



# U.S. Immigration and Customs Enforcement

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STATEMENT

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REGARDING A HEARING ON

*“UNACCOMPANIED CHILDREN AND THE ROOT CAUSES”*

BEFORE THE

U.S. HOUSE OF REPRESENTATIVES  
HOUSE COMMITTEE ON HOMELAND SECURITY  
SUBCOMMITTEE ON BORDER SECURITY, FACILITATION, AND OPERATIONS

Thursday, June 10, 2021

Chairwoman Barragán, Ranking Member Higgins, and distinguished members of the Subcommittee on Border Security, Facilitation, and Operations:

### **Introduction**

Thank you for the opportunity to appear before you today to discuss U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations' (HSI) efforts to secure the homeland from transnational crime and threats and elaborate on HSI's investigative role in preventing the smuggling and trafficking of people, including unaccompanied children (UCs), into the United States. This statement will highlight our international efforts throughout Latin America, as well as our investigations and operations within the United States, that seek to mitigate human smuggling and trafficking, while addressing related crimes such as transnational gang activity.

### **The HSI Mission**

In collaboration with strategic partners in the United States and abroad, HSI special agents gather evidence to identify and build criminal cases against transnational criminal organizations (TCOs), terrorist networks and facilitators, and other criminal elements that threaten the homeland. HSI works with prosecutors to indict and arrest violators, execute criminal search warrants, seize criminally derived money and assets, and take other actions designed to disrupt and dismantle criminal organizations operating around the world.

HSI's core mission is to protect the homeland from transnational crime and threats, and its operational priorities serve as the foundation of HSI's investigative and operational focus – combating financial crime, investigating cybercrime, preventing crimes of exploitation, ensuring public safety, upholding fairness in global trade, and protecting national security. The crimes associated with human smuggling and trafficking, including those involving UCs, involve many of these priorities and therefore constitute a primary focus of HSI's investigations.

### **The Nature of the Threat**

Human smuggling involves the provision of a service—typically transportation, navigation, or fraudulent documents—to facilitate an individual's unauthorized entry into a foreign country. Over the last five years, nationals of El Salvador, Honduras, and Guatemala (referred to as the Northern Triangle countries), and Mexico, who migrate due to violence, poverty, limited economic opportunity, amongst other reasons, have comprised the majority of undocumented noncitizens encountered without authorization along the Southwest Border.

Extremely harsh terrains and travel conditions, combined with the potential detection by law enforcement and the threat of violence posed by cartels controlling territory along smuggling routes across Central America and Mexico, make it difficult for migrants to travel from their home countries and reach our borders without the assistance of smugglers. Criminal organizations step in and to facilitate the illegal smuggling of these noncitizens across our borders. U.S.-bound human smuggling and related criminal activities are estimated by the Homeland Security Operational Analysis Center to produce revenues of \$2 billion to \$6 billion per year.

Human smuggling organizations profit by charging fees for smuggling undocumented noncitizens into and throughout the United States and by collecting transit fees when smugglers and their clients travel through territory controlled by cartels or other TCOs. These groups are almost exclusively financially driven and see humans as just another commodity to be moved across borders. Human smuggling enterprises and cartels often maintain a symbiotic relationship, both with cartels controlling the major U.S. and foreign drug markets, while smuggling networks control the

smuggling flow, otherwise known as “illicit pathways.” Cartels or other TCOs have traditionally charged a “*plaza*” or tariff on migrants and human smuggling organizations to transit through their territory or operate in certain border towns. However, since mid-2019, some have taken a more active approach in human smuggling, increasing and diversifying sources of income with an activity they view as low risk.

While human smuggling may constitute the initial crime facilitating the illicit movement of people, including UCs, to our borders, the criminality does not stop there. In some cases, migrants become victims of human or labor trafficking – a crime of exploitation that does not require movement – when criminal networks introduce force, fraud, or coercion into smuggling schemes to induce victims into forced labor or commercial sex. If the victim is under age 18, sex trafficking occurs when the victim is induced to perform commercial sex – force, fraud, or coercion is not required. For example, in May, HSI identified and rescued a victim who was forced into labor after entering the United States. The victim entered the United States as a UC and was subsequently forced to work and live in substandard conditions, with minimal remuneration.

HSI’s investigations have also demonstrated that human smuggling often occurs alongside or can be a precursor to other transnational crimes such as gang activity, identity and benefit fraud, money laundering, bulk cash smuggling, narcotics smuggling, arms trafficking, and terrorism and other national security related crime.

### **The HSI Response**

The multi-faceted, complex, transnational nature of the crimes surrounding human smuggling requires an equally robust and layered investigative response, which HSI implements on multiple fronts. This starts abroad, where HSI has the largest international investigative presence in the Department of Homeland Security (DHS), comprised of 80 offices in over 50 countries with 41 visa security screening posts. This approach continues domestically, where HSI special agents and criminal analysts assigned to over 220 offices across the United States respond to and pursue investigations into illicit smuggling and trafficking. Both at home and abroad, HSI special agents utilize a broad range of legal authorities to identify, investigate, disrupt, and ultimately dismantle domestic and transnational criminal organizations engaged in human smuggling and human trafficking. With finite resources, HSI must employ a whole-of-government approach to combating this threat. This strategy includes capacity building with host country partners overseas; leveraging domestic and international relationships; providing resources and technologies to create efficiencies of scale; and cross-pollinating expertise and leadership to other federal, state, local, and international law enforcement partners. Together, this approach facilitates and enhances the application of HSI’s full range of authorities and enables HSI and its partners to maximize their disruptive effect against TCOs engaged in smuggling and trafficking.

### ***International Operations***

In 2011, HSI established the **Transnational Criminal Investigative Unit (TCIU)** Program to act as a force multiplier in the fight against TCOs. HSI TCIUs are comprised of foreign law enforcement officials, customs officers, immigration officers and prosecutors who undergo a strict vetting process. Upon completion of vetting, candidates must complete a three-week International Task-force Agent Training course. HSI TCIUs facilitate information exchange and rapid bilateral investigations involving violations that HSI has the authority to investigate, including weapons trafficking and counter-proliferation, money laundering and bulk cash smuggling, human smuggling and trafficking, narcotics smuggling, transnational gang activity, child exploitation, and cybercrime. TCIUs enhance the host country’s ability to investigate and prosecute individuals involved in transnational criminal

activity that threatens the stability and security of the region and ultimately our homeland security. More than 430 vetted and trained foreign law enforcement officers comprise the 11 TCIUs and two International Task Force units. HSI special agents are uniquely positioned to partner with TCIU personnel to provide critical intelligence and resources to allow our partners to take appropriate enforcement action under the authority of the host country.

HSI's **Operation CITADEL** aims to identify, disrupt, and dismantle TCOs and terrorist support networks by targeting the mechanisms used to move migrants, illicit funds, and contraband throughout South and Central America. CITADEL provides resources to enhance foreign partners' investigative, intelligence, and information sharing capabilities to counter transnational threats and organized crime. This assistance, in turn, provides HSI the ability to expand domestic and international investigations well beyond U.S. borders and to more effectively target the illicit pathways exploited by TCOs. CITADEL facilitates training and capacity-building through cross-border operations with partner nation TCIUs, undercover operations, judicially approved wire intercepts, and document and media exploitation at ports of entry and along smuggling routes. Investigative activities also include sensitive site exploitation/evidence collection and biometric collection of extraterritorial criminal travel (ECT) subjects of special interest.

HSI's **ECT** program is a partnership between HSI and the U.S. Department of Justice's Criminal Division, Human Rights and Special Prosecutions Section. ECT supports the national strategy to combat terrorism and international organized crime. The program uses expert dedicated investigative, prosecutorial and intelligence resources to target and aggressively pursue, disrupt, and dismantle foreign based transnational human smuggling networks. ECT supports the highest priority human smuggling investigations posing the greatest national security and public safety threats. These include investigations concerning special interest noncitizens and investigations that pose a significant humanitarian concern, to include maritime smuggling events, extortion, kidnapping, and corruption, among others.

Pushing our borders out to effectively identify and mitigate threats before they reach the United States remains a priority for DHS, HSI, and our counterparts. A tool in this fight is the **Biometric Identification Transnational Migration Alert Program (BITMAP)**. HSI trains and equips TCIUs and other cooperating foreign law enforcement officers to collect and share biometric and biographic data on suspects of particular interest, such as third-country nationals who are encountered by foreign law enforcement agencies at or along irregular border-crossing check points, illicit pathways, airports, seaports, jails, detention centers, and specialized mobile units. Foreign law enforcement partners share their collected BITMAP information with HSI, and this biometric data is used to populate United States databases and subsequently identify transnational criminals; known or suspected terrorists; gang members; and other persons of interest. BITMAP information is also used to provide host nation law enforcement partners with actionable intelligence related to terrorist, criminal, and national security threats. Additionally, information shared by foreign partners through BITMAP supports Homeland Security Presidential Directives 24 and 6 directions related to biometric collection and information integration. The program also aligns with United Nations Security Council Resolution 2396.

### ***Domestic Operations***

To complement its international focus, HSI's efforts continue at the border and within our field offices throughout the United States, where HSI special agents respond to and investigate **human smuggling** schemes that are encountered or identified in the United States. These leads come to us in a variety of ways, including border interdictions; referrals from federal, state, and local law

enforcement partners; confidential informants and sources of information; tip line or social media reporting; community relations and public affairs outreach; criminal analysis/targeting; and information gleaned from existing operations. HSI develops and receives information and leads involving human smuggling in the same way whether or not the offense includes or involves UCs.

Upon receiving information into a potential smuggling crime, HSI utilizes the full breadth of its authorities and expertise to pursue the investigation and attack all aspects of the organizations responsible. HSI prioritizes its investigations based on national security threats, the involvement of TCOs in the smuggling or trafficking scheme, and the public safety and endangerment aspects of the violation.

HSI's approach to human smuggling investigations can be illustrated through ongoing investigative efforts by HSI. In late 2020, HSI identified a large-scale, international human smuggling organization consisting of a network of local load drivers, tractor-trailer drivers, stash houses, and money couriers. Through partnership and coordination with the USBP and other law enforcement partners, HSI has conducted 12 smuggling interdiction operations, resulting in over 350 undocumented individual apprehensions and the criminal arrest of multiple smuggling facilitators. The smuggling events were linked to a common organization through a combination of investigative techniques, including surveillance, interviews, confidential source information, and criminal intelligence analysis. A total of 18 minor children, seven (7) of whom were unaccompanied, have been encountered on various dates throughout the enforcement operations conducted in this case.

To date, the HSI investigation has led to the identification of multiple members of the smuggling organization, stash houses, load drivers, and most recently the regional head of the smuggling network. HSI and its partners continue to develop information from various sources, including financial analysis, interviews, and surveillance, in an effort to expand the network, to focus on the command and control structure, foreign and domestic.

HSI special agents employ similar investigative strategies and techniques every day across the United States, in the ongoing fight to identify and disrupt the TCOs responsible for smuggling undocumented noncitizens. While some of the smuggling events or organizations under investigation by HSI may involve UCs, the techniques and tactics utilized by HSI to disrupt and dismantle these organizations remain the same, irrespective of whether UCs are involved or not. In FY 2020, HSI initiated 2,461 human smuggling investigations, conducted 3,712 criminal arrests, secured 1,592 indictments and 1,538 convictions for human smuggling offenses.

While human smuggling is often tied to **human trafficking**, they are, in fact, two distinct crimes that HSI investigates. Human trafficking does not require crossing a border. Human trafficking victims have been exploited by their trafficker for commercial sex acts or forced labor. Human trafficking victims can be any age, race, gender, nationality, or immigration status. By contrast, human smugglers engage in the crime of bringing people into the United States, or unlawfully transporting and harboring people already in the United States, in deliberate evasion of immigration law. As referenced earlier, however, human smuggling situations may transition to human trafficking when the elements of force, fraud, or coercion are introduced into the smuggling event, or when a victim under age 18 is induced to perform commercial sex.

One of the most difficult challenges facing law enforcement officers is distinguishing between the incidents of human trafficking and human smuggling. Parts of the modus operandi of trafficking and smuggling are very similar - which makes it harder for law enforcement officers to separate the two types of crime. It is very difficult to detect trafficking in transit and at border points; in many cases,

it may not be possible to distinguish between trafficking and smuggling until the transportation phase has ended and the exploitation phase has begun. Prior to this, there may be little noticeable difference between a group of trafficked persons and a group of smuggled migrants; in fact, one ‘shipment’ of individuals could include persons destined for exploitation (trafficking victims) and persons who are being moved from one country to another for financial or material benefit (smuggled migrants).

When UCs are encountered, it is exceedingly difficult to determine if the child is being exploited or destined to be a forced labor or sex trafficking victim because normally, the crime has not yet occurred, and the UC would not know that forced labor or sex trafficking awaits them. In some cases, the victimization may have begun in one country and then continues in the United States but only once it occurs in the United States does it fall under HSI’s jurisdiction. Additionally, most foreign national human trafficking victims enter the United States on a visa, via various official ports of entry, as opposed to presenting at the Southwest Border. However, when UCs are encountered along the Southwest Border, typically U.S. Customs and Border Protection and the Department of Health and Human Services’ Office of Refugee Resettlement are the U.S. agencies involved in identifying victims. There is no data that suggests UCs crossing the Southwest Border are any more vulnerable to human trafficking than they are to other forms of exploitation and crime. It should be noted that HSI maintains a robust Victim Assistance Program, poised to work with all levels of government and NGOs to provide necessary services to identified victims. Further, The HSI-led Center for Countering Human Trafficking (CCHT) integrates the efforts of 16 DHS Component agencies and offices and establishes an organizational mechanism to harmonize, leverage, centralize and coordinate diverse functions to support federal criminal and civil investigations, victim protection efforts, intelligence analysis, and outreach and training activities to combat human trafficking.

If there is a U.S. nexus, HSI special agents are charged with conducting criminal investigations into the TCOs responsible for the trafficking. Similar to HSI’s human smuggling cases, human trafficking leads come from a variety of sources, including partner agencies, and HSI utilizes multiple investigative techniques to pursue the case and hold offenders responsible. HSI’s human trafficking investigations are conducted by investigative groups in each of HSI’s Special Agent in Charge field offices, many of whom have agents that participate in almost 90 human trafficking task forces nationwide consisting of federal, state, and local law enforcement, as well as victim service providers. These investigations have a two-fold mission. First, to proactively identify, disrupt, and dismantle domestic and transnational human trafficking organizations and minimize the risk they pose to national security and public safety. Second, to employ a victim-centered approach, whereby equal value is placed on the identification, rescue, and stabilization of victims as well as the investigation and prosecution of traffickers. In FY 2020, HSI initiated 947 human trafficking cases, reported 1,746 criminal arrests, 400 convictions, and identified and assisted 418 victims of human trafficking.

Another aspect of HSI’s efforts to investigate crimes affiliated with human smuggling involves **transnational gangs** and investigations into their members and operations in the United States. HSI’s National Gang Unit (NGU) has not observed specific gang recruitment, membership or affiliation associated with the recent surge in UC encounters along the Southwest Border. However, with any increase in unauthorized migration from the Northern Triangle, it is possible that transnational gangs such as La Mara Salvatrucha (MS-13) or 18<sup>th</sup> Street could capitalize on any vulnerabilities in the process.

To mitigate any future or potential risks, HSI and partners continue to focus efforts on the command-and-control structure of MS-13 and 18<sup>th</sup> Street, conducting large scale, complex, proactive domestic and international investigations. These investigations, worked in collaboration with state, local, federal, and international counterparts serve a strong deterrent effect to those that may seek to exploit our nation's laws. Further, enhanced training of foreign and domestic counterparts, as well as integrating foreign vetted-unit police officers in select HSI field offices serves to cross-pollinate expertise across a broad programmatic spectrum. This integration of efforts will aid in increased cooperation and unity of effort across all levels of government, domestic and abroad.

### **Conclusion**

Thank you again for the opportunity to appear before you today and for your continued support of HSI and the critical investigative role it plays in investigating the TCOs that facilitate and profit from human smuggling and related cross-border crimes. HSI remains committed to its mission to secure the homeland from transnational crime and threats and to uphold the national security and public safety of the United States. I look forward to our questions.