



# ICE Annual Report Fiscal Year 2020

December 23, 2020



U.S. Immigration  
and Customs  
Enforcement

## A Message from the Senior Official Performing the Duties of the Director

I am pleased to present the following “ICE Annual Report” for Fiscal Year (FY) 2020.

Despite a year of unprecedented challenges, including the 2019 novel coronavirus disease (COVID-19) pandemic and civil unrest, the steadfast men and women representing the U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) continued their congressionally mandated mission to promote homeland security and public safety through the criminal and civil enforcement of federal laws. The following report is a tribute to the efforts, resilience and effectiveness of the ICE workforce.



In FY 2020, ICE reevaluated its physical, office footprint. Where possible, ICE rapidly and successfully pivoted from a predominantly in-person, paper-based workforce to a digital, telework environment. However, as a law enforcement agency, not every ICE employee could shift to remote work. Dedicated ICE employees continued to appear in-person, regardless of personal risk, to properly and safely carry out operations.

No matter where ICE employees work, they got the job done. ICE’s Enforcement and Removal Operations conducted 103,603 administrative arrests, approximately 90% involving aliens with criminal convictions or pending criminal charges. Homeland Security Investigations launched Operation Stolen Promise to combat criminals exploiting the pandemic for illegal financial gain, resulting in 132 criminal arrests and \$18.8 million in disrupted transactions and recovered funds. In addition, the Office of the Principal Legal Advisor litigated hundreds of COVID-19 related habeas corpus petitions filed across the country and Management and Administration worked tirelessly to enhance telework and video teleconferencing capabilities, along with increasing network connectivity, for an ICE workforce of 21,000 strong.

Finally, I would be remiss not to highlight the measures taken by ICE to engage with the U.S. Department of State to bring home U.S. citizens and legal permanent residents stranded abroad due to the COVID-19 pandemic. Thanks to ICE’s continued operational efforts, this exceptional workforce secured 1,057 homebound flights on the return leg of removal flights via ICE Air Operations.

I offer my sincere appreciation for the integrity, professionalism and compassion with which this workforce dutifully fulfills its public service.

Sincerely,

**Tony H. Pham**

Senior Official Performing the Duties of the Director  
U.S. Immigration and Customs Enforcement



# U.S. Immigration and Customs Enforcement

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## FY 2020 Annual Report

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# Enforcement and Removal Operations



## Mission

ICE Enforcement and Removal Operation's (ERO) mission is to protect the homeland through the arrest and removal of aliens who undermine the safety of U.S. communities and the integrity of U.S. immigration laws. This mission remains consistent and is carried out through the arrest and removal of aliens who undermine the safety of our communities and the integrity of our immigration laws.

During FY 2020, the COVID-19 pandemic has affected nearly every facet of ERO operations. However, despite the pandemic, ERO has been able to continue to fulfill its mission and operations with the utmost professionalism.

## Effectuating Removals

In FY 2020, ICE removed **185,884** aliens.

- **118,949**, or **64%**, had criminal convictions or pending criminal charges.
  - Overall, in FY 2020, there were a total of **399,235** criminal convictions and pending charges against those aliens removed by ICE.
- **4,276** were known or suspected gang members.
- **31** were known or suspected terrorists.
- **14,499** were family units.
- **4,056** were unaccompanied alien children (UAC).
- The ERO Removal Division's ICE Air Charter Operations coordinated a record-breaking **76** Special High-Risk Charters<sup>1</sup> to 61 countries, **six** of which were new countries it had not previously visited: Jordan, Albania, Bulgaria, Turkey, Romania and Mongolia, effectuating **3,278** removals. This is a **160%** increase in total removals via Special High-Risk Charter flights compared to FY 2019.

## High-Profile Removals

In FY 2020, ERO officers removed more than **350**<sup>2</sup> high-profile removal<sup>3</sup> cases from the United States.

- Specifically, on September 23, 2020, ERO officers removed Saudin Agani, a citizen of Bosnia and Herzegovina, via an ICE Air Operations charter flight without incident who provided material support to a terrorist organization and was the relative of the suspect who attacked two New York City police officers in 2020.

<sup>1</sup> Special High-Risk Charter flights are scheduled to countries or regions on an as-needed basis to remove aliens who fail to comply with removal efforts, aliens with serious medical conditions and other high-profile removals with final orders of removal.

<sup>2</sup> ICE notes that the High-Profile Removals are maintained through a manual count from the field offices and are not tracked in ICE's system of record.

<sup>3</sup> High-Profile Removals are removals that garner congressional, media or foreign government interest. The objective of the High-Profile Removal (HPR) Program is to provide ERO leadership with visibility.

# Enforcement and Removal Operations

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## 287(g) Program

The 287(g) Program serves as a force multiplier for ICE at the state and local level and is one of ICE's top partnership initiatives. Participation by law enforcement agencies (LEAs) is voluntary and requires execution of a memorandum of agreement (MOA)<sup>4</sup> between ICE and the partnering LEAs.

ICE has significantly improved public safety through increased 287(g) partnerships. At the close of FY 2020, ICE had **150** signed MOAs with partnering LEAs.

## Conducting Arrests

ICE officers have continued to undertake enforcement actions and have implemented procedures to effectively perform their duties in spite of the COVID-19 pandemic.

In FY 2020, ICE placed **122,233** immigration detainers and conducted **103,603** administrative arrests.

- ICE arrested **4,067** known or suspected gang members, including **675** from MS-13.
- ICE arrested **34** known or suspected terrorists.
- ICE conducted **23,932** at-large arrests.
- Overall, in FY 2020, approximately **90%** of those aliens arrested by ICE had criminal convictions and/or pending charges.

## FY 2020 Operations

### Operation Cross Check XI:

In September 2020, ICE announced the results of enforcement actions targeting removable aliens who had been arrested, or had pending charges or convictions, for crimes involving victims.

- Data captured between July 13 to September 19, 2020, shows that ICE officers arrested more than **2,700** at-large individuals living illegally in the United States, or who were removable due to their criminal histories.
- About **85%** of those arrested by ICE on immigration charges had criminal convictions or pending criminal charges.
- Of the arrests conducted during Operation Cross Check XI, there were more than **5,800** criminal convictions and more than **3,200** pending charges associated with those arrests. The aliens who were the subjects of these arrests had criminal histories including, but not limited to, the following charges and convictions: more than **1,500** assaults, more than **340** sex crimes, nearly **200** weapon offenses, more than **50** robberies and **31** homicide offenses.

## Returning Citizens Impacted by COVID-19 to the United States

The unprecedented global challenge resulting from the COVID-19 pandemic affected a great number of Americans abroad. Many Americans found themselves stranded outside of the United States with very limited options available to return. ICE, working with the U.S. Department of State, has flown home a total of **1,057** U.S. citizens and lawful permanent residents (LPRs) on the return leg of removal flights via ICE Air Operations. U.S. citizens and LPRs occupied the available seats on flights to the United States.

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<sup>4</sup> The MOA sets forth the scope of the authority, training requirements, and the terms of ICE supervision. It also requires partnering LEAs to follow DHS and ICE policies when its designated immigration officers perform delegated immigration law enforcement functions.

# ICE HEALTH SERVICE CORPS

## ICE Detainee Health Care

The ICE Health Service Corps (IHSC) is committed to providing the safe delivery of high-quality health care to those in ICE custody, and strives to be the best health care delivery system in detention and correctional health care.

## About ICE Health Service Corps

IHSC is a component within ERO and the only entity within ICE responsible for providing direct health care to detainees. IHSC is a high-performing, results-producing workforce made up of a multi-sector, multidisciplinary staff of approximately **1,700** authorized positions that include U.S. Public Health Service (PHS) Commissioned Corps officers, federal General Schedule (GS) civil servants, and contract health professionals. IHSC administers a detention health system that provides direct health care through ICE-owned facilities; oversees care for ICE detainees housed in contracted facilities; reimburses for off-site health care services detainees receive while in ICE and U.S. Customs and Border Protection (CBP) custody; and supports special operations missions.

## FY 2020 Detainee Health Care at a Glance

- ICE managed the care and custody of detainees from more than **180** countries.
- ICE provided comprehensive medical, dental and public health services to all those in its custody.
- In FY 2020, ICE executed a budget exceeding **\$315 million** on medical, dental and public health services to detainees.
- In FY 2020, IHSC administered a health system that delivered health care to approximately **99,670** detainees at **20** facilities nationwide and oversaw health care for more than **169,000** additional detainees housed in **148** non-IHSC-staffed facilities nationwide, to include:
  - **99,219** intake screenings.
  - **3,048** emergency room visits.
  - **15,571** dental visits.
  - **19,367** urgent care visits.
  - **123,936** sick calls.
  - **68,985** mental health interventions.
  - **270,222** prescriptions filled.
  - **52,278** physical exams.
- ICE published its first annual health services report detailing the health care system and services provided in FY 2020<sup>5</sup>.

## ICE Prevention and Mitigation Strategies to Combat COVID-19 in Detention Facilities

- IHSC medical and operational personnel monitor and review the Center for Disease Control and Prevention's (CDC) guidance daily, continue to incorporate CDC guidance into its existing infectious disease monitoring and management protocols and issue guidance to IHSC staff and ICE detention contractors.
- ERO released and continues to update the *COVID-19 Pandemic Response Requirements (PRR)*<sup>6</sup>, a guidance document developed in consultation with the CDC that builds upon previously issued guidance to ensure that ICE detainees are appropriately housed and that available mitigation measures are implemented.

<sup>5</sup> <https://www.ice.gov/doclib/coronavirus/detaineeHealthCareOverview.pdf>

<sup>6</sup> <https://www.ice.gov/doclib/coronavirus/eroCOVID19responseReqsCleanFacilities.pdf>

- In March 2020, ICE convened a working group of medical professionals, disease control specialists, detention experts and field operators to identify enhanced steps to minimize the spread of COVID-19.
  - As a result of the working group, ERO asked local jails to meet a target of **75%** of population capacity as quickly as possible. ICE set a target of **70%** of population capacity for its dedicated facilities, exceeding CDC guidelines of **75%**.
- Comprehensive protocols remain in place for the protection of staff and detainees in accordance with CDC guidance.
- Despite nationwide testing shortages, ICE has continued to evaluate its testing process and increase its testing capabilities since the COVID-19 pandemic began.
- **74** facilities are currently testing all new admissions.
- ICE has also begun to expand saturation testing<sup>7</sup> at its sites across the country.
- From the initial test in February 2020 through the end of FY 2020, ICE tested more than **42,000** detainees for COVID-19 and administered **52,278** physical exams<sup>8</sup>.

<sup>7</sup> Saturation testing refers to one-time testing of an entire population at a location to detect potential asymptomatic cases.

<sup>8</sup> <https://www.ice.gov/coronavirus>

# Homeland Security Investigations



## Mission

Homeland Security Investigations (HSI) investigates, disrupts, dismantles terrorist, transnational and other criminal organizations that threaten or seek to exploit the customs and immigration laws of the United States.

## About

HSI is the principal investigative arm of DHS, responsible for investigating transnational crime and threats, specifically those criminal organizations that exploit the global infrastructure through which international trade, travel and finance move.

## FY 2020 at a Glance

Despite the extraordinarily challenging conditions resulting from the COVID-19 pandemic, HSI remained true to its core mission of protecting the homeland from transnational crime and threats. In FY 2020, HSI achieved the following statistical accomplishments:

- Arrested **31,915** criminal violators.
- Seized more than **1.4 million pounds** of narcotics, including **6,105 pounds** of fentanyl, a **65%** increase from FY 2019.
- Seized **\$1.8 billion** in criminally derived proceeds and assets.
- Confiscated **6,688** weapons.
- Conducted **3,671** gang-related criminal arrests.
- Identified and rescued **1,012** victims of child exploitation and **418** victims of human trafficking.
- Disrupted and dismantled countless transnational criminal organizations.

HSI continued to lead the fight against America's ongoing opioid epidemic and maintained efforts to take dangerous narcotics and deadly weapons off our streets and violent gang members out of our communities. HSI prioritized crimes of victimization by investigating and arresting those exploiting children and arresting those involved in human trafficking, as well as rescuing victims. HSI sustained its efforts to protect the integrity of our financial and trade systems, investigating international money laundering, intellectual property theft, and financial fraud and seizing illicit proceeds and assets from criminals seeking to profit from their crimes. HSI enforced sanctions against China, Iran, Russia and North Korea, and prevented the illegal export of sensitive technology and weapons intended for our adversaries. HSI continued to combat terrorism and mitigate other significant national security threats and remained committed to using cutting-edge investigative techniques and tactics to infiltrate and take down notorious dark net marketplaces that traffic weapons and narcotics, launder money and finance terrorism. These efforts helped secure our borders, protected national security and ensured the safety of our communities and citizens.

## 2020 Programmatic Highlights

- **Operation Stolen Promise:** HSI launched Operation Stolen Promise in April 2020 to protect the homeland from the increasing and evolving threat posed by COVID-19 related fraud and criminal activity. Operation Stolen Promise combines HSI's expertise in global trade, financial, cyber-crime and intelligence-driven investigations to combat financial fraud schemes, the importation of prohibited pharmaceuticals and medical supplies, websites defrauding consumers and other COVID-19 criminal activity that compromises legitimate trade or financial systems that endanger the public.
  - **1,396** COVID-19 related seizures.
  - **132** criminal arrests.
  - **\$18,805,833** disrupted transactions and recovered funds.
- **Operation Silent Night:** HSI's Operation Silent Night is a global operation targeting the smuggling of firearm silencers into the United States from China. The operation is led by the National Targeting Center – Investigations, and targets the manufacturer, supply chain and end users of this contraband. HSI's efforts on this operation help to keep dangerous weapons parts out of the hands of criminal organizations and off our streets.
  - **25,492** firearm silencers seized.
  - **2,305** firearms seized.
  - **99** criminal arrests.
- **Operation Legend:** In FY 2020, HSI was a key contributor to the U.S. Department of Justice (DOJ)-led initiative to combat violent crime in U.S. cities. HSI's participation in this operation in the cities of Chicago, St. Louis, Memphis, Albuquerque and Detroit resulted in **429** criminal arrests, including: **264** gang members, **47** search warrants; the seizure of nearly **1,200 pounds** of illegal drugs, **215** firearms and more than **\$512 million** in illicit proceeds.

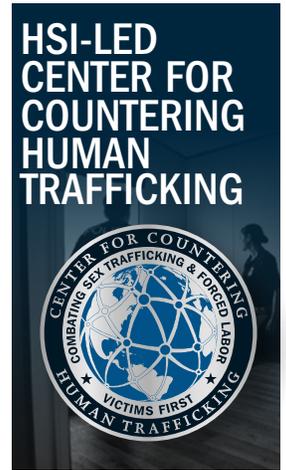
## Overall Successes

### ▪ Innovation Lab

In September 2020, the HSI Innovation Lab officially launched. The lab utilizes cutting edge technology and innovation to promote data driven decision-making and analysis in law enforcement operations. The lab employs a field-first approach to design and development, aiming to provide solutions for capability gaps identified in the field and by HSI leadership. The lab will continue to drive ingenuity and creativity within HSI for years to come.

### ▪ Center for Countering Human Trafficking

Although officially launched by DHS in October 2020, the DHS Center for Countering Human Trafficking (CCHT) began operating in FY 2020. The CCHT, led by HSI, aims to capitalize on HSI's operational expertise in human trafficking and forced labor fraud investigations, while utilizing a whole-of-government approach to combating these crimes. The CCHT will enhance investigative coordination, increase public outreach awareness and effectiveness, support victim assistance programs, provide specialized training and increase partnerships with key stakeholders.



HSI STRATEGIC MISSION PRIORITIES FY2020

**Protect National Security**

Leverage HSI's unique and wide ranging authorities to target the people, money, and materials that support terrorist activities.

Support the global counter-terrorism mission through continued participation in the FBI's Joint Terrorism Task Forces (JTTFs).

**87%**  
OF JTTF DISRUPTIONS OF TERRORIST ACTIVITY IN THE U.S. WERE ACHIEVED WITH SIGNIFICANT HSI INVOLVEMENT

**Ensure Public Safety**

Foster a collaborative environment with federal, state, local, and international partners to ensure the safety and well-being of our communities and address the threats posed by the opioid crisis, narcotics trafficking networks, and violent gangs operating across the country.

Utilize HSI's 74 Border Enforcement Security Task Forces (BEST) across the U.S. to counter narcotics smuggling by TCOs that illicitly introduce and distribute fentanyl, heroin, other dangerous opioids, synthetic drugs, methamphetamine and cocaine into and throughout the United States.

**Prevent Crimes of Exploitation & Victimization**

Protect the public from crimes of victimization by embracing partnerships; increasing outreach; and strategically targeting and investigating criminal organizations and financial structures that facilitate human trafficking, child exploitation, forced labor, and financial scams affecting vulnerable populations.

**1,012**  
CHILD EXPLOITATION VICTIMS RESCUED OR IDENTIFIED

**Optimize Global Trade Investigations**

Uphold fairness in international commerce by protecting intellectual property, combating trade fraud, and preventing the illicit proliferation of sensitive U.S. technology and weapons.

**341 MILLION**  
SEIZED COUNTERFEIT AND ILLICIT GOODS

Through the ICE-led IPR Center, spearhead the U.S. government's response to investigating and preventing intellectual property rights violations, digital piracy, illicit trade, and customs fraud.

**Enhance Interior Enforcement**

Maintain the integrity of U.S. borders by combating transnational criminal organizations that enable and profit from illegal immigration fraud and smuggling schemes.

**3,712**  
HUMAN SMUGGLING CRIMINAL ARRESTS

Detect, disrupt, and dismantle human smuggling networks that facilitate the illegal movement of people into the United States contrary to immigration laws.

**31,915 HSI CRIMINAL ARRESTS**

Deploy the internationally focused Visa Security Program, Biometric Identification Transnational Migration Alert Program (BITMAP), and Human Rights Target Tracking Team to prevent the travel to the U.S. of known or suspected terrorists, transnational criminals, human rights violators, and other high risk visa applicants.

**7,709**  
VISA APPLICATIONS REFUSED BASED ON TERRORIST CONNECTIONS OR DEROGATORY INFORMATION

Utilize HSI's exclusive authorities and capabilities to counter foreign intelligence and non-traditional collection threats.

**6,105 lbs.**  
FENTANYL SEIZED

Identify, infiltrate, disrupt, and dismantle MS-13 and other transnational criminal gangs and deny gang leadership access to illicit funds used to fuel violence in Central America and the United States.

**3,671**  
TRANSNATIONAL GANGS CRIMINAL ARRESTS  
INCLUDES 337 MS-13 CRIMINAL ARRESTS

Protect children from exploitation by predators involved in the production, distribution, and possession of child pornography and travel in foreign commerce to engage in illicit sexual conduct with minors.

Lead the government's investigative efforts to combat human trafficking of victims into commercial sex or forced labor.

**418**  
VICTIMS OF HUMAN TRAFFICKING IDENTIFIED AND/OR ASSISTED

**1,641**  
COUNTER-PROLIFERATION RELATED SEIZURES

Conduct international counter-proliferation investigations to prevent the illicit procurement and export of sensitive U.S. technology and weapons and sanctions evasion by U.S. adversaries.

Conduct worksite enforcement investigations to promote lawful employment in U.S. industry and prevent financial gain from illicit immigration labor practices.

Utilized 36 Document and Benefit Fraud Task Forces nationwide to combat identity theft and document and benefit fraud activities.

**1,334**  
IDENTITY AND BENEFIT FRAUD CRIMINAL ARRESTS

**Focus on Financial and Cyber Enabled Crime** Proactively launch and pursue financial and cyber angles across HSI's investigative disciplines.

Identify and seize illicit proceeds of crime and target financial networks and third-party facilitators that launder and hide illegal financial gains.

Deter the ability of transnational criminal organizations to use cyber capabilities to further their criminal enterprises and activities.

**\$1.8 BILLION**  
CURRENCY AND ASSETS SEIZED

# Management and Administration

## Mission

Management and Administration (M&A) empowers the ICE mission through a diverse workforce dedicated to a culture of customer service and exemplary management operations.

## About

M&A oversees ICE's budget, expenditures, accounting and finance, procurement, human resources and personnel, workforce recruitment, equal employment opportunity, information technology systems, facilities, property and equipment needs. In addition, M&A identifies and tracks the agency's performance measurements.

## Office of the Executive Associate Director's COVID-19 Response

M&A stood up and chaired the COVID-19 ICE Reconstitution Working Group (RWG) comprised of key senior members from every major ICE program. The RWG led ICE-wide efforts to create and publish the formal ICE Reconstitution Plan in accordance with CDC and DHS guidelines for its **697** domestic office locations. The RWG ensured clear and timely communications to the entire workforce as guidance and procedures were fluidly updated by the CDC and DHS.

## Manpower Metrics

- In FY 2020, ICE realized a net gain of employees, which significantly exceeds net gains in previous years, and achieved an agency position fill rate of **96%**.
- In FY 2020, ICE hired a total of **568** "New to ICE" veterans.
- As of FY 2020, **32%** of the ICE workforce (approximately **6,725**) is comprised of veterans.

## Budget and Procurement

- Successfully executed the largest budget in ICE history at **\$8.03 billion** and obligated **99.86%** of ICE expiring funding.
- Successfully awarded more than **7,000** contract actions valued at **\$3.5 billion**, saving the agency millions of dollars through negotiations and competition and meeting or exceeding nearly every contracting organizational performance metric.

## Information Technology

- To support full teleworking capabilities during COVID-19, the Office of the Chief Information Officer (OCIO) enhanced communication and collaboration tools and improved user mobility. This included providing secure collaboration tools and videoconferencing (VTC) capabilities that have been widely adopted across the ICE workforce as the "new normal," as well as collaborating with DHS to provide network connectivity for around **15,000** ICE employees working from home, while implementing secure and higher performing alternate connection methods for email and VTC.

## Strategic Planning and Policy

Led a working group with representatives from each ICE Directorate to develop *ICE's Strategic Plan for Fiscal Years 2021–2025*. The strategic plan includes new mission and vision statements, and identifies goals that will drive the agency's decision-making process for the next four years.

- Published **two** regulatory actions (Surety Bond Final Rule and Duration of Status Notice of Proposed Rulemaking), in addition to working with other DHS components in the development of various other component and DHS rulemakings that will have a substantial impact on ICE, including the DOJ and DHS joint Global Asylum regulation and the U.S. Citizenship and Immigration Services (USCIS) Biometrics regulation.

# Office of Partnership and Engagement

## Mission

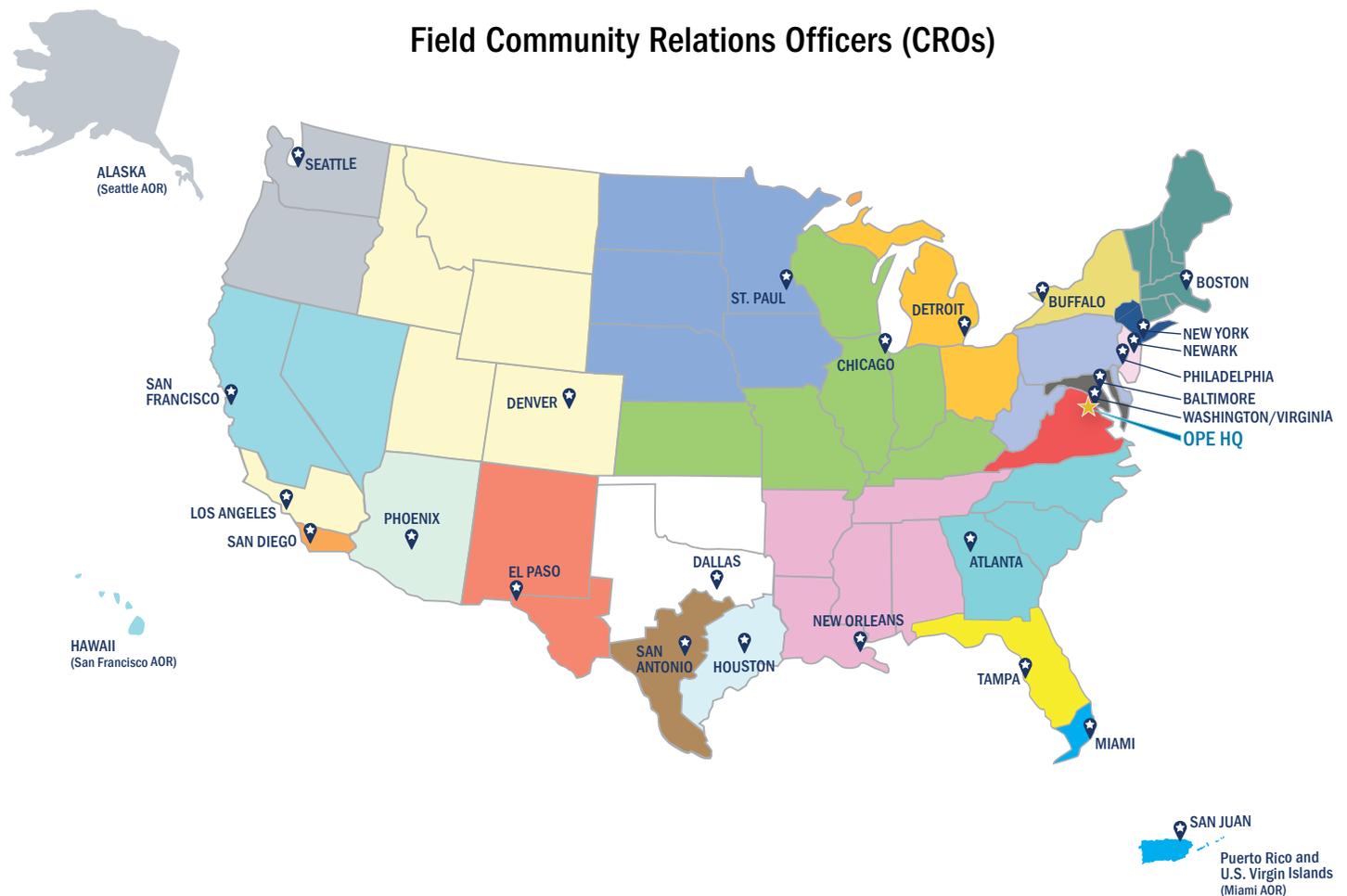
The Office of Partnership and Engagement (OPE) coordinates outreach efforts with the public, key stakeholders and ICE leadership to increase local and national awareness of ICE's mission, while building relationships and fostering trust in our communities.

## About

OPE, headquartered in Washington, D.C., has two distinct offices: the Community Engagement Office and the Victims Of Immigration Crime Engagement (VOICE) Office.

## Community Engagement Office

The Community Engagement Office has a cadre of 25 community relations officers (CROs) in field offices across the United States who serve as liaisons to the public, key stakeholders and ICE leadership. CROs are co-located throughout the country at the field offices for the HSI Special Agent in Charge (SAC) or ERO Field Office Director (FOD).

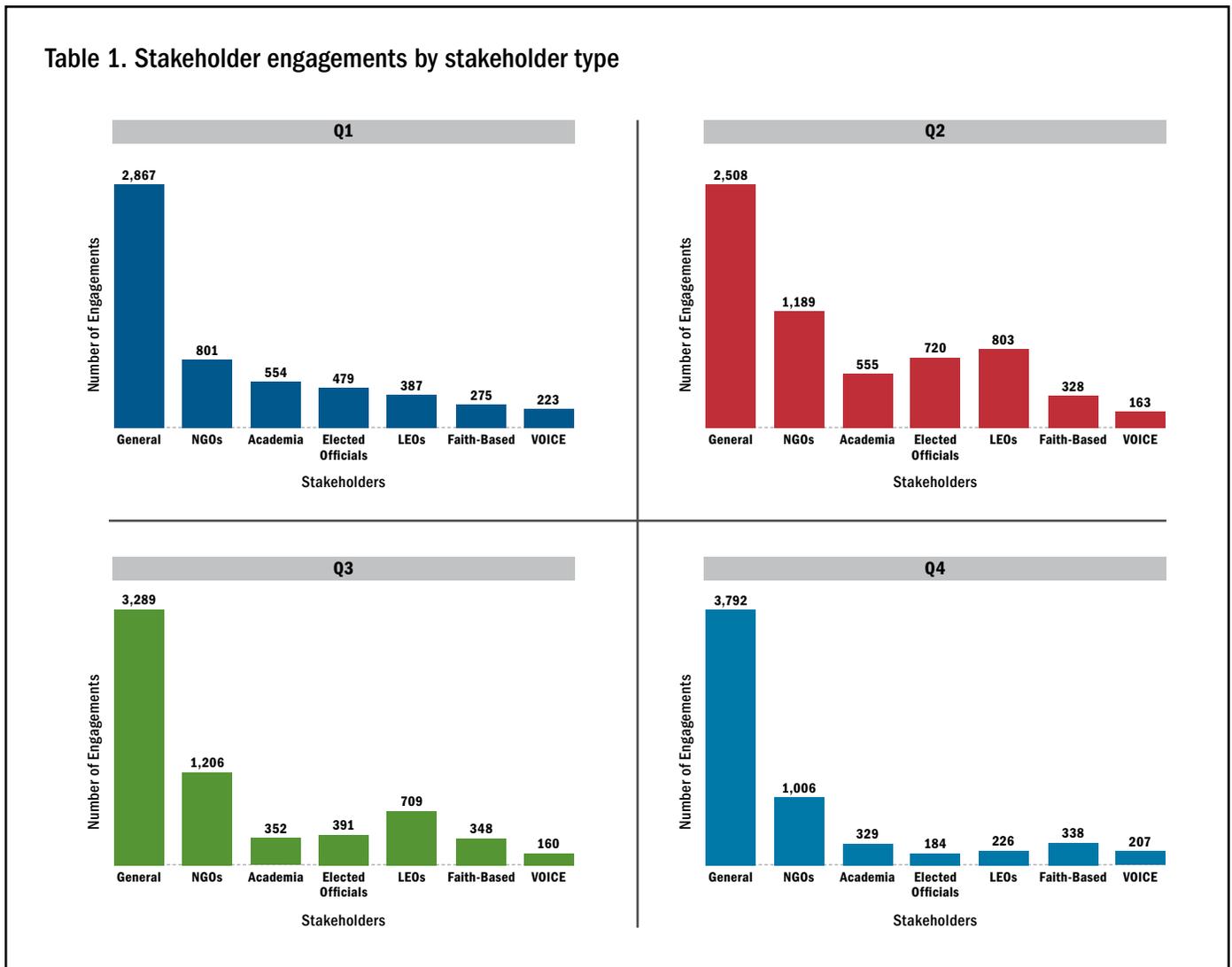


# Office of Partnership and Engagement

OPE is one of three external-facing agencies for ICE that works closely with ICE’s Office of Public Affairs (OPA) and ICE’s Office of Congressional Relations (OCR). While OPA and OCR are responsible for engagement with media and congressional offices, respectively, OPE and its personnel are responsible for engagement with all other stakeholders including:

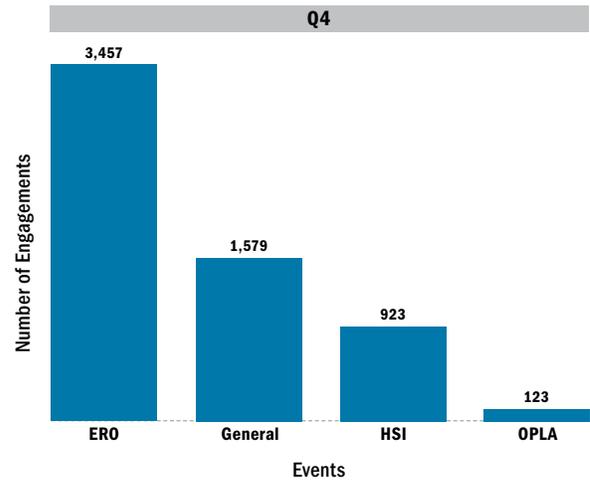
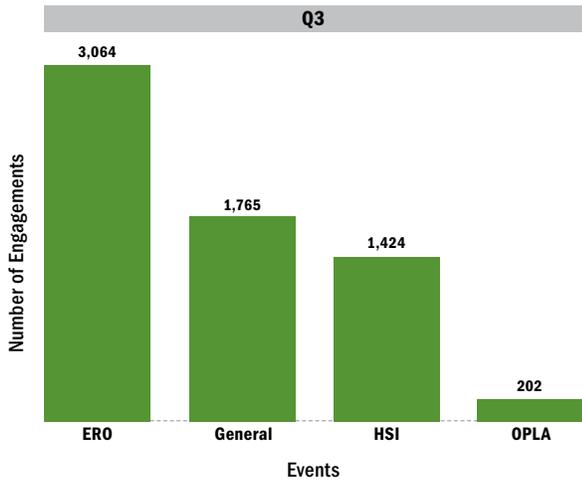
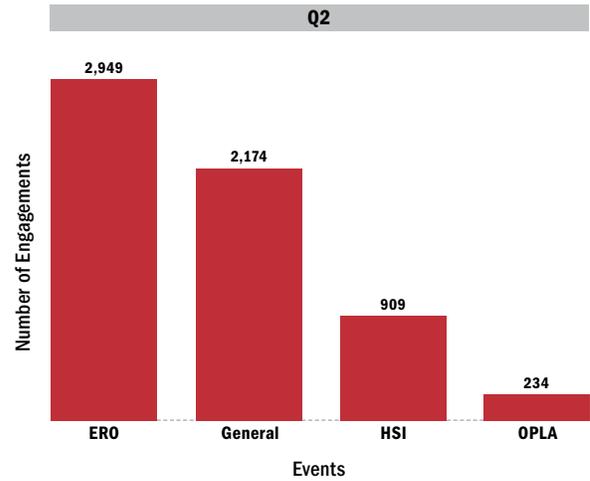
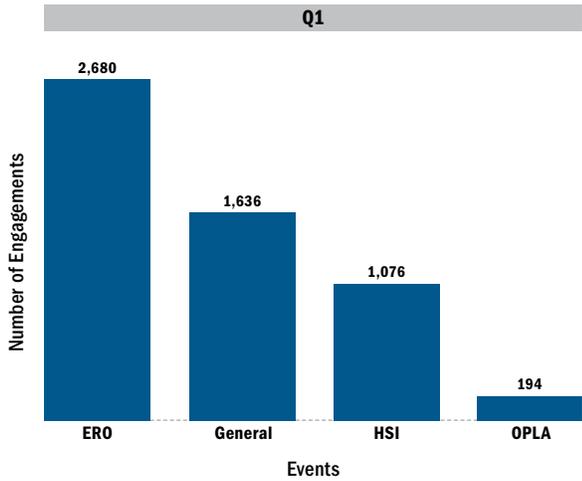
- Non-governmental organizations.
- Academia.
- State and local elected officials.
- Law enforcement agencies.
- Faith-based groups.
- The public.
- Victims of crime with a nexus to immigration.

As noted in Table 1 below, ICE CROs have handled more than **20,000** inquiries from various groups and individuals in FY 2020.



Most of the inquiries or requests for engagement from stakeholders involve ERO policies and practices as noted in Table 2 below.

**Table 2. Engagement by component topic event**



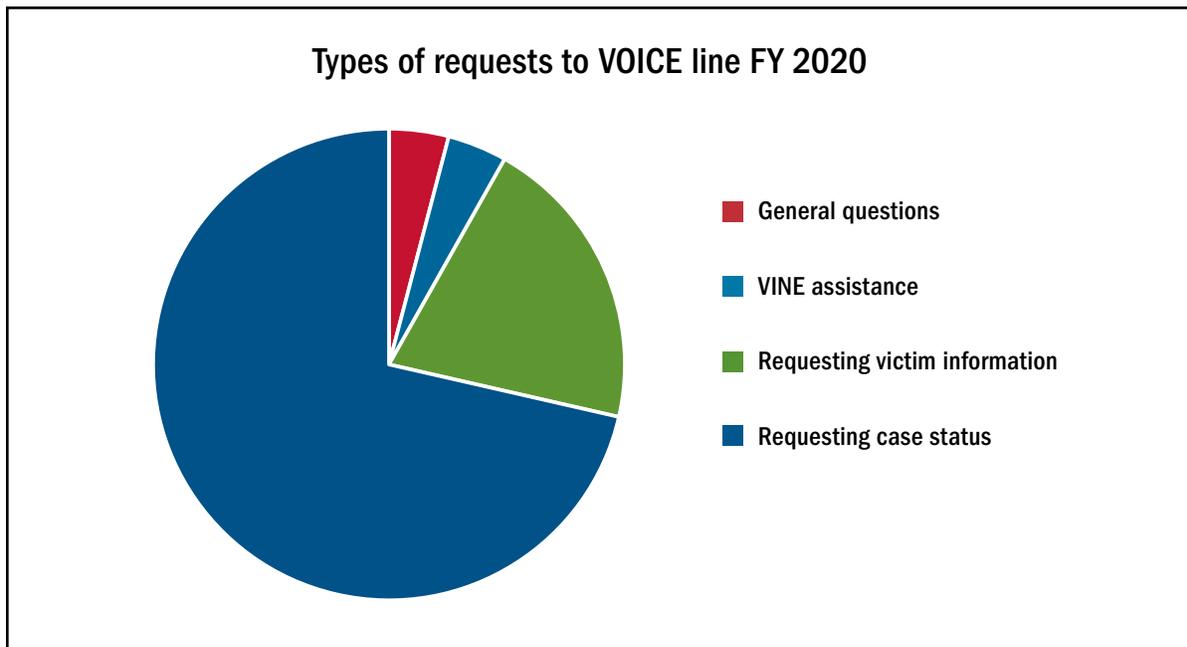
## Victims Of Immigration Crime Engagement (VOICE) Office

Executive Order (EO) 13768, *Enhancing Public Safety in the Interior of the United States*, directed ICE to establish the VOICE Office to acknowledge and serve the needs of crime victims and their families who have been impacted by crimes committed by removable criminal aliens. With the creation of the office, victims of crimes committed by individuals with a nexus to immigration now have a government resource that can provide timely information on their cases. The VOICE Office works to ensure victims and their families have access to immigration-related information regarding their offenders, as releasable by law and policy. The VOICE Office may be reached via a toll-free hotline (1-855-48-VOICE or 1-855-488-6423), which is staffed with operators who triage calls to ensure victims receive the support they need.

The VOICE Office is supported by victim liaisons, CROs and the VOICE's call center staff. The VOICE Office provides the following support to victims:

- Releasable alien immigration case information.
- The opportunity to provide a victim impact statement.
- Victim social services referrals.
- Automated immigration custody information through the DHS-Victim Information and Notification Exchange (DHS-VINE).

In FY 2020, ICE's VOICE hotline received approximately **700** calls from victims requesting assistance. The chart below shows the type of assistance requested.



## OPE COVID-19 Related Support in FY 2020

During the pandemic, the skills and experience of OPE personnel flexed to answer questions from a variety of stakeholders about ICE's response to COVID-19. In addition to the routine requests for information from stakeholders or victims, OPE made notable contributions to assist ICE in its engagement efforts with external audiences to help educate the public about ICE's safety and security efforts during the COVID-19 pandemic.

# Office of Professional Responsibility

## Mission

The ICE Office of Professional Responsibility (OPR) is responsible for upholding ICE's professional standards through a multi-disciplinary approach of security, inspections and investigations. OPR promotes organizational integrity by vigilantly managing ICE's security programs, conducting independent reviews of ICE programs and operations, and by impartially investigating allegations of serious employee and contractor misconduct and internal and external threats against ICE personnel and facilities.

OPR provides ICE senior leadership with an independent assessment of agency compliance with the requirements of applicable statutes, regulations, policies, procedures and detention standards. OPR's role in safeguarding the organization ensures that ICE's workforce remains focused on promoting homeland security and public safety.

## OPR Security (SEC) Division

SEC is responsible for the protection and security of ICE employees, information and facilities. This includes both pre-employment suitability, continuous evaluation and background investigations for ICE employees and contractors, as well as physical security plans and protecting national security information.

## Key SEC Accomplishments and Statistics

- **Enhanced Efficiencies in Personnel Security Process:** In collaboration with the ICE Human Resources Operation Center and industry partners, the ICE Personnel Security Unit (PSU) developed two vital initiatives to enhance communication by providing real-time security determination reports; thus, eliminating email notifications.
- **Secondary Intrusion Detection System Communications:** The ICE Security Management Operations Unit (SMOU) upgraded the agency's Primary Intrusion Detection Systems for all accredited and operational Sensitive Compartmented Information (SCI) level sites nationwide to provide uninterrupted backup security monitoring in the event of a communications failure between ICE sites and the Federal Protective Service. These measures enhanced security at the agency's most sensitive sites and saved more than **\$380,000**.
- PSU adjudicated **25,074** background investigations and suitability/security clearance determinations (workload increase of 6.5% from FY 2019), processed **78.6%** of all non-actionable entry-on-duty determinations within **10** days of receiving a complete and accurate security packet and conducted **145** polygraph examinations of entry-level law enforcement officers.
- SMOU managed more than **30** SCI facility projects, in operation or at various levels of construction or accreditation, to further enhance the agency's security posture, and supported and oversaw **18,143** clearance holders worldwide, including more than **3,500** ICE personnel with SCI access.

## OPR Inspections and Detention Oversight (IDO) Division

IDO is responsible for conducting and overseeing inspections, audits and reviews of each ICE component, program and office, both domestically and internationally. During the COVID-19 pandemic, many of IDO's compliance inspections were conducted virtually to accommodate CDC guidelines on travel and distancing practices.

## Key IDO Accomplishments and Statistics

- Conducted **120** compliance inspections at detention facilities, which represents a 150% increase in the number of compliance inspections conducted across ICE's detention portfolio from FY 2019. **Thirty-four** inspections were conducted at facilities governed by the ICE National Detention Standards (NDS) 2000; 20 with the NDS 2019; 13 with the Performance-Based National Detention Standards (PBNDS) 2008; 49 with the PBNDS 2011; and, four at facilities governed by the Family Residential Standards.

- Facilitated the completion of **19** Prison Rape Elimination Act (PREA)<sup>9</sup> audits at ICE detention facilities to ensure ICE's continued compliance with the requirements of the DHS Standards to Prevent, Detect and Respond to Sexual Abuse and Assault in Confinement Facilities.
- Conducted **16** financial audits of investigative programs to assess the state of performance of ICE's Certified Undercover Operations program.
- Conducted **51** inspections and focus reviews of ICE's 287(g) Jail Enforcement Model programs.
- Conducted **53** on-site field office inspections and completed the bi-annual Self-Inspections of three major ICE programs—HSI Domestic Operations, OPLA and OPR, including all field and HQ offices—to provide leadership with greater information regarding best practices and opportunities to improve the execution of their respective missions.

### OPR Investigations (INV) Division

INV is responsible for enforcing ICE's integrity program by investigating allegations of criminal and serious misconduct by ICE employees and contractors. This can include the investigation of detainee assault allegations and detainee escapes, the review of critical incidents and the assessment of excessive use of force allegations. INV also investigates bribe attempts by civilians, external threats against ICE senior leadership and other relevant matters. In addition, INV maintains oversight of the Management Inquiry and Giglio/Henthorn programs.

### Key INV Accomplishments and Statistics

- **Review of the Management Inquiry (MI) Program:** In consultation with ICE stakeholders, INV completed a review of the MI program, identifying several recommendations to further strengthen the program. Upon implementation, these improvements will: enhance current case assignment procedures; establish clear guidelines for processing, handling, and completing MIs; update existing training and provide consistent guidance to improve investigative processes; and ensure a robust internal review process contributing to greater program efficiency.
- Criminal investigations involving non-ICE employees (e.g. detainee, civilian) resulted in **22** criminal arrests, **18** indictments, and **five** convictions, while internal investigations resulted in **two** criminal arrests, **two** indictments and **three** convictions.
- Reviewed **2,080** potential threats against ICE facilities and/or personnel; **461** of those external threats required action.

The combined accomplishments of OPR's Security, Inspections and Investigations programs demonstrate ICE's commitment to the highest standards of service, integrity and accountability.

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<sup>9</sup> "Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities" (DHS Prison Rape Elimination Act [PREA])  
[www.ice.gov/prea](http://www.ice.gov/prea)

# Office of the Principal Legal Advisor

## Mission

The Office of the Principal Legal Advisor (OPLA) is the largest legal program in DHS, providing legal advice and counsel to ICE to ensure its officers, agents and employees can accomplish their mission within the bounds of its legal authorities. In addition, OPLA serves as the exclusive representative of DHS in immigration proceedings before the DOJ Executive Office for Immigration Review (EOIR). In that capacity, OPLA is responsible for prosecuting thousands of charging documents issued annually by ICE, USCIS and CBP.

## Representing the Agency

During FY 2020, OPLA leveraged its personnel and technology resources to ably and adeptly represent the agency before EOIR. OPLA attorneys attended **775,202** hearings, obtained **157,433** removal orders (including **23,750** for criminal aliens) and handled an EOIR total case docket of more than **1,250,000** cases. OPLA also represented the agency before EOIR's Board of Immigration Appeals (BIA), filing **814** appellate briefs in FY 2020.

In addition to practicing before EOIR, OPLA represented the agency in other administrative matters involving **514** appeals under the Freedom of Information Act (FOIA), **seven** appeals and motions related to the Student and Exchange Visitor Program (SEVP), **203** received claims and **230** adjudicated claims under the Federal Tort Claims Act, **56** appeals to the Merit Systems Protection Board and **204** cases before the Equal Employment Opportunity Commission.

OPLA attorneys also handled an unprecedented federal litigation docket, assisting the DOJ in representing the agency before the federal courts. This included **1,571** petitions for writ of habeas corpus, **145** litigation matters under FOIA, **1,775** criminal cases accepted by the DOJ for prosecution, and **19** employment-related litigation matters.

For the past three years, ICE faced a surge in federal class action litigation. This increase in litigation—both initiated against ICE and filed affirmatively by DOJ challenging state laws encroaching on ICE's federal authorities—has required OPLA headquarters (HQ) to review millions of documents in dozens of federal cases through its e-discovery platform, Relativity. When deadlines imposed by federal district courts have overwhelmed allocated OPLA resources and contractors, attorneys from across HQ and OPLA field locations have been assigned to assist in order to timely comply with the court-imposed discovery deadlines, diverting them from other priority assignments.

Similar discovery challenges arise with the cases handled by OPLA in support of ICE's FOIA Office and DOJ in coordinating the agency's response to FOIA litigation. Government Information Law Division (GILD) attorneys also adjudicate FOIA appeals and are responsible for working with the ICE FOIA Office to review their work at the administrative level and act as counsel on the appeals. Moreover, GILD attorneys handle third-party requests or subpoenas for agency documents, which entails reviewing the requested documents, and redacting these documents to preserve privileges, among other responsibilities.

In this unprecedented year, OPLA also implemented new strategies to litigate the significant number of COVID-19 related habeas corpus petitions filed across the country by realigning its existing federal litigation practices and utilizing both field and HQ resources.

## Providing Expert Counseling and Client Services

OPLA continues to provide legal advice to its clients at HQ and field locations throughout the country. These efforts enable our clients to carry out their official duties in a lawful and ethical manner and promote accountability. In FY 2020, OPLA attorneys provided expert legal advice on a variety of subjects, including suspensions and debarments (S&D), revenue recovery and ethics. The S&D Program saw an increase from last fiscal year of **143%** in proposed debarments and a **229%** increase in debarments. OPLA attorneys further advised on detention matters, including

related to hunger strikes, medical issues and segregation, as well as matters involving national security and human rights violator investigations, removal proceedings and in support of criminal prosecutions.

The COVID-19 pandemic has resulted in the need for significant legal advice and guidance by OPLA on a range of novel issues. For instance, OPLA provided integral legal support and guidance for the development of ERO's *COVID-19 Pandemic Response Requirements*, which serves as a comprehensive collection of best practices and requirements for immigration detention operations during the pandemic. OPLA reviewed COVID-19 related federal regulations and advised ERO and HSI as to their authorities with regard to a range of issues, including enforcement and fiscal law matters. To illustrate, OPLA facilitated the return, on ICE Air, of more than **1,000** U.S. citizens stranded abroad because of COVID-19. OPLA also provided a significant amount of employment law advice related to COVID-19, including the authority and requirements surrounding hazardous duty pay and potential implications of putative class litigation against the federal government demanding pay enhancements for federal employees who may be exposed to the disease.

### Preparing the Workforce

OPLA continued to coordinate additional attorney training opportunities during the COVID-19 pandemic. OPLA also expanded its usual monthly training initiative, launching daily no-cost virtual training sessions available to all OPLA attorneys and employees to reinforce their understanding of the statutes, regulations and processes impacting their daily responsibilities and execution of OPLA's mission.

### Leveraging Resources to Meet Our Challenges and Plan for the Future

OPLA faces unprecedented staffing shortages as a result of EOIR's surging appropriations and record-breaking hiring that dramatically increased the number of immigration judges (IJs). Prior to EOIR's postponement of the non-detained docket, OPLA field attorneys already grappled with allocating time between client services; court preparation; in-court litigation; drafting motions, replies, and briefs to EOIR; and appellate advocacy. Moving forward, when EOIR reopens the non-detained docket and returns to its regular, post-COVID-19 scheduling practices, the demand for field attorneys to cover court will surpass OPLA's available resources. In addition, OPLA has invested considerable resources in support of its appellate advocacy, preparing full BIA briefs to oppose legally deficient IJ orders and ensure adequate review of such briefs. To continue the mission-critical task of appellate advocacy, OPLA launched an appeal streamlining pilot program designed to avoid the full appellate briefing process in certain cases that address a clear error of law.

The COVID-19 pandemic necessitated OPLA's implementation of various transition strategies to further its complex mission, while also ensuring the safety and health of over **1,600** OPLA employees across the country. To this end, OPLA immediately implemented expanded telework at all its offices. It also worked closely with EOIR to use technological solutions to continue litigating removal proceedings. In a matter of weeks, OPLA and EOIR transitioned from an extensive, paper-based immigration court system, to a fully electronic process. Moreover, OPLA worked with EOIR to utilize available attorneys and IJs from the postponed non-detained docket, to complete additional detained cases through VTC equipment available in ICE detention facilities.

At the same time, OPLA leveraged its personnel, who would otherwise have been appearing before EOIR to litigate non-detained immigration court cases, to address ICE's enormous civil discovery burdens stemming from an array of litigation against the agency. As of September 30, 2020, and since maximum telework was authorized, OPLA attorneys and contractors have reviewed **1,878,153** documents, ranging from email messages to ICE policy directives, successfully completing several previously lagging discovery projects.