



U.S. Immigration and Customs Enforcement

STATEMENT

OF

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**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
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REGARDING A HEARING ON

**“ENHANCING DHS’ EFFORTS TO DISRUPT ALIEN
SMUGGLING ACROSS OUR BORDERS”**

BEFORE THE

U.S. HOUSE OF REPRESENTATIVES

COMMITTEE ON HOMELAND SECURITY

**SUBCOMMITTEE ON BORDER,
MARITIME AND GLOBAL COUNTERTERRORISM**

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INTRODUCTION

Chairman Cuellar, Ranking Member Miller, and distinguished members of the Subcommittee:

On behalf of Secretary Napolitano and Assistant Secretary Morton, I would like to thank you for the opportunity to discuss U.S. Immigration and Customs Enforcement's (ICE) efforts to investigate, disrupt and dismantle criminal organizations engaged in human smuggling.

ICE's mission revolves around combating the cross-border smuggling of humans and a wide range of contraband including drugs, guns and currency. ICE is the primary agency investigating human smugglers and smuggling organizations that frequently put the lives of aliens at risk, take hostages, and extort fees. Through our investigations, ICE aims to systematically disrupt and dismantle the international and domestic operations of criminal travel networks, identify and seize assets and illicit proceeds, as well as identify systemic vulnerabilities that could be exploited by criminal organizations to undermine our legitimate immigration system and border controls. The men and women of ICE accomplish the agency's mission by investigating a wide range of domestic and international criminal activities arising from the illegal movement of people, money and goods within the United States, at our nation's borders, and beyond our borders in collaboration with our international law enforcement partners.

Human Smuggling Generally

Human smuggling into the United States constitutes a significant risk to our national security and public safety. Human smuggling pipelines serve as conduits for undocumented

aliens seeking unlawful entry into the United States. The smuggling of criminal aliens and gang members has a destabilizing impact on neighborhoods and communities across the United States. Moreover, these smuggling pipelines could potentially be exploited by terrorist and other extremist organizations seeking entry to the United States.

The investigation of human smuggling presents unique enforcement challenges. Human smuggling organizations are primarily based in foreign countries and depend on loose, but highly effective, transnational alliances. These alliances involve various operators, such as recruiters, brokers, document providers, transporters and corrupt foreign officials, to exploit vulnerabilities in our and other nations' immigration and border controls. Recognizing these threats, ICE is committed to aggressive, innovative, and proactive investigations designed to identify, disrupt and dismantle human smuggling organizations.

Over the past several years, human smuggling organizations have become more violent when interacting with smuggled aliens. There has been an increase in hostage-taking incidents, incidents of extortion by force or by threat of harm, use of firearms by human smugglers, and deadly roll-over vehicle accidents involving smuggled aliens. These developments are part of a disturbing trend and underscore the reason that ICE is aggressively combating these smuggling organizations.

Worldwide, the international criminal market is very lucrative for human smuggling organizations.¹ Profits are often generated outside of the United States and are laundered and invested in legitimate business enterprises that are then used to fuel additional criminal activity

¹ Human smuggling and trafficking in persons are distinct crimes. Human trafficking involves the use of force, fraud or coercion for the purpose of forced labor or commercial sexual exploitation. While human trafficking victims may be smuggled into the United States, United States citizens, permanent residents, and others may be exploited by trafficking organizations. Human trafficking organizations exploit their victims in order to produce long-term profits for their criminal organizations.

such as the trafficking of drugs, weapons or other contraband. Moreover, these substantial profits feed organized crime activities, undermining governmental action and the rule of law.

The Department of State estimates that at any given time, there are hundreds of thousands of people around the world in the smuggling pipeline whose primary destination is the United States, and who are being warehoused by smugglers waiting for new routes to open up or for documents to become available.

ICE Human Smuggling Operations

In addition to the security and law enforcement implications, human smuggling presents real costs in human suffering. To illustrate the disregard smugglers often have for human life, I would like to provide you with a few recent case examples, each with a nexus to the Washington, D.C. metropolitan area, and each emphasizing that the effects of human smuggling are felt thousands of miles beyond the Southwest border.

In January 2009, ICE special agents in Phoenix contacted their counterparts in Washington, D.C. to request assistance in locating a caller who had contacted the DHS Tipline to report a hostage situation in the Phoenix area. Smuggled aliens are often held hostage in “drop houses” in border regions while the smugglers use threats, or actual violence, against them to extort additional fees out of their family members in the interior of the United States. In this case, ICE special agents in Washington located the caller, who was a family member of the individual being held, and obtained evidence through the use of innovative investigative methodologies, that enabled agents in Phoenix to locate a residence at which 21 individuals were being held hostage. As a result of this joint investigative effort, the hostages were rescued and six smugglers were arrested and charged with federal alien smuggling offenses.

In August 2009, the Fairfax County, Virginia Police Department received a frantic call from a woman stating that she had been contacted by smugglers who were holding her brother hostage and threatening to kill him. The woman explained that they were torturing her brother over the phone to ensure she knew they were serious, and were demanding that she provide additional money beyond the original smuggling fees. ICE special agents in Washington became involved and verified that the telephone calls were being made from the Houston area. As a result of extensive coordination between agents in Washington and Houston, which involved the use of sophisticated technical investigative techniques, ICE special agents obtained and executed a search warrant with the assistance of the Harris County, Texas Sheriff's Office within 36 hours. This led to the rescue of the woman's brother and 10 other hostages, all of whom had been brutally assaulted. ICE's investigative efforts also led to the arrest of three individuals on federal charges of alien smuggling and hostage taking.

In May 2010, a representative from the Embassy of El Salvador in Washington contacted ICE special agents to report that three children were being held hostage in the Phoenix area, and that the parents resided in Washington. ICE special agents immediately responded and, working with the parents to gain vital information, initiated a criminal investigation to rescue the hostages. Through quick action and collaboration between agents in Washington and Phoenix, the three children and 16 additional aliens being held hostage were located and rescued in Arizona. As a result of ICE's investigation, three individuals were arrested on federal charges of alien smuggling and hostage taking.

As these cases illustrate, smugglers often show a callous disregard for the lives in their charge. ICE's strategies, legal authorities, and innovative methodologies have proven effective in identifying, disrupting, and dismantling the international criminal networks engaged in

human smuggling. Last February, ICE completed a major investigation known as “Operation Night Moves,” which targeted Houston-area transportation businesses that used vans and SUVs to provide smuggling organizations with domestic transportation services for undocumented aliens. The transportation routes originated in the Houston area and extended to destination cities throughout the country. These transportation companies often bought aliens from smuggling organizations, and then charged the aliens additional fees to be delivered to their final destinations. The companies operated under the guise of legitimacy in order to avoid scrutiny. Operation Night Moves dismantled the Houston-based transportation network resulting in 24 criminal arrests, 209 administrative arrests, the seizure of 18 firearms, 4 bank accounts, 32 vehicles, and over \$44,000 in U.S. currency.

ICE also manages several initiatives designed to attack illicit smuggling organizations and the profits they generate. As part of ICE’s “Cornerstone” initiative, our financial investigators partner with members of the financial and trade sectors. Through this initiative, ICE helps identify and eliminate vulnerabilities in their sectors that transnational criminal organizations -- including human smuggling organizations -- may seek to exploit to earn, move, and store their criminal proceeds. To date, the Cornerstone initiative has resulted in the initiation of over 800 criminal investigations, yielding over 300 arrests and the seizure of over \$160 million. In March 2010, ICE also launched Project STAMP (Smugglers’ and Traffickers Assets, Monies, and Proceeds), a concerted law enforcement project to: (1) attack organizations involved in human smuggling and trafficking from an aggressive anti-money laundering stance; and (2) seize assets that are crucial to shutting down entrenched criminal activity.

ICE’s International Presence

While human smuggling is often linked to the Southwest border, smuggling is, by definition, an international crime and not confined to any geographic region. The complexity of this problem demands a closely coordinated, comprehensive, and proactive international and domestic strategy. To that end, ICE has developed a full range of investigative and enforcement methodologies to confront the threat at every turn -- in source and transit countries, at sea, at our nation's borders, and throughout the United States.

Human smuggling takes place within a complex global environment of political and economic relationships. Smuggling networks often exploit border controls and immigration policies of source and transit countries to move individuals toward the United States. These routes are constantly changing and evolving based on political, economic, and law enforcement activities in source and transit countries, requiring an agile law enforcement response from ICE. To target these smuggling methods and routes, ICE and the Department of Justice formed the Extraterritorial Criminal Travel (ECT) Strike Force in June 2006.

This initiative combines investigative, prosecutorial and intelligence resources to target and aggressively pursue, disrupt and dismantle foreign-based criminal travel networks -- particularly those involved in the movement of aliens from countries of national security concern. Through our network of Attachés located in U.S. embassies around the world, we work in close coordination with the Department of State and our foreign law enforcement counterparts to coordinate these complex international investigations.

The ECT Strike Force program is a critical component of ICE's strategy to build a layered defense by combating human smuggling organizations as far from the U.S. border as possible, and by preventing the arrival of unlawful migrants, thereby expanding our zone of security. ECT Strike Force-designated investigations are intelligence-driven, and support the principles and vision outlined by national security experts cited in reports such as the 9/11

Commission Report, the National Counterterrorism Center's National Strategy to Combat Terrorist Travel, and the Migration Policy Institute's Countering Terrorist Mobility Report.

ICE recognizes the importance of conducting transnational human smuggling investigations in order to identify and counter the threat these organizations pose to the United States. To that end, ICE is collaborating with the Department of Justice to explore ways to enhance and expand the ECT program to best leverage our collective resources to proactively identify, disrupt and dismantle emerging human smuggling pipelines as far from the borders of the United States as possible. The success of these investigations is predicated on close coordination between ICE domestic and Attaché offices, the Department of Justice, other U.S. Government agencies, and our foreign government partners, particularly their law enforcement and prosecutorial agencies. ICE is committed to devoting resources and continually improving internal efficiencies to ensure that the ECT program is effective in targeting the most significant transnational human smuggling threats to the United States.

A recent example of ICE's efforts to address this threat is the December 2009 arrest of a major maritime smuggler, based in Colombia, responsible for the movement of many East Africans destined to the United States. This arrest was the result of ongoing cooperation between Colombian authorities, ICE special agents in Bogota, Colombia and Washington, D.C., and the Department of Justice. The target of this investigation was recently convicted by the Colombian government and has been sentenced to 90 months imprisonment for violations related to human smuggling, document fraud and conspiracy. This investigation exemplifies the impact of ICE's international investigative approach to human smuggling, and the critical role played by ICE Attaché offices.

There is a significant amount of information and intelligence available on human smuggling organizations that indicate that they operate in a coordinated fashion by using a

large number of criminal associates, contacts, and facilitators along established smuggling routes into the United States, Europe, South Africa, and other developed countries. A coordinated response is imperative to ICE's ability to effectively identify, disrupt and dismantle these criminal operations and organizations.

Collaboration with International Partners

Combating international crime requires that we collaborate with international partners. One example of this collaboration is "Operation In Plain Sight," an investigation targeting Arizona transportation companies involved in the smuggling and transportation of aliens throughout Arizona and the rest of the United States. This operation, which was the most comprehensive human smuggling investigation in ICE's history, disrupted the infrastructure of some of Arizona's most prolific and profitable human smuggling organizations that were attempting to hide behind a veil of legitimacy.

The enforcement action, involving more than 800 agents and officers from nine federal, state and local law enforcement agencies was the culmination of a comprehensive, multi-year investigation that expanded well beyond its initial focus on several Tucson-based shuttle companies. The investigation was an example of ICE's unprecedented cooperation with Mexican law enforcement authorities, and implicated high-level members of human smuggling organizations in Phoenix, Tucson, Nogales, and northern Mexico that were serviced by the transportation network. The operation ultimately resulted in 61 criminal arrests, more than 541 administrative arrests, the execution of 32 search warrants, and the seizure of approximately 94 smuggling vehicles and nearly \$80,000 in U.S. currency. This investigation significantly disrupted the ability of human smuggling organizations to operate in southern Arizona.

Border Enforcement Security Task Forces (BESTs)

ICE also confronts human smuggling organizations in partnership with U.S. Customs and Border Protection (CBP) and our state, local and federal law enforcement partners through the ICE-led Border Enforcement Security Task Forces (BESTs). BEST is a law enforcement model, which recognizes that confronting the multifaceted threat of cross-border criminal activity requires sharing resources, information, and expertise. BESTs serve as a platform from which interagency and international partners can work together to address all aspects of cross-border crime. The BESTs that currently exist on our land borders and in major maritime port cities incorporate personnel from ICE, CBP, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Federal Bureau of Investigation, the U.S. Coast Guard, and the U.S. Attorney's Offices, along with other key federal, state, local and foreign law enforcement agencies. ICE currently has a total of 17 BESTs, including 10 on the Southwest border. Our BESTs in El Paso and Phoenix have specifically dedicated investigative groups focusing on the disruption and dismantlement of human smuggling organizations, in order to address the threats posed by human smugglers in these high-threat smuggling corridors.

The BEST model has been highly successful. ICE, with the help of our law enforcement partners, has disrupted smuggling operations in both the United States and Mexico. From October 2008 through June 2010, the BESTs have initiated 396 human smuggling investigations nationwide resulting in 582 criminal arrests, 291 indictments, and 361 convictions.

CONCLUSION

ICE agents are working tirelessly to identify, disrupt, and dismantle smuggling organizations that subvert the rule of law, violate our immigration system, destabilize our communities through violence and fear, and threaten our national security. The initiatives and investigations that I have mentioned today are only a few of the many in which ICE has been involved throughout the past year. ICE commits substantial resources to address the threat posed by human smuggling.

Working in close coordination with our partners, our efforts are part of a comprehensive strategy that focuses on securing the border, taking down the infrastructure that supports smuggling, and identifying and seizing the illicit profits from these crimes. ICE is dedicated and committed to this mission and we look forward to working with this Subcommittee and the full Committee on these efforts.

Thank you once again for the opportunity to appear before you today. I would be pleased to answer any questions that you may have at this time.