

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT**

**ICE Directive 14019.1: Reporting Protocol Following a Designated National Security Event or U.S.-based International Terrorist Attack**

**Issue Date:** December 3, 2019

**Superseded:** None.

**Federal Enterprise Architecture Number:** 306-112-002b

1. **Purpose/Background.** U.S. Immigration and Customs Enforcement (ICE) requires consistent processes and procedures to mitigate the after-effects of a designated national security event (NSE) or U.S.-based international terrorist (IT) attack. This Directive establishes a unified reporting protocol for law enforcement and intelligence information within ICE to eliminate duplication, minimize operational burdens in the field, and ensure accurate, timely, and comprehensive post-attack reporting to ICE Leadership.
2. **Policy.** It is ICE policy that an internal unified reporting protocol is followed in response to a designated NSE or IT attack. This protocol includes all ICE investigative efforts and entities, and all activities, actions, and initiatives performed in support of the post-attack response. The reporting protocol provides guidance for all information and intelligence that is gathered, investigative leads that are identified and/or pursued, and response activities that are conducted, whether they are directly or indirectly related to the associated Joint Terrorism Task Force (JTTF) investigation.

All information collected, recorded, and actioned by ICE Enforcement and Removal Operations (ERO) and/or Homeland Security Investigations (HSI) during a potential NSE or IT attack will be reported directly and exclusively to HSI, National Security Investigations Division (NSID), National Security Unit (NSU), Counterterrorism Section (CTS). CTS will lead the agency's post-attack reporting and vetting through the applicable command post in coordination with the Federal Bureau of Investigation's (FBI) Counterterrorism Division (CTD). The FBI will determine when an event is a U.S.-based IT attack. The Assistant Director (AD) of HSI/NSID will designate an event as a NSE, as appropriate.<sup>1</sup>

3. **Definitions.** The following definitions apply for purposes of this Directive only:
  - 3.1. **ICE Leadership.** The Director and Deputy Director.
  - 3.2. **International Terrorism.** Acts of violence, terror, or intimidation perpetrated by individuals and/or groups inspired by or associated with designated foreign terrorist organizations or nations (state sponsored).

---

<sup>1</sup> A U.S.-based IT attack is always a designated NSE, but not all designated NSEs are U.S.-based IT attacks.

**3.3. National Security Event.** Any incident that involves potential or actual terrorist acts or terrorist threats, where such acts are within the federal criminal jurisdiction of the United States and require the FBI JTTF to coordinate the activities of the U.S. Government law enforcement community.

**3.4. U.S.-based IT Attack.** Any attack within the United States or any of its territories that has been determined to be, or is being investigated as, an act of international terrorism by the FBI.

**4. Responsibilities.**

**4.1. The Executive Associate Director (EAD) for HSI** is responsible for:

- 1) Ensuring compliance with the provisions of this Directive within his/her Directorate;
- 2) Notifying ICE Leadership when the AD for HSI/NSID has designated an event as a NSE;
- 3) Notifying ICE Directorates and Program Offices, including EADs, Program Heads, and the affected Special Agents in Charge (SACs) that the AD for HSI/NSID has designated an event as a NSE and/or to return to normal domestic reporting protocols when the investigative response reaches its natural conclusion; and
- 4) Reporting all post-attack or post-threat response activities within his/her Directorate to the ICE Director and, as directed by the ICE Director, to the applicable Department of Homeland Security (DHS) leadership.

**4.2. The EAD for ERO** is responsible for:

- 1) Ensuring compliance with the provisions of this Directive within his/her Directorate; and
- 2) Disseminating declaration of an event as a U.S.-based IT attack or designation as a NSE event, and all associated event information, within his/her respective Directorate, including to ERO Field Office Directors (FODs).

**4.3. The AD for HSI/NSID** is responsible for:

- 1) Serving as the primary ICE official responsible for coordination with FBI/CTD and for designating an event as a NSE, as appropriate;
- 2) Notifying the EAD for HSI when the FBI determines an event to be a U.S.-based IT attack or when an event is designated as a NSE by the AD for HSI/NSID;

- 3) Notifying and coordinating with the AD for HSI/Domestic Operations when the FBI determines an event to be a U.S.-based IT attack or when an event is designated as a NSE by the AD for HSI/NSID, to ensure that the unified reporting protocol is initiated;
- 4) Coordinating with the AD for the U.S. Citizenship and Immigration Services (USCIS)/Fraud Detection and National Security (FDNS) Directorate's Associate Director to invoke the procedures outlined in the USCIS' *Records Operation Handbook* associated with a NSE;<sup>2</sup> and
- 5) Determining and notifying the EADs for ERO and HSI when to return to normal domestic reporting protocols.

**4.4.** The **NSU Unit Chief** is responsible for implementing and coordinating the provisions of this Directive within the applicable area of responsibility (AOR), and reporting all activities of ICE Directorates and Program Offices to ICE Leadership through established reporting channels.

**4.5.** The **CTS Section Chief**, in coordination with the CTS Team Lead, is responsible for receiving, consolidating, and reporting all U.S.-based IT attack or designated NSE information, intelligence, and activities of ICE Directorates and Program Offices to ICE Leadership through established reporting channels.

**4.6.** The **CTS Team Lead** is responsible for handling post-attack/designated NSE communications, coordinating with ICE special agents and officers in their affected AORs, and serving as the primary point of contact for all A-Files maintained by USCIS.

**4.7.** **ICE Special Agents, ERO Officers, and Support Staff**<sup>3</sup> are responsible for:

- 1) Documenting all unclassified U.S.-based IT attack or NSE-related information, intelligence, and activities in the HSI Investigative Case Management system;<sup>4</sup> and
- 2) Disseminating all information to the HSI supervisor overseeing ICE JTTF equities within their AOR, as appropriate.

## **5. Procedures/Requirements.**

---

<sup>2</sup> These procedures designate ICE HSI as the lead agency within DHS responsible for requesting, receiving, and disseminating all Alien File (A-File) information to the FBI, affected JTTFs, other law enforcement agencies, and the Intelligence Community.

<sup>3</sup> Support Staff includes but is not limited to any intelligence, analytic, and logistical staff, as designated by ERO and HSI.

<sup>4</sup> In the event that ERO personnel do not have access to ICM to document the identified unclassified information, HSI Special Agents will collect the related information from ERO and ensure that it is documented in ICM.

### 5.1. Post-Attack Procedures.

- 1) The AD for HSI/NSID will immediately notify the EADs for ERO and HSI when the FBI declares an event to be a U.S.-based IT attack or when an event is designated to be a NSE.
- 2) The EADs for ERO and HSI will immediately disseminate this event declaration or designation, and all associated event information, within their respective Directorates, including to ERO FODs and HSI SACs, respectively.
- 3) The EADs for ERO and HSI will provide the NSU Unit Chief and CTS Section Chief with all respective headquarters points of contact who will identify and/or receive any information during the investigative response.
- 4) HSI SAC office first-line supervisors and/or HSI special agents will report to the CTS Section Chief and/or Team Lead all JTTF-related investigative efforts and other activity associated with the post-attack response.
- 5) ERO Field Office first-line supervisors and/or ERO Deportation Officers will report all JTTF-related investigative efforts to their local JTTF HSI Group Supervisor and/or Resident Agent in Charge throughout the duration of the U.S.-based IT attack or designated NSE.<sup>5</sup> In situations where ICE JTTF representation in the affected AOR does not exist, ICE personnel designated to assist in the response effort will comply with the above stated procedures.
- 6) Immediately upon notification that an event has been declared to be a U.S.-based IT attack or designated as a NSE, all related field reporting will transition to CTS for centralized reporting to ICE and DHS Leadership.
- 7) Any action by ICE Directorates or Program Offices related to the U.S.-based IT attack or designated NSE response effort must be coordinated with CTS. This includes any internal or external reporting requests.
- 8) In situations in which ICE Directorates or Program Offices develop information they deem important to the investigation and/or anticipate a need for Intelligence Information Reports (IIRs), press releases, or similar material, these offices will obtain prior concurrence from CTS, which will coordinate with the affected JTTF prior to action.
  - a) ICE-sourced information that relates to a U.S.-based IT attack or designated NSE that would require the HSI/Office of Intelligence to draft an IIR for the purposes

---

<sup>5</sup> ICE Policy memo “U.S. Immigration and Customs Enforcement Reporting Following a Designated National Security Event/U.S.-based Terrorist Attack”, dated April 3, 2018.

of complying with mandates, public laws, and Presidential Executive Orders for a “Duty to Warn,” will be immediately provided to CTS for awareness and determination of any immediate operational action that may need to be taken by the JTTF.

- b) Prior to the release of any IIR(s) by the HSI/Office of Intelligence related to the U.S.-based IT attack or designated NSE, the HSI/Office of Intelligence will provide CTS with an advance copy of the pre-released IIR(s) and the amount of time available for deconfliction prior to publication.
- 9) CTS will obtain the name of an HSI Special Agent in the field who will receive hard copies of any USCIS A-Files deemed necessary by investigators and act as the Local A-File Point of Contact (POC), and CTS will provide this POC to USCIS.
- 10) The Local A-File POC will coordinate with the CTS Team Lead prior to ordering any hard copy A-Files from USCIS to ensure that a soft copy has been obtained in advance for immediate triage, and that production of comprehensive HSI subject reports can be initiated

## **5.2. Culmination of Investigative Response.**


- 1) Once the investigative response culminates, and at the discretion of CTS, NSID will communicate to the EADs for ERO and HSI that the investigative response has reached its natural conclusion.
- 2) The EADs will then direct their respective Directorates to return to normal domestic reporting protocols.

**6. Recordkeeping.** All relevant communications disseminated by ICE Directorates and Program Offices through CTS will be memorialized, as appropriate, in accordance with established NSID post-attack reporting products and guidelines. Any records created or received as part of this directive must be maintained in accordance with a National Archives and Records Administration-approved retention schedule. If an applicable schedule does not exist the records must be treated as permanent until a retention schedule is developed and approved. Records will be stored/maintained within CTS holdings in accordance with established ICE records management procedures.

## **7. Authorities/References.**

- 7.1.** Memorandum from Deputy Director and Senior Official Performing the Duties of the Director Thomas D. Homan, *U.S. Immigration and Customs Enforcement Reporting Following a Designated National Security Event/U.S.-based Terrorist Attack*, Apr. 3, 2018.

- 7.2. Memorandum from HSI Deputy Executive Associate Director (EAD) and Senior Management Official performing the Duties of the EAD Derek N. Benner, *HSI Domestic Field Office Reporting to NSID on a Designated NSE/U.S.-based Terrorist Attack*, Dec. 8, 2017.
- 7.3. Memorandum from USCIS Associate Director, Enterprise Services Division Soraya Correa, *Immigration File Sharing and Sequestration Procedures Used During a National Security Event*, Feb. 5, 2014.
- 7.4. ICE Directive 10086.1, *Oversight of ICE Personnel Serving on Federal Investigative Task Forces*, Mar. 25, 2016.
8. **Attachments.** None.
9. **No Private Right.** This document provides only internal ICE policy guidance, which may be modified, rescinded, or superseded at any time without notice. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter. Likewise, no limitations are placed by this guidance on the otherwise lawful enforcement or litigative prerogatives of ICE.

 12/3/19  
\_\_\_\_\_  
**Matthew T. Albence**  
**Deputy Director and Senior Official Performing the Duties of the Director**  
**U.S. Immigration and Customs Enforcement**