

Unaccompanied Alien Children Human Smuggling Disruption Initiative

Concept of Operations
May 5, 2017

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Overview

U.S. Immigration and Customs Enforcement (ICE) proposes an interagency 90- to 120-day operation focusing on transnational criminal organizations (TCO) engaged in smuggling unaccompanied alien children (UAC) with an emphasis on the identification, investigation, and arrest of human smuggling facilitators, including, but not limited to, parents and family members.

Executive Summary

On January 25, 2017, President Donald J. Trump issued Executive Orders 13768, *Enhancing Public Safety in the Interior of the United States*, and 13767, *Border Security and Immigration Enforcement Improvements*. In support of these Executive Orders, ICE and its partners have developed this concept of operations to focus on disrupting and dismantling human smuggling organizations (HSO) engaged in smuggling UACs, and seeking the prosecution of each participant in the smuggling scheme, including the parents who engaged, when possible, the HSO's services.

The risks associated with the UAC's journey to the United States remain a constant humanitarian threat. Although the number of UACs being smuggled into the United States since the initial surge in 2014 has decreased, parents and family members who facilitate and promote the endangerment of these children by employing the HSOs have yet to be held accountable. Since parents and sponsors have not been held accountable for their role, there is no deterrent for complying with U.S. immigration laws.

Purpose

This concept of operations provides the framework for the proposed initiative and identifies specific roles for various U.S. Department of Homeland Security (DHS) Components. The three-phased approach is designed to mitigate the smuggling of UACs by parents and sponsors who use HSOs to facilitate their illegal entry into the United States.

Background

Since 2014, the Southwest Border region has seen an unprecedented flow of UACs entering the United States, primarily from Central America. During their journey to the border, the children are exposed to extreme conditions and physical abuse for which injury or death is a very real possibility. Over the past 2 years, DHS has learned a great deal about how UACs are smuggled into the United States and who ultimately receives them after they are transferred out of the custody of the U.S. Department of Health and Human Services (HHS) Office of Refugee and Resettlement (ORR). Since 2014, according to ORR data, approximately 90 percent of all UACs

are eventually turned over to a family member residing in the United States. Financial transaction data and ICE Homeland Security Investigations (HSI) investigative records reviewed by the DHS Human Smuggling Cell have further corroborated that parents of UACs have engaged the services of HSOs to bring their children into the United States.

During the last quarter of Fiscal Year (FY) 2016 and through the first quarter of FY 2017, there was a significant increase in the number of UACs encountered along the Southwest Border by U.S. Customs and Border Protection (CBP). Since the implementation of the January 25, 2017 Executive Order, that number has decreased.

Mission

ICE will conduct a 90- to 120-day operation to focus on TCOs engaged in the smuggling of UACs, with an emphasis on the human smuggling facilitators, including the parents and family members who initiated and funded the smuggling venture.

Coordinating Instructions

The 26 HSI special agents in charge (SAC) will coordinate with their respective 24 ICE Enforcement and Removal Operations (ERO) field office directors (FOD) to establish teams of HSI special agents and ERO deportation officers, with the support of the local HSI SAC intelligence program.

Each SAC will be responsible for determining how to document each UAC arrival in the Investigative Case Management (ICM) system; however, it is recommended that every initial UAC encounter at the border or its functional equivalent be documented in a general case opened by each border operations team (Border team) in order to capture any applicable case and foreign language hours.

If during the review for sufficiency or follow-up interview of the UAC and their respective smuggler, it is determined a referral can be sent to another area of responsibility's team (affected AOR's team) for further investigation, it is recommended that an independent case—separate from the aforementioned general case—be opened in ICM by the Border team and a collateral case be sent to the affected AOR's team for follow up.

All cases opened during the operation will have the UAC project code applied, in addition to any other applicable project codes.

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Execution

This operation is a joint effort of ERO and HSI and is dependent on the collaboration of the field offices to ensure that all administrative and enforcement protocols for each Directorate are followed.

The initiative will be conducted in three sequential phases.

Phase I: Border encounter/lead referrals to affected AOR

Desired condition/endstate: significant decrease of UAC arrivals.

Upon a UAC encounter and detention, CBP will notify the Border team via email and include the executed Record of Inadmissible or Deportable Alien form (I-213) and interview notes. The Border team will immediately review the information for sufficiency and forward the information to the affected AOR's team and DHS Human Smuggling Cell for awareness.

- The teams will then have up to 72 hours from the time of the UAC encounter to complete sponsor/parent interviews and determine any appropriate initial enforcement actions. Border teams will not be required to perform detention duties or be responsible for the detention of the UACs.
- If sufficient information on parents or family members is obtained, a collateral case will be sent via ICM to the affected AOR's team for action.
- Teams will be available to immediately conduct database checks and contact suspected sponsor/parent or family members to identify, interview, and, if applicable, seek charges against the individual(s) and administratively arrest the subjects and anybody encountered during the inquiry who is out of status.

Headquarters Responsibilities

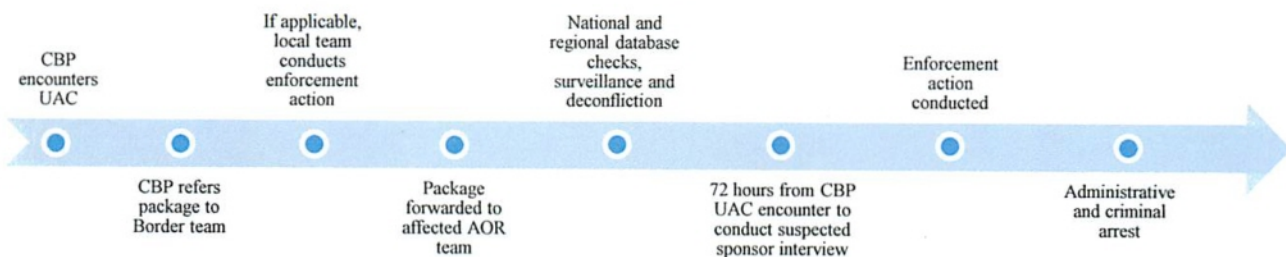
- Three-phased media and congressional strategies will be developed by ICE's Office of Public Affairs (OPA) and Office of Congressional Relations, respectively, and will be shared with SACs and FODs prior to and during the initiative.
- Coordination with the U.S. Department of Justice (DOJ) and HHS.
- The Human Smuggling Program will provide guidance to field components to ensure the effective implementation of the initiative.

SAC/FOD Responsibilities

- Field management will be jointly responsible for coordinating with local U.S. Attorney's Offices (USAO)¹ and their respective border security coordinators (ICE's Office of the Principal Legal Advisor and OPA, and CBP's Office of Field Operations and Office of Border Patrol).
- With operational security in mind, coordinate with local child protective services.
- Field management will establish mandatory response teams comprised of ERO deportation officers and HSI special agents, led by an HSI group supervisor.
 - Border teams will review CBP UAC encounter interviews and, if additional information is required will conduct UAC interviews while UACs are still in CBP or ERO custody.
 - Protocols will vary in AORs; however, detainee processing and court appearances will be jointly performed by HSI and ERO. Criminal and administrative arrests will be processed through the Enforcement Integrated Database Arrest Graphical User Interface for Law Enforcement.
 - HSI or ERO operational plans will be used for each interview and enforcement operation.
 - Application of designated program and operation codes.

Metrics Captured

- Number of criminal arrests (with association/relation to UACs);
- Number of referrals to ICE from CBP;
- Number of administrative arrests ;
- Number of collateral arrests, both administrative and criminal;
- Number of cases that are declined prosecution (internal number for HSI headquarters to help address issues with DOJ); and
- Number of gang members/affiliates arrested.



¹ Field offices should consult with the local USAO regarding local prosecution guidelines that may affect operational feasibility.

Phase II: Analysis of historical U.S. Department of Health and Human Services sponsor/parent data

Desired condition/endstate: analysis of HHS sponsor/parent data to identify human smuggling organizations, networks, and facilitators smuggling UACs to take appropriate investigative/enforcement action as needed.

The operation will analyze historical ORR data from 2015 through 2017—beginning with the most current 2017 data—to identify associates of the HSOs responsible for facilitating the smuggling of UACs. Target packages will be provided to the affected AORs for subsequent follow-up. The ERO National Criminal Analysis and Targeting Center will conduct record checks for the teams and will be augmented with temporary duty HSI personnel to support the initiative. Targeting will be conducted based on ICE's criteria factors.

- The HSI Human Smuggling Program will provide target packages to teams derived from HSI, ERO, and ORR data related to the sponsors/family members of the UACs listed as their sponsors.
 - The information will be used to open an investigation in ICM using historical information from UAC encounters from October to December 2016, including financial transaction data to support the smuggling scheme. (Illicit financial transactions through money service businesses (MSBs) are the primary method that HSOs use to facilitate the smuggling of UACs.)
- Teams will prioritize target lists and conduct operations, in coordination with the USAO in the affected judicial districts.
 - Prioritization will be based upon criminal history, removal status, immigration status, and other factors such as gang affiliation.
 - If appropriate, discretion may be used for sole caregivers and individuals with significant medical issues. Deferred action and other immigration benefits may be used for material witnesses.

Metrics Captured

- Number of criminal arrests (with association/relation to UAC);
- Number of administrative arrests;
- Number of collateral arrests, both administrative and criminal;
- Number of cases that are declined prosecution (internal number for HSI headquarters to help address issues with DOJ);
- Value of seized assets;
- Identify and report changes in frequency of UACs and family units encountered along the Southwest Border since May 2017; and,

- Intelligence and open-source reporting identifying the changes in the alien's perception of the ability to enter and remain in the United States illegally (Attaché, field office, and detention facility reporting).

Phase III: Addressing the transnational criminal organizations

Desired condition/endstate: identify and disrupt the TCOs responsible for the smuggling of UACs.

Post-action analysis will be conducted to identify TCOs and be used to initiate domestic and international investigations and enforcement actions.

- Coordinate with ICE Attachés and foreign counterparts to identify and dismantle TCOs.
- HSI human smuggling program will extensively exploit financial transaction data using Transaction Record Analysis Center MSB data and FinCEN databases to identify networks and individuals suspected of illicit financial transactions indicative of human smuggling.
- HSI Human Smuggling Program will coordinate investigations derived from this operation.

Metrics Captured

- Identify and report changes in the frequency with which UAC and family units are encountered along the Southwest Border since May 2017;
- Intelligence and open-source reporting identifying the changes in the alien's perception of the ability to enter and remain in the United States illegally (Attaché, field office, and detention facility reporting);
- Number of investigations initiated as a result of the initiative; and
- Number of civil immigration enforcement actions.