



Forging a New Legacy

Homeland Security Investigations

Confidential Informants

HSI Special Agent Training

ICE Academy

Homeland Security Investigations (HSI)

Terminal Performance Objective

Given a set of case-related facts and a designated interaction with a potential Confidential Informant (CI), follow the policies and procedures that the HSI Special Agent must accomplish to successfully recruit, document, and compensate CIs, according to the HSI Informants Handbook



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Enabling Performance Objectives

Discuss the primary considerations and strategies involved with the recruitment/cultivation of Confidential Informants (CIs)

Describe the management of HSI Confidential Informants

Determine CI File maintenance requirements

Discuss options for compensating CIs

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Review of the Past

CITP
training:
learned
about
working
with CIs



General
experience

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Legal: Rule
16 of the
Federal
Rules of
Criminal
Procedure,
“Discovery
and
Inspection”

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Main Ideas

Using CIs in the context of Homeland Security Investigations

- Define an informant or potential informant
- Minimize the risks involved when interacting with CIs
- Locate and adhere to the strict policies established in the HSI Informants Handbook



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Agenda

Discuss the primary considerations and strategies for recruiting and cultivating CIs

Describe the management of HSI CIs

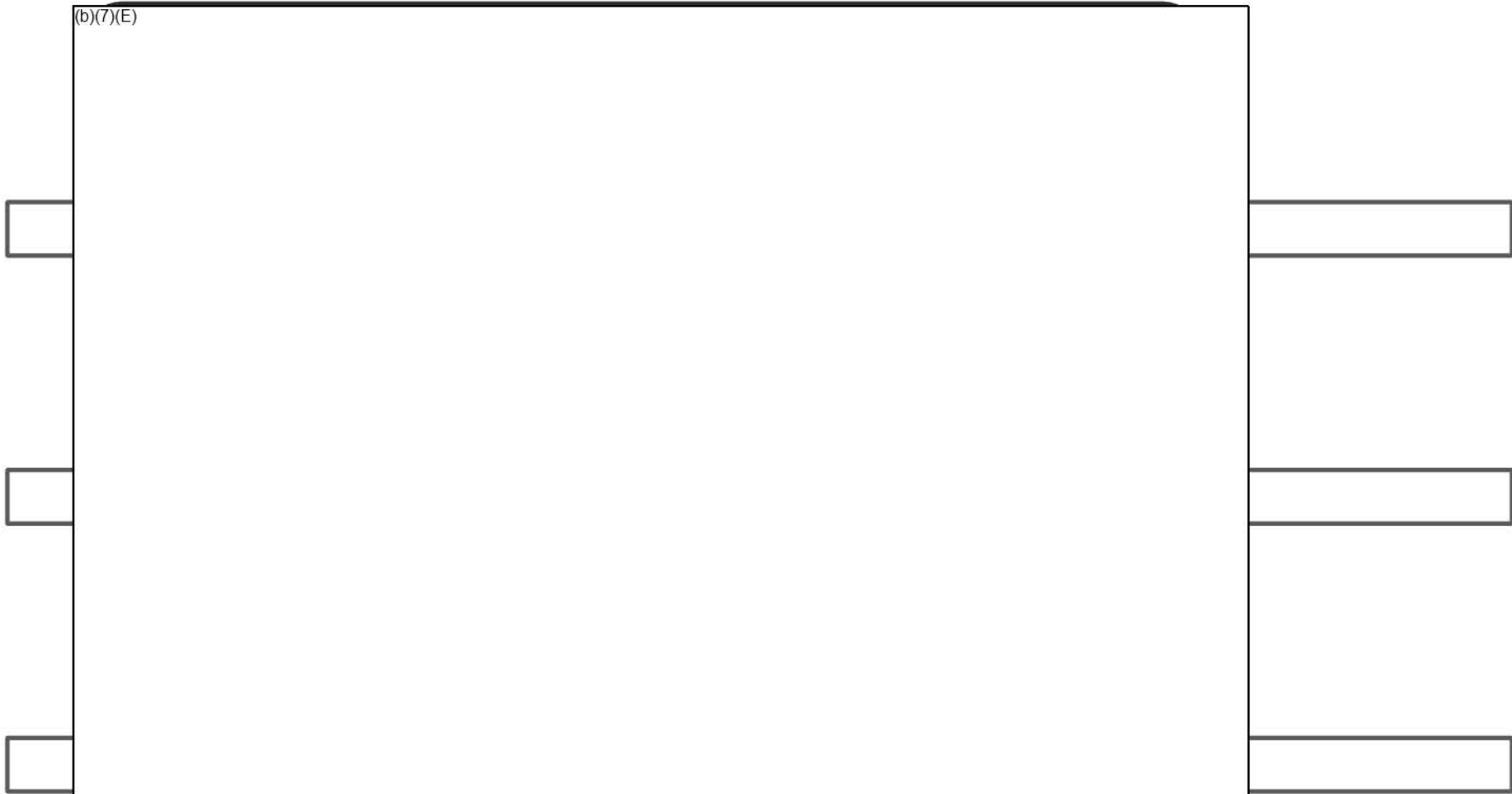
Determine CI File maintenance requirements

Discuss options for compensating CIs

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Confidential Informants

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Page 2397

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of the Freedom of Information and Privacy Act

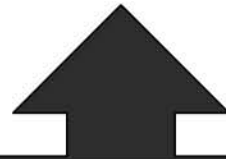
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Sources

Cooperating Defendants (CDs)

Confidential informants (CIs)

Sources of information (SOIs)



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Cooperating Defendant

Provides HSI with credible information concerning unlawful activity. Required to have AUSA concurrence but functionally works under the direction and control of an HSI SA

Has no reasonable expectation of confidentiality

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Homeland Security Investigations (HSI)

Confidential Informant

Provides HSI with credible information concerning unlawful activity and works under the direction and control of an HSI SA

Has reasonable expectation of confidentiality

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Homeland Security Investigations (HSI)

Source of Information

Provides information concerning unlawful activity to HSI without direct participation in investigation

Has a limited reasonable expectation of confidentiality

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Homeland Security Investigations (HSI)

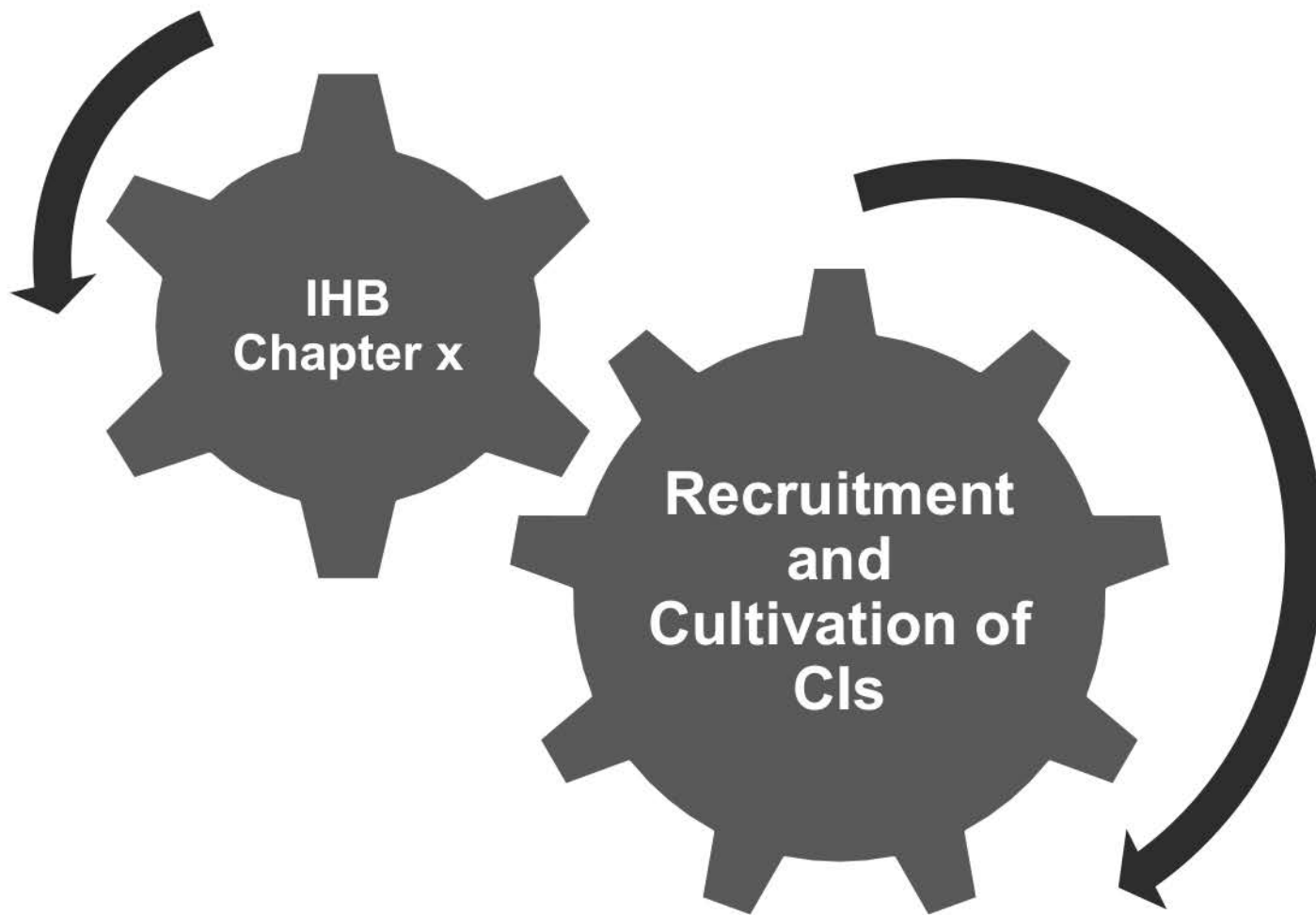
Who Controls and Directs Sources

HSI SA acts as “Control Agent” – has the primary contact with a given CI

Other ICE/HSI employees can cultivate and develop informants **but** only SAs can document and control CIs

HSI TFOs can act as “alternate” (backup) control agents

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Prospective Informants/Sources (1 of 8)



Homeland Security Investigations (HSI)

Prospective Informants/Sources (2 of 8)

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Homeland Security Investigations (HSI)

Prospective Informants/Sources (3 of 8)

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Homeland Security Investigations (HSI)

Prospective Informants/Sources (4 of 8)

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Homeland Security Investigations (HSI)

Prospective Informants/Sources (5 of 8)

(b)(7)(E)



Homeland Security Investigations (HSI)

Prospective Informants/Sources (6 of 8)

(b)(7)(E)



Homeland Security Investigations (HSI)

Prospective Informants/Sources (7 of 8)

(b)(7)(E)

Homeland Security Investigations (HSI)

Prospective Informants/Sources (8 of 8)

(b)(7)(E)



Homeland Security Investigations (HSI)

Recruiting – Basic Marketing

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Recruiting – Basic Sales

How is motivation used to recruit and manage CIs?

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Demonstration #1: Recruiting Pool

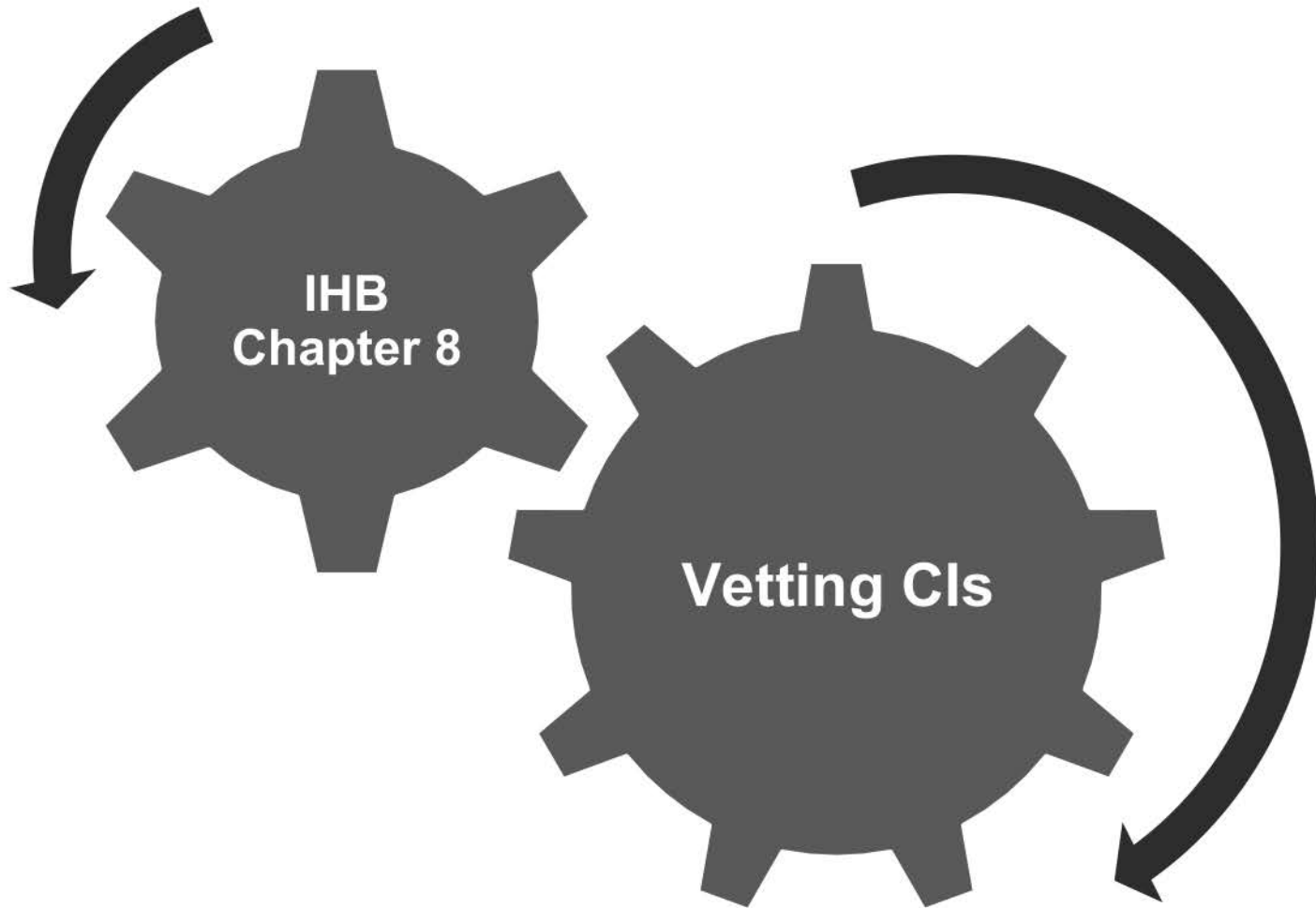
Your thoughts on the following persons as potential CIs? Why?

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Demonstration #1 scenario is in the Student Guide



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Vetting a CI

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Assessment of CI's abilities

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Evaluation of Suitability (1 of 2)

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Evaluation of Suitability (2 of 2)

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Special Approval Requirements

**Coordination with other U.S. agencies, e.g.,
DOJ – for uses of:**

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DAD/ISD Approvals

SA must get written approval to use any of the following individuals as a CI:

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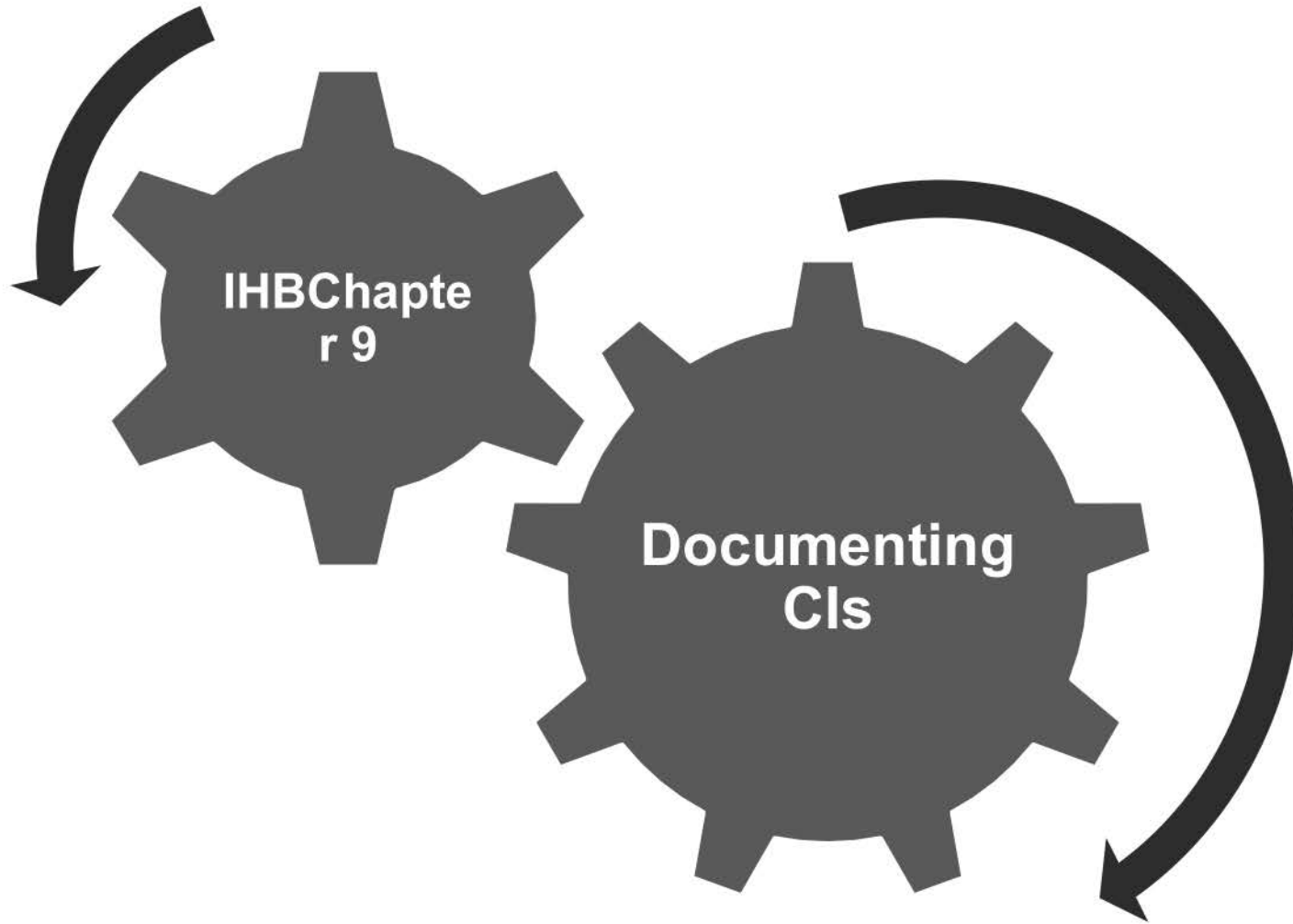
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SAC Approvals

SA must get written approval prior to using any of the following individuals as a CI:

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CI Files

Created for each individual CI by the control agent

Maintained

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CI number assigned when file complete

The "Confidential Informant Activation/Reactivation Checklist" is used to ensure that all required items are included in the CI file



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Key CI File Forms

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CI Activation/ Reactivation Checklist

CONFIDENTIAL INFORMANT ACTIVATION/REACTIVATION CHECKLIST

Date: _____

Control Agent: _____

Alternate Control Agent: _____

Completed

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Special Authorizations

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Control Agent's Signature: _____

Supervisory Review and Approval: _____

CI Number Assigned by the Field CI Program Administrator: _____

Page 2428

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Page 2429

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Instructions to CI

INSTRUCTIONS TO CONFIDENTIAL INFORMANT

These instructions are to be read to all individuals who are working as confidential informants. The reading of these instructions must be witnessed by the control agent and another law enforcement officer. These instructions must be signed and dated by the confidential informant, the control agent, and the witness. The confidential informant must initial each instruction.

- 1) ____ You are not an employee of U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI).
- 2) ____ You are not a law enforcement officer and will not represent yourself as a law enforcement officer to anyone.
- 3) ____ You are not permitted to violate any laws and could be prosecuted for any unauthorized criminal conduct in which you have previously engaged or in which you may engage in the future.
- 4) ____ Your status and documentation as a confidential informant do not convey any authority, statutory or otherwise, to carry a firearm or other weapon. When participating in authorized activity, you will not carry a firearm or other weapon, even if state laws or regulations allow you to carry one.
- 5) ____ You are not permitted to possess contraband and/or evidence without the prior knowledge and consent of your control agent.
- 6) ____ You consent to a search of your person and the conveyance under your control before and after every controlled meeting, transfer of monetary instruments, purchase of contraband, or other enforcement activity.
- 7) ____ You are not to use your association with HSI to resolve personal matters.
- 8) ____ You will follow the directions and instructions of your control agent and/or alternate control agent at all times. You will not take or seek to take any independent action on behalf of the U.S. Government.
- 9) ____ You will be truthful at all times when providing information to HSI Special Agents. You may be required to submit to a psychophysiological detection of deception examination (formerly known as a polygraph examination or lie detector test) to verify your information.
- 10) ____ You will not deliberately entrap any individual who would not otherwise be predisposed to commit a crime.
- 11) ____ You are not to disclose that you provide a service to HSI without the approval of your control agent.
- 12) ____ The information you provide to HSI may be used in a criminal proceeding. HSI will use all lawful means to protect your identity, but cannot guarantee that it will not be divulged.
- 13) ____ If any immigration benefit has been or will be provided to you and/or members of your immediate family for your cooperation, such benefits will allow you to remain in the United States, its commonwealths, and/or its territories only as long as needed to assist HSI and under the terms and conditions set by HSI. Immigration benefits granted by HSI will be revoked upon completion of your assistance. Any permanent residency status will be granted only subject to existing laws, and nothing will prevent you from applying for an immigration benefit for which you are otherwise eligible.
- 14) ____ You understand that HSI has not made any promises to you regarding permanent immigration status for you or your family.
- 15) ____ Your assistance and statements to HSI are entirely voluntary.

By signing this agreement, I hereby state that I have read these instructions or have had them read to me and that I have understood the above conditions set out to me.

Signature (Assumed Name)
(Signature exemplar contained in the CI file)

Date

Special Agent's Signature

Date

Special Agent's Name

Witness' Signature

Date

Page 2431

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of the Freedom of Information and Privacy Act

CI's Criminal History Check

CONFIDENTIAL INFORMANT CRIMINAL HISTORY CHECK

Confidential Informant Number: _____

Control Agent: _____

Agencies Checked	Date Checked	Check One	
		Negative	Positive
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Summary of Criminal History Checks

<u>Date of Arrest</u>	<u>Agency</u>	<u>Charge</u>	<u>Disposition</u>
Assistant Special Agent in Charge (or higher) Authorization on File:		Yes _____	No _____

Control Agent's Signature: _____ Date: _____

CI's Emergency Contact Information

CONFIDENTIAL INFORMANT'S EMERGENCY CONTACT INFORMATION

Date: _____

Confidential Informant (CI) Number: _____

Control Agent: _____

Contact Information – Other than Confidential Informant's

Name: _____

Relationship to the CI: _____

Telephone(s): _____

Address: _____

CI's Signature: _____

Special Agent's Signature: _____

Witness' Signature: _____

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CI File Maintenance Requirements (1 of 2)

- Maintained for 5 years (b)(7)(E) CI
numberControlling agent prepares a brief (b)(7)(E) ROI –

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CI File Maintenance Requirements (2 of 2)

- (b)(7)(E)

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Other common CI file forms/additions

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Other common CI file forms/additions (Cont'd)

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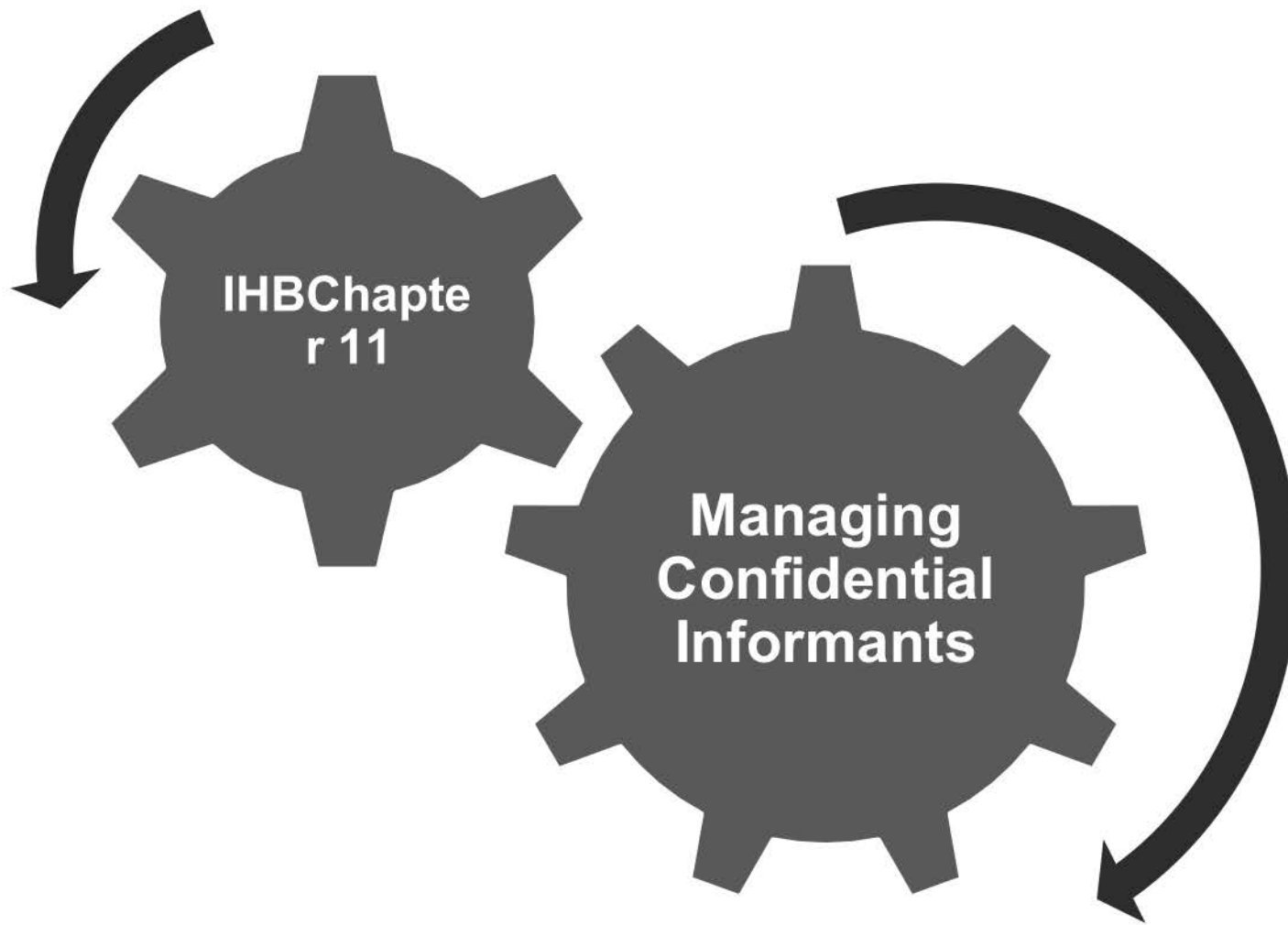
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Demonstration #2: Complete a Source Card

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Demonstration #2 scenario is in the Student Guide

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Prohibited Transactions and Relationships (1 of 2)

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Prohibited Transactions and Relationships (2 of 2)

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Meetings and Debriefings

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Documenting Information Received

Document all contact between CI and SA

Protects HSI, CI, and the integrity of the investigation

Document contact in a ROI

- Reference assigned CI number only
- Detail date, time, method of contact, individuals present, location, and information provided

Contact yields nothing – document in investigative notes

If CBP prepares a MOIR – place copy in source file

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Demonstration #3: Instructions to the CI

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Demonstration #3 scenario is in the Student Guide

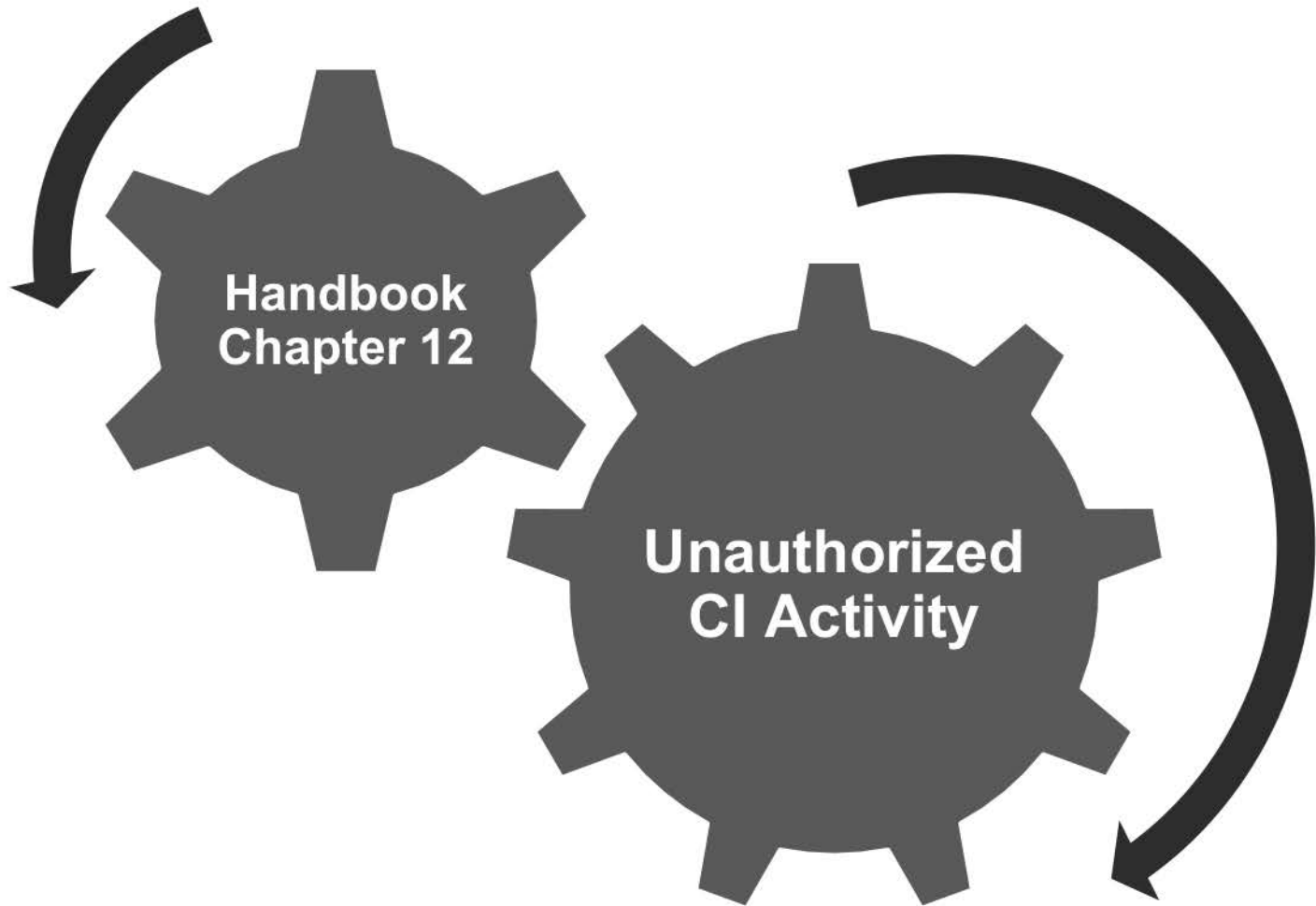


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Working with Another LEA CI

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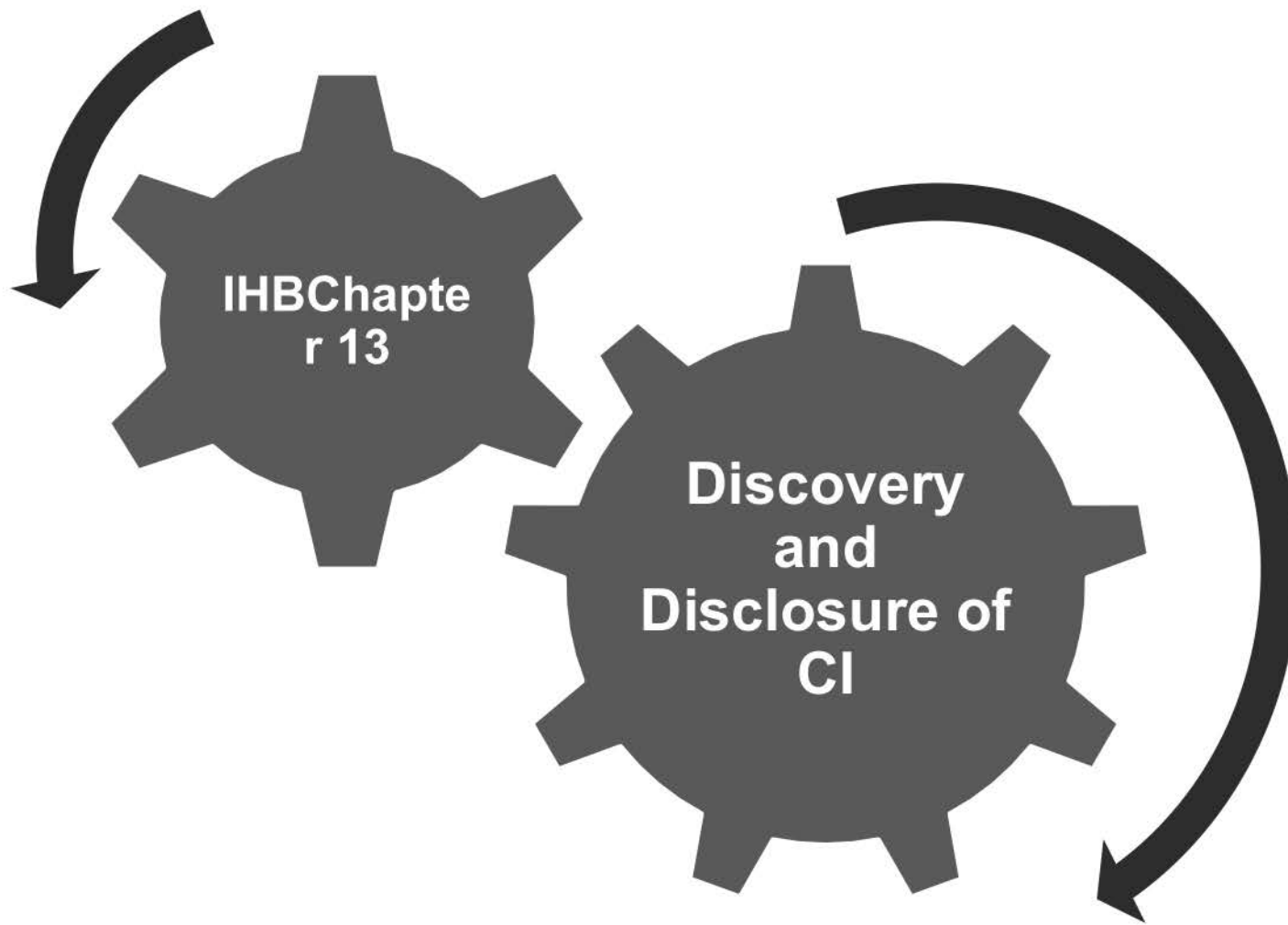


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Unauthorized CI Activity

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Discovery, Disclosure and CIs

CIs have reasonable expectation of confidentiality and anonymity

Giglio Doctrine

- Prosecution must provide defense with information affecting government witness' credibility
- Defense favors Rule 16 of the Federal Rules of Criminal Procedure, "Discovery and Inspections"

Reasons for Disclosure

- Court Orders, Subpoenas
- CI or SA testimony
- Immigration proceedings



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Protect CI Identity

to the Maximum Legal Extent

HSI policy: Disclosure requires EAD approval

- Official need-to-know required (except OPR & DHS OIG)
- Authorized for LEO safety and security

Investigative strategy

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Homeland Security Investigations (HSI)

Protect CI Identity (cont'd)

to the Maximum Legal Extent

CI file contents and testimony provided only with EAD, HSI written approval

CI file outside HSI provided via memo to DAD, ISD

Unauthorized disclosure via SAC memo to EAD

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Procedures for Disclosure/Review of CI File

Disclosure

- For judicial proceeding (criminal or civil):

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- For subpoena, court order, other formal legal request:

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Review by AUSA, state/local prosecutor, or OPLA attorney

- HSI SA must witness review
- CI file shall not to be left unattended
- No copying files during review

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CIs in Foreign Countries

Important to know rules to follow in foreign countries

Talk to international desk officer or appropriate attaché office for details, sign-offs and permissions

Documenting and reporting – document in same manner as a domestic CI

Arrests – notifications and timelines

CI foreign travel – Field office must obtain country clearance

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CIs in Foreign Countries – Documenting

Important to know rules to follow in foreign countries

- A CI residing in and/or operating in a foreign country (foreign national or U.S. citizen) who will be documented and utilized as a CI shall be documented in the same manner as a domestic CI. Control Agent must complete a “Documentation of Confidential Informant Residing or Operating in a Foreign Country” memorandum when Domestic HSI office documents a foreign national residing and/or operating in a foreign country as a CI, and Domestic HSI office documents a U.S. citizen residing and/or operating in a foreign country



Homeland Security Investigations (HSI)

CIs in Foreign Countries

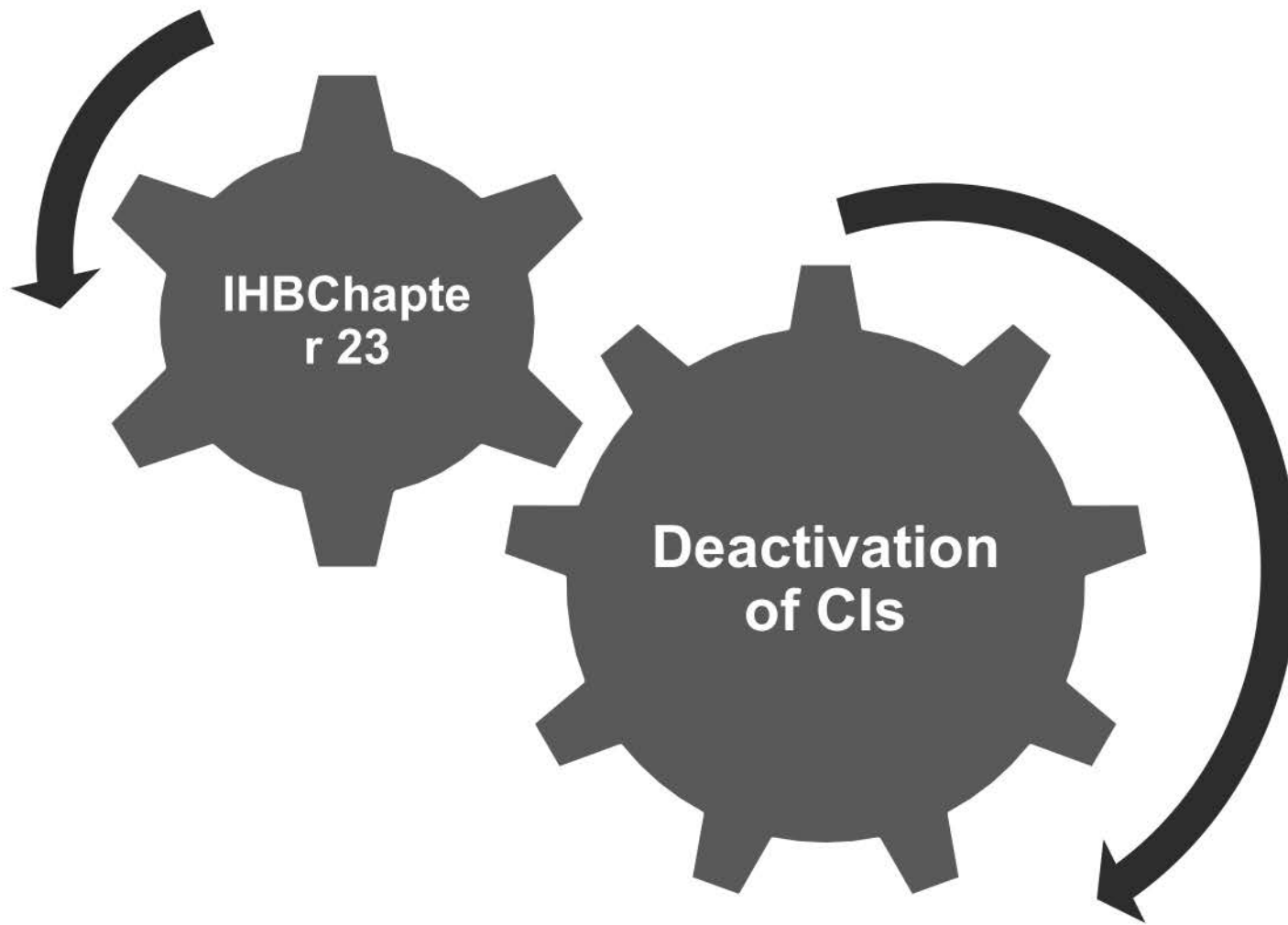
Title 21
Investigations –
agreement with
DEA

- All investigative activity conducted under the provisions of Title 21 and involving controlled substances will be coordinated with DEA

CI activity in:

- Mexico: Agents should refer to the IHB section 14.4 for proper guidance reference the Brownsville/Merida MOU
- Canada: Check with Attaché office prior to CI activity for policy and guidelines (IHB 14.5)

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A CI can be deactivated:

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CI Deactivation

Control agent will prepare a “Deactivation of Confidential Informant” memorandum for placement in the CI file

The notification of deactivation will be witnessed by at least one other LEO.

The FCPA will place a copy of the memo in the CI file and forward a copy to the DAD, ISU

The control agent should notify other investigative groups, HSI office or other agencies of the deactivation

If the CI is an alien, any temporary immigration benefits must be addressed

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Deactivation for Cause

When a CI may be unreliable or undesirable

Follow all steps for general deactivation

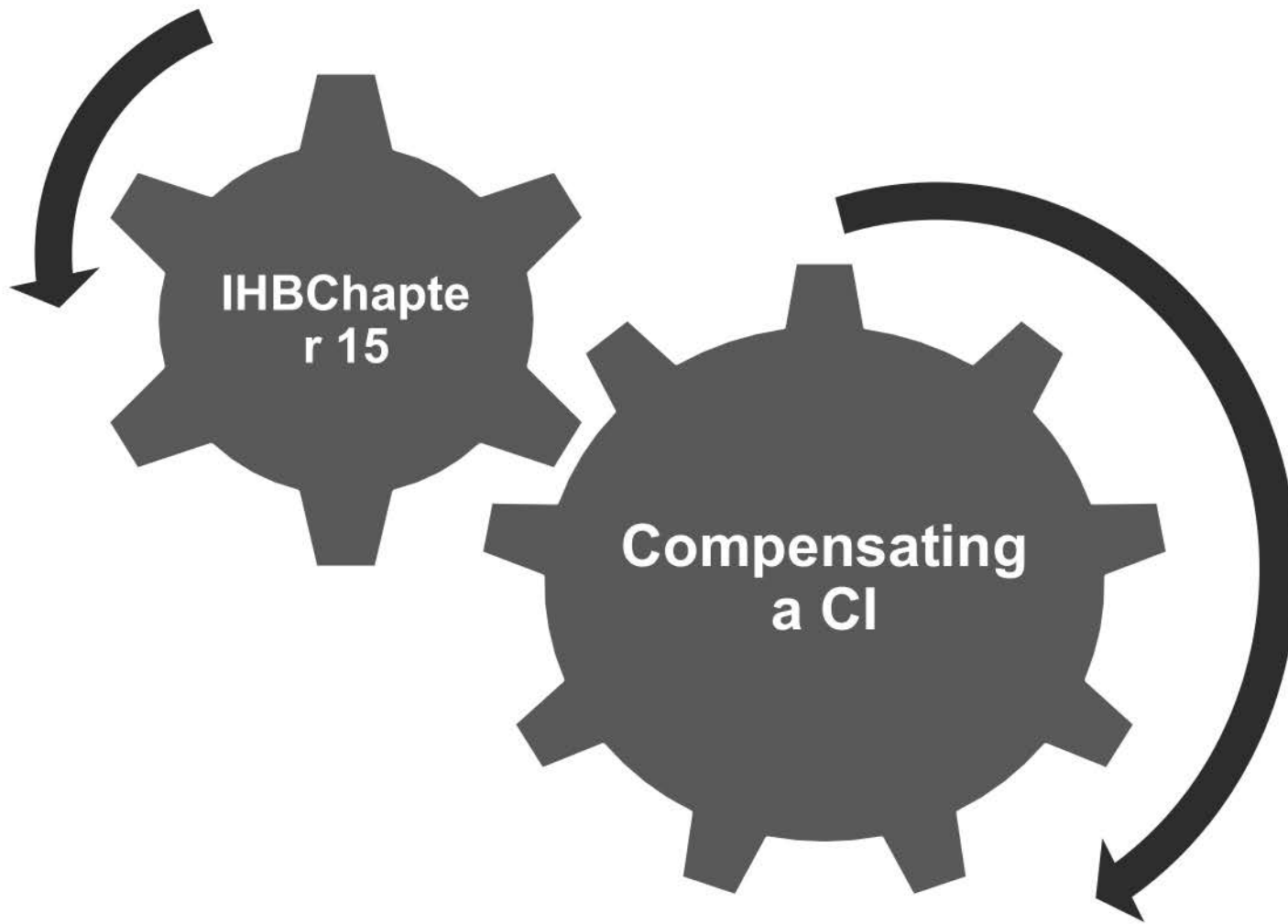
Document the reason for deactivation for cause in a memo to the DAD, ISU.

Notify appropriate prosecutors of deactivation

ISU will notify other HSI office in which the CI may have operated

ISU will also place the CI's name into (b)(7)(E) as a non-suspect

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CI Compensation (1 of 8)

There are a number of ways to compensate CIs

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CI Compensation (2 of 8)

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CI Compensation (3 of 8)

Commission

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CI Compensation (4 of 8)

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CI Compensation (5 of 8)

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CI Compensation (6 of 8)

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CI Compensation (7 of 8)

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CI Compensation (8 of 8)

Making the payment

Documenting the payment

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ICE Form 73-049

'Confidential Transaction Receipt'

Field Confidential Informant Program
Administrators Signature

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

CONFIDENTIAL TRANSACTION RECEIPT

1. Control Number	2. ICE Office	3. Obligation No.	4. CUC Program Code	5. Date
6. Confidential Informant No. (If Applicable)	7. Case Number	8. Related FP&F Numbers		
PAYMENT REQUEST				
9. Type of Transaction	10. Funding Source (if other, indicate funding type in box 11)	11. If Other, Specify		
12. Enter Amount of Funds Requested (Type out)			13. Dollars	
14. Assumed Name if CI or Real Name if Other				
15. Reason for Payment				
16. Requesting Agent (Name/Title/Office)		17. Date	18. Requesting Agent's Signature	
19. Final Approving Official (Name/Title/Office)		20. Date	21. Approving Official's Signature	
PAYMENT BY DEBIT CARD/CHECK				
22. Debit Card Doc Number	23. Check Number		24. Check Amount	
25. HQ/Local Approver			26. Date Approved	
27. Name/Title/Office of Agent Providing Funds/Check		Signature of Agent Providing Funds/Check		
28. Name/Title/Office of Agent Receiving Funds		Signature of Agent Receiving Funds		29. Date Funds Received
30. Name/Title/Office of Agent Making Payment		Signature of Agent Making Payment		31. Date Funds Paid
TRANSFER OF FUNDS BY WIRE				
32. Amount of Funds Received	TITLES AND SIGNATURES OF AGENTS RECEIVING FUNDS (Two Signatures Required)	33. Print Name/Title/Office	34. Signature	
35. Date Funds Received		36. Print Name/Title/Office	37. Signature	
RETURN OF UNUSED FUNDS				
38. Amount of Funds Returned		\$	39. Method of Return	40. Date of Return
41. Name/Title/Office of Agent Returning Funds		Signature of Agent Returning Funds		
42. Name/Title/Office of Witnessing Agent		Signature of Witnessing Agent		
RECEIPT OF FUNDS				
43. Received from U.S. Immigration and Customs Enforcement (ICE) for information provided to ICE in furtherance of an ICE investigation. Funds awarded for information provided to ICE are considered to be taxable income to the recipient and are required to be reported to the Internal Revenue Service.				
44. Amount of Funds Received			\$	
45. Moleity Status <input type="checkbox"/> This payment is in lieu of Moleity <input type="checkbox"/> This payment is to be deducted from Moleity Initials of CI's Assumed Name: _____		46. Date Funds Received	47. Signature of Recipient (Assumed Name if CI or Real Name if Other)	
48. Signature of Witnessing Agent		49. Signature of Witnessing Agent		
50. Print Name/Title/Agency		51. Print Name/Title/Agency		

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Judgment Criteria for Compensation (1 of 5)

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Judgment Criteria for Compensation (2 of 5)

Factors affecting amount of payment

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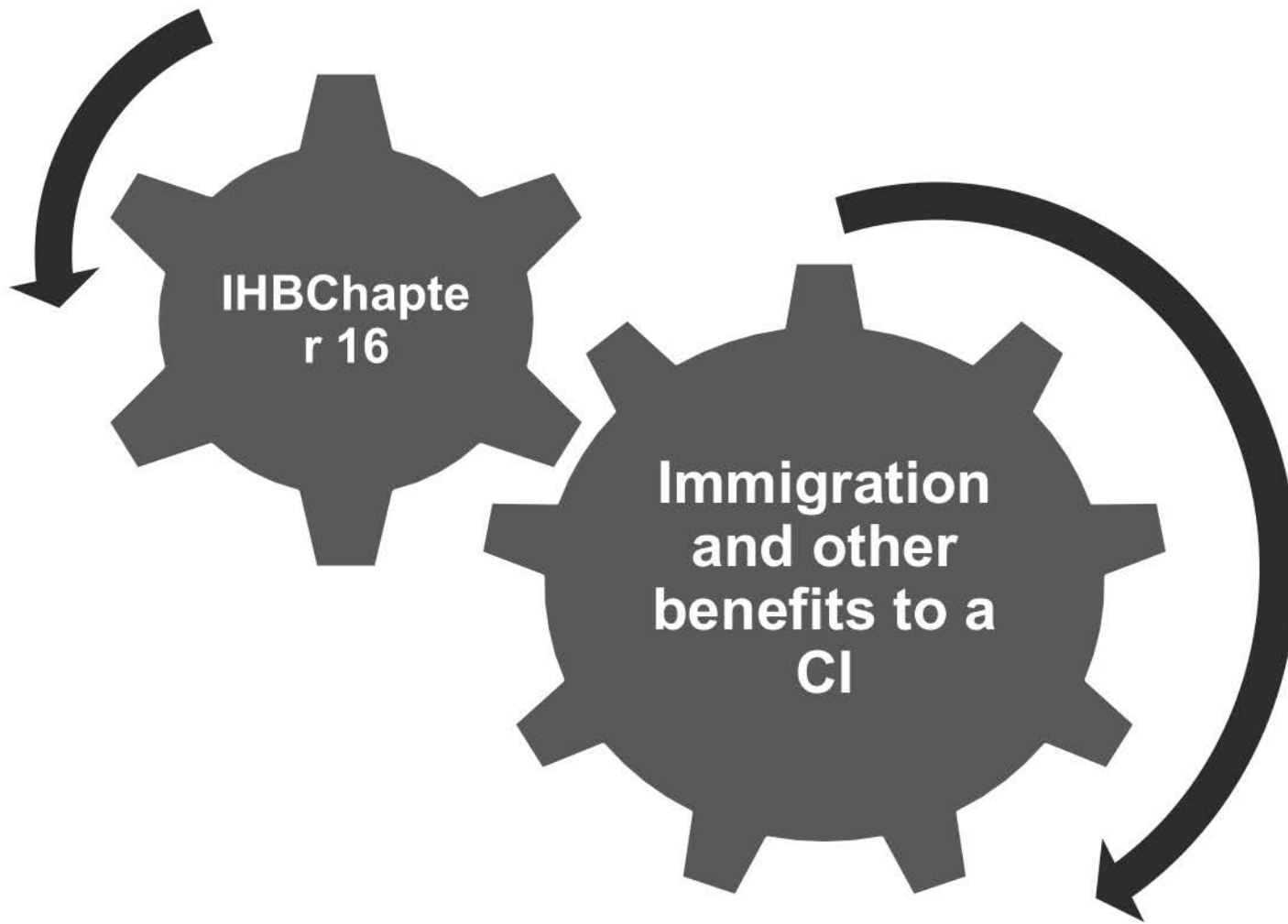
Homeland Security Investigations (HSI)

Judgment Criteria for Compensation (3 of 5)

Funding Sources

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Homeland Security Investigations (HSI)



Immigration and Other Benefits

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Homeland Security Investigations (HSI)

Immigration and Other Benefits (1 of 4)

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ICE Form 73-050

'Immigration Benefits Receipt'

Field Confidential Informant Program
Administrator's Signature

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

IMMIGRATION BENEFITS RECEIPT

1. Control Number [] - [] - []		2. Confidential Informant No. SA - [] - []	3. ICE Office []	4. CUC Program Code []	5. Case Number []
6. Date []	7a. Type of Immigration Benefit (if other, indicate benefit type in box 7b) []		7b. If other, specify []		
8. Immigration Benefit Recipient (if other, indicate relationship in box 9) []			9. If other, specify, e.g., SA-123-HQ (Relationship Type) []		
10. Period of Authorization for the benefit []			11. Assumed Name if CI or Real Name if Other []		
12. Reason for the Benefit []					
13. Requesting Agent (Name/Title/Office) []			14. Requesting Agent's Signature []		15. Date []
16. Approving Official (Name/Title/Office) []			17. Approving Official's Signature []		18. Date []
RECEIPT OF IMMIGRATION BENEFITS					
Received from U.S. Immigration and Customs Enforcement (ICE) the following immigration benefit for cooperation in the investigation of violations of laws enforced by ICE. Benefits provided by ICE are subject to all applicable laws, regulations, and policy and may be revoked at any time in accordance with the terms of the program under which the benefit was provided.					
19a. Type of Immigration Benefit (if other, indicate benefit type in next box) []			19b. If other, indicate benefit type []		
20. Immigration Benefit Recipient (if other, indicate relationship in the next box) []			21. If other, indicate relationship, e.g., SA-123-HQ (Relationship Type) []		
22. Assumed Name Signature of the CI []					23. Date Benefit Is Received []
WITNESSING SIGNATURES					
24. Print Name/Title/Agency []				25. Signature of Witness []	
26. Print Name/Title/Agency []				27. Signature of Witness []	

Homeland Security Investigations (HSI)

Immigration and Other Benefits (2 of 4)

Approval and Documentation

- All requests for benefits require SAC approval
- Parole requests from ICE/HSI office in foreign countries require approval by respective HSI Attaché (ICE Form 73-050)

Homeland Security Investigations (HSI)

Immigration and Other Benefits (3 of 4)

Parole/Significant Public Benefit Parole

- Allows temporary lawful presence in the U.S. for an alien in furtherance of investigation and/or prosecution
- Valid for one year (may be extended)
- Issued through the Parole and Law Enforcement Programs Unit
- Employment Authorization may also be requested

Deferred Action

- Can postpone any 'action' from issuance of a NTA, effecting removal or effecting a reinstated order
- Valid for one year (may be extended)
- Issued locally by a SAC or designee
- Employment Authorization may also be requested

Homeland Security Investigations (HSI)

Practice #1: Recruit a CI

From your present or previous duty assignment....
List three strategies for recruiting CIs in that location:

Practice #1 scenario is in the Student Guide

Homeland Security Investigations (HSI)

Practice #2: Complete a Source Card

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Practice #2 scenario is in the Student Guide

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Practice #3: Instructions to the CI

- (b)(7)(E)

Practice #3 scenario is in the Student Guide

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Summary

- CIs Important to the HSI mission Potential threat to integrity of investigations and safety SAs cultivate and recruit CIs Extensive documentation & approval requirements Various methods of compensation Sources for guidance and information HSI Informants Handbook Seasoned SAs



Protecting the Borders Against Illicit Trade, Travel, and Finance