US Immigration and Customs Enforcement OFFICE OF TRAINING AND DEVELOPMENT

ICE Academy



CONFIDENTIAL INFORMANTS 11200

Student Guide

HSI Special Agent Training

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Confidential Informants

Motivation

Most significant investigations have one thing in common – informants. Informants are an extremely valuable tool to the HSI law enforcement mission and contribute significantly to our success. A good informant(s) can make or break an Agent's career and is one of the most important parts of becoming a good Agent.

Confidential Informants can be the eyes and ears in places that would otherwise be inaccessible to an HSI Special Agent. Cls can help agents build a sound investigation; however, these valuable tools can quickly become a double-edged sword: their self-interests often misalign with the Special Agent or HSI mission. An Agent's efforts, reputation, and investigation(s) may suffer if the Cl's conduct or actions are inappropriate. Informant issues have been a primary factor in numerous Agent disciplinary actions and dismissals.

Based on experience, HSI has a detailed and extensive approval and review process for using Confidential Informants. The process serves to protect SAs, their cases and the Agency. At times, the process will seem aggravating –particularly when it slows down efforts in building the case. The process is in place to protect SAs and the Agency from possible public embarrassment, physical harm, or litigation.

Objectives

Terminal Performance Objective (TPO)

Conditions: Given a set of case-related facts and a designated interaction with a potential

Confidential Informant (CI),

Behavior: follow the policies and procedures that the HSI Special Agent must accomplish

Criterion: to successfully recruit, document, and compensate CIs according the HSI

Informants Handbook.

Enabling Performance Objectives (EPOs)

EPO #1: Discuss the primary considerations and strategies involved with the

recruitment/cultivation of Confidential Informants (CIs).

EPO #2: Describe the management of HSI Confidential Informants.

EPO #3: Determine CI File maintenance requirements.

EPO #4: Discuss options for compensating CIs.



Review of the Past

During CITP training, students learned about working with Confidential Informants. CIs can be extremely valuable to investigations. While it is well known that CIs are important to the mission of HSI and have definitely contributed significantly to its success, the facts also set forth that CIs can often pose a potential threat to the integrity of investigations and to the safety of everyone involved. Failure to understand this fact is what, often times, leads to problems.

You also learned about Rule 16 of the Federal Rules of Criminal Procedure, "Discovery and Inspection" in legal training.

Advance Organizer of Main Ideas

You are going to learn about using CIs in the context of Homeland Security Investigations. The objective is to lessen the occurrences of adverse CI interactions by providing you with the tools that will:

- · more clearly define an informant or potential informant
- help you minimize the risk involved when interacting with CIs
- help you locate and adhere to the strict policies established in the HSI Informants Handbook – contains instruction and guidance to help ensure uniformity and operational consistency among all HSI field offices – found on HSI NET

Note: Although the recurring term used in this lesson is "Confidential Informants" (CI), all policies and procedures discussed also apply to cooperating individuals (CIDs) unless otherwise noted.

Agenda

In order to meet our objectives in this lesson, we will:

- Discuss the primary considerations and strategies for recruiting and cultivating Confidential Informants.
- Describe the management of HSI Confidential Informants.
- Determine CI File maintenance requirements.
- Discuss options for compensating Cls.



INSTRUCTION

Explanation

A. EPO #1: Discuss the primary considerations and strategies involved with the recruitment/cultivation of Confidential Informants.

recru	uitment	/cultivation of Confidential Informants.
1.	Conf	idential Informants
	a. b.	The cultivation of informants and cooperators by HSI has contributed significantly to the success of the law enforcement mission. Due to the unpredictability of human behavior:
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2.	Wha	t or who is a source of information?
	a.	SOIs and CIs are important to HSI's law enforcement mission and have contributed significantly to its success.
3.	Cate	gories of sources
	a.	Cooperating Defendant (CD):
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		2) 3)
	b.	Confidential Informant (CI):
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		2) 3)
	C.	Source of information (SOI):
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- 4. Who controls and directs sources?
 - a. HSI Special Agent acts as "Control Agent" (has the primary contact with a given CI).
 - b. Other ICE/HSI employees can cultivate and develop informants, but only Special Agents can document and control CIs.
 - c. HSI Task Force Officers (TFOs) can act as "alternate" (backup) control agent.
- 5. Categories of prospective informants/sources

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Demonstration #1 – Recruiting Pool	
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В.	EPO	#2: De	scribe the management of HSI Confidential Informants.
	1.		ng Cls (Chapter 8)
		a.	Assessment of CI's abilities (Section 8.1) 1) (b)(7)(E) 2) 3) 4) 5) 6)
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Evaluation of suitability - GS and HSI SA must conduct initial evaluation



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C.	Special approval requirements – Coordination with other U.S. agencies, for example, DOJ – for uses of:
	for example, DOJ – for uses of:
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b)					
c) d)					
e)					
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- 4) State/local Prisoners
 - a) OEO approval is not required.
 - b) The request must be approved by the DAD, ISD, and by the AUSA and/or the state or local prosecutor, as appropriate.
- 5) DAD/ISD approvals (Deputy Assistant Director, Investigative Services Division) SAs must receive written approval from the DAD, ISD, prior to utilizing any of the following individuals as a CI:

a)	(b)(7)(E)			
b)				
c)				
d)				
e) f)				

6) SAC Approvals

SAs must receive written approval from the SAC prior to utilizing any of the following individuals as a CI. A memorandum containing justification and approval of the SAC must be obtained and placed in the CI file prior to utilizing the CI.

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b)		

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- Documenting CIs (Chapter 9)
 When an SA identifies an individual who meets the criteria for becoming a productive CI, the SA must document that individual in accordance with the guidelines provided in the Informant Handbook.
 - a. CI Files
 - 1) Only SAs are authorized to document informants.
 - 2) Control Agent creates CI File.

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3) Key CI File Forms

a) b)	(b)(7)(E)		
c) d)			
e)			
e) f) g) h)			
h)			
i)			

The Confidential Informant File Checklist can be used to ensure that all required items are included in the CI file (Appendix B).



C. EPO #3: Determine CI File maintenance requirements.

The CI File is subject to frequent management reviews and auditing to ensure the integrity of the CI program, so it is very important for consistency in the placement of documents within the CI File. Also, CI Files are subject to the office self-inspection process (SIP) which identifies non-compliance issues to HQ. Non-compliance reflects poorly on management—from first- and second-level office management to the SAC.

1	CI Eila
1.	CI File

- a. Maintenance/Security: maintain for 5 years in originating office
- b. Access Control

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Complete required card and all forms.

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Demonstrati	on #2	- Complete a Source Card
Complete a S	Source	Card for the CI selected in Demonstration #1. Use the electronic form,

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Confidential Informant Documentation, ICE Form 73-045.



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- 6. Managing Confidential Informants (Chapter 11)
 - a. Prohibited Transactions and Relationships

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Demonstration #3 - Instructions to the CI

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7.	Working with Another LEA CI
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	b.
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Notes:	

- 9. Discovery and Disclosure of CI (Chapter 13)
 - a. Cls have reasonable expectation of confidentiality and anonymity.
 - b. Giglio Doctrine:
 - 1) Prosecution must provide defense with information affecting a government witness' credibility, including a summary of payments to the CI specific to the prosecution in which CI will testify.



- Defense usually attempts to obtain CI info under Rule 16 of the Federal Rules of Criminal Procedure, "Discovery and Inspection."
- c. Reasons for Disclosure
 - 1) Court Orders
 - 2) Subpoenas
 - 3) CI or SA testimony
 - 4) Immigration proceedings
- d. Protect CI identity to the maximum extent of the law

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- e. CI File contents and testimony provided only with EAD, HSI written approval.
- f. Disclosure of CI File outside HSI via memorandum to DAD, ISD.
- g. For unauthorized disclosure, SAC prepares and submits memorandum to EAD.
- 10. Procedures for Disclosure/Review of CI File

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a. Disclosure

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- b. Providing CI File for review
 - If AUSA, or state or local prosecutor (during judicial proceeding) or OPLA attorney (during immigration proceeding) requests to review Cl's file:
 - a) HSI SA must witness review.
 - b) CI File shall not be left unattended. (Note: SAs are not authorized to allow state/local prosecutors of non-HSI cases to review CI File contents without prior consultation with ISU and (RDU).
 - AUSA, state/local prosecutors, or OPLA may not make copies of CI File during review.

Notes:		

11. Cls in foreign countries

Rarely will new SAs develop CIs in foreign countries. However, if you are reporting to border locations must know the rules that CIs must follow while in foreign countries.

a. Important to know rules

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c)			

- 4) CI foreign travel Field office must obtain country clearance
- b Documenting CIs in Foreign Countries

Cls in foreign countries are documented in the same manner as a domestic Cl.

- 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 (as specified in Chapter 9 of the CI Handbook).
- 2) The control agent must complete a "Documentation of Confidential Informant Residing or Operating in a Foreign Country" memorandum (Appendix H) when:
 - a) Domestic HSI office documents a foreign national residing and/or operating in a foreign country as a CI, and
 - b) Domestic HSI office documents a U.S. citizen residing and/or operating in a foreign country.
- c. Cls in Foreign Countries
 - 1) Title 21 Investigations
 - a) Pursuant 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.
 - 2) CI activity in:
 - a) Mexico: refer to the IHB, Section 14.4) for proper guidance; reference the Brownsville/Merida MOU
 - b) Canada: check with Attaché office prior to CI activity for policy and guidelines; refer to the IHB, Section 14.5



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- 12. Deactivation of CIs (Chapter 23)
 - a. A CI can be deactivated for two reasons:

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- b. CI Deactivation Process
 - 1) 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.
 - 4) The control agent should notify other investigative groups, HSI office or other agencies of the deactivation.



Notes:

- 5) If the CI is an alien, any temporary immigration benefits must be addressed.
- c. Deactivation for Cause
 - 1) Follow all steps for general deactivation.
 - Document the reason for deactivation for cause in a memo to the DAD, ISU.
 - 3) Notify appropriate prosecutors of deactivation.
 - 4) ISU will notify other HSI office in which the CI may have operated.
 - 5) ISU will also place the CI's name into TECS ICM as a nonsuspect.

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CONCLUSION

Summary of Main Ideas

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Integration	
Integration	
Confidential Informants are an important part of an investigator's success. They of	can bring
information to you, and they can help you legally confirm information to tighten yo	our case. Their
access to places and individuals that defy your best efforts can be invaluable.	
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Objectives

The objective in this class was to give you the tools that would lessen the occurrences of adverse outcome when interacting with a CI. You now can:

Just about everywhere.

- Discuss the primary considerations and strategies involved with the recruitment/cultivation of Confidential Informants.
- Describe the management of HSI Confidential Informants.
- Determine CI File maintenance requirements.
- · Discuss options for compensating CIs.



Motivation

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Test or Final Activity

In several case scenarios that involve interactions with CIs, you must use the HSI Informants Handbook to determine:

- · Appropriate actions to take
- Appropriate reports to file
- · Proper documentation to complete
- Approval level required

You will demonstrate your ability to meet requirements contained in the HSI Informants Handbook in the context provided by the continuing case scenarios.

The test for the Confidential Informant lesson occurs during the Practical Exercise 1. Recruiting, interviewing, cultivating, and documenting CIs is part of a weighted final examination. Instructors will evaluate students by using a checklist to ensure that they adequately perform these important aspects of working with confidential informants.



Appendix D

Instructions to Confidential Informant

Informants Handbook August 2, 2012 D-i

FOR OFFICIAL USE ONLY LAW ENFORCEMENT SENSITIVE



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 papproval of your control agent.	provide a service to HSI without the
12) The information you provide to HSI will use all lawful means to guarantee that it will not be divul	protect your identity, but cannot
will allow you to remain in the U its territories only as long as need conditions set by HSI. Immigrati revoked upon completion of your status will be granted only subject	een or will be provided to you and/or ily for your cooperation, such benefits nited States, its commonwealths, and led to assist HSI and under the terms a ion benefits granted by HSI will be assistance. Any permanent residence to existing laws, and nothing will immigration benefit for which you an
14) You understand that HSI has not permanent immigration status for	
15) Your assistance and statements to	HSI are entirely voluntary.
By signing this agreement, I hereby state that I h	nave read these instructions or have ha
By signing this agreement, I hereby state that I I them read to me and that I have understood the a Signature (Assumed Name) (Signature exemplar contained in the CI file)	nave read these instructions or have ha
them read to me and that I have understood the a Signature (Assumed Name)	nave read these instructions or have habove conditions set out to me.
them read to me and that I have understood the a Signature (Assumed Name) (Signature exemplar contained in the CI file)	nave read these instructions or have har above conditions set out to me.
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Signature (Assumed Name) (Signature exemplar contained in the CI file) Special Agent's Signature Special Agent's Name	nave read these instructions or have har above conditions set out to me. Date Date
Signature (Assumed Name) (Signature exemplar contained in the CI file) Special Agent's Signature Special Agent's Name	nave read these instructions or have har above conditions set out to me. Date Date



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

CONFIDENTIAL INFORMANT DOCUMENTATION

the state of the s	1. NAME (LAST, First, Middle)			2. Alien Nu A#	A#			ential Informant Number			
4. Assumed Name					5. A/K/A			6. Case No	lumber		
7. Address					8. City	9. State					
10. Zip Code	11. Co	ountry			12. Date of	f Birth		13. Place of Birth			
14. Citizenship	(List All)				15. Race			16. Hispan			17. Sex
8. Height		19. Wei	ight		20. Eye Co	olor	21.	Hair Color			
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22. Social Security Number 23. Driver's L			License Numb	per		24. State					
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27. NCIC 28. TECS 29. Other Criminal Hi				History			-	30. SA	C/HQ Appr	roval Required	
31a. Approving	Officer		32a. F	Reason App	oroval is Requ	ired				33a. Da	ate of Approval
31b. Approving	Officer		32b. F	Reason App	oroval is Requ	iired				33b. Da	ate of Approval
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For Official Use Only



- A. Complete the Confidential Informant (CI) Documentation. **Do not save the completed CI Documentation on your computer.**
- B. Print a copy of the completed CI Documentation, signing/initialing where required.
- C. The Field Confidential Informant Program administrator (FCPA) will scan the signed copy and email it to the Undercover Operations Unit (UOU) File Custodian, using an email with delivery and read receipt to show that it was delivered to and received by UOU. NOTE: The scanned form must be sent as an encrypted attachment, with a password sent separately. (See the Department of Homeland Security "Handbook for Safeguarding Sensitive Personally Identifiable Information," dated March 2012 or as updated for instructions on how to encrypt the file.)
- D. Print a copy of the delivery and read receipt, seal the CI Documentation in an envelope, and place them in the CI file.
- E. Delete the scanned PDF from your hard drive.

PLEASE NOTE THE FOLLOWING

Box 26: If the CI requires any type of immigration benefits, check "Yes".

Box 30: If the use of this CI requires approval to use, check "Yes". See the following sections of the Homeland Security Investigations (HSI) Informants Handbook (HSI HB 12-03, dated August 2, 2012) for required approvals:

- · 8.3 Department of Justice Office of Enforcement Operations Approval
- · 8.4 Utilizing a State or Local Prisoner
- · 8.5 Deputy Assistant Director, Investigative Services Division, Approval
- · 8.6 Special Agent in Charge Approval
- · 8.7 Confidential Informants with Criminal History

Box 31a, b, and c: Include the name of the HSI official or the name of the outside agency from which approval was obtained (e.g., DOJ, OEO).

Box 32a, b, and c: State the reason approval was required from the HSI official or outside agency named in boxes 31a, b, and c (e.g., CI with a criminal history, former Witness Security Program participant).

Box 33a, b, and c: Include the date on which the HSI official or outside agency granted approval

Box 38: Include any other pertinent information not already stated on the CI Documentation.

Box 39: If the CI has been or is currently documented by another law enforcement agency or HSI office, check "Yes". Include the names of all the agencies or offices. If the CI is documented by another HSI office, also include the CI number.

Box 40: Include the full name and badge number of the control agent.

Box 41: Include the full name and badge number of the alternate control agent. Also note whether the alternate control agent is a Special Agent or a Task Force Officer.

Box 44: Check the appropriate box to show the type of CI documentation. There are three types:

- An initial CI documentation, which shows your office's documentation of a CI for the first time.
- An amended CI documentation, which shows any changes in the CI's information or change of the control
 agent or alternate control agent.
- A reactivation CI documentation, which is used to reactivate a CI previously deactivated in your office.

Box 45: If the CI documentation is an amended documentation or a reactivation, include the date this CI was first documented by your office. The amended date or reactivation date is not to be included in this box.

Box 46: The date signed by the first-line supervisor is the date of documentation, amended date, or reactivation date, depending on the type of CI documentation being generated.

Box 47: Once the CI documentation is complete, it must be reviewed by the FCPA. The FCPA will initial this box to show that the review was completed.

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	RECEIPT OF FUNDS	2000
	t (ICE) for information provided to ICE in furtherance of an ICE investigation. Funds a come to the recipient and are required to be reported to the Internal Revenue Servic	
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Field Confidential Informant Program Administrator's Signature

DEPARTMENT OF HOMELAND SECURITY

		IMMIGRATION BEN		<u> </u>		
. Control Number	141	2. Confidential Informant No	3. ICE Office	4. CUC Program Code	5. Case Number	
Date	7a. Type of Immi	migration Benefit (if other, indicate benefit type in I		7b. If other, specify		
Immigration Bene	I fit Recipient (If other, in	ndicate relationship in box 9)	9. If other, speci	.L ify, e.g., SA-123-HQ (Rela	tionship Type)	
0. Period of Author	zation for the benefit		11. Assumed Na	ame if CI or Real Name if	Other	
2. Reason for the E	enefit					
. Requesting Agent (Name/Title/Office)		14. Re	14. Requesting Agent's Signature		15. Date	
6. Approving Official (Name/Title/Office)		17. Ap	17. Approving Official's Signature		18. Date	
		RECEIPT OF IMMIGRA	ATION BENEFITS	5		
ws enforced by IC	E. Benefits provided b	oms Enforcement (ICE) the following y ICE are subject to all applicable law under which the benefit was provide	ws, regulations, and			
			9b. If other, indicate	benefit type		
0. Immigration Ben	efit Recipient (If other,	indicate relationship in the next box)	21. If other, indi	cate relationship, e.g., SA-	123-HQ (Relationship Type	
2. Assumed Name Signature of the CI			2	3. Date Benefit is Received		
z. / isosamos mamo		WITNESSING SI	GNATURES			
				25 6: 1 63451		
4. Print Name/Title	Agency		2	25. Signature of Witness		

ICE Form 73-050 (3/16)

Part 1 - CI File/HQ CI File Custodian

Page 1 of 3

HSISAT: Confidential Informants SG FEBRUARY 2017

For Official Use Only____



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Item No.

INSTRUCTIONS

Top box *The Field Confidential Informant Program Administrator's Signature* is a digital signature. The document is to be reviewed before submitting to the approving official. Signature ensures that the form is completed correctly, the Cl file is up to date and complete, and justification documentation has been provided for this benefit request.

- Control number will be current date (entered as YYYYMMDD), military time (hours and minutes), and Confidential Informant (CI) number (Do not put SA) (e.g., 123HQ). If a benefit will be received by a Cooperating Defendant (CD), input the abbreviation followed by the office code in the third section of the control number, e.g., CDHQ.
- Confidential Informant number.
- 3 Select the ICE Office from the drop-down box.
- 4 If the CI is involved in a case that is under a Certified Undercover operation then provide the program code for the operation.
- 5 Enter the investigating office case number.
- 6 Select today's date.
- 7a Select the type of immigration benefit being provided.
- 7b If type of benefit is not listed under Section 7, provide benefit type.
- 8 Select the immigration benefit recipient, if not described in box 8 then indicate in box 9.
- 9 Indicate the individual receiving the immigration benefit if not described in box 8.
- 10 Enter the period of authorization for the immigration benefit provided, e.g., One year January 1, 2016 through January 1, 2017
- Enter the assumed name of the CI receiving the benefit or their real name if Other. If the benefit is being provided to an immediate family member of a CI, the assumed name of the CI should be entered here.
- 12 Provide justification for providing the benefit.
- 13 Type name, title, and office of agent requesting the benefit.
- 14 Signature of Requesting agent.
- 16 Type name, title, and office of approving official.
- 17 Signature of Approving Official.
- 19a Auto populates from information provided in box 7a.
- 19b Auto populates from information provided in box 7b.
- 20 Auto populates from information provided in box 8.
- 21 Auto populates from information provided in box 9.
- 22 Signature of Recipient, if the recipient is a CI or a member of a CI's immediate family the CI will sign using his/her assumed name.
- 23 Write the date the recipient received the benefit.
- 24-27 Printed names, titles, agencies and signatures of witnesses.

WHERE TO SEND COPIES OF RECEIPT FOR IMMIGRATION BENEFITS

PART 1 PLACE IN CI'S FILE AND SEND COPY TO HQ CI FILE CUSTODIAN

PART 2 PROVIDE RECEIPT TO CI

ICE Form 73-050 (3/16) Page 3 of 3



Attachments

Confidential Informant (CI) Attachments

Instructions to Confidential Informant	CI Instructions. pdf
ICE Form 73-050 Immigration Benefits	ICE Form 73-050.pdf
ICE Form 73-293 Benefit Transaction Receipt	ICEForm-73-293-Con fidentialSourcePayme
ICE Form 73-015 Source Card	ICE Form 73-015_Source Card.
Confidential Informant Documentation	ICE Form 73-045. pdf
ICE Form 73-049 Confidential Transaction Receipt	ICE Form 73-049.pdf