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Department of Homeland Security
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Chairman Lugar, Ranking Member Biden, and Members of the Committee, thank you for the opportunity to testify about the Department of Homeland Security's participation in our important US-Mexico bilateral relationship.

The U.S. has a close, cooperative relationship with our neighbor that accordingly generates many initiatives, agreements, and plans between our governments. DHS is a key player in several of these US-Mexico activities. While it must be noted at the outset that when the President announced his proposed Temporary Worker Program on January 7, he did not announce the temporary worker program just for Mexican nationals, however, it is anticipated that many Mexicans would benefit as they do under existing legal immigration programs.

I. PROTECTING THE HOMELAND BY CONTROLLING OUR BORDERS

The first principle of the President's proposal for a temporary worker program is "Protecting the Homeland by Controlling our Borders" and the facts illustrate why controlling our common border with Mexico is as important a homeland security relationship as we have with any other country.

- Sixty percent of the 500 million aliens who DHS admits to the United States each year do so across our shared border.
- In addition, 90 million cars and 4.3 million trucks cross into the United States from Mexico each year – all part of \$638 million in trade conducted at our border every single day.

For more than a century, the story of our nations has been one that transcends just being neighbors. As Secretary Ridge recalls from an early visit to Mexico, Secretary of the Interior Santiago Creel underscored this fact when he quoted from letters that were exchanged between Abraham Lincoln and Benito Juarez during the darkest days of our Civil War.

The mission of our Department of Homeland Security is to prevent terrorist attacks against the United States. In doing so, we are protecting the inalienable rights of life, liberty and pursuit of happiness that our nation established as its foundation in our Declaration of Independence.

Of course, we do not hold these principles as ours alone. In the Declaration that accompanied the Border Partnership Plan signed nearly two years ago, we stated that "The United States and Mexico are joined by common values, shared interests, and geography in ways that create unprecedented opportunities to work together to strengthen our peoples' physical safety and economic prosperity." It goes on "The terrorist attacks of September 11 were an assault on our common commitment to democracy, the rule of law, and a free and open economy - conditions upon which our nations' well-being depends." Since that time, we have participated

in implementing an integrated inter-agency strategy with the Departments of State, Justice and Transportation, state and local partners, as well as an equally broad array of Mexican counterparts. This coordinated approach to collaboration with Mexico enables us to facilitate legitimate trade and travel and simultaneously improve interdiction and investigation of illicit movements of drugs, people, weapons, cash or materials which could potentially be utilized by terrorists to attack our country.

We have accomplished a lot in the border partnership plan as with many other facets of our bilateral relationship with our southern neighbor. In fact, just one month ago, Secretary Ridge, Undersecretary Hutchinson, and many other senior officials traveled to Mexico City to meet with their counterparts as the most recent in a series of regular meetings to monitor progress under that accord. At that meeting, Secretaries Ridge and Creel signed two important companion agreements, a Memorandum of Understanding on the repatriation of Mexican nationals and a 2004 Border Plan of Action. These agreements provide a framework for ensuring a secure, safe, and orderly border, especially during the upcoming summer months when dangers to migrants are the most acute. We have agreed with Mexico to focus efforts on the Arizona-Sonora corridor with a combination of resources, equipment, training, and law enforcement cooperation.

A. ABC Initiative

Last Tuesday, Undersecretary Hutchinson announced the Arizona Border Control (“ABC”) Initiative – a first of its kind integrated operation aimed at saving migrant lives, enhancing border security, disrupting smuggling operations, and reducing violence in border communities. Congressman Kolbe joined in the ceremony to launch ABC and alert the community that we are beginning to build up our operational capacity to deal with the unprecedented flow of undocumented migrants through this dangerous terrain. The Border Patrol (in the Tucson Sector) has apprehended more than 116,000 undocumented migrants since January of this year – an increase of 34,000 apprehensions over the same period last year.

This surge in the flow of migrants in the Arizona-Sonora corridor underscores the urgency for additional measures to warn would-be migrants of the perils posed by the desert and smugglers who value profits more than human life.

Together with our Mexican counterparts we are strengthening joint public safety campaigns and intensifying remote surveillance along high-risk routes into the United States. We have provided search, rescue, and lifesaving training to DHS and Mexican officers to respond to migrants who are lost or stranded by smugglers in the dangerous terrain or exposed to the harsh climactic conditions.

Additional personnel, technology, detention and removal capacity, and aviation assets will be available on the ground to DHS and its many law enforcement partners from state and local agencies, the Tohono O’Odham Nation, and the U.S. Attorney’s Office.

ABC integrates not only law enforcement at all levels, but integrates efforts along the border, at our ports-of-entry (POE), and in Arizona communities away from the border. Between our POEs, we will deploy 200 additional, experienced Border Patrol Agents bringing the Tucson Sector to over 2,000 strong. At our POEs we will strengthen the Anti-Terrorism

Contraband Teams and increase use of Non-Intrusive Inspection Equipment. We will intensify the presence of DHS authorities at inland transportation terminals and airports.

ABC and similar enforcement improvements are consistent with the goals of the President's proposed temporary worker program. The President's proposal would provide participants with lawful documentation. This would permit temporary workers to travel legally and freely through our ports of entry, resulting in more efficient management of our borders, and decrease the number of aliens who will desperately attempt to cross our border through desert land in dangerous conditions, thereby saving lives.

Through Operation Ice Storm – an initiative of Immigration and Customs Enforcement (ICE) – we are already disrupting and dismantling smuggling operations, uncovering drop houses, and targeting human smuggling infrastructure in Arizona's largest cities and communities. Through unprecedented cooperation and coordination with Mexican law enforcement, we are exchanging intelligence about smuggling loads moving toward our borders and taking actions to seek prosecution of ringleaders on both sides of the border.

To ensure the coordination essential for the success of these multiple law enforcement partnerships and integrated operations, there will be a Departmental "integrator" reporting directly to Under Secretary Hutchinson. Chief Patrol Agent David Aguilar will serve in this assignment.

In addition, the President's request for the FY 2005 Department of Homeland Security budget includes \$2.7 billion for border security inspections and trade facilitation at ports of entry and \$1.8 billion for border security and control between ports of entry. This includes \$10 million for Unmanned Aerial Vehicles testing and \$64 million for border enforcement technology, such as sensors and cameras.

B. US-Mexico Border Partnership Plan

The Border Partnership Plan outlines 22 concrete actions our countries are taking jointly to confront terrorism, drug trafficking, crime, and other threats against the American and Mexican people. Three major pillars support the plan – often called our *Smart Border Plan*: (1) Secure Infrastructure; (2) Secure Movement of People; and (3) Secure Movement of Goods. The guiding spirit is to facilitate legal and low-risk trade and travel while increasing capacity to stop illicit and dangerous flows. Of course, the secure exchange of information transcends the entire plan, making possible the effective management of the border.

To cite but a few of the many accomplishments under the plan that fit into our strategy of securing the border:

- SENTRI is one of several programs designed to facilitate the cross-border travel of pre-screened, low-risk travelers thereby enabling DHS officers to focus resources on unknown, higher-risk travelers who seek admission to our country. Currently, we operate SENTRI lanes in Otay Mesa, San Ysidro, and El Paso. Eight additional SENTRI vehicle lanes are planned for as early as the end of 2004. We had nearly 70,000 travelers enrolled in SENTRI as of the end of January. Of these, approximately 61% are US enrollees and 37% are Mexican. As part of the enrollment process, applicants and their vehicles undergo a security check. The names of enrolled participants are regularly

checked against watch lists. We increased the period of enrollment from one to two years for pre-screened participants who qualify for the program. At no cost to SENTRI participants, we are also switching over to the higher technology that we currently use in the NEXUS system on our northern border.

- We opened the first FAST (Free and Secure Trade) lane in El Paso for commercial traffic and qualifying truck drivers in September and a second one last month in Laredo. Like SENTRI, participants in FAST are pre-screened to determine low-risk and suitability for the program. Allowing FAST participants to move quickly through POEs has the twin goal of freeing Government resources to inspect unknown, higher risk commercial traffic while providing faster access to known, lower risk travelers.
- We launched the Customs-Trade Partnership Against Terrorism in Mexico to secure every link in the supply chain. We now have 51 importers certified for the program and another nine pending certification.
- We are screening rail cargo moving in both directions across the US-Mexico border with Vehicle and Cargo Inspection System (VACIS). The Rail VACIS systems are deployed in 7 of the 8 rail crossings. The final location will be installed during the calendar year 2004. Once this is complete, all crossings will receive 100 percent screening for rail traffic arriving into the United States from Mexico.
- We assisted Mexico with the development of its Advanced Passenger Information System and together, we are finalizing arrangements for exchange of this critical information on who is entering North America by commercial airline.
- CBP Border Patrol has trained and equipped close to 800 Mexican law enforcement and rescue personnel in search and rescue, basic medical training and swift water rescue. Additionally, Border Patrol has worked cooperatively with Mexico to develop a bilateral media campaign with a single message regarding border safety.

Each of these initiatives includes working with other U.S. agencies to help Mexico increase its capacities to participate fully and successfully in the programs.

C. US-VISIT on the Land Border

During the recent visit of President Fox to Crawford, TX, President Bush was pleased to announce that the Department is committed to developing a solution for Mexican Border Crossing Card (BCC) holders to satisfy requirements under US-VISIT – our new entry-exit border technology that assesses the security risk of those who seek admission at our POEs.

The Biometric Verification System (BVS) was created to fulfill the statutory requirement to incorporate a biometric verifier into the Mexican Border Crossing Card and to match the verifier to the applicant on each application for entry. State Department consular posts in Mexico issue a combined Border Crossing Card and B1/B2 visa called a BCC and known colloquially as a “laser visa.”

The biometric the system reads is a fingerprint. (The BCC also includes another biometric, the photograph.) The BVS is being integrated with other systems in DHS to create an

inspection booth capability that will be compatible with US-VISIT requirements. Site surveys are underway to prepare the ports for deployment by the end of June.

The BCC is both a crossing card and a visa. The BCC is valid for entry to the United States within 25 miles of the Southwestern border for 72 hours or less (the "border zone"). Since 1999, the zone is 75 miles in Arizona only. No other document is needed for entry.

Mexican nationals who use the travel document only as a BCC will not initially be subject to US-VISIT processing during primary inspection inasmuch as the holder's biometric information was captured at the time the document was issued. This is an interim solution for our land border while the Department explores the long term solution to record the entry and exit of such individuals crossing our land POEs.

However, if used as a B1/B2 visa for travel outside the border zone or for a longer period, the traveler is issued the I-94 entry document by a Customs and Border Protection inspector and will be subject to US-VISIT requirements. Similarly, Mexican nationals require nonimmigrant visas if they seek admission for a purpose other than a visit for business or pleasure. For instance, Mexican nationals require student or temporary worker visas and they, too, will be subject to US-VISIT requirements.

The President's request for the FY'05 Department of Homeland Security budget asks for \$340 million for US-VISIT, a proposed increase of \$12 million over the FY 2004 funding. Only two months old, US-VISIT has successfully and efficiently recorded the entry of 2,253,382 passengers and the exit of 7,810 travelers without causing delays at ports of entry or hindering trade. The program has resulted in 187 watch list hits, including serious criminals, because of the biometric collection from nonimmigrant visa holders. Aliens who have repeatedly entered the U.S. illegally and used multiple aliases are now being detected. US-VISIT will play a key role in the President's temporary worker program by validating that aliens are complying with the terms of the worker program as they enter and exit through ports of entry, making it easier to enforce the program.

D. Customs and Border Protection

We believe the President's proposed temporary worker program should link efforts to control our border through agreements with countries whose nationals participate in, and benefit from, the program. Cooperation from the Mexican government will be especially critical, including possibly greater Mexican efforts to control the flow of Mexican migrants not qualified under the temporary worker program to the U.S. border. U.S. Customs and Border Protection (CBP) will continue its Integrated Border Enforcement Team (IBET) operations on the Canadian border and continue its cooperative efforts with both the governments of Canada and Mexico.

For a temporary worker program to work effectively, border enforcement will be critical. It is important to recognize that DHS has set the stage for an effective program. Since September 11, 2001, the Border Patrol has increased the number of agents from 9,788 to 11,141 as of March 6, 2004. Between the ports of entry on the northern border, the size of the Border Patrol has tripled to more than 1,000 agents. In addition, the Border Patrol is continuing installation of monitoring devices along the borders to detect illegal activity. Moreover, since March 1, 2003, all CBP officers have received antiterrorism training. The CBP Office of

Training and Development is currently developing additional antiterrorism training for all CBP officers.

The Border Patrol is also adding sensors and other technology that assist in detecting illegal crossings along both our northern and southern borders, including Remote Video Surveillance (RVS) systems. These RVS systems are real-time remotely controlled force enhancement camera systems, which provide coverage along the northern and southern land borders of the United States, 24 hours per day, 7 days a week. The RVS system significantly enhances the Border Patrol's ability to detect, identify, and respond to border intrusions, and it has a deterrent value as well. There are currently 269 completed Remote Video Surveillance (RVS) sites in operation; 200 along the southwest border and 69 along the northern border. An additional 216 installations are in progress.

CBP pursues many initiatives in the ongoing effort to ensure a balance of two critical DHS objectives: (1) increasing security; and (2) facilitating legitimate trade and travel. These initiatives include the use of advance information, risk management, and technology, and partnering with other nations, other agencies, state and local authorities, and with the private sector. Using these principles, CBP understands that security and facilitation are not mutually exclusive. Since 9/11, we have developed strategies and initiatives that make our borders more secure while simultaneously ensuring a more efficient flow of legitimate trade and travel.

In improving our nation's homeland security, CBP has created "One Face at the Border." This includes designating one Port Director at each port of entry and instituting a single, unified chain of command for all CBP Officers at all of our ports of entry and all our inspectors - whether they be legacy customs, immigration, or agriculture employees. CBP has also developed specialized immigration and customs antiterrorism response teams and consolidated its passenger analytical targeting units. These units coordinate with CBP's National Targeting Center, which serves as the interagency focal point for obtaining manifests and passenger information for flights of concern.

A Temporary Worker Program will enhance CBP's ability to carry out its continuing mission. Unauthorized entry into the United States will still be illegal, and CBP will continue to improve our homeland security by gaining greater control over our borders and more effectively and efficiently inspecting and screening arriving passengers, vehicles, and conveyances. For this reason, as reflected in the President's 2005 budget request, it will be more important than ever to ensure that the Border Patrol has adequate funding for the personnel, infrastructure, equipment and technology to continue to adopt its tactics and deploy its resources to meet its priority anti-terrorism mission.

II. PROVIDING INCENTIVES FOR RETURN TO HOME COUNTRY

The second immigration enforcement principle that the President set out in his proposal is to provide incentives for return to the participant's home country. This includes the requirement that participants in the program return to their home country after their period of work has concluded. As proposed by the President, the legal status granted by this program would last three years, be renewable, and would have an end. Returning home is made more desirable because during the temporary work period, workers would be permitted to come and go across the U.S. borders so the workers can maintain roots in their home country. This has proven particularly important to Mexican nationals.

In addition, the Temporary Worker Program would offer additional incentives for these workers to return home, including portability of investments and the skills learned and education attained during their work experience in America. With respect to Mexican participants in the program, we would certainly work with Congress and the Mexican Government to identify incentives for Mexican nationals to return home where they could then help improve the Mexican economy.

III. WORKPLACE ENFORCEMENT OF IMMIGRATION LAWS

The third immigration enforcement principle in the President's proposal is workplace enforcement of our immigration laws. The FY 2005 President's budget request includes an increase of \$23 million for worksite enforcement. This request to more than double funds for worksite enforcement illustrates the President's commitment to serious immigration enforcement and the rule of law as part of a temporary worker program.

The worksite enforcement mission is now located in Immigration and Customs Enforcement's (ICE) National Security Division. The goal is to maintain integrity in the employment procedures and requirements set forth under our immigration laws. The Critical Infrastructure Protection Unit within the ICE National Security Division is the unit responsible for coordinating enforcement of our employment requirements under the Immigration and Nationality Act. ICE will continue to coordinate its employer sanctions and worksite enforcement activities with agencies having relevant jurisdiction, such as the Department of Labor and the Department of Justice's Office of Special Counsel for Immigration-Related Unfair Employment Practices, where there are indications of worker abuse based on illegal status or intentional abuses of salary requirements and laws on account of an alien's illegal status. Further, monitoring will occur in situations such as criminal and administrative investigations of employers, in conjunction with ongoing alien smuggling and trafficking investigations, and in industries where intelligence and ICE auditing indicates widespread disregard of employment verification requirements.

Since 9/11, DHS has audited 3,640 businesses, examined 259,037 employee records, arrested 1,030 unauthorized workers, and participated in the criminal indictment of 774 individuals. Post-9/11 enforcement operations targeting unauthorized workers at critical infrastructure facilities identified over 5,000 unauthorized workers who obtained employment at airports, nuclear plants, sporting arenas, military bases, and federal buildings by presenting counterfeit documents to their employers and providing false information to security officials. DHS' challenge is to enhance public safety to ensure that individuals intending to do us harm are not providing access to controlled areas.

Temporary workers will be able to establish their identities by obtaining legal documents under a worker program. It is critically important to create a system that prevents fraud as it was so prevalent under the 1986 Immigration Reform and Control Act (IRCA) worker and legalization programs. It is essential that a new temporary worker program provide uniform documentation for participants that is tamper-proof and as fraud-proof as possible. While this proposed program is a generous and compassionate one, we do not wish to reward those who abuse the program through fraud. Fraud prevention should be a component in creating this temporary worker program. Immigration fraud poses a severe threat to national security and public safety because it enables terrorists, criminals, and illegal aliens to gain entry and remain in

the United States. ICE's goal, in conjunction with CIS and CBP, is to detect, combat, and deter immigration fraud through aggressive, focused, and comprehensive investigations and prosecutions. If approved, the \$25 million FY 2005 budget request will provide stable funding to ICE's benefits fraud program by replacing funding previously provided through the Examinations Fee Account.

Detention and removal of illegal aliens present in the United States is critical to the enforcement of our immigration laws. A requested increase of \$108 million in FY 2005 will expand ongoing fugitive apprehension efforts and the removal from the United States of jailed offenders, and support additional detention and removal capacity. Adequate detention space has long been considered a necessary tool to ensure effective removal operations. An increase in bed space to accommodate a higher volume of apprehended criminal aliens results in a significantly higher appearance rate at immigration proceedings. When final orders of removal are issued, this will result in a greater number of removals and fewer absconders. With the \$5 million request, ICE will enhance its ability to remove illegal aliens from the United States.

As part of its overall immigration enforcement strategy, ICE will continue to analyze data generated through the Student and Exchange Visitor Information System (SEVIS) and US-VISIT program to detect individuals who are in violation of the nation's immigration laws and pose a threat to homeland security. If approved, the President's request for the FY 2005 budget of \$16 million will increase the funding for ICE's SEVIS and US-VISIT compliance efforts by over 150 percent.

I want to highlight another key aspect to the President's Temporary Worker Program proposal - ensuring that past illegal behavior is not rewarded. This proposal does not provide an automatic path to citizenship. The program has a finite period of time and requires workers to return home. Those who have broken the law and remain illegally in our country should not receive an unfair advantage over those who have followed the law. We recognize that some temporary workers will want to remain in the U.S. and pursue citizenship. They will be able to apply for green card status through the existing process behind those already in line.

A sensible immigration policy begins with security at our nation's borders. The President's proposed Temporary Worker Program is a bold step, aimed at reforming our immigration laws, matching willing workers with willing employers, and securing our Homeland. The President's proposal holds the promise of strengthening our control over U.S. borders and, in turn, improving homeland security.

Illegal entry across our borders makes more difficult the urgent task of securing the homeland. Our homeland will be more secure when we can better account for those who enter our country, instead of the current situation in which millions of people are unknown. With a temporary worker program in place, law enforcement will face fewer problems with unlawful workers and will be better able to focus on other threats to our nation from criminals and terrorists.

Passing a Temporary Worker Program that works to benefit the American economy while bringing integrity to our immigration system is a reasonable goal for all of us. The Administration is ready to work with the Congress to move forward in achieving this important goal.