



Eight Recommendations to Congress and the White House to Counter Potential Terror Travel to the U.S. Southern Border

By Todd Bensman

In recent years, unusually elevated numbers of migrants from countries of special interest reaching the U.S.-Mexico border have been found to match U.S. terrorism “watch lists” — the Terrorist Identities Datamart Environment (TIDE), or the Terrorist Screening Database (TSDB).¹ Such migrants are known as “special interest aliens” (SIAs). These are aliens with citizenship in some 30 countries of concern in the Middle East, South Asia, and northern Africa where terrorist organizations are known to operate and extremist ideologies are ubiquitous.² While no attack on U.S. soil is attributed to SIAs who crossed the southern border, the number apprehended there or en route found to be on terrorism watch lists spiked each year after 2012 to reach more than 100 by 2017.³ Of these, at least 50 were known to have been first noticed at the U.S. border while unspecified numbers of others were first encountered by a cooperating government along known routes leading to the U.S. border and later released to continue traveling. A number of these were regarded as significant security risks that prompted security investigations.⁴

The travels of some migrants who were suspected of having ties to U.S.-designated terrorist groups have been reported in open media, both to the southern border or while en route.⁵ For example, Costa Rican authorities in March 2017 publicly announced the apprehension of Somali national Ibrahim Qoordheen as he entered from Panama, and stated that U.S. officials requested his detention to investigate him as “connected to an international terrorist organization.”⁶

In December 2012, U.S. prosecutors convicted Somali national Abdullahi Omar Fidse for asylum fraud associated with obstructing a terrorism investigation after he traveled through Latin America to a Mexico-Texas border port of entry in 2008. An investigation found that he had served as an al-Shabaab combat operative, was well-trained in light and heavy weapons, and was associated with a terrorist implicated in the 2010 Uganda bombing that killed 70 soccer fans. Fidse also had knowledge of an aborted plot to assassinate the U.S. ambassador to Kenya, and remained dedicated to global jihad and al-Qaeda ideology.⁷

In June 2014, another Somali crossed the Mexico-Texas border and admitted al-Shabaab had trained him to be a suicide bomber. In 2010, two Bangladeshi migrants reached the Mexico-Arizona border, one of whom admitted to being a member of a designated terrorist organization.⁸

Historically high numbers of encounters with watch-listed SIAs increased the threat posed by this migrant category because they also coincide with a concerning emergent trend in which Islamist terrorists used migrant trails to breach Europe’s external borders. There, terror group operatives and sympathizers conducted significant numbers of plots and attacks, such as in Paris and Brussels, after traveling camouflaged with caravans of illegal immigrant asylum seekers starting in 2014.⁹ These attackers and plotters — including highly wanted European citizens fighting with ISIS, but who posed as Syrians to evade capture at re-entry, and also non-European attackers — fraudulently applied for asylum at borders and thus gained entry and time to complete attacks.¹⁰ Most of these plotters and attackers would have been identified as SIAs, in the American context, because they had traveled from “countries of interest”.

At issue is that most White House immigration initiatives since 2017 — caps on visas and refugee admissions, improved overseas vetting, and the travel ban on seven countries — do not apply to this higher-risk flow across

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the U.S.-Mexico border. The following recommendations, were they to be added to existing initiatives, would reduce the border's vulnerability to European-style entry by terrorists posing as migrants or by migrants predisposed to commit terrorism:

Resurrect a 2016 counter-SIA initiative that featured coordination of DHS component agencies, as well as the FBI and military intelligence components of U.S. Southern Command.

In 2016, DHS was ordered to coordinate its component agencies with intelligence community agencies to counter SIA smuggling.¹¹ Its purpose was to merge disaggregated efforts to counter SIA cross-border smuggling, create common definitions, and integrate intelligence with law enforcement to vet SIAs at the border and to dismantle their smuggling networks in Latin America in a dedicated manner. The initiative is no longer active.¹² Agencies labor under an absence of consistent intelligence-sharing protocols, inconsistent country lists and term definitions, and shifting investigative vetting procedures and standards that reduce overall effectiveness.

Institute extended detention time and potential misdemeanor prosecution for illegal entry of SIAs, as well as encourage increased bonds for SIAs; ensure that bed space availability is commensurate with average SIA apprehension rates so that bed space is consistently available to maintain extended detention implementation.

Research indicates that the prospect of lengthier detentions and prosecution for illegal entry between ports of entry, pending adjudication of asylum claims or other legal processes, are regarded as high-consequence deterrents on initial decisions to migrate.¹³ Additionally, this policy would increase time in custody necessary to conduct comprehensive security assessments and vetting on all SIAs. White House directives for longer detention time and illegal entry prosecutions for non-SIAs have foundered, in part, on bed space availability. But these strategies can be successfully employed on the smaller numbers of SIAs.

Require that ICE ERO, the FBI, and others conduct full vetting interviews of all SIAs detained inside the United States to assess risk and collect intelligence on routes, smugglers, and terrorism before they bond out or deport. Emphatically integrate this effort with the prospective National Vetting Center.

In past years, ICE intelligence officers and FBI agents were guided by a goal of 100-percent, in-person security vetting assessments of detained SIAs and to collect intelligence on their smugglers. However, in 2011, the FBI ceased most interviews to concentrate on high-priority SIAs, while ICE intelligence officers are largely unable to reach 100-percent interview goals; many detainees bond out without enhanced vetting, leaving potentially valuable intelligence uncaptured.

Direct and prioritize a surge of SIA smuggling investigations in Latin America by ICE Homeland Security Investigations (HSI); ensure more HSI units exclusively target SIA smuggling in South America, in Central America, and in Mexico.

HSI conducts most SIA smuggling investigations in Latin America, but is under-resourced and sometimes diverted too often to drug trafficking investigations. These operations occur with a DOJ "Extraterritorial Criminal Travel Strike Force" but only 22 major U.S. SIA prosecutions of kingpin smugglers can be counted since 9/11. SIA smuggling investigations are time-consuming, expensive, and complex because they must occur in conjunction with the law enforcement and intelligence services of sovereign host countries, and SIA smugglers are especially elusive. However, research shows that because SIA smugglers are uniquely specialized in terms of multilingualism and bi-nationality, and access to mandatory fraudulent identity documents, their removal through arrest and prosecution can disrupt smuggling networks for longer periods of time than would the removal of typical contraband smugglers.

Require U.S. Attorney offices to prioritize and prosecute asylum fraud case referrals; direct agencies to prioritize asylum fraud detection and investigation involving claims made by SIAs.

Research shows that SIA smugglers rely on U.S. unwillingness to detect, investigate, or prosecute asylum fraud to ensure that migrants achieve legal status after arrival.¹⁴ SIA smuggling business continuity relies on successful asylum claims to justify significant smuggling fees paid in origin countries; therefore, smugglers often coach migrant clients in how to craft fraudulent persecution claims to increase the prospects for approval to pursue asylum. However, a 2015 GAO report found that U.S. Attorney offices usually decline to prosecute asylum fraud investigative referrals, creating disincentives for investigators.¹⁵ Directing an emphasis on asylum fraud prosecution would improve this trend, but would also have to be accompanied by directives to responsible investigating agencies.

Increase the number of American law enforcement screeners able to interview SIAs in the detention facilities of Mexico, Honduras, Panama, Brazil, and other Latin American countries known for the staging and transit of SIAs.

Episodically, FBI agents and some intelligence personnel have been allowed access to detention facilities to conduct interviews with SIAs in Mexico, Panama, and elsewhere. The benefits of this access are many and have included opportunities to assess for extremism and connections to terrorism before SIAs are released to continue their journeys to the southern border. However, staffing for these efforts is severely under-resourced and so the effort has therefore been episodic and inconsistent.¹⁶ While some advances have been reported in, for instance Panama, to collect biometric information on SIAs, U.S. officers and FBI agents should be required to more emphatically make contact with larger numbers of SIAs and ensure that biometric information is collected on as many as possible.

Develop a plan to fund repatriations of SIAs from Panama and Mexico, to include funding for detention facilities in both countries and air transport to home countries.

Mexico, Panama, and several other common SIA transit countries practice catch-and-release of SIA migrants. This entails post-apprehension provision of food and medical attention for 10-21 days and then release with temporary legal status with an expectation that migrants will exit their countries northward — often with direct and indirect government assistance.¹⁷ These policies critically enable SIA smuggling and are actually incorporated into smuggling business models. Both countries, because they are chokepoints on smuggling routes, would be logical points at which SIA migrants could be deported to home countries rather than released, which would likely significantly deter such smuggling. While other countries along the route also conduct catch-and-release, or simply allow the traffic to pass through, Mexico and Panama are geographically advantageous and are U.S. allies with longstanding collaborative histories in intelligence and law enforcement operations.

Implement an Information Operations (IO) campaign in country source zones to inform populations about new high-consequence strategy outcomes.

Mere information has proven to be highly influential in the decision-making processes among those contemplating illegal border entry. In early 2017, information about changes in U.S. border enforcement — such as promises to prosecute for illegal entry and to indefinitely detain apprehended migrants pending adjudication of asylum claims — caused a dramatic decline in illegal entries to a 17-year low in apprehensions.¹⁸ Individuals contemplating border entry decided not to do so when faced with long detention times, rather than ordinary release after short periods of time. Likewise, when information traveled that most of the promised policies were not actually implemented, illegal immigration surged. A dedicated IO strategy, in native languages, would draw attention to deportations, asylum fraud and illegal entry prosecutions, higher bonds, and longer detention periods. Information about these outcomes on a consistent basis would likely produce similar impacts in source zone countries in the Middle East, North Africa, and South Asia.

End Notes

¹ Information provided by government sources who have requested anonymity because they were not authorized to comment.

² See Todd Bensman, [“Terrorist Infiltration Threat at the Southwest Border, The national security gap in America’s immigration enforcement debate”](#), Center for Immigration Studies *Backgrounders*, August 13, 2018; and Todd Bensman, [“The Ultra-Marathoners of Human Smuggling: Defending Forward Against Dark Networks That Can Transport Terrorists Across American Land Borders”](#), Master’s thesis, Naval Postgraduate School, September 2015.

³ *Ibid.* Information provided by government sources with access.

⁴ *Ibid.* Information provided by government sources with access.

⁵ See “Border Surge Report”, Texas Department of Public Safety report prepared for Gov. Greg Abbott, posted in the body of: Brian M. Rosenthal, [“Border surge harming crime fighting in other parts of Texas, internal report finds”](#), *Houston Chronicle*, February 24, 2015; Reid Wilson, [“Texas officials warn of immigrants with terrorist ties crossing southern border”](#), *The Washington Post*, February 26, 2015, citing leaked law enforcement sensitive materials; Pauline Arrillaga and Olga R.

- Rodriguez, [“The terror-immigration connection”](#), Associated Press, July 3, 2005; and Warren Richey, [“Are terrorists crossing the US-Mexico border? Excerpts from the case file”](#), *Christian Science Monitor*, January 15, 2017.
- ⁶ See Enrique Andres Pretel, [“Costa Rica detains Somali with alleged terrorism links”](#), Reuters, March 23, 2017; Michael Krumholtz, [“Terrorist Alert”](#), *The Tico Times*, March 23, 2017.
- ⁷ *United States v. Abdullahi Omar Fidse and Debkah Abdallah Sheikh*, 5th Cir. Ct. (W.D. Tex., 2011), Detention Order, Document 26; Unsealed Indictment, Document; *United States v. Fidse and Sheikh*, Narrative from Immigration and Naturalization Service, Document 11, Exhibit 1, Narrative from Immigration and Naturalization Service; *United States v. Fidse and Sheikh, Defendant’s Motion to Dismiss for Due Process Violation*, Document 58; *United States v. Fidse and Sheikh*, Document 26; Document 214 (filed February 13, 2015).
- ⁸ *Ibid.* “Border Surge Report”, Texas Department of Public Safety report prepared for Gov. Greg Abbott, posted in the body of: Brian M. Rosenthal, [“Border surge harming crime fighting in other parts of Texas, internal report finds”](#), *Houston Chronicle*, February 24, 2015.
- ⁹ See [“European Union Terrorism Situation and Trend Report 2017”](#), European Union Agency for Law Enforcement Cooperation, 2017, pp. 6, 12, 14; Dion Nissenbaum and Julian E. Barnes, [“Brussels attacks fuel push to close off militants’ highway”](#), *Wall Street Journal*, March 23, 2016; Alan Yuhas, [“NATO commander: ISIS spreading like a cancer among refugees, masking the movement of terrorists”](#), *The Guardian*, March 1, 2016; John Stevens, [“How the Paris bomber sneaked into Europe: Terrorist posing as a refugee was arrested and fingerprinted in Greece — then given travel papers and sent on his way to carry out suicide bombing in France”](#), *The Daily Mail*, November 16, 2015; and Isabel Hunter, [“Master bombmaker who posed as migrant and attacked Paris last year is now chief suspect in Belgian atrocity as police swoop on home district”](#), *The Daily Mail*, March 22, 2016.
- ¹⁰ See Robin Simcox, [“The Asylum-Terror Nexus: How Europe Should Respond”](#), Heritage Foundation, June 18, 2018; John Letzing, [“Swiss confirm arrest of three Iraqis for suspected support of Islamic State”](#), *Wall Street Journal*, October 31, 2014; [“Somali imam arrested in Italy for planning attack on Rome’s main train station”](#), Reuters, March 10, 2016; and Sam Greenhill and Claire Duffin, [“ISIS bomb plotter’s tour of Britain: Afghan ‘refugee’ suspected of planning terror attacks used fake IDs to visit high-profile UK sites and posed for pictures as he scouted for targets”](#), *The Daily Mail*, May 11, 2016.
- ¹¹ Jeh Johnson, [“Cross-Border Movement of Special Interest Aliens”](#), Department of Homeland Security memorandum, June 24, 2016.
- ¹² Information provided by intelligence community sources who have requested anonymity because they were not authorized to release it.
- ¹³ Marc R. Rosenblum, [“Border Security: Immigration Enforcement Between Ports of Entry”](#), Congressional Research Service, May 3, 2013.
- ¹⁴ Todd Bensman, [“The Ultra-Marathoners of Human Smuggling: Defending Forward Against Dark Networks That Can Transport Terrorists Across American Land Borders”](#), Master’s thesis, Naval Postgraduate School, September 2015, pp. 80-84.
- ¹⁵ [“Additional Actions Needed to Assess and Address Fraud Risks”](#), Government Accountability Office, December 2, 2015.
- ¹⁶ Todd Bensman, [“Mexico, Stuck in the Middle”](#), Breaching America Series Part III, May 2007.
- ¹⁷ Todd Bensman, [“The Ultra-Marathoners of Human Smuggling: Defending Forward Against Dark Networks That Can Transport Terrorists Across American Land Borders”](#), Master’s thesis, Naval Postgraduate School, September 2015, pp. 88-94, and 119-121.
- ¹⁸ See Caitlin Dickerson, [“Trump Effect Wears Off as Migrants Resume Their Northward Push”](#), *The New York Times*, January 10, 2018; and Amanda Holpuch, [“The invisible wall: How Trump is slowing immigration without laying a brick”](#), *The Guardian*, December 23, 2016.