



Effects of Immigration Enforcement Activities on Victims and Witnesses of Crime

March 20, 2023

Fiscal Year 2022 Report to Congress



**Homeland
Security**

U.S. Immigration and Customs Enforcement

Message from the Deputy Director and Senior Official Performing the Duties of the Director

March 20, 2023

I am pleased to present the following report, “Effects of Immigration Enforcement Activities on Victims and Witnesses of Crime,” prepared by U.S. Immigration and Customs Enforcement (ICE).

This report was compiled pursuant to a requirement in the Joint Explanatory Statement, which accompanies the Fiscal Year (FY) 2022 Department of Homeland Security (DHS) Appropriations Act (P. L. 117-103).



Pursuant to congressional guidelines, this report is provided to the following Members of Congress:

The Honorable Dave Joyce
Chairman, House Appropriations Subcommittee on Homeland Security

The Honorable Henry Cuellar
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable Chris Murphy
Chair, Senate Appropriations Subcommittee on Homeland Security

The Honorable Katie Britt
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

Inquiries related to this report may be directed to the ICE Office of Congressional Relations at (202) 732-4200.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tae D. Johnson', with a long, sweeping flourish extending to the right.

Tae D. Johnson
Deputy Director and
Senior Official Performing the Duties of the Director
U.S. Immigration and Customs Enforcement

Executive Summary

The Joint Explanatory Statement accompanying the FY 2022 DHS Appropriations Act (P.L. 117-103) requests that ICE provide a report on “steps taken to minimize the effect immigration enforcement activity has on victims and witnesses of crime.” This report to Congress, “Effects of Immigration Enforcement Activities on Victims and Witnesses of Crime,” presents information on programs in ICE Office of Partnership and Engagement, ICE Homeland Security Investigations, ICE Office of the Principal Legal Advisor, and ICE Enforcement and Removal Operations, which work to protect victims and witnesses of crime.



Effects of Immigration Enforcement Activities on Victims and Witnesses of Crime

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I. Legislative Requirement

This report responds to direction set forth in the Joint Explanatory Statement accompanying the Fiscal Year (FY) 2022 Department of Homeland Security (DHS) Appropriations Act (P.L. 117-103).

The Joint Explanatory Statement states:

Training.—ICE shall continue to provide its officers with guidance and training for engaging with victims and witnesses of crime and to strengthen policy guidance on enforcement actions in or near sensitive locations, including courthouses, in order to minimize any effect that immigration enforcement may have on the willingness and ability of victims and witnesses to pursue justice. ICE shall also continue to provide a report to the Committees on steps taken to minimize the effect immigration enforcement activity has on victims and witnesses of crime not later than 180 days after the date of enactment of this Act.

II. Background

U.S. Immigration and Customs Enforcement (ICE) programs play a distinct and integral role in protecting victims and witnesses of crime to include, but not limited to: outreach and public stakeholder engagements through the Office of Partnership and Engagement (OPE); ongoing investigative operations and support of victims by Homeland Security Investigations (HSI); enduring efforts by Enforcement and Removal Operations (ERO) to identify victims of human trafficking through expanded screening and improved officer awareness training; and implementation of additional training and guidance for Office of the Principal Legal Advisor (OPLA) field attorneys representing the U.S. Government in immigration removal proceedings.

A. ICE Office of Partnership and Engagement

ICE OPE coordinates outreach efforts with the public, key stakeholders, and leadership from ICE HSI, ERO, and OPLA to increase national and local awareness of ICE's mission, while building relationships and fostering trust in our communities. OPE provides professional, timely, and accurate responses to all public and governmental correspondence addressed to the agency.

OPE oversees 25 community relations officers (CRO) working with ICE ERO, HSI, and OPLA field offices across the United States who serve as liaisons to the public, key stakeholders, and ICE leadership.

In FY 2022, ICE CROs coordinated and participated in more than 10,000 engagements and inquiries from various groups and individuals. Most inquiries and engagement handled by OPE were on behalf of ERO with a total of 3,973, HSI at 1,725, OPLA at 1,917, and 2,559 general matters. Most of the inquiries or requests for engagement from stakeholders involved ERO policies and practices. Of the total engagements and inquiries received and addressed in FY 2022, the top three stakeholder groups that OPE engaged with were the public (including attorneys and other representative individuals) at 7,682, faith-based organizations at 667, and ICE's Victims Engagement and Services Line (VESL) at 566 engagements. Inquiries received were either addressed by OPE staff or forwarded on to other ICE components for review and resolution. Other top groups engaged were nongovernmental organizations (NGO) at 390 engagements and academic institutions or organizations at 370 engagements. OPE collaboration with these stakeholders ensures a unified approach to external engagement.

Throughout FY 2022, OPE staff members took on additional details, network partnerships, or institutional initiatives resulting in an additional 230 engagements in addition to standard outreach completed. OPE headquarters engaged in 135 national-level engagements in FY 2022 (90 proactive and 45 in response to request). Of the 135 national-level engagements, 67 were ERO-related, 7 were HSI-related, 50 were DHS-hosted engagements, and another 11 were interagency-related engagements.

OPE also oversees VESL, which serves as a comprehensive and inclusive support system for all victims, regardless of immigration status of the victim or the perpetrator. The VESL office was established on June 11, 2021, and was designed to serve as a streamlined and all-encompassing

access point for victims and individuals. By calling the VESL, individuals can reach several services including the Detention Reporting and Information Line (DRIL), the OPLA Facilitation of Return Request line, and the DHS Victim Information and Notification Exchange (VINE) helpdesk, which is managed as a part of the VESL/VINE program.

In FY 2022, the VESL hotline received a total of 22,107 calls. The majority of requests received from victims of crime were requests for case status information and victims' services. Of the total VESL calls received from victims of crime, 421 calls were referred to the VESL Victim Liaison, who worked closely with OPE CROs in ICE field offices across the United States to address requests for information received from victims of crime or their representatives. Requests for victim services were handled directly by the VESL Victim Liaison, who worked with callers to determine the type of social services being requested and then referred them to local service providers as appropriate. This includes information on resources regarding U nonimmigrant status (also known as the U visa, available to certain qualifying victims of serious crimes who assist law enforcement), T nonimmigrant status (also known as the T visa, available to certain qualifying victims of a severe form of trafficking in persons who assist law enforcement or are unable to do so due to trauma), S nonimmigrant status (also known as the S visa, available to witnesses under specified conditions who are needed to provide testimony or information to law enforcement agencies), and information about the DHS Blue Campaign—a national public awareness campaign designed to educate the public, law enforcement, and other industry partners to recognize the indicators of human trafficking, and how to respond appropriately to possible cases.

B. ICE Homeland Security Investigations

As the largest and principal criminal investigative agency in DHS and the second largest in the U.S. Government, ICE HSI is a critical U.S. law enforcement entity that is responsible for disrupting and dismantling transnational criminal organizations engaged in crossborder criminal activities that seek to exploit America's legitimate trade, travel, financial, and immigration systems for illicit purposes.

HSI has investigative responsibilities for many federal crimes involving victims, including human trafficking, child exploitation, child sex tourism, white collar and other financial offenses, human rights abuses, and other federal crimes within the United States and abroad. HSI special agents investigate potential violations of more than 400 federal statutes; many of these investigations have the potential to identify a diverse range of victims.

- **DHS Center for Countering Human Trafficking (CCHT)**

The CCHT opened on October 20, 2020, as the first unified, cross-Department coordination center for holistically countering human trafficking and the importation of goods produced with forced labor. The CCHT leverages DHS resources and authorities to identify, disrupt, and dismantle complex domestic and crossborder human trafficking organizations and to minimize the risk they pose to national security and public safety. By employing a victim-centered approach to enforcement, the CCHT places equal value on the identification and stabilization of victims, and on the deterrence, investigation, and prosecution of traffickers.

Additionally, the CCHT works with law enforcement partners to prevent importation into the United States of goods produced by forced labor and to facilitate prosecution of those criminally benefitting from forced labor.

Administered by HSI,¹ the CCHT integrates efforts of 16 DHS Components and offices² and establishes an organizational mechanism to leverage, centralize, and coordinate capabilities and resources to combat human trafficking and the importation of goods produced with forced labor. The CCHT's approach to combating human trafficking is rooted in prevention, protection, prosecution, and partnership. Two units comprise the CCHT:

- The CCHT Operations Unit has three sections: Human Trafficking Investigations, Intelligence, and Supply Chain Forced Labor Investigations. The Operations Unit supports worldwide criminal investigations of human trafficking, including sex trafficking and forced labor, by developing, tracking, and coordinating leads; by providing subject matter expertise; and by augmenting enforcement of the prohibition on importation of goods produced with forced labor through civil and criminal authorities.

The CCHT coordinates a DHS-wide effort to conduct procurement audits and enforcement actions, such as suspension and debarment, to mitigate the risk of human trafficking throughout DHS acquisitions and contracts, and supports all CCHT enforcement efforts with intelligence by conducting lead development, lead validation, case support, strategic analysis, and data analytics.

- The CCHT Programs Unit has two sections: Victim Protection and Training & Outreach. Through incorporation of a victim-centered approach in DHS policies, training, and practices, the CCHT Victim Protection section is working to: improve screening, identification, and support of victims; integrate survivor voices; expand law enforcement's use of Continued Presence, a discretionary law enforcement tool and temporary immigration designation for victims and witnesses of human trafficking; and provide support for T and U visa applicants and petitioners.

The Victim Protection section processes Continued Presence requests, publishes educational materials, conducts any training required to implement 22 U.S.C. § 7105(c)(3), and is implementing a digital submission process to improve responsiveness, monitoring, and data collection related to the program. In FY 2022, the CCHT approved 334 Continued Presence applications.

The CCHT Training & Outreach section develops, conducts, reviews, and assists with DHS human trafficking training, targeting federal, state, local, and international law

¹ The CCHT Director is the DHS representative on human trafficking, reporting to the HSI Executive Associate Director and informing the DHS Secretary and Deputy Secretary.

² The CCHT comprises the following DHS Components and offices: ICE (HSI and ERO); U.S. Secret Service; U.S. Customs and Border Protection (CBP); U.S. Coast Guard; U.S. Citizenship and Immigration Services (USCIS); Transportation Security Administration; Science and Technology Directorate; Office of Strategy, Policy, and Plans; Office of Partnership and Engagement/Blue Campaign; Office of Inspector General; Office for Civil Rights and Civil Liberties; Management Directorate; Office of Intelligence and Analysis; Federal Law Enforcement Training Centers; Federal Emergency Management Agency; and the Citizenship and Immigration Services Ombudsman.

enforcement, and other stakeholders. In FY 2022, the CCHT hosted 53 training events (both virtual and in-person) to more than 5,900 law enforcement and public participants, with lectures and case studies on topics including human trafficking awareness and indicators, trafficker methods, prosecuting federal investigations, task force models, best practices in investigative operations, forensic interviewing, and victim assistance. The CCHT coordinates closely with the DHS Blue Campaign's ongoing efforts to promote nationwide public awareness to encourage victim identification and reporting to law enforcement, and the prevention of human trafficking.

- **ICE HSI Child Exploitation Investigations Unit (CEIU)**

HSI is recognized as a global leader in this investigative discipline and is committed to utilizing its vast authorities, international footprint, and strong government and nongovernment partnerships to identify and rescue child victims, to identify and apprehend offenders, to aid in the prevention of transnational child sexual abuse, and to help to make the internet a safer place for children. The HSI CEIU identified and/or rescued 1,102 child victims in child exploitation investigations in FY 2022.

The HSI Cyber Crimes Center, CEIU, investigates producers and distributors of child sexual exploitation and abuse material, as well as individuals who travel abroad for the purpose of engaging in sex with minors, also known as transnational child sexual offenders. The CEIU employs the latest technology to collect evidence and to track the activities of individuals and organized groups who sexually exploit children using the dark web, chat rooms, peer-to-peer trading, and other internet-based platforms. The CEIU aids HSI field offices; coordinates major investigations; conducts operations throughout the world to identify and rescue child victims and to identify and apprehend offenders; delivers training to HSI personnel as well as to state, local, federal, and international law enforcement partners; and participates in various domestic and international technical working groups with a focus on rescuing children from child sexual exploitation and abuse.

- **ICE HSI Angel Watch Center (AWC)**

Initially created in 2007 as "Operation Angel Watch" and formally established in 2016 through International Megan's Law, the AWC is managed by CEIU as a joint effort with CBP and the U.S. Marshals Service. AWC plays a crucial role in the global fight against transnational child sexual abuse by targeting those convicted of sexual crimes against a child and who may pose a potential new threat—such as traveling overseas for the purpose of sexually abusing or exploiting minors. Using flight data, along with the National Sex Offender Registry and publicly available state sex offender websites, CEIU and CBP, through HSI Attaché offices or CBP joint partnerships, identify and alert foreign law enforcement of offenders pending arrival to their country. Since the formal establishment of AWC in 2016, more than 20,000 notifications of international travel have been sent to foreign countries regarding convicted child sex offenders. Of the more than 20,000 notifications, 7,100 denials of entry were made by the foreign countries. Also, since 2018, the AWC has provided notice to the U.S. Department of State (DOS) of more than 6,600 U.S. passports that require the International Megan's Law child sex offender endorsement.

In FY 2022 alone, the AWC provided 4,527 notifications of travel and referred 2,312 passports to DOS. Of the 4,527 notifications of travel, foreign nations denied entry to 1,073 registered child sex offenders.

- **ICE HSI Victim Assistance Program (VAP)**

The VAP was established in 2008. VAP personnel are responsible for providing victims in HSI investigations with the services and rights accorded to them under the Victims' Rights and Restitution Act, 34 U.S.C. § 20141, and the Crime Victims' Rights Act, 18 U.S.C. § 3771. Services and rights provided by VAP to victims include, but are not limited to: (1) informing victims and providing them with referrals to places where they may receive medical services, social services, counseling treatment, and other assistance, including long-term immigration relief; (2) assessing victims' needs and working with HSI special agents to integrate victim assistance from the outset of an HSI investigation; (3) assisting victims with transportation to safe locations; (4) providing crisis response and intervention; (5) arranging emergency housing, food, and basic needs; and (6) treating victims with fairness and with respect for their dignity and privacy.

Fundamental to HSI VAP's mission is building partnerships with NGOs, which play a critical role in providing victim services, in restoring victims' well-being, and in stabilizing victims, all of which also contribute to a victim's ability to become an effective witness. Many case referrals come from working in local task forces and from NGOs providing community and victim services. VAP maintains and provides overall guidance and training to all HSI personnel regarding policies and practices pertaining to victim-related matters. VAP ensures that victims are advised of their rights and provides victims with assistance, services, and rights in compliance with federal statutes, the U.S. Attorney General Guidelines for Victim and Witness Assistance, and ICE and HSI policies.

VAP personnel provide victim-centered and trauma-informed approaches when interacting with victims. Victim Assistance Specialists (VAS) and Forensic Interview Specialists support and provide services to victims, regardless of their immigration status, of all crimes investigated by HSI agents, to include child exploitation; human trafficking; female genital mutilation and cutting; and financial, gang, and other crimes, and treat all victims with respect and dignity.

The objective of a victim-centered approach is to focus the investigation and prosecution around the victim while minimizing any undue stress, harm, and trauma to the victim. The needs and concerns of a victim should be considered to provide for the compassionate and sensitive delivery of services in a nonjudgmental manner. A trauma-informed approach involves an understanding of the vulnerabilities and experiences of trauma survivors, including the prevalence and physical, social, and emotional impact of trauma. A trauma-informed approach recognizes signs of trauma in victims and witnesses and responds by integrating knowledge about trauma into policies, procedures, practices, and settings. Trauma-informed approaches seek to empower the survivor's feelings of safety, choice, and control.

VAP has 34 VAS positions located throughout the United States. There is at least one VAS position in each HSI Special Agent-in-Charge (SAC) office, and two VAS positions in four HSI SAC offices—New York, Chicago, Kansas City, and Los Angeles—to aid identified crime victims in HSI investigations. Assistance includes supporting special agents with the immediate application to the CCHT for Continued Presence for identified victims of trafficking. Additionally, VAS may work with the CCHT to provide training and guidance to state, local, and tribal law enforcement agencies on Continued Presence.

VASs refer victims to immigration legal services in order to assess eligibility for relief for victims of extreme cruelty and battery under the Violence Against Women Act (VAWA), T visas, and U visas. VASs also coordinate HSI support for T visas and U visas where the person was a victim in HSI's detection, investigation, or prosecution of human trafficking or qualifying criminal activity.

In FY 2022, VAP continued funding the creation of “soft rooms” throughout field offices. Evidence-based practices call for a trauma-informed approach when interviewing victims of crimes, and these rooms create a space that is comfortable and that allow the participant to feel physically and emotionally safe. The rooms are used by agents, VASs, and Forensic Interview Specialists to meet with victims and their families and to conduct victim interviews. The use of soft rooms can have a significant impact on the interview process and can minimize “re-traumatization” of victims.

In FY 2022, VAP assisted 3,326 victims worldwide, including 1,138 victims of child exploitation, 765 human trafficking victims, 1,151 financial crime victims, and 272 others.

C. ICE Office of the Principal Legal Advisor

In Fall 2020, OPLA established points of contact (POC) in each OPLA office nationwide for T and U visas and for VAWA benefits and relief (for domestic violence victims). These T/U/VAWA POCs receive specialized training and then assist the full cadre of OPLA attorneys in their offices on how to handle removal proceedings involving noncitizen crime victims who have applied for victim-based immigration benefits. OPLA also provides instruction to all new OPLA attorneys on noncitizen crime victims and victim-based immigration benefits and provides ad hoc trainings on related, substantive topics.

D. ICE Enforcement and Removal Operations

ERO is another critical U.S. law enforcement entity upholding U.S. immigration laws. ERO's work is critical to the enforcement of immigration law against those who present a danger to national security, who are a threat to public safety, or who otherwise undermine the integrity of the immigration system. ERO conducts civil enforcement actions targeting noncitizens posing the greatest risk to the safety and security of the United States and those who compromise the integrity of our borders.

Per the December 2, 2021, ICE Directive 11005.3, *Using a Victim-Centered Approach with Noncitizen Crime Victims*, ERO is directed to begin identifying victims proactively and, absent

exceptional circumstances, to refrain from taking civil immigration enforcement action against known beneficiaries of victim-based immigration benefits. Recognizing the length of time that it can take for victim-based benefits to be approved, ERO employs a victim-centered approach (VCA) to noncitizens making a claim to victimhood even if their benefit has not yet been granted. ERO also has been tasked to provide its officers with guidance and annual training for engaging with victims and witnesses of crime, including victims of domestic violence, and to strengthen policy guidance on enforcement actions in or near sensitive locations, including courthouses, to minimize any effect that immigration enforcement may have on the willingness and ability of victims and witnesses to pursue justice.

ERO, in partnership with the DHS Federal Law Enforcement Training Centers, developed VCA training consistent with the vision articulated by Secretary of Homeland Security Alejandro Mayorkas on the first anniversary of the creation of the CCHT on October 20, 2021.³ During June and July of 2022, ERO trained 155 field and headquarters level trainers to begin delivering VCA training. This training currently is being delivered in-person and virtually via videoconference. As of October 1, 2022, all 5,966 ERO officers have been trained on the implementation of the victim-centered approach and per ICE Directive 11005.3, all ICE officers and agents will receive annual refresher training.

As a result of ICE Directive 11005.3, when field offices identify victims or witnesses in the course of their duties, they are required to exercise prosecutorial discretion in appropriate circumstances to facilitate access to justice and victim-based immigration benefits by noncitizen crime victims. Additionally, officers are required to obtain headquarters-level concurrence prior to taking enforcement action against noncitizen crime victims. This is headquarters-level concurrence obtained via the ERO VCA tracker. On February 1, 2022, ERO launched the VCA tracker. Through January 1, 2023, ERO identified and screened 575 potential crime victims and witnesses for prosecutorial discretion.

Since launching the VCA tracker and expanding messaging and awareness of this policy, the percentage of noncitizens benefiting from prosecutorial discretion during the VCA review process has grown significantly, from 1-3 percent of noncitizens during the early months following the tracker's launch to 20 percent as of July 2022.

On June 22, 2022, ERO modified its risk classification assessment to screen better for victims while they are being processed following arrest. These changes cue officers on what questions to ask during initial processing to ascertain whether the noncitizen is in need of victim protections. These changes also guide ERO officers on what steps to take once a victim is identified, such as referring to local law enforcement or community resources if so desired by the noncitizen. Through this risk classification modification, ERO can identify and screen victims for prosecutorial discretion at the earliest stage of the immigration enforcement process.

In July 2022, ERO standardized the informational resources provided to victims identified by any entity within ERO. Now victims identified at any stage of the process, or through any unit

³ <https://www.dhs.gov/news/2021/10/20/dhs-takes-victim-centered-approach-first-anniversary-center-countering-human>

within ERO, are being provided information, including brochures and online resources relating to victim-based immigration benefits and community resources pertaining to victims.

In October 2022, ERO implemented newly required victim-centered fields during the book-in process. This allows ERO to identify and screen victims for prosecutorial discretion at the earliest stage of the immigration enforcement process.

ERO also is engaged in numerous initiatives related to identification of human trafficking, such as: 1) improving screening processes to identify potential traffickers and victims better; 2) improving officer and contractor awareness of human trafficking through training; 3) developing consistent reporting processes; and 4) increasing awareness of human trafficking among noncitizens who are in ERO custody or who are interacting with ERO through the nondetained docket.

In August 2020, ERO requested field offices display DHS Blue Campaign posters within nondetained reception areas wherever practical, including reporting offices and suboffices, and made Blue Campaign key-tags available to those noncitizens reporting to these offices. ERO facilitated the ordering and delivery of posters and key-tags. In response to the request, nearly 800 posters and thousands of key-tags were sent to field offices around the country for posting and distribution. Additionally, in April 2021, staff from the CCHT provided training to Custody and Resource Coordinators (contract personnel who assist with vulnerable noncitizens in custody in certain locations). Finally in July 2022, ERO Custody Management Division – Custody Program Division (CMD-CPD) staff provided human trafficking awareness training to DRIL call analysts to ensure that they identify possible victims, even if callers do not specifically self-identify as a victim.

In May 2021, ERO instituted an initiative to raise awareness of human trafficking in the detention setting. In coordination with the DHS Blue Campaign, ERO designed human trafficking awareness posters to be displayed in all over-72-hour facilities. The posters are available in eight languages (English, Spanish, French, Portuguese, Haitian Creole, Russian, Chinese, and Punjabi) and describe what human trafficking is as well as indicators of victimization. The posters also remind noncitizens in detention that they can report human trafficking to the DRIL.

When noncitizens are released from detention, they are provided with a one-page handout, available in the same eight languages, that again describes what human trafficking is along with indicators of victimization, and that provides the HSI Tip Line phone number as well as the National Human Trafficking hotline number.

Throughout FY 2022, CMD-CPD staff have worked closely with the DHS Blue Campaign to revise the ICE Human Trafficking Awareness. The revised training is expected to be completed and available to ICE staff and contractors in FY 2023. Additionally, the existing training module became a yearly mandatory requirement for most ERO staff in FY 2022.

In June 2022, CMD-CPD coordinated with the Law Enforcement Systems and Analysis Division to provide new screening human trafficking questions to the Risk Classification Assessment

Special Vulnerabilities section. The addition of these questions is consistent with DHS's *Strategy to Combat Human Trafficking, the Importation of Goods Produced with Forced Labor, and Child Sexual Exploitation*,⁴ which calls for DHS Components to "establish protocols and methods for DHS personnel to report human trafficking and child exploitation," and "integrate and update screening and encountering protocols and records systems to more effectively and timely identify and report suspicious activity."

In addition, ICE complies with Department-wide Instruction 002-02-001, *Implementation of Section 1367 Information Provisions* (Instruction), which was issued in November 2013. The Instruction supports the Department's compliance with Section 1367 by including requirements for any DHS Component or Office that has access to Section 1367 information that might be shared with those outside of the Department or whose personnel may come into contact with victim applicants.

On March 16, 2022, ICE approved Directive 10036.2 *Implementation of Section 1367 Protections for Noncitizen Victims of Crime*. This Directive is ICE policy for the identification and disclosure of information protected by 8 U.S.C. § 1367 (Section 1367), treatment of information received from prohibited sources, and required certifications when certain enforcement actions are taken at specified locations." The Directive seeks to protect the confidentiality of victims and to prevent their further victimization by carefully considering confidentiality requirements, so that human traffickers, perpetrators, and abusers cannot use the immigration system to retaliate against their victims.

This policy prohibits the disclosure of information protected by Section 1367 and governs the handling of information received from prohibited sources. Subject to limited exceptions, ICE personnel are prohibited by law from using, publishing, or permitting disclosure of protected Section 1367 information willfully to anyone other than a sworn officer or employee of DHS, DOS, or the Department of Justice for legitimate agency functions. This includes confirming the identity of a noncitizen by acknowledging the existence of information or record(s).

Information that cannot be disclosed also includes any information about a noncitizen contained in a DHS database as well as information that has not been included yet in a database, such as the location of a beneficiary. The nondisclosure provision applies not only to the primary applicant, but also to any beneficiaries listed on a pending or approved application. The nondisclosure provision applies until the application has been denied and all opportunities to appeal have been exhausted. The nondisclosure provision is retroactive, and thus covers all records previously collected regardless of the noncitizen's current immigration status (applies to U.S. citizens).

As required by the Immigration and Nationality Act § 239(e)(2), ICE personnel must complete a certification of compliance in all cases where enforcement actions are taken at specified locations leading to a noncitizen being placed in removal proceedings. In such cases, ERO is directed to continue its program to enable certain noncitizens on the nondetained docket to report via self-service kiosks. The Compliance Assistance Reporting Terminal agreement provides not

⁴ https://www.dhs.gov/sites/default/files/publications/20_0115_plcy_human-trafficking-forced-labor-child-exploit-strategy.pdf

less than \$3,000,000 for this program. ICE has implemented the use of kiosks in select locations and continues to look to expand their use. By using this technology option, it allows ICE to provide limited automated oversight for those noncitizens who have been determined to be at low risk of criminal activity or noncompliance with release conditions through automated check-ins, limited record checks, updates to the government, and biometric identification.

ERO receives Bureau of Prisons notifications on upcoming releases of subjects that have an ICE detainer. ERO sends the notifications, which include victim contact information, to ERO Victim Witness Coordinators. The Victim Witness Coordinators inform the victim(s), help them register for DHS-VINE to track the ICE custody status, and provide additional resources available.

ERO manages the DHS-VINE system. VINE is a web-based system that sends automated, standardized notifications to eligible registrants (e.g., victims, witnesses, or individuals acting on behalf or at the request of the victim) associated with federal, state, or local crimes committed by noncitizens in ICE custody. DHS-VINE provides two services—a publicly accessible internet site for registrants (VINELink) and an ICE internal management portal (VINEWatch).

III. ICE Policy Efforts

ICE remains committed to maintaining transparency and accountability for crime victims and witnesses of crime. The ICE-issued Directive, *Using a Victim-Centered Approach with Noncitizen Crime Victims*, sets forth policy regarding noncitizens who apply for and are beneficiaries of victim-based immigration benefit requests.

This ICE Directive sets civil immigration enforcement policy for various victim-based immigration beneficiaries, including applicants and petitioners for T visas, U visas, VAWA relief for qualifying domestic violence victims, and Special Immigrant Juvenile classification for qualifying children who have been abused, neglected, or abandoned by one or both parents. Specifically, the policy states that when a noncitizen has a pending or approved application or petition for a victim-based immigration benefit, absent exceptional circumstances, ICE will exercise discretion to defer decisions on civil immigration enforcement actions, including placing a detainer, assuming custody, detaining, or working to effectuate removal, against the applicant (primary and derivative applicants) until USCIS makes a final determination on pending victim-based immigration benefit application(s) or petition(s), or until USCIS concludes that a U visa petition is not bona fide, or until USCIS makes a negative prima facie determination for pending VAWA petitions.

HSI Directive 21-05, issued October 19, 2021, *Federal Victim Assistance Mandates and Responsibilities*, provides HSI personnel with policies and procedures required to comply with federal crime victims' rights for victims identified in HSI investigations.

IV. Conclusion

All ICE personnel who encounter crime victims and witnesses of crimes are required to do so through a victim-centered, trauma-informed approach, which is adopted broadly by federal law enforcement agencies, whereby equal value is placed on the identification and stabilization of victims and the deterrence, investigation, and prosecution of perpetrators. This approach should be applied to policymaking and civil immigration enforcement actions to the greatest extent possible, consistent with law. The goal of this VCA is to minimize any undue stress, harm, and trauma to the victim throughout the course of the investigation and prosecution of the offender regardless of the victim's age, gender, sexual orientation, or immigration status.

ICE will continue to adopt additional measures to identify and assist victims proactively, such as: alerting OPLA attorneys to the victim status of a noncitizen in removal proceedings so that appropriate prosecutorial discretion guidelines may be considered, providing information about victim-based immigration benefits, and referring identified victims to appropriate law enforcement authorities.

Appendix: Abbreviations

Abbreviation	Definition
8 U.S.C. § 1367	Section 1367
AWC	Angel Watch Center
CBP	U.S. Customs and Border Protection
CCHT	Center for Countering Human Trafficking
CEIU	Child Exploitation Investigations Unit
CRO	Community Relations Officer
CMD	Custody Management Division
CPD	Custody Program Division
DHS	U.S. Department of Homeland Security
DOS	U.S. Department of State
DRIL	Detention Reporting and Information Line
ERO	Enforcement and Removal Operations
FY	Fiscal Year
HSI	Homeland Security Investigations
ICE	U.S. Immigration and Customs Enforcement
Instruction	DHS Instruction 002-02-001, Implementation of Section 1367 Information Provisions
NGO	Nongovernmental Organization
OPLA	Office of the Principal Legal Advisor
OPE	Office of Partnership and Engagement
POC	Point of Contact
SAC	Special Agent-in-Charge
USCIS	U.S. Citizenship and Immigration Services
VAP	Victim Assistance Program
VAS	Victim Assistance Specialist
VAWA	Violence Against Women Act
VCA	Victim-Centered Approach
VESL	Victims Engagement and Services Line
VINE	Victim Information Notification Exchange