



# U.S. Immigration and Customs Enforcement

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STATEMENT

OF

**MICHAEL E. FEINBERG**

ACTING DIRECTOR  
OFFICE OF INTERNATIONAL AFFAIRS

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
DEPARTMENT OF HOMELAND SECURITY

REGARDING A HEARING ON

**“COMBATING TRAFFICKING FOR FORCED LABOR PURPOSES IN THE OSCE  
REGION”**

BEFORE THE

U.S. HELSINKI COMMISSION

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## **INTRODUCTION**

Good morning, Chairman Hastings, Co-Chairman Cardin, and distinguished members of the U.S. Helsinki Commission. It is my privilege to appear before you today to discuss Immigration and Customs Enforcement's (ICE's) efforts against human traffickers who exploit men, women, and children – a form of modern-day slavery. I would like to thank the Commission for its continued commitment to combating human trafficking, particularly in the Organization for Security and Cooperation in Europe (OSCE) participating states.

Among the Department of Homeland Security (DHS) law enforcement agencies, ICE has the most expansive investigative authority and the largest number of investigators. We also have more than 300 victim-witness field coordinators, which is more than any other U.S. agency. Our mission is to target the people, money, and materials that support terrorist and other criminal activities. ICE accomplishes this by investigating and enforcing our immigration and customs laws, including laws related to human trafficking and forced child labor.

## **ICE'S ROLE IN COMBATING TRAFFICKING**

While the focus of today's testimony is on forced labor trafficking, much of what I will say applies to ICE's efforts to fight all forms of trafficking, whether for sex or labor exploitation. ICE special agents place a priority on rescuing trafficking victims and investigating allegations of trafficking, regardless of whether the victims were made to work against their will or whether they were unlawfully induced into a sexual exploitative situation. As part of ICE's

victim-centered approach to trafficking, we also provide the same access to victim assistance to all trafficking victims.

ICE's aim in all trafficking cases is to systematically disrupt and dismantle the international and domestic operations of human traffickers, identify and seize assets and illicit proceeds, and identify systemic vulnerabilities that may be exploited by criminal elements to undermine immigration and border controls.

There is an important distinction between the terms "human smuggling" and "human trafficking." These are not interchangeable terms. ICE views human smuggling as the importation of people into the United States involving deliberate evasion of immigration laws. Human trafficking on the other hand comes in two forms: trafficking for sexual exploitation in which commercial sex is induced through the use of force, fraud, or coercion or in which the person induced to perform such act has not attained 18 years of age; or labor exploitation, which is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjecting the person to involuntary servitude, peonage, debt bondage, or slavery. It is unnecessary to prove force, fraud or coercion in cases of commercial sex acts where the victim is under 18. Simply stated human smuggling is transportation-based and human trafficking is exploitation-based.

ICE has jurisdiction within the U.S. for all human smuggling and forced child labor cases that have a nexus to the movement of people or goods across the U.S. borders. U.S. Federal law grants both ICE and the Federal Bureau of Investigation the authority to conduct trafficking investigations. Internationally, ICE does not have the authority to conduct any investigative

activities without the consent of the host country. These restrictions vary by country. Thus, ICE relies heavily on the relationships it is able to form with its foreign law enforcement partners to investigate cases with a nexus to the United States. The majority of ICE's overseas investigative activities occur in connection with cases that originate within the United States.

ICE builds and maintains strong international relationships through our 50 offices located in 39 countries throughout the world, including 11 OSCE member countries. We work with host country law enforcement to better coordinate investigations and to fully identify and pursue criminal enterprises. This is accomplished by targeting recruiters, brokers, document providers, travel agencies, corrupt officials, smugglers, and associated businesses engaged in criminal activities at source, transit, and destination countries. We also work with foreign law enforcement partners to target bank accounts, wire transfers, and funding mechanisms that fuel criminal enterprises. In addition, we coordinate with NGOs, international organizations (IOs), and foreign law enforcement agencies to enhance awareness and to increase efforts to combat human trafficking in source and transit countries.

ICE also holds the permanent directorship of the Human Smuggling and Trafficking Center (HSTC), a joint venture of participating investigative and intelligence agencies, including DHS, the Department of State, and the Department of Justice. Its main focus is to combat support for clandestine terrorist travel, human smuggling, and trafficking in persons. The HSTC is also the official point of contact for Interpol regarding trafficking matters, and has established direct ties to other international organizations such as Europol and the United Nations Office of Drugs and Crime (UNODC) Anti-Human Trafficking Unit. ICE is an active

participant in the Senior Policy Operating Group and regularly coordinates with our partners at the Federal Bureau of Investigation, Diplomatic Security and the Department of Labor.

ICE recognizes that merely focusing on stopping the supply of trafficking victims is not enough to end human trafficking. Instead, attention must also be paid to ending the demand of those who seek to exploit trafficking victims. ICE addresses this problem through aggressive investigation and prosecution of traffickers and violators of the PROTECT Act of 2003, those individuals who travel for purposes of sexual exploitation of children. ICE agents have made more than 60 arrests under the child sex tourism provisions of the PROTECT Act of 2003.

ICE recently produced a public service announcement, which will further educate the public in identifying trafficking victims and hopefully reduce the demand for prostitution if the customer realizes that the sex provider might be a victim of trafficking.

Using its customs authorities, ICE also conducts investigations based on laws that ban the importation of products that are made with forced child labor and prison labor. Through the Tariff Act of 1930, DHS has the authority to prohibit the importation of any goods made with convict, forced, or indentured labor. If it can be shown reasonably, but not conclusively, that a product being imported is made with forced child labor or prison labor, then the Commissioner of Customs and Border Protection (CBP) has the authority to detain that item at the border. If probable cause has been established that the product has been made with forced child or prison labor, and the consumptive demand and de minimis requirements are met, then the item may be excluded from entry. These investigations allow the U.S. to keep products from entering our country that are made by forced labor trafficking victims in other countries.

## **SUCCESSFUL INVESTIGATIONS**

Here in the United States, we continue to target traffickers. In one 2005 ICE-led investigation, conducted in collaboration with the Federal Bureau of Investigation and the Internal Revenue Service, we targeted a criminal organization engaged in the smuggling and trafficking of Russian, Czech, and Ukrainian women into the United States. The victims were forced to work as exotic dancers at Detroit-area strip clubs in order to repay smuggling and other debts. The techniques used by the traffickers to control the victims included confiscating their passports and identity documents, imposing social and linguistic isolation, bugging the victims' apartment, rough physical treatment, and threats of violence. Investigative efforts resulted in the rescue of four victims, the imprisonment of two traffickers, the seizure of two weapons, two vehicles, and restitution to victims totaling over \$2,500,000. Specifically, in June of 2007, one of the defendants was sentenced to 14 years in prison and ordered to pay over \$1.5 million in restitution to the victims.

In another case that was completed in late 2005, a husband and wife smuggled more than 60 Peruvian nationals, including 13 children, into the United States. The couple charged the victims a smuggling fee of \$6,000 to \$13,000, confiscated their passports, and then, required the victims to perform work for them and other employers. The husband and wife kept most of the earning of the victims, leaving them with less than \$50 per week. The defendants used the money to purchase vehicles and real property on Long Island and in Peru. In addition to the smuggling fees, the victims were required to pay the defendants for over-crowded and unsanitary living space – frequently eight to ten persons per room with only one or two mattresses, and no more than two bathrooms for use by 30 or more individuals. The

defendants also threatened to turn the victims over to law enforcement authorities if they refused to pay the defendants. The husband and wife pleaded guilty to conspiracy to commit forced labor, recruiting, harboring, transporting, and housing undocumented workers, and other charges. The wife was sentenced to 15 years in prison, while the husband received 11 years in prison. This case also demonstrates the importance of partnerships. ICE first received information about the case from a non-governmental organization (NGO), which provides services to victims of human trafficking.

### **VICTIM SERVICES**

ICE provides victim services through two full-time victim witness coordinators who are stationed at Headquarters as well as through more than 300 collateral duty victim witness coordinators in the field. ICE also provides victim assistance in the form of immigration relief through Continued Presence, which is a temporary status that permits a trafficking victim to remain legally in the United States during an ongoing investigation or prosecution. ICE coordinates with U.S. Citizenship and Immigration Services (USCIS) on which aliens should be granted T visas, a nonimmigrant visa category for victims of trafficking. Trafficking victims who receive Continued Presence or T visas are then eligible for employment authorization and other federally funded or administered benefits or services.

### **ICE's OUTREACH EFFORTS**

In addition to our international investigations, ICE focuses much of its anti-trafficking efforts internationally on training and outreach to foreign law enforcement, governments, and NGOs.

We are engaged in an aggressive outreach campaign to educate local, state, federal, and foreign law enforcement, as well as NGOs, on how to identify human trafficking, the services and immigration relief available to trafficking victims, the roles of NGOs, and the distinction between human smuggling and human trafficking. We also provide a toll free number or tip line for human trafficking leads. We have developed brochures and a DVD for law enforcement officers, and laminated wallet-size cards with human trafficking indicators, which have been translated into five different languages. ICE is currently creating additional outreach material specifically for our attaché offices, including online information, booklets, and cards that will identify indicators of forced labor and provide suggestions for industries on voluntary compliance with U.S. forced child labor laws.

ICE has hosted and participated in numerous training sessions on human trafficking and victim issues for combined audiences of law enforcement, prosecutors and NGOs. We have developed human trafficking training modules, which are part of the permanent curricula at the International Law Enforcement Academies (ILEA) in Bangkok, Budapest, and San Salvador. Through ILEA, in fiscal year 2006, ICE trained 429 law enforcement personnel from 43 countries on trafficking investigations and working with victims.

Recently, the UNODC hosted a working group in Vienna, Austria, consisting of experts from the international law enforcement and NGO communities to develop human trafficking law enforcement training modules, along with modules covering a variety of other crimes. ICE served as the sole representatives from the United States aiding in the development and editing of these anti-trafficking training materials.



One of the reasons this aggressive training is so critical is because there is no perfect method to identify trafficking victims. Each situation is different. ICE has developed a series of indicators based on its past investigations, which provide assistance to law enforcement personnel in identifying whether a person has been trafficked. These indicators include: whether the victim is in possession of identification and travel documents; whether the victim was coached about what to say to law enforcement and immigration officials; whether the victim was recruited for one purpose and has been forced to engage in another job; whether the victim's salary was garnished to pay off a smuggling fee; whether the victim or the victim's family has been threatened with harm if the victim attempts to escape; whether the victim has been threatened with deportation or law enforcement action; and whether the victim was harmed or deprived of food, water, sleep, medical care or other life necessities.

ICE recently implemented a national strategy to foster closer relationships with federal, state, and local law enforcement agencies. As part of this strategy, ICE field offices have engaged in an outreach campaign to educate federal, state, and local law enforcement agencies and NGOs regarding ICE's expertise and role in human trafficking investigations, and the provision of Continued Presence.

ICE is working closely with the Department of Health and Human Services, the Department of Justice, as well as many non-governmental, community-based, and faith-based organizations to assist victims of trafficking. Our departments have launched anti-trafficking initiatives and task forces in more than 40 cities across the United States. These task forces combine state, local, and federal law enforcement to attack these criminal organizations. Collaboration

between law enforcement agencies is done primarily through local human trafficking task forces.

### **CONCLUSION**

In conclusion, ICE has the unique ability to use its global reach to investigate trafficking in persons and to provide short-term immigration relief to trafficking victims. We will also continue to expand our outreach and training efforts by sharing our expertise in employing a victim-centered approach to combating human trafficking.

I hope my remarks today have been helpful and informative. I would like to take this opportunity to thank the Commission for its support of ICE and our law enforcement mission. I will be glad to answer any questions you may have at this time.