




Homeland  
Security

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MEMORANDUM FOR: Assistant Director  
Deputy Assistant Directors  
Special Agents in Charge  
Attachés

FROM: James A. Dinkins   
Executive Associate Director  
Homeland Security Investigations

SUBJECT: Border Searches of Electronic Devices Virtual University Required  
Training Course

U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), would like to announce a new mandatory Virtual University (VU) training course entitled, *Border Searches of Electronic Devices*. This training course is consistent with ICE directive No. 7-6.1, *Border Searches of Electronic Devices*, signed on August 18, 2009.

Border searches for merchandise or evidence relating to merchandise are a well-recognized and long-established exception to the probable cause and warrant requirements of the Fourth Amendment and, by statute, border search authority is only vested in "customs officers." Within ICE, all HSI special agents, regardless of current assignment, are designated as "customs officers." Information derived from a border search relating to present, future, or continued admissibility may be retained by ICE. An adverse decision by a court may severely impact our authorities and practices throughout the country. As such, the goal of the *Border Searches of Electronic Devices* training video is to ensure compliance with applicable laws and policies.

The course is intended to provide guidance regarding commonly encountered issues, questions HSI special agents encounter in the field, and to ultimately help protect this unique authority from congressional and court challenges. It is the responsibility of every special agent to protect border search authority and comply with laws and policies of information derived from these searches. Compliance with ICE policy ensures the best possible chance at a successful defense should a special agent's actions be challenged in court. All HSI special agents are required to complete the *Border Searches of Electronic Devices* training annually. VU can be accessed at

(b) (7)(E)

For more information on border search laws, policies and procedures, please visit the "Toolbox" section of the Virtual University course *Border Searches of Electronic Devices*. You may also contact National Program Manager (b) (7)(E) at (b) (7)(E)@dhs.gov if you need additional assistance.