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What is I.C.E.? IMMIGRATION & CUSTOMS ENFORCEMENT

I. & N.S. Under D.O.J

Investigations / Inspections/ DRO/Exams/
Records; USBP

I.C.E. Under D.H.S.

Customs and INS Investigations

DRO

C.B.P.

USBP / Inspections

U.S.C.I.S.

Exams/Adjudications

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ICE Responsibilities

- **Student and Exchange Visitor Program (SEVP)**
 - Administering SEVIS
 - School Certification
 - Ensuring schools are in compliance with SEVIS reporting requirements
- **The Compliance Enforcement Unit (CEU)**
 - Established in June 2003
 - to coordinate enforcement of student violators and other national security leads



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Compliance Enforcement Unit

- Began operations in June 2003 and has been charged with enforcement of SEVIS violators
- The CEU extracts data for 19 termination reasons such as failure to enroll, no shows, failure to maintain status, and unauthorized early withdrawal
- The CEU thoroughly researches each lead to ensure there was a violation of the Immigration and Nationality Act
- Leads are prioritized based on national security criteria and all leads are checked against terrorist databases
- Actionable leads are sent to SAC offices for further investigation and enforcement action



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Department of State (DOS) Responsibilities

- **Department of State**
 - Bureau of Education and Cultural Affairs administers the J-Visa Program



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Other CEU Programs

- US-VISIT Program
- NSEERS Program



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United States
Visitor and Immigrant Status Indicator Technology

US-VISIT

- US-VISIT verifies the identities of incoming visitors and ensures compliance with visa and immigration policies
- US-VISIT collects travel information and biometric identifiers such as fingerprints to verify the identity of visitors to the United States upon their arrival and departure

National Security Entry/Exit Registration System ***NSEERS***

- NSEERS establishes a national registry for non-immigrant aliens arriving from **certain countries**, or who meet a combination of intelligence-based criteria, and are identified as presenting an elevated national security concern
- The countries prioritized for special registration were selected because:
 - These countries are places where Al-Qaeda or other terrorist organizations have been active, or where the United States has other national security concerns



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Issues arising during the course of SEVIS Investigations

- **Current name and address**

- A student *must* inform the DSO and the Service of any legal changes to his or her name or of any changes of address, within 10 days of the change, in a manner prescribed with the school
- Students and schools may satisfy the requirement by having the DSO update SEVIS within 21 days of the change



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8CFR214.3(g)

- (iv) Current address where the student and his or her dependents physically reside. In the event the student or his or her dependents reside on or off campus and cannot receive mail at that location, the school may provide a mailing address. The school, however, must **maintain a record of the physical location of residence of the student and his or her dependents and provide such information to the Service upon request.** Once SEVIS is modified, in cases where the mailing and physical address are not the same, the school will be required to report both the student's current mailing and current physical address in SEVIS. (Revised effective 1/1/03; [67 FR 76256](#))



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8CFR214.3(g)

- (1) Recordkeeping requirements. An approved school must keep records containing certain specific information and documents relating to each F - 1 or M - 1 student to whom it has issued a Form I - 20A or I - 20M while the student is attending the school and until the school notifies the Service, in accordance with the requirements of paragraph (g)(2) of this section, that the student is not pursuing a full course of study. The school must keep a record of having complied with the reporting requirements for **at least one year**. If a student who is out of status is restored to status, the school the student is attending is responsible for maintaining these records following receipt of notification from the Service that the student has been restored to status. The designated school official must make the information and documents required by this paragraph available to and furnish them to any Service officer upon request.





Title 8 USC 1372

- Provides ICE with unique authority in requesting information on students and exchange visitors.
- Specifically, this authority **exempts ICE from the Family Education Rights and Privacy Act (FERPA)**, and compels schools and programs to provide information **without subpoenas or other legal process** so long as the request is for SEVIS enforcement.
- 8 CFR § 214.3(g) and 22 CFR § 62 subpart F enumerate the information that may be requested.



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8CFR214.3(g)

- A Service officer may request any or all of the above data on any individual student or class of students upon notice. This notice will be in writing if requested by the school. The school will have **three work days** to respond to any request for information concerning an individual student, and ten work days to respond to any request for information concerning a class of students. If the Service requests information on a student who is being held in custody, the school will **respond orally on the same day** the request for information is made, and the Service will provide a written notification that the request was made after the fact, if the school so desires. The Service will first attempt to gain information concerning a class of students from the Service's record system.



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Information Schools Must Make Available

8 CFR 214.3(g)

- **Current Address** (physical residence)
- **Current Academic Status** (transcripts)
- **Date of Commencement of Studies**
- **Authorized Practical Training**
- **Termination Date and Reasons**
- **Number of Credits Completed each Semester**
- **A photocopy of the Students I-20 ID Copy**

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What does ICE do with school-provided information ?

- ICE investigators work to **ensure compliance** with the nation's **immigration laws** among students and exchange visitors and other non-immigrant visitors to the United States
- In Fiscal Year 2007, ICE arrested 1,558 high-risk non-immigrant status violators
- **Status violators** are placed in Removal Proceedings before Immigration Judges.



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Reinstatement of a terminated student's status

- **Reinstatement of Student Status**

- Section 214.2(f)(16) of the Immigration and Nationality Act states that the district director *may* consider *reinstating* a student who makes a request for reinstatement on form I-539 if the student:
- Has *not been out of status for more than 5 months* at the time of the filing request for reinstatement unless the student can demonstrate that the failure to do so was the result of exceptional circumstances and that the student filed as soon as possible

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Reinstatement of a terminated student's status

- The student does not have a record of repeated or willful violations of service regulations
- Is currently pursuing, or intending to pursue, a full course of study in the immediate future at the school which issued the form I-20
- The student has not engaged in unauthorized employment
- Is not deportable on any ground other than sections 237(a)(1)(b) or (C)(i) of the INA



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Reinstatement of a terminated student's status

- Establishes to the satisfaction of the Service, by a detailed showing, either that:
 - ◆ The violation of status resulted from circumstances beyond the student's control or
 - ◆ The violation relates to a reduction in the student's course load that would have been within a DSO's power to authorize, and that failure to approve reinstatement would result in extreme hardship to the student



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Reinstatement of a terminated student's status

- When a student is terminated from SEVIS, the student **may decide to attend another school**, which is acceptable
- The school may transfer the terminated SEVIS record to the new school, *then* the student may proceed with reinstatement of his student status through the new school



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Administrative Violations

- **Non-Immigrant Student out of status**
 - INA §237(a)(1)(C)(i)
 - *Any alien who was admitted as a nonimmigrant and who has failed to maintain the nonimmigrant status in which the alien was admitted or to which it was changed under section 248, or to comply with the conditions of any such status, is deportable*



Classes of Aliens

- **Immigrants**: Aliens lawfully Admitted for Permanent Residence
- **Nonimmigrants**: Aliens admitted for temporary period of time
- **Entry Without Inspection**: Illegal entry
- **Parolees and Refugees**: Have not been inspected and admitted, but, are authorized to physically enter the U.S. for humanitarian and other reasons



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8 USC 1227 Deportable Aliens

- (1) Inadmissible at time of entry or of adjustment of status or violates status
- (C) Violated nonimmigrant status or condition of entry
 - (i) Crimes of moral turpitude
 - (ii) Multiple criminal convictions
 - (iii) Aggravated felony
- (B) Controlled substances
 - (ii) Drug abusers and addicts
- (C) Certain firearm offenses
- (3) Failure to register and falsification of documents
- (D) Falsely claiming citizenship



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Deportation Proceedings

- Arrest of Alien for violation of I&NA
- Processing of Alien for fingerprints/photos and record searches
- Creation of permanent record of Alien arrest and proceedings
- Service of NTA/WA or OR
- Alien either posts bond or is held in Detention custody until hearing before an Immigration Judge
- Immigration Judge will order Deportation, Voluntary Departure, or Termination/Stay of Proceedings (or grant motions)



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- e) Personal possession of registration or receipt card; penalties
- Every alien, **eighteen years** of age and over, shall at all times carry with him and have in his personal possession any certificate of alien registration or alien registration receipt card issued to him pursuant to subsection (d) of this section. Any alien who fails to comply with the provisions of this subsection shall be guilty of a misdemeanor and shall upon conviction for each offense be **fin**ed not to exceed **\$100** or be imprisoned not more than **thirty days**, or both.



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INA: ACT 287 - POWERS OF IMMIGRATION OFFICERS AND EMPLOYEES Sec. 287. [8 U.S.C. 1357]

- (a) Any officer or employee of the Service authorized under regulations prescribed by the Attorney General shall have power without warrant-
- (1) to interrogate **any alien or person believed to be an alien as to his right to be or to remain in the United States**
- (2) to arrest any alien who in his presence or view is entering or attempting to enter the United States in violation of any law or regulation made in pursuance of law regulating the **admission, exclusion, expulsion, or removal of aliens**, or **to arrest any alien** in the United States, if he has **reason to believe that the alien so arrested is in the United States in violation of any such law or regulation** and is **likely to escape before a warrant can be obtained for his arrest**, but the alien arrested shall be taken without unnecessary delay for examination before an officer of the Service having authority to examine aliens as to their right to enter or remain in the United States;



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18USC1001 Statements or entries generally

- **18USC1001 Statements or entries generally**
- **(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—**
 - **(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;**
 - **(2) makes any materially false, fictitious, or fraudulent statement or representation; or**
- **shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section [2331](#)), imprisoned not more than 8 years, or both.**



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ORIGINAL DOCUMENTS

Passport Fraud:

- Photo substitution
- Passport page removal and replacement
- Counterfeit visa stamps
- Altered name and other data



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Terrorists Travel Tactics

- Operatives typically traveled on fake passports and often had more than one passport
- Terrorists passports were sometimes photo-substituted
- Terrorist were trained in passport forgery, including erasing and adding visas
- Document forgers altered stolen or borrowed passports
- Searches of homes of terrorists and their associates turned up travel documents and blank visas
- Document vendors supplied terrorists with fraudulent passports
- Genuine blank passports and visas could be purchased for a price and filled in with personal data
- Terrorists traveled extensively
- Operatives attempted to keep evidence of travel to and from Pakistan out of their passports
- Human smugglers were used



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More information available at:
WWW.ICE.GOV/SEVIS/

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