

OCT 19 2011



**U.S. Immigration  
and Customs  
Enforcement**

MEMORANDUM FOR: Kumar Kibble  
Deputy Director

FROM: James Dinkins   
Executive Associate Director  
Office of Homeland Security Investigations

Gary Mead   
Executive Associate Director

SUBJECT: Proposed Reassignment of HSI/ERO Responsibilities

Purpose

This memorandum proposes a process for reassigning to Enforcement and Removal Operations (ERO), certain Homeland Security Investigations (HSI) responsibilities, consistent with the ICE enforcement mission.

Background

By policy memorandum dated March 2, 2011, "Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens," ICE Director Morton defined enforcement priorities for ICE as they relate to the identification, arrest, and removal of aliens who present a danger to national security or are a risk to public safety. In addition, each component developed a defined mission statement:

HSI Mission Statement-

HSI conducts criminal investigations to protect the United States against terrorist and other criminal organizations who threaten our safety and national security; to combat transnational criminal enterprises who seek to exploit America's legitimate trade, travel, and financial systems; and to uphold and enforce America's customs and immigration laws at and beyond our nation's borders.

ERO Mission Statement-

To identify, arrest, and remove aliens who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of our immigration laws and our border control efforts. ERO upholds America's immigration laws at, within and beyond our borders through efficient enforcement and removal operations.

Beginning in 2010, a working group of ERO Field Office Directors (FODs) and HSI Special Agents in Charge (SACs) met and discussed how to best achieve Director Morton's vision of

immigration enforcement within ICE. These discussions continued over subsequent months and resulted in agreement that ICE's enforcement effectiveness could be greatly improved by reassigning the following responsibilities from HSI to ERO:

- Identification, arrest, prosecution, and removal of criminal aliens on parole or probation;
- The arrest, prosecution, and removal of aliens with convictions for egregious crimes, referred to ICE by the Fraud Detection and National Security Directorate of U.S. Citizenship and Immigration; and
- Law Enforcement Agency Response (LEAR), excluding criminal investigations of smuggling or trafficking.

Discussion

Because both SACs and FODs share the challenge of managing limited resources, reassignment of these enforcement responsibilities will require a comprehensive evaluation of HSI's current resource reallocation. Accordingly, ERO proposes the following:

- ICE leadership ratification of the above-referenced enforcement functions as suitable for transfer from HSI to ERO;
- An evaluation by HSI of the amount of resources expended in these areas in FY11, and the ability of transferring funding to ERO to accomplish the same level of effort;
- A determination by ERO as to whether the proposed HSI transfer of resources, when combined with existing ERO resources, are sufficient to effectively carry out the functions transferred;
- ICE leadership discussion and ratification of the scope of the HSI-to-ERO resource transfer; and
- Joint HSI/ERO development of a national implementation strategy, to include HQ and Field Office transition plans.

Recommendation

We recommend that the Office of the Deputy Director approve proceeding as described in this memorandum.

Approval/date **(b)(6) (7)(C)**<sup>25/11</sup> Disapproval/date \_\_\_\_\_  
Modify/date \_\_\_\_\_ Needs more discussion/date \_\_\_\_\_

*HSI  
Complete evaluation and ERO determination  
w/in 14 days  
w/in 30 days*