

Homeland Security Investigations Crimes: Human Smuggling and Human Trafficking ICE HSI Special Agent Training ICE Academy

Terminal Performance Objective

Given a set of case related facts indicating human smuggling or human trafficking, determine investigative and victim-support actions, in accordance with legal requirements, agency policy, and agency resources



Enabling Performance Objectives

 Explain the elements of human smuggling crimesDefine human smuggling and related terms and identify indicators to establish violations of human smuggling statutes Identify the different methods used by ASOs to bring aliens into the U.S., including by land, sea and air, both through the POEs and by crossing the borders at other than POEsDetermine investigative approaches and actions to investigate human smuggling casesExplain the elements of human trafficking crimes, and define the differences between sex trafficking and labor trafficking/forced labor



Enabling Performance Objectives (cont'd)

 Define human trafficking and identify indicators to establish violations of human trafficking statutes Identify common methods of operation utilized by human trafficking organizations Identify investigative approaches and actions to investigate each type of human trafficking case Identify various programs within HSI designated to provide assistance to identified victims of human trafficking Handle an alien smuggling load from initial encounter to writing the criminal complaint



Why we must stop it...

 Thousands of people trafficked to the U.S.Coerced into prostitution, domestic servitude, or forced labor. You can save lives!



Review of the Past

 Human smuggling: Surreptitious entry people into the U.S. and deliberately evading immigration laws Transportation-basedHuman trafficking: Sex trafficking (a commercial sex act induced by force, fraud, coercion, or when the person is under age 18) Recruiting, harboring, transporting, provisioning, obtaining, advertising, maintaining, patronizing or soliciting of a person for labor or services by force, fraud, coercion, subjection to involuntary servitude, peonage, debt bondage, or slavery Exploitationbased



Main Ideas

 Human smuggling – Surreptitious entry of people into the U.S., facilitated by a third party, involving deliberate evasion of immigration lawsSmuggled aliens:Critical as material witnessesMay be placed in parole statusAfter testimony, generally placed in removal proceedings

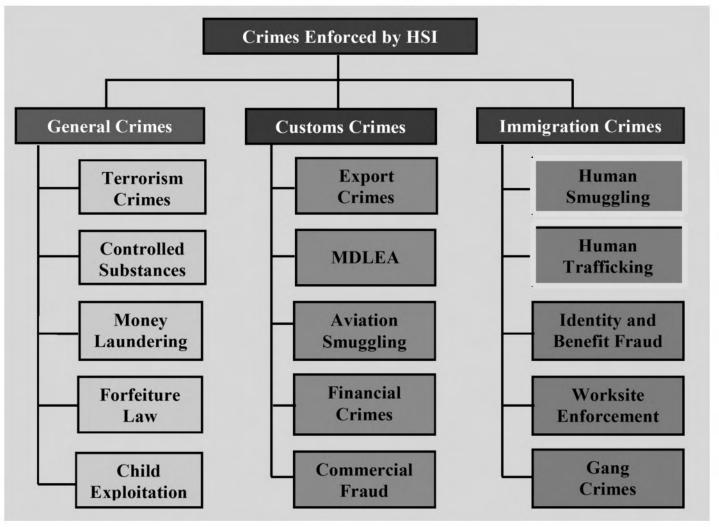


Main Ideas (cont'd)

 Human trafficking – The recruitment, harboring, transportation, provision, obtaining, advertising, maintaining, patronizing or soliciting of a person, by means of threat or use of force, fraud, or coercion, subjecting victims to involuntary servitude, peonage, debt bondage, or slavery for the purpose of sexual exploitation or forced labor Victims of trafficking Must be protected and may also be witnesses Eligible for Continued PresenceMay be eligible for a T or U visa



Advanced Organizer



Agenda (1 of 2)

 Elements of human smuggling crimes and investigationsDefinition and indicators of human smuggling violationsMethods used for human smuggling and investigative approachesDemonstration and practice with case examples

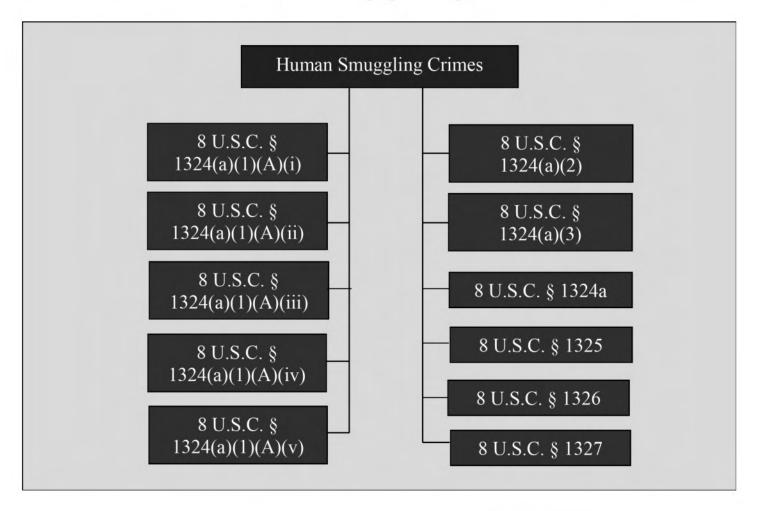


Agenda (2 of 2)

 Elements of human trafficking crimes and investigationsDefinition and indicators of human trafficking violationsMethods used for human trafficking and investigative approachesProviding assistance to victimsHandling an alien smuggling loadDemonstration and practice with case examples



Human Smuggling Crimes





8 U.S.C. § 1324(a)(1)(A)(i)

It is a crime to bring or attempt to bring an alien to the United States at an unauthorized location.





8 U.S.C. § 1324(a)(1)(A)(ii)



Transporting an alien in furtherance of the alien's illegal presence in the U.S.



8 U.S.C. § 1324(a)(1)(A)(iii)

Concealing, harboring, or shielding illegal aliens.





8 U.S.C. § 1324(a)(1)(A)(iv)

Encouraging or inducing an alien to come to, enter, or reside in the U.S. in violation of law.





8 U.S.C. § 1324(a)(1)(A)(v)(I) and (II)

Conspiring to commit alien smuggling, aiding or abetting alien smuggling.



8 U.S.C. § 1324(a)(2)

Bringing or attempting to bring an alien to the U.S. knowing or in reckless disregard of the fact that the alien has not received prior official authorization to come to, enter, or reside in the United States.





8 U.S.C. § 1327

Aiding or assisting inadmissible aliens to enter the U.S., or conniving or conspiring with any person(s) to

do so.





8 U.S.C. § 1328

Import an alien for prostitution or an immoral purpose.





8 U.S.C. § 1324(a)(3)

Knowingly hiring at least 10 smuggled aliens within a

12-month period.





8 U.S.C. § 1324a

Hiring, recruiting, or referring for a fee, an illegal alien for employment.





8 U.S.C. § 1325(d)

Creating a business to evade immigration laws.

)(b); (b)(7)(C); (b)	(1)(C)		



8 U.S.C. § 1325(c)



Knowingly entering into marriage for the purpose of evading any provision of the immigration laws.



8 U.S.C. § 1325

Improper entry by alienImproper time or placeAvoidance of examination or inspectionMisrepresentation and concealment of facts (b)(6); (b)(7)(C)



8 U.S.C. § 1326



An alien who was denied admission, excluded, deported, or removed enters or attempts to enter or is found in the U.S.



Demonstration

(b)(5); (b)(7)(E)			
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Student Guide



Demonstration, cont'd

(5); (b)(7)(E)		

Student Guide



Definition of Human Smuggling

 Surreptitious entry of people into the U.S., facilitated by a third party, involving deliberate evasion of immigration laws May be motivated by profit, religion, politics, or family interestStatutes governing offense contained within 8 U.S.C. § 1324



Human Smuggling Terms

- ASOPolloCoyote or polleroGuideDriverPoll o listBajadoresDrop house or stash house
- Pocket trashMaterial witnessesOTMSnakeh eadLoadLoad vehicleSponsorReporti ng party

Terms and Definitions in Student Guide



Human Smuggling Investigatory Leads

(b)(7)(E)		-



Indicators of Human Smuggling

 Is subject in possession of ID and travel documents? Was subject coached on what to say to law enforcement and immigration officials? Is subject's salary being garnished to pay smuggling fee? Does subject have freedom of movement? Has subject or family been threatened with harm for refusing to pay smuggling fees? Has subject been threatened with deportation or law enforcement action? Can subject freely contact friends or family?



Investigation, Prosecutorial Focus, Penalties

 Investigations focused on identifying, disrupting criminal organizations involved in bringing in, transporting, harboring illegal aliensSentencesTypical: 1 to 5 years Much heavier sentences for repeat offenders or if crime results in severe injury or death



Human Smuggling Organizations (1 of 4)

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Human Smuggling Organizations (2 of 4)

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Human Smuggling Organizations (3 of 4)

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Human Smuggling Organizations (4 of 4)

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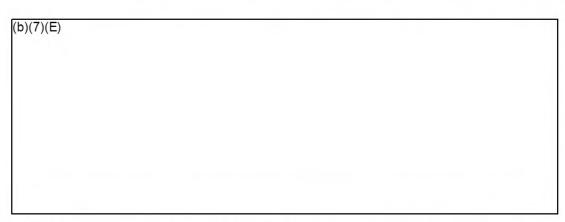
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Southern Border Smuggling

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Southern Border Smuggling (cont'd)







Southern Border Smuggling (cont'd)

(b)(6); (b)(7)(C); (b)(7)(E)			



Hostage-Taking Investigations

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Hostage-Taking Investigations (cont'd)

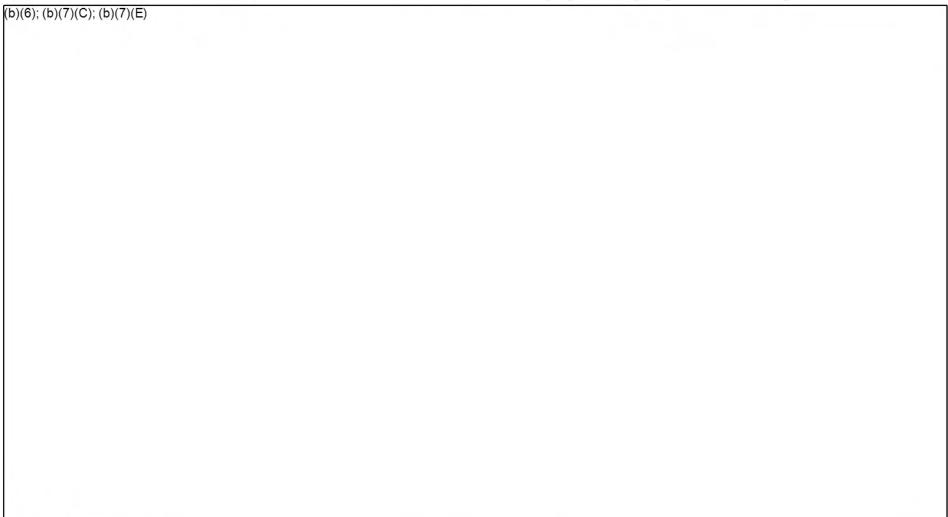
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Northern Border Smuggling

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Northern Border Smuggling (cont'd)





Northern Border Smuggling (cont'd)

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Typical View of U.S. – Canadian Border



Air Smuggling

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Air Smuggling (cont'd)

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1 2		



Marine Smuggling

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Marine Smuggling (cont'd)

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Container Smuggling

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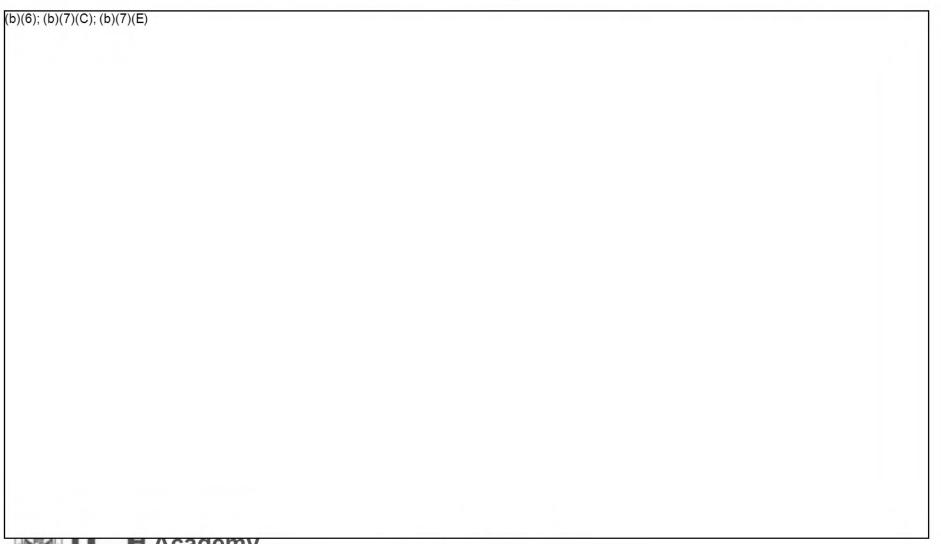


Investigative Approach for Container Smuggling

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Investigative Approach: Vehicle Stop



Investigative Approach: Vehicle Stop (cont'd)

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Investigative Approach: Material Witnesses

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Drop House Investigation

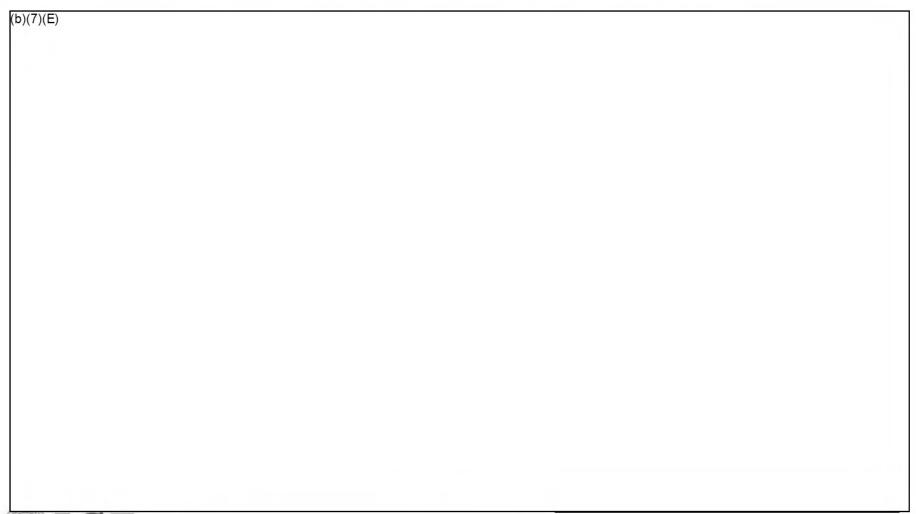
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Cell Phones and Other Evidence



Criminal Charges and Evidence

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Controlled Delivery of Undocumented Aliens

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Controlled Delivery of Undocumented Aliens (2 of 3)

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Controlled Delivery of Undocumented Aliens (3 of 3)

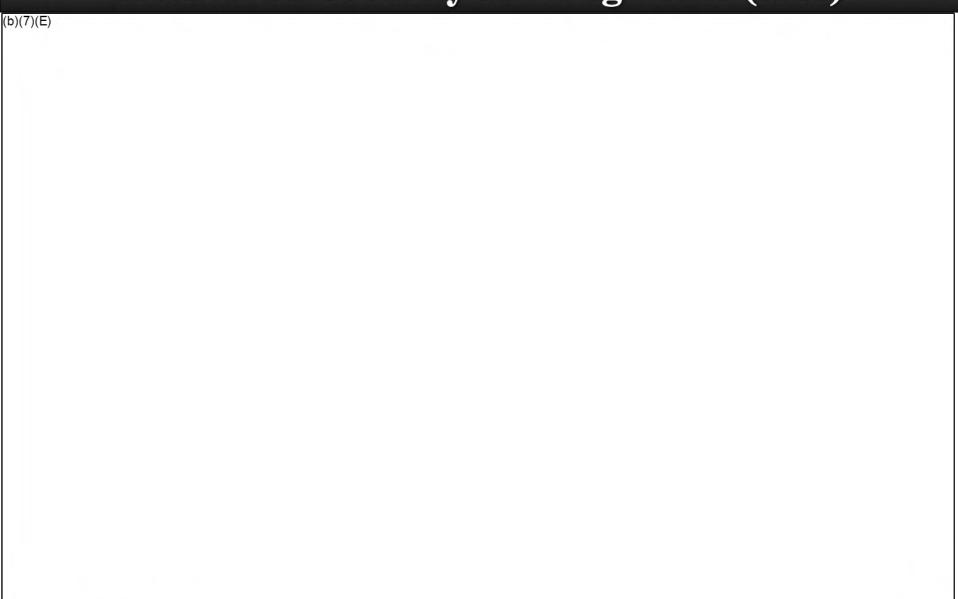
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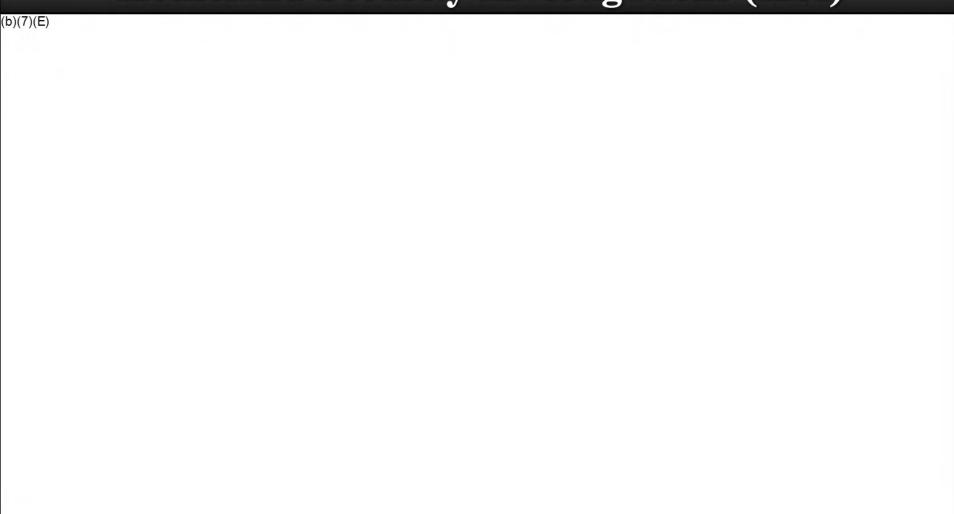
Approval Guidance for Controlled Delivery of

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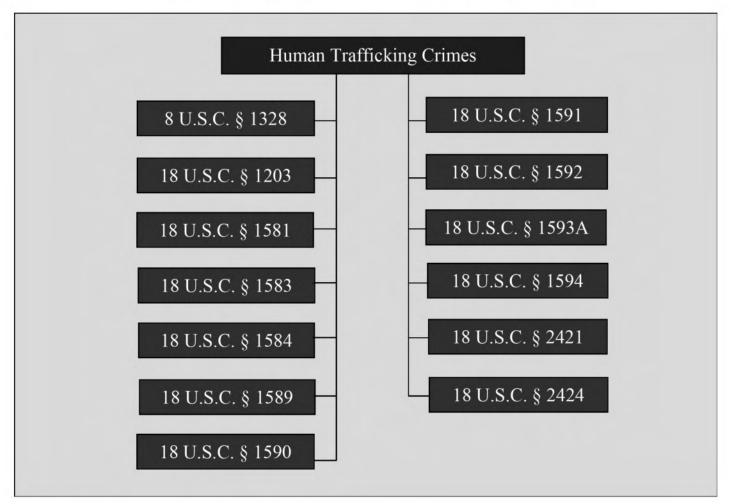


Materials for AUSA

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Human Trafficking Crimes



18 U.S.C. § 1583

Force someone into involuntary servitude or slavery.



18 U.S.C. § 1584

Sell someone into involuntary servitude, and interfere with the enforcement of this section of law.





18 U.S.C. § 1589



Force someone into labor or to receive financial benefits from forced labor.



18 U.S.C. § 1581

Force someone into peonage and obstruct enforcement of this section of law.



18 U.S.C. § 1203

Seize or detain, threaten to kill or injure, a person to compel a third person or government to do or abstain from doing a specific act for the hostage to be released; conspire or attempt to take someone hostage





18 U.S.C. § 1590

Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor.

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18 U.S.C. § 1593A

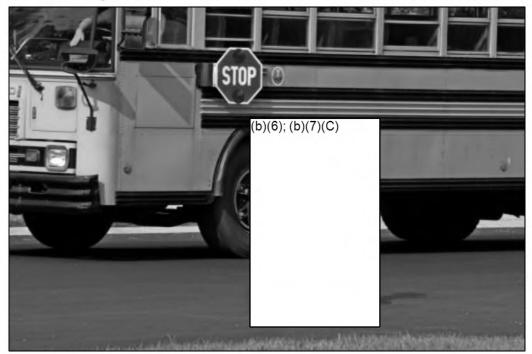


Financially benefit from peonage, slavery, and trafficking in persons.



18 U.S.C. § 1591

Sex trafficking of children by force, fraud, or coercion.





18 U.S.C. § 1592

Destroy, conceal, remove, confiscate, or possess someone's passport of immigration documents In furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor.





Severe Forms of Human Trafficking

Defined in 22 U.S.C. § 7102 (8):Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of ageThe 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



18 U.S.C. § 1594

18 U.S.C. § 1594(a) – It is a crime to violate 18 U.S.C. §§ 1581, 1583, 1584, 1589, 1590, and 1591.18 U.S.C. § 1594(b) – It is a crime to conspire to violate 18 U.S.C. §§ 1581, 1583, 1589, 1590, and 1592.18 U.S.C. § 1594(c) – It is a crime to conspire to violate 18 U.S.C. § 1591.



Demonstration

(b)(5); (b)(7)(E)			

Student Guide



Definition of Human Trafficking

The recruitment, harboring, transportation, provision, or obtaining of a person (regardless of citizenship or immigration status), by means of threat or use of force, fraud, or coercion, subjecting victims to involuntary servitude, peonage, debt bondage, or slavery for the purpose of sexual exploitation or forced labor



Statutes Governing Human Trafficking Offense

Contained within:18 USC §§ 1581-1594The associated Mann Act statutes of 18 USC §§ 2421-2424Title 8 USC § 1328, Importation and Harboring of Aliens for Immoral PurposesOther:Trafficking Victims Protection Act of 2000 (TVPA) – Public Law 106-386Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA)Trafficking Victims Protection Reauthorization Act of 2013 (TVPRA)



Trafficking Victims Protection Act of 2000 (TVPA) Public Law 106-386

 Human trafficking is the fastest growing source of profits for organized criminal enterprises worldwideTVPA goals:Prevent human trafficking overseasProtect victims and help them rebuild their lives in the U.S. with federal and state supportProsecute traffickers of persons under stiff federal penalties



Trafficking Victims Protection Reauthorization Act (TVPRA)

Reauthorizations in 2003, 2005, 2008, 2011, 20132003 Victims can bring federal civil suit against trafficker for actual and punitive damagesAdds sex trafficking and forced labor to RICO offenses2013 18 U.S.C. § 1597: Penalties for trafficker or employer confiscating an individual's passport or identity documents – actual or purported



Trafficking Victims Protection Reauthorization Act of 2013 (TVPRA)

TVPRA 2013 provides for the following: In general, 18 USC Chapter 77, Peonage, Slavery, and Trafficking in Persons, is amended by adding at the end § 1597 – Unlawful Conduct with Respect to Immigration DocumentsPenalty – Whoever violates subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or bothObstruction – Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be subject to the penalties described in subsection (b)."



Investigatory Leads





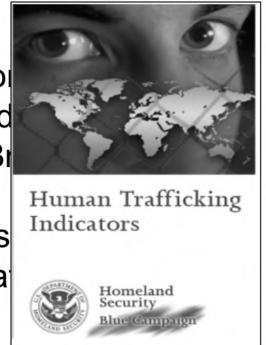
Indicators of Human Trafficking Include...

 Who has control of ID and travel docs? Are victim's wages taken? Was victim recruited for one job, forced to perform another? Was victim forced to perform sexual acts? Does victim have freedom of movement, allowed to socialize, attend religious services, contact friends or family? Has victim or family been threatened with harm, deportation, or law enforcement action? Has victim been harmed or deprived of food, water, sleep, medical care, or other life necessities? Is victim a juvenile engaged in commercial sex?



Indicators of Human Trafficking Include...

 Heavy security at commercial establishments Victims live at worksite or quarters by guards Victims accompanied (trafficker) when seeking medical care Bruntreated medical problems, malnutrition Signs of rape or sabuse Nervousness (especially if translation present)



Brochure in Student Guide



Elements that Constitute a Trafficking Victim

Must contain an element of force, fraud, or coercion (actual, perceived, or implied), unless under 18 and involved in commercial sex actsForced labor and/or exploitationPersons trafficked are victimsEnslaved, subjected to limited movement or isolation, or had documents confiscatedNeed not involve the actual movement of victimNo requirement to cross international borderPerson need not be actively involved in labor/services or commercial sex acts – must be "working"



Trafficking Organization Structure

 Recruiter – Uses ads, personal contacts, family sales to obtain victims in source countriesArranger/Coordinator – Facilitates acquisition of travel documents, fraudulent or legitimate, arranges transport to U.S. Receiving Co-conspirator – Receives victims in U.S., arranges staging locations, retrieves travel documents, reveals debt bondage, distributes or resells victims to business owners/managers



Trafficking Organization Structure (cont'd)

 Transporter – Transports victims from harboring site to job site, between job sites, or on out-calls for prostitutionHarboring/security – Maintains victims at harboring site, if not job site, prevents escape and freedom of movement, may double as transporterBusiness owner/manager - May employ victims in prostitution, agricultural, garment, or other industries, or be involved in domestic servitude for selves or others



Victim-centered Philosophy and Investigative Priorities

 Protection of trafficked aliens is of equal importance with apprehension and prosecution of traffickers Especially true in cases involving juveniles and sexual exploitationHSI facilitates procurement of aid and victim services through social service agencies and NGOsIncludes assistance with applications for continued presence and other governmental aidEngage cooperating NGOs consistent with policy



Convert Reactive to Proactive Investigations

 Target suspected violators beyond the immediate reactive cases brought to HSI attentionLiaison with other LEAs, HSI attaché offices



Prepare Case for AUSA

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Dealing with Trafficking Victims

 Most victims may not speak or understand EnglishInterpreter must be fluent in victim's language and dialectVictims may be afraid to speak to authorities, believe they will be held responsibleFear of imprisonment, fear of harm to self or familyReassure victims that their safety is HSI's first priorityUse least-confining custody setting, minimize exposure to weapons, badgesInvolve social service agencies from the outset



Victims Encountered in Enforcement Actions

 In advance of enforcement action...Identify interpreters Identify NGOs to provide short- and longterm services to victimsBring only vetted NGOs onsite for processingIdentify temporary housing following releaseArrange transportation to housing, including securityAvoid using HSI/ERO detention vansRequest that NGOs not disclose to press that they are assisting the victims



Victims Encountered in Enforcement Actions (cont'd)

During enforcement action...Have all potential victims gather personal belongings (clothes, papers, medications, money, hygiene items)Tag bags with from which belongings were recovered!f multiple sites, assign/label each potential victim with identification tag etc.) to indicate arrest location and avoid confusion



Victims Encountered in Enforcement Actions (cont'd)

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Assistance for Smuggled Aliens and Victims of Trafficking

Smuggled AliensMaterial witnessesMay be paroled, released into U.S. for short timeAfter testimony, placed in removal proceedings

Trafficking VictimsHSI's victim-centered approach: subject is first a victim to be protected, may also be a witnessEligible by statute for Continued PresenceMay be eligible for T or U visa if cooperating with prosecution



Authorities Requiring Victims' Rights and Services

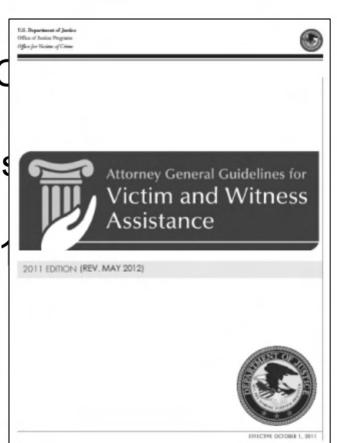
Victims' Rights and Restitution Act (VRRA),
 42 U.S.C. § 10607Includes mandatory
 servicesCrime Victims' Rights Act (CVRA),18
 U.S.C. § 3771 Includes court-enforceable
 rightsOther statutes and rules of criminal
 procedureAttorney General Guidelines for Victim
 and Witness

Assistance (b)(7)(E)	
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Authorities Requiring Victims' Rights and Services

 Victims' Rights and Restitution Act (VRRA), 42 U.S.C. § 10607 (Rights Act (CVRA),18 U.S.C. § 3771 Other of criminal procedureICE Directive Assistance Program, 8/25/2011



ICE Directive 1007.1 in Student Guide



Definitions of Victim

 VRRA victim – "a person that has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime. . . . " CVRA victim – "a person directly and proximately harmed as a result of the commission of a federal offense..."Direct and proximate harm – Based on analysis of harm allegedly suffered and the crime alleged to have caused the harm Harm a direct consequence of the crime CVRA: harm must have been reasonably foreseeable result of charged offense



ICE Victim Assistance Program Definitions

 Victim – "a person directly or proximately harmed as a result of the commission of a federal offense" May be culpable for violations or crimes other than the crime being investigated Victims definition may include: Victims of trafficking may be considered victims for purposes of prosecution, despite legal culpability for ancillary immigration or prostitution offensesCriminal suspects subjected to excessive force by law enforcement officers Inmates who are victims of crime during incarceration

Directive 1007.1 in Student Guide



ICE VAP Definitions (cont'd)

•	Witness – a person who has information, knowledge, or
	evidence concerning a crime and provides information
	to an LEAA victim of a crime may become a witness
	and a witness who is threatened may become a
	victimDirective does not cover
	(b)(7)(E)

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Special Victim Populations

Federal statutory provisions for services for victims of:Domestic violence, stalking, or sexual assaultChild abuseIdentity theftHuman trafficking

Mandatory reporting of any suspected child abuse or exploitation under state and federal law – responsibility of individual SAs, with sanctions for failing to report



Identifying Victims

• VRRA: Responsibilities to victims begin ASAP after detection of a crime (without interfering in investigation) – generally at opening of criminal investigationCRVA: Rights attach when criminal proceedings initiated by complaint, information, or indictment codes:

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Services and Rights of Victims

Responsible official shall provide identified victims with information about available services:

Referral to receive emergency medical or social servicesAvailability of restitution or other relief that victim may be entitled toPublic and private programs for counseling, treatment, other supportReasonable protection – not a service per se but a required consideration



Special Victim Populations

 Victims of domestic violence, stalking, sexual assaultImmigrant victims may petition for immigration protections, relief, assistance Investigating agency can pay for forensic sexual assault exam (with no requirement to cooperate with LEA)Victims of child abuseForensic interview by HSI Forensic Interview SpecialistAge-appropriate support servicesPrivacy protection for child victims and witnesses – names, other identifiers not included in court documents, public records



Special Victim Populations (cont'd)

 Victims of identity theftlf victim requests, SAs shall assist in notifying creditors and employers of identity theftVictims of human traffickingVictims of severe form of trafficking in persons, as identified by federal LEA, eligible for benefits, services Employment authorization and parole without regard to immigration status May be eligible for public benefits like refugee alienShall not be detained in facilities inappropriate to their status as crime victims



Coordinating Victim Services

Case agent or Victim Assistance Specialist (VAS)
or Victim Assistance Coordinator (VAC) coordinates
victim services as neededDuring investigation
investigating agency responsible for referring victim
to servicesWhen investigation transferred to
prosecutorial entity or charges are filed,
prosecutorial entity responsible for service referrals



Case Agent Responsibilities

With or without victim's request, case agents: Ensure victim's property is maintained in good condition and returned as soon as it is no longer needed as evidenceProvide information regarding prohibition against intimidationArrange for reasonable protection from suspected offenderDiscuss temporary protective

measures -	(D)(7)(E)			
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Focus on Victim

 Investigation is secondary to rescue of victimCoordinate with Victim Assistance Specialist (VAS) or Victim Assistance Coordinator (VAC) for forensic interview of victimCoordinate with local NGOs and victim service providers





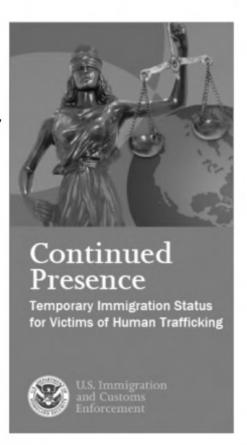
Continued Presence (CP)

Provided statutorily under Trafficking Victims
 Protection ActLEO makes initial determination if
 individual is victim of a severe form of human
 traffickingFederal LEOs authorized to submit CP
 applicationsSubmit as soon as victim
 identifiedCoordinate with SAC Victim Assistance
 SpecialistApproved by HSI Law Enforcement
 Parole Branch



Continued Presence (CP) (cont'd)

 Granted for up to two-years, with extension of up to two years. Victim's cooperation with LEA not required for eligibility but other benefits may be available to cooperating witnessesCooperation with LEA not required for benefits if victim is minorAlien with CP issued employment authorization document and I-94



CP Brochure in Student Guide



T Visa and U Visa

T Visa (5,000 annual cap)For victims of severe form of human trafficking and qualifying familyCan remain in U.S . up to 4 yearsCan lead to LPR status Coordinated by VASCertification of application (Form I-914, Supplement B) by LEA

U Visa (10,000 annual cap)For victims of certain serious crimes and qualifying family Specified crimes, occurring in U.S., listed on I-918Suffered substantial physical or mental abuseVictim possesses information on the crimeLEA certifies victim helpful in investigation or prosecution



Segregation of Detained Aliens

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State / Local LEA Encounter with Smuggling

 State, local LEAs encounter individuals using conveyances to smuggle illegal aliens into and through U.S. Many encounters trafficrelatedOthers in response to domestic-violence calls, noise disturbance calls, etc.

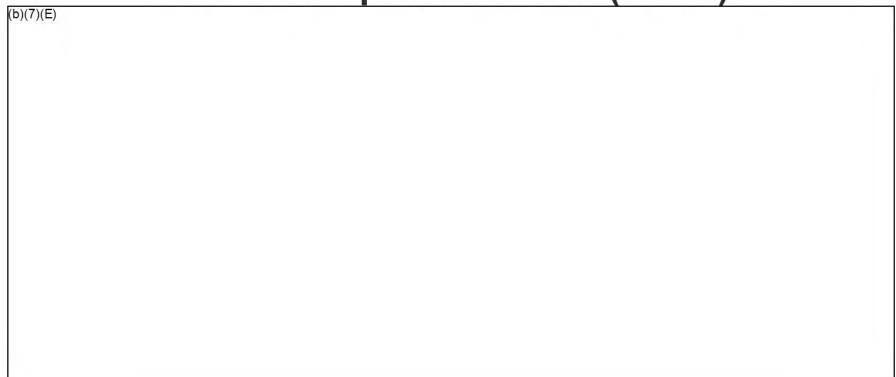


HSI Response to Local / State LEA Traffic Stop of Alien Smuggling Load

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Traffic Stop Procedures (1 of 3)



Traffic Stop Checklist in Student Guide



Traffic Stop Procedures (2 of 3)

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Traffic Stop Procedures (3 of 3)

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Transport for EAGLE Processing

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Interviewing

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Demonstration

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Demonstration Scenario in Student Guide



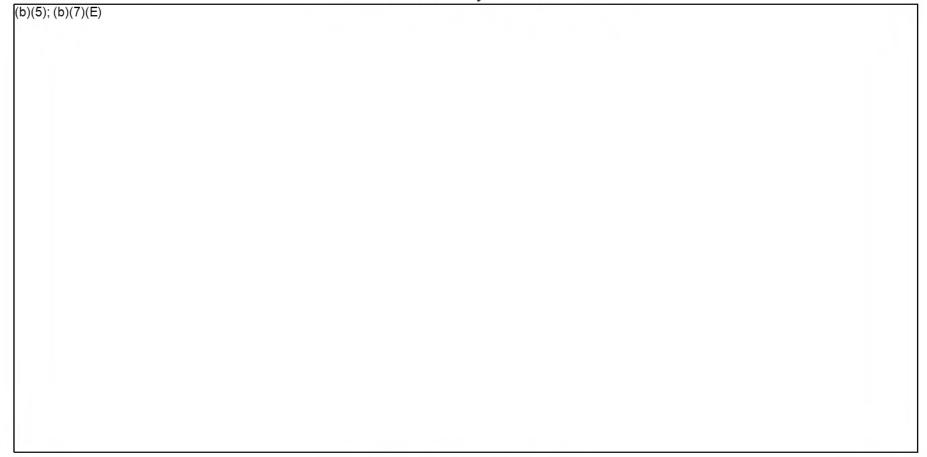
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Practice, cont'd



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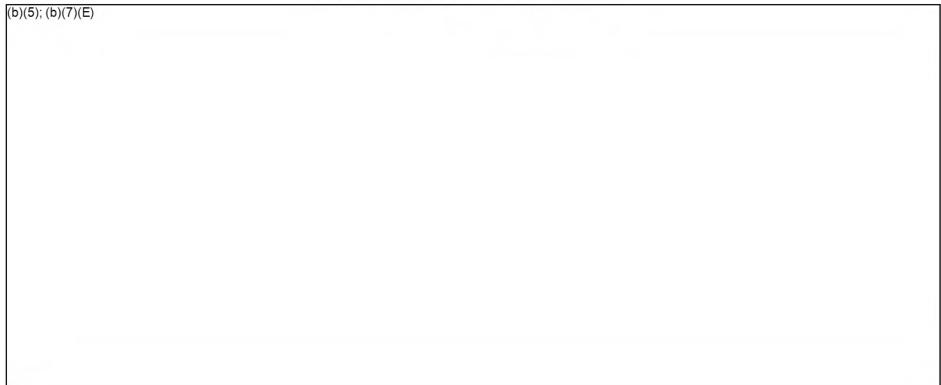
Practice (cont'd)



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Practice Scenarios



Practice Scenarios in Student Guide



Summary

 Human smuggling is bringing someone into the U.S., while deliberately evading immigration laws. Human trafficking is also bringing someone into the U.S., but it involves using force, fraud, or coercion.



Summary (cont'd)

•	Distinctions between human smuggling and human
	traffickingASO structure and operations vary on
	southern, northern U.S. borders HSI investigative
	approaches include: (b)(7)(E)
	(b)(7)(E)
	Rescue of victims is
	top priorityProcedures for handling alien smuggling
	load



