

Disrupting Irregular Migration

Best Practices in Response to Recent Developments in the Aviation Sector

May 15, 2024

The Departments of State, Homeland Security, and the Treasury are jointly issuing this alert to notify airlines, air charter operators, travel agents, and service providers of the ways in which migrant smuggling and human trafficking networks are exploiting legitimate transportation services to facilitate irregular migration to the United States. This statement conveys the U.S. government's efforts to promote responsible practices in the industry, prevent and disrupt illicit activity, and enhance compliance with lawful immigration and migration pathways. It follows an important [announcement](#) by the International Air Transport Association (IATA) and several member airlines of their commitment to strengthen collaboration with governments and international organizations to address irregular migration and to consider commercial measures to minimize illicit travel.

Recent developments in the aviation sector, described below, expose migrants, airlines, air charter operators, travel agents, and service providers to increased safety, economic, reputational, financial, logistical, and legal risks. This statement identifies a number of recommendations that could help industry stakeholders and governments reduce their exposure to risks associated with facilitating irregular migration.

Migrants are increasingly traversing the region using Managua as a disembarkation point to continue the journey northward by overland means. The United States has shared releasable intelligence with the aviation sector highlighting this trend and underscoring the need for greater enforcement of airline policies with respect to flights in and out of Managua. In particular, actions by the Nicaraguan government are of grave concern. President Daniel Ortega and Vice President Rosario Murillo have put in place permissive-by-design migration policies that have introduced opportunities for migrant smuggling and trafficking networks to exploit migrants for economic gain and fuel dangerous, irregular travel towards the U.S. southwest border.

There are numerous examples of how ruthless smuggling networks have taken advantage of these routes:

In September 2023, Ofelia Hernandez-Salas was extradited to the United States by Mexico for allegedly conspiring with other smugglers to facilitate the travel of large numbers of migrants into the United States from and through Bangladesh, Yemen, Pakistan, Eritrea, India, the United Arab Emirates, Uzbekistan, Russia, Egypt, Brazil, Peru, Ecuador, Colombia, Costa Rica, Nicaragua, Honduras, El Salvador, Guatemala, and Mexico. Hernandez-Salas took advantage of commercial routes and charter flights to facilitate the movement of individuals to the U.S. southwest border.

In December 2023, French authorities thwarted an attempt by an organization to move individuals from India, through France, into Nicaragua for further transportation and smuggling arrangements to the U.S. southwest border. More recently, in May 2024, authorities in Jamaica refused entry to a charter flight of irregular migrants that were seeking to travel to the U.S. southwest border.

In May 2024, an Egyptian court initiated the trial of 16 individuals accused of smuggling migrants to the United States. The individuals face criminal charges related to organized crime and human smuggling. According to the charges, the group arranged air transportation of migrants and placed the migrants in dangerous, degrading, and inhuman circumstances throughout the smuggling process.

Recommended Industry Actions

The following are recommended best practices, subject to applicable laws and regulations and, as appropriate according to their risk, based on: (i) their role; (ii) the information available to them; and (iii) the types of transactions in which they engage:

Recommendation 1: Monitor high-risk routes. Proactive measures to identify flight segments/routes known to be used by migrants and migrant smuggling or human trafficking networks can prevent the exploitation of those routes. The United States is closely tracking this issue and can provide relevant information to support airline efforts. IATA and several airlines already have announced voluntary steps industry can take in support of this effort.

Recommendation 2: Report companies that trigger concerns. Industry participants can report concerning activity, including information about travel agencies known or suspected to be engaging in activities supporting irregular migration and migrant smuggling or human trafficking networks to their U.S. Customs and Border Protection (CBP) liaisons, relevant law enforcement and civil aviation authorities, and IATA. As appropriate, carriers may take proactive administrative actions, such as by restricting the ability of agencies known or suspected to be supporting irregular migration to conduct financial transactions with airlines for the purpose of making reservations and ticketing.

Recommendation 3: Undertake appropriate due diligence. Airlines can reduce risk by carrying out appropriate due diligence to protect against the exploitation of services. Conducting increased diligence when dealing with intermediary companies (*e.g.*, travel agents or brokers) that conceal their ownership or otherwise engage in unusually opaque practices. Doing so can help mitigate deceptive practices that create risk.

Recommendation 4: Transmit Advance Passenger Information (API). All airlines should comply with government regulations requiring the transmission of accurate and timely Advance Passenger Information (API) prior to departure, beginning at 24 hours prior to scheduled takeoff to enable proper record checks and offload recommendations.

Actions the United States will Continue to Take to Halt Irregular Migration and the Exploitation of Migrant Populations:

Action 1: Government-to-Government Training and Information Sharing: The U.S. Government will work with governments to identify travel patterns and routes of concern and share indicators and best practices for addressing irregular migration.

Action 2: Industry Training: The U.S. Government will share information with and train airlines to help them detect migrant smuggling and human trafficking cases, signs of irregular migration, fraudulent documents, and imposters. Enhancing foreign partner passenger analysis units and helping them fully leverage Advance Passenger Information System (APIS) transmission will aid in illuminating emerging trends, targeting malafide passengers, and identifying migration facilitators.

Action 3: Visa Restrictions: Under Immigration and Nationality Act (INA) Section 212(a)(3)(C), the Secretary of State has recently announced a visa restriction policy that targets owners, executives, and senior officials of companies providing transportation by land, sea, or charter air designed for use primarily by persons intending to migrate irregularly to the United States. The State Department has taken steps to impose visa restrictions on several individuals and their family members for knowingly facilitating the travel of irregular migrants to the U.S. southwest border.

Action 4: Sanctioning transnational criminal organizations: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) will continue to impose sanctions on transnational criminal organizations, including migrant smuggling organizations, their facilitators, and their support networks, pursuant to Executive Order (E.O.) 13581, as amended by E. O. 13863. OFAC is also prepared to use, as appropriate, other sanctions authorities to target human smuggling activity, including its Global Magnitsky authorities under E.O. 13818 that target persons involved in corruption or serious human rights abuses related to human smuggling and other irregular migration.

Sanctions actions apply broadly and carry serious consequences. OFAC's regulations generally prohibit *all transactions* by U.S. persons with or within the United States involving the property or interests in property of any individual or entity that is sanctioned. All U.S. persons must comply with OFAC's prohibitions—including all U.S. citizens and permanent resident aliens whether in the United States or abroad, all persons within the United States, and all U.S.-incorporated entities and their foreign branches. Violations of OFAC regulations could trigger civil or criminal penalties. Moreover, OFAC may impose civil penalties for sanctions violations based on strict liability, meaning that a person subject to U.S. jurisdiction may be held civilly liable even if that person did not know or have reason to know that it was engaging in a transaction that was prohibited under sanctions laws and regulations administered by OFAC.

Action 5: Investigate and prosecute migrant smuggling and human trafficking: The U.S. government will continue to investigate and prosecute migrant smuggling and human trafficking cases through collaboration with foreign governments and the aviation industry and pursue criminal charges against migrant smugglers and human traffickers, and their co-conspirators.