

DECLARATION OF PHILIP T. MILLER

I, Philip T. Miller, hereby declare that the following statements are true and correct to the best of my knowledge, information, and belief:

1. My name is Philip T. Miller. I am a member of the Senior Executive Service serving as the Assistant Director of Field Operations for Enforcement and Removal Operations (ERO), U.S. Immigration and Customs Enforcement (ICE) in Washington, D.C. I have held this position since May 2013. My current work address is: 500 12th Street Southwest, Washington, DC. I hold a B.A. and an M.A. in Political Science.
2. I began federal service in 1996 with the former Immigration and Naturalization Service (INS) as an Immigration Inspector in New Orleans, Louisiana, where I worked at both air and sea ports of entry. In 1998, I was promoted to a Deportation Officer, and served as Juvenile Coordinator, National Crime Information Center Fugitive Officer, and managed a long-term detention and rehabilitation program. In 2001, I became an ICE Special Agent, conducting administrative and criminal investigations, including investigations of alien smuggling, critical infrastructure protection, and counterfeit document vending.
3. In July of 2007, I became an Assistant Field Office Director within the New Orleans Field Office of Detention and Removal Operations (DRO). In this capacity I was responsible for managing all mission support functions and fugitive operations, and I served as the Field Office's Public Affairs Officer and Congressional Liaison Officer. In April of 2008, I was promoted to Deputy Field Office Director for DRO. In September of 2009, I was promoted to Field Office Director of the New Orleans Field Office.
4. My experience as an immigration officer includes planning, directing, managing, and coordinating operational functions relating to the apprehension, transportation, and detention of aliens ordered removed; the execution of final orders of deportation; and liaison with Departmental, interagency, and community partners regarding ERO matters.
5. In my current position as Assistant Director of ERO Field Operations, I oversee, direct, and coordinate operational activities throughout the nation's ERO field offices and sub-offices, ensuring such activities further agency goals and comply with agency policies. My duties include the oversight of operations concerning the detention of adults with children and unaccompanied children.
6. Last fiscal year, CBP apprehended 414,397 illegal migrants at the Southwest border, an increase of 16 percent compared to FY 2012 (356,873). Through July of this fiscal year, Southwest Border apprehensions reached 421,957, compared to 348,798 during the same time period in FY 2013..
7. The number of credible fear cases that U.S. Citizenship and Immigration Services (USCIS) completed for nationals of all countries grew rapidly over a one-year period, going from 13,607 in FY12 to 36,454 in FY13, with the majority of this increase due to claims originating from nationals of El Salvador, Guatemala, and Honduras. USCIS

received a total of 8,475 credible fear cases for these three countries in FY12, with this number nearly tripling to 23,329 in FY13.

<http://www.uscis.gov/sites/default/files/USCIS/Outreach/Notes%20from%20Previous%20Engagements/2013/Asylum-CredibleFear-ReasonableFear-FY13.pdf>

8. On May 12, 2014, Secretary Johnson declared a Level IV condition of readiness within the Department of Homeland Security (DHS), which is a determination that the capacity of CBP and ICE to deal with the situation is full and we need to draw upon additional resources across all of DHS. He appointed Deputy Chief Vitiello to coordinate this effort within DHS. See Written Testimony of DHS Secretary Jeh Johnson, at <http://www.dhs.gov/news/2014/06/24/written-testimony-dhs-secretary-jeh-johnson-house-committee-homeland-security>.
9. According to debriefings of Guatemalan, Honduran, and Salvadoran detainees, the high probability of a prompt release, coupled with the likelihood of low or no bond, is among the reasons they are coming to the United States. I have concluded that implementation of a "no bond" or "high bond" policy would significantly reduce the unlawful mass migration of Guatemalans, Hondurans, and Salvadoran.
10. The responsibilities of DHS include "[s]ecuring the borders, territorial waters, ports, terminals, waterways, and air, land, and sea transportation systems of the United States...." 6 U.S.C. § 202(2) (codification of the Homeland Security Act of 2002). The DHS describes its core missions as, inter alia, "[p]revent[ing] terrorism and enhancing security" and secur[ing] and manag[ing] our borders." <http://www.dhs.gov/our-mission>. Security of the borders includes a focus on the goal of "[d]isrupt[ing] and dismantl[ing] transnational criminal and terrorist organizations." <http://www.dhs.gov/secure-and-manage-borders>.
11. Detention is especially crucial in instances of mass migration. Annual surveys of people in Central American countries show that one key factor that influences the decision whether to migrate is the existence of an "active migration network," i.e. friends or family who previously migrated and are living in the United States. See *Americas Barometer Insights: 2014, Violence and Migration in Central America*, Latin American Public Opinion Project, Vanderbilt University, No. 101 (2014) [hereinafter *Americas Barometer Insights*].¹ Illegal migrants to the United States who are released on a minimal bond become part of such active migration networks.
12. Allowing detainees to bond out would have indirect yet significant adverse national security consequences as it undermines the integrity of our borders. As stated, the current detainees already are motivated, inter alia, by the belief that they would receive release from detention. Validating this belief further encourages mass migration, which only

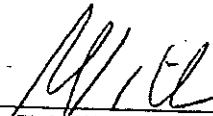
¹ The work of the Latin American Public Opinion Project (LAPOP) is made possible through partnership with U.S. Agency for International Development. See <http://www.vanderbilt.edu/lapop/sustaining-donors.php>. LAPOP describes itself as "the premier academic institution carrying out surveys of public opinion in the Americas, with over thirty years of experience." See <http://www.vanderbilt.edu/lapop/>.

increases the already tremendous strain on our law enforcement and national security agencies.

13. Significant resources have had to be diverted to the Southwest Border, not only to handle the additional caseload, but also as part of a strengthened effort to investigate, prosecute, and dismantle criminal smuggling organizations. Such a diversion of resources disrupts our ability to deal with other threats to public safety, including national security threats. Specifically, DHS, together with the Department of Justice, has added personnel and resources to the investigation, prosecution, and dismantling of the smuggling organizations that are facilitating border crossings into the Rio Grande Valley Sector. ICE is surging 60 additional criminal investigators and support personnel to San Antonio and Houston offices for this purpose. *See Written Testimony of DHS Secretary Jeh Johnson*, available at <http://www.dhs.gov/news/2014/06/24/written-testimony-dhs-secretary-jeh-johnson-house-committee-homeland-security>. Implementing a "no bond" or "high bond" policy would help ameliorate these disruptions.
14. Implementing a "no bond" or "high bond" policy would provide additional time to further screen the detainees and have a better chance of identifying any that present threats to our public safety and national security. In many instances illegal migrants arrive without any reliable identification documents, or present a fraudulent identity. In FY 2013 CBP encountered approximately 17,366 fraudulent documents at our Ports of Entry
15. Criminal enterprises and cartels are facilitating the networks of human smuggling and criminal activity along the Southwest Border. According to debriefings of Guatemalan, Honduran, and Salvadoran detainees, a majority of them paid funds to criminal elements, including the Zeta or Gulf cartels, to be smuggled across the Southwest Border. The average amount per alien paid was \$3,800. The money paid to these cartels is used to fund additional illicit and dangerous activities in the United States and Mexico. By deterring smuggling activities, ICE can prevent further funding of these illegal organizations known for their intricate trafficking networks and murders.
16. By reducing the current influx of nationals, including adults with children, from Guatemala, El Salvador, and Honduras, DHS and other law enforcement agencies will be able to cease redirecting resources away from other priorities, such as removing criminal aliens and other individuals who pose a danger to the community.

I declare, under penalty of perjury under 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge.

August 7, 2014.
Date


Philip T. Miller
Assistant Director, ERO Field Operations
Department of Homeland Security
U.S. Immigration and Customs Enforcement

DECLARATION OF TRACI A. LEMBKE

I, Traci A. Lembke, hereby declare that the following statements are true and correct to the best of my knowledge, information, and belief:

1. My name is Traci A. Lembke. I am a member of the Senior Executive Service serving as the Assistant Director over Investigative Programs for Homeland Security Investigations (HSI), U.S. Immigration and Customs Enforcement (ICE), in Washington DC. I have held this position since September of 2013. My current work address is: 500 12th Street, SW, Washington, DC. I hold a B.A. degree from the University of Northern Colorado.
2. I began my federal law enforcement career in 1987 as a Special Agent with the former U.S. Customs Service (USCS) in Denver, Colorado. In 1991, I transferred to the USCS Office in Nogales, Arizona, where I investigated criminal organizations involved with illicit movement of narcotics, prohibited merchandise, firearms and currency into and out of the United States. In 1997, I was transferred to the Tucson, Arizona USCS Office of Internal Affairs (OIA), where I was promoted to the Resident Agent in Charge. In 2001, I was transferred by the USCS to Washington, DC, to join the Headquarters OIA staff, where I became the Director of the Internal Investigations Division.
3. In 2003, I was named the Unit Chief over Internal Investigations for the newly created ICE Office of Professional Responsibility (OPR). In 2006, I joined the Senior Executive Service and was promoted to Director for ICE OPR. In this capacity, I oversaw all criminal and administrative investigations involving employees of ICE, U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS).
4. In 2008, I was transferred to ICE's HSI, where I served as the Deputy Assistant Director (DAD) for the Investigative Services Division. I remained in this position until September 2013, when I was promoted to the Assistant Director for all of HSI's Investigative Programs.
5. My experience as a USCS and HSI Special Agent included planning, directing, managing and coordinating all aspects of complex criminal investigations, to include conducting surveillance, collecting/seizing evidence, interviewing witnesses and suspects, writing reports of investigation, and presenting my cases for federal criminal prosecution.
6. In my current position as the Assistant Director of HSI's Investigative Programs, I oversee, direct and coordinate over 100 investigative programs within four separate divisions, including the Transnational Crime and Public Safety Division. Within the Transnational Crime and Public Safety Division is the Human Smuggling and Trafficking Unit, which oversees programs designed to identify and disrupt criminal smuggling and trafficking organizations. This unit also assists with prioritizing these investigations according to the degree of risk posed to national security and public safety, and coordinating field office investigations to target human smuggling and trafficking organizations with the goal of eliminating their ability to function.

7. Congress has charged the Department of Homeland Security (DHS), ICE with securing the borders of the United States. Homeland Security Act of 2002, § 402(2), 116 Stat. 2135, 6 U.S.C. § 202(2) (2014). "Homeland security depends on security along our borders and at ports of entry. At our borders and ports of entry, we must deny entry to terrorists, drug traffickers, human traffickers, transnational criminal organizations, and other threats to national security and public safety while continuing to facilitate legal travel and trade." *Written Testimony of DHS Secretary Jeh Johnson for a Senate Committee on the Judiciary hearing titled "Oversight of the Department of Homeland Security"*, 113th Cong., 2d session (2014) available at <http://www.dhs.gov/news/2014/06/11/written-testimony-dhs-secretary-jeh-johnson-senate-committee-judiciary-hearing>.
8. ICE defines human smuggling as the "importation of people into the United States involving deliberate evasion of immigration laws." ICE Office of Investigations Memorandum, "Definitions of 'Human Smuggling' and 'Human Trafficking'" (Dec. 13, 2004). Human smuggling is traditionally motivated by a variety of reasons, including profit and family interest. The statutes governing this offense are contained within Title 8 U.S.C. Section 1324.
9. Although recent media reports emphasize the significant increases in unaccompanied children and family units encountered by immigration authorities along the Southwest border, the category of individual most frequently encountered illegally crossing the border is by far adults without children. See Customs and Border Protection, Southwest Border Unaccompanied Alien Children, available at <http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children> (reflecting that over 278,000 of the approximately 381,000 aliens CBP encountered in FY14 through June 2014 were neither unaccompanied children nor family units). In addition, the number of adults without children who illegally entered the United States increased from the last fiscal year. In FY13, CBP encountered approximately 278,000 adults without children at the Southwest border. In FY14 through June 2014, CBP already had encountered over 278,000 adults without children.
10. On May 12, 2014, Secretary Johnson declared a Level IV condition of readiness within DHS, a determination that CBP's and ICE's ability to deal with the situation was at full capacity and that drawing upon additional resources across all of DHS was needed. He appointed Ronald Vitiello, Deputy Chief of the U.S. Border Patrol, to coordinate this effort within DHS. See *Dangerous Passage: The Growing Problem of Unaccompanied Children Crossing the Border: Hearing Before the H. Comm. on Homeland Security*, 113th Cong., 2d session (2014) (testimony of Jeh Johnson, Secretary of DHS) available at <http://www.dhs.gov/news/2014/06/24/written-testimony-dhs-secretary-jeh-johnson-house-committee-homeland-security>.
11. As the lead U.S. government agency for the investigation of human smuggling, ICE HSI initiates over 2,500 human smuggling and trafficking investigations annually. These criminal investigations have disclosed that human smuggling organizations (HSO) operating primarily in foreign countries and utilizing international confederates unlawfully

move individuals across international borders, regardless of whether these individuals pose potential national security or public safety threats. HSI's human smuggling initiative is focused on identifying, disrupting and dismantling human smuggling and the criminal infrastructure that supports it, as well as associated criminal organizations. HSI is uniquely positioned, through its investigative capabilities, to affect this issue by disrupting the criminal organizations.

12. Human smuggling poses a serious threat to our nation's security. HSOs usually attempt to turn a quick and significant profit and continue moving undocumented aliens across our borders. In severe cases, HSOs hold their human cargo hostage and demand more money from family members as a means to extort higher fees. HSOs arrange for their human cargo to be taken to drop-houses often under unsafe conditions with no way to communicate with relatives or to notify authorities if there is an emergency. Some smuggled aliens have been beaten or raped. For example, in a federal prosecution last month in Texas, "the conspirators seized the smuggled aliens' clothes, shoes, phones and other possessions. The conspirators used guns, paddles, tasers and other equipment to control and prevent the illegal aliens from escaping the stash house. They guarded the aliens with guns displayed in plain view and threatened to kill them by shooting them in the back of the head if they tried to escape." See *3 Mexican Nationals Sentenced to More Than 9 Years in Federal for Their Roles Involving 115 Smuggled Aliens Discovered in Houston Stash House*, ICE News Release, Jul. 30, 2014, available at <http://www.ice.gov/news/releases/1407/140730houston.htm>.
13. HSOs often transport their human cargo — men, women and children — through desolate terrain, without food or water. They may also be placed into trucks or trailers without any ventilation. In Texas, 19 people, including a seven-year-old boy, died inside an airless trailer truck that was used to smuggle them from Mexico, El Salvador and Guatemala. See *Another Defendant Involved in May 2003 Smuggling Tragedy in Victoria, Texas, Sentenced to Prison*, USAO, SD TX Press Release, Nov. 9, 2009, available at <http://www.justice.gov/usao/txs/1News/Archives/Archived%20Releases/2009%20November/110909Flores.htm>.
14. Unauthorized mass migrations may be triggered by a multitude of factors, including violence in the country of origin. *Department of Homeland Security's 2014 Quadrennial Homeland Security Review*, p.26 (Jun. 18, 2014) (hereinafter *DHS Quadrennial Review*). Annual surveys of people in Central American countries show that one key factor that influences the decision whether to migrate is the existence of an "active migration network," i.e. friends or family who previously migrated and are living in the United States. See *Americas Barometer Insights: 2014, Violence and Migration in Central America*, Latin American Public Opinion Project, Vanderbilt University, No. 101 (2014) [hereinafter *Americas Barometer Insights*].¹

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15. "Violent extremists and criminals can hide within this larger flow of migrants who intend no harm." DHS Quadrennial Review, p.26. For example, a man wanted in El Salvador for kidnapping was arrested by CBP in October 2013 while illegally entering the United States near Penitas, TX, in the Rio Grande Valley. See ICE Deports Salvadoran Man Suspected of Kidnapping in His Home Country, ICE News Release, Apr. 9, 2014, available at <http://www.ice.gov/news/releases/1404/140409sanantonio.htm>.
16. Transnational criminal organizations are expanding in strength and scope and may often engage in human smuggling in conjunction with other criminal activities. See DHS Quadrennial Review, p.26. For example, on July 17, 2014, HSI Del Rio special agents arrested a previously convicted cocaine smuggler and the leader of an illegal immigrant smuggling organization known for smuggling more than 400 undocumented immigrants into the United States since January 2013. See Secretary Johnson Announces 192 Criminal Arrests in Ongoing ICE Operation to Crack Down on Human Smuggling to the Rio Grande Valley, ICE News Release, Jul. 30, 2014, available at <http://www.ice.gov/news/releases/1407/140722washingtondcb.htm>.
17. Based on the DHS Immigration Statistics Yearbook for 2012, DHS apprehended individuals from over 160 different countries. On the Southwest border the majority have come from Mexico and Central America.
18. In many instances, illegal migrants arrive without any reliable identification documents or they present a fraudulent identity. In FY 2013 CBP encountered approximately 17,366 fraudulent documents at our Ports of Entry.
19. According to debriefings of detainees who have been part of the ongoing mass migration at the Southwest border, the high probability of a prompt release, coupled with the likelihood of low bond, is among the reasons they are coming to the United States. Illegal migrants to the United States who are released on a minimal bond become part of "active migration networks," see Americas Barometer Insights, which in turn likely encourages further illegal migration into the United States.
20. Combatting illegal migration and human smuggling requires significant HSI resources which necessarily must be diverted from other investigative priorities. Such a diversion of resources disrupts our ability to deal with other threats to public safety, including criminal activity related to illicit trade, travel and finance. Implementing a "no bond" or "high bond" policy would help alleviate these disruptions by deterring further mass migration.

I declare, under penalty of perjury pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge.

Aug 7th 2014
Date

Traci A. Lembke

Traci A. Lembke
Assistant Director Investigative Programs
Homeland Security Investigations
U.S. Immigration and Customs Enforcement
Department of Homeland Security