



Homeland Security Investigations

Document and Identity Fraud Investigations Handbook

HSI HB 17-01 / February 22, 2017



U.S. Immigration
and Customs
Enforcement

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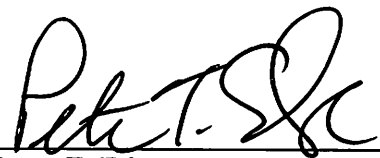
Foreword

The Document and Identity Fraud Investigations Handbook provides a single source of national policies, procedures, responsibilities, guidelines, and controls that are to be followed by U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) Special Agents when conducting document and identity fraud investigations. This Handbook contains instructions and guidance that will help ensure uniformity and operational consistency at all HSI field offices. Oversight over the Document and Identity Fraud Program resides with the Unit Chief, Public Safety Unit.

This Handbook supersedes the Document and Identity Fraud Investigations Handbook (HSI HB 13-01), dated January 8, 2013, and all other policies or other guidance on document and identity fraud issued by HSI since January 8, 2013.

The Document and Identity Fraud Investigations Handbook is an internal policy of HSI. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter, nor are any limitations hereby placed on otherwise lawful enforcement prerogatives of ICE. This Handbook is For Official Use Only (FOUO) – Law Enforcement Sensitive. It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with the Department of Homeland Security policy relating to FOUO information and the ICE Directive on Safeguarding Law Enforcement Sensitive Information. This information shall not be distributed beyond the original addressees without prior authorization of the originator. If disclosure of this Handbook or any portion of it is demanded in any judicial or administrative proceeding, the HSI Records and Disclosure Unit, as well as the appropriate ICE Counsel and/or U.S. Attorney, are to be consulted so that appropriate measures can be taken to invoke privileges against disclosure. This Handbook contains information which may be exempt from disclosure to the public under the Freedom of Information Act, Title 5, United States Code, Section 552(b), and protected from disclosure pursuant to the law enforcement privilege. Any other requests for disclosure of this Handbook or information contained herein should be referred to the Records and Disclosure Unit.

The HSI Policy Unit is responsible for coordinating the development and issuance of HSI policy. All suggested changes or updates to this Handbook should be submitted to the Policy Unit which will coordinate all needed revisions with the Public Safety Unit.



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FEB 22 2017

Date

DOCUMENT AND IDENTITY FRAUD INVESTIGATIONS HANDBOOK

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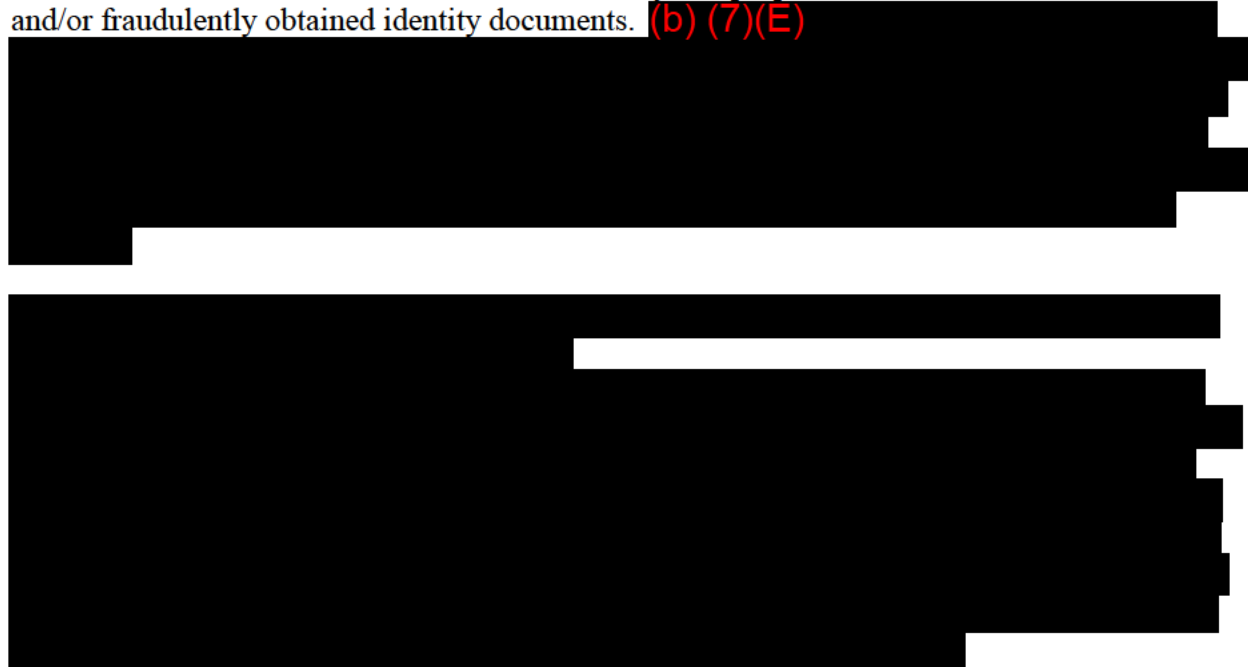
DOCUMENT AND IDENTITY FRAUD INVESTIGATIONS HANDBOOK

Chapter 1. PURPOSE AND SCOPE

The Document and Identity Fraud Investigations Handbook establishes U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) policies, procedures, and responsibilities for use by HSI Special Agents (SAs) when conducting document and identity fraud investigations.

Chapter 2. INTRODUCTION

Document and identity fraud are national security and public safety concerns because they conceal from the U.S. Government the true identity and purpose of those who hold counterfeit and/or fraudulently obtained identity documents. (b) (7)(E)



Chapter 3. DEFINITIONS

The following definitions are provided for the purposes of this Handbook:

3.1 Altered Document

An altered document is a genuine document that has been physically changed in some way, such as by data alteration, photo substitution, or page substitutions.

3.2 Counterfeit Document

A counterfeit document is a complete but fraudulent reproduction of an entire document.

3.3 Document Fraud

Document fraud is the manufacturing, counterfeiting, alteration, sale, and/or use of identity documents and other fraudulent documents to circumvent immigration laws or for other criminal activity.

3.4 Document Mill

A document mill is a location where fraudulent documents are produced.

3.5 Fantasy Document

A fantasy document is a document with no legal issuing authority.

3.6 Fraudulent Document

A fraudulent document is an altered, counterfeit, or fantasy document, or a genuine document used fraudulently.

3.7 Genuine Document

A genuine document is a legitimate document issued without fraud by a legal authority to the bearer.

3.8 Genuine Document Used Fraudulently

A genuine document that is used fraudulently (b) (7)(E)
(b) (7)(E)

3.9 Identity Fraud

Identity fraud is the use of fraudulent identity documents. (b) (7)(E)
(b) (7)(E)

3.10 Identity Theft

Identity theft is the intentional use of another person's biographical information and/or personal identifiers without that person's consent.

3.11 Impostor

An impostor is a person who pretends to be the legitimate bearer of a genuine document.

Chapter 4. AUTHORITIES

The following are some of the common statutes charged:

- 4.1 Title 8, United States Code (U.S.C.), Section 1306(c), Application for or Procurement of an Alien Registration Card through Fraud
- 4.2 8 U.S.C. § 1324(a)(1)(A)(iv), Encouraging/Inducing Aliens to Enter or Reside in the United States in Violation of Law
- 4.3 18 U.S.C. § 371, Conspiracy
- 4.4 18 U.S.C. § 506, Seals of Departments or Agencies
- 4.5 18 U.S.C. § 911, False Claim to U.S. Citizenship
- 4.6 18 U.S.C. § 1001(a), False Statements/Fraud
- 4.7 18 U.S.C. § 1028, Document/Identity Fraud
- 4.8 18 U.S.C. § 1028A, Aggravated Identity Theft
- 4.9 18 U.S.C. §§ 1342 and 1343, Mail and Wire Fraud
- 4.10 18 U.S.C. § 1505, Obstruction of Proceedings before Departments, Agencies, and Committees
- 4.11 18 U.S.C. §§ 1542, False Statement in Application and Use of Passport
- 4.12 18 U.S.C. § 1543, Forgery or False Use of Passport
- 4.13 18 U.S.C. § 1544, Misuse of Passport
- 4.14 18 U.S.C. § 1546, Fraud and Misuse of Visas, Permits, and Other Documents
- 4.15 18 U.S.C. § 1956, Money Laundering
- 4.16 18 U.S.C. § 1961 *et seq.*, Racketeer Influenced Corrupt Organizations

Chapter 5. RESPONSIBILITIES

5.1 Executive Associate Director, Homeland Security Investigations

The Executive Associate Director of HSI has the overall responsibility for the oversight of the policies and procedures set forth in this Handbook.

5.2 Unit Chief, Public Safety Unit

The Unit Chief, Public Safety Unit, is responsible for the implementation of the provisions of this Handbook within HSI.

5.3 Special Agents in Charge and Attachés

Special Agents in Charge (SACs) and Attachés are responsible for implementing the provisions of this Handbook within their respective areas of responsibility.

5.4 Special Agents

SAs are responsible for complying with the provisions of this Handbook.

Chapter 6. LEGAL CONSIDERATION



Chapter 7. ORGANIZATIONAL STRUCTURE

7.1 Public Safety Unit

The mission of the Public Safety Unit is to target those who threaten the integrity of the lawful U.S. immigration process and ensure that they are prosecuted to the fullest extent under the law by utilizing ICE's broad authorities. (b) (7)(E)

The Public Safety Unit coordinates its efforts with the HSI Office of Intelligence and other Department of Homeland Security (DHS) components such as U.S. Customs and Border Protection (CBP) and U.S. Citizenship and Immigration Services (USCIS), as well as other federal agencies such as the Department of State (DOS) and the Department of Labor (DOL).

7.2 Document and Benefit Fraud Task Forces

Document and Benefit Fraud Task Forces (DBFTFs) were created in March 2006 to investigate, seize illicit proceeds of, and dismantle the criminal organizations that threaten national security and public safety through the perpetration of identity and benefit fraud, and to address the vulnerabilities that exist in the immigration process. Through DBFTFs, HSI partners with other agencies, such as DOL, DOS, USCIS, the Social Security Administration (SSA), the U.S. Postal Service, and various state and local law enforcement agencies. These task forces focus their efforts on detecting, deterring, and disrupting document, identity, and benefit fraud. As of the date of issuance of this Handbook, there are 24 DBFTFs in SAC offices across the country.

Chapter 8. TYPES OF DOCUMENT AND IDENTITY FRAUD

8.1 Fraudulent Documents



Because document vendors are responsible for such a large segment of immigration fraud, including sales of documents bearing valid data that result in identity theft, investigation and prosecution of such cases is imperative. (b) (7)(E)

8.2 False Claims to U.S. Citizenship



These federal felonies are often committed in connection with more serious crimes such as international terrorism, narcotics trafficking, organized crime, alien smuggling, money laundering, child sexual exploitation, and murder.

(b) (7) (E)

8.3 False Affidavits

(b) (7) (E)

Chapter 9. COORDINATION WITH THE JOINT TERRORISM TASK FORCE

(b) (7) (E)

When these national security circumstances arise, HSI SAs should coordinate the case through their local Joint Terrorism Task Force (JTTF) representative to ensure deconfliction with the Federal Bureau of Investigation or intelligence agencies that may have an investigative interest in the subject. (b) (7) (E)

Chapter 10. COORDINATION WITH THE OFFICE OF PROFESSIONAL RESPONSIBILITY

SAs should notify and coordinate with the Office of Professional Responsibility (OPR) in cases involving suspect DHS employees, whether actual employees or not. (b) (7) (E)

Chapter 11. ORIGINS OF INVESTIGATIONS

Investigations are generally undertaken as the result of information received directly, or upon receipt of an allegation or information from another source, which indicates that fraud has been perpetrated. (b) (7) (E)

11.1 (b) (7)(E)

(b) (7)(E)

11.2 HSI Investigations

HSI investigations of other criminal activity often produce leads regarding document fraud.

(b) (7)(E)

Pursuit of document fraud investigations resulting from an investigation of separate criminal activity should be closely coordinated within and between HSI field offices, as well as with the United States Attorney's Office. (b) (7)(E)

(b) (7)(E)

11.3 HSI Tip Line

Information obtained from the public via HSI's toll-free tip hotline—1-866-347-2423 (DHS-2-ICE), in the United States and Canada, and the Internet-based HSI Tip Form at www.ice.gov/tips or from the international HSI hotline (802) 872-6199—is analyzed by the professional law enforcement staff in the HSI Tip Line Unit and quickly forwarded to HSI field offices for investigation or other action. (b) (7)(E)

(b) (7)(E)

11.4 State and Local Law Enforcement

State and local law enforcement agencies may discover crimes related to document fraud in the course of their duties. (b) (7)(E)

(b) (7)(E)

11.5 Department of Motor Vehicles

(b) (7)(E)

(b) (7)(E) Criminal and terrorist organizations pay top dollar for documents that are genuinely issued through fraudulent means.

(b) (7)(E)

11.6 (b) (7)(E)

(b) (7) (E)

Chapter 12. THE INVESTIGATION

12.1 Compliance with General Rules of Evidence

In all investigations, SAs must comply with the HSI policy governing evidence and ensure that all evidence collected complies with the federal rules of evidence as to admissibility in court.

12.2 Burden of Proof

(b) (7) (E)

12.3 Counterfeit Document Vendors, Rings, and Fraud

(b) (7) (E)

(b) (7)(E)

(b) (7) (E)

(b) (7) (E)

Chapter 13. INVESTIGATIVE RESOURCES

13.1 HSI Forensic Laboratory

The HSI Forensic Laboratory includes document and fingerprint examiners and a forensic photographer. Forensic examiners have advanced training and education and are widely recognized for the responsiveness, technical expertise, and commitment to scientific accuracy. Forensic Laboratory services include:

(b) (7) (E)

(b) (7)(E)

13.2 Department of State, Bureau of Diplomatic Security

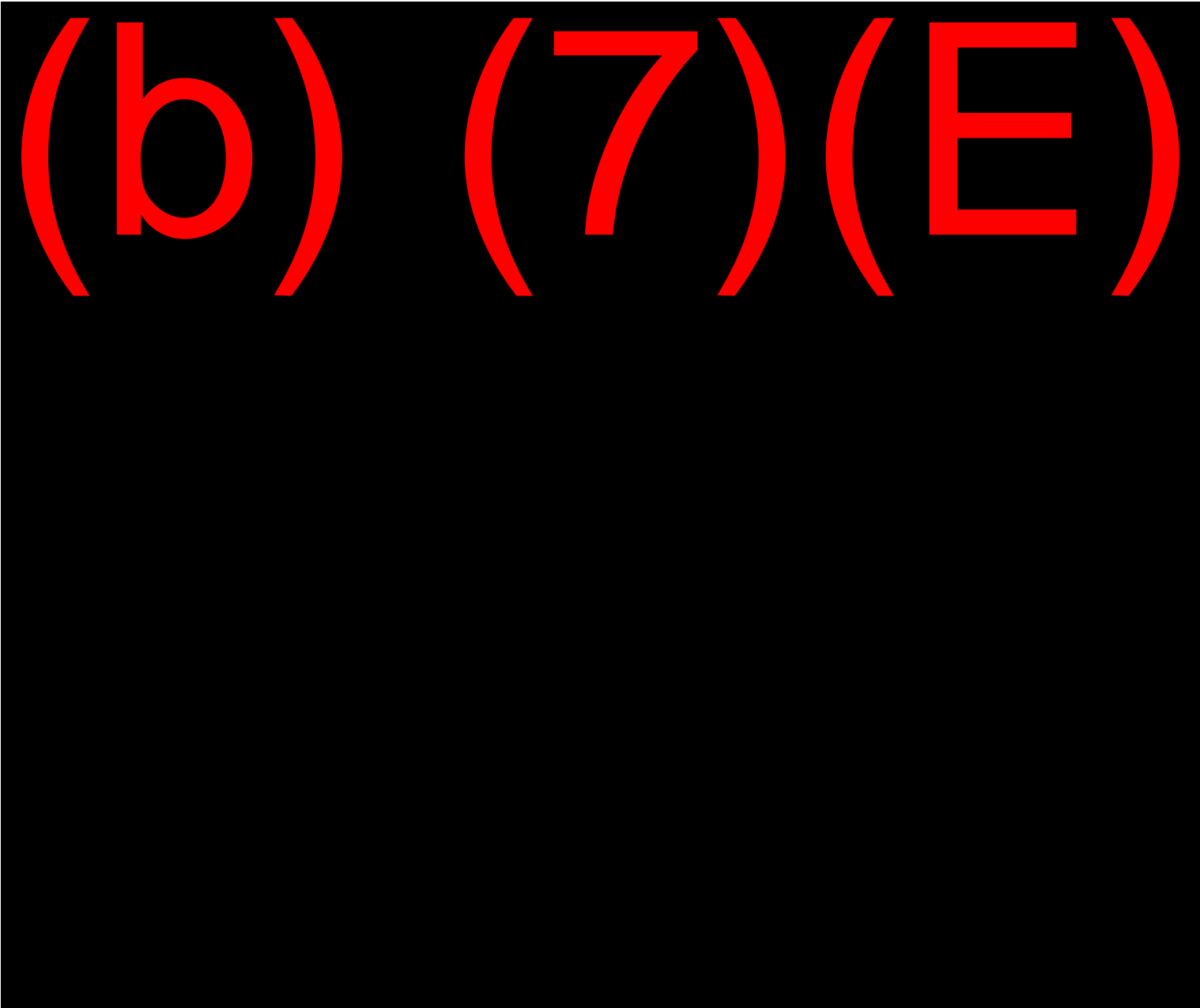
The DOS Bureau of Diplomatic Security conducts criminal investigations into violations of passport and visa fraud and should be considered as a valued partner where appropriate. (b) (7)(E)

(b) (7)(E)

Chapter 14. CASE REPORTING

(b) (7) (E)

(b) (7) (E)



Chapter 15. IMPORTANCE OF DOCUMENT AND IDENTITY FRAUD INVESTIGATIONS

Document and identity fraud is a serious crime affecting national security and public safety. Investigations of such crimes, which often are conducted in coordination with law enforcement partners, can be complex and challenging but are necessary to ensure the integrity of government issued documents. This Handbook is intended to be a source for current policy as well as a reference for SAs seeking general methods and procedures to conduct document and identity fraud investigations.

ACRONYMS

CBP U.S. Customs and Border Protection

(b) (7)(E)

DBFTF Document and Benefit Fraud Task Force
DHS Department of Homeland Security
DMV Department of Motor Vehicles
DOL Department of Labor
DOS Department of State
FOUO For Official Use Only
HB Handbook
HQ Headquarters
HSI Homeland Security Investigations
ICE U.S. Immigration and Customs Enforcement
ICM Investigative Case Management
JTTF Joint Terrorism Task Force
OI Office of Investigations
OPR Office of Professional Responsibility
SA Special Agent
SAC Special Agent in Charge

(b) (7)(E)

SSA Social Security Administration

(b) (7)(E)

U.S.C. United States Code
USCIS U.S. Citizenship and Immigration Services