



MS-13 Resurgence: Immigration Enforcement Needed to Take Back Our Streets

By Jessica M. Vaughan

The Trump administration has declared war on MS-13, the notoriously brutal gang based in El Salvador. A similar initiative launched by the Bush administration in 2005 stifled the gang's activity after several years, but the gang has been able to rebuild itself here since 2012.

Center researchers reviewed more than 500 cases of MS-13 gang members arrested nationwide since 2012. We conclude that this resurgence represents a very serious threat to public safety in communities where MS-13 has rebuilt itself. The resurgence is directly connected to the illegal arrival and resettlement of more than 300,000 Central American youths and families that has continued unabated for six years, and to a de-prioritization of immigration enforcement in the interior of the country that occurred at the same time.

All criminal gangs are a threat to public safety, but MS-13 is a unique problem because of the unusually brutal crimes its members have committed, its success in using intimidation to victimize and control people in its territory, and its focus on recruiting young members, often in schools.

Nevertheless, because such a large share of MS-13 members are not citizens, they are especially vulnerable to law enforcement, and many can be removed from the communities they terrorize. Strategic use of immigration enforcement is a necessary element to disrupting and dismantling MS-13 gangs and any other transnational criminal organization operating in our communities.

The proliferation of sanctuary policies that interfere with cooperation between state and local law enforcement agencies threatens to hamper efforts to stifle MS-13 activity. The federal government must take steps to clarify how federal law permits such cooperation and also must set up consequences for those jurisdictions and officials who impose sanctuary policies.

Key findings:

- We found 506 MS-13 members arrested or charged with crimes that were reported in 22 states. The most cases were reported in California (92), Maryland (84), New York (80), and Virginia (63).
- MS-13 crimes are not primarily petty nuisance crimes; 207 MS-13 members were charged with murder. In addition we found more than 100 accused of conspiracy/racketeering, and dozens of others for drug trafficking, sex trafficking, attempted murder, sexual assaults, and extortion.
- While most of the reports of MS-13 suspects in our case set did not include information on the immigration status of the individual, we could determine that 126 of the 506 suspects (and 38 of the 207 murder suspects) were illegal aliens.
- The median age of MS-13 gang members identified was 23, and suspects ranged in age from 14 to 57.

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- The median age of their victims was 19, victims ranged in age from 14 to 74. Sixty of the victims were under the age of 18, including 52 of the murder victims.
- 120 of the 506 MS-13 suspects in our case set arrived as UACs (Unaccompanied Alien Children), including 48 of the murder suspects.
- The location of these MS-13 crimes corresponds with locations of large numbers of UACs who were resettled by the federal government.

MS-13 Crime in the United States Has Rebounded. Federal and state law enforcement agencies around the country have expressed concern about the resurgence of crime and violence attributed to the MS-13 gang. The gang activity subsided for a time following successful disruption and dismantling efforts, including ICE's Operation Community Shield, which began in 2005. A key element in that success was the assertive use of immigration law enforcement tools.¹ Immigration and Customs Enforcement (ICE) agents participated in regional gang task forces led by local law enforcement agencies, ICE field offices launched operations with the help of local agencies, ICE encouraged the formation of 287(g) partnerships to delegate immigration enforcement authority to local gang unit officers, and ICE worked to target individual gang members who were identified by local agencies, even in sanctuary jurisdictions like San Francisco and Miami. Documented gang members often were arrested on administrative immigration violations, which had the effect of disrupting the gang's activities and ridding communities of troublemakers. In addition, these lower-level arrests often led to more significant criminal investigations of gang leaders and the dismantling of local MS-13 cliques.

The Obama administration revised these policies, however, and ICE field offices were directed to cease efforts to disrupt gangs by arresting members for immigration violations or minor crimes and instead focus on major conspiracy cases. ICE officers were no longer permitted to arrest and remove foreign gang members until they had been convicted of major crimes. Gang arrests by ICE plummeted from about 4,600 in 2012 to about 1,580 in 2014.

This de-prioritization of anti-gang enforcement by ICE corresponded to an influx of unaccompanied youths and families arriving illegally from Central America, which began in 2012. During this surge, the Border Patrol has apprehended more than 300,000 UACs and families. Under Obama administration policies, most of the families were released and allowed to continue to their destination, with orders to appear for immigration court proceedings that would take place years in the future, but most have absconded from the process. The Obama administration also adopted a lenient interpretation of the law with respect to UACs, most of whom were males between the ages of 13 and 17, and who were quickly resettled with sponsors, usually family members who were already residing here illegally; some were released to non-family sponsors.² The government has made almost no effort to monitor or keep track of these individuals. According to DHS, about two-thirds of the youths who were permitted to resettle here as UACs have applied for green cards under a special program for juveniles who claim to have experienced hardship or been abandoned by one of their parents.³

Beginning in 2015, law enforcement agencies across the country began to express concerns about the renewal of MS-13 activity in a number of locations.

For instance, the Texas Department of Public Safety determined that MS-13 had again become a top-tier public safety threat in 2015, on par with larger established gangs, noting the increasing numbers of illegal alien members arriving in Texas and an increase in violent crime associated with it:

Mara Salvatrucha (MS-13) has emerged as a top tier gang threat in Texas for 2015. The influx of illegal alien gang members crossing the border into Texas in 2014, along with reports of extremely violent murders committed by its members in the Houston area, positions the gang as one of the most significant gang threats in the state for this upcoming year.

Since 2011, the number of MS-13 members encountered by U.S. Border Patrol in the Rio Grande Valley (RGV) sector has increased each year, accelerating in 2014 and coinciding with increased illegal migration from Central America during the same period.

Although a large number of MS-13 members have been captured along the border, it is likely many more have successfully crossed into Texas and remain hidden from law enforcement. Gang members from Guatemala, Honduras, and El Salvador could be destined for locations in Texas with large Central American communities, including the Houston and

Dallas areas. Law enforcement agencies in Houston already report the highest number of identified MS-13 members in the state. ...

Several recent crimes in Texas illustrate the criminal threat associated with MS-13.

- On September 15, 2014, the mutilated body of a 14-year-old middle school student was discovered in the woods near Houston after he was murdered with a machete. ... In October 2014, a 14-year-old and three adult males were arrested and charged with murder in this case. The adult males are from El Salvador, and at least two are documented MS-13 gang members. ...
- In mid-August 2014, a 29-year-old 18th Street gang member was stabbed to death in Houston by a 16-year-old El Salvadoran member of MS-13.... According to investigators, the juvenile suspect revealed he illegally crossed into the U.S. in March 2014.⁴

MS-13 remains listed as at top-tier threat in the 2017 edition of the report, stating that while the illegal border influx has declined “slightly” since 2014, and that while state law enforcement agencies have made some progress, its transnational activity is still a major public safety problem for the state.⁵

Other state law enforcement agencies report similarly significant increases in MS-13 crime. The Montgomery County, Md., corrections head says the number of incarcerated MS-13 members has risen 20 percent, straining their ability to maintain order. Suffolk County, N.Y., reports a similar rise over the last two years. Prince William County, Va., reports a 32 percent increase in two years, and next-door Fairfax County says their MS-13 inmate population has doubled in the last year.⁶

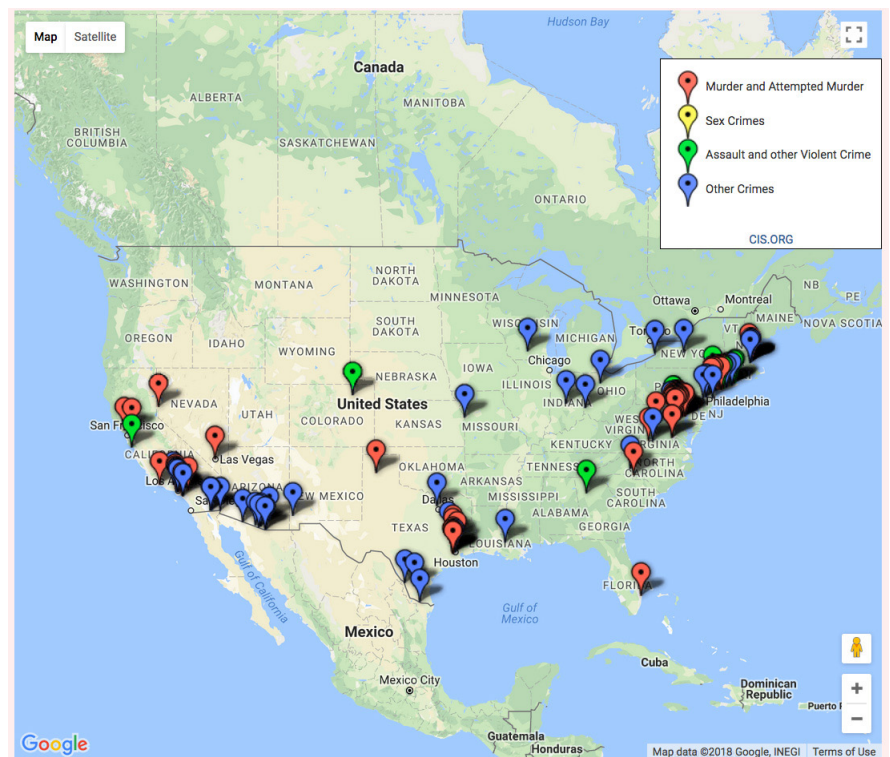
506 MS-13 Cases Compiled. Using simple internet searches, Center researchers found 506 cases of MS-13 members arrested or charged with crimes since 2012. We compiled information on the name of the suspect, location of arrest, country of citizenship, age, offense, victim’s name and age, and immigration history.

The map below (see [here](#) for interactive version) represents the Center’s review of these cases. For the purposes of the map, the accused were grouped into a single point when related, such as when multiple members were arrested for a single murder or were part of a racketeering indictment. The points were then color-coded under four general crime categories:

1. Murder and Attempted Murder
2. Sex Crimes
3. Assault and Violent Crime
4. Other Crimes.

Though a single point may be marked as a “Murder or Attempted Murder”, this does not preclude the offender(s) from having committed crimes not related to murder. For details on each individual represented on the map, please download our [complete list](#) of MS-13 criminals.

This set of cases is not a full representation of MS-13 activity throughout the country during this time period, of course. Nevertheless, it gives an indication of the scale of the problem and the direct connection to immigration policy.



MS-13 Arrests Occurred Across the Country, but Are Concentrated in UAC Settlement Areas. The cases we identified were located in 22 different states. The state with the most reported arrests was California (92), followed by Maryland (84), New York (80), and Virginia (63). Table 1 shows the arrests by state.

The arrests occurred primarily in urban or suburban locations, like Boston, Charlotte, Fairfax County, Va., and Brentwood, N.Y., but also in a number of relatively rural areas, like Frederick County, Md., Lynchburg, Va., and Seneca County, Ohio.

The parts of the country that have experienced an increase in MS-13 activity correspond roughly to the areas where there have been the largest number of UAC resettlement placements by the federal government.⁷ This makes sense; about 15 years ago, MS-13 made a push to expand from Los Angeles to other parts of the country with sizeable Central American communities, including many illegal aliens. Most of the MS-13 members also were in the country illegally.⁸ These same communities have been the destination of the recent UAC arrivals, who were joining family and friends who had arrived earlier.⁹

207 MS-13 Murders. The MS-13 members identified in the cases we found were accused of very serious crimes, including 207 murders. More than 100 were accused of conspiracy/racketeering, and dozens of others were charged with drug trafficking, sex trafficking, attempted murder, sexual assaults, and extortion.

We understand that it is the most serious crimes that are most likely to be reported in the news media and by prosecutors. Nevertheless, in the aggregate, this compilation of cases is alarming, and confirms the severity of the public safety threat posed by MS-13.

At a recent roundtable of officials convened at the White House by President Trump on February 6, 2018, to discuss the MS-13 problem, Rep. Peter King (R-N.Y.) said that MS-13 members had committed 17 murders in an 18-month period, representing 38 percent of all homicides in his district. According to investigators, the number of MS-13-related murders in Montgomery County, Md., has gone from about one a year to seven in the last two years.¹⁰

Table 1. MS-13 Suspects, by State

State	MS-13 Suspects
California	92
Maryland	84
New York	80
Virginia	63
Massachusetts	58
North Carolina	33
Texas	26
New Jersey	21
Ohio	17
Arizona	8
Florida	6
Wisconsin	6
Nevada	2
South Carolina	2
Colorado	1
Georgia	1
Indiana	1
Louisiana	1
Missouri	1
New Mexico	1
Pennsylvania	1
Tennessee	1

Source: See “506 MS-13 Cases Compiled” on p. 3 for methodology.

Table 2. MS-13 Suspects, by Crime

Crime	MS-13 Suspects
Murder	160
Conspiracy Racketeering	81
Attempted Murder	35
Immigration Violation	30
Murder in the Aid of Racketeering	24
First Degree Murder	22
Drug Trafficking and Extortion	19
Assault	18
Drug Trafficking	17
Extortion	10
Unlawful Entry	10
Rape	8
Conspiracy to Commit Extortion by Force	7
Accessory to Murder	6
Conspiracy to Commit Murder in the Aid of Racketeering	6
Drug Charges	5
Robbery	5
Conspiracy to Commit Murder	4
Conspiracy Murder	3
Drug Possession	3
Kidnapping Conspiracy	3
Outstanding Warrants	3
Abduction	2
Attempted Murder in Aid of Racketeering	2
Firearms Possession	2
Human Trafficking	2
Malicious Wounding	2
Possession of a Deadly Weapon	2
Sex Trafficking	2
Aggravated Assault	1
Aggravated Extortion	1
Attempted Assault	1
Conspiracy to Commit First Degree Murder	1
Disorderly Conduct	1
Driving While Intoxicated	1
Intimidation	1
Murder (in El Salvador)	1
Possession of a Firearm by an Alien Illegally Present in the U.S.	1
Sexual Assault	1
Tampering with Evidence	1
Violent Crime in the Aid of Racketeering	1

Source: See “506 MS-13 Cases Compiled” on p. 3 for methodology.

Table 2 presents the most serious criminal charges or offenses for each case in our set.

Many MS-13 Members Are Foreign Nationals, Often Here Illegally. The MS-13 gang was formed by illegal aliens from El Salvador who settled in Los Angeles in the 1980s, along with hundreds of thousands of others from Central America. A number of the founding members of MS-13 fought with guerilla and paramilitary groups and participated in violence in El Salvador before relocating to the United States. They held their own in the California gang environments and succeeded in carving out a niche for criminal activity, cultivating a reputation for brutality, intimidation, and zero tolerance for informants or snitching. They recruited new members aggressively, primarily other citizens of El Salvador or the children of Salvadoran migrants. Federal authorities estimated that in its heyday, 90 percent of the MS-13 members were in the country illegally.

ICE and other law enforcement agencies moved aggressively against MS-13 beginning in 2005, seeking to disrupt activities, arrest, prosecute and deport gang members and associates where possible, and dismantle individual cliques and criminal enterprises. The gang's strength was significantly diminished and soon ICE shifted focus to other gangs it considered to be a greater threat.

Today, a smaller percentage of MS-13 members is believed to be here illegally. Some are U.S.-born, others have obtained green cards or have Temporary Protected Status; some have Deferred Action For Childhood Arrivals (DACA). But when the gang leadership decided to launch a more concerted effort to enlarge in the United States, it was able to take advantage of the Obama administration's catch-and-release policies for unaccompanied minors apprehended at the border to move in younger members from Central America. For example, one MS-13 clique leader in Frederick, Md., who had received a DACA work permit and was employed as a custodian at a middle school in Frederick, Md., and who was recently incarcerated for various gang-related crimes, reportedly was told by gang leaders in El Salvador to take advantage of the lenient policies on UACs to bring in new recruits, knowing that they would be allowed to resettle in the area with few questions asked. Several of these unaccompanied minors now have been arrested and incarcerated for various crimes, including a vicious random attack on a sheriff's deputy in 2015.

In addition, the influx of tens of thousands of teenagers, mostly male, into areas where the gang already had a presence, provided a large pool of youths from which to recruit new members. According to local gang investigators, these gangs have been aggressively recruiting recently arrived Central American children as young as 10 years old.

While most of the reports of MS-13 suspects in our case set did not include information on the immigration status of the individual, in 126 of the 506 cases (and in 38 of the 207 murder cases) we were able to determine that the suspect was an illegal alien.

According to ICE, 30 percent of the MS-13 members that ICE has arrested in recent years are UACs. We could determine that 120 of the 507 MS-13 arrests in our case set arrived as UACs, including 48 of the murder suspects.

Not all of the reports included information on the suspect's country of citizenship, but of those that included this information, 88 percent were from El Salvador. The rest were citizens of Guatemala, Honduras, and Mexico.

MS-13 Suspects Were Young, but their Victims Were Younger. Nearly all of the reports we found included information on the age of the MS-13 suspect at the time of arrest. In these cases, the age of the gang members ranged from 14 to 57, with a median age of 23. (See Figure 1.)

Information on the victims of the crimes was provided in 164 of the cases. They ranged in age from 14 to 74, with a median age of 19. Sixty of the victims were under the age of 18, including 52 of the murder victims.

The Proliferation of Sanctuaries May Complicate Disruption of MS-13. Many of the hotbeds of MS-13 activity are also places where local officials have adopted sanctuary policies. These policies prevent ICE from working effectively with local law enforcement agencies. There are approximately 300 sanctuary jurisdictions in the country, and they include municipalities, counties, and states.¹¹ About half of the MS-13 arrests in our case set (222) occurred in sanctuary jurisdictions.

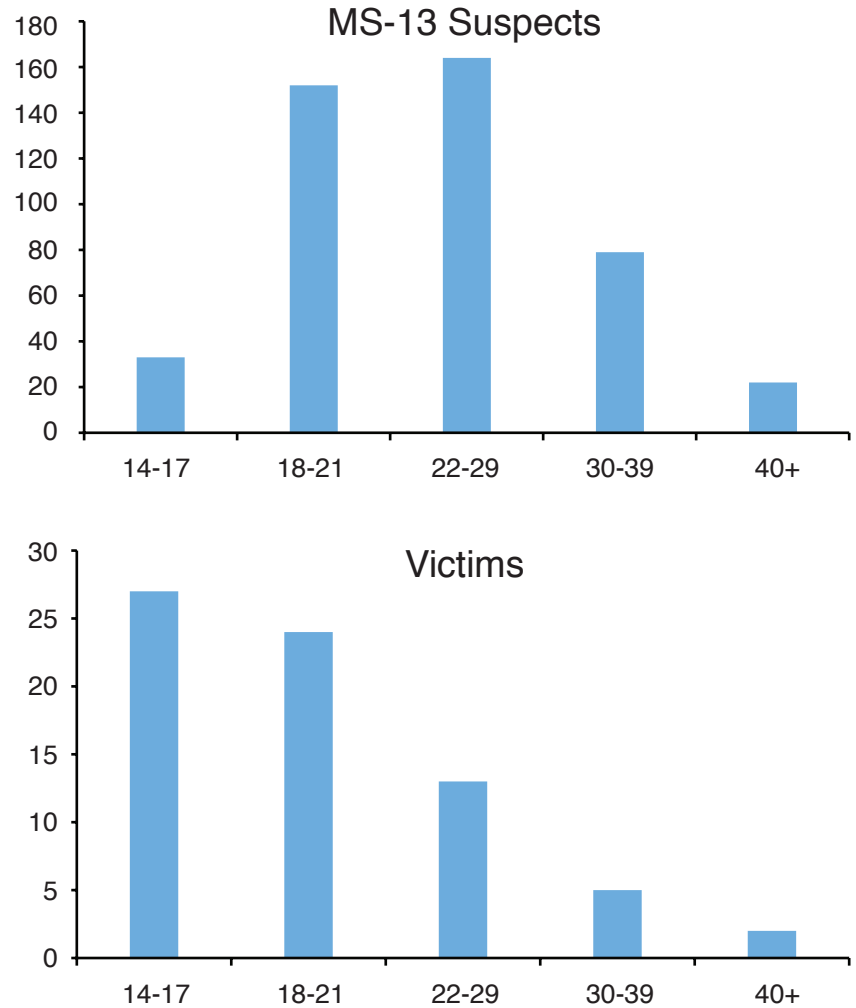
In addition to information and intelligence, ICE and other immigration agencies have unique immigration authorities that can be particularly effective in addressing criminal activity from transnational gangs. These authorities include the ability to charge criminal aliens with immigration violations such as illegal entry, overstaying a visa, re-entry after deportation, failure to appear for immigration proceedings, illegal possession of a firearm, identity or document fraud, immigration fraud,

alien smuggling, immigration charges based on prior commission of serious crimes (aggravated felonies) and other prosecutorial tools.¹²

Sanctuary policies are destructive to local and federal efforts to combat gangs because they interfere with communication and cooperation that could lead to disruption and dismantling of gangs with large numbers of non-citizens. In addition, sanctuary policies inevitably result in the release of criminal aliens back to the streets where they can and do re-offend. Finally, sanctuary policies can act as a magnet for criminal gangs whose members are in the country illegally, because they know that immigration violations will be overlooked and that their use of fraudulent documents and identities is less likely to be detected.

The practical result of such policies is the release of deportable criminal alien gang members back to the streets of the communities, where they are likely to resume their criminal activities. Acting ICE Director Tom Homan has stated that since January 2014, there have been 10,000 criminal aliens who were released by sanctuaries and who were then subsequently arrested for additional crimes. Homan said that the recidivism rate for released criminal aliens could be as high as 70 percent, which is consistent with the recidivism rate for all offenders in the United States.¹³

Figure 1. Ages of MS-13 Suspects and Victims



Source: See “506 MS-13 Cases Compiled” on p. 3 for methodology.

Recommendations. There are a number of steps Congress should take to assist federal and local law enforcement agencies in combating MS-13 and other transnational criminal organizations. Many of these provisions are found in the Secure America’s Future Act, introduced by a group of committee chairs in the U.S. House of Representatives.¹⁴

These steps include:

- Update the definition of a criminal gang in federal law, and provide for a designation process to create a bar to the admission of gang members and grounds for their removal. This ensures that the federal government can prevent the entry of known gang members and deny them access to any form of visa, permanent residence, work permit, asylum, or other immigration benefit. Currently, the government must wait for a gang member to commit a crime before disqualifying them from such benefits.
- Require ICE and the Border Patrol to detain gang members while they are being processed for deportation.
- Update the law to provide for more serious consequences for sanctuary jurisdictions and the officials who impose sanctuary policies.
- Revise immigration law to allow DHS more flexibility in dealing with minors and families who are caught after crossing the border illegally.

End Notes

¹ Jessica Vaughan and Jon Feere, [“Taking Back the Streets: ICE and Local Law Enforcement Target Immigrant Gangs”](#), Center for Immigration Studies, September 30, 2008.

² Joseph J. Kolb, [“Immigration Impunity: Illegal immigrant sponsors of UACs avoid accountability for non-compliance with deportation process”](#), Center for Immigration Studies, February 2017.

³ [“President Trump Holds a Law Enforcement Roundtable on MS-13”](#), Latest.com, February 6, 2018.

⁴ [“Texas Gang Threat Assessment”](#), Texas Joint Crime Information Center, Intelligence & Counterterrorism Division, Texas Department of Public Safety, August, 2015.

⁵ [“DPS Releases Texas Gang Threat Assessment”](#), Texas Department of Public Safety, July 25, 2017.

⁶ Michael E. Miller, [“‘Vying for control’: How MS-13 uses violence and extortion in America’s jails”](#), *The Washington Post*, February 5, 2018.

⁷ See [“Facts and Data”](#) section of the Office of Refugee Resettlement website.

⁸ See Vaughan and Feere, [“Taking Back the Streets”](#).

⁹ Joseph J. Kolb, [“Brentwood, NY Consumed by MS-13 Crime Wave”](#), Center for Immigration Studies, November 3, 2016, and [“Immigration Impunity”](#), Center for Immigration Studies, February 17, 2017.

¹⁰ J. Weston Phippen, [“What Trump Doesn’t Understand About MS-13”](#), *The Atlantic*, June 26, 2017.

¹¹ See the Center for Immigration Studies map and lists of sanctuary jurisdictions [here](#).

¹² For more information, see Claude Arnold, [“Immigration Authorities and Gang Enforcement”](#), *U.S. Attorney’s Bulletin* 47, May 2006.

¹³ Acting ICE Director Tom Homan in remarks in Miami, Fla.; see [“ICE Director: Sanctuaries ‘Pulling their own funding’ by disobeying feds”](#), Fox News, August 16, 2017.

¹⁴ [H.R.4760 - Securing America’s Future Act of 2018](#).