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S. HRG. 113–854

REVIEW OF THE PRESIDENT'S EMERGENCY SUPPLEMENTAL REQUEST FOR UNACCOMPANIED CHILDREN AND RELATED MATTERS

HEARING

BEFORE THE

COMMITTEE ON APPROPRIATIONS
UNITED STATES SENATE

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

SPECIAL HEARING

JULY 10, 2014—WASHINGTON, DC

Printed for the use of the Committee on Appropriations

Available via the World Wide Web: http://www.gpo.gov/fdsys/browse/committee.action?chamber=senate&committee=appropriations

U.S. GOVERNMENT PUBLISHING OFFICE

24–808 PDF WASHINGTON : 2017

For sale by the Superintendent of Documents, U.S. Government Publishing Office
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REVIEW OF THE PRESIDENT'S EMERGENCY SUPPLEMENTAL REQUEST FOR UNACCOMPANIED CHILDREN AND RELATED MATTERS

THURSDAY, JULY 10, 2014

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The committee met at 2:32 p.m., in room SD–106, Dirksen Senate Office Building, Hon. Barbara A. Mikulski (chairwoman) presiding.

Present: Senators Mikulski, Leahy, Harkin, Murray, Feinstein, Durbin, Landrieu, Reed, Tester, Udall, Shaheen, Merkley, Begich, Coons, Shelby, Cochran, Collins, Murkowski, Graham, Kirk, Coats, Blunt, Moran, Hoeven, Johanns, and Boozman.

OPENING STATEMENT OF CHAIRWOMAN BARBARA A. MIKULSKI

Chairwoman MIKULSKI. Senator Shelby is on his way from voting, and the official part of the hearing will begin shortly.

I just wanted to do two things. One, as you all know, today is the hearing on the supplemental request submitted by the administration to cover the unexpected and unanticipated needs of the significant number of unaccompanied children coming to our border. I want those who follow our committee so very closely to know that, on Tuesday, we will be marking up the Defense Appropriations Subcommittee, and we will do a full committee markup on the defense appropriation on Thursday.

The committee should be alerted that if we can get other things done during the week, with appropriate notice following the rules, we will do so. However, we will not do anything until after Tuesday afternoon.

So we know that Tuesday morning will be the Subcommittee on Defense markup. We will look also for opportunities, because there is unfinished business at the full committee level, the opportunity, perhaps, to go to the floor with one or more bills, and, of course, we will have to look for where we will go after our hearing on the supplemental for unaccompanied children.

We are also keenly aware that there is a need by many members to be able to catch planes this afternoon, which is why, with the indulgence and concurrence of everybody, I would like to start my opening statement, so that we can get to the witnesses, for those of you who might have to leave.

We will be recognizing people in their order of arrival, and we will proceed in that direction.

So for today, the purpose of today's hearing is to examine the President's emergency request for the funding of $3.7 billion to address the crisis of children from Central America crossing our southwestern border by the thousands.

Their situation is extremely dire. The United States of America has an obligation to deal with this emergency.

These children are seeking refuge. They are seeking refuge from organized crime, despicable gangs, vile human traffickers who are exploiting and profiting from human misery and desperation, primarily in three countries—Guatemala, Honduras, and El Salvador.

They are willing to risk their lives in order to get away from the terrible violence.

The President's emergency request totals $3.7 billion for caring for the humanitarian needs of the children; detention and enforcement at the border; identifying their legal status under our rule of law; and robust deterrence in the children's home country by going after and prosecuting the organized crime syndicates, the smugglers, the coyotes, and the traffickers.

There also is a funding request for a massive education campaign warning Central American families about the dangers and false hopes of the journey. We also need to make sure that we are working with the Central American countries in structuring repatriation and reintegration.

Today, our witnesses will be Secretary Sylvia Burwell from the Department of Health and Human Services (HHS); Secretary Jeh Johnson, the Secretary of the Department of Homeland Security (DHS); Ambassador Tom Shannon of the State Department, Ambassador Shannon, an experienced South American hand, counselor to John Kerry, and specifically appointed by Secretary Kerry to be his point person on all matters related to this crisis at our borders.

And then also, we will have Juan Osuna, the executive from the Executive Office of Immigration Review (EOIR) at the Department of Justice (DOJ), a witness that particularly Senator Shelby wanted.

We had hoped that Attorney General Holder could have come. We respect, of course, your presence, sir, and welcome it. Attorney General Holder is traveling.

And we hope that as the full Senate gains more knowledge about this, we will look forward to hearing from the Attorney General as well.

Now this Appropriations Committee, and particularly my Appropriations subcommittee chairs, realized early on that the President's fiscal year 2015 budget request was inadequate to this growing emergency. Our committee had to make some hard choices. And in the bills we have already marked up, we had to make hard choices in the funding related to Homeland Security, Human Services, State Department, and Justice.

While the Murray-Ryan budget deal gave us tremendous certainty, the actual budget is quite spartan. And therefore, we did the best we could.

Our appropriations job now is to make sure that the resources to deal with this are met. There needs to be food and shelter for children seeking refuge. Border agents in detention facilities need to be available. We want to be able to relieve the overworked and

highly stressed Border Patrol agents who are doing a great job at the border.

And there needs to be shelter. We now have too few beds to care for these many children while we determine their legal status.

We need to add immigration judges and legal services to make sure that we can determine their legal status in a way that meets all requirements of the law, the law that is on the books, and at the same time honor the fact that America is a country of the rule of law.

There also has to be muscular deterrence, going after criminals and gangs who so exploit these children and their families, who mislead them, misinform them, and even abuse them as they make this perilous and treacherous journey from Central America.

I know there are many like myself who support comprehensive immigration reform, and there are many views on that. But I caution my colleagues, today's topic is not about immigration reform. It is about meeting this refugee crisis.

The best way to make sure the surge in children is temporary is to pass the emergency supplemental, making sure we have a deterrence strategy against the smugglers and traffickers, and a real effort by the Central American countries to also be a source of deterrence.

Right now, 57,000 unaccompanied children have arrived. We can expect as many as 90,000 by the year.

Last week, I toured the border with three of the witnesses at this table, Secretary Burwell, Secretary Johnson, and, of course, Ambassador Shannon.

We saw young children, some as young as 5, 7, 9. They had one instruction: Cross the border, turn yourself in, and hope for the best.

Border agents who found them find these children dehydrated, malnourished, scared. Many have been abused. They come here relying on smugglers' false promises, smugglers that are part of dangerous gangs and cartels who see women and children like commodities, to be able to buy and sell them across the borders.

Children leave home based on lies, endure dangerous journeys and the threat of being trafficked along the way.

President Obama has come before us to ask for designated funds to meet the emergency. I believe that this is an emergency designation. The Budget Control Act defines an emergency as spending for the prevention or mitigation or response to loss of life or property, or a threat to national security that is sudden, urgent, unforeseen, and temporary.

I agree with the President, and I believe that this situation is an emergency.

Our first goal must be to protect the safety and health of the children, and make sure that we have the resources to do it.

Our second goal is to make sure that their legal status is determined under the law that we have, so that then their future can be legally determined.

And third, there must be a muscular deterrence strategy to discourage families from sending their children with smugglers who profit from them.

We look forward to listening to our witnesses, and I look forward to working with our colleagues in order to be able to move the President's supplemental.

I also want to note that though we are hearing from government witnesses today, we have opened up the hearing procedures for any nonprofit that wishes to submit testimony to the committee. We have already heard from 13 of them, and those records will be open for the next 2 weeks.

PREPARED STATEMENT

The President's urgent supplemental also included $615 million to prevent and fight wildfires. We are not going to go into that today. Today, the subject of thousands of children at our doorstep will take the committee's attention.

[The statement follows:]

PREPARED STATEMENT OF CHAIRWOMAN BARBARA A. MIKULSKI

The purpose of today's hearing is to examine the President's emergency request for funding of $3.7 billion to address the crisis of children from Central American crossing our Southwestern border by the thousands.

Their situation is extremely dire. The United States has both a security and moral obligation to help resolve this emergency.

These children are seeking refuge from organized crime, gangs and human traffickers who are exploiting and profiting from human misery and desperation in Guatemala, Honduras and El Salvador.

The President's emergency request totals $3.7 billion for caring for the humanitarian needs of the children, detention and enforcement at the border, identifying their legal status under our rule of law, robust deterrence in children's home countries by breaking down and prosecuting organized crime syndicates of smugglers and traffickers, conducting a massive education campaign warning Central America families about the dangers and false hopes of the journey, and guiding Central American countries' institutions for repatriation and reintegration of deportees.

Our witnesses today are Secretary of Health and Human Services Sylvia Burwell, Secretary of Homeland Security Jeh Johnson, Ambassador Thomas Shannon of the State Department and Juan Osuna, Director, with the Executive Office of Immigration Review in the Department of Justice.

My appropriations subcommittee chairs and I realized early on that the President's fiscal year 2015 budget request was inadequate to address this emergency.

We had to make some hard choices in the bills we've already marked up to increase funding for the Department of Homeland Security, the Department of Health and Human Services, the State Department, and the Department of Justice. Because though the Murray-Ryan budget deal gave us tremendous certainty, the actual budget is still Spartan.

Our job as Appropriators is making sure resources are at the border now for food and shelter for the children seeking refuge, for border agents who are overworked and detention facilities with too few beds, for transportation to shelters and to home countries, for immigration judges and legal services so they can bring final resolution to cases, and for muscular deterrence to go after criminals and gangs who mislead and misinform Central American families.

And while I support comprehensive immigration reform, that's not the topic of today's hearing. Today is about meeting emergency funding needs. The best way to make this surge of children temporary is to pass an emergency supplemental and undertake a substantial deterrent strategy so we can attack the smugglers and traffickers and inform families of the risks of coming here.

Already this year, 57,000 unaccompanied children have arrived, and we expect 90,000 by the end of the year. In addition, more than 39,000 parents with children have arrived. I saw the crisis last week when I toured the border with our witnesses. Young children, ages 5, 7 and 9 years old, are given one instruction: cross the border and turn yourselves in.

Border agents find them dehydrated, malnourished, scared and abused. They come here relying on smugglers' false promises. Smugglers are part of dangerous gangs and cartels that see everything as a commodity—women, children and drugs.

Children leave home based on lies to endure the dangerous journey and the threat of being trafficked into vile situations.

President Obama has designated these funds as an emergency. There are very specific criteria in the law for this designation. The Budget Control Act of 2011 defines "emergency" funding as spending for "the prevention or mitigation of, or response to, loss of life or property, or a threat to national security that is sudden, urgent, unforeseen and temporary."

I agree with President Obama that this funding meets those criteria. The situation along our border is dire.

Our first goal must be to protect the safety and health of children and to make sure we provide the resources to do that.

Our second goal must be a muscular deterrence strategy that discourages families from sending their children with smugglers out for profit. But a great nation can't let these children suffer once they turn themselves in at our border.

Children as young as 5 years old need food and housing while the Justice Department ascertains the legal status of children seeking refuge under the rule of law.

I look forward to hearing from the representatives of the administration about their plans to address this emergency. We also received testimony from faith-based and social service organizations that we will make a part of the official record. We will leave the official record open for 15 days so we can hear from many voices on this issue.

I note for the committee that the administration has also requested supplemental funds to prevent and fight wildfires, totaling $615 million. I have asked Senators Reed and Murkowski to closely examine this request, as chair and ranking member of the Interior Appropriations Subcommittee.

Chairwoman MIKULSKI. So we look forward to moving the hearing along and dealing with the supplemental.

I now turn to my vice chairman, Senator Shelby, for his remarks.

STATEMENT OF SENATOR RICHARD C. SHELBY

Senator SHELBY. Thank you. Thank you, Madam Chair.

Why are we here today? We are here because our Nation's immigration system is broken. We are here because the Obama administration, as well as previous administrations, have failed to secure our borders and has ignored our existing immigration laws for a long time.

Is it anything new? Over the years, we've spent billions of dollars on immigration enforcement, but to no avail.

Currently, we have millions of illegal immigrants in our Nation. The result of President Obama's failure, I believe, to enforce immigration law currently on the books has been predictable. And that is one of the reasons we are here this afternoon.

Now we are being asked by President Obama to approve a $3.7 billion request to resolve the current crisis at our border. There are several questions that I think need to be answered. What exactly is the $3.7 billion going to address? Will this request be the end or will it be the beginning of many new requests by the administration for emergency funding?

And while the President is seeking billions for the admission, detention, and care of illegal children and adults only—yes, only—$45.4 million, is my understanding, is requested for the Department of Justice's adjudication and immigration proceedings. This fact is very troubling to me.

Estimates suggest the expense for HHS is more than $15,000 for every minor in U.S. custody—$15,000. For HHS alone, the President requests an additional $1.8 billion, with no firm policy to stem the influx and no way to pay for it.

I personally have no confidence that pouring billions of dollars into our current immigration system will solve the crisis. I think we have to get serious about enforcing our current laws and protecting our border, if we are ever to get different results.

In 2011, HHS took custody of 6,560 unaccompanied children coming into this country illegally. Today, that number has skyrocketed. Indeed, last October, roughly 52,000 unaccompanied children have illegally entered the United States.

Customs and Border Protection (CBP) estimates that as many as 150,000 children may attempt to cross the border in 2015.

If we continue to double down on the same failed immigration policies, where does that take us in 2016, 2017, and beyond?

I look forward to working with the chairperson here to ensure that we do not reward illegal immigration. I believe that we must start with actually securing our border, which we have never done; enforcing our Nation's immigration laws, which we don't do; and definitively saying no to people who come here illegally.

Thank you, Madam Chairman.

Chairwoman MIKULSKI. Thank you, Senator Shelby.

If there any statements to be submitted for the record, it will be inserted, without objection.

[The statements follow:]

PREPARED STATEMENT OF SENATOR DANIEL COATS

Chairwoman Mikulski, thank you. And thank you to our witnesses for appearing today.

Like my colleagues, I have watched with increasing frustration the rapidly growing humanitarian crisis on our southwest border. More than 60,000 unaccompanied alien children (UACs)—mostly from Guatemala, Honduras, and El Salvador—have been apprehended on America's southern border during this fiscal year. Another 50,000 family members—one or both parents traveling with their children—have been apprehended during the same time period.

To put these numbers in perspective, just 3 years ago the Border Patrol apprehended just 16,000 unaccompanied alien children. In fiscal year 2008, the number was half that—only 8,000.

We cannot sit back and let this situation grow worse, as it does day by day. We must find a way to solve this humanitarian crisis and stem the flow of unaccompanied minors entering our country. There is a way to do it and it should be guided by key principles that reflect the country's rule of law and compassionate hearts. I believe the solution involves four key components:

1. Enforcing existing law to stop the influx of illegal immigration and return those who have already come.

First, we must stop the influx of children. That means going after the cartels, smuggling organizations, and traffickers. It also means returning the children who have come here—to show the children who will come soon that the dangers of the journey are not worth it.

The children who are making these dangerous treks from Central America are attempting to escape dire situations, often in the hands of smugglers, largely because of false information and promises they have received that are not true. They long for a better life and have been told this is how to get it. Sadly, the latest survey from Doctors without Borders in southern and central Mexico found that 58 percent of their patients suffered at least one episode of violence along their way from Central America to the United States. This includes these children.

One media network did a series called "Borderland" that followed the path of Central American migrants, including children. They found that 80 percent of all migrants will be assaulted, 60 percent of women will be raped and only 40 percent of all migrants will actually make it to the border.

But why now—why in the last 2 years have the numbers of UACs and family units skyrocketed? Because in 2010, the White House began administratively chipping away at our Nation's immigration laws. This generated whispers of hope that

ran rampant through the families of our Central American neighbors and gave many the false impression that reaching American soil guarantees a new life.

This belief spread in 2012 when President Obama took a further step by essentially halting the removal of illegal immigrants who arrived as minors. Since that time, the rate of children coming illegally across our border has increased exponentially. Bringing us to the dramatic number we see in May and June of 2014—more than 10,000 per month. This cannot continue. The rule of law must be restored.

2. A viable repatriation plan.

Second, the Administration must deliver a clear message and its actions must match its words—these children will be sent back.

To give force to this statement, we must develop a viable repatriation plan. Repatriation sends a clear message that the United States will send children back to their home country and unite them with their families. Parents will see children returned home, and perhaps not spend the money and risk the danger of sending their children away. We must deter children from even starting this arduous journey.

A viable repatriation program must include a streamlined and appropriate processing system. The Administration has some flexibility under current law to move families and children through immigration proceedings in an accelerated manner. However, I believe—and the Secretary of Homeland Security has stated—that we need to go further changing current law to treat all unaccompanied alien children the same. This would allow Central American children who qualify to choose voluntary return rather than the drawn out immigration proceedings that should lead to their removal.

I also believe we need to go another step further. The Secretary needs the discretion to apply expedited removal to children in certain circumstances—like the crisis we face today. To deter children from taking this dangerous journey, we must return those who have already come. Otherwise, the tide of illegal entry will continue to rise.

3. Working with the governments of Central American countries and insist they fully cooperate.

Third, the United States must make clear to Central American leaders that any assistance from our country is contingent on working with our government to break this cycle of illegal immigration. Unless we engage in a cooperative effort, the current cycle will remain intact. These countries can help law enforcement crack down on smugglers.

4. Reasonable care for the children while they are here.

Lastly, the vast majority of the new funding the President is requesting would go to caring for illegal immigrants who are already here. This would include housing, transporting, and caring for the children and families already in the United States.

It is our responsibility as a nation and a compassionate society to care for the hurt and displaced, but we cannot simply open our arms and encourage all the world's children to strike out on their own, face endless dangers, and come to our shores.

As unaccompanied minors await their day in court, we must continue to provide adequate housing and care. Our country should continue to meet the needs of children who have been sent here. However, we should also not be taxing the resources of our military bases in order to accomplish this priority.

Given how rapidly this situation is escalating, the United States has a moral responsibility to swiftly solve this crisis. This situation involves more than just unaccompanied minors. We cannot ignore the national security implications of a weak border.

At the end of the day the journey to the border of the United States is incredibly dangerous. I believe all of us, Republicans and Democrats, should be able to agree on one thing: the children involved in this situation are not the ones we should be blaming for the problems on our border.

Rather, through the Administration's open border policies and refusal to enforce our Nation's immigration laws, we find ourselves in this situation where we have created a false sense of opportunity, which has exacerbated this humanitarian crisis.

In closing, I would ask members of this Committee to examine closely the reason we are here today—an emergency supplemental. As we near the end of fiscal year 2014, I think it's appropriate that we consider the needs of agencies saddled with this crisis. But to ask for funding into fiscal year 2015 is inexcusable. The Administration simply cannot say it did not foresee this crisis when the President submitted his fiscal year 2015 budget request. And instead of giving his agencies the resources they need to tackle this problem, he's asking for off-budget money—much of it with

out-year costs. This is largely an fiscal year 2015 budget amendment. We should consider the fiscal year 2015 needs in the context of the fiscal year 2015 bills for these agencies.

As we proceed through this hearing, I urge my colleagues to be conscious of that.

Madam Chairwoman, that concludes my statement. Thank you.

PREPARED STATEMENT OF SENATOR JOHN BOOZMAN

Thank you all for being here. This is such an important issue for the whole country. I know the challenges your men and women are seeing on the ground are vast as you all work in a coordinated manner to address the current crisis with unaccompanied children (UACs) arriving on our doorstep. Securing our border and respecting and enforcing rule of law have always been priorities of mine, as they are for my constituents at home in Arkansas. That being said, those things have not been happening and the President has been picking and choosing what laws to enforce and that has led us to the crisis we're currently facing. To address this issue, this week the President requested $3.7 billion taxpayer dollars without any strings attached or policy changes that will prevent this from intensifying further and happening again down the road. To me, that is unacceptable. I understand that these are children and the need to provide resources to meet their needs, and no one believes that money isn't part of the solution, but we cannot continue to throw money at a problem that won't be solved if the Obama Administration won't discuss policy fixes with Congress and continues to go around our laws and act by executive order. We need to ensure that any allocated resources are used wisely. These children need to be taken care of while in the U.S., but returned to their own countries as soon as possible. Certainty of return is the only way to shut the wave off. I look forward to discussing this request with my colleagues, but no decision Congress makes on this issue should be taken lightly.

Chairwoman MIKULSKI. We are now going to turn to our witnesses. Rather than go through lengthy introductions, I am going to just suggest that Secretary Burwell start, Secretary Johnson, Ambassador Shannon and then Mr. Osuna be the wrapup from Justice.

Secretary Burwell, you can just go right on, in the interest of time and expedition. STATEMENT OF HON. SYLVIA MATHEWS BURWELL, SECRETARY, DEPARTMENT OF HEALTH AND HUMAN SERVICES

Secretary BURWELL. Chairwoman Mikulski, Ranking Member Shelby, and members of the committee, I want to thank you for the opportunity to discuss these issues today.

The influx of unaccompanied children across our Nation's borders is an urgent humanitarian situation that calls for a robust humanitarian response. It is a complex, evolving situation for which there are no easy answers. It is a situation we are taking very seriously across the administration, recognizing our dual purpose of taking care of these children while we also enforce the law.

As a Nation of laws, we must acknowledge that many of the children crossing our borders do not have a legal basis to remain in this country. We must acknowledge that we are talking about children, many of them young children who are escaping unthinkable violence and living in conditions that are difficult for many of us to imagine.

Oftentimes, they are preyed on by smugglers who have made it their business to bring unaccompanied children across the borders.

I had the opportunity to meet a few of these children last week, as the chairwoman mentioned. We visited a Customs and Border Patrol station along with a temporary shelter at an Air Force base in Texas, and we met the remarkable Americans who are caring for

these children and supporting this mission in other important ways.

Some of the folks work for CBP, FEMA, and HHS. Others are grantees and community members. All are going above and beyond.

The children had heartbreaking stories to share. A teenage girl told us how she had fled her home when her uncle had been murdered in front of his house. Sadly, this story is not an anomaly. Many of these children are escaping violence and threats by gangs, and they and their families are being preyed upon by smugglers.

A situation of this magnitude calls on all of us to work across Government to enforce the law and to care for these children in a manner that honors our values.

Federal law says that the HHS role is to feed, shelter, and provide medical care for unaccompanied children until we are able to place them in a safe and suitable setting with family members or sponsors, while they await immigration proceedings.

As the number of children has grown, our resources have been stretched thin. In fiscal year 2011, an estimated 6,500 unaccompanied children came into our care. This increased to 13,600 in 2012, and almost 25,000 in 2013. As of July 6, over 50,000 children have been apprehended and placed in our care in fiscal year 2014.

To address the associated challenges, HHS has put together a two-pronged strategy for our part. One is first to drive down the length of time that children remain in shelters. The other is to expand our shelter capacity.

When it comes to time that children are in our care, we have made significant progress. Since 2011, when it took 75 days, we have reduced that time to 35 and are continuing to try to make progress, so we move even more quickly.

On permanent shelter capacity, we have added about 1,700 beds since January, and we have also opened temporary shelters with three military bases across the country.

While temporary solutions were necessary in the short term, makeshift solutions do not make long-term fiscal sense. Temporary shelters cost more than the permanent shelters.

PREPARED STATEMENT

As we move forward, the reality is that we don't have enough beds, and we don't have sufficient resources to continue to add beds to ensure that the children are not staying in the holding facilities at the border. That is why the President has made the request that we are discussing today, and we believe this investment will allow our department to bring on the additional capacity that we need.

The gravity of this situation calls for a robust and compassionate approach that reaches across government and empowers us to enforce the law.

Thank you, and I welcome your questions.

[The statement follows:]

PREPARED STATEMENT OF HON. SYLVIA MATHEWS BURWELL

Chairwoman Mikulski, Ranking Member Shelby, and members of the committee, thank you for inviting me here today to discuss the Department of Health and Human Services' (HHS) work to address the recent rise in unaccompanied children crossing the southwest border into Texas. This influx requires a robust humanitarian response on both sides of the border, and I very much appreciate the oppor-

tunity to discuss HHS' role in addressing this situation with you. I want to thank Senator Mikulski for joining Homeland Security Secretary Johnson, Ambassador Shannon, Associate Administrator for Response and Recovery at FEMA Joe Nimmich, and me on a fact-finding visit to a Customs and Border Protection (CBP) Border Patrol station in Texas and our Department's temporary shelter located at Joint Base San Antonio–Lackland. We experienced firsthand the complexity of the current situation.

To help us deal with the immediate situation, I will highlight the Department's role under the law in caring for unaccompanied children who are apprehended by CBP; the steps we take to place children with appropriate sponsors who can care for a child while awaiting resolution of their case; the challenges we face as we work to meet the needs of this unprecedented number of children; and the President's emergency supplemental appropriations request.

In our trip to Texas last week, it was clear that the current influx of unaccompanied children across our border is the result of complex human tragedies—families separated by thousands of miles, children risking their lives to flee dangerous situations in their home countries, and communities across Central America devastated by violence (due in part to the drug trade and transnational criminal organizations) and facing an exodus of the next generation. Unaccompanied children are subjecting themselves to serious risks to make the journey here and our Border Patrol stations are overcrowded to the breaking point.

This is not an issue that lends itself to easy answers, but I am confident that, working together, we can care for the unaccompanied children in a way that honors the values of the American people while at the same time enforcing the law and dissuading children from undertaking this dangerous journey.

HHS'S MISSION AND ROLE

The children who are apprehended while trying to enter the United States without a parent or guardian are one of the many vulnerable populations that HHS serves. By law, the Administration for Children and Families (ACF) must accept unaccompanied children under the age of 18 (except those from Canada and Mexico) who are apprehended by CBP into its care and custody. ACF provides grant funding to 63 nonprofit organizations, including faith-based organizations, to operate shelters around the country to care for these children until they can be placed with sponsors, usually parents or other relatives, while awaiting immigration removal proceedings.

Faced with a dramatic rise in the number of unaccompanied children coming into our care and custody, and without sufficient capacity at our permanent shelters, the Department has had to establish temporary emergency shelters. In recent weeks, we have opened shelters on three military bases—Joint Base San Antonio–Lackland in Texas; Fort Sill in Lawton, Oklahoma; and Naval Base Ventura County in Oxnard, California.

The growth in numbers is staggering: in fiscal year 2011 an estimated 6,590 unaccompanied children entered our country. In fiscal year 2014, we are preparing for a scenario in which 90,000 of these children cross our borders. Reasons for this increase are complex. A key factor is the high level of violence in Honduras, El Salvador, and Guatemala, the countries of origin for most unaccompanied children, which is exacerbated by a misperception that the United States is issuing "permisos" or permits for children and families who cross the border to remain in the United States. This misperception is propagated, in part, by individuals offering smuggling services to vulnerable children, many of whom have been separated from their parents by thousands of miles.

At the direction of President Obama, on June 2, the Administration established a Unified Coordination Group to leverage Federal resources to provide humanitarian relief to address the ongoing situation. In coordination with the Departments of Defense (DOD), Homeland Security, Justice, State, and the General Services Administration, we are working to better understand the reasons for the increase in the number of unaccompanied child arrivals; develop strategies to expand capacity to serve the rising number of unaccompanied children; and identify new facilities to serve as shelters for the unaccompanied children.

STEPS HHS IS TAKING IN RESPONSE TO THE RISING NUMBER OF UNACCOMPANIED CHILDREN

As the number of unaccompanied children apprehended has outstripped HHS's shelter capacity, Border Patrol stations have become very overcrowded and children are remaining in CBP custody far beyond the 72 hour limitation laid out in Federal law. At HHS, we are addressing the time children spend in CBP custody through

two key strategies: (1) reducing the amount of time that children remain in our care before being placed with a sponsor (typically a parent or other relative) who can care for them safely and appropriately while their immigration case is processed; and (2) expanding our shelter capacity. We have made progress in both areas, though significant work remains.

In the last 3 years, ACF has streamlined its placement process, reducing the average amount of time unaccompanied children spend in shelters. ACF has cut the average length of stay for all unaccompanied children from 75 days between fiscal year 2005 and fiscal year 2011 to fewer than 35 days in fiscal year 2014. In June, the Department launched a pilot project in two of our permanent shelters to further expedite the process for children who are being released to their parents in the United States while awaiting immigration proceedings. This expedited process still includes the critical steps to assuring child safety (such as background checks of potential sponsors and screening the child for abuse, abandonment, neglect, trafficking and serious mental health issues), but speeds up the process so that we are able to more quickly move children out of CBP detention facilities and shelters and into more appropriate settings. If successful, we will expand the use of this expedited process to additional shelter sites.

Speeding the process alone will not solve the problem. We must expand our shelter capacity so that we can serve the children who are already here even as we work across the Federal government to stem the flow of unauthorized children crossing the border.

Today, we have space for approximately 6,600 children in our permanent shelters and specialized placements (such as foster care for very young children)—an increase of about 4,700 over the shelter capacity in place in July 2011 and an increase of about 1,700 since January 2014. In addition, we have opened three emergency shelters that can serve a total of 2,975 children at a time.

But even with these expansions, we do not have enough capacity to take unaccompanied children into our care quickly and overcrowding at CBP facilities remains a serious problem. Over the July 1–7 period, an average of 2,000 children were in CBP custody awaiting HHS placement and a majority had been in CBP custody for more than 72 hours. In June, CBP opened a temporary holding facility for unaccompanied children in Nogales, Arizona, which has relieved some pressure in the border patrol stations. Many children at the Nogales facility are subsequently placed in our shelters on military bases.

Thus, we are continuing to seek additional locations that can serve as temporary or permanent shelters. However, the bottom line is that our current appropriation simply is not sufficient to allow us to bring on and maintain the shelter capacity that is needed to address the current situation.

Finally, there is one other important element to HHS's role in this response. Through the Office of the Assistant Secretary for Preparedness and Response (ASPR), HHS has been providing emergency response and medical support to some CBP facilities, when requested by DHS, including the new facility in Nogales, Arizona. Members of the Commissioned Corps of the U.S. Public Health Service, the Office of Emergency Management, and the National Disaster Medical System are providing public health and medical coordination, medical screening, basic medical care, vaccinations, and mental health screening for unaccompanied children at the Nogales facility in addition to augmenting ACF-contracted staff in temporary shelters on military installations. This work has helped speed up medical screenings and vaccinations all children receive who come it HHS custody and has reduced emergency room visits and helped address important health issues while unaccompanied children are in CBP custody.

SUPPLEMENTAL APPROPRIATIONS REQUEST

We appreciate the Committee's willingness to provide ACF with increased funding based on updated arrival estimates in the annual fiscal year 2013 and fiscal year 2014 appropriations bills. Coupled with the Department exercising its transfer authority, the increased funding in fiscal year 2013 allowed ACF to serve all incoming unaccompanied children transferred to its care. In fiscal year 2014, we have taken several steps within our current authority to increase funding for the UAC program before coming to Congress with a supplemental request. First, the Department used the Secretary's transfer authority to provide the maximum amount of available funds to this program. And in June, we notified Congress of the need to reallocate up to $94 million from several Refugee and Entrant Assistant programs to the unaccompanied children program to further augment funding for the UAC program. Reallocating these funds is not without serious implications. These funds are needed by states, local governments and voluntary agencies to help refugees and asylees

maximize their potential in the United States. These programs provide them with the critical resources to assist in becoming integrated members of American society. The United States has a solemn commitment to assist refugees and asylees, who have fled persecution and have often spent years in refugee camps waiting for a chance at a new life. We did not make the decision to reallocate these funds lightly. We simply did not have other options when faced with our legal duty to care for unaccompanied children and after exhausting our transfer authority.

Even these additional funds are not sufficient to care for the growing number of unaccompanied children in the United States. The President's emergency supplemental request seeks an additional $1.8 billion for HHS to provide care for these children, consistent with Federal law, while also maintaining services for refugees. With these funds, HHS will be able to acquire additional capacity in the near term to accommodate the growing number of unaccompanied children, and continue the ongoing medical response activities that our Department is supporting. It also provides resources for HHS to establish more permanent capacity that will allow us to replace temporary shelters, reducing our need to use DOD facilities, and will allow us to shift to more cost-effective care for these children. We are requesting additional funding for the remaining months of fiscal year 2014 and then going forward. Securing these funds now will enable us to better manage the program, including the need to secure additional permanent shelter capacity and increase the number of children we can serve and to reduce the use of temporary shelters provided by DOD.

CONCLUSION

In my trip last week, I witnessed the remarkable work of our men and women on the ground, protecting our borders and caring for children. This is truly a unified government and community response, with employees across the government working side by side every day to respond to the tremendous challenges presented. And they are not doing it alone. Top-notch organizations around the country serve as our grantees and operate shelters that provide compassionate care to unaccompanied children. Communities are pitching in, too—from donating astroturf for a recreational space to arranging religious services for the children. Americans can be proud of the work carried out through partnerships between government entities, the military, and communities.

Congress is a key partner in this response as well, and I appreciate the attention that you and your colleagues have paid to this important issue. I look forward to working with you on our response and ensuring that HHS and our partners have the necessary resources to provide care for unaccompanied children, provide needed services to refugees, and do best by our communities.

Again, thank you for the opportunity to testify. I would be happy to answer any questions you may have.

Chairwoman MIKULSKI. Secretary Johnson. STATEMENT OF HON. JEH JOHNSON, SECRETARY, DEPARTMENT OF HOMELAND SECURITY

Secretary JOHNSON. Thank you, Madam Chair, Vice Chair Senator Shelby. Thank you for hearing us today.

You have my prepared statement. Let me just summarize it with some less formal observations about this request.

First of all, I believe we can and we will stem this recent tide of illegal migration into the Rio Grande Valley sector.

The request that we have made for a $3.7 billion supplemental is, indeed, a lot of money for the taxpayer. I think Senator Shelby asked the right question: What will it address? What am I being asked to pay for?

And from my perspective, this request has the right focus on deterrence, added detention, and removal, and removal more quickly than we have done in the past.

From my perspective, the supplemental seeks $1.1 billion for Immigration and Customs Enforcement (ICE), $879 million of which goes to adding detention capacity for adults who bring their children—family units, as we refer to them. We have already begun the process of building increased detention capacity for family units

at Artesia, New Mexico, where I am going tomorrow. We need money to build additional family unit capacity.

$109 million goes to ICE for working with the three Central American countries from which this migration is coming, to expand their own resources.

With respect to the Customs and Border Protection (CBP), $433 million is requested, $364 million of which is for added Border Patrol agents' overtime and the like, for their capacity.

As DOJ will point out, there is a $640 million request, $45 million of which goes to more judge teams and to an increased caseload of 55,000 to 75,000 cases a year. The Deputy Attorney General and I have already agreed that with this added capacity, the recent influx should be the priority.

The State Department is seeking $300 million, $295 million of which is for repatriation and reintegration into society.

Members of the committee, doing nothing is not an option. At our current burn rate within the Department of Homeland Security, ICE will run out of money in mid-August. Given the added transportation costs, given the added enforcement costs, Customs and Border Patrol will run out of money by mid-September, at the current burn rate, given the situation we face.

The one additional point I would like to add is the transfer authority that we have requested within the Department of Homeland Security and between HHS and DHS, in our view, is critical, on the basis of the possibility of evolving circumstances.

I would also like to point out that we are not starting from standing still. We have already done a number of things to address the recent influx. We have, with respect to the adult population that is part of this recent migration, already dramatically reduced the expedited removal time, the turnaround time, from something like 33 days to 4 days with respect to the adult population.

I personally witnessed, when I was in Guatemala 2 days ago, an airplane of adults coming back, who were being repatriated to Guatemala. And we have asked for additional capacity for repatriation.

With regard to the family units, I have already noted that we have built Artesia, New Mexico, which is a Federal Law Enforcement Training Center (FLETC), into a detention center for family units. I am going there tomorrow to highlight that fact, and we need to build more.

With regard to the unaccompanied children, this is obviously a major challenge with a humanitarian component to it. I know that personally. Along with Secretary Burwell, we have spent considerable time ourselves with the children, and we are bound and determined to do the right thing.

But we are and we must request added resources to move these cases quickly. Along with the Department of Justice, there is a public relation awareness campaign, which the First Lady of Guatemala herself, along with this government, has spearheaded.

This is the First Lady of Guatemala's public awareness campaign, which she gave me yesterday—"Stay back home"—that she's asking the children of her country to hear.

The Guatemalans have established a task force that I witnessed yesterday. And the Mexicans, I am pleased to note, announced on

Monday that they intend to add to their border security along their southern border.

PREPARED STATEMENT

So considerable progress has already been made in this regard to stem this tide, among other things. But the supplemental is, in our judgment, an absolute necessity to address the situation.

Thank you.

[The statement follows:]

PREPARED STATEMENT OF HON. JEH JOHNSON

Chairwoman Mikulski, Ranking Member Shelby, and members of this committee, thank you for the opportunity to testify today about the Department's efforts to address the recent rise of unaccompanied children and adults with children crossing the Southwest border in the Rio Grande Valley in South Texas.

The recent and dramatic rise in illegal migration across our border, from Honduras, El Salvador and Guatemala, presents a major challenge to the United States. Particularly because so many of those crossing our border are children, there is also a humanitarian dimension to this problem, which the U.S. Government is bound and determined to respect. As Americans, we will adhere to domestic and international law, due process, and the basic principles of charity, decency, and fairness. But, in the final analysis, our border is not open to illegal migration.

Our message is clear to those who try to illegally cross our borders: you will be sent back home. We have already added resources to expedite the removal, without a hearing before an immigration judge, of adults who come from these three countries without children. We have worked with the governments of these countries to repatriate the adults quicker. (Indeed, while in Guatemala City 2 days ago, I personally witnessed a flight of repatriated adults returning home.) Within the last several months, we have dramatically reduced the removal time of many of these migrants. Within the law, we are sending this group back, and we are sending them back quicker.

Then there are adults who brought their children with them. Again, our message to this group is simple: we will send you back. We are building additional space to detain these groups and hold them until their expedited removal orders are effectuated. Last week we opened a detention facility in Artesia, New Mexico for this purpose, and we are building more detention space quickly. Adults who brought their children here expecting to make it to the nearest bus station in the United States were surprised that they were detained at Artesia. They will be sent back quickly, with the sad recognition that the large sum of money they paid a criminal smuggling organization to get them to the United States will go to waste.

Then there are the unaccompanied children. As I have said many times, the long journey for a child, in the custody of a criminal smuggling organization, from Central America to the United States is dangerous. Many of the children are exploited, abused and hurt. Under our laws, an unaccompanied child from Central America must be transferred from the Department of Homeland Security (DHS) to the Department of Health and Human Services (HHS) and placed by HHS in a situation that is in the best interest of the child. But, the removal proceeding against the child continues. Every child will retain the right, like adults, to assert a claim of asylum or seek other protections. But, unless the child has been granted asylum or some other protection in this country—and the vast majority will not—he or she will be sent back and we seek additional resources to do that quickly.

Those who cross our border illegally must know there is no safe passage, and no free pass; within the confines of our laws, our values, and our resources, they will be sent back to their home countries.

I am grateful that the Senate Appropriations Committee included in its fiscal year 2015 DHS appropriations bill an additional $164.5 million to address this surge in unaccompanied children. However, given the current dramatic increase in apprehensions and activities associated with unaccompanied children and family groups, the resources necessary to appropriately address this issue are simply not available within the current fiscal year 2014 budget or the proposed fiscal year 2015 appropriation. To effectively address this emerging crisis, the President has requested emergency supplemental appropriations of $3.7 billion to comprehensively address this urgent humanitarian situation, including $1.5 billion for DHS to support more detention and removal facilities and enhanced processes as well as increased activi-

ties to disrupt and dismantle the human smuggling organizations that bring these individuals across U.S. borders.

Put plainly, without supplemental funding, in August U.S. Immigration and Customs Enforcement (ICE) will run out of money and DHS would need to divert significant funds from other critical programs just to maintain operations. Likewise, the Department of Health and Human Services (HHS) will be unable to address the influx of children by securing sufficient shelter capacity, leading to more children being held at short term border patrol processing stations for longer periods of time. Going forward, HHS will be unable to set-up more stable, cost-effective arrangements for these children, Border Patrol agents will have to be re-assigned from their border security work to assist at facilities housing children, and ICE will lack the resources needed to sufficiently maintain and expand detention and removal capacity for adults with children who cross the border illegally. Without additional funds, the Department of Justice (DOJ) will be unable to keep pace with its growing caseload, leading to longer wait times for those cases already on the docket. And absent dedicated resources in Central American countries, we will not make progress on the larger drivers of this humanitarian situation. For this reason, supplemental resources are urgently needed to continue forward with the aggressive response that the administration has deployed to date.

This emergency supplemental request is a direct result of the urgent situation in the Rio Grande Valley. In fiscal year 2013, CBP apprehended approximately 24,000 unaccompanied children at the border. By the end of June of this fiscal year, that number has already doubled to more than 157,000, and it continues to climb. We are preparing for a scenario in which the number of unaccompanied children apprehended at the border could reach up to 90,000 by the end of fiscal year 2014.

I know that additional money alone will not fully address the challenge we face, and we do not make this request lightly. While building capacity is necessary, we must also ramp up our ability to safely and quickly return the influx of these recent border crossers, which is exactly what we are doing.

As I have previously testified, we have established added capacity to deal with the processing and housing of the children and families and we are actively exploring additional options. To process the increased numbers of unaccompanied children and family groups in Texas, DHS has brought the children to our processing center at Nogales, Arizona, before any unaccompanied children are sent to HHS, to whom DHS is mandated by law to transfer custody once they are identified as unaccompanied children. We are also arranging additional processing centers to handle the rise in the Rio Grande Valley, including adding a 1,000-bed processing center in McAllen.

Critically, DHS is also building additional detention capacity for adults who cross the border illegally in the Rio Grande Valley with their children. For this purpose DHS has established a temporary facility for adults with children on the Federal Law Enforcement Training Center's campus at Artesia, New Mexico. The establishment of this temporary facility will help CBP process those encountered at the border and allow ICE to increase its capacity to house and expedite the removal of adults with children in a manner that complies with Federal law. Artesia is one of several facilities that DHS will use to increase our capacity to hold and expedite the removal of the increasing number of adults with children illegally crossing the Southwest border. DHS is ensuring that after apprehension, families are housed in facilities that adequately provide for their safety, security, and medical needs. Meanwhile, we will continue to expand use of the Alternatives to Detention program to ensure compliance with notices to appear before immigration judges for removal proceedings. DHS has also surged USCIS officers to hear credible fear claims and conduct the screening process. DOJ is temporarily reassigning immigration judges to handle the additional caseload. These immigration judges will adjudicate these cases as quickly as possible, consistent with all existing legal and procedural standards, including those for asylum applicants. Overall, this increased capacity and resources will allow ICE to return certain migrants from Central America to their home countries more quickly.

DHS has brought on more transportation assets to assist in the effort. The Coast Guard loaned air assets to help transport the children and families between CBP facilities. ICE is now leasing charter aircraft to transport unaccompanied children to HHS custody.

Throughout the Rio Grande Valley sector, we are conducting public health screening for all those who come into our facilities for any symptoms of contagious diseases or other possible public health concerns.

In order to effectuate the safe and timely return of these migrants, we are engaging with senior government officials of Guatemala, El Salvador, Honduras, and Mexico to address our shared border security interests, the underlying conditions in

Central America that are promoting the exodus, and how we can work together to assure faster, secure removal and repatriation.

Just yesterday I returned from Guatemala. Joined by SOUTHCOM Commander General John Kelly and Ambassador Thomas A. Shannon, I met with President Otto Fernando Pérez Molina to discuss the urgent situation and to express our commitment to work with Guatemala to stem the flow of individuals, address the root causes of the influx, and to expand the capacity of these countries to receive and reintegrate repatriated migrants.

As a part of these international engagement efforts, the United States has committed foreign assistance resources to improve the capacity of these countries to receive and reintegrate returned individuals and address the underlying security and economic issues that cause migration. This funding will enable El Salvador, Guatemala, and Honduras to improve their existing repatriation processes and increase the capacity of these governments and nongovernmental organizations to provide expanded services to returned migrants. Additional resources will support community policing and law enforcement efforts to combat gang violence and strengthen citizen security in some of the most violent communities in these countries.

DHS has also added personnel and resources to the investigation, prosecution, disruption, and dismantling of the smuggling organizations that are facilitating border crossings into the Rio Grande Valley. ICE Homeland Security Investigations (HSI) is deploying 60 additional criminal investigators and support personnel to their San Antonio and Houston offices for this purpose, as well as supplementing this with additional intelligence and programmatic support from ICE headquarters. ICE will continue to vigorously pursue and dismantle these human smuggling organizations by all investigative means to include the financial structure of these criminal organizations.

We have increased CBP staffing and detailed 115 additional experienced agents from less active sectors to augment operations there. On June 30, I announced the immediate deployment of 150 U.S. Border Patrol agents to the Rio Grande Valley sector to augment illegal entry detection efforts while enhancing processing and detention capabilities.

Our plan of action is comprehensive and wide-reaching. However, the measures that we have taken—which have been critical and must be sustained—are and will continue to be costly. Many of these activities were not contemplated at the time Congress passed the fiscal year 2014 DHS appropriations act. With such a dramatic increase in the number of unaccompanied minors and family groups being apprehended, significant additional resources are needed. As a result, the President sent a letter to Congress on June 30, providing an update on the Administration's efforts to address this situation and requesting congressional action on emergency supplemental appropriations legislation to support the following:

—an aggressive deterrence strategy focused on the removal and repatriation of recent border crossers;
—a sustained border security surge through enhanced domestic enforcement, including interdiction and prosecution of criminal networks;
—a significant increase in immigration judges, reassigning them to adjudicate cases of recent border crossers, and establishing corresponding facilities to expedite the processing of cases involving those who crossed the border in recent weeks;
—a stepped up effort to work with our Central American partners to repatriate and reintegrate migrants returned to their countries, address the root causes of migration, and communicate the realities of these dangerous journeys; and
—the resources necessary to appropriately detain, process, and care for children and adults.

Specifically, the President has requested your support on emergency supplemental appropriations legislation providing DHS with $1.5 billion for fiscal year 2014 and 2015 costs related to surge in unaccompanied children and families. Of this amount, $433 million is included for CBP and $1.104 billion is included for ICE.

Of the $433 million included for CBP, $329 million is for operational costs to include care, feeding, and transportation costs of unaccompanied children and family groups. In addition, this amount would provide $35 million for new processing and detention facilities at Nogales and McAllen. Finally, the request supports CBP's efforts to detect and interdict unaccompanied children across U.S. borders, including $29 million for increased CBP support of the Border Security Task Forces, particularly along the Southwest border, and $39 million for an additional 16,526 flight hours (above the level in the President's fiscal year 2015 Budget request) and 16 additional crew members for CBP's Unmanned Aircraft Systems.

Of the $1.104 billion included for ICE, $995 million is for operational costs to include the detention, alternatives to detention, prosecution, and removal of family

groups, as well as transportation costs of unaccompanied children to HHS custody. Another $109 million is included to support increased efforts to detect, disrupt and dismantle efforts to smuggle unaccompanied children and family groups across U.S. borders.

The requested amount would include $116 million for operational costs associated with the transportation of unaccompanied children to HHS custody, and $879 million for 6,350 additional family unit beds, 23,000 additional alternatives to detention participants per day, additional prosecution capacity, and related transportation and removal costs for family groups. Finally, the request strengthens ICE efforts to detect and disrupt efforts to smuggle unaccompanied children across U.S. borders, including $46 million for 179 additional members of the Border Security Task Forces, particularly along the Southwest Border, $38 million for additional domestic and international investigations and intelligence support, and $6 million for Operation Torrent Divide.

As the urgent situation presented by the influx of unaccompanied children and families in south Texas continues to evolve, we will look to use every available tool to ensure that we are addressing these challenges and changing circumstances, including the potential use of transfer authority if necessary and appropriate.

Finally, I want to once again thank Chairwoman Mikulski, Ranking Member Shelby, and members of this committee for this opportunity to testify and for the strong support that I have received from the committee since becoming Secretary of the Department of Homeland Security. We are committed to continuing to work closely with the committee and Congress on this critical issue, and to keep you informed. DHS is updating members and staff on the situation in conference calls two times a week, facilitating site visits to Border Patrol facilities in Texas and Arizona for a number of members and their staff, and providing daily updates to the Appropriations Committee on border apprehensions data.

In cooperation with the other agencies of our Government that are dedicating resources to the effort, with the support of Congress, and in cooperation with the Governments of Mexico and Central America, I believe we can stem this tide and address the broader issues. The requested supplemental funding is critical to enabling the Department to fulfill its mission and address the dramatic surge in unaccompanied children and families in a manner that maintains border security and reflects our laws and values.

Thank you for listening and I look forward to your questions.

Chairwoman MIKULSKI. Thank you, Secretary Johnson.

Ambassador Shannon.

STATEMENT OF HON. THOMAS A. SHANNON, JR., COUNSELOR OF THE DEPARTMENT, THE DEPARTMENT OF STATE

Ambassador SHANNON. Madam Chair, Mr. Vice Chairman, Senator Shelby, members of the committee, thank you very much for this opportunity to testify before you on the President's supplemental budget request.

My colleagues, the Secretary of Health and Human Services and the Secretary of Homeland Security, have described well the situation in front of us, both the crisis and the challenge. I would like to address briefly the foreign policy implications and the larger diplomatic challenge we face.

I would like to start by making three broad statements about the migration crisis that we are facing at this point.

First, migration by unaccompanied children is not a new phenomenon along our Southwest border. However, what we are facing now in terms of its size and its composition is. It is unprecedented and it is unique in terms of its drivers, and, we believe, its solution.

It is unprecedented and unique first because, historically, migration by unaccompanied children has been a Mexican phenomenon. It is no longer. Actually, the numbers of unaccompanied Mexican children have been dropping over time, but what we have been see-

ing is a dramatic increase in the number of Central American children.

And from our point of view, this means that something is driving them out of Central America. This is a Central American-driven process.

Second, while the motives behind migration are mixed, and while many of those coming to the United States are driven by traditional factors such as family unification and economic opportunity, it is evident from interviews with them, both by our Customs and Border Patrol officials and by non-governmental organizations (NGOs) that work along the frontier, that underlying much of the migration is a fear of violence and especially activity by criminal gangs. In other words, there is a significant push factor to this migration.

The third point is that the migration is regional. And while much of it is directed toward the United States because of existing migrant networks in the United States, and the attraction of our country, the impact of this migration is being felt throughout the region. The U.N. High Commission on Refugees has registered a 400-percent increase in asylum requests in neighboring countries, which means that when children decide they either can't make it to the United States or they don't want to run the risk, if they feel they have to leave, they do. And they are going elsewhere in the region.

Because of this third point, we believe that our diplomatic approach in the region and our foreign policy approach has to be regional in nature also, and that we have to involve the source in the transit countries, but also those who are affected broadly by migration.

In the process of working up this supplemental request and looking again at our broader Central American strategy, we have come up with a five-step or five-part strategy that we are in the process of implementing.

The first step is establishing a common understanding of what is happening and why between the United States, the three source countries—Guatemala, Honduras, and El Salvador—and the major transit country, Mexico.

The second step is fashioning a common public messaging campaign to deter migration, especially by children. This campaign highlights the dangers of migration, but also counters misinformation from smugglers seeking clients.

The third step is improving the ability of Mexico and Guatemala to interdict migrants before they cross into Mexico and enter the established smuggling routes that move the migrants to our border.

Fourth is enhancing the capacity of Guatemala, Honduras, and El Salvador to receive and reintegrate repatriated migrants to break the cycle of migration and discourage further efforts at migration.

The fifth step is addressing the underlying causes of migration of unaccompanied children by focusing additional resources on economic and social development, and enhancing our citizen security programs to reduce violence, attack criminal gang structures, and reach out to at-risk youth. This strategy is a cooperative effort defined by collaboration between the United States, Mexico, Guate-

mala, Honduras, and El Salvador. It is a new approach to address migration issues that reflects the growing ties and common interests created among our countries by demographics, trade relations, and increased security cooperation.

As we looked at the portion of the supplemental that belongs to the foreign affairs community to the Department of State and to our partners in DHS and the Department of Justice, we decided that we would allocate $300 million in two fashions, $5 million on public diplomacy of messaging and $295 million in economic support funds broadly divided between the headings of prosperity, governance, and security.

I am happy to discuss why we did this and how it is that we propose to use these monies.

As noted by my colleagues, we believe this request is reasonable and necessary. It builds on work we are already doing in Central America, and it takes advantage of existing expertise and experience, and expands our ability to encourage Guatemala, Honduras, and El Salvador to work with us closely on an issue of compelling human drama and national interest.

This request will also allow us to build a new comprehensive and collaborative approach with Central America and Mexico to problems that have an immediate manifestation in migration, but underlie the larger development and security challenges facing our closest neighbors.

PREPARED STATEMENT

By working to meet the challenge of illegal migration of unaccompanied children to the United States, we will be advancing broader interests in the region and giving substance to our vision of an Americas where democracy and markets deliver economic and social development.

This is an investment worth making, and I thank you for the opportunity to discuss this request with you and look forward to your questions.

[The statement follows:]

PREPARED STATEMENT OF HON. THOMAS A. SHANNON

Madam Chair, Mr. Vice Chairman, members of the committee, thank you for this opportunity to testify before you on the President's supplemental budget request to address the increase in child and adult migration from Central America in the Rio Grande Valley areas of the Southwest border.

It is an honor to appear before you with the Secretaries of Homeland Security (DHS) and Health and Human Services (HHS), as well as Director Osuna from the Justice Department, to describe the supplemental budget request, and to explain how we would use the proposed funding to address the migration crisis unfolding on our southwest border.

My esteemed colleagues have laid out the dimensions of this crisis, and its impact on existing resources at DHS, HHS, local law enforcement agencies, State humanitarian and disaster response teams, municipal and State governments, and on local communities as they face an unprecedented surge in attempted migration to the United States by unaccompanied children.

We are facing an acute crisis on our southwest border, as tens of thousands of children leave Honduras, Guatemala, and El Salvador to travel through Mexico to the United States. Driven by a mix of motives and circumstances, these children are fleeing their homelands in search of their parents, better life opportunities, and, in some cases, safety from violence and criminal gang activity.

The human drama of this migration is heightened by the nefarious role of smuggling operations. Smugglers exploit these children and their families, preying on

their desperation and hope, while exposing the children to grave dangers, abuse, and sometimes death as they move the children along a journey of more than one thousand miles.

You have heard of the efforts made by DHS and HHS to apprehend, screen, process, place, and in some cases return these children. You have also heard of the resource and infrastructure challenges we face along our Southwest border. The need for additional funding to meet these challenges is great, but such funding is necessary to ensure that these children, an especially vulnerable class of migrant, are treated in a humane and dignified fashion as we enforce our laws and meet our international obligations.

I would like to describe to you our diplomatic efforts to address this phenomenon, and to highlight how supplemental funding would be used along with existing resources to address the factors that are driving children from their homes in Guatemala, Honduras, and El Salvador.

THE PROBLEM

Migration by unaccompanied children is not a new phenomenon. It has ebbed and flowed for some time. However, what has changed is the size of the migration and the source countries. In the past, most children migrating illegally to the United States were Mexican nationals. Under existing law, these children could be returned to Mexico through expedited removal. In 2008, we returned 34,083 unaccompanied (Mexican) children to Mexican authorities. Vigorous enforcement of our laws, new forms of law enforcement partnerships with Mexico through the Merida Initiative, and efforts by the Government of Mexico to address the factors driving such migration helped reduce the number of unaccompanied children from Mexico who were apprehended attempting to enter the United States.

As you are well aware, this decline has been offset by a surge in unaccompanied children migrating from Central America. While we have witnessed an increase in such migrants from Central America over the past several years, more than 50,000 unaccompanied children from Central America have been apprehended along our Southwest border this fiscal year. Of these migrants, nearly three-quarters are males between the ages of 15 and 17 years of age.

Efforts to understand the drivers of this migration by the United Nations High Commission of Refugees, NGOs, and information collected in interviews conducted by Customs and Border Protection officials highlight the mixed motives behind this surge in Central American migration. For the most part, these children have abandoned their homes for a complex set of motives that combine a desire to be with their parents and pursue a life of greater opportunity and wider possibility. Underlying some of this migration is a fear of violence in their home communities, and a fear that criminal gangs will either forcibly recruit or harm them.

In short, this migration trend is the product of economic and social conditions in Honduras, El Salvador, and Guatemala. A combination of poverty, ineffective public institutions, and violence have combined to push these children from their homes and to begin an arduous and dangerous journey.

While the United States has been the primary destination of these migrants, largely because family members are already here, the impact of the migration has been felt throughout the region. The United Nations High Commission on Refugees has identified a more than 400 percent increase in asylum requests made by unaccompanied children from Honduras, Guatemala, and El Salvador in neighboring countries.

To address the challenge posed by the migration of unaccompanied children, we have fashioned a five-part strategy designed to stem the flow of migrants, screen them properly for international protection concerns, and then begin timely repatriation. This strategy consists of:

—One: Establishing a common understanding of what is happening and why between the United States, the three source countries—Guatemala, Honduras, and El Salvador—and the major transit country, Mexico.

—Two: Fashioning a common public messaging campaign to deter migration, especially by children. This campaign highlights the dangers of migration, but also counters misinformation or smugglers seeking clients.

—Three: Improving the ability of Mexico and Guatemala to interdict migrants before they cross into Mexico and enter the established smuggling routes that move the migrants to our border.

—Four: Enhancing the capacity of Guatemala, Honduras, and El Salvador to receive and reintegrate repatriated migrants to break the cycle of migration and discourage further efforts at migration.

—Five: Addressing the underlying causes of migration of unaccompanied children by focusing additional resources on economic and social development, and enhancing our citizen security programs to reduce violence, attack criminal gang structures, and reach out to at-risk youth.

This strategy is a cooperative effort defined by collaboration between the United States, Mexico, Guatemala, Honduras, and El Salvador. It is a new approach to address migration issues that reflects the growing ties and common interests created among our countries by demographics, trade relations, and increased security cooperation.

So far, our diplomatic outreach has created a common understanding of the problem of migration by unaccompanied minors and the responsibility of all the countries to address it. President Obama's outreach to Mexican President Enrique Pena Nieto, Vice President Biden's trip to Guatemala to meet with the leaders of Guatemala, El Salvador, and Honduras, Secretary Kerry's meeting with these leaders in Panama during the inauguration of the incoming Panamanian president, DHS Secretary Johnson's trip to Guatemala to meet with President Pérez Molina, Under Secretary of State Sarah Sewall's trip to Honduras, and my own engagement with the Foreign Ministers of Guatemala, El Salvador, and Honduras were all part of intense engagement over the last several weeks.

Our engagement has also allowed us to fashion a common public message that has received support from the highest levels of government in Guatemala, Honduras, and El Salvador. For example, the visits of the First Ladies of these countries to the Southwest border to meet with unaccompanied children, and their subsequent public statements urging their compatriots not to send their children north or expose them to smugglers have echoed powerfully in their counties. Combined with public messaging campaigns by our Embassies, the governments of these countries and Mexico, we have helped create a new and dynamic debate about illegal migration that undermines efforts by smugglers to entice young people into migration through misinformation about the risks of the journey and the benefits they will supposedly receive in the United States.

The announcement of Mexican President Peña Nieto of a new Mexican southern border strategy was a welcome step towards improving Mexico's ability to exercise greater control along its border with Guatemala. Announced in the presence of the Guatemalan president, this initiative is a manifestation of a new willingness to work together along their border. To match this level of cooperation, we are working to provide support to Mexico's southern border initiative and intend to provide $86 million of International Narcotics and Law Enforcement (INL) funds, and we are working with Guatemala to improve its border controls, with special focus on building joint task forces that link all agencies with responsibility for border control.

In regard to repatriation and reintegration, Vice President Biden announced during his trip to Guatemala $ 9.6 million to improve the ability of the source countries to increase the number of repatriated migrants they can receive and assist in their reintegration.

Our work in Mexico through the Merida Initiative, and in Central America through the Central America Regional Security Initiative (CARSI), has allowed us to build the relationships, understanding, and capacity to help the Central American source countries to address the underlying causes or drivers of migration by unaccompanied children. Our development assistance work conducted by USAID has also allowed us to build new assistance partnerships that can be turned to helping our partner countries address the economic and social development issues that also contribute to migration.

THE SUPPLEMENTAL REQUEST

The success we have enjoyed so far, while important, is not enough to stem completely the migrants moving towards our Southwest border. The supplemental request, although focused largely on addressing resource and infrastructure issues along our border, also has an important component focused on the work I have described. The $300 million request allocates $5 million on public diplomacy and messaging, and $295 million in Economic Support Funds (ESF) on an initiative broadly grouped under the headings of prosperity, governance, and security.

The $125 million directed toward prosperity would focus on improving economic opportunity and creating jobs, improving customs and border controls to enhance revenue collection and economic integration, and investing in energy to reduce the cost and improve access to energy as a driver of economic growth.

The $70 million requested for governance would focus on improving public sector management, fiscal reform, and strengthening the independence, transparency, and accountability of the judiciaries in Guatemala, Honduras, and El Salvador. The pur-

pose of these funds would be to promote rule of law, attack corruption, and enhance the efficiency and efficacy of government.

The $100 million requested for security would focus on expanding community based program to reduce youth crime and violence, expand national police capacity, attack gangs and organized crime, promote prison reform, and enhance migrant repatriation capacity. These funds would allow us to work with our partners to improve citizen security and address the violence that is one of the principal drivers of migration.

We believe this request is reasonable and necessary. It builds on work we are already doing in Central America, takes advantage of existing expertise and experience, and expands our ability to encourage Guatemala, Honduras, and El Salvador to work with us closely on an issue of compelling human drama and national interest.

This request will also allow us to build a new, comprehensive, and collaborative approach with Central America and Mexico to problems that have an immediate manifestation in migration, but underlie the larger development and security challenges facing our closest neighbors. By working to meet the challenge of illegal migration of unaccompanied children to the United States, we will be advancing broader interests in the region and giving substance to our vision of an Americas where democracy and markets deliver economic and social development. This is an investment worth making. I thank you for the opportunity to discuss this request with you and look forward to your questions.

Chairwoman MIKULSKI. Thank you, Ambassador Shannon.

Mr. Osuna.

STATEMENT OF JUAN P. OSUNA, DIRECTOR, EXECUTIVE OFFICE FOR IMMIGRATION REVIEW, DEPARTMENT OF JUSTICE

Mr. OSUNA. Good afternoon, Madam Chair, Vice Chairman Shelby, and other members of the committee. Thank you for the opportunity to speak with you today about the Justice Department's role in the Government-wide response to the situation along the southern border.

In addition to the Attorney General, the Deputy Attorney General could not appear today because he is actually traveling at the border.

I will be concentrating my testimony today on the Executive Office for Immigration Review, which is the largest component of the DOJ portion of the supplemental, and it is the agency I head.

EOIR is responsible for conducting civil immigration removal proceedings through our immigration courts around the country and our appellate level court, the Board of Immigration Appeals. Our caseloads follows immigration enforcement patterns at the border and in the interior. Every individual that the Department of Homeland Security formally charges with being removable from the United States results in another case for EOIR.

The 375,000 matters pending at the end of June, we are currently managing the largest caseload the immigration court system has ever seen.

Overall, there are now 243 immigration judges in 59 courts around the country. Many of our courts are located along the southern border, including San Diego, Harlingen, Texas, and El Paso. Some courts are actually located within ICE detention centers for efficiency reasons, including the border locations of Eloy, Arizona; Port Isabel, Texas; and East Mesa, California.

The highest priority cases for EOIR have been those involving detained aliens, and the agency has focused on the timely adjudication of those cases, which involve individuals that DHS has appre-

hended and charged with removal from the United States, often for criminal convictions that make them removable.

The current situation along the Texas border is prompting us to reset priorities across the entire immigration court system as we along with our Federal partners respond to the President's directive to focus additional resources on the border, particularly on those, as the Secretary said, who entered the border in recent weeks.

From now on, the following four types of cases will be the highest priorities for the immigration courts. Detained cases will continue to be a top priority, but to those we are going to be adding those involving unaccompanied children, adults who arrive with children who are detained, and adults who arrive with children who are not detained and are released on alternatives to detention, such as electronic monitoring.

This means that the cases will go to the front of the line for adjudication, and immigration judges will be reallocated to make sure that these cases are heard promptly ahead of others.

While there are already likely sufficient number of immigration judges assigned to the regular detained cases, what the prioritization of the rest of the cases means is that we will make additional judges available from the regular nondetained dockets to make sure that those cases are heard promptly—again, namely unaccompanied children and adults who arrive with children.

This will have large consequences for the broader immigration court caseload. Cases not considered a priority will take longer to adjudicate, in some cases considerably longer. However, given the seriousness of the situation along the border, it is the appropriate response for our agency.

Regardless of the changes in priorities that we are making, our overriding principles will remain that every fact is considered, every application of law is correct, and all persons appearing in our courts will receive due process of law.

In order to meet its mission for the timely adjudication of cases, EOIR must be provided with the ability to properly staff our immigration courts with the judges and staff to most efficiently process cases.

In 2010, we began an aggressive hiring effort to address the significant rise in caseload, and this met with considerable success.

Unfortunately, sequestration and funding constraints that resulted in hiring freezes had a negative and worsening impact on our operations, increasing the number of cases pending adjudication and extending court dockets far into the future.

This year's appropriations act included funds enabling the department to lift the hiring freeze, and we began an aggressive hiring effort to back fill more than 200 vacant positions nationwide, including at least 30 new immigration judges. And the President has presented his request for fiscal year 2015, which also includes an increase for our agency and would add another 30 judges or more.

I would like to just highlight for the rest of my time the President's request for $71 million presented yesterday for supplemental DOJ funding to address the border situation. This request includes $64 million to be directly appropriated to DOJ and $7 million to

be transferred to DOJ from funding appropriated to the State Department.

Of the $64 million appropriated to the Justice Department, the EOIR would be allocated $38.7 million to support additional immigration judge teams, and $6.7 million for equipment and technology to maximize our flexibility and ensure that our judges are available when we need them and where we need them.

In addition, the request includes $2.5 million for successful legal orientation programs, and $15 million for direct legal representation for children in immigration proceedings.

PREPARED STATEMENT

In addition, the request includes just over $1 million for DOJ's office of immigration litigation to support the expected workload increase, and finally the $7 million that would be transferred from the State Department would support a wide range of DOJ programs designed to build law enforcement capacity in Central America to combat transnational crime.

I ask for your support for the President's request.

[The statement follows:]

PREPARED STATEMENT OF JUAN P. OSUNA

INTRODUCTION

Madam Chairwoman, Ranking Member Shelby, and other distinguished members of the committee, thank you for the opportunity to speak with you today about the Department of Justice's Executive Office for Immigration Review (EOIR), and our contributions to the Governmentwide response to the humanitarian situation in the Rio Grande Valley areas of our Nation's Southwest border. The Deputy Attorney General could not appear before you today because he is traveling on the Southwest border. Border issues generally, and the humanitarian situation that we will discuss today, are top priorities for the Department of Justice (DOJ).

EOIR administers the Nation's immigration court system, composed of both trial and appellate tribunals. Removal proceedings before EOIR begin when the Department of Homeland Security (DHS) formally charges an alien with being removable from the United States. EOIR's immigration judges decide whether the alien is removable based on the facts and the DHS charges and, if removable, whether the alien is eligible for—and merits relief or protection from—removal. EOIR is responsible only for civil immigration proceedings, and EOIR's adjudicators have no role in state or Federal criminal proceedings. EOIR's immigration judges, for example, do not determine the guilt or innocence of aliens charged with criminal wrongdoing at the border or in the interior of the country.

Overall there are now 243 immigration judges in 59 courts around the country. Many of our courts are located near or along the southern border, including in San Diego, California; El Paso, Texas; and Harlingen, Texas. Some courts are located within DHS detention centers, including the border locations of East Mesa, California; Eloy, Arizona; and Port Isabel, Texas.

The appellate level of EOIR is the Board of Immigration Appeals (BIA), which sits in Falls Church, Virginia. The BIA consists of 15 board members, supported by a staff of attorney advisors, and is headed by a chairman. The BIA has nationwide jurisdiction and hears appeals of immigration judge decisions. When appropriate, the BIA issues binding precedent decisions interpreting complex areas of immigration law and procedure. Either an alien or DHS may file an appeal with the BIA.

At the end of fiscal year 2013, EOIR's immigration courts had 350,330 cases pending, marking an increase of approximately 23,000 cases pending over the end of fiscal year 2012. In the first three quarters of fiscal year 2014, that pending caseload grew by approximately 25,000 cases, reaching 375,373 cases, our highest caseload to date. The pending caseload is directly tied to both the number of cases that DHS files in the immigration courts and EOIR's ability to complete those cases with available resources.

Each immigration court's caseload is tied directly to DHS enforcement activities. DHS determines both detention space allocations and the filing of charging docu-

ments. As such, EOIR is in regular and continuing contact with DHS to anticipate and respond to caseload trends. Through this close coordination, our two departments are able to explore additional ways of handling the removal adjudication process more efficiently and focus resources on the highest priority cases.

IMMIGRATION COURT PROCESS

DHS initiates removal proceedings when it serves an individual with a charging document, called a Notice to Appear (NTA), and files that NTA with one of EOIR's immigration courts. This is the same process currently being followed for the large numbers of unaccompanied minors and adults with children that have been crossing the border in recent weeks.

When the immigration court receives the NTA from DHS, the court schedules a removal hearing before an immigration judge. There may be one or multiple hearings, depending on the nature of the case. Removal proceedings begin with a "master calendar" hearing, during which the immigration judge ensures that the individual understands the alleged immigration law violations. The judge also provides information on available free or low cost legal representation resources in the area. Then, generally, the immigration judge will schedule an "individual" hearing at which both parties will present the merits of the case to the immigration judge.

The outcome of many removal proceedings depends on whether the individual is eligible for relief or protection from removal. Immigration law provides relief or protection from removal to individuals who meet specific criteria. In most removal proceedings, individuals admit that they are removable based on the charge contained in the NTA, but apply for one or more forms of relief, such as cancellation of removal, adjustment of status, asylum, or other remedies provided by immigration law. For cases involving adults with children, DHS will issue an NTA to each family member, although the individual members may, if appropriate, appear together in consolidated proceedings before the immigration court.

Unaccompanied minors are placed in immigration proceedings when DHS files an NTA with the immigration court after the child is placed with an appropriate sponsor or in the care of HHS' Office of Refugee Resettlement (ORR), thereby allowing the child's case to begin in the court location where the child will be residing and avoiding delays due to changes in venue. Cases involving children are placed on the court's juvenile docket. All immigration courts have arranged for specialized juvenile dockets, which consolidate children's cases for master calendar hearings. Twenty-six immigration courts are actively hearing children's cases on these dockets. The cases generally proceed under the laws that apply to adults, but judges employ their training to take into consideration the special vulnerabilities and needs of children. We provide specialized training to immigration judges who are expected to hear cases involving juveniles. In addition, the Office of the Chief Immigration Judge has issued an Operating Policies and Procedures Memorandum that deals exclusively with the handling of cases involving unaccompanied children.

ASYLUM AND PROTECTION UNDER THE CONVENTION AGAINST TORTURE

All EOIR staff members understand the importance of asylum claims and claims for protection and the need to decide these life-changing cases expeditiously while taking appropriate time to consider all of the relevant facts and applicable law. While we take seriously our responsibility to decide cases in an expeditious manner, the utmost priority for every type of case is ensuring that every respondent is treated fairly and that the facts and arguments presented by the parties are considered in accordance with U.S. immigration law.

There are two types of asylum processes—defensive and affirmative. The defensive asylum process generally applies to aliens who are in removal proceedings before EOIR and who request asylum before an immigration judge. The process is called "defensive" because it can provide aliens with relief (a "defense") from removal from the United States. The affirmative asylum process generally applies to aliens who have not been placed into removal proceedings and who initially file asylum applications with DHS's U.S. Citizenship and Immigration Services (USCIS). Affirmative asylum applicants whom USCIS does not find to be eligible for asylum and are not in lawful status are served with a NTA and the cases are referred to immigration court, where immigration judges conduct a *de novo* hearing of their asylum cases.

Generally, a person in removal proceedings would express a desire to file an asylum application at a master calendar hearing. The immigration judge would then schedule the person's case for an individual hearing on the merits of the asylum claim. Asylum claims asserted by UAC are always initially heard by USCIS, and their immigration court cases may be administratively closed pending a USCIS

interview and decision on the asylum application. The immigration judge will consider the asylum application if it is not granted by USCIS.

LEGAL REPRESENTATION FOR CHILDREN

Children are not guaranteed representation in immigration court proceedings, and the need for legal services far exceeds available pro bono resources. The removal cases of unaccompanied children are often continued multiple times in order to allow a child the opportunity to seek legal representation. The Department of Justice is taking action to encourage legal access and, in some cases, direct representation to children.

DOJ recently launched "justice AmeriCorps," a grant program that will enroll approximately 100 lawyers and paralegals as AmeriCorps members to provide legal services to the most vulnerable of these children. This program, a partnership with the Corporation for National and Community Service, responds to Congress' direction to EOIR "to explore ways to better serve vulnerable populations such as children and improve court efficiency through pilot efforts aimed at improving their legal representation." In addition, DOJ believes the AmeriCorps members will help identify unaccompanied children who have been victims of human trafficking or abuse to assist in the investigation and prosecution of those who perpetrate such crimes on those children.

ADJUDICATION PRIORITIES

EOIR has been working closely with its Federal partners in order to respond to the recent increase in migrants along the southwest border. As a result of this coordination, EOIR will be refocusing its resources to prioritize cases involving migrants who crossed the southwest border in recent weeks and are placed into removal proceedings by DHS. EOIR will now prioritize the adjudication of cases involving unaccompanied children, adults with children in detention, adults with children released through "alternatives to detention," and other individuals in detention. To realign our resources with these priorities, EOIR will reassign immigration judges in immigration courts around the country from their regular dockets to hear the cases of individuals falling in these four groups. Lower priority cases will be rescheduled to accommodate higher priority cases.

In addition, as DHS builds additional detention capacity, including for family units, EOIR will assign additional judges to handle the cases of those individuals who are detained and placed in removal proceedings. These judges will help adjudicate new cases as quickly as possible consistent with fairness and due process and all existing legal and procedural standards, including those for asylum applicants.

Because some immigration judges will be reassigned to immigration courts along the southwest border, the recent migrant influx is likely to impact the dockets of immigration court locations nationwide. Therefore, EOIR will also focus its attention on hiring new immigration judges to adjudicate cases in immigration courts around the country. EOIR also plans to expand its legal access programs in order to improve access to legal information and counseling for those facing removal proceedings. EOIR this week sent to the Federal Register a rule to provide for the appointment of temporary immigration judges to assist with the situation.

Although adjudication priorities are changing, all cases will be adjudicated consistent with all substantive and procedural rights and safeguards applicable to immigration proceedings. EOIR remains committed to working with our Federal partners to help address this urgent border situation as it continues to evolve.

BUDGET AND RESOURCE IMPACT

EOIR must maintain the ability to properly staff our immigration courts with the immigration judges and support staff needed to most efficiently and fairly process cases. In 2010, the Department and EOIR placed a great emphasis on the hiring of new immigration judges in order to address the rapidly rising caseloads. The effort met with significant success, increasing our immigration judge corps and adding more law clerks to assist the judges.

Unfortunately, funding constraints that resulted in a hiring freeze beginning in January 2011 had a negative and worsening impact upon EOIR's core mission, and increased the number of cases pending adjudication and extending court dockets further into the future. And more than 100 immigration judges—more than one-third of the immigration judge force—are eligible to retire in fiscal year 2014 alone.

In February 2014, the fiscal year 2014 appropriations act included funds enabling the Department to lift the hiring freeze and EOIR began a hiring initiative to backfill more than 200 vacant positions, including at least 30 immigration judges.

The Department continues to seek the resources necessary to hire additional immigration judges, BIA attorneys, and other staff; to provide them with sufficient training and tools, and to continue pursuing other improvements that will benefit the immigration court system and the parties who appear before EOIR.

On March 4, 2014, the President presented his fiscal year 2015 budget request to Congress. EOIR's request includes $347.2 million in discretionary budget authority, which is approximately 11 percent above the fiscal year 2014 enacted level. The resources the President's budget requests for EOIR for fiscal year 2015 are essential to our ongoing efforts to recruit, train, and equip top-quality immigration judges and court staff.

As you know, the President has proposed a supplemental funding request for fiscal year 2014 that includes $64 million to be appropriated to DOJ and $7 million to be transferred to DOJ from funding appropriated to the State Department. Of the $64 million appropriated directly to DOJ: EOIR is requesting $38.7 million to support 25 additional immigration judge teams, in addition to 15 temporary immigration judges EOIR will designate $6.7 million for equipment to maximize our flexibility and ensure that our judges are available where we need them; $2.5 million for the Legal Orientation Program (LOP) and the Legal Orientation Program for Custodians (LOPC), which provides direct assistance to adults and custodians of children in the immigration court system, including legal orientation presentations to the adult care givers of unaccompanied children in EOIR removal proceedings; and $15 million for direct legal representation to contract with lawyers to represent approximately 10,000 children in currently in immigration proceedings. DOJ's Office of Immigration Litigation within the Civil Division is requesting $1.1 million to support the expected workload increase in the Civil Division's Office of Immigration Litigation.

In addition, $7 million of the Department of State request would support the wide range of DOJ programs in the region, including vetted units, Regional Legal Advisors, and Senior Law Enforcement Advisors. This funding will allow DOJ to assist Central American countries in combating transnational crime and the threat posed by criminal gangs. The aim is to address the issues that have been a factor in forcing many migrants to flee Central America for the United States.

Specifically, the State funding for DOJ would provide legal and law enforcement advisors for El Salvador, Guatemala, and Honduras and allow the Department to initiate law enforcement and prosecution training programs in each of the three countries to build capacities to effectively handle ongoing complex investigations, emphasizing the investigation of human smuggling organizations; improve communication between law enforcement and prosecutors regarding enforcement actions on the border, particularly in cases involving human smugglers; and help create teams of human trafficking prosecutors and organized crime prosecutors who could respond when needed on short notice.

CONCLUSION

Madam Chairwoman, Ranking Member Shelby, and distinguished committee members, despite the caseload challenges that it faces, EOIR continues to make great strides. Our adjudicators and staff are dedicated professionals who work every day to ensure efficient and fair immigration court proceedings, both at the trial and appellate levels. EOIR faces the demands of a large and increasing caseload, but, with Congress's continued support, we are confident that EOIR will effectively meet that challenge.

Thank you for your interest and for the opportunity to speak with you today. I am pleased to answer any questions you might have.

Chairwoman MIKULSKI. I want to thank the witnesses for their testimony, and now we are going to go to questions.

You can see the enormous interest of the committee, that we have 24 of our 30 Senators who are members of this committee who are participating.

It will be led off by myself and Senator Shelby, followed by Senators Tester and Alexander, Udall and Moran, Murray and Collins, Merkley and Johanns. That is the first hour. I can go to the second hour, but we are going to move right along here.

I would like to go to the written testimony of Secretary Johnson, and I really ask my colleagues on the committee to turn to page 2, the second paragraph. What this says is, without the supple-

mental funding in August, and then, Mr. Secretary, you elaborate on what will happen if we do not pass the supplemental. So I would ask my colleagues to look at it, but I am going to go to you, Secretary Burwell.

Of the $3.7 billion, $1.8 billion is at HHS. Now, if we don't pass the supplemental by August, what will happen? You gave a compelling narrative about the situation of the children, but what is it that you need $1.8 billion to buy?

And that is what America's middle class is asking. We are worried about these children, but back home, they are worried about their children.

Could you tell us why this is urgent, why you need the $1.8 billion, and what happens if we don't do this supplemental?

HHS UNACCOMPANIED CHILDREN FUNDING

Secretary BURWELL. The money for HHS is purely for the care of the children, and we generally refer to that as beds, and 84 percent of that we say is for beds for the children, and 14 percent for other services, and 2 percent just in terms of administrative costs over time.

But with regard to when we say a bed, what we mean is actually the full care for the child. And I assume that we are going to talk about that throughout the hearing today, in terms of whether that is the fact that all of those children receive a wellness exam. And that is important to the public health of our Nation. It is important to the public health of those children.

Each of those children also receives mental health interviews. As we have talked about, these children have been in, some of them, very tragic situations, and we need to make sure that as we place those children, we consider those types of things. The child is in our care.

In addition, we are not putting an additional burden on the communities when the child is in our care. When the child is in our care, we actually do many of the health examinations as part of our system where the child is.

In addition, we are educating and providing some educational components for those children so they are not in the system.

And so the cost for us in terms of the overarching cost is really about the care.

The 14 percent are other services. Those are legal services and certain health services that go beyond what we provide. So if a child actually has a situation that requires medical attention that is beyond basic child welfare that the physicians and other medical attendants can take care of and the child must go to the hospital, we pay for that care, the Federal Government. And part of HHS's responsibility pays for that care.

In addition are the costs that we are talking about when we say the legal costs. The type of assistance that we pay is for the children when they come in to receive materials, and sometimes those are done by video and sometimes those are done in person.

And they receive two types of information. One is the children come to understand and know their rights and protections that they have as part of this process. The second thing is the children

are actually taught, and it is explained what the immigration proceedings that they will face will be.

For some of the children, we do additional supplemental group education sessions where they can ask questions, and overtime for certain children that have special needs.

That is what the money is for.

Chairwoman MIKULSKI. So what happens is, while Ambassador Shannon and the State Department are supposed to be encouraging people not to come, and I think the fact is there is not enough money going after the gangs, they meet the Border Patrol, and then they come to you while their legal status is being determined.

Now then this goes to this: So if we don't pass this bill before this August recess, what happens?

NEED FOR ADDITIONAL FUNDS

Secretary BURWELL. So for us, there are two things that I think are important in terms of the time sensitivity. If we continue on the current trajectory that we saw in May–June, what happened in May and June is the number of children that came through DHS exceeded the number of beds that we had available at HHS. And what that means is that those children, whenever that number exceeds, those children are at the border. And those children are in detention and holding pens until we can move them.

And so the ability of HHS, so if we stay on the current trajectory—and we are actually doing pilots to try to speed our process. We are doing everything we can. There are three variables: the number of kids, the number of beds, speed with which HHS can move the children. We are working on that speed as much as we can, but we need to do this in a safe and secure way.

And what it is about is in August, if we continue on the May-June trajectory, the ability for HHS to bring on beds so that we no longer have more coming in than I can process at HHS and our teams can on a daily basis, they will be backed up at the border.

The other thing just for economic perspective——

EFFECTS ON BORDER WITHOUT SUPPLEMENTAL

Chairwoman MIKULSKI. And then what happens to you at the border?

Secretary JOHNSON. Senator, because of the recent spike in migration, we have had to surge within ICE transportation costs and the cost of building increased detention capability, most notably for the family units.

To be honest, ICE had very, very few beds for family unit detention capability, and we have had to build more to deal with this, to send people back quicker.

The Border Patrol has been working overtime, so we have incurred those overtime costs as well as simply the cost of caring for all the children at the border.

And so as I said earlier, at the current burn rate, ICE is going to run out of money in mid-August, and we project that CBP is going to run out of money in mid-September. If there is no supplemental, we are going to have to go to some very dramatic, harsh form of reprogramming, which I am sure the committee is familiar

with, away from some vital homeland security programs that I am sure that members of this committee care a lot about, or risk Antideficiency Act violations, which is intolerable to me. So that is the situation we face.

Chairwoman MIKULSKI. So with my time expired, the fact is that the failure to act does not save money for the taxpayer. What it essentially does is back up the ability of these children to be in a safe and secure surrounding. They will be primarily at the border with Border Patrol agents who are law enforcement, dedicated law enforcement people, in situations that are in facilities that were never meant to house children. So they have overcrowding, poor sanitation, a variety of things there.

So that would be a big chokepoint, and you have to start reprogramming money from other homeland security. Is that correct?

Secretary JOHNSON. Yes, ma'am.

Chairwoman MIKULSKI. Well, again, please go to page 2 of the testimony of Secretary Johnson. Thank you.

I am going to turn to Senator Shelby, but before I do, I just want to say one thing. I have seen now in action the people caring for the children at Lackland, the faith-based organization under contract. I have seen what your Border Patrol people are doing. I get a sense of this. I just really want to thank all of the men and women who work for our government and those fantastic faith-based organizations along the border and others reaching out to you for the way they are really trying to meet this in a way that is humane, legal. But ultimately we need to prevent the way these children are being continually exploited by the traffickers.

Senator Shelby.

TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT

Senator SHELBY. Thank you.

Secretary Johnson, is the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008, which you are very familiar with—I know it was a well-meaning piece of legislation, because we are against human trafficking for adults, children, everything like that—but is that part of the problem in detaining and processing these children now?

We have heard reports that we probably need to change that law in some way, amend that law, as we talk about more money.

Do you want to address that?

Secretary JOHNSON. TVPRA, which became law in 2008, requires that when we identify a child as an unaccompanied child, I am required to give that child over to the Department of Health and Human Services (HHS), and HHS acts in the best interest of the child.

We are talking about unaccompanied children who don't have with them an adult to make decisions on their behalf. So I believe that the intentions behind the law, the spirit of the law, reflect very worthwhile principles and reflect our American values, frankly.

I do believe that—and this is not part of this particular request. I do believe that some type of added discretion on my part would be helpful to address this particular situation.

And so right now, what we have in mind is treating unaccompanied migrants from the three Central American countries, which are what we call noncontiguous countries, as being from contiguous countries.

Right now, we have the discretion to offer unaccompanied children from a contiguous country—i.e., Mexico—the ability to accept a voluntary return. And a lot of them actually do accept voluntary return.

And so we want the flexibility in this current situation to have that discretion to offer someone from a Central American country.

Senator SHELBY. So if we amended the law to give you that discretion, you think that would help you to some degree?

Secretary JOHNSON. Yes, sir.

Senator SHELBY. Okay.

Thank you.

Director Osuna, the administration announced on Wednesday that in immigration proceedings, unaccompanied alien children will now be given priority over adults. We have seen no explanation of how resources will be allocated to achieve this end. Just bear with me a minute.

At the moment, it is my understanding—correct me if I am wrong—the docket for detained persons takes priority over other cases, but it is the docket for nondetained persons—children, or whatever—where the unaccompanied alien children (UAC) children are placed.

If you don't shift resources to where the problem is, how do you prioritize these cases? And I guess following up on this, how many children are being detained as opposed to nondetained status? Give us an idea there.

Mr. OSUNA. Sure, Senator. To answer your question about how to address this without more resources, we don't.

The point of the setting of the new priorities that now include unaccompanied children is to be able then to shift immigration judge and immigration court resources away from the nondetained dockets, which are a big portion of the dockets, to the unaccompanied children.

Now the unaccompanied children, for the most part, are not detained. The vast majority of them are actually released by HHS and put in the care of a custodian, often a family member.

Senator SHELBY. Is it most of the time a family member?

Mr. OSUNA. That is correct.

PLACEMENT WITH SPONSORS

Secretary BURWELL. Yes, about 55 percent are actually parents and getting us up to another 30 percent will be other family members, such as relatives, sisters, brothers, aunts, uncles.

Senator SHELBY. For people who are nondetained—in other words, they come in, we process them, we examine them and all this, and they are put out with their family or to a church or somebody who will take them that is responsible, what is the lag time to—say you did it today—until there is an adjudicated hearing on whether they will be allowed to stay or go home?

Mr. OSUNA. Are you talking just about for unaccompanied children?

Senator SHELBY. Yes.

Mr. OSUNA. Okay.

Senator SHELBY. Undetained children, and then detained.

Mr. OSUNA. Unaccompanied children for the most part are not detained, and so—I think what you are asking is the lag time between the time that it comes to the court system and the time that there is a hearing. That varies significantly from court to court.

In some courts, it can take a few weeks. In some courts, it can take a long time, sometimes over a year.

The point of setting these new priorities is to make sure that those cases are now heard much more promptly than they have been. They will go to the front of the line for adjudication.

Senator SHELBY. As we speak, what percentage of children that meet the adjudication process are sent home, and what percentage stay in the United States, currently?

Mr. OSUNA. I am not familiar with the numbers as to how many children are actually sent home. That is a DHS function.

I can tell you that our immigration judges, their responsibility is to issue removal orders or to grant relief from removal, in some cases.

DEPORTATIONS, NUMBER OF

But the actual numbers of how many are actually sent home, I would defer to Secretary Johnson.

Senator SHELBY. Secretary Johnson, do most of the children after adjudication stay in this country?

Secretary JOHNSON. Up until the recent situation, the average pace at which unaccompanied children were deported was something like 1,800 year.

Senator SHELBY. And how many stayed? Thousands?

Secretary JOHNSON. Eventually, if there is a final order of deportation, and they have gone through the process, they should be returned to their home countries.

Senator SHELBY. Should be.

Secretary JOHNSON. We have done that at a rate of about 1,800 per year. And part of this request is so that we can accelerate that process, so that more are returned, given the current situation.

Senator SHELBY. Thank you.

Chairwoman MIKULSKI. Senator Tester.

U.S. CUSTOMS AND BORDER PROTECTION FUNDING

Senator TESTER. Thank you, Madam Chair. And thank you all for being here.

I will start with you, Jeh Johnson. $433 million is slated to go to Customs and Border Patrol, $364 million for overtime and new border agents.

Where is the other $70 million going?

Secretary JOHNSON. Good question.

Senator TESTER. You can get back to me on that. That is fine.

Secretary JOHNSON. I am happy to do that.

BORDER PATROL AGENTS

Senator TESTER. Are these agents going to be permanent, the agents you are hiring with the additional $364 million?

Secretary JOHNSON. It is, I believe, for overtime and related costs. In terms of actual numbers of hired personnel, I would have to get back to you on that number.

Senator TESTER. Okay, because if in fact we are able to get this situation solved, we need to visit about whether those agents need to be permanent or not.

Secretary JOHNSON. Just so it is clear, a lot of that cost is embedded in simply caring for the kids, the Border Patrol caring for the kids.

Senator TESTER. Okay. I got you. But that requires bodies. And if it requires permanent bodies to care for the kids, are they going to be permanent?

ADMINISTRATIVELY UNCONTROLLABLE OVERTIME BILL

Inside baseball: administratively uncontrollable overtime (AUO).

Secretary JOHNSON. Yes, sir.

Senator TESTER. If that bill were to pass, would that help this money go further?

Secretary JOHNSON. If the AUO bill that I know you have sponsored, and there is a companion version in the House, were to pass, long term, we believe that overtime costs would go down. You would have a more stable environment. I believe it would contribute to this, yes.

Senator TESTER. It would contribute to make this money go further.

Secretary JOHNSON. Yes, I believe that.

Senator TESTER. I might be working with you on this, Madam Chairman, later.

Mr. Osuna, how many courts exist right now on the southern border?

Mr. OSUNA. Along the southern border, we have six, I think is what I had in the testimony, three nondetained and three detained.

Senator TESTER. You have six courts right now. How many additional courts will this supplemental be able to give you?

Mr. OSUNA. The supplemental will allow us to hire additional immigration judges. Now those immigration judges, because the situation is going to result in caseloads rising throughout the country, will be sent to various courts, some along the border, but many in courts far from the border.

Senator TESTER. Here's where I am getting to: How many additional kids will this allow you to process?

Mr. OSUNA. I don't have an answer for that, Senator, and this is why, because we expect that, certainly, a large number, perhaps the vast majority of individuals that DHS has apprehended and Justice will be placing will end up in our courts. Until we actually start seeing those cases, we don't have a good handle on the actual number of minors that will be coming through our courts. We know it will be substantial.

IMMIGRATION PROCEEDINGS CASELOAD

Senator TESTER. Look, I want to help you with this. But how can you come to us with the budget request if you don't know how many courts, or how it is going to speed up this process? I think every one of you talked about speeding up the process to make sure the kids who appropriately need to get back to their country do.

So how can you give us a budget request if you don't know how it is going to speed the process up? I want to be helpful. I want to vote for this.

Secretary JOHNSON. Senator, may I?

Senator TESTER. Sure.

Secretary JOHNSON. The assumption underlying the request from DOJ is that we will be able to add an additional caseload of 55,000 to 75,000 cases per year, overall.

Senator TESTER. Okay. And right now, they are handling how many a year?

Secretary JOHNSON. Right now, the pending caseload is 275,000.

Senator TESTER. 275,000. Okay. Significant.

How many kids are coming over the border every day?

Secretary JOHNSON. These days, the total apprehension of the kids unaccompanied is about 250. It was higher. It is down to somewhere to between 200 to 250 per day.

Senator TESTER. Okay, so we will be able to make significant inroads into these kids, as far as moving them through the process, if in fact this money gets to the Department of Justice, correct?

Secretary JOHNSON. Yes.

Senator TESTER. On the TV programs, I hear Senators and House Members talk about how when these kids are processed, they never end up back in court. Is that true? And does this money help that not occur?

Mr. OSUNA. Let me just correct the number. There are 375,000 cases pending in our courts right now, Senator.

There has been a lot of talk about the in absentia rate. The numbers that have been thrown about are actually not accurate. There are a significant number of unaccompanied juveniles, juveniles that don't end up in immigration court. The current rate is 46 percent in absentia rate.

However, I should note that there are significant consequences for somebody who gets notice for a hearing before an immigration judge and doesn't show up. That immigration judge then has to issue an order of removal, an in absentia order of removal that is enforceable, whether that is an adult or a child.

Senator TESTER. Will any of these dollars help with the in absentia rate?

Mr. OSUNA. There are some dollars going to the LOPC program, the Legal Orientation Program for Custodians. That is a program that we have that has been very successful in cutting the in absentia rate by about 40 percent.

Senator TESTER. Okay, I want to thank you all for your testimony.

Thank you very much, Madam Chair.

Chairwoman MIKULSKI. You are exactly right, Senator Tester. And I think we have all just said that.

How do they know what to ask for unless they can honestly say how many cases are coming? But if you are not talking to DHS—well, let's go to Senator Alexander. He has been waiting.

Senator ALEXANDER. Thank you, Madam Chairman.

And I thank the witnesses for coming.

I think we agree that this is an extraordinary problem and an extraordinary amount of money. But with all respect, it is an incomplete plan for dealing with the problem.

And it is not a new problem. We have known about this for a couple years, all of us have known about it.

But in our system of government, it is the President's job to lay out a specific plan for what we should do about it. It is our job, then, to say, no, we don't like that, we are going to change this, and respond to that.

This is not a complete plan, to me. What are missing are three things. Number one, first, we need to secure the 320 miles of border in the Rio Grande Valley, where a majority at least, maybe most of the children, are coming. This is an extraordinary, you say unprecedented, surge of illegal immigrants, unaccompanied children. We need an extraordinary response.

The quickest way to deal with it and to send a message back to these three countries is that those children are coming home.

Second, we need to make it as clear as we can as rapidly as we can that what will happen to these children if they come to our country is that they will be treated with respect and humanely, and sent home, taken home, as soon as we responsibly and safely can do it.

And number three, we need to know from the President what changes he wants to make in the 2008 law that apparently is the source of a good deal of the problem.

He said last Monday that he had some changes he wanted to make. We need to know what those are, if we are being asked to spend this kind of money.

Let me go through those three things, real quickly.

Number one, to secure the border. If we want an extraordinary response to an extraordinary problem, why don't we consider using the National Guard? President Obama has done that once. President Bush did it in 2006. He was reluctant to do it. I was one of four former governors who was in the Senate who urged him to do it. We had been Commanders in Chief of our local Guards. He did it.

And in both cases, it had the desired effect, and the Government Accountability Office said it worked. If the President were to use the National Guard for this 300-plus miles of border, that would send a clear signal in those countries to those parents or those smugglers or whoever is responsible for this, that the children are coming home, and that the border is closed to them.

That would be the first thing. That would be one thing we could do to make the extraordinary response meet the extraordinary problem.

The second would be to make it clear that the children are coming home safely but as quickly as we possibly can.

Then the third thing to do would be this law in 2008. None of us are for human trafficking, but the amendments in 2008 seem to

have created an unintended consequence that contributed in a dramatic way to the problem. And the President said that he wanted to make changes in the law, but now we haven't heard exactly what those changes are.

We have heard from Mr. Johnson that one of those changes might be to give him more discretion, so that a child from one of those three countries could voluntarily be sent home, which apparently they can't today.

NATIONAL GUARD USE

So let me start with this question. Secretary Johnson, if in the past President Bush and President Obama used the National Guard in a specific instance and used it effectively, why wouldn't that be a good tool, both to get the job done on that border and to send a clear message to those countries and the people of those countries that those children, if they come here, will be sent home as quickly and safely as we possibly can?

Secretary JOHNSON. Senator Alexander, I know from my days as General Counsel of the Defense Department, any time you deploy an armed force, you should do so with a clear plan and a clear objective and clear rules of engagement.

Unlike the situation we faced in 2006, 2007, this migration is all surging into one very specific area of the Rio Grande Valley. We know exactly where they are going. And unlike the previous rise in migration we faced in 2006, 2007, this population, for the most part, wants to be apprehended. They are not seeking to evade law enforcement or the National Guard.

So simply building an added presence on the Southwest border on the Rio Grande itself will not necessarily stem this tide.

Senator ALEXANDER. By that logic, we should just open the border.

Secretary JOHNSON. No, not at all, Senator. What I do believe we should do is consider all lawful options, all lawful and humanitarian options.

I have continually asked my staff, for example, I want to hear every conceivable option.

So as this thing evolves, is the National Guard a possibility? The National Guard in Title 32 status is hugely expensive for the Department of Defense. We have surged a lot of resources already. But I want to consider all lawful options.

I would not take some use of the National Guard off the table for consideration as this situation evolves.

But, Senator, I do agree with you that we need to turn this population around, and we are taking a number of steps to do that. We have dramatically reduced the repatriation removal time for the adults who are part of this population. We are building detention capability for the family units who are part of this population. And we are turning that around.

I am going to New Mexico tomorrow to make a point of that, so that people see that they are coming back.

And with regard to the unaccompanied children, you have heard from the Department of Justice that that process can take as long as over a year. We need to dramatically reduce that because we

have to show that if you do not qualify for some form of humanitarian relief under our laws, you must be sent home.

Senator ALEXANDER. Madam Chairman, my time is up, but I hope somewhere in the discussion, Mr. Johnson, one of the witnesses will tell us exactly what the President wants us to do about changing the 2008 law, so the children can be sent home more quickly and as safely as possible.

Thank you.

Chairwoman MIKULSKI. About the National Guard, we have heard this also in other quarters. However, I would just bring out that the State Department—and this goes to where do you need to be muscular, and the deterrents—I believe it has to come more out of the State Department. And the fact that they only asked for $100 million to go after the traffickers and we also need Secretary Johnson using the authorities of the Department of Homeland Security working with our FBI to be going after the cartels, the drug smugglers, and so on, that are actually doing massive ad campaigns to recruit them.

So having guys with guns at the border, I am not so sure to do, or going right to these host countries and having the deterrents——

Senator ALEXANDER. Well, in one sentence, Madam Chairman, what the Guard did under President Bush was not substitute for the Guards at the border. It took over some of the responsibilities and permitted the Customs people and other people to spend their time doing the things they were trained to do.

Chairwoman MIKULSKI. Well, what I do want to say, Senator Alexander, a lot of us feel there has to be real deterrence and going after the really bad, despicable guys.

So Senator Udall and then Senators Moran, Murray, and Collins.

Senator UDALL. Thank you very much. Thank you very much, Madam Chair. I very much appreciate the testimony of all of the witnesses.

Secretary Johnson, thank you for your visiting Artesia. As you noted in your testimony, Artesia is the first facility you have stood up independent for women with children.

DETENTION CENTER LOCATIONS: CONSULT WITH STATE, LOCAL OFFICIALS

When you visit it, I would like you to think in terms of what are going to be the additional burdens on this small community. You will see a facility that is running a law enforcement facility on the same campus. It is a very small facility. They are now expecting and predicting 670 women and children in a very short period of time.

I included in DHS appropriations markup last week added language directing DHS to consult transparently with State and local governments and avoid imposing costs on local communities for these types of temporary facilities.

My first question is, prior to DHS making a decision to use FLETC, this training center, for family detention, did you consult with State and local officials?

Secretary JOHNSON. I believe we did. That is a standing instruction of mine to my staff. Before we make a decision to go someplace

for increased detention for processing, we should consult with the State and local government.

Senator UDALL. And is there a process to have an ongoing briefing with State and local officials in place for things that occur, changes in mission, and what happens at the facility?

Secretary JOHNSON. Yes. I have personally spoken, for example, to the Mayor of McAllen, Texas, about the situation in the surrounding communities and McAllen. I have met with the Governor of Arizona when I went to Nogales. And I suspect that I will be meeting with officials in New Mexico tomorrow when I go there.

If it is not on my agenda, I will build it into my agenda.

Senator UDALL. Good. I am sure that the Mayor of Artesia would very much like to meet with you and talk with you.

His description was that he heard on one day that there was a rumor, and 2 days later, the facility was open. He had very little information, concrete information he could tell his constituents in the community.

Now the communities with detention centers like Artesia are very concerned about incurring costs and strains on their infrastructure and other resources. In Artesia, for example, the mayor told my office that increased bus and vehicle traffic is creating traffic problems near the entrance of this law enforcement training center. But the city does not have the funds to install the necessary traffic signal. His police have had to respond to incidents at the detention center.

I don't believe local communities should bear the costs of the crisis at our border. Is there any funding in the supplemental request to help offset any cost the new detention centers impose on State and local governments?

Secretary JOHNSON. Not directly. I don't believe that there is.

But I do agree that we should endeavor to minimize the burden on the surrounding communities and that we should be mindful of the burden that is being imposed in places like Texas, New Mexico, Arizona, Southern California. And so I want to work with local mayors and sheriffs, to better enable us to do that.

FINANCIAL IMPACT ON LOCAL COMMUNITIES

Secretary BURWELL. And I would just add with regard to the question in regard to funds in the supplemental to prevent or help with burden in local communities, as Mr. Shelby reflected, the cost is large. And the cost is large because we, the Federal Government, when the children are with HHS, take on the majority, the vast majority of anything that the children need, so that we are not burdening the community when we are there.

So in that sense, I understand the number is very large. Part of the reason it is large is because we take care of the children from beginning to end.

FEDERAL LAW ENFORCEMENT TRAINING CENTER: DETENTION CENTER FUNDING

Senator UDALL. But, Secretary Burwell, I think you used in your testimony, a statement, "No additional burdens on a community."

And that is what I am asking for, Secretary Johnson, because I believe that if you don't have it in this supplemental, it is not going to happen.

So I think you are in a position of really having an incomplete plan before us because you are going to rush to set up these facilities. You are not going to anticipate the needs, and there is going to be a real problem there.

What is the cost of operating the family detention center at FLETC for a year? And, in the absence of a supplemental, where is that funding going to come from?

Secretary JOHNSON. The cost of running the detention facility we have set up in Artesia, I don't have offhand. I can get you that. I would be glad to do so.

[The information follows:]

ICE estimates costs of $20.9 million in fiscal year 2014 which includes converting the facility as well as operations through September 30, 2014. In fiscal year 2015, ICE estimates costs of $54 million for full year operations. In the absence of a supplemental, DHS requested a reprogramming on August 1, 2014, which has been approved by both the House and Senate Appropriations Committees.

Senator UDALL. That would be great.

Secretary JOHNSON. Not doing anything, frankly, is not an option, because it would require us to simply run out of money, as I mentioned, in mid-August and make some dramatic reprogramming steps.

Senator UDALL. No. I understand that. You said that already.

But where is the funding coming from right now to set up the facility that will house 607 women and children?

Secretary JOHNSON. It is coming from our existing ICE budget.

Senator UDALL. Existing ICE budget. So it is being taken away from what?

Secretary JOHNSON. It is being taken from other aspects of Immigration and Customs Enforcement.

Senator UDALL. Thank you.

I am sorry I went over a little over, Madam Chairwoman.

Chairwoman MIKULSKI. Thank you, Senator Udall.

Senator Collins.

DEFERRED ACTION FOR CHILDHOOD ARRIVALS

Senator COLLINS. Secretary Johnson, I think all of us can agree that we are facing a humanitarian crisis of the first magnitude. More money may well be needed to deal with the consequences of this crisis, but it does not address the causes of the problem, and that is what is troubling to me.

It is contrary to the evidence to think that some 57,000 children would undertake an extremely dangerous journey to reach our borders if their parents did not think that they would be allowed to stay here once they arrived.

The administration has pointed to changes made in our immigration laws in 2008 as a partial explanation for the surge in the number of unaccompanied children. And I think many of us would agree that the law does, indeed, need to be revised. But it doesn't explain the surge.

If you look at the chart that I have distributed, the surge in unaccompanied children did not begin following the passage of the

2008 law. In fact, the numbers actually declined between the fiscal year 2010 and fiscal year 2011. The wave of children arriving here clearly began in 2012. So we need to look at what happened that year.

Well, on June 15, 2012, President Obama took unilateral action and announced his Deferred Action for Childhood Arrivals (DACA) policy. Now, let me make clear that I think the President's action was motivated by compassion. But it seems clear to me that it sent the wrong message to those parents in Central America. And it demonstrates what happens when the President unilaterally decides to issue an Executive order affecting immigration without securing the border.

The number of children more than doubled between fiscal year 2011 and fiscal year 2013. Yet until just recently, the President did not even speak out to warn their parents and to tell them that the journey would be horrendously dangerous for their children, and that they would be sent home.

We know that many of these children have been abused or harmed on their way here. And when the wave became evident 2 years ago, the President took no action at that time to try to stem the tide.

We know that it will take a long time before all of these children have hearings that could lead to their being sent home, if they show up at all for the adjudications.

So my question is, what specifically is the administration doing to propose changes in the laws or regulations right now, so that these children can be safely and immediately put on planes and returned to their parents?

And wouldn't such an action send the strongest possible message to the people of Central America that they should not allow their children to go with these smugglers and come here?

Secretary JOHNSON. Senator, first of all, I know this from personal conversations with these kids—I have spoken with dozens of these kids, and I know from talking with Border Patrol officers who have spoken with these kids—the first thing they say when you ask them why did they come here, it has to do with the conditions in the three Central American countries.

"My mother told me that the gang was going to kill me" or "My brother was killed." It is also initially that.

Second, clearly, they know that if they come to the United States, our laws require certain things, that we transfer them to the Department of Health and Human Services. But it is also the case that the criminal smuggling organizations are creating considerable misinformation about the state of our laws, and so forth. In order to induce the family members to pay $3,000, $5,000, whatever it is, they tell them things like you will get a free pass, and it will expire at the end of June or the end of May.

The fact is, and I have been saying this publicly now for weeks, and it is being repeated in Central America in the Spanish press, that the deferred action program that was established 2 years ago is for children who have been in this country for 7 years, since June 2007. So it is simply wrong to say that if you come here today, tomorrow, or yesterday, you are going to benefit from DACA. So we continue to say that. We continue to repeat that.

And they are saying that and repeating that in the Central American countries. I said that yesterday in a press conference, I believe.

But we are dealing with criminal smuggling organizations that, in order to induce payments of money, will put out considerable disinformation about this.

Now, you have asked about changes in law. I believe, and I agree that people in Central America need to see illegal migrants coming back—the children, the children accompanied by their parents, and the unaccompanied adults. And we are doing that. We are already dramatically reducing the time it takes for that to happen, and so we are asking for the additional resources to my department, to the Department of Justice, to turn these people around quicker, including the children.

So we are asking for that. And in terms of the change in law, as I said a moment ago, and this will be in a separate submission. We are asking for the ability to treat unaccompanied kids from Central American countries in the same way we would someone from a contiguous country, so that we have the ability to offer them voluntary return, which the kids from Mexico do accept.

Chairwoman MIKULSKI. Senator Murray.

Senator MURRAY. Well, first of all, thank you, Senator Mikulski, for holding this hearing today. I think everybody in this room, Republicans and Democrats, are at least in agreement that what we are seeing along the Nation's Southwest border is simply unacceptable.

As some have mentioned, the numbers of young people and children crossing our borders, often by themselves and almost always with nothing beyond the clothes on their backs, is really staggering. And as everyone here knows, we are not just talking about a few individual cases. We are talking about tens of thousands of young, often unaccompanied minors entering the United States.

And I want to be very clear about the circumstances that these children are facing, the circumstances that are causing them to cross a continent by foot and seek safety here in the United States. These are not people coming here to take jobs or get some kind of free ride. These are children, many of them 7 or 8 years old. They are fleeing some terrible violence in their home countries.

They are actually being sent here, often by desperate mothers and fathers who have had to look them in the eyes and literally tell them to run for their lives.

And I just have to say, as a mother and grandmother, I just can't imagine what that would feel like if you were a parent saying that to your child.

So I think we have to be clear about what this is. This is a refugee crisis that we are seeing along our southern border.

And as Americans, we all kind of think about refugee crises as situations that happen far away to somebody else. But I think we need to open our eyes, that this is something happening in our country and it is happening right now.

This doesn't only affect the Americans who live on our southern border. This affects every single American community.

We have heard in my home State over the last few weeks in Washington that we are seeing some headlines and press reports

that some of these children may be sent to facilities at Joint Base Lewis-McChord. It is just a few miles from downtown Seattle.

So all of us, regardless of what State we are in, need to take this situation very seriously.

Now, I am particularly concerned about the condition and care of the young women and girls who are being detained along our border. So many of them, as we know, face unbelievable hardship in their home countries, and I am hearing that many of them have endured physical abuse, sexual abuse, violence, human trafficking, and a lot of them have fled in hopes of avoiding those kinds of fates.

So it is important that we talk about the resources the administration needs to have to fight organized crime on the border. Very important. But I am also focused myself on giving the administration the resources they need to protect these children and to treat them humanely while they are being detained.

We were talking about things like food and water and diapers. But it also means we have to be prepared to protect these children and young people, particularly the young women and girls, from having to once again face that same kind of violence and abuse and human trafficking that they are actually running away from in their home countries.

Some of these kids will be sent back to their home countries, but we can't ignore the legitimate cries for help from refugee children. We often ask our friends around the world to support refugees fleeing violence, and it is our turn in this country now, and I think we have to accept that as part of this.

We focused on fighting organized crime on our border, reducing illegal immigration, but we cannot lose sight of our responsibility to provide these children with the most basic legal information and guidance. And we have to make sure that they have valid claims for asylum, and that someone is actually there to help them pursue that.

More than a year ago now, we all know Republicans and Democrats here in the Senate voted to pass comprehensive immigration reform. I know that is not the focus of this hearing. But we have seen too many tragedies at our border and our communities, and it is a tragedy that the House has not taken this up, because that is one of the ways that we can fix this long-term, comprehensive strategy.

And I thank my colleagues who have worked on that.

DETENTION VERSUS ALTERNATIVES TO DETENTION

But my question for the panel today is, why is the administration pursuing costly detention of families instead of relying on more cost-efficient and effective alternatives to detention?

Secretary JOHNSON. Senator, I believe that in order to deal with the current situation, and I agree with the comments of many of the Senators here, we have to return people and we have to show others in Central America that we are returning people. That is how to deal with the existing situation.

In order to do that and do that quickly, we are building detention capability for adults who bring their children here. We did not have much of that type of detention capability until very recently. And

so we are turning the adults around faster, and we need to turn the adults with children around faster in order to send people home.

Senator MURRAY. So it is a message, as well as anything else.

Is the administration making sure that each of the children who are detained can pursue asylum and have legal representation from a qualified attorney, receiving fair hearings? Are we assured of that as well?

Secretary JOHNSON. It is part of our standard procedure to make sure that people are informed of their rights in this type of situation.

LEGAL SERVICES

Secretary BURWELL. And with regard to when the children come to HHS, a number of things happen. First, the children are informed of their rights. They are informed of the immigration proceedings.

For those children who are identified—and usually they are identified at DHS, if they have a different potential status than an unaccompanied child. But that is checked again. And if that happens in terms of the issue of asylum for the child, then appropriate steps are taken to connect that child with someone who can help them with the asylum process.

In addition, with the children, we continue to try and in some cases—under 2,000 but over 1,000 cases—we actually connect them sometimes with pro bono and other legal services when there are extreme circumstances.

As you pointed out, there are children who have extreme circumstances with regard to things that have happened to them along the way, and they need special types of help and support.

Senator MURRAY. I don't want to lose sight of that in all of this. So I appreciate that.

HEALTH AND LEGAL SERVICES

Secretary BURWELL. Yes, and that is a part, as I mentioned, when we think about the numbers, 14 percent of the money that HHS has asked for is for health and legal services that are beyond the basic service that we provide for all children, because there are some children who have extreme needs, whether those are legal or health.

Senator MURRAY. Thank you very much.

Thank you, Madam Chair.

Chairwoman MIKULSKI. I am going to turn to Senator Johanns.

But just a comment to be made. I know that many Senators have had to leave because of their flights and they had to leave.

I want to protect the rights of every single Senator, and if any Senator had to leave, I am going to make sure the record is open, that they may submit their questions in writing, and ask the Departments to respond in 2 weeks. It has been a long hearing, and I just want to make sure that everybody has the ability to do that.

Senator Johanns.

Senator JOHANNS. Thank you, Madam Chair. You are uncompromising in your fairness toward the members, and I appreciate that.

Let me say to the witnesses, thanks for being here.

This morning, I was driving into work and I was listening to NPR. You might be shocked by that, but I was listening to NPR.

And this very well-spoken gentlemen, I wish I would have gotten his name, came on and talked about his travels through Central America very recently, his interviews with families he had talked to. It was very extensive and very informative.

Basically, what he was saying, at the risk of paraphrasing his comments, is that the coyotes or the smugglers or the cartel or whatever it is, go to these families and promise everything. "We will get your kids to the border. They will be received by the United States of America, the government. They will be taken into custody. They will be eventually reunited with family members. And the chances of ever being deported and sent back home are slim to none."

And then they rip the families off. They hit them for $3,000, $5,000, $7,000, not a small amount of money in that part of the world. And then all the way up to the border, they abuse these children, they starve these children, they rape these children. They take them through hell on Earth, all with the promise that here the United States Government will take care of them.

I have listened carefully to your testimony today, and I believe you are proving their case. No reflection on you, Madam Secretary. You have to deal with the law that was given to you in 2008, December 23. I took the opportunity to review that law.

But here is what is resulting: You tell me, Mr. Secretary, that 1,800 get deported. Those are pretty darn good odds. The chances are you are not going to get deported.

Forty-six percent don't show up. Now, I appreciate your comments about, boy, if you don't show up, you are in really big trouble with us, because when we catch up with you, you are going home. Well, we have 12 million people here in the United States that have those circumstances.

Madam Secretary, I read through the law. I took the time to look at the 2008 law. Look at what you do. And again, it is no reflection on the job you are doing. It is what you have to do under the law that Congress gave to you in December 2008.

You are responsible for their care and custody. You have to do an immediate age determination. You have to establish policies and programs as to how you are going to care for these unaccompanied minors. You have to make sure that when you are ready for placements, that they are safe and secure placements.

So in order to do that, you have to do, literally, assessments of the family, the home, the environment, to determine whether they are going to be safely placed. You have to make sure that there is access to ongoing information. You have to do legal orientation presentations. You have to give information about access to counsel. Child advocates can enter into this. And it just goes on and on and on.

Now, I don't doubt that this was well-intentioned. I wasn't here at the time, but it strikes me as the kind of law that came along and people bought into it. I haven't checked the vote record on this, but I bet it passed with a bipartisan amount of support.

But my question is, if the coyotes are promising these families that these kids are going to get to the United States, they are going

to be received into custody, they are going to be cared for, isn't your testimony today establishing without a shadow of a doubt that that is in fact exactly precisely what you are going to do when those kids are in your custody?

TRAFFICKING

Secretary BURWELL. I think that the question of the overarching plan, which is something that has been raised, is an overreaching plan, and we are one piece of the plan. We are the part that when a child actually gets here, how we treat the child, and I think that is the reflection and a question about us and our Nation and our values.

I think what we are saying, and what we are asking for in the supplemental is the support to make the coyotes' promise not true. And the way we do that is by speeding the time with which people go back.

So the way we break the promise and the part of coyote lie that we need to do—you are right, the numbers are not high. And I think my colleague Secretary Johnson has said that is our objective. That 1,800 number, I think we all believe is not the right number to send the signal that it is appropriate to deter. Because what we want to do is make the coyotes' promise that they are living off of not correct.

I am not sure that what we want to do as a Nation, when the child is here and in our care, 20 percent of these children this year are 11 or under. And so how one treats, how we believe we should treat—and I agree. I am glad you read the law and you could hear from our conversations in the back and forth the requirements in terms of treating the child appropriately, making sure they are safe, those are the responsibilities. But I think to get to the root of what you are appropriately reflecting in terms of these coyotes, the smugglers, these people who are taking many families down an inappropriate path is we have to make sure that we are sending a deterrent signal.

Senator JOHANNS. I will wrap up, Madam Chair, because I am completely out of time on a complex issue. But having said that, I don't see anything in what you are requesting here that is going to impact the story that they are telling down there and what is causing these kids to come to United States. Because they are coming here believing that if they can just get here in custody, they are not going to go home.

Thank you, Madam Chair.

Chairwoman MIKULSKI. Senator Landrieu.

Senator LANDRIEU. Madam Chair, thank you very much.

Chairwoman MIKULSKI. We are going to going to turn to Senator Landrieu and then we will come to Senators Coons and Leahy.

Senator LANDRIEU. Thank you, Madam Chair.

I want to begin with the law, which is I think the appropriate place to begin, and follow up on some of the questions that have already been asked. Everybody has been referring to the 2008 law, which I have also reviewed. But I think we have to go back to the base law, which is the 1980 Refugee Act, which establishes the basic right of refugees to come to this country. And it was ordered because of the fall of Vietnam, because of asylum-seekers in the

late '70s. Refugees were in need of protection, resettlement, asylum, refugees from Vietnam, Jews from the former Soviet Union. There was a humanitarian crisis of Vietnamese boat people, et cetera. It was signed and enacted unanimously and signed into law in 1980.

Senator Feinstein, who is here today, will recall because she introduced several pieces of legislation to build on this, her legislation was never passed standalone, but it was incorporated into the 2008 Trafficking Victims Protection Reauthorization Act.

That act separated the refugee status for children away from adults, unaccompanied children, because of her concerns—she can speak more eloquently to this than I can—about several incidents, but one, in particular, that was really gruesome were Chinese children who were shipped here in a container and some of them might have died on the way. She can explain other things about what was in her mind.

So we have to go back a long way when we talk about this law—it wasn't 2008, it wasn't 2010, it is the asylum law—and figure out who we want to give asylum to and under what conditions, et cetera. That is number one.

Number two, I want to help, but I also have strong feelings about right now, today, a lack of accountability as to what agency in front of us is ultimately in charge. Each of you has a part, but I want to support something where there is one agency in charge with some budgetary authority coordinating with others. Otherwise, it is going to be a disbursal of funds, no metrics, no overall accountability.

And I think this is a really important issue to get correct for many reasons. One, we have to secure borders. Two, we have an obligation to the taxpayers to spend their money well. And three, we have lots of children that are depending on us to get this right, and families.

We already have a plan, and this is for you, Mr. Shannon, because you have been very, very quiet. Not too many people have addressed their questions to you, but I have some questions for the State Department.

I worked for several years with many Members, Republicans and Democrats, and the Government of the United States has a plan. It is called the United States Government Action Plan on Children in Adversity. Are you familiar with this plan?

Ambassador SHANNON. I am not familiar with it.

Senator LANDRIEU. You might want to get a copy of it and read it. It is very on-point, because it is the State Department's plan.

I am just going to read the first paragraph: The goal of the U.S. Government Action Plan on Children in Adversity, which these children clearly would be in adversity, is to achieve a world in which all children grow up with protective family care and free from deprivation, exploitation, and danger. This plan is grounded in evidence that shows a promising future belongs to those nations that invest wisely in their children, while failure to do so undermines social and economic progress. Child development is a cornerstone for all development and is central to U.S. and diplomatic efforts. I want to underscore that: "Diplomatic efforts." The plan seeks to integrate internationally recognized, evidence-based, good

practices into all of its international assistance initiatives with the best interests of the child.

And I am proud to say that with my help and others, particularly on both the Republican and Democratic side, we underscored the importance in this plan of children being in families, because families are the basic institution of all governments and societies.

So, Madam Chair, in my time, I just want to point out to the committee that there are several laws that need to be reviewed. There is a plan that the State Department already has, which the gentleman who is in charge and testifying here is unaware of. They may want to read that.

There are a couple of the things happening in the State Department that might be well funded to help their part of this.

And in closing, because my time is short, to the Justice Department, I want to make mention that, as chair of Homeland Security, I am fairly clear about some of these numbers. You have a backlog of 375,000 kids. The average to deal with them right now is from 3 to 5 years.

So that is what Mr. Tom Homan, who is the head—this is Homeland Security, Secretary Johnson—Tom Homan testified to our committee of a backlog of over 300,000, 3 to 5 years to adjudicate.

So we have to, A, make sure we are talking about the right amount of money, right performance standards, right accountability. I am willing to work with you all on it, but I still have quite a few questions.

Thank you.

Chairwoman MIKULSKI. Senator Cochran.

JUSTIFICATION FOR EMERGENCY SUPPLEMENTAL

Senator COCHRAN. Thank you, Madam Chairman.

Secretary Johnson, let me direct my question to you.

The number of unaccompanied children crossing the Southwest border into the United States is expected to increase by 2,000 percent. Yet the administration did not request any increase in funding for any of the agencies responsible for addressing this problem, in the fiscal year 2015 budget despite the fact that the administration was aware of these worsening conditions at the time.

So given these facts, how do you justify this request as an unforeseen emergency supplemental requirement?

Secretary JOHNSON. Senator, I would say this, we have very definitely over the last 2 years seen a rise in illegal migration by unaccompanied children. Up to now, the way we have dealt with that is work with the Government of Mexico on a plan for their southern border. We have added additional resources, some with the support of this Congress, to the Southwest border. We have worked with the Government of Guatemala on a task force because there we have known about this issue now for some time.

It really spiked rather dramatically beginning in January and then most notably in the period of about March-April. That is when it really spiked. I saw it for myself, when I went to McAllen, Texas, in May.

But it is the case that it has been rising, and we have attempted to deal with it in a variety of ways that have been incorporated in prior submissions.

Senator COCHRAN. What is the outlook in terms of improving either the capacity to deal with the increase in numbers, or in working with local governments to try to establish some alternative to the U.S. as a safe haven for these migrants?

Secretary JOHNSON. The assumption in this supplemental request is that there will be approximately 90,000 unaccompanied children crossing the border in fiscal year 2014 and 145,000 in fiscal year 2015. I believe that we will address this tide. I also believe that it is crucial that we have transfer authority in case we are more successful than what is implicit in the assumption to devote to things like increased detention capabilities, so that we can effectively turn people around. That is part of this request.

What is also part of this request is money to support repatriation and reintegration in Central America, so that we can return people quicker. You see that reflected in the State Department submission, and I believe in my own submission from DHS, sir.

Senator COCHRAN. Thank you.

Thank you, Madam Chair.

Chairwoman MIKULSKI. Senator Coons.

Senator COONS. Thank you, Madam Chair and Vice Chair Shelby. Thank you for chairing this important hearing and for your personal engagement in traveling to Texas and to visit with those who are serving our country and to hear the stories from individuals, children, and adults who are part of this extraordinary humanitarian and refugee crisis on our southern border.

I think the evidence is clear that the children who we are seeing, and who are being interdicted at our southern border at record numbers are fleeing dramatically increased levels of violence in three Central American countries—Guatemala, El Salvador, and Honduras.

And if this increase in refugees coming to the United States was caused by some change in policy, we would see a comparable flood of refugees from other countries throughout Central America, but we don't. It is just these three countries. And it is because of conditions in those countries, as your testimony has suggested.

So it is my hope that a significant share of the investment of the action that will be taken as a result of this emergency supplemental will focus on those countries.

As a member of the Foreign Relations Committee, I was pleased to see Secretary Kerry and Vice President Biden personally engage in making visits with the leaders of these countries, and I would like to hear a little bit more about the intended increased investment in the three countries of focus.

And as a Judiciary Committee member, I also just want to comment that I am pleased this requests additional badly needed resources for immigration judges, for an expansion of the legal orientation program, for counsel for minors, because while we know we have a significant backlog, we have significant unmet detention costs and humanitarian costs, I think we need to act now to fix our most urgent problems rather than removing the basic due process protections embedded in the TVPRA, a law that was adopted unanimously by Congress and signed into law by President Bush.

So thank you to our four witnesses for being here, and I look forward to working with you.

First, Ambassador Shannon, if you could, could you just give us more details about the $300 million State Department request and what your plans are for in-country processing in these three countries for a comprehensive approach? What is the baseline funding requested in the State foreign ops appropriation, and why is it not greater?

And then secondly, if we can, if both you and Secretary Johnson would speak to the media campaigns. It is a very modest amount of money. In my view, perhaps more is required, to ensure that parents understand that their children are most likely not going to be granted the opportunity to stay in the United States. Only those few who are genuine refugees will have a chance for asylum. A majority will be deported back to the countries of origin.

Ambassador Shannon.

Ambassador SHANNON. Thank you very much, Senator. I appreciate the questions and I appreciate the opportunity to respond.

Let me start with the public messaging campaign, because that has obviously been a focus of the President, Vice President, Secretary Kerry, Secretary Johnson, Secretary Burwell, and our embassies in Central America, as we attempt to deal with the misinformation presented by the human smuggling networks, but also to start a larger debate about migration in the region, because, as noted, this is an unprecedented phenomenon in terms of the composition of the migrants. To have children leaving in these numbers, we have never seen before.

And as we have dealt with our public messaging, we focused first on the danger of the journey. Secondly, on, as Secretary Johnson noted, that there is no pass to get in, that one does go into deportation proceedings, independent of the outcome of those proceedings, and that within the supplemental, we are making a request for money that is designed to accelerate those proceedings and ensure that there is timely handling of these cases, especially of children who do not have international protection needs.

However, that said, it is important to know that our public messaging campaign is not just our campaign. It is also a campaign that the Government of Mexico and the Governments of Guatemala, Honduras, and El Salvador have joined.

In fact, the first ladies of those countries have visited our Southwest border, have met with their citizens that have come across the border, especially the children, have used those opportunities to communicate directly back to their countries and especially back to mothers and fathers in their countries but also in the migrant communities that exist here in the United States, to highlight the dangers and to highlight the misinformation that the smugglers are providing.

We are already spending about $200 million in this public messaging campaign that Vice President Biden announced during his trip to Guatemala several weeks ago. And within this supplemental request, we are asking for $5 million for public diplomacy.

Part of this is for public service announcements and additional public engagement. But a big hunk of it is actually going to be focused on the community of return migrants, so that they in their own communities can begin to talk about what happens with them on their journeys.

PUBLIC MESSAGING IN CENTRAL AMERICA

Senator COONS. Ambassador, I am out of time. If you had a brief response about if we are doing enough in these three countries to bring stability and security?

Ambassador SHANNON. We need to do much more, obviously. I mean, we have through our Central America and regional security initiative and through our bilateral assistance addressed some issues related to violence and economic development and job creation, but the $300 million will allow us to focus on a few new areas, but also accelerate work that we are doing. But this will be a down payment.

Secretary JOHNSON. Madam Chair, may I add to that, please?

Chairwoman MIKULSKI. Yes.

Secretary JOHNSON. Senator, public messaging is critical here, for the reasons Ambassador Shannon said.

When I was in Guatemala 2 days ago, it was a rather awkward moment, frankly, standing next to the president of that country, telling his citizens "don't come to our country, because if you do, we will send you back, and it is dangerous to do this." But the public messaging is critical.

Ultimately, I believe that, in addition to the public messaging, the population in Central America and the parents up here who are thinking about sending their kids need to see that we are sending people back.

Senator COONS. Thank you very much for your testimony.

Chairwoman MIKULSKI. Senator Hoeven and then Senator Leahy.

BORDER SECURITY: MEXICO ASSISTANCE

Senator HOEVEN. Thank you, Madam Chairman.

I would like to ask Secretary Johnson and also Mr. Shannon, is Mexico helping stem this flow and secure the border? If they are helping, what are they doing? If they are not, why not? What are we doing to get them to engage to help stop this flow of illegal aliens from Central America?

Secretary JOHNSON. Senator, let me take the first crack at that. This has been the subject of conversations at the highest level of both governments, President to President, me to my counterpart, as recently as yesterday when we were in Guatemala. And I believe that the Mexicans will step up and assist us in the security of their southern border.

They announced on Monday a plan for added security on their southern border to deal with the migration and to put in place a guest worker program for Guatemalans who come into the southern part of the region. But a component of that will also be border security.

And I will defer to Ambassador Shannon.

Ambassador SHANNON. Well, thank you very much, Senator. As Secretary Johnson noted, the Mexican President along with the President of Guatemala announced a Mexican southern border initiative, which is focused on the border between Mexico and Guatemala, which all the migrants have to cross. And that is really the first point at which they can be interdicted in a meaningful way.

And what the Mexicans have done is effectively create a three-tiered layer of interception and interdiction, where they will be looking at documents and border crossing cards as people move across that border, and attempting to address the human smuggling networks and routes that move up the coast, both by bus and by train in an effort to stop these smugglers and to turn especially the children around.

Last year, Mexico removed from country in expeditious fashion over 8,000 unaccompanied children. And they do interdict, not at the rate that we would like to see, largely because of resources and because of the vast nature of the terrain they are working across, but they understand that this is a problem of monumental proportion.

And what they don't want is for these children to be caught somewhere between our Southwest border and their southern border, especially to have those children grouped in the states of Tamaulipas and Michoacan, where they would be subject to criminal gangs that operate in that part of Mexico.

Mexico also along our frontier has built a considerable consular network, which has actually facilitated our ability to remove expeditiously unaccompanied children from Mexico, because they can confirm their nationality and ensure they have travel documents and remove them from the country in quick fashion.

And also, the Mexicans have been working with the Central Americans to highlight the important nature of this challenge and the importance of having a regional approach.

So the engagement with Mexico has been positive, and I think it is going to bear fruit.

Senator HOEVEN. When will this plan be implemented? How are you going to measure it? What access do you have to actually get some metrics to see if they are going to stop the flow?

Ambassador SHANNON. The plan was announced on Monday, and it is being implemented as we speak.

We are spending $86 million of merit initiative money to work with Mexican officials in enhancing these border controls, especially on Customs and also interdiction along rivers between Guatemala and Mexico. And we are working with the Guatemalans on their side of the border, helping them establish an interagency task force that also controls the rivers, the mountains, and some of the key areas that they are moving migrants across.

And we are going to judge our metrics in terms of who is being returned and who is appearing on our Southwest border.

But we will be following this very closely. In fact, Secretary Johnson and I were just there yesterday.

REMOVAL PROCESS, EXPEDITING

Senator HOEVEN. Secretary Johnson, isn't the most effective deterrent for young people leaving Central America coming to our country actually having the people in those countries—Honduras, Guatemala, and El Salvador—seeing those young people returned? Isn't that the most effective deterrent versus an advertising campaign?

And how can you assure us that these funds will be used to accomplish that, to secure the border and return these young people to their home country?

Secretary JOHNSON. I agree that they need to see people coming back. They need to see that they wasted their money when they gave the smuggling organizations whatever it is, $3,000, $4,000, $5,000. And a large part of this supplemental request goes to expediting and accelerating the removal process, and building increased detention capability. That is what a lot of this is about, because I agree, we need to——

Senator HOEVEN. Can you do it without repeal of the 2008 law?

Secretary JOHNSON. I believe we can, yes, sir. I believe the 2008 law reflects fundamental values and commitments of this country that we should continue to adhere to. But I also believe that through increased detention capability, added resources by my Department and the Department of Justice, we can and we should turn people around quicker and send them home quicker.

Senator HOEVEN. So you can ensure that you can enforce the border and return people expeditiously even with the 2008 law in place?

Secretary JOHNSON. I believe that what we have requested, which goes in very large measure to detention and removal capability, will get at this problem.

Senator HOEVEN. Thank you, Madam Chair.

Chairwoman MIKULSKI. Senator Leahy.

Senator LEAHY. I am glad to hear that, Secretary Johnson. I agreed with President Bush when he signed the 2008 law. I think it speaks to our moral values as a country. Just as we don't tell Jordan, "Because they are being overwhelmed with refugees to send them back to Syria to be killed." We have to set an example ourselves, and following our law is a good way to start.

On the way over, I was stopped by somebody in the press who said he heard from a Republican Member of the House that we are not doing enough and we should be changing our immigration laws. I reminded him that we came together, Republicans and Democrats, a year ago. And after weeks of working in the Judiciary Committee on markups into the evening, and then a long debate on the floor and many amendments, we passed an immigration bill, with both Republicans and Democrats voting for it.

The Republican leadership in the House, I don't mean to sound partisan, but I am tired of the sniping that we don't have a better immigration law. They won't bring up anything. It is a lot easier to snipe than actually have to vote. You have to vote yes, or you have to vote no. You are on record. It is much easier to complain that it is somebody else's problem. Well, they get paid the same as I do. They ought to pass a bill.

You said in your testimony our border is not open to illegal immigration. I agree with you.

And I don't believe that all these children qualify for immigration protection. But some do, and our laws, and international law, protects them.

The United Nations High Commissioner for Human Rights has found that more than 50 percent of these children have been forc-

ibly displaced from their home countries, fleeing gang violence, rape, domestic violence, and human trafficking.

The distinguished senior Senator from California worked hard on the Trafficking Victims Protection Reauthorization Act, which says that the children arriving from Guatemala and El Salvador and Honduras, kids who are fleeing extreme violence, violence that is killing 7-year-old children as the New York Times reported today, should be interviewed by child welfare specialists and have an opportunity to tell their story to a judge.

That is how we identify victims of trafficking and sexual violence and persecution.

I just want you to know, I am willing to help. Secretary Johnson, 2 or 3 hours before the Vice President arrived in Guatemala, where he wanted to announce some money, they were calling me to see if we could reprogram the money.

We may want to plan a bit further ahead than that. But I can assure you that I will fight tooth and nail changes in the Trafficking Victims Protection Reauthorization Act.

We have to do the right thing. We will help you.

But when you have 8- or 9-year-old girls who are being raped by gangs and sent here by their parents to escape that kind of violence, I am not sure Americans all really feel that we should immediately send them back.

We routinely ask other countries to support refugees fleeing violence. Let's uphold our own law and tell us specifically how can we do that, and then we will look for the funding. We need a long-range plan.

In the meantime, I hope the other body will pass an immigration bill.

Any of you want to respond?

Secretary JOHNSON. I do, Senator.

Senator LEAHY. Just asking.

Secretary JOHNSON. In my 27 seconds, I have a letter written by a number of Senators, including Senators on this committee. And there is a sentence in the first paragraph that I absolutely agree with. "We strongly believe that in responding to this humanitarian crisis, we must not set aside our fundamental commitment as a nation."

That statement is the bedrock of my public service, whether I am Secretary of Homeland Security or General Counsel of the Defense Department.

In dealing with this or responding to a terrorist attack, we should not jettison the law. We should not bend the law. And we should not set aside our values. And it is in times like this, when adherence to our laws and principles, in my view, is most important.

Senator LEAHY. I am very familiar with that letter, as you know.

Thank you, Madam Chair.

Chairwoman MIKULSKI. Senator Boozman.

Senator BOOZMAN. Thank you, Madam Chair.

And thank you all for being here.

I will be honest with you, I really feel like you are going to have a lot of problems with the proposal you are giving us, because it is not balanced. And I think you have heard that from both sides

today in the sense there has been real concern over the cartels advertising falsely to come up, and if you get here, you are going to get amnesty. Those kinds of things.

The other thing is in regard to the ability to administratively deal with the young people, the people, in general, that are here.

You mentioned, Mr. Osuna, that you had 1,800, 2,000 people that you sent back last year. How many administrative judges did you have to do that?

Mr. OSUNA. We have 243 immigration judges.

Senator BOOZMAN. How many additional are you asking for?

Mr. OSUNA. So the supplemental will add an additional 25 immigration judge teams, which, when added to another regulatory initiative that we have going, could take us up to about 40 judges.

Senator BOOZMAN. An additional 40.

Mr. OSUNA. From 243.

Senator BOOZMAN. So 243, so 283. Then you have a 375,000 backlog.

Mr. OSUNA. Let me add that we are also in the process of hiring through fiscal year 2014 appropriations.

Senator BOOZMAN. But again, we are talking about 2,000 versus 375,000. If you multiplied your judges by 10, you would still be in trouble.

Mr. OSUNA. There is no question, Senator, that there are a large number of cases that are not in the four priorities that I mentioned in the beginning that are going to be lasting for a long time.

Senator BOOZMAN. What about the people who have been in detention already? Are they at the back of the line? Are we going to do the new people first? Are you going to go back and do these 375,000?

Mr. OSUNA. The folks who are detained right now are actually at the top of our priority list, currently, for obvious reasons. They are detained.

What we are doing with the resetting of priorities is we are adding the recent border crossing cases to that priority. And what that, of course, is going to mean are big consequences for the other largest portion of our caseload, which is the nondetained.

Senator BOOZMAN. Again, I am not the sharpest guy in the world, but that doesn't make sense to me, in the sense of increasing by 40 administrative judges, working through a backlog of 375,000, plus the additions that we are talking about coming if we don't develop a plan.

My understanding is Fort Sill has 1,200 kids out there. How long are they going to be out there?

FORT SILL FACILITY

Secretary BURWELL. In terms of the children and how long, Fort Sill is one of our temporary facilities. And part of the reason that we need the money and we need the money soon is because permanent facilities are much cheaper.

In terms of what we do is we contract. And when we can use the permanent facilities—so you get a sense of the range of what a bed can cost, a bed can cost between $250, up to $1,000. Our ability to plan and go into grant agreements with people over an extended

period of time affords us the opportunity to do this in a much more cost-effective fashion. We are hopeful——

Senator BOOZMAN. So how long do you think that they will be housed there?

LENGTH OF STAY

Secretary BURWELL. Right now, with the Department of Defense, we have 120 days. We have renewed that for additional days. If we can get the money funding——

Senator BOOZMAN. How do you educate them? How do you provide health care, the basic things for all these facilities?

SHELTER SERVICES

Secretary BURWELL. Through grantees that are on the facilities in Fort Sill, in the facilities in Lackland. These are often religious organizations that do child welfare services. They are licensed organizations that provide the suite of services and enter into grant agreements and agree to provide the care.

Senator BOOZMAN. What I would like, Madam Chair, is, again, not pie-in-the-sky. Like I say, when you look at it logically, there is no way we can adjudicate these people. I am very concerned about that.

I am also very concerned about how they are being housed, and I hope it is not pie-in-the-sky like the adjudication process is, because when you are talking about keeping people for a long time, it sounds like we possibly are going to be keeping some people for a long time.

As far as the education process, the health care process, that has to get worked out. I have to see it on paper, so that we truly can provide the money that it is going to take.

But again, the biggest thing is, the biggest deterrent is making it such that they realize that if they come to this country, they are going to go back.

LENGTH OF STAY

Secretary BURWELL. Madam Chair, if I might clarify that the children in our care, in 2011, as I mentioned earlier, it was about 75 days that it took for placement of a child with a sponsor that we believed was safe, appropriate, and informed of the immigration process. We have cut that down to 35 days.

Several weeks ago, we had started a pilot for the group of children that we think we can place most quickly to reduce the time.

As I mentioned, the three variables that are about cost for us at HHS are, number one, the number of children that are coming across through the border; number two, the number of beds we have and the type of those beds in terms of what we have to pay for them; and number three is the speed with which we can appropriately place. And we will work on all three of those levers.

Senator BOOZMAN. And very quickly, because the chairman is going to gavel me, but you don't have any problems with Congressmen showing up and looking at facilities in their districts or their States unannounced? There have been some reports that has been a problem.

CONGRESSIONAL VISITS

Secretary BURWELL. With regard to the question of visiting the facilities, we welcome Members of Congress to visit our facilities. And I think I speak on behalf of my colleague in terms of both sets of facilities.

What we are responsible for, though, is to make sure that we can appropriately handle guests when they come. And that has to do with both making sure that we can provide the information that you as Members need in terms of the types of research and information you need and protecting the children.

So the one thing we do ask, is we do ask that there is scheduling.

Right now, since have we opened the temporary facilities, of which you were referring to one of them, there have been over nine visits by elected officials and over 90 elected officials have come through. We want to schedule those quickly and appropriately—and the scheduling is simply a matter of our ability to make sure that we are managing the work that the people are doing on the ground.

We welcome it. The scheduling is a part of trying to be respectful, so that we do the appropriate things for Members who come to see as well as respecting the children as well as respecting the Border agents and grantees who are working to serve those children.

So we are sorry if there are misunderstandings or miscommunication. We do schedule. And those are the reasons we do.

Let me be clear: We welcome Members to come.

Secretary JOHNSON. I couldn't say it any better.

Chairwoman MIKULSKI. We are now going to turn to Senator Feinstein. But I want to respond to a question from Senator Boozman. You asked certain questions about the immigration judges.

Sir, I want to acknowledge the validity of your questions, and I want to point out where we are here, which is why Senator Shelby and I are passionate about a regular order.

This is a supplemental to the fiscal year 2014 appropriations. This is not for fiscal year 2015. This is a supplemental for fiscal year 2014. In other words, to get us to October 1. Am I correct in that?

HHS SUPPLEMENTAL REQUEST

Secretary BURWELL. Some of the funding, and I think in terms of how we have written the supplemental, would be funding that would be paid out in 2015 and it would be above the current levels in terms of what the President's budget proposed.

And the reason is, if we bring on a contracted bed——

Chairwoman MIKULSKI. But isn't that like if you do a contract with the Catholic charities or the Baptist charities or so on?

Secretary BURWELL. It is outlays versus obligations, in terms of if we enter a grant agreement with someone, and we enter a grant agreement 2 weeks before October 1, the idea that we will have to take those beds down.

So at current levels, so you have a sense, we would have to take off about 1,600 beds, if we were at the 2015 level.

Chairwoman MIKULSKI. But by and large, this is for fiscal year 2014.

I am going to turn to Senator Feinstein. But remember this, we have to pass our appropriations for fiscal year 2015. If you want more immigration judges, we have to pass the CJS bill. That is where the immigration judges are. And that is why we would really urge, if we could get our bills back on the floor, and for anybody who has other amendments, leave us alone. Let us get our bills done. We are ready to move on homeland security. Foreign ops is already to go.

So we have the fiscal infrastructure to do fiscal year 2015. Regular order. No poison pill amendments. Let us come to the floor.

Senator Feinstein.

Senator FEINSTEIN. Thank you very much, Madam Chairman. I listened to your words early on. I want you to know that I am fully supportive of this supplemental, and I agree with what you have said.

I would just like our distinguished heads and secretaries to know I kind of, in the Senate at least, began this effort legislatively back in 2002. And I want to tell you what happened.

I was home. I turned on the TV, and what did I see? I saw a 15-year-old Chinese youngster shackled, handcuffed, and tears rolling down her face in front of an immigration judge. She had no interpreter, no counsel. She had been held in a jail cell for 8 months and was detained another 4 months.

She was one of the survivors from a container of Chinese who came to this country, one of the very few. And I believe her parents died coming across the ocean.

And I thought at the time, I am going to take a look at the law and see what we can do. So I introduced this unaccompanied minor bill.

The purpose is pretty much as Secretary Johnson has elucidated, and that is to see that unaccompanied youngsters who came from countries that were far away, through no initiative of their own, for the most part, really would have a process that was somewhat different. They would be transferred into HHS and they would be able to at least have help in terms of pro bono counsel, in terms of an advocate, in terms of research as to whether there was a place to bring them back to their country or whether there was a place for them here.

Now the numbers of people at that time in that year was about 5,000. Now we have 60,000.

I just want to thank you both. I have had my staff go to all the facilities that are starting up in California, in Arizona, and they come and tell me that they are really well-run, and that people are moving quickly, alertly, whether it is Customs, whether it is Border Patrol, whether it is ICE, any other staff. And I am really grateful for that.

You have moved, Secretary Johnson, I really respect you. You are a man of your word. You do what you say you are going to do. And I find you a very impressive Secretary of Homeland Security.

And, Madam Secretary, I have known you, but it is pretty clear from your comprehensive discourse here today that you really, too, know what you were doing.

From 2002, we were not able to move the bill through and we worked with large numbers of groups, church groups, other groups. And I think the bill grew somewhat and then finally it was included in this trafficking bill in 2008 and actually signed by President Bush at that time.

To Secretary Johnson, who said he thought he might need added discretion, I would like to refer you to section 235(b)(3), which says the following: Except in the case of exceptional circumstances, any department or agency of the Federal Government that has an unaccompanied alien child in custody shall transfer the custody of such child to the Secretary of HHS not later than 72 hours after determining that such child is an unaccompanied alien child.

Now, what this does is trigger a number of other provisions. But what I would say is that the exception is the case of exceptional circumstances. And I would urge HHS and DHS to sit down and set the exceptional circumstances. It may be the number of children coming through in a week or a month, however you see it, and how the process might be modified to give you more time.

I agree very much with what you said, Secretary Johnson, about the values of this country. And I think if people see the children, if they know the growth of crime, and particularly in Honduras, which today is reportedly the murder capital of the world, the fear that people have.

Now I don't think a mother in this country necessarily acts the same way as a mother in Honduras, Guatemala, or any other place, because their options are so limited.

So I hope that this exception is enough to give you what you need, Mr. Secretary, in terms of added discretion.

I just wanted to take that opportunity to say this. This is really hard, and from 5,000, we have gone now to 60,000. And I offer to work with you.

I hope the bill does not need amending, because it took 6 years to get where we are, but I thank you for your good work, and I wanted an opportunity to say that.

Thank you, Madam Chairman.

Chairwoman MIKULSKI. Excellent.

Senator Murkowski.

Senator MURKOWSKI. Thank you, Madam Chairman.

And thank you each for your testimony here today. I have to tell you, I have been looking at the handout that Senator Collins had presented in terms of the numbers that we have seen over the years since 2009, and the very dramatic rise beginning in 2012. And I come back to the fact, as the Chairman has noted, that we are here today, you are here today presenting this as an emergency supplemental.

This is a crisis. This is a humanitarian crisis. And I think this pulls at the heartstrings of all of us as we recognize that these statistics, these are not numbers, these are lives, and these are children's lives.

But I find it just very difficult and very troubling to think that we are just now trying to get our hands around this. And we have seen these numbers grow from 24,000 in 2012, to 38,000 in 2013, to 52,000 in 2014, and actually now 57,000.

And so I am frustrated and I am concerned, as I am sure that all of you are. But I just can't understand why we have not had you before us prior to this time, why it is now part of an emergency supplemental request. And to hear testimony from both secretaries about the very immediate need to act before August or the consequences in terms of how these children will be cared for when they are here in this country are quite dire, as you stated.

So, Secretary Johnson, you have said that doing nothing is not an option. And you have outlined some of the things that you have done within your department to reduce the transfer time, some additional detention facilities being built. But it, certainly, is not translating in terms of what we are seeing in the numbers coming.

And so the proposal that what we do is we build out more permanent detention facilities, more permanent beds because, somehow or other, those are less expensive than temporary facilities, I want to believe you, Secretary Johnson and Secretary Burwell. You have all said we need to stem the tide. Well, we all want to stem the tide and that is what we are trying to drill down on, how do we reduce these numbers, how do we reduce these bar charts that are real-life children.

And if we are successful in what we are doing, we are now going to have detention facilities that we have put in place in New Mexico and around the southern border that we need to gear up quite dramatically.

And if you do what you are hoping and we fund what you are hoping for, we have now in place facilities that would seemingly no longer be necessary if we have done what we all hoped we would do before this became a crisis.

So I am trying to reconcile what is being asked for here in this emergency supplemental. And as much as I can lament about we shouldn't be where we are, we are where we are. And that is a shame.

But I guess my question to you, Ms. Burwell, is, do we truly understand what the strategy and plan is going forward beyond August? We haven't seen legislation from the administration. We are making the assumption that the numbers are going to continue to grow, and that is why we are going to need the request you have within your budget. But if we are doing what we are all talking about doing, which is to reduce the times and to have a process that is greater, better expedited, is this the right answer?

FUTURE PLANNING

Secretary BURWELL. So I think there are two things, and one is at the beginning of your comments with regard to the numbers. The chart that Senator Collins handed out, I think an important thing we need to distinguish is that it includes the Mexican numbers.

Because there is a different process and procedure for the Mexican numbers, the vast majority of those never——

Senator MURKOWSKI. But in fairness, the Mexico numbers are actually going down.

Secretary BURWELL. Right. So if we take those numbers out, and then we look at the actual numbers that we have received as unaccompanied children, from the year 2011 to 2013, 6,500 to 13,600.

That is a 108-percent increase. The increase from 2012 to 2013 was about to 25,000. That is an 81 percent increase.

Let's just say we all thought, at a minimum, it would be a 90 percent increase. Let's just take the average of the 2 years of increases, and we are working off a higher base. So anytime you are going to say there is a 100-percent increase off of 24,000, you are estimating something big.

What this Congress and the administration funded in the fiscal year 2014 appropriations was enough money for 54,000. The secretarial transfer that the Secretary before me did was $44 million. That got us to a place where we would have had 60,000.

So last year we had about 25,000. We had planned for 60,000. That was a worst-case scenario. That was far greater than the increases we had seen in percentage terms off of a larger base.

What we are seeing now are numbers, as has been reflected in everyone's comments, that are far beyond. So the planning element, I think in terms of the question of why we are here.

With regard to your second question, which I think is a very fair one, it is related to how we make sure that we stay in front. We are extremely hopeful that you are correct, that the plan we are putting in place will not lead to the numbers——

Senator MURKOWSKI. I think we need to have more than just a hope, a hoped-for policy.

Secretary BURWELL. And part of what we have asked for in the supplemental is the ability to have transfer authority. If the needs aren't there, and we are trying to plan ahead so we don't have the backup at the border, and if the needs are not there, HHS, as the Secretary mentioned in his opening comments, we are very willing and happy to transfer any funds that are not needed to the other departments. The transfer would occur to any of the departments, most likely to HHS, but could occur to any. And we think that is an important part of trying to balance the planning ahead with what you are rightfully pointing to. We need these numbers to come down.

So we are trying to balance that need for what you said in your earlier comments—did you not plan for the worst?—making sure that we do that, and at the same time create a space for the success we hope we have.

Senator MURKOWSKI. Thank you, Madam Chair.

Chairwoman MIKULSKI. Senator Reed.

Senator REED. Thank you very much, Madam Chairwoman

Ambassador Shannon, in your remarks, you said that part of this strategy is to attack criminal gang structures. That implies someone is responsible to coordinate that effort. That would also imply, I think, intelligence operations and criminal prosecutions. So can you give us sort of an outline of the plan? Who is in charge? And what intelligence assets you need? And are they reflected in this budget? Or where are they coming from?

Ambassador SHANNON. In the supplemental request, we have asked for $100 million for security, which would augment activities we are already undertaking under the Central American Regional Security Initiative.

Some of that has to do with law enforcement capacity training. Some of it has to do with community policing in order to address

the structure of gangs in communities and to work in communities to find alternatives to gangs, especially for at-risk youth.

There is no specific money aimed at intelligence activities related to gangs, and most of the work around immigration security-related issues would be done by ICE and by our CBP operations here.

However, we do have intelligence activities that are focusing on that, that I cannot discuss in this environment. But most of the activities focused on breaking down the smuggling networks, and working with the local police and local authorities, would fall within the range of Homeland Security.

We are, however, working through the Judiciary to enhance the Judiciary, and especially to improve their ability to prosecute these cases.

SMUGGLING RINGS

Senator REED. Secretary Johnson, if Homeland Security has the responsibility for identifying and targeting the smuggling rings and disrupting those rings, do you have the resources to do that?

It seems to me that what the Ambassador is saying is that there is money here to go in and try to do antigang activity as much as we do in major urban centers in the United States, which is important. But these children are getting here because this is a business. These are pretty hard-nosed people. We have to put them out of business, to be blunt.

Does this plan or these funds or your efforts in Homeland Security specifically go after these people?

Secretary JOHNSON. Part of our request will go to not only working with the Central American governments on the law enforcement effort there, but our own Homeland Security Investigations (HSI)-DOJ efforts, which is something we have already begun.

In the month of May, we made 163 arrests of those attached to smuggling organizations. And I am actively working with DOJ right now to get at the money flow, the interdiction of money from the United States.

And, Senator, to simply underscore your point, I want to read briefly from my operations report that I got this morning, which is unclassified. HSI McAllen special agents reported the rescue of a Honduran national who was reportedly held against her will and threatened by human smugglers in the arrest of two citizens of Mexico for violating the alien smuggling statute. The relative reported that the smugglers demanded $2,000 for the release of the victim. The smugglers stated to the relative that if they did not pay the money, they would decapitate the victim or sell her to a brothel cantina.

Those are the kinds of groups we are dealing with. So I think it is crucial, as part of this effort, to not only return people and build detention capacity, but to get at these smuggling organizations.

And I think I can, and I think we should.

HUMANITARIAN TREATMENT

Senator REED. Well, I think in terms of priority, that has to be at the same level as the humanitarian treatment of these children.

Let me raise a final question, which is that in some respects, these are unavoidable costs, because what we are talking about is

creating a standard from which we are maintaining these young people. We can't, for many reasons, our basic values as a Nation, allow a facility suitable for 12 children to be inhabited by 100 children. So these costs are unavoidable.

Secretary Johnson, I think what happens then, if we don't do this, then you are going to have to find some monies from Transportation Security Administration (TSA), from cybersecurity efforts, from a host of different functions, because, again, we have a problem now. We will have a much greater problem, if we are seen as basically mistreating these children who are in the custody of the United States. Is that fair?

Secretary JOHNSON. Senator, that is a very fair statement. Yes, sir.

Senator REED. Thank you.

Chairwoman MIKULSKI. Senator Graham.

Senator GRAHAM. Thank you, Madam Chairman.

Madam Secretary, if one of these children are placed with a relative in the United States, do we check the legal status of that relative?

IMMIGRATION STATUS

Secretary BURWELL. In terms of legal status with regard to the immigration status, that is not something we do with regard to legal status that is relevant to what we believe is the safety of the child. And there are a number of conditions that we are guided to with regard to——

Senator GRAHAM. So are we in fact turning children over to people who are here illegally?

Secretary BURWELL. We do not know the answer to that question, but we can assume.

IMMIGRATION REFORM

Senator GRAHAM. I think we should know the answer to that, because the likelihood of them showing up for a hearing is zero.

If the person who is taking care of them is illegal, I doubt if they are going to bring them to a deportation hearing or any other kind of hearing. So I would like to see that changed in our law.

Mr. Secretary, is this problem a result of failing to pass comprehensive immigration reform or is it something else?

Secretary JOHNSON. Senator Graham, if I may, to your prior question also, before I answer this one, I do not think that removal of the parent who probably has been in the interior for years is the answer to dealing with this current situation.

Senator GRAHAM. Mr. Secretary, it is all about signals here. You are right. You are trying to say we are going to tell people back in these countries stop this, and the best way to stop this is to send the kids back. I don't think you are—you are reinforcing another bad problem when you don't check the legal status of the person.

There is zero hope they are ever going to get into the legal system, because the person you turned the child over to is illegal themselves, and you are just compounding the problem.

I am pretty far out there on reforming immigration, but I think you are reinforcing bad behavior.

Now, to my point, is this problem a result of the failure to pass immigration reform or is it something else?

Secretary JOHNSON. I believe it is essentially three things: The conditions in the Central American countries.

Senator GRAHAM. Which has nothing to do with immigration reform.

Secretary JOHNSON. The reality of how we treat these kids, pursuant to the 2008 law.

Senator GRAHAM. Which has nothing to do with immigration reform.

Secretary JOHNSON. And the misinformation that is being put out there by the smuggling organizations about the current state of legal——

Senator GRAHAM. I agree with you on all three. And it has the zero to do with——

Secretary JOHNSON. Senator, if I may——

Senator GRAHAM. I want to pass immigration reform, but I want to stop this narrative that if we passed some law, we wouldn't have this problem.

Secretary JOHNSON. Senator, I do believe——

Senator GRAHAM. I couldn't disagree with you more, Madam Chairman. I think this is the result of somebody in these countries believing that if you can get here, you can stay. And I don't know what is driving this, but Senator Coons made a good point. They are all coming from three countries.

Those three countries have crime problems, but most of these are kids. So there is this idea that a kid gets a better deal in America than somebody else. And I think it goes back to the 2012 change by the President, but there is no use debating this. Let's look forward.

Knowing what we know today, would we write the 2008 law the same? Knowing what we know today, the problem we have in front of us, would we write the 2008 law exactly like we did?

Secretary JOHNSON. Senator, I can't——

Senator GRAHAM. How can you say yes, we would? Clearly, we wouldn't.

Senator Feinstein is one of the world's best Senators and nicest people. What she addressed was a real problem. She is talking about A, and we are dealing with B.

This 2008 law never envisioned this problem. It envisioned the Chinese girl and other people who were being sexually exploited.

I understand not wanting to throw somebody back into the hell they came from. But we are now being overrun by folks. It is hell to get here.

And I agree with you, to stop it, you have to let somebody down there know, stop doing it. If we don't change the 2008 law, then we are never going to get a handle on this problem because the 2008 law had nothing to do with this problem.

So I think we should adjust our laws to meet the needs in front of us, so I am very disappointed to hear that the administration believes, after everything we have been dealing with the last 2 years, there is no reason to change law. I just find that almost impossible to understand.

VOLUNTARY RETURN: MEXICO

But let's get to this point about Mexico. The difference between Mexico and these three countries is substantively different, right? The time to get somebody back to Mexico is because it is contiguous and is different. Is that correct?

Secretary JOHNSON. Yes. Plus we have the legal authority now to offer an unaccompanied child voluntary return to Mexico.

Senator GRAHAM. Right. So there is a screening process when you turn somebody over to Mexico. We don't just throw them over the border. We look and see if they apply for refugee or asylum status, right?

Secretary JOHNSON. That is correct, sir.

Senator GRAHAM. So I think you are onto something, of trying to create similar conditions for these countries as to Mexico.

In that regard, I think you are pursuing a good solution.

Secretary JOHNSON. Yes. That is what I said earlier.

Senator GRAHAM. Yes. Fundamentally, we have to change this law. We are nuts if we don't.

And as to Senator Reed's problems, we are nuts if we don't go after these groups. We need to make their life hell. We need to get the Mexicans and every other group to form a task force and hunt these guys down and put them in jail. It should be like a military operation, because it is a national security, humanitarian threat that I haven't seen in a very long time.

And I think our response, our sense of urgency, is woefully inadequate. And it is not just a money problem. It is a will problem.

We need to have the will to do something about this stronger than those who are abusing the law and abusing these children.

Thank you.

Chairwoman MIKULSKI. I am going to turn to Senator Shaheen.

I understand Secretary Johnson has to step out to take a quick phone call. Why don't you do that and come back and join us, okay?

Senator.

Senator SHAHEEN. Thank you, Madam Chair. And let me thank my colleague, Senator Durbin, for being willing to let me go ahead of him. I very much appreciate that.

I want to follow up on what Senator Graham was pursuing about what is happening in those three countries in Central America.

And I wonder, Counselor Shannon, if perhaps you could talk a little bit about what has changed in the last 3 years or 2 years in those countries to encourage this influx of children and families? And also whether we are seeing that same kind of influx into other neighboring countries from Honduras, Guatemala, and El Salvador?

Ambassador SHANNON. Senator, thank you very much for the question.

We have not seen the same flows from other Central American countries. In other words, Costa Rica, Nicaragua, and Panama, and Belize are not sending people to the United States the way Honduras, Guatemala, and El Salvador are.

Senator SHAHEEN. Maybe I wasn't clear in my question. I appreciate that. What I am asking is, are we seeing people from those

three countries going into neighboring countries close to them at the same rate, or in similar rates?

Ambassador SHANNON. We are seeing that. As I noted in the testimony, the U.N. High Commission on Refugees notes that asylum requests in surrounding countries are up 400 percent. And what I noted is that it is not obviously at the same rate or the same number. In fact, the numbers are quite small in comparison. But they are much, much higher than historically they have been.

And that indicates that there are groups of children who are fleeing. And when they determine that they cannot flee to the United States, either because they don't have the money or they are not prepared to take the risks, but that they must flee, they go to the nearest place possible.

So from our point of view, although the vast majority of these children are moving toward the United States, this is a regional problem. And for that reason, it needs to be addressed regionally.

And as Senator Landrieu noted, it is a problem related to children, and it is a problem related to what happens to children when they are caught in environments in which the breakdown of state authority and the presence of gangs in communities and controlling the communities puts these children at risk.

Now, in terms of what has happened over the last 3 years, it is going to take sociologists I think a long time to dig through that data. But I think what is evident is that as Mexico has become more successful in its activities through the Merida Initiative in combating drug trafficking and drug cartels, and as Colombia has become more effective in attacking the FARC and changing the nature of drug trafficking out of Colombia, the burden has fallen largely on Central America. And it has largely fallen in the three countries that offer easy jumping-off points into Mexico and into the drug-trafficking routes that lead to the United States.

But in the process of Mexican cartels moving into Honduras and Guatemala, and looking for ways to facilitate the movement of drugs through the region, they have obviously built relationships with gangs. And this has provided gangs with levels of wealth and weapons and communications equipment that historically they have not had and has allowed them basically to take over and control parts of communities, which puts at risk teenagers.

And what we are seeing in the groups that are leaving these three countries and moving northward is that 75 percent of them are between the ages of 14 and 17, which means they are in recruitment age, both males and females.

Senator SHAHEEN. Thank you. I am going to cut you off at that point. I am sorry to do that, but I have a question for Secretary Burwell that I would also like to have answered.

One of the things that I am hearing from organizations in New Hampshire is concern about the movement of money out of the Office of Refugee Resettlement and concern that if this appropriation goes through, that money might not be replaced and the services offered through that office might not be available. That is a concern that if we are hearing about refugees in New Hampshire. So can you speak to that?

REPROGRAMMING

Secretary BURWELL. Because we actually take the concerns that it sounds like folks at home are articulating, that is why we actually asked for the backfill for the $94 million.

I think you all know we sent reprogramming up to the Hill, and we have started in on that reprogramming.

Those funds that we have taken out of the Office of Refugee Resettlement, to have a sense of what those funds do, a number of those funds go to schools that are impacted by high refugee populations. A number of those funds go actually to affect Haitian and Cuban refugees. That affects Florida disproportionately. And a third category of that money is money that is sometimes going to States to help where there are disproportionate numbers of refugees in what is our other refugee program.

We had to make choices in order to continue on a path of making sure we can move children from the border and from DHS to HHS. They were difficult choices, and choices that we hope in the supplemental can be taken care of.

Senator SHAHEEN. Thank you. Thank you all very much for your efforts to address this crisis.

Thank you, Madam Chair.

Chairwoman MIKULSKI. Senator Durbin.

Senator DURBIN. Thank you, Madam Chair.

Each year, under Presidents Republican and Democrat, the United States of America issues a report card on human rights to the world, where we grade other nations as to their record on human rights. That is pretty bold of us, isn't it, to hold ourselves out in judgment of other nations? And one of the things we ask is how those nations treat refugees and children.

We don't have a very long record when it comes to refugees in this country, primarily because of location. Haitians, Cubans, Vietnamese, Hmongs. We have had some, but certainly, when you look at the state of the world with 2.3 million refugees coming out of Syria and fewer than 200 coming to the United States, we are kind of on the periphery of this issue until now.

Now we get to face it in our backyard, our border.

DISCRETION

I just got a report about two children that came from The Young Center for Immigrant Children's Rights at the University of Chicago Law School. Samuel and Emily are siblings, amazingly, ages 3 and 6—3 and 6. They got here from Honduras. I don't know how.

When they initially arrived in the United States, they were very quiet and didn't open up. They were clearly victims of trauma. After 2 months of care and custody of these 3- and 6-year-old children by HHS, Emily revealed that both children had been raped by members of a local drug cartel.

I think about those children when I think about this debate. Are they the exception? God, I pray they are. But I am afraid there are many more with similar stories.

So, Mr. Secretary, Secretary Johnson, I think you are a good person. I even have evidence you are a good father, because I got to meet your son. And I know you are a good lawyer.

When you ask for added discretion, so that we can voluntarily deport some of these children, I think about these two. Where I grew up in downstate Illinois, you wouldn't enter a courtroom with a 3-year-old or 6-year-old without someone standing next to them, representing them, explaining to them, trying to speak up for their rights.

And I worry about what we are asking for here. And here's why I worry. Let's get right down to dollars. There is a request for $15 million in this multibillion-dollar appropriation request for direct legal representation to contract with lawyers to represent approximately 10,000 children—10,000 children in immigration proceedings. I think we are dealing with 50,000 to 90,000 new children this year.

It strikes me that this number is grossly inadequate to make sure these children have someone standing next to them, to protect them, maybe to explain this to them. That is the first thing that crosses my mind.

The second thing is, what are we returning them to? Honduras, the murder capital of the world, where it is not safe to even have your children outside of your home, where garbage is piled in the street so the poorest can go through it and maybe find something to eat because that is all they have.

What kind of social service agencies are we referring these kids to when we return them to Honduras?

Beds. I get it. I want these kids to be in the safest, cleanest place possible. I couldn't live with it any other way. But as I understand it, 85 percent of these children are reunited with family, 55 percent with parents, 30 percent with relatives. So when we are talking about beds it sounds like, for the most part, at least 85 percent of it is for temporary beds. I assume that is what we are discussing.

Finally, before I ask you to comment on this, I authored the DREAM Act. I am proud of it. We passed it in the House and Senate. We can't beat the Republican filibuster in the Senate, except for the comprehensive immigration bill.

I asked this President, my friend, to sign DACA. He did, and I am proud that he did. And I am not going to stand here and let people blame those two actions on what we are facing today, because during the same period of time there was a 700 percent increase in children fleeing from the three primary countries to neighboring countries, not the United States.

It had nothing to do, as you said, Mr. Secretary, with DACA, which sets a 2007 target. DACA eligibility doesn't extend any later than that.

So I would appreciate it if you could respond to this in the time remaining.

Secretary JOHNSON. Senator, the only thing I will say is a request for discretion as long as I am Secretary means a request for the ability to do the right thing. That is how I see it. I have met with enough of these kids now, including a 15-year-old in Nogales 2 weeks ago who was 3 months pregnant, to have a real sense for what these kids go through.

We have heard about how before they leave Central America, some of these kids parents will actually give them birth control, in case they are raped along the way. And so whatever we do, what-

ever discretion I am given to address the situation will be the discretion to do what I believe is the right thing for the country and for these kids.

Senator DURBIN. There is not enough money being requested to provide the kind of representation and advocacy necessary to protect these kids. It is not even close—10,000 out of 90,000. And I would like to hear Secretary Burwell's thoughts.

LEGAL SERVICES

Secretary BURWELL. There are different portions in terms of sometimes it is provided by Justice and sometimes by DHS. We do provide the counsel that I described in the initial stages. And then for the extreme circumstances, such as that that you described, HHS does provide counsel and we try to connect with pro bono counsel.

You are right that we do not have the resources to provide counsel for all the children that pass through and go to sponsors. But there are a group that we do that for.

Chairwoman MIKULSKI. Senator Harkin.

Senator HARKIN. Thank you, Madam Chair.

First of all, I just want to associate myself with everything that Senator Durbin just said. He hit the nail on the head.

I also want to thank all of you for the work you do.

As we hear more and more about the situation with these young people coming across the border, you know what my ears are hearing? Round them up and ship them back. It sounds like we are doing dealing with cattle or some kind of livestock. Just round them up and ship them back.

Senator Murkowski had it right. This is a humanitarian crisis.

Again, Senator Durbin talked about a couple cases. I suggest anybody who wants to know what is behind all this, read Enrique's Journey. It is a great book. Read it.

Now I have a problem with the administration, this administration. On the one hand, they say we want to send kids back as soon as possible. Then they turn around and say, well, but these kids are escaping violence and drugs and sexual abuse and gangs. How do you reconcile those two?

Ship them back as soon as possible, and they are escaping violence and drugs. That doesn't sound to me like those two statements are compatible. How do they exist side-by-side?

The focus, our focus, ought to be simply on making sure these kids are, first, safe, that they are fed, that they are clothed, that they are sheltered, and they get not only good health services, but mental health services, and under the law that they have every meaningful—that is the key word—meaningful opportunity to apply for asylum.

Are we a country of laws? That is what the law says.

Now, there are some that want to modify this law. And I hear voices from this administration who want to modify this law.

Now, Secretary Johnson, I have no doubt that you are a good and decent and honorable person. I think you do a great job. But you want flexibility. There is danger in flexibility, not just because of you but because of everybody that works under you and the Border Patrol.

A lot of these kids who come over there and they see someone in uniform, it is a flashback to what they just came from, where the people in uniform may have been beating them up and on the side of the druglords. Are they going to open up about who they are and what they are?

That is why we have a law that says you have to transfer them within 72 hours to HHS.

Now, HHS is supposed to provide all of these things for these kids, shelter, clothing, meaningful counsel. People to stand alongside of them, so that they can tell their story, so they can apply meaningfully for asylum.

You can't do that with the Border Patrol. I am sorry, you just can't do it. And you can't do it just as somebody comes across the border. They need to be taken in, as they said, and given these protections under our laws, under international law—under international law.

Some people want to modify the law to let DHS ship them back right away. I hear this from the administration.

And you may say, Secretary Johnson, that you are going to be very careful on this. That is why we have laws. That is why we set it up this way. I don't know who's coming after you, or how long you are going to be there. And I don't know all the people who work underneath you and how good they are.

They may have in their head the best thing is round them up and ship them back.

I rely upon Health and Human Services to make sure these kids are protected and that they have their full legal rights in this country.

They are supposed to be transferred within 72 hours. Now it is what? Six or 7 days before they get transferred, that they are held. And now, HHS, they don't have the wherewithal to do it, to take care of these kids, the mental health providers, social workers, child advocates who can look after not rounding them up and shipping them back, but the best interest of the child when they arrive here, and protecting their rights under U.S. and international law.

So we have a situation where I am sorry I have to disagree with this administration. This administration should be saying we should follow the law. These kids need to be protected. They need to have HHS protect them and care for them and give them every meaningful right to apply for asylum.

Now the problem is HHS doesn't have the money to do it. They should do it, but they don't have the money to do that. That is what this supplemental is about, to allow HHS to follow the law, which they aren't right now. But they can't. They can't follow the law because they don't have the money to do it. They can't transfer them within 72 hours, my fellow Senators, because they don't have the money to do it.

So that is why this supplemental, Madam Chair, as you said, is so critical.

We can't turn our backs on these kids. We can't hold ourselves up, as Senator Durbin said, as some paradigm of human rights protections in the United States and then say round them up and ship them back.

Should they say that to the Syrians who are escaping or other refugees around the world? Round them up and ship them back. We are better than that.

And I have to disagree with my friend from South Carolina. We are not being overrun by these kids. We are a country of 300 million people. We are talking about what, 50,000, 60,000, 90,000 at the most? That is overrunning America? Nonsense.

We can deal with this. Now, lest anyone think now, Harkin, you want to just let them keep coming. No. Look, we have to work with these other countries. We have to do things in those other countries.

It is a complex issue, as some of you have stated. It is not going to be solved overnight. It is not going to be solved with SOUTHCOM and a few military people. It is not going to be solved with that. It is going to be solved over a longer period of time.

But in the meantime, the single the most important thing is to take care of these kids to make sure they are safe, they are housed, they are sheltered, they are clothed, they are fed, and they have legal protection, and they can apply for asylum meaningfully, not with the Border Patrol, not as soon as they come across the border—I read your testimony—but after they had due process and where HHS can take them in and provide them with the kind of shelter and support that they need.

Now after that, we can talk about returning them, but not until they have had adequate counsel, advocates for them to stand by their side, to let them know what their legal rights are in this country.

So I hate to be so emotional about it, but when I hear this coming from the administration—ship them back, we have to do something as soon as possible. But they are fleeing violence and drugs and gangs. No. They are fleeing violence, drugs, and gangs and all kinds of things, yes.

I disagree with my friend from South Carolina also that you are reinforcing bad habits with bad habits. I have never considered a bad habit for any human being to leave a bad situation where they are being killed, beat up, sexually violated, denied their basic human rights, denied the opportunity to live a life and they want to seek it someplace else.

That is not a bad habit. That is sort of in the human spirit that I thought we liked to extol in this country.

So I guess I have run out of time, I have used up my time. And so, therefore, I guess I don't have a question. But I hope I have made my point.

Chairwoman MIKULSKI. Senator, you can also submit questions for the record. And thank you for your statement.

Senator Shelby.

NUMBER OF UNACCOMPANIED CHILDREN

Senator SHELBY. Mr. Secretary, I have been told that there are currently on 162,000 children with Homeland Security. Is that number about right or wrong?

In other words, in this country who have come in over the years that are still pending?

Secretary JOHNSON. I don't know whether that number is accurate.

Senator SHELBY. Can you furnish the number for the record? Check it out?

Secretary JOHNSON. Yes.

[The information follows:]

As of July 10, ICE has transported 44,549 UAC in fiscal year 2014.

Senator SHELBY. It is a lot of children, isn't it?

Secretary JOHNSON. 162,000 people is, in my book, a lot of people. Keep in mind that of that population, assuming that number is accurate, of that population, a lot of them may have turned 18 by now.

Senator SHELBY. And you have only sent home, is it 1,800 period, or is it 1,800 a year?

Secretary JOHNSON. About 1,800 per year.

Senator SHELBY. That you have adjudicated and sent home.

Secretary JOHNSON. Yes. But up until this recent situation, yes.

REPATRIATION, RETURN OF UNACCOMPANIED CHILDREN

Senator SHELBY. Suppose at the rate they are going with 52,000 people, children, detained, came in and were apprehended in the country, if this number continues to grow, there could be hundreds of thousands of children coming here, could it not?

Secretary JOHNSON. Yes, which is why we believe we need to add resources to the process of repatriation and return for UACs, while preserving the ability to make a claim for humanitarian relief.

BORDER SECURITY: RIO GRANDE VALLEY

Senator SHELBY. Along the border with Texas, the Rio Grande, mainly, area, do they just walk across the border? Is the border unprotected? There is no fence there or anything? Or do they just come up and say take me into custody?

Secretary JOHNSON. The Rio Grande Valley sector is bordered by the Rio Grande River, and it is a windy river.

Senator SHELBY. Absolutely. It is 360 miles long or something.

Secretary JOHNSON. And they swim across; they walk across. And if you look at a map that the Border Patrol will show you, it is tending to concentrate in one particular area.

Senator SHELBY. So even if we gave the money that has been requested here, $3.7 billion, it doesn't solve the problem in any way. It helps you deal with the current problem. It doesn't solve the problem, does it?

Secretary JOHNSON. In my judgment, it will definitely stem the tide if we provide this funding.

Senator SHELBY. Senator Graham asked the question, I didn't hear a clear answer to it, maybe you don't know, but these children, most of them who are trying to come to this country, do they have parents or uncles or aunts in this country already, legal or illegal? Do you know?

PLACEMENT WITH SPONSORS

Secretary BURWELL. Yes, when we place the children, the majority of the children are placed with relatives.

Senator SHELBY. So they know who their relatives are, where they are, and so forth?

Secretary BURWELL. The children, in some cases, know. In other cases, as part of the HHS process, we learn and make that determination through questions and an interview process in terms of trying to understand the child.

Senator SHELBY. Now if people are here legally, they come as immigrants legally, and their children are where they came from, the country of origin, can't they go through the legal process and bring their children to this country? Isn't there a legal process for that?

IMMIGRATION PROCESS

Secretary BURWELL. I would defer to my colleague from Justice on the process.

Mr. OSUNA. It depends on their current status. If they are here illegally, Senator——

Senator SHELBY. If they are here legally and they wanted to bring their children that are, say, in Central America somewhere.

Mr. OSUNA. There is one category for lawful permanent residents who can petition for their family members. That would be the only category that is currently available, I believe, for them to bring the relatives over.

Senator SHELBY. Well, I know money, it is a humanitarian problem, but it is an immigration problem, a big one for this country.

Thank you, Madam Chair.

Chairwoman MIKULSKI. Well, that concludes the number of Senators who wanted to ask questions or make statements and ask questions.

I think this has been an excellent hearing. The fact that 25 Senators came from this committee to participate, and the other five had commitments for which they will submit questions.

We also want to thank the witnesses for their straightforward, candid commentary, but also for the work that they do every day.

In addition to dealing with this situation, they also have other pretty significant responsibilities. And we know they are working 36-hour days and 10-day workweeks. And I think it is pretty impressive.

And also, to the men and women who work under those agencies, it is pretty impressive when you meet the Border Patrol agents and also the response of particularly our local faith-based organizations. To me, it was very heartening and touching to see the way the Baptist child welfare agency was running the Lackland facility. It was A-plus in terms of any standard of child welfare. What was particularly interesting to me was the Catholic Charities in Oklahoma had come to Lackland to work with the Baptists to learn what was the most effective way to deal with this.

So I think we are doing a lot. But the question is, what is it really we are going to do? There is the urgent supplemental that meets the needs of today. Every single colleague has said, we do need to look at the long-range implications of this.

Some talk about a more military interventionist strategy. Some talk about changing the law on refugees. These are not necessarily my personal direction, because when you are talking to the children, you find out why would a mother making minimum wage

somewhere scrape together $3,000—you can imagine what it took to save that amount of money—to send it to essentially a scoundrel to bring her daughter or son across the border, and to know the treacherous, dangerous journey that they are going to do. You would only risk that, the danger so severe—we all heard these stories that are so wrenching that we don't even want to repeat some of them in public because of their poignancy.

The fact is that it is because in Guatemala, Honduras, and El Salvador, the violence is so bad that the violence of the journey is less, and a risk that they will take.

And then to say we are going to send them back. Send them back to what? The gangs that tried to recruit a little girl and threatened the family that if the two young girls didn't join the gang, they would be killed, mutilated, or turned into something called queens. I won't even talk here about what that means. I could not bring myself to describe it.

So what are we going to send them back to? It is not like Juan Valdez is going to greet them at the airport with roses. I think we have to get a real strategy here to know why they left.

Now I have said repeatedly, and I will say this again, that I have felt over the last decade we have fought four wars. We fought one in Afghanistan because of an attack on us. We fought one in Iraq that members voted for; I did not. Then we fought the cyberwar, which continues to be a significant threat. And I don't minimize the threat of terrorism. Then I talked about the war at the border, but I was worried about drug dealers. I wasn't worried about children.

But the children are coming because of the drug dealers. So sure, we can talk about root cause in poverty. I don't minimize that. But we have to really now, I think we have to really focus on our hemisphere. I believe we have had 3 decades of uneven policy in terms of looking at our own hemisphere and in Central America.

Senator Harkin knows about it, and Senator Shelby. We come from a background that heard about the nuns who were assaulted, the Maryknoll nuns, the assassination of Oscar Romero, war after war, brutality after brutality. And then, just when we are ready to deal with it, some other thing turns our head, and we are off running, putting on flak jackets, visiting some new issue.

So I think we need to, in addition to all the other wars we have to fight, or bring to a closure, and they are significant, you know, as Mr. Homeland Security, that there are a lot of threats to this country. But I believe the threats of the children, the children are not threats. The children are coming because of the threat to the children.

And I think we need to meet the urgent needs here. We have to then really focus on our hemisphere, and have a focused way that deals with the crime, deals with corruption, deals with exactly where a mother will risk sending her daughter on a perilous journey because it is less violent than what she would find staying at home with her grandmother.

ADDITIONAL COMMITTEE QUESTIONS

So we have a lot of work to do. The record will be open for 2 weeks. I invite any nonprofit to submit testimony.

[The following questions were not asked at the hearing, but were submitted to the various Departments for response subsequent to the hearing:]

QUESTIONS SUBMITTED TO SECRETARY SYLVIA BURWELL

QUESTIONS SUBMITTED BY CHAIRWOMAN BARBARA A. MIKULSKI

CHALLENGES TO INCREASING SHELTER CAPACITY

Question. One of the basic challenges for expanding capacity is simply HHS finding service providers who are able to do this kind of work. Shelters must meet state licensing standards and local zoning requirements. This has been a challenge in some cases, particularly as they ramp up and seek new facilities.

Finding shelters has also become more of a problem given the more intense focus on the unaccompanied children issue. Some organizations wishing to expand shelters and provide care for these children are confronting opposition from local communities, even if they had operated shelters in the community for years.

Funding uncertainty has also been an issue. HHS has not been able to guarantee potential grantees that funding will be available for more than short periods of time.

HHS provides shelter and care for unaccompanied children through a network of grantees across the country. Can you talk a little about the challenges HHS has faced in expanding capacity to house children?

Answer. The number of unaccompanied children arriving at the border has steadily increased since fiscal year 2011, approximately doubling year over year, and more than doubling this year. In response, the HHS Office of Refugee Resettlement (ORR) increased shelter capacity and prepared for increased arrivals. However, in May and June of 2014, HHS/ORR experienced a sudden increase in the numbers of unaccompanied children, which exceeded expectations. The number of children referred to HHS in May 2014 was more than three times the number referred in May 2013 and the number referred in June 2014 was more than four times the number in June 2013. This presented the challenge of needing additional capacity in a short period of time.

In response, HHS/ORR worked with the Department of Defense (DOD) to add temporary capacity at three DOD installations, while continuing to work on expansion of capacity within the HHS/ORR traditional grantee network. New providers were found through outreach to national child welfare networks, states, and HHS Administration for Children and Families (ACF) regional administrators. These providers were brought on board through the Urgent and Compelling grant process. Additional non-DOD facilities for temporary shelters were sought during May and early June, but no additional temporary shelters were opened. In some cases, community opposition to facilities made them untenable.

In addition, since HHS/ORR's standard capacity under law must be State licensed, grantee organizations must work with a variety of state licensing agencies, zoning agencies, and health and safety agencies within a state before a new grantee can begin operations or before an existing grantee expands its capacity. This process can take as long as 120 days.

Question. What has been the impact of funding uncertainties on HHS being able to expand capacity?

Answer. HHS is unable to enter into negotiations with grantees for the provision of services (such as shelter for unaccompanied children) without having funds available to pay for these services. While the final fiscal year 2014 appropriation provided a $492 million increase for the unaccompanied children program (total of $868 million), these additional funds were not available until January 2014. As a result, the negotiation and licensing process for many of the new beds was postponed, and HHS/ORR had brought fewer than 1,000 new beds on line by May when the sudden increase in unaccompanied child arrivals began. Had the full $868 million been available at the beginning of fiscal year 2014, additional beds would have been available in May, so that HHS could have more rapidly placed children referred from the Customs and Border Patrol (CBP) and would have been able to avoid or reduce usage of the more expensive temporary beds on DOD facilities.

ENSURING ADEQUATE ACCESS TO SOCIAL SERVICES

Question. The Trafficking Victims Protection Reauthorization Act of 2008, Homeland Security Act of 2002, and the Flores Settlement Agreement all prescribe certain protections for unaccompanied children. These protections are based on the rec-

ognition that unaccompanied children represent a particularly vulnerable population.

As the number of children has dramatically increased it has put stress on all aspects of the system, including children's access to a variety of critical services. The Administration has said that they are considering policy changes to make it easier to return children from Central America to their home country. Many of these children are fleeing very dangerous situations in their home countries, many were abused by smugglers or traffickers, and some may be eligible for relief under U.S. immigration law.

Children who have suffered abuse often have difficulty disclosing that to police officers or immediately to other strangers. They are more likely to talk to social workers, legal counsel, and other advocates. These professionals, and the protections afforded to children under current law, help protect the best interest of children.

Many children transferred to HHS care are victims of abuse or trafficking and may be eligible for asylum. What role do legal representatives, mental health providers, social workers, or other child advocates play in looking after the best interests of the child?

Answer. Unaccompanied children generally leave their home countries to escape violence, trafficking, persecution, poverty, a lack of protection by local authorities, or to reunify with families. To help ensure the best interests of the child are met, ORR provides certain legal services to unaccompanied children in HHS custody through a contract with the Vera Institute of Justice. These include a "know your rights" presentation, legal screening, and legal representation in limited circumstances. Legal screening is provided by an attorney, paralegal, or Board of Immigration Appeals (BIA) accredited representative who determines whether the child is potentially eligible for legal relief. The contractor also tries to identify and coordinate pro bono legal representation, including after children are released to sponsors. A list of free legal services available near the shelter's location and near the home of the sponsor is provided.

Specific to trafficking, ORR grantees are trained to use ORR assessments to screen every child in our care for possible trafficking concerns. If a child is assessed as being a possible trafficking victim, grantee staff works with ORR employees to ensure that the child is screened by an attorney and referred to ORR's Anti-Trafficking In Persons Division.

Each child is individually assessed by a clinician and case manager. Clinicians conduct individual and group counseling sessions on a weekly basis for all children, and case managers meet with the child regarding the progress of the child's family reunification case on a weekly basis. The clinician's assessment includes screening for possible trafficking concerns and assessing the child's current and past medical and mental health status. If a particular concern is identified, further psychological assessments may be ordered, home studies may be conducted, and further counseling is provided until the child is released. If a child is assessed as being a possible trafficking victim through this process, grantee staff again work with ORR employees to ensure that the child is screened by an attorney and referred to ORR's Anti-Trafficking In Persons Division.

Trafficking victims and other children with special needs may also be appointed a child advocate in certain locations. Child advocates identify and advocate for the best interests of the child regarding any decision made for the child, whether by ORR, an attorney, or the immigration court. Child advocates also create a report about the best interests of the child and provide the report to ORR to assist in making release and other decisions and recommendations.

Question. As the number of children coming to the U.S. has dramatically increased, what is the Administration doing to ensure that children have access to these critical services?

Answer. The Unaccompanied Children program provides food and shelter, as well as individual case management, screening by professionals for mental health issues, access to mental healthcare when needed, and access to legal services. HHS has continued to provide this same set of services in all of its shelters, including the temporary shelters operating on DOD bases.

Question. We urge other governments, whether Jordan, Lebanon, or countries in Africa to provide a safe haven to millions of refugees fleeing violence. What is different here? Are we asking those countries to adopt a standard that we unwilling to apply to ourselves?

What does international law say about deporting people who are fleeing violence and may have legitimate claims as refugees, and what are you doing to ensure the law is respected?

Answer. By law, HHS is required to accept unaccompanied children under the age of 18 (except those from Canada and Mexico) who are apprehended by CBP into its

care and custody while they await immigration proceedings. HHS does not determine which individuals are allowed to come to the U.S. as refugees or which unaccompanied children are granted immigration relief. For answers to these types of questions, including questions of international law, I respectfully refer you to the Departments of Justice, Homeland Security, and State.

QUESTIONS SUBMITTED BY SENATOR PATRICK J. LEAHY

HHS REPROGRAMMING

Question. Prior to the Administration's request for emergency supplemental funding, HHS reprogrammed funds previously intended for refugee resettlement programs in states including Vermont, which provide essential services to refugees from places like the Sudan and Somalia, in order to put more funds towards the UAC program. These state programs already receive extremely limited funding and the reprogramming of what is a significant portion of their funding would be devastating. In Vermont, this cut in funding will force refugee resettlement programs to turn away refugees fleeing persecution. This seems like a classic case of robbing Peter to pay Paul.

Does this supplemental request include funds to make those programs whole and ensure that deserving refugees in Vermont, Oregon, Maryland and states around the country don't bear the burden of this humanitarian crisis on the Southwest border?

Answer. At the time the supplemental request was submitted, our cost projections—based on the number of children arriving at the time—indicated that it could be necessary to reprogram up to $94 million from refugee services to the Unaccompanied Children (UC) program. The emergency supplemental request includes funding to backfill the $94 million reprogramming from refugee programs within the "Refugee and Entrant Assistance" account. Since the date of the hearing, the number of arrivals has dropped significantly and we were able to suspend operations at the temporary shelters operating at DOD facilities. The resulting cost savings have allowed us to release some of these refugee funds for refugee services.

The Administration's coordinated efforts to address the humanitarian situation at the southwest border has contributed to slowing the pace of unaccompanied children arriving. Without additional funding, HHS will not be able to maintain its year-end standard shelter capacity and needed surge capacity if the facts on the ground change quickly. A lack of adequate funding undermines HHS's ability to prudently plan for these contingencies and to secure the most efficient, lower cost, longer-term solution.

Question. How are you going to prevent a gap in funding for our other state refugee resettlement programs?

Answer. If refugee funds are needed for the unaccompanied children program (either in fiscal year 2014 or because fiscal year 2015 funding is inadequate), then States and non-profit organizations may have to reduce services in the coming year. We will continue to work diligently with the Congress to secure stable funding sufficient to meet our commitments to all the populations we serve. Adequate fiscal year 2015 funding for all programs within the Office of Refugee Resettlement is critical to ensuring that HHS has the resources it needs to care for unaccompanied children who come into our custody and to help refugees succeed in the United States.

LEGAL COUNSEL FOR UNACCOMPANIED CHILDREN

Question. Providing legal counsel for unaccompanied children is a critical element in ensuring that they are receiving appropriate screening to determine if they are the victim of human trafficking or persecution or have other claims to immigration relief. How will the Department of Health and Human Services ensure that attorneys have access to the detention facilities where these children are being detained? What will the process be for providing lawyers access to these children?

Answer. HHS/ORR contracts with the Vera Institute of Justice to carry out the Legal Access Project, which provides presentations to the unaccompanied children in HHS shelters (either video or in person, depending on location), explaining their rights as part of the immigration legal process. There is also screening to determine whether a child may be eligible for any type of immigration relief. The contractor also tries to identify and coordinate pro bono legal representation, including after children are released to sponsors. A list is provided of free legal services available near the shelter's location and, again, near the home of the sponsor. Some children receive direct legal services through the project. In the last 3 years of the contract,

the number of children receiving direct legal counsel increased from 2 percent to five percent.

The amount of the contract is based on an estimate of the number of children in care for the year. In fiscal year 2013, the contract was for $13 million, and most of the funding went to 22 subcontractors to cover presentations to children in shelters. Approximately $2 million was spent for the Vera Institute to provide direct legal representation to unaccompanied children.

IDENTIFICATION OF PARENTS

Question. The Office of Refugee Resettlement (ORR) has stated that they fingerprint any sponsor a child is released to with the exception of the child's parent. How does ORR verify parentage in those situations?

Answer. In accordance with Trafficking Victims Protection Reauthorization Act of 2008, HHS requires verification of a sponsor's identity and relationship, if any, to a child before releasing a child to a sponsor. To meet this requirement, HHS requires care providers to complete and document a thorough assessment of the child's past and present family relationships, and relationships to non-related potential sponsors. HHS care providers evaluate the nature and extent of the sponsor's previous and current relationship with the child and the child's family, as well as the sponsor's motivation for wanting to sponsor the child. If the child is not being released to his parent or legal guardian, the care provider considers the child's parent or legal guardian's perspective on the child's potential release to a particular sponsor. To verify the relationship between parent and child, HHS uses several methods, including an interview with both the child and the sponsor, and authentication of legal documents. The primary method of verifying the relationship between parent and child are through the child's birth certificate and the sponsor's, which are then verified by consulate staff of the child and parent's home country for authentication.

QUESTIONS SUBMITTED BY SENATOR MARY L. LANDRIEU

Question. Each day, 691 new children enter the foster care system because of abuse or neglect. Each week, 4,852 children find themselves on the beginning of their journey through "the system." Over 79,000 children will call this system home for more than 3 years and more than 23,400 young adults will "age out" of the system without a safe, permanent family. Of those that age out, studies indicate that over half experience homelessness and that nearly 30 percent are incarcerated. The U.S. domestic child welfare system is chock-full of problems, yet this humanitarian crisis along the Southwestern border is estimated to bring as many as 9,000 unaccompanied minors into foster care this year.

Can our domestic child welfare system effectively manage this burden? How will supplemental funds for HHS be directed towards improving outcomes for unaccompanied minors who enter our foster care system?

Answer. There is little interaction between unaccompanied children and the traditional state foster care system, while in HHS care.

In cases where an immigration status is granted, or the child receives a letter of eligibility from HHS as a victim of trafficking, the child may be eligible to apply for placement into the HHS Unaccompanied Refugee Minor (URM) foster care program. HHS provides grants to 15 states which serve approximately 1,600 URM children and youth in foster care, the full cost of which is supported with HHS funds. The URM program traditionally has served unaccompanied refugee children who are identified in countries of first asylum as requiring foster care upon their arrival in this country. HHS works with two national voluntary agencies, the United States Conference of Catholic Bishops and the Lutheran Immigration and Refugee Service to identify placement in affiliated agencies under contract with state refugee coordinator offices. While most children in the URM program are placed in licensed foster homes, other licensed care settings are utilized according to children's individual needs, such as therapeutic foster care, group homes, independent living, or residential treatment centers.

Any allegations of abuse after a child is released from HHS care is reported through the state's child welfare system which in turn investigates the allegations. A child that is found to be abused or at risk of abuse by a sponsor could be placed in state foster care.

Question. Does DHS have any measures in places to track unaccompanied children after they are placed in the custody of HHS or a guardian designated by that Department?

Answer. The Department of Homeland Security (DHS) is required to refer and transport unaccompanied children to HHS/ORR care within 72 hours of a child's identification as an unaccompanied child, absent exceptional circumstances.

HHS/ORR provides DHS with the addresses of sponsors, typically parents or other family members, to whom unaccompanied children are released.

After release HHS no longer retains legal custody of the children and does not track whether a child remains with the sponsor. Sponsors, prior to taking custody of the children, agree to bring children to court proceedings and to notify DHS and the immigration court of any change in the child's address. To ensure the safety of the children, HHS carefully screens the children for signs of trafficking and smuggling in order to prevent the child's release to a sponsor who smuggled or trafficked the child, and potential sponsors are required to undergo background checks and complete an assessment process that identifies risk factors and other potential safety concerns.

Question. How do your Departments work together to help ensure that these children do not end up in the hands of predators or sex offenders?

Answer. HHS does not release children to sponsors who have been convicted of (including a plea of no contest to) a felony or misdemeanor involving child abuse or neglect; spousal abuse; a crime against a child or children (including child pornography); or a crime involving violence, including rape, sexual abuse, or homicide. HHS will not release a child to a sponsor who has been convicted within the last 5 years of a felony involving physical assault, battery, or drug related offenses. Similarly HHS will not release a child to sponsors with pending criminal charges that compromise the sponsor's ability to ensure the safety and wellbeing of the child.

HHS may require a home study be conducted by a child welfare expert prior to release of the child to a sponsor that has prior convictions for offenses that do not automatically bar them from serving as a sponsor.

Question. If the child does not show up for their immigration court proceedings, do DHS officials check up on them to make sure that they are safe?

Answer. Sponsors are given information about their responsibilities vis-a-vis the child including the requirement that the child attend all immigration hearings to which they are a party. After a child is released from HHS/ORR custody, HHS does not track the child's legal case. For information related to these children's court appearances you should contact the Executive Office for Immigration Review (EOIR), which operates the immigration court system.

Question. Do DHS and HHS share any information about the child's guardian or whereabouts after they are released from HHS custody?"

Answer. As part of the process of placing a child with a sponsor, , HHS notifies potential sponsors of their responsibility for ensuring the minor appears at all proceedings related to his immigration case. HHS also informs sponsors of their responsibility to notify DHS within ten days and EOIR within five days of address changes.

HHS provides notification to DHS of the name and address of the sponsor both prior to and after the child is released to the sponsor. Additionally, HHS staff coordinates with EOIR staff and provides them with the current address of the sponsor at the time a child is placed with that sponsor.

Question. We are being asked to consider an emergency supplemental appropriations bill worth $3.7 billion. Clear lines of authority and responsibility need to be established and accountability for the money must be a priority. We need to identify who is in charge of fixing the deep-rooted, systemic problem, what the plan is, and who is going to be held responsible for delivering results.

Who is accountable in each of your departments or component agencies and how are they part of a coordinated whole-of-government approach?

Answer. The Office of Refugee Resettlement (ORR), led by Director Eskinder Negash, is the office within HHS's Administration for Children and Families (ACF), led by Acting Assistant Secretary Mark Greenberg, which has the responsibility for the care of unaccompanied children until they may be released to an appropriate sponsor. HHS responsibility for unaccompanied children is in accordance with the Homeland Security Act of 2002 § 462, TVPRA of 2008 § 235, the Flores Settlement Agreement, the Perez-Olano Settlement Agreement, and the Violence Against Women Reauthorization Act of 2013. This office works in coordination with others across HHS as well as with partners in the other Federal agencies, such as the Departments of Homeland Security, Justice, and State.

Question. What are the specific goals of each of your departments? What are the metrics and the benchmarks of success or failure in addressing this emergency situation, for the remainder of fiscal year 2014, for fiscal year 2015, and beyond?

Answer. The goal for HHS/ORR with regard to unaccompanied children is that while the children are in our care, we ensure that they receive care that is in the

best interests of the child and in accordance with all applicable laws. This includes ensuring that children receive needed medical attention and are screened by professionals for trafficking and mental health issues. In addition, we work to place children with appropriate sponsors, generally parents or other family members, who can safely care for them while their immigration case is processed. We also work with our Federal partners to ensure the timely and safe transition of children from DHS custody to HHS care. Some of the indicators we follow include tracking timeliness in placing children in available shelters to minimize the amount of time spent in CBP facilities, the number of children released to appropriate sponsors to expedite the process and minimize length of stay, and overall capacity to ensure we are prepared for any future influx.

QUESTIONS SUBMITTED BY SENATOR MARK PRYOR

Question. The President's Budget was released in March. It is hard for me to believe that the Administration did not know that the influx of unaccompanied children was occurring at a pace that might outpace resources. Why was the influx of unaccompanied children not flagged as a priority in the Department of Health and Human Services' (HHS), Department of Homeland Security (DHS), and the State for Foreign Operations funding request? How is the Administration going to ensure that the OMB can be agile in their requests and give Congress time to ensure oversight for crisis's build over time like this one?

Answer. At the time that the fiscal year 2015 budget was put together, we did not have sufficient data to estimate the amount of funding that would be needed in fiscal year 2015 with any degree of certainty. Moreover, we had just created an interagency work group to examine this issue to see if unaccompanied children could be served more efficiently.

The number of unaccompanied children arriving at the border has steadily increased since fiscal year 2011, approximately doubling year over year and more than doubling this year. In response, the HHS Office of Refugee Resettlement (ORR) increased shelter capacity and prepared for increased arrivals. However, in May and June of 2014, HHS/ORR experienced a sudden increase in the numbers of unaccompanied children, which exceeded expectations. The number of children referred to HHS in May 2014 was more than three times the number referred in May 2013 and the number referred in June 2014 was more than four times the number in June 2013. This presented the challenge of needing additional capacity in a short period of time.

At the time the budget was released, we said that as additional information became available we would provide revised cost estimates to the Appropriations Committees. Revised estimates were provided through a May 30th letter to the heads of the Appropriations Committees.

Question. On May 12th, Secretary Johnson declared the influx of unaccompanied children a Level IV condition of readiness within the Department of Homeland Security, which meant that the capacity of the Customs and Border Protection and the Immigration and Customs Enforcement were at full capacity. Has HHS issued a similar declaration? If not, please explain.

Answer. The Secretary of HHS does not have this type of emergency designation structure, but Secretaries Sebelius and Burwell have maximized their authorities to respond to this crisis. These actions include, transferring the maximum amount of funding possible ($44 million) into the refugee appropriation to provide additional resources to the unaccompanied children program, notifying Congress of our intent to reprogram resources within the refugee appropriation to the unaccompanied children program, and providing Commissioned Corps Officers and resources to assist Customs and Border Patrol in providing medical care to children in their facilities and to provide mission support to various parts of HHS engaged in the response. HHS drew staff from throughout the Department to staff the Unified Coordination Group (UCG) led by FEMA.

Question. In many instances Licensed Faith Organizations are helping HHS care for the unaccompanied children. Will the Department report back to this Committee what lessons they are learning from the Faith Organizations and how lessons learned can help HHS prepare for any future, similar crisis?

Answer. Services are provided through licensed grantees, generally nonprofit organizations, many of which are faith based organizations. HHS/ORR has field specialists and project officers who work closely with grantees, and we are communicating with grantees regularly, including on-site visits. We seek their input on issues ranging from mechanisms for improving intake processes, to ensuring children are well cared for while in HHS care, and improving the process of vetting and releasing

children to appropriate sponsors. Over the past year, we have worked with grantees to develop ways to reduce the length of time children remain in HHS care while ensuring the safety of the children. Input from grantees has helped us reduce the average length of stay by half since fiscal year 2011, and we will use their experience and lessons learned as we prepare for the future.

Question. There have been reports that ICE and CBP have taken biometric identification from some of the unaccompanied minors near the border. Because most of these minors lack proper identification biometrics appears to be a reliable way to ensure these minors are accounted for as they pass through several agencies (DHS, HHS, DOJ), family members in the U.S., and even as they are sent back to their home countries. Furthermore, it is important that our agencies are able to protect these children's identities. Are DHS and HHS properly leveraging the biometrics captured, is there inter-agency cooperation? Please describe the current or planned system to accurately account for these minors as they stay in the U.S. and as they leave.

Answer. HHS does not take biometric identification (e.g. fingerprints) from unaccompanied children, but we have a robust system for ensuring that children are released to appropriate sponsors who can safely care for them while their immigration case is processed. HHS does carefully screen the children for signs of trafficking and smuggling, and potential sponsors are required to undergo background checks and complete an assessment process that identifies risk factors and other potential safety concerns. A fingerprint background check is required if any risk factors are raised, if there is any concern for the child's safety, or if the sponsor is not the child's parent or legal guardian. HHS also receives a copy of the child's birth certificate and the sponsor's, which are then verified by consulate staff of the child and parent's home country for authentication.

QUESTIONS SUBMITTED BY SENATOR RICHARD C. SHELBY

FAILURE TO BUDGET IN ADVANCE

Question. The number of Unaccompanied Alien Children entering the United States illegally has increased almost every year since 2004. Yet, when the number of unaccompanied alien children was projected to double in fiscal year 2015, a projection established before the budget request's submission, the Department chose not to include an increase in the President's request.

Why did the Administration ignore this issue in their fiscal year 2015 budget request?

Answer. At the time that the fiscal year 2015 budget was put together, we did not have sufficient data to estimate the amount of funding that would be needed in fiscal year 2015 with any degree of certainty. Additionally, we had just created an interagency work group to examine this issue to see if unaccompanied children could be served more efficiently. At the time the budget was released, we said that as additional information became available we would provide revised cost estimates to the Appropriations Committees. Revised estimates were provided through a May 30th letter to the heads of the Appropriations Committees.

The number of unaccompanied children arriving at the border has steadily increased since fiscal year 2011, approximately doubling year over year and more than doubling this year. In response, the HHS Office of Refugee Resettlement (ORR) increased shelter capacity and prepared for increased arrivals. However, in May and June of 2014, HHS/ORR experienced a sudden increase in the numbers of unaccompanied children, which exceeded expectations. The number of children referred to HHS in May 2014 was more than three times the number referred in May 2013 and the number referred in June 2014 was more than four times the number in June 2013. This presented the challenge of needing additional capacity in a short period of time.

At the time the budget was released, we said that as additional information became available we would provide revised cost estimates to the Appropriations Committees. Revised estimates were provided through a May 30th letter to the heads of the Appropriations Committees.

FISCAL YEAR 2014 FUNDING

Question. The $1.8 billion requested in the supplemental is not limited to fiscal year 2014 needs. With multi-year authorities requested in the supplemental, the Department apparently intends to rely significantly on the supplemental funding in fiscal year 2015 instead of base funding.

How much money does the Department specifically need to meet custody costs through the end of the current fiscal year?

Answer. The request for emergency supplemental appropriations is based on the assumption of up to 90,000 unaccompanied children in fiscal year 2014 and 145,000 unaccompanied children in fiscal year 2015 coming into HHS care. As you know, this humanitarian situation is very fluid, and the requested funding will allow HHS to effectively plan to follow the law and care for unaccompanied children in the most cost effective way possible. On May 30, the Administration estimated HHS would need $2.28 billion to serve 145,000 unaccompanied child arrivals in fiscal year 2015.

Since the date of the hearing, the number of unaccompanied children referred to HHS fell considerably. In July, 5,305 children came into HHS custody, compared to 9,431 in May and 10,197 in June. The reduction in arrivals coupled with increased shelter capacity and discharges from our care allowed us to eliminate the backlog of children who are in Border Patrol custody for more than 72 hours. . Without supplemental funding HHS could face three challenges:

—First, we will be unable to maintain the number of beds we will have in place at the end of fiscal year 2014. Additional funding sooner rather than later enhances our ability to plan and to secure lower cost, longer-term solutions, including surge capacity that we can utilize in the future should we again face a significant increase in the number of children arriving.

—Second, there remains uncertainty about the number of children we will need to house over the coming months. Additional funding is critical for fiscal year 2015 to be in a position to plan prudently.

—Third, without additional resources, we may need to use funds that would otherwise be provided to states and communities to help refugees who we have brought to the United States integrate into their new communities. Additional funding is critical for HHS/ORR to be in a position to plan prudently and secure lower cost, longer-term solutions in fiscal year 2015.

Question. We understanding that the timing can fluctuate based on factors such as the availability of additional beds for unaccompanied alien children, but when does the Department estimate it will run out of money in fiscal year 2014?

Answer. The request for emergency supplemental appropriations is based on the assumption of up to 90,000 unaccompanied children in fiscal year 2014 and 145,000 unaccompanied children in fiscal year 2015 coming into HHS care. As you know, this humanitarian situation is very fluid, and the requested funding will allow HHS to effectively plan to follow the law and care for unaccompanied children in the most cost effective way possible. Additional funding sooner rather than later enhances our ability to plan and to secure lower cost, longer-term solutions, including surge capacity that we can utilize in the future should we again face a significant increase in the number of children arriving.

BUDGET ESTIMATES

Question. On May 30th, the Office of Management and Budget notified Congress that HHS' Unaccompanied Alien Children program would need $2.28 billion in fiscal year 2015 based on an estimate of 145,000 children. The Department of Health and Human Services' estimates for illegal crossings in fiscal year 2014 have fluctuated greatly, however, from 26,000 at the beginning of the fiscal year, to a revised estimate of 70,000 children this week.

How was the $2.28 billion for the fiscal year 2015 request developed and are you still estimating 145,000 unaccompanied alien children?

Answer. The $2.28 billion estimate was made by multiplying 145,000 unaccompanied children by an average cost of $15,665, including shelter care and post-release services. This average cost assumes that all unaccompanied children can be served in standard shelter beds which are significantly cheaper than the temporary beds which were needed to accommodate the sudden influx of children arriving in May and June. The 145,000 arrival assumption was made by looking at monthly arrivals for the first 8 months of fiscal year 2014, comparing the number of arrivals each month with the number of arrivals for the same month in the previous year (e.g., 6,427 unaccompanied children arrived in April 2014, an increase of 121 percent over the number of arrivals in April 2013) and projecting forward based on the average month to month percent increase.

As recent experience has demonstrated, it is very difficult to estimate the number of children who will arrive. That is why HHS plans to develop a stock of standard shelter capacity as well as surge capacity that can be utilized if the number of children arriving increases.

Question. How many of these children will be transferred into HHS custody?

Answer. The 145,000 estimate is for children in HHS custody only.

SELECTION OF UAC HOUSING FACILITIES

Question. Individual communities have concerns about the processes in place for acquiring new facilities to house Unaccompanied Alien Children (UAC). The Center for Domestic Preparedness in Anniston, Alabama was selected as a potential UAC housing facility. On July 2nd, after concerns about this choice were expressed, as it would have transported these children more than 900 miles away from our southern border to a facility ill-equipped to house them, Anniston was removed from the potential site list.

What are the processes in place at HHS for identifying potential UAC facilities? Specifically, how are community concerns addressed?

Answer. There are many factors that HHS considers when assessing whether a facility could serve as a temporary shelter. This includes the amount and configuration of the space; the availability of services such as food, HVAC, showers, and bathrooms; accessibility to an airport to facilitate the release of children to their sponsors and transportation of children from CBP facilities to the shelter; availability of grantees to staff the shelter; the safety and security of the facility; and local community support.

QUESTIONS SUBMITTED BY SENATOR JERRY MORAN

Question. The fiscal year 2015 Senate Labor/HHS appropriations bill provided $1.94 billion for the funding for the Unaccompanied Alien Children Program, $340 million below the $2.28 billion the Office of Management and Budget requested in a letter to the Committee on May 30th. While the Department may need additional funding by the end of the current fiscal year, it appears that this supplemental request also attempts to make up for the difference between what the Senate provided in fiscal year 2015 and what OMB requested outside the budget request. If funding was necessary in fiscal year 2015, why didn't the Department request it in the budget?

Answer. At the time that the fiscal year 2015 budget was put together, we did not have sufficient data to estimate the amount of funding that would be needed in fiscal year 2015 with any degree of certainty. Additionally, we had just created an interagency working group to examine this issue to see if unaccompanied children could be served more efficiently. At the time the budget was released, we said that as additional information became available we would provide revised cost estimates to the Appropriations Committees. Revised estimates were provided through a May 30 letter to the heads of the Appropriations Committees.

Question. The Supplemental requests $1.8 billion for the Unaccompanied Alien Children program, even though the Department needs approximately $400 million to run the program through the end of the fiscal year. Why are you asking for additional funds for fiscal year 2015 when Congress has not yet appropriated fiscal year 2015 funds? Is this simply a way to avoid the budget caps?

Answer. The request for emergency supplemental appropriations is based on the assumption of up to 90,000 unaccompanied children in fiscal year 2014 and 145,000 unaccompanied children in fiscal year 2015 coming into HHS care. As you know, this humanitarian situation is fluid, and the requested funding will allow HHS to effectively plan to follow the law and care for unaccompanied children in the most cost effective way possible. On May 30th, the Administration estimated HHS would need $2.28 billion to serve 145,000 unaccompanied child arrivals in fiscal year 2015. This estimate assumed that none of the more expensive temporary beds HHS is currently using would be needed in fiscal year 2015.

Since the date of the hearing, the number of unaccompanied children referred to HHS fell considerably. In July, 5,305 children came into HHS custody, compared to 9,431 in May and 10,197 in June. This reduction in arrivals coupled with increased shelter capacity and discharges from our care allowed us to eliminate the backlog of children who are in Border Patrol custody for more than 72 hours.

Without supplemental funding HHS could face three challenges:

—First, we will be unable to maintain the number of beds will have in place at the end of fiscal year 2014. Additional funding sooner rather than later enhances our ability to plan and to secure lower cost, longer-term solutions, including surge capacity that we can utilize in the future should we again face a significant increase in the number of children arriving.

—Second, there remains uncertainty about the number of children we will need to house over the coming months. Additional funding is critical for fiscal year 2015 to be in a position to plan prudently.

—Third, without additional resources, we may need to use funds that would otherwise be provided to states and communities to help refugees who we have

brought to the United States integrate into their new communities. Additional funding is critical for HHS/ORR to be in a position to plan prudently and secure lower cost, longer-term solutions in fiscal year 2015.

Question. How much funding is needed for the remainder of fiscal year 2014?

Answer. The request for emergency supplemental appropriations is based on the assumption of up to 90,000 unaccompanied children in fiscal year 2014 and 145,000 unaccompanied children in fiscal year 2015 coming into HHS care. As you know, this humanitarian situation is very fluid, and while the situation has recently eased the requested funding will allow HHS to effectively plan to follow the law and care for unaccompanied children in the most cost effective way possible.

Question. Madam Secretary, if a parent or guardian of an unaccompanied child is identified in the U.S., do you check the immigration status of the parent or guardian, and at what stage of the process do you perform this check? If not, why not?

Answer. HHS does not inquire about potential sponsor's immigration status. Our focus is on ensuring the safety and security of the children and to place them in the least restrictive setting that is in the best interest of the child, in accordance with the Trafficking Victims Protection Reauthorization Act of 2008.

QUESTION SUBMITTED BY SENATOR JOHN BOOZMAN

Question. As a member of the medical community, I'm concerned with the health issues I'm hearing about at the border—TB, H1N1, meningitis, scabies. I understand that in many instances, the situations these children were in prior to the horrific travel north, many have been less than desirable, but after that journey, they may be even worse off. What's being seen on the border in terms of sickness and disease and how is it being addressed? Given what you are seeing, how much do you estimate will be spent on medical expenses of the new arrivals and how much has already been spent?

Answer. The safety of the children we care for in this program, and the safety of the American public, are our foremost concern. The Centers for Disease Control and Prevention (CDC) believes that the children arriving at the U.S. border pose little risk of spreading infectious diseases to the public. When children come into the HHS/ORR program, they are given a well-child exam, which includes the Administration of appropriate childhood vaccinations to protect against communicable diseases such as varicella, measles, mumps, rubella, meningococcal disease, and pertussis. They are also screened for tuberculosis, and receive a thorough mental health exam.

It is common for children coming from border patrol to have issues such as small scratches, lice and sometimes scabies. These are treated on a normal basis at our facilities.

When children are determined to be infectious with a communicable disease of public health concern while at the Border Patrol station, HHS/ORR will locate a program that is able to properly isolate them. Following established infectious disease protocols, children who are identified as exposed to communicable diseases of public health concern may be treated prophylactically to halt the course of the disease, tested to determine immunity to the disease, and/or placed in programs that have the capacity to quarantine.

HHS provided medical support at the CBP detention facility in Nogales, Arizona. This allowed us to provide vaccinations and medical screening to children before they were placed in HHS shelters, speeding both medical treatment and the time it took to release a child to a sponsor.

The HHS portion of the emergency supplemental request includes $6 million for medical support.

QUESTIONS SUBMITTED TO SECRETARY JEH JOHNSON

QUESTIONS SUBMITTED BY CHAIRWOMAN BARBARA A. MIKULSKI

ADHERING TO THE 72-HOUR RULE

Question. Currently, how long are these children in DHS custody beyond 72 hours?

Answer. The Department of Homeland Security makes every effort to transfer those unaccompanied children who do not voluntarily return to Mexico or Canada and children from all other countries within 72 hours of determining that they are unaccompanied, as required by Section 235 of the TVPRA (8 USC 1232) to HHS. Accordingly, subsequent to apprehension and processing by CBP, those unaccom-

panied children who do not qualify for voluntary return are required to be placed with HHS within the prescribed timeframe. During the migration surge, HHS was not able to accept the number of children in CBP custody. This led to children remaining in DHS custody well beyond the allowed time and well beyond CBPs capacity to hold them.

Question. What impact is this having on the children?

Answer. DHS is committed to providing unaccompanied children with the best accommodations possible. Under existing legal authority, both DHS and HHS are ensuring the welfare of unaccompanied children in their respective custody, including that the children's nutritional and hygienic needs are met while in our custody; that children are provided regular meals and access to drinks and snacks throughout the day; that they receive constant supervision; and that children who exhibit signs of illness or disease are given proper medical care.

Question. And what impact is having these children in your work areas having on your agency's morale and your agents' ability to perform their regular duties?

Answer. The detention and processing of these unaccompanied children requires a significant amount of personnel, some of whom are being diverted away from their regular duties. The Border Patrol has detailed 265 agents to the Rio Grande Valley to augment operations. Enforcement operations geared toward South Texas Campaign targets have increased as well. Regarding morale, the Border Patrol has a dynamic and resilient workforce and recognizes the impact that a change in responsibilities and/or an increased workload has on its personnel. Agents are encouraged to take advantage of the variety of assistance programs made available through CBP such as the Employee Assistance Program, Peer Support or Chaplaincy.

DETAINING AND REMOVING FAMILY UNITS

Question. As word spreads that DHS is detaining more family units, does the Administration believe more women and children will decide not to make the dangerous journey to our borders?

Answer. As I have stated, our message continues to be clear—our border is not open to illegal migration. Unless they qualify for some form of humanitarian relief, individuals migrating illegally will be sent back to their home countries consistent with our laws and values. DHS is committed to fair, smart, and effective enforcement of this nation's immigration laws. As part of our enforcement strategy, DHS has increased the available facilities to house and expeditiously remove adults with children, while still providing them with full access to make protection claims under current U.S. law.

Traditionally, DHS has maintained very little detention space for adults traveling with children. Consistent with the President's emergency request for supplemental funding, DHS has sought to significantly increase that capacity. In the last 2 months, DHS has opened an additional family residential facility in Artesia, New Mexico, and Karnes County, Texas, and removals from both areas have already begun. DHS will seek to acquire additional facilities for this purpose, but lack of supplemental funding will make this more difficult. DOJ is temporarily reassigning immigration judges to handle the additional caseload. These immigration judges will adjudicate these cases as quickly as possible, consistent with all existing legal and procedural standards, including those for asylum applicants.

Additionally, we have re-initiated and intensified our public affairs campaigns in Spanish, with radio, print, and TV spots, to communicate the dangers of sending unaccompanied children on the long journey from Central America to the United States, and of putting children into the hands of criminal smuggling organizations. CBP has developed and launched the Dangers Awareness Campaign to communicate these dangers to children and their families who are considering the journey and is working with stakeholders in Central America and the United States to encourage the use of Dangers Awareness Campaign materials. I have personally appealed through an open letter to the parents of those who are sending their children from Central America to the United States, distributed broadly in Spanish and English, to highlight the dangers of the journey, and to emphasize there are no free passes or "permisos" at the other end.

These measures will increase the safe and prompt removal of those apprehended crossing our border, and will also send the message to Central America that our borders are not open to illegal migration.

Since DHS announced plans to add additional detention capacity to detain and remove adults with children, the number of apprehensions of family units has decreased dramatically. Although there is no one factor that can be attributed to this decrease, and seasonal migration trends are almost certainly at play, DHS is confident that its comprehensive and sustained response to the challenge is making a

difference. In order to continue the good work already done, it is important that Congress act to pass the President's request for supplemental funding to support our efforts.

Question. How many families per month is DHS currently repatriating to their home countries?

Answer. The number of aliens identified as being members of family units who are removed fluctuates based on a number of factors. From October 2013 through September 6, 2014, ICE has removed 714 individuals that U.S. Customs and Border Protection's Border Patrol apprehended and identified as being members of family units. Please see the chart below for a monthly breakout of the total.

FISCAL YEAR 2014 THROUGH SEPTEMBER 6, 2014, ICE REMOVALS OF BORDER PATROL-IDENTIFIED MEMBERS OF FAMILY UNITS

Month	Total
Oct-13	48
Nov-13	43
Dec-13	31
Jan-14	29
Feb-14	29
Mar-14	39
Apr-14	47
May-14	31
Jun-14	23
Jul-14	230
Aug-14	130
Sept-14 (through 9/6/14)	34
Total	714

Data notes:

ICE Data

—Fiscal year 2014 data is updated through 9/6/2014 (ICE Integrated Decision Support v1.16 run date 9/8/2014; ENFORCE Integrated Database as of 9/6/2014).

—U.S. Marshals Service Prisoners have been excluded.

—Includes Removals from the detained and non-detained dockets.

—Removals include Returns. Returns include Voluntary Returns, Voluntary Departures and Withdrawals under Docket Control.

—Removal counts exclude lag removals (removals from previous fiscal years whose cases were not closed in the system of record until this fiscal year).

Question. How will increased repatriations deter additional family units from making the treacherous and fruitless journey to our border?

Answer. As I have stated, our message continues to be clear—our border is not open to illegal migration. Unless they qualify for some form of humanitarian relief, individuals migrating illegally will be sent back to their home countries consistent with our laws and values.

Some migrants in DHS custody have stated that they were told or believed that family units, upon entry into the United States, would be provided a permit to stay legally in the United States. Removal of family units—alongside efforts to counter misinformation—make the point powerfully to migrating communities that illegally entering the United States will likely result in enforcement and removal action, not legal status or an ability to remain.

Additionally, we have re-initiated and intensified our public affairs campaigns in Spanish, with radio, print, and TV spots, to communicate the dangers of sending unaccompanied children on the long journey from Central America to the United States, and of putting children into the hands of criminal smuggling organizations. CBP has developed and launched the Dangers Awareness Campaign to communicate these dangers to children and their families who are considering the journey and is working with stakeholders in Central America and the United States to encourage the use of Dangers Awareness Campaign materials. I have personally appealed through an open letter to the parents of those who are sending their children from Central America to the United States, distributed broadly in Spanish and English, to highlight the dangers of the journey, and to emphasize there are no free passes or "permisos" at the other end.

These measures will increase the safe and prompt removal of those apprehended crossing our border, and also sends the message to Central America that our borders are not open to illegal migration.

QUESTIONS SUBMITTED BY SENATOR MARY L. LANDRIEU

DEMOGRAPHICS OF UNACCOMPANIED CHILDREN

Question. What are the major demographics of the children you see coming across—especially in the Rio Grande Valley? Can you confirm that the percentage of girls in fiscal year 2014 is now some 40 percent, up from just 23 percent 2 years ago?

Answer. In fiscal year (FY) 2012, 15.9 percent of the nationwide apprehensions of Unaccompanied Alien Children (UAC) were females. In fiscal year 2014 (as of July 10, 2014), 29.1 percent of the nationwide apprehensions of UAC are females.

Question. Can you provide me with detailed data on the number of boys vs. girls you see coming across the border, divided by age group (0–5, 6–10, 11–15, and 16+) and country of origin?

Answer. Please note this information is specific to the Rio Grande Valley area only.

USBP RIO GRANDE VALLEY SECTOR
UNACCOMPANIED CHILDREN APPREHENSIONS BY CITIZENS, GENDER, AGE
FY 2014 TD THROUGH JUNE

Data includes Deportable Aliens Only
Data Source: EID (Unofficial) as of 7/25/14

Citizenship	Female				Female Total	Male				Male Total	Total
	0–5	6–10	11–15	16+		0–5	6–10	11–15	16+		
Albania	.....	.....	1	3	4	.....	.....	3	13	16	20
Argentina	.....	.....	.....	1	1	.....	.....	.....	.....	0	1
Bangladesh	.....	.....	.....	.....	0	.....	.....	1	2	3	3
Belize	1	.....	6	.....	7	.....	1	4	1	6	13
China, Peoples Republic of	.....	.....	1	27	28	.....	.....	.....	33	33	61
Colombia	.....	.....	.....	.....	0	.....	.....	.....	1	1	1
Costa Rica	.....	.....	1	.....	1	.....	.....	3	.....	3	4
Dominican Republic	.....	.....	1	.....	1	.....	.....	3	.....	3	4
Ecuador	1	16	66	63	146	.....	19	95	150	264	410
El Salvador	119	637	2,183	1,866	4,805	114	706	2,929	3,707	7,456	12,261
Guatemala	68	260	1,111	1,095	2,534	57	308	2,269	4,594	7,228	9,762
Honduras	214	841	2,629	2,013	5,697	244	991	3,232	3,539	8,006	13,703
India	.....	.....	.....	.....	0	.....	.....	.....	2	2	2
Mexico	6	24	153	247	430	12	95	2,123	3,066	5,296	5,726
Nepal	.....	.....	.....	.....	0	.....	.....	.....	1	1	1
Nicaragua	.....	10	23	27	60	.....	9	38	48	95	155
Peru	.....	1	4	5	10	.....	4	6	10	20	30
Romania	.....	.....	.....	.....	0	.....	.....	.....	1	1	1
Syria	.....	.....	.....	.....	0	.....	.....	.....	1	1	1
Total	409	1,789	6,179	5,347	13,724	427	2,133	10,703	15,170	28,433	42,157

Question. What is the numeric break-down in fiscal year 2014 of unaccompanied children, as compared to single adults and to families, in aggregate and by country of origin? (Please report number of individuals in each category.)

Answer.

U.S. BORDER PATROL RIO GRANDE VALLEY SECTOR APPREHENSIONS BY DEMOGRAPHIC
FY 2014 TD THROUGH JUNE

Data includes Deportable Aliens Only
Data Source: Enforcement Integrated Database (EID) (Unofficial) as of 7/25/14

Citizenship	FMUA*	Single Adults	UC	Total
ALBANIA	52	229	20	301
ARGENTINA	2	8	1	11
AUSTRALIA	.....	1	.....	1
AUSTRIA	.....	1	.....	1
BAHAMAS	.....	1	.....	1

U.S. BORDER PATROL RIO GRANDE VALLEY SECTOR APPREHENSIONS BY DEMOGRAPHIC—Continued

FY 2014 TD THROUGH JUNE

Data includes Deportable Aliens Only
Data Source: Enforcement Integrated Database (EID) (Unofficial) as of 7/25/14

Citizenship	FMUA*	Single Adults	UC	Total
BANGLADESH		228	3	231
BELIZE	11	15	13	39
BENIN		1		1
BOLIVIA		18		18
BRAZIL	58	105		163
CANADA	1			1
CHILE		3		3
CHINA, PEOPLES REPUBLIC OF	2	885	61	948
COLOMBIA	9	90	1	100
COSTA RICA	6	60	4	70
CUBA		46		46
DOMINICAN REPUBLIC		171	2	173
ECUADOR	107	2,091	410	2,608
EGYPT		1		1
EL SALVADOR	9,535	21,947	12,261	43,743
EQUATORIAL GUINEA		1		1
ERITREA		5		5
ETHIOPIA		1		1
FRANCE		1		1
GEORGIA		3		3
GHANA		1		1
GREECE		1		1
GUATEMALA	6,175	28,809	9,762	44,746
GUYANA		1		1
HAITI		1		1
HONDURAS	24,744	20,904	13,703	59,351
HUNGARY		1		1
INDIA		163	2	165
INDONESIA		2		2
IRAN		1		1
JAMAICA		5		5
MACEDONIA		1		1
MEXICO	1,405	40,197	5,726	47,328
NEPAL	2	314	1	317
NICARAGUA	88	707	155	950
NIGER		1		1
PAKISTAN		8		8
PANAMA		5		5
PARAGUAY		2		2
PERU	95	269	30	394
PHILIPPINES		2		2
POLAND		2		2
ROMANIA	66	24	1	91
RUSSIA		3		3
SOUTH AFRICA		1		1
SOUTH KOREA		1		1
SPAIN	3	2		5
SRI LANKA	2	40		42
SYRIA		3	1	4
TAJIKISTAN		1		1
TRINIDAD AND TOBAGO		1		1
TURKEY		22		22
UKRAINE		1		1
UNITED KINGDOM		1		1
UNKNOWN	1	1		2
URUGUAY		2		2
VENEZUELA		5		5
VIETNAM		3		3

U.S. BORDER PATROL RIO GRANDE VALLEY SECTOR APPREHENSIONS BY DEMOGRAPHIC—Continued

FY 2014 TD THROUGH JUNE

Data includes Deportable Aliens Only
Data Source: Enforcement Integrated Database (EID) (Unofficial) as of 7/25/14

Citizenship	FMUA*	Single Adults	UC	Total
Total	42,364	117,420	42,157	201,941

*Family Unit (FMUA) subject apprehensions include all USBP apprehensions of adults (18 years old and over) with a FMUA classification, and all accompanied children (0–17 years old).

REFUGEE ACT OF 1980

Question. For unaccompanied children taken into custody by CBP as illegal entrants, who conducts the "credible fear" screening for these children and at what point in the process?

Answer. CBP officers and agents conduct screenings on unaccompanied children in accordance with the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA). The screening occurs during the routine processing at CBP facilities.

Question. How are they given special consideration given their minor status?

Answer. Consistent with the TVPRA and the Flores Settlement Agreement, CBP trains its officers on the policies, procedures, and responsibilities which they are expected to follow with juveniles, from initial encounter through release or removal. CBP continues to ensure the needs of the children are being met, including that they receive the necessary food and shelter, and that they receive priority processing before adults are processed. All unaccompanied children are separated from unrelated adults, are held in the least restrictive setting available, and are monitored closely.

Question. How does the process differ for Mexican children, who may be put into the expedited removal process, versus children from "non-contiguous" countries?

Answer. When DHS seeks the removal of an unaccompanied child, the Trafficking Victims Protection Reauthorization Act requires that DHS place the child in removal proceedings under section 240 of the Immigration and Nationality Act, with the exception of unaccompanied children who are from contiguous countries. Children from Mexico and Canada may be permitted to withdraw their applications for admission in certain circumstances, if CBP determines the unaccompanied children meets the following criteria:

1. No fear of return;
2. Not a victim of trafficking and there is no credible evidence of trafficking risk; and,
3. Has the ability to make an independent decision (generally, over the age of 14).

If the child meets the requirements and is offered a withdrawal, then the return is conducted in accordance with contiguous country agreements regarding the method of repatriation. If CBP cannot make such a determination, then the child must be transferred to the Department of Health and Human Services (HHS).

Except in the case of exceptional circumstances, DHS is required to transfer unaccompanied children from non-contiguous countries or those from Mexico or Canada who do not voluntarily return to their home country, to HHS within 72 hours of determining that the child is an unaccompanied child. In emergency circumstances, such as in the case of the recent influx of unaccompanied children, CBP makes every effort to transfer the children to HHS custody as soon as possible. HHS is responsible for the care and custody of unaccompanied children while they are in Federal custody based on their immigration status.

Question. Are the credible fear screeners specially trained to identify possible asylum claims or evidence of trafficking when interviewing traumatized children?

Answer. All new CBP officers and agents are provided instruction during basic training on the screening, arrest and detention, search, care and treatment, placement, custody and consent requirements, and rights of juveniles. CBP Officers and Border Patrol agents are trained to recognize children who may be victims of trafficking or at risk of being trafficked. Indicators may be identified through questioning, as well as verbal and non-verbal cues. These screenings are an essential step in protecting children from being exploited by human traffickers and to ensure we do not further their exploitation.

Additionally, incumbent CBP officers and agents are required, annually, to take the on-line CBP course Human Trafficking Awareness and Unaccompanied Chil-

dren, pursuant to applicable law. CBP is also in the process of working with civil society partners to develop a video-based course to provide CBP officers and agents enhanced instruction on interacting with children. The goal of this video course is to increase the capacity of agents and officers to speak with and screen children so that they may better determine if the children display abuse or human trafficking indicators. This training will also build awareness about the conditions from which children may be escaping, and will include information about age appropriate reactions to trauma and exploitations children may have faced during their journey.

Question. What percentages of UACs by country of origin are currently being found to express a credible fear of persecution if returned to their country of origin? Further, what percentages are being granted permanent asylum once that process unfolds?

Answer. As required by the TVPRA, unaccompanied children from contiguous countries are screened to determine whether they fear a return to their home country for any reason, and to determine if they should be permitted to withdraw their applications for admission. Unaccompanied children from non-contiguous countries, as well as those from contiguous countries who do not withdraw their applications for admission, are generally placed into removal proceedings before an immigration judge. While the immigration judge has jurisdiction over the removal proceedings, United States Citizenship and Immigration Services (USCIS) has initial jurisdiction over asylum claims filed by unaccompanied children pursuant to the TVPRA. Thus, although these unaccompanied children are in removal proceedings, any application for asylum must be filed with USCIS and not with the Immigration Court.

Only a small percentage of unaccompanied children apprehended by CBP have applied for asylum, and those who do have historically represented a small percentage of the total asylum applications filed with USCIS in any given year. In fiscal year 2013 and fiscal year 2014 through June 30, 2.5 percent of unaccompanied children apprehended by CBP subsequently applied for asylum. As of June 30, 2014, a total of 1,532 unaccompanied children have applied for asylum with USCIS in fiscal year 2014. This is approximately 4 percent of the total number of asylum applications received by USCIS in fiscal year 2014 through June 30.

Below are the approval rates by year for unaccompanied children asylum cases decided by USCIS under the TVPRA initial jurisdiction provision, since the TVPRA was enacted. These approval rates do not include unaccompanied children asylum cases decided by the Immigration Courts, in cases in which USCIS did not grant asylum, but instead referred the case back to the Immigration Courts for adjudication. We defer to the Department of Justice Executive Office for Immigration Review with respect to that information.

Year	TVPRA UC Approval Rate
Fiscal year 2009 [1]	6.3%
Fiscal year 2010	42.1%
Fiscal year 2011	38.1%
Fiscal year 2012	44.2%
Fiscal year 2013	35.0%
Fiscal year 2014 Q3	64.7%

[1] The initial jurisdiction procedures under the TVPRA were implemented at the beginning of the 3rd quarter of fiscal year 2009 on March 23, 2009, the effective date of the TVPRA.

POST-KATRINA EMERGENCY REFORM ACT OF 2006

Question. Do you have or will you have budgetary authority in the $3.7 billion request to solve this issue or responsibility for the planning and success of the interagency response?

Answer. The President's Emergency Supplemental Request for Unaccompanied Children and Related Matters did not include a request for the Federal Emergency Management Agency (FEMA). FEMA's responsibility is in the coordination and support of our Federal partners. FEMA is using existing funds and authorities to coordinate the actions of the Unified Coordination Group which was established to support our Federal partners in those coordination efforts. The President's directive creating the UCG does not obligate any agency to reimburse another agency for the resources used to address the UAC humanitarian situation.

Question. I want you to succeed in ensuring that our response to this emergency is coordinated in the most humane way possible. However, I think it is important to have a person representing the Administration who is responsible for the planning, implementation, budgetary outlays and ultimate success or failure of our response to this stated crisis?

Answer. FEMA is currently supporting the Federal response as defined by the Presidential Memorandum—Response to the Influx of Unaccompanied Children across the Southwest Border from June 2, 2014.

The Presidential Memorandum identified the current situation as an "urgent humanitarian situation" requiring a unified and coordinated Federal response. The document directs the Secretary of Homeland Security to establish an interagency Unified Coordination Group to ensure unity of effort across the executive branch in response to the humanitarian aspects of the situation, consistent with the Homeland Security Act of 2002 and Homeland Security Presidential Directive-5 (Management of Domestic Incidents), including the coordination with state, local, and other non-Federal entities.

Secretary Johnson has directed the FEMA Administrator, subject to his oversight, direction, and guidance, to serve as the Federal Coordinating Official (FCO) for the U.S. Government-wide response.

The President's June memorandum requires all departments and agencies to provide full and prompt cooperation, resources, and support, as appropriate and consistent with their own responsibilities for addressing this situation under existing authorities and in compliance with statutory requirements. The FEMA Administrator, operating as the FCO, executes these responsibilities consistent with all applicable laws and regulations, including legal requirements governing the appropriate care and custody of unaccompanied children.

Using authorities under the National Response Framework through interagency agreements, FEMA has been able to coordinate across the Federal agencies' existing authorities and existing funding, to build the overall capability needed to address the humanitarian needs of unaccompanied children.

ACCOUNTABILITY

Question. We are being asked to consider an emergency supplemental appropriations bill worth $3.7 billion. Clear lines of authority and responsibility need to be established and accountability for the money must be a priority. We need to identify who is in charge of fixing the deep-rooted, systemic problem, what the plan is, and who is going to be held responsible for delivering results.

Who is accountable in each of your departments or component agencies and how are they part of a coordinated whole-of-government approach?

Answer. On my and others' recommendation, in June the President directed an inter-agency Unified Coordination Group be created to address the situation, pursuant to the Homeland Security Act of 2002 and other authorities. I appointed FEMA Administrator Craig Fugate as the Federal Coordinating Official. In this role, Administrator Fugate, subject to my oversight, direction and guidance, leads and coordinates Federal response efforts to ensure that Federal agencies are unified in providing relief to the affected children. U.S. Customs and Border Protection maintains primary responsibility for border security operations at and between ports-of-entry and, working with U.S. Immigration and Customs Enforcement, provides for the proper care of unaccompanied children when they are temporarily in DHS custody. DHS will continue to coordinate closely with the HHS, State, Defense, Justice, the General Services Administration and other agencies, to ensure a coordinated and rapid government-wide response in the short-term and to undertake broader, longer-term reforms to address the root cause behind these recent migration trends. We also continue to work closely with the governments of Mexico, Guatemala, Honduras and El Salvador.

Question. What are the specific goals of each of your departments? What are the metrics and the benchmarks of success or failure in addressing this emergency situation, for the remainder of fiscal year 2014, for fiscal year 2015, and beyond?

Answer. With respect to unaccompanied children, consistent with legal requirements, the goal of the Department of Homeland Security (DHS) is to process, refer, and transfer unaccompanied children to the U.S. Department of Health and Human Services (HHS) for placement as soon as HHS has bed space available, and within 72 hours after the child has been identified as an unaccompanied child. CBP processes unaccompanied children after apprehension at the border, and contacts HHS so that HHS can locate available space at one of its facilities. Once HHS has identified the appropriate bed space, DHS will transport the child to the facility, as the law requires. DHS is required by law to transfer unaccompanied children to the custody of HHS within 72 hours after determining that such child is unaccompanied, except in the case of "exceptional circumstances."

The metric DHS will use and provide to Congress to benchmark this goal will be the speed by which DHS processes and transfers unaccompanied children out of DHS custody and into an HHS designated location. In many cases, delays in trans-

ferring unaccompanied children out of CBP short-term holding facilities will be due to lack of HHS capacity to receive these children in HHS shelters. In the case of any exceptional circumstances, such as any surges experienced during the remainder of fiscal year 2014, as well as for fiscal year 2015 and beyond, DHS will closely monitor the number of children held beyond 72 hours, and, for children held beyond 72 hours, the average length of time in CBP custody.

QUESTIONS SUBMITTED BY SENATOR MARK PRYOR

BUDGET REQUEST

Question. The President's Budget was released in March. It is hard for me to believe that the Administration did not know that the influx of unaccompanied children was occurring at a pace that might outpace resources. Why was the influx of unaccompanied children not flagged as a priority in the Department of Health and Human Services' (HHS), Department of Homeland Security (DHS), and the State for Foreign Operations funding request? How is the Administration going to ensure that the OMB can be agile in their requests and give Congress time to ensure oversight for crisis's build over time like this one?

Answer. The issue of unaccompanied children has always been a high priority for the Administration. Personally, I have been fully immersed and engaged in this issue since coming into office. I have been increasingly concerned about the substantial increase in the numbers of unaccompanied children and adults with children that DHS personnel are apprehending at the border, particularly in the Rio Grande Valley. These are some of the most vulnerable individuals we encounter. On numerous trips to the region, I have seen the children there first hand—a significant number of whom were under twelve years old.

The President's fiscal year (FY) 2015 Budget was transmitted to Congress in March 2014. Officials from DHS and HHS coordinate regularly on the issue of unaccompanied children. Both DHS and HHS were aware of the rising trend in apprehensions of unaccompanied children and the fiscal year 2015 Budget was based upon the data on apprehensions of unaccompanied children that was available at that time. In fiscal year 2013, CBP apprehended more than 24,000 unaccompanied children at the border. In just the first 9 months of fiscal year 2014, that number has doubled to more than 57,000. Officials from DHS and HHS coordinate regularly on the issue of unaccompanied children. Both DHS and HHS were aware of the rising trend in apprehensions of unaccompanied children and the fiscal year 2015 Budget was based upon the data on apprehensions of unaccompanied children that was available at that time.

This dramatic increase in apprehensions and activities associated with unaccompanied children and adults with children, the resources necessary to appropriately address this issue are simply not available within the current fiscal year 2014 budget or the proposed fiscal year 2015 budget. To effectively address this emerging crisis, the President requested an emergency supplemental appropriation of $3.7 billion to support detention and removal facilities and processes appropriate for children and adults with children, as well as increased activities to disrupt human smuggling activities that bring these individuals across U.S. borders.

The Administration has a long record of working closely with Congress to ensure that all parties are aware of developments like this one and have provided Congressional staff with regular briefings on this issue. The Administration is committed to working closely with Congress to ensure that there is sufficient time for the necessary oversight mechanisms to be in place to ensure their successful implementation.

EFFECT ON U.S. CUSTOMS AND BORDER PROTECTION

Question. According to news reports, the influx of unaccompanied children has preoccupied CBP officials and resulted in the CBP missing opportunities to apprehend other threats. Please explain the severity of this problem. Presently, how is CBP working to resolve this issue?

Answer. While the recent influx of unaccompanied children has challenged enforcement capabilities, the Border Patrol has no quantifiable evidence that its border security mission has been negatively impacted. As mentioned previously, the Border Patrol has 265 detailed agents to the Rio Grande Valley to augment operations, offsetting any negative impacts.

WORKING WITH BORDER AUTHORITIES IN MEXICO

Question. How exactly is DHS working with the border authorities in Mexico to help with the influx of unaccompanied children?

Answer. CBP has several capacity building efforts, both ongoing and planned, to enhance the border security capabilities of Mexico. CBP and the Government of Mexico (GoM) deployed assets to high trafficked areas along the shared border in an effort to deter Transnational Criminal Organization (TCO) activities under the auspice of the Cross Border Coordination Initiative (CBCI). CBCI provides an operational framework to enhance public safety and degrade and disrupt the ability of criminal organizations to engage in the smuggling of illegal drugs, currency, weapons, ammunition and people.

CBP is working with GoM to assist in the training of approximately 400 Gendarmerie officers who will be used to enhance efforts along their northern border as well as the targeting of TCO activities along their southern border. Mexico's Gendarmerie is a special unit of Policia Federal who will be used to address public safety concerns throughout Mexico.

CBP is also partnering with GoM in the Operation against Smugglers Initiative on Safety and Security (OASISS) program. OASISS is a bi-national prosecutorial program with Mexico's Attorney General that is focused on combating human smuggling across the Southwest Border by identifying and prosecuting Mexican nationals in Mexican courts who were arrested for alien smuggling in the United States.

BIOMETRIC IDENTIFICATION

Question. There have been reports that ICE and CBP have taken biometric identification from some of the unaccompanied minors near the border. Because most of these minors lack proper identification biometrics appears to be a reliable way to ensure these minors are accounted for as they pass through several agencies (DHS, HHS, DOJ), family members in the U.S., and even as they are sent back to their home countries. Furthermore, it is important that our agencies are able to protect these children's identities. Are DHS and HHS properly leveraging the biometrics captured, is there inter-agency cooperation? Please describe the current or planned system to accurately account for these minors as they stay in the U.S. and as they leave.

Answer. CBP collects biometric information for all inadmissible applicants in accordance with the applicable regulation, 8 CFR 236.5. The regulation states biometrics are collected for inadmissible applicants, including unaccompanied children that are age 14 and older. CBP collects biometric information for immigrants over age 14, including fingerprints and photographs, in accordance with 8 CFR 264.1(g); and, CBP collects biometric information for most nonimmigrant visitors between the age of 14 and 79, in accordance with 8 CFR 235.1(f). The biometric data that is collected for inadmissible applicants is stored in the DHS "IDENT" data systems.

If unaccompanied children are under the age of 14, CBP photographs the unaccompanied children and generates an A-number on their behalf. A-numbers are unique personal identifiers used to create individual immigrant files known as A-files. The A-file contains all personal immigration and naturalization records. If an unaccompanied child is allowed to remain in the United States, biometrics would be collected when the person turns age 14 (within 30 days of the 14th birthday), in accordance with 8 CFR 264.1(g).

CBP places all unaccompanied children whom CBP seeks to remove into removal proceedings before an Immigration Judge from the U.S. Department of Justice. CBP makes every effort to transfer unaccompanied children who do not voluntarily return to Mexico or Canada to HHS within 72 hours of determining that they are unaccompanied children. HHS is responsible for the care and custody of unaccompanied children while they are in Federal custody based on their immigration status. While HHS and DHS work together closely, there is no automated system that links the biometric identification between CBP and HHS.

QUESTIONS SUBMITTED BY SENATOR MARK BEGICH

CIRCUMSTANCES, REASONS THAT LED TO MIGRATION

Question. Is CBP tracking the circumstances and reasons that have led to the migrant children to the United States when they are apprehended at the border?

Answer. U.S. Customs and Border Protection (CBP) is identifying data and collaborating with other immigration, law enforcement, and border security agencies

to monitor, identify, and review critical issues dealing with migration surges along the southwest border.

CBP and the immigration enforcement community are assessing the data that we and other agencies currently have to identify the root causes in an effort to develop a forward looking solution. There is currently a whole of government approach to this problem which is focused on identifying and collecting the required information that would enable us to better understand the root causes and develop operational responses to help mitigate.

Question. If we aren't collecting data to identify the root causes of this problem, how can we put together a forward-looking solution?

Answer. CBP is identifying data and collaborating with other immigration, law enforcement, and border security agencies to monitor, identify, and review critical issues dealing with migration surges along the southwest border.

DHS, through its CBP, ICE, and I&A components, is working diligently to understand the range of reasons for this surge in illegal migration. This work includes interviews and debriefs with migrants in our custody, intelligence gathering and analysis, working with our partners in Mexico and Central America, and robust smuggling investigations. These actions will enable us to have a meaningful impact on the surge and reduce the flow of illegal migration, in addition to informing many of the reasons for this surge.

SECURING THE SOUTHWEST BORDER

Question. What is DHS doing to make sure we not only secure our southwestern border but also ensure that Mexico secures its own southern border, to help manage the flow of people before it reaches us?

Answer. DHS continues to have a productive and mutually-beneficial relationship with our counterparts in the Government of Mexico based on the doctrines of co-responsibility of our shared border and co-management of migration issues. The core of DHS interest lies in improving joint border management, which includes everything from investigations to disaster response, admissibility determinations to joint operations, and appropriate information sharing to the repatriation of Mexican nationals. The majority of DHS programmatic efforts with Mexico are focused on expediting the legitimate flow of goods and people and interdicting and preventing the illicit flows of people, weapons, drugs, and currency.

Mexican President Enrique Pëa Nieto formally announced Mexico's southern border strategy on July 6, 2014, at an event which included Guatemalan President Otto Perez Molina. As part of this new strategy, DHS will engage with the Government of Mexico, as requested, to provide training and technical assistance to improve security and manage the flow of goods and people through southern Mexico. Further, DHS will work with the Government of Mexico to take a coordinated approach to engagement with the Government of Guatemala, as well as other Central American governments whose citizens are also entering the U.S. illegally and therefore impacting the migration surge.

Additionally, I signed a Memorandum of Cooperation and Bilateral Strategic Plan with my Guatemalan counterpart during a visit to Guatemala on July 9, 2014. These agreements will formalize our partnership and ensure a coordinated, strategic, approach to issues concerning border security, immigration management, and information sharing. Of note, the strategic plan includes the goal of continued engagement between U.S. Customs and Border Protection, Office of Border Patrol and their Guatemalan counterparts to build capacity to patrol and manage Guatemala's borders.

By promoting the idea of co-management and co-responsibility for border security and immigration, we can effectively engage our partners in Mexico and Central America to address the illicit flows of goods and people through the region.

QUESTIONS SUBMITTED BY SENATOR CHRISTOPHER A. COONS

ALTERNATIVES TO DETENTION

Question. The Administration has requested $879 million for ICE for a combination of detention and alternatives-to-detention (ATD) programs. How much of the funds would be spent on detention and how much would be spent on ATD?

Answer. The Administration request includes $731.3 million for detention and $32.7 million for the Alternatives to Detention program. The remainder of the $879 million is for the prosecution and removal costs associated with these populations.

LEGAL ORIENTATION PROGRAM

Question. The Administration's emergency supplemental request includes $15 million for legal representation for unaccompanied minors and $2 million for expansion of the Legal Orientation Program. Please explain why it is important for children who may have asylum or human trafficking claims to be represented by counsel in a removal proceeding.

Answer. We respectfully refer you to the Department of Justice's Executive Office for Immigration Review, which oversees the Legal Orientation Program.

Question. Removal proceedings are adversarial; an asylum case can include cross-examination of witnesses before a judge. How does DHS ensure that a child has a full and fair opportunity to present a legal argument in this setting?

Answer. We respectfully refer you to the Department of Justice's Executive Office for Immigration Review.

ASYLUM OFFICERS

Question. Does the Administration's emergency supplemental request include funds for hiring more asylum officers to promptly adjudicate asylum applications? If so, please provide some detail on that aspect of the request and how an increased number of asylum officers might impact detention costs.

Answer. No, the Administration's emergency supplemental request does not include funds for hiring more asylum officers. Consistently, only a very small percentage of unaccompanied children have applied for asylum. In fiscal year 2013 and fiscal year 2014 through June 30, only 2 percent of unaccompanied children apprehended by CBP subsequently applied for asylum. Likewise, unaccompanied children apprehended at the border who subsequently file for asylum represent only a very small percentage of the total asylum applications filed with the United States Citizenship and Immigration Services (USCIS) in any given year. As of June 30, 2014, a total of 1,532 unaccompanied children have applied for asylum with USCIS in fiscal year 2014. This is approximately 4 percent of the total number of asylum applications received by USCIS in fiscal year 2014 through June 30.

QUESTIONS SUBMITTED BY SENATOR RICHARD C. SHELBY

ILLEGAL MIGRATION BY FAMILIES

Question. How will this action actually deter families from making the dangerous journey?

Answer. From past experience, we know that detention and rapid removal, following all appropriate due process, is an important deterrent to illegal crossing. For example, in 2005, after noting a significant increase in illegal crossings of Brazilian nationals, U.S. Immigration and Customs Enforcement (ICE) prioritized its bed space for detaining and removing all Brazilians apprehended while trying to illegally cross the border. The approach yielded results. After 60 days, attempted illegal crossings by Brazilians were down 90 percent.

As a result, DHS is building additional detention capacity for family units that cross the border illegally in the Rio Grande Valley. For this purpose, DHS has established a temporary facility for family units on the Federal Law Enforcement Training Center's campus at Artesia, New Mexico, and modified an existing ICE facility in Karnes, Texas. The establishment of this temporary facility and the modification of the Karnes Family Residential Center will help ICE to increase its capacity to house and expedite the removal of such families in a manner that complies with Federal law. Artesia and Karnes are two of several facilities that DHS expects to use to increase our capacity to hold and expedite the removal of the increasing number of family units illegally crossing the southwest border. DHS is ensuring that, after apprehension, families are housed in facilities that adequately provide for their safety, security, and medical needs and that necessary due process needs are met.

Question. Will DHS be able to work with DOJ to remove these individuals?

Answer. The Department of Homeland Security has been working closely with the U.S. Department of Justice (DOJ) to ensure that proceedings before DOJ's Executive Office for Immigration Review with regard to these individuals are completed in a timely manner. DOJ is temporarily reassigning immigration judges to handle the additional caseload. These immigration judges will adjudicate these cases as quickly as possible, consistent with all existing legal and procedural standards, including those for asylum applicants. We expect additional family unit removals to Hon-

duras, Guatemala, and El Salvador to continue after full and appropriate due process and other protections are afforded.

QUESTIONS SUBMITTED BY SENATOR JERRY MORAN

TRACKING UNACCOMPANIED CHILDREN

Question. Secretary Johnson, if an Unaccompanied Alien Child (UAC) is transferred into the custody of a parent or guardian, what are the steps in place to ensure that the child appears at their immigration hearing? Does the Department of Homeland Security track UACs once they are released from HHS custody?

Answer. Pursuant to the Trafficking Victims Protection Reauthorization Act of 2008, with the exception of certain unaccompanied children from contiguous countries whom the Department of Homeland Security may permit to withdraw their applications for admission and return to their home country, unaccompanied children apprehended at the border are generally placed in removal proceedings under section 240 of the Immigration and Nationality Act. Like all other individuals on ICE's non-detained docket, unaccompanied children ultimately released to the custody of a parent or guardian are subject to supervision requirements as determined by their local ICE Enforcement and Removal Operations (ERO) Field Office until their case comes to a final resolution.

As with adults, unaccompanied children who do not appear for their immigration court proceedings may be ordered removed in absentia by an immigration judge. Upon receipt of notification that an unaccompanied child has been ordered removed by an immigration judge, ICE ERO will take appropriate enforcement action based on its national security, public safety, and border security priorities.

Question. What percentage of UACs does not appear at their immigration hearing?

Answer. DHS is responsible for continued immigration case management, while the Department of Justice's Executive Office for Immigration Review (EOIR) is responsible for scheduling immigration hearings before an immigration judge.

DHS does not record or statistically report on the number of unaccompanied children who have been issued a Notice to Appear and who have absconded from their immigration court proceedings, and defers to the EOIR with respect to this information.

Question. What is DHS's process for handling UACs that do not appear at their hearing?

Answer. Under section 240(b)(5)(A) of the Immigration and Nationality Act ("Act"), an immigration court shall order removed in absentia any alien who fails to appear at his or her removal hearing if DHS establishes by clear, convincing, and unequivocal evidence that written notice of the hearing was provided to the alien and that the alien is removable. Generally, the written notice is considered sufficient if it was sent to the most recent address provided. However, a removal order entered in absentia may be rescinded by the immigration court if the alien can establish either (1) that, within 180 days of the order, he or she was unable to appear because of exceptional circumstances or (2) that he or she did not receive written notice of the removal proceeding and cannot be constructively charged with having received notice of the proceeding. 8 U.S.C. § 1229a(b)(5); 8 CFR § 1003.23(b)(4)(iii)(A). DHS has the discretion to join or oppose these motions to reopen as appropriate.

As noted above, upon receipt of notification that an unaccompanied child has been ordered removed by an immigration judge, ICE ERO will take appropriate enforcement action based on its national security, public safety, and border security priorities.

Question. How many of these fugitive UACs are actually subsequently removed by DHS?

Answer. Of the 1,695 unaccompanied children removed in fiscal year (FY) 2011, 82 were fugitives; of the 1,809 unaccompanied children removed in fiscal year 2012, 91 were fugitives; and of the 1,868 unaccompanied children removed in fiscal year 2013, 108 were fugitives.

STEMMING THE FLOW OF BORDER CROSSINGS

Question. What specific actions have you taken to stem the tide of UACs crossing the border?

Answer. To stem the tide of undocumented children and families seeking to enter the United States, we have been in contact with senior government officials of Guatemala, El Salvador, Honduras, and Mexico to address our shared border security

interests, the underlying conditions in Central America that are promoting this mass migration, and how we can work together to assure faster, secure removal and repatriation. I traveled to Guatemala on July 8th and 9th, where I met with the President of Guatemala and senior government officials from Mexico to discuss a range of further steps to improve the regional response to this migration.

DHS, together with DOJ, has added personnel and resources to the investigation, prosecution, and dismantling of the smuggling organizations that are facilitating border crossings into the Rio Grande Valley. In May, ICE concluded a month-long, targeted enforcement operation that focused on the logistics networks of human smuggling organizations along the southwest border, with operations in El Paso, Houston, Phoenix, San Antonio, and San Diego that resulted in 163 arrests of smugglers. Building on these efforts, on June 23rd, DHS surged approximately 60 ICE Homeland Security Investigations (HSI) criminal investigators, intelligence analysts, and support staff to the Rio Grande Valley as part of efforts to target and dismantle human smuggling operations across the southwest border. ICE will continue to vigorously pursue and dismantle these alien smuggling organizations by all investigative means to include the financial structure of these criminal organizations. These organizations not only facilitate illegal migration across our border, they traumatize and exploit the children who are objects of their smuggling operation.

We have re-initiated and intensified our public affairs campaigns in Spanish, with radio, print, and TV spots, to communicate the dangers of sending unaccompanied children on the long journey from Central America to the United States, and of putting children into the hands of criminal smuggling organizations. CBP has developed and launched the Dangers Awareness Campaign to communicate these dangers to children and their families who are considering the journey, and is working with stakeholders in Central America and the United States in order to encourage the use of Dangers Awareness Campaign materials. I have issued an open letter to the parents of those who are sending their children from Central America to the United States, which has been distributed broadly in Spanish and English, to highlight the dangers of the journey and to emphasize there are no free passes or "permisos" at the other end. DHS is also stressing that Deferred Action for Childhood Arrivals (DACA) does not apply to children who arrive now or in the future in the United States, and that to be considered for DACA, individuals must have continually resided in the United States since June 2007. We are making clear that the "earned path to citizenship" contemplated by the Senate bill passed last year will not apply to individuals who cross the border now or in the future, but only to those who have been in the country for the last two and a half years.

Question. Is the Department prosecuting the smugglers that bring these children into the country?

Answer. U.S. Immigration and Customs Enforcement (ICE) utilizes a comprehensive human smuggling strategy that leverages the full complement of the agency's equities and authorities. ICE Homeland Security Investigations (HSI) focuses its efforts on human smuggling organizations (HSOs) posing the highest degree of risk to the United States and uses different factors to target these organizations. These factors include volume, violence, dangerous methods, national security risk, the comingling of unaccompanied children in smuggling loads, and other public safety considerations.

ICE's goal is to address HSOs as far away from the United States as possible and, subsequently, disrupt the organization at every step along the criminal continuum, to include source and transit countries, as human cargo proceeds toward the United States. Recognizing that the number of unaccompanied children apprehended by CBP has risen each year, ICE is increasing and sharpening its efforts to counter HSOs facilitating this increasing trend.

During May 2014, ICE HSI conducted a successful month-long human smuggling operation, Operation Southern Crossing, throughout the five southwest border offices of Houston, San Antonio, El Paso, Phoenix, and San Diego. Due to the recent significant levels of human smuggling occurring near and through Texas' Rio Grande Valley, this operation focused heavily on the investigation and enforcement actions in southeast Texas. The operation resulted in the initiation of 119 investigations, 163 criminal arrests, 60 indictments, and 45 convictions. The operation also netted the seizure of 9 firearms, 29 vehicles, and more than $35,000 in proceeds. During the course of these investigations, 40 unaccompanied children were encountered.

In June 2014, ICE HSI commenced Operation Coyote, a 90-day human smuggling initiative, focused on the San Antonio and Houston areas of responsibility. ICE HSI has deployed 60 personnel to these offices as a force multiplier for the execution of human smuggling investigation and enforcement actions during the operational pe-

riod. The detailed personnel include 46 special agents, 4 technical enforcement officers, and 10 intelligence research specialists. After less than a month into this operation, 192 smugglers and their associates had already been arrested on criminal charges, more than 500 undocumented immigrants had been taken into custody, and more than $625,000 in illicit profits had been seized from 288 bank accounts held by human smuggling and drug trafficking organizations. Concurrently with this operation, ICE HSI is leveraging money remitters' transaction data to target and disrupt illicit proceeds associated with identified smuggling activity.

ICE remains committed to working with CBP, and other Federal, state, local, and tribal partners on operational activities and information sharing in order to combat HSOs at every opportunity.

ICE will continue to evaluate the current trends associated with human smuggling in order to more effectively counter the actions of the criminal organizations involved in this criminal activity.

Question. How many have you prosecuted in the last year, in the last 3 years, and in the last 5 years?

Answer. ICE has recorded the following statistics related to human smuggling over the last five fiscal years (FYs):

Fiscal Year	# of Human Smuggling Investigations	# of Arrests	# of Indictments	# of Convictions	Asset Seizures
2009	2,268	2,316	1,252	1,338	$9,351,591
2010	2,217	2,554	1,446	1,546	$15,327,370
2011	2,246	2,576	1,458	1,629	$6,368,898
2012	2,099	2,717	1,548	1,579	$7,454,056
2013	1,777	2,718	1,854	1,802	$5,219,924
2014 (as of 7/30/2014)	1,550	2,358	1,267	1,213	$8,203,782

Question. Mr. Secretary, if the supplemental request is meant to be a holistic approach to stem the flow of UACs, why did the Administration not send over the legislative proposal outlined in the President's letter on June 30, 2014? In particular, the President's letter asked for Congress to provide you more authority to deport UACs to noncontiguous countries in Central America.

Answer. I continue to make myself available to work with Congress on the best approach to address this humanitarian situation, in a way that ensures due process for those making protection claims, while also achieving the timely and safe removal of individuals apprehended at our borders.

Question. Mr. Secretary, if there is no disincentive against illegally crossing the border, how do you expect to stem the flow of UACs?

Answer. Deterrence is a key part of the Administration's comprehensive strategy to stem the tide of unaccompanied children and adults with families crossing the southwest border. As I have stated, our message continues to be clear—our border is not open to illegal migration. Unless they qualify for some form of humanitarian relief, individuals migrating illegally will be sent back to their home countries consistent with our laws and values. As part of our enforcement strategy, DHS has increased the available facilities to house and expeditiously remove adults with children, while still providing them with all appropriate protection claims that the law affords. I am pleased to report that in July, for the first time this year, apprehensions of unaccompanied children and adults with children have dramatically decreased. This is welcome news, but we cannot predict with certainty the cause of this dramatic decrease or what cooler fall weather will bring with regard to this migration pattern. That said, DHS has, and continues to take a number of measures to stem the tide, which we believe have been effective. However, DHS must continue these efforts and expand on the progress made, which will require supplemental appropriations from Congress as the President has requested.

Question. Why is the Administration backing away from this necessary policy change outlined in the June 30th letter to Congress?

Answer. The Department of Homeland Security (DHS) continues to advocate for additional congressional support to maximize the ongoing U.S. Government efforts to reduce the surge of unaccompanied children entering the United States.

Question. How can we stem the tide of UACs coming into this country if the large majority of them stay here indefinitely?

Answer. DHS and other Federal departments and agencies continue to work closely with our Mexican and Central American partners to address the root causes of

migration and stem the flow of adults, adults with children, and unaccompanied children into the United States. As the U.S. Government continues to communicate to Central American partners, sending children to travel illegally to the United States is exceedingly dangerous and should not be done. As for those unaccompanied children who are sent across the border despite such warnings, DHS generally places these children in removal proceedings. DHS would like to continue to work with Congress to ensure legal authorities are in place to maximize the impact of all U.S. Government efforts, including ensuring tough penalties exist for those who smuggle vulnerable migrants such as children.

Federal agencies have been working closely together for some time to address the increased number of children, and our efforts this past summer are a testament to that work.

But working together our agencies can only do so much. This situation is a prime example of how our immigration system is broken and demonstrates the need to fix our legal immigration system.

Question. Approximately 1,700 UACs are deported each year. Even by the most conservative estimates, that means we are deporting less than 12.5 percent of the illegal children that cross. What is happening to the other 87.5 percent of children remaining in the United States?

Answer. Unaccompanied children not removed in a single fiscal year may be in various stages of the immigration process. Some may have been granted a form of relief or protection from removal (e.g., a trafficking visa, special immigrant juvenile status, or asylum). Others may be awaiting their removal hearings on a non-detained docket; still others may have been ordered removed but are awaiting the issuance of travel documents from their country of origin.

Under the *Homeland Security Act of 2002*, the care of unaccompanied children was transferred from the legacy Immigration and Naturalization Service to the Director of the Office of Refugee Resettlement (ORR) of the U.S. Department of Health and Human Services (HHS). See *Homeland Security Act of 2002*, Public Law 107–296 § 462(a), 116 Stat. 2135, 2202 codified at 6 U.S.C. § 279(a). As such, the U.S. Department of Homeland Security (DHS) is required to transfer unaccompanied children to HHS ORR custody within 72 hours of determining that such children are unaccompanied. After DHS transfers the children to HHS ORR custody, HHS ORR has sole responsibility for the care, custody, and placement of the unaccompanied children.

Accordingly, for questions relating to the circumstances of unaccompanied children outside the disposition of the removal process, DHS defers to HHS ORR. For questions relating to any ongoing immigration proceedings, DHS defers to the U.S. Department of Justice's Executive Office for Immigration Review which administers the immigration courts.

Question. How many UACs are becoming legal residents?

Answer. We interpret the reference to "becoming legal residents" as referring to unaccompanied children obtaining lawful permanent resident (LPR) status. There are multiple routes to lawful permanent residence, and certain unaccompanied children may be eligible to seek this form of relief under our laws. Some unaccompanied children may be eligible for asylum, which may in turn enable those individuals to seek LPR status. Some unaccompanied children may eventually be eligible for lawful permanent residence under the Special Immigrant Juvenile provisions of the Immigration and Nationality Act. Some unaccompanied children may have a parent in the United States who is either a U.S. citizen or LPR, and through which the child may be able to obtain LPR status based on a family petition. These and other circumstances are examples of how an unaccompanied child may become an LPR. However, none of the data that USCIS captures on the relevant forms relating to lawful permanent residence identifies a child as an unaccompanied child. As a result, USCIS is unable to provide the number of unaccompanied children that are becoming LPRs.

QUESTIONS SUBMITTED BY SENATOR JOHN BOOZMAN

MONEY SPENT TO ADDRESS PROBLEM

Question. What kind of metrics are going to be provided to Congress if this money is appropriated?

Answer. DHS will continue to keep Congress closely informed about the UAC situation, including providing the average time in custody for unaccompanied children nationwide, which is an important indicator of our response efforts.

Question. Why does this request not include policy changes as alluded to in President Obama's letter, to solve the problems that are causing the crisis rather than simply ask for money to manage it? The President's letter does say that "separate from this request" it is working to ensure that it has the "legal authorities" to expedite the removal of unaccompanied minor children from non-contiguous countries. Why should this be separate and when will we get those legislative recommendations? Would it not save the American people money to solve the crisis as soon as possible rather than later? Would not changing the provisions of the TVPRA immediately be a much more cost-effective measure than spending $1.8 billion dollars toward care for the UACs, so that they can be sent home rather than cared for in this country?

Answer. The situation in the Rio Grande Valley is, without question, an urgent humanitarian situation that requires all of our collective efforts to solve. To address the situation on the southwest border, our strategy has been three-fold: (1) process the increased tide of unaccompanied children through the system as quickly and safely as possible; (2) stem the increased tide of illegal migration into the Rio Grande Valley; and (3) do these things in a manner consistent with our laws and values as Americans. The President has requested this emergency supplemental appropriation of $3.7 billion, including $1.5 billion for DHS to support additional detention and removal facilities and enhanced processes, as well as increased activities to disrupt and dismantle the human smuggling organizations that lure these individuals into the dangerous journey from Central America. This appropriation is critical to ensuring the continued effectiveness of the series of immediate and planned actions DHS has implemented to address this urgent situation.

As you are aware, on June 2nd, President Obama, consistent with the Homeland Security Act of 2002, directed me to establish a Unified Coordination Group to bring to bear the assets of the entire Federal Government on this situation. This group includes DHS and all its components, the Departments of Health and Human Services (HHS), Department of Defense, Department of Justice (DOJ), and State, and the General Services Administration. I, in turn, designated Federal Emergency Management Agency Administrator Craig Fugate to serve as the Federal Coordinating Official for the U.S. Government-wide response.

DHS, together with its interagency partners, continues to actively work with senior government officials of Guatemala, El Salvador, Honduras, and Mexico to address our shared border security interests, as well as the underlying conditions in Central America that are promoting this mass migration. On June 20th, Vice President Biden visited Guatemala to meet with regional leaders to address the influx of unaccompanied children and families from Central America and the underlying security and economic issues that are causing this migration. The Vice President announced that the United States will be providing a range of new assistance to the region, including $9.6 million in additional funding for Central American governments to receive and reintegrate their repatriated citizens, and a new $40 million U.S. Agency for International Development program in Guatemala over 5 years to improve citizen security. An additional $161.5 million will be provided this year under the Central American Regional Security Initiative to further enable Central American countries to respond to the region's most pressing security and governance challenges. In addition, I traveled to Guatemala on July 8th and 9th, where I met with the President of Guatemala and senior government officials from Mexico to discuss a range of further steps to improve the regional response to this migration. And, on July 25th, President Obama and I met at the White House with the Presidents of Guatemala, Honduras, and El Salvador to ensure continued progress to address the situation. These collaborative efforts are ongoing.

We have also made strides in the investigation, prosecution, and dismantling of the smuggling organizations that prey on vulnerable families and children in Central America, and facilitate border crossings into the Rio Grande Valley. In May, ICE's HSI conducted a month-long initiative along the U.S. southwest border in which 163 alien smugglers and other violators were arrested. HSI special agents also obtained 60 indictments and 45 convictions, seized 29 vehicles, 9 firearms and more than $35,000 in illicit proceeds. Building on these efforts, on June 23, HSI surged 60 special agents, intelligence analysts, and support staff to the RGV as part of HSI's ongoing efforts to target and dismantle human smuggling operations across the southwest border. As of July 21st, 192 smugglers and their associates have already been arrested on criminal charges, more than 500 undocumented immigrants have been taken into custody, and more than $625,000 in illicit profits have been seized from 288 bank accounts held by human smuggling and drug trafficking organizations.

DHS has also re-initiated and intensified our public affairs campaigns in Spanish, with radio, print, and TV spots, to communicate the dangers of sending unaccom-

panied children on the long journey from Central America to the United States, and the dangers of putting children into the hands of criminal smuggling organizations. CBP has developed and launched the Dangers Awareness Campaign to communicate these dangers to children and their families who are considering the journey, and is working with stakeholders in Central America and the United States in order to encourage the use of Dangers Awareness Campaign materials. I have issued an open letter to the parents of those who are sending their children from Central America to the United States, which has been distributed broadly in Spanish and English, to highlight the dangers of the journey and to emphasize there are no free passes or "permisos" at the other end. Furthermore, we continue to stress that Deferred Action for Childhood Arrivals (DACA) does not apply to children who arrive in the United States now or in the future, and that to be considered for DACA, individuals must have continually resided in the United States since June 2007. We are making clear that the "earned path to citizenship" contemplated by the Senate bill passed last year will not apply to individuals who cross the border now or in the future; but only to those who have been in the country for the last two and a half years.

As President Obama, the Vice President, and I have said, our border is not open to illegal migration and we will send recent illegal migrants back. We have sent this clear message through our recent action; removals from the Artesia facility of Central American adults with children who recently crossed the border illegally in the Rio Grande Valley began on July 14th. Removals of adults with children from Honduras, Guatemala and El Salvador continue, following full and appropriate due process and other protections being afforded.

Under our laws, once CBP makes a determination that an individual is an unaccompanied child from Central America, or any other non-contiguous country, that child must be transferred from DHS to HHS. Unaccompanied children from Mexico or Canada may be repatriated to their country of citizenship without being transferred to HHS, or placed in removal proceedings if they do not present any trafficking victimization indicators, do not express a fear of returning to their home country, and are able to make an independent decision to withdraw their application for admission. Mexican or Canadian unaccompanied children who present such indicators must be transferred to the custody of HHS, similar to those unaccompanied children from Central America and other non-contiguous countries. Throughout this time, removal proceedings against such children are ongoing. Every unaccompanied child will retain the right, like adults, to assert a claim of asylum or seek other protections. But, unless the child has been granted asylum, or some other protection in this country, he or she will be ordered removed.

Question. How much money has been spent since October 2013 on transportation of UACs to communities throughout the country, and what form has this transportation taken (bus, plane)?

Answer. As of July 10, 2014, U.S. Immigration and Customs Enforcement (ICE) has spent $28,826,763 on transporting 44,549 unaccompanied children to U.S. Health and Human Services facilities. ICE has primarily transported unaccompanied children by air, but has also used buses in some cases.

As of July 10, 2014, CBP has spent $3,600,000 on transferring unaccompanied children from CBP facilities in Rio Grande Valley to another CBP facility in Nogales, Arizona. CBP used the Federal Emergency Management Agency (FEMA) emergency air contract to transfer unaccompanied children via chartered aircraft.

Question. President Obama's deferred action policies were originally justified as a way to ensure limited resources were spent only on the Administration's "enforcement priorities." How much money has been spent on implementing DACA and prosecutorial discretion policies? How does this request, which alone is more than two thirds of ICE's budget last year, change your view of what should be your enforcement priorities and the use of limited resources?

Answer. Regarding implementation of Deferred Action for Childhood Arrivals (DACA), U.S. Immigration and Customs Enforcement (ICE) bore no cost. With respect to U.S. Citizenship and Immigration Services (USCIS), the table below provides data regarding DACA obligations by cost category since inception. When reviewing the table, it is important to note that the reported obligations represent the tracked costs that USCIS incurred, or projects to incur, for the DACA program. The tracked costs do not include a share of USCIS overhead costs such as management and oversight, customer service, and other costs. The USCIS fee for the Application for Employment Authorization (Form I–765), the Application for Travel Document (Form I–131), and the Biometrics Services fee include an allocation of these costs which are also borne by all other fee paying applicants and petitioners. DACA revenue has been sufficient to cover DACA costs, and USCIS expects this will continue even as costs (such as salaries) increase over time.

DEFERRED ACTION FOR CHILDHOOD ARRIVALS

USCIS Fiscal Year 2012–2014 Obligations

Cost Category	Actual Fiscal Year 2012 Obligations
Employee Salary and Benefits	$503,664
Employee Overtime	1,446,145
General Operating Expense	6,540,303
Contracts	6,934,083
Rent/Facility Costs	.....
Total	15,424,195

Cost Category	Actual Fiscal Year 2013 Obligations
Employee Salary and Benefits	$52,432,529
Employee Overtime	15,004,576
General Operating Expense	12,132,209
Contracts	36,851,046
Rent/Facility Costs	16,371,643
Total	132,792,003

Cost Category	Projected Fiscal Year 2014 Obligations
Employee Salary and Benefits	$88,212,608
Employee Overtime	1,636,773
General Operating Expense	5,578,432
Contracts	28,476,777
Rent/Facility Costs	8,443,551
Total	132,338,141

With respect to the implementation of prosecutorial discretion, ICE spent $18.8 million to complete reviews of more than 407,000 cases.

QUESTIONS SUBMITTED TO HON. THOMAS SHANNON

QUESTIONS SUBMITTED BY CHAIRWOMAN BARBARA A. MIKULSKI

Question. Do you believe that expediting adjudication and deportation procedures can, by itself, stop the migration that we are seeing from Central America? Is it reasonable to assume that these individuals will continue to risk their lives to gain entry into the United States?

Answer. Expediting adjudication and deportation procedures alone will not deter the flow of individuals emigrating from Central America. Fear of violence, prospects for educational and employment opportunities, and family reunification will continue to be factors that draw migrants to the United States, despite the publicized dangers of the journey. Although deportation is an important and visible sign that migrants without documentation are not guaranteed permission to stay, the Department of State recognizes that domestic conditions in El Salvador, Guatemala, and Honduras afford limited opportunities for their citizens, including returned migrants. The United States is committed to partnering with Central America to improve economic prosperity, security, and governance to create conditions that reduce underlying factors that lead to migration.

Question. Do you have reliable data on the portion of these migrants who are motivated to come to the U.S. because of fear of violence in their home countries?

Answer. Although there is not a single reason that explains the increase in unaccompanied children migrating to the United States, violence in the countries of ori-

gin is frequently cited as a principal factor. An April 2014 UNHCR report noted that out of 404 children interviewed, 192 cited violence as one of their reasons for migrating. It is estimated that up to 70 percent of homicides in El Salvador, Guatemala, and Honduras occur in the cities from which unaccompanied children emigrate. Honduras' homicide rate of 90 per 100,000, the highest in the world, is 14.6 times the global average of 6.2 per 100,000; El Salvador's and Guatemala's rates are fourth and fifth highest in the world, respectively, at 41 and 39 per 100,000. In Honduras, the single largest place of origin of unaccompanied children is the San Pedro Sula/Choloma/El Progreso metropolitan area, which has a homicide rate of approximately 179 per 100,000. Significant places of origin in El Salvador and Guatemala also include major metropolitan areas where crime and violence tends to be at its highest. In Honduras, the National Observatory of Violence reported that violent deaths of women increased by 246 percent between 2005 and 2012.

Question. Do you have reliable data on the portion who are fleeing domestic or sexual violence, or who are victims of trafficking?

Answer. We are aware of the high levels of domestic and sexual assaults present Central American countries. An April 2014 report by UNHCR noted that out of 404 children interviewed, 85 cited abuse in the home as one of their reasons for migrating. El Salvador and Guatemala have two of the highest rates of murders of women in the world. In 2013, the Office of the Special Prosecutor for Women in Honduras received 4,903 complaints of domestic abuse, and violent deaths of women increased 246 percent from 2005 to 2012.

We know that organized criminal groups in this region profit from multiple forms of human trafficking and also force, co opt and/or coerce adults and children to engage in illicit activities. In addition to the risk of trafficking in their country of origin, these children may experience human trafficking during the dangerous journey to the United States or once inside the United States.

Question. In addition to more efficient deportations, some have called for cutting aid to the governments of countries from which the majority of undocumented minors are coming, if those governments do not stop this exodus. It seems to me that would make the situation worse, but what is your view?

Answer. Cutting off aid to our partners in Central America will not resolve the migration crisis; it will exacerbate it. Weak economic growth, low investment in vocational education and training, increased insecurity, declining rural incomes, and ineffective use of limited public sector resources are among the various factors encouraging family units and unaccompanied children to migrate. U.S. assistance addresses those causes of instability, and a loss of such assistance would result in an even worse environment for children in those countries. U.S. investments have been and must continue to be met with resources and reciprocal commitments by Central American governments.

Additionally, President Obama and the Presidents of El Salvador, Guatemala, and Honduras issued a joint statement following their July 25 meeting in Washington, reiterating a "commitment to prevent families and children from undertaking this dangerous journey and to work together to promote safe, legal, and orderly migration." They pledged to pursue the criminal networks associated with child migration, to counter misinformation about U.S. immigration policy, to work together to humanely repatriate migrants, and to address the underlying causes of migration by reducing criminal activity and promoting greater social and economic opportunity.

Question. We do need willing partners in Central America if we are going to have any chance of effectively addressing the root causes of this migration. But given the lack of educational opportunities and the high rates of unemployment in those countries, what incentive do those governments have to stop it? To put it bluntly, isn't it better for them if these people become our problem, not theirs?

Answer. The Central American governments recognize that they have a responsibility to respond to the challenge of unaccompanied child migration. That it is a shared responsibility which requires a regional, comprehensive solution to address issues of security, prosperity and governance—all of which play a role in migration. These governments are committed to working with the United States to take meaningful steps toward economic integration to improve competitiveness, create opportunity, and spur job creation. They are also building their capacity to receive repatriated migrants.

Question. What is the total amount currently pending for fiscal year 2014 for these programs, including the regular budget request and this supplemental? How long would it take to spend this money?

Answer. The $300 million supplemental request includes $295 million for foreign assistance, of which $70 million is for governance, $125 million is for prosperity, and $100 million is for security. In addition, the request includes $5 million for public diplomacy programming, whose regular budget is under public diplomacy appropria-

tions. While an exact crosswalk for requested supplemental funding for foreign assistance is not possible because some supplemental programs are multi-sectoral, we estimate that the fiscal year 2014 regular appropriations level for comparable governance programs is $13.88 million; $40.33 million for prosperity; and $161.5 million for citizen security.

The Department of State and USAID believe programs related to the following will have the quickest impact: energy; workforce development; support to coffee farmers; expansion of 24-hour courts; programs that increase access to justice and mobile court facilities; community-based programs to reduce crime and violence; efforts to improve border security; and repatriation assistance. However, actual obligations and subsequent rates of expenditure would substantially depend on the form, content, requirements, and timing of supplemental appropriations, and whether the programs are new, which would require additional time execute.

Question. A portion of this request is dedicated to financial management and reform. That is long overdue, since most of these countries have very low tax rates and they have been relying on foreign aid to pay for basic services for their people. Do you plan to condition our assistance on these types of reforms, since ultimately they have to be responsible for meeting the needs of their own people?

Answer. Improving governance, especially the effective delivery of government services to citizens, is an important aspect of improving life in Central America. Historically, El Salvador, Guatemala, and Honduras have had low levels of tax collection and suffered from corrupt and non-transparent practices, further straining their ability to address the complex root causes that drive migration. Increased government revenue, if used effectively, could allow Central American governments to provide needed services for their citizenry. Through diplomatic engagement and technical expertise, the United States can help them sexpand domestic resources and improve the management of public expenditures.

Programs to increase financial transparency, professionalize budget and expenditure practices, and improve tax administration will only be effective if we have willing partners and institutions with which to work. To that end, we will monitor these assistance programs, and there will be no tolerance for corruption. The governments in the region acknowledge that addressing the current migration situation is a shared responsibility, and we expect them to be willing and transparent partners in programs dedicated to financial management and reform.

Question. What reliable data do you have that media campaigns will deter people fleeing violence or seeking a better life from making the trip to the U.S.?

Why not use existing U.S. Government resources such as the Voice of America Latin America Service and Public Affairs Officers who are fluent in Spanish? Wouldn't using these existing resources allow for a quicker response to this crisis?

Answer. In focus groups, residents of the region indicated that they had only a vague understanding of U.S. immigration policy, and many have misperceptions about potential benefits or opportunities they might be afforded under existing law or as a result of prospective reforms. Many potential migrants believe they will be allowed to stay in the country long enough to pursue legal immigration status. Our public awareness campaigns work to counter these misconceptions with intending migrants and their family members, explaining facts about deportation proceedings and U.S. immigration laws to dispel the belief migrants can easily exploit perceived loopholes in U.S. immigration policies.

The credibility of the message is enhanced when it is delivered by people the communities trust and this is why locally designed and implemented campaigns are important. The individual delivering these messages matters as well as the content of such messages. Ambassadors, public affairs officers, and other U.S. Government officials are active in local Spanish-language media to discuss the facts of the situation and emphasize both the dangers of the journey to the United States and to correct misunderstandings about legal immigration benefits for those making the trip. Media activity should be augmented by widely-disseminated, U.S.-branded campaigns, including in indigenous languages. Voice of America's Spanish Service is disseminating news and information on the perils minors face through television and radio stations in Central America.

Question. Why are youth training programs a public diplomacy function?

Answer. Our public diplomacy programs are uniquely positioned to reach out to youth in the region, through an existing network of Binational Centers, programmatic interaction, and social media engagement. These programs are consistent with a global focus by public diplomacy to engage youth audiences with an opportunity agenda focused on access to education, pathways to economic success, safer communities, and more responsive local governance, while also providing information about the United States to shape a better understanding of U.S. policy and partnership in the region. Expanded PD programs in Guatemala, El Salvador and

Honduras targeting at risk youth and repatriated migrants would develop skills and leadership among 16- to 18-year-olds, shrinking the opportunity gaps they face and strengthening their ability to remain in their home countries. These programs would include:

—Tech Camps offering intensive technology workshops to develop leadership and computer skills for youth to influence change in their communities.

—The Youth in Enterprise program features workshops, field visits, and internships facilitated by U.S. experts on small and minority business development, providing youth with the entrepreneurial skills to create their own businesses.

—Sports programs led by U.S. sports envoys and experts, directed at young people in target migrant generating areas, offer alternatives to the violence of gang activity by promoting positive leadership and life-skills activities through sports.

QUESTIONS SUBMITTED BY SENATOR PATRICK J. LEAHY

Question. Assuming that any long term solution to this exodus requires effectively addressing its root causes, why is less than 10 percent of the supplemental being requested for that purpose?

Answer. In the short term, the Administration scaled the supplemental request to provide an infusion of targeted support to the specific cities and regions of origin of most of the migrants to mitigate factors driving their departure from their homes. This amount takes into account the absorptive capacity of Central America in the immediate period. The $300 million requested will allow the Department and USAID to bring to scale existing successful programs and fill gaps where previous investments have been under-resourced. Ultimately, however, this mutual supplemental request is only a down payment.

The supplemental will address the principal drivers of violence, economic opportunity, corruption, and poorly performing public institutions prompting migration. The Administration is carefully reviewing the fiscal year 2016 budget request, which will demonstrate its commitment to sustained engagement in Central America for economic prosperity, security, and governance to address the underlying factors of the migration.

Question. Do you have reliable data on the portion of these migrants who are motivated to come to the U.S. because of fear of violence in their home countries? Do you have reliable data on the portion who are fleeing domestic or sexual violence, or who are victims of trafficking?

Answer. Although there is no single reason that explains the increase in unaccompanied children migrating to the United States, violence in the countries of origin is cited frequently as a factor. While the Department of State does not have specific data that shows the number of children fleeing specific types of violence, we are aware of the high levels of human trafficking as well as domestic and sexual assaults present in these Central American countries. For example, the murder probability faced by Hondurans citizens is 14.6 times the global average of 6.2 per 100,000 and in El Salvador, the police reported approximately 2,000 cases of domestic violence in 2013.

We know that organized criminal groups in this region profit from labor and sex trafficking, and also force adults and children to engage in illicit activities. In addition to the risk of trafficking in their country of origin, these children may experience human trafficking during the dangerous journey to the United States or once in the United States as well. The Department of Homeland Security is responsible for determining if an individual is a victim of trafficking, or has a credible fear of return to their country of origin that might give rise to a claim for international protection.

Question. Obviously, many of these Central Americans are economic migrants. But many are also fleeing horrific violence. We urge other governments, whether Jordan, Lebanon, or countries in Africa to provide a safe haven to millions of refugees fleeing violence. How will you ensure that we respect both domestic and international law and our moral obligations to protect people fleeing from violence?

Answer. The United States is committed to meeting its obligations under the Refugee Convention and other applicable domestic and international law. The Department of Homeland Security is responsible for determining if an unaccompanied child who is apprehended trying to enter the United States is a victim of trafficking, has a credible fear of persecution, or is at risk of trafficking on return to their country of origin. Those seeking to remain in the United States may also raise asylum and other claims for protection under U.S. immigration law. I refer you to DHS for all questions regarding the specifics of immigrant processing in the United States.

Additionally, the Department of State's Bureau of Population, Refugees, and Migration funds the International Organization of Migration to train and build the capacity of governments and civil society in El Salvador, Guatemala, and Honduras to identify, screen, protect, and refer unaccompanied children to appropriate services throughout the migration process.

Question. A portion of this request is dedicated to financial management and reform. That is long overdue, since most of these countries have very low tax rates and they have been relying on foreign aid to pay for basic services for their people. Do you plan to condition our assistance on these types of reforms, since ultimately the Central American governments are responsible for meeting the needs of their own people?

Answer. Improving governance, especially the effective delivery of government services to citizens, is an important aspect of improving life in Central America. Programs to improve financial transparency, professionalize budget and expenditure practices, and improve tax administration are only effective if we have willing partners and institutions with which to work. To that end, we monitor these assistance programs and have zero tolerance for corruption. The governments in the region have acknowledged that addressing the current migration situation is a shared responsibility, and we expect them to be willing and transparent partners in programs dedicated to financial management and reform.

Question. What incentive do the Central American governments have to stem the tide of migration from their countries to the United States, and what assurance—if any—has the Administration received regarding their cooperation? How will this money be used if the foreign government does not display the capacity or political will to partner with us on these issues?

Answer. President Obama and the Presidents of El Salvador, Guatemala, and Honduras issued a joint statement following their July 25 meeting in Washington reiterating a "commitment to prevent families and children from undertaking this dangerous journey and to work together to promote safe, legal, and orderly migration." They pledged to continue to pursue the criminal networks that smuggle or traffic children, to counter misinformation about U.S. immigration policy, to work together to humanely repatriate migrants, and to address the underlying causes of migration by improving security and promoting greater social and economic opportunity.

The implementation of a comprehensive and collaborative strategy for Central America—one that addresses security, economic prosperity, and governance—is more than simply sending foreign aid. Illegal migration from Central America is spurred by economic stagnation, weak governance, and insecurity. We will work with our regional partners and international institutions to jointly promote regional prosperity; transparent, democratic governance; and will strengthen security cooperation to reduce gang violence and organized crime.

We are committed to working closely with the Governments of El Salvador, Guatemala, and Honduras to address the factors that affect migration and build their capacity to receive repatriated migrants.

QUESTIONS SUBMITTED BY SENATOR MARY L. LANDRIEU

Question. Please identify the office or bureau within the Department of State that has the capacity and expertise to address this issue of international child welfare?

Answer. Given the complexity of issues relating to unaccompanied child migration—under the context of international child welfare—the Department of State's engagement is led by my office, supported by a number of different bureaus and offices. The Bureau of Western Hemisphere Affairs coordinates outreach and engagement with the Governments of El Salvador, Guatemala, Honduras, and Mexico, and is working with the National Security Council and the U.S. interagency to develop a broad-based, long-term strategy for Central America that will address underlying causes of migration. The Bureau of Population, Refugees, and Migration funds a program implemented by the International Organization for Migration (IOM) to build the capacity of the Central American governments to identify, screen, protect, and refer unaccompanied child migrants to appropriate services throughout the migration process. USAID, through IOM, is working to build the capacities of the relevant entities in El Salvador, Guatemala, and Honduras to provide post-arrival assistance for returning families with children and unaccompanied children; the program also will strengthen governments' capacities to address underlying conditions contributing to migration. The Office to Monitor and Combat Trafficking in Persons engages on the potential trafficking nexus related to the migration of unaccompanied children.

USAID and the Bureau of International Narcotics and Law Enforcement (INL) implement programs under the Central America Regional Security Initiative designed to address the underlying causes of migration. USAID programs provide social and economic opportunities for at-risk youth, build community resilience, improve relationships between police and communities, and improve the rule of law through institutional strengthening. INL has trained police units in these countries, many of which have increased their attention to smuggling organizations and illegal migration. The Office of the Legal Adviser coordinates closely with these bureaus to ensure compliance with our international and domestic obligations.

Question. What specifically is the Department of State doing, directly or through the U.S. Agency for International Development, to work with the countries of origin in Central America to expand their capacity to develop functioning child welfare systems?

Answer. On June 20, Vice President Biden announced $9.6 million to increase the capacity of Central American governments to receive, reintegrate, and care for repatriated migrants, including unaccompanied children. USAID, through the International Organization for Migration (IOM), will work to improve and expand existing repatriation centers and train and build the capacity for personnel involved in repatriation efforts in each country. Funds will expand the capacity of governments and non-governmental organizations in government reception centers to provide the following services for returned unaccompanied children: develop referral mechanisms to address psychosocial needs; undertake health screening; provide for basic immediate needs; provide counseling and/or education to discourage further emigration; and ensure safe return to home communities. The Bureau of Population, Migrants, and Refugees (PRM) will also work with IOM to build the capacity of the Central American governments to identify, screen, protect, and refer unaccompanied child migrants to appropriate services throughout the migration process. Our fiscal year 2014 Supplemental Request includes an additional $20 million for repatriation programs. We will continue to work with the Central American governments to assist in their development of functional child welfare systems.

Question. Who is leading the whole-of-government effort with respect to addressing the root causes of this migration of unaccompanied children?

Answer. At the direction of the President, the Department of Homeland Security established a Unified Coordination Group (UCG) June 1, led by the Federal Emergency Management Agency. The UCG includes various governmental agencies and is designed to leverage Federal resources in a whole-of-government approach to provide humanitarian relief to the ongoing situation on the U.S. Southwest border.

The State Department's Bureau of Western Hemisphere Affairs is leading the Department's response, working to address underlying factors contributing to migration of unaccompanied children, in coordination with other State Department bureaus as well as USAID.

USAID and the Bureau of International Narcotics and Law Enforcement Affairs (INL) implement programs under the Central America Regional Security Initiative designed to address the underlying causes of migration. Additionally, USAID has bilateral assistance programs that focus on economic growth and governance in the region. INL has trained police units in these countries, many of which have increased their attention to smuggling organizations and illegal migration. The Office to Monitor and Combat Trafficking in Persons provides funding in Central America and Mexico for trafficking prevention and protection and as to enhance institutional capacity to enforce anti-trafficking legal frameworks.

Question. What specifically is the Department of State doing , directly or through the U.S. Agency for International Development, to work with the countries of origin in Central America to ensure that there is adequate and protective reintegration capacity—into families or family-like settings—for the children that the Department of Homeland Security anticipates beginning to return in large numbers?

Answer. The Bureau of Western Hemisphere Affairs coordinates outreach and engagement with the Governments of El Salvador, Guatemala, Honduras, and Mexico and is in the process of developing a broad-based, long-term strategy for Central America that will address underlying causes of migration. The Bureau of Population, Refugees, and Migration funds a program implemented by the International Organization for Migration (IOM) that helps build the capacity of the Central American governments to identify, screen, protect, and refer unaccompanied child migrants to appropriate services throughout the migration process. USAID, also through IOM, is working to build the capacity of relevant entities in El Salvador, Guatemala, and Honduras to provide post-arrival assistance for returning families with children and unaccompanied children; the program also will strengthen governments' capacities to address underlying conditions contributing to out-migration. The Office to Monitor and Combat Trafficking in Persons provides funding in Cen-

tral America and Mexico for trafficking prevention and protection and to enhance institutional capacity to enforce anti-trafficking legal frameworks.

Question. Does the Department of State recognize the critical nature of family strengthening, reunification and creation as part of the approach to addressing the root causes of the UAC migration?

Answer. Yes, we recognize the importance of strong families in the reintegration and reunification process for unaccompanied children.

Question. Assuming yes, how is the Department of State planning to work with the countries of origin, both diplomatically and programmatically, to address these issues, including ensuring that repatriation and reintegration efforts are focused on placing children in safe, permanent and nurturing families or family-like settings.

Answer. To respond to the immediate need to increase Central American governments' capacity to receive returned migrants, the Department of State and USAID are working to expand and improve existing reception centers for repatriated migrants, provide training in migrant care and transport to immigration officers, and expand the capacity of governments and NGOs to provide services to returned migrants. A sustainable solution requires a comprehensive approach in each Central American country to address issues of security, economic prosperity, and governance. All three objectives reinforce one another; and we must commit to a sustained engagement with these partners to address the underlying factors so that families in the region can prosper in safe communities.

Question. How does the Department of State respond to the concern expressed by the United Nations High Commissioner for Refugees (UNHCR) and many in the U.S. stakeholder community who work with the UAC population that these children pose far more than an illegal immigration and enforcement problem and that they are arriving in such large numbers, undergoing trauma and terrible risk on the way, because the conditions of a forced migration exist in their countries of origin?

a. Does this flow of children include refugees? Is the United States honoring its obligations under the Vienna Refugee Convention and Protocol?

b. If the United States implements expedited removal for UACs from El Salvador, Honduras and Guatemala, will that be in violation of our commitment not to refoul refugees who have a well-founded fear of persecution in their country of origin?

Answer. The problem is complex, and the Department is coordinating across multiple bureaus and offices and working closely with the interagency to help address the economic and social challenges in El Salvador, Guatemala, and Honduras that are contributing to these outflows. Those challenges include extreme violence, endemic poverty, and often ineffective public institutions, which combine to create an environment that many people want to abandon. The presence of families already in the United States and the aggressive criminal activities of smugglers (including the spreading of misinformation about immigration benefits) are also important factors. The Department, led by the Bureau of Western Hemisphere Affairs (WHA), has been working with these countries to address these issues. In addition, the Department's Bureau of Population, Refugees and Migration (PRM) has supported the International Organization for Migration (IOM) since 2010 to build the capacity of government officials and civil society in Central America and Mexico's southern border with Guatemala to identify, screen, protect, and assist vulnerable migrants, including children.

Under U.S. law, a refugee is someone who has fled from his or her country of origin and is unable or unwilling to return because he or she has a well-founded fear of persecution based on religion, race, nationality, political opinion or membership in a particular social group.

An "asylum seeker" is an individual who believes he or she is a refugee, but whose claim has not yet been evaluated. Asylum is a form of protection that can be granted to people who meet the definition of a refugee and are already in the United States.

An unaccompanied child who has arrived in the United States may seek asylum, although most do not. Many, but not all, UACs appear to be leaving for reasons related to situations of violence, lack of opportunity, and other conditions.

Whether any of the children will qualify for refugee protection under U.S. law is ultimately a case-by-case determination dependent on the specific facts of each case, after a hearing before a trained asylum or immigration judge—something all of these migrants will have an opportunity to present, regardless of the removal procedure they undergo.

The Department of Homeland Security screens children to determine the validity of their asylum claims consistent with our domestic law and international obligations.

The United States fully honors our obligations as a party to the 1967 Protocol to the 1951 Refugee Convention. The United States does not refoul anyone that U.S.

authorities have determined to have a well-founded fear of persecution in their home country based on race, religion, nationality, membership in a particular social group, or political opinion.

No unaccompanied alien children are presently subject to Expedited Removal, regardless of whether they are from a contiguous (Mexico, Canada) or non-contiguous (El Salvador, Honduras, Guatemala) state. Expedited Removal only currently applies to adults and children accompanied by their parents. If DHS determines that a UAC from a contiguous state is not a victim or a potential victim of trafficking, does not have a fear of persecution, and is able to make an independent decision to withdraw his/her application for admission, the UAC may be permitted to voluntarily return.

Regardless of country of origin, no UAC who seeks asylum or expresses a credible fear of persecution in his/her country of origin will be returned until his/her case has been heard before an immigration judge or an official from the U.S. Citizen and Immigration Services (USCIS).

Question. Exactly who within the Department of State will oversee the programming of this money and how?

Answer. Within the Department of State, the Bureaus of Western Hemisphere Affairs and International Narcotics and Law Enforcement Affairs, along with the Office of Foreign Assistance Resources, in coordination with USAID, will ensure that appropriated foreign assistance funds reach the intended recipients and targeting the underlying factors driving migration. This collaborative process will enable the Department to align programming—both new and existing—to our long-term regional strategic goals and verify the appropriate implementers are carrying out these programs. Furthermore, since the supplemental budget request for Department of State and USAID includes a blend of foreign assistance and diplomatic engagement funding, robust public diplomacy and outreach efforts will complement our foreign assistance programming.

Question. How will these efforts be effectively coordinated within the rest of the U.S. Government?

For example, if DHS significantly increases repatriations to El Salvador, Honduras and Guatemala in the coming months, how will the Department of State ensure the concomitant reception and reintegration programs are in place to receive them?

Answer. The Department of State and USAID work through the established interagency process in Washington to coordinate assistance. The Department will also utilize existing in-country coordination mechanisms at our embassies. We expect this coordination to continue on repatriation centers.

Our supplemental request includes $20 million for repatriation assistance based on the initial assessments of the necessary costs to improve the repatriation capacities of source countries. Should there be an increase in processing returnees, the supplemental request also asks for the flexibility to respond to such surges in repatriations with the necessary capacity to process returnees and provide the appropriate assistance to repatriated family units.

Question. Does the Department of State believe the $400 million for the next 15 months will be sufficient for this purpose?

Answer. The Administration's $300 million supplemental request responds to the extraordinary circumstances surrounding migration from Central America. Requested funding expand scope and scale existing successful programs, fill gaps where needed investments have been under-resourced, and expand U.S. ability to encourage El Salvador, Guatemala, and Honduras to work together to address the underlying factors driving emigration. The Administration is using existing funding where feasible to address the underlying factors contributing to the migration through the Central America Regional Security Initiative and bilateral assistance programs. We are also working to strategically prioritize these issues in fiscal year 2016 budget request.

Question. We are being asked to consider an emergency supplemental appropriations bill worth $3.7 billion. Clear lines of authority and responsibility need to be established and accountability for the money must be a priority. We need to identify who is in charge of fixing the deep-rooted, systemic problem, what the plan is, and who is going to be held responsible for delivering results.

Who is accountable in each of your departments or component agencies and how are they part of a coordinated whole-of-government approach?

Answer. The Secretary has asked that I, as the Department of State's Counselor, lead the Department's participation in the U.S. government's whole-of-government, coordinated approach regarding migration from Central America. I have traveled to each of the source countries to view the on-the-ground situation firsthand and conducted high-level meetings with the Foreign Ministers of El Salvador, Guatemala,

Honduras and Mexico. I am an active participant in the interagency coordination process led by the National Security Council.

Question. What are the specific goals of each of your departments? What are the metrics and the benchmarks of success or failure in addressing this emergency situation, for the remainder of fiscal year 2014, for fiscal year 2015, and beyond?

Answer. The Administration's supplemental request intends to increase the capacity of Central American governments to receive returned migrants and address the underlying factors driving migration. In tandem with existing resources and programs, this funding would allow us to enhance our engagement in Central America and advance an integrated and comprehensive approach to the economic, social, and security challenges driving migration. Specifically, programming intends to address the lack of economic opportunity, violence, and ineffective state institutions.

The Department, USAID, and our embassies in the region are continually monitoring the effectiveness of our assistance and evaluating how best to provide funding to achieve U.S. objectives. For example, the State Department and USAID are establishing a comprehensive results framework to monitor the progress of programming under the Central America Regional Security Initiative. This results framework is intended to complement the effective evaluation programs already in place. In addition, a recent evaluation by Vanderbilt University indicated USAID's work with at-risk youth in select municipalities in El Salvador is highly successful in reducing crime. Similar studies are underway in Guatemala and Honduras. The Bureau of International Narcotics and Law Enforcement Affairs' Model Police Precinct program demonstrated significant results in El Salvador and Guatemala. Collectively, these results indicate which programs are having positive impacts and where we work with the countries involved.

QUESTIONS SUBMITTED BY SENATOR MARK PRYOR

Question. The President's Budget was released in March. It is hard for me to believe that the Administration did not know that the influx of unaccompanied children was occurring at a pace that might outpace resources. Why was the influx of unaccompanied children not flagged as a priority in the Department of Health and Human Services' (HHS), Department of Homeland Security (DHS), and the State Foreign Operations funding request? How is the Administration going to ensure that the OMB can be agile in their requests and give Congress time to ensure oversight for crisis's build over time like this one?

Answer. Migration by unaccompanied children is not a new phenomenon, and it has ebbed and flowed over time. This fiscal year, however, the scale of migration has resulted in the apprehension of more than 50,000 unaccompanied children from Central America along the U.S. southwest border. The Administration's request for emergency supplemental funding reflects these extraordinary circumstances. The request includes flexibility to allow for an agile response across U.S. agencies to address this migration.

The State and USAID portion of the supplemental request addresses the underlying factors of migration and immediate repatriation and reintegration needs, especially in El Salvador, Guatemala, and Honduras. State and USAID intend to work with the U.S. interagency to implement these assistance programs. In addition, State and USAID are carefully reviewing the fiscal year 2016 budget request to ensure sustained engagement in Central America for prosperity, governance, and security, beyond the supplemental request.

Question. Considering the influx of unaccompanied children into the U.S. and that there are reports that neighboring countries to Honduras, Guatemala and El Salvador have reported a 400 percent increase in children requesting asylum, does the President consider this a humanitarian crisis? If so, when can we expect to see a comprehensive, multi-national approach and policy to combat the violence and failed states in our hemisphere? A funding bill of this size does not address the root of the problem and I would like to hear what policy steps the Department of State and the Administration are going take.

Answer. El Salvador, Guatemala, and Honduras suffer from some of the highest homicide rates in the world. According to United Nations statistics from 2012—the latest figures publicly available—the murder rate faced by Hondurans citizens is 90.4, almost 15 times the global average of 6.2 per 100,000. Given the precarious security situation in these three countries and the tight fiscal environment we have faced over the last 5 years U.S. assistance has focused on citizen security, primarily via the Central America Regional Security Initiative. We partner with other international and regional actors to achieve security goals. However, we know violence is only one of the underlying factors contributing to the surge of unaccompanied

children arriving in the United States from Central America. Weak governance and lack of economic opportunity are other factors that contribute to out-migration. We are working with the National Security Council and the U.S. interagency to develop a broad-based, long-term strategy for Central America that will address underlying causes of migration.

U.S. assistance is needed to help improve governance and economic prosperity. To this end, we must build upon and expand proven programs, in partnership with Central American countries, which address the economic and educational deficiencies in the region and will improve the public's trust and confidence in domestic institutions. We envision an economically-integrated Central America that provides economic opportunities to all of its citizens; more democratic, accountable, transparent, and effective public institutions; and a safe environment for its citizens to build their lives in peace and stability.

Question. I understand there is a request for $300 million for the State Department. How will that make a dent in the belief by foreign families that children will be able to stay in the U.S. if they come here? How are we targeting criminal smuggling organizations to combat their lies to families?

Answer. President Obama and the Presidents of El Salvador, Guatemala, and Honduras issued a joint statement following their July 25 meeting in Washington, reiterating a "commitment to prevent families and children from undertaking this dangerous journey and to work together to promote safe, legal, and orderly migration." They pledged to pursue the criminal networks associated with child migration and to counter misinformation about U.S. immigration policy. Ongoing host government-led efforts in El Salvador, Guatemala, and Honduras include media campaigns and law enforcement investigations targeting organizations engaged in human smuggling.

U.S. public awareness campaigns promote facts about deportation proceedings and U.S. immigration laws to dispel the belief children can easily exploit perceived loopholes in U.S. immigration policies and inform parents who are considering sending their children that they will not be allowed to remain in the United States.

Ambassadors, public affairs officers, and other U.S. Government spokespersons actively engage local media to discuss the facts of the situation and emphasize both dangers of the journey to the United States and the lack of legal immigration benefits for those making the trip. Their public messages augment widely-disseminated U.S. Government-branded public service announcement campaigns, including in indigenous languages. We requested $1.6 million in the fiscal year 2014 Supplemental Request to increase targeted messaging, focusing on Facebook (bought ads and content placement), leveraging the public service announcements already produced by U.S. Customs and Border Patrol, host country government campaigns, and locally produced U.S. Government-branded messaging.

Question. How is the Department gauging the effectiveness of the current deterrence efforts in Honduras, Guatemala and El Salvador?

Answer. The Governments of El Salvador, Guatemala, and Honduras are taking steps to deter migration from their countries. Each government is accepting the return of families on direct flights, an important and visible sign that no undocumented migrant is guaranteed permission to stay in the United States. The three countries are conducting media campaigns with messaging underscoring the dangers of the journey to the United States and correcting misinformation about U.S. immigration policy.

There have been public declarations from high-level government officials warning citizens of the dangers of the journey and urging them not to migrate. For example, El Salvador's President Sanchez Ceren spoke publicly about the dangers of travel by unaccompanied children, the Guatemalan and Honduran First Ladies publicly urged parents not to send their children, and the Guatemalan Ambassador to the United States has made multiple public statements noting migrants will not receive immigration benefits if they arrive in the United States without documentation.

In addition, Honduran, Guatemalan and Salvadoran law enforcement are increasing focus on investigating smuggling networks. On June 20 a U.S.-trained unit of the Honduran National Police stood up "Operation Rescue Angels" on the border between Honduras and Guatemala to focus on unaccompanied child migrants. To date, they have stopped over 100 children and captured seven smugglers.

All of these actions are important in stemming the increase in the number of unaccompanied child migrants arriving at the U.S. southern border. We are encouraging the governments to continue their multifaceted approach to discourage potential migrants from making the dangerous journey to the United States.

Question. The emergency supplemental request includes an "economic support fund." Under the request, some portion of those funds would be used to expand the capacity of governments and non-governmental organizations to provide "services"

for returned migrants. Would you provide a comprehensive list of the types of services that the economic support fund would cover?

Answer. The Economic Support Fund (ESF) account is authorized to support a range of social, economic, rule of law, and development objectives globally. The fiscal year 2014 Supplemental Request would use ESF to expand the capacity of Central American governments to receive returned migrants; enhance job creation and improve economic growth; further effective, accessible, independent legal systems operating under the rule of law; and address border security.

QUESTIONS SUBMITTED BY SENATOR MARK BEGICH

Question. What steps is the State Department taking to fix the root causes of bringing migrant children to the U.S. from Central America?

Answer. The Department of State and interagency partners are and have been working closely with our Central American partners to address the complex and systemic challenges these countries face. Slow job creation, low-quality public education, low investment in vocational education and training, insecurity, declining rural incomes, and ineffective use of limited public sector resources are among the various factors spurring families and unaccompanied children to migrate from Central America.

The U.S. Government seeks to address violence in Central America through the Central America Regional Security Initiative (CARSI). Through CARSI, the United States works with partner nations to strengthen institutions to counter the effects of organized crime, control their borders, uphold the rule of law, and protect human rights. Department of State and USAID's CARSI prevention programs provide at-risk youth with alternative opportunities to joining gangs while community policing programs improve communication between police and community members to make their neighborhoods safer.

The United States foreign assistance promotes regional economic growth, infrastructure modernization, and collaboration. Millennium Challenge Corporation (MCC) programs in Honduras and El Salvador are focused on improving infrastructure and market access. In addition, Honduras is engaged in an MCC threshold program to improve its efficiency and transparency in providing public services. Other Department of State and USAID initiatives designed to provide critical economic, educational, and commercial opportunities include Pathways to Prosperity in the Americas, the Small Business Network of the Americas, Women's Entrepreneurship in the Americas (WEAmericas), La Idea, 100,000 Strong in the Americas, and Feed the Future.

Ambassadors and Public affairs officers at U.S. embassies in the region are continuously engaged in messaging on U.S. immigration policy, and have consulted with host governments on recent campaigns to stem the flow of unaccompanied minors to the United States.

Question. Will the $300 million in this request fix these issues?

Answer. The U.S. Government's vision of an economically-integrated Central America that provides economic opportunities to its people; more democratic, accountable, transparent, and effective public institutions; and a safe environment for its citizens to build their lives in peace and stability will require a long term approach. We are working to include governance, economic prosperity, and security funding for the region in our out-year budget requests. These efforts will not only mitigate the factors causing migration but they will protect the U.S. national security interests. The United States cannot solve these problems alone. We will look to the Central American governments to provide their own financial and political commitments to address the factors driving migration.

QUESTIONS SUBMITTED BY SENATOR CHRISTOPHER A. COONS

Question. Could you tell us what your plans are, if any, for in-country processing in Guatemala, Honduras, and El Salvador? Do you see this as part of a comprehensive approach to this humanitarian crisis?

Answer. The Administration is considering taking additional steps to further deter unlawful and dangerous migration to the United States.

To stem the flow of migrant children attempting to enter the United States, we are considering a small pilot project to explore whether children could go through a process to determine if they are eligible to come legally to the United States before they leave their home countries. Our goals remain twofold in the United States as well as in the region: provide an effective deterrent for illegal migration through

criminal smuggling networks, while protecting legitimate humanitarian claims. Any in-country program would be governed by these goals.

This is a pilot project and we expect this to be very modest in size. The standard to achieve refugee status is very high, and will not be changed. This will not be an avenue to reunite children with undocumented family members in the United States.

Question. Could you describe the current efforts led by the State Department to enhance public safety in Guatemala, Honduras and El Salvador? How would the emergency supplemental funds help change the situation on the ground?

Answer. The Department of State is and has been working closely with our Central American partners to address the complex and systemic challenges Central America faces, including public safety. The U.S. Government's citizen security program in Central America is the Central America Regional Security Initiative (CARSI). Through CARSI, the United States works with partner nations to strengthen institutions to counter the effects of organized crime, uphold the rule of law, and protect human rights. CARSI prevention programs dissuade at-risk youth from turning to crime and community policing programs facilitate trust between police and community members. Weak economic growth, low investment in vocational education and training, increased insecurity, declining rural incomes, and ineffective use of limited public sector resources are among the various factors encouraging families and unaccompanied children to migrate.

We envision an economically-integrated Central America that provides economic opportunities to its people; more democratic, accountable, transparent, and effective public institutions; and a safe environment for its citizens to build their lives in peace and stability. Efforts toward this end will not only mitigate the factors causing migration, they serve to protect the U.S. national interest. In order to obtain that vision, we must work with regional and international partners toward three priority objectives: governance, economic prosperity, and security. All three objectives reinforce one another; and we must commit to a sustained engagement with these partners. Of the $300 million fiscal year 2014 Supplemental Request, the Department of State and USAID requested $295 million of Economic Support Funds for programs organized under the three priority objective areas. This request represents a down payment on a new strategic approach in the region. The supplemental also requests $5 million in public diplomacy funds to increase public messaging in the region about the dangers of the journey.

QUESTIONS SUBMITTED BY SENATOR RICHARD C. SHELBY

Question. The Department of State has come to Congress requesting a large sum of additional money, but the Department of State and USAID have not yet obligated the majority of fiscal year 2014 assistance for the Western Hemisphere, which totals $1.46 billion.

What is the current assistance pipeline for Honduras, Guatemala, and El Salvador, and how critical is the $300 million supplemental request given that significant unobligated balances remain in fiscal year 2014?

Answer. Consistent with the requirements of section 653(a) of the Foreign Assistance Act of 1961, as amended, prior to the obligation of funds, the Administration provided to House and Senate Committees on Appropriations country/program allocations by account for foreign assistance funds appropriated in the State, Foreign Operations, and Related Appropriations Act, 2014 (SFOAA). The 653(a) allocations for fiscal year 2014 foreign assistance are still being reviewed by the House and Senate Committees on Appropriations; therefore, fiscal year 2014 assistance has not yet been obligated. The Administration's $300 million supplemental request fills critical gaps where needed assistance investments have been under-resourced, while bringing to scale existing successful programming models to address needs in Central America comprehensively.

Question. Why did the President's fiscal year 2015 budget request decrease assistance for the Western Hemisphere by $147 million below the fiscal year 2014 level, given the urgency of the situation?

Answer. The fiscal year 2015 budget reflected an environment of fiscal constraint. The fiscal year 2015 request prioritized citizen security assistance, including for Central America, and did not indicate a reduced level of interest in the hemisphere. Given the current extraordinary circumstances, the Administration requested emergency supplemental funding to address the needs and requirements posed by the current humanitarian situation on the U.S. southwest border. In addition, the Administration will include the appropriate level of resources to address the driving

factors of migration in its current internal review of the fiscal year 2016 budget request, which will be finalized and submitted to Congress next year.

Question. The supplemental request for $295 million in the Economic Support Fund appears to be aimed predominately at bolstering existing programs conducted by USAID and the Department of State in Honduras, Guatemala, and El Salvador.

What new programs does the supplemental request propose to initiate in these countries? Should Congress approve the supplemental request, do you anticipate that any new programs will be operational by the end of this fiscal year?

Answer. The Administration's foreign assistance supplemental request—$295 million—includes funding to scale up successful existing programming models to achieve broader impact as well as address critical gaps where investments have been lacking and under-resourced. Through the fiscal year 2014 Supplemental Request, State and USAID will scale and target current and new programs in Central America to addresses the underlying factors—including a lack of economic prosperity, governance, and security driving—the migration of unaccompanied children. For the Department of State, new programming is expected to build on current successful models in the areas of assistance to provide fuller access to affordably energy, improved customs and border controls, justice sector reforms, corrections, and police capacity assistance. For USAID, also building on current successful models, the new assistance is targeted for public financial management and fiscal reform, justice sector, community based youth programs, and repatriation.

The Department and USAID believe the new and expanding programs in the following areas will have the quickest impact on the ground: energy; workforce development; support to coffee farmers; expansion of 24-hour courts; programs that increase access to justice and mobile court facilities; community-based programs to reduce crime and violence; efforts to improve border security; and repatriation assistance. However, actual obligations would substantially depend on the form, content, requirements, and timing of supplemental appropriations as well as whether the programs are new, as these require added time to responsibly and effectively plan and execute.

Question. What evidence can you point to today to demonstrate success of the Department's existing programs at addressing the push factors for UACs?

Answer. U.S. programming in Central America has focused on addressing the complex causes that drive migrants, including children, to leave El Salvador, Guatemala, and Honduras.

In El Salvador, Guatemala, and Honduras, the United States supports community-based Model Precinct Programs to connect citizens with law enforcement in neighborhoods identified by the host government as most affected by violent crime. In the Villa Nueva suburb of Guatemala City, this approach has led to reduced gang activity in 78 schools, greater reporting of crime, higher conviction rates, and stronger investigations, contributing to a nearly 20 percent reduction in homicides. There have been similar reductions in homicide and crime rates in El Salvador's precincts.

The Department of State supports vetted units of host-nation law enforcement, operating under the mentorship of U.S. Federal law enforcement agencies. These elite host-country units have been behind some of the regions' biggest law enforcement successes. In Honduras, the national police sent a U.S.-trained unit to the Guatemala-Honduras border to focus on smuggling networks. They have since rescued over 100 children from smugglers and turned them over to Honduran authorities for care as part of Operation "Rescue Angels."

Small Business Development Centers provide business counseling to over 10,000 businesses, which have created over 5,000 new jobs in El Salvador, Guatemala, and Honduras. The Women's Entrepreneurship in the Americas Initiative (WEAmericas) encourages inclusive economic growth by promoting women's economic empowerment in the Americas, and reducing the barriers women often face when starting a business. WEAmericas small grants are directly benefiting over 2,000 women in the El Salvador, Guatemala, and Honduras.

USAID has established more than 120 Outreach Centers in Honduras, Guatemala, El Salvador, and Panama that provide safe spaces, learning opportunities, and life skills development for at risk youth. These centers provide a package of assistance that includes municipal crime prevention plans, crime and violence data tracking, youth outreach centers, job skills training, community policing and improved community infrastructure (additional street lights, cleaned up parks, etc.), targeted on the major source locations, including San Pedro Sula, Tegucigalpa, La Ceiba, Guatemala City, and San Salvador.

The $300 million supplemental request is a down payment on a new strategic approach and we are working to include governance, economic prosperity, and security funding for the region in our out-year budget requests. The U.S. Government's vi-

sion of an economically-integrated Central America that provides economic opportunities to its people; more democratic, accountable, transparent, and effective public institutions; and a safe environment for its citizens to build their lives in peace and stability will require a long term approach. These efforts will not only mitigate the factors causing migration, but they serve to protect the U.S. national interest. We cannot solve these problems alone and will look to the Central American governments to provide complementary financial and political commitments to address the factors driving migration.

Question. Do these governments possess the necessary political will and basic capacity to enact domestic reforms to address the "push factors" of unaccompanied child migration, which include lack of economic, educational and employment opportunities, and gang violence?

Answer. The Governments of El Salvador, Guatemala, and Honduras recognize that this is a regional problem that requires a comprehensive approach to address issues of security, economic prosperity, and governance—all of which play a role in migration. We are committed to working closely with these governments to build their capacity by improving and expanding repatriation centers, providing training on migrant care and transport, and enabling the Central American governments to provide expanded services to returned migrants.

Question. What prospect is there that simply sending them more foreign aid money will ensure they can meet these needs?

Answer. The implementation of a comprehensive and collaborative strategy for Central America—one that addresses security, economic prosperity, and governance—requires more than simply sending more foreign aid. Migration from Central America is spurred by economic stagnation, weak governance, and insecurity. We will work with our regional partners and international institutions to promote regional prosperity through economic integration; transparent, democratic governance and fiscal management; and strengthened security cooperation to reduce gang violence and organized crime. We cannot solve these problems alone and will look to the Central American governments to provide complementary financial and political commitments to address the factors driving migration.

QUESTIONS SUBMITTED BY SENATOR JOHN BOOZMAN

Question. Recently both Secretary Kerry and Vice President Biden met with leaders in Central America to discuss this growing humanitarian crisis. What assurances has the U.S. received form the leaders of these countries that they are committed to address and put an end to the rampant migration as well as to increase the security situation in their own countries? Additionally, can you elaborate on what specifically the U.S. is doing and what we plan to do with the resources that have been allocated and committed to aiding these efforts? Can we consider these countries serious partners in this endeavor?

Answer. President Obama and the Presidents of El Salvador, Guatemala, and Honduras issued a joint statement following their July 25 meeting in Washington reiterating a "commitment to prevent families and children from undertaking this dangerous journey and to work together to promote safe, legal, and orderly migration." They pledged to pursue the criminal networks that smuggle or traffic children, to counter misinformation about U.S. immigration policy, to work together to repatriate migrants humanely, and to address the underlying causes of migration by improving security and promoting greater social and economic opportunity in Central America.

In El Salvador, Guatemala, and Honduras have all launched media campaigns, law enforcement investigations targeting organizations engaged in human smuggling, and programs to combat poverty. The Central American presidents indicated to President Obama that they are working on a comprehensive plan to address the underlying causes of the humanitarian situation on the border. These governments are working with us to address their shared responsibility to address the urgent humanitarian situation on the U.S. southern border.

On June 20, Vice President Biden announced $9.6 million to increase the capacity for Central American governments to receive, reintegrate, and care for repatriated migrants, including unaccompanied children. Program elements will include improvement and expansion of existing repatriation centers; training and capacity building for personnel involved in repatriation efforts in each country; and building the capacity of the Central American governments to identify, screen, protect, and refer unaccompanied child migrants to appropriate services throughout the migration process.

Our supplemental request represents a down payment on our new approach in the region to increase governance, prosperity, and security in coordination with our regional and international partners. The $295 million of Economic Support Funds will allow the Department of State and USAID to expand successful governance, economic growth, and citizen security programs in the region that are already having an impact but are not of sufficient scale or scope to stem the flow of undocumented migrants.

Question. The supplemental request states that beyond initial assistance to these Central American countries, the Department of State and USAID will assess the progress and cooperation of recipient governments in order to determine if further assistance will be provided. How will you measure progress and cooperation specifically?

Answer. The Department of State, USAID, and our embassies in the region continually monitor the effectiveness of all programs and evaluate how to best allocate foreign assistance to advance U.S. objectives. This monitoring and evaluation process informs us which programs are successful and which programs could be scaled up or expanded within Central America, with the commitment of the countries involved.

Furthermore, the Department of State and USAID are developing a comprehensive results framework that will compile the results from our country-by-country programs and collectively evaluate the progress of our security assistance programming under the Central America Regional Security Initiative (CARSI), which includes assistance to El Salvador, Guatemala, and Honduras. This results framework will complement the evaluation programs already in place. For example, a recent independent evaluation by Vanderbilt University indicated USAID's community-based prevention programs are highly successful in reducing crime and increasing the reporting of crimes in El Salvador; results for Guatemala and Honduras are forthcoming but look promising as well. Similarly, the Bureau of International Narcotics and Law Enforcement Affairs' Model Police Precinct program in El Salvador and Guatemala has reduced crime, increased reporting of crimes that do occur, and improved the administration of justice in those committees where it is operating.

Question. Beyond the supplemental request, the Administration is requesting the authority to use an additional $384 million of prior year funds to address the issue of unaccompanied child migrants from Central America. On top of this, the fiscal year 2015 Senate SFOPS bill includes an additional $100 million to address these same topics. Exactly how much money is needed for these efforts? Will a more specific plan be submitted to Congress to explain how exactly you plan on spending this money?

Answer. The Administration's fiscal year 2014 emergency Supplemental Request includes $295 million of foreign assistance for the Department of State and USAID to address the underlying factors of poverty and insecurity that are contributing to the migration of unaccompanied children. Programs will promote economic prosperity by increasing access to affordable and reliable energy, promoting small businesses and local economic development, and providing in-demand skills to at-risk populations. To address corruption, a lack of transparency, and impunity in the region, programs will seek to strengthen judicial systems and expand resources for the management of public expenditures. Additionally, resources will bolster current and new programs in police capability and community-based policing, prison reform, countering transnational crime and illicit trafficking, and building repatriation capacity in the region.

The Administration has made investments in Central America, including $642 million for the Central America Regional Security Initiative. However, to respond comprehensively to the factors driving migration, additional investments, particularly for prosperity and governance, are needed. The emergency supplemental request is a down payment on those requirements; it brings to scale existing successful programming models while filling gaps in areas that have been under-resourced.

The Department of State and USAID are internally reviewing the fiscal year 2016 budget to ensure sustained engagement in Central America, in order to provide the long-term commitment necessary to address this crisis and stem the flow of unaccompanied children. The emergency supplemental requests $125 million for prosperity for programming for energy, improved income opportunities, rural coffee farmer income support, and workforce development. The request includes $70 million for governance assistance for public financial management and fiscal reform and to strengthen judicial independence, transparency and accountability. Finally, $100 million was requested for security programming to expand community-based programs to reduce youth crime and violence, prison reform and assistance, national police capacity and capabilities, capacity to counter transnational criminal organiza-

tions, smuggling networks, and counternarcotics trafficking, and to provide repatriation assistance.

QUESTIONS SUBMITTED TO JUAN P. OSUNA

QUESTIONS SUBMITTED BY CHAIRWOMAN BARBARA A. MIKULSKI

LEGAL REPRESENTATION SERVICES

Question. The Justice Department's supplemental request includes $15 million for legal representation services for children going through the immigration court system.

On June 6, the White House announced a new initiative called "Justice AmeriCorps" led by the Corporation for National Community Service (a HHS agency), but funded at $2 million by the Justice Department's Executive Office of Immigration Review. This program will provide pro bono legal assistance to the children in court supporting approximately 100 AmeriCorps members for 3 years.

On July 9, the ACLU filed a lawsuit against the Federal Government, including the Justice Department, for failing to provide legal assistance to children going through immigration court proceedings. Their lawsuit claims that both the Constitution's Fifth Amendment Due Process Clause and the Immigration and Nationality Act's provisions requiring a "full and fair hearing" before an immigration judge are being violated.

The Executive Office of Immigration Review cannot administer a grant program or provide legal assistance via Justice Department attorneys. How will this legal representation program work? Will it simply be an extension of the Justice AmeriCorps program?

Answer. EOIR may use a variety of methods for providing legal representation to certain children in some cases, including grant programs (such as continuing the Justice AmeriCorps program) and contracting with non-governmental organizations.

Question. Is $15 million for a legal assistance program?

Answer. $15 million is to provide funding for a legal representation program designed to provide legal services and representation to some of the children in immigration proceedings.

Question. How is DOJ tracking the amount of unaccompanied children they work with? How many children would receive legal representation with a $15 million program?

Answer. EOIR has added a data field to its case tracking system to track recent border entrants, including unaccompanied alien children that have been identified by DHS on charging documents filed with the immigration court. EOIR estimates that between 4,000 and 10,000 children, depending upon the average cost of each case, would be represented with a $15 million program.

Question. Given the recent lawsuit by the ACLU, what would it cost the Federal Government to provide legal representation to all children going through immigration court proceedings?

Answer. The Department cannot comment on pending litigation and does not have an estimate on the cost of providing legal representation at this time.

IMMIGRATION JUDGES

Question. The Justice Department's supplemental request includes $45.4 million to hire, train and equip additional immigration judges. The request would cover hiring 25 permanent immigration judges and 15 temporary immigration judges. Immigration judges are a full-time unionized workforce.

What is a temporary judge? How long will their judgeships last? Will they receive the same amount of training as permanent judges? When can we expect to see them in the courtroom?

Answer. Temporary Immigration Judges are individuals designated or selected by the Director of EOIR, with the approval of the Attorney General, to adjudicate immigration cases. As such, temporary Immigration Judges will be designated for renewable terms not to exceed 6 months. Temporary Immigration Judges will be trained as necessary to complete the dockets assigned to them. EOIR plans to have temporary Immigration Judges hearing their assigned cases within the next few months.

Question. Immigration judges typically go through 10 months of training before hearing cases in the courtroom. When can we expect the 25 permanent judges to start hearing cases?

Answer. The Immigration Judge hiring process generally takes approximately 10 months. New Immigration Judges receive five weeks of initial training during their first year. A timeframe for when this group of new judges will begin hearing cases strongly depends on when the supplemental is enacted.

Question. Will all of these judges—both permanent and temporary—be headed to the Southwest Border? How will courthouses be able to accommodate these 40 new immigration judge teams?

Answer. The rise in unaccompanied alien children and families with children that enter our country is not limited to the Southwest Border. As such, EOIR will shift resources, including Immigration Judges, to adjudicate cases involving unaccompanied alien children, adults with children that are detained, adults with children that have been released on alternatives to detention, and other detained cases.

Temporary Immigration Judges will supplement the work of the immigration court so that the permanent judges can address the four new priorities. EOIR projects that adequate courtroom and staff space will be available for the requested 25 Immigration Judge teams and 15 temporary Immigration Judges.

QUESTION SUBMITTED BY SENATOR MARY L. LANDRIEU

LEGAL SERVICES FOR UNACCOMPANIED MINORS

Question. The Justice Department launched a program earlier this month to send 100 lawyers and paralegals to provide legal services to unaccompanied minors in immigration custody, but 100 people are not enough to help all the children who need aid. The Obama Administration announced last week that it would send more immigration judges and officers to the border to move cases more quickly, but the plan does not guarantee counsel for unaccompanied minors. The reality is that Immigration Courts are seriously overwhelmed by the number of removal proceedings. Consequently children wait on average 578 days before a Hearing. The Administration has proposed that the Department of Justice receive a smaller portion of Supplemental Funding compared to other agencies—$64 million out of $3.7 billion in supplemental funds—yet it seems as if the delay in processing these cases in large part lies with the judicial system.

Please explain how the Department of Justice plans to expedite cases with this $64 million increase.

Answer. With this funding, EOIR plans to hire 25 additional, permanent Immigration Judge Teams, in addition to 15 temporary judge teams, in order to help address the immigration court caseload. Each Immigration Judge Team consists of an Immigration Judge, Language Specialist, Legal Technician, Clerk and Law Clerk, as well as a BIA Attorney and Paralegal for every other team. These additional Immigration Judge Teams will provide EOIR with a greater capacity to hear cases overall. In addition to hiring additional permanent Immigration Judge Teams, EOIR will use $2.5 million of this funding to expand its Legal Orientation Program (LOP) and Legal Orientation Program for Custodians of Unaccompanied Alien Children (LOPC), which provide legal orientation presentations in an effort to generate efficiency in the immigration court system, as well as $15 million to provide direct legal representation services to children going through immigration proceedings. These additional resources will assist the court in more efficiently adjudicating cases involving unaccompanied alien children.

QUESTIONS SUBMITTED BY SENATOR MARK PRYOR

INFLUX OF UNACCOMPANIED CHILDREN

Question. The President's Budget was released in March. It is hard for me to believe that the Administration did not know that the influx of unaccompanied children was occurring at a pace that might outpace resources. Why was the influx of unaccompanied children not flagged as a priority in the Department of Health and Human Services' (HHS), Department of Homeland Security (DHS), and the State for Foreign Operations funding request? How is the Administration going to ensure that the OMB can be agile in their requests and give Congress time to ensure oversight for crisis's build over time like this one?

Answer. The Department of Justice defers this response to the appropriate Administration officials.

Question. The solution is to return these children safely and quickly home to their families and I support the efforts to hire more judges to accelerate this process. How will the funds requested ensure that there is a higher rate of unaccompanied chil-

dren who are currently with their relatives awaiting judicial proceedings actually show up to their hearings?

Answer. Of the funds requested, $15 million would be used to fund legal representation for some of the unaccompanied children. Based on past experience, EOIR expects that children with legal representation will be more likely to appear for court proceedings because they will have counsel appearing with them.

IMMIGRATION BACKLOG

Question. The number of judges and courts is woefully low, even with the supplemental request. Has DOJ considered incorporating any legal help from outside groups to help get through the backlog of cases?

Answer. As an adjudicative agency, EOIR must steadfastly ensure that it is, and appears to be, neutral. It would be inappropriate for immigration court functions to be performed by people or organizations other than those employed by EOIR. EOIR and DOJ recognize the need for additional Immigration Judges, which is why the fiscal year 2015 President's Budget requested an additional 35 Immigration Judge Teams for the court system. Additionally, EOIR is working to select 32 more Immigration Judges in fiscal year 2014.

QUESTIONS SUBMITTED BY SENATOR RICHARD C. SHELBY

IMMIGRATION JUDGES

Question. According to information we received from the Department of Justice's Executive Office for Immigration Review, a fully-trained Immigration Judge hears, on average, 700 cases per year. However, the supplemental request before us projects that immigration judges will nearly double their output, hearing an additional 550 cases a year. According to the president of the National Association of Immigration Judges, the Obama Administration's proposal "will not be sufficient to deal with the long-term scarcity of resources that the immigration courts have had to deal with, coupled with the current surge."

How will immigration judges increase the number of cases they hear each year from 700 to nearly 1300?

Answer. EOIR does not project that its Immigration Judge Corp will increase the number of cases heard annually from 700 to 1300. EOIR's current estimate remains that its Immigration Judges will hear approximately 700 to 800 cases per year. Additional Immigration Judges will improve the capacity of the immigration courts to hear more cases overall.

Question. Are immigration judges really so underworked right now that they can handle almost an 80 percent larger caseload?

Answer. EOIR's Immigration Judges are not currently underutilized. Furthermore, EOIR does not anticipate its Immigration Judges will handle an 80 percent larger caseload. EOIR still projects that its Immigration Judges will each hear approximately 700 to 800 cases annually.

QUESTION SUBMITTED BY SENATOR SUSAN M. COLLINS

GANG MEMBERS CLAIMING ASYLUM

Question. Recently, the Fourth Circuit Court of Appeals issued a ruling in a case called Martinez *v.* Holder, in which it held that a former member of "MS–13"—the notorious El Salvadoran gang—was eligible for asylum under U.S. law. Given this ruling, does it concern you that some of the unaccompanied minors crossing the southern border could be members of gangs—but may untruthfully claim that they no longer belong to the gang? Are you comfortable with a policy that allows potential gang members to claim asylum in the United States? What steps will you be taking to ensure that immigration judges who are adjudicating asylum claims will be able to differentiate between asylum seekers who no longer belong to a gang, and those who do?

Answer. EOIR is an adjudicative agency. Immigration Judges adjudicate cases on a case-by-case basis, according to current U.S. law, regulations, and precedent decisions. Immigration Judges consider all evidence and arguments presented by both parties and decide each case based on that information. DHS–ICE attorneys advocate on behalf of the United States in these proceedings. It is incumbent upon them to raise issues such as gang membership to the tribunal, and present evidence about those issues, as appropriate. If a DHS–ICE attorney disagrees with an Immigration

Judge's decision, the attorney may appeal that decision to the Board of Immigration Appeals.

QUESTIONS SUBMITTED BY SENATOR JOHN BOOZMAN

LEGAL REPRESENTATION FOR ILLEGAL IMMIGRANTS

Question. The request seeks $15 million to provide legal representation to illegal immigrants. Under current law, illegal immigrants are not entitled to taxpayer funded counsel. (See 8 U.S.C. 1362, and also TVPA Section 235(c)(5)) Isn't this an inappropriate request?

Answer. Providing government-funded counsel to qualifying unaccompanied alien minors is not prohibited by section 292 of the Immigration and Nationality Act, which provides that aliens' right to counsel in immigration proceedings does not include a right of representation at the government's expense. Section 292 does not bar the government, in its discretion, from providing funding for legal representation in certain cases where it might enhance the effectiveness and efficiency of immigration proceedings involving qualifying unaccompanied alien minors.

Question. I understand that with the increased flow of children, the Department of Justice has requested money for more immigration judge teams and these UAC cases will be prioritized. Do you think this prioritization of these newest cases will make those already in the system and waiting, less likely to show up? I have heard that only 1 in 10 show up already. Are there any statistics to show the correlation between the amount of time one waits and how likely the person will show up for court?

Answer. The Executive Office for Immigration Review (EOIR) does not believe that the reprioritization will change the in absentia rate. The estimate that only 1 in 10 aliens appears for appointments scheduled in immigration courts is inaccurate. The actual in abstentia rate is far lower. The in absentia rate for all aliens in fiscal year 2013 was 15 percent. The in absentia rate for juveniles is 46 percent. For additional information, please see P1 of EOIR's fiscal year 2013 Statistical Yearbook located at http://www.justice.gov/eoir/statspub/fy13syb.pdf.

CONCLUSION OF HEARING

Chairwoman MIKULSKI. We will continue our discussion. The committee stands in recess until the full committee will be marking up next Thursday the defense appropriations with the modification that if we can get other things done this week, I am sure going to do it.

[Whereupon, at 5:41 p.m., Thursday, July 10, the hearing was concluded, and the Committee was recessed, to reconvene subject to the call of the Chair.]

MATERIALS SUBMITTED SUBSEQUENT TO THE HEARING

[CLERK'S NOTE.—The following outside witness testimonies were received subsequent to the hearing for inclusion in the record.]

PREPARED STATEMENT OF THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION

The American Immigration Lawyers Association (AILA) submits this statement to the subcommittee on immigration and border security. AILA is the national association of immigration lawyers established to promote justice and advocate for fair and reasonable immigration law and policy. AILA has over 13,000 attorney and law professor members.

Since 2011, the United States has experienced a dramatic increase in the number of unaccompanied children from El Salvador, Guatemala, and Honduras apprehended at our southwestern borders. The escalation in the movement of unaccompanied alien children (UACs) is a regional humanitarian crisis driven primarily by the rapid growth in crime, violence and poverty that has affected the region for many years. The number of unaccompanied children apprehended by U.S. Customs and Border Protection (CBP) jumped from 17,775 in fiscal year 2011 to 41,890 in fiscal year 2013. Estimates are that more than 90,000 unaccompanied children will enter the United States in the current fiscal year.

What is happening on our southwestern border is not merely an American problem but a humanitarian crisis that affects the entire Central American region. Already the United Nations High Commissioner for Refugees (UNHCR) reports that Mexico, Panama, Nicaragua, Costa Rica, and Belize have all experienced a spike in migrants coming to their countries to seek asylum. UNHCR reports that from 2008 to 2013 there was a 712 percent increase in asylum applications from nationals of El Salvador, Guatemala, and Honduras. By all accounts it is generating such substantial numbers of people fleeing for reasons of violence and fear that it should be deemed a refugee crisis.

On June 2, 2014, calling the situation "an urgent humanitarian crisis," President Obama announced that coordination of the U.S. response to this crisis would done by the Federal Emergency Management Agency (FEMA). On July 8, the White House released a summary of its emergency supplemental appropriations request to Congress of $3.7 billion to respond to the regional humanitarian and refugee crisis.

At the outset, AILA strongly recommends that the supplemental request not be used to authorize new authority to erode legal protections for children. That could result in the immediate and tragic reality of children being thrown back into dangerous conditions where the potential for violence and abuse is high. AILA specifically opposes the curtailment of existing statutory protections for unaccompanied children, particularly provisions set forth in the bipartisan Trafficking Victims Protection and Reauthorization Act of 2008 (TVPRA), which was unanimously approved in the Senate. The standard of care and protection of this vulnerable population, developed over the past two decades, must be safeguarded and should not be undermined during this temporary humanitarian crisis. A direct response to the factors driving these children out of their countries would better address and stem the migration of these children.

AILA is pleased to see that the President's request seeks substantial additional funding for the Department of Health and Human Services (HHS) to address the shelter, custody and processing of unaccompanied children. The request also states that it will maintain services for refugees which are served by the same agency within HHS that has responsibility for unaccompanied children, the Office of Refugee Resettlement (ORR). This commitment is critical since ongoing and future services for refugees should not be compromised by diversion of resources to this more recent humanitarian crisis. AILA is concerned that the $300 million request for funding to address the root causes of the humanitarian crisis appears inadequate considering the overwhelming needs.

BORDER SECURITY AND ENFORCEMENT

The supplemental request includes an additional $1.5 billion for ICE and CBP to engage in apprehension, detention, and removal activities. While AILA recognizes the importance of combatting smuggling and criminal enterprises, especially for the purpose of maintaining public safety, the amount requested is excessive and unnecessary given the unprecedented level of funding already dedicated to DHS for immigration enforcement and border security which has resulted in a dramatic rise in

enforcement. From 2000 to 2012 immigration enforcement funding increased to $18 billion, more than 350 percent growth over that period.[1] Immigration detention continues to rise and now totals about 430,000 individuals each year, at a cost of $2 billion annually. Removals are at a record high as are the percentages of removals that are expedited removals. Federal criminal prosecutions of immigration-related status offenses are also at a high, up 468 percent from fiscal year 2003. Recognizing these continued investments in border security and enforcement, a substantial "surge" in enforcement resources would be an unwise use of finite taxpayer resources.

DETENTION AND CUSTODY

Federal law requires that unaccompanied children be cared for in the least restrictive setting that is in the child's best interests. Until the number of UAC increased dramatically this year, the Federal government had typically placed children in federally contracted shelter facilities and where possible identified suitable relatives to serve as guardians. That practice is the most consistent with national and international child welfare standards and is far less expensive than the Federal taxpayer shouldering the cost of institutional care for children.

AILA is deeply concerned about the repeated emphasis in the supplemental request on detention for families. DHS should not expand the use of detention for families as a means to address the humanitarian crisis or to deter future arrivals as the holding of families in detention centers is generally inappropriate, opens the door for abuses and inhumane conditions, and should only be used in extremely rare circumstances. In 2009, Immigration and Customs Enforcement (ICE) was forced to close a Texas family detention facility after being sued for abuses and poor conditions. Family detention is now used only on a limited basis. Detention hinders the ability of children and families to gain access to counsel and compounds trauma which in turn severely impacts their ability to seek and receive protection. The administration should not only expand, but switch completely to, alternatives to detention, which are far more cost-effective and humane.

SCREENING

Currently law requires that unaccompanied children from non-contiguous countries be transferred to ORR within 72 hours of identification. ORR screens the children for medical and other immediate needs as well as for vulnerability factors such as trafficking or fear of persecution. Although the supplemental funding request does not mention changing the screening process for unaccompanied children, some lawmakers have called for authorizing legislation that would apply the process used for children from contiguous countries (primarily Mexico) to children from non-contiguous countries. Such a change raises serious humanitarian and child welfare concerns. Currently, Mexican children are treated differently under the TVPRA and face nearly automatic repatriation, with limited screening for relief that takes place within 48 hours of apprehension, and without the advice of counsel. Their deportation decisions are not made by immigration judges, but by CBP officers and agents.

For any unaccompanied child, CBP facilities are not a suitable environment for interviewing minors, nor are CBP officers and agents the best officials to conduct interviews about sensitive topics such as persecution, trafficking, and other possible trauma. All unaccompanied children should be screened by a professional with training in child welfare, trauma, counseling, and international humanitarian and immigration law. Having USCIS asylum officers conduct the initial screening would be an improvement compared to CBP officers doing screening, but this step would not be sufficient to ensure that children are not forced back to countries where they may experience further victimization and danger.

Protocols for screening unaccompanied children could be improved upon by adopting best practices from the criminal justice and child welfare fields which have developed comprehensive protocols for rape, sexual assault and child abuse cases. These criminal justice and child abuse practices are designed to ensure that complainant victims are given adequate time to report such incidents given the trauma victims suffer and the need for time to recover emotionally and physically. Moreover, such interviews are done in safe setting and manner that minimizes the likelihood of re-traumatizing the victim.

Nearly all unaccompanied children have undergone a lengthy and difficult, likely harrowing, journey to the United States. They very likely have experienced violence, trauma, persecution, or been trafficked. Like sexual assault or child abuse victims,

[1] Migration Policy Institute. "Immigration Enforcement in the United States: The Rise of a Formidable Machinery," January 2013.

unaccompanied children may require several days or weeks before they are able to adjust to a new environment and speak about their experience. Accordingly, the 48-hour timeframe during which CBP interviews these children under the contiguous country processing method will compromise the ability of most if not all children from having meaningful access to legal and humanitarian protection. Efforts to expedite processing should not rush children to explain their situation until their immediate medical and psychosocial needs are met and until they are in a safe environment.

Finally, rather than water down the legal protections for children coming from Central America that were enacted by a bi-partisan and unanimous Senate in 2008, Congress should strengthen the process for screening Mexican children and bring it on par with what is required for children from non-contiguous countries. There is no valid reason for treating vulnerable unaccompanied children differently based on their country of origin. All children should receive careful and robust screening and protection to ensure their safety and well-being.

ENSURING MEANINGFUL ACCESS TO ASYLUM, HUMANITARIAN RELIEF AND DUE PROCESS

While the influx of unaccompanied children compels the administration and Congress to act swiftly, consideration should be given to ensure that vulnerable children are not pressured to make quick decisions that may jeopardize their well-being. Every unaccompanied child should have the opportunity to consult with legal counsel and appear before an immigration judge in removal proceedings before he or she is deported.

The immigration courts have chronically been underfunded especially when compared to the dramatic increase in funding for immigration enforcement in the past decade. As mentioned previously, immigration enforcement funding has increased exponentially in the past decade. By comparison, immigration court funding grew from $150 million to $300 million during from fiscal year 2000 to 2012. The disproportionate funding given to enforcement has resulted in such dramatic growth in enforcement that the courts are unable to keep pace and have a backlog of about 350,000 cases. The underfunding of the courts has resulted from decisions made by congressional appropriators and is the principal reason the processing of immigration cases suffers from substantial delays. Congress should make a concerted effort now to correct that resource problem.

The Department of Justice Executive Office for Immigration Review (EOIR) should be adequately funded to hire enough judges and staff to not only provide hearings for children without scheduling delays, but to reduce the existing backlog and to reduce the need for video hearings that can curtail children's rights to properly present their cases. The supplemental funding request for immigration judges, however, is insufficient. If 75 additional judge teams are necessary to adequately respond to the crisis, which appears to be the case from the supplemental request, then 75 teams should be requested instead of repurposing the 35 new teams already requested for fiscal year 2015, which could exacerbate the court backlogs already affecting immigrants nationwide.

The Asylum Division of the United States Citizenship and Immigration Services (USCIS) should also be funded to hire more asylum officers to promptly adjudicate asylum applications. However, any proposal to provide children and families with prompt hearings cannot compromise standards of due process and fairness. Summary removal procedures, such as expedited removal or pre-hearing voluntary departure, should never be used for children, and AILA opposes any authorizing legislation that would do so.

Children who have survived trauma or persecution or live in fear of return should not be left to navigate the laws on their own. The lack of counsel compounds the vulnerability of children as they move through our nation's complicated removal system. AILA recommends that all children should be provided counsel in removal proceedings when they cannot afford a private attorney or obtain pro bono counsel. In addition, EOIR's Legal Orientation Program (LOP) and Legal Orientation Program for Custodians of Unaccompanied Alien Children (LOPC) should be sufficiently funded to ensure that every child receives the benefits of these programs. While not a substitute for legal representation, it is the only opportunity for most unaccompanied children to obtain information about their rights and responsibilities under the law, information vital for them in any proceedings. AILA is pleased that the supplemental request acknowledges the need for funding legal counsel and LOPs. However, AILA remains concerned that the requested amount—$15 million for legal representation and $2.5 million for LOP—is insufficient to meet the current needs.

PREPARED STATEMENT OF CHURCH WORLD SERVICE

U.S. MUST ENSURE PROTECTION OF UNACCOMPANIED CHILDREN AND ADEQUATE FUNDING FOR REFUGEE RESETTLEMENT

Church World Service (CWS), a 67-year-old humanitarian organization, urges the U.S. Government to address the needs of unaccompanied children seeking safety in the United States by prioritizing their well-being and ensuring access to lifesaving protection. To uphold our legal and moral responsibilities, the administration and Congress must provide an urgent increase in funding for the Office of Refugee Resettlement (ORR) to provide services for these children, a coherent plan to ensure children in need of protection are treated in a manner that reflects their unique needs and vulnerabilities, and a long-term strategy to address the varied and complex root causes of displacement in the region.

The number of unaccompanied children fleeing violence in El Salvador, Guatemala and Honduras has increased substantially over the past 3 years, from 6,800 in 2011 to an estimated 90,000 in 2014. These children are fleeing drastic increases in violence, conscription into gangs, trafficking, abuse by smugglers and sexual assault. Some of these children are bona fide refugees and asylum seekers, and the majority of them meet criteria for international protection.[1] The demographics of these children have changed, and instead of older teenage boys, more of these children are girls, younger children and victims of trauma. It is critical that the United States and international community prioritize their protection, safety and care.

CWS strongly condemns proposals that have focused on expeditiously removing, detaining and denying these children access to life-saving protection, and urges the administration and Congress to ensure that the assessments of protection needs required by international obligations[2,3] are conducted and that the services required by U.S. law[4] are provided to protect these children.

Ensure Access to Protection for Unaccompanied Children Fleeing Violence

It is important to note that unaccompanied children are not breaking the law when they enter the United States. Individuals have the right to seek protection from persecution and violence, both through international[5,6] and U.S. law.[7] Under current U.S. law, U.S. Customs and Border Protection (CBP) is required to take child migrants into custody, screen them for protection concerns and transfer them to the Office of Refugee Resettlement (ORR) in the Department of Health and Human Services. ORR places children in foster care or reunites them with relatives in the United States and CBP places the children into deportation proceedings, issuing them a Notice to Appear in immigration court.[8] Children from Mexico are almost always immediately deported, as they are treated differently under U.S. law. Expedited removal of non-Mexican children is illegal under the Trafficking Victims Protection Reauthorization Act (TVPRA).

CWS is strongly opposed to proposals that would undercut the TVPRA, as these are important standards established by Congress that should not be weakened now just because more children are in need of these protections. Deporting unaccompanied children more quickly, before they are screened for trafficking and protection concerns would only perpetuate a crisis of vulnerable children whose concerns are not being addressed and who are passed along to further exploitation and abuse. Summarily deporting these children would place them back into the hands of smugglers, gangs and dangerous criminal organizations and increase the power these groups hold over children and entire communities. The United States is under obligations to both international and U.S. law, as well as a basic moral compass, to

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[1] United Nations High Commissioner for Refugees, Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection. 2014. <http://unhcrwashington.org/children>.

[2] Articles 2, 3, 6 and 22, The Convention on the Rights of the Child. <www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

[3] United Nations High Commissioner for Refugees, A Framework for the Protection of Children.<www.unhcr.org/50f6cf0b9.html>.

[4] U.S. Code Title 22: Foreign Relations and Intercourse, Chapter 78: Trafficking Victims Protection. <http://uscode.house.gov>.

[5] Article 14, The Universal Declaration of Human Rights. <www.un.org/en/documents/udhr/index.shtml#a14>.

[6] United Nations General Assembly, Declaration on Territorial Asylum, 14 December 1967, A/RES/2312(XXII). <www.refworld.org/docid/3b00f05a2c.html>.

[7] U.S. Code Title 8: Aliens and Nationality, Chapter 12: Immigration and Nationality, Section 1158: Asylum. <http://uscode.house.gov>.

[8] Providing Comprehensive Services for Unaccompanied Children at Immigration Court. Kids In Need of Defense. <https://supportkind.org/en/about-us/resources/doc__download/70-a-treacherous-journey-child-migrants-navigating-the-u-s-immigration-system-section-3>.

safeguard against refoulement[9, 10] (unsafe return) and turning children over to people who will traffic or exploit them. Also, expanding the use of detention for children and families will do nothing to improve the humanitarian crisis faced in Latin America or along the U.S. border. Detention is costly and makes it harder for those fleeing persecution to apply for protection. Rather than detention, community-based alternatives better meet the needs of these vulnerable populations, while keeping costs low and ensuring appearances at immigration court proceedings.[11] Congress and the administration should increase resources for immigration courts to maintain the integrity of the U.S. immigration system by ensuring that cases can be resolved in a timely, but not rushed, manner.

The U.S. Government should not further militarize the United States/Mexico border or assist Mexico in militarizing its southern border. Such action would be counterproductive to ensuring access to protection, and would offer no solution to the many children fleeing violence. Any efforts to keep children who are fleeing persecution from finding life-saving access to protection in the United States or elsewhere would fly in the face of the fundamental values upon which this country was founded. The United States already spends more than $17 billion a year on border enforcement, and should instead prioritize identifying, disrupting and dismantling transnational criminal smuggling networks that prey upon these children. At a time when the United States is encouraging Egypt, Jordan, and Lebanon to maintain access to protection for the millions of Syrian refugees, the United States cannot abandon its standards of protection simply because the numbers of unaccompanied children have increased. Especially as the number of children, while meaningful, pales in comparison to the number of Syrian refugees who continue to be welcomed in nearby host countries.

Provide Unaccompanied Children Adequate Services, While Maintaining Services for Refugees

As the number of unaccompanied children has exceeded projections, the Office of Refugee Resettlement (ORR), the agency responsible for the care of these children, has addressed its budget shortfall by reprogramming $94 million from refugee services. These drastic budget cuts are having devastating consequences for refugees and the communities that welcome them. CWS urges the administration and Congress to increase ORR's budget by at least $200 million in fiscal year 2014 to meet the needs of unaccompanied children and refugees, asylees, Iraqi and Afghan SIV recipients who served alongside U.S. interests, Cuban and Haitian entrants, and all populations in ORR's care. In addition to supplemental funds urgently needed this year, ORR will require at least $3.167 billion in fiscal year 2015 to respond to this crisis without sacrificing funds for vital refugee services.

Support Regional Efforts To Improve Child Protection

Asylum requests by Guatemalans, Hondurans, and Salvadorans seeking refuge in the neighboring countries of Mexico, Panama, Nicaragua, Costa Rica, and Belize have increased by 712 percent since 2009, with even more fleeing to safe havens within their own countries. In Honduras alone, murders of women and girls have increased by 346 percent, and murders of men and boys are up by 292 percent since 2005. The U.S. Government should work with El Salvador, Guatemala, and Honduras to mitigate the reasons these children have to flee, with an eye to their well-being in their home countries and during their journeys.

CWS urges the U.S. Government to support the capacity building of well-trained, well-resourced and accountable asylum, humanitarian admissions, anti-trafficking, and child protection systems in Central America and Mexico. The United States should also increase financial assistance and encourage other international donors to fund the United Nations High Commissioner for Refugees (UNHCR) to expand their presence in the region to assist countries of origin in preventing displacement, conduct Best Interest Determinations (BIDS) for children, establish refugee resettlement processing, and protect and assist internally displaced persons and asylum seekers.

The current humanitarian crisis will only be solved when violence is reduced, trafficking is not feasible, and children can find security in their home countries. CWS urges the administration and Congress to support programs that help children en-

[9] United Nations High Commissioner for Refugees, Convention and Protocol Relating to the Status of Refugees. <www.unhcr.org/3b66c2aa10.html>.

[10] United Nations High Commissioner for Refugees, Note on Non-Refoulement, 23 August 1977. <www.unhcr.org/3ae68ccd10.html>.

[11] Human Rights First, Response to Surge of Unaccompanied Minors and Families at the U.S.-Mexican Border Must Reflect American Ideals. <www.humanrightsfirst.org/press-release/response-surge-unaccompanied-minors-and-families-us-mexican-border-must-reflect>.

roll and remain in school and gain jobs skills training, which can help secure children's futures and prevent displacement. These solutions, implemented together, are far preferable and more effective than walls that keep children in need out.

PREPARED STATEMENT OF THE EPISCOPAL CHURCH [1]

We thank Senator Barbara Mikulski, Chairwoman of the Senate Appropriations Committee, and Ranking Member Shelby for the opportunity to submit this testimony. We welcome this hearing and the chance to raise our voice in support of a humanitarian approach to both the root causes that force children from their homes and the reception vulnerable migrants receive when they arrive at our Nation's borders seeking safety and peace. Therefore, we strongly support the additional $1.8 billion in emergency supplemental funding for the Office of Refugee Resettlement (ORR), which cares not only for unaccompanied immigrant children such as the ones we see arriving daily but also for refugees, victims of trafficking, survivors of torture, Cuban/Haitian entrants, and Iraqi and Afghan SIV holders who supported U.S. troops abroad. This funding is critical to ensuring that the United States fulfills its humanitarian, legal, and moral commitments to vulnerable people. The Episcopal Church has been engaged in the work of providing humanitarian aid abroad and refugee resettlement domestically since the Presiding Bishop's Fund for World Relief was established in 1939, and we continue those services today.

Over the past 3 years, Episcopal communities and service organizations have witnessed the rise in arrivals of children forced from their homes by pervasive violence and instability, exchanging the known dangers at home for the unknown dangers of a journey to the United States in a desperate search for peace and protection. In the past month, Episcopal communities and service organizations on the border and throughout the country have witnessed the arrival of tens of thousands of families, the majority of whom are women traveling with children. Episcopalians are already engaged in responding to the needs of these children and families through loving service: meeting families at bus stations with needed food and hygiene supplies, helping migrants released from detention reunite with family, and offering pastoral care to both children in ORR custody and adults in detention. We are not alone in this response and we hope that Congress and the administration will join us in addressing this humanitarian crisis with the compassion and resources necessary to ensure the protection of vulnerable people at our borders and within the region.

When women and children cross borders it signals an evolving humanitarian crisis, not a security threat. It is not illegal for adults or children to enter the United States and ask for protection under both international [2] and U.S. law.[3] For children traveling unaccompanied from countries other than Mexico and Canada in particular, the law requires that Customs and Border Patrol screen these children for protection concerns before they are transferred to the Office of Refugee Resettlement where they will be placed in foster care or with family members until a child's immigration case is heard.[4] This outflow of people seeking security, economic opportunity, and reunification with family members, however, is not only occurring at the United States' southern border. Other stable countries in the region, such as Mexico, Nicaragua, Panama, Costa Rica, and Belize have reported that asylum requests from Honduran, Guatemalan, and Salvadorian nationals are up 712 percent since 2009,[5] reinforcing the sustained and regional nature of this migration crisis.

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[1] The prepared statement was submitted by Alexander D. Baumgarten and Katie Conway on behalf of the Episcopal Church. Alexander D. Baumgarten is the director of government relations, and Katie Conway is the immigration and refugee policy analyst for the Episcopal Church, a multinational religious denomination based in the United States with members in 15 other sovereign nations.

[2] Article 14, The Universal Declaration of Human Rights.http://www.un.org/en/documents/udhr/index.shtml#a14

[3] U.S. Code Title 8: Aliens and Nationality, Chapter 12: Immigration and Nationality, Section 1158: Asylum. http://uscode.house.gov

[4] Providing Comprehensive Services for Unaccompanied Children at Immigration Court. Kids In Need of Defense. https://supportkind.org/en/about-us/resources/doc__download/70-a-treacherous-journey-child-migrants-navigating-the-u-s-immigration-system-section-3

[5] Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection. United Nations High Commissioner for Refugees 2014.http://unhcrwashington.org/children

Given the regional dynamics of the present situation, the growing levels of displacement within the region,[6] and mixed migration flows of children, families and adults arriving at border's across the region, The Episcopal Church welcomes the Obama administration's recognition of the need for emergency funding, and hopes that Congress will take the necessary steps to fund the care of vulnerable children by ORR, while maintaining vital funding for refugees and other populations of humanitarian concern already resettled to the United States and awaiting resettlement from dangerous situations abroad. Beyond the necessary additional funds for ORR, we urge Congress to provide more funds in the supplemental to increase legal services for unaccompanied children in the United States, ensuring that they receive the guidance and representation they need and that, if deported, children are not returned to situations where they will experience violence or exploitation. We also ask that Congress robustly support programs to reduce violence and increase citizen security in sending and transit countries so that individuals, particularly children and families, are not forced to undertake these perilous journeys. We are particularly concerned by the language in the supplemental request that could discourage persecuted individuals in Central America from seeking asylum and protection, and we oppose any proposals that would weaken protections for children or return them to unsafe situations.

While The Episcopal Church recognizes the necessity of enforcement policies and the responsibility of the government to protect its citizens, we also believe our nation's laws must be both proportional and humane,[7] and must respond to the needs of communities. We have grave concerns about the administration's request in the Emergency Supplemental Appropriations bill for funding to expand the inhumane practice of family detention, and support the increased use of alternatives to detention. The poor conditions and documented abuses that led to the end of family detention at the T. Don Hutto Residential Center in 2009[8] should not be forgotten. Faith communities and community organizations across the country stand willing to assist in the implementation and expansion of community-based alternatives to detention programs which are more cost effective and humane.

The United States is capable of meeting this challenge with compassion, and providing regional solutions that address the root causes of violence and instability in sending countries that force people to flee their homes. We stand ready to work with Congress and the administration in the implementation of humanitarian solutions to this crisis and ask Congress to move quickly to ensure that ORR is able to fulfill its mandate to protect and serve unaccompanied children while maintaining vital services for refugees.

Thank you for carrying the costly burden of public service, and for the opportunity to submit these views to the committee.

PREPARED STATEMENT OF THE ETHIOPIAN COMMUNITY DEVELOPMENT COUNCIL, INC.

The Ethiopian Community Development Council, Inc. (ECDC) is grateful for the opportunity to provide written testimony to the Committee regarding President Obama's emergency supplemental request to address the influx of unaccompanied children.

ECDC was established in 1983 to respond to the needs of a growing Ethiopian community locally and quickly became a multi-service provider with national and international reach. We focus on African refugees and immigrants, although we have been resettling refugees from all over the world for 23 years. We are one of the nine national refugee resettlement agencies that partners with the U.S. Department of State, and the only one that works with ethnic community-based organizations as our resettlement partners.

ECDC urges Congress to pass the President's emergency supplemental appropriations request and in particular, to approve the appropriation of $1.8 billion to the Office of Refugee Resettlement (ORR) within the Department of Health and Human Services (HHS) for additional capacity to care for unaccompanied children while maintaining services for refugees. With these funds, HHS will have the resources to be able to care for the children currently projected to come into the custody of

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[6] The Associated Press. "UN pushes for migrants to be called refugees" 9 July 2014 http://www.washingtonpost.com/world/the_americas/un-pushes-for-migrants-to-be-called-refugees/2014/07/08/8c13f25e-0655-11e4-a7ef-9ed5d8510e81_story.html

[7] General Convention, Journal of the General Convention of...The Episcopal Church, Columbus, 2006 (New York: General Convention, 2007), pp. 532-533. Web 9 July 2014: http://www.episcopalarchives.org/cgi-bin/acts/acts_resolution.pl?resolution=2006-A017

[8] Berstein, Nina. "U.S. to Reform Policy on Detention for Immigrants," The New York Times, 5 August 2009, http://www.nytimes.com/2009/08/06/us/politics/06detain.html?pagewanted=all

the Department of Homeland Security, and still provide promised services to the other vulnerable populations that fall under ORR's mandate including refugees, asylees, Iraqi and Afghan Special Immigrant Visa recipients who assisted U.S. efforts, Cuban and Haitian entrants, victims of human trafficking and survivors of torture.

ECDC is very concerned over the current funding crisis at ORR that will cause extremely detrimental consequences for refugees resettled in the United States and the communities that embrace them, and may even lead to the demise of the U.S. Refugee Resettlement Program as we know it. To accommodate the steep increase in the number of unaccompanied children fleeing violence in Central America and entering the United States during fiscal year 2014, ORR has reprogrammed $94 million from its fiscal year 2014 budget for refugee services to meet the needs of these arriving children. While it is critical that these vulnerable children receive protection and care in the United States, we are equally concerned that another vulnerable population, resettled refugees, will be harmed if ORR does not receive additional funding in fiscal year 2014.

It is crucial that the United States do everything it can to care for these vulnerable children on the border, but one vulnerable population cannot be served at the expense of another. Cuts to refugee services hurt refugees already here and the communities where they live, impeding the refugees' ability to obtain education, employment, and stability. Integration programs that have been promised such as employment services so refugees can attain self-sufficiency, grants that assist local schools with refugee children, preventive health programs which ensure the health and safety of refugees as well as their neighbors, and English classes that help resettled refugees start their new lives as Americans, will all be drastically cut. Additionally, we have recently been informed that some states, such as Florida, have decided that because they will not receive this funding to support refugees, they will not approve future refugee arrivals at the same level. Thus, ORR's funding shortfall and reprogramming of funds will have an impact on the entire U.S. Refugee Resettlement Program. This means that refugees who have been languishing in camps for decades, having already passed their medical and security checks and patiently waiting to be resettled, will have to wait even longer or may not be able to come to the United States at all.

The United States has a long history of offering assistance to those who seek safety within its borders, and refugee resettlement has been an important foreign policy tool since the end of World War II. Having welcomed over 3.1 million refugees to start new lives in our country since 1975, the United States must continue its global leadership in the area of refugee resettlement. Rather than reprogramming funds from one vulnerable refugee group to inadequately help another, ORR needs increased funding to meet the needs of all refugees who fall under its mandate and to prevent the collapse of the entire U.S. refugee resettlement program.

To this end, ECDC makes the following recommendations:

—Provide additional funding to the Office of Refugee Resettlement as contained in the $1.8 billion request for HHS in the President's requested emergency supplemental appropriation.

—Include language in the appropriations measure that ensures that the accounts within ORR/HHS for refugee services and for the unaccompanied children remain separate.

In conclusion, we thank the Senate Appropriations Committee for this opportunity to present our concerns and recommendations, and hope that they are seriously considered at this critical time.

PREPARED STATEMENT OF THE FIRE SUPPRESSION FUNDING SOLUTIONS PARTNER CAUCUS

The Fire Suppression Funding Solutions Partner Caucus urges the Committee to address the vexing issue of wildfire suppression funding in an emergency supplemental package, or in any other vehicle that may become law. We respectfully request that the committee correct this wildfire suppression funding challenge by adopting the administration's request for: (1) $615 million in emergency supplemental funding for fiscal year 2014 suppression operations; and (2) a new mechanism for funding suppression, which mirrors the bipartisan Wildfire Disaster Funding Act (H.R. 3992; S. 1875).

Forecasts are predicting that our nation is facing another intense fire season putting lives and properties at risk and harming our public lands and the many resources and jobs they provide. We are concerned about reports indicating the USDA

Forest Service, and possibly the Department of the Interior, will run out of suppression before the end of the fiscal year.

We respectfully request that the $615 million fiscal year 2014 suppression shortfall be funded through an emergency supplemental before the Department of the Interior (DOI) and the USDA Forest Service (USFS) are forced to transfer funds from non-suppression accounts. Over the last 2 years, DOI and USFS were forced to transfer funds from important land management, restoration, and public service programs to pay for emergency fire suppression. Transfers have real and negative impacts on a host of important activities that are vital to care for our nation's public and private lands and translate into less land management, road maintenance, lost jobs, among many more impacts, and long-term increased fire risk and costs.

Numerous fire seasons over the past decade have required fire funding transfers from non-suppression accounts, clearly demonstrating the urgent need to change the suppression funding model at the USFS and DOI. Therefore, we additionally request that the committee adopt the Administration's proposal that mirrors the bipartisan Wildfire Disaster Funding Act (S. 1875; H.R. 3992) as part of the supplemental package in order to significantly reduce this cycle of "robbing Peter to pay Paul" that continues to erode the ability of the USFS and DOI to effectively manage their budgets. It is time to end the cycle of budget deficits due to costly wildfire seasons and provide up-front resources to first responders and stable budgets for public lands. More than 230 organizations throughout the country representing a diverse set of interests in natural resources support the Wildfire Disaster Funding Act.

We appreciate your support and the recognition that addressing the fire suppression funding challenge is critical to achieving our collective goal of healthy and resilient landscapes. We look forward to continuing to work with you on these important issues.

The following are groups supporting the Wildfire Disaster Funding Act:

3 Legs Collaboration Services
Alamo Navajo School Board, Inc.
Allegheny Hardwood Utilization Group
Alliance for Community Trees
American Bird Conservancy
American Canoe Association/Canoe—Kayak—SUP—Raft—Rescue
American Farm Bureau Federation
American Forest & Paper Association
American Forest Foundation
American Forest Resource Council
American Forests
American Hiking Society
American Loggers Council
American YouthWorks
Appalachian Mountain Club
Applegate Partnership and Watershed Council
Arid Land Innovation
Arizona Conservation Corps
Arizona Fire Chiefs Association
Arizona Prescribed Fire Council
Arizona Wildlife Federation
Association of Fish and Wildlife Agencies
Association of National Grasslands
Association of Partners for Public Lands
Backcountry Hunters & Anglers
Black Hills Forest Resource Association
Black Hills Regional Multiple Use Coalition
Black Hills Resource, Conservation, and Development
Blue Goose Alliance
Blue Mountains Forest Partners
Boulder County, CO
BRL Services Inc/BRL Logging
Bull Moose Sportsmen's Alliance
California Deer Association
California Farm Bureau Federation
California Fire Safe Council
California Forestry Association
California Ski Industry Association
California Waterfowl
Catch-A-Dream Foundation
Center for Heirs' Property Preservation
Center for Sustainable Communities
Central Oregon Intergovernmental Council
Choose Outdoors
City of Ashland, OR
Civil War Trust
Clean Water Action
Clearwater Resource Council
Colorado Timber Industry Association
Congressional Sportsmen's Foundation
Conservation Legacy
Conservation Northwest
ConservationCorps, MN & IA
Criley Consulting
Defenders of Wildlife
Ducks Unlimited
Earthjustice
Eastern Arizona Counties Organization
Ecosystem Workforce Program
El Tesoro Retreat Center
Elliotsville Plantation, Inc
Endangered Species Coalition
Environment America
Environmental and Energy Study Institute
Environmental Stewards
Estrada Collaborative Resource Management, LLC
Federal Forest Resource Coalition
Firefighters United for Safety, Ethics, and Ecology (FUSEE)
Flagstaff Fire Department
Flathead Economic Policy Center
Foothill Conservancy
Foothills Conservancy of North Carolina

Forest Business Network
Forest County Economic Development Partnership
Forest Energy Corporation
Forest Guild
Forest Health Task Force
Four Forest Restoration Initiative Collaborative Stakeholder Group (4FRI)
Fourth Sector Strategies
Framing Our Community, Inc.
Friends of the Columbia Gorge
Friends of the Urban Forest
Front Range Roundtable
Future Forest, LLC
Gila Tree Thinners
Gila WoodNet
Global Parks
Grassroots Outdoor Alliance
Great Lakes Timber Professionals Association
Great Old Broads for Wilderness
Greater Yellowstone Coalition
Hawks Aloft, Inc.
Idaho Conservation League
Idaho Forest Owners Association
Illinois Firefighter Association
Indiana Forestry & Woodland Owners Association
Intermountain Forest Association
Intermountain Roundwood Association
International Association of Fire Chiefs
International Association of Fire Fighters
International Association of Wildland Fire
International Mountain Bicycling Association
Intertribal Timber Council
Jara Landworks
KHII Radio
Lake County Resources Initiative
Lemhi County
Little Colorado River Plateau RC&D
Lomakatsi Restoration Project
Los Padres ForestWatch
Louisiana Forestry Association
Maine Audubon
Mainland Planning, Inc
Mass Audubon
Massachusetts Association of Conservation Commissions
Massachusetts Land Trust Coalition
Massachusetts Resident
Masters of Foxhounds Association
McCutchanville Volunteer Fire Department
Mid Klamath Watershed Council
Montana Conservation Corps
Montana Wilderness Association
Montana Wood Products Association
Mottek Consulting
Mountain States Lumber and Building Material Dealers Association
Mt. Adams Resource Stewards
Mt. Taylor Machine, LLC
Mule Deer Foundation
National Alliance of Forest Owners
National Association of Conservation Districts
National Association of Forest Service Retirees
National Association of State Foresters
National Association of University Forest Resources Programs
National Cattlemen's Beef Association
National Federation of Federal Employees
National Network of Forest Practitioners
National Parks Conservation Association
National Rifle Association
National Ski Areas Association
National Trust for Historic Preservation
National Volunteer Fire Council
National Wild Turkey Federation
National Wildfire Institute
National Wildlife Federation
National Wildlife Refuge Association
National Woodland Owners
Nevada Conservation Corps
New Mexico Forest Industry Association
New Mexico Prescribed Fire Council
New Mexico State Land Office
Northbrook Public Works
Northern Arizona Wood Products Association
Northern Forest Center
Northwest Connections
Northwest Forest Worker Center
Northwest Youth Corps
Outdoor Alliance
Outdoor Industry Association
Partnership for Rural America
Partnership for the National Trails System
Pheasants Forever/Quails Forever
Pinchot Institute for Conservation
Pope and Young Club
Public Lands Council
Public Lands Foundation
Public Lands Service Coalition
Quail and Upland Wildlife Federation
Quality Deer Management Association
Resource Management Service, LLC
Restoration Technologies
Rocky Mountain Elk Foundation
Rocky Mountain Tree-Ring Research
Ruffed Grouse Society
Rural County Representatives of California
Safari Club International
Salmon Valley Stewardship
San Juan Forest Health Partnership
San Juan Woody-Invasives Initiative
Sierra Club
Sierra Forest Legacy
Siuslaw Institute
Society of American Foresters
South Carolina Wildlife Federation
South Dakota ATV/UTV Association
South Dakota Campground Owners Association
Southeast Youth Corps
Southern Environmental Law Center

Southern Oregon Climate Action Now
Southern Oregon Forest Restoration Collaborative
Southern Oregon Timber Industries Assn.
Southern Utah Wilderness Alliance
Southwest Conservation Corps
Southwest Forests Sustainable Partnership
Spatial Interest, LLC
Sustainable Northwest
Swan Ecosystem Center
Taos County Economic Development Corporation
Teller County Home Builders Association
Texas Forestry Association
The Conservation Fund
The Corps Network
The National Association of RV Parks and Campgrounds
The Nature Conservancy
The Trust for Public Land
The Wilderness Society
The Wildlife Society
Theodore Roosevelt Conservation Partnership
Tierra y Montes SWCD
Town of Laona, Forest County, WI
Tread Lightly!
Tree Musketeers
Tribal Environmental Policy Center
Trout Unlimited
Twin Willows Ranch
Upstate Forever
Ute Mountaineer
Vail Resorts
Village Reconstruction and Development Project
Wallowa Resources
Washington State Fire Fighters' Association
Washington Wildlife and Recreation Coalition
Watershed Research & Training Center
West Range Reclamation, LLC
Western Environmental Law Center
Wild South
WildEarth Guardians
Wildlife Forever
Winter Wildlands Alliance
Wisconsin Off-Road Vehicle Park, Inc.
Wisconsin Woodland Owners Association Inc.
Wyoming Mining Association
Wyoming Stock Growers Association
York Land Trust
Zuni Mountain Forest Collaborative

PREPARED STATEMENT OF FIRST FOCUS CAMPAIGN FOR CHILDREN

Chairwoman Mikulski, Ranking Member Shelby, and members of the Senate Committee on Appropriations, we thank you for the opportunity to submit this statement for the record for this hearing to consider the President's supplemental request to address the humanitarian crisis on the country's southern border.

The First Focus Campaign for Children is a bipartisan advocacy organization dedicated to making children and families a priority in Federal policy and budget decisions. As an organization dedicated to promoting the safety and well-being of all children in the United States, we urge Congress to work towards finding comprehensive solutions to address the Central American child migration crisis that prioritizes the best interest of the child and addresses both the immediate needs of the child refugees who have recently entered the United States as well as the root causes of their migration.

There is no doubt that the recent influx of unaccompanied children across the Southern border represents a humanitarian crisis. Recent data from the Department of Homeland Security (DHS) reveals that since October 1, 2013, 52,193 children have entered the United States, with the majority coming from Mexico, Honduras, El Salvador, and Guatemala and a significant increase in the number of girls and young children. According to a recent report by the United Nations High Commissioner for Refugees (UNHCR), the majority of the children are escaping extreme violence and instability in their home countries, spurred by drug traffickers and increased gang activity. While some children are also motivated by domestic abuse, extreme poverty, high unemployment rates and hopes of reunifying with family members in the United States, the vast majority are fleeing desperate situations which force both youth and their families to make the very difficult decision to stay and accept near certain death or risk "probable death" by migrating to surrounding countries. Of the children who have recently arrived to the United States, UNHCR estimates that nearly two-thirds qualify for international protection as refugees due to violence and abuse in their home countries. On their arduous and dangerous journey, many children fall victim to trafficking, sexual abuse, and violence.

The administration continues to struggle to meet the needs of these children, and as a result children are spending significant amounts of time in border patrol centers and large emergency shelters, both of which are inappropriate settings for children. Thus, it is essential that Congress allocate more funds immediately to ensure that the agencies tasked with caring for these children have the sufficient resources to do so. However, we are also gravely concerned with certain areas of the Presi-

dent's supplemental request which seek to expand family detention and fall short on ensuring children due process as well as addressing root causes of the children's forced migration.

We support the $1.8 billion request for the Department of Health and Human Services (HHS) to ensure that the Office of Refugee Resettlement has the resources it needs to care for children under its care. Not only will this help ensure we are connecting children to vital services, but will also ensure that other refugee services are not compromised. We encourage guidelines to be established to ensure that children are placed into community-based care whenever possible, including placement with parent or relative sponsors, and strengthen screening mechanisms and expand follow-up services to ensure children are being placed in safe and appropriate settings. When community-based care is not an option, children should be placed in proper facilities and other settings that are adequately equipped to meet the medical, mental health and other special needs of children, as well as pregnant and parenting teens, rather than placing children in large institutional settings. In recognition of the dire need to provide HHS with additional resources for these children, enclosed is a former letter signed by over 50 organizations in support of a full committee hearing on the appropriations bill marked up by the Labor, Health and Human Services, Education, and Related Agencies subcommittee on Thursday, June 12, 2014, to provide these critical resources.

We are disappointed with the request for additional funding to expand family detention centers, such as the center that recently opened in Artesia, New Mexico. The administration ended the policy of family detention in 2009 with the closing of the T. Don Hutto detention facility in Texas due to the public outcry concerning the conditions families and children were subjected to in such settings. These settings remain inappropriate for children, particularly those who are victims of trauma. Rather, we encourage funds to be used to expand effective and cost-efficient alternative to detention programs for parents with children.

We also believe it is essential that all children placed into removal proceedings have access to legal representation. While we are pleased to see that the supplemental request for the Department for Justice includes resources for direct legal representation for children, we are concerned that the $15 million allocated for counsel is insufficient to meet the demand and guarantee the due process rights of children. Failure to provide counsel would increase the risk of children being inappropriately denied humanitarian relief and returned to dangerous situations.

Finally, we are also gravely concerned with the insufficient funds included in the supplemental request for the Department of State to address the root causes of the problem causing children and families to flee Honduras, El Salvador, and Guatemala. It is clear that the extreme violence in this region has grown incrementally over the years and the governments in these countries have failed to provide their citizens with protection. The requested $295 million is insufficient to stem the systemic violence being driven by drug cartels, gangs, and smugglers that have taken over the region and robbed children and families of their sense of security. Furthermore, more resources are needed to establish strong repatriation and reintegration programs that include youth safety and development components to ensure that returned children are afforded both security and opportunity. Successful programs require time and resources, and our government should not be moving to return any child without assurance that we are returning them to a capable guardian and safe environment.

We thank you again for the opportunity to submit this written testimony. We look forward to working with Congress in the weeks ahead to find solutions to address this humanitarian crisis that uphold our American values of putting children first and protecting them from harm. Rather than weakening protections for these child refugees, all budget and legislative proposals should strengthen protections and hold the best interest of the child paramount.

[Enclosed letter follows: Sign-on letter to Chairwomen Mikulski and Ranking Member Shelby]

JULY 10, 2014

Hon. BARBARA MIKULSKI,
Chairwoman, Committee on Appropriations,
U.S. Senate, Washington, DC.

Hon. RICHARD SHELBY,
Ranking Member, Committee on Appropriations,
U.S. Senate, Washington, DC.

RE: Labor-H subcommittee bill to address unaccompanied children crisis

DEAR SENATOR MIKULSKI AND SENATOR SHELBY: The undersigned organizations urge you to bring the bill marked up by the Labor, Health and Human Services, Education, and Related Agencies subcommittee on Thursday, June 12, 2014, to the full committee and report it to the Senate with the increase in funds to address the needs of children coming to the United States alone. The subcommittee bill includes an important increase for fiscal year 2015 in funding for unaccompanied alien minors, children who are fleeing desperate situations in their home countries, making a long and dangerous journey, and entering the United States alone. The Government continues to struggle to respond to the increase in the number of migrant children fleeing their homes, leading to the humanitarian crisis we now face.

Most of the increase in children coming to this country alone is a result of children from Honduras, Guatemala, and El Salvador leaving terrible and dangerous situations in their homes and fleeing to other countries. These children are risking their lives to escape near certain death as a result of extreme violence and instability in their communities, including sexual violence, regularly witnessing atrocities, abuse, and violations of their human rights such as forced prostitution or conscription. As a result, neighboring countries such as Costa Rica, Belize, Mexico, and Nicaragua have experienced a significant increase in the number of children crossing their borders. Many of these children are also coming to the United States alone; the number more than doubled each year from 2011 to 2014, from about 6,560 in 2011 to an estimated 60,000 this year and projections to increase next year. Of the children who come to the United States, the United Nation High Commission on Refugees estimates that nearly two-thirds qualify for protection due to violence and abuse in their home countries.

The government agencies tasked with caring for these children remain insufficiently prepared to address the needs of this population. These children face extremely difficult and violent conditions in their home countries and on the arduous and dangerous journey, during which they face the continuous threat of trafficking, abuse, and gender-based violence. Once the children arrive in the United States our system is often failing to meet even their most basic needs, let alone helping them through the trauma and uncertainty they experience.

The Senate Subcommittee on Labor, Health and Human Services, Education and Related Agencies realized the tremendous need and included $1.9 billion for the Department of Health and Human Services to help meet that need, as well as expanded transfer authority to respond to future needs. In a time of tight budgets and difficult appropriations decisions, this allocation to the agency that is tasked with caring for these children a reveals a necessary prioritization to, at the very least, meet the basic humanitarian needs of these children and ideally to provide ongoing support to help them through their traumatic experiences. While not sufficient to fully meet the needs of these children or to fully address this issue, the subcommittee appropriations bill is a major and necessary first step.

Yet a full committee hearing on this bill has not been scheduled, making the appropriation of these essential funds uncertain. Any delay in appropriating these emergency funds means more children in the United States will suffer due to a failure to respond to this pressing issue. We urge you to report the Labor, HHS, Education and Related Agencies appropriations bill to the full Senate and include at least $1.9 billion to ensure the safety and well-being of these vulnerable children.

Sincerely,

National:

Alliance for a Just Society
Alliance for Children and Families
Americans for Immigrant Justice
Asian Americans Advancing Justice–AAJC
The Bridge Project
Children's Advocacy Institute
Council on Social Work Education
First Focus Campaign for Children
HIAS
Immigrant Legal Resource Center
Kids in Need of Defense (KIND)
FosterClub
Foster Family-Based Treatment Association
Latin America Working Group
Lutheran Immigration and Refugee Service
Mi Familia Vota

MomsRising
NACAC
National Association of Council for Children
National Association of County Human Services Administrators
National Association of Social Workers
National Coalition for the Homeless
National Crittenton Foundation
National Education Association
National Employment Law Project
National Immigrant Justice Center
National Immigration Law Center
National Latina Institute for Reproductive Health
National Network for Youth
NETWORK, A National Catholic Social Justice Lobby
U.S. Committee for Refugees and Immigrants
U.S. Labor Against the War (USLAW)
Women's Refugee Commission
Young Center for Immigrant Children's Rights

State/Local:

Central American Resource Center (CARECEN) of Northern California
Children's Action Alliance (Arizona)
Children's Alliance (Washington)
County Welfare Directors Association of California
Illinois Coalition for Immigrant and Refugee Rights
Justice For Immigrants San Jose, California
John Burton Foundation (California)
Juvenile Law Center (Pennsylvania)
Massachusetts Immigrant and Refugee Advocacy Coalition
National Association of Social Workers, Arizona Chapter
New Mexico Voices for Children
OneAmerica (Washington)
Our Lady of Guadalupe Parish (California)
PACT Santa Clara County, California
Partners for Our Children (Washington)
Promise the Children (Massachusetts)
Public Policy Center of Mississippi
Services, Immigrant Rights, and Education Network (California)
Texans Care for Children
Wisconsin Council on Children and Families

PREPARED STATEMENT OF HIAS

The surge of unaccompanied children at the United States-Mexico border is a humanitarian crisis. The U.S. Government must ensure that the safety and well-being of migrants—particularly children—are at the heart of every policy decision made in response.

HIAS supports President Obama's $3.7 billion Emergency Supplemental Appropriations Request for fiscal year 2014. The $1.83 billion increase for the Office of Refugee Resettlement (ORR) must be approved if we are to provide migrant children with appropriate care and ensure that the United States maintains our country's commitments and obligations to asylum seekers and refugees.

More than 52,000 unaccompanied children have crossed the southern border of the United States in the last 9 months, and it is expected that 80,000–90,000 will arrive by the end of the current fiscal year. U.S. law requires that the children from Central America have their cases heard by an immigration judge before they can be deported. The system was designed to serve the 6,000 to 8,000 kids who used to come to the United States every year—it cannot handle 80,000. This is indeed an emergency, and it should be funded as such. Congress must act swiftly to provide additional funding to ORR and other agencies that are responsible for serving these children.

Increased funding must not be attached to the repeal of laws intended to protect the safety and welfare of unaccompanied children. The Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008 includes important protections for vulnerable children such as ensuring access to legal and social assistance. This legislation must remain intact as child safety is a recognized national priority and humanitarian imperative.

Although only recently brought to the attention of the public, migration from the "Northern Triangle" of Central America—El Salvador, Guatemala, and Honduras—has risen steadily as violence has increased and transnational organized crime has gained a foothold in the region. Honduras has the highest homicide rate in the world, and as the murder rate has risen, so has migration. In these countries, gangs forcibly recruit children as young as five. Kids who refuse are tortured and killed by the gangs. They are also targeted by vigilante groups who indiscriminately kill young people in neighborhoods known for gang activity. There are few employment opportunities; about a third of young people in the urban areas of these countries are not employed or in school. A recent report from the UN refugee agency (UNHCR) found that more than half of the children they interviewed cited violence, sexual abuse, forced gang recruitment, and other forms of exploitation as the main

reason they fled. The police do not protect them and the weak governments in the region do not control the violence.

The journeys these migrants take are extremely dangerous, making them vulnerable to sexual assault, trafficking, and exploitation. In most cases, the unaccompanied children have fled relentless violence and hopelessness in search of a safe place and a better life.

With governments unable to ensure the safety of their citizens, children and families are fleeing to the United States, as well as other countries in the region including Mexico, Panama, Nicaragua, Costa Rica, and Belize. In fact, the United Nations refugee agency (UNHCR) reports a 712-percent increase in asylum applicants from the Northern Triangle in these countries, an indication that people are fleeing in all directions and that the influx of asylum seekers is not unique to the United States.

It is absolutely crucial for Congress to ensure that everyone in danger of persecution is given a meaningful opportunity to seek asylum under U.S. law. In 2005, a congressionally authorized U.S. Commission on International Religious Freedom (USCIRF) Report on Asylum Seekers in Expedited Removal found that Customs and Border Protection (CBP) was not following its own rules to ensure the protection of migrants with a fear of return. The study found that in 15 percent of observed cases where an arriving non-citizen expressed a fear of return, CBP summarily deported the individual without referring him or her to an asylum officer.

Since the study was released 9 years ago, CBP has not demonstrated that any measures have been taken to address the protection deficiencies faced by asylum seekers who cross the border. The Administration and Congress must not further expand expedited removal of migrants—particularly unaccompanied minors—until CBP has taken steps to address these deficiencies.

The right to family unity has long been a cornerstone of U.S. refugee policy. Many of the children coming to the United States are seeking to reunite with their families in a place of refuge; many are the children of the 269,000 Salvadorans and Hondurans legally authorized to live and work in the United States under Temporary Protected Status. Because of the failure of the House of Representatives to follow the Senate's lead and pass comprehensive immigration reform, these children have been separated from their parents for years with no hope of being able to legally reunite with their parents.

Given the lack of hope for family reunification and the extreme violence in their home countries, the United States should offer humanitarian parole or other relief to these children. This would open family unity and refugee processing channels south of our border while undercutting smugglers.

This crisis requires a holistic approach that prioritizes safety and opportunity for children in the countries of the Northern Triangle. The U.S. Border Patrol and other Government officials that come into contact with migrant children once they arrive at our border should be trained to deal appropriately with them. Children should be screened in a non-adversarial setting by officials trained to interview children who can assess whether the child has a credible fear of return. Children who flee the violence who have asylum claims must be able to make them.

Furthermore, systems and funding should be in place to ensure that these children have competent legal representation and are not left alone to represent themselves in court. Congress should allocate funds to the immigration courts to process cases quickly and should fund programs to help ensure the safe return and integration of children who are sent back to their home countries.

As a global humanitarian leader, the United States must respond to this crisis in a thoughtful and calculated manner thoroughly consistent with international refugee law and American principles of due process. The entire world is watching our response—other nations around the world are receiving increased numbers of vulnerable migrants from Northern Triangle countries and other trouble-spots. We must set a good example for them to follow.

Congress must immediately increase funding to ORR for fiscal year 2014 so that the influx of children at the border is not paid for by the refugees from Iraq, Syria, Eritrea, Sudan, and Ukraine and elsewhere who have been generously offered protection by the United States. The U.S. Refugee Admissions Program is a key component of our Government's foreign policy and we should not be pitting the interests of resettled refugees directly against those of migrant children.

Due to the current crisis, ORR—which has long been underfunded—faces an enormous funding shortfall and has "reprogrammed" funds that had been budgeted to pay for services for refugees who arrive in the United States from around the world. This reprogramming has already started to have devastating consequences for recently arrived refugees. Many successful programs are at risk, including those that

support micro-enterprise, child care for refugee families, Cuban-Haitian entrants, elderly refugees, and school impact grants.

Throughout our history, America has been defined by our generosity toward those who seek a safe haven from violence, oppression, and persecution. We must build and maintain processes that reflect the American tradition of offering a chance at a new beginning to those who seek safety and freedom. As a global humanitarian leader, the United States has an obligation to fairly and objectively assess asylum applicants who arrive at our borders in a manner consistent with international refugee law and American principles of due process. The United States must show leadership in helping unaccompanied children while maintaining our commitment to asylum seekers and refugees.

[Attached is a statement of 20 Jewish organizations urging the U.S. Government to protect both unaccompanied children and refugees.]

JEWISH STATEMENT ON UNACCOMPANIED CHILDREN AT THE UNITED STATES-MEXICO BORDER

JULY 7, 2014

As organizations deeply rooted in Jewish values, we support policies that promote human rights, ensure the protection of children, and fulfill the Torah's mandate to "welcome the stranger." As such, we are very concerned about the urgent humanitarian crisis on the United States-Mexico border. Migration of vulnerable children and others from the "Northern Triangle" of Central America—El Salvador, Guatemala, and Honduras—has risen steadily as violence has increased and transnational organized crime has gained a foothold in the region. The safety and well-being of these migrants—and particularly the unaccompanied children—must be at the heart of every policy decision made in response to this humanitarian crisis.

The only long term solution to this crisis is a holistic approach that prioritizes safety and opportunity for children in the countries of the Northern Triangle. Increased border enforcement must be accompanied by more meaningful measures to ensure that all migrants in danger of persecution have access to a meaningful opportunity to seek asylum. Children in particular must have the legal and social assistance they need to determine whether or not they have a refugee claim or other forms of legal relief available to them and, above all, to ensure that their lives are protected.

It is crucial that we deal with this urgent humanitarian situation while maintaining our country's commitment to asylum seekers and refugees. As organizations based on Jewish values, we oppose any plans to "reprogram" funds that had been budgeted to pay for refugee resettlement services. Such cuts to the U.S. Refugee Admissions Program would have devastating consequences for recently arrived refugees as they begin their lives anew in our communities. The Administration and Congress should not be pitting the interests of resettled refugees directly against those of migrant children. Based on the Jewish values to which we adhere and our proud history as a community and nation established by immigrants and refugees, we urge the U.S. Government to protect both children and refugees in a humane manner.

Anti-Defamation League
AJC (Global Jewish Advocacy)
AJFCA—Association of Jewish Family & Children's Agencies
AMEINU
B'Nai B'rith International
CCAR—Central Conference of American Rabbis
HIAS
JCPA—Jewish Council for Public Affairs
JLC—Jewish Labor Committee
JWI—Jewish Women International
Keshet
NCJW—National Council of Jewish Women
Rabbinical Assembly
The Soloman Project
T'ruah: The Rabbinic Call for Human Rights
Uri L'Tzedek
URJ—The Union for Reform Judaism
The Workmen's Circle (AR)

PREPARED STATEMENT OF HUMAN RIGHTS FIRST

Human Rights First is a nonprofit, nonpartisan human rights advocacy organization that challenges America to live up to its ideals. For over 30 years, we've built bipartisan coalitions and teamed up with frontline activists and lawyers to tackle issues that demand American leadership, including the protection of the rights of refugees. Human Rights First oversees one of the largest pro bono legal representation programs for refugees seeking asylum in the country, with offices in New York, Washington, DC, and Houston, Texas, working in partnership with volunteer attorneys at U.S. law firms.

REVIEW OF THE PRESIDENT'S EMERGENCY SUPPLEMENTAL REQUEST FOR UNACCOMPANIED CHILDREN

Earlier this year, Human Rights First conducted research at key southern border areas in Texas, Arizona, and California, including the Rio Grande Valley to study the situation of children and families crossing the border.[1] Our review of the President's emergency supplemental request is based on our eyewitness research and over 30 years of nonprofit legal services and expertise in refugee and asylum law.

Human Rights First has expressed concern about some key aspects of the strategy reflected in the administration's emergency supplemental request sent to Congress to address the unprecedented influx of children and families at the United States-Mexico border. All proposed actions should be consistent with U.S. refugee protection and human rights commitments, and include protection mechanisms. The organization supports increased resources to conduct timely immigration court proceedings, facilitate access to legal information and counsel, care for unaccompanied children, and for the Office of Refugee Resettlement to have the capacity to both meet the needs of unaccompanied children and refugees. Human Rights First is deeply concerned that some of the strategy reflected in the request would undermine the integrity of the U.S. asylum system and set a poor example for the rest of the world. Human Rights First cautions that proposals to increase family detention or rush cases through the process would be out of step with the United States' legacy of protecting those fleeing persecution, trafficking, and other serious human rights violations. There is also an imbalance in resources, with insufficient resources requested to address the root causes of the conditions prompting flight and not enough requested to address protection, case adjudication, and legal information and representation.

As President Obama and Congress try to address this crisis, they should do so in ways that strengthen the integrity of the immigration and asylum systems, reflect American ideals, and uphold our Nation's obligation to protect refugees. The administration's proposal gets only some of that right. While it includes provisions to increase resources for agencies handling the influx, the proposal could do serious damage by increasing detention for children, families, and asylum seekers. There are far better and less expensive alternatives that address the multiple needs of these families and our Nation's security. Decisions to detain should be based on case by case determinations rather than blanket policies designed to deter others from seeking this country's protection.

While the request includes emergency funds to alleviate the pressure on the agencies managing the influx and staffing immigration courts, it also includes substan-

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[1] Human Rights First met with officials from Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), Border Patrol (OBP) and Office of Field Operations (OFO), and U.S. Citizenship and Immigration Services in key locations along the southern border including the Rio Grande Valley, southern Arizona, and the San Diego area. The full Human Rights First Blueprint on How to Protect Refugees and Prevent Abuse at the Border is available at: http://www.humanrightsfirst.org/resource/how-protect-refugees-and-prevent-abuse-border.

tial resources sought by the administration to detain children and adults. President Obama is requesting $879 million for Immigration and Customs Enforcement to cover costs that include immigration removal, as well as expanding available detention facilities and pursuing alternatives to detention. In 2009, the Department of Homeland Security rightly ceased using its primary detention facility for families after multiple reports of inappropriate conditions and treatment of children and families. Human Rights First has advocated for increased funding for alternatives to detention that cost a fraction of the $160-per-day it takes to maintain an adult detention bed. That approach has proven successful as the Government's current contract for alternatives results in a 97.4 percent compliance rate with final immigration hearings.

While Human Rights First welcomes the administration's decision to not include in its appropriations request changes to the Trafficking Victims Protection Reauthorization Act (TVPRA) that would weaken legal safeguards for unaccompanied children, it notes that the President has reaffirmed his intent to continue to seek authority to limit the safeguards in processing cases of unaccompanied children. Human Rights First urges the administration and Congress to maintain the law's crucial protections for unaccompanied children who face particular risks from trafficking.

Human Rights First notes that unless the delays in the immigration court system are addressed nationally, and not only at the border, the integrity of the system will continue to be at risk. By directing increased resources toward those recently apprehended at the border, asylum seekers around the country will be left waiting for years for their cases to be resolved. We recommend that money requested for immigration courts and judges be increased and distributed across the nation, rather than only to adjudicate detained cases at the border. Congress should fund at minimum the 35 additional immigration judge teams called for in the president's fiscal year 2015 appropriations request as well as the additional immigration judge teams called for in the emergency supplemental request, but in the long term should add substantially more, and match the 225 new immigration judge teams that were called for in the Senate's comprehensive immigration reform proposals last year.

Rather than spending billions on more immigration detention, Congress should support fiscally prudent and effective alternative appearance measures and timely immigration court hearings nationally—including for individuals who are not held in immigration detention. In order to address the longstanding delays in immigration court hearings and strengthen the integrity of the system, the administration must look at the big picture.

Based on our research, we believe that as Congress considers the president's emergency supplemental request, it should appropriate funds to:

1. Fund an Alternatives to Detention (ATD) Initiative

Immigration detention facilities are not appropriate settings for children and parents with children. Furthermore, there are more cost-effective alternatives that are appropriate in many cases. ICE currently spends over $2 billion, or $160 per person per day, on the detention of up to 34,000 immigrants on any given day.

—Children and families should not be detained, especially in existing detention facilities. In 2009, DHS ceased using its primary detention facility for families after multiple reports of inappropriate conditions for and treatment of children and their parents. The United States should not hold n children, including infants and small children, in immigration detention. Families should only be held for processing in custody for short periods of time and in conditions appropriate for family detention. Per requirements of the Flores agreement on treatment of children in DHS custody, DHS should always place children in the least restrictive setting appropriate. If families are detained because they are determined to be a danger or a flight risk, and alternatives are not appropriate, then DHS should only use facilities and standards appropriate to civil immigration detention.

—For cases that need supervision, DHS needs funds to launch an Alternatives to Detention initiative for border cases. The supplemental should fund ICE to launch a nationwide initiative to increase its use of alternatives to detention for cases released in the border areas and elsewhere who pose no security risk but that need additional supervision to mitigate flight risk. This initiative should provide case management, supervision, and/or monitoring to support appearance in the area in which individuals relocate upon release. For families, Congress should use the supplemental to direct DHS to build on models of community-based alternatives, such as the pilots underway by Lutheran Immigration and Refugee Service and the U.S. Conference of Catholic Bishops.

—ICE must be able to respond on a case-by-case basis. The American immigration system works best when each case is considered on its own merit. However, ICE currently lacks the latitude it needs to make custody decisions on a case-by-case basis. The supplemental should grant ICE the ability to shift funds, where appropriate from detention to other measures to support appearance.

2. Increase Access to Legal Information and Counsel Early in the Process

Many immigrants and asylum seekers apprehended in the border lack access to accurate information and in some cases have been given misinformation about the immigration process in the United States. The Legal Orientation Program (LOP) provides for competent nonprofit lawyers to explain U.S. procedures to detainees and helps migrants determine the most appropriate course for them. According to a 2012 Justice Department study, LOPs create efficiencies in adjudication by reducing processing time and time spent in detention, and saved the Government approximately $18 million.

—Fund DOJ to expand access to early legal information presentations—including for families. LOP is a proven program, and especially if processing and deportation for recent border crossers will be accelerated, immigration detainees should be given access to lawyers within a few days of arrival. Congress should appropriate funds to expand LOP from the existing 25 sites to all facilities nationwide.

—Fund DOJ to support increased quality representation early in the process for indigent asylum seekers. The bill should fund expansion of projects to increase access to legal counsel for vulnerable populations, including unaccompanied children. A 2014 independent study by NERA Economic Consulting found that providing counsel to indigent immigrants could effectively pay for itself.

3. Reduce Backlogs and Vulnerability to Abuse, With Fair Case-by-Case Decision-making

Prior to the most recent surge, in March 2014, there were already over 366,000 cases are pending nationally for approximately 19 months. Similarly, because the USCIS Asylum Office continues to divert resources to addressing credible fear and other protection screenings at the border, the backlog in affirmative asylum cases has grown substantially since the influx at the border. The supplemental should address the imbalance in funding for the courts and address the backlog nationwide. If the bill simply re-directs immigration court resources to expedite cases of migrants detained or released into alternatives to detention on the border, it will only exacerbate national backlogs in the non-detained dockets especially. The Asylum Office needs funding to manage both expedited removal and its affirmative caseload.

—Fund EOIR to increase immigration court staffing nationally to address removal hearing delays and eliminate hearing backlogs with adequate time and safeguards to ensure access to justice and fairness. The bill should include funding to increase resources and staffing for the immigration courts to ensure that nationally individual merits hearings are generally scheduled within approximately 6 months of the filing of an asylum application.

—Fund USCIS to increase asylum office staffing and resources to reduce backlogs and for the conduct of in-person credible fear and reasonable fear interviews with adequate time and safeguards to ensure access to justice and fairness. The bill should fund the Asylum Division to conduct timely screening interviews in expedited removal and reinstatement of removal without diverting officers from the affirmative asylum process.

4. Do Not Weaken Protection Safeguards including the TVPRA

DHS should not weaken safeguards including protections within the Trafficking Victims Protection Reauthorization Act (TVPRA) to identify and protect asylum seekers, victims of trafficking, vulnerable children and others with protection concerns and the bill should provide funds to for timely in person protection screening. Unaccompanied children should be screened for protection concerns by experts outside of a law enforcement agency, and screening should occur after an individual has had some time to recover from what are often traumatizing journeys, outside of border detention facilities, and in conditions that do not place children in a compromised position to discuss their victimization. A 2005 U.S. Commission on International Religious Freedom report on adult asylum seekers processed in expedited removal found that border officers often failed to follow procedures designed to identify individuals with protection concerns. As documented by a 2011 Appleseed report on the concerns of screenings of Mexican unaccompanied children at the border, the challenges of a screening in these conditions are especially acute for children, many of whom are extremely young, potentially victims of trafficking, and unable to express fears to an armed border officer after long and harrowing journeys.

—Unaccompanied alien children (UACs) should receive appropriate screenings and referrals to HHS custody for care and evaluation for protection or reunification. Congress should not amend the TVRA to expedite the screenings and removals of Central American UACs. Congress should support increased funding for the Office of Refugee Resettlement (ORR) to meet the needs of both unaccompanied children and refugees.

PREPARED STATEMENT OF THE INTERNATIONAL RESCUE COMMITTEE

The International Rescue Committee (IRC) thanks Chairwoman Barbara Mikulski, Ranking Member Richard Shelby, and the Senate Appropriations Committee for holding this important hearing on the funding needs to respond to the surge in arrivals of unaccompanied children from Central America to the United States border. The IRC shares the Committee's deep concern about the safety and wellbeing of unaccompanied children at our borders and we are prepared to provide support to the United States Government to respond in the most appropriate way.

The IRC is a global humanitarian organization with a presence in 40 countries worldwide and in 22 cities in the United States. We provide emergency relief and post-conflict development and help refugees and other vulnerable people uprooted by conflict, violence and disaster to find protection and rebuild their lives. Since its inception, the IRC has been involved in virtually every major refugee or other humanitarian crisis and resettlement initiative around the globe.

The IRC is recognized globally as having expertise in child protection in humanitarian emergencies, bringing in capacity in areas such as: child protection systems, child-friendly spaces, registration, family tracing and reunification, best interest determinations, case management and psycho-social services, protection information management and inter-agency coordination. This expertise is specific to our work with children affected by forcible displacement, most often in a transnational or cross-border setting. The IRC currently implements large-scale, multi-sectoral child protection responses in at least eight countries impacted by arrivals of displaced children around the world.

The IRC is also one of the largest voluntary agencies serving resettled refugees in the United States, and has historically served resettled refugee children (and to a lesser extent other immigrant children) through services such as home studies, legal guardianship assistance, case management, family reunification support, specialized psychosocial services, access to health and education, and services to child victims of trafficking. These services have been delivered within a broader framework of IRC's resettlement support, in public-private partnership with U.S. Federal and State government offices, under the umbrella of the U.S. Refugee Admissions Program (USRAP).

The IRC has not historically extended its child protection services here in the United States to the so-called "unaccompanied alien children" (UAC) population. So if the IRC is speaking out today on behalf of the protection needs of the unaccompanied children arriving in the recent surge, it is because we firmly believe that there is now sufficient and compelling evidence to suggest that violence is a predominant factor in what has become a forced displacement situation. This means that no less than the integrity of the United States and its proud historical record of championing the protection of asylum seekers and refugees is at stake.

The IRC recognizes that the nature of the migration flow of the UACs from the three principal source countries of Honduras, El Salvador, and Guatemala is "mixed" in nature. Mixed migration is by its very nature characterized by the melding of people on the move, some of whose predominant motivation may be economic or family-reunification related in nature while others are fleeing targeted or generalized violence or persecution. The IRC believes that the current flows of unaccompanied children is a complex mixture of: bona fide refugees; others who may qualify for other forms of immigration relief; and yet others who will not qualify for protective status here. This complex reality requires that the most scrupulous of due process safeguards be put into place to preserve the right of all children to seek asylum (and a sub-set to be recognized with asylee status or other immigrant status as appropriate to their individual circumstances). It also requires that all of the children enjoy, at a minimum, the full range of special protections they deserve given their special status and unique vulnerabilities as children while they are on U.S. soil.

With this in mind, the IRC urges the Committee to consider five main imperatives when reviewing the President's emergency supplemental request:

—Preserve the right to seek asylum for unaccompanied children and improve conditions for children while in Department of Homeland Security (DHS) custody.

The IRC clearly recognizes that enforcement has a place in any response to any mass migration or refugee emergency along our borders. Yet, measures of deterrence that are intended to—or have the effect of—denying vulnerable children the right to reach a safehaven have no place in a humanitarian response. "Stemming the flow" in an emergency situation, where a substantial percentage of children may have international protection needs, should not be the principal policy objective. Children who flee violence and are desperate to reach safety with a relative in the United States will not be deterred from trying, and enforcement measures intended principally for deterrence will force these children underground, raising the "transaction costs" and making them even more vulnerable to smugglers and traffickers. The IRC is also concerned that the enforcement approach announced by the administration may expand the detention of children in DHS-run facilities without systematically addressing reports of unacceptable conditions in these facilities.

—Ensure that due process is scrupulously observed, as per our laws and fundamental American values.

The IRC supports the administration's announced intention to deploy more resources to expediting immigration procedures and expand legal representation services, in principle. However, much more information about plans is needed. Any expedited procedures put into place must strictly observe due process standards that are age-appropriate and trauma sensitive. And in such processes, all children need and deserve competent legal counsel to be able to articulate their fears and understand their rights and responsibilities. The funding levels requested for the Department of Justice (DOJ) which specifically relate to these intentions would not appear to go nearly far enough to ensure this imperative.

—Ensure that the Administration has the funding that it needs to mount an appropriate humanitarian response, and encourage the administration to strengthen collaborative partnerships with non-governmental and community-based organizations to improve protection and care services.

The IRCs is pleased to see the Administration requests a very substantial amount of funding for the Department of Health and Human Services (HHS) to care for unaccompanied children. The IRC hopes that these funds will not only be used to expand shelter capacity but will also be deployed towards improving the existing care and services model to better correspond with the current volume of children. We also urge that these funds prioritize post-release services so that children released to sponsors are safe and well-cared for in our communities and their sponsors are in a better position to help children comply with immigration processes. Finally, we urge Congress to request that HHS review its partnership model and enhance its transparency with non-governmental and community-based organizations, to ensure that voluntary organizations that are ready and able to provide needed forms of material aid and protection services to children in custody and post-release are able to contribute to the national response. At present, agencies that are not a shelter-manager have virtually no entry point for assisting HHS to meet its challenges.

—Ensure that sufficient funding is made available, in a timely fashion, to avoid the consequences of HHS's announced re-programming of $94 million from the U.S. Refugee Admissions Program (USRAP) to meet the needs of the UAC population.

The IRC believes that the needs of extremely vulnerable unaccompanied children should not be pitted against the equally compelling needs of refugees who have arrived or are waiting to travel to the United States under the USRAP. The USRAP is an important instrument of U.S. foreign policy which is designed to contribute to the global effort to respond to multiple humanitarian crises around the world simultaneously. Cuts to USRAP will negatively impact the integration of refugee men, women and children as well as the American communities that welcome them. And cuts could have a devastating impact on thousands of refugees from countries such as Iraq, Afghanistan, Burma, and the Democratic Republic of the Congo if the admissions program is taken off course by an unrelated crisis within our own borders. The unaccompanied minors' humanitarian needs are no less deserving, and must have their needs met through separate funding. Dismantled state refugee assistance programs will be costly to re-build. A timely "fix" to the announced re-programming of USRAP funds is required, before states and voluntary agencies are forced to discontinue services.

—Ensure the proposed foreign policy response is appropriate to the needs and the situation in the home countries of the children, and is based on programs proven to be effective.

The IRC welcomes the Administration's intent to strengthen emergency aid and development assistance to the home and transit countries. However, the funding requirements are grossly insufficient and the overall orientation of the foreign policy approach must be carefully examined to ensure that it is both appropriate and

based on methodologies that are proven to be effective. Congress should be vigilant of any technical assistance to source countries which entrench mano dura policies, which effectively criminalize "being a poor child" and make innocent children targets of the police, and will only provoke more displacement beyond borders. Any efforts to "push back the border," leaving unaccompanied children at the mercy of transit countries who have neither the capacity to shelter and protect them nor to fairly process their asylum claims is fundamentally wrong. The strengthening of child protection systems and asylum systems in countries of transit requires a massive investment and a very long-term view—and there is no low-cost, short-term investment or "quick fix" that will allow the United States to effectively close its borders and leave our southern neighbors to try to cope. In such a scenario, children will be returned to serious harms, tantamount to indirect refoulement by the U.S. Government. There is also no evidence that "information campaigns" of the type designed to dissuade desperate persons from leaving their country are effective; in fact, such approaches when targeted towards persons fleeing violence are highly inappropriate and contrary to international law and the right to seek asylum. Indeed, such approaches would be soundly rejected by the U.S. Government if practiced by other, far less well-resourced Governments bordering conflict, violence- or disaster-impacted countries. Such attempts at a "quick fix" to stem flows will simply divert precious financial resources from programming that is proven to enhance protections, such as funding NGO shelters along migration routes (who have the required competence to share information with migrants and asylum seekers about risks of migration). Return and reintegration programs must also be holistic and sustainable in approach, relying on the expertise of national and international NGOs with a proven track record in this area.

In closing, allow me to paraphrase the words of a young Central American mother who recently fled to our borders with her young child: "Thank God the U.S. border control caught us, now my child is am safe." For the IRC, these simple words represent two realities:

First, this population is not generally a threat to our country and is not coming here for the principal purpose of disappearing into the shadows to work without papers. Undocumented economic migrants or foreign nationals who wish to do our nation harm do not thank God they were caught. The children currently in our Government's care are announcing themselves at the border and, by doing so, they are effectively requesting protection. This is the way a proper border security system with appropriate asylum safeguards is supposed to work. The large numbers may present a very real challenge to systems and budgets, but this great democracy can meet this challenge.

Second, this young mother's words suggest that this population is coming to the United States because they believe this is a country of laws, where people fleeing terrible dangers will be safe and where they will be treated with fairness and dignity. Let us uphold that promise and not retreat from our fundamental values.

PREPARED STATEMENT OF KIDS IN NEED OF DEFENSE

The United States is experiencing a refugee-like crisis. Children from Central America are running for their lives because their countries have become virtual war-zones and their only choice is either run or stay and be killed. The crisis is not only on our doorstep, but it is being felt regionally. This is not an inconvenient immigration problem, it is a serious child protection issue. There is no simple and swift solution. It is complex and needs both short-term and long-term attention and solutions. How we respond to a crisis of children in need of safe haven says a lot about our country and ourselves. The United States has correctly been quick to demand that other countries around the world protect children in danger by offering care, compassion, and a commitment to long-term solutions. We can do no less.

The numbers speak for themselves. From 2004 to 2011, the numbers of unaccompanied children coming to the United States each year averaged 6,800. In fiscal year 2012, their number jumped to more than 13,000. The following fiscal year, 2013, more than 24,000 children came. This fiscal year, 2014, we're on track to see over 70,000 and some estimates are as high as 90,000. Next year their number is expected to increase to 127,000. One weekend not long ago, 1,000 children crossed alone into the United States.

The United States is not alone in experiencing the flow—this is a regional crisis. The kids are fleeing to wherever they can. Many decide to go north to the United States because they have family here or a connection to the United States, but the United Nations Refugee Agency (UNHCR) found that asylum requests by Hondurans, Salvadorans, and Guatemalans seeking refuge in countries south has

increased 712 percent. Children are also fleeing within their own borders. The top three sending nations of El Salvador, Honduras, and Guatemala are experiencing significant numbers of their own people being internally displaced.

Not only have the numbers changed, but who is coming is different. For years it was much more common to see older teens, the large majority male, coming to the United States alone. Now there is a significant increase in children under age 12 and almost half the children coming are girls. Many experience sexual violence during their journey; a number are pregnant from rape that occurred either in their home country or while they were migrating. The fact that children are coming younger and that more girls are coming despite the well-known risk of sexual assault along the journey underscores the desperation that is pushing the children out of their home countries.

Honduras has had the highest murder rate in the world for the last 4 years, according to the United Nations. The president of Honduras said in a visit to the United States last week that the Honduran children coming alone to the United States "are displaced by war." The State Department has issued a warning to Americans not to travel to Honduras or El Salvador. The violence level in all three countries is described by our own Government as being "critically high" and "the police can't protect you."

A March 2014 report by the U.N. Refugee Agency (UNHCR) on unaccompanied children in Central America and Mexico found that the primary reason for these children's flight is increasing violence in Central America driven by drug cartels and a variety of other criminal elements, and that the majority of these children should be screened for international protection. Numerous other reports confirm this, as do the children referred to Kids in Need of Defense (KIND): most describe fleeing forced gang recruitment and violence for refusing to join with criminal groups, as well as threats and harm to family members and friends.

Smugglers are clearly taking advantage of the situation and doing what is best for business, likely spreading false information to gain more clients. Ironically, the smugglers and traffickers are often connected to the gangs and narco-traffickers that drove the children out of their home countries to begin with. The United States needs to prioritize identifying, disrupting and dismantling the transnational criminal smuggling networks.

The U.S. system that governs the custody, care, release, and social and legal services for these children was not built to address the needs of these numbers of children. The system must be entirely re-worked in order to embrace child protection as its core. Our current system does not use a best interests of the child standard in decisionmaking regarding these children, despite the fact that it is the cornerstone of child protection around the world and the basis of our child welfare and juvenile justice systems. Our immigration system is adversarial and treats children not much differently than adults.

While KIND welcomes the administration's supplemental request of $3.7 billion to address the humanitarian crisis at our borders. But we are concerned about the allocation of funding in the request. While we well understand the need for support to the Department of Homeland Security (DHS) at the border given the huge numbers of unaccompanied children presenting themselves at our southern border, the funding—$1.1 billion for Immigration and Customs Enforcement and $433 million for Customs and Border Protection, dwarfs the funding request for the Department of Justice (DOJ)—$64 million—for immigration judges and legal services. Chronic underfunding of our immigration courts has long pre-dated the current crisis. The result is years-long backlogs and cases that stretch into years. This situation will only get worse, particularly if the 40 immigration judge teams are only temporary. This funding is a short-term and ineffective patch on a long-term and deep problem. Significant more funding, proportionate to DHS, must be provided to the DOJ.

The provision of counsel for unaccompanied children must be a significant part of this funding. The request's allocation of $15 million is inadequate to reach a majority of the children. It would be unconscionable for the United States to adjudicate these children's cases without an attorney, as many may qualify for refugee status, as UNHCR has found. This means they are fleeing a level of persecution from which they need protection outside their borders, in a country that can provide them asylum. This means that the majority of these children could face serious harm, even death, if returned to their home country.

It is nearly impossible for unaccompanied children to represent themselves in immigration proceedings. The large majority of these children, who range in age from toddlers to teenagers, do not speak English, have had little education, have no idea how the United States immigration system works, and do not know their rights or the options open to them. The U.S. immigration system is complex and arcane even for those trained to work within it. Many of the children are traumatized by their

experiences in their home countries that pushed them to flee, and by the difficult and dangerous journey to the United States.

If adjudications and deportations are expedited, as the administration has said it will do, it is even more vital that children have attorneys as they will need particular assistance and guidance in presenting their case in an abbreviated length of time. If unaccompanied children are forced to remain in custody until their cases are adjudicated, to not provide counsel to a child who is also deprived of his/her liberty would be a shockingly inhumane and a stark violation of human rights. These children deserve a full and fair adjudication of their cases.

How could a 5-, 9-, 12-, even 15–17-year-old be expected to present their case before an immigration judge and defend against a government attorney who is arguing for the child's deportation?

Counsel for unaccompanied children who are released from custody would mean that immigration judges would not have to postpone adjudication repeatedly, as they often do, hoping that when the case is heard the next time, the child will have found a lawyer. These continuances clog up already hugely overburdened court dockets and are a waste of time and money. Children with representation are more likely to appear for their court dates and obey court orders. Counsel would result in efficiencies that allow for cost savings to the government.

The provision of counsel does not need to be limited to appointed counsel. The most efficient use of resources would be to use a mix of pro bono and appointed counsel. The private sector has contributed significantly to the representation of unaccompanied children in removal proceedings, donating tens of millions of dollars worth of pro bono representation. Pro bono efforts, however, must be reinforced by government resources to support representation of children in cases for which counsel is needed very quickly or for which no attorney has been found.

Allowing the most vulnerable immigrants to appear in immigration court alone, "is simply not who we are as a nation. It is not the way in which we do things," Attorney General Eric Holder said in testimony before the Senate Judiciary Committee.[1] As Attorney General Eric Holder also stated, "It is inexcusable that young kids. . . have immigration decisions made on their behalf, against them . . . and they're not represented by counsel."[2]

Former Assistant Secretary of Immigration and Customs Enforcement, Julie Myers Wood, told the House Judiciary Committee in a February 5, 2013, hearing, "In any new legislation, Congress should consider taking steps to assist indigent and vulnerable aliens to retain counsel at Government expense. This is particularly important for unaccompanied minors and immigrants with competency issues. Although ICE attorneys and immigration judges regularly identify legitimate claims by aliens who are not represented by attorneys, the system should not rely on the ability of opposing counsel or overworked judges to locate valid claims."

Ms. Myers Wood also noted the inefficiencies in the system created when a detained immigrant does not have a lawyer and called it "abominable" that under our current system, unaccompanied children or those with mental disabilities don't have counsel.[3]

As with the request for DOJ, the request for the State Department—$300 million—is a start, but Central America has been neglected by the United States in terms of development assistance for years—and we are now seeing the result. The top sending countries of these children—Honduras, El Salvador, and Guatemala—need stronger support from the United States to develop their national child welfare systems, for example, which are nominally functional and are unable to provide even limited protection or assistance to children who need protection. Long-term support for these systems, as well as other humanitarian and development assistance, would enable children to stay in their home countries and prevent them from feeling they have to leave their country to save their lives.

This leads to another significant gap in the United States' treatment of these children—a lack of return and reintegration assistance. We largely do not know what happens to children when they are returned. In one case we do know, a boy deported from the United States was murdered 17 days after his return by the very gang members on whom his unsuccessful claim for U.S. protection was based. As a top destination country, we must ensure the safe return and reintegration of unac-

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[1] Testimony before the Senate Judiciary Committee Oversight Hearing, March 6, 2013.

[2] Terry Greene Sterling, Undocumented Kids Crossing the U.S. Border Alone in Increasing Numbers, The Daily Beast, Mar. 23, 2013 (available at http://www.thedailybeast.com/articles/2013/03/23/undocumented-kids-crossing-the-u-s-border-alone-in-increasing-numbers.html) (emphasis added).

[3] Katharina Obser, Importance of Counsel for Asylum Seekers and Immigrants in Detention Stressed by Faith, Civil Rights, Legal, and Other Leaders, Human Rights First (April 26 2013).

companied children into their home country so that we do not return these children to harm and so they can remain sustainably in their home communities.

KIND's Guatemalan Child Return and Reintegration Project is an example of how such programs can be created in the future with success. KIND has partnered with four local nongovernmental organizations in Guatemala which help provide services to returning children, based on an intake conducted by KIND social workers before the child leaves the United States. The NGOs follow up with the child to check in and visit as needed. To date, KIND has helped 117 children return safely and remain sustainably in Guatemala.

KIND is hopeful that this historic migration of unaccompanied children to the United States will in the end result in a U.S. system with enhanced child protection mechanisms and one in which children are treated as they need and deserve to be treated—as children first and foremost.

PREPARED STATEMENT OF LUTHERAN IMMIGRATION AND REFUGEE SERVICE

"We are facing a humanitarian emergency to which we cannot close our eyes or our hearts," says Linda Hartke, president of Lutheran Immigration and Refugee Service (LIRS). The organization calls on all people of faith to stay true to our values. "We are compelled to provide safety, due process, and compassion to the thousands of children who are fleeing Central America," adds Hartke.

LIRS is working with the Government and with a national network of social service partners to address this crisis. We welcome the Senate Appropriations Committee's review of President Obama's $4.3 billion supplemental budget request, which includes $3.7 billion in emergency appropriations to address the unprecedented influx of child migrants from Guatemala, Honduras, and El Salvador.

With a 75-year history of serving refugees and migrants, LIRS has over 30 years of experience helping to resettle children from all over the world, including Central America. Our particular expertise working with this vulnerable population guides our policy positions and informs our advocacy.

At a time of humanitarian crisis, we ask that the governmental response to child migration protect the best interest of these children and uphold our legal obligations to protect those fleeing persecution. Congress and the Administration should prioritize the best interest of the child in all decisionmaking, develop an inter-agency response that leverages the expertise and resources of the Federal agencies responsible for addressing this challenge, and invest resources in effectively addressing root causes of migration in Central America and Mexico.

The administration's request for emergency supplemental funding raises numerous concerns. First, the Office of Refugee Resettlement within the Department of Health and Human Services must receive sufficient funding to both serve refugees through resettlement programs and to care for unaccompanied migrant children. Each of these missions is critically important and funding should not be taken from one to meet the other.

Additionally, expanding the detention of families with children is gravely disappointing and we reject the premise that it is in America's interest to incarcerate families. Detention is completely inappropriate for families and we are keen to work with the Administration to identify more humane, compassionate and just alternatives. Alternatives to detention have been demonstrated to effectively serve the interests of the government in upholding the law while also protecting due process and ensuring immigrants have a fair chance for justice. LIRS is a leader in developing community-based alternatives to detention and is willing to work constructively with the government to implement alternate solutions at this time.

Finally, adequate funding must be provided for Immigration Judges, legal representation for unaccompanied migrant children, and the Legal Orientation Program. The American value of justice for all is arguably even more important during times of humanitarian crisis. Vulnerable migrant children must be provided the full protection of their rights under our laws.

LIRS makes the following recommendations to Congress:

—Provide additional resources to Federal agencies serving unaccompanied migrant children to meet their needs while they are in and after they are released from Federal custody.

—Provide a contingency fund for maximum flexibility to respond to urgent needs of this population.

—Respect legal and humanitarian protections and ensure all children are treated with safety and dignity.

—Pass legislation such as the Child Trafficking Victims Protection Act (H.R. 2624/sections 1112 and 3611 of S. 744), the Vulnerable Immigrant Voice Act (H.R.

4936/section 3502 of S. 744), the Protect Family Values at the Border Act (H.R. 3130/section 1115 of S. 744) and the Humane Short Term Custody Act (S. 1817).

LIRS makes the following recommendations specific to the Department of Health and Human Services' Office of Refugee Resettlement:

—Place unaccompanied migrant children in community-based care, child welfare shelters operated by NGOs, and other settings reflecting the needs of such children, including therapeutic placements, mentor homes, and foster homes for young children and especially vulnerable teens.

—Make post-release services available for all released migrant children to help them integrate into their communities; ensure safe reunifications with their families, mitigating risk for breakdown; assist with connecting them to immigration legal representation; and better assure their attendance at immigration court proceedings.

—Ensure that all unaccompanied children have access to legal representation as well as spiritual care while in shelters.

LIRS makes the following recommendations specific to the Department of Homeland Security:

—Establish an emergency initiative, operational guidelines, and training to facilitate participation by NGOs to support DHS personnel at U.S. ports of entry and U.S border crossings. Immediately place child welfare professionals to assist DHS with conducting the mandated screening for trafficking and asylum and facilitate ORR's custody and identification of child protection concerns. NGOs, including LIRS, have experience with child welfare and anti-trafficking work and can provide child-friendly and trauma-informed informational briefings to DHS personnel at U.S. border crossings, and U.S. ports of entry, to assist in the identification, screening, and referral of trafficking victims and potential child-trafficking victims.

—Ensure access to monitoring of DHS facilities where migrant children are held by LIRS and other NGOs and the access of legal service providers and child advocates.

—Ensure that access to spiritual care is available to all individuals, including children and families, in detention.

—Maximize the use of alternatives to detention to avoid detaining families who are in removal proceedings.

Started by Lutheran congregations in 1939, LIRS walks with migrants and refugees through ministries of service and justice, transforming U.S. communities by ensuring that newcomers are not only self-sufficient but also become connected and contributing members of their adopted communities in the United States. Working with and through over 60 partners across the country, LIRS resettles refugees, reunites children with their families or provides loving homes for them, conducts policy advocacy, and pursues humanitarian alternatives to the immigration detention system. For more information, please visit www.lirs.org.

Additional resources:

—The June 3, 2014 LIRS statement applauding the President's announcement on coordinated response to unaccompanied migrant children can be found at http://lirs.org/press-inquiries/press-room/140603statement/

—The May 27, 2014 LIRS press release announcing the #ActOfLove campaign can be found at http://lirs.org/press-inquiries/press-room/140527newsrelease/

—The LIRS Backgrounder on Protecting Unaccompanied Migrant Children can be found at http://lirs.org/wp-content/uploads/2014/06/LIRS-Backgrounder-on-Unaccompanied-Migrant-Children-FINAL-5-8-14.pdf

—The 2007 LIRS Report, "Locking Up Family Values" may be found at http://lirs.org/wp-content/uploads/2012/05/RPTLOCKINGUPFAMILYVALUES2007.pdf

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PREPARED STATEMENT OF THE NATIONAL IMMIGRANT JUSTICE CENTER (HEARTLAND ALLIANCE)

Chairman Mikulski, Ranking member Shelby, and members of the Senate Appropriations Committee: In recent years, the United States has experienced a steady increase in arrivals of unaccompanied immigrant children at the southern border, primarily from El Salvador, Guatemala, and Honduras. The U.S. Government, other governments in the region, non-governmental organizations (NGOs), and inter-governmental organizations are trying to understand why these children are coming and how to respond, process, and care for them upon arrival in the United States. As a national leader in immigration law and policy, Heartland Alliance's National Immigrant Justice Center (NIJC) appreciates the opportunity to submit testimony for today's hearing on these complex issues. We offer this statement to articulate

the urgent need to provide adequate funding for the shelter and processing of unaccompanied immigrant children, to ensure that due process protections are not compromised in a time of crisis and to address the root causes of children fleeing their home countries.

NIJC is an NGO dedicated to safeguarding the rights of noncitizens. With offices in Chicago, Indiana, and Washington, DC, NIJC advocates for immigrants, refugees, asylum seekers, and survivors of human trafficking through direct legal representation, policy reform, impact litigation, and public education. NIJC and its network of 1,500 pro bono attorneys provide legal representation to approximately 10,000 noncitizens annually, including thousands of unaccompanied children. NIJC is the largest legal service provider for unaccompanied children detained in Illinois, conducting weekly legal screenings and legal rights presentations, which provide an overview of the child's legal rights and responsibilities in the immigration system, at nine Chicago-area shelters.

NIJC has played a major role in advocating for reform of the immigration system, especially related to unaccompanied children and asylum seekers. NIJC co-convenes the Migrant Children's Defense Collaborative for legal service providers; actively participates in the Interagency Working Group on Unaccompanied Children, a periodic meeting of government agencies and NGOs; and, as part of Heartland Alliance, serves as the NGO co-chair of the United States-Mexico-Central America Working Committee on Unaccompanied Children, a gathering of legislators, policy makers, and advocates from the United States, Mexico, and Central America. In addition to its expertise regarding unaccompanied children, NIJC was a founding member of the Asylum Litigation Working Group and regularly participates in separate discussions of the Asylum Working Group; together, the groups focus on monitoring developments in and implementation of laws and policies that impact asylum seekers. NIJC's years of experience advocating on behalf of children and asylum seekers, from both policy and direct services perspectives, and collaborating with colleagues domestically and internationally, gives it a unique perspective on the immigration system and its relationship to U.S. obligations under domestic and international laws.

Today, NIJC is extremely concerned that the protection needs of immigrant children, families, and others seeking asylum from Central America, as well as the push factors driving their flight, are being overlooked. In a misguided effort to attribute increased migration from Central America to a shift in U.S. immigration enforcement policies, the genuine violence and persecution from which these individuals flee has been ignored.

This testimony provides a brief assessment of the current influx of unaccompanied immigrant children from Central America as well as the emergency supplemental request, and provides recommendations to ensure that children are provided due process protections that address their best interests and ensure they are not returned to face persecution, violence, or other forms of serious harm.

FORCED MIGRATION: UNACCOMPANIED CHILDREN FLEE INCREASING VIOLENCE AND DANGER IN CENTRAL AMERICA

While various individual factors are causing children to undertake a treacherous journey to the United States, growing violence and danger in their home countries is the primary reason the majority of the children are fleeing to the United States today. Most unaccompanied children apprehended at the border are from El Salvador, Guatemala, and Honduras (See Fig. 1), and several reports,[1] including NIJC's January 2014 policy brief,[2] have established that the majority of unaccompanied children flee these three countries due to pervasive violence, persecution, and abuse. Family reunification may play a role in the timing of a child's decision to migrate to the United States and to flee to the United States rather than another country; however, it is rarely the sole reason for a child's flight.

The United States is not the only country experiencing a dramatic increase in asylum seekers from Central America due to this violence. Together, Mexico, Panama,

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[1] See e.g., Kids in Need of Defense (KIND)/Center for Gender and Refugee Studies (CGRS), A Treacherous Journey: Child Migrants Navigating the U.S. Immigration System, available at: http://www.usccb.org/about/migration-policy/upload/Mission-To-Central-America-FINAL-2.pdf; U.S. Conference of Catholic Bishops (USCCB), Mission to Central America: The Flight of Unaccompanied Children to the United States, 2014, available at: http://www.usccb.org/about/migration-policy/upload/Mission-To-Central-America-FINAL-2.pdf; Women's Refugee Commission, Forced from Home: The Lost Boys and Girls of Central America, 2012, available at: http://womensrefugeecommission.org/forced-from-home-press-kit.

[2] Available at: https://immigrantjustice.org/publications/policy-brief-unaccompanied-immigrant-children-vulnerable-children-face-insurmountable-o#.Uvqm723ehmc.

Nicaragua, Costa Rica, and Belize reported a 712 percent increase in the number of asylum applications filed by individuals from El Salvador, Guatemala, and Honduras from 2008 to 2013.[3] These numbers demonstrate that the current crisis is a regional problem caused by country conditions in the sending countries, rather than a perceived change in immigration policies in the United States.

Finally, rumors of broken borders or lax U.S. immigration policy are not the primary cause for the current influx. Since 2008, U.S. law has required that unaccompanied immigrant children be placed in the least restrictive setting that is in their best interest.[4] Moreover, the increase in the migration of unaccompanied immigrant children to the United States began in October 2011, more than 6 months prior to the announcement of President Obama's Deferred Action for Childhood Arrivals (DACA) program.[5] If a perceived change in immigration policy was fueling the current migration, there would be comparable numbers of immigrant children from other regional countries besides El Salvador, Guatemala, and Honduras, but this has not been the case.[6]

Violence in the home countries and the failure of U.S. immigration policy to provide any other option for immigrant families in the United States to provide safety for their children is forcing children and their families to make the dangerous journey to the United States. The story of Jessica and Daniel (pseudonyms), NIJC's clients, illustrates the danger facing these children:

In 2013, Jessica, a young woman from Honduras, fled to the United States when she was 17 to seek protection. Throughout her childhood, her father regularly molested and raped her, and abused her mother. When Jessica was 10 years old, her mother went to the United States with her father to try to provide a better life for Jessica and her brother, but her parents separated when her father continued to abuse her mother. In 2012, a gang kidnapped Jessica and attempted to traffic her into prostitution. Jessica escaped but after she reported the gang to the police, the gang began targeting her. In early 2013, the gang grabbed her while she was walking to her home, burnt her with cigarettes and raped her. As a result of the rapes and abuse, Jessica began to cut herself and became suicidal. She fled to the United States to find safety and reunite with her mother. She now sees a therapist and is seeking asylum.

16 year-old Daniel lived with his mother in El Salvador in an area controlled by the MS-13 gang. In order to get to school, Daniel had to cross into a rival gang's territory, causing each gang to believe he was a member of the other gang. Gang members repeatedly threatened him with a gun and machetes for being in their territory. After they threatened him for the third time, Daniel stopped going to school out of fear for his life. When his mother learned of the threats, she told his father, who lived in Texas. They made the difficult decision that Daniel needed to go to the United States for his safety. NIJC interviewed Daniel at a Chicago-area children's shelter before he was reunited with his father in Texas and determined he was eligible to apply for asylum. Daniel hopes to continue his studies without the threat of gang retaliation.

Daniel and Jessica are two of many children who may be eligible for legal protections in the United States. The Vera Institute and the U.N. High Commissioner for Refugees (UNHCR) have determined that between 40 percent and 58 percent of the unaccompanied children currently fleeing to the United States from Central America and Mexico may be eligible for some form of protection.[7]

FAIR AND EFFICIENT HEARINGS: THE IMPORTANCE OF LEGAL COUNSEL FOR UNACCOMPANIED CHILDREN

Unaccompanied children face insurmountable challenges in pursuing legal protections in the United States. Like all immigrants, children in the immigration system do not receive government-appointed counsel. Without an attorney, unaccompanied children struggle to navigate the complicated U.S. immigration system alone and experience a denial of due process.

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[3] United Nations High Commissioner for Refugees (UNHCR), http://unhcrwashington.org/children.

[4] William Wilberforce Trafficking Victims Protection and Reauthorization Act (TVPRA) of 2008, (Public Law 110-457), § 235(c)(2).

[5] United Nations High Commissioner for Refugees (UNHCR), Children on the Run, 2014, available at: http://www.unhcrwashington.org/children/reports, p. 4.

[6] UNHCR, 2014.

[7] UNHCR 2014 and Byrne, O. & E. Miller, The Flow of Unaccompanied Children Through the Immigration System: A Resource for Practitioners, Policy Makers, and Researchers, Vera Institute of Justice, Mar. 2012, available at: http://www.vera.org/sites/default/files/resources/downloads/the-flow-of-unaccompanied-children-through-the-immigration-system.pdf.

The U.S. asylum system is complex and a successful asylum application requires considerable resources. An asylum seeker must gather country condition reports, primary documentary evidence, affidavits from witnesses in their home country, and medical and psychological evaluations. The same holds true for those compiling documentation to support applications for U visas for survivors of crime, T visas for survivors of trafficking, and petitions for Special Immigrant Juvenile Status (SIJS) for certain children who have been abused, abandoned, or neglected. Government data and leading academic studies consistently show that detention and legal representation are significant factors in determining if a noncitizen is granted asylum or another form of relief. One landmark academic study showed that legal representation in immigration court is the most important factor affecting the outcome of an asylum application, with asylum grant rates nearly three times higher for those who have an attorney.[8] Without legal counsel, it is virtually impossible for a child to effectively understand and navigate these complex processes in the face of the threat of deportation. NIJC's clients, Maria and Roxana (pseudonyms), were able to obtain relief in the United States with assistance from NIJC's pro bono attorneys:

Maria and Roxana are 11- and 14-year-old sisters from El Salvador. When they were very small, their parents came to the United States hoping to provide a better life for them and left them in the care of their grandfather. Unbeknownst to the parents, the grandfather neglected and abused the girls until they eventually ran away to live on the streets. With the help of another family member, Jessica and Roxana fled to the United States. The U.S. Department of Homeland Security (DHS) apprehended them at the border, placed them in removal proceedings, and then transferred them into the custody of the Office of Refugee Resettlement (ORR) until they could be released to their parents in Indiana. Through NIJC, Jessica and Roxana were able to obtain pro bono attorneys to help them understand the immigration process and to identify any potential relief. At their hearing in the Chicago Immigration Court, the immigration judge decided to administratively close Jessica and Roxana's cases, so they can remain with their parents and begin to heal from the abuse they have suffered.

Without representation, these young girls would have been unable to navigate the immigration court system at the risk of deportation to a country where they faced abuse and neglect.

EMERGENCY SUPPLEMENTAL REQUEST: MISGUIDED ALLOCATIONS FOR ENFORCEMENT AND DETERRENCE

To respond to the influx of unaccompanied immigrant children and young families arriving at the United States border, the administration has requested $3.7 billion in supplemental funding, much of which prioritizes enforcement in a misguided attempt to achieve deterrence for individuals making the journey. While allocations of $1.8 billion for the Department of Health and Human Services (HHS) to care for unaccompanied immigrant children and $116 million for U.S. Immigration and Customs Enforcement (ICE) to transport unaccompanied children from overcrowded U.S. Customs and Border Protection stations at the border to more child-appropriate HHS facilities are urgently needed, NIJC is alarmed by the request for $879 million for the detention and removal of families. An increase in family detention beds is a significant step in the wrong direction, ignoring the government's appalling track record in detaining families and years of progress moving away from incarceration and towards more cost-efficient and effective alternatives to detention. Whereas detention can cost an average of $159 per day, alternatives—such as telephonic or in-person reporting, community-based programs, and GPS ankle bracelets—can range from 17 cents to $17 per day.[9]

NIJC strongly supports the request of $45.4 million for Department of Justice (DOJ) to hire approximately 40 additional immigration judge teams, given the lengthy backlogs that plague immigration courts across the country. For example, the Chicago Immigration Court, one of the most backlogged immigration courts in the country, regularly schedules hearings for 2016 and beyond. The immigration court system has long been under-funded, particularly in light of increases in enforcement funding that have channeled more noncitizens into the removal system. Other requests for DOJ in the emergency supplemental for legal orientation programs ($2.5 million) and legal representation for children ($15 million) are encouraging but grossly underestimate the overwhelming need for such services.

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[8] Ramji-Nogales, Jaya, et. al,. "Refugee Roulette: Disparities in Asylum Adjudication," Stanford Law Review, Vol. 60, Issue 2, p. 340, available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=983946.

[9] National Immigration Forum, "The Math of Immigration Detention," Aug. 2013, http://www.immigrationforum.org/images/uploads/mathofimmigrationdetention.pdf.

NIJC urges the administration to redirect funding requested for DHS (apart from much-needed transportation allocations) to increased legal services for unaccompanied immigrant children, more robust use of alternatives to detention, additional immigration judge teams to improve the adjudicatory process, and universal legal orientation programs for detained individuals and custodians of unaccompanied children to ensure full, fair, and efficient due process. In addition, to effectively address root causes and make it possible for children to safely remain in their home countries, the Department of State must be adequately funded to address the conditions of violence and extreme poverty that force many to flee and promote safe repatriation and reintegration programs.

RETAINING CRITICAL DUE PROCESS PROTECTIONS FOR CHILDREN IN TIMES OF CRISIS: THE IMPORTANCE OF THE WILLIAM WILBERFORCE TRAFFICKING VICTIMS PROTECTION AND REAUTHORIZATION ACT OF 2008 (TVPRA)

NIJC is alarmed by calls for additional legislative authority to expedite screenings and deportations of unaccompanied children fleeing El Salvador, Guatemala, and Honduras. The TVPRA, which passed the Senate and House by unanimous consent and was signed into law by President George W. Bush in December 2008, provides critical protections for immigrant children and child refugees that should not be withdrawn. The law was initiated as a response to years of insufficient screenings of unaccompanied children at the border, resulting in the return of vulnerable children to situations of violence, abuse, and persecution from which they fled. The TVPRA provides child-sensitive procedures for children in immigration custody and facing removal. In this challenging time, with unprecedented numbers of vulnerable children arriving at our southern border, the protections ensured by the TVPRA should be increased rather than eviscerated.

Specifically, the TVPRA requires that unaccompanied children from non-contiguous countries be placed in removal proceedings before an immigration court rather than subjected to a hurried screening and repatriation process akin to expedited removal. This due process protection is critical to ensure that children who have been, or fear being, abused, tortured, and/or persecuted are not summarily removed to places where they face harm. Under the TVPRA, children have the opportunity to receive full due process protections in an immigration court proceeding. They are also afforded time to recover from their journeys and past trauma, receive legal orientation, seek counsel, and gather evidence in support of their cases.

The expedited process currently in place for Mexican children (who receive reduced TVPRA protections) requires them to immediately reveal their protection claims to the very people who have apprehended and detained them without access to attorneys or any form of counseling. This procedure should not be applied to children from non-contiguous countries and, indeed, should be terminated altogether so that all unaccompanied children receive a full and fair hearing when facing deportation. NIJC's complaint to the DHS Office of Civil Rights and Civil Liberties (OCRCL) and Office of the Inspector General (OIG) on behalf of 116 unaccompanied children abused and mistreated while in the custody of U.S. Customs and Border Protection (CBP) demonstrates that CBP is not the appropriate agency to screen children for relief.[10] Approximately one in four children reported some form of physical abuse, including sexual assault, beatings, and the use of stress positions by CBP officials. More than half of the children reported various forms of verbal abuse, including racially and sexually charged comments and death threats. One 16-year-old girl reported that an immigration official verbally abused her and accused her of lying when she tried to explain the threats she faced in her home country. These appalling conditions do not support CBP assuming a larger role in screening children for relief.

Moreover, the current expedited screening procedures for Mexican children do not screen them for eligibility for Special Immigrant Juvenile Status (SIJS), a form of protection for children who have been abused, abandoned or neglected by their parents or guardians. If children are not provided with access to the immigration court system, they will not have the opportunity to seek the protection they need and merit under the law.

Cynthia grew up in Guatemala with an abusive father who physically and verbally abused her throughout her childhood for any perceived disobedience, including wearing pants and getting the house wet after coming in from the rain. Her mother was unable to protect her because she too was subject to abuse. Cynthia fled to the United States to escape her father's abuse and find safety and security. It is very

[10] Available at: http://www.immigrantjustice.org/sites/immigrantjustice.org/files/FINAL%20DHS%20Complaint%20re%20CBP%20Abuse%20of%20UICs%202014%2006%2011.pdf

difficult for Cynthia to discuss her father's abuse and it took numerous meetings with trained legal staff before she felt comfortable revealing this information. Had Cynthia been subjected to expedited screening at the border by CBP officers, she would not have been able to reveal this information. Even if she had notified CBP officers of her abusive childhood, she could have been repatriated because the initial screening does not assess children's eligibility for SIJS protection.

The TVPRA also grants initial jurisdiction over unaccompanied children's asylum claims to the United States Citizenship and Immigration Services (USCIS) Asylum Office. This allows children to present their asylum claims in a non-adversarial setting before an asylum office who is specially trained on interviewing children and to deal with survivors of trauma. This mechanism makes it possible for children to fully reveal the nature of their claims and also increases immigration court efficiency by resolving some cases outside of the courtroom. This means judges are not required to hold a full asylum trial and can terminate proceedings upon approval by USCIS.

Expedited processing makes it extremely difficult for child victims of violence and trauma, and their family members, to effectively make a claim for asylum or other protections under U.S. law. Like all asylum seekers, it is difficult for immigrant children who have suffered abuse in their home countries and during their journey to the United States to overcome the mental and emotional impact of that harm and discuss their fears with a stranger. It is also extremely difficult for all asylum seekers, but particularly child asylum seekers, to understand how to request asylum at the border and articulate and support a claim for protection. Moreover, the accelerated nature of expedited processing in remote locations along the border makes it impossible for a child to obtain legal counsel during this process.

Children who have suffered and fear persecution, abuse, and trafficking in their home countries are particularly vulnerable after their apprehension at the border. Many have been trafficked, exploited, and coerced in their home countries and on their journey to the United States. The expedited screening process currently utilized with Mexican children raises due process concerns for all immigrants fleeing harm, but as recognized by our law, it is particularly inappropriate for unaccompanied immigrant children. NIJC urges that our law protect all unaccompanied children apprehended at the border by exempting them from an expedited screening process at the border. Efforts underway to roll back the TVPRA are misguided and threaten to compromise the rights of children, placing them at risk of experiencing great harm.

CONCLUSION

International law and domestic laws that implement those legal obligations provide critical due process protections for individuals fleeing persecution and children are no exception to these protections. As a nation committed to human rights, the United States must uphold its commitment to protecting the persecuted, including the youngest and most vulnerable. Any solution to this humanitarian crisis must be comprehensive and address the root causes of migration in Central America, the natural desire for family members to reunite, and our obligations to protect those fleeing persecution. Unaccompanied immigrant children have escaped life-threatening violence. We must ensure that our laws treat children like children and do not send them back into harm's way.

[Statement submitted by Mary Meg McCarthy, executive director, Heartland Alliance's National Immigrant Justice Center.]

PREPARED STATEMENT OF THE RECORD OF REFUGEE COUNCIL USA

Ms. Chairwoman, and members of the committee, thank you for the opportunity to submit written testimony regarding President Obama's emergency supplemental request to address the influx of unaccompanied immigrant children arriving at our southern border.

Refugee Council USA is a coalition of 20 non-governmental organizations committed to refugee and asylee protection and welcome.

The tragic phenomenon of children arriving alone at our borders is unfortunately not a new one. In 2002, Congress designated the Office of Refugee Resettlement (ORR) within the Department of Health and Human Services as the Federal agency responsible for these children after they have been transferred from the Department of Homeland Security's care. ORR's mandate also includes providing programs and assistance to resettled refugees, asylees, Cuban-Haitian entrants, special immigrant visa recipients, and victims of trafficking and survivors of torture. It is ORR's re-

sponsibility to provide care to these unaccompanied children while family tracking efforts are made and then following their release to foster care or a sponsor while their immigration status is determined. Furthermore, the bipartisan 2008 Trafficking Victims Protection Reauthorization Act (TVPRA) further codified U.S. commitment to protecting vulnerable children arriving at our borders alone, ensuring that children from non-contiguous countries cannot be returned home without a full review of their case. Many of these children are fleeing violence, persecution, poverty and/or abuse in their countries of origin, and many, though not all, could subsequently qualify for various forms of refugee protection, child protection, and immigration relief under U.S. law.

Until fiscal year 2011, arrivals of these unaccompanied children averaged between 6,000–8,000 each year. However, in fiscal year 2012, arrivals doubled to roughly 14,000 and then nearly doubled again in fiscal year 2013 to almost 25,000 children. Arrivals in fiscal year 2014 are estimated to be between 60,000 and 90,000 and it is estimated that as many as 127,000 could arrive in fiscal year 2015. The vast majority of these children come from Guatemala, El Salvador, and Honduras. While traditionally the majority of arriving children have been teenage boys, the children arriving now are increasingly younger and there is also an increasing number of girls making the journey. Also, an increasing number of children are victims of trauma that they suffered in their home countries and/or on their journeys through transit countries.

There are several factors influencing the increase in arrivals. In March 2014 the United Nations refugee agency (UNHCR) published a report that found that of the 404 unaccompanied children they interviewed, 58 percent of these children may have bona fide international protection claims. While the reasons for departure were often complex and overlapping, many of these children spoke of fleeing significant violence, gangs and other abuse from countries in which the governments have not offered meaningful protection to their citizens, often allowing murders and violent crimes to be committed with impunity. These factors, among others, are also causing dramatic increases in asylum applications throughout the region. UNHCR has documented a 712-percent increase in the number of asylum applications from citizens of these three countries in Mexico, Panama, Nicaragua, Costa Rica, and Belize, combined, from 2008 to 2013.

These unexpected increases in child arrivals over the last 3 years have significantly strained ORR's limited budgetary resources. In addition to caring for these vulnerable children, as stated previously ORR is the Federal Government agency responsible for providing vital services to resettled refugees, asylees, Cuban-Haitian entrants, special immigrant visa recipients who assisted the United States in Iraq and Afghanistan, victims of trafficking, and victims of torture. Funding to serve all these vulnerable groups has not significantly increased over the last decade to address their increasing diversity and number, much less for inflation.

In fiscal year 2012 ORR was forced to reprogram more than $115 million from services to these groups to address the unanticipated increased needs of unaccompanied children. Since then, these already underfunded refugee programs have continued to face repeated threats of significant budget gaps as the levels of unaccompanied children continued to increase beyond budgeted projections. Fortunately, through the bipartisan support of Congress and communities around this country, baseline funding for refugee services has thus far largely stayed intact. For that we are extremely grateful.

However, on June 20, World Refugee Day, ORR notified Congress of their intent to reprogram $94 million of fiscal year 2014 funds for refugee services to programs for unaccompanied children due to a lack of sufficient funds for the UAC programs. The devastating loss of these services will mean that far fewer refugees are able to obtain employment services to quickly find jobs and establish self-sufficiency; many survivors of torture and trauma will be unable to access mental health services; elderly refugees will be unable to naturalize and maintain their benefit eligibility; and, refugee children will lack the tutoring and after school programs needed to help them integrate into schools. These cuts will also have an enormous impact on the States and local communities that welcome refugees, eroding years of progress in building a successful nationwide refugee resettlement program and impacting our ability to successfully welcome future refugee arrivals.

Refugee resettlement is a key component of our foreign policy and our commitment to international responsibility sharing. The United States is the global leader in refugee resettlement, providing roughly 70,000 individuals fleeing persecution and violence every year the chance at a new life. Countries around the world look to the United States' example in how we respond to refugee crises. How we respond to the current challenges before us will not just impact the lives of these vulnerable children seeking refuge in our country, or the thousands of refugees that are already

part of our communities and beginning new lives here—it will impact our standing in the world as a country that respects due process, human rights, and the ability to seek protection.

As the Senate Appropriations Committee considers the President's emergency supplemental appropriations request, we recommend the following:

1. ORR's funding in the supplemental must be directed to ensure all populations under its care are adequately served.

ORR has borne the brunt of this growing humanitarian crisis for too long, and ORR must receive additional funds in fiscal year 2014 to ensure that it is able to serve all of the populations that fall under its mandate. RCUSA supports the $1.8 billion request for HHS in the requested supplemental.

In addition, Congress should establish and fund a contingency fund for ORR, as requested in the fiscal year 2015 administration budget request, to address future unexpected flows in the UAC program and in any other of ORR's other mandated populations, so that funding for refugee services remain intact.

2. This emergency supplemental must avoid the intertwining of emergency funding needs with policy decisions.

This is an emergency situation that requires an emergency response. Without additional funding for ORR, refugees and other vulnerable groups and the communities that welcome them across the country will face significant impacts, and needed relief must not be tied up by larger policy decisions.

Additionally, the immigration policy decisions to reduce due process for children under consideration will have weighty negative consequences. They thus must be considered carefully and deliberately on their own.

3. The wellbeing of vulnerable children must remain the driving force behind our policy response.

Congress—and the U.S. Government—must not roll back critical protections established in the bipartisan 2008 TVPRA. These protections were set up to ensure the most vulnerable among us, children, are not sent back to their countries of origin where they could face significant harm.

We must keep our borders open to children fleeing to us for refuge and we must maintain a full, fair, and individualized due process for all those seeking protection. Anything less would be inconsistent with our Nation's values.

PREPARED STATEMENT OF TAHIRIH JUSTICE CENTER

Chairwoman Mikulski, Ranking Member Shelby, and Members of the Senate Appropriations Committee: Tahirih Justice Center is a national, nonprofit organization dedicated to protecting courageous immigrant women and girls from violence. Over the last 18 years, we have provided holistic legal and social services to thousands of immigrants who have experienced severe trauma in the form of domestic and sexual violence and other gender-based violence through offices in the Washington, DC area, Houston, Texas, and Baltimore, Maryland. We welcome this opportunity to submit written testimony for the record in order to lodge our concerns about the supplemental request currently before the committee.

Tahirih urges that the children fleeing violence in Central America who are arriving at the U.S. border be treated as humanely as possible while their claims for protection are adjudicated by qualified personnel. Tahirih objects to the President's emergency supplemental request for unaccompanied children insofar as it prioritizes the detention and rapid repatriation of these children and does not include measures to adequately protect their safety, well-being, or due process rights.

In addition, Tahirih strenuously objects to any proposals that would cause the diminishment of existing protections for immigrant children. The law currently provides a bare minimum of safeguards for the basic due process rights of children who may have claims for humanitarian protection here in the United States. These must not be rolled back through legislation or policy of any kind.

Tahirih strongly recommends that the Senate Appropriations Committee consider the following:

—Funding should be directed towards care and adjudication, not detention and removal. Any appropriations made through this supplemental should prioritize the safety and well-being of the children. Department of Health and Human Services (HHS) provides shelter to children who have survived the arduous journey to the United States. Under the law, all children must be quickly transferred from Department of Homeland Security (DHS) custody to HHS custody. Overcrowding in HHS facilities leads to children and families remaining in Immigration and Customs Enforcement (ICE) detention. ICE detention facilities are not equipped to hold children humanely and should be avoided at all costs.

As such, funding to HHS so that it can increase its capacity is essential. The current supplemental request seeks an unreasonably high proportion of funds for detention and removal.

—Funding should be directed to Citizenship and Immigration Services (CIS). Tahirih is seriously concerned that the supplemental request does not include additional funds specifically for CIS. DHS must be funded to increase and improve the capability of CIS and its asylum officers to offer timely and thorough credible fear interviews. Each child's fear of return to his or her country of nationality should at a minimum be assessed by asylum officers who are trained to interview children while using accurate translation. Customs and Border Protection (CBP) officers do not have the specialized training to conduct these interviews. The current crisis does not justify lowered standards of protection and non-specialist officers conducting critical life-or-death interviews; it demands a greater vigilance to ensure due process especially for such vulnerable migrants.

—Funding to hire additional immigration judges must be increased. The plan put forward by the Department of Justice (DOJ) to move unaccompanied children's cases to the high-priority list, along with detained individuals, will not be possible without increased funding. Without increased funding, an already strained system reflecting delays of several years for adjudications would be even more pronounced. We recommend increasing the amount currently proposed for the DOJ for the purpose of hiring more qualified immigration judges than currently envisioned.

—Funding must be allocated to legal services. Whether in detention, HHS custody, or released to relatives, unaccompanied minors need legal counsel to navigate our complex immigration system and access the humanitarian protections to which they may be entitled. As unaccompanied minors, they face difficult decisions upon arrival without anyone to consider their best interests and advise them accordingly. Allocations must be made for pro bono legal services provided by charitable organizations to ensure fairness and due process for these children.

—Protections provided by the TVPRA must not be curtailed in any fashion. The TVPRA established baseline protections for children entering the United States which must not be compromised under any circumstances. The administration seeks to place the power to exercise discretion and expeditiously remove children in the hands of uniformed border officers who are not trained in assessing claims for humanitarian protection. This is a dangerous proposition. Unaccompanied children are often exhausted and malnourished, traumatized, without guardians or legal counsel, and detained by uniformed officers. Their applications must be assessed by trained immigration officers or judges. Children may choose to withdraw their applications at any time, and no changes to the law are needed. To the contrary, additional protections may be necessary to ensure that all children fleeing persecution, including children of Mexican citizenship, are properly considered. Rolling back minimal procedural protections is not a necessary or appropriate measure to address the current crisis.

In short, the current refugee crisis is a humanitarian situation that demands a humanitarian response. Tahirih urges the committee to reject any proposals that would result in increased detention, inhumane treatment, abrogation of due process, or the repatriation of children who face persecution.

We appreciate this opportunity and welcome your questions or comments.

[Statement submitted by Archana Pyati, director of public policy, Tahirih Justice Center.]

PREPARED STATEMENT OF UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Mr. Chairman, members of the Appropriations Committee, thank you for the opportunity to submit a statement on today's hearing on the Review of the President's Emergency Supplemental Request for Unaccompanied Children and Related Matters.

As the UN Refugee Agency, UNHCR has particular expertise in the area of protecting children displaced by violence and conflict.

About half of the world's refugees are children, and they are considered by UNHCR to be particularly vulnerable in situations of forced displacement. Because the vulnerability of children is largely the result of their age and dependence on adults, exceptional protection efforts for children are needed. In situations of violence and conflict, children are both indirect and direct targets because of their age. Unaccompanied refugee children are the most vulnerable, as they have no adult who

is legally recognized to be responsible for their care. Refugee girls are also more likely than boys to be the subjects of neglect and abuse, including sexual abuse, assault and exploitation.

Drawing from our decades of experience and expertise working with children, UNHCR developed a Framework for the Protection of Children. This framework informs our position on the international protection of children, including those who are unaccompanied, in the context of forced displacement.

UNHCR recognizes the enormous challenges facing the United States and other countries as a result of the recent large movement of people. We are witnessing a complex situation in which children are leaving home for a variety of reasons, including poverty, the desire for family reunion, and the growing influence of trafficking networks. For some children, these reasons include violence at the hands of transnational organized criminal groups and powerful local gangs.

UNHCR recognizes that children are fleeing Central America for a variety of reasons and that not all of them are refugees; however, our interviews and our knowledge of the situation in these countries indicate that a significant number of the kids could potentially face harm if returned home.

In late 2011, UNHCR and others noted a considerable uptick—the beginning of what is now known as the "surge"—in the number of unaccompanied children coming across the U.S. border. Every year since, the numbers of UACs crossing the border has essentially doubled. These children are primarily from three Central American countries—El Salvador, Guatemala, and Honduras—and from Mexico. Given our mandate to ensure the protection of those fleeing for their lives and freedoms, UNHCR undertook a study to understand the reasons for the increase.

Working closely with the U.S. Government and with child protection experts, UNHCR developed and implemented a sound, fully vetted methodology to learn from the children themselves why they decided to leave. Applying this methodology, UNHCR interviewed 404 children from the four countries, aged 12 to 17, in U.S. Federal custody. Launched in March 2014, our report, "Children on the Run: Unaccompanied Children from El Salvador, Guatemala, Honduras and Mexico and the Need for International Protection,"[1] reflects the findings and recommendations of our study.

The children gave multiple reasons for leaving, including violence, family, opportunity and improved living conditions. Shockingly, 58 percent of the children cited violence in their home countries as at least one key reason for leaving. This number varied by country: El Salvador (72 percent), Honduras (57 percent), and Guatemala (38 percent).[2]

The Inter-American Commission on Human Rights (IACHR) also released a statement expressing its "deep concern over the situation of unaccompanied children migrants that are arriving to the southern border of the United States of America." Commissioner Felipe González, the Rapporteur on the Rights of Migrants of the IACHR and country Rapporteur for the United States, went on to highlight, "We are dealing with a humanitarian crisis involving record numbers of migrant children on the southern border of the United States, but also in other countries of the region. Through on-site visits and hearings, we have seen that our children are dying or being victims of several forms of violence in many parts of the region, and in this context there are some children who have been able to flee from these forms of violence, both inside and outside of their countries. . . " http://www.oas.org/en/iachr/media_center/PReleases/2014/067.asp

These children shared stories of violence, threats, intimidation and abuse—experiences that, like for so many children in situations of widespread violence and conflict, they should never have to face.

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[1] UN High Commissioner for Refugees (UNHCR), Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the need for International Protection, 13 March 2014, available at http://www.unhcrwashington.org/sites/default/files/1_UAC_Children%20on%20the%20Run_Full%20Report.pdf

[2] UNHCR is not alone among UN agencies and other intergovernmental bodies in the region noting the violent roots of this displacement. UNICEF, the UN agency charged with protecting children, recently released a statement saying, "Clear and compelling evidence. . . show distinct "push factors" are at the heart of why these children flee. They are often escaping persecution from gangs and other criminal groups, brutality and violence in their own communities and even in their homes, as well as persistent conditions of poverty and inequality. . . " Bernt Aasen, UNICEF Regional Director for Latin America and Caribbean, "Dramatic increase of unaccompanied children seeking to enter the United States", 10 June 2014, http://www.unicef.org/media/media_73755.html.

"My grandmother wanted me to leave. She told me: 'If you don't join, the gang will shoot you. If you do join, the rival gang will shoot you—or the cops will shoot you. But if you leave, no one will shoot you.' "

—Kevin, Honduras, age 17.

Unaccompanied children and families who fear for their lives and freedoms must not be forcibly returned without access to proper asylum procedures. UNHCR calls on all countries in the Americas to uphold their shared responsibility to protect displaced children, families or adults who are in need. This is critical over both the short and long term, as governments implement solutions to address forced displacement and its root causes.

At the core of refugee protection is the prohibition of returning a refugee to persecution. This prohibition, known as the principle of non-refoulement, is the fundamental obligation of States Parties to the 1951 Convention relating to the Status of Refugees and/or its 1967 Protocol, and one that is binding on the United States. A critical first step in complying with this obligation is to ensure that asylum-seekers are identified, screened and given full and meaningful access to asylum. This is particularly critical for children, whose age and comprehension capacity limits their ability to engage protection systems on their own.

With the knowledge that nearly 60 percent of the unaccompanied children from El Salvador, Guatemala, and Honduras have potential claims for international protection, it is critical that they be identified, screened and given access to the U.S. asylum system. Strengthening identification procedures in the United States and all other neighboring countries is the critical first step in a humanitarian response to ensure that those who fear persecution are not turned away.

Reception of asylum-seekers must focus on protection and not on deterrence.

As a global leader in refugee protection, the United States has long led by example in encouraging other countries in the region and around the world to develop and strengthen their own protection systems. As the United States decides what actions to take in responding to the increase in unaccompanied children and families crossing the southern border, a crucial element to that response is ensuring that they are treated with dignity and respect. The solution to the spike in unaccompanied children and families is not to make seeking protection more difficult.

The right to seek asylum is a protected right reflected in U.S. law. Seeking asylum is not a crime, nor is it a prohibited act. Any response to the "surge" should not seek to deter children and families from seeking safety and security. Policies and practices designed to deter those fleeing persecution from seeking safety and protection are contrary to both the letter and the spirit of the 1951 Refugee Convention and its 1967 Protocol as well as other international human rights instruments.

This is a regional humanitarian problem that needs a regional humanitarian solution.

UNHCR calls for regional cooperation to:

—Enhance child protection systems in source/transit countries;

—Enhance the capacity of governments to address the humanitarian consequences of forced displacement through the development of public policies and protection responses;

—Identify solutions that are in the best interests of children, including, where appropriate, return and family reunification;

—Reinforce asylum systems in countries of transit and asylum in Central America and Mexico; and

—Collaborate on violence prevention, citizen security, and unaccompanied children issues with relevant agencies in source and transit countries.

While the United States receives the vast majority of asylum claims from the Northern Triangle, forced displacement from these three countries is clearly felt elsewhere in the region. At the time that UNHCR published our "Children on the Run" report, available data from 2008 to 2012 showed a 435-percent increase in the number of asylum applications overall from El Salvador, Guatemala, and Honduras filed in Belize, Costa Rica, Mexico, Nicaragua, and Panama. Updating the data to include 2013 figures, the increase from 2008 to 2013 is now 712 percent.

Moreover, the trends of displacement over the last few years from the Northern Triangle are not out of sync with other situations of forced displacement due to conflict. Individuals and families do not want to flee their homes or their countries if they can avoid it. Many will often displace internally before seeking refuge outside their countries.

Given the regional nature of this displacement crisis, the United States cannot and should not bear the burden of addressing the situation alone. UNHCR stands ready to support the United States and other asylum countries in the region—particularly Mexico and Guatemala—to enhance protection systems throughout the re-

gion and to provide protection to those whose lives and freedoms are under threat. The United States has been a leader globally and regionally in refugee protection, particularly in protecting unaccompanied children and others of our most vulnerable. UNHCR hopes that the United States will continue to lead by example to encourage and support strong protection for children and families throughout Central American and Mexico.

CONCLUSION

The increase in arrivals of unaccompanied children and families along the southern border has no doubt placed great pressures on the United States' long-standing commitment to protecting those seeking safe haven in the United States. Understanding what has propelled these children and families from their homes, providing appropriate reception conditions, and ensuring protection to those who cannot return, is fundamental to meeting U.S. obligations to protect refugees and other vulnerable persons. Perhaps more importantly, it is fundamental to the United States' moral authority and longstanding identity as a beacon of hope to the persecuted. UNHCR stands ready to support the United States and other countries in the region in providing protection to these children—and families—on the run.

PREPARED STATEMENT OF THE U.S. COMMITTEE FOR REFUGEES AND IMMIGRANTS

Ms. Chairwoman, and members of the committee, the U.S. Committee for Refugees and Immigrants (USCRI) urges the Senate Appropriations Committee to pass the President's emergency supplemental funding proposal and implement policy solutions that are humanitarian focused and maintain the U.S. core value and tradition of due process. USCRI also urges you fully fund the Office of Refugee Resettlement (ORR) to assure unaccompanied immigrant children receive adequate food, shelter, clothing, and medical care while they are in custody while still maintaining refugee programs.

USCRI sees the direct impact of ORR programs and the vulnerable communities it serves. USCRI is a national nonprofit organization that for the past 100 years has helped shape our Nation's history. The mission of USCRI is to address the needs and rights of persons in forced or voluntary migration worldwide by advancing fair and humane public policy, facilitating and providing direct professional services, and promoting the full participation of migrants in community life. As part of this mission since 2005 USCRI's Immigrant Children's Legal Program has provided unaccompanied immigrant children pro bono legal representation to over 7,500 children in their immigration proceedings. USCRI has also provided in-home social services and linkages to education, legal, health, and mental health providers to over 1,000 children.

A REFUGEE CRISIS

The increasing number of unaccompanied immigrant children arriving in the United States is due to the violence in Central America. Honduras leads the world in homicide rates,[1] with El Salvador and Guatemala not far behind. The increase in violence is the result of many factors, poverty, corruption and impunity.[2] There has also been an increase in the political and social power of organized crime and other armed actors. These criminal actors have increased their control and reach throughout the region. They control communities through fear, kidnapping, threats, extortion, rape and murder.

Various reports by civil society organizations and the UNCHR have found that law enforcement in these Central American countries often cannot provide protection to its citizens.[3] The U.S. State Department has recognized that "crime has exploded in northern Central America and Honduras now has the world's highest murder rate outside of war zones."[4] In Guatemala and Honduras, there is sometimes collaboration between organized criminal groups and members of the military and police, and police and military involvement in serious crimes, which leads to

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[1] In 2012, Honduras' homicide rate was 90.4 per 100,000 population. See the United Office on Drugs and Crime (UNODC), 2013 Global Study on Homicide. Available at: http://www.unodc.org/documents/gsh/pdfs/2014_GLOBAL—HOMICIDE_BOOK_web.pdf.

[2] The Organization of American States, The Drug Problem in the Americas, (2013) available at http://www.oas.org/documents/eng/press/Introduction_and_Analytical_Report.pdf

[3] Gonzalez, Rosmery Austria deniega permiso de venta de armas a gobierno de Otto Pérez, El Periodico, (May 2, 2014) available at http://elperiodico.com.gt/es/20140502/pais/246662/

[4] http://www.state.gov/j/cso/releases/other/2013/205261.htm

distrust of authorities. This distrust makes reporting of crimes and seeking protection more unlikely and potentially dangerous.[5]

Another important factor is the forced recruitment of children by organized crime and local gangs. In Honduras, more than 90 percent of violence experienced by minors goes unreported to the police, reflecting the limited capacity on the part of law enforcement to investigate cases.[6]

USCRI DATA ON UNACCOMPANIED IMMIGRANT CHILDREN

USCRI conducted an analysis of our database of unaccompanied immigrant children matched with volunteer attorneys in our pro bono network from January 2010 through April 9, 2014. During this time the overwhelming majority of our clients migrated from Central America.

In the analysis we identified primary and secondary reasons for migration. Thirty-six percent identified violence or direct threats of violence from gangs or other violent entities as the primary reason they migrated. Child abuse is the second most frequently cited primary reason at 26 percent. While unaccompanied immigrant children often come to meet family in the United States, it wasn't until children had suffered violence or child abuse that they decided to migrate.

EMERGENCY FUNDING NEEDS

The Office of Refugee Resettlement (ORR) is responsible for serving refugees fleeing persecution and other vulnerable migrant populations, including unaccompanied immigrant children. In 2002 the Homeland Security Act of 2002 (HSA) granted the care and placement of unaccompanied immigrant children to the Dependent of Health and Human Services' (HHS) Office of Refugee Resettlement (ORR). ORR's refugee programs have been underfunded for many years, but now with the increase of unaccompanied immigrant children, the already weak budget is exhausted.

USCRI is seriously concerned that ORR notified Congress on June 20, 2014, of their intent to reprogram $94 million in refugee funds to care for unaccompanied children. Without Congressional leadership and intervention America's ability to provide protection for persecuted persons and a chance at a new life will be dramatically diminished. The supplemental funding must be approved immediately otherwise Congress will jeopardize refugees' ability to become self-sufficient and work towards full integration into life in the United States.

USCRI'S SIX POLICY SOLUTIONS

We offer these six policy solutions that will work to stop trafficking, protect children and save money:

1. Respect Families

Allow parents or legal guardians from El Salvador or Honduras who reside legally in the United States under Temporary Protected Status (TPS) to apply for their minor children to reunite. Their minor children may be residing either in the United States or in their country of origin and their status would be linked to their parents. This will immediately reduce immigration court backlogs and apply to an estimated 30–40 percent of the children surrendering at the borders.

2. Keep the Children Out of the Courtroom

Institute a Children's Corps based on the Asylum Officer Corps model. Children Corps officers would be trained in child-sensitive interview techniques and Best Interest Determination standards. They would determine if a child is eligible for legal relief such asylum, Special Immigrant Juvenile Status (SIJS), Trafficking Victims Visa (T-Visa) or other forms of legal relief. This would move the adjudication process from an adversarial, judicial process to an administrative process for most children. Those who are not eligible for legal status would be placed in removal proceedings. It is estimated that 40 percent to 60 percent may be eligible for legal protection.

3. Help Children Avoid the Dangerous Journey

In-Country Processing allows applicants to apply for refugee status in their home country. The children would have to meet the U.S. refugee definition, be otherwise admissible, and would be resettled in an orderly fashion. In-country processing has been used in the past for the resettlement of Soviet Jews, Vietnamese, and Cubans,

[5] United Office on Drugs and Crime (UNODC), 2011 Global Study on Homicide

[6] Casa Alianza Honduras, "Análisis de la situación de Derechos de la Infancia Migrante No Acompañada en el marco de los procedimientos de deportación y retorno a Honduras," June 2012. Available at: http://casa-alianza.org.hn/images/documentos/Observatorio/migrante12.pdf.

so they could avoid life-threatening escapes. Other countries in North or South America may also be willing to accept children for resettlement.

4. Engage the UNHCR

Unaccompanied children and adults can receive international protection from UNHCR after they have fled their home country. Through long established procedures, the UNHCR could then refer their cases for resettlement to a receiving country. The U.S. Department of State coordinates the program, the refugees are interviewed by a USCIS Officer and, if approved for entry, undergo extensive security and medical clearances prior to being moved to the United States.

5. Forgive the Children

Grant Children's Protected Status (CPS) to all unaccompanied children who have already been brought into custody. As precedent, the Cubans and Haitians who arrived illegally during the Mariel Boatlift in 1980 were given Cuban/Haitian Entrant Status. Simultaneously with the announcement of CPS, the government could announce a cut-off-date for all future arrivals. After the cut-off date, new arrivals would be subject to expedited removal. Granting CPS will relieve the government of the burden and cost of adjudicating the cases of thousands of unaccompanied minors. This will increase capacity for the Department of Homeland Security to handle other immigration cases.

6. Introduce Hope

Create a Regulated Entry Procedure (REP) for 10,000 Unaccompanied Immigrant Children per year per country from Honduras, El Salvador, and Guatemala. As precedent, to end the Mariel Boatlift in 1980, a lottery was established which allows 20,000 Cubans to enter the United States every year. The hope of "winning" has kept Cubans from hazarding the ocean for the last 34 years. The Central American Children would be permitted to enter the United States legally through a regulated system managed and processed by the U.S. Government.

USCRI urges your immediate intervention to honor America's history of leadership in protecting the most vulnerable.

Thank you for your consideration in this very important issue.

PREPARED STATEMENT OF THE YOUNG CENTER FOR IMMIGRANT CHILDREN'S RIGHTS

PRESERVING NECESSARY PROTECTIONS FOR THE MOST VULNERABLE CHILDREN

Chairwoman Mikulski, Ranking Member Shelby, and members of the committee: On behalf of the Young Center for Immigrant Children's Rights at the University of Chicago ("Young Center"), I [Maria Woltjen] submit this statement for the committee's July 10, 2014 hearing addressing President Obama's emergency supplemental request for unaccompanied children and related matters. The Young Center operates the only program providing independent child advocates to child trafficking victims and other vulnerable, unaccompanied children pursuant to the Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA).[1] The role of the child advocate is like that of a guardian ad litem: to identify and represent the best interests of the child, and to develop recommendations pertinent to repatriation, custody, detention, family reunification, and legal representation. For the last 10 years, we have served as the independent child advocate for many hundreds of vulnerable, unaccompanied children.

We commend the administration for proposing an increase in funds to ensure that vulnerable children receive appropriate care and protection. However, we caution Congress against making this funding contingent upon a roll-back of the TVPRA, passed by a bipartisan Congress in 2008.

The treacherous journey to the United States-Mexico border is an act of desperation. The United States has an obligation to ensure that unaccompanied immigrant children are not returned to situations in which they will be trafficked, abused, persecuted, or killed and that they receive meaningful protection while they are in our care. The UNHCR study, Children on the Run, confirmed that a majority—at least

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[1] See William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, § 235(c)(6), 8 U.S.C.A. § 1232(c)(6) (West 2014) ("TVPRA") (allowing the appointment of child advocates for child trafficking victims and other vulnerable, unaccompanied alien children).

58%—of Central American children fleeing to the United States would qualify for international protection.[2]

Child immigrants are first and foremost children, and we must treat them as such. In considering the President's request, we urge Congress to uphold the following principles.

Congress must prohibit accelerated removal proceedings for vulnerable children. Children's cases should be adjudicated in a timeframe that respects the child's age, development, and history of trauma. Children's proceedings should only be advanced when it is in the child's best interests—not simply to reduce Government expense. Children's reaction to trauma is complex and can significantly affect their ability to process information and talk about what they have experienced. Forcing children to participate in accelerated removal proceedings significantly increases the likelihood of errors since the decision maker may have incomplete information. Many children, particularly traumatized children, are unable, in a short period of time, to talk about what happened to them, why they are here, what they are afraid of.

In appropriating funds, Congress should ensure that every child is represented. All children in immigration removal proceedings should have an attorney. No child should appear unrepresented in an adversarial proceeding before a judge where the Government is represented by a lawyer. The right to counsel for unaccompanied children is "an emerging norm under international law" necessary to safeguard against refoulement.[3] Representation by legal counsel in any proceeding is also a crucial due process protection in keeping with our Nation's commitment to fair judicial and administrative proceedings involving children. Unaccompanied immigrant children are unable to effectively represent themselves in a complex system where they are unfamiliar with the laws, procedures, or language. In no other domestic system involving children would a child proceed completely unrepresented. For those reasons, we also urge Congress to appropriate the funds requested by the President for the expansion of direct legal representation programs administered by the Department of Justice (DOJ).

Independent TVPRA child advocates should be appointed for particularly vulnerable children, including any child who expresses a fear of return, or if repatriation would separate the child from a parent in the United States. For over forty years, the Federal Government has recognized the importance of the appointment of a guardian ad litem to protect the interests of children involved in the child welfare system.[4] International law recognizes the importance of the appointment of a guardian as a procedural safeguard to ensure consideration of the child's best interests, particularly in cases in which repatriation is considered.[5] The child advocate's role is to advocate for the child's best interests in all decisions, a role which is distinct from a legal representative who represents the expressed (stated) interests of the child. Child advocates' fact-based Best Interests Recommendations are grounded in U.S. law and well-accepted international child protection principles. These principles require consideration of factors including the child's safety, family integrity, liberty, wishes and development. Best interests recommendations do not turn on abstract or paternalistic judgments about where a child may be happier or have access to greater economic opportunity, rather the focus is on a child's safety and well-being. Thus, a child advocate may recommend that it is in a child's best interests to return to his or her country of origin if the child can be safely returned. Alternatively, the child advocate's Best Interests Recommendation may indicate that the child will be unsafe upon return because, for example, there is no responsible adult willing and able to care for the child.

The Child Advocate program should be expanded to serve both detained and released children as provided in the Violence Against Women Act of 2013. The Violence Against Women Act of 2013 amended the TVPRA to provide for expansion of the Child Advocate program to six new sites over 4 years. These programs are intended to serve both detained and released children.[6] It is critical at this time, to

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[2] UNHCR, Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection (Children on the Run), March 2014, at 25, available at http://www.unhcrwashington.org/children/reports.

[3] Brian Rowe, The Child's Right to Legal Assistance in Removal Proceedings Under International Law, 10 Chi. J. Int'l L. 747, 768 (2010).

[4] See Child Abuse Prevention and Treatment Act (CAPTA) of 1974, Public Law No. 93–247 (codified at 42 U.S.C. §§ 5101–5107).

[5] See United Nations Committee on the Rights of the Child (CRC), CRC General Comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside Their Country of Origin, 21, available at http://www2.ohchr.org/english/bodies/crc/docs/GC6.pdf.

[6] Violence Against Women Reauthorization Act of 2013, Public Law 113–4 (codified as 42 U.S.C. section 1371).

expand child advocate programs to serve the population of detained and released children.

Congress should ensure that all Federal agencies adhere to the court-approved Flores settlement agreement regarding the care and custody of unaccompanied children. Children who remain in Government custody must be placed in the least restrictive setting and provided with education, recreation, social orientation, and medical services, in addition to shelter and food. The Flores settlement also provides that children be promptly released to family while they go through the immigration process. The Young Center strongly urges the Federal Government to develop mechanisms to expeditiously release children to properly vetted, safe sponsors.

Federal decision-makers should consider the child's best interests in all decisions. All states and territories of the United States have laws which require that a child's best interests be considered when decisions are made about a child's custody or other "critical life issues."[7] The TVPRA recognizes the importance of best interests considerations by providing for the appointment of an independent child advocate to advocate for the best interests of the individual child. The best interests of the child is determined on a case-by-case basis and includes the consideration of the child's wishes with due regard for the child's age and maturity, as well as the safety and well-being of the child. Domestic and international law both recognize the vulnerability of children and the need for special safeguards to ensure safe repatriation and reintegration of children.[8] No child should be returned to his or her country of origin without an independent assessment of the child's best interests.

The United States Government should develop a comprehensive and collaborative approach to address the causes of children's unprecedented migration without sacrificing well-established principles of child protection. This approach should take into consideration the endemic violence, public insecurity, and weak political structures of Honduras, Guatemala and El Salvador, as well as poverty and other conditions, including the recent 6.9 magnitude earthquake on the border of Mexico and Guatemala. The level of violence in Central America has reached a crisis level. Between 2010 and 2013, at least 458 children under 14 years of age were killed in violent circumstances in Honduras.[9] In the first 3 months of 2014, 271 people under the age of 23 were murdered in Honduras.[10] The U.S. Department of State has recognized that the level of crime and violence in Central America, particularly in Honduras, "remains critically high."[11] This has led to a nearly 712-percent increase in asylum applications from citizens of Honduras, Guatemala, and El Salvador to the countries of Mexico, Panama, Nicaragua, Costa Rica and Belize over the past 5 years.[12] In a study released by the American Immigration Council this month, nearly 60 percent of Salvadoran children who were interviewed indicated that crime, gang threats, or violence were the main motivators for leaving home.[13]

The United States Government should engage in meaningful regional discussions to address the root causes of the forced displacement of children, and invest in meaningful programs—often operated by NGOs in the three countries—which can help with the successful reintegration of children who return to their countries of origin, helping to ensure their safety so that they are not forced to flee again.

It is critical that Congress protect the 2008 Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA). The TVPRA was intended to providing meaningful procedural and substantive protections for unaccompanied immigrant children[14] from both contiguous and non-contiguous countries. Prior to the 2008 TVPRA, Mexi-

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[7] Child Welfare Information Gateway, Determining the Best Interests of the Child (2013), available at —https://www.childwelfare.gov/systemwide/lawspolicies/statutes/bestinterest.pdf.

[8] TVPRA Section 235(5)(A); General Comment No. 6, ¶¶84, 92–93. See also principal of non-refoulement.

[9] Press Release, Inter-Am. Comm'n on Human Rights (IAHCR), IACHR Expresses Concern over Violent Deaths of Children, Adolescents, and Youths in a Context of Citizen Insecurity in Honduras (May 14, 2014), available at http://www.oas.org/en/iachr/media__center/PReleases/2014/056.asp.

[10] Id.

[11] Department of State Travel Warning, June 24, 2014, available at http://travel.state.gov/content/passports/english/alertswarnings/honduras-travel-warning.html. See also, Public Insecurity in Latin America, FTI Consulting, Mar. 2014, available at http://www.fticonsulting.com/global2/media/collateral/united-states/2014-latin-america-security-index.pdf (stating "entire portions of its sovereign territory out of control of the central government due to drug cartel activity, and extremely high homicide and violent crime rates, in part due to the "maras" (gang) activity").

[12] Children on the Run, supra note 2.

[13] Elizabeth Kennedy, American Immigration Council, No Childhood Here: Why Central American Children Are Fleeing Their Homes (2014).

[14] An unaccompanied alien child is a child under the age of 18 years, with no lawful status in the United States, and either no parent or legal guardian in the United States or no parent or legal guardian available to provide care and custody. 6 U.S.C. § 279(g)(2).

can children typically did not enter protective custody. The TVPRA screening was intended to identify those Mexican children with protection needs: trafficking victims, those at risk of persecution, and survivors of other dangers. However, even with these added screenings, the number of Mexican children in Federal custody did not increase nearly as much as anticipated, in large part because the screening is undertaken by armed, uniformed CBP officials whose primary mission is to protect the borders. Advocates believe that vulnerable Mexican children are not appropriately identified.[15] Applying these screenings to non-Mexican children would significantly increase the number of relief-eligible children—children at risk of persecution, trafficking, abuse, or other safety concerns—who are unlawfully turned away at the U.S. border, and returned to certain harm.

The TVPRA also codified the Government's obligations under the Flores settlement to place unaccompanied immigrant children in the least restrictive setting. Placing unaccompanied children in the custody of the Office of Refugee Resettlement allows traumatized children the space to recover from their journey in a less threatening environment and to disclose trafficking, persecution, or other exploitation. Finally, the TVPRA allows children to pursue claims of asylum before the asylum office, a much more appropriate setting for children.

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[15] Appleseed Foundation, Children at the Border: The Screening, Protection and Repatriation of Unaccompanied Mexican Minors (2011), available at http://appleseednetwork.org/wp-content/uploads/2012/05/Children-At-The-Border1.pdf.