

**Smuggling Of Migrants Working Group
U.S. Opening Statement - 2020**

Thank you, Mr. Chair.

The United States welcomes this opportunity to participate in the discussion of these two important topics in the fight against transnational criminal migrant smuggling organizations; the impact of natural disasters, conflicts and crises, such as COVID-19, on trends in organized criminal groups and on routes for the smuggling of migrants; and successful strategies concerning the use of technology to prevent and investigate the smuggling of migrants. We also want to tell you about the efforts of the United States, domestically and globally to combat migrant smuggling.

The United States strongly supports the United Nations Convention against Transnational Organized Crime (UNTOC) and the Protocol against the Smuggling of Migrants by Land, Sea, and Air, which promotes effective international cooperation to combat transnational criminal groups that exploit the migration crises for their own benefit and place migrants in harm's way. We urge all states to become parties to the UNTOC and the Protocol and we call on states that have already ratified the Protocol to implement its obligations in practice to investigate and prosecute perpetrators of migrant smuggling.

Despite additional barriers, including but not limited to travel restrictions, that have been put in place to combat the spread of COVID-19, transnational criminal organizations continue to take advantage of vulnerable populations through migrant smuggling. Whether through the Mediterranean, over the Caribbean, and/or up through the Americas, migrant smuggling continues.

In addition to the typical physical risks that migrants face from land and sea journeys and the risks to falling victim to other crimes, smugglers who move people in cramped and unsanitary conditions subject migrants to an increased risk of COVID-19 and put at risk the health and safety of nations along smuggling routes.

Natural disasters, conflict and crises, and general instability lead to increased migration which in turn makes it more likely that transnational criminal organizations will exploit migrants through smuggling. As such, regional cooperation remains critical as significant migration occurs within the same region, and trends and methods can vary from region to region.

This cooperation should include the increased exchange of information to identify areas and populations in crises to better enable law enforcement to identify smuggling routes and smuggling organizations, consistent with Article 10 of the protocol and to better identify smuggled migrants that may be victims of other crimes in order to minimize the potential for re-traumatization and provide them with victim-centered and trauma-informed services.

Additionally, TCOs criminally misuse smartphones, internet applications, and social media to recruit migrants, communicate with other smugglers and migrants, and facilitate their travel along smuggling routes.

While the criminal misuse of cryptocurrency pose new challenges to law enforcement, this same technology also provides law enforcement with opportunities to identify migrant smugglers, smuggling facilitators and smuggling routes.

The reliance of smugglers on smartphones means that a wealth of evidence is available on those devices. Pictures, videos, messages, and other useful information can be found on social media accounts. Often, photographs contain metadata which can be used to identify the location of smugglers and migrants.

If accessed by law enforcement in conjunction with safeguards for privacy and human rights, this technology can be used to identify smugglers and corroborate migrant testimony to be used against TCOs to disrupt their networks and prosecute perpetrators of migrant smuggling offenses.

Consistent with the Protocol, the United States recommends that States Parties cooperate to improve the capacity to find and utilize digital evidence to better prevent, investigate, and prosecute TCO's that engage in migrant smuggling. This should include improving the technological capacity needed to access this information from smartphones and computers, subject to appropriate safeguards for privacy and human rights.

Additionally, States Parties should find ways to quickly share this information, both formally and informally. Improved regional cooperation would help facilitate the communication of this critical information to states parties along various smuggling routes.

The United States is pleased to have provided over \$2.4 million dollars since 2010 to support UNODC's Global Program against Migrant Smuggling, which is the UN system's main vehicle for helping States Parties implement this Protocol. While we are proud of this support, we are concerned at the relatively low level of funding received from other donors, given the urgency of the migrant smuggling crisis in many regions of the world. We urge other States Parties to increase their support to UNODC in this regard.

At the domestic level, the White House has emphasized the importance of combating migrant smuggling, including by issuing an Executive Order in February 2017 that reaffirmed the U.S. government's commitment to combat transnational crime, including migrant smuggling. This Executive Order noted that "trafficking and smuggling of human beings by transnational criminal groups risks creating a humanitarian crisis."

The United States is committed to working with our foreign partners to disrupt and dismantle migrant smuggling networks through international law enforcement cooperation and information sharing. We have used the UNTOC as a legal basis more than 654 times since its inception in requests for mutual legal assistance and extradition to over 99 countries. Many of these requests involve migrant smuggling cases.

In December 2018 and February 2019, three individuals were sentenced to 15, 45, and 50 years, respectively, for their involvement in the rape and murder of U.S.-bound migrants from another country in the Western Hemisphere. The individuals were extradited from Colombia to the United States where they pleaded guilty to charges of migrant smuggling resulting in death. This successful prosecution was the result of substantial cooperation from Colombian authorities, which included providing physical evidence and the facilitation of witness travel from Colombia to the United States.

In November 2019 and February 2020, the United States participated in meetings of the Northern Triangle Anti-Smuggling Working Group in Honduras and Guatemala, respectively. This working group brings together prosecutors and law enforcement officials from multiple countries to share information about trends, source and transit countries, as well as investigations and cases. The United States partially funds and helps to coordinate the working group meetings.

In August 2020, cooperation between U.S. and Turks and Caicos Islands authorities culminated in the extradition of a Canadian national to the United States charged with migrant smuggling offenses. The individual was allegedly part of a criminal organization that smuggled migrants from Southeast Asia through the Caribbean and the United States to Canada.

It is often the case that all it takes to open communications is to place police officers and prosecutors in direct contact with one another. We recommend the Secretariat consider compiling a region-by-region registry of points of contact for information sharing so a police officer, immigration official, or prosecutor in one country can pick up the phone and call his or her counterpart next door.

Recognizing transnational criminal organizations engaged in migrant smuggling operations operate differently from region to region, the United States encourages regional partners to meet directly and share information during SOM Working Group meetings.

In closing, the United States remains fully committed to the implementation of the UNTOC and the Protocol. The United States is grateful to our foreign law enforcement counterparts who work together with us to prevent and counter migrant smuggling. We look forward to a rigorous discussion of the substantive agenda items and to the adoption of recommendations that will maximize international cooperation which is essential to the fight against migrant smuggling.

United States Recommendations
Smuggling of Migrants Working Group
2020

- 1) State parties should convene forums for relevant subject matter experts to share information about the misuse of cyberspace by migrant smuggling organizations as well as best practices in identifying and accessing digital evidence from suspected migrant smugglers, consistent with international and domestic law.
- 2) Consistent with the Protocol, States Parties should cooperate to improve capacity to find and utilize digital evidence to better prevent, investigate, and prosecute migrant smuggling organizations. This should include improving the technological capacity necessary to access this evidence from smartphones and computers.
- 3) State parties are encouraged to strengthen their capacity to secure digital evidence from known smugglers by providing relevant border personnel with training and appropriate equipment.
- 4) States parties are encouraged to include personnel with expertise in identifying, accessing, and using digital evidence in the investigation and prosecution of migrant smuggling organizations among their representatives to the Working Group on the Smuggling of Migrants.
- 5) States Parties are encouraged to make use of publicly available social media platforms to better identify migrant smuggling routes and smuggling organizations.
- 6) States Parties should continue to find ways to rapidly share information and evidence from the misuse of cyberspace by migrant smuggling organizations including improved regional cooperation to better investigate and prosecute migrant smuggling organizations.
- 7) States Parties, as part of their operations to prevent, investigate, and prosecute migrant smuggling, should seek to rapidly identify areas and populations in crises to better enable law enforcement to identify new smuggling routes and smuggling organizations.
- 8) States Parties should exchange information about measures to address crises which may impact populations vulnerable to smuggling and alter smuggling routes and/or methods used to move people by smuggling organizations.
- 9) In the context of a pandemic, States Parties should share information about outbreaks and “hot spots” identified along smuggling routes.

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