



U.S. Immigration and Customs Enforcement

STATEMENT

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U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
DEPARTMENT OF HOMELAND SECURITY

REGARDING A HEARING ON

“CROSSING THE BORDER: IMMIGRANTS IN DETENTION AND VICTIMS OF
TRAFFICKING, PART II”

BEFORE THE

HOUSE COMMITTEE ON HOMELAND SECURITY
SUBCOMMITTEE ON BORDER, MARITIME AND GLOBAL COUNTERTERRORISM

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Chairwoman Sanchez and Members of the Subcommittee, it is an honor for me to appear before you today to share U.S. Immigration and Customs Enforcement's (ICE's) efforts against human traffickers who exploit men, women and children – a form of modern-day slavery.

Among the Department of Homeland Security (DHS) law enforcement agencies, ICE has the most expansive investigative authority and the largest force of investigators. Our mission is to target the people, money and materials that support terrorist and other criminal activities. The men and women of ICE accomplish this by investigating and enforcing the Nation's immigration and customs laws. ICE aims to systematically disrupt and dismantle the international and domestic operations of human traffickers, identify and seize assets and illicit proceeds, and identify systemic vulnerabilities that may be exploited by criminal elements to undermine immigration and border controls.

I would initially like to provide an important clarification and necessary distinction between the terms "human smuggling" and "human trafficking." These are not interchangeable terms. ICE views human smuggling as the importation of people into the United States involving deliberate evasion of immigration laws. Human trafficking on the other hand is sex trafficking in which a commercial sex act is induced through the use of force, fraud, or coercion; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery; or sex trafficking, in which a commercial sex act is induced by force, fraud or coercion. However, there need not be any force, fraud or coercion in cases of commercial sex acts where the victim is under 18. Simply stated human smuggling is transportation-based and human trafficking is exploitation-based.

The Department of State estimates that 600,000 to 800,000 people are trafficked across international borders each year. Men, women and children are trafficked into the international sex trade and into forced labor situations throughout the world. Many of these victims are lured from their homes with promises of employment; instead, they are forced or coerced into prostitution, domestic servitude, farm or factory labor or other types of labor.

Given the international scope of human trafficking, we at ICE maintain a global perspective and foster strong international relationships through our 56 Attaché offices located throughout the world. Our ICE Attachés work with host country law enforcement to better coordinate investigations and to fully identify and pursue the full scope of the criminal enterprise.

This is accomplished by targeting recruiters, brokers, document providers, travel agencies, corrupt officials, smugglers and businesses engaged in criminal activities at source and transit countries. ICE also works with its foreign law enforcement partners to target the many bank accounts, wire transfers and funding mechanisms that fuel the criminal enterprise.

To exemplify worldwide collaboration, I'd like to talk about two of our recent cases. A human trafficking investigation was initiated based on information received from the ICE Attaché, Moscow, Russia, involving the possible trafficking of a Russian national. The ICE Attaché reported that the Ministry of Foreign Affairs in Yekaterinburg, Russia, received information from a concerned mother that her daughter was being held against her will at a Florida residence. This lead was forwarded to the respective domestic field office. ICE

agents located the victim and determined that she was held against her will, beaten, and forced into prostitution by the defendant in this case. The victim was placed under the care of a service provider. The ICE Attaché in Moscow worked with a Russian anti-trafficking NGO who contacted the victim and counseled her until the victim felt comfortable and agreed to cooperate. The trafficker was arrested, indicted and ultimately pled guilty to trafficking charges.

The second human trafficking case was started similarly by the mother of a trafficking victim reporting to the U.S. Embassy in Mexico City that her daughter had been kidnapped and was being held against her will at a New York residence. This information was forwarded to our agents in New York who subsequently located and rescued the daughter as well as several other women. Our investigation disclosed that the women had been romantically lured by male members of the Carreto family, who forced them into prostitution through physical abuse and threats to their children, who were cared for by the traffickers' mother in Mexico. The two lead defendants in this case were each sentenced to 50 years imprisonment for sex trafficking, which is the longest sentence imposed on a human trafficker since the enactment of the Trafficking Victims Protection Act. Two women were also indicted on human trafficking charges in this case and were fugitives in Mexico. Recently, one of these women was extradited to the United States to stand trial.

We at ICE recognize that cooperation and collaboration can and should extend beyond the law enforcement community. Non-Governmental Organizations (NGOs) play a vital role in the fight against human trafficking. For law enforcement agencies to have any level of success, we

must establish and maintain productive and proactive relationships with NGOs. We at ICE employ a victim-centered approach utilizing over 300 victim/witness coordinators nationwide – these are agents with specific training that are the bridge to the NGO community.

We not only seek to prosecute traffickers, but to rescue and stabilize trafficking victims. We also recognize that victims have rights and require services and temporary immigration relief to stabilize them. In each of the cases cited above, we rescued trafficking victims and granted them “Continued Presence,” which is also part of our “victim-centered approach.” The DHS Secretary has delegated to ICE the authority to provide “continued presence,” which is a short-term immigration protection which allows certified victims of trafficking to remain in the United States for up to one year to enable them to apply for “T” nonimmigrant status.

Applications for “T” nonimmigrant status are filed with another DHS agency, the United States Citizenship and Immigration Services (USCIS), which reviews and adjudicates these applications. Typically, those who have been granted “continued presence,” if otherwise eligible, are granted “T” nonimmigrant status. A “T” nonimmigrant may remain and accept employment in the U.S. for up to 3 years and then apply for adjustment of status to that of a lawful permanent resident.

The immediate provision of stabilizing services is only possible through strong partnerships with other Federal partners and the NGO community. Once adult victims are issued CP or “T” nonimmigrant status, they may be able to access a wide range of federal benefits and services through certification from the Department of Health and Human Services.

No case better highlights the great relationship between ICE and NGOs than Operation Traveler, an investigation that was launched based on information provided by an NGO.

In mid 2004, ICE agents executed the final phase of Operation Traveler, serving search warrants at three seemingly middle-class bungalows in suburban New York. What they found was one of the most horrific cases of human trafficking and slavery in recent U.S. history. Inside those homes were 69 Peruvians - including 13 children - being held in overcrowded and unsanitary conditions. They were brought to the United States by a couple who identified their victims in Peru, gave them false documents, coached them on how to lie to U.S. Embassy officials, and helped them enter the United States on fraudulently obtained tourist visas. They charged the victims smuggling fees ranging from \$600 to \$13,000 per person. In addition to the smuggling fees, the victims were required to pay the couple "rent" for living in those squalid conditions. The victims were forced to turn over their passports, given jobs and held in virtual bondage.

Fortunately, the victims in this case were rescued. They are now under federal protection, and the lead defendant was sentenced to 15 years in a federal prison. An additional success story in this case, is that after the enforcement action, the positive relationship between NGOs and ICE led to the identification of 25 additional trafficking victims. The fact that the initial lead was provided by the NGO, and after the enforcement action, 25 additional victims were identified underscores the need to have a productive and proactive relationship between law enforcement and NGOs.

As evidenced by the cases I cited, success in the fight against trafficking lies with partnerships. As important as partnerships, though, are outreach and training. We at ICE are engaged in an aggressive outreach campaign to educate local, state and federal law enforcement and NGOs on how to identify human trafficking, the services and immigration relief available to trafficking victims, the roles of NGOs and the distinction between human smuggling and trafficking. We also provide a toll free number or tip line for human trafficking leads. We've developed laminated wallet-size cards and brochures for law enforcement officers and a DVD to be played at police roll calls.

We continue to focus on the statutory responsibility to train our own agents by mandating completion of a web-based human trafficking course developed as part of ICE's Virtual University. Equally important is the training of law enforcement officers and NGOs domestically and abroad. We have hosted and participated in numerous training sessions on human trafficking and victim issues for combined audiences of law enforcement, prosecutors and NGOs. We developed human trafficking training modules, which are part of the permanent curricula at the International Law Enforcement Academies (ILEA) in Bangkok, Budapest, and San Salvador. These training modules focus on investigative methodologies as well as victim identification, interviews and services.

I recently returned from a Human Trafficking Experts Working Seminar hosted in Vienna by the United Nations Office of Drugs and Crime. The working group consisted of 15 experts from the law enforcement and NGO communities throughout the world. Another ICE agent and I were the sole U.S. representatives. The purpose of this working group is to develop

human trafficking law enforcement training modules to be used as templates throughout the world. ICE was honored to share our expertise and methodologies at this global event.

Lastly, I would like to highlight the importance of information exchange. ICE holds the directorship of the Human Smuggling and Trafficking Center (HSTC). The Departments of Homeland Security, State and Justice, as well as the intelligence community are integral stakeholders. The HSTC serves as a fusion center for intelligence, law enforcement and other information to bring more effective international action against human traffickers and smugglers, and criminals facilitating terrorists' clandestine travel. ICE and the HSTC work closely together on human trafficking and smuggling issues.

In conclusion, ICE has the unique organizational ability to investigate trafficking in persons with a global reach and provide short-term immigration relief to trafficking victims. We will continue to expand our outreach and training efforts to share our expertise in employing the victim-centered approach as we continue to build global coalitions.

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.