Question#:	1
Topic:	drug cartels
Hearing:	Improving Security and Facilitating Commerce at America's Northern Border and Ports of Entry
Primary:	The Honorable John Cornyn
Committee:	JUDICIARY (SENATE)

Question: Drug Cartels Moving to the United States

With the increased violence on the U.S.-Mexico border, many members of drug cartels and their families are moving to the United States. The Pacific Council's Binational Task Force on the United States-Mexico Border recommended that the U.S. deny members of drug trafficking organizations and their families safe haven north of the border. The Task Force also recommended that the U.S. bar family members and known associates of Mexican criminal organizations from entry and, if they were are already in the United States, revoke their visas and deport them.

What are you doing to bar family members of drug cartel leaders from entry into the United States?

Are there any legal authorities that you need to implement that Task Force's recommendations?

Response: Agencies within DHS (U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services, as well as the Department of State (DOS) and the Department of Justice (DOJ), remain committed to utilizing our law enforcement databases and civil and criminal law enforcement authorities to identify individuals associated with drug trafficking organizations and to either deny them entry to the United States or initiate removal proceedings provided they are removable under the Immigration and Nationality Act (INA). Additionally, ICE and CBP are in a position to utilize our sizeable footprint at our nation's land, sea, and air borders, coupled with ICE's longstanding experience in investigating transnational criminal organizations, to exploit any investigative information associated with these individuals at the time of their encounter with law enforcement.

ICE and CBP, along with other DHS components, DOS, and DOJ, find the use of existing sections of the INA very effective in accomplishing the recommendations of the Pacific Council Task Force. Specifically, the utilization of INA § 212(a)(2)(C), 8 U.S.C. § 1182(a)(2)(C), which provides that an alien is inadmissible when there is a reasonable belief that the alien:

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i. is or has been an illicit trafficker in any controlled substance or in any listed chemical . . . , or is or has been a knowing aider, abettor, assister, conspirator, or colluder with others in the illicit trafficking in any such controlled or listed substance or chemical, or endeavored to do so; or

ii. is the spouse, son, or daughter of an alien inadmissible under clause (i), has, within the previous 5 years, obtained any financial or other benefit from the illicit activity of that alien, and knew or reasonably should have known that the financial or other benefit was the product of such illicit activity.

Pursuant to INA § 221(g) and related authorities, DOS has the authority to refuse issuance of a visa to inadmissible aliens. The Secretary of Homeland Security has the authority to refuse or revoke visas, pursuant to section 428(b) of the Homeland Security Act of 2002 (Pub. L. No. 107-296) and consistent with the related memorandum of understanding with DOS regarding implementation of that authority. In addition, when an alien has a visa, DHS officers may, with an adequate factual basis, find that an alien is inadmissible under INA § 212 at a port of entry and may, in appropriate circumstances, revoke, by physically canceling a visa, pursuant to 22 C.F.R. § 41.122(h).

An example of this type of enforcement action is "Operation No Refuge" (ONR), which is an initiative with the El Paso Intelligence Center (EPIC) and its Situational Awareness and Targeting Unit, to identify transnational criminals, associates, and family members. There are currently a total of 1,772 subjects targeted under ONR. Additionally a CBP analyst is embedded into the EPIC Research and Analysis Section's Southwest Border Unit and is working directly with the Drug Enforcement Administration (DEA), the Federal Bureau of Investigation (FBI) and other federal, state, and local analysts on the Gatekeeper North Project, giving CBP direct access to intelligence on drug cartel members and their families living on both sides of the border. From this research, ancillary subjects of interests are also developed.