The Ultra-Marathoners of Human Smuggling:
How to Combat the Dark Networks that Can Move Terrorists over American Land Borders

Todd Bensman

Abstract
National legislation requires America’s homeland security agencies to disrupt transnational human smuggling organizations capable of transporting terrorist travelers to all U.S. borders. Federal agencies have responded with programs targeting extreme-distance human smuggling networks that transport higher-risk immigrants known as special interest aliens (SIAs) from some 35 “countries of interest” in the Middle East, North Africa, and Asia where terrorist organizations operate. Yet ineffectiveness and episodic targeting are indicated, in part by continued migration from those countries to the U.S. southwestern border since 9/11. Should an attack linked to SIA smuggling networks occur, homeland security leaders likely will be required to improve counter-SIA interdiction, or do so preemptively. With a better understanding of how SIA smuggling networks persist in foreign geopolitical ecosystems, despite U.S. disruption efforts to date, could their most vulnerable fail points be identified for better intervention targeting? This essay presents the key findings of a systematic analysis of U.S. court records about SIA smuggling, as derived from 19 known prosecutions and a variety of other data between 2001 and 2015. It will discuss suggested leverage points and conclude with a list of strategy options for a more effective disruption campaign against them.

Introduction
In the year 2000, President George W. Bush took office promising to accommodate the American economy’s labor demands with a temporary worker visa program that also would have legally normalized millions of Mexican workers and reduced their need to cross the U.S. border clandestinely. The president’s plan was such a priority that his first foreign trip, in February 2001, took him to Mexico to discuss reform with his enthusiastic counterpart, President Vicente Fox. Momentum toward a bilateral accord had advanced to such a degree by September 5, 2001, that President Fox and his wife came to the White House for the American president’s first state dinner.

But, as the president would write in his post-office memoir, “then 9/11 hit.” A mere six days after the Fox visit to the White House, the president was no longer thinking about the Mexicans whose difficulties he planned to relieve. As former President Bush later noted in his memoir, Decision Points: “My most serious concern was that terrorists would slip into our country undetected. I put the idea of a temporary worker program on hold and concentrated on border security.”

This historical anecdote may stand at some variance with prevailing perceptions that contemporary U.S. immigration and border security policy evolved primarily around Mexican nationals and other Spanish-speaking migrants. But a preponderance of leadership policy statements, presidential papers, government commission reports, and the very language of post-9/11 legislation more persuasively suggest the motive was preventing Islamic terrorist border infiltration. Although the 19 hijackers of the 9/11 attacks had entered the country by visa and identity fraud—not
through land borders—the concern driving border policy was that similarly probing follow-on attackers would breach the land borders next; the deleterious consequences on Mexican migrants were unintended collateral damage. No known plot has ever publicly surfaced. But, enter the example of the November 13, 2015 Paris attacks. These and subsequent ones in Brussels were carried out in part by citizens of France and Belgium who had been away fighting with the Islamic State terrorist organization in Syria and Iraq, but who had clandestinely slipped back for the attacks among thousands of illegal immigrants assisted by human smuggling networks. With these migrating foreign fighters came proof of concept for what had long been a mere border infiltration threat theory both in Europe and in the United States.

This essay re-visits the original, if somewhat forgotten, catalyst for current U.S. border security and immigration policy: a form of human smuggling organization that can enable terrorist travelers like the returning European attackers to also reach the U.S.-Mexico border from countries terrorist organizations like ISIS call home. Even before 9/11, these human smuggling networks were regularly transporting migrants—and potentially, terrorists among them—from some 35-40 Islamic “countries of special interest” in the Middle East, South Asia and North Africa. The asylum-seeking people they moved would come to be known as “Other than Mexicans, (OTMs)” and then, even more specifically as American strategy developed around them, the OTM subcategory “special interest aliens (SIAs).”

Both SIAs and the smugglers who ran the sophisticated, globe spanning networks that move them over oceans and across urban and wilderness landscapes of vast continents became much hunted in the years after 9/11. SIA smuggling networks qualify as “dark networks” described by counterinsurgency scholar Sean Everton. These are clandestine enterprises that profitably move outlawed contraband and unwanted people as part of a vast underground economy. Invisibility is their greatest competitive advantage. In this kind of business, handshake bargains are struck for journeys, false documents and ill-gotten visas in Middle Eastern casabas, Kenyan refugee camps, and outside foreign embassy gates. The journeying occurs, seen while unseen, in the airport terminals of South Africa, the unpolicied jungles of Colombia and Panama, in speedboats off the Pacific coast of Guatemala, at the un gov erned borderlands of developing African nations, and in the bus depots of Bolivia and Peru.

The hunt for these ultra-distance human smugglers, and the prospective terrorist travelers they can transport, has been part of a virtually forgotten or unknown counterterrorism-immigration control strategy that has unfolded far from the public controversies about physical land borders. Its objective has been to disable the smuggling networks in foreign lands and thus reduce the volume of their higher-risk migrant clients and discern any terrorist travelers camouflaged among them. Finally, and as a last resort, the strategy hoped to net those getting through the foreign dragnet at the home border. The idea was always that if economic opportunists or war refugees could be transported from countries of interest to the U.S. land border, then certainly so too could terrorists living in those states; they had to be caught en route or deterred.

But as it turns out, the American effort hasn’t been going well, according to various government reporting and other information. It is true that no SIA is publicly known to have mounted a homeland attack plot to date in the United States, the public record demonstrates that these ultra-marathoners of human smuggling have continued ferrying SIAs, including Syrians, to the Texas, California, Arizona and New Mexico borders with annual regularity since 9/11—and that the prospect for terrorist travelers to be among them remains. The routes generally follow South America-Central America-Mexico pathways with a United States terminus. Most importantly, these networks have, on occasion, transported individuals with suspected involvement in Islamic terrorist organizations.

The purpose of this essay is to provide detailed knowledge about how the smuggling occurs and a strategic blueprint for how to approach it the day when American homeland security leaders are called upon to reduce the
threat of terrorist border infiltration in the way their European counterparts now have. It is based on a deconstructive study of 19 U.S. prosecutions of SIA smuggling networks between September 2001 and September 2015, the total known cases. Incorporated into the study, which used NVivo qualitative analysis software, were thousands of pages of court records and non-court narrative data, such as the public testimony of U.S. security leaders, official government reports, and credible media information.

This essay recommends a variety of strategies that American homeland security leaders can apply to likely fail points in the SIA smuggling networks as they continuously move clients through Latin America and Mexico. While it does not assess the degree to which these migrants pose an attack threat, this discussion rests on less disputable rationales: that SIA smuggling networks provide the capability for terrorist travelers to reach the American border. Finally, an effective American effort to reveal and suppress SIA traffic is not really a choice anyway. It’s the law; virtually all of the major 9/11 border security legislation explicitly requires U.S. agencies to deal with the transnational terrorist travel and human smuggling threat to homeland border security.8

### Table 1. Court Cases Examined

<table>
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<tr>
<th>#</th>
<th>Smuggler</th>
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<tr>
<td>1</td>
<td>Ashraf Ahmed Abdallah</td>
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<td>2</td>
<td>Merzhad Arbane</td>
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<td>Annita Devi Gerald</td>
<td>Guayana</td>
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<td>Maher Wazzen Jarad</td>
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<td>Jordan</td>
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**BACKGROUND**

The Homeland Security Act of 2002 cemented the foundations of the new border security counterterrorism regime by establishing one of its key objectives as “preventing the entry of terrorists and terrorist weapons” by threat actors described as “transnational terrorists, transnational criminals and unauthorized migrants.”9 The National Strategy to Combat Terrorism described one of its top goals as “denying terrorists entry to the United States” by disrupting their travel “internationally and across and within our borders,” and undermining the “illicit networks”...that facilitate the travel.10
The hallmark Intelligence Reform and Terrorism Prevention Act of 2004 mandated “a cohesive effort to intercept terrorists, find terrorist travel facilitators, and constrain terrorist mobility domestically and internationally.” The act created a Human Smuggling and Trafficking Center, still very much a going concern, to collect intelligence on human smuggling and “clandestine terrorist travel,” far from American borders. The Secure Fence Act of 2006 states that its purpose is “the prevention of all unlawful entries to the U.S., including entries by terrorists.”

It was the legislated new priorities that led to a doubling of border patrol agents by 2014 to 21,000. The first of several Border Patrol strategic plans in 2005 marked that agency’s new priority mission as: “establishing substantial probability of apprehending terrorists and their weapons as they attempt to enter illegally between ports of entry.”

The formal SIA interdiction priority is traceable to a November 2004 memorandum from U.S. Border Patrol Chief David Aguilar to all field agents. It listed 35 countries of interest and instructed border agents to take eight listed actions when migratory citizens of the countries were apprehended (see Figure 1). The first step required a “Significant Incident Report” be filed to the CBP Situation Room within an hour of any SIA apprehension. Afterward, all SIAs over the age of 14 would be put through national security database checks and their pocket contents seized for analysis.

Most were to be interviewed by intelligence agencies and FBI agents. Federal agencies with immigration-control missions, such as ICE, were assigned to chase SIAs and their smugglers, often in Latin American locations. To pave the way, the U.S. State Department expanded the number of cooperative counterterrorism agreements and attaché offices to some 75 countries, particularly throughout Latin America, where SIA smuggling routes ran, but elsewhere in the world as well. The primary agency assigned to SIA-interdiction duty was the ICE Office of Investigations, later renamed Homeland Security Investigations (HSI). ICE described the mission involving 240 agents in some 48 foreign attaché offices as an effort to “aggressively pursue, disrupt and dismantle foreign-based criminal travel networks – particularly those involved in the movement of aliens from countries of national concern.”

Department of Homeland Security (DHS) Secretary Janet Napolitano offered a rare public acknowledgment of the effort in 2012 when she said,

There’s a whole category called SIAs—special interest aliens is what it stands for. We watch that very carefully. We have been working—not just with Mexico, but countries of Central America, in terms of following more closely people transiting the airports and the like. And so, again, our efforts there are to try to ... take as much pressure off the physical land border as we can.
The Problem
Some American enforcement efforts to dismantle SIA networks since 9/11 have occurred in countries along established smuggling passages through South America, Central America, and Mexico. Numerous indicators, however, suggest ineffectiveness of effort and episodic targeting. Government audits state that federal agencies tasked to disrupt SIA movement have been diverted to drug investigations, that successful investigations appear limited to one or two per year, and that hundreds of SIAs annually have reached the U.S. southwestern border since 9/11. One Government Accountability Office (GAO) assessment, for instance, questioned whether American law enforcement stationed abroad has spent too much time pursuing drug investigations (83 percent of their cases) rather than SIA smugglers. Pointing out neglect of the SIA issue, a 2012 GAO investigation of the Border Patrol’s work toward national security goals found slow progress in deterring SIA immigration. The report noted that hundreds of SIAs had reached the border, and that while these account only for those caught, the greatest percentage were more than 20 miles inland, indicating that more were slipping undetected into the interior.

Perhaps the most potent indication that enforcement strategy lags the trend is that SIAs have reached the U.S. southwestern border in steady annual numbers since the start of the post-9/11 American law enforcement effort. Government data reflecting SIA apprehensions, episodically obtained by media outlets, show they consistently reached the southwestern border each year since 9/11, with unknown...
numbers undoubtedly slipping through undetected.

For example, one set of SIA apprehension data reflecting September 2001 through 2007 showed that nearly 6,000 SIAs from 40 countries had reached the southwest border. Other SIA apprehension data made public since 2007 suggest the traffic has continued at a regular pace. A 2009 GAO audit of border patrol highway checkpoints 25 miles inland from the Rio Grande found more than 530 SIAs logged in 2008 alone, including three “identified as linked to terrorism.” A Texas Department of Public Safety intelligence report leaked in 2015, citing U.S. Customs and Border Protection (CBP) data, asserted that there were more than 493 encounters with SIAs in Texas during the first nine months of 2014, a 15 percent increase over the same time the previous year. The 19 cases collected for the study suggest—though do not confirm—a relative paucity of such investigations by the assigned U.S. agencies. To be fair, U.S. officials do note in various public forums that transcontinental SIA investigations are highly complex and difficult because they cross so many international jurisdictions, require reliable bilateral cooperation, operate covertly, and are expensive.

The tenacity of SIA smuggling occurs in a void of academic literature about all human smuggling, particularly the only form considered a terrorism-related homeland security threat. This dearth of knowledge is problematic because strategy and tactics are best served by comprehension. In 2011, for instance, the United Nations Office on Drugs and Crime (UNODC) released a survey of available literature on global human smuggling and “irregular migration.” The survey found it problematic that so little research had been done to understand such a consequential phenomenon. Among the literature survey’s findings of scholarly neglect, for instance, was that research had suffered from unreliable data, unbalanced geographical coverage, use of theoretical frameworks not globally applicable, disparities in the quality and quantity of information about how networks are organized, and perspectives over-representing destination countries at the expense of transit or origination countries. This survey failed to mention the potential for terrorist travelers.

Understanding how SIA networks function from a systematic break down of the 19 known federal court prosecutions of them, and showing them as complex interdependent systems, would seem a fundamental first step to improving enforcement outcomes against them. Yet American efforts to date have gone scarcely known, and therefore not publicly questioned, evaluated or professionally audited and validated as would be expected of most legislated government strategies.

**SIA Smuggling 101**

SIA smuggling is not one-stop shopping. Like any other industry, fees and services cater up or scale down depending on clients’ ability to pay. Those wishing to reach the United States may choose services that range from all-inclusive, doorstep-to-doorstep guided journeys, to more piecemeal arrangements that cost less.

Ultra-distance SIA smuggling organizations are primarily based in foreign countries and depend on loose, but highly effective transnational alliances. As ICE Executive Associate Director James A. Dinkins testified to Congress in 2010, these multi-component alliances involve various operators, such as recruiters, brokers, document providers, transporters and corrupt foreign officials, to exploit vulnerabilities in the immigration and border controls of many nations. Organizationally, 12 of the 19 studied networks were full-service, stage-to-stage smuggling systems that featured a pyramid-like architecture.
Figure 2. Organizational Structure of a typical full-service SIA smuggling network

**Routes**

To understand which methods SIA smugglers choose to move their human cargoes, and why, it is first necessary to understand the where. It turns out that smugglers have quite logical reasons, to be described, for why they transported their U.S.-bound migrant clients from their home countries in the Middle East, North Africa and South Asia along certain air, land, and sea paths. While initial routings were somewhat unique to each of the three regions, eventually all converged in the Americas along common northward passageways.

SIAs from the Middle East often moved through Turkey and Greece to the Gulf states of UAE and Qatar, but also European countries such as France, Spain, Italy, and Germany—and sometimes, through Russia. Major air hubs in these countries then linked them to the Americas: Cuba, Ecuador, Peru, Colombia, Guatemala, and Mexico.
Figure 3. Departures from Middle East, Africa, and South Asia, and Initial Landings in the Western Hemisphere. Routes derived from U.S. court prosecutions and open-source reports.

From North African countries such as Somalia, routes often ran from Ethiopia, Kenya, and Sudan through the Gulf States, South Africa, and occasionally Europe.
From South Asian countries such as Pakistan and Afghanistan, migration entailed among the highest fees because distances to Latin America were greatest and thus SIAs travelling on these routes faced the highest risk of law enforcement interceptions along the way. Routes most often transited through South Africa, the Gulf States and Europe.
Once SIAs reached the Western Hemisphere, some nations were frequently used either for “staging,” or “transit.” A distinction should be made between them. In staging countries, migrants linger for days, weeks, or sometimes months, awaiting coordination for the next travel phase in smuggler-controlled safe houses or hotels. Migrants in transit countries were, by contrast, on the move, stopping only for sleep or rest. Some staging countries doubled as transit countries, most notably Mexico and Guatemala. Twelve of the 19 smuggling organizations used either Brazil (5) or Ecuador (7) for landing and staging SIAs. Other commonly used landing and staging countries included Cuba, Mexico, and Guatemala. Guatemala and Panama figured prominently in almost all of the examined data about SIA smuggling because they act as funneling land bridges that must be crossed. In all countries, north was the direction of migration.
THE SEVEN FAIL POINTS

Route choice, it turns out, appears to be deeply embedded in the ability of SIA smugglers to discern and leverage country-specific circumstances and opportunities. Sometimes, one or two critical enabling factors in each country or region determined their success. Knowing what some of these critical enabling factors are can inform law enforcement intervention and intelligence collection activity. While this research does not identify every probable critical enabling factor, a number did emerge in the data. These are identified as fail points, which American border security strategists should consider addressing. Following descriptions of these fail points, strategies for best exploiting them are suggested.
The Kingpins

Until their arrests, all of the prosecuted kingpin smugglers successfully operated full-service stage-to-stage guided operations and even partial service organizations by relying extensively on personal mobility and knowledge of other languages. They held dual-citizenship passports, bi-national residencies, and knew two or more languages. Approximately 18 of the 19 prosecuted smugglers maintained dual citizenships and/or residences in more than one country; one (Umanzor-Lopez) lived in her native Guatemala but apparently was able to travel into and out of the United States, while several American SIA smugglers traveled at will to countries of interest and then back to the United States.36

Additionally, SIA smugglers often maintained pivotal access to key corrupt officials or to fraudulent document supplies. Most of the smugglers appeared to make significant use of their knowledge of other languages, particularly Spanish and English. Mobility and multilingualism enabled these SIA smuggling kingpins to legally enter and exit staging and transit nations at will, and to manage clients and indigenous partners along the way.

Prosecutors summed up this specialization when they described the versatility of Eritrean national smuggler Halbtom Merhay this way: “the defendant is believed to be a citizen of Great Britain, to reside in the United Arab Emirates, and to travel frequently to London, England” and therefore “has contacts with fraudulent document vendors, human smugglers, and travel agents in numerous countries.”37 American and British passports, given their acceptability in the widest range of nations, proved to be of particular value for Merhay and others of the prosecuted smugglers. For example, the Syrian SIA smuggler Nizan Lorian held U.S. citizenship but maintained residences in Guatemala and Mexico, enjoying ease of travel throughout Latin America and the United States on his American passport.

Investigators noticed that the American passport of naturalized U.S. citizen Neeran Zaia, who was also a citizen of Jordan and spoke Arabic, Spanish, and English, showed extensive travel to the Middle East and throughout South America.

These attributes, though, present a key organizational vulnerability too; they likely render SIA smuggling kingpins less dispensable than those who run other kinds of smuggling enterprises because their capabilities are so highly specialized and necessary, suggesting relatively low organizational resiliency which can be targeted.

Information from the collected data could not sufficiently determine the ease with which arrested SIA smuggling kingpins were replaced and their disrupted operations restored, a subject worthy of additional study. But some limited reporting suggests that restoration may be slower than in other kinds of illicit black market enterprises. A U.S. immigration officer testified in a Mexican court affidavit that after the Mexico-based Lebanese smuggler Salim Boughader-Musharaffille was arrested in 2003 for transporting hundreds of Lebanese SIAs into California, at least several months passed before some of the traffic resumed.38 Left unclear in the reporting is whether or not the new organization was able to move migrants by the hundreds as did Boughader-Musharaffille. Other case records revealed that underlings do lie in wait for kingpins to be removed or to step aside, although timelines were not available to indicate delay times. For instance, the 1997 arrest of a “legendary” Ecuador-based alien smuggler named George Tajirian, responsible for smuggling hundreds of Middle Easterners into the United States during the 1990s, was followed by a competition for the helm among numerous successors.39 The prolific Iranian smuggler Mohammed Hussein Assadi won out and ran a highly lucrative network until his own 2002 arrest.

Mexican and Latin American Consulates in Islamic nations

The foreign diplomatic missions of some Latin American transit countries—inside the originating countries of interest—figured often in extreme-distance SIA smuggling. These outposts provided crucial travel documents that could put migrants within closer striking
distance of the American border. SIA smugglers incorporated into their business models the acquisition of travel visas and passports from Mexico’s consulate offices in Lebanon, Turkey, and India; Belize’s diplomatic mission in Singapore; Guatemala’s consulate in Jordan; and Cuba’s embassies in Syria and Kenya.

The reason for this has a logical basis; such visas or passports can land migrants closer to the U.S. border, reducing distance, cost, and risk. SIA travelers still in their home countries prefer to first reach Mexico directly, given its U.S. border access, then in descending order of preference, nations to Mexico’s south. Therefore, Mexico’s foreign missions were among the most valuable and problematic. Court cases and public data showed that Mexico’s embassies have figured in SIA smuggling in Cuba, Turkey, India, Jordan, Colombia, Lebanon, and Belize, where visas or blank passports were fraudulently sold for thousands of dollars each.

To be sure, Mexican authorities have taken steps to fire and prosecute some consular employees caught taking bribes, as they did after discovering that the Lebanese smuggler Boughader-Musharrafille was paying employees of Mexico’s Beirut embassy to provide visas to his hundreds of California-bound clients. After a Mexican investigation of Beirut-based Mexican embassy employees in November 2003, a veteran Foreign Service officer was fired; the investigation proved the employee sold the passports for up to $4,500 each in service to Boughader-Musharrafille’s network.

The 2005 smuggling prosecution of Iranian smuggler Zeayadali Malhamdary showed that fraudulent use of Mexican visas and passports continued after the Beirut investigation. Malhamdary predicated his entire operation on acquiring Mexican visas, for which he would charge $12,000 each, boasting to one undercover agent that he had used them to smuggle 60 Iranians over the Arizona border. Malhamdary would meet his prospective Iranian clients in Tehran or European cities and collect their passports. A third party would obtain the Mexican visas (the method is not revealed) without the applicants’ required physical presence, returning them to their owners for travel.

Mexico’s Honorary Consul in Jordan, appointed in 2004, acknowledged in a 2007 media interview that his predecessor, under American pressure, was dismissed for accepting bribes to provide Mexican visas to those wanting to cross the U.S. border. Honorary Consul Raouf N. El-Far said in 2007 he then began routinely receiving lucrative bribery offers from Iraqis, Syrians, and Jordanians who openly disclosed plans to be smuggled over the U.S. border. He described one offer from a Jordan-based smuggler to pay $100,000 per month for 10 visas per month in perpetuity, an offer El-Far said he declined because “it is against my principles.”

Under U.S. pressure after 9/11, El-Far said that Mexican intelligence, for the first time, conducted a background investigation on a Jordanian consul—himself. The check, he said, was so thorough “they wanted to know how many times I kissed my wife before I go to bed.”

Despite such efforts to enforce integrity following 9/11, Mexican consulate offices remained vulnerable. In March 2008, for example, three Afghans were discovered at the Kuwait airport posing as Mexican citizens en route “home” to Mexico. The Afghans were detained during a layover when a Kuwaiti customs officer asked them to speak Spanish and two of the three could not. Each carried an authentic, bar-coded passport with Mexican pseudonyms. Investigation showed the Afghans paid $10,000 each for the passports from the Mexican consulate office in Mumbai, India.

Three Iraqi Kurds apprehended after crossing the Texas-Mexico border in 2009 similarly told a reporter they paid a Turkish smuggler named “Murat” $20,000 apiece to secure Mexican visas, along with airfare. They said they gave Murat their passports and then the next day met Murat at the Mexican embassy in Ankara, Turkey, where the smuggler handed them their Iraqi passports with Mexican visas inside.
Other countries of Latin America with diplomatic stations in countries of interest included Ecuador, Bolivia, Brazil, Venezuela, the Dominican Republic and Guatemala. The Guyanese smuggler Annita Devi Gerald, who had citizenship and a house in Belize, worked with co-conspirator Dhanraj Samuel of Trinidad and Tobago to move Indians and other South Asians from Singapore to Houston, Texas. To enable the travel, they provided fraudulent Belize business visas obtained from that country’s consulate office in Singapore, then provided Mexican visas to ease domestic air travel within Mexico. Fees were included in $20,000 package deals.51

Sometimes corruption played a definitive role in the document provision, but so too, may fraudulent applicant behavior intended to outwit visa application personnel. A typical example emerged from an FBI informant placed inside a Texas detention facility and who asked for a smuggler to get his brother out of Somalia. The Brazil-based Somali smuggler Ahmad Dhakane, who had just been apprehended crossing the border from Mexico, told the informant that he could do it by obtaining six-month Brazil missionary visas through a Nairobi church and 90-day Mexican visas for $9,000. As a bonus, Dhakane let the informant know that missionary visas also enabled his clients to obtain free traveler’s health insurance.

The enabling power of Latin America’s visas, through diplomatic missions abroad, also is exemplified by the experience of 24-year-old Iraqi war refugee Ahmr Bahnan Boles, who fled with hundreds of thousands of other Iraqis in the mid-2000s to neighboring Syria and Jordan.53 In Damascus, Syria, a limited service smuggler offered, for $700, to obtain a visa from Guatemala’s consulate station in downtown Amman, Jordan. Boles himself did not personally appear, as is required.54 With the visa inside Boles’ Iraqi passport, he paid $70 for a transit visa at the local Cuban embassy in Damascus. With an airline ticket from Damascus through Moscow, the visas enabled Boles to reach Cuba, then Guatemala City and finally Texas.

**Hostile Nations**

Countries diplomatically estranged from the United States offered the critically enabling advantage to SIA smugglers of relative imperviousness to U.S. demands for action or bilateral cooperation. Cuba, Venezuela, Russia, Bolivia, and, to a certain extent, Ecuador, figured often in SIA smuggling as transit and staging countries.

For example, Boles traveled through Moscow with no questions asked on his way to Cuba. And in explaining why his embassy provided visas to Iraqis like Boles in Damascus, a Cuban Foreign Service officer in that country’s Syrian embassy told a reporter he was pleased to send Iraqis, even potential terrorists, to the home state of President Bush, as just desserts for starting the Iraq war. “I’m sorry your president is from Texas,” he said. Now, you’re receiving your own medicine. The problem started in Texas, and it’s finishing in Texas.”55

The willingness of Cuba and Moscow to allow unquestioned passage to Boles, with little regard for U.S. sensitivities, underscores a more expansive role that such estranged nations have played in the years since 9/11. For instance, Venezuela, which has been at diplomatic odds with the United States since Hugo Chavez came to power in 1999, was an SIA transit country in several of the examined court prosecutions. The U.S. Department of State’s 2014 Country Reports on Terrorism noted that Venezuela had not cooperated fully with U.S. counterterrorism efforts for nine consecutive years. In 2007, long lines of local citizens in the Venezuelan embassy in Damascus, Syria, waited for nine different kinds of tourist and business visas described as easy and affordable to receive.57 Bolivia, which had cut most ties to the United States in 2008 when a leftist government took power, has figured as an SIA staging and transit country.

In addition to cold diplomatic relations limiting or precluding responsiveness to U.S. security concerns, sometimes corruption played a definitive role in the document provision, as did fraudulent applicant behavior to outwit visa application personnel.
U.S. Asylum Fraud

An asylum claim at the American southwestern border provides the best chance for SIAs to gain legal status, with citizenship in the offing, and at the same time avoid the unacceptable loss of smuggling investment fortunes that deportations portend. For those reasons, SIA smugglers have incorporated the promise of asylum as a critical enabling factor to business continuity and client recruitment. That SIAs often seek political asylum differentiates them from most migrants crossing the American border, who cannot make ostensible, required claims of racial, religious, or political persecution.

The motive to commit such fraud is powerful. For an SIA, deportation means the loss of tens of thousands of dollars in fees not easily raised for follow-up attempts. Court records from four of the 19 cases, as well as other sources, showed that SIA smugglers took pains to instruct their clients to defraud the U.S. asylum system with false persecution claims. For instance, Mexico City-based Nepalese smuggler Rakhi Gauchan coached most of her clients, including a Pakistani client she believed was a terrorist, in how to offer fraudulent persecution stories most likely to ring well with asylum officers. Gauchan had her clients, for instance, tell immigration officials that they belonged to persecuted political parties, regardless of their actual affiliation, and once recommended that a client rejected for Italian asylum, which would disqualify him for U.S. asylum, should simply invent a new story.

Such fraud occurs against a backdrop of questionable U.S. effectiveness to detect it. A 2008 GAO survey of asylum officers, for instance, showed that 75 percent believed “they needed additional training to help them detect fraud, conduct security checks and assess the credibility of asylum seekers.” The report also concluded that asylum officers believed they were approving many likely fraudulent claims, and that investigating authorities and federal prosecutors nationwide routinely rejected most criminal referrals. In 2014, four Republican congressmen asked the GAO to investigate the asylum process after a leaked DHS report showed that up to 70 percent of cases contained proven or possible fraud. A December 2015 GAO report on the system’s continuing vulnerability to fraud concluded, in part, that government agencies still “have limited capabilities to detect asylum fraud,” and had still “not established clear fraud detection responsibilities ... in asylum offices.”

Exploiting the asylum system was embroidered into SIA smuggling operations. Middle Eastern and South Asian migrants consistently ranked among the top 20 approved asylum seekers from 2000 through 2009, even though such trends have long raised national security concerns. A Congressional Research Service Report noted the concern was that terrorists from countries of “special concern, (i.e., Saudi Arabia, Syria, Iran, Pakistan, Egypt, Lebanon, Jordan, Afghanistan, Yemen and Somalia) would seek to hide fraudulent asylum claims among the hundreds of thousands of pending cases.”

Several cases anecdotally demonstrate that SIAs with disqualifying terrorist associations and pasts view asylum fraud as an effective means to achieve legal status after they have been smuggled. One is the case of Somalia natives Abdullahi Omar Fidse and Deka Abdallah Sheikh, who were smuggled to the Texas border in 2008 with counterfeit passports, Mexican visas, and airfare to Mexico City. In their asylum petitions, they falsely claimed that the terrorist group al-Shabaab killed their family members. The story, crafted to meet baseline legal standards for starting asylum processes, would have worked if Fidse had not told an undercover informant—stationed in the detention center—that he was an al-Shabbab member with terrorism training, combat experience, and a plan to conduct an unspecified terrorist operation once in the United States.

The probable prevalence of asylum fraud among country of interest SIAs, as well as clear indications that the American system is highly vulnerable to it, represents a leverage point opportunity for improved law enforcement asylum fraud detection and supporting intelligence collection.
Expatriate Communities of Latin America

SIA smugglers and individual migrants found critical facilitating support from within expatriate communities of similar ethnicity or nationality located inside the key staging countries of Brazil, Ecuador, Venezuela, Guatemala, and Mexico. Expatriate communities provided critical same-language hubs that enabled referrals to smugglers and clients, fraudulent document acquisition, communication, money transfers, lodging, and temporary employment to raise funds for travel. The phenomenon has been noted before. In a study of illegal migration to Europe based on 300 interviews, Staring found “ethnic networks,” based on an embedded infrastructure of tea houses, cafes, mosques, shops, and cultural organizations along routes. Aside from the potency of a shared language, Staring wrote, common origins among the smuggler and client “are the foundation for the support compatriots can expect to receive.”

For SIA smuggling through Latin America, hotels and boarding houses used to stage SIAs seemed to fit Staring’s findings. They became central social exchanges where ethnic and religious compatriots conspired to breach the American border, such as a hotel that Somali smuggler Muhammad Dhakane maintained in Sao Paulo, Brazil or a Holiday Inn in Quito, Ecuador used often by the Syrian smuggler Nizar Lorian.

Iraqi war refugee Ahmr Boles’ case exemplifies how expatriate communities can figure in long-distance SIA journeys. In 2006, Boles was making his way from Syria to Texas, more or less on his own. After purchasing a Guatemalan visa from a document broker in Syria, Boles flew alone to Guatemala City, where he found himself short of knowledge and funds to proceed. However, Boles had been told he could fulfill these needs in the city’s Zone 1, a central market where hundreds of Arabic-speaking merchants owned businesses and residences. Boles soon found a small apartment and work selling electronics in one of the Zone 1 shops with names such as The Rio Jordan and The Egyptian. Boles had new friends put him in touch with smugglers. The common language and sympathy Boles found in Zone 1 proved crucial to his ability to continue northward. Amar Radi, secretary of the Arab Community of Guatemala, acknowledged Zone 1’s crucial role enabling the Middle Easterners to continue on their way north.

Ecuador is another country in which helpful expatriate communities from countries of interest emerged to service human smuggling enterprises that naturally moved in after the government in 2008 ended all visa requirements to enter the country. In the Boateng case, an ICE agent testified that, in cities like Quito, Ecuador, African migrants frequently gather at Internet cafes and “exchange information about how to move on to other places.” In 2011, under U.S. pressure, Ecuadorian authorities and FBI agents raided 11 buildings in Quito thought to house illegal expatriate “Moslem” communities based on American allegations that they were aiding and abetting terrorism and human smuggling to the U.S. border. FBI agents were allowed to interview many Pakistanis in this expatriate community, after which six were extradited.

From his base in Tijuana, Mexico, home to thousands of Lebanese immigrants and their descendants, the Lebanese smuggler Salim Boughader-Musharafille was not an itinerant smuggler; he was a well-known restaurateur with deep roots in Tijuana. Boughader-Musharafille owned the popular La Lebanesa Café. An underground, transcontinental information grapevine was centered at the cafe, drawing those already en route or those wishing to be smuggled over the California border to make arrangements.

Catch, Rest, and Release Policies

Mexico, Panama, and other countries of Latin America sheltered, fed and then provided temporary legal status to released, apprehended SIAs, rather than deporting them to home countries. This practice enabled migrants to easily continue their northward journeys for the same reasons they need U.S. asylum: early deportation would result in the loss of once-in-a-lifetime fortunes in smuggling fees not easily
raised for follow-up attempts. Catch, rest, and release policies, especially in geographically necessary Mexico and Panama, mitigated any potential deterrent consequence.

One clarifying example is the passage from South America into Central America by way of Colombia and Panama’s Darien Gap, which the 2014 State Department Country Report on Terrorism called “a growing pathway for human smuggling with counterterrorism implications.” The SIA smugglers who funneled their clients into this route often started the journey from the busy landing and staging countries of Ecuador and Brazil. No military or police are posted in vast swaths of territory along the borders of either Colombia or Panama, despite media and U.S. government reporting about the route. The 2014 State Department report, for instance, stated that Colombian border security “remained an area of vulnerability” in part because only 1,500 of the country’s 180,000 national police officers were devoted to border security elsewhere.

It is natural that SIA smugglers would take advantage of a key land bridge through an environment where government interference is so unlikely. However, SIA travel along this route would be deterred were it not further aided by Panama’s catch, rest and release policy. Once through Colombia, SIAs are funneled into Panama’s remote 40-mile Darien Gap region with thousands of other migrants each year. But rather than incur the cost of long-term patrolling, detention, and deportation, Panama provided food, housing, and a release with temporary legal status. The policy enabled refreshed migrants to continue legally northward to the United States. Otto Reich, former U.S. Assistant Secretary of State for Western Hemisphere Affairs, told the Wall Street Journal that, despite knowing the Darien Gap traffic may threaten U.S. national security, Panamanian officials “know they are coming to the U.S. and...will no longer be Panama’s problem.”

Once through the rest of Central America, SIAs become beneficiaries of Mexico’s catch–rest–release policy. Many SIAs are apprehended at Mexican airports in Tuxla, Tapachula, Mexico City, and Monterrey as well. Many more are apprehended during land travels north. However they are apprehended or turn themselves in, Mexico provides respite for a couple of weeks and then release with legal papers encouraging them to finish the trek to the U.S. southwestern border. An ICE agent testifying in the 2010 asylum fraud case of the Somali smuggler Dhakane, described Mexico’s policy: “Most of them, all of the East Africans and many from the Middle East, they will surrender at Tapachula (in the state of Chiapas bordering Guatemala), the Mexicans will hold them for, you know, ten to fifteen days, and then they will give them an order of voluntary deportation, and they are given 30 days to leave the country at that point.”

Critical Enabling Factors of Six Nations

For good reason, it turns out, SIA networks have purposefully routed their clients through the same six transit or staging countries in Latin America on the northward march to the U.S. southwestern border: Ecuador, Brazil, Colombia, Panama, Guatemala, and Mexico. Beyond catch, rest, and release, these six nations all feature several distinct enabling geopolitical factors, which proved critical to the forward progress. These are: politically passive governments indifferent to trans-migration and U.S. security concerns, weak government institutions and budgets that preclude direct action, formal policies that unintentionally assisted the smugglers (such as catch, rest, and release), and the corruptibility of border and airport customs officials.

Colombia’s institutional weaknesses and disinclination to patrol and deport have already been detailed. But also highly emblematic of all of these critical enabling factors is Guatemala, which has been described as a super-highway of virtually unimpeded human smuggling to Mexico. The human smuggling industry has become so politically and economically powerful that at times it has completely co-opted government control over border and customs police. Border control on Guatemala’s south and north border is largely nonexistent.
In 2007, Santos Cuc Morales, Guatemala’s National Director of Migration, told a reporter that American intelligence officials and diplomats asked him to assist in a crackdown “because of terrorism and the situation in Iraq.”\textsuperscript{83} Morales said he replied that he could not help, because he had no operational control over his 450 agents stationed along the nation’s borders, at airports and at seaports; all were under the almost complete influence of smugglers and corrupt government bureaucrats with financial stakes in the industry.\textsuperscript{83} As his country’s most senior immigration enforcement official, Morales said he wished he could help the Americans avert another terrorist attack, which he said “could happen because of the corruption here. It’s the reality of things.”\textsuperscript{85}

Gustavo Barreno, a federal prosecutor in charge of enforcing Guatemala’s human trafficking laws from 1997 through 2005, described working closely with American intelligence and law enforcement after 9/11 to disrupt SIA smuggling networks operating openly in the country.\textsuperscript{86} The joint effort, however, was shut down when a major operation unearthed a smuggling ring that moved Arab migrants through the country. After the investigation turned up links to senior Guatemalan politicians, the entire American program was abruptly canceled, and Barreno said he was ousted from government.\textsuperscript{87} “The business is gigantic,” he was quoted saying. “You have no idea. Everyone is involved—everyone. And for an Arab to come into Guatemala it’s really easy—really easy.”\textsuperscript{88}

A number of court prosecutions since the 2007 interviews with Morales and Barreno indicate the problems persist. For instance, according to a 2010 indictment, the Brazil-based smuggler Fessahazion would have a Hispanic driver casually pay off border guards as they crossed through Guatemala en route to Mexico.\textsuperscript{89} A 2014 \textit{Washington Examiner} newspaper investigation of Guatemalan human smuggling concluded, after interviewing present and past senior government officials, that “it is clear that the human smuggling business resembles...legal enterprises like McDonalds and Mazda.”\textsuperscript{90}

In another example of the unintended consequences of formal national policy, in 2008, Ecuador dropped all visa requirements for anyone in the world wishing to visit for 90 days, after which human smuggling operations moved to the country.\textsuperscript{91} Human smugglers seized on the opportunity. In 2012, the researcher Freier interviewed hundreds of migrants and senior government leaders about the consequences.\textsuperscript{92} She concluded that, almost immediately, smuggling networks began bringing SIAs from South Asia, North Africa, and the Middle East through the country.\textsuperscript{93} Senior Ecuadorian leaders and policy makers told Freier that pressure by U.S. diplomats who were concerned about terrorist travel forced Ecuador to resurrect visa restrictions two years later, for 10 nationalities, including Afghanistan, Bangladesh, Eritrea, Ethiopia, Kenya, and Pakistan.\textsuperscript{94} But the quality of Ecuadorian follow-through was questioned. Freier cited secret U.S. diplomatic cables published by Wikileaks showing that American diplomats had to continue pressuring even after the ostensible reversal, concerned that Ecuador had taken no real action. By 2011, the U.S. forced mass arrests of Muslim immigrants in Ecuador.\textsuperscript{95}

Although less is known about what happens outside of the six identified countries of Latin America, anecdotal evidence indicates the same critically enabling factors of corruption, official indifference, and formal policy also draw SIA smugglers to the Gulf States for staging and transit to Latin America. And, South Africa emerged in the study as a key air hub transit point for SIAs bound for Latin America.

**Strategy Recommendations: Expand Law Enforcement and Intelligence Operations Abroad**

The strategy recommendations offered in this section constitute a mix of expanded conventional law enforcement and intelligence operations abroad. Carrying them out would require a robust foreign security assistance and development aid program, backed by a willful,
muscular diplomatic initiative, targeting at least the six Latin American countries used most frequently by SIA smugglers.

Governments in Latin America can be expected to resist expectations that they shift their own limited local resources to robust new priorities primarily serving American interests. To help secure the expanded commitments necessary, new program-specific U.S. infusions of money, equipment, technical assistance, and training should be tied to local government progress that will:

**End catch, rest, and release policies in Panama and Mexico and fund the establishment of deportation processes and capabilities such as repatriation flights that would remove SIAs to their home countries.**

Funding would enable expansion of the legal system capacity and bed space needed to support deportation processes in Mexico and Panama. Such a strategy is not without precedence. The Schengen Area countries in Europe and Australia, for instance, facing significantly increased migrant flows, recently provided supporting security aid and infrastructure that allows transit countries to detain and deport apprehended aliens from the Middle East and North Africa before they can “land” and claim asylum. European governments have achieved repatriation agreements with key source and transit countries such as Turkey, Greece and Morocco, and have been funding the return of locally apprehended migrants to home countries.56

**Fund the creation or expansion of corruption-vetted, mobile customs and border patrol units substantially dedicated to seeking out SIAs in currently unpatrolled bottleneck regions.**

This interdiction and deterrence strategy contemplates implementation in all six identified countries to address internal leverage-point circumstances. The prioritized countries, however, should be Colombia, Panama, and Guatemala—the main land bridges linking South America to Mexico. These new customs and border patrol units, shielded from corruption, would quickly shift deployment in remote regions, guided by intelligence as to when smugglers shift to avoid intervention. The concept of U.S.-backed, vetted military and police units is not without precedent in Latin America, where they have been deployed in Colombia and Mexico for joint counter-drug trafficking operations.97

**Increase the number of American counter-smuggling investigators from conventional law enforcement agencies, especially ICE agents deployed to attaché offices in the key transit countries. The agents would target exclusively SIA kingpin smugglers and their potential successors.**

Policy leaders should ensure that SIA smuggling investigators are not diverted to drug trafficking cases, as past GAO reporting has noted. This strategy targets kingpin smugglers in recognition that their specialized capabilities and skills are not easily or quickly replaced. U.S. investigators would identify and track smuggling hierarchies in their regions of operations and share information with investigators in other regions.

The U.S. should pressure the governments of Ecuador, Brazil, and Guatemala to recruit informants and conduct surveillance targeting expatriate communities, hotel complexes, and cultural locations around which SIA smuggling is facilitated. At the same time, the U.S. should deploy American intelligence officers to collect information inside the same ethno-national enclaves.

Expatriate immigrant communities in Latin American cities, as well as local hotels in proximity to them, are known for staging. As such, they are rich, untapped potential sources of intelligence on local smuggling, as well as on traveling and indigenous violent extremists, corrupt border guards, and airport officials.

**Invest in retraining and increasing staff in the U.S. Citizen and Immigration Service (USCIS) Asylum Officer Corps**
so that its agents can be better equipped to extract intelligence information and leads from SIA asylum seekers who reach the U.S. border, as well as to help detect asylum fraud.

This initiative acknowledges that USCIS officers have been left ill-equipped to detect large-scale asylum fraud. It also acknowledges that the USCIS asylum officer cadre has unique access to a category of asylum seekers that has proven to be a highly rich source of intelligence information about smuggling facilitators, routes, and modus operandi: SIAs who have been detained. USCIS officers should capture intelligence information that otherwise may never be collected while also more strenuously rooting out those defrauding asylum vetting processes.

Use state and local law enforcement agencies associated with fusion centers in U.S. states that border Mexico to interview apprehended SIAs in their jurisdictions, and provide the resulting reports to federal partners for analysis and use in international investigations.

Since 9/11, local policing authorities have been designated as partners in many counterterrorism efforts, often through fusion centers where agencies are purposefully housed together to enhance better sharing and collaboration. Such law enforcement officers are often vetted, trained, and have federal security clearances. When federal agents are unable to interview all detained SIAs, local law enforcement resources should extend coverage on grounds that SIA have so often proven to be among the most prolific sources of actionable intelligence about their smugglers.

Ensure that the governments of Mexico, Guatemala, Belize, Ecuador, (and Cuba, once full diplomatic relations are restored) more robustly monitor, vet, audit, and investigate for corrupt practices within foreign service staffs stationed in consulate offices and embassies in countries of interest. At the same time, unilaterally deploy American intelligence officers to collect information about potentially corrupt foreign consulate offices.

This strategy would confront an important leverage point: corrupt or inadequate visa and passport issuance from the consulates of key Latin American transit countries, which eases SIA travel. This strategy would introduce integrity operations by home countries, reinforced and aided by covert American intelligence collection that could be leveraged in various ways.

Establish an expectation that local governments turn their intelligence collection activity toward terrorist travelers and SIA smuggling kingpins, as well as Islamic extremists and criminals residing in ethno-national expatriate enclaves. Expect that they alert American investigators about all SIA detentions and grant access to any detainee for intelligence collection purposes.

This strategy seeks to support pursuit of kingpin smugglers, potential successors, and SIA facilitators that American law enforcement can investigate and arrest. Cultivating apprehended migrants as sources of information about kingpins would exploit the finding that SIA migrants have been among the most prolific information sources and have frequently been willing to work with investigators and prosecutors.

Deploy CIA officers to diplomatically estranged and hostile SIA transit countries, or repurpose those already stationed to develop human source networks capable of reporting about SIA smuggling and terrorist travelers.

This strategy speaks to an intervention chokepoint where smugglers take advantage of absent U.S. law enforcement inside diplomatically hostile or uncooperative states. SIA travel has often depended on such relations to enjoy relatively free operational reign in Russia, Cuba, Venezuela, Ecuador, and Bolivia.
CONCLUSION

Nicholas Winton was the British subject credited with saving 669 Jewish children from the Holocaust by forging their travel documents and transporting them out of Nazi-occupied Czechoslovakia over nine months in 1939.\[98\] Winton had resorted to theft, bribery, blackmail, and forging their exit visas to mask the origin of the children because foreign governments, including the United States, had refused to provide timely asylum or legal entry to the children.\[99\] Winton was never prosecuted for human smuggling or asylum fraud as would be urged for such smugglers here; rather, in 2002, Queen Elizabeth knighted him for his deeds, and he has since been lionized as a humanitarian hero in films and books.

The Winton case should serve as a reminder to current American homeland security leaders that any initiative to bring SIA smugglers to justice and deport and deter their clientele should be balanced by a conscientious program to discern the true identities and motives of all those encountered along the routes, in humanitarian consideration that non-terrorists may well authentically need sanctuary, as did Winton’s 669 children. Taking this care would be in line with other core U.S. values, many explicitly embodied in asylum law requiring sanctuary for those persecuted on social, political, or religious grounds.

At the same time, however, what is called for here is an increased capability to separate the malevolent from the benevolent, and that cannot be done unless the invisible are made visible with detection and interdiction efforts. These efforts would be made all the easier if many of the strategies outlined here reduce the risk pool.

Border security author Christopher Rudolph correctly notes that migrants such as the 9/11 hijackers, who were not known or visible until it was too late, have attacked, killed and plotted to do more of the same. Migration in all of its forms, Rudolph points out, is one of the primary means by which “sleeper cells” have actually sought to proliferate and justifies rational state responses to detect and sort them.\[100\] “What is threatening about the clandestine entry of alien terrorists and the presence of sleeper cells in the homeland is essentially their invisibility,” Rudolph writes. “They are a specter lurking in the shadows. Thus, security would seem to require policies that increase visibility so that entry of potentially dangerous individuals can be prevented.” \[101\]
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Disclaimer

Any opinions expressed in this essay are solely the author’s.
Notes


3. Ibid.


20. Ibid.


23. Ibid.


26. Ibid.


28. Ibid.


33. Ibid.

34. Ibid.

36. Abdallah (Egypt/Guatemala), Arbane (Syria/United States/Ecuador), Assadi (Iran/Ecuador), Boteng and Ibrahim (Ghana/Belize/Mexico), Boughader-Musharafille (Lebanon/Mexico), Dhakane (Somalia/Brazil/Guatemala), Fessahazion (Eritrea/Guatemala), Gauchan (Nepal/Guatemala/Mexico/Japan/Asia/Europe), Gerald (Trinidad and Tobago/Guatemala), Lala (Pakistan/Canada), Jarad (Jordan/Ecuador), Lorian (Syria/United States/Mexico/Guatemala), Malhamdary (United States), Merhay (Eritrea/Great Britain/United Arab Emirates), Thakker (India/Dominican Republic/Mexico/Guatemala), Ul Haq (Pakistan/Ecuador), and Zaia (Jordan/United States).


42. Ibid.


45. Ibid.

46. Ibid.


48. Ibid.


50. Ibid.


54. Ibid.

55. Ibid.


57. Ibid.; Bensman, “War Refugees or Threats.”


60. Ibid.


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66. United States v. Fidse and Sheikh, Defendant’s Motion to Dismiss for Due Process Violation; Unsealed Indictment, Document 3.


68. Staring, “Facilitating the Arrival of Illegal Immigrants in the Netherlands.”


70. Ibid.


73. Ibid.

74. Ibid.

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81. United States v. Ibrahim and Boateng, Transcript from Sentencing Hearing.

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92. Ibid.

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94. Ibid., 12.

95. Ibid., 17–18.


