

U.S. House Committee on Natural Resources
Sub-committee on Oversight and Investigations
“Biden’s Border Crisis:
Examining the Impacts of International Cartels Targeting Indian Country”
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Statement of Jessica M. Vaughan
Center for Immigration Studies

Thank you, Chairman Gosar, for the opportunity to testify today. The mass migration crisis instigated by the Biden administration’s irresponsible immigration policies has caused incalculable harm to American communities, including those in Indian Country, even those far from the border. The mass catch and release policies have led to the release of more than three million illegal migrants, damaged the integrity of our immigration system, and exposed Americans to new national security and public safety threats – especially threats related to the trafficking and distribution of illicit drugs. Further, the huge influx of migrants taking advantage of the opportunity to be released into the United States has so overwhelmed the Border Patrol and its local partners that it can no longer control vast stretches of the border, enabling the illegal crossers who want to avoid apprehension to violate the border with impunity. These policies have facilitated the entry of illegal drugs and also the cartel operatives who distribute them. The result has been a huge spike in deaths, overdoses, and poisonings from dangerous drugs distributed by the cartels and their accomplices. In addition, the Biden policies have enriched certain transnational criminal organizations, including Mexican and Chinese cartels and Central and South American gangs, to the point where these organizations represent a threat to civil society and the rule of law throughout the Western Hemisphere.

Biden Policies Set Off Flood of Illegal Migrants, Overwhelming Federal Agencies, Border Communities, and NGOs. When President Biden took office, he inherited 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 and discouraged illegal aliens from remaining. As smuggling organizations and migrants became aware of the new policies, and as the processing and transportation networks were established within the country, the southern border was transformed into a chaotic, dangerous, and seemingly lawless frontier. It remains so today, except in the parts of Texas that have been secured by state authorities.

From the first day of his presidency, Joe Biden and his appointees began dismantling a laundry list of policies that had succeeded in controlling the years-long wave of illegal migrants hoping to take advantage of our dysfunctional asylum system and court rulings that require minors and those arriving with minors to be released into the country. He ended construction of the border wall system; terminated the Migrant Protection Protocols that sent tens of thousands of alleged asylum seekers to wait in Mexico; cancelled agreements with transit nations to offer safe haven to migrants and enforce their borders; relaxed application of Title 42 pandemic controls so that minors and families could enter; began awarding immigration parole to tens of thousands of illegal crossers, in defiance of the intent of Congress; extended Temporary Protected Status (TPS) to citizens of more nations and more recent arrivals; established strict

limitations on interior enforcement to suppress deportations of all but the most egregious criminals; and launched plans for a new asylum system designed to expedite the legalization of illegal border crossers.

Not surprisingly, the number of illegal border crossers has exploded, in response to what the migrants call Biden's "invitation." It was well understood around the globe that a large share of migrants who crossed the border illegally, especially those from certain countries, minors, and those bringing minors, would be apprehended by the Border Patrol, and would soon be released and transported to their destination in the United States, despite low expectations that they will comply with immigration proceedings or ever qualify to remain legally.

According to the latest CBP data, the Border Patrol apprehended 176,294 illegal migrants in January 2024 and more than 140,000 more in February -- more than the prior January and February, but significantly less than the number caught in December 2023 (302,034), which had been the highest number ever apprehended in one month. So far this fiscal year (since October 1, 2023), 962,000 illegal migrants have been apprehended.

While apprehensions are a good metric for assessing the number of migrants who have attempted to enter illegally, the more important statistic is the number of migrants who were released into the country. According to DHS Secretary Mayorkas, more than 85 percent of these illegal migrants have been allowed to enter country – in defiance of federal laws stating that, with few exceptions, they should be held in custody for expedited due process and removal (<https://www.foxnews.com/politics/mayorkas-tells-border-patrol-agents-illegal-immigrants-released-into-us-sources>).

The House Judiciary Committee has estimated that at least 3.3 million illegal aliens have been released into the country since President Biden took office. Only about 10,000 of those released have completed their immigration proceedings and been removed. (<https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2024-01-18-new-data-reveal-worsening-magnitude-of-the-biden-border-crisis-and-lack-of-interior-immigration-enforcement.pdf>.)

In addition, it is estimated that nearly two million aliens have entered without apprehension. [FACTSHEET: Record-Breaking Border Encounters Underscore Secretary Mayorkas' Refusal to Comply With the Law, Breach of Public Trust – Committee on Homeland Security \(house.gov\)](#).

Catch and Release Policies Undermine Public Safety. Besides the enormous fiscal costs of providing transportation, shelter, medical care, schooling, and other services to the illegal migrants, the Biden catch and release policies at the border also have created new public safety problems, with a human cost that is incalculable. Proponents of mass immigration often claim (without evidence) that illegal immigrants are less likely to commit crimes than Americans, and therefore concerns about crimes committed by illegal immigrants are exaggerated, misplaced, or motivated by racial animus. These assertions are unproven, usually based on faulty interpretations of crime or Census data, and defy common sense and experience. They are profoundly demeaning to the victims of crimes committed by released illegal migrants who by

law should have been detained and removed to their home country after apprehension. These are victimizations that are directly attributable to the Biden border catch and release policies.

Millions have seen the video of a shocking attack on police officers in Times Square by a group of migrants in New York City, most of whom have thus far escaped authorities (<https://www.foxnews.com/us/migrants-stomped-kicked-nypd-officers-vicious-times-square-attack-yet-arrested>). In another disturbing case, New York City authorities recently arrested eight members of a ring of Venezuelan illegal migrants who were living in the city's shelters, and who are accused of stealing scooters to cruise through city streets and snatch phones and handbags, sometimes violently. The phones were then hacked to gain access to financial information, and the victim's bank accounts were drained. (<https://www.foxnews.com/us/illegal-masterminds-nyc-robbery-ring-hacked-bank-apps-resold-stolen-phones-overseas>).

Reportedly, the suspects are associated with the violent Venezuelan gang Tren de Aragua. Gang members and hundreds of other criminals are believed to have escaped through tunnels from a Venezuela prison last year, and dozens have been arrested after illegally crossing our southern border. There is no way to know how many may have been caught and released, because immigration agents have no way to access records in Venezuela, and no diplomatic or law enforcement relationships to assist in the vetting of these migrants (<https://www.ktsm.com/news/fbi-agent-others-warn-of-venezuelan-gang-entering-into-us/>).

Migrants arriving at the border now receive only the most cursory screening before they are released into the country, which includes a fingerprint check of U.S. security, criminal justice, and immigration databases, a brief interview, and little other screening. Border officials generally cannot access criminal records in other countries, or do extensive background checks. Even worse, since the number of illegal crossings has reached crisis levels, border officials have sometimes been too overwhelmed to read and act on the results of security checks that indicate that an alien they have apprehended might be a threat. In at least three cases that we know of, a Lebanese-born Venezuelan citizen, a Colombian, and a Pakistani, border patrol agents released men who were watchlisted as known or suspected terrorists (<https://cis.org/Bensman/Report-ICE-Releases-BorderCrossing-Terrorist-Suspect-Venezuela-Despite-FBI-Recommendation>, <https://www.oig.dhs.gov/sites/default/files/assets/2023-07/OIG-23-31-Jun23-Redacted.pdf>, [EXCLUSIVE: Pakistani Illegal Immigrant On Terror Watchlist Given Free Day Of Release In US | The Daily Caller](https://www.thedailycaller.com/exclusive-pakistani-illegal-immigrant-on-terror-watchlist-given-free-day-of-release-in-us)).

Cartels Are Thriving and Expanding Into the United States. Thanks to unprecedented opportunities to move people and drugs across our border, the Mexican cartels and other transnational criminal organizations are reaping unprecedented profits, to the tune of \$30 million a day, or nearly \$1 Billion a month, according to a House Budget Committee report. They use the funds to acquire more sophisticated weapons and technology to solidify control over their territories in Mexico and beyond. More worrisome for the long term, however, is the way the cartels are using this cash cow to underwrite an expansion of their operations *within* the United States. This expansion presents profound implications for public safety that will persist for years into the future.

According to Border Patrol testimony to Congress, the smuggling fee is currently about \$8,000 for passage to America. Many migrants make only a down payment up front of about \$500, and agree to work off the rest when they get to their destination. The remainder is typically paid through debt bondage accomplished by wage garnishment, fees for housing and food, and other forms of exploitation and outright threats and extortion. Long-haul migrants from other continents pay more, sometimes up to \$50,000. It is Biden's catch and release policy that entices these migrants to put themselves into the hands of a criminal organization, risking their own safety to journey here, and then being subject to exploitation, abuse and trafficking for labor and other purposes.

The migrant-moving business is lucrative enough, but it also helps further another critical illicit cartel activity — drug smuggling. The cartels routinely send large groups of migrants over the border in certain areas to bog down the Border Patrol while they move drug loads through the other unguarded areas, along with high-value clients, such as criminals and watch-listed individuals, who don't want to be caught by the Border Patrol.

In the last three years, the amount of illicit drugs flowing into American communities has exploded, with deadly, tragic consequences, and the cartels are behind nearly all of it, according to a recent [exhaustive report](#) by the House Homeland Security Committee. It's happening not just in southwest border states, not just in cities, but also in rural areas, including Montana, Kansas, Kentucky, and many others.

With the profits from cross-border trafficking so enormous, the stakes for control of the plazas, or spheres of control along the border, have risen as well, increasing instances of deadly violence. For example, one night in mid-December, a shoot-out broke out among rival cartels for control of several areas along the Arizona border with large gaps in the border fencing giving easy access. Responding to the melee, Border Patrol agents arrested one man on a private ranch on the U.S. side who was carrying an AK-47, two AK magazines, a handgun, and ammunition. Mexican authorities found 10 improvised explosive devices (IEDs) on the other side of the line. Obviously, the cartels are not humanitarian actors seeking only to help asylum seekers; nor are they young, impetuous gang-bangers. They behave like terrorists, and they have a plan, which they hire well-trained and well-armed violent thugs to carry out. Given the porous border, moving their operatives into this country to manage the business has not been difficult lately.

The cartels are not humanitarian actors seeking to help asylum seekers; nor are they young, impetuous gang-bangers. They behave like terrorists, and they have a plan, for which they hire well-trained and well-armed violent thugs to carry out. The porous border and catch and release policies have made it easy to move their operatives into this country as well.

Many American observers, including some in law enforcement, have been in denial of the threat that the drug cartels pose to America, insisting that the narco-bosses are too afraid of U.S. law enforcement agencies to try to replicate their violent tactics here. That theory has always been naïve, and has been discredited by events. Among the acts of violence attributed to the cartels was an incident in January 2023 described by authorities as an "early morning massacre," where six people, including a recently bailed-out Surenos member, but also a baby and his teenage mother, were executed in a quiet residential street in Goshen, Calif. Reportedly,

the surviving family members afterwards refused all offers of help from local authorities [[California sheriff rips border crisis as details emerge on massacre of 6 \(nypost.com\)](#)].

In 2022 federal authorities alone made more than 300 arrests for Mexican cartel-related crimes, according to one analysis [[Map: Tracking drug cartel arrests across the United States \(newsnationnow.com\)](#)]. The cartels are sophisticated business people, and nimble at adapting to emerging opportunities. They have evolved horizontally to branch out into new ventures, for example human trafficking as well as drug trafficking, in fentanyl trafficking as well as heroin and marijuana trafficking, and stealing oil as well as automobiles. Noticing the trend in some jurisdictions away from imposing stiff consequences for shoplifting and burglary, some cartels have branched out into the \$70 billion organized retail theft industry, creating squads of operatives to steal goods on a major scale, even roping in recent illegal migrants as a way to pay off their smuggling debt, according to Immigration and Customs Enforcement investigators [[HSI, ACAMS take aim at organized retail crime | ICE](#)].

The Sinaloa and Cartel Jalisco Nueva Generacion (CJNG) cartels have capitalized on the legalization of marijuana in some states, opening tens of thousands of illegal weed, or “blood cannabis” grows in northern California, Oregon and other states, where they undercut lawful growers and use trafficked labor, managed violently. [['Narco slaves': Migrant workers face abuse on Oregon's cartel-run, illegal pot farms - ABC News](#) and [Cartel-backed pot grows linked to California, Oregon human trafficking \(usatoday.com\)](#)]. Local sheriffs lament that they are woefully out-manned and out-gunned, and can't keep up with the body count. "We're a very short amount of time away from having heads in the square like they do down in Mexico," said Mendocino County Sheriff Matt Kendall in December 2021.

Expanded cartel operations in the United States is good for their local criminal partners, too, who help distribute and sell the illicit products. This is how they have infiltrated Indian Country crime networks. The cartels have relationships with different partners in different locales, working everyone from MS-13, to the Bloods, Crips, Latin Kings, and Aryan Brotherhood. In eastern Massachusetts, for example, they work mostly with distributors from the Dominican Republic, who dominate the local drug trade. In December, a 42-year old Dominican woman living in Massachusetts was sentenced to 11 years in prison for receiving huge amounts of fentanyl and laundered cash for the Sinaloa Cartel. She hid some of the product in her young daughter's bedroom closet. The Dominican drug traffickers in particular are known to use the stolen identities of U.S. citizens from Puerto Rico to conceal their illegal presence from authorities and fraudulently obtain driver's licenses and welfare benefits.

Not all of the cartels operating here are from Latin America. According to a federal law enforcement memo leaked to the [Daily Caller](#), Chinese transnational crime groups have established about 750 illegal marijuana grow operations in rural areas in the states of Maine and Washington, often in collaboration with Mexican cartels.

Chinese foreign nationals purchased and operated the grow houses with financing obtained from a handful of mortgage companies. According to Derek Maltz, a retired DEA agent, the Chinese groups “take the cash from the [Mexican] cartels in America, and they buy

these properties and they do these investments with cash from the Mexican cartels in our own country. This is part of their laundering scheme.”

Reporters from the [Maine Wire](#) tracked down more than 100 of the unlicensed operations, located in unassuming houses with boarded-up windows and outfitted with commercial grade electrical systems, and a few low-profile workers lurking around, all very conspicuous to the neighbors. One such operation was located across the street from a daycare, where the children and workers, along with the other neighbors, were regularly subjected to the unmistakable fumes polluting the air. Federal authorities believe that the operations generate profits of more than \$4.37 billion per year, much of which likely goes back to China.

This business model requires creating a “safe” environment in which to operate. The cartels often create their safe space through violence, extortion, and even corruption of public officials. In Texas, large swaths of two counties have been literally taken over with what may be the largest settlement of illegal migrants in the country ([Texas Massacre Happened in America’s Largest Illegal Immigrant “Colonia” — and Major U.S. Media Won’t Say So \(cis.org\)](#)), in Liberty County, a two-hour drive east of Austin, the state capital. The Gulf and Sinaloa cartels originally established enclaves in this area for stash houses for smuggled drugs and aliens. Now, with the help of unscrupulous real estate developers, political patrons, and the open border policies, this area is a massive and nearly unpoliced-able haven for the cartels, their employees, and their trafficked clients that has driven out most long-time American residents and spawned crime and violence on a third world scale.

Congress Must Act Boldly To Address Cartel Threat: Secure the Border, Block the Money Flow, and Use Immigration Authorities to Remove Operatives. Catch and release of illegal migrants on the massive scale, together with the dismantling of interior enforcement under Biden policies has overwhelmed every part of our immigration system. Both the Border Patrol and legal ports of entry are inundated every day in nearly every sector, including the northern border, which has seen triple-digit increases in illegal entries. Releasing illegal migrants instead of promptly removing them has swamped ICE’s dockets and the already-dysfunctional immigration courts. As of the end of FY2023, there were 6.2 million cases on ICE’s non-detained docket, of whom more than 617,000 have criminal convictions or pending criminal charges. (<https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2024-01-18-new-data-reveal-worsening-magnitude-of-the-biden-border-crisis-and-lack-of-interior-immigration-enforcement.pdf>).

This situation is not sustainable. Americans and legal immigrants are losing faith in our federal immigration agencies, and increasingly viewing immigration as a burden more than a benefit to our nation. Congress will have to act both to restore border security and immigration enforcement, and to address the profound consequences of the Biden policies that have enriched the cartels and brought their havoc into the United States. This will require lawmakers to make bold and substantial changes to our laws and give new authorities and tools to the law enforcement agencies that will have to confront and dismantle them.

Obviously, the best defense against the foreign cartel threat is a secure border, and lawmakers must start there, although it will take more than tweaks to the asylum system to shut

down the cash cow of migrant smuggling. Tough new enforcement measures such as those in H.R. 2, the House border security bill are essential to this effort.

In addition, Congress should create a new type of “designation” for the cartels similar to the approach to international terrorist groups, which would enable authorities to target the financial assets of the cartels, to utilize other government resources, including the military and intelligence agencies, and to bar or deport foreign citizen operatives from our country.

Federal and state governments should act against the infrastructure that supports cartel-sponsored illegal immigration and trafficking, especially the money transmission networks. A [grand jury investigation](#) in Florida recently outlined how the vast flow of remittances of money from the United States to foreign countries includes within it a flow of money to the cartels. A significant share of this outflow of funds is not a transfer of funds from migrants to their families in their home countries, or even payments directly from the migrants to their smugglers, but actually huge sums of money that are being laundered by the cartels and disguised as remittances.

To help disrupt this flow of money, Congress should pass a new “know your customer” law that require money transmitters to collect secure identification from anyone sending funds abroad, in addition to levying a tax or fee on the funds that are sent.

Since so many of the cartel operatives are not U.S. citizens, immigration laws can effectively be used against them, as long as immigration officers and special agents are not limited to pursuing convicted criminal alien felons, as has been the case under Biden. ICE should be empowered to launch a new program focusing exclusively on using immigration and customs authorities to attack the cartels, their businesses, and their revenue, much as it did to address the MS-13 problem nearly 20 years ago. In addition, worksite enforcement must be expanded to uncover the widespread debt bondage, forced labor, and exploitation that was enabled by the recent laissez-faire policies.

Finally, critical to the success of the cartel eradication program will be a concerted effort to rebuild the necessary partnerships between federal, state, and local agencies that have been eroded by the sanctuary city movement and the recent neglect of routine public safety-oriented immigration enforcement. Restoring the popular 287(g) delegation of authority programs — specifically, the investigative versions — in locations that have cartel activity and launching task forces to unite jurisdictions to counter this threat will help.