

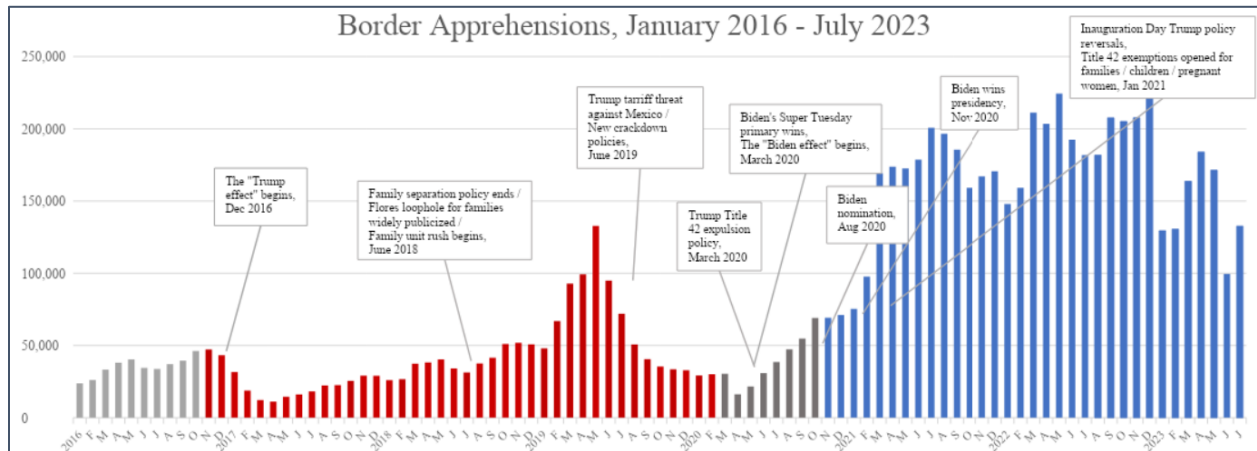
Testimony of Todd Bensman
Senior Fellow, Center for Immigration Studies; Former Manager, Counterterrorism Intelligence
Texas Department of Public Safety Intelligence and Counterterrorism Division
To the Subcommittee on Immigration Integrity, Security, and Enforcement
United States House of Representatives
Committee on the Judiciary

For a Hearing Regarding
“Terrorist Entry Through the Southwest Border”
September 14, 2023
10 a.m.
Rayburn House Office Building
Washington, DC 20515

Chairman McClintock and Ranking Member Jayapal, and members of the subcommittee, thank you for the opportunity to testify and for holding a hearing about this underreported national security consequence of the worst mass migration crisis ever to have stricken the American southern border.

By every recordable government metric, the American Southwest Border is the scene of the illegal worst mass migration in American history, now well into its third year. At least 4.3 million foreign nationals have entered the United States in 30 months over the border, as of this hearing date, with millions more coming and a Border Patrol debilitated by the overwhelming workload. Border policies that emphasize catch-and-release that began in January 2021 unleashed a seemingly unbounded human wave over the southern border that has not relented 30 months later and has broken every illegal immigration record in the nation’s contemporary history.¹

In a recent opinion on border policy litigation brought by the State of Florida against the administration of President Joe Biden, US District Judge Thomas Kent Wetherell concluded the administration caused the mass migration that began in early 2021 “by establishing policies and practices that all-but-guaranteed the vast majority of aliens arriving at the Southwest Border ... would not be detained and would instead be quickly released into the country where they would be allowed to stay...”²



Center for Immigration Studies

Among the many serious consequences that this mass migration crisis has created – unfunded burdens in U.S. cities on housing, social welfare systems, health care, crime, and public education – is one that should transcend partisanship and rally all Americans in bipartisan spirit, which hopefully this hearing will facilitate.

This crisis has elevated and exacerbated the homeland security threat of terrorist border infiltration to discomfiting levels when, by my estimation, the national security enterprise had reasonably contained and managed this threat for nearly two decades.³

This mass migration crisis has clearly broken down and degraded a set of counter-terrorism programs first stood up in 2004 at the land borders, which thus far has largely prevented the most serious outcomes from US-designated terrorists who would cross the southern border and attack inside the United States.

None have attacked to date from this direction (although an ISIS operative who crossed from Mexico into California did later attack in Edmonton, Canada on September 30, 2017).⁴

The threat of such a tragedy happening is much elevated now, however, because border counterterrorism programs to be described below are no longer protecting Americans as well as they have for 20 years, if at all. This is especially demonstrated, in small part, by the crossings of more immigrants on the FBI's Terrorist Screening Database watch list than ever before recorded – more than 260 since Inauguration Day, when fewer than 20 per year were caught in prior years (zero in 2019) on both sides of the border.

That these hundreds of foreign nationals on US terrorism watch lists were caught has sometimes been cast as good news, of a system that is working. But these captures are neutralized by four counts of decidedly bad news, which are that:

- Illegal aliens on national security watch lists are coming in *monthly* numbers that dwarf the numbers caught during many (if not all) past *full* years.

- They come while historic numbers of “got-aways” (approaching two million) who evaded detection as Border Patrol agents were busy processing in the “give-ups,” heightening the probability that watch-listed individuals were among the got-aways and now are among *us*.
- As border counterterrorism programs crumble, opportunities to catch and deport others pass unexploited.
- Terrorist actors abroad are by now well aware that the US southern border poses far less of an impediment or deterrent to illegal entry than in years past.

Government report faults overwork for release of terror suspect and system failure

A particularly emblematic case-in-point illustrating how the mass migration crisis has damaged border counterterrorism capabilities comes to us by way of the Department of Homeland Security’s Office of Inspector General. On June 28, 2023, the office issued investigative findings from the accidental April 2022 release of a Colombian who crossed the border in the Yuma, Arizona Border Patrol Sector despite being flagged on the terrorism watch list.⁵

The report, titled “*CBP Released a Migrant on a Terrorist Watch List, and ICE Faced Information Sharing Challenges Planning and Conducting the Arrest,*” explains that Border Patrol agents struggling to process into the country overwhelming numbers of give-ups inside a central processing center released the suspect two days after his crossing even though he initially flagged in a database check as a suspected terrorist.

The OIG report lays out established government processes for handling illegal border-crossers who appear on the US watchlist. Cases involving aliens flagged on the watchlist are forwarded for general reporting purposes (or confirmation) to the FBI’s Terrorist Screening Center in Virginia. Analysts at the center work the case, signaling to FBI or other agents that the person of interest is in custody at the border, and contacting other nations or information, such as a Mexican intelligence group known as Grupo Conjunto de Inteligencia Fronteriza, which works closely with the American agencies on these cross-border travel cases. The most valuable backstop is the practice of dispatching federal agents, including the FBI, but also the Border Patrol’s “Tactical Terrorism Response Teams” (TTRTs), who conduct face-to-face interviews with terrorism suspects to suss out their intentions and to collect intelligence information.

But instead of triggering TTRT interviews for this Colombian national, the agents handled the suspect like most other border-crossers. They handed him personal recognizance parole papers and released him with a GPS tracking device on a promise that he would voluntarily report in later to an ICE office in the city he chose to settle in.

Why was a Colombian on the terror watch list released like anyone else? The report describes a cavalcade of multi-agency communication mishaps, all attributable to distractions by the record 28,681 aliens who crossed that April of 2022 in that sector (compared to 298 the same month in 2020) through an unfinished, “paused” section of the border wall.

The oversight occurred because Border Patrol agents and others in the system “were busy processing an increased flow of migrants,” didn’t send or open critical email about the watch list

hit because they “were busy processing an increased flow of migrants,” and let the migrant go because “the increase in Yuma apprehensions had created pressure to quickly process migrants and decreased the time available to review each file,” the DHS-OIG report states.

He would remain free to do as he pleased in Florida for the two weeks it took for an urgent manhunt operation to regain custody of the terror suspect. But even that took at least eight days longer than necessary because Border Patrol was too busy to send ICE officers in Florida a critical paper file. That’s because Border Patrol’s Yuma Sector operation was too busy to sort, box, and ship any more than a thousand files “once or twice a week,” to ICE offices across the country, the OIG report found. They were tens of thousands behind.

Border counterterrorism programs implemented in 2004 for ‘special interest aliens’

"A known or suspected terrorist — KST is the acronym that we use — individuals who match that profile have tried to cross the border, the land border, have tried to travel by air into the United States, not only this year but last year, the year prior and so on and so forth. And it is because of our multi-layered security apparatus, the architecture that we have built, since the commencement of the Department of Homeland Security, that we are in fact able to identify and apprehend them and ensure they do not remain in the United States. And so we actually deny them entry based on our intelligence and based on our vetting procedures, which have only grown in sophistication throughout the years."

--U.S. Department of Homeland Security Secretary Alejandro Mayorkas, March 17, 2021 hearing before the House Homeland Security Committee.

America is at greater risk of attack from aliens who have crossed the southern border because these all-important interviews with aliens of national security interest are no longer being conducted to the extent they would have when fewer migrants were crossing.

Aliens who are on a watch list, in normal times, would rank as a five-alarm national security fire triggering face-to-face interviews with well-trained American law enforcement agents. But the counterterrorism regimen also requires interviews with far more aliens of special interest who are not on any watch list (and may never be) and who are, instead, from designated countries of special security interest. These often show up with no identification or verifiable back stories.

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U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and Border Protection

MEMORANDUM FOR: ALL SECTOR CHIEF PATROL AGENTS

FROM: David V. Aguilar
Chief
U.S. Border Patrol

SUBJECT: Arrests of Aliens From Special Interest Countries

The following 35 countries and the territories of the West Bank and the Gaza Strip have been designated as special interest countries.

Afghanistan	Kuwait	Somalia
Algeria	Lebanon	Sudan
Bahrain	Libya	Syria
Bangladesh	Malaysia	Tajikistan
Djibouti	Mauritania	Thailand
Egypt	Morocco	Tunisia
Entrea	North Korea	Turkey
Indonesia	Oman	Turkmenistan
Iran	Pakistan	United Arab Emirates
Iraq	Philippines	Uzbekistan
Jordan	Qatar	Yemen
Kazakhstan	Saudi Arabia	Territories of Gaza and West Bank

For any person taken into Border Patrol custody from one of above countries or territories, at a minimum, the following actions will be taken:

This important counterterrorism program was established in November 2004, when then-Chief Border Patrol Agent David Aguilar issued a memorandum requiring agents to follow strict protocol whenever an alien from one of about 35 “special interest countries” he listed showed up at the border.⁶ Anyone from these countries would be tagged as a “special interest alien,” requiring agents to take the following steps:

1. Filing a “Significant Incident Report to the CBP Situation Room within one hour to flag any SIA at least 14 years old.
2. Contacting sector communications for records checks.
3. Contacting the National Targeting

Center for additional records checks.

4. Contacting the local FBI Joint Terrorism Task Force for “follow-on” interviews.
5. Copying pocket litter for possible additional intelligence.
6. Completing and forwarding a G-392 Intelligence Report through Border Patrol intelligence channels.
7. Enrolling all SIAs 14 years old or older into various biometric identification systems.

The national security enterprise has kept to the foundations of that original 2004 document using the FBI, CBP’s TTRT groups, ICE intelligence officers, Defense Intelligence Agency officers, and Texas Department of Public Safety intelligence analysts under my authority through at least 2018.

But that was in the years before the Biden border crisis overwhelmed the American frontier, during a period when the number of border-arriving special interest aliens ranged from some 3,000 to 4,000 in a year. Even then, not all special interest aliens could be put through the enhanced interview and security paces before they were released into the country.

If adhering strictly to the regimen was difficult with lower pre-crisis numbers, doing so would become all but impossible once special interest aliens began arriving by the anomalously large tens of thousands after 2021. The Biden administration has taken steps to obscure the numbers of special interest aliens from the US public, ending routine reporting of these “apprehensions by nationality” at the last year, 2019.⁷

Some of those numbers have recently leaked out, revealing unprecedented growth in special interest alien traffic since. Between just October 2022 and August 2023, for instance, Border

Patrol encountered nearly 75,000 special interest aliens, according to a report by The Daily Caller Foundation's Jennie Taer.⁸

A question that must be raised is why CBP's public-facing website of monthly apprehension statistics, which tracks migrants by 21 country citizenships, includes only one identified special interest Muslim-majority nation in the Middle East vicinity – Turkey.⁹ Citizens of Turkey who crossed the border exceeded 30,000 between 2021 and the end of July 2023. The answer is begged as I personally meet and interview migrants during my reporting on routes south of the border from Uzbekistan, Dagestan, Kyrgyzstan, Tajikistan, Mauritania, Sudan, Senegal, Indonesia, Iran, Bangladesh, Pakistan, Syria, Jordan, Egypt, Iraq, and Lebanon, all designated countries.

Key indicator points to elevated risk longevity

This exploding number of special interest alien and confirmed suspected terrorist traffic come to the US border very often via a jungle route that connects South America to Central America called the Darien Gap. At extraordinary, historic scale, migrants from 150+ countries as of now are still making their way into South America and then northward through the Darien Gap passage. Colombia and Panama to facilitate that flow out of national self-interest, since neither country is an ultimate destination or wants to care for these transiting migrants.

Local Panamanian and Costa Rican authorities have on occasion arrested suspected terrorist travelers from countries like Somalia and Pakistan who crossed amidst the Darien Gap flows, and made them available to US intelligence and law enforcement officers stationed in the region before deporting them.¹⁰

But the higher the human tide through the Darien Gap rises, the higher the flows of those on US terror watch lists, which helps explain the nearly 260 of those on the watch lists apprehended at the border as of July 2022.

Current trend lines indicate longevity to the current higher risk, which becomes more dangerous as probabilities increase with time. Consider that, in any normal year, migrant flows through the gap averaged less than 10,000. FY 2021 was the last time the numbers came in so low.¹¹

But the numbers of foreign nationals from 150+ countries, attracted by Biden's quick release policies, ballooned to a previously unimaginable 250,000 for the first time during 2022 and then past 300,000 through August 2023.¹²

This voluminous traffic stands as a warning that an already elevated infiltration threat will be prolonged as migrants from special interest countries move through and are replaced by high volumes of new travelers coming in behind them. The high volumes from so many parts of the world will place ever more pressure – for longer periods – on border-related counterterrorism and security programs.

Decreasing ability to conduct counterterrorism work

Another recent terrorism scare episode exposed system failure yet again. In late August 2023, CNN reported that a human smuggler operating in Mexico with “ties” to the terrorist group ISIS moved at least a dozen special interest alien Uzbekistanis over the southern border.¹³ Uzbekistan has been on former Chief Aguilar’s special interest nation list since he issued his 2004 memorandum.



Uzbek migrants in Tapachula, Mexico after crossing from Guatemala on their way to the US southern border. January 2022 photo by witness Todd Bensman

The episode so alarmed the Biden administration that “an urgent classified intelligence report was circulated to top Cabinet officials in the morning briefing book” and a nationwide manhunt for the Uzbeks was ordered to get them interviewed and eliminated as terror suspects. At American behest, Turkish authorities even arrested the smuggler, who was said to be cooperating.

Administration officials boasted of success about their quick decision to mount a nationwide manhunt for the smuggled Uzbeks. But rather than reflecting success, this operation actually was evidence of failure in the system Chief Aguilar established because, in past years, federal agents would have interviewed most or all Uzbekistanis *before* their releases into the United States, never *after* their releases.

Uzbeks are special interest aliens for good reasons. Among them is the Halloween night attack in 2017 by 29-year-old Uzbek immigrant Sayfullo Habibullaevic Saipov. He plowed a truck into a crowd of bicyclists and pedestrians in lower Manhattan, crushing eight to death and terribly disfiguring many others, just blocks from the World Trade Center in the name of the ISIS. A judge sentenced Saipov to life in prison in March 2023.

That Saipov attack occurred just four days after a judge issued a 15-year prison sentence to Abdurasul Hasanovich Juraboev, another Uzbek immigrant found guilty of terrorism charges for

supporting ISIS. Authorities said Juraboev posted an online threat to kill then-U.S. President Barack Obama for ISIS and spoke of planting a bomb on Coney Island if the group ordered it. The FBI arrested him in February 2015 after Jurboev bought a plane ticket to Istanbul, Turkey, on his way to join Islamic State in Syria.

Neither of these Uzbeks entered illegally across the southern border. They flew into the United States with visas. But the fact that they entered that way only underscores the elevated threat of infiltration by border in the new crisis circumstances. Had they tried to enter illegally even two years ago, these Uzbekistani nationals would have faced deep interrogation as tagged special interest aliens about their lives and personal histories at the hands of trained homeland security officials, plus a national security investigation. Today, those two might well have recalibrated their odds and chosen the border as posing the lessor possibility of discovery.

Breakdowns in counterterrorism border interviews, security vetting and perimeter vigilance is clearly not only happening on the US side of the border since the mass migration also has afflicted Mexico. There is evidence of breakdown on the Mexican side now too.

Breakdown of counterterrorism systems in Mexico

Nothing illustrates what counterterrorism program degradation looks like quite like the April 2021 capture by Mexican immigration officials of a US watch-listed Yemeni national named Ahmed Mohammed Ahmed just as he was about to cross into Del Rio, Texas.¹⁴ In 20 years of normal flow times, U.S.-Mexico collaboration on terrorist travel issues ran deep.

Indeed, it can be argued that collaborative successes in Mexico have kept Americans safer; between 2014 and 2019, for instance, Mexico deported 19 suspected migrant terrorists, no doubt in collaboration with the FBI and other US agencies stationed in-country.¹⁵ A recent *Milenio* newspaper investigation based on leaked classified Mexican Ministry of National Defense documents revealed a number of cases where Mexican and US intelligence agencies, working together, discovered Islamic terrorists inside Mexico in 2015, 2016, and 2017.¹⁶

But not so much during the ongoing mass migration crisis. Mexico ended up deporting Ahmed, but he returned in July 2021, the busiest month in the history of both nations up to that time.¹⁷ When he returned, there was a breakdown in the bilateral collaboration. Rather than deporting Ahmed a second time, the Mexican government released him, likely to clear overcrowded detention facilities. In a hint that this news alarmed and surprised US authorities, CBP issued a "Be On the Lookout" bulletin for Ahmed to law enforcement throughout Texas.¹⁸ An urgent manhunt for him ensued, but It's unclear whether anyone ever found the Yemeni.

Indifference to a special interest alien shelter in Tijuana

So many special interest aliens are arriving at the southern border and gaining quick release that a Muslims-only migrant shelter opened in Tijuana in June 2022 to cater to the new high demand – and to provide waystation support on their border crossings within eyesight of the border wall. In November 2022, I visited the Albergue Assabil/Mesquijta Taybah shelter and interviewed its visitors and shelter management. There, I met Chechens, Uzbeks, Tajikistanis, and Syrians, the latter three special interest aliens.¹⁹

In no other single shelter would special interest alien immigrants planning border crossings be drawn to congregate as they had in this one, or invite immediate US and Mexican intelligence and law enforcement interest.



“I would be all over this place,” James G. Conway, a former FBI supervisory special agent who created and led special interest alien programs in Mexico after 9/11, told me.

“The fact that terrorist organizations are based in some of those countries and want to bring harm to the United States, and that this shelter that specifically caters to citizens from special interest countries two blocks from the U.S. border is helping to funnel them into the United States should certainly be a concern to law enforcement and the intelligence community,” Conway told me. “I’m sure 99 percent of those who are being helped are fine but it’s that small element that could be related to a terrorist organization that is the concern.”

Yet the shelter’s director, a Mexican-American convert to Islam named Sonia Garcia, told me that no American or Mexican intelligence agency had reached out to collect information in all of its

seven months’ existence up to that time, which included internal records she kept on all guests and was willing to hand over if any agency asked.²⁰

“If somebody’s on the list and they want to find out if they came from the shelter, well they’re welcome to come to the shelter and ask us,” Garcia told me. “We have no problem in giving the information or interest in hiding the information, no. If he is on the watch list and he came into the shelter, well it’s very good because we’ll give them [the Americans] the information. We’re not hiding the information.”

I asked an active-duty DHS intelligence officer who worked on transnational human smuggling crime in a US duty station on the border if their agency was interested in the shelter.

“No. We are not,” the individual answered. Interest in special interest aliens preparing to cross the southern border waned when President Biden took office. Asked why, the DHS officer responded that the shelter’s work was regarded as humanitarian and therefore protected from U.S. law enforcement interest.

“That is no longer within the scope of our criminal investigations. Because they are doing humanitarian work, they get to operate basically with impunity,” the individual told me.

Other inexplicable migrant terrorist suspects mishandlings reinforce system breakdown

Less explicable foul-ups involving migrant-terrorists have also occurred during the Biden border crisis.

In early December 2021, a Lebanese-Venezuelan migrant swam the Rio Grande from Matamoros to Brownsville, Texas, and was flagged on the FBI terror watch list, according to a report by former *New York Times* Pulitzer Prize winner Charlie LeDuff.²¹ Amid the border chaos

that month, the FBI recommended ICE keep him locked up until deportation due to "substantive high side derogatory intelligence," labeling him a "high risk" and a "flight risk."

Instead, ICE headquarters overrode FBI recommendations and ordered the man released for fear that, due to his weight, he might be susceptible to Covid-19, the leaked records showed. To this day, there is no explanation or known government inquiry as when the Venezuelan was accidentally freed in the crush of migration.

On February 16, 2022, Republican members of Congress asked House Democrats for permission to hold a hearing about a decision to release this suspected terrorist from Venezuela. Rep. Andy Biggs (R-Ariz.), ranking member of this subcommittee penned the request to subcommittee Chair Sheila Jackson Lee (D-Texas), in part on grounds that, "There is no known case in which a foreign national who pinged on a terror watch list was simply released on his own recognizance."²²

"The facts in the case strongly suggest that the Biden Administration failed to follow appropriate protocols with respect to suspected terrorists."

Eight GOP lawmakers on the subcommittee signed the letter.

But the request went unfulfilled. I am happy to bring this matter to at least some attention now in this hearing.

Foreign terrorist awareness of faltering border defenses

A recently concluded federal prosecution in Ohio indicates probable broader terrorist actor interest in using the southern border to illegally cross into the country and attack the homeland.

The FBI's Ohio field office arrested a local Iraqi asylum seeker and former al Qaeda fighter Shihab Ahmed Shihab in May 2022 for orchestrating a credible international plot to assassinate former President George Bush in Texas using a remarkable tactic that would have exploited the mass migration crisis.²³ Shihab pled guilty to planning to smuggle at least four Iraqi terrorists over the southern border for the Bush assassination.²⁴

A former al Qaeda fighter who killed many US soldiers during the early phases of the Iraq War, Shihab himself somehow managed to fly into an American airport with a tourist visa under intelligence radars in September 2020, before this mass-migration crisis began.

He overstayed his tourist visa, lodged an asylum claim forestalling deportation, and began contemplating the border, an arrest-warrant affidavit shows. The plot unfolded as border defenses were collapsing. Shihab must have realized that crossing terrorist operatives among the millions of migrants had become less risky than the tourist-visa-overstay method he'd used. He claimed to undercover FBI informants that he'd successfully smuggled in two Hezbollah operatives over it, the records allege, without elaboration, then turned to replicating that ostensible success for the Bush assassination.

Shihab reached out to his former terrorist comrades with whom he'd killed Americans in Iraq, a unit once known as "Thunder" in Arabic, and began working with a new unit leader in Qatar.

Fortunately, the FBI introduced informants into Shihab's circle.

His plans called for at least four of eight Thunder terrorists to pay \$40,000 each for travel into Brazil on fraudulently obtained visas, who would then go up through the Darien Gap jungle-smuggling passage between Colombia and Panama.

From Central America, Shihab's terrorists would meld unnoticed with the multinational masses moving north to the US-Mexico border, then cross, possibly wearing faux Border Patrol uniforms, the informants reported. As the plot progressed, Shihab actually flew to Texas and conducted surveillance of Bush's homes in Dallas and at a central Texas ranch. He was also assessing how to provide the arriving operatives with the weapons they would need to stalk and kill Bush.

Shihab's May 2022 arrest certainly foiled the plot but sounded an important alarm that must be heard as the historic multinational mass migration continues into its third year at record heights.

What this case demonstrates, beyond the fact these particular malefactors saw the border as more vulnerable to entry than before, is that appropriate homeland security thinking now must assume the rest of the jihadist universe also sees the US-Mexico line as unusually penetrable.

Who they are

In addition to withholding disclosures of special interest alien numbers, CBP under Biden also does not disclose the nationalities of immigrants who were a match for the terror watchlist, nor even general information about their group affiliations.

The Center for Immigration Studies is seeking nationality and group affiliation information through the Freedom of Information Act in an effort to bring the public more clarity about the nature of those attempting to gain entry into the United States at its land borders.

What limited information about those apprehended during the Biden border crisis has become public through leaks or in some court filings, however, does not bode well for effective national security.

They are a mix of Islamic jihadists and, as if that were not disturbing enough, members of the blood-drenched Revolutionary Armed Forces of Colombia, or "FARC," a Marxist-Leninist guerilla group that waged war on Colombia's government from 1964 until agreeing to a peace deal in August 2016.²⁵

Among the first suspected terrorists apprehended during the Biden administration were three from Yemen and one from Serbia, DHS Secretary Alejandro Mayorkas testified in March 2021.²⁶ A separate disclosure in a CBP press release the following month had it that two Yemenis on the watch list crossed near Calexico, California. One crossed in January 2021 and a second crossed at the same spot in March 2021. That CBP press release was quickly removed but never disavowed.²⁷ A variety of violent extremist groups operate in Yemen's civil war, including al-Qaeda.

Both Yemenis, the press release said, also were on the FBI's rarified No Fly list, normally reserved for individuals that U.S. intelligence deem so dangerous that their ability to travel must be curtailed.

One of the Yemenis had secreted a cell phone sim card in his shoe insole, the release said without elaboration.

In the Shihab case discussed earlier, he told undercover informants that he had successfully transported two Hezbollah operatives into the country. Hezbollah is a Lebanese Shia group designated as a Foreign Terrorist Organization.

Separately, in December 2021, Yuma Sector Chief Border Patrol Agent Chris Clem announced on Twitter the apprehension of a “potential terrorist” from Saudi Arabia caught entering illegally near Yuma. He was wearing a New York County ambulance jacket.²⁸

“The 21-year-old migrant from Saudi Arabia is linked to several Yemeni subjects of interest,” Chief Clem wrote in his Tweet, which was quickly deleted. No further details were available on this case, although the Saudi embassy later denied the man was not a citizen of that country.

Especially disturbing were public disclosures by the *Washington Examiner*²⁹ that dozens of watch-listed immigrants caught at the border were members of FARC.

Colombia’s FARC groups

In November 2021, the Biden administration de-listed FARC as a Foreign Terrorist Organization (FTO) following a peace agreement with the Colombian government and demobilization. But many of its members are still considered dangerous and so remain on the watch list.

Other Colombians crossing may well belong to two FARC splinter groups that remain designated FTOs: the Revolutionary Armed Forces of Colombia – People’s Army (FARC-EP) and a rival of FARC-EP, the Segunda Marquetalia.³⁰ It’s unclear which suspected terrorists who are crossing belong to which of the three groups but what is clear is that all must be considered a significant threat to US national security, national interest, and public safety as they seek to join the Colombian diaspora inside the country.

Naturally, any former operative of the main delisted FARC group or its remaining still-listed splinter groups would remain on US terror watchlists given the violent lifestyles and organized criminal violence in which so many engaged for years. While it is true that some former FARC members are fleeing targeted violence against them, the idea that former FARC members or current members of the remaining two foreign terrorist groups are entering the United States at the border should give no American peace of mind.

FARC-EP’s 2,000 operatives conduct armed assaults, assassinations, extortion operations, and hostage-takings. The group also focuses most of its attacks on Colombian government and military targets, but also on US military personnel in the country, according to the Director of National Intelligence. The 2,500 members of the Segunda Marquetalia FARC dissident group conduct bombings, violence against civilians, kidnappings, attacks on utilities infrastructure and against military and police facilities, according to the US State Department.³¹

Joseph Humire, Executive Director of the Center for a Secure Free Society and expert on Latin American security matters, explained to me recently that current and former FARC members pose a particular threat to Colombian immigrant communities inside the United States.

“Those illegally coming now from nefarious groups are going to embed themselves in their communities and control them like a mafia. It will be social control through intimidation,”

Humire told me. “In those communities, you’ll see practices foreign to the US but native to homelands. The FARC has their own code of conduct. It has a lot of nasty ***t. Vigilante justice, so yeah, they’ll probably try to impose their justice here. A lot of Colombian families still have relatives back home and the FARC can still reach out and touch those relatives.”

Furthermore, Humire told me, Iran, Cuba and Venezuela could use FARC operatives inside the United States “as a cut-out to be able to do attacks on US infrastructure with a level of deniability.

“They don’t have that vitriolic anti-US hate. They’re not going to be screaming Allah Akbar while they’re trying to kill Americans. But for money, they’ll do it. That’s the FARC, man.”

Conclusion

Skeptics of the border infiltration threat like to point out that the FBI’s terrorism database includes a mix of family members or associates of actual terrorists who may not themselves be directly implicated in killing and so question why Americans should concern themselves about listed individuals attempting to cross.³²

But it is important to remember that no one other than those intimately familiar with investigative case files is in a position to judge or dismiss watch-listed migrants as appropriately worrisome on grounds that one might merely be an “associate” or “family member,” since much-improved nomination-to-approval processes are more analytically rigorous, based on evidence and intelligence information.

Short of direct examination of government case files, pundits and members of the public with no special access swing beyond their qualification to advocate that watch-listed migrants crossing the border pose no serious threat. History proves that the more obviously prudent choice is to always presume the opposite, that all are potentially dangerous and that high flows of human traffic over the border should be reduced so as not to aid and abet their unwanted entries.

Furthermore, many if not most special interest aliens may remain unknown to intelligence agencies as terrorists and are therefore not be present on any watch list, when in fact they *are* involved. Therefore, the prudent default position for those without access to case files and intelligence is to presume that any watch-listed migrant or special interest alien poses a distinctly higher national security risk than those crossing who fit neither category. Casually dismissing watch-listed migrants and special interest aliens as a more unique threat problem comes at unnecessary national peril.

¹ Todd Bensman, “Catch and Release Resumes on the Texas Border in the Face of Rising Migrant Numbers,” Center for Immigration Studies, 3 February 2021, <https://cis.org/Bensman/Catch-and-Release-Resumes-Texas-Border-Face-Rising-Migrant-Numbers>; Todd Bensman, “A New Migrant Caravan is Forming – and Biden Hopes to Crush it Without Leaving Fingerprints, 14 February 2021, <https://cis.org/Bensman/New-Migrant-Caravan-Forming-And-Biden-Hopes-Crush-It-Without-Leaving-His-Fingerprints>

² Opinion and Order in State of Florida versus United States of America, US District Judge Thomas Kent Wetherell, 8 March 2023, https://storage.courtlistener.com/recap/gov.uscourts.flnd.405819/gov.uscourts.flnd.405819.157.0_1.pdf

³ Todd Bensman, “*America’s Covert Border War: The Untold Story of the Nation’s Battle to Prevent Jihadist Infiltration*,” Bombardier Books, 23 February 2021, https://www.amazon.com/Americas-Covert-Border-War-Infiltration/dp/1642937258/ref=sr_1_2?crid=W727GAGMU79B&keywords=Todd+Bensman&qid=1694308237&s=books&prefix=todd+bensman%2Cstripbooks%2C245&sr=1-2

⁴ Jonny Wakefield, “Everything we know about the man charged in Edmonton’s truck attack from the woman who knows him best,” The Edmonton Journal, 28 September 2018, <https://edmontonjournal.com/news/crime/who-is-abdulahi-hasan-sharif-one-year-later-everything-we-know-about-the-alleged-edmonton-attacker>

⁵ CBP Released a Migrant on a Terrorist Watchlist, and ICE Faced Information Sharing Challenges Planning and Conducting the Arrest (REDACTED), DHS Office of Inspector General Report OIG-23-31, 28 June 2023, <https://cis.org/sites/default/files/2023-07/OIG-23-31-Jun23-Redacted.pdf>

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