

Testimony of

# Wesley Lee

Acting Director of Detention and Removal Operations  
U.S. Immigration and Customs Enforcement (DHS)  
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STATEMENT OF WESLEY LEE  
ACTING DIRECTOR OF DETENTION AND REMOVAL OPERATIONS

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)  
DEPARTMENT OF HOMELAND SECURITY

BEFORE

SENATE COMMITTEE ON THE JUDICIARY

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY, AND HOMELAND SECURITY AND SUBCOMMITTEE ON  
IMMIGRATION, BORDER SECURITY & CITIZENSHIP

"THE SOUTHERN BORDER IN CRISIS: RESOURCES AND STRATEGIES TO IMPROVE NATIONAL SECURITY"

## INTRODUCTION

Good afternoon, Chairman Kyl, Chairman Cornyn, and distinguished Members of the Committee. My name is Wesley Lee, and I am the Acting Director of the Office of Detention and Removal Operations at U.S. Immigration and Customs Enforcement (ICE). It is my privilege to appear before you to discuss Detention and Removal Operations' (DRO) enforcement mission. The DRO mission is to promote public safety and national security by ensuring the departure from the United States of all removable aliens through the fair enforcement of the nation's immigration laws.

DRO's core mission is the apprehension, detention and removal of removable aliens, the management of non-detained aliens as their cases progress through immigration proceedings and the enforcement of orders of removal. DRO employs a number of tools to accomplish this mission. Expedited removal (ER) is one of those tools. ER provides greater flexibility than traditional removal proceedings and allows DHS to quickly remove certain classes of aliens who are either seeking entry or who have recently entered the U.S. illegally while ensuring appropriate protection for aliens with a well-founded fear of persecution. The Department of Homeland Security (DHS) has focused on the need to improve the security and safety of the nation's land borders by expanding expedited removal between ports of entry in support of the Arizona Border Control Initiative.

First I would like to share with you some benchmark numbers that show the direction in which we are moving and examples of initiatives we have implemented to achieve better enforcement results.

In Fiscal Year (FY) 2004, DRO reached record levels in terms of removals, fugitive alien apprehensions, and managing DHS bed space resources. DRO officers removed 160,000 aliens from the United States including over 85,000 aliens with criminal records. As of April 30, 2005, DRO removed over 75,510 aliens, of which 45,138 were criminal aliens. In addition, ICE had 16 Fugitive Operations teams deployed across the country, which apprehended over 11,000 fugitive aliens with final orders of removal during FY 2004, a 62 percent increase from the prior fiscal year. The year to date statistics for FY 2005 includes apprehending over 7,784 fugitive aliens.

As part of our law enforcement mission, DRO is responsible for managing the bed space resources for detaining aliens. DRO has maintained 100 percent capacity for the past two fiscal years. The Department detained an average of more than 21,700 aliens per day during FY 2004 including Bureau of Prisons and HHS juvenile beds. Through FY 2004, DRO managed a record 213,440 initial alien admissions and detained a record total of 235,000 aliens.

The Department of Homeland Security also relies on the Department of State and the Department of Justice as key stakeholders in the arena of immigration enforcement. DRO has been working with foreign government officials, with the support of the Department of State, to expedite the issuance of travel documents for aliens who are awaiting repatriation. Timely travel document issuance is critical because DRO cannot remove the aliens without travel documents. One way DRO is improving the repatriation process is through greater utilizing of video teleconferencing (VTEL) with the Embassies for interviews of their nationals from detention centers around the country.

On September 13, 2004, the Department of Homeland Security began implementing expedited removal (ER) on a limited basis between ports of entry. This expanded ER applies to aliens who have no valid entry documents or who have fraudulent travel documents who are apprehended within 100 air miles of the border, and who cannot demonstrate that they have been present in the U.S. for over 14 days following their illegal entry. Expanded ER has primarily been directed towards third-country nationals (nationals of countries other than Mexico and Canada) and to certain Mexican and Canadian nationals with criminal histories, involvement in alien smuggling or a history of repeated immigration violations. The expanded ER authority has been implemented in the Tucson and Laredo Border Patrol Sectors. As of May 16, 2005, 8,452 aliens have been placed in such ER proceedings, with 6,792 being removed.

The use of ER orders, which prohibit re-entry for a period of five years, can deter unlawful entry, and make it possible to pursue future criminal prosecution against those aliens who continue to enter the United States in violation of the law. The most important benefit of the ER process is that it will accelerate the processing of inadmissible aliens because aliens in ER are (with limited exceptions) generally not entitled to a hearing before an immigration judge, nor are the aliens eligible for release on bond. On average, the detention time for third-country nationals in regular INA 240 removal proceedings takes 89 days versus the average length of detention of 26 days for those third country nationals in ER not claiming credible fear. The overall length of stay for all expanded ER cases is approximately 32 days. ER and detention are excellent tools to deter illegal migration, but they must be carefully managed with the appropriate human resources and transportation requirements. Mandatory detention ensures measurable progress toward a 100 percent removal rate. Deterring future entries and accelerating removal of aliens ordered removed will enhance DHS's ability to secure the border, and to focus its resources on threats to public safety and to national security.

Expedited removal between ports of entry has provided DHS with another tool for enforcing our immigration laws. DRO fully supports the principle of expedited removal as it can deter foreign nationals from illegally entering the United States, ensures an expeditious removal of those that enter the United States illegally and reduces the growth of the absconder population.

#### CONCLUSION

In conclusion, the ability to detain aliens while admissibility and identity is determined, as well as to quickly remove aliens without protection claims, is a necessity for national security and public safety. By aggressively enforcing our immigration laws, we seek to deter criminal and terrorist organizations who threaten our way of life, and we seek to strengthen the legal immigration process for worthy applicants.

I would like to thank you, Mr. Chairmen and Members of the Committee, for the opportunity to testify today on behalf of the men and women of DRO, and I look forward to answering any questions you may have.