



## U.S. Immigration and Customs Enforcement

# Backgrounder

November 19, 2004

## *Operation Broken Hearts*

### Overview

Operation Broken Hearts was a landmark investigation into allegations of child trafficking by a criminal enterprise. The conspiracy involved alien smuggling, visa fraud, wire fraud, mail fraud, tax fraud, money laundering, and violations of the Foreign Corrupt Practices Act. From January 1997 to December 2001, the conspirators operated a scheme to defraud U.S. citizens who adopted some 700 children from Cambodia. They received approximately \$8 million dollars from adoptive parents in the United States, and then used the profits to live lavish lifestyles in Seattle, Hawaii, and Cambodia.

### What Prompted the Investigation?

The processing of adoption petitions from Cambodia was suspended in December 2001 after the ICE received serious complaints by non-governmental organizations in Cambodia about criminals involved in "baby buying" and child trafficking for international adoptions. In March 2002, two ICE special agents were dispatched to Cambodia to determine if any U.S. citizens or U.S. business entities were involved in this type of criminal activity.

### What Agencies Took Part in the Investigation?

- U.S. Immigration and Customs Enforcement (ICE) offices in Bangkok, Seattle, Boston, and Honolulu
- Department of Justice Domestic Security Section and the US Attorney's Offices in the Western District of Washington and District of Hawaii
- Internal Revenue Service Criminal Investigations Division -Seattle Office
- Department of State -U.S. Embassy in Phnom Penh, Cambodia
- Cambodian League for the Promotion and Defense of Human Rights (LICADHO)

### What is an "Orphan" Under the Law?

Under immigration law, an orphan is a child, under age 16, who has lost or become separated from one or both of his/her parents. A Cambodian child who has two parents does not qualify for an immediate relative visa. A Cambodian child who has one surviving parent might qualify for an immediate relative visa depending the circumstances. When a U.S. citizen petitions to receive an immediate relative visa for an orphan, they must sign at least three documents concerning material facts related to their child being an orphan.

### How Did This Child Trafficking Enterprise Operate?

The enterprise operated through a series of deceptive and fraudulent schemes, among them:

**Baby Recruiters** - A baby recruiter would approach a birth family in their local village concerning their willingness to sell their child. Once the recruiter located a potential child, they would notify a

baby buyer in Phnom Penh. The "buyer" would pay the "recruiter" a \$50 commission for each child he/she located in a village. The recruiters were also known as "freelance locators" and "helpers."

**Baby Buyers** -The baby buyers in this enterprise were orphanage directors and taxicab drivers. The "buyers" used several means to obtain children from their birth families. Some birth families were told they could have their child back at any time.

- A reputable nongovernmental organization will provide food and medical care to your child in Cambodia.
- Your child will be able to attend a school in Cambodia.
- You can regularly visit your child at the orphanage in Cambodia.
- You can have your child back at any time.

OR

- A rich family will raise your child in the United States; they will send you money and photos of your child for the rest of your life.
- When your child becomes an adult, he can petition for you to immigrate to the United States.
- I will give you money and rice for your child now *[Note -The payments ranged from \$20 to \$200 and a fifty-kilogram bag of rice. These payments were also known as "nurse care."]*.

The sale of the child was dependent though on a medical test. If the tests were positive for AIDS or hepatitis, the Baby Buyer would return the child to his birth family. If the tests were negative, the Baby Buyer paid the birth family for the child, and then took the child to either an "orphanage" or a "stash house." If the birth family lived nearby, the child would continue to live with them until the day of their adoption.

ICE agents visited several of the "orphanages" associated with this criminal enterprise. They observed rusty cribs, hammocks covered in feces, and torn window screens. Some of the babies were even stored at a "stash house" in the Kompong Som Province where the conditions were horrendous. The dwelling was hot, stuffy, and smelled of human excrement. The babies were naked and filthy. Each time an adoption took place, \$3,500 was given to this criminal enterprise by the adopted parents for the betterment of the orphans left behind in Cambodia. The coconspirators, however, used the donated orphan funds to buy beachfront real estate in Hawaii and other luxury items.

**False Documents** - After the children were purchased and stored, the next step in the conspiracy was to create a false paper trail. The children's true identities were erased. They were given new names and histories. This information was placed on birth certificates and adoption related documents. These documents were then used to obtain legitimate Cambodian passports.

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