

TESTIMONY OF
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BEFORE THE

SUBCOMMITTEE ON IMMIGRATION
OF THE
SENATE JUDICIARY COMMITTEE

REGARDING

BORDER SECURITY ISSUES

ROOM 215 DIRKSEN SENATE OFFICE BUILDING
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Good morning, Mr. Chairman and distinguished members of the Subcommittee. I appreciate this opportunity to share with you the crucial role that the Immigration and Naturalization Service (INS) plays in protecting the United States (U.S.) from terrorist threats. I would like to begin by assuring you that the INS commitment to border security remains unwavering.

As you know, the INS is the agency responsible for controlling the entry of aliens into the U.S., and detaining and removing aliens who have entered contrary to our laws, including aliens involved in terrorism. This is accomplished at over 300 air, land, and sea Ports-of-Entry (POEs) by Immigration Inspectors and between the ports by the Border Patrol. The INS also prevents the entry of inadmissible aliens at our 14 overseas preflight inspection sites and through international enforcement operations.

We work diligently with our partners from other local, state, Federal, and international law enforcement and intelligence agencies to identify individuals who may pose a threat to the U.S. and prevent their entry or, detain and remove them. With the recent failed attempts at entry by suspected terrorists along the northern border of the U.S., it has never been more apparent that the INS and other law enforcement agencies must continue to work together as a close-knit team.

I will describe our border management strategies, our close cooperation with Canada, and the INS response to the recent northern border terrorist threats.

BORDER MANAGEMENT STRATEGY

International terrorists who seek to enter the U.S. must do so by either applying for admission at a POE or by attempting illegal entry. Consequently, Immigration Inspectors and Border Patrol Agents form the Nation's first line of defense on the border against international terrorism. The INS' role in counter-terrorism is also strongly represented by our active participation in the Federal Bureau of Investigations' (FBI) International Terrorism Operations Section, the Central Intelligence Agency's Counter Terrorism Center, and on 16 Joint Terrorism Task Forces (JTTF).

In today's world, the INS' efforts to ensure the security of the U.S. neither begins nor ends at our immediate borders. Threats from terrorists, alien smugglers, and organized criminals are serious international problems affecting democratic societies everywhere. INS has adopted a strategy to better address this global threat; we call the approach Global Reach. This approach supports the Administration's International Crime Control Strategy. It focuses on addressing the threat at all points on the globe, with INS officers deployed at source and transit locations working with local government authorities, training international air carriers to recognize fraudulent documents, gathering information to better understand and dismantle smuggling operations, and interdicting undocumented aliens before they reach our shores. INS is also working closely with other democratic governments on various joint initiatives, some of which I will discuss later.

Currently, there are over 5,000 Immigration Inspectors staffing our POEs and over 8,000 Border Patrol Agents patrolling more than 8,000 miles of border. Of the Immigration Inspector positions, over 500 are located on the northern border. The remaining positions are deployed to the southern land border (1,485) and to air/sea ports (3,044) throughout the country. This equates roughly to the inspections workload on each land border, with approximately 26 percent of our border workload and 26 percent of our staff on the northern border. There are 7,705 Border Patrol Agents stationed along the southwest border and over 460 located at the northern or coastal borders. This also reflects the approximate workloads on the northern and southern border; the northern border represents less than one percent of our apprehensions and has approximately four percent of the agents.

Our strategic plan for border enforcement is to first control the southwest border. In order to gain control of the border, since 1994, the INS has strategically deployed both personnel and equipment along the U.S. – Mexico border. Since that time, the number of Border Patrol Agents and Immigration Inspectors deployed to the southwest border has doubled, lighting has been installed, fences built, and sensors put into place. This strategy has proven highly successful in gaining control of the most heavily trafficked portions of the southwest border.

INSPECTIONS

In FY 1999, Immigration Inspectors encountered over 525 million applicants for entry into the U.S.

- 115 million at the northern land border,
- 319 million at the southern land border, and
- 91 million at air and seaports.

While the total number of applicants for entry has risen approximately 9 percent over the last five fiscal years, the amount of document fraud encountered in the course of those inspections has risen 20 percent. Enforcement actions such as vehicle seizures have risen 100 percent while alien smuggling apprehensions at the POEs have risen 117.5 percent. The increased resources have clearly produced impressive gains in enforcement results.

In order to enforce our laws more effectively and secure our borders, Immigration Inspectors have instant access to a broad range of information through the use of the Interagency Border Inspection System (IBIS). This information is used to identify and process individuals who may be inadmissible or removable from the U.S. or subject to other enforcement actions by another agency. In the past five years, the annual number of IBIS lookout system intercepts increased 200 percent from a little more than 50,000 to over 150,000.

The INS also makes a major contribution to the Federal enforcement inventory of lookout records and related information, in IBIS, through our National Automated Immigration Lookout System (NAILS). NAILS is the repository for lookout information generated by the Department of State's (DOS) Bureau of Intelligence and Research (INR). INR maintains a classified database containing records on individuals who have been identified through analysis of all source information as probably or definitely

involved in terrorist activities. Because these records relate to the admissibility or inadmissibility of an alien, INS is the lead agency for responding to matches at POEs throughout the U.S. When Immigration Inspectors at POEs encounter the subject of a terrorist lookout, the INS coordinates with INR and others to determine what actions to take against that individual. With the consent of the proprietor of the derogatory data, the INS may use classified/sanitized information in a proceeding against the alien for inadmissibility. During FY 1999, 88 confirmed hits against the INR database of suspected or known terrorists were made nationwide.

The INS believes that there is value in the use of technologies like Dedicated Commuter Lanes (DCL), the Remote Video Inspection System (RVIS) and the Outlying Area Reporting System (OARS). These systems allow INS to improve border enforcement while facilitating the entry of low-risk travelers. The INS is working with the U.S. Customs Service (USCS) to identify how these systems are best applied to border security and facilitation uses.

BORDER PATROL

Nearly six years ago INS implemented its multi-phase, multi-year strategy to prevent the illegal entry of people and contraband while facilitating the flow of legal immigration across the border. In the area of border management, we have achieved more in the past five years than had been accomplished in any comparable period. Nowhere else is the success of our strategic approach to enforcement more evident than along the southwest border.

Before 1994, there was no comprehensive unified plan for controlling the 2,000-mile border with Mexico. The number of immigration enforcement personnel was insufficient to get the job done, and those we did have did not have the logistical support necessary to accomplish their mission. As a result, illegal immigrants and drug smugglers came across the border with the expectation that they would easily evade apprehension.

In February 1994, Attorney General Janet Reno announced the implementation of a multi-year strategy to strengthen enforcement of the nation's immigration laws and to disrupt illegal entry via traditional smuggling corridors along the nation's southwest border. The strategy specifically called for "prevention through deterrence", that is, elevating the risk of apprehension to a level so high that prospective illegal entrants consider it futile to attempt to enter the U.S. illegally. The Border Patrol developed an operational plan to implement the Attorney General's strategic plan. The INS greatly appreciates Congressional support for this strategy through its continued increased appropriations for the Border Patrol.

The INS has achieved considerable success in restoring integrity and safety to the southwest border by implementing the strategy through well planned operations, such as Operation Gatekeeper in California and western Arizona, Operation Safeguard in central and eastern Arizona, and Operation Rio Grande in New Mexico and Texas. It has been almost six years since the INS began this effort, and the strategy is having a significant

impact. Border Patrol apprehensions in the San Diego Sector, once the nation's busiest illegal border crossing, are at a 24-year low. Crime rates in many border communities have fallen dramatically. At the same time, the fees charged by alien smugglers along the southwest border have risen to record levels, a sign that the border is increasingly more difficult to breach.

BORDER COORDINATION INITIATIVE

In August 1998, the Attorney General and the Secretary of the Treasury announced the Border Coordination Initiative (BCI). The BCI is a strategic plan for increased cooperation on the southwest border by INS and the USCS to enhance the interdiction of drugs, illegal aliens, and other contraband. The goal of the BCI is to create a comprehensive, integrated border management system at and between the POEs that effectively achieves the mission of each agency.

The interagency approach of the BCI has boosted our enforcement efforts along the border by drawing from the varied skills and expertise within both organizations. This approach is not limited to INS and USCS. One of our goals this year is to formally involve other Federal agencies including; Coast Guard, Agriculture, Federal Bureau of Investigation, Drug Enforcement Agency, and the High Intensity Drug Trafficking Areas (HIDTA) task force along with state and local law enforcement agencies in the BCI. This year, we have tasked our field managers with formalizing that involvement through joint planning, effective coordination, and joint implementation of this year's BCI Action Plans.

Although the initial focus of the BCI has been the southwest border, the INS and the USCS are considering expansion to the northern border. In late September, the Port Management component of the BCI was presented to INS and USCS field managers in the Detroit area.

Cooperation, as exemplified by the BCI, is the key to effective border management. The BCI has proven itself to be an effective and broad-based mechanism to date for coordinating the law enforcement activities of agencies operating along the southwest border of the U.S.

COOPERATION WITH CANADA

Canada and the U.S. have a partnership that works. We share the longest undefended border in the world. The INS staffs 105 ports-of-entry, 8 Border Patrol Sectors and 44 Border Patrol stations along the 3,987 miles of border with Canada (excluding Alaska). The INS, with the cooperation of USCS, Citizenship and Immigration Canada (CIC), Revenue Canada (RC), and the Royal Canadian Mounted Police (RCMP), is keeping a close watch on our shared border.

The two-way movement of illegal aliens across our border is a concern that both countries are addressing through long-standing cooperative relationships. Neither Canada nor the U.S. views the border as an impermeable barrier, but rather a border that supports trade and travel while protecting the social and economic well-being of both countries.

Although Canada and the U.S. have differences in their immigration laws, both countries have similar goals and objectives where illegal immigration issues are concerned. The two countries have a long and cherished tradition of embracing immigrants and openness of expression. For both the U.S. and Canada, one of the challenges for democracy is in striking the right balance between facilitation and enforcement while guarding against becoming a refuge for terrorists from abroad. Canada has become the U.S.' closest ally in the fight against illegal immigration. The U.S. recognizes that illegal immigration issues cannot be dealt with in isolation, as does Canada.

In combating illegal immigration, and terrorism in particular, the challenge for U.S. and Canadian officials is the rapid and timely exchange of information on such individuals who pose a common threat. Exchanges of information follow established formal protocols, strengthened by the personal liaison between our officials at the border. Our officers at the border, in the interior, and overseas, work together closely and continuously to prevent illegal immigration to both countries.

BORDER VISION

Our current border strategy is designed to address ever-changing crossing patterns. We anticipate that the success in our efforts at controlling the southern land border may result in the shifting of crossing to the northern border. Illegal entry apprehension figures from the Canadian border are still small when compared to the southwest border. Our challenge is to work with our Canadian partners to ensure the

Canadian border does not become a viable alternative gateway for illegal entry to the U.S.

In November 1997, Attorney General Janet Reno and Minister of Citizenship and Immigration Canada (CIC) Lucienne Robillard agreed to build on our already successful cooperation by encouraging immigration officials to formalize their partnership in a Border Vision exercise. They directed the immigration services of Canada and the U.S. to expand joint cooperation on migration issues (overseas, border and interior) to protect the region against illegal immigration and the movement of terrorists and criminals. This exercise complements the joint 1995 U.S./Canada Accord on Our Shared Border.

INS and CIC officials, working closely with their respective State Departments, are finding ways to combine resources to protect their citizens against the threats associated with illegal immigration and the movement of terrorists, drug traffickers and other criminals. Both countries have taken concrete steps to systematically and regularly share information on known or suspected terrorists to ensure early detection. In May 1997, the U.S. signed an agreement with Canada to share a list of names of known and suspected terrorists. The program was implemented in April 1998. Clearly, such joint activities illustrate the exceptional level of cooperation between the U.S. and Canada.

The spirit of cooperation on sharing information between Canada and the U.S. took a major step forward with the signing of the Statement of Mutual Understanding

(SMU) on Information Sharing on June 24, 1999. The SMU allows for the exchange of information on a variety of immigration-related activities between the two countries.

In addition to the SMU, INS and CIC are exploring the potential for cooperation on issues such as:

- name search technology for foreign languages,
- sharing passport-reader technology,
- the mapping of major smuggling routes to the U.S. and Canada, and
- joint interdiction exercises to dismantle smuggling syndicates and established smuggling routes.

Additionally, the INS and the Department of State (DOS), working with Canadian authorities, have made significant progress in establishing better coordination between the two countries on visa and entry policies and operations. A comparative paper on visa exemption policy has been drafted. INS and DOS have reached an understanding with CIC on the consultative mechanisms on visa and entry policy, specifically with regard to the sharing of information from visa and immigration records for the purpose of enhancing border security. The U.S. and Canada have also prepared comparative papers on visa issuance policies.

Improving coordination between Canada and the U.S. includes an analysis of criminal offenses of aliens refused admission at certain U.S./Canadian border ports. Canada and the U.S. have also discussed a pilot program to identify those criminal aliens who have been deported by both countries, to be accomplished through the sharing of

fingerprint data. We are also exploring the creation of a joint U.S./Canada interdiction and intelligence exercise on illegal aliens transiting the U.S. in order to attempt entry into Canada.

THE U.S./CANADA ACCORD

The U.S./Canada Accord on Our Shared Border brings together four agencies, RC, CIC, USCS and INS to focus on joint land border issues such as enhancing the security, enforcement and service at low-volume, remote POEs along the northern border with the use of alternative inspection systems such as RVIS, OARS, and the DCLs at selected ports.

Alternative inspection locations are selected only after a careful risk analysis, which includes consideration of prior enforcement actions and compliance, the general location, surrounding communities, traffic volume and various intelligence regarding actual or potential threats. Previously, citizens at these locations were restricted from crossing by the limited hours of operation. In addition, many remote locations had little, if any, security and surveillance capability. The use of technology such as remote video interviewing capability, automated inspection, and license plate readers, significantly increases the security of the border. RVIS also provides better lighting, surveillance capabilities and a 24-hour law enforcement presence where previously none had existed. RVIS is currently deployed to nine northern border sites.

Programs under the private boat initiative, including the Outlying Area Reporting System (OARS), enhance the service provided to the boating and snowmobile communities along the northern border. OARS is a two-way video telephone that enables travelers to receive a primary inspection at selected marinas, docks, and remote areas where there are no inspection facilities.

These initiatives demonstrate the close bilateral cooperation of our two countries. They also demonstrate the way in which cross-border cooperation can work towards the common objective of protecting the security of both our nations.

TERRORIST THREAT AT THE NORTHERN BORDER

In December 1999, the INS expanded the security level nationwide in response to intelligence that indicated there would be an increase of entry attempts by terrorists. INS offices coordinated their planning process at the local level with the other INS enforcement programs, Federal inspection agencies, and state and local law enforcement entities.

To enhance security, the POEs:

- Increased overtime to provide for additional coverage on each shift,
- Moved or detailed inspectors between POEs within the same District, and canceled some annual leave,
- Coordinated scheduling with U.S. Customs Service,

- Identified additional enforcement personnel to augment staff coverage at POEs, and
- Increased joint enforcement activities such as pre-primary roving, block blitzes, and 100 percent trunk searches with Customs.

During the days surrounding January 1, 2000, the Border Patrol increased its enforcement posture all across the northern border. The Border Patrol:

- Detailed agents from non-northern border Sectors ,
- Canceled some annual leave,
- Used overtime and six-day workweeks to expand enforcement coverage,
- Coordinated with local law enforcement agencies to secure their support in the event additional assistance was required,
- Increased the frequency of contact with Canadian law enforcement agencies, and
- Enhanced presence in and around POEs.

LIAISON WITH COUNTER-TERRORISM COMMUNITY

The INS currently dedicates six full time positions to other federal agencies at the Headquarters level. At the field level, the INS participates in the FBI's JTTF. The agents provide expertise on INS subject matters ranging from the arrest of suspected terrorists for violation of INS statutes to the coordination of potential threat alerts and lookouts with various INS components.

Recently, the FBI received threat information regarding the possible entry of alleged extremists along the northern border of the United States in the wake recent arrests. Through national level coordination, the INS rapidly disseminated critical information to allow targeted ports of entry to reinforce their resources.

The national level representation of INS at FBI Headquarters allows the FBI and INS to coordinate cooperative arrests in cities where the INS is not represented on the JTTF. On December 30, 1999, the INS supported the FBI during the course of its investigations by interviewing numerous individuals. As a result, six subjects were taken into custody for violation of United States Immigration laws.

During the past thirty days, the FBI and INS have jointly arrested fifteen additional suspects nationwide related to counter-terrorism efforts. Twelve of the fifteen arrests were for INS criminal and administrative violations.

The INS' participation and coordination has also resulted in other effective and significant counter-terrorism operations such as:

- In March 1999, Operation Eastern Approach conducted by the Los Angeles JTTF resulted in the arrest of 29 suspects for terrorism and immigration violations and the first conviction of an individual for violation of the statute prohibiting material support of a terrorist organization, the MEK or Mujaheddin-e-Khalq, and

- Other JTTF operations during the past year include the FBI-INS coordinated removal of Hani El-Sayegh to Saudi Arabia. El Sayegh is suspected of being a conspirator in the Khobar Towers bombing in Saudi Arabia, resulting in the deaths of nineteen U.S. armed forces personnel.

CONCLUSION

As you see, our commitment to border security does not start or end with the inspection of persons at a port-of-entry. Our strong working relationships with other Federal, state, and local law enforcement agencies, international law enforcement agencies and other governments allows the INS to safeguard our nation's borders, taking a global approach. This is especially apparent along the northern border because of our close relation with Canada.

In closing, I would like to emphasize that inherent in our border enforcement strategy is the flexibility to respond to emerging conditions and changing tactics. I look forward to working with the Subcommittee to ensure that INS can continue to meet today's demands and tomorrow's challenges.

Thank you Mr. Chairman and I would be happy to answer any questions that you and Members of the Subcommittee may have.