

**Statement of
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**Before the
House Subcommittee on Immigration, Border Security
and Claims
Committee on the Judiciary**

**“Alien Smuggling:
New Tools and Intelligence Initiatives”**

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MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, thank you for the opportunity to address you about the efforts on the part of U.S. Immigration and Customs Enforcement (ICE) to combat criminal organizations engaged in human smuggling and trafficking.

As the largest investigative arm of the Department of Homeland Security (DHS), ICE is responsible for identifying and shutting down vulnerabilities in the nation's border, economic, transportation, and infrastructure security. Our agency seeks to prevent terrorist acts and criminal activity by targeting the people, money, and materials that support terrorist and criminal organizations.

In that mission, we recognize that human smuggling and trafficking in persons into the United States constitute a significant risk to national security and public safety. We know that these smuggling and trafficking pipelines serve as a conduit for undocumented aliens and criminals seeking entry to the United States. Moreover, they could just as easily be exploited by terrorist and extremist organizations seeking to gain entry into the United States in order to carry out their own destructive schemes.

I would initially like to provide an important clarification and necessary distinction between the terms "human smuggling" and "trafficking in persons." Human smuggling and trafficking in persons, while sharing certain elements and attributes and in some cases overlapping, are distinctively different offenses. Both practices encompass the organized and illicit movement of men, women, or children across or within national

borders. Human trafficking, specifically what U.S. law defines as “severe forms of trafficking in persons,” typically involves force, fraud or coercion, and occurs for the purpose of forced labor or commercial sexual exploitation. Smuggling and trafficking also differ with regard to the time frame of the offense. Human smuggling organizations typically generate short-term profits based on smuggled migrants. On the other hand, trafficking organizations frequently look to generate both short-term and long-term profits by forcing their victims into forced labor or commercial sexual exploitation arrangements.

The United States is a primary target destination for smugglers and traffickers, which means that literally tens of thousands of men, women and children are entering this nation illegally each year—undocumented, undetected and unprotected. This international criminal market is extraordinarily lucrative, generating an estimated \$9.5 billion in profit for criminal organizations worldwide. In many cases, these profits fuel additional criminal enterprises, such as the trafficking of drugs, weapons, or other contraband, or the funds are laundered and invested in legitimate business enterprises. These untraced profits feed organized crime activities, undermining governmental action and the rule of law, while allowing these criminal networks to grow stronger, more resilient, and more dangerous.

I would like to emphasize that our concern with human smuggling and trafficking goes far beyond matters of security and law enforcement. There is another critical dimension to this issue—the real cost in human suffering and exploitation that too often

accompanies this criminal practice, posing a moral challenge here in the U.S. and across the globe.

In May 2003, police discovered dozens of undocumented aliens—men, women, and children—locked in a hot, airless tractor-trailer outside Victoria, Texas. The trailer, originally bound for Houston, had been unhitched and abandoned 175 miles from the Mexico border in a botched smuggling job. In the hours that followed, the victims grew more and more desperate for air—scraping at the insulation in the doors and beating their way through the taillights in a futile effort to escape. Ultimately, 19 people died in that trailer, including a seven year-old boy. It was the deadliest case of human smuggling in the United States in fifteen years.

Or consider the situation that developed in Arizona last year. The rapid influx of smuggling organizations into Phoenix and the surrounding area brought indiscriminate kidnapping of groups of undocumented aliens, along with shootings and highway carjackings of smuggling loads. These lawless actions represent a new level of criminal behavior and savage violence. In October 2003, ICE Agents and Phoenix Police Officers rescued ten undocumented aliens who had been held hostage by smugglers. The smugglers had raped three women, and during negotiations with undercover agents, they threatened to rape a nine-year-old child and sever the hands and feet of another smuggled alien. Ultimately, five defendants were arrested and prosecuted for kidnapping and hostage-taking violations.

As these cases illustrate, smugglers and traffickers show a shockingly callous disregard for the lives in their charge. In too many cases, the victims flee poverty or abuse, only to be forced to travel in squalid conditions without adequate food, water, or air. Arriving at their destinations, they are frequently subject to brutal violence, forced labor, and sexual exploitation. Smuggling and trafficking all too often lead the way to cruelty, slavery, and servitude—assaults on basic freedoms and human dignity.

ICE strategic goals are to dismantle the criminal and terrorist organizations that smuggle or traffic in people; to strip away their assets and profit incentive; and to work with our allied DHS components to attack these organizations from a variety of angles. One of the agency's most effective weapons is our Office of Investigations, which applies a vast array of investigative methodologies in the fight against both criminal and terrorist organizations as well as the infrastructure that supports their activities in the United States and around the world.

ICE's brings to bear all of our authorities, expertise, and resources -- including the application of smuggling, trafficking and money laundering statutes and the identification and seizure of assets and criminal proceeds – in the fight against human smuggling and trafficking. Moreover, as part of ICE's "Cornerstone" economic security initiative, our financial investigators identify and shut down the methods that smugglers, traffickers, and other criminal and terrorist organizations use to exploit financial systems to earn, move, and store their criminal proceeds.

Our specialized investigative teams are prepared to respond to critical smuggling incidents as swiftly as possible. Smuggling and trafficking cases are complex, so our teams of agents have specialized skills—investigators, language specialists, financial investigators, forensic investigators, and others. This helps us deploy our resources more readily when an incident occurs, whether it is at the border, at a maritime port, or in the interior.

ICE’s strategy, combined authorities, and innovative methodologies have proven effective. In the Victoria, Texas, case, ICE worked closely with other DHS components, local law enforcement, and intelligence and enforcement agencies in Mexico and Guatemala. Our unique combination of investigative tools allowed us to follow the money, pinpoint the conspirators, and bring them to justice. In one month’s period, ICE’s coordinated approach led to the arrest and prosecution of 14 defendants in the United States and abroad.

This success was the foundation for a new model for fighting smuggling, which we’ve now taken to Arizona. ICE assembled a task force known as “Operation ICE Storm” to combat violent crime in the Phoenix metropolitan area. We brought our expertise in immigration, customs, and money laundering investigations into a partnership with other stakeholders at the Arizona border. Since we launched ICE Storm, we’ve prosecuted more than 190 defendants for human smuggling, kidnapping, money laundering, and weapons and drug violations. We’ve seized over 100 weapons and over \$5.2 million. Every time we confiscate an assault weapon or cash from these criminal organizations,

and every time we trace back and shut down one of their funding streams, we make it harder for these criminal to conduct business. Furthermore, our efforts are producing additional positive results. For example, the Phoenix Police Department credits ICE Storm with a 17 percent decline in homicides and an 82 percent decline in migrant related kidnappings in the final quarter of 2003.

We're building on ICE Storm's success with DHS' Arizona Border Control initiative, in which the vigorous application of money laundering and other federal and state statutes is depriving smuggling organizations of the criminal proceeds, disrupting their operations and decimating their organizational hierarchies in the United States and abroad.

ICE is also working to address the exploitative dimension of human trafficking. A disturbingly large number of trafficking cases center on women and children forced into prostitution and sexual slavery. In virtually all of these cases, the victims have been promised jobs, marriages, or other new opportunities, only to find themselves trapped in a web of exploitation and abuse.

We've stepped up our investigations of these exploitative practices and we're getting results. In January, a man in McAllen, Texas, who headed a sex slavery ring at the border, was sentenced to 23 years in prison. In New Jersey last summer, we uncovered a prostitution ring that trafficked in Mexican girls, who were lured to the United States only to be forced into sexual slavery. Two of the ringleaders were sentenced to 18 years in federal prison. In New York City, our investigators uncovered a trafficking network

that recruited South Korean women, promising them jobs as hostesses but forcing them to work as prostitutes. These traffickers, and a great many others, are off the streets and out of business.

As in smuggling, ICE is employing innovative methodologies to combat human trafficking. ICE is working closely with the Department of Health and Human Services, the Department of Justice and various Non-Governmental Organizations to assist victims of trafficking. Our departments recently launched a trafficking initiative in Philadelphia, Atlanta and Phoenix that employs a task force configuration with state and local law enforcement agencies attacking on multiple fronts the criminal organizations and infrastructure that engage and support these crimes. Furthermore since March of 2002, in close coordination with our partners at U.S. Citizenship and Immigration Services, 371 victims of trafficking received “T” visas enabling the victims to remain in the United States, without fear of removal, to assist law enforcement in dismantling these trafficking networks. In the last three years, the Department of Homeland Security, and the former INS, has provided over 70 training sessions with prosecutors, local law enforcement and victim advocates to educate them about trafficking issues.

Human smuggling and trafficking in persons take place within a complex global environment of political and economic relationships between countries and peoples.

ICE’s strategy, therefore, in coordination with the Department of State, emphasizes the crucial role of liaison, technical assistance, information-sharing and diplomatic initiatives

with government officials and law enforcement agencies in source and transit countries to dismantle criminal organizations.

Within that conceptual framework, the Departments of Homeland Security, State and Justice, as well as intelligence agencies, are updating the Human Smuggling and Trafficking Center to synthesize intelligence, law enforcement and other information to bring more effective international action against human smugglers, traffickers of persons, and criminals facilitating terrorists' clandestine travel.

ICE helps facilitate the participation of federal stakeholders and provides a mechanism to foster greater integration and overall effectiveness to the U.S. Government's enforcement, intelligence, and diplomatic efforts, and promotes similar efforts by foreign governments and international organizations.

Smuggling and trafficking are by definition international crimes, which is why ICE is prepared to take that fight abroad. We've developed a full spectrum of investigation and enforcement to confront the problem at every point—in source and transit countries, on the seas, at our nation's borders and ports, and in the U.S. interior. In U.S. embassies throughout the world, we have a network of ICE attachés, who in coordination with the Department of State are working with their counterparts in foreign law enforcement agencies to better coordinate investigations and communication, and to follow the money and seize the millions of dollars in profits flowing from these organizations. We're integrating our government's intelligence and enforcement efforts, and we're mobilizing

other governments and international organizations, in the fight against human smuggling and trafficking.

In conclusion, smuggling and trafficking in human beings are not at all new practices—they are criminal methods with a long history. What is new is the sophistication of criminal organizations that benefit from the speed and efficiency of today's telecommunications, transportation, and financial networks. What is new is the security threat we face today, in which terrorists will employ any method and exploit any vulnerability to strike at our country and people. What is new is the war we are fighting against these criminals and terrorists, and the tactics, tools, and strategies we must bring to bear to defeat them. ICE is dedicated and committed to this mission. We look forward to working with this Committee in our efforts to save lives and secure our national interests. I hope my remarks today have been helpful and informative. I thank you for inviting me and I will be glad to answer any questions you may have at this time.