

US immigration and customs enforcement "ICE" – rise, genesis, contemporary dimension

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Abstract— The article analyzes the origins, structure, and contemporary role of the US Immigration and Customs Enforcement (ICE) as one of the key components of the United States' internal security system. The establishment of this agency was directly related to the institutional reforms introduced after the terrorist attacks of September 11, 2001, and the creation of the Department of Homeland Security. The study presents the genesis of ICE, the scope of its competencies, and the tasks performed by its main organizational units, including Enforcement and Removal Operations (ERO), Homeland Security Investigations (HSI), the Office of the Principal Legal Advisor (OPLA), and Management and Administration (M&A). Particular attention is given to the agency's role in enforcing immigration law, fighting transnational crime, and protecting national security. The article also provides a comparative analysis of the immigration policies of the administrations of Donald Trump and Joe Biden in the context of ICE operations, highlighting differences in approaches to law enforcement and migration policy priorities. The findings indicate that ICE remains an important element of the US security system while simultaneously being the subject of significant political and social debate

Keywords— US Immigration and Customs Enforcement (ICE), US internal security, immigration policy, deportation, transnational crime, Trump administration, Biden administration

I. INTRODUCTION

The internal security landscape of many 21st-century countries has undergone significant transformation, particularly in the context of growing mobility, global geostrategic changes, and transnational threats. One of the key moments influencing the reorganization of the United States' security system was the terrorist attacks of September 11, 2001, which led to profound

institutional reform and the creation of new structures responsible for border protection and immigration enforcement. In this context, the US Immigration and Customs agency was established. Enforcement (ICE), currently one of the most important elements of the US homeland security system.

The purpose of this article is to analyze the origins of ICE, its organizational structure, and the scope of authority of individual units within the agency. Particular attention is paid to the tasks performed by key organizational components, such as Enforcement and Removal Operations (ERO), Homeland Security Investigations (HSI), Office of the Principal Legal Advisor (OPLA), and Management and Administration (M&A). This analysis reveals how ICE operates in the context of countering cross-border crime and enforcing immigration law.

Another important element of the study is a comparison of the immigration policies of the two presidential administrations—Donald Trump's and Joe Biden's—in relation to the role and operation of ICE. This comparison of approaches reveals the shifts in immigration enforcement philosophy and the impact of political decisions on the agency's operational practices.

The article is analytical in nature and focuses on presenting both the institutional importance of ICE in the United States security system and the controversies surrounding the activities of this formation in contemporary public debate.

II. ICE – GENESIS, RISE

ICE, i.e. US Immigration and Customs Enforcement, was created alongside U.S. Customs and Border Protection as a new



force in the aftermath of the September 11, 2001, attacks. The service was established under President George W. Bush, and formally began operations on March 1, 2003. Its primary mission was to assume and exercise the responsibilities previously held by the Customs Service and the Immigration and Naturalization Service (INS), which had been disbanded. The creation of ICE was part of a broad reform of the federal security system, consolidating previously dispersed functions within newly established structures.

The first director of ICE was Michael J. Garcia, who previously served as Acting Commissioner of the INS, was appointed to ensure institutional continuity during the administrative transition and to mitigate the risk of disruption to immigration enforcement operations. In 2008, ICE headquarters moved to the Potomac Center North complex in Southwest Washington, reflecting the agency's institutional stabilization under the new homeland security architecture.

The establishment of ICE should be analyzed in the context of the broader transformation of the state apparatus after 2001, in which the emergence of the United States Department of Homeland Security. The agency was designed to integrate investigative, deportation, and cross-border crime-fighting functions, previously dispersed across various federal agencies. In this approach, ICE serves as a "second line" of border protection—operating not at the border itself (like CBP) but within the country, identifying, apprehending, and removing individuals who violate immigration law, as well as combating organized smuggling networks.

From a public policy perspective, the establishment of ICE reflected a shift in the security paradigm—a shift from a sectoral approach to an integrated model, in which migration began to be viewed not only as a socio-economic phenomenon but also as a potential threat to national security. In this sense, ICE's activities fit within the logic of prevention, risk management, and increased control of population movements characteristic of post-9/11 security policy.

At the same time, since its inception, ICE has remained the subject of significant political and social controversy. Criticism has focused primarily on the enforcement of immigration law, including detention, arrest, and deportation practices. Non-governmental organizations and some political groups point to the risk of human rights violations, ethnic profiling, and excessive criminalization of irregular migration. Proponents of restrictive migration policies, on the other hand, emphasize that decisive ICE action is essential to maintaining the effectiveness of the legal system and the state's credibility in enforcing regulations.

During the presidency Barack Obama The United States' migration policy was ambivalent. On the one hand, especially in the first years of the administration, high levels of deportations were recorded, indicating an intensification of immigration enforcement. On the other hand, liberalizing measures were taken, such as the introduction of the DACA program, aimed at protecting selected categories of migrants. The dual nature of this policy contributed to the deepening polarization of the public debate around the role of ICE and its place in the US homeland security system (Encyclopaedia

Britannica, 2026).

ICE, as a separate service, was to revolve around four operational declarations:

- 1) Homeland Security Investigations (HSI) is the primary investigative arm responsible for investigating and acting against transnational criminal networks,
- 2) Enforcement and Removal Operations (ERO), responsible for enforcing U.S. immigration law inside and outside the country,
- 3) Office of the General Counsel (OPLA), on behalf of DHS representatives, United States Department of Homeland Security may proceed with removal actions against an immigrant,
- 4) Management and Administration (M&A) supports the above and provides managerial services.

Official representatives of the service announced at the end of 2023 that the structure currently employs 20,000 law enforcement and support staff, and the annual budget amounts to up to USD 8 billion per year (Legal Information Institute, 2023).

III. HSI, ERO, OPLA, M&S – OPERATION AND ORGANIZATION

One of the main operational declarations is: Enforcement and Removal Operations (ERO), which is Enforcement and Removal Operations is a key directive within the structure of US Immigration and Customs. Enforcement. Its mission is to protect national security and public order by identifying, arresting, detaining, and removing aliens who violate immigration laws. ERO is responsible for individuals posing a threat to national security or public safety, including convicted undocumented criminals, gang members, individuals who have re-entered the U.S. illegally after deportation, and individuals subject to final removal orders issued by federal immigration judges. ERO officers also cooperate with INTERPOL to locate and apprehend foreign fugitives present in the U.S.

ERO's operations encompass all phases of the immigration enforcement process, from identification and arrest, through domestic transportation, detention, bond management, and supervised release, including alternative forms of detention, to the implementation of removals. The agency coordinates its operations through 25 field offices across the United States and some overseas locations, enabling effective international cooperation in the execution of removal orders (US Immigration and Customs). Enforcement, n.d.).

The ERO structure includes a number of units supporting the implementation of the mission: Custody Management supervises detention standards and detention facilities, Field Operations coordinates the activities of regional offices, ICE Health Service Corps provides medical care in detention facilities, Law Enforcement Systems and Analysis supports operational activities with analysis and strategy, Non- Detained Management manages the cases of persons not held in custody, and Operations Support provides logistical, training and administrative support. Removal The Division is responsible for implementing deportations,

including cooperation with international partners and organizing the transport of people removed from the country.

Thanks to this structure, ERO serves as a "second line" of border protection - operating not on the physical border, but inside the country, it enables effective enforcement of immigration law, control of the flow of people and combating cross-border crime, which is crucial for the integrity of the American immigration system (US Immigration and Customs Enforcement, n.d.).

The next component in the structure is Homeland Security Investigations (HSI) is the main investigative element in the structure of US Immigration and Customs Enforcement and is responsible for investigating transnational criminal organizations (TCOs) and terrorist networks that threaten the United States or exploit U.S. customs and immigration laws. HSI conducts a broad range of criminal investigations, including human, drug, and arms smuggling, human trafficking, transnational gang activity, cybercrime, financial fraud, child exploitation, illegal export of controlled technology, intellectual property crimes, human rights violations, and war crimes.

HSI special agents, supported by crime analysts, support staff and contract staff, operate in With over 237 offices across the United States and 93 overseas locations, we can conduct investigations both domestically and internationally. We collaborate with strategic partners in the U.S. and abroad to gather evidence, build criminal cases, execute search warrants, seize criminal assets, and support the prosecution and arrest of perpetrators.

HSI not only conducts investigations but also HSI coordinates operations aimed at disrupting and dismantling criminal structures. The agency leverages its authority to collaborate with federal prosecutors, foreign law enforcement agencies, INTERPOL, and private partners to effectively prosecute perpetrators of cross-border crimes. HSI's activities are aimed at protecting national security, the integrity of the immigration system, the border, the economy, and the U.S. citizenry.

Operational and analytical support programs also play a significant role within HSI's structure, enabling strategic planning, agent training, data analysis, and monitoring the effectiveness of ongoing investigations. This comprehensive structure makes HSI a central tool for DHS in countering transnational crime and terrorist threats, integrating investigative efforts with international and domestic coordination. (US Immigration and Customs Enforcement, n.d.).

The next part is the Office of the Principal Legal Advisor (OPLA) is the largest legal entity within the Department of Homeland Security (DHS), employing more than 1,700 attorneys and approximately 300 support staff. OPLA serves as DHS's exclusive representative in removal proceedings before the Executive Office of Immigration Review (EOIR), handling cases involving the removal of aliens, including those convicted of crimes, terrorists, and human rights abusers.

Additionally, OPLA provides legal support to all ICE offices and programs, providing advice on customs, criminal, and

immigration enforcement, Freedom of Information Act compliance, privacy protection, ethics and liability issues, and administrative matters such as contract, tax, and labor law. OPLA represents ICE before the Merit Systems Protection Board, the Equal Employment Opportunity Commission, and the Contract Appeals Board, and its attorneys work with the Department of Justice to prosecute ICE cases and defend the agency's authority in federal courts. (US Immigration and Customs Enforcement, n.d.).

The last part that supports the ICE foundation is Management and Administration (M&A) serves as the organizational back office of US Immigration and Customs Enforcement, responsible for coordinating management and administrative processes necessary to achieve the agency's mission. This unit provides infrastructure support and oversees key areas such as human resources management, strategic planning, and monitoring the effectiveness of ICE operations. As part of its M&A activities, it manages human resources policies, including recruitment, employee development, and employment equity initiatives.

The M&A Department's primary responsibilities also include managing the agency's budget, controlling expenditures, accounting, and overseeing financial processes and public procurement. The Department maintains the technical and IT infrastructure, providing ICE officers with appropriate operational tools. Furthermore, M&A develops procurement strategies, oversees contract execution, and implements financial management standards consistent with federal regulations. Coordinating privacy policies, handling Freedom of Information Act (FOIA) requests, and collaborating with other departments to ensure the smooth operation of the entire agency are also key components of M&A's activities. As a result, M&A plays a key role in ensuring ICE's organizational stability and effectively supporting its operational activities. (US Immigration and Customs Enforcement, n.d.).

Analysis of the structure of US Immigration and Customs Enforcement indicates that the agency's effectiveness stems from a clear division of responsibilities between specialized operational and administrative units. ERO is responsible for direct enforcement of immigration law and deportation procedures, HSI focuses on combating transnational crime and threats to national security, and OPLA provides comprehensive legal support, enabling the conduct of proceedings and defense of the agency's interests. These structures are complemented by M&A, which is responsible for the organizational, financial, and human resources necessary for ICE's operational efficiency. This organizational model allows for the effective integration of investigative, enforcement, and administrative activities, which translates into the agency's ability to respond to contemporary threats related to migration and cross-border crime.

IV. JOE BIDEN, AND DONALD TRUMP

The Joe Biden administration's immigration policy represented an attempt to shift away from the restrictive model

implemented by Donald Trump, but an analysis of enforcement priorities reveals both significant differences and elements of continuity. After taking office, Biden introduced new guidelines for immigration enforcement agencies, including ICE, which were based on the principle of selectivity and prosecutorial discretion. Priorities focused on three main categories: threats to national security, public safety, and recent border migrants. A key element of this strategy was limiting action against migrants without a serious criminal record and taking into account additional factors such as length of stay in the U.S., family ties, and rehabilitation process.

The Biden administration also placed a greater emphasis on protecting civil rights and limiting practices that had been controversial in previous years, such as courthouse detentions and actions against victims and witnesses of crime. In practice, this meant attempting a more balanced approach, combining law enforcement with humanitarian elements. At the same time, however, this policy was met with criticism from both proponents of restrictive migration controls (accused of excessive leniency) and pro-immigration groups, who pointed out that giving officers broad discretion could lead to inconsistent practices (Migration Policy Institute, 2021).

Trump's policy, in turn, was based on the maximum expansion of immigration enforcement and treating migration primarily as a national security issue. Already during his first term in office, ICE expanded its powers and sought a significant increase in the number of officers and resources within the agency. A key assumption was the shift away from selectivity – actions could cover virtually all undocumented migrants, regardless of their legal or social status.

In subsequent years, this policy was further tightened by the development of mass deportation strategies and the intensification of operations within the country, including raids on local communities and workplaces. Analyses indicate that the Trump administration sought to significantly increase the scale of the deportation system – both by expanding detention infrastructure and increasing ICE funding and the number of detentions. Additionally, the administration's latest actions have seen a trend toward even more aggressive law enforcement, including highly publicized ICE operations in so-called sanctuary zones. cities and demands for the deportation of millions of undocumented migrants (US Diversity Dynamics, n.d.).

Comparing the two approaches, one can see a fundamental difference in the philosophy of immigration enforcement. The Trump administration adopted a model of maximizing action, based on a broad range of interventions and the expansion of the enforcement apparatus, which led to an increase in the number of detentions and the intensification of ICE operations. In contrast, the Biden administration pursued a more selective and targeted model, focusing on specific threat categories and attempting to limit the negative social and humanitarian impacts of enforcement actions (Encyclopaedia Britannica, 2026).

Trump's understanding it as a tool for broad migration control and homeland security, while Biden's understanding it as an institution operating in a more selective manner,

subordinated to systemic priorities and constraints.

V. CONCLUSION

The article presents a comprehensive analysis of the creation, structure, and functioning of US Immigration and Customs Enforcement (ICE) in the context of the transformation of the US homeland security system after the attacks of September 11, 2001. ICE, formally established in 2003 under President George W. Bush, took over the responsibilities of the former Immigration and Customs Enforcement, serving as a "second line" of border protection by enforcing immigration law and combating cross-border crime.

The agency's structure is based on four main units: Enforcement and Removal Operations (ERO), responsible for detention and deportation; Homeland Security Investigations (HSI), which investigates transnational crimes; Office of the Principal Legal Advisor (OPLA), which provides legal support; and Management and Administration (M&A), which coordinates administrative, human resources, and financial functions. This division of authority allows for the effective integration of operational, investigative, and administrative activities.

The article also discusses changes in U.S. immigration policy in recent years, focusing on the differences between the Donald Trump and Joe Biden administrations. Trump adopted a model of maximizing ICE operations, emphasizing mass deportations and expanding the agency's authority, while Biden sought to implement a selective approach that prioritized security, migrants' family ties, and humanitarian concerns.

This analysis indicates that ICE remains an important institution for US national security, but it also raises controversy related to human rights issues, ethnic profiling, and the excessive criminalization of migration. In summary, the article explores both the agency's institutional evolution and the political and social tensions surrounding its mission in the evolving context of immigration policy.

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