

**Los Angeles Times**

**Informants Can Greatly Aid U.S. Authorities But Still Face Deportation**

**By Andrew Becker**

**February 12, 2010**

Ernesto Gamboa was a rare find -- the sort of informant who might come along once or twice in a cop's career.

The 41-year-old Salvadoran auto mechanic assisted police in making hundreds of drug busts in the Pacific Northwest over 14 years.

Armed only with a cellphone, he had a knack for posing as a drug buyer or seller, leading to harrowing transactions between heavily armed traffickers and narcotics agents. For about \$10,000 a year, he risked his life time and again, according to those who worked with him. Undercover detectives came to trust him with their own lives.

When his work was done, he faced another peril: deportation.

His is among at least a dozen cases in which informants say they've been led to believe that federal agencies would help them get U.S. residency in exchange for their assistance in undercover investigations, only to have the implied or explicit promises broken, an inquiry by the Los Angeles Times and the Center for Investigative Reporting found. Some of these confidential informants face being sent back to regions controlled by the same criminal gangs they helped implicate.

If Gamboa "is returned to El Salvador, I'm sure he will likely be killed," Sen. Maria Cantwell (D-Wash.) said during a U.S. Senate committee hearing in December.

Cantwell and some law enforcement officials, including half a dozen who worked with Gamboa, say turning on such informants is not just unfair, it's dangerous, because many drug, human-smuggling and national security investigations depend on their cooperation.

Given a reprieve

After some public outcry, immigration officials suspended deportation proceedings against Gamboa, but he remains in the country illegally, unable to obtain a work permit and vulnerable to deportation in the future.

Alonzo R. Peña, head of operations for U.S. Immigration and Customs Enforcement, said in an interview that his agency highly values informants but that deportation is not up to him or his agents -- it's ultimately up to immigration judges.

"We do not view informants as a commodity," Peña said. "If we treated people like that,

we would never have people wanting to come work for us."

Former Associate Atty. Gen. Stephen S. Trott, now a judge on the U.S. 9th Circuit Court of Appeals, cautioned against throwing open America's immigration gateway to foreign informants, some of whom have terrorist or criminal ties. "Law enforcement can't operate without them, but does that mean you want them to be citizens?"

Demand for such informants has grown in recent years: ICE spent \$9.5 million on about 2,800 informants last year and the Drug Enforcement Administration has thousands more. But, since 9/11, concern has also risen over granting them U.S. residency.

Many informants cut deals to avoid prison. Some snitch for money. Others want to eliminate competition or exact revenge.

According to a 2006 ICE report, however, more and more of those recruited by ICE agents want immigration benefits in return for their cooperation. Agents can be quick to offer promises but can't ensure that authorities down the line follow through. Some go to bat for their informants; others don't bother.

"The attitude is these informants are a dime a dozen," said Josué Martinez, a retired FBI agent and now an immigration and defense attorney in Texas.

In 1994, to recruit and protect foreigners who have valuable information on criminal activities, Congress created a temporary "S" visa, for which an informant must have a law enforcement sponsor. It can lead to legal residency.

A maximum of 200 S visas can be issued each year for criminal informants and 50 more for terrorism informants. The annual cap has never been reached.

Informants have a tough time winning asylum in immigration courts with the argument that they cooperated with the U.S. government. It is unclear how many have been deported, because no agency keeps track. A reporter recently found a dozen through court files, immigration documents and interviews.

In one case, a Salvadoran woman has waited more than five years for an S visa in return for helping to dismantle a child-smuggling ring, records show. At the request of U.S. immigration officials, Carla Deras, 44, entered the U.S. through special permission in 2002. Instead of returning her to El Salvador when her job was done, an ICE agent requested in 2005 that the agency wait until her S visa application was processed, documents show.

That never happened. "I called the office and they said '[the ICE agent] doesn't work here anymore.' They said they can't tell me where he is," Deras said in an interview. "We're illegal. I don't have any money. I can't apply for unemployment."

A reporter could not locate the agent either, and ICE officials declined to discuss Deras'

case.

In south Texas, where the bloody drug war rages just across the Rio Grande, immigration lawyer Jodi Goodwin leafed through client books that she said included more than 50 names of informants for whom she sought legal status.

She pointed to the name of one who exposed a corrupt immigration inspector, another who helped track smugglers. Both were deported.

"They're used, abused and tossed," she said.

Some judges have tried to intervene. In a 2008 asylum case, for example, 9th Circuit Justice Betty Bins Fletcher questioned why a Colombian husband and wife should be deported.

"We get this guy to work for the DEA, and now we are going to toss him back to take the consequences in Colombia?" Fletcher said during a hearing. She called it "certainly a disincentive" for getting people to collaborate.

Another case involved Goodwin's client, Guillermo Eduardo Ramirez-Peyro, a former Mexican cop turned drug trafficker turned snitch. Known by the street name "Lalo," he became a prolific informant who worked at great peril in the Ciudad Juarez area, where there were many killings, and helped to win more than 50 felony convictions of high-level traffickers. He was paid about \$240,000 and, while undercover, records show, aided cartel henchmen in several murders.

When his identity became known to border area traffickers in 2004, his life was threatened. In the United States, U.S. marshals put him in protective custody. He was eventually placed in detention, pending deportation.

The U.S. 8th Circuit Court of Appeals ruled in August that Ramirez should not be deported to Mexico, where he would face "almost certain death."

### Getting results

Gamboa, the Salvadoran auto mechanic, was no career criminal: He'd been convicted in a minor drug possession case in the mid-1990s. He volunteered his services, he said, to make some money and one day become a legal U.S. resident. He said he also sought to avenge the death of a friend killed by a drug overdose.

Gamboa's work, including court testimony, resulted in the seizure of hundreds of pounds of cocaine, heroin and methamphetamine and forfeitures of about \$1 million, his former handlers said.

"He earned the right to be in this country," said Tom Zweiger, a retired Washington State Patrol detective sergeant.

But Gamboa had a falling-out with ICE over compensation and ended up in immigration court fighting a removal order. Gamboa said he spent six weeks in immigration lockup after his arrest, praying he would not encounter any of the drug traffickers he'd helped convict.

"They used me," Gamboa said. "I don't see any other way I can put it."