

U.S. House of Representatives
Committee on Homeland Security
Biden and Mayorkas' Open Border:
Advancing Cartel Crime in America
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Thank you, Mr. Green and Mr. Thompson, for the opportunity to testify today. The mass migration crisis instigated by the Biden administration's misguided immigration policies has caused incalculable harm to American communities, to the integrity of our immigration system, and, tragically, to many of the migrants themselves. While there are a number of beneficiaries of these policies, including employers seeking cheap, exploitable workers; NGOs who are awarded huge contracts to provide services to migrants; and politicians who welcome the addition of non-citizen constituents to their districts, to name a few, the biggest winners under the Biden-Mayorkas policies are the criminal cartels and other transnational criminal organizations who are reaping profits on a nearly unimaginable scale. Drug trafficking is big business, and we've witnessed an alarming spike in the most dangerous drugs like fentanyl, but reportedly in recent years the cartels actually have been making more money from human smuggling and trafficking than from drugs. The fiscal and human cost is serious and enormous. Congress should take certain steps to combat the cartels specifically, but the most effective action would be to address the main cause of the problem – the array of policies, unauthorized entry programs, and legal loopholes that generate the most profitable customers for the cartels – illegal migrants.

Biden-Mayorkas Policies Set Off Flood of Illegal Migrants; Millions Released into the United States. When he took office, President Biden inherited what many experts considered to be the most secure land borders in U.S. history, with expanded and improved barriers, updated technology, and more personnel, all of which was backed up by policies that deterred migrants from crossing illegally. Yet on his very first day, President Biden began dismantling these policies and activities that had largely succeeded in controlling recent waves of illegal migrants. Within a short time, on the watch of DHS Secretary Alejandro Mayorkas, that largely secure southern border was transformed into a chaotic, lawless, and dangerous frontier, with cartels and criminal smuggling organizations orchestrating illegal crossings of migrants with impunity. The incentive: the understanding that the vast majority of illegal migrants would promptly be released from government custody and transported to their destination (often with government funds), despite low expectations that the migrants will comply with immigration proceedings or ever qualify to remain legally.

The Biden-Mayorkas policies, are built on the concept of increasing immigration by “managing” a much higher level of illegal migration and laundering the unauthorized entries using parole and work permit-issuing authority, together with the near suspension of interior enforcement. The result is a system that is outrageously lucrative for the cartels and the smugglers, traffickers, gangs, and other criminal enterprises involved. Specifically, the Biden administration has arranged it so that the majority of those who do business with the smuggling organizations, which necessarily work under arrangements with the cartels who control the border area, will succeed in gaining entry to the United States with the opportunity to live and work here for an indefinite period, without a meaningful threat of removal. Under these policies, there is a near endless supply of paying customers willing to risk working with criminal organizations to seek passage to the border.

These policies include:

1. Terminating construction of physical barriers at the border, and suspending operation of other tactics that were effective in deterring illegal entry, such as checkpoints and certain technology-based detection systems.

2. Directing the Border Patrol to coordinate with Mexican authorities to permit groups of migrants to cross the border illegally.¹
3. Directing the Border Patrol to undermine the border security enhancements installed by Texas authorities.²
4. Allowing inadmissible migrants to make appointments to be escorted through the ports of entry for processing and release into the United States. Those arriving without appointments may withdraw their applications and subsequently enter with an appointment.
5. Virtually guaranteed release of families, minors traveling without parents, and those claiming to be a family or minor. These categories of illegal migrants, now represent 30 percent of the current border apprehensions. Little to no vetting is done to verify claimed family relationships (DNA testing was recently suspended). Typically, after processing the migrants are turned over to contractors who provide shelter and arrange transportation to their destination, where they are told to check in with Immigration and Customs Enforcement to receive an immigration court date. Intake agencies are prohibited from sharing information on the minors with ICE, and ICE is prohibited from moving to deport anyone who sponsors a minor.
6. Unaccompanied minors are handed off to the Department of Health and Human Services, which will house them until a sponsor is located. Most are released to individuals claiming to be parents or other relatives, while others are released to lightly-vetted sponsors. Home studies, background checks, and financial assessments are rare, and little meaningful follow-up monitoring is done. The expectation is that any problems will be handled by state and local authorities.
7. Migrants are encouraged to comply with immigration proceedings in order to receive a work permit. This benefit may also lead to qualifying for additional services, including a driver's license. Their conduct is only lightly monitored to remain in compliance with the terms of their release.
8. Migrants who do not comply with the conditions of their release are not considered targets for immigration enforcement. Only those migrants who commit very serious crimes and serve out their sentences are considered for removal, and only if the crimes occurred recently and no other mitigating circumstances are presented. Tens of thousands of migrants who absconded from proceedings in the past, or whose cases are now considered low priority have been closed, eliminating any threat of removal.
9. Besides giving a pass to illegal migrants who don't comply with release conditions, Mayorkas has directed ICE to refrain generally from investigating employers who hire unauthorized workers and from attempting to detect illegal workers who are using stolen or false identities.

As Border Crossings Rise, So Do Cartel Profits. Not surprisingly, the number of illegal border crossers and inadmissible migrants has exploded, in response to what the migrants call Biden's "invitacion." This has been a boon for the cartel profits; in the last two years, reportedly, the cartels have reaped more revenue from the human smuggling and trafficking business than they have from drug trafficking, and have accumulated more wealth than some entire states in Mexico, reaching sums of as much as \$14 billion a year, according to some experts.

¹ Todd Bensman, [Biden DHS Coordinating Illegal Immigration In-Flows with Mexico \(cis.org\)](#), Center for Immigration Studies, May 10, 2023.

² Todd Bensman, [Dispatch from a Militarized Texas Farm - Where Biden's Federal Agents Are Sabotaging the State's Desperate Border Enforcement \(cis.org\)](#), Center for Immigration Studies, July 13, 2023.

Border Patrol encounters of illegal migrants at the border have consistently breached two million each year since 2021, and as of May of this year, are already over 2.1 million.

While the number of encounters measures attempted illegal crossings, the more important metric in the context of this discussion is the number of inadmissible aliens who are being released into the country. These are the cartel success stories, and consist of three categories of unauthorized migrants:

1. Illegal border crossers released after apprehension – Under Biden-Mayorkas policies, since January 2021 more than 2.2 million inadmissible aliens have been released into the country after turning themselves over to the Border Patrol or after apprehension.³ This massive catch and release program is operating in defiance of the Immigration and Nationality Act, which requires the government to return, remove or detain all illegal border crossers, including those express an intent to make an asylum claim.⁴
2. “Gotaways” – Prior to the implementation of Biden-Mayorkas policies, typically the number of aliens evading apprehension by the Border Patrol remained just over 100,000 per year. Beginning in 2021, that figure rose to nearly 400,000 “gotaways,” and then nearly 600,000 in 2022. So far in 2023, reportedly 530,000 illegal aliens have evaded capture, for a total of at least 1.5 million “gotaways” entering under the Biden administration.⁵
3. Unauthorized parole programs – In an attempt to lessen scenes of chaos at the southern land border, Mayorkas recently launched a controversial program to funnel inadmissible migrants to land and air ports of entry and away from illegal land crossings. Migrants make an appointment in advance using a phone app known as CBP One, and are allowed to enter through the land ports on the day of their appointment. In addition, those who show up at legal crossings without a visa and without a CBP One appointment are allowed to withdraw and enter later using the app to make an appointment, usually bypassing the waiting lists, which can be as long as five weeks for other users. Initially set at 1,000 per day on May 12 (following the rescission of Title 42), now there are 1,450 appointments available every day at the land ports. In addition, according to our sources, every day more than 1,000 additional migrants who are citizens of Cuba, Haiti, Venezuela, and Nicaragua reportedly are being permitted to fly directly to certain U.S. airports, where immigration officials allow entry without a visa. The estimated total number of unauthorized parolees is 250,000 since January.

New Policies Fail to Make Illegal Migration Safer. Biden officials have claimed that the policies and programs implemented after the termination of pandemic expulsions have created new “legal” pathways for migrants so that they do not need to do business with the cartels. In remarks at a meeting with Mexico’s President Lopez Obrador and Canada’s Prime Minister Justin Trudeau, Biden said:

People have to make it through jungles and a long journey to the border. And many are victimized, not only in terms of what they have to pay but victimized physically in other ways. And so, we're trying to make it easier for people to get here, opening up the capacity to get here, but not have them go through that godawful process.⁶

³ Andrew R. Arthur, [Decoding CBP’s Southwest Border Statistics for May \(cis.org\)](https://www.cis.org/articles/decoding-cbp-s-southwest-border-statistics-for-may), Center for Immigration Studies, June 26, 2023.

⁴ See Hillel R. Smith, “The Law of Immigration Detention,” Congressional Research Service, updated September 1, 2022, [IF11343 \(congress.gov\)](https://www.congress.gov/117/records/2022/09/01/IF11343) and Andrew R. Arthur, [DHS Can’t Just Release Illegal Migrants at the Border \(cis.org\)](https://www.cis.org/articles/dhs-cant-just-release-illegal-migrants-at-the-border), Center for Immigration Studies, October 22, 2021.

⁵ Andrew R. Arthur, [‘Got-Away’ Tsunami Is the Best Measure of the Decline in Border Security Under Biden \(cis.org\)](https://www.cis.org/articles/got-away-tsunami-is-the-best-measure-of-the-decline-in-border-security-under-biden), Center for Immigration Studies, June 29, 2023.

⁶ Joseph R. Biden, [Remarks by President Biden, Prime Minister Trudeau, and President López Obrador in Joint Press Conference | The White House](https://www.whitehouse.gov/the-press-office/2023/01/10/biden-trudeau-obrador-press-conference), January 10, 2023.

Biden officials now claim (without releasing the official statistics to confirm) that illegal crossings have declined by 50 percent or more in the last month. However, there are reasons to be skeptical that the new programs actually have solved the border problems, especially the human smuggling and trafficking problems and the involvement of the cartels. First, since the CBP One app can only be used from locations in central and northern Mexico, migrants still need to get to that area from other parts of Mexico, from Central America, and all the other departure points around the globe. Typically that requires hiring a smuggler who specializes in a particular market, and work and shares profits with the cartels that control the border and passage through other countries.

Notably, U.S. authorities had to shut down the CBP One processing in the city of Laredo for two weeks because migrants with appointments were being extorted for amounts in the range of \$500 to \$13,000. Eventually they reinstated the program, even as the risk of extortion continues. Upon re-opening appointments U.S. officials said that to avoid being extorted in Laredo, migrants should consider applying from other Mexican cities.⁷

Even with the new policies, the numbers of illegal crossers is still unusually high, averaging over 3,500 daily encounters with Border Patrol, and essentially has progressed only from “catastrophic” to “very bad.”

In particular, the number of family units and minors does not seem to be abating. According to reports, despite the threats of consequences for illegal entry, many migrants are abandoning the CBP One process in favor of illegal crossings because there is a five-week waiting period to enter once an appointment is made, and they are still likely to be released into the United States anyway – so there is little advantage to using CBP ONE. Minors, the category most vulnerable to abuse, are still crossing in very high numbers, with nearly 10,000 apprehended in May of 2023.

Moreover, the cartels, along with other bad actors, still need to move their products and operatives across the border for their illicit business purposes, and they do not want to risk detection by using the pathways established by Mayorkas. They continue to exploit the weak links in physical border security to move drugs, gang members, single males, and anyone else who is likely to be flagged and removed if caught.

The Border Patrol and Texas authorities continue to announce significant apprehensions and encounters of illegal crossers, this month, even in the brutal heat of summer. This week, Mexican authorities intercepted least two tractor trailers loaded with hundreds of migrants.

To the extent that there is any improvement at all, it is most likely due to efforts by the state of Texas to physically block the entry points, such as by patrolling on the Rio Grande river, installing razor wire and buoys, and arresting some of those who make it across in areas away from where the Border Patrol is processing illegal migrants.

Lax Border Policies Expose Migrants to Abuse by Cartels. President Biden, Secretary Mayorkas, and their allies maintain that the arrival of four million illegal border crossers in less than three years (on top of several million legal immigrants and new temporary workers in the same time frame) is a necessary humanitarian response and good for the country as well. This claim is perhaps naïve, but strikes me more as shockingly indifferent to the plight of the large number of migrants who are abused, exploited, and even trafficked after surrendering themselves, their family members, and sometimes their life savings to the criminal organizations who are actually in charge of this system.

The dangers begin on the journey to the United States. Depending on the country of departure, the migrants travel by plane, boat, bus, train, and on foot, usually traversing multiple countries in which they have to be stashed and staged in houses or fleabag hotels, or camp in the wilderness and on the streets of various towns they pass

⁷ Daina Beth Solomon and Laura Gottesdiener, [Exclusive: U.S. restarts asylum appointments at Mexico border town despite extortion threat](#) | Reuters, June 28, 2023.

through. Bribes have to be paid to authorities, gangs or cartels on the way, and even if Mexico is the only foreign country they cross, they usually are subjected to threats, robbery, assault, kidnapping, extortion, illness, injury, and more. An unknown number don't survive the journey to the U.S. border.

Depending on the place of origin, the smuggling fees run in the thousands of dollars. Some migrants will accept discounts on the fees by giving up their children to cross with other adults traveling alone. Others will agree or are forced to be drug mules, perhaps in exchange for a lower fee.

Many migrants agree to a contract stipulating that after making a down payment on the smuggling fee, after they arrive at their pre-arranged destination in the United States, they will work in a job and live in housing arranged by the smugglers. Their smuggling debt and numerous other "expenses" will be deducted from their (low) wages, in the classic debt bondage arrangement, now possible on a much larger scale because of the Biden-Mayorkas policies.

The trafficking and debt bondage incidents involving children are especially horrifying. In 2021, about 27 percent of the cases reported to human trafficking hot lines nationwide involved minors. From January 2021 to May 2023 approximately 380,000 unaccompanied minors have been taken into custody by the Border Patrol. Under the current rules, after a cursory screening, the Border Patrol must turn over the minors to the Department of Health and Human services, which, under Biden policies, rushes to place the child with a sponsor. These placements occur without any of the precautions established by state child welfare agencies, and too often put the minors in abusive situations.

This irresponsible process was the subject of a Judiciary hearing several months ago, in which expert witnesses described how countless children have ended up in sex trafficking, forced labor, domestic servitude, or are released to the custody of gang members, predators, or illegal employment in violation of child labor laws.⁸ The trafficking and other abuses also have been chronicled in numerous media investigative reports. One of the most informative accounts was the report of a grand jury empaneled in Florida in 2021 to investigate the problem. It observed:

*Some "children" are not children at all, but full-grown predatory adults; some are already gang members or criminal actors; others are coerced into prostitution or sexual slavery; some are recycled to be used as human visas by criminal organizations' some are consigned to relatives who funnel them into sweatshops to pay off the debt accumulated by their trek to this country; some flee their sponsors and return to their country of origin; some are abandoned by their so-called families and become wards of the dependency system, the criminal justice system, or disappear altogether. Meanwhile ORR's efforts and resources are less-directed at preventing or remedying any of these maladies, and instead appear fully focused on maximizing the number of children they can process, heedless of the downstream consequences to either the children or the communities into which they are jettisoned.*⁹

Biden officials have been clear that they are more interested in moving UACs through the system as quickly as possible than they are concerned about the safety and well-being of the minors in their custody. In a shocking video that was widely circulated earlier this year at just about the time of one of the news media reports on the burgeoning problem of UAC labor trafficking, HHS Secretary Xavier Becerra urged HHS staff to further accelerate the processing of the kids, saying, "This is not the way you do an assembly line."¹⁰

Typically, the traffickers promise the young migrants and their families that they can go to school or work in the United States, and instead lure them into indentured servitude, peonage, sex trafficking, extortion, or demand that they work for the smugglers to pay off their debts to the traffickers. In other cases, desperate, unsuspecting, or

⁸ U.S. House Judiciary Committee hearing, [The Biden Border Crisis: Exploitation of Unaccompanied Alien Children | House Judiciary Committee Republicans](#), April 26, 2023.

⁹ Florida Grand Jury report, p. 4.

¹⁰ [White House promises crackdown on migrant child labor \(usatoday.com\)](#)

opportunistic parents will arrange for their child to cross with a trafficker to work in the United States at a farm or factory, or worse. In one notorious case implicating an egg farm in Ohio:

... The defendants and their associates recruited workers from Guatemala, some as young as 14 or 15 years old, falsely promising them good jobs and a chance to attend school in the United States. The defendants then smuggled and transported the workers to a trailer park in Marion, Ohio, where they ordered them to live in dilapidated trailers and to work at physically demanding jobs at Trillium Farms for up to 12 hours a day for minimal amounts of money. The work included cleaning chicken coops, loading and unloading crates of chickens, de-beaking chickens and vaccinating chickens.¹¹

In 2021, the federal government reportedly stopped releasing unaccompanied minors in at least two locations – Enterprise, Ala. and Woodburn, Ore. -- due to concerns about organized labor trafficking. The Department of Justice and two other federal agencies launched investigations based on suspicious clusters of arriving minors: “Some of these situations appear to involve dozens of unaccompanied minors all being released to the same sponsor and then exploited for labor in poultry processing or similar industries without access to education,” according to an email from a Justice official. So far, one couple in northern Alabama has been convicted of money laundering and conspiracy to transport illegal aliens unlawfully, and the other investigations apparently are still in progress.¹²

The establishment and resurgence of the transnational gang MS-13 in the Washington DC-Maryland-Virginia area, whose members are largely illegal aliens, many of whom originally arrived as unaccompanied minors, has brought an increase in cases of brutal sex trafficking in the area. The gang preys on young teenage girls who run away from shelters, foster care, or broken homes:

In the United States, victims of MS-13 tend to be Latino immigrant girls or girls from the Northern Triangle countries who came into the country as unaccompanied minors.... HHS places minors either in foster care, with family or a sponsor.... MS-13 preys on the vulnerability of the unaccompanied minors; some have previously suffered sexual abuse either in their home country or during the trip north; others lack a community and do not speak English. Members of MS-13 seek out the vulnerable young girls using violence and other coercive tactics to intimidate the girl into having sex for money to help financially support the gang. Runaways are also appealing to the MS-13. Family problems, transitions from foster care and economic problems are some of the reasons that unaccompanied minors run away from their homes. Many of the unaccompanied minors may have experienced sexual abuse, exploitation or physical abuse in their home countries or during their migration to the United States and even more suffer from poverty and lack of a stable social network. These are all factors that make young girls more susceptible to human trafficking.¹³

Recent typical cases occurring in the area resulted in the prosecution of eleven MS-13 gang members for sex trafficking, assault, and other charges related to the prostitution of a 13-year old and 16-year old runaways. ICE officials have stated that an estimated 40 percent of MS-13 members they arrest originally arrived as UACs.

It is not only minors who end up being trafficked; the cartel-run system sets up adults for abuse as well. In 2021, Texas and New York had the largest number of cases reported on trafficking hot lines, but the places with the highest number of cases per capita were New Mexico, Mississippi, Georgia, Nevada and Washington, DC. Trafficking for commercialized sex is a serious problem, although the type of human trafficking that is most likely to involve illegal border crossers is forced labor trafficking. The most common sectors for this form of trafficking are agriculture/farm work and domestic work.

¹¹ U.S. Department of Justice, “Two Defendants Plead Guilty to Forced Labor Scheme that Exploited Guatemalan Migrants at Ohio Egg Farms,” August 25, 2015.

¹² [U.S. Probes Trafficking of Teen Migrants for Poultry-Plant Work \(bloomberglaw.com\)](https://www.bloomberglaw.com/news/2021/08/25/us-probes-trafficking-of-teen-migrants-for-poultry-plant-work)

¹³ [The Connection between the Mara Salvatrucha \(MS-13\) and Human Trafficking \(humantraffickingsearch.org\)](https://www.humantraffickingsearch.org/)

There are no comprehensive national statistics to quantify the true scale of trafficking or even recent trends, but the prevalence of new cases indicates that the criminal exploitation of workers is thriving under the Biden-Mayorkas border policies. For example, in April 2023, three Brazilian men were criminally charged for targeting and smuggling Brazilians over the southern border, for a fee of \$18,000 – 22,000. The illegal migrants were put to work in restaurants owned by the traffickers in Woburn, Mass., and had to share apartments owned or controlled by the defendants, who withheld wages from the victims in order to pay off their smuggling debts and forced them to work long hours, often performing difficult manual labor, while subjecting them to threats of serious harm – including financial harm, violence and deportation to prevent them from quitting and demanding better pay and working conditions. The defendants carefully monitored changes in immigration policies at the border, coached the migrants on how to answer questions from authorities, and offered to give fake documents to the victims to support bogus asylum claims.¹⁴

While some of the labor trafficking involves relatively small-time cruel and unscrupulous employers, the cartels are directly involved in employing an unknown, large number of trafficked illegal migrants on illegal marijuana farms in Oregon and California, and probably other states, in a form of forced labor known as “narco-slavery.” One illegal operation using trafficked workers was discovered after the body of a dead worker was discovered at a gas station, and investigators traced the matter back to the farm, uncovering other problems:

Once Maria began working on the [illegal pot] farm, armed guards prevented her from leaving until the harvest was over. She said there were no bathrooms or beds for the more than 200 workers there. She slept on the floor or on an air mattress.

In the summer heat, she and others were forced to work from 7 a.m. to 10 p.m., Maria said. The guards would determine when they would wake up, eat and sleep.¹⁵

Authorities sometimes refer to these operations, which usually are run by either the Sinaloa or Jalisco (CJNG) cartels, as “blood cannabis” producers. They typically are found in remote areas of the country and produce marijuana to sell all over the United State. The illegal cartel-run farms are places of squalor and violence, where female employees in particular frequently are sadistically abused and other workers are exploited:

A man from Spain said he was victimized on a grow in Josephine County [Ore.], to the west of Jackson County and bordering California. The man [said] he was promised \$120,000 but was paid \$300.

When the worker demanded his earnings, the growers shot at him. He ran, hopped into his car and sped off as a truck followed him. He hid out in the woods for a couple of days before escaping. ...

He said other workers are made to work 16 or more hours without a break and sometimes without a meal. And women are sometimes sexually assaulted.

They come from Mexico, Argentina, Chile, Spain, Honduras, El Salvador, Venezuela and Colombia and have often spent all of their money to get to the cannabis farms. Workers on illegal cannabis grows like this one in Jackson County, Oregon, are sometimes lured to the region with promises of hotel rooms and six-figure salaries. They often live in squalor without a bed or clean water.¹⁶

¹⁴ Department of Justice, [District of Massachusetts | Three Indicted for Forced Labor and One Charged with Labor Trafficking at Woburn Restaurants | United States Department of Justice](#), April 4, 2023.

¹⁵ Allie Weintraub et al, ['Narco slaves': Migrant workers face abuse on Oregon's cartel-run, illegal pot farms - ABC News](#), December 15, 2022.

¹⁶ Beth Warren, [Cartel-backed pot grows linked to California, Oregon human trafficking \(usatoday.com\)](#), June 18, 2023.

Lax administration of the legal visa programs also has allowed trafficking to flourish, particularly in the H-2A temporary farmworker, H-2B seasonal temporary worker, and J-1 exchange worker categories, but this trafficking is most frequently run by labor contractors and other staffing companies.

All of these problems are facilitated by the moratorium on worksite enforcement imposed by Mayorkas. Immigration enforcement at the worksite is the obvious place to detect instances of exploitative employment of migrants, but the Biden administration has shifted most work on these cases to the Department of Labor, which should also be involved, but lacks some of the authorities of DHS agencies, especially concerning non-citizens, who are responsible for at least half of the forced labor trafficking violations that have been prosecuted in federal court each year, according to the Human Trafficking Institute.¹⁷

Biden-Mayorkas Policies Expose U.S. Communities to Threats. The flood of people to the border brought on by the Biden-Mayorkas policies has created conditions that make it difficult, and at times impossible, for border officers to determine the identity, age, citizenship, and background of those they apprehend. The emphasis is on swift release of those caught crossing illegally and those seeking entry at the ports of entry, including those allowed to enter using CBP One. A cursory biometric and biographic screening is done, but if migrants have not previously been in the United States, there is little basis for assessing whether any individual migrant might pose a threat. The few documents that migrants might bring with them (those not ditched prior to crossing) are of little use to U.S. authorities.

These careless policies have created scores of new victims in American communities – all of which were preventable crimes. For example:

- Last month in El Paso, Eddy Jose Ortega Alvarado, a Venezuelan man who reportedly was allowed to enter using CBP One on May 20, 2023, has been accused of murdering a Honduran woman he was staying with in a dwelling that has been identified as an illegal alien stash house. Border Patrol agents told the news media that they had run a criminal history check on Ortega, but with the recent high volume of people to be processed and very limited access to criminal histories in other countries, there are “bad apples” who make it through.¹⁸
- In a case highlighted by the Florida Grand Jury, a 24-year old man made it through Border Patrol screening posing as an unaccompanied child, and qualified to be placed with a sponsor in Jacksonville, whom he later murdered.¹⁹
- Several Venezuelan men who recently arrived in Chicago have been charged with a variety of crimes, including stabbings and shoplifting. Some have been arrested multiple times during the few months since their arrival. The state judge in one case lamented the lack of information on the men:

These are individuals who've not been in the country very long. You're now telling me that they were arrested at Macy's, committing a felony retail theft. So the court wants some idea of who is in front of me. Additionally, as the public defender just indicated, one person has already indicated he's using another name. So, who are these people? Who are these individuals?²⁰

- School resource officers around the country are asking the same questions about some of the students they are observing in the public schools. Officers I have met have described disturbing cases of gang infestation

¹⁷ [Federal Human Trafficking Report | Human Trafficking Institute](#)

¹⁸ [Dave Burge and Fernie Ortiz, Migrant arrested, charged with capital murder in death of another migrant | KTSM 9 News](#), June 5, 2023.

¹⁹ [Illegal immigrant who posed as minor while crossing border charged with murder \(nypost.com\)](#)

²⁰ [Venezuelan migrant arrested 3 times since arriving in Chicago 3 weeks ago: prosecutors - CWB Chicago](#), May 9, 2023 and [John Binder, Sanctuary City Chicago: Migrants Accused of Stabbing, Shoplifting While Living in Taxpayer-Funded Shelters \(breitbart.com\)](#), May 18, 2023.

and violence in the schools attributed to newly arrived unaccompanied minors, the entrapment of recently arrived girls into sex trafficking, and kids arriving at school after working the overnight shift at a poultry processing plant, and more.

- Federal agents recently prosecuted members of the MS-13 gang in Virginia for sex trafficking case, among other crimes. They recruited a group of girls who had entered as unaccompanied minors, were placed in a group home in Fairfax, Va, and then ran away, into the clutches of the gang. The teen victims were brutally beaten to initiate them into the gang, and then repeatedly forced to engage in prostitution both to members of the gang and outsiders. From once court document:

MINOR 2 was sex trafficked by numerous MS-13 gang members and associates shortly after she and MINOR 3 ran away from Shelter Care on August 27, 2018. According to MINOR 2, MINOR 3 informed her that she would engage in sex in exchange for money, food, and other things that MINOR 2 needed. During interviews with law enforcement, MINOR 2 and MINOR 3 both discussed staying at the residence of MOISES and JOSE ELIAZAR, two brothers who lived together... in Woodbridge, Virginia.... MINOR 2 informed law enforcement that multiple men engaged in sex with MINOR 2 in the wooded area behind MOISES' apartment. ...Geolocation data obtained during the investigation shows that MINOR 2 was harbored at multiple locations in Northern Virginia and Maryland....Numerous social media conversations involving MOISES, GUTIERREZ, and others, show their active involvement in finding different residences to harbor MINOR 2 for purposes of commercial sex.²¹

- There are reports of several instances of individuals who had been watchlisted as known or suspected terrorists who still managed to enter the United States, either as asylum seekers²² or because overwhelmed border officials could not react to the derogatory information. The latter case was the subject of a scathing report from the DHS Office of the Inspector General.²³

Besides the array of past and future individual criminals who have been allowed to enter after crossing illegally, either by the design of the Biden-Mayorkas policies or as “gotaways”, there is an even more concerning threat to the public from the cartels and other transnational criminal organizations that routinely exploit the border policies for their illicit business purposes. Most are sophisticated organizations, and the most successful are nimble in adapting to emerging opportunities, whether in human and drug trafficking across the U.S. border, or even more complex ways. Not only have they evolved “horizontally” to branch out into new ventures, for example getting involved in human trafficking as well as drug trafficking, in fentanyl trafficking as well as heroin and marijuana trafficking, and stealing oil as well as automobiles -- they also have shown that they will evolve “vertically,” to control every level of production, distribution, and retail sales of their illicit products.

This vertical evolution presents a very serious threat to American communities. The Mexican cartels (and numerous other transnational criminal organizations) have not been content to remain in Mexico; they already have established operations in the United States. Federal agencies made more than 300 arrests for Mexican cartel-related crimes in 2022, according to one analysis.²⁴ To manage these operations, the cartels need to move their people into U.S. communities. This requires thwarting U.S. immigration controls, which is not difficult at the moment. Once here, they will try to gain control of the environments in which they operate, whether through violence or

²¹ Affidavit in Support of Criminal Complaint and Arrest Warrant in *United States v MOISES et al*, July 31, 2020.

²² Todd Bensman, [The Biden Admin Released a Suspected Terrorist into the United States After He Illegally Crossed the Border \(cis.org\)](#), Center for Immigration Studies, March 4, 2022.

²³ Department of Homeland Security Office of the Inspector General, [OIG-23-31 - CBP Released a Migrant on a Terrorist Watchlist, and ICE Faced Information Sharing Challenges Planning and Conducting the Arrest \(REDACTED\) \(cis.org\)](#), June 28, 2023.

²⁴ Andrew Dorn and Steve Joachim, [Map: Tracking drug cartel arrests across the United States \(newsnationnow.com\)](#), February 16, 2023.

through the corruption of public officials. Some communities have already experienced such violence, such as in the case of the illegal marijuana grows in California and Oregon, or in the case of Goshen, Calif., where in January 2023, six people were executed in an “early morning massacre” that authorities described as a likely cartel hit.²⁵

These public safety threats come on top of the other significant costs to taxpayers, including the cost of expanded services to the migrants and lost job opportunities and depressed wages for legal U.S. workers. For example, Texas has told federal courts that state taxpayers have incurred expenditures of hundreds of millions of dollars a year for medical care, schools, shelter and criminal justice costs attributed to the illegal migration brought on by the Biden-Mayorkas policies.

Recommendations. The Biden administration has implemented policies that incentivize illegal migration on a massive scale, to the profit of criminal smugglers and traffickers, even with full knowledge of the risks that such policies will endanger the safety and well-being of the migrants. Some supporters of these policies have defended them on the belief that they are aiding the reunification of families, providing a safe haven from difficult living environments in their home countries, and even benefiting US employers. On the contrary, I submit that there is no possible rationalization for policies that facilitate the abuse and exploitation of migrants and the endangerment of American communities on such a scale. There is no possible humanitarian or economic motive that could justify or make up for the damage that has been done by the cartels and the smugglers and traffickers who work with them.

Some suggest that a strong law enforcement agency response to target the cartels would solve the problems. Certainly that would help, and these reforms should occur, but such a surgical approach limited to targeting individual cartels and transnational criminal organizations will not be enough, even if a few cartels could be eradicated.

As long as the careless and poorly managed immigration policies of the Biden administration remain in place, which allow for the near unlimited illegal entry of migrants who do not have to establish admissibility, eligibility or qualifications in any form, we can expect that the cartels and other criminal groups will exploit these policies to their own profit and convenience. If the policies are reversed, to end the mass catch and release of illegal crossers, to end unauthorized parole entry programs, to return Border Patrol agents to patrolling the border, to resume enforcement of immigration laws in the interior – especially at the work place, then it becomes much harder for the cartels to make a profit off of the migration dreams of vulnerable people in other countries, and they will find other business opportunities. To solve the problem, Congress must change the immigration laws and rein in the executive policies that are incentivizing the mass illegal migration of both adults and minors. When we reach the point where migrants understand that there is no point in entering an agreement with a criminal smuggling organization or a labor trafficker, or even attempting to illegally join a family member in the United States, because such illegal entry and employment will not be tolerated and result in the consequence of being sent home promptly, then the smugglers and traffickers will have few clients, and the government agencies will have a much greater ability to deal with a far fewer number of exploitation cases.

Many of these reforms would be accomplished by H.R. 2640, the Border Security and Enforcement Act of 2023, introduced by Mr. McClintock and Mr. Biggs, which passed the House and is now before the Senate. Congress should also make use of its appropriations authority to de-fund the most egregiously damaging programs established by the Biden administration, including CBP One, other parole programs, the Mayorkas immigration enforcement prioritization scheme, and migrant resettlement initiatives that in reality are the final leg of illegal human smuggling operations. In addition, Congress should appropriate funds to be awarded to state and local governments to initiate programs to combat human trafficking, smuggling, and other activities that involve the cartels and transnational criminal organizations. ###

²⁵ Stella Chan, [Goshen, California shooting: 6 people, including a baby, were killed in a 'cartel-style execution,' sheriff's office says | CNN](#), January 17, 2023.