



**U.S. Immigration
and Customs
Enforcement**

Chief Judge Patti B. Saris
Chair, United States Sentencing Commission
One Columbus Circle, NE
Washington, DC 20002-8002

Dear Chief Judge Saris:

I am writing in support of the U.S. Department of Justice's (DOJ) proposed amendments to the federal sentencing guidelines on alien smuggling. I have reviewed and concur with DOJ's submitted comments.

Human smuggling is a top priority for U.S. Immigration and Customs Enforcement (ICE). The Department of Homeland Security has invested significant time, effort, and resources by creating the Joint Task Forces whose mission is, in part, to address human smuggling as a threat to the security of the United States. ICE recognizes that it cannot tackle this problem alone and would like to acknowledge the outstanding partnership that we have with DOJ.

The Southwest Border migrant surge continues to challenge the U.S. Government as migrants from Central America, including unaccompanied children, arrive in increasing numbers. These numbers are driven, in part, by the role human smugglers play in the migrant cycle. Long established networks of human smuggling organizations exist throughout the world, including in the United States. These networks work as a loose confederation of well-organized service providers for migrants during the different stages of their journey to the United States. Some specialize in a service, such as transportation, providing false documents, or circumventing law enforcement along the routes used by smugglers. Driven by profit, these organizations are only concerned with making the greatest amount of money for the least amount of effort or risk to themselves.

As such, the safety of migrants is rarely a consideration, and the results are apparent in the countless incidents of sexual assault, injuries, and deaths as a result of the actions of human smugglers. This grave risk is ever present in human smuggling but not yet represented in current sentencing guidelines.

Throughout the stages of the smuggling venture, migrants are constantly exposed to a variety of dangers. Each stage is controlled by a group or organization that uses a specific method to accomplish their task. One group may guide migrants by foot across the desert, while another uses inner tubes to float migrants across the Rio Grande River. There are countless incidents of migrants dying of exposure and dehydration in Arizona, California, and Texas, and many others dying by drowning. The dangers are compounded at the next stage where a group is responsible for smuggling the migrants past immigration checkpoints. Large groups of migrants are placed in crowded false compartments built into tractor-trailers or other commercial vehicles

with the continual danger of hyperthermia or suffocation. Others are crammed into cars, vans, and pick-up trucks, dangerously overloading the vehicles, which often leads to crashes resulting in fatalities and injuries. Still, more are killed or injured as smugglers crash after recklessly attempting to avoid law enforcement. The incidents are well documented and occur with unfortunate regularity.

Successful border crossing or transportation past immigration checkpoints is not the end of the dangers. The migrants are passed off to other groups responsible for collecting payment or housing migrants in between stages during which a host of abuses can occur. Migrants are abused and sometimes tortured in order to extort additional monies from their family members. Others are sexually assaulted, held in forced labor or sex trafficking, or sold to other criminal organizations. These acts are carried out by smugglers regularly and with seeming impunity. There is no accountability within the smuggling organizations as these practices are acceptable, or at the very least, tolerated among the criminal human smuggling community. The examples provided in the DOJ comments are only a small representation of these incidents, which are encountered by the men and women of ICE and law enforcement throughout the United States.

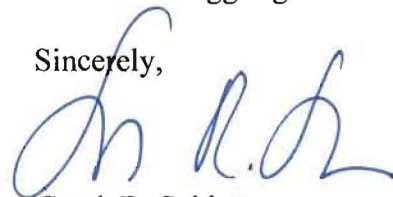
Currently, sentencing enhancements occur only in egregious cases, but they do not serve as a deterrent to human smugglers. According to the U.S. Sentencing Commission's Fiscal Year 2014 Quick Facts report on Alien Smuggling Offenses, the average sentence for human smuggling is only 18 months. Human smuggling organizations and networks survive and thrive as their pool of confederates is rarely severely penalized for engaging in these crimes. The lucrative profits and limited penalties drive more criminal organizations to engage in human smuggling activities.

The relationship between sophisticated transnational criminal organizations (TCO) and human smuggling is well established. TCOs, such as the Zetas or the Gulf Cartel, regularly charge "plaza fees" to those crossing. A number of instances have been reported where TCOs may require those being smuggled to perform other illicit acts as payment. In addition, these TCOs often rely on the same individuals who facilitate human smuggling activity (document providers, transportation, financial facilitators, etc.) to directly support their primary illicit business activities.

These organizations facilitate illegal migration across our border and traumatize and exploit the children and migrants who are the objects of their smuggling operation. We have seen growing crime and violence associated with human smuggling activities along the Southwest Border.

ICE supports increasing the federal sentencing guidelines on alien smuggling.

Sincerely,



Sarah R. Saldaña
Director