



TESTIMONY

OF

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BEFORE

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ON

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Introduction

Chair Merkley, Co-Chair McGovern, and distinguished Members of the Commission:

It is a privilege to appear before you today to discuss the critical work the Department of Homeland Security (DHS) is doing to combat the ongoing campaign of transnational repression (TNR) waged by the People's Republic of China (PRC).

DHS combats diverse and dynamic threats to the homeland, many of which have a transnational nexus. I lead the Office of International Affairs (OIA) within the DHS Office of Strategy, Policy, and Plans, which oversees DHS's activities to advance our strategic and policy objectives and raise security standards globally across the full range of the Department's missions in order to protect our homeland. Collaboration with our international allies and partners is critical to preventing threats to our homeland, including threats emanating from malign state-sponsored activity.

One such malign state-sponsored activity directly tied to transnational repression involves foreign governments that harass and intimidate their own citizens residing in the United States. These governments, to include the PRC, also target U.S. citizens and permanent residents who have family residing overseas. In either case, these actions may violate individual rights and freedoms under U.S. and international law.

As part of the whole-of-government effort, DHS contributes to the federal interagency response in combating many of the threats the PRC poses to our homeland and our interests abroad. Today, I am focused on the threat of transnational repression, and the PRC's efforts to reach across national borders to silence dissent among its citizens abroad as well as non-citizens, including U.S. citizens, they see as a political threat. This practice represents a serious danger to human freedom and security and is an issue of significant human rights and national security concern to DHS.

The Department will not tolerate nation states seeking to surveil, intimidate, or do harm to individuals residing in the United States. By prioritizing efforts to counter transnational repression, we protect the human rights of those residing within our borders and we enhance our national security. DHS brings unique authorities to bear in the whole-of-government effort to combat and prevent the sustained PRC campaign of repression that has harmed countless individuals within our borders and violated our national sovereignty.

While the PRC's activities of concern stretch across many fronts, during today's testimony, I will highlight three priority lines of effort through which the Department has worked to fend off attempts by the PRC to commit repressive acts on U.S. soil. First, I will focus on Operation Fox Hunt, through which the PRC – under the guise of its anti-corruption efforts – seeks to intimidate and ultimately repatriate, voluntarily or forcefully, current and former citizens of the PRC and their families living overseas whom it sees as a political or financial threat. A team from U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) leads the Department's efforts to combat this repressive campaign and works across the interagency, particularly with our colleagues at the Federal Bureau of Investigation (FBI), to thwart these

extra-legal attempts. Second, I will discuss a particular line of effort I have helped lead to counter abuse of the International Criminal Police Organization (INTERPOL), a topic which is connected to the PRC's wider attempts to set the rules of the road by influencing international bodies through agenda-setting and elections. And finally, I will discuss the important work of the Office for Civil Rights and Civil Liberties (CRCL) to engage and protect Uyghur and other communities affected by transnational repression within the United States.

Thwarting Operation Fox Hunt

The Department has worked for nearly two decades to combat targeted harassment on U.S. soil by the PRC. ICE, through HSI and with interagency partners like the Department of Justice (DOJ) and the FBI, has targeted a PRC government effort known as Operation Fox Hunt, through which Beijing targets and seeks to repatriate and prosecute PRC individuals living in foreign countries whom the PRC alleges are guilty of corruption and should be returned to the PRC to face criminal charges. The PRC has portrayed this as an international anti-corruption campaign, but the effort has in fact been used to target critics and dissidents living around the globe, including within the United States, using extra-judicial channels. In total, through these efforts, the PRC has returned over 9,000 individuals worldwide to China, where they may face imprisonment or other repressive measures.¹

The PRC often uses illegal tactics to surveil, threaten, and harass its targets, both in person and digitally, including in the United States. Such attempts circumvent established means of law enforcement cooperation, directly violate U.S. sovereignty, and highlight that the PRC often lacks a legal basis for pursuing such targets. There have been a number of cases in recent years that illustrate illegal PRC activity in the United States. As just one example, in October 2020, eight individuals were charged as illegal PRC agents in the United States who conspired to surveil, stalk, harass, and coerce U.S. residents to force those residents to return to the PRC. In this instance, six defendants were also charged with conspiring to commit interstate and international stalking. The defendants were allegedly acting at the direction of PRC government officials as part of Operation Fox Hunt's global, concerted, and extralegal repatriation effort.

The complaint stated that defendants participated in a plan to bring an individual's father to the United States against his will to then leverage the father's surprise arrival in the United States to coerce the son's return to the PRC. Conspirators consulted with one another to determine how the individual's father should lie to U.S. immigration officials regarding the purpose of his visit to the United States. Other actions taken by the defendants included surveilling and harassing the daughter of the individual in question, as well as her friends, on social media.²

In support of the FBI and other U.S. government law enforcement and intelligence community efforts to combat Operation Fox Hunt, DHS seeks to provide traditional and non-traditional disruption options to overall investigative strategies pursuant to its broad scope of criminal and administrative immigration and customs-related authorities and capabilities. In support of U.S.-based efforts to counter Operation Fox Hunt, HSI primarily works with and through its FBI partners and their Counterintelligence Task Forces.

To mitigate the threats posed by the PRC's illegal activity outside its borders, DHS will build on recent successes and continue its work to prevent attempts by the PRC to illicitly surveil and harass individuals in the United States.

DHS will continue to conduct due diligence when presented with information by PRC authorities on alleged fugitive case files. As part of routine police-to-police information sharing, HSI receives requests for information from the PRC's Ministry of Public Security (MPS) for fugitives from China whom the Ministry alleges have taken criminal proceeds with them to the United States. Ensuring appropriate due diligence prevents PRC authorities from using HSI-furnished information to engage in transnational repression, that is, using this information to target dissidents and other opponents. These requests are vetted and handled in accordance with DHS and HSI policies regarding information received from foreign law enforcement sources, and if warranted, are investigated for potential violations of U.S. law. Requests for information sent to HSI or ICE field offices from the PRC must be fully vetted at HSI or ICE headquarters to ensure coordination and compliance with agency policy before any information is shared with MPS.

HSI will also continue to work with the interagency to investigate individuals linked to Operation Fox Hunt. While cases and investigations are ongoing and specifics cannot be relayed through open testimony, HSI has helped to identify subjects involved in Operation Fox Hunt and potential targets of the program. For example, HSI has tracked assets used to facilitate Operation Fox Hunt and provided this information to partner agencies, which has ultimately led to the disruption of those operations.

HSI has also sought to raise the awareness of other relevant DHS operational components and across the interagency concerning the PRC's use of U.S. law enforcement agencies to unwittingly assist Operation Fox Hunt. DHS has worked to ensure the tools our components have to counter the PRC's illicit activity are fully utilized. For example, U.S. Customs and Border Protection has used its intelligence-based targeting programs to identify PRC-affiliated operatives traveling for nefarious purposes, and will continue to advance and strengthen these efforts.

The PRC has sought to message the legality and legitimacy of Operation Fox Hunt through measures such as announcing the campaign alongside the dissemination of a list of 100 individuals the PRC said were sought through INTERPOL red notices.³ Like other countries, the PRC uses INTERPOL notices to imply international endorsement of its pursuit, even though INTERPOL notices are not subject to judicial review and their purpose is not to serve as any such political or other endorsement.

Supporting INTERPOL Reforms

The PRC's repressive activities span far beyond U.S. borders and involve efforts to manipulate the rules and mechanisms of international law enforcement cooperation. The PRC has attempted to influence international bodies such as the United Nations to achieve its aims. The U.S. government wants to be sure it is taking all appropriate measures to ensure the PRC is not in a position to exploit for nefarious purposes the unique tools that INTERPOL provides to bring criminals to justice. Uyghur and other communities in the United States have highlighted the

detrimental impacts of politically motivated INTERPOL red notices issued at the request of the PRC government, which have resulted in the detention of community members overseas.

Therefore, I want to highlight the measures the U.S. government and the Department are putting in place to support INTERPOL in its efforts to prevent abuse of INTERPOL channels. This line of effort, which is part of the broader U.S. government work to combat transnational repression, is particularly close to my heart given my previous tenure at INTERPOL. At INTERPOL, I helped lead the group tasked with ensuring compliance of notices and diffusions with INTERPOL's Constitution and Rules, including identifying and blocking attempts to abuse INTERPOL channels to target political opponents or for other illegitimate purposes.

INTERPOL's system of notices and diffusions is the most important global policing capability it offers to its member countries. INTERPOL red notices and wanted persons diffusions are requests by INTERPOL member governments, or International Criminal Courts and Tribunals, to member countries' law enforcement agencies to locate and arrest a wanted person for the purpose of extradition or similar legal action. These requests include information allowing for the identification of the wanted person and the crime for which the person is wanted and must comply with INTERPOL's Constitution and Rules for Processing Data, which prohibit their use for political, racial, religious, or military purposes. Individuals who are the subject of a red notice or wanted persons diffusion are at risk of arrest if they travel and may suffer other negative impacts on their lives and livelihoods. Other types of notices and diffusions INTERPOL issues may have less impactful consequences, but may nevertheless be improperly used by requesting countries to harass or persecute individuals for their political or religious views.

DHS and its interagency partners have worked together over the last year to strengthen the actions the U.S. government is able to take in support of the internal reforms INTERPOL has made to target the abuse of its critical tools for politically motivated purposes. Some of the measures the U.S. government has put in place will be described in a report submitted jointly by the Departments of Justice and State in accordance with the Transnational Repression Accountability and Prevention (TRAP) Act of 2021 (Section 6503(c) of the National Defense Authorization Act (NDAA) for Fiscal Year 2022). In general, these actions are intended to strengthen the ways in which the U.S. government is able to comply with INTERPOL's request that member countries provide it with relevant information, which can be kept confidential, that would assist it in identifying notices and diffusions that might be based on political motivations.

In line with this broader U.S. government effort, DHS is working to ensure that our enforcement officers are trained in how to recognize and respond to potentially abusive INTERPOL notices and diffusions and are aware of countries known to engage in transnational repression, including through misuse of INTERPOL channels. Importantly, DHS, consistent with existing practice and legal requirements, does not use INTERPOL notices or diffusions as the sole basis for any law enforcement action, including with respect to decisions to detain individuals.

Finally, DHS is encouraging INTERPOL to increase its use of corrective measures against countries that attempt to abuse INTERPOL channels. This issue has been a particular focus for the Department's leadership, which has expressed to INTERPOL leadership our deep concern

over abuse of red notices and diffusions and has urged the organization take all appropriate measures to hold accountable states that try to abuse the system. DHS appreciates INTERPOL leadership's receptiveness to these concerns and willingness to take action on these important matters.

In March, following Russia's invasion of Ukraine, the United States, alongside Australia, Canada, the United Kingdom, and New Zealand, called on INTERPOL to suspend Russian access to its system in accordance with its rules. DHS, along with its interagency partners, will continue working to ensure that INTERPOL mechanisms and processes remain robust and effective and that they uphold democratic principles and the rule of law.

Engaging Affected Communities

While DHS works to directly prevent the PRC from engaging in transnational repression on U.S. soil, we recognize this line of effort represents just one part of our important mission to counter Beijing's global campaign of repression. DHS sees the need to amplify and inform these efforts through continuous engagement with the victims of this campaign, including with the Uyghur diaspora, as well as other targeted communities. Uyghur communities face virtual harassment, threats, and attacks, including on social media platforms in the United States and around the world. For example, college education has been interrupted for some in the Uyghur community living in the United States, as financial support from family members living in China has been cut off by the PRC government. Some individuals are the subject of disinformation campaigns fabricated by the PRC government. Others are experiencing cyberattacks on diaspora organizations and Uyghur diaspora-owned email accounts. The PRC has compelled individuals to harass Uyghurs, Tibetans, Hong Kongers, and other individuals deemed unfavorable to the PRC on university campuses or during protests and other activism-related events.

Most significantly, PRC-resident family members of the diaspora, including but not limited to Uyghurs, Tibetans, and Hong Kongers living in the United States, often face retaliation, including detention and exit bans, and in the case of Uyghurs, detention in the Xinjiang Uyghur Autonomous Region (Xinjiang) internment camps. Some diaspora community members are themselves survivors of these camps.

CRCL has connected Uyghur diaspora community leaders and members with relevant DHS offices and operational components, such as the Cybersecurity and Infrastructure Security Agency (CISA) and U.S. Citizenship and Immigration Services (USCIS), to follow up on specific concerns. In response to Uyghur community leaders' questions regarding prevention of online harassment and threats to individuals and community organizations, CISA shared information on its freely available resources, namely, free cybersecurity tools for use at the individual and organizational level. CRCL has also shared with Uyghur diaspora community leaders' information on opportunities for engagement with USCIS, in particular with respect to asylum cases and processes.

CRCL hosted a virtual interagency engagement in March 2022 with the Uyghur diaspora community in the United States to share information on federal resources to address threats of transnational repression. The roundtable included presentations from the White House, as well

as DHS Components and offices, on available resources to protect communities and address the community's concerns. Following the engagement, CRCL created and shared with participants a list of relevant federal resources. CRCL continues to engage with representatives of the Uyghur diaspora community through ongoing community stakeholder engagements nationwide.

Other federal agencies, including the FBI and Department of State, are also directly engaged with these communities and individuals.

As part of DHS's effort to strengthen the resilience of U.S.-based communities vulnerable to transnational repression, DHS Under Secretary for Strategy, Policy, and Plans Robert Silvers and the Department of State's Under Secretary for Civilian Security, Democracy, and Human Rights Uzra Zeya hosted a roundtable discussion in March of 2022 with individuals who have been the targets of transnational repression. Participants included members of the Uyghur diaspora, members of other religious and ethnic minorities, and human rights defenders who shared harrowing stories of the PRC using surveillance, spyware, harassment, and coercion to silence Uyghur individuals in the United States. Under Secretary Silvers and Under Secretary Zeya reaffirmed the U.S. government's commitment to supporting individuals impacted by transnational repression and to promoting accountability for the individuals who perpetrate these acts. They underscored the Biden-Harris Administration's resolve to push back against governments that reach beyond their borders to threaten and attack journalists and perceived dissidents for exercising their human rights and fundamental freedoms.

As part of its mission to ensure the protection of civil rights and civil liberties in all DHS policies, programs, and activities, CRCL will address transnational repression concerns raised by community stakeholders in its ongoing, regular engagement activities, especially in metropolitan areas with large Uyghur diaspora populations. CRCL will also deepen collaboration with the Department of State on priority communities for engagement.

Conclusion

DHS will remain unwavering in its efforts to combat transnational repression committed by the PRC and looks forward to working with Congress to pursue this critical mission. I thank you again for the opportunity to appear before you and to discuss our ongoing work in these areas. I look forward to taking your questions.

¹ [The Threat Posed by the Chinese Government and the Chinese Communist Party to the Economic and National Security of the United States — FBI; Countering Threats Posed by the Chinese Government Inside the U.S. — FBI](#)

² [Eight Individuals Charged With Conspiring to Act as Illegal Agents of the People's Republic of China | OPA | Department of Justice](#)

³ [Operation Fox Hunt: How China Exports Repression Using a Network of Spies Hidden in Plain Sight | Freedom House](#)