

Belize: Transnational Organised Crime, Agents of the State and Human Smuggling

An Analysis of the Audit Report of the Immigration and Nationality Department

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An Analysis of the Special Audit of the Immigration and Nationality Department of Belize by the Auditor General of Belize

The Auditor General of Belize carried out an audit of the Immigrant and Nationality Department (IND) of the Government of Belize for the period 2011-2013 which was placed online. This analysis will focus on the nationality of persons listed in the audit report of having received valid Belizean visas, permanent residency status and Belizean passports illicitly as this illustrates the strategy of organised crime to obtain licit Belizean visas, and nationality documents as revealed in the audit report.

The audit report in Table 1 lists 28 individuals who were issued visas, then Belizean nationality and passports although they didn't qualify for the Belizean nationality and passports. Persons from China accounted for 20 individuals listed on Table 1 out of 28 or 71.42%. Ukraine and Russia were next with 2 individuals each followed by Lebanon, India, Saudi Arabia and the **USSR** with 1 each. Persons from China overwhelmingly dominated this category. Three successful applicants without sponsors listed on their applications each had a letter dated January 29, 2013 written by Minister Erwin Contreras in their favour to the Director of the Immigrant and Nationality Department.

Table A.1 lists 15 individuals who received visas then permanent residency status thereafter in contravention of the Policy and Procedure Manual. These 15 individuals received permanent residency status which they didn't qualify for. All of the 15 individuals were from China.

Table B lists seven successful applications for visas supported by government ministers. The seven visas were issued without the necessary supporting documents supplied. At the Belize North Border Station (BNBS) there were three successful applicants listed: two from Honduras supported by the intervention of Hugo Patt and one from Paraguay supported by Elvin Penner. At the Philip Goldson International Airport (PGIA) 4 applicants were successful two from India and two from Nepal all supported by Edmond Castro.

Table C lists the details of the nine visa stubs from the Belize West Border Station (BWBS) that were missing hence unavailable for the audit. The visas were issued to nine applicants with their countries of origin as follows: Colombia 2, Japan 2, Salvador 2, Singapore 1, South Korea 1 and Nicaragua 1. The audit report states

that 8 visa foils were stolen and sold to officials of the Belize City Council. Even before recovery of the 8 visas officials of the Belize IND decided to issue these visas but without the visa stickers/foils in order to earn revenue and not lose it by discarding these visas. But the audit states that 134 visa stubs were not presented for audit nor on hand at the BNBS and PGIA stations. Which points to an operational reality common to the Belize IND during the period of the audit. It's noteworthy that of the 134 missing stubs 1 was cancelled with 133 visas issued on these stubs 62 missing stubs or 46.26% were issued to Russians, 25 to Japanese with the remaining 46 to a wide range of nationalities as Honduras and El Salvador 7 each, Chinese 6, Colombia 5, South Korea 4, Montenegro and Serbia 2 each. It is apparent from this table the nature of the flow of persons into Belize and the fact that members of transnational organised crime groups can utilise this flow given the operational weaknesses of the Belize IND highlighted in the audit report.

Two visa applicants from China used the same passport size photograph for their visa applications which were approved on July 24, 2013 and two visas issued the same day without the Director's approval and signature on the two application forms. The visa applications of both Chinese applicants were recommended by Minister John Saldivar.

Five Cuban nationals incarcerated at the Belize Central Prison were granted visas to stay in Belize upon their release from prison in spite of the fact that all five presented copies not the original of their Cuban passports. Four of the five Cubans presented references with their visa applications but these references were not attached to their approved visa applications.

833 applicants used their US Visas or US Permanent Residence Cards to obtain Belize visas from the BMPS, BNBS, BWBS and PGIA in keeping with stated regulations of the Belize IND. The audit report states that 18 persons with expired US visas were granted Belize visas. Of the 18 persons approved for Belize visas 8 were Chinese. The audit report states that there was no evidence that the veracity of the US visas and the US permanent residence cards were verified before the Belize visas were issued. The report states that 7 persons were granted Belize visas on the basis of expired US permanent residence cards. Much more important the audit report states that there is no evidence that persons granted

Belize visas on the basis of having a US visa whose country of origin triggered the need to have a DINS and security clearance check done of the applicant were the DINS check and the security clearance done. A Russian female applicant is granted a Belize visa on the basis of being in possession of a US visa but on the application form no proof of this is attached to the said form.

Visa application forms were processed, approved and Belize visas issued even though the applicant didn't sign the visa application form at the BMPS, BNBS, BWPS and PGIA. Applications for visas were approved and issued even though these applications carried no passport size photograph of the applicant. Visas were issued on applications where a photocopy of the photograph of the applicant was attached. Visas were issued at BMPS, BNBS, BWBS and PGIP where the application forms didn't have a photocopy of the bio page of the applicants' native passport attached.

The salient issue that arises so far in the order of presentation of the audit report is the security and veracity of the immigration and naturalisation process of Belize. The possibility exists and is real as a result that you have persons holding Belizean visas, permanent residence status, Belizean nationality and a passport who are not whom and what they say they are! What has been described so far is an apparatus manipulated by agents of the Belizean state that facilitates human smuggling through Belize as a transnational organised crime illicit enterprise. This is an apparatus of power on which the power relations between agents of the state of Belize, the politicians of Belize and transnational organised crime are exercised thereby giving life to the mechanisms of power between the players. This power relation in turn supports a hierarchical edifice of organised crime where the bottom feeders are always on the alert to feed off the stragglers of the edifice. Commanding the apex of this hierarchical order are the Mexican Transnational Trafficking Organisations (MTTOs) with their partners as the snakeheads of China and their affiliates the gangland coyotes of the trade in humans in Central and South America.

What is apparent is that the apparatus accommodates requests by clients who are seeking bona fide legal Belizean immigration and naturalisation documentation. But there is a diversity of demand ranging from the request for visas alone to enter Belize for express purposes, there is the demand for visas that

rapidly evolve to the receipt of permanent residence status and there is the demand for rapid naturalisation and the issuing of a Belizean passport. The demand for these documents regardless of the eligibility of the applicant is what drives the demand side of the apparatus. A demand side that is then an illicit enterprise seeking the services of agents of the state to provide a licit service. The demand side of the apparatus given the level of services sought from agents of the state insists on the utilisation of organised crime especially transnational organised crime to create and maintain this illicit enterprise sustainably. The demand side is defined by a price range for services which is influenced by the service offered and its severity in terms of breaches to the relevant body of law and the nature of demand for the range of possible services. The premier package will then involve the granting of a visa then permanent residence culminating in the granting of Belizean nationality and a passport in rapid succession in contravention of law. The demand for specific packages then depends on having the resources to afford any said package and the strategic need for a said package. But in the spaces created by the apparatus other players not affiliated to hegemonic transnational organised crime will constantly seek to play in the field of this licit/illicit enterprise with specific power relations between the hegemonic player and these small players. These power relations inject violence as a given within these spaces.

The agents of the state operating within the spaces of the apparatus are called upon to respond to two opposed realms of power relations: the realm rooted in law and organisational power relations and the illicit realm rooted in an illicit enterprise where violence is a given and the basis of discipline. These involved agents of the state operate in at minimum two diametrically opposed worldviews which render them bi-polar at the level of worldviews, perception and action. The common mechanism to cope with this reality is to use the pursuit of self-interest as the cement of the matrix. The reality is that the apparatus is not sustainable as with the passage of time the agents of the state pursue paths of action which threaten the very sustainability of the apparatus whilst the clients demand volumes of licit documents that threaten the very survival of the apparatus as greed pervades both sides of the equation coupled with fear of retribution and the collapse of the feeding trough.

In its pursuit of its personal agenda in a bi-polar perceptual terrain agents of the state present the gravest threat to the state. As they cannot exclude persons who present threats to the state when they are clients of the illicit business partners of the agents of the state. The agents of the state active in the illicit enterprise must fail to exercise the power granted to them by the state to safeguard the security of the state in the interest of the illicit enterprise when a client of the illicit business is involved. The rule is those who present threats who are not clients of the illicit business it's open season on them which allows the agents of the state to indicate to the social order that they are in fact doing their job. The state then becomes reliant on the vetting of clients by the transnational organised crime group as clients bent on attacking the state are bad for business. But what about the smaller, bottom feeder groups who have no such qualms? It's business as usual! The lesson is then grave as there is no permissible tolerance level for such illicit enterprises as inevitably the safety of the state is challenged. But what if the politicians of the state are also involved in the illicit enterprise? Then the change agent is compromised and the state and social order become trapped in a terrain where the spaces under the control of the state become steadily eroded. The state is progressively weakened, it loses its monopoly on violence and its hegemony is openly challenged. In this condition its ruling elites are noted for impotence in the face of the threats to the state.

The audit report continued with presenting its findings which exposed the extent the agents of the state were operationally willing to go to facilitate the illicit enterprise of human smuggling. The findings that dealt with breaches of the regulations governing sponsors of applicants for visas exposed the depth of the facilitation process illustrating the nature of the illicit enterprise.

Visas were issued at BMPS, BNBS, BWBS and PGIA to applicants even though there were no required letters of financial support from sponsors attached. This letter is a declaration of the sponsor as to the relationship between the sponsor and applicant, the ability of the sponsor to financially support the applicant during her/his stay in Belize, the income of the sponsor and the legal status of the sponsor in Belize: a citizen of Belize. The audit report states that 3,791 applications presented to the audit team at BMPS, BWBS, BNBS, and PGIA had no letter of financial support attached. In Table K of the audit report the names of four sponsors who submitted incomplete letters of financial support for applicants. Three of the applicants are from China and one from India. The three

sponsors of the applicants from China have Chinese names and the sponsor for the applicant from India has a South Asian name.

Applicants were issued visas at BMPS, BNBS, BWBS and PGIA with proof of the source of funds by their sponsors missing from their application. Bank statements, bank books, cash and credit cards and employment letters from the sponsors were all absent from these successful visa applications. Business certificates, and trade licenses were used and accepted by the immigration officers at BMPS, BNBS, BWBS and PGIA as proof of the financial ability of sponsors. The audit report states that no proof was found that these documents were in fact confirmed as being valid and the audit discovered that visas were issued on the basis of fake documents. A total of 40 applicants with their sponsors were listed in the report as having failed to submit proof of source of funds. There were sponsors listed who were sponsors of multiple applicants. Of the 40 applicants, 34 were from China and their sponsors all had Chinese names. The remaining 6 comprised 2 applicants from Syria, 1 from Honduras, 1 from Nicaragua, 1 from Brazil and 1 from South Korea. In addition, fake documents and bogus businesses were used by specific sponsors to sponsor multiple successful applicants for visas. This is a potent indicator of organised crime and its power relation with the Belize IND. The list of those sponsors who used a bogus business to sponsor applicants comprised 2 sponsors with Chinese names who sponsored multiple applicants with Chinese names as follows: One sponsored 8 applicants and the other 6. The third and final sponsor listed sponsored 4 applicants with Arabic names with the name of the sponsor also being Arabic. There were three sponsors listed who used fake/bogus certificates to sponsor applicants two of the three had Chinese names and the third had a South Asian name. One sponsor with a Chinese name sponsored 12 applicants with Chinese names whilst the other sponsor with a Chinese name sponsored 7 applicants. The third sponsor who had a South Asian name sponsored 4 applicants with South Asian names. The report lists those sponsors who presented business certificates as a certificate of registration and a trade license that didn't exist in the Belize Company Registry. There were four sponsors listed with three having Chinese names and one with a South Asian name. Those sponsors with Chinese names sponsored only applicants with Chinese names and the sponsor with the South Asian name sponsored applicants only with South Asian names. The three sponsors with Chinese names sponsored a total of 17 applicants with Chinese names and the sponsor with the South Asian name sponsored 2 applicants. Transnational organised crime involved in human smuggling into Belize has now tapped into the market for forged official

documents thereby expanding the market for and by extension the level of illicit activity on the market for fake/counterfeit official Belizean documents necessary for the illicit trade in humans.

The report highlighted the failure of the BMPS to retain in its records copies of documents of all applicants for fixed periods of stay in Belize. This was also the case at BNBS, BWBS and PGIA. This void created in the records therefore facilitates the illicit enterprise and is necessary to the attempt to maintain some semblance of lawful operational standard to ensure the illicit enterprise is sustainable. But the daily operation of the illicit enterprise within a licit state agency breeds impunity and breaches of operational methodology multiply even though they are not strategically necessary to the sustainability of the illicit enterprise. This is highlighted in the audit report by the reports of officers not signing and dating applications, not certifying that copies of documents are in fact true copies and not utilising official questionnaires or attaching them to applications. Impunity breeds threats to the state as it does to illicit enterprises provided that those with the powers of state oversight must be willing to intervene to retrieve the situation. The reality described in the audit report is a Belize IND in a feeding frenzy as agents of the state are in pursuit of maximising their take from the illicit enterprise by monetising all requests made for their services. There is then no strategic selectivity which means that tension soon arises between agents of the state and transnational organised crime where transnational organised crime will utilise specific methods to ensure compliance by rogue agents of the state. The apex of the range of solutions isn't necessarily murder as there exists a range of potent threats that flow from the public exposure of the involvement of the agent of the state in the illicit enterprise and the fallout thereof. Usually the certainty of a graphic death at the hands of El Sicario is quite effective.

At the time of the audit nationals of the following countries required a DINS and Security clearance be done having applied for a visa: Afghanistan, Algeria, Bangladesh, Bolivia, Colombia, Eritrea, Iran, Iraq, Kenya, Korea (North), Libya, Pakistan, Palestine, Somalia and Sudan. Visas were approved for nationals of these countries without the necessary DINS and Security clearance being done. The audit team was informed that persons of the listed countries in possession of a valid US visa were automatically granted a Belize visa. The veracity of the US visa was not confirmed through US channels. This reality then presents the gravest threat to Belize as an illicit enterprise joined at the hip with a licit state

agency has compromised the security apparatus that the Belize IND is charged with policing.

To maintain the integrity of the process of the Belize IND the stock of blank and used visas must be secured and there must be oversight of the system. The audit report stated that at the BMPS, BNBS and BWBS the stock of blank and used visas were not stored in safes but in cabinets. No evidence was forthcoming to the audit team that the Officers in Charge/Port Commanders regularly audited the visa foils, the visa registers and the cash books. No evidence was forthcoming that personnel of the Ministry of Labour, Immigration and Nationality regularly audited the stock of visas held at the stations. No evidence was forthcoming that the Director of Immigration and Nationality on an ongoing basis monitored her/his staff at the BMPS, BNBS, BWBS and PGIA. According to the audit report oversight where it exists is weak and ineffective where it does not it's business as usual. Which resulted in the position of the report that internal controls were very weak at BMPS, BNBS, BWBS and PGIA. On the issuance and control of blank passports and Meryl Sheets the audit report states: "We noted that internal control was very weak when it came to the control and issuance of Blank Passports and the management of Meryl Sheets. It is evident that the Department lacks management in planning, control and organization of vital documents." The Department is then in an operational condition that renders it incapable of repulsing the threat posed by transnational organised crime in Belize. The operational condition of the IND enables organised criminal activity falsifying the discourse of corruption in the state sector.

The licit state agency by its operational process is enabling a sustainable illicit enterprise situated in the bowels of the licit state agency premised on a working alliance with transnational organised crime.

The data listed in the appendices of the audit report provide insights into the terrain of transnational organised crime that agents of the state in the illicit enterprise of the sale of state immigration and naturalisation documents navigate on a daily basis. It's readily apparent that agents and operations of Chinese transnational organised crime is the most widely listed reality of the appendices. The next is the major operational presence of Russian transnational organised crime. With the operations of the MTTOs being the masked hegemon of the illicit order. As all transnational organised crime groups operating within the bounds of this illicit enterprise are impacted by and have to recognise the hegemony of the MTTOs over the illicit trades of Belize. The MTTOs dominate the flow of persons

into Belize from Latin America who are using Belize as a jump off point to Mexico whether they exit Belize in a short or longer time frame. Then there are those who enter Belize to work in the structure of the illicit trades of Belize including those in command and control positions. Then there are those who enter Belize seeking to establish hustles which require they engage with the state as legal entry is vitally necessary to open doors to ensure operational security. The snake heads of China sell their service packages for licit entry to Belize demanding payment in advance. Those who can only afford the budget/economy packages are the most liable to become targets of extortion where they become bonded to the snake heads to dispose of as they see fit. Those from China who are utilising family ties to a resident of Belize are still faced with the task of running the gauntlet of the snake heads and the Mexican Transnational Trafficking Organisations (MTTOs) ultimately to access the services of the illicit enterprise. Those seeking to bypass these gate keepers will then seek out agents of the state and politicians willing to offer their services. To do so places one in peril as the long reach of the arm of ethnic and race based transnational organised crime is soon felt. Those appendices which show persons resorting to fake legal documents for sponsors of applicants not only illustrate the activities of organised crime but more so of those seeking to run hustles in the illicit immigration business that must by pass and run parallel to the operational methodology of transnational crime. The reality is when a client purchased a premier package upon arrival in Belize there is a seamless transition to the granting of a visa which will not be picked up by the audit team. Those who paid for budget packages or choose to hire out independent service providers within the agency for a cut rate fee are predominantly those who made the appendices of the audit report. The cost of the service package purchased directly determines the quality of the product delivered. The difference between being named in an audit report and being a ghost in the apparatus of the agency. Are these successful applicants who they say they are on the applications lodged at the Belize IND? For the right price paid in US dollars no you are not!

The Chinese and the Latin Americans have always viewed Belize as a staging area in their strategy for illicit migrants to enter the US. What is now apparent from the audit report is the growing range of nationalities now traveling to Belize for the same reason. Persons from South Asia, Africa and the Middle East are now in the mix and this is the result of the hegemony the MTTOs now exercise over human smuggling in the Caribbean basin. The depth and expanse of the operational activity of the Chinese snake heads in Belize indicate an operational

presence that has evolved from the foundation the Triads laid during British colonial domination in Belize to the snake heads of the Peoples' Republic of China today with smuggling links to the US and Canada laid under the Triads maintained to the present. But the snake heads have evolved the smuggling strategy to now include permanent settlement of Chinese in Belize where they work in snake head owned enterprises both licit and illicit and are moved around the Caribbean basin to work in snake head owned and controlled licit and illicit enterprises. The snake heads finance the front businesses which then receive and absorb the Chinese transported by the snake heads to the Caribbean. This movement then masks the parallel illicit enterprises which now have a dual flow structure with people and goods from China as synthetic drug precursors and fake goods. With illicit drugs, precious stones, gold, diamonds and animal organs as fish bladders etc. to China. The skinheads are now suppliers of Chinese sex workers to the Caribbean basin.

The salient questions that arises from the revelation of the audit report of the activities of the Russians in Belize are as follows: Is it a gateway as is the case with the Chinese, Latin Americans and others? Is Belize an operational base for money laundering and the acquisition of a nationality other than Russian? Is Belize one operational area amongst others in the Caribbean basin where Russian organised crime blends operationally with the MTTOs, their partners and affiliates? What is the nature of the organisational structure of Russian organised crime in Belize?

Analysis of the audit report raises the issue of the nature and functioning of the state in neo colonial social orders in the Caribbean basin premised on the Westminster model of government. With constitutional decolonisation/independence these former British colonies inherited the expanse of contested spaces in the social order created by the British colonial state. Over time since independence the expanse and depth of these contested spaces have evolved, expanded and heightened because of the failure of the ruling elites to grasp the necessity of specific types of power relations in these states founded on the established constitutional model. Emphasis has been placed on sovereignty and law to the detriment of the necessary and compulsory task of discipline and domination premised on mechanisms of the nexus: power/knowledge. Failing to grasp the reality that power must be exercised or it's exercised upon you it's not a thing to be held, owned nor is it an entitlement. The ruling elite is mesmerised by the discourse of sovereignty which renders them monarchs with the prime minister being the prime monarch in their own minds. Mechanisms of power/knowledge must be unleashed towards the generation of discourse which

drives the application of power in relations where discipline/domination is the strategic aim. The fixation with sovereignty generates the belief that a special group holds power by law and must not be challenged which obviates the need for exercising power/power relations throughout the social order as their power is a given even an absolute. This position has then driven the expanse and depth of contested spaces in the social order as it gives space to rebellious power/knowledge and their attendant discourses to challenge those who are under the delusion that power is an object they hold. Those addicted to sovereignty concentrate on general elections as the only relevant power struggle they are concerned with and with victory comes the spoils of dominating the state. This further enhances their refusal to grasp the need for engaging in the production of apparatuses and mechanisms of power with its attendant knowledge and discourse of truth towards disciplining and dominating the social order. But this failure has now resulted in general agencies of power as state institutions incapable of responding to threats to the state. For the general forms of power must be constantly renewed by the mechanisms created in response to power relations on the ground in the quest for discipline and domination. In these states the general agencies of power have fallen into stasis precipitating a crisis of sustainable survival of the state and its social order.

The ruling elites especially the politicians have responded to this crisis by insisting that the problem is state corruption. But they will never see much less publicly admit that the problem is the manner in which the ruling elite defines power and its operation within the context of the Westminster model of government. The prime driving force of the social order presumed under the Westminster model is the domination of the social order by power/knowledge and its power relations masked by the discourse of sovereignty and law. Where law and sovereignty serve and enables power/knowledge in its quest for discipline/domination. The ruling elites don't get the message as they are still trapped in a colonial worldview failing to understand that there was no Westminster model applied under the colonial order. This was the order of mass, smiles and blood and you simply cannot hope to replicate this colonial order today.

The independence experiment in the British Caribbean colonies was then premised on an attempt to graft onto a colonial order a mechanism of power that was not organic to that of the colonial order. In fact, the two mechanisms of power are diametrically opposed and the colonial order rejected the graft. The independence experiment is then in tatters as the ruling elite has created a state

and its social order that is a Frankenstein monster, neither colonial nor Westminster. The state is not then corrupt it's malformed, undernourished, brain dead and non-sustainable exemplified by the chronic violence and the inability to change regardless of who rules in conjunction with the so-called inherent superiority of the oligarchs. Primarily the result of the addiction of the ruling elites to the discourse of sovereignty is seen where they insist that the primary issue is attacks on the state not the moribund operational nature of the general mechanisms of power of the state. For no one should avail themselves of the opportunity to assault the state and those who do can only do so via state corruption. A discourse that denies the history of the evolution of the power/knowledge state form from reason of state to biopolitics from whence the Westminster model came.

The discourse of corruption is then another product of the delusion of the ruling elite which addresses nothing and solves nothing for the problem is the ruling elite in the context of the organic demand of the Westminster model. Lumpen elite, lumpen state, violent social order.

Reference

“Special Audit-Visa Immigration and Nationality Department for the period 2011-2013” Office of the Auditor General of Belize

www.audit.gov.bz/downloads/Visa.pdf