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**Washington Institute for Near East Policy  
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**Statement for the Record:  
The Role of HSI in Counter Terrorism**

First and foremost, I would like to thank you for the invitation to be part of the Washington Institute's Counterterrorism Lecture Series. It is an honor to represent Homeland Security Investigations (HSI) and to speak to you at this esteemed event. Today, I will be highlighting the significant role that HSI plays in the field of counterterrorism.

**HSI – Who we are**

HSI is the principal investigative arm of the U.S. Department of Homeland Security (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.

HSI is the investigative component of U.S. Immigration and Customs Enforcement (ICE), consisting of more than 10,300 employees who are assigned to offices in over 210 cities throughout the U.S. and 80 international offices in 53 countries across the world.

**HSI's Mission**

HSI DISRUPTS AND DISMANTLES global criminal enterprises and terrorist networks that violate the customs and immigration laws of the United States. HSI accomplishes its mission by utilizing its unique and expansive criminal and administrative authorities; strategic law enforcement and non-governmental partnerships; robust international footprint and connectivity; and cutting-edge technology and innovation. These efforts uphold border security, protect the homeland, and ensure public safety.

HSI support the global counterterrorism mission through continued participation in the FBI's Joint Terrorism Task Forces (JTTFs). Within the JTTF Construct, HSI

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

In the most simplest of terms, we investigate, disrupt, and dismantle terrorist, transnational and other criminal organizations that threaten or seek to exploit the customs and immigration laws of the United States.

### **HSI's Role in Countering Terrorism**

Following the attack on the World Trade Center in New York City on February 26, 1993, legacy components of HSI, began our partnership on New York's JTTF. Following the attacks on September 11, 2001, legacy INS partnered with FBI's Counterterrorism Division (CTD). For many years, this field and headquarters support consisted of a limited cadre of agents assigned to sporadic JTTF field offices throughout the U.S., and a small element of supporting personnel at HSI headquarters. I am happy and proud to say that HSI's role in counterterrorism has matured significantly over the years, to the level of staffing and support we maintain, and continue to grow, today.

HSI today is charged with the daunting responsibility of executing DHS's number one mission, priority and objective; to prevent terrorist attacks. HSI Special Agents lead DHS's investigative counterterrorism efforts on the FBI-led JTTF by utilizing our broad range of criminal and administrative authorities to identify, detect, investigate, interdict, prosecute and remove terrorists and dismantle terrorist organizations.

As the largest investigative agency in DHS, HSI Special Agents assigned to the JTTF are involved in a majority of international terrorism investigations nationwide and lead investigations into international terrorism subjects when HSI equities related to immigration or trade-based crime can be utilized in furtherance of the counterterrorism mission. Foreign terrorists need to move money, weapons, and people across international borders to conduct their operations, and HSI holds a unique set of law enforcement tools for disrupting these illicit activities.

Outside of the FBI, HSI is the largest and longest standing federal contributor to the JTTFs nationwide. HSI has more than 130 agents assigned full-time or part-time to the JTTFs and well over 200 total personnel assigned to this mission space, including our agents assigned as JTTF liaisons.

Although the FBI is the lead agency for counterterrorism investigations, it is imperative to the U.S. government's counterterrorism mission that all agencies engaged in this fight employ a whole-of-government approach to every problem set. HSI prioritizes coordination and collaboration both within DHS and with external partners across the counterterrorism enterprise and HSI continues to be recognized and valued for its partnership and prominent role in advancing the CT mission.

Working closely with the FBI and other partners, HSI provides investigative and operational capabilities to track and mitigate real-time threats quickly and effectively and provides critical investigative support to a multitude of terrorism investigations every day.

These include investigations into financial crimes, intellectual property rights (IPR) violations, immigration benefit fraud, human rights violators and war crimes, contraband and human smuggling, trans-border cybercrimes, counter-proliferation of weapons and technology, export enforcement, and all forms of immigration and customs-related administrative investigations.

Only a few counterterrorism cases culminate with the filing of actual "terrorism" charges by the JTTF. When terrorism charges are unattainable, HSI has shown to be extremely effective in offering non-traditional disruption options.

Utilizing our authorities, we offer strategic and investigative options to mitigate and disrupt threat streams and subjects who pose national security threats to the United States both domestically and abroad.

If criminal charges cannot be made or an immediate action is needed to stop a terrorist threat, HSI very often utilizes its administrative immigration authorities to take subjects of national security concern off of the streets, and place them into removal proceedings in lieu of, or in anticipation of, future criminal prosecution.

In coordination with our partners, after HSI criminally or administratively arrests terrorist subjects or their associates who are foreign nationals, we work to continue to detain these terrorists in federal custody, seek removal of their U.S. status and ultimately remove them from the U.S. We do this in collaboration with ICE's Enforcement and Removal Operations (ERO) and National Security Law Division (NSLD).

## **The role played by HSI Headquarters**

HSI Headquarters' National Security Investigations Division (NSID) is responsible for managing HSI's efforts related to counterterrorism and other national security programs. The National Security Unit (NSU) integrates the agency's national security and counterterrorism efforts and synchronizes operational equities, intelligence information, support elements, and policy efforts into a single, overarching unit to mitigate and combat threats to national security.

NSU is further divided into two Counterterrorism Sections (CTS) and a Training and Development Section. CTS personnel are fully imbedded within the FBI Counterterrorism Division's International Terrorism Operations Section (ITOS), which is the command and control element of the JTTFs. In addition to the fields' local daily engagement, from a headquarters level, it is here that ICE and HSI equities and authorities are considered and infused into JTTF field operational objectives and investigative strategies to disrupt threats. HSI is the only agency (federal or otherwise) to have representation at ITOS within every single continental U.S. unit which provides HSI visibility over the entire threat spectrum. NSU's two Counterterrorism Sections provide this coverage, which not only supports field elements engaged in CT efforts, but also keeps HSI and ICE leadership apprised of current threat streams and investigative developments.

HSI personnel are also embedded at agencies within the Intelligence Community, at CBP's National Targeting Center, and with the Department of Defense to further coordinate our nation's counterterrorism efforts.

NSU is made up of subject matter experts on ICE and HSI authorities, capabilities, and CT operations. NSU provides comprehensive administrative oversight and operational coordination and support to all HSI JTTF field personnel, provides outreach, education and expertise to law enforcement and IC partners, and orchestrates multi-disciplinary approaches to terrorism investigations.

NSU has developed comprehensive training programs for HSI Special Agents assigned to the JTTFs, Group Supervisors of those agents, and senior level field management (Assistant and Deputy Special Agents in Charge). Shorter, field-directed On-the-Job Training has also been developed and provided to Special Agents to provide a crash course in CT investigations from experts in the field where these types of investigations are more prevalent (NY being a prime example). This training has provided field personnel with the requisite knowledge of how to best navigate and operate in the CT environment, and has resulted in a

substantial increase in the number of HSI-led disruptions, as well as the number of approved Significant Case Reports in CT investigations nationwide. Over 300 HSI Personnel have received such training to date and future iterations will be provided as needed. In addition, virtual training courses are under development as a direct result of the current pandemic.

NSU also provides complete post-attack coordination in the event of an international terrorist attack. This includes 24/7 support to the investigative response as well as deployment of personnel in support of operations. These actions enhance the overall CT response and expedites the rapid flow of critical information between field and headquarters decision-making elements.

### **Post Attack Response Highlight**

The most recent example of HSI's post attack response efforts was displayed on (and after) December 6, 2019, when Mohammed ALSHAMRANI, a Saudi Arabian Royal Airforce officer and A2 visa holder, committed a mass shooting on board Naval Air Station (NAS) Pensacola Florida, killing three U.S. service members and injuring eight others.

HSI personnel from six field offices, as well as personnel from HSI NSID and ICE's NSLD responded and provided immediate and substantial support to FBI and NCIS throughout the investigation. NSU enacted 24/7 coverage of its personnel (maintaining that coverage for two weeks), led the coordination of ICE headquarters support to the post attack response, assumed the lead role for reporting to HSI, ICE, and DHS executive leadership, and coordinated with inter-Departmental partners to ensure there was a unified response to the attack. Throughout the investigation, HSI analyzed hundreds of records on A2 visa holders attending training at U.S. military facilities and produced 45 detailed analytic reports on subjects of interest to the field that significantly advanced the terrorism investigation. At the height of the incident, as many as 56 HSI Special Agents and Computer Forensic Analysts were supporting this terrorist investigation.

Unfortunately, similar attacks on the Homeland have been all too frequent in recent years, and HSI has played a significant role in the vast majority of them.

## **ICE Office of the Principal Legal Advisor (OPLA) and National Security**

Our National Security Law Division (NSLD) within ICE provides national oversight and litigation support for OPLA's litigation of national security cases before the immigration courts, including the development of legal and policy positions and litigation strategy, and the approval of substantive national security charges. NSLD manages thousands of active national security cases (hundreds of which are of interest to the JTTF).

### **The Changing Faces of Terror:**

Post 9/11, the focus of CT was primarily on Al Qaeda and other established Foreign Terrorist Organizations (FTO) whose operations and objectives were directed from afar. Such objectives often involved sophisticated long-term planning and goals which required long-term intelligence collection efforts with simultaneous criminal investigations on the part of U.S. law enforcement.

While our goals have not changed, the playing field did. Circa 2014, with the advent of the so-called Islamic State, or ISIS, our CT efforts had to change with the tactics used by the enemy. ISIS, unlike the FTOs we had become accustomed to, was not directing terrorist actions directly but rather inspiring them. Radicalized Islamists were attempting to support the cause by providing material support (such as equipment and money), by travelling or attempting to travel to conflict zones, or by conducting attacks here in the Homeland or in other countries opposed to ISIS. These actions were generally not sophisticated, did not require a lot of money, equipment or planning – just the motivation and will to support the cause or conduct an attack.

For law enforcement, the ultimate goal remains the same, to prevent any attacks on the Homeland or U.S. assets worldwide, through thorough investigations leading to criminal prosecutions and/or administrative enforcement actions such as removals of the threat.

Although the strength and appeal of ISIS has been waning, U.S. law enforcement must remain vigilant and prepared to continue the fight against these and other actors who wish and plan to do us harm.

The most current trend has been the uptick in Domestic Terrorism (DT) cases nationwide. While HSI's focus is on CT predicated by FTOs or actions inspired or influenced by them, we do provide support and assistance to the FBI on DT

investigations through our partnership on the JTTFs. In cases involving international terrorism, our immigration and trade-based authorities are often utilized as the best option to disrupt the threats. In DT cases, however, our equities and authorities are primarily not employed as the best disruption option due to the domestic nature of the crimes.

## **Success Stories**

On October 15, 2020, an Immigration Judge issued a Removal Order for two Qatar nationals (brothers), for overstaying their tourist visas. Both were arrested by HSI New York as part of the JTTF. The investigation and ultimate arrests by HSI were the result of a JTTF investigation predicated on derogatory information linking them to an overseas terrorist organization.

October 8, 2020, HSI Newark, NJ, with support from the FBI JTTF, administratively arrested a Bangladeshi national and Lawful Permanent Resident (LPR), for violations of the Immigration and Nationality Act, to include Immigrant Inadmissible at Time of Entry and Fraud or Willful Misrepresentation. The subject was identified as an associate of a suspect in the detonation of a pipe bomb on December 2017 in NYC.

On September 29, 2020, HSI New Haven, CT assisted ERO officers with the removal of an Uzbekistan national who had been ordered removed by an Immigration Judge. HSI identified the subject as being admitted to the U.S. in March 2006, as a non-immigrant P-3, Specialty Visa, authorized to remain in the U.S. until July 2007. In January 2007, the subject filed an I-589, Asylum application, that was denied and was administratively charged with being an Alien Present in Violation of the Immigration and Nationality Act. In August 2011, the subject was initially ordered Removed by an Immigration Judge which was upheld by the Board of Immigration Appeals (BIA) on July 24, 2014. On December 2017, HSI administratively arrested the subject during an investigation with the FBI, on alleged associations with members within the Uzbekistan community who sought to travel to Syria in order to fight with the Al-Nusrah Front (ANF).

On August 28, 2020, Mohamed OSMAN voluntarily departed the United States for Somalia pursuant to a judicial order of removal. This HSI investigation, in coordination with FBI JTTF Tucson, revealed OSMAN entered the United States by fraudulently obtaining refugee status under a false name and claiming to be a Somali national who fled Somalia based on threats from Al Shabaab. The subject

then coached his wife on the false statements to help them both enter into and defraud the United States as refugees. During this investigation, OSMAN admitted to being a member of and supporting Al Shabaab and is suspected of previously serving as a bomb maker for the group. OSMAN was arrested in August 2018, and convicted in April 2020 for violations of visa fraud and false statements, and sentenced to time served in August 2020.

On January 30, 2020, HSI Phoenix special agents assigned to the JTTF along with FBI and U.S. Marshals arrested an Iraqi citizen on an extradition warrant issued out of Iraq for the murder of two Iraqi police officers. Immediately following the arrest, HSI served simultaneous search warrants at the subject's residence and place of business related to potential charges of Fraud and Misuse of Visas, Permits, and Related Documents; Procurement of Citizenship or Naturalization Unlawfully; and False Statements. The subject is believed to be the leader of an Al 'Qaeda terrorist cell. The Extradition Warrant portion of this case is FBI-led, while HSI led the criminal immigration fraud portion of the investigation.

On January 23, 2020, a citizen and national of Saudi Arabia was arrested outside his home by HSI and FBI special agents assigned to the JTTF. The arrest occurred while the subject was on his way to the Detroit Metro Airport where he had purchased a one-way ticket to Omaha, Nebraska. The subject, who had entered the US with an F1 student Visa, was arrested for violations of the Immigration and Nationality Act. More specially he provided false information and/or misrepresented material facts on his application to enter the United States. The subject also lied to FBI/HSI special agents during multiple interviews, denying that he had participated in military training provided by Iran. He has been ordered removed by an Immigration Judge and remains in custody pending his appeal.

On June 19, 2019, Houcine GHOUL, a Tunisian national, was removed from the US. The JTTF received information that GHOUL had consistently posted support to ISIS on social media while within the US. The ensuing investigation revealed that GHOUL entered the U.S. as B2 Tourist Visitor from Tunisia in 2001. In October 2001, GHOUL entered into a fraudulent marriage, and in June 2009 adjusted his immigration status to Lawful Permanent Resident. GHOUL filed an N400 for his Naturalization on December 29, 2014. HSI obtained GHOUL's alien file and identified false statements that he provided on his N-400 related to his association with ISIS.



HSI Raleigh coordinated with USCIS to schedule GHOUL's N400 interview in February 2017. Following the interview, HSI and FBI agents secured a federal arrest warrant for Naturalization Fraud. In August 2017, GHOUL appeared for a follow-up interview. GHOUL admitted he had posted information on social media in support of ISIS and was subsequently arrested. On August 8, 2018, GHOUL pled guilty to violations of 18 USC 1425, Procurement of Naturalization Unlawfully, and 26 USC 7206, Filing a False Tax Return. As a result of his plea agreement, GHOUL was sentenced to 24 months in Federal Prison and agreed to a Stipulated Judicial Order of Removal from the U.S. to Tunisia.

## **Challenges We Face**

### **Resources:**

While HSI assigns a large cadre of special agents to the JTTF, we still lack the personnel resources throughout the U.S. to ensure that we maintain full-time representation on every JTTF. This leads to operational gaps in coverage and the very real possibility that our authorities and capabilities may not be considered or employed when they could be to disrupt a threat. In addition, although our headquarters personnel assigned to FBI CTD do an outstanding job maintaining visibility on and supporting a tremendous amount of developing and ongoing CT investigations, it is challenging for our relatively small staff to keep up with the thousands of investigations ongoing throughout the U.S.

### **Funding:**

All funding for this critical mission priority comes out of our base funding – there are no special appropriations allocated for HSI's CT efforts, or for our support to the JTTFs. Our National Security Unit at headquarters receives no dedicated funding from DHS, ICE or HSI to support field counterterrorism operations and investigations and/or training, and no such funding to provide our JTTF field personnel with equipment to use in furtherance of their investigations.

### **Legal:**

Our NSLD and OPLA Field attorneys maintain extremely high caseloads and could benefit significantly from increased staffing.

There are also a significant number of loopholes in the law or outdated legal language in the Immigration & Nationality Act which need to be addressed:

A notable example is the present loophole in federal firearms law as it relates to aliens admitted to the U.S. on a nonimmigrant visa. The exception that has presented the greatest risk to national security and public safety is the hunting license and permit exception which permits an alien in such status to ship, transport, possess, or receive any firearm or ammunition if that alien has procured a valid hunting license or permit in a state of the United States, the District of Columbia, Puerto Rico, and the possessions of the United States. There is no requirement that such nonimmigrant possess or use the firearm or ammunition solely for hunting or sporting purposes, but rather this hunting license or permit exception serves as a vehicle for an otherwise prohibited individual to obtain a firearm or ammunition for any purpose.

Another notable reoccurring problem faced by NSLD and the OPLA field locations is the lack of attempt to, or conspiracy to provide material support provision in the Immigration and Nationality Act (INA). Although there is such a provision for criminal prosecutions, the lack of such in the INA for charges of inadmissibility or deportability highlights a potential vulnerability in enforcement and removal operations of these alien terrorists.

In addition, the tense of certain subclauses in the security-related grounds of inadmissibility and deportability in the INA can cause issues for NSLD and the OPLA field locations in immigration proceedings. The INA renders an alien inadmissible or deportable from the United States if the alien, among other things, is a representative or member of a terrorist organization, and endorses, espouses or persuades others to support terrorism. These subclauses are written in the present tense and do not apply to past conduct. This presents a serious issue for NSLD in the litigation of national security cases in immigration court because these provisions do not apply to affiliation or conduct of the alien prior to his or her arrival in the United States. For example, an alien could testify in immigration court that he renounced his membership in Al Qaeda before entering the courtroom and is, therefore, no longer inadmissible based on membership. OPLA likely would be unable to prove the renunciation as fraudulent and the ground of inadmissibility based on current membership would no longer apply.

**Summary:**

To sum it up and put into perspective our significant role in countering terrorism, HSI represents 3% of the total JTTF workforce; however, HSI is directly involved in over 89% of all JTTF investigations and HSI leads between 45% to 50% of all JTTF disruptions every year utilizing our exclusive authorities. Without HSI, the disruption of these terrorists would not have been possible. This is a fact recognized and applauded by our partners in advancing the CT mission.

HSI and ICE senior leadership fully recognize the significant role that HSI plays in countering terrorism and continues to prioritize and strengthen all of our lines of effort in this critical mission space.

**Thank you very much and I look forward to answering any questions you may have.**