



U.S. Immigration and Customs Enforcement

STATEMENT

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REGARDING A HEARING ON

“Hidden in Plain Sight: Understanding Federal Efforts to Stop Human Trafficking”

BEFORE THE

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COMMITTEE ON HOMELAND SECURITY
SUBCOMMITTEE ON BORDER AND MARITIME SECURITY

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INTRODUCTION

Chairwoman McSally, Ranking Member Vela, and distinguished members of the Subcommittee.

Thank you for the opportunity to appear before you today to discuss the role of U.S. Immigration and Customs Enforcement (ICE) in investigating human traffickers and protecting victims. Fighting all forms of modern day slavery is one of ICE's top operational goals, specifically to "disrupt and dismantle organized human smuggling and trafficking." As one of 26 Special Agents in Charge, I can attest to the pervasiveness of the crime, as well as the vital role ICE's Homeland Security Investigations (HSI) plays in investigating human trafficking crimes, assisting victims, and bringing perpetrators to justice. I am also honored to have our partners in the fight against human trafficking on the panel with me today, including; DHS Office of Partnership and Engagement, Assistant Secretary John Hill, who oversees the Department of Homeland Security's (DHS) Blue Campaign, and Assistant Attorney General John Gore from the Department of Justice (DOJ).

ICE HSI is the leader in combatting transnational criminal organizations engaged in human trafficking. ICE HSI conducts more than 1,000 human trafficking investigations annually, identifies and assists hundreds of victims, conducts extensive local outreach and training to generate leads, and trains foreign law enforcement partners on human trafficking through International Law Enforcement Academies (ILEA). As a lead federal law enforcement agency responsible for investigating human trafficking, we leverage our global operational apparatus of more than 200 domestic offices and 67 international offices in 50 countries. This global footprint allows HSI to be strategically situated to work with law enforcement partners, as well as non-governmental organizations, which bring human trafficking tips and leads to HSI Special Agents worldwide.

The mission of our human trafficking investigations is two-fold: (1) to proactively identify cross-border criminal trafficking organizations and prioritize investigations according to the degree of risk posed by each to national security and public safety—HSI targets human trafficking organizations with the goal of disrupting and dismantling the organization and seizing their illegally-obtained assets to remove the profit incentive; and (2) to employ a victim-centered approach, where equal value is placed on the identification and stabilization of victims, as well as the investigation and prosecution of traffickers. ICE HSI as an agency is first and foremost concerned with protecting the victim and, therefore, identifying and assisting them is paramount.

To accomplish its anti-trafficking mission, ICE HSI works in close coordination with other components of DHS, law enforcement agencies at the local, tribal, state, and federal levels, as well as foreign law enforcement, non-governmental organizations (NGOs), victim service providers, and private industry to protect victims, investigate and prosecute offenders, and prevent trafficking from occurring. ICE HSI Special Agents and Victim Assistance Personnel are directly supported by key ICE headquarters programs, including the Human Trafficking Unit (HTU), the Victim Assistance Program (VAP), the Parole and Law Enforcement Programs Unit (PLEPU), the Forced Labor Program, the Child Exploitation Investigations Unit, and the interagency Human Smuggling and Trafficking Center (HSTC).

We also have a robust portfolio to counter human smuggling. However, human trafficking is a distinctly different crime from human smuggling. Human trafficking is exploitation-based, with or without a border crossing, and requires force, fraud, and coercion compelling someone into labor or commercial sex, or a minor engaged in commercial sex. Conversely, human smuggling is transportation-based, and requires the crossing of a border, these individuals voluntarily seek to gain illegal entry into the U.S. Human smuggling can transition and develop into trafficking once force, fraud, or coercion are introduced into the scheme to induce participation in forced labor or commercial sex.

Strategic Approach to Combating Human Trafficking

The counter-trafficking strategy ICE HSI employs is rooted in prevention, protection, prosecution, and partnership. Our victim-centered approach relies on close coordination with the Victim Assistance Program to connect survivors with service providers. We seek to aggressively target human traffickers using a comprehensive approach. Our emphasis on partnerships involves significant coordination, outreach, and coalition building efforts. This strategy is a force multiplier and has paid a lot of dividends in successful prosecutions, as well as in identifying and assisting victims.

ICE HSI has dedicated human trafficking investigative groups in each of the Special Agent in Charge field offices with subject matter experts in outlying offices as well. These specialized agents participate in more than 120 human trafficking task forces nationwide consisting of federal, state, and local law enforcement, as well as victim service providers. Moreover, HSI has participated extensively in the interagency Anti-Trafficking Coordination Team (ACTeam) Initiative, along with the DOJ's Human Trafficking Prosecution Unit, the U.S. Department of Labor, the U.S. Department of State (DOS), and the Federal Bureau of Investigation, convening Anti-Trafficking Coordination Teams in 12 competitively selected cities to proactively develop and advance significant, high-impact federal human trafficking investigations and prosecutions. In addition, local law enforcement agencies detail officers to ICE HSI human trafficking groups to work full-time with ICE HSI Special Agents on trafficking investigations.

As part of HSI's Trafficking in Persons Strategy, we also conduct a significant amount of outreach in order to generate leads from the organizations to which victims are likely to trust, confide, and report the crime. Annually, this strategy results in several thousand contacts with other law enforcement, NGOs, and community organizations concerning human trafficking within the United States. This routinely involves hundreds of training/engagement events with NGOs and law enforcement.

ICE HSI is a key partner of the Blue Campaign along with U.S. Citizenship and Immigration Services (USCIS), U.S. Customs and Border Protection (CBP), the Federal Law Enforcement Training Center (FLETC), Transportation Security Administration (TSA) and the United States Coast Guard (USCG). The Blue Campaign is a national awareness campaign to: (1) educate the public, law enforcement and other institutions on human trafficking in the United

States; and (2) to increase understanding of the indicators of human trafficking, and to appropriately recognize and respond to possible cases of human trafficking. Working in collaboration with first responders, governmental, non-governmental and private sector organizations, the Blue Campaign magnifies this important, national public outreach.

In addition to providing basic and advanced training to investigators in the U.S., we also provide a substantial amount of international human trafficking training, which is delivered to foreign law enforcement, prosecutors, and victim service providers in collaboration with ICE Attaché offices typically from more than 70 countries annually. Working with DOS, we also coordinate and train at numerous events at ILEAs and U.S. embassies worldwide. The training includes our efforts to combat human trafficking, investigative techniques, bilateral investigations, indicators of human trafficking, victim identification, and victim assistance with a focus on building the capacity to conduct human trafficking investigations with host country authorities.

The Global Scope of Human Trafficking

The United States is a source, transit, and destination country for men, women, transgender individuals, and children—both U.S. citizens and foreign nationals—subjected to sex trafficking and forced labor. Human traffickers and victims can be of any age, race/ethnicity, sex, gender identity, nationality, immigration status, cultural background, socio-economic class, and education attainment level. Traffickers can be relatives, family friends, gang members or associated with transnational criminal organizations, and they can operate alone or in groups. Traffickers use various forms of force, fraud, and coercion to control and exploit victims, including debt bondage, fraudulent employment opportunities, false promises, violence and threats of violence. Human trafficking occurs in both legal and illegal industries, and may intersect with other criminal activity, such as drug trafficking, human smuggling, or money laundering. Though clandestine by nature, it is an extremely lucrative illicit activity with estimated annual global profits of \$150 billion, according to the International Labour Organization.

Challenges to Combatting Human Trafficking

To minimize risk and maximize profitability, traffickers work to preserve the clandestine nature of the crime by creating agile networks, adapting to profit and risk environments and adopting advanced technologies. These characteristics make it difficult to detect and, as a result, difficult to gather quality information. We are constantly working to improve detection of human trafficking cases to make the crime less clandestine and to ensure we are equipped to identify potential victims, traffickers, hot spots, and transportation routes. For example, we've enhanced our training at FLETC to include mandated human trafficking training for new agents.

Immigration status is often perceived to be a barrier to reporting suspected human trafficking. Some victims and/or their service provider/attorney do not call police, file a case, etc. because of fear of deportation/immigration enforcement. A wide range of crimes are

unreported/underreported and have become harder to investigate when the victims are immigrants or have limited English proficiency. Foreign national victims are not always aware of their eligibility for certain legal benefits and services. A victim centered approach requires we have policies and practices in place to protect trafficking victims from being susceptible to removal.

Statistically, there are fewer labor trafficking investigations because of the difficulty in detecting labor trafficking and separating it from other forms of labor exploitation and workplace violations. It can be especially difficult to detect, investigate, and prosecute for a number of reasons, including isolation of the victims, limited sources of corroborating evidence, and challenges in earning the trust of victims in order to elicit their statements. Not all law enforcement is sensitive to a trauma-informed, victim-centered approach and appreciative of the full spectrum of human trafficking (not just sex trafficking, but labor and domestic servitude as well). Also, many victims do not see themselves as victims. Consistent, survivor-informed training across law enforcement should be standardized (including terminology, typology, etc.) and continually updated, drawing on the expertise offered by survivors themselves.

Law enforcement should also be cognizant that the justice law enforcement seeks for a victim is not always the justice a victim seeks for themselves. It is not just about prosecuting the traffickers. Sometimes victims want to be removed from the situation and stabilized and move on with their life. Not every trafficking victim wants to play a role in holding the trafficker accountable.

We continue to engage with foreign counterparts to develop anti-trafficking strategies in their respective regions.

The Victim Assistance Program

Our Victim Assistance Program (VAP) provides overall guidance on victim assistance and is a resource to all ICE programs for training, technical assistance, and monitoring compliance with federal crime victim assistance statutes and the *Attorney General Guidelines for Victims and Witness Assistance*. VAP is also a critical resource to ICE HSI investigations and the ensuing criminal prosecutions by safeguarding victims' rights and ensuring access to the services to which they are entitled by law, as well as providing the assistance they need so that they can participate actively and fully in the criminal justice system process. VAP personnel respond to victims' issues in a wide range of federal crimes, including human trafficking, child pornography, child sex tourism, child sex trafficking, white collar crime, and human rights abuse.

HSI Victim Assistance Specialists support our approximately 6,100 Special Agents and train them on victims' rights, immigration relief for foreign national victims, human trafficking, child exploitation, forensic interviewing, and other victim issues. Victim Assistance Specialists also assist victims with resources and service referrals for federal, state, and local crime victim services, as well as referrals to non-governmental and community based victim service providers. In addition to assistance for victims, another service provided by the VAP is the Victim

Notification Program and hotline, which provides, for those prior victims who register, notifications of the release from incarceration or removal of criminal alien offenders.

Along with the Victim Assistance Specialists, VAP includes Forensic Interview Specialists to conduct legally defensible, victim-sensitive, fact-finding, forensic interviews, which are developmentally appropriate and take into account the victim's age, language skills, mental health and learning capacity.

We are pleased that the proposed *Trafficking Victims Protection Reauthorization Act* establishes an HSI Office of Victim Assistance, taking to scale the current HSI Victim Assistance Program by increasing the number of Victim Assistance Specialists from 27 to more than 100, and increasing the number of Forensic Interview Specialists from six to a minimum of 26. Practically, this means that instead of having a Victim Assistance Specialist cover regions that sometimes include multiple states, one VAS would be located in every HSI office that is participating in a human trafficking task force. Establishing this office would be a force multiplier for victims, investigations and public safety. This key legislation will further enhance HSI's capacity to support victims and investigate human traffickers.

Making an Impact

Working closely with its partners, to include prosecutors at the local, state and federal levels, ICE HSI has been able to make a significant difference and move forward U.S. counter-trafficking efforts. In the last two years, we have initiated nearly 2,000 human trafficking cases, resulting in the identification and assistance of almost 1,000 victims and over 3,000 criminal arrests, and 1,200 convictions. In Fiscal Year 2018 (as of August 31, 2018) 778 human trafficking cases have been initiated, resulting in 1,410 criminal arrests, 759 indictments and 425 convictions.

One example of our efforts with Mexico is the cross-border initiatives, to target transnational criminal organizations (TCOs) responsible for sex trafficking Mexican women in the United States. Mexico is the country of origin of the largest number of foreign-born human trafficking victims identified in the United States. In response to numerous federal investigations and prosecutions of trafficking networks operating across the U.S.-Mexico border, DOJ and DHS launched the U.S.-Mexico Bilateral Human Trafficking Enforcement Initiative to enhance collaboration with Mexican law enforcement counterparts in order to more effectively combat trans-border trafficking threats. Through this initiative, U.S. and Mexican authorities exchange leads and intelligence to dismantle transnational trafficking networks through high-impact prosecutions in both the U.S. and Mexico.

In addition to coordinating the development of bilateral investigations and prosecutions, DOJ, DHS, and their Mexican law enforcement counterparts engage in extensive exchanges of expertise and case-based mentoring to advance best practices in victim-centered enforcement strategies. The initiative has achieved significant results: U.S. federal prosecutions of over 170 defendants; Mexican state and federal prosecution of over 30 associated defendants; extradition of eight defendants from Mexico to the U.S. to face charges; identification of and assistance to

more than 200 victims; and recovery of over 20 victims' children from the trafficking networks' control. We have coordinated bilateral enforcement actions to apprehend co-conspirators on both sides of the border.

Immigration Options for Foreign Victims of Human Trafficking

Short and long-term immigration options assist law enforcement in stabilizing victims, which can lead to improved cooperation with law enforcement and humanitarian relief to victims. ICE HSI can provide "*Continued Presence*" (CP) to victims, an important law enforcement tool that allows a "victim of a severe form of trafficking," who may be potential witnesses to such trafficking, to remain in the United States to facilitate an investigation or prosecution of human trafficking-related crimes. CP provides for the temporary deferral of removal actions, along with temporary work authorization and potential access to public benefits and services. It also allows victims to remain in the U.S. while pursuing a civil action against their traffickers.

Continued Presence is vital to law enforcement efforts to combat human trafficking. It is a necessary means of stabilizing victims so they can cooperate as witnesses in bringing traffickers to justice. CP may be granted for an initial period of two years and may be renewed for up to two years to facilitate an investigation or prosecution against traffickers. The appropriate application of *Continued Presence* can lead to more successful prosecutions of traffickers and can increase the odds of identifying and rescuing more victims. USCIS can also provide longer-term immigration relief to certain qualifying victims of severe forms of trafficking through the T visa and victims of other qualifying crimes through the U visa.

CONCLUSION

ICE remains committed to utilizing its authorities and resources to arrest human traffickers and identify and assist the victims of this horrific crime. We will build upon the successes of our outreach and victim-centered approach, and share our lessons learned and expertise to expand the global fight against this horrific crime. We will continue to dismantle and disrupt the criminal organizations engaged in human trafficking until we end the threat that human trafficking poses.

Thank you again for the opportunity to appear before you today and for your continued support of ICE and its law enforcement mission. I would be pleased to answer any questions.