sup> that are involved in a three-pronged approach featuring (1) criminal investigations, (2) interdiction and seizure of counterfeit items and pirated materials as they enter the U.S. economy, and (3) outreach and training for U.S. and international law enforcement.<sup>66</sup>

The first two prongs particularly speak to the IPR Center's *law enforcement* functions. The Intellectual Property Unit within the center "provides the coordination of both IPR Center and field personnel needed to facilitate" investigations.<sup>67</sup> To this end the unit leads a number of "ongoing operations."<sup>68</sup> A major role played by the IPR Center involves coordinating and deconflicting investigations run by its partner agencies.<sup>69</sup> For example, between June 2010 and June 2013, the center deconflicted<sup>70</sup> 4,704 investigations.<sup>71</sup>

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<sup>60</sup> Ibid.

<sup>61</sup> Department of Homeland Security, U.S. Immigration and Customs Enforcement, *Border Enforcement Security Task Force (BEST)*. The 112<sup>th</sup> Congress formally authorized the BEST program through the Jaime Zapata Border Enforcement Security Task Force Act (P.L. 112-205).

<sup>62</sup> While ICE leads the BEST initiative, other agency participants include U.S. Customs and Border Protection; Drug Enforcement Administration; Bureau of Alcohol, Tobacco, Firearms, and Explosives; Federal Bureau of Investigation; U.S. Coast Guard; and the U.S. Attorneys Offices, as well as state and local law enforcement. The Mexican law enforcement agency Secretaría de Seguridad Pública has been a partner along the Southwest border. As of March 2013, there were 35 BEST units located in the United States, including its territories, and Mexico.

<sup>63</sup> Edge, statement.

<sup>64</sup> See <http://www.iprcenter.gov/about-us>.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

<sup>67</sup> See <http://www.iprcenter.gov/ip-theft>. The FBI has located its headquarters-level intellectual property theft program at the IPR Center, where FBI managers have purview over their agency's investigative efforts.

<sup>68</sup> See <http://www.iprcenter.gov/ip-theft/ongoing-operations>.

<sup>69</sup> U.S. Intellectual Property Enforcement Coordinator, *2013 Joint Strategic Plan*, p. 19.

<sup>70</sup> For the IPR Center, deconfliction "is the process by which the IPR Center ensures that a new investigative lead is not already being investigated by one of its participating agencies. The purpose of deconfliction is to ensure agencies do not expend resources in a duplicative or redundant manner, and to ensure the safety of law enforcement officers who are working on the case." See "Privacy Impact Assessment for the National Intellectual Property Rights Coordination Center," May 4, 2015.

<sup>71</sup> U.S. Intellectual Property Enforcement Coordinator, *2013 Joint Strategic Plan*, p. 19.

## Broad Strategies and Key Questions

As the above discussion suggests, the investigative work of HSI covers many criminal and national security threats, and its scope is global. How does HSI focus such efforts? At least two broad strategic concepts influence HSI's work. One, the Illicit Pathways Attack Strategy (IPAS), is internal to HSI and has been in place for several years. The other appears to be a strategic realignment. Known as the Southern Border and Approaches Campaign Plan, it is a DHS-wide plan that is in the early stages of implementation. Both strategic efforts may appear to focus on criminality along U.S. borders, but the IPAS especially can involve enforcement within the United States as well as work with foreign partners.

### Illicit Pathways Attack Strategy

The IPAS was developed in 2011 to respond to the Obama Administration's Strategy to Combat Transnational Organized Crime.<sup>72</sup> This strategy helps describe the cross-border investigative work HSI does and seems to be an effort to concentrate HSI's work on criminals who cross the U.S. border and the smuggling routes they use. Based on the information publicly available on IPAS, it appears to pull together a number of well-established federal law enforcement concepts. Namely, IPAS advocates for the extension of HSI's "operating borders," promotes a focus on "networks and pathways," stresses "robust interagency engagement," notes the importance of coordination with key foreign partners, and supports "efforts to combat crime through laws and policy." It also underscores information and intelligence sharing.<sup>73</sup>

A layperson may ask whether—or perhaps why—such a strategy required articulation within an agency charged with enforcing federal statutes and regulations covering immigration and customs. Beyond commitments to intelligence-driven cooperative policing articulated in IPAS, HSI has publicly released little detail to suggest how the strategy is implemented.

- Does the strategy inform or drive resource allocation within HSI? If so, how?
- How is the success or failure of the strategy measured? What metrics does HSI collect that are tied to IPAS?
- How does HSI rank or prioritize its investigative work? If a prioritization regimen exists, is IPAS part of it?
- Does HSI's work in the area of transnational organized crime overlap or duplicate the efforts of other federal agencies such as the Drug Enforcement Administration or the Federal Bureau of Investigation, agencies heavily involved in transnational criminal investigations?

At the very least, it appears that HSI has initiated intelligence sharing and interagency coordination efforts as part of IPAS.<sup>74</sup> The directorate has noted that early on, IPAS focused on human smuggling, and as of April 2015 it had grown to encompass illicit finance as well as trafficking in cultural property, artifacts, and antiquities.<sup>75</sup>

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<sup>72</sup> See <https://www.whitehouse.gov/administration/eop/nsc/transnational-crime/>.

<sup>73</sup> Spero, statement.

<sup>74</sup> See <https://www.ice.gov/ipas>.

<sup>75</sup> Spero, statement.

## **Southern Border and Approaches Campaign Plan**

Reflecting its status as the largest investigative agency in DHS, HSI was given a significant role in a DHS-wide realignment of programs focused on the U.S. southern border. Announced in 2014, the Southern Border and Approaches Campaign Plan is an attempt by DHS to coordinate its investigation and interdiction efforts along the U.S. southern border. It intends to bring together the resources housed in ICE, CBP, the U.S. Citizenship and Immigration Services, the U.S. Coast Guard, and other agencies in DHS. As planned, this project will involve three Joint Task Forces. HSI will lead “Joint Task Force Investigations” based in Washington, DC, a standing body devised to support the investigative work of the other two task forces. The HSI-led Joint Task Force Investigations “has the responsibility of identifying top tier criminal investigations and to support [the other task forces].”<sup>76</sup> Joint Task Force East will cover the maritime ports and approaches across the U.S. southeast and be led by the U.S. Coast Guard. Joint Task Force West will be responsible for the Southwest land border and the west coast of California and be led by CBP.<sup>77</sup>

Thus far, there are few details publicly available about the Joint Task Forces, and several key questions may loom for HSI. These include the following:

- Will DHS alter its command and control structures—as well as those of its component agencies—to accommodate these new bodies? For instance, as the lead in Joint Task Force Investigations, will HSI have the authority to adjust the resources of other DHS agencies, such as CBP, to further specific investigative agendas?
- What authority will each Joint Task Force leader<sup>78</sup> have over Task Force personnel, immediate priorities, and budgets? Will HSI control the use of assets from other DHS agencies within Joint Task Force Investigations—in essence building up its investigative strength?
- What metrics will be used to assess the effectiveness of Joint Task Force Investigations?
- How will jurisdictional disputes between HSI and other DHS agencies be settled within the structures of the Southern Border and Approaches Campaign Plan?

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<sup>76</sup> Edge, statement.

<sup>77</sup> Department of Homeland Security, “Southern Border Joint Task Force,” April 23, 2015; Letter from Jeh Charles Johnson, Secretary, Department of Homeland Security to R. Gil Kerlikowske, Commissioner, Customs and Border Protection, et al. November 20, 2014. Jeh Charles Johnson, Secretary, Department of Homeland Security, “Border Security in the 21<sup>st</sup> Century,” October 9, 2014.

<sup>78</sup> According to a November 20, 2014, memo, the Joint Task Forces “should adopt a supported-supporting component model. Among the Components of this Department [DHS], CBP will be the supported component in Joint Task Force West, the USCG will be the supported component in Joint Task Force East, and ICE will be the supported component in Joint Task Force Investigations.”

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