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**Before the United States Sentencing Commission  
March 16, 2016**

**On the Proposed Amendments to the Alien Smuggling Guideline (§2L1.1)**

The Women’s Refugee Commission (WRC) greatly appreciates the opportunity to submit testimony on the changes proposed by the United States Sentencing Commission (USSC) to the Alien Smuggling Guideline (§2L1.1). This testimony provides some background information about the WRC and the ongoing surge of unaccompanied minors, lays out the WRC’s overarching concerns about the proposed amendments to §2L1.1, and describes the WRC’s specific positions on each proposed amendment.

**I. Background**

**A. The Women’s Refugee Commission**

The WRC is a nonprofit research and advocacy organization that works to improve the lives and protect the rights of women and minors displaced by conflict and crisis.<sup>1</sup> Since the WRC became an independent organization in 1989, the WRC has been a leading expert on the needs of refugee women and children, and the policies that can protect and empower them. The WRC’s vision is a world where refugees and internally displaced women and children are safe, healthy, and self-reliant, have their human rights respected and protected, and inform and drive their own solutions and development. The WRC advocates for refugees at the federal and international levels of government in addition to on-the-ground research work. The WRC researches their needs, and identifies solutions, and advocates for programs and policies to strengthen their resilience and respect their human rights.

Since 2012 there has been a large increase in the number of Central American women and children apprehended at the border from Mexico into the United States. The WRC has focused on identifying the issues that affect these migrants and working to improve the manner in which they are detained, processed, released, and—in some cases—repatriated.<sup>2</sup> Through conversations with individuals at every step of the journey as well as interviews with the actual migrants who are coming and who have already arrived, the WRC has had the opportunity to better understand the individuals who take enormous risks to travel to the United States.<sup>3</sup> The testimony submitted here is based on the WRC’s expertise and accumulated knowledge (in addition to the specific sources cited).

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<sup>1</sup> Women’s Refugee Commission, <https://www.womensrefugeecommission.org/about>.

<sup>2</sup> Women’s Refugee Commission, *Border Surge of Unaccompanied Children: Why They’re Coming and What the Government Should Do* (2014), available at <https://www.womensrefugeecommission.org/news/press-releases-and-statements/2080-an-administration-made-disaster-the-south-texas-border-surge-of-unaccompanied-alien-minors>.

<sup>3</sup> Women’s Refugee Commission, *Forced From Home: The Lost Boys and Girls of Central America* (2012), available at <https://www.womensrefugeecommission.org/rights/resources/document/download/844>.

## **B. Unaccompanied Minors Are Fleeing Violence in Central America to Claim Lawful Asylum in the United States**

The proposed changes to the alien smuggling guidelines occur amidst significant changes to migration patterns at the U.S. southern border. The vast majority of the unaccompanied minors and family units who have arrived in the United States since 2012 are fleeing violence in three Central American countries: El Salvador, Guatemala, and Honduras.<sup>4</sup> Pressures from gang recruiters and rampant killings create a situation so hostile to minors that they are unable to even go to school.<sup>5</sup> Girls as young as nine years old are gang-raped; if a girl is impregnated, she will be left to care for the child until the child is old enough to join the gang.<sup>6</sup> Law enforcement in certain regions in these countries is either under the control of gangs or so corrupt that it presents a threat to the minors' well-being equal to that posed by the gangs.<sup>7</sup>

The rates of violence in these three countries are approaching unprecedented levels as the region grapples with growing instability. Honduras has endured a steadily growing homicide rate from 2006-12, as the country experienced what the Geneva Declaration on Armed Violence and Development described as an “ongoing spiral of violence.”<sup>8</sup> Since 2006, the total number of homicides in Honduras more than doubled, increasing from 3,118 to 7,172 in 2012.<sup>9</sup> El Salvador did experience a brief drop in its homicide rate from 2012-14, due to the 2012 gang truce that was effectively abandoned in 2014.<sup>10</sup> But in August 2015, El Salvador recorded 911 homicides, the deadliest month on record for Salvadorans since the end of their civil war in 1992.<sup>11</sup> As a result of these increases, the murder rates in the Northern Triangle are currently among the highest in the world: in a ranking of countries by violent death rates per 100,000 persons, Honduras is second, El Salvador sixth, and Guatemala eleventh.<sup>12</sup>

The mothers and children fleeing these circumstances are desperate—so are the parents and other family members who are sending them. In their desperation, they turn to smuggling organizations to make the 1400-mile journey to the United States. These smuggling

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<sup>4</sup> Women's Refugee Commission, *Violence in Central America is Behind an Upsurge in Unaccompanied Minors*, Press Release (Oct. 15, 2012), available at <https://www.womensrefugeecommission.org/news/press-releases-and-statements/1498-violence-in-central-america-is-behind-an-upsurge-in-unaccompanied-minors>.

<sup>5</sup> Women's Refugee Commission, *Forced From Home: The Lost Boys and Girls of Central America* (2012), at 10.

<sup>6</sup> *Id.* at 7.

<sup>7</sup> *Id.* at 10.

<sup>8</sup> Geneva Declaration Secretariat, *Lethal Violence Update*, Global Burden of Armed Violence 2015: Every Body Counts, 60, Cambridge University Press (2015).

<sup>9</sup> *Three Myths about Central American Migration to the United States*, Washington Office on Latin America (Jun. 17, 2014), available at [http://www.wola.org/commentary/3\\_myths\\_about\\_central\\_american\\_migration\\_to\\_the\\_us](http://www.wola.org/commentary/3_myths_about_central_american_migration_to_the_us).

<sup>10</sup> Clare Ribando Seelke, Cong. Research Serv., RL34112, *Gangs in Central America*, 11 (Feb. 20, 2014), available at <https://www.fas.org/sgp/crs/row/RL34112.pdf>; Nina Lankhi, *El Salvador sees most deadly month in 10 years as violence overwhelms nation*, The Guardian (Apr. 6, 2015), available at

<http://www.theguardian.com/world/2015/apr/06/el-salvador-violence-end-to-gang-truce-proves-deadly>.

<sup>11</sup> *El Salvador gang violence pushes murder rate to postwar record*, The Guardian (Sept. 2, 2015), available at <http://www.theguardian.com/world/2015/sep/02/el-salvador-gang-violence-murder-rate-record>.

<sup>12</sup> Geneva Declaration Secretariat, *Lethal Violence Update*, Global Burden of Armed Violence 2015: Every Body Counts (2015), at 58.

organizations have many components: they rely on *coyotes* who lead migrants on much of the journey from the Northern Triangle countries to U.S.-Mexico border; the coyotes then hand the migrants over to “foot guides” who are responsible for bringing migrants through the final step of their journey and across the border and into the United States. Migrants often report they don’t pay coyotes to show them the way north, but instead pay them because they know who to pay off during their journey. The foot guides used to cross the U.S./Mexico border often work for a larger organization of smugglers; the people at the top of these organizations rarely see the migrants coming to the U.S.<sup>13</sup> Many of these foot guides are Mexican minors aged 16 or 17. DHS has the ability to quickly repatriate minors from Mexico.<sup>14</sup>

Smugglers often rely on children to be their foot guides because a child can be repatriated quickly and can begin smuggling again. Smugglers frequently recruit minors for this very reason.<sup>15</sup> These smuggling operations also often force Mexican minors to be “foot guides.”<sup>16</sup> One such child, who are often referred to as ‘*menors del circuito*’ was repeatedly caught and released back into Mexico. “I can’t get out of [the smuggling gang]. It’s too late,” he said.<sup>17</sup> The U.S. rarely prosecutes or reports these minors to state or Mexican authorities.<sup>18</sup> However, in 2014 the U.S. Customs and Border Protection piloted the “Juvenile Referral Process” in an attempt to get these children out of the smuggling ring.<sup>19</sup>

One Mexican official has estimated that *menores del circuito* account for as much as 30 percent of the 15,634 minors repatriated to Mexico.<sup>20</sup> The United Nations High Commissioner for Refugees (UNHCR) found that 38 percent of the roughly 100 children interviewed for the organization’s report on unaccompanied alien children needed protection from recruitment into the human smuggling industry.<sup>21</sup> One 17-year-old child recounted an uncle forcing him to carry

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<sup>13</sup> Daily Mail, *From bribing drug cartels and immigration officials to paying for hotels and train rides: Coyote smugglers reveal costs involved in smuggling child migrants from Central America to the U.S.* (2014), available at <http://www.dailymail.co.uk/news/article-2700946/From-bribing-drug-cartels-immigration-officials-paying-hotels-train-rides-Coyote-smugglers-reveal-costs-involved-smuggling-child-migrants-Central-America-U-S.html#ixzz41vgP85p>.

<sup>14</sup> 8 U.S.C. § 1232(2)(B) (2013).

<sup>15</sup> Natasha Pizzey & James Fredrick, *Forgotten on ‘La Frontera’: Mexican Children Fleeing Violence Are Rarely Heard*, Washington Office on Latin America (Jan. 22, 2015), available at [http://www.wola.org/commentary/forgotten\\_at\\_the\\_border](http://www.wola.org/commentary/forgotten_at_the_border).

<sup>16</sup> Susan Ferriss, *Child advocates say more should be done to assist immigrant minors crossing the border*, The Center for Public Integrity (Sept. 2, 2011), available at <http://www.publicintegrity.org/2011/09/02/6109/child-advocates-say-more-should-be-done-assist-immigrant-minors-crossing-border>.

<sup>17</sup> *Id.*

<sup>18</sup> Betsy Cavendish & Maru Cortazar, *Children at the Border: The Screening, Protection and Repatriation of Unaccompanied Mexican Minors*, Appleseed, 50 (2011), available at <http://appleseednetwork.org/wp-content/uploads/2012/05/Children-At-The-Border1.pdf>.

<sup>19</sup> Natasha Pizzey & James Fredrick, *Forgotten on ‘La Frontera’: Mexican Children Fleeing Violence Are Rarely Heard*, Washington Office on Latin America (Jan. 22, 2015), available at [http://www.wola.org/commentary/forgotten\\_at\\_the\\_border](http://www.wola.org/commentary/forgotten_at_the_border).

<sup>20</sup> *Id.*

<sup>21</sup> UNHCR, *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection* (2014), available at [http://www.unhcrwashington.org/sites/default/files/1\\_UAC\\_Children%20On%20the%20Run\\_Executive%20Summary.pdf](http://www.unhcrwashington.org/sites/default/files/1_UAC_Children%20On%20the%20Run_Executive%20Summary.pdf).

drugs for a Mexican gang at the age of 14.<sup>22</sup> This teenager first had to watch the torture of those who displeased the leaders of the smuggling ring to coerce him into following orders.<sup>23</sup>

Many of the children who make it to the United States have experienced violence sufficient to make them eligible to claim and receive asylum under both the U.N. Convention on Refugees and U.S. law.<sup>24</sup> As much as 58 percent of unaccompanied minors have claims for potential international protection; for minors from El Salvador, this number may be as high as 72 percent.<sup>25</sup> According to United States Citizen and Immigration Services (USCIS), 88 percent of mothers and children in U.S. family detention centers during the second quarter of FY 2015 are *bona fide* asylum seekers.<sup>26</sup>

## II. WRC's Overarching Concerns with the Proposed Amendments to §2L1.1

The WRC has four overarching concerns with the USSC's proposed amendments:

First, the WRC wants to underscore the fact that many of the women and children being smuggled have a lawful right to claim asylum in the United States.

Second, many of the individuals likely to be apprehended, charged with an alien smuggling offense, and subject to §2L1.1 are simply “foot guides” hired to escort migrants across the border. These are the lowest-level members of smuggling operations, many of them are children, and some of them are in fact victims of the smuggling organizations that they work for. The WRC opposes amendments to §2L1.1 that would increase the sentencing guidelines for these individuals, many of whom are minors and many of whom should be considered victims and offered protection rather than prosecution.

Third, the WRC is concerned that some of the proposed amendments might have the unintended effect of increasing the offense levels of family members who assist or pay for an unaccompanied minors to be smuggled to the United States. These family members are desperate and the children they are sending may have valid legal claims to remain in the United States after they arrive.

Finally, the WRC wants to underscore the significant difference between alien smuggling and human trafficking: Alien smuggling is a voluntary exchange of a service—transportation to the United States—for money; like other services that governments prohibit, alien smuggling is fundamentally a crime against the state.<sup>27</sup> By contrast, human trafficking is the subjection of

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<sup>22</sup> Susan Ferriss, *Child advocates say more should be done to assist immigrant minors crossing the border*, The Center for Public Integrity (Sept. 2, 2011).

<sup>23</sup> *Id.*

<sup>24</sup> 8 U.S.C. §§ 1101(a)(42), 1153(b)(4), 1158 (b)(1); United Nations High Commission for Refugees, *Convention Relating to the Status of Refugees*, Art. 1(A)(2) (1951).

<sup>25</sup> UNHCR, *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection* (2014), at 6.

<sup>26</sup> USCIS, Asylum Division, *Family Facilities Reasonable Fear*, 2 (2015).

<sup>27</sup> U.S. Department of State, *Fact Sheet: Distinctions between Human Smuggling and Human Trafficking* (Jan. 1, 2006), available at <http://www.state.gov/m/ds/hstcenter/90434.htm>.

migrants to abuse, involuntary labor, or forced prostitution.<sup>28</sup> While it is of course possible for the offense conduct of a defendant to involve both alien smuggling and human trafficking, the two crimes are distinct. The Sentencing Guidelines (and §2L1.1 in particular) should reflect the fact that offensive conduct consistent with human trafficking should lead to significantly higher guidelines sentences than alien smuggling.

### **III. WRC's Specific Recommendations for the Proposed Amendments to §2L1.1**

Based on these overarching concerns, the WRC respectfully offers the following comments on the USSC's proposed changes to the alien smuggling guidelines:

First, the WRC opposes the USSC's proposal to increase the base offense level for §2L1.1. Option 1 and Option 2 sweep too broadly by increasing guidelines sentences for all offenders. But if USSC amends the base offense level, the WRC prefers Option 2 because this focuses on commercial operations.

Second, the WRC supports the amendment that shifts the application of the §2L1.1(b)(4) special offense characteristic from a defendant-based approach to an offense-based approach to the extent that this change is likely to increase guideline sentences for more senior-level offenders; however, the WRC is concerned that this enhancement could be applied to family members who are "involved" in the smuggling, transporting, or harboring of a minor to the United States.

Third, the WRC does not support an upward departure for all defendants involved in the smuggling or trafficking incidents involving six or more minors because of the impact that would have on low-level individuals in the smuggling operation and asylum-seeking minors.

Fourth, the WRC supports the amendment adjusting the definition of "minor" in §2L1.1 to individuals under 18. Nonetheless, the WRC notes that §2L1.1 uses the term "unaccompanied minor" in a manner that is inconsistent with federal immigration law.<sup>29</sup>

Finally, the WRC supports the USSC's amendment defining the term "serious bodily injury" in §2L1.1(b)(7) to include sexual abuse in a manner consistent with Application Note 1(L) of §2B1.1.

#### **A. The WRC Opposes Wide-Sweeping Increases to the Base Offense Level**

The WRC opposes both of the proposed options for increasing the base offense level. Both options sweep too broadly by increasing guidelines sentences for low-level "foot guides," many of whom are minors.

##### **1. The WRC Opposes Raising the Base Offense Level**

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<sup>28</sup> *Id.*

<sup>29</sup> Homeland Security Act of 2002 §462(g), 6 U.S.C. § 279(g)(2) (2008) (defining "unaccompanied alien child").

Neither of the two options for increasing the base offense level would advance the Department of Justice’s interest in deterring participation in organized smuggling rings and cartels. Both Option 1 and Option 2 are premised on the assumption that increasing guideline sentences would help deter participation in alien smuggling operations; however, it is not self-evident that increasing the base offense level for the lowest-level offenders would achieve this goal.

Option 1 represents a “one size fits all” approach to the wide variety of conduct that can lead to a conviction under 8 U.S.C. § 1324(a). Raising the “otherwise” default base offense level from 12 to 16 will increase guideline sentences for foot guides by the same amount that it does for the leaders of smuggling operations--even though the latter are much less likely to be caught, convicted, and sentenced.<sup>30</sup>

Option 2 suffers from the same flaw. Although Option 2 limits the base offense level increase to offenses committed as part of an “ongoing commercial operation”, Option 2 also does not distinguish between conduct by individuals who run these criminal organizations and those who are at the bottom. The requirement that a defendant “participated” in an organization of five or more raises concerns that this definition may cover low level offenders, families who hire smugglers to bring relatives across the border, or other participants. The definition as written may increase the sentences directly imposed on *menores del circuito* or may increase sentences of adult foot guides, thereby encouraging human smugglers to use more minors as “foot guides” to circumvent the sentencing guidelines. The WRC recommends the USSC consider using a narrower verb here, such as “directed,” “managed,” or “organized,” to ensure that this definition would apply to mid- and senior-level offenders and not to adult “foot-guides,” *menores del circuito*, family members, and low-level offenders generally.<sup>31</sup>

In addition, there is good reason to think that the creation of an “ongoing commercial organization” base offense level under Option 2 would become the default, given the breadth of conduct that falls under the definition of participation in an ongoing commercial organization. The term “participated” is ill defined, which obfuscates whom courts may consider participants in such an enterprise. First, who counts? For example, might the court count as participants family members who either smuggle a relative or pay a smuggler to bring a relative across the border? Is a family an “ongoing commercial organization?” Is a corrupt official who looks the other way a participant? Does a sole professional smuggler who pays a fee to the local cartel that controls the smuggling route into the U.S. become a part of an “ongoing commercial organization?” Option 2 fails to address these critical questions.

## **2. Amendments to the Special Offense Characteristics -- Not the Base Offense Level -- Better Address DOJ Concerns**

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<sup>30</sup> Smuggling to Migrants: A Global Review and Annotated Bibliography of Recent Publications, United Nations Office on Drugs and Crime 69 (2011).

<sup>31</sup> An offender’s eligibility for a minor role reduction under §3B1.2 does not undermine this point because the mitigating role analysis is independent. In other words, an offender who was already eligible for a minor role reduction will see a longer sentence if his or her base offense level starts at 16 rather than 12.

The Department of Justice (DOJ) requested increases to the base offense level for alien smuggling to deter participation in alien smuggling; however, there is little evidence that this change will have the impact DOJ desires.

First, there is no evidence that increasing the base offense level will reduce smuggling networks' reliance on "18-20 year old guides with no criminal history guiding a group of fewer than six persons . . . ." <sup>32</sup> Instead, the most likely consequence of longer sentences for alien smuggling offenses is a modest increase in smugglers fees. A 2010 Department of Homeland Security (DHS) study on the "cost elasticity with respect to enforcement" found that a 10% increase in enforcement by Border Patrol increased smuggling costs by 2.5-3.8%. <sup>33</sup> DHS recognized that this increases the wages smugglers must pay foot guides, costs that smugglers then pass on to their migrant clients. <sup>34</sup>

Nor will increasing the base offense level directly address DOJ's concerns about coercion, violence, and sexual abuse by alien smugglers. The alien smuggling guideline already (and quite appropriately) single out specific offense characteristics to ensure that particularly serious conduct is met by an appropriately severe guidelines sentence. If the USSC and DOJ seek to punish sexual abuse and other bodily harm to migrants more harshly, increasing the base offense level is an imperfect way to achieve that end.

For these reasons, WRC believes that maintaining the default base offense level of 12 is the best way to capture the variety of offense conduct that falls within §2L1.1. Instead of making changes to the base offense level, the USSC should focus its energy on ensuring that the most culpable offenders receive the greater sentences.

#### **B. The WRC Supports Making the §2L1.1(b)(4) Specific Offense Characteristic Offense-Based Rather than Defendant-Based; However, the Enhancement Should Not Apply to Family Members**

The WRC supports the proposed amendment to paragraph (b)(4) insofar as it makes the enhancement more likely to apply to high-level individuals in smuggling operations—not just the individuals who are in contact with the migrants. Application of the enhancement would no longer depend on whether the defendant actually participated in the smuggling, transporting, or harboring of unaccompanied children. Nonetheless, the WRC is concerned that the enhancement as amended might be applied to family members who are both "involved in" an unaccompanied minors journey into the United States and also "know" that they are being smuggled as an unaccompanied child. Parents of children at risk of harm in Central America are often forced to make an agonizing decision, leave their children in danger or help them escape in search of

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<sup>32</sup> Letter from James Cole, Deputy Attorney General, to Patti Saris, U.S. Sentencing Commission Chair (Oct. 9, 2014).

<sup>33</sup> Bryan Roberts, Gordon Hanson, Derekh Cornwell, and Scott Borger, *An Analysis of Migrant Smuggling Costs along the Southwest Border*, DEPARTMENT OF HOMELAND SECURITY OFFICE OF IMMIGRATION STATISTICS 19 (November 2010), <https://www.dhs.gov/xlibrary/assets/statistics/publications/ois-smuggling-wp.pdf>.

<sup>34</sup> Bryan Roberts, Gordon Hanson, Derekh Cornwell, and Scott Borger, *An Analysis of Migrant Smuggling Costs along the Southwest Border*, DEPARTMENT OF HOMELAND SECURITY OFFICE OF IMMIGRATION STATISTICS 1, 8 (November 2010), <https://www.dhs.gov/xlibrary/assets/statistics/publications/ois-smuggling-wp.pdf>.

safety on a route they know is incredibly dangerous. These parents should not suffer increased consequences for making a decision they believe is the best for their child. Moreover, increasing risks to parents who are desperate to protect their children will only drive them further into the hands of criminal organizations who will offer “door to door” services and accept that risk for an increased fee. The WRC therefore seeks clarification that the (b)(4) enhancement does not apply to family members of the unaccompanied minor being smuggled.

**C. The WRC Opposes the Upward Departure Provision Because It May Apply Disproportionately to Low-Level Offenders and People Transporting Minors with Legitimate Claims of Asylum**

The WRC opposes the addition of an upward departure provision for offenses involving six or more minors. Smuggling operations rarely specialize in one type of clientele; a smuggler may have a group of minors one day and a group of adult men the next. The person charged with actually bringing the migrants over the border may have little control over his or her clients. The WRC believes that an upward departure for having six minors is arbitrary and would not reliably increase sentences for trafficking organizations but instead increase sentences for low-level smuggling operatives.

**D. The WRC Supports Extending the Definition of “Minor” to Children Under 18, But Recommends That the USSC Also Define “Unaccompanied Minor.”**

The WRC supports amending the definition of “minor” to include 16- and 17-year-olds, which makes §2L1.1 consistent with other provisions in the Guidelines.

However, §2L1.1 also employs the term “unaccompanied minor,” which is not currently defined in the Application Notes. Paragraph (b)(4) refers to unaccompanied minors as children “unaccompanied by their parents or grandparents,” but that phrasing is inconsistent with federal law defining an “unaccompanied alien child” as a child who “has no lawful immigration status in the United States, has not attained 18 years of age, and *with respect to whom there is no parent or legal guardian in the United States, or no parent or legal guardian in the United States is available to provide care and physical custody.*”<sup>35</sup> The WRC encourages the USSC to consider adopting a definition of “unaccompanied minor” that is consistent with this definition of “unaccompanied alien child” for the sake of clarity and consistency.

Similarly, special offense characteristic (b)(1) provides for a downward adjustment of three levels if the offense involved the defendant’s spouse or child; the use of the term “child” suggest that the downward departure is available to parents but not to legal guardians. If the USSC decides to define the term “unaccompanied minor” in the Guideline so that it is consistent with the definition of “unaccompanied alien child” under federal immigration law, the USSC may also want to make legal guardians—not just parents—eligible for the downward adjustment in (b)(1).

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<sup>35</sup> 6 U.S.C. § 279(g)(2) (2008).

### **E. The WRC Supports Including Criminal Sexual Abuse in the Definition of “Serious Bodily Injury” in Paragraph (b)(7)**

The WRC supports the USSC’s proposal to define “serious bodily injury” to include criminal sexual abuse.<sup>36</sup> The WRC agrees that sexual abuse causes serious injury and commends the USSC’s decision to ensure that offenses involving criminal sexual conduct carry a higher guidelines sentence. In 2014, as much as 80 percent of women traveling to the U.S. from Central America were raped along the way.<sup>37</sup> The WRC strongly supports measures that enhance sentences for smugglers and traffickers who perpetrate acts of sexual violence. For instance, the WRC would support the application of a separate guideline—§2G1.3—to trafficking offenses that involve such conduct.

However, the WRC has one caveat: As discussed in the background section above, many young men are recruited by cartels and other smuggling organizations. Sometimes smuggling operations will force these men to commit crimes as a way of preventing them from leaving the organization. The USSC should emphasize here that consistent with §5K2.12, sentencing courts may depart downward in cases where conduct was forced or coerced by leaders of smuggling organizations.

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<sup>36</sup> Finally, the WRC takes no position on whether the four-level increase for causing serious bodily injury is sufficient to meet the purposes of sentencing.

<sup>37</sup> Erin Siegal McIntyre & Deborah Bonello, *Is Rape the Price for Migrant Women Chasing the American Dream?*, Fusion (Sept. 10, 2014), available at <http://fusion.net/story/17321/is-rape-the-price-to-pay-for-migrant-women-chasing-the-american-dream/>.