

**Statement of Marcy M. Forman
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**Before
The House Judiciary Subcommittee on Immigration, Citizenship,
Refugees, Border Security and International Law**

**For a hearing regarding:
“Immigration Raids: Postville and Beyond”**

INTRODUCTION

Good morning Chairwoman Lofgren, Ranking Member King and distinguished Members of the Subcommittee. It is my pleasure to appear before you today to discuss U.S. Immigration and Customs Enforcement (ICE) law enforcement operations, in particular our worksite enforcement operations.

ICE is first and foremost a federal law enforcement agency with the mandate of protecting national security and public safety by enforcing the nation’s immigration and customs laws. Our agents and officers perform this mission lawfully, professionally, and compassionately. We take extraordinary steps to identify, document, and appropriately address humanitarian concerns of all those we encounter during law enforcement operations and in particular during our worksite enforcement operations. In planning enforcement operations, ICE agents specifically plan for the possibility that individuals who are encountered and arrested may be a sole care-giver, or one whose family would bear an undue hardship if he or she were detained.

While I am here today to specifically address many of the steps that ICE agents take when planning a large enforcement operation, it is important to note that the enforcement operations are just a small part of the overall investigation. ICE worksite enforcement investigations target employers who adopt a business model of employing and exploiting undocumented workers. Our investigations identify employers who hire large numbers of undocumented aliens, often representing a substantial percentage of the employer's workforce. Our responsibility is to enforce the immigration laws, and that means arresting undocumented aliens, the employers, the document vendors and any other individuals revealed by our investigation to have engaged in criminal activity.

When planning worksite enforcement operations, ICE sets out parameters that maintain the integrity of operational objectives of enforcing the law while also addressing humanitarian issues that may arise. ICE has worked with Members of Congress and their staffs to develop worksite enforcement guidelines that field offices use when developing their operation plans. These guidelines were developed to ensure that parents who have been arrested and who have unattended minors or family members with disabilities or health concerns are identified at the earliest point possible. ICE takes this responsibility very seriously, and humanitarian factors are carefully taken into account when ICE makes custody decisions.

Within the law enforcement community, the consideration ICE gives to identifying and resolving personal family issues is unparalleled and unique in law enforcement. For

example, during large worksite enforcement operations, ICE coordinates with the Division of Immigration Health Services (DIHS) to provide a sufficient number of health care providers to assess the medical and humanitarian needs of arrestees. DIHS personnel are given prompt access to all arrestees under safe and humane conditions on the day of the action.

When appropriate, ICE coordinates with State and local social service agencies to assist with humanitarian screening. Operational security concerns sometimes dictate that this coordination cannot occur in advance of an operation. Even then, however, ICE proactively contacts the local social service agencies and local non-governmental organizations to advise them of the operation once it's underway, to request their assistance in identifying and sharing information on any humanitarian issues that come to their attention. We provide these groups with contact information for an ICE representative who will immediately address any issues not previously identified by ICE. ICE is very proud of the humanitarian efforts we take during worksite enforcement operations and we welcome the assistance of anyone who can help us to avoid the effects of the operation on those who are not involved with the enforcement operation.

Typically, in an effort to provide reliable and timely information to family and friends, regarding an arrestee's custody status and detention location during large-scale operations, ICE has taken the unprecedented step of establishing a dedicated 24-hour toll-free information hotline.

When making a custody determination, ICE considers any humanitarian issues identified by our agents, the DIHS, or social service agencies. ICE evaluates these issues against other standard considerations in detention decisions such as the arrestee's criminal record, immigration history, and other relevant factors. Generally, aliens who are ordered detained by ICE can seek a bond re-determination hearing before an Immigration Judge who has authority to review and modify ICE's detention decisions. ICE also makes every effort to avoid transferring detainees out of the area where they are arrested, but this is not always possible due to the limitations of detention locations.

We used a humanitarian plan similar to that described above, during our May 12, 2008, operation at AGRIPROCESSORS INC. in Postville, Iowa. Agents executed criminal and civil search warrants at the company resulting in the seizure of boxes of evidence and the arrest of 389 undocumented alien workers including 290 Guatemalan nationals, 93 Mexican nationals, 2 Israeli nationals, and 4 Ukrainian nationals.

In this recent operation, as in all ICE law enforcement operations, extraordinary care was taken to determine if any arrestees were sole caregivers or raised other humanitarian concerns. This process involved the direct questioning of all arrestees on the day of the enforcement operation by ICE personnel as well as interviews with DIHS representatives. Detainees were questioned no less than three times about humanitarian issues such as child custody or serious medical concerns. ICE arranged to have DIHS professionals at the arrest site to immediately determine the needs and status of any children affected by the operation. Through this comprehensive effort, 62 of those arrested were placed into

removal proceedings and then released for humanitarian purposes while their removal proceedings continue. Most were released from the arrest site in the course of the operation itself.

Worksite enforcement operations are not poorly planned, haphazard incidents. They are professional law enforcement operations conducted by a professional law enforcement agency whose primary mission is the enforcement of the laws of the United States and the protection of the American people. For example, when planning for the operation in Postville, ICE spent several months coordinating the investigation and operation with our federal partners such as the United States Attorney's Office, the U.S. Marshals Service, the Division of Immigration Health Services, the U.S. Department of Labor Office of the Inspector General, the U.S. Postal Inspection Service, the U.S. Department of Agriculture Office of the Inspector General, and others.

During the enforcement of all laws, like other law enforcement agencies, ICE encounters United States citizens and work-authorized aliens, in addition to undocumented aliens. While there is no one-size fits all when it comes to planning a law enforcement operation; we strive to minimize the disruption and inconvenience to innocent individuals.

ICE does take and will continue to take great care with respect to the humanitarian concerns of undocumented aliens who are taken into custody during law enforcement operations, and ICE exercises discretion to forgo custody when, and if, the exercise of such discretion is appropriate. We will also continue to faithfully enforce this nation's

immigration laws using all the tools and assets at our disposal. By utilizing all our authorities to pursue aggressive enforcement, and the training offered with the ICE Mutual Agreement between Government and Employers, or IMAGE program, ICE is establishing a culture of immigration compliance in America and reducing the magnet of illegal employment.

CONCLUSION

On behalf of the men and women of ICE who serve this nation by enforcing the nation's immigration and customs laws, I would like to thank you for your continued support. These men and women have a difficult and often times controversial job to do in often dangerous circumstances, but they strive always to do their essential work as consummate professionals. Thank you for the opportunity to testify here today. I look forward to answering your questions.