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STOPPING TERRORIST TRAVEL THROUGH ILLICIT PATHWAYS TO THE HOMELAND

HOUSE HOMELAND SECURITY COMMITTEE MAJORITY STAFF REPORT
2018 - 2019



**HOMELAND SECURITY
COMMITTEE**

EXECUTIVE SUMMARY

Changing Threat Environment

Since September 11th, 2001, America's national security officials have focused on preventing another catastrophic attack on our homeland by defeating the terrorist threat. This has made it harder for nefarious actors of all different backgrounds to enter the United States. As a result, those who wish to bring harm to America have to explore non-traditional ways of entering our country.

Today, those known as Special Interest Aliens (SIAs) are discovering new and creative routes to cross our border. One such way is through the exploitation of illicit pathways throughout the Western Hemisphere. Offering solutions to close these routes and shut off entry ways into America for SIAs must be a priority moving forward, since some of these migrants have been affiliated with foreign terror groups and organized crime.

Task Force on Denying Terrorist Entry into the United States

Given the threats we face from international terrorism, the House Homeland Security Committee established the Task Force on Combating Terrorist and Foreign Fighter Travel in 2015 and the Task Force on Denying Terrorists Entry into the United States in 2017 to evaluate threats and offer policy solutions to keep the homeland safe. In addition to these two task forces, staff members from the Majority were charged with identifying the exploitation of illicit pathways to America by SIAs throughout the Western Hemisphere.

This team was briefed by American and foreign national security officials, analyzed government documents, conducted research, and traveled to six different countries in Central and South America. The following report is the conclusion of their work.

Results of the Review

The Majority staff makes 10 policy recommendations to mitigate the threats posed by SIAs and others. The full description of these recommendations can be read toward the end of the report. They include:

Authorize Key Programs, an Office, and a New Authority:

- ICE's Biometric Identification Transnational Migration Alert Program (BITMAP)
- CBP's Immigration Advisory Program (IAP)
- DHS's Office of Biometric Identity Management (OBIM)
- Provide DHS Repatriation Authority

Conduct Threat Analyses for:

- U.S. Ports of Entry
- U.S. Maritime Borders
- Southwest U.S. Border

Strengthen Coordination and Cooperation:

- Better Support ICE's Transnational Criminal Investigative Units (TCIUs)
- Increase Interagency Coordination through a Western Hemisphere Task Force
- Creating an Inter-American Information Sharing System

Methodology

The Majority Staff of the House Committee on Homeland Security (Committee) conducted this investigation over a six-month period. The final report was informed by briefings, meetings, site visits to Brazil, Guatemala, Costa Rica, Colombia, Mexico, and Panama, extensive research, and analysis of official government documents. The Committee spoke with current and former federal officials throughout the national security community, relevant departments and agencies, outside experts, and foreign partner government officials.

The Committee examined U.S. government efforts to monitor, track, and prevent Special Interest Aliens (SIAs) from entering the Homeland. The review specifically focused on programs and initiatives that push out the United States borders and increase coordination with foreign partners. Where practicable, the Committee cites publicly available sources, though many relevant topics and materials are classified or sensitive in nature. Prior to publication, the final report was shared with the main departments and agencies that contributed to and assisted in the review. The Committee incorporated their feedback where appropriate.

Previous Committee Action

Over the course of the past two Congresses, this Committee has focused on identifying threats posed by foreign terrorist fighters and offering recommendations for how Congress and the Executive Branch can mitigate these threats to the Homeland.

In February 2015, the Committee created a bipartisan *Task Force on Combatting Terrorist and Foreign Fighter Travel* in response to an unprecedented number of foreign fighters, including thousands of Westerners, flocking to Iraq and Syria to join the Islamic State of Iraq and Syria (ISIS).¹ As a result of that review, the Task Force developed 32 key findings with accompanying

¹ Final Report of the *Task Force on Combating Terrorist and Foreign Fighter Travel*, House Homeland Security Committee, September 2015. <https://homeland.house.gov/task-force-on-terrorist-and-foreign-fighter-travel/>.

recommendations that were incorporated into legislation and some signed into law during the 114th Congress, including the *Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015*.²

By February 2017, while the flow of foreign fighters to the conflict zone had dwindled, the desire of foreign fighters to return to their home countries or travel to the West to carry out attacks, created a new threat dynamic. In response, the Committee established the *Task Force on Denying Terrorists Entry into the United States*.³ As a result of that review, the Task Force identified seven key security challenges that needed to be addressed in the United States' screening and vetting framework and accompanying recommendations that were incorporated into legislation that passed out of the House of Representatives during the 115th Congress, none of which were passed by the Senate.⁴

BACKGROUND

Evolution of the Threat

While ISIS has lost at least 90 percent of the physical territory it previously captured,⁵ the terrorist group has not been fully defeated and remains committed to inspiring attacks against the United States and the West. The protracted civil war in Syria, the impending removal of U.S. troops in Syria, and ongoing instability in Iraq continue to provide the conditions for ISIS and other terror groups to persist and thrive online.

Additionally, the spillover effects from the near elimination of the physical caliphate have changed the nature of the threat. This includes a foreign fighter diaspora—consisting of individuals who have either returned home, often undetected by law enforcement, or who have gone to or are in search of the next jihadi theatre (e.g. Africa)—which poses a heightened threat around the globe and to the Homeland.

Russia had the largest number of citizens travel to Syria and Iraq to become foreign fighters, with an estimated 3,417, including 400 who have returned,⁶ followed by Saudi Arabia with roughly 3,244, of which 760 have returned,⁷ then Jordan with approximately 3,000, of which 250 have returned,⁸ Tunisia followed with 2,926, of which 800 have returned,⁹ France with 1,910, of which

² *H.R. 2029, Consolidated Appropriations Act, 2016*, Public Law 114-113. U.S. House of Representatives, December 18, 2015. <https://www.congress.gov/bill/114th-congress/house-bill/2029/text>.

³ Final Report from the Republican Members of the *Task Force on Denying Terrorists Entry into the United States*, House Homeland Security Committee, December 2017. <https://homeland.house.gov/task-force-denying-terrorists-entry-united-states/>.

⁴ Ibid.

Secretary Michael R. Pompeo Interview With Brian Grimmert of KMWU Wichita Public Radio. December 20, 2018.⁵

<https://www.state.gov/secretary/remarks/2018/12/288239.htm>

⁶ “Beyond the Caliphate: Foreign Fighters and the Threat of Returnees.” The Soufan Center, October 2017.

<http://thesoufancenter.org/research/beyond-caliphate/>.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

271 have returned,¹⁰ and lastly, the United States had more than 250 foreign fighters attempt to join ISIS, with less than 129 foreign fighters actually joining the fight, of which 7 have returned.¹¹

ISIS will continue to use propaganda and multi-platform communication channels in its “virtual caliphate” to recruit fighters to follow former senior ISIS leader Abu Mohammad al-Adnani’s message to kill Western disbelievers “in any manner or way, however it may be” across the globe.¹²

Recently, the terror threat has spread from the greater Middle East to the West, particularly in Latin America. According to the U.S. Department of State (DOS), our Latin American neighbors have problems dealing with “porous borders, limited law enforcement capabilities, and established smuggling routes.” Furthermore, “these vulnerabilities offered opportunities to local and international terrorist groups and posed challenges to governments in the region.”¹³

In fact, one terrorist organization that is growing at an alarming rate in Latin America is Hezbollah.¹⁴ Designated as a Foreign Terrorist Organization (FTO) by the State Department, Hezbollah has been operating in Latin America since the early 1990s when it worked with Iran to carry out the 1994 bombing of a Jewish Community Center in Argentina. Hezbollah continues to operate in the region, which is an issue that garnered the attention of this Committee in a 2012 report entitled, *A Line in the Sand: Countering Crime, Violence and Terror at the Southwest Border*.¹⁵

The Lebanon-based FTO is especially active in the Tri-Border Area (TBA) of Brazil, Paraguay, and Argentina, which is also home to significant Shia Islam and Lebanese diaspora communities. Analysts argue that “Hezbollah in Latin America continues to focus on raising significant sums of money through illicit business and smuggling in the TBA and other free trade zones in the region” with a focus on money laundering and narcotics trafficking to build financial support for its worldwide activities.¹⁶ Recently in July 2018, Argentina’s Financial Intelligence Unit froze the assets of 14 Lebanese nationals and residents of the TBA, who were affiliated with Hezbollah and the Barakat clan, for money laundering.¹⁷ The investigation was conducted in conjunction with the U.S. Department of Treasury’s Financial Crimes Enforcement Network (FinCEN) and follows the arrest of two Lebanese nationals in Paraguay suspected of ties to Hezbollah in May and June

¹⁰ Ibid.

¹¹ Ibid.

¹² Yara Bayoumy, “Isis urges more attacks on Western ‘disbelievers.’” *The Independent*, September 22, 2014. <https://www.independent.co.uk/news/world/middle-east/isis-urges-more-attacks-on-western-disbelievers-9749512.html>.

¹³ “Country Reports on Terrorism 2016.” U.S. Department of State, July 2017. <https://www.state.gov/j/ct/rls/crt/2016/272234.htm>.

¹⁴ <https://web.archive.org/web/20140920031700/http://homeland.house.gov/sites/homeland.house.gov/files/Testimony%20Noriega.pdf>

¹⁵ “A Line in the Sand: Countering Crime, Violence and Terror at the Southwest Border,” House Committee on Homeland Security, Subcommittee on Oversight, Investigations, and Management, November 2012. <https://homeland.house.gov/files/11-15-12-Line-in-the-Sand.pdf>.

¹⁶ “Iran and Hezbollah Remain Hyperactive in Latin America,” The Washington Institute for Near East Policy, August 11, 2016. <http://www.washingtoninstitute.org/policy-analysis/view/iran-and-hezbollah-remain-hyperactive-in-latin-america>.

¹⁷ Emanuele Ottolenghi, “Hezbollah’s Tri-Border Area terror finance comes under fire at last,” Foundation for Defense of Democracies, August 12, 2018. <http://www.defenddemocracy.org/media-hit/emanuele-ottolenghi-hezbollahs-tri-border-area-terror-finance-comes-under-fire-at-last/>.

2018.¹⁸ These cases demonstrate that the actions and intentions of major terrorist organizations often extend far beyond their areas of origin and can occur much closer to home.

What is a Special Interest Alien?

Generally, a Special Interest Alien (SIA) is a non-U.S. citizen from a country outside the Western Hemisphere who, based on country of origin and travel pattern, poses a potential national security risk to the United States. Multiple federal agencies use varying definitions of the term, because there is not an agreed-upon or uniform definition across the U.S. government for the term “Special Interest Alien.” Also, the term is yet to be defined in federal statute.¹⁹ As former Secretary of Homeland Security John Kelly explained, “We face very real threats from so-called Special Interest Aliens that move at great expense from vast distances outside the hemisphere along the network into the United States. The ‘special interest’ is that they are from parts of the world where terrorism is prevalent, or nations that are hostile to the United States.”²⁰ While this is not an official definition, it gives a good understanding of what the term is meant to encompass. Furthermore, in response to questions for the record on the official definition of an SIA, Deputy Assistant Secretary of State for International Narcotics and Law Enforcement Affairs (INL) Richard Glenn stated, “The lack of specific definition for ‘Special Interest Aliens’ is not a significant obstacle” to the State Department’s work on SIAs.²¹

The Department of Homeland Security (DHS) claims that no single definition exists for an SIA because each department uses the term differently for their respective purposes. According to Homeland Security Investigations Assistant Director for International Operations Raymond Villanueva:

*There is no single U.S. government definition for Special Interest Alien (SIA); each Department defines and uses the term slightly differently for their operational activity. The U.S. Department of Homeland Security (DHS) has established the following to define SIA: Definition: Non-U.S. Persons who, based on analysis of travel patterns, potentially pose a national security risk to the United States or its interests. Criteria: The individuals or groups are employing travel patterns known or evaluated to possibly have a nexus to terrorism, and the travel patterns include a point of origin or segment that is tied to current assessments of national and international threat environments.*²²

While the Committee understands this position, DHS should at least maintain a general working definition of the term and a list of the countries that are considered “of special interest,” consistently updating the latter. The general definition given above, combined with former Secretary Kelly’s words, is a good starting point. The inclusion of a country on the list will need

¹⁸ Ibid.

¹⁹ Department of State Responses to Questions for the Record, House Foreign Affairs Committee Subcommittee on the Western Hemisphere Hearing, “Combatting Transnational Criminal Threats in the Western Hemisphere,” 115th Congress, 2nd sess., May 23, 2018.

²⁰ The Honorable John F. Kelly, “Home and Away: DHS and the Threats to America.” George Washington University Center for Cyber and Homeland Security, April 18, 2017. <https://www.dhs.gov/news/2017/04/18/home-and-away-dhs-and-threats-america>.

²¹ QFR responses from DAS Glenn

²² QFR Responses from Raymond Villanueva

to be based on the terrorist threat emanating from that country and the level of security cooperation the United States has with that country. Therefore, the country list will most likely need to be classified and maintained by both DHS, DOS, and other partners.

Current Threat Landscape

As recent events have shown, terrorist groups will stop at nothing to pursue attacks wherever they see an opening. As recently as December 11, 2018, Deputy Secretary of State John Sullivan told U.S. partners in Latin America that, “Transnational terrorism poses an immediate threat to us here in the Western Hemisphere. Although the perceived center of gravity seems far away, groups like ISIS, al-Qaida, Lebanese Hizballah operate wherever they can find recruits, raise support, operate unchecked, and pursue their terrorist agendas.”²³

The movement of SIAs into the Western Hemisphere is neither a new phenomenon nor a new focus for DHS and the interagency. In March 2016, DHS Assistant Secretary for International Affairs Alan Bersin, testified before Congress that:

*DHS apprehensions of special interest aliens, or extra-hemispheric migrants, have increased in recent years. This population consists of unauthorized migrants who arrive in the United States from, or are citizens of, several Asian, Middle Eastern, and African countries. While many citizens of these countries migrate for economic reasons or because they are fleeing persecution in their home countries, this group may include migrants who are affiliated with foreign terrorist organizations, intelligence agencies, and organized criminal syndicates.*²⁴

²³ The Honorable John J. Sullivan, “Remarks at the Western Hemisphere Counterterrorism Ministerial.” December 11, 2018. <https://www.state.gov/s/d/2018/288014.htm>

²⁴ The Honorable Alan D. Bersin, Potential Terrorist Threats: Border Security Challenges in Latin America and the Caribbean: Hearing Before the House Foreign Affairs Committee, Subcommittee on the Western Hemisphere, 114th Cong., 2nd sess., March 22, 2016. <https://foreignaffairs.house.gov/hearing/subcommittee-hearing-potential-terrorist-threats-border-security-challenges-in-latin-america-and-the-caribbean/>.

DHS and the interagency rightly continue to prioritize the SIA threat as one of the top threats to the Homeland. This is due to the consistently large number of individuals from “special interest” countries that travel to the Western Hemisphere using illicit pathways. Transnational criminal organizations (TCOs) facilitate illicit travel in the region along established drug and migrant smuggling routes. On a recent Committee staff delegation trip to Latin America, Panamanian officials communicated to Committee staff that tens of thousands of SIAs have entered Panama since 2014.²⁵ Colombian officials communicated similar numbers to Committee staff, stating that hundreds of SIAs have entered Colombia each year for the past few years.²⁶ In both countries, nearly all the SIA migrants were headed to the United States and originated from the Middle East, Asia, and Africa—including Syria, Pakistan, Afghanistan, Somalia, Bangladesh, India, Eritrea, and many others.²⁷ Additionally, encounters with these special interest individuals resulted in the seizure of tens of thousands of fraudulent documents—including passports and visas—that facilitated travel from their countries of origin through the Americas.²⁸

Afghani national interviewed by Committee staff in a Panamanian holding center in the Darien Gap:

Route: Afghanistan → flight to the United Arab Emirates → flight to South Africa → flight to Brazil → hitchhike to Colombia → hitchhike to Panama → hike through the Darien Gap

Destination: United States via Costa Rica → Nicaragua → Guatemala → Mexico → U.S.

Duration: over 3 months

Cost: over \$20,000

DHS Border Patrol Agents routinely encounter SIAs at the border. It was recently reported that, as of September 2018, 630 Bangladeshi nationals have been arrested in Fiscal Year 2018 trying to enter the U.S. illegally in Laredo, Texas alone—a 300 percent increase from FY2017.²⁹ The routes facilitating the illicit travel of these Bangladeshis are mostly controlled by TCOs and drug cartels, which charge tens of thousands of dollars to smuggle SIAs and other migrants across the U.S.-

²⁵ Committee Staff Delegation to the Republic of Panama, the Republic of Colombia, and Mexico, May 2018.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

²⁹ “More than 600 Bangladeshi nationals caught trying to cross into U.S. from Mexico.” KTXS San Antonio, September 11, 2018. <https://ktxs.com/news/texas/more-than-600-bangladeshi-nationals-caught-trying-to-cross-into-us-from-mexico>.

Mexico border.³⁰ The Laredo Sector remains the number one target for illegal entry into the U.S. due to its more than 170 miles of unprotected river border and lack of physical barriers.³¹

When testifying before Congress about threats in the Western Hemisphere, Rear Admiral Brian Hendrickson, Director of the Network Engagement Team at U.S. Southern Command, stated that:

*The region is also home to networks that specialize in smuggling illegal immigrants from places like Afghanistan, Pakistan, Yemen, Syria, and Iraq, all places where terrorist organizations like al-Shabab, ISIS, al-Qaeda and their affiliates operate. Now migrant smuggling is not uncommon. What makes these networks different is the type of people who enlist their services to attempt to enter the U.S. homeland undetected. Some of these people have ties to terrorism and some have intentions to conduct attacks in the homeland.*³²

While many migrants undertaking the long and dangerous journey to the United States do so seeking a better life for themselves and their families, nefarious actors exploit the same routes to infiltrate the Homeland.

There have been reports of TCOs, particularly the violent gang MS-13, seeking to manipulate America's generous immigration system by using legal loopholes in programs like the Unaccompanied Children's Services Program to get their members into the United States. During a Congressional hearing on May 24, 2017, information provided by a whistleblower surfaced detailing that at least 16 known MS-13 members were admitted into the United States in 2014 under the Unaccompanied Children's Services Program.³³

As Secretary of Homeland Security Kirstjen Nielsen recently testified before Congress, "we have also seen ISIS in written materials encourage ISIS followers to cross our Southwest border given the loopholes that they also are aware of."³⁴ These terrorist publications, combined with the large number of individuals entering the hemisphere from "special interest" countries, require the United States to remain vigilant in monitoring and combating this threat.

³⁰ Anna Giaritelli, "Apprehensions of illegal immigrants from Bangladesh spiking in Texas." Washington Examiner, July 12, 2018. <https://www.washingtonexaminer.com/news/apprehensions-of-illegal-immigrants-from-bangladesh-on-the-rise-in-texas>

³¹ "Bangladeshi nationals breaching US border," KGNS Laredo, April 11, 2018.

<https://www.kgns.tv/content/news/Bangladeshi-nationals-breaching-US-border-479478953.html>

³² Rear Admiral Brian Hendrickson, Combatting Transnational Criminal Threats in the Western Hemisphere: Hearing Before the House Foreign Affairs Committee, Subcommittee on the Western Hemisphere, 115th Cong., 2nd sess., May 23, 2018. <https://foreignaffairs.house.gov/hearing/subcommittee-hearing-combatting-transnational-criminal-threats-in-the-western-hemisphere/>.

³³ Dinan, Stephen. *Obama Administration Knew Gang Members Were Part of Illegal Immigrant Surge: Whistleblower*. The Washington Times. <http://www.washingtontimes.com/news/2017/may/24/whistleblower-dhs-knowingly-let-ms-13-gang-members/>. Last accessed on June 12, 2017.

³⁴ The Honorable Kirstjen Nielsen, Strengthening the Safety and Security of our Nation: The President's FY2019 Budget Request for the Department of Homeland Security: Hearing Before the House Homeland Security Committee, 115th Cong., 2nd sess., April 26, 2018. <https://homeland.house.gov/hearing/strengthening-the-safety-and-security-of-our-nation-the-presidents-fy2019-budget-request-for-the-department-of-homeland-security/>.

DHS and the interagency continue to heed this warning by focusing on threats from all vectors—air, land, and sea—specifically with U.S. Customs and Border Protection (CBP) efforts at land borders, international airports, and domestic ports; U.S. Immigration and Customs Enforcement (ICE) programs overseas; and the U.S. Coast Guard’s mission in the maritime environment. These efforts are proving critical for protecting the Homeland since, according to Secretary Nielsen as of fiscal year 2017, “on average, my Department now blocks ten known or suspected terrorists a day from traveling to or attempting to enter the United States.”³⁵ While statistics on the number of known or suspected terrorists (KST) and the specific illicit pathways taken to reach the Homeland are often classified, Secretary Nielsen’s candid quote sends a strong message that the United States must never overlook any potential vulnerabilities.

The threat posed by the existence of illicit pathways into the United States highlights that border security is national security, as terrorist groups seek to exploit vulnerabilities amongst our neighbors to fund, support, and commit attacks against the Homeland.

For more context, the Committee identified open source, unclassified cases that represent a sample of the types of individuals and threats that are associated with these illicit routes to the Homeland. The successful prosecution of these and other individuals highlights the vital work carried out by numerous entities—CBP, ICE, DOJ, DHS, FBI, the intelligence community, foreign partners—working every day to protect the Homeland against these threats, as well as the importance of coordination and information sharing. As Deputy Secretary of State Sullivan pointed out in a speech to Latin American partners, “Since September 11th, 2001, if we’ve learned nothing else, we’ve learned that – the hard and valuable lesson that the only way to defeat these malign terrorist plots is for our border security, law enforcement, intelligence, and financial agencies to coordinate and collaborate on all levels.”³⁶

Case Snapshot

Name	Country of Origin	Pathway Exploited	Crimes and Disposition
Moayad Heider Mohammad Aldairi	Jordan	Yemen → Mexico → U.S.	2018: Arrested in July 2018 at JFK International Airport for conspiracy to illegally smuggle Special Interest Aliens from Yemen across the U.S.-Mexico border into Texas. Citizen of Jordan and legal resident of Mexico. ³⁷

³⁵ The Honorable Kirstjen Nielsen, Remarks at the International Homeland Security Forum, Ministry of Public Security, the State of Israel. June 12, 2018. <https://www.dhs.gov/news/2018/06/12/secretary-nielsen-receives-operational-briefing-israeli-security-technology-delivers>.

³⁶ The Honorable John J. Sullivan, “Remarks at the Western Hemisphere Counterterrorism Ministerial.” December 11, 2018. <https://www.state.gov/s/d/2018/288014.htm>

³⁷ “Jordanian National Arrested in New York to Face Charges for a Conspiracy to Bring Aliens into the United States.” Department of Justice, Office of Public Affairs. July 30, 2018. <https://www.justice.gov/opa/pr/jordanian-national-arrested-new-york-face-charges-conspiracy-bring-aliens-united-states>; *See also*, Criminal Complaint, *U.S. v. Aldairi*, No. 2:18-mj-00641-CW (W.D. Tex. 2018).

Sharafat Ali Khan	Pakistan	Pakistan → Dubai → Brazil → Panama → Mexico → U.S.	<u>2017</u> : Sentenced to 31 months in prison for a leadership role in a human smuggling network after pleading guilty to conspiracy to smuggle undocumented migrants from Pakistan, with potential terrorism ties, into the U.S. for profit. ³⁸
Abdullah Omar Fidse	Somalia	Somalia → Mexico → U.S.	<u>2013</u> : Sentenced to eight years in prison for conspiracy to make a false statement during a terrorism investigation and conspiracy to obstruct an immigration proceeding. Made false statements on his asylum application to improve his claim and conceal his ties to and support for al-Shabaab. ³⁹
Ahmed Muhammed Dhakane	Somalia	Somalia → Russia → Cuba → Costa Rica → Guatemala → Mexico → U.S.	<u>2011</u> : Sentenced to 10 years in prison for two counts of making false statements under penalty of perjury to federal authorities concerning his association with terrorist organizations after pleading guilty to lying on his asylum application. Member of al-Barakat and Al-Ittihad Al-Islami (AIAI), both designated by the Department of Treasury as Specially Designated Global Terrorists (SDGT) with links to al-Qaeda. Also ran a large-scale human smuggling enterprise in Brazil and crossed the U.S.-Mexico border illegally. ⁴⁰
Mahmoud Yousef Kourani	Lebanon	Lebanon → Mexico → US	<u>2005</u> : Sentenced to 4.5 years in prison for raising money for Hezbollah after pleading guilty to conspiring to support a terrorist organization. Known as a fighter, recruiter, and fundraiser for Hezbollah (raised over \$40,000). Also paid a Beirut consular officer \$3,000 for a Mexican visa and an additional \$4,000 to be smuggled across the U.S.-Mexico border. ⁴¹

³⁸ “Foreign National Sentenced to 31 Months in Prison for Leadership Role in Human Smuggling Conspiracy.” Department of Justice, Office of Public Affairs. October 17, 2017. <https://www.justice.gov/opa/pr/foreign-national-sentenced-31-months-prison-leadership-role-human-smuggling-conspiracy>; *See also, US v. Khan*, No. 1:16-CR-96 (D.D.C. 2018) (on appeal under *US v. Khan*, No. 17-3081 (D.C. Cir.)).

³⁹ “Somalian Sentenced to Federal Prison for Making False Statements During a Terrorism Investigation.” U.S. Attorney’s Office, Western District of Texas. July 25, 2013. <https://www.justice.gov/usao-wdtx/pr/somalian-sentenced-federal-prison-making-false-statements-during-terrorism>.

⁴⁰ “Somalian Charged with Making False Statements on Application for Asylum,” U.S. Attorney’s Office, Western District of Texas. March 4, 2010. <https://archives.fbi.gov/archives/sanantonio/press-releases/2010/sa030410.htm>. *See also, Government’s Sentencing Memo, U.S. v. Dhakane*, No. 10-CR-194 (W.D. Tex. 2011).

⁴¹ Dr. Matthew Levitt, Iran, Hezbollah, and the Threat to the Homeland: Hearing Before the House Homeland Security Committee, 112th Cong., 2nd sess., March 21, 2012. <https://homeland.house.gov/hearing/hearing-iran-hezbollah-and-threat-homeland/>.

WESTERN HEMISPHERE

SPECIAL INTEREST ALIEN PATHWAYS TO THE U.S. AIR, SEA, AND LAND



“People that were known terrorists had been turned around in Panama and sent back before reaching our shores...[BITMAP] has already proven successful.”
-Former Acting Director of ICE, Thomas Homan

Latin America and the Caribbean are the major initial entry points to the Western Hemisphere for SIAs. Many countries in the region continue to face economic and governance challenges, as well as consistently high levels of violent crime. Additionally, many of the countries in the Americas have lenient visa and immigration policies in place, even for individuals from “special interest” countries. Lastly, the frequency of international flights from “special interest” regions around the world into Latin America and the Caribbean continues to increase. These regional issues create an attractive environment for illicit travel of SIAs and other nefarious actors into the Western Hemisphere with the end goal of reaching the United States.

While there are multiple points of arrival into the Western Hemisphere, Brazil is the top destination for SIAs entering the region. This is due to the ease of international travel into São Paulo, as well as the relaxed visa, immigration, and asylum policies of the country. From Brazil, SIAs continue their travel north through South America, passing through multiple countries that often overlook their movement for various reasons, sometimes with the help of TCOs and smugglers. There are a variety of routes that can be used to reach Central America given the size and diverse geography of South America. Due to the natural chokepoint of the Darien Gap from South America into Central America, Colombia and Panama are critical partners. Their strategic location ensures that

nearly all SIAs seeking to enter Central America from South America will have to transit one of these two countries. Thus, the United States has rightly prioritized ensuring that Colombia and Panama are among our strongest law enforcement allies in the Western Hemisphere, along with our southern neighbor, Mexico.

Brazil

The current immigration framework in Brazil and the vast number of international travelers into the country presents a host of challenges to the Western Hemisphere's security. As one of the primary entry points of the Western Hemisphere, Guarulhos International Airport (GRU) in São Paulo, Brazil, facilitates the most international travelers than any other South American port of entry, totaling more than 40,000 international passengers per day.⁴² To help mitigate potential security threats heightened by the large volume of daily travelers, Brazilian officials have taken encouraging steps to establish a passenger targeting program at GRU – a critical piece in securing their international borders.

Brazilian law enforcement still face challenges regarding travel and immigration security, especially when training officers. Committee staff observed a strong effort by the the Department of State's Bureau of Diplomatic Security in Brazil to address the training and education gaps by offering training sessions to security officials, and airline personnel in country.

All these factors play into the larger issue with a Brazilian immigration system – the asylum process. Almost anyone who enters the country – be it legally or illegally – can claim asylum. They will immediately receive protected status in the country and are given access to a wide range of government provided benefits like food assistance, shelter, medicine, and access to work. In 2017 alone, Brazil received roughly 150 new asylum claims per day and the volume continues to grow.⁴³ While these legal challenges existed at the time of the visit, there has been much discussion that the new President, Jair Bolsonaro, will try to change immigration laws, as he campaigned on a reduction of crime and was extremely critical of Brazilian immigration laws. Of note, he stated “Brazil cannot be a country of open borders” and repeated throughout the campaign trail that Haitians, and Syrian migrants are unwelcome.⁴⁴

Colombia

Colombia currently faces one of the most profound challenges in all of South and Central America – the mass migration from Venezuela. The United Nations International Organization for Migration (IOM) reports that over two million Venezuelans have fled their homeland since 2015, and over a million of them have sought refuge in neighboring Colombia.⁴⁵ This massive exodus of people creates a very real security threat throughout the region.

Colombia serves as the gateway to North America, with the most common illicit route going through the Darien Gap and into Panama. These established routes have long been utilized by narcotraffickers and others. The last major stop in Colombia is a coastal city called Turbo, with a

⁴² <https://www.saopaulo-airport.com/>

⁴³ <https://www.theguardian.com/global-development-professionals-network/2017/jun/15/brazil-refugee-policy-needs-a-radical-overhaul-in-response-to-venezuela-crisis>

⁴⁴ <https://www.theguardian.com/world/2018/oct/11/brazil-steve-bannon-jair-bolsonaro>

⁴⁵ <https://www.iom.int/news/number-refugees-migrants-venezuela-reaches-3-million>

population of 163,000. Migrants arrive there to gather supplies and rest before boarding boats crossing the Gulf of Mexico to a tiny Colombian border town where they begin their hike across the border through swamps and marshes into the dense Panamanian jungle.

On many occasions, Colombian officials have come across individuals who present legitimate state issued Venezuelan passports with fake names, further discrediting the current government's ability to satisfy international standards for issuing travel documents. In fact, in February of 2017, an investigative report titled "Passports in the Shadows," that explored serious allegations of Venezuelan Embassy officials in Iraq selling legitimate Venezuelan passports to individuals with links to terrorist organizations.⁴⁶ A SIA with links to a terrorist organization could potentially possess a legitimate "fake" Venezuelan passport, which permits visa free travel to more than 130 countries around the world, is an extremely serious threat to the national security of the United States and our allies around the world.

The Department of State, working alongside the Department of Homeland Security – most notably ICE-Homeland Security Investigations (HSI) – have taken huge steps in addressing these, and related threats in Colombia.

Panama

Panama has long been a strategic partner to the United States due to its location, transportation infrastructure, use of the U.S. dollar, and financial sector. However, these factors also contribute to the vulnerability of the country to drug trafficking, money laundering, and human smuggling, which all aid in the movement of SIAs toward North America.

The Darien Gap, plays a crucial role in these regional challenges. While the Darien Gap can be geographically advantageous for law enforcement purposes since it serves as a natural bottleneck from South America into Central America, this dense and rough jungle terrain also facilitates an extraordinary amount of illicit travel throughout the hemisphere, as it is nearly impossible for Colombian and Panamanian law enforcement to gain full situational awareness and monitor the entire area. That is why it is critical that the U.S. continue to support these foreign partners and their efforts to interdict SIAs and other nefarious actors operating in this dangerous environment. Doing so "pushes out" our borders and helps to decrease the number of SIAs who make it through Central America en route to Mexico.

Costa Rica

The United States maintains a very good relationship with Costa Rica. Our presence in Costa Rica is robust, with many law enforcement programs in country supported by strong relationships between the Department of State, the Department of Homeland Security and Costa Rican law enforcement agencies. Recently, DHS and Costa Rica have partnered to engage in real time information sharing programs that enhance the security of both countries related to immigration, travel, and transportation security. Costa Rican law enforcement officials are strong partners and have embraced enhanced technology and training methods to use biometric data in mitigating national security threats at their borders.

⁴⁶ <https://www.cnn.com/2017/02/08/world/venezuela-passports-investigation/index.html>

Like many other Central American countries, Costa Rica offers migrants a transit visa, that allows individuals who do not present an apparent threat 25-days to exit the country. During the 25 days, they are provided shelter, food, clothes, medicine, and other humanitarian services. In order to obtain the transit visa you must pay a nominal immigration fee (\$29 dollars), and submit to biometric screening that is then run against a criminal database that is shared between Panamanian and Costa Rican law enforcement agencies. Following the screening, those who are a major threat are considered for deportation or repatriation, and those who are not will be issued the visa and provided humanitarian services.

Guatemala

Guatemala is a major transit point for illicit trafficking through the Americas and continues to face mounting challenges when it comes to securing their international borders and corruption. The recent movement of major U.S.-bound migrant caravans have highlighted these challenges. Like many other South and Central American countries, Guatemala faces an uphill battle on border security due to the rugged and densely forested terrain along the Sierra Madre Mountains that stretch through the entire central region of Guatemala.

The premier police force that carries out border security operations is the Guatemalan Interagency Task Force (IATF), tasked with mitigating the illicit trafficking of arms, narcotics, bulk cash, and humans through their international corridors. The IATF is made up of personnel from the Guatemalan Army and State and Federal Police. Specifically, IATF Tecun Uman covers a 91 mile stretch of the Guatemalan-Mexico border consisting of over 1,500 troops and spread among three squadrons that specialize in combat tactics, reconnaissance, security, and drug and human trafficking interdiction operations. In 2017, IATF Tecun Uman carried out 2,870 operations against narcotics and human traffickers.

In addition to IATF, the Department of Homeland Security has been conducting a very successful program in Guatemala to identify and support the dismantling of TCO networks throughout the region. Through its International Operations Division, ICE-HSI provides Guatemalan authorities advanced law enforcement training in the areas of investigative assistance and prosecution. ICE-HSI currently has investigators, officers, customs officials, immigration officials and prosecutors that are trained by Department of Justice attorneys. This robust specialized program is capable of conducting an entire investigation from the initial lead to the conviction, with a focus on crimes specific to transnational criminal networks, with a particular focus on human smuggling.

Mexico

TCOs in Mexico have extensive networks set up to smuggle people and drugs through the southwest border of the United States. The fee for smuggling people into the United States can range from thousands to tens of thousands of dollars. DHS estimates that cartels make about \$500 million each year from smuggling migrants across the border between the ports of entry.⁴⁷ Cartel presence, influence, and power throughout Mexico is ubiquitous, and the smuggling or trafficking

⁴⁷ *Authorities and Resources Needed to Protect and Secure the United States: Hearing before the Committee on Homeland Security and Governmental Affairs, Senate, 115th Cong. 2 (2018).*

of unauthorized migrants is a way for them to “diversify their revenue streams.”⁴⁸ The commoditization of the smuggling business generates the ability of anyone to cross into the United States illegally—from economic migrants to KSTs.

The smuggling of people across our southwest border enriches the cartels and empowers them to traffic more people and illegal drugs into the Homeland. Cartels are highly networked organizations with built-in redundancies that can adapt quickly in response to intelligence collected on U.S. border security and law enforcement operations. They conduct extensive counter-surveillance against our agents by placing spotters or scouts on mountains, using the high ground to guide smugglers away from Border Patrol and other detection assets. Smugglers not operating under a wing of a cartel are required to pay “taxes” and fees for access to smuggling routes through specific geographic areas.⁴⁹ The prevalence of TCOs in Mexico increases the threat of SIA travel to the southwest border, as they maintain illicit pathways through the region that could be exploited by terrorists and other nefarious actors.⁵⁰

Recently, Mexico has stepped up its efforts to combat the migrant caravans coming in from Honduras, which has included several SIAs, and potentially KSTs travelling towards the U.S. border. Mexico does not have a formal equivalent of U.S. Border Patrol or border police. The Mexican National Institute of Migration (INM) is the only agency with legal authority to detain migrants, with some assistance from the federal police.⁵¹ INM agents are not armed but are responsible for cracking down on dangerous migrant routes that often involve trains and buses heading north. Mexico also lacks the infrastructure and capacity to repatriate SIAs of national security concern especially outside the hemisphere, which would be a helpful tool to combat dangerous travelers coming to the United States.

Maritime Environment

The United States Coast Guard (USCG) has primary jurisdiction over patrolling the maritime border, conducting counter-drug and migrant interdiction operations, as well as search and rescue missions. As an independent member of the intelligence community, the Coast Guard has the enhanced ability to conduct intelligence-based operations, utilizing assets such as maritime patrol aircraft, surface assets with armed helicopters, and boarding teams armed with biometric capabilities, to execute migrant and drug interdictions at sea.

Cartels continue to adapt their vessels to defeat Coast Guard tactics, by covering engines with steel plating to prevent engines from being disabled by USCG sharpshooters and utilizing semi-submersible vessels to avoid detection.

⁴⁸ Correa-Cabrera, Dr. Guadalupe (2017). *Trafficking in Persons Along Mexico’s Eastern Migration Routes: The Role of Transnational Criminal Organizations*. Washington, D.C.: Woodrow Wilson International Center for Scholars.

⁴⁹ United States. Cong. House. Committee on Homeland Security. *Hearing on Defeating a Sophisticated and Dangerous Adversary: Are the New Border Security Task Forces the Right Approach?* April 4, 2017. 115th Cong. 2nd sess. Washington: GPO, 2017 (statement of Janice Ayala, Director, DHS Joint Task Force for Investigations).

⁵⁰ <https://www.dhs.gov/news/2017/02/16/written-testimony-cbp-house-homeland-security-subcommittee-border-and-maritime>

⁵¹ <https://fas.org/sgp/crs/row/IF10215.pdf>

Canada

The United States-Canada Border is also susceptible to exploitation by SIAs given its vast size and diverse terrain. The U.S.-Canada border is the longest land boundary shared between two countries in the world, stretching over 5,500 miles long. CBP operates more than 120 land ports of entry (POEs) and 17 ferry land crossings, and processes on average over 60 million international travelers and 27 million vehicles annually. However, there are just over 2,000 U.S. Border Patrol (USBP) Agents assigned to the northern border, compared to over 17,000 at the southwest border.

The geographic diversity along the northern border inhibits a single set of uniform security measures from being deployed. The rough terrain of the Cascades and Rocky Mountain ranges in the Pacific Northwest make it difficult to detect illegal crossings. In the sparsely populated areas of vast wilderness, minimal infrastructure and limited road networks inhibit the rapid deployment of response personnel and resources. More than 2,000 miles of the border also cut across waterways including four of the five Great Lakes. Another limitation being that approximately 90 percent of the Canadian population lives within 100 air miles of the U.S. border.

Due to the unique terrain, much of the enforcement activity relies on intelligence-driven assessments. However, CBP is unable to meet their operational requirements due to personnel shortages. There are currently almost 200 Border Patrol Agent vacancies in northern border sectors. Temporary relocations of staff from the northern border to the southwest border, as well as recruitment and retention challenges contribute to these shortages.

CURRENT PROGRAMS

Biometric Identification Transnational Migration Alert Program (BITMAP)

The Biometric Identification Transnational Migration Alert Program, or BITMAP, has proven to be an effective tool to identify national security threats and stop them before they reach the United States. BITMAP is currently deployed in many countries on five continents, and was first initiated in 2011. This ICE-Homeland Security Investigations (HSI) led program enables partner-country law enforcement officers to collect biographic and biometric data on SIAs transiting their countries en route to the United States. This data is shared with U.S. law enforcement partners to determine which SIAs pose a security threat to the U.S. and the partner country. Given the large number of SIAs transiting the Western Hemisphere, BITMAP is vital to ensuring the United States knows which individuals pose a threat before they reach the Homeland. BITMAP plays a key role in ensuring that the United States is pushing our borders out at every location to prevent SIAs, KSTs, and other criminals from reaching the U.S. border.

In the last few years alone, BITMAP has identified several hundred KSTs along the illicit pathways into the United States. The biographic and biometric information received from partner nations continues to enrich U.S. databases on criminals and terrorists. When responding to Committee Staff questions for the record, Rear Admiral Hendrickson of U.S. Southern Command, stated that, “we will continue to work closely with partner nations to help them identify, track, and interdict

the flow of SIAs through their borders and before it reaches the U.S. Improved awareness requires improved dissemination of information.”⁵²

During a 2018 hearing, ICE-HSI Assistant Director Raymond Villanueva praised BITMAP for enhancing interoperability among multiple USG equities, saying “[BITMAP] helps provide infrastructure and capability for host governments to collect biometric data on individuals they encounter... this information is shared with U.S. law enforcement and the intelligence community... through this process, HSI, CBP, and DOD are able to track movement towards the United States, take joint action with partner nations along the route, and deter human smuggling through south and Central America.”⁵³

*BITMAP Enrollment Highlights – KST Matches*⁵⁴

2018: Subject was encountered and enrolled in BITMAP at an international airport minutes before boarding.

- BITMAP results revealed subject was a biometric match to a U.S. person and had an active U.S. issued INTERPOL Red Notice for Domestic Terrorism.
- Subject was traveling with two fictitious passports from two high threat countries.
- After verification of subject’s true identity, subject was expelled from the partner nation and turned over to U.S. authorities to face criminal charges.

2018: Subject and several co-conspirators were encountered and enrolled in BITMAP in the same Central American partner nation.

- Credible information revealed subjects’ attempt to enter the U.S via a vessel. Subjects are currently being held by the partner nation pending further investigation and action.

2015: Subject was encountered and enrolled in BITMAP by partner nation border police. Biometrics confirmed ties to terrorism.

- Subject was detained and repatriated from Central America to the high threat home country in the Eastern Hemisphere in 2016.

2013: U.S. Government assets recovered an Improvised Explosive Device (IED) with identifiable fingerprints in a high threat country with active U.S. military engagement. Fingerprint data was stored for further exploitation.

- **2018:** Subject was encountered and enrolled in BITMAP in a country with a high volume of refugee transit.
- Subject’s fingerprints matched the IED recovered by U.S. Government assets in 2013.
- Subject is currently detained by partner nation awaiting deportation to the home country.

Repatriation

The practice of repatriating migrants back to their home countries should be viewed through the lenses of countering a potential terrorist attack, securing the border, and strengthening our national security. When migrants are repatriated from third countries, we not only lower the threat and the volume, but also save taxpayer dollars by not having to spend money on detention and other measures when migrants reach and cross our borders. According to ICE, on average it costs

⁵² QFRs from Rear Admiral Hendrickson, U.S. Southern Command

⁵³ <https://foreignaffairs.house.gov/hearing/subcommittee-hearing-combatting-transnational-criminal-threats-in-the-western-hemisphere/>

⁵⁴ ICE-HSI International Operations

\$133.99 a day to maintain one adult detention bed. However, immigration groups have put that number at closer to \$200 per day. The average stay for an illegal immigrant in an ICE facility is estimated at around 44 days, indicating that the low end of the price tag for the taxpayers is around \$5,895 per detainee, and can cost up to \$8,800 by some estimates.⁵⁵ Furthermore, DHS has projected that there will be an average of 51,379 individuals held in detention centers each day in FY 2018, costing the taxpayers millions of dollars by even the most conservative estimates.⁵⁶ Repatriating individuals back to their home is a common sense policy that will strengthen our security while saving the taxpayers millions of dollars that can be used more effectively.

Recently, Guatemala and Mexico have taken the initiative to begin repatriating thousands of migrants traveling to the United States as part of the Central American caravans that formed in Honduras and El Salvador. By taking these early steps to remove known criminals and violent actors from the large caravans moving north, Guatemala and Mexico have shown their commitment to address the security threats these nefarious characters pose to their citizens. Since October of this year, Guatemala and Mexico have repatriated nearly 10,000 migrants back to their country of origin.⁵⁷

Mérida Initiative

The Mérida Initiative is a security partnership between the United States and Mexico established in 2008. The four objectives of the partnership include: disrupting the capacity of organized crime to operate, institutionalizing the capacity to sustain rule of law, creating a 21st century border structure, and building strong and resilient communities. Since FY2008, U.S. appropriations for the Mérida Initiative make up about 2% of Mexico's total security budget and have enabled the U.S. government to help shape Mexico's policies.⁵⁸ While the Mérida Initiative has advanced law enforcement cooperation and intelligence sharing between the two countries, homicides in Mexico and opioid-related deaths in the United States have continued to surge.⁵⁹ Chairman McCaul and other Members of Congress sent a letter to the Government Accountability Office in May 2018, urging a review of the Mérida Initiative as evidence from Congressional oversight efforts has demonstrated a need for an independent impact assessment to ensure the partnership is meeting U.S. objectives.⁶⁰

Trump Administration officials have held eight Cabinet-level dialogues on security with the Mexican government focused on attacking the TCOs' business model. Bilateral cooperation on security and migration issues has continued, despite Mexico's opposition to some of the Administration's policies. A renegotiation of the Mérida Initiative will likely occur between the U.S. and Mexico following the inauguration of new President Andrés Manuel López Obrador on December 1, 2018.

⁵⁵ <https://www.cnn.com/2018/06/20/cost-us-immigrant-detention-trump-zero-tolerance-tents-cages.html>

⁵⁶ *ibid*

⁵⁷ Information received from U.S. Customs and Border Protection Telecon: Update on Central American Migrant Caravan, November 26, 2018.

⁵⁸ <https://fas.org/sgp/crs/row/IF10578.pdf>

⁵⁹ *Ibid*.

⁶⁰ <https://cook.house.gov/media-center/press-releases/cook-sires-mccaul-castro-request-gao-review-of-m-rida-initiative>

Central America Regional Security Initiative

The Central America Regional Security Initiative (CARSI) is a U.S.-led initiative in conjunction with Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama to provide equipment, training, and technical assistance to address security challenges and the underlying social and political factors that contribute to them.⁶¹ CARSI is coordinated with the U.S. International Agency for Development (USAID) and the seven Central American countries mentioned above. U.S. assistance provided through CARSI also supports specialized law enforcement units that are vetted by, and work with, U.S. personnel to investigate and disrupt the operations of transnational gangs and trafficking networks. Since FY2008, Congress has appropriated nearly \$1.2 billion for CARSI.⁶²

Department of State Bureau of International Narcotics and Law Enforcement Affairs Efforts

The Bureau of International Narcotics and Law Enforcement Affairs (INL) at the U.S. Department of State advises the Secretary of State and other agencies within the U.S. Government on the development of policies and programs to combat international narcotics and crime. INL programs aim to reduce the entry of illegal drugs into the United States and minimize the impact of international crime on the United States and its citizens. INL's counter-narcotics and anti-crime programs also complement the war on terrorism, both directly and indirectly, by promoting modernization of and supporting operations by foreign criminal justice systems and law enforcement agencies charged with the counter-terrorism mission.⁶³

Throughout Central and South America, INL continues to go to great lengths to support foreign law enforcement agencies, and strengthen the rule of law. Working closely with DHS entities, including CBP and ICE-HSI international operations personnel, INL provides funding and conducts security training and education events for foreign law enforcement who work at the local, state, and federal levels. INL plays a very crucial role in maintaining strong foreign partnerships and national security abroad.

Operation CITADEL

Operation CITADEL is a multinational criminal investigative effort led by ICE-HSI to disrupt and dismantle transnational criminal organizations (TCOs) human smuggling networks throughout South and Central America, Mexico, and the Caribbean. U.S. Southern Command is playing a key role in this effort, specifically in its support to investigations being conducted by law enforcement. Rear Admiral Hendrickson stated that, “Our support primarily involves the provision of intelligence and collections support and when appropriate we are prepared to assist in other operational support activities authorized in 10 U.S.C. § 284. Of particular importance is our ability to assist law enforcement with biometrics exploitation, equipment, and training.”⁶⁴ Interagency information sharing and collaboration from agencies within DHS, the Department of State, DOJ, and DOD, as well as participating partner nations, have been essential to addressing the

⁶¹ <https://www.state.gov/j/inl/rls/fs/2017/260869.htm>

⁶² <https://fas.org/sgp/crs/row/R41731.pdf>

⁶³ <https://www.cbp.gov/border-security/international-initiatives/international-training-assistance/inl>

⁶⁴ Rear Admiral Hendrickson QFR responses

transnational threats posed by human smuggling networks. In FY2017 alone, Operation CITADEL effected the training of 809 partner national personnel, 231 criminal arrests, 54 indictments, nine convictions, 2,005 BITMAP enrollments, seizures of \$252,235, 18,224 pounds of narcotics, seizure of 27 firearms, and encountered 3,669 aliens of possible national security concern.⁶⁵

Immigration Advisory Program

The Immigration Advisory Program (IAP) is part of CBP's multi-layered security strategy to push out our borders by partnering with allied foreign governments across the world. The IAP program was established in 2004 and deploys CBP Officers to major Last Point of Departure (LPD) airports. These CBP Officers review passenger information and/or assess passenger documentation prior to their U.S.-bound flights. IAP officers make "no board" recommendations to carriers and host governments regarding passengers bound for the United States.

Under the IAP, these CBP Officers may also assist air carriers and security employees with: document examination and traveler security assessments; provide training to air carrier and host-country authority staff; analyze electronic passenger information and passenger reservation data to identify potential threats; and engage air carriers and travelers to confirm potential terrorist watchlist matches.

CBP Officers are currently operating in this capacity at 12 international LPD airport locations with direct flights to the United States. The number of "no board" recommendations that was last publicly made available was at 3,925.⁶⁶ According to DHS, that number increased in fiscal year 2017 to 4,328.

Joint Security Program

CBP established the Joint Security Program (JSP) in 2009 to partner with host country law enforcement officials to identify high-risk travelers at international airports. At JSP airports, CBP Officers may question travelers and review their travel documents. They act in an advisory manner to the air carriers and host governments and do not have authority to deny boarding to individuals on U.S.-bound flights or fully inspect travelers or their belongings. IAP and JSP officers are authorized by CBP to make "no board" recommendations about selected travelers based on their likely admissibility status upon arrival to the United States. The final decision to board travelers, however, lies with the carriers.

Preclearance

CBP's Preclearance operations are an additional layer of security and screening abroad to mitigate the threat, as well as stop nefarious actors – including KSTs. At these locations the host nation allows uniformed CBP Officers to inspect and clear commercial passengers on their soil, prior to boarding an aircraft bound for the United States. Preclearance operations involve the same comprehensive inspection and examination of travelers and their merchandise in foreign locations

⁶⁵ Written Testimony of ICE Homeland Security Investigations International Operations Assistant Director Raymond Villanueva for a House Committee on Homeland Security, Subcommittee on Counterterrorism and Intelligence hearing titled "Combating Transnational Gangs Through Information Sharing". January 18, 2018.

⁶⁶ <https://www.gao.gov/assets/690/682255.pdf>

prior to embarking aircraft bound for the United States as they would receive at a U.S. airport of entry. Once cleared on foreign soil, passengers do not have to go through customs upon arrival to the United States.

CBP has more than 600 law enforcement officers stationed at 15 Preclearance locations in six countries: Dublin and Shannon in Ireland; Aruba; Freeport and Nassau in The Bahamas; Bermuda; Abu Dhabi in the United Arab Emirates; and Calgary, Toronto, Edmonton, Halifax, Montreal, Ottawa, Vancouver, and Winnipeg in Canada. In Fiscal Year 2017, CBP personnel stationed abroad precleared more than 19 million travelers, representing over 16 percent of all commercial air travelers to the United States.⁶⁷

Preclearance authority was initially provided in the *Immigration and Nationality Act of 1952*, and its authorities have been modified and expanded in subsequent legislation, including *H.R. 998, the Preclearance Authorization Act of 2015*, which became law as part of *P.L. 114-125, the Trade Facilitation and Trade Enforcement Act of 2015*.

Automated Targeting System-Global (ATS-G)

The U.S. Customs and Border Protection Automated Targeting System-Global (ATS-G) program is a risk assessment platform that compares airline passenger and cargo manifests against national security related screening data bases and other records for clues that may reveal high-risk travelers. This program has been a hugely effective passenger vetting tool that DHS uses to identify possible terrorists attempting to enter the United States. By sharing this information throughout the world with our foreign partners, DHS can vastly improve how travelers flying in and out of the country are vetted. The ATS-G system provided to our partner countries includes a free software license, free installation tailored to a partner's needs as well as technical support and training.⁶⁸ By providing our partners with this capability, supported by CBP, we are building relationships that are instrumental to the national security of the U.S., sharing valuable information, and creating trust among our international partners abroad.

Border Enforcement Security Task Force

There are 42 Border Enforcement Security Task Force (BEST) teams nationwide comprised of over 1,000 members from over 150 law enforcement agencies. BEST Teams operate at the northern and southwest land borders, major seaports, and international airports from Hawaii to Puerto Rico. Each team focuses on disrupting criminal smuggling and trafficking operations and on denying criminal organizations the opportunity to transport illicit funds. Since its creation in 2005, BEST teams have opened more than 9,000 cases.

One significant advantage of the BEST task force model is the participation and integration of foreign law enforcement personnel to address criminal activity on both sides of the border. For example, on the northern border, Canadian law enforcement participation includes representatives from the Royal Canadian Mounted Police (RCMP), the Canada Border Services Agency (CBSA), the Ontario Provincial Police, the Niagara Regional Police Service, the Windsor Police Service,

⁶⁷ <https://www.cbp.gov/sites/default/files/assets/documents/2018-Feb/CBP-FY17-Trade-and-Travel-Report-Final.pdf>

⁶⁸ <https://www.cbp.gov/frontline/cbp-national-targeting-center>

the Peel Regional Police Service, the Akwesasne Mohawk Tribal Police, the Toronto Police Service, and the Police Nationale du Québec Sûreté (Quebec Provincial Police).

Integrated Border Enforcement Team

Integrated Border Enforcement Teams (IBETs) are comprised of five core agencies, which have law enforcement responsibilities at the shared northern border: ICE, CBP, USCG, RCMP and CBSA. Currently, a total of 15 IBETs are operating along the northern border. This longstanding, bi-national partnership has enabled the participating law enforcement partners to share information and work together daily with other local, state, and provincial enforcement agencies on issues related to smuggling, organized crime, the vulnerabilities associated with unguarded roads, and other criminal activities along the U.S.-Canada border at and between the ports of entry.

Regional Carrier Liaison Groups (RCLG)

CBP established RCLGs in 2006 to assist air carriers with questions regarding U.S. admissibility requirements and travel document authenticity at domestic airports. RCLGs are located in New York, Miami, and Honolulu. According to CBP officials, RCLGs are responsible for coordinating with air carriers on all actionable referrals from CBP's National Targeting Center (NTC) on U.S. bound travelers departing from an airport without an IAP, JSP, or Preclearance presence. Each RCLG is assigned responsibility for travelers departing out of a specific geographic location outside the area of responsibility of Preclearance locations. CBP Officers in RCLGs also make no-board recommendations as appropriate to air carriers. These Officers do not have authority to make final admissibility determinations about U.S.-bound air travelers though, and the final decision to board or not board a traveler lies with the carrier.⁶⁹

RECOMMENDATIONS

Authorize the Biometric Identification Transnational Migration Alert Program (BITMAP)

[See description above]

Introduced by Committee Chairman, Rep. Michael McCaul (R-TX), *H.R. 6439, the Biometric Identification Transnational Migration Alert Program Authorization Act of 2018*, passed the House on September 4, 2018 with a bipartisan vote of 272-119, and passed the Senate Homeland Security and Governmental Affairs Committee, as amended, by unanimous consent on September 26, 2018. Authorizing BITMAP will illustrate Congress's support and priorities for ICE as it implements this critical national security program that seeks to push out our borders. The full Senate is encouraged to take up this measure.

Additionally, the House Appropriations Committee's proposed Fiscal Year 2019 Department of Homeland Security Appropriation bill, released on July 18, 2018, includes \$20,000,000 for

⁶⁹ <https://www.gao.gov/assets/690/682255.pdf>.

BITMAP, which is \$7,000,000 above the President's request.⁷⁰ These additional funds will have a major impact on the program by increasing the number of HSI agents working with foreign partners, improving the technology used to support the program, and increase the training for foreign partners that share this crucial information. Therefore, the Senate should accede to the House funding level in the final DHS Appropriations bill in order to improve this critical national security program.

Authorize CBP's Immigration Advisory Program (IAP)

[See description above]

Introduced by Border and Maritime Security Subcommittee Chairwoman, Rep. Martha McSally (R-AZ), *H.R. 5207, the Immigration Advisory Program Authorization Act of 2018*, passed the House on June 25, 2018 by voice vote. Authorizing IAP will illustrate Congress's support and guidance for CBP as it implements this important national security program. The Senate did not take up this measure.

Authorize DHS' Office of Biometric Identity Management (OBIM)

OBIM is the lead agency at DHS that handles biometric identity services in support of anti-terrorism, counterterrorism, border security, credentialing, national security, and public safety efforts. OBIM's biometric matching services support the storing, sharing, and analyzing of biometric data, such as fingerprint records, across the federal government, enabling larger efforts including the implementation of biometric entry/exit at ports of entry.

Introduced by Border and Maritime Security Subcommittee Chair, Rep. Martha McSally (R-AZ), *H.R. 5206, the Office of Biometric Identity Management Authorization Act of 2018*, passed the House on June 25, 2018 by voice vote. The authorization of OBIM will enhance the federal government's capacity to store and analyze the biometric data of terrorists and other bad actors, which will support DHS programs that operate outside the border, including BITMAP. The Senate Homeland Security and Governmental Affairs Committee marked up this bill on September 26, 2018 and reported it to the Senate Floor with a favorable recommendation.

Conduct U.S. Southwest Border Threat Analysis

Given the numerous and evolving threats that can reach the Homeland from all over the world, it is imperative that the U.S. prioritize securing the southwest border. An important first step is to identify the numerous threats facing the southern approaches, both those from within the hemisphere and those stemming from special interest countries and regions around the globe. DHS must conduct a southwest border threat analysis to gain a full understanding and strategy for addressing these challenging threats.

Introduced by Border and Maritime Security Subcommittee Chairwoman, Rep. Martha McSally (R-AZ), *H.R. 3436, the Southwest Border Security Threat Assessment Act of 2017*, requires DHS to submit a southwest border threat analysis assessing current and potential terrorism and criminal threats posed by individuals and groups seeking to unlawfully enter or exploit the vulnerabilities

⁷⁰ "Appropriations Committee Releases Fiscal Year 2019 Homeland Security Bill." House Committee on Appropriations, Subcommittee on Homeland Security. Washington, DC, July 18, 2018. <https://appropriations.house.gov/news/documentsingle.aspx?DocumentID=395381>.

of the southwest border, as well as any improvements needed. If DHS, specifically CBP and ICE, do not carry out this needed threat analysis then Congress should require it via legislation.

Conduct U.S. Maritime Border Threat Analysis

As discussed in the previous recommendation, border security must remain a top priority for upholding the national security of the Homeland. This includes not only the northern and southern land borders, but the maritime border as well, which is vulnerable to terrorist and criminal elements, especially illicit drugs and other goods. Conducting a maritime border threat analysis is a critical first step in ensuring these threats and pathways are identified and mitigated.

Introduced by Resident Commissioner Jenniffer Gonzalez-Colon (R-PR), H.R. 5869, the *Maritime Border Security Review Act*, was signed into law as part of the FAA Reauthorization Act of 2018 (P.L. 115-254). This law requires DHS to submit a maritime border threat analysis that includes an identification and description of current and potential terrorism and criminal threats posed by those seeking to unlawfully enter the country through the maritime border or exploit its vulnerabilities, as well as any improvements needed to prevent terrorists, criminals, and criminal elements from entering the country through this route.

Conduct U.S. Port of Entry Threat Analysis

Our Nation's Ports of Entry (POE) are the last line of defense to ensure that those that seek to do us harm do not gain access to the United States. With many U.S. ports of entry built forty to fifty years ago, most were never designed for post 9/11 security measures or the increased volume of traffic.

Introduced by Congresswoman Debbie Lesko (R-AZ), H.R. 6400, the *Port of Entry Threat and Operational Review Act*, passed the House by voice vote on September 4, 2018; and presented to the President for signature on December 21, 2018. The bill requires the Secretary of Homeland Security to conduct a threat and operational analysis of all United States air, land, and sea ports, followed by a strategy and implementation plan. The analysis will include an assessment of current and potential threats posed by individuals and organized groups seeking to exploit security vulnerabilities at ports of entry, and methods and pathways used by such individuals and groups. In addition, this assessment will identify improvements needed at POEs to prevent the unlawful movement of people, illicit drugs, and other contraband across the U.S. border, and to reduce wait times. Personnel, technology, and infrastructure needs and estimated costs will also be considered in the analysis. The Senate is encouraged to take up this measure (S. 3706 is the Senate companion bill).

Authorize DHS Repatriation Authority

A major problem that the Committee saw throughout its investigation is the general inability of our regional partners to repatriate individuals back to their home countries. Due to several challenges—including a lack of funding, diplomatic ties, and technical capability—many countries are unable to detain and remove SIAs or other migrants to countries outside the Western Hemisphere. The cases where this does occur are quite limited and often include the facilitation of a third country, namely the United States or Mexico. For example, if an SIA from an Asian country enters Panama, which seeks to remove that individual back to the Asian country, then Panama may

have to rely on U.S. diplomatic ties with that country, as well as U.S. technical assistance and expertise to carry out the removal of that individual.

However, the authority of U.S. entities to assist the repatriation of individuals from foreign countries is limited and unclear. As the department responsible for immigration and removal, DHS does not have authority to provide foreign assistance; and, as the department responsible for foreign assistance, DOS does not have the authority to fund operational activities such as repatriation and removal.⁷¹ Congress should therefore provide DHS the authority to give financial assistance to foreign partners to support the repatriation of individuals that impact the security of the United States. This will be a major tool for thwarting any potential threats before they reach the Homeland, while also improving security and decreasing migration flows throughout the Western Hemisphere. Additionally, while it will require additional funding on the front end to our regional partners, it will greatly reduce the amount of money spent on processing, detaining, and removing individuals after they reach our border.

To address these challenges, Chairman McCaul introduced the *Repatriation Assistance Act of 2018*, on September 28, 2018. This legislation will give DHS the authority to provide financial support to foreign governments so they can return individuals from outside the Western Hemisphere to their home country who pose a national security threat to the United States. The House failed to act on this legislation during the 115th Congress.

Better Support Transnational Criminal Investigative Units (TCIU)

Another critical DHS tool for working with our foreign partners includes Transnational Criminal Investigative Units (TCIU). According to HSI International Operations Assistant Director Villanueva, “TCIUs are comprised of foreign law enforcement officials, customs officers, immigration officers, and prosecutors who receive ICE training and undergo a strict vetting process to ensure that shared information and operational activities are not compromised.”⁷² This allows ICE to directly share information and work on investigations with trusted foreign partners without being hamstrung by jurisdictional or other international challenges. Collecting important evidence and intelligence on potential threats to the Homeland well before they reach our borders is a crucial way DHS can continue to push the border out. Congress should ensure that sufficient funding exists for TCIU training and assistance.

Increase Interagency Coordination Through a Western Hemisphere Task Force

The U.S. Government must never forget the lessons learned from the attacks on September 11, 2001. One of the core issues identified by the 9/11 Commission was the lack of information sharing among U.S. intelligence and the law enforcement community. While multiple agencies had partial information on the hijackers, derogatory information was never comprehensively pieced together to facilitate a government-wide effort to interdict the terrorists.⁷³ This exposed a technical and capability gap in the American national security structure, which was largely addressed by the

⁷¹ Committee Staff Delegation to the Republic of Panama, the Republic of Colombia, and Mexico, May 2018.

⁷² Raymond Villanueva, Combating Transnational Gangs Through Information Sharing: Hearing Before the House Homeland Security Committee, Subcommittee on Counterterrorism and Intelligence, 115th Cong., 2nd sess., January 18, 2018. <https://www.dhs.gov/news/2018/01/18/written-testimony-ice-house-homeland-security-subcommittee-counterterrorism-and>.

⁷³ National Commission on Terrorist Attacks upon the United States, The 9/11 Commission Report. Washington, DC, 2004. <https://www.9-11commission.gov/report/911Report.pdf>.

creation of DHS, the National Counterterrorism Center (NCTC), and FBI's Terrorist Screening Center (TSC). However, it also revealed jurisdiction and bureaucratic conflicts given the number of national security and law enforcement entities involved in protecting the Homeland.

The Western Hemisphere is certainly no exception to these issues, where DOD's Northern Command (NORTHCOM), Southern Command (SOUTHCOM), DHS, DOS, CBP, ICE, the FBI, DOJ, and the Intelligence Community and others all play critical roles in stopping terrorists, smuggling organizations, and criminals from reaching the Homeland. While each entity brings important expertise to the mission, it is paramount that the various departments and agencies are properly sharing information, coordinating efforts, and leveraging their existing authorities. Congress and the Executive Branch must continuously review the missions and capabilities of the numerous national security entities that operate overseas to ensure that the broader government effort properly maximizes the authorities and expertise of the respective entities while avoiding the pre-9/11 jurisdiction conflicts and stove-piping of information.

Additionally, given the numerous pathways that are exploited by SIAs headed to the United States via air, land, and sea—all biographic and biometric information must be shared so an individual is not able to circumvent U.S. authorities. For example, ICE collects such information from land routes via the BITMAP program and the Coast Guard collects similar information in the maritime environment through its "Biometrics at Sea" program, while CBP collects advance passenger information in the aviation arena. DHS must ensure that data from all avenues is coordinated, shared within the Department, and to the broader interagency to prevent an individual from falling through the cracks.

To facilitate such critical information sharing, the Administration should create a Western Hemisphere-focused interagency task force, which could be housed within an existing entity, such as a DHS Joint Task Force (JTF), SOUTHCOM's Joint Interagency Task Force South (JIATF-S), or CBP's National Targeting Center (NTC). This task force should enable all relevant national security entities to consolidate resources, share critical information in real-time, and execute one government-wide mission of protecting the Homeland.

Create Inter-American Information Sharing System

The mass movement of foreign terrorist fighters from Europe into ISIS's caliphate in Iraq and Syria since 2011 exposed how vulnerable countries and regions can be without comprehensive information systems. These systems allow individual countries to maintain a central repository of data for numerous categories of interest—immigration, criminal records, terror threats, etc. Additionally, as evidenced by the creation and evolution of Europe's Schengen Information

While there are certainly numerous legal issues to consider regarding jurisdiction, sovereignty, and data protection, the Committee assesses that a Western Hemisphere information system would greatly enhance the region's ability to coordinate and communicate data on SIAs and other security threats. It would also encourage more buy-in and information sharing from regional partners. As it has done in assisting numerous allies in creating and improving their own information systems, the United States should drive this effort by utilizing its expertise and existing infrastructure to help its neighbors.

This inter-American system could be built into a current program such as DHS Joint Task Force-East's (JTF-E) Western Hemisphere Illicit Pathways (WHIP) Initiative, which, according to its

former Director, Vice Admiral Schultz, promotes “information sharing and collaboration with our partner nations to fight against [Transnational Criminal Organizations] in Central America and Special Interest Aliens transiting through Central America and the Caribbean.”⁷⁴ The inter-American information system should also leverage the role of the Organization of American States (OAS) throughout the region, which boasts security as one of its four main pillars.⁷⁵ Additionally, the U.S. should support South and Central American countries in the bilateral or multilateral sharing of security information. While the Western Hemisphere is not nearly as interconnected as Europe, there are still important steps that can be taken to improve information sharing and security coordination throughout the region. The United States should take a leading role in this initiative.

⁷⁴ Vice Admiral Karl Schultz, Defeating a Sophisticated and Dangerous Adversary: Are the New Border Security Task Forces the Right Approach?: Hearing Before the House Homeland Security Committee, Subcommittee on Border and Maritime Security, 115th Cong., 1st sess., April 4, 2017. <https://www.dhs.gov/news/2017/04/04/written-testimony-dhs-jtf-east-director-house-homeland-security-subcommittee-border>.

⁷⁵ Organization of American States, What We Do. http://www.oas.org/en/about/what_we_do.asp.

APPENDIX

Previous Task Force Bills that Became Public Law:

H.R. 158 (P.L. 114-113)	Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015 (as part of H.R. 2029 – the Consolidated Appropriations Act of 2016)	Candice Miller (R-MI)
H.R. 4402 (P.L. 114-328)	Foreign Fighter Review Act of 2016 (as part of S. 2943 – National Defense Authorization Act for Fiscal Year 2017)	Will Hurd (R-TX)
H.R. 4408 (P.L. 114-328)	National Strategy to Combat Terrorist Travel Act of 2016 (as part of S. 2943 – National Defense Authorization Act for Fiscal Year 2017)	John Katko (R-NY)

Previous Task Force Bills that Passed the House in the 114th Congress:

H.R. 4314	Counterterrorism Screening and Assistance Act of 2016	Lee Zeldin (R-NY)
H.R. 4401	ALERT Act of 2016	Barry Loudermilk (R-GA)
H.R. 4403	Enhancing Overseas Traveler Vetting Act	Will Hurd (R-TX)
H.R. 4404	Terrorist and Foreign Fighter Travel Exercise Act of 2016	Martha McSally (R-AZ)
H.R. 4407	Counterterrorism Advisory Board Act of 2016	John Katko (R-NY)
H.R. 4820	Combating Terrorist Recruitment Act of 2016	Chuck Fleischmann (R-TN)
H.R. 5471	Countering Terrorist Radicalization Act	Michael McCaul (R-TX)

Previous Task Force Bills that Passed the House in the 115th Congress:

H.R. 4555	DHS Interagency Counterterrorism Task Force Act of 2017	John Rutherford (R-FL)
H.R. 4564	Post-Caliphate Threat Assessment Act of 2017	Clay Higgins (R-LA)

H.R. 4569	Counterterrorism Information Sharing Improvement Act of 2017	Mike Gallagher (R-WI)
H.R. 4581	Screening and Vetting Passenger Exchange Act of 2017	Brian Fitzpatrick (R-PA)



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