



# **LAW ENFORCEMENT IMMIGRATION TASK FORCE**

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## **A Path to Public Safety: Fact Sheet: Immigrant Youth and MS-13**

## 1. MS-13 has its roots in the U.S.

Many young immigrants who fled Central America because of ongoing civil wars in the 1980s arrived in Los Angeles. They found that local American street gangs dominated the scene. They reacted by forming a gang of their own, which became known as “Mara Salvatrucha,” or MS-13.<sup>1</sup>

## 2. MS-13 is a violent and murderous gang that operates in the U.S. and in Central America.

The MS-13 gang has grown in the past two and a half decades and has become increasingly violent. The U.S. Justice Department estimates that more than 10,000 MS-13 gang members now live in the United States, and more than 30,000 worldwide. While MS-13 in the U.S. was initially concentrated on the West Coast, it is now found in many major urban centers in an estimated 40 states.<sup>2</sup>

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## 3. MS-13 membership likely includes a mix of immigrants and U.S. citizens.

Immigration and Customs Enforcement (ICE) operations targeting violent street gangs have shown that the majority of gang members are U.S. citizens. A gang-related five-week surge operation ICE reported in the spring of 2016 resulted in 1,133 total arrests, of whom 894 (about 80 percent) were U.S. citizens. Foreign nationals thus made up less than 20 percent of those arrested. A surge operation in 2015 had similar percentages.<sup>3</sup> There are no official figures about the composition of MS-13.

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<sup>1</sup> U.S. Department of Justice, Fact Sheet on MS-13, April 18, 2017, <https://www.justice.gov/opa/speech/file/958481/download>.

<sup>2</sup> *Id.*

<sup>3</sup> See ICE News Release, “ICE arrests more than 1,100 in operation targeting gangs,” (March 28, 2016), <https://www.ice.gov/news/releases/ice-arrests-more-1100-operation-targeting-gangs>. A 2015 surge operation showed similar results: the vast majority of the 1,207 individual arrested were U.S. citizens. Only 16 percent were foreign nationals. See ICE News Release, “ICE arrests 976 gang members and associates during ‘Project Wildfire’ surge,” (April 8, 2015), <https://www.ice.gov/news/releases/ice-arrests-976-gang-members-and-associates-during-project-wildfire-surge#wcm-survey-target-id>. MS-13 members make up a small percentage of those arrested by ICE. For example, in FY15, ICE arrested 322 MS-13 members out of a total of 125,211 arrested (about 2.5%). See, Tal Kopan, “MS-13 is Trump’s public enemy No. 1, but should it be?,” (April 29, 2017), <http://www.cnn.com/2017/04/28/politics/ms13-explained-immigration-sessions/>.

Of approximately 240,000 unaccompanied minors the U.S. Border Patrol has apprehended since fiscal year 2012, only 56 were suspected or confirmed to be associated with MS-13.<sup>4</sup> Yet, in a new ICE operation in June 2017 targeting MS-13 and transnational organized crime, 12 of the 39 individuals ICE arrested and found to be affiliated with MS-13 had entered the U.S. as an unaccompanied child.<sup>5</sup> Without more data about the composition of MS-13 and whether members joined before or after coming to the U.S., it is difficult to determine whether addressing MS-13 is an overall law enforcement challenge or primarily an immigration enforcement challenge.

#### 4. Immigrant communities are targets of MS-13 crime.

Two recent studies reaffirm previous findings that foreign-born residents of the U.S. commit crimes less often than native-born citizens,<sup>6</sup> and immigrants are less likely to be incarcerated than the native-born relative to their shares of the population.<sup>7</sup> Gangs such as MS-13 target immigrant communities. MS-13 relies on networks of its members in Central America to pressure U.S. immigrant communities by carrying out threats against family members back home.

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#### 5. Immigration enforcement alone will not prevent gang violence.

Efforts to deport noncitizen MS-13 gang members who are convicted of crimes are only one small part of an effective anti-gang strategy. MS-13, like other violent street gangs whose members include U.S. citizens, must be effectively combated with a combination of gang-prevention and criminal-enforcement strategies.<sup>8</sup>

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<sup>4</sup> See Testimony of Carla Provost, Acting Chief, U.S. Border Patrol, before the U.S. Senate Committee on the Judiciary, June 21, 2017, <https://www.judiciary.senate.gov/download/06-21-17-provost-testimony>, and William A. Kandle, Unaccompanied Alien Children: An Overview, Congressional Research Service (January 18, 2017), <https://fas.org/sgp/crs/homesec/R43599.pdf>.

<sup>5</sup> See ICE News Release, "Operation Matador nets 39 MS-13 arrests in last 30 days" (June 14, 2017), <https://www.ice.gov/news/releases/operation-matador-nets-39-ms-13-arrests-last-30-days>

<sup>6</sup> See The Sentencing Project Report, "Immigration and Public Safety," March 2017, <http://www.sentencingproject.org/wp-content/uploads/2017/03/Immigration-and-Public-Safety.pdf>.

<sup>7</sup> See Michaelangelo Landgrave and Alex Nowrasteh, "Criminal Immigrants: Their Numbers, Demographics, and Countries of Origin," The Cato Institute Research and Policy Brief (March 15, 2017), [https://object.cato.org/sites/cato.org/files/pubs/pdf/immigration\\_brief-1.pdf](https://object.cato.org/sites/cato.org/files/pubs/pdf/immigration_brief-1.pdf).

<sup>8</sup> See National Crime Prevention Council, "Strategy: Coordinated intervention by the community and law enforcement personnel reduces the likelihood that high-risk youth will become involved in gangs...", <http://www.ncpc.org/topics/violent-crime-and-personal-safety/strategies/strategy-gang-prevention-through-community-intervention-with-high-risk-youth>. See also PoliceOne,

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## **6. Local immigrant communities are essential law enforcement partners in combating MS-13.**

Local law enforcement must rely on victims and witnesses to identify, investigate and arrest MS-13 members who commit crimes. Without this cooperation, law enforcement have a more difficult time and may not be able to find and apprehend perpetrators of crime. Since MS-13 preys on immigrant communities through violence and extortion, the cooperation of those communities is critical to effective law enforcement. Strong community partnerships and local law enforcement policies that enhance trust between immigrant communities and local law enforcement are the bedrock of effective anti-gang initiatives.<sup>9</sup>

## **7. Immigrant youth fleeing gang violence need protection in the U.S.**

The overwhelming majority of unaccompanied children currently seeking protection in the U.S. are *fleeing* gang and other violence in their home countries in Central America. According to U.S. Border Patrol data only a tiny fraction of all unaccompanied youth apprehended have been suspected or confirmed to be associated with MS-13.<sup>10</sup> These young people, often unaccompanied minors, are entitled to protection under U.S. and international law.<sup>11</sup>

## **8. Immigrant youth in the U.S. need protection from domestic gang violence.**

Young unaccompanied minors who resettle in the U.S. also need protection from domestic gang violence in their new communities. These youth are often some of the

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*“Managing Gangs in Schools,”* <https://www.policeone.com/gangs/articles/5267900-Managing-gangs-in-schools-Prevention-strategies/>.

<sup>9</sup> Statement of J. Thomas Manger, Chief of Police, Montgomery County, Maryland and President, Major Cities Chiefs Association, before the Committee on Homeland Security and Governmental Affairs of the United States Senate, May 24, 2017, <http://www.hsgac.senate.gov/download/05/24/2017/testimony-manger-2017-05-24>.

<sup>10</sup> See Testimony of Carla Provost, Acting Chief, U.S. Border Patrol, before the U.S. Senate Committee on the Judiciary, June 21, 2017, <https://www.judiciary.senate.gov/download/06-21-17-provost-testimony> and William A. Kandle, Unaccompanied Alien Children: An Overview, Congressional Research Service, (January 18, 2017), <https://fas.org/sgp/crs/homesec/R43599.pdf>.

<sup>11</sup> Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection, United Nations High Commissioner for Refugees, <http://www.refworld.org/docid/532180c24.html>.

most vulnerable individuals. These youth need support, guidance and protection in order to resist the sophisticated attempts by MS-13 to target and recruit them into gang activity in the U.S.<sup>12</sup>

## **9. Gang prevention strategies require strong immigrant community participation.**

Effective gang prevention strategies require broad partnerships with community schools, faith organizations, civic associations, businesses and sports and cultural organizations. Investments in gang prevention initiatives require not only support for local law enforcement, but support for local organizations and institutions that build community relationships. Policies and programs that build trust between law enforcement and immigrant communities are effective strategies in combating gangs such as MS-13 and protecting the safety of local communities across the U.S.<sup>13</sup>

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<sup>12</sup> Post-Release Services: Family Preservation Services for Immigrant Children Released from Federal Custody, United States Conference of Catholic Bishops and Lutheran Immigration and Refugee Service, <http://www.usccb.org/about/children-and-migration/upload/LIRS-and-USCCB-Post-Release-Services-FAQs-Final.pdf>.

<sup>13</sup> See Manger Statement, *supra*, note 4.