

Testimony for the Record
Submitted to the
House Committee on Oversight and Government Reform
Subcommittee on Cybersecurity, Information Technology, and Government Innovation
For the Hearing
Leveraging Technology to Strengthen Immigration Enforcement
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Chairwoman Mace, Ranking Member Brown, and Members of the Subcommittee on Cybersecurity, Information Technology, and Government Innovation, thank you for inviting me to participate in today's hearing. My name is Deborah Fleischaker and I currently am the principal consultant at Blackbird Ventures LLC. Previously, I spent almost 14 years at the U.S. Department of Homeland Security, including ten-plus years as a career civil servant. Over two of my years at DHS, from May 2021 to November 2023, were spent at U.S. Immigration and Customs Enforcement, first as the Assistant Director in charge of regulatory affairs and policy and second as the Acting Chief of Staff. Following my time at ICE, I moved back to DHS and finished my government career as the Department's Executive Secretary and Acting Chief Privacy Officer. I would like to state for the record that the opinions expressed herein are my own and are not intended to reflect the views or positions of DHS or ICE.

I want to start my testimony by clearly stating the operational challenges in increasing immigration enforcement, including where technology can help ameliorate those challenges and where it does not play a role.

First, immigration enforcement, including deporting people ordered removed from this country, is hard. There is a tendency to talk about immigration enforcement as a matter of will, and this obfuscates the real material limiting factors on increasing immigration enforcement.

For example, Axios reported yesterday that removals and arrests during the Trump Administration are lower than the daily averages in Fiscal Year 2024. During the first two weeks of the Trump Administration, removals by ICE declined from an average of 733 per week to 693 per week. Similarly, arrests by ICE fell from an average of 759 per week to 724 per week. This happened despite high-profile immigration enforcement actions by the new Administration, including the use of other federal law enforcement and defense personnel, assets, and money.

The only operational statistic that has increased during the first part of the Trump Administration has been the total detained population, the increase of which is driven by the increased detention rates of people with no criminal record. I don't think anyone here would argue that the Trump Administration has less of a will to enforce immigration law, yet the operational outputs are declining because of the material limits to immigration enforcement.

Second, technology cannot address all the limiting factors to increasing removals. The immigration lifecycle from arrest to charging to adjudication to detention to removal is long and complicated. The ultimate consequence in that lifecycle, removal, requires the cooperation of other countries. ICE cannot remove a person unless they have a place to remove them, travel documents, and a seat on an airplane or bus. Technology can make some of this process more efficient, especially the interplay between ICE, CBP, USCIS, and EOIR, but it does not impact the willingness of other countries to accept ICE removals.

Third, I would like to talk about some successes that ICE has had using technology to increase immigration enforcement. These initiatives are instructive in how ICE can use technology to better effect its mission.

ICE Check-in App: In late 2024, ICE deployed a Check-in App that allows certain people on its non-detained docket to perform their mandatory check-ins with an ICE officer using their phone. This is in some ways a continuation of the kiosks that exist at several ICE Field Offices. The check-in app should allow ICE to better manage its non-detained docket, relieve impacts on the limited physical space at ICE Field Offices, and allow ICE Officers more time to focus on noncitizens who are threats to public safety. ICE is still evaluating the effectiveness of the check-in app, but these are the types of efficiencies that can free up ICE Officers from largely administrative tasks.

Family Expediated Removal Management (FERM): Before September 2021, ICE used Family Residential Centers (FRCs) to detain family units. These FRCs were expensive and resulted in relatively few removals due to court-imposed restrictions on the number of days that ICE could keep minors without final orders of removal in custody. ICE began using ATD technology, including geo-location on Heads-of-Households to move Family Units through the immigration enforcement lifecycle. This new processing pathway increased removals of Family Units in 2024, at a fraction of the cost of the former FRCs.

This hearing is designed to assess the current and potential technological capabilities that can be leveraged to bolster immigration law enforcement and identify how Congress can support these efforts.

In my experience, immigration law enforcement already has access to vast amounts of data and technology, and immigration officers have no shortage of potential enforcement targets. What they do not have enough of, however, is the ability to analyze, sort, and prioritize that data to ensure they are focused on the right targets. ICE efforts to modernize how it uses data has been hampered by competing demands in a resource-constrained environment. Ultimately,

ICE's data modernization efforts have been cannibalized by its other, more-immediate operational demands, including more detention beds and more removal flights. While technology integration can be beneficial, it should be approached carefully, with thorough consideration for the potential unintended consequences that can result and appropriate oversight and protections against abuse built in to protect against those consequences.

ICE already has access to vast amounts of data, but the officers need help turning it into prioritized, actionable leads. ICE already has full access to information about noncitizens booked into prisons and jails around the country through routine data sharing. This access is called "interoperability" (formerly "Secure Communities") and has been in place without interruption in all 50 states, the District of Columbia, and U.S. territories since 2017. ICE also has access to information-sharing databases including state DMV databases, the U.S. Department of Justice National Crime Information Center (NCIC) database, and a variety of gang databases. Access to additional data is not the limiting factor for ICE's immigration enforcement mission. All of its access already provides vast troves of information. ICE doesn't need additional data to do its job, but it does need help analyzing, sorting, and prioritizing the data to which it already has access.

Technology can, and should, help ICE focus on public safety and national security threats instead of people who are hard-working and law-abiding, yet happen to be in the wrong place at the wrong time. This sort of technology assistance would support the ICE workforce, achieve greater efficiency, enhance compliance, and reduce costs by providing enhanced case oversight, intelligent decision support, and streamlined check-ins and reporting for the non-detained population.

Technology integration can be beneficial, but can have unintended consequences and should be undertaken with care. It is understandable why ICE wants data held by other government agencies. More data increases the likelihood of identifying potential enforcement targets or finding a valid address to arrest people. Yet while it is understandable, this type of data sharing can have negative, unintended consequences. We should not only want people to apply for the benefits to which they are entitled, we should be encouraging it. But data sharing in some instances can lessen the chances this will happen. Will a person file an affirmative asylum application if they think their address will be shared with ICE upon doing so? Will a U.S. Citizen file their taxes if they think it will lead ICE to arrest their noncitizen spouse? These trade-offs are not always worth it and can be detrimental to the communities we all want to protect.

Thank you for the opportunity to testify on this important topic. I would be happy to answer any questions you might have.