



U.S. Immigration and Customs Enforcement

STATEMENT

OF

JERE T. MILES
SPECIAL AGENT IN CHARGE
HOMELAND SECURITY INVESTIGATIONS – NEW ORLEANS
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
DEPARTMENT OF HOMELAND SECURITY

REGARDING

“Immigration Raids: Impacts and Aftermath on Mississippi Communities”

BEFORE THE

U. S. HOUSE OF REPRESENTATIVES
COMMITTEE ON HOMELAND SECURITY

Thursday, November 7, 2019
10:00 a.m.
Tougaloo, Mississippi

Chairman Thompson, Ranking Member Rogers, and distinguished members:

Thank you for the opportunity to appear before you today to discuss U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations' (HSI) worksite enforcement strategy, which consists of a three-pronged approach. We utilize: (1) enforcement (criminal arrests of employers and administrative arrests of employees); (2) compliance (Form I-9 Employment Eligibility Verification inspections, civil fines, and suspension and debarment); and (3) outreach (the ICE Mutual Agreement between Government and Employers program).

As the largest investigative agency within the U.S. Department of Homeland Security (DHS), ICE HSI investigates and enforces more than 400 federal criminal statutes to include criminal provisions found within the Immigration and Nationality Act under Title 8 and U.S. customs laws under Title 19, as well as general federal crimes under Title 18, and the Controlled Substances Act under Title 21. HSI Special Agents use this authority to investigate all types of cross-border criminal activity and work in close coordination with our federal, state, local, tribal, and international partners in a unified interior enforcement strategy to secure the United States.

Today, I would like to assure you that ICE HSI conducts targeted law enforcement operations. Any reports of arbitrary enforcement actions create panic and place communities and law enforcement personnel in unnecessary danger. Any groups falsely reporting such activities are doing a disservice to those they claim to support.

Introduction to Worksite Enforcement/Interior Enforcement

On November 6, 1986, President Reagan signed into law the Immigration Reform and Control Act of 1986, creating both a path to legalization for many individuals in the country unlawfully, and employer sanctions provisions prohibiting the knowing employment and hiring of unauthorized aliens. It also required verification of worker identity and employment eligibility to reduce employment as a motivating factor for future illegal immigration. The employer sanctions provisions further changed with the passage of the Immigration Act of 1990 and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. ICE HSI has devoted considerable resources to bringing administrative sanctions against unscrupulous employers and arresting and administratively removing undocumented workers once these workers are subject to a final order of removal. In 2007, ICE HSI modified its strategy to incorporate criminal investigations and prosecution of unscrupulous employers or employers who commit egregious violations, and in some cases, seizure of assets derived from unlawful employment schemes. ICE HSI continues to use this strategy, utilizing a three-pronged approach of enforcement, compliance, and outreach. Interior enforcement, including workplace enforcement, is inherently tied to border security and without a sustained and focused worksite enforcement effort that addresses the pull factor of illegal employment, our ability to change the paradigm of border security will be limited.

Enforcement

ICE HSI prioritizes its criminal worksite enforcement investigations by focusing on the most egregious violators, which include employers that mistreat or exploit their workers based upon their unlawful status, aid in the smuggling of their alien workforce into the United States, create false identity documents or facilitate document fraud, utilize unauthorized workers as a business model, and/or knowingly and willfully hire unauthorized workers. ICE HSI continues to prioritize the protection of our nation's critical infrastructures and key resource sectors and industries by ensuring that unauthorized workers do not have access to sensitive facilities or information. Presidential Policy Directive 21 identifies 16 critical infrastructure sectors: Chemical; Commercial Facilities; Communications; Critical Manufacturing; Dams; Defense Industrial Base; Emergency Services; Energy; Financial Services; Food and Agriculture; Government Facilities; Healthcare and Public Health; Information Technology; Nuclear Reactors, Materials and Waste; Transportation Systems; and Water and Wastewater Systems.

Compliance

Employers are required by law to verify the identity and employment eligibility of all new hires and to attest that to the best of their knowledge, their employees are authorized to work in the United States. To ensure that employers are complying with the law, ICE HSI utilizes Form I-9 inspections across a wide spectrum of industries throughout the United States. ICE HSI refers for suspension and debarment from Federal Government contracting individuals and businesses that commit serious criminal or civil offenses, or engage in fraud or other seriously improper conduct. A debarment period is proportionate to the seriousness of the offense and is generally for a period of three years. Longer periods can be imposed in cases where there is egregious misconduct. Individuals and businesses subject to suspension and debarment are excluded from doing business/participating with the Federal Government, acting as representatives or agents of other contractors, and as individual sureties.

Outreach

The ICE Mutual Agreement between Government and Employers (IMAGE) Program is a voluntary partnership with the private sector that offers training to strengthen the integrity of employers' workforces and curb employment of unauthorized workers. The IMAGE program seeks to promote principles of ethical business conduct and prevent the deliberate hiring of unauthorized workers through employer self-governance. As ethical and diligent employers begin to adopt the IMAGE best practices, ICE HSI will be able to more efficiently enhance its focus on unscrupulous employers and egregious violators of the nation's immigration laws. Employers who sign an IMAGE agreement are deemed certified upon completion of these requirements: enrolling in E-Verify; establishing a written hiring and employment eligibility verification policy to include internal Form I-9 audits at least once per year; and submitting to a Form I-9 inspection.

Stakeholders and Non-Government Organizations

ICE HSI works closely with U.S. Citizenship and Immigration Services and the Department of Justice, Immigrant and Employee Rights Section to discuss and resolve issues that affect each other's authorities, policies, and guidance. This strong working relationship allows the agencies

to informally and proactively find commonsense solutions to complex worksite enforcement issues. ICE HSI also provides presentations to non-government entities (e.g., American Immigration Lawyers Association (AILA), trade associations, grower associations, state and local government agencies, civic groups, and labor organizations). ICE HSI disseminates important information on changes to the law or policy and our current worksite enforcement efforts. ICE HSI believes that these presentations promote transparency, provide clarity of our mission and foster trust and confidence regarding our worksite enforcement efforts.

The Mississippi Investigation

On August 7, 2019, ICE HSI executed eight federal criminal search warrants and seven federal civil search warrants. These warrants were the result of approximately 18 months of investigation that was initiated pursuant to several Tip Line leads against the companies involved. It was during the execution of these search warrants that ICE HSI detained 680 unauthorized aliens and encountered 18 that were determined to be minors (less than 18 years of age) who were released as soon as their age was verified.

ICE HSI worked very hard to develop a comprehensive plan to address the concerns that came out of previous activities of this size or nature. ICE HSI conducted coordination meetings - first on a biweekly and later a weekly basis, among all of our participating state and local law enforcement partners, as well as, ICE Enforcement and Removal Operations (ERO) leading up to the execution of the operation. Each search location was given its own supervisory group to manage detention decisions at a local level to minimize the detention period of those determined to be amenable to some type of humanitarian release, such as the minors that were identified on scene; there were 32 such cases. ICE HSI pre-assigned personnel to make phone calls to the impacted schools after the operations began and as detainees advised of the existence of their children or families. We also set up a friends and family Telephone Hotline, which provided custody information to relatives and friends of individuals who were detained in connection with this enforcement operation. This hotline provided information to 343 callers.

In all, ICE HSI dedicated more than 24,000 investigative hours to this case, and seized more than 850,000 documents and 61 digital devices with more than 22 terabytes of data. To date, there are 119 indictments for criminal activities and the identification and interview of 8 victims of identity theft (unauthorized aliens were using SSNs belonging to the victims). These investigations continue.

Conclusion

Thank you again for the opportunity to appear before you today and for your continued support of ICE HSI and its law enforcement mission. ICE HSI is committed to conducting these enforcement operations every day in locations around the country as part of the agency's ongoing efforts to protect the nation, uphold public safety, and protect the integrity of our immigration laws and border security. The men and women of ICE HSI conduct themselves with the upmost professionalism and integrity as they execute their duties. Those we encounter will continue to be treated humanely and respectfully.

I appreciate your interest in this important issue and look forward to your questions.