Chapter 6
Border Security, Immigration, & Customs Enforcement

Introduction to Homeland Security

Border Control
- The borders of any country are strategically important
  - They play a critical role in the economic vitality & commerce of the country
- Borders provide access for:
  - Illegal immigrants
  - Illegal goods
- Thus, border security & control is of the utmost importance in the effort to mitigate the risk posed by terrorists & criminals

Border Control (cont.)
- United States has:
  - 5,525 miles of border with Canada
  - 1,989 miles of border with Mexico
  - 95,000 miles of shoreline (maritime border)
  - 3.4 million square mile exclusive economic zone
- >500 million people cross the borders into the US each year
  - Some 330 million are non-citizens

Border Security History
- 1904 – Immigration Service Watchmen
  - Mounted Guards
  - Mounted Inspectors (Separate group started in 1915)
- Early 20th Century - Govt. more concerned with customs violations than illegal immigration
- 1917
  - Govt. issued a higher head tax/literacy requirements for immigrants
  - Caused an increase in illegal immigration
- 1921 – Govt. placed limits on number of immigrants entering country
- 1924 – Labor Appropriation Act
  - Created the Border Patrol

Border Security History (cont.)
- 1932 – Border patrol split between Mexican & Canadian borders
- 1933 – Immigration & Naturalization Service (INS) created out of the separate bureaus of Immigration & Naturalization
- 1952 – Border Patrol given the power to board & search conveyances anywhere in the country to search for illegal immigrants
- 1980s/90s – Illegal immigration spiked; Border Patrol expanded
- Launched focused border operations
  - Hold the Line (El Paso)
  - Gatekeeper (San Diego)

Immigration
- “the act of entering & settling permanently in another country, and/or becoming a permanent resident or legal citizen of that country”
- US founded on the principle of open immigration
- Immigration is closely tied to border security
- Immigration law guides the granting of residency & citizenship to foreign nationals
- Changes in immigration law often reflected the volatility of national opinions on the value of more open doors in relation to the need for a growing workforce
Customs Enforcement

- Nations protect their national economic interests through:
  - The levying of import taxes (duties) on foreign goods
  - Controlling the rate of flow & quantity of specific goods that enter the country

- US initiated customs services soon after declaring independence in 1776

- For 125 years, customs generated almost all of the US government's revenue
  - Fueled nation's fast growth

- The United States remains a major importer of foreign goods
  - Customs account for ~16% of the national income

Customs Enforcement (cont.)

- Customs Service:
  - Assesses/collects duties, excise tax, fees, penalties on imported goods
  - Interdicts/seizes contraband
  - Processes persons, baggage, cargo, mail
  - Detects/apprehends persons engaged in fraudulent practices to get around customs laws
  - Protects American business/labor/intellectual property rights by enforcing U.S. law
  - Protects general welfare/security of the U.S. by enforcing import/export restrictions
  - Collects accurate import/export data for compilation if international trade stats

Border Security within DHS

- Following 9/11, DHS consolidated:
  - ICE (previously Immigration & Naturalization Service)
  - CBP (previously the Customs Service)
  - USCG
  - USCIS

- Several components within DHS carry out individual border control tasks

US Customs & Border Protection (CBP)

- The only agency responsible for protecting the sovereign borders of the US at & between the official ports of entry
  - Considered the “front line” in protecting the nation against terrorist attacks

- Ensures national economic security by regulating & facilitating the lawful movement of goods & persons across U.S. borders

- One of DHS’s largest & most complex components

CBP Components/Programs

- Border Patrol
  - Primary mission is the detection & apprehension of illegal aliens & smugglers of aliens at or near the land border
  - 21,000 agents
  - Varied terrain requires a variety of vehicles to patrol
  - FY 2013
    - Apprehended over 420,000 people entering illegally
    - Seized >4,600 lbs of cocaine
    - Seized >2.4 million lbs of marijuana
    - Seized >$106 million in unreported currency

- Office of Air & Marine
  - Mission is to protect people & critical infrastructure through the coordinated use of integrated air & marine forces
  - Considered to be one of the world’s largest air & marine LE organizations
    - 1,200 agents
    - 250 aircraft
    - 280 marine vessels
  - FY 2013 seizures
    - 63,562 undocumented aliens
    - >1 millions lbs of marijuana (worth >$2.6 billion)
    - >555,000 lbs of cocaine (worth >$31.6 billion)
    - >$25.3 million in currency
    - 2200 weapons
CBP Components/Programs

Office of Technology Innovation & Acquisitions (OTIA) (formerly known as the Secure Border Initiative)
- Established to seek out, develop, & acquire technological solutions to CBP problems
- Includes:
  - Establishing acquisition policies
  - Maintaining an acquisition workforce
  - Assessing the cost & effectiveness of technologies
  - Assessing their performance in the field
- The construction of vehicle and pedestrian fences fall under this office

Secure Freight Initiative
- A network of radiation detection & container imaging equipment operated at six (6) seaports worldwide
- Uses modern imagery & scanning systems to inspect maritime cargo containers
- Sensor & image data are encrypted & sent to the CBP National Targeting Center for final assessment
- If scanning data indicates concerns, containers are sent to secondary inspection
- US-bound containers can be refused until the concern is resolved

Container Security Initiative (CSI)
- CBP & ICE officials deployed at overseas seaports to screen shipping containers bound for the US
- Mission is to target & prescreen containers & to develop additional investigative leads related to the terrorist threat to cargo bound for the US
- Now operational at ports in:
  - North America
  - Europe
  - Asia
  - Africa
  - The Middle East
  - Latin & Central America

Agricultural Inspection
- CBP agents work with agents from USDA to prevent the introduction of harmful pests into the US
- Have extensive training in agricultural & biological inspection
- Also able to recognize & prevent entry of organisms that could be used for biological warfare or terrorism
- Employs 2300 agricultural specialists at 160 ports of entry
- Also use detector dogs to sniff out hidden agricultural products

CPB Immigration Inspection Program
- Examine immigrant documents to determine eligibility
- CBP officers responsible for determining the nationality & ID of every person entering the US
- CBP officers may:
  - Question any incoming person under oath
  - Search the person or effects of any incoming person
- Law of Presumption:
  - Every incoming person is assumed to be an alien until evidence of citizenship is shown

Immigrations & Customs Enforcement (ICE)
- The principal investigative arm of DHS
- The second largest investigative agency in the federal government
- Has more than 20,000 employees in offices in all 50 states & 48 foreign countries
- Primary mission - promote homeland security & public safety through the criminal & civil enforcement of federal laws governing:
  - Border control
  - Customs
  - Trade
  - Immigration
ICE (cont.)

- Mission has expanded to include:
  - Terrorist financing
  - Money laundering
  - Arms trafficking
  - Technology exports
  - Commercial fraud
  - Child pornography

ICE (cont.)

- ICE Enforcement & Removal Operations (ERO)
  - Charged with enforcement of U.S. immigration law
  - IDs & apprehends removable aliens
    - Detains if necessary
    - Deports to other countries
  - Prioritizes the apprehension, arrest, & removal of convicted criminals

ICE (cont.)

- Secure Communities Program
  - Created to prioritize the detention & removal of illegal aliens who:
    - Pose a unique or significant public safety threat
    - Are repeat immigration offenders
  - Process
    - FBI collects & sends the fingerprints of people arrested by local LE to ICE
    - ICE processes the prints & determines if the arrested person is residing illegally
    - In such cases, ICE has the authority to begin removal operations
    - Individuals ID’d are moved to the front of the line

ICE (cont.)

- ICE Homeland Security Investigations (HSI)
  - Tasked with investigating various domestic & international activities related to the illegal movement of people & goods into within, & out of the US
  - Financial crimes, money laundering, & bulk cash smuggling
  - Commercial fraud & intellectual property theft
  - Cyber crimes
  - Human rights violations
  - Human smuggling/trafficking
  - Transnational gang activity
  - Export enforcement
  - International art & antiquity theft

ICE (cont.)

- ICE Project Shield America
  - ICE program aimed at preventing WMD trafficking by:
    - Illegal exporters
    - Targeted foreign countries
    - Terrorist groups
    - International criminal organizations
  - Also used to stop efforts to obtain & illegally export:
    - Licensable commodities & technologies
    - Conventional munitions & firearms
    - Stolen property
    - Financing that violates US sanctions/embargoes

ICE (cont.)

- Joint Terrorism Task Forces (JTTF)
  - JTTFs investigate, detect, interdict, prosecute & remove terrorists, & dismantle terrorist organizations
  - ICE is the largest contributor to the 104 JTTFs nationwide
ICE (cont.)

- **Border Enforcement Security Task Force (BEST)**
  - Made up of multiagency teams to ID, disrupt, & dismantle criminal organizations posing significant threats to border security
  - Created in response to the dramatic increase in cross-border crime & violence
  - Includes foreign LE agencies, such as:
    - Mexican Secretaria de Seguridad Publica (SSP)
    - Royal Canadian Mounted Police (RCMP)
    - Argentinian Customs Agency

ICE (cont.)

- **Counterterrorism & Criminal Exploitation Unit (CTCEU)**
  - Prevents terrorists & other criminals from exploiting US immigration
  - Reviews the immigration status of known & suspected terrorists
  - Combats criminal exploitation of the Student & Exchange Visitor Program (SEVP)
  - Uses HSI’s expertise to ID national security threats

ICE (cont.)

- **Counterproliferation Investigations**
  - ICE is the only federal LE agency with full statutory authority to investigate & enforce criminal violations of all US export laws related to:
    - Military items
    - Controlled “dual-use” commodities
    - Sanctioned/embargoed countries

U.S. Coast Guard (USCG)

- Only military organization w/in DHS
- Lead federal agency for maritime drug interdiction & air interdiction (shared with US Customs)
  - Accounts for more than 50% of all cocaine seizures annually
- Also tasked with enforcing immigration law at sea
  - Interdicts illegal migrants at sea & returns them to their country of origin
- Lead agency for the federal response to oil & hazardous materials incident (shares with EPA)

U.S. Citizenship & Immigration Services (USCIS)

- Oversees lawful immigration to the US
- Provides accurate & useful information to intending immigrants
- Grants immigration & citizenship benefits
- Currently employs 18,000 people at approximately 250 locations worldwide
- Intelligence has shown terrorists to be interested in exploiting the US immigration system to gain entry to the United States