

EXHIBIT D

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MS. L., et al.

Petitioner-Plaintiff,

vs.

U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT, et al.,

Respondents-Defendants.

Case No. 18-cv-428 DMS MDD

**DECLARATION OF MARC. W.
SANDERS**

I, Marc W. Sanders, hereby declare that the following statements are true and correct to the best of my knowledge, information, and belief:

1. I am the Acting Director for the Department of Homeland Security (DHS) Human Smuggling Cell, which is led by U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI). ICE is an agency within the Department of Homeland Security (DHS). I have held this position since January 9, 2017. I make this declaration based on my personal knowledge and experience and information provided to me in the course of my official duties.

2. I am a 25-year veteran of ICE HSI and its predecessor agency, the Immigration and Naturalization Service (INS). I began my career in 1992, as a criminal investigator in Dallas, Texas where I investigated alien smugglers and alien smuggling violations. Many of these cases involved smuggling cases that were initiated in Mexico, or involved smuggling from the U.S. - Mexico border to other parts of the United States. I was transferred to the Las Vegas, Nevada sub-office of the INS in 2000, where I served as the Assistant Officer-in-Charge and

oversaw alien smuggling investigations and special operations targeting alien smuggling organizations that attempted to unlawfully transport aliens from the southwest border to other parts of the United States. In 2002, I was transferred to the Houston, Texas office of the INS which was eventually combined with the U.S. Customs Service to form the current agency ICE HSI. In Houston, I served as a supervisory special agent and investigated and oversaw investigations of human smuggling organizations that were involved in transporting smuggled aliens from and through Mexico and the Texas-Mexico border to other cities and states throughout the United States. Some of these cases involved alien smuggling organizations that were responsible for the death of the aliens they were smuggling. In 2014, I was transferred to the ICE Attaché office in Mexico City, Mexico where I served as the Deputy Attaché overseeing six offices in Mexico. My duties included oversight of alien smuggling investigations and working with host country government authorities to help investigate and prosecute alien smugglers that were known to be operating in and from Mexico.

3. In early 2017, I was transferred to my current position at the DHS Human Smuggling Cell, part of ICE HSI headquarters. The HSC was created in 2014, as a response to the unprecedented influx of family units and unaccompanied alien children into the United States. The HSC develops a comprehensive threat picture designed to drive law enforcement and other disruption efforts against significant human smuggling organizations and networks. The HSC is comprised of intelligence analysts and law enforcement officers from both ICE, CBP, DHS Intelligence and Analysis, U.S. Coast Guard, and U.S. Citizenship and Immigration Services. In 2015, the ICE HSI Human Smuggling Investigative Program was placed under the supervision of the HSC Director. The HSI Human Smuggling Program averages 3,000 human smuggling investigations per year.

4. Because of my expertise in human smuggling-related issues and investigations, I was selected to be the Acting Director of the HSC to, amongst other things, help coordinate intelligence and law enforcement efforts to counter the criminal organizations facilitating the dramatic increase of unaccompanied alien children being smuggled into the United States along the Southwest Border. Throughout my career, I have conducted investigations, led teams of investigators, and directed large-scale investigative efforts to combat alien smuggling ventures. In my current role, I am responsible for oversight of the ICE HSI human smuggling program and work with all 26 Special Agent-in-Charge offices, and multiple international Attaché offices to coordinate the investigation and prosecution of alien smugglers. One of my primary responsibilities is to review investigative reports for trends related to human smuggling, including changes to smugglers' tactics. The employees under my direction are responsible for conducting analysis of human smuggling networks, the criminal organizations affiliated with human smuggling and their roles in the human smuggling process, and identifying the techniques, tactics, and procedures utilized by human smugglers. As a result of the experience and knowledge I have gained in my career, I am intimately familiar with the techniques, tactics, and procedures utilized by alien smugglers and alien smuggling organizations to facilitate the smuggling of persons to and through the United States.

5. Human smuggling is the importation of people into a country via the deliberate evasion of immigration laws. This includes bringing illegal aliens into a country, as well as the unlawful transportation and harboring of aliens already in a country illegally. ICE has embarked on an ambitious strategy to dismantle organized human smuggling networks, including pursuing intelligence-driven investigations to target large-scale smuggling organizations, regardless of where they operate. Particular emphasis is placed on smuggling rings that pose a national

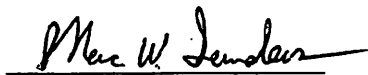
security risk, jeopardize lives or engage in violence, abuse, hostage-taking, or extortion. ICE also coordinates with its partners at U.S. Customs and Border Protection to help investigate and prosecute smuggling cases along the border. As part of this effort, ICE targets all the links in the smuggling chain beyond the immediate smuggler, including targeting the overseas recruiters and organizers, the fraudulent document vendors, and the transportation and employment networks that benefit from alien smuggling within the United States.

6. The perceptions surrounding the United States' immigration policy towards family units has prompted migrants and human smugglers to exploit children to facilitate illicit migration to the United States as fraudulent family units. Those perceptions include the belief that family units are more likely to be released into the United States, rather than being held in immigration detention facilities. A common tactic used by human smugglers is to place minors with unrelated adults and provide fraudulent documents as part of the services they deliver. Additionally, smuggled aliens are seeking out unrelated children on their own in order to attempt entry into the United States as an alleged family unit. Based on interviews with smuggled aliens and alien smugglers I have reviewed, the aliens and their smugglers believe that if they can make a claim that they are traveling as a family unit, this will allow for their prompt release from immigration custody. In many cases, aliens posing as family units are fearful of providing information about alien smugglers who suggest that they need to make false claims regarding traveling with individuals who they represent as their children. This can make the accuracy of claimed family relationships difficult to immediately ascertain. Thus, if ICE is required to release all aliens claiming to be family units who are encountered during immigration enforcement activities, the perceptions of the smuggled aliens and smugglers will be bolstered,

and children may be released with unrelated adults. Once such a requirement is publicized, it is likely to be a pull factor that contributes to further illicit migration to the United States.

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

Executed in Sterling, Virginia on this 19th day of April, 2018.

A handwritten signature in black ink, reading "Marc W. Sanders", is written over a horizontal line.

Marc W. Sanders
Acting Director, Human Smuggling Cell
Homeland Security Investigations
U.S. Immigration and Customs Enforcement